

# **QURAN'S CONSTITUTION IN AN ISLAMIC STATE:**

**The Basis of Legislation and Outlines of the  
Constitution**

**G. A. PARWEZ**

**Compiled by  
Prof. Dr. Manzoor-ul-Haque**

**Idara Tolu-e-Islam (Regd.)  
25-B, Gulberg 2, Lahore-54660  
PAKISTAN**

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Name of the Pamphlet : **Quran's Constitution in an Islamic State:  
The Basis of Legislation and Outlines of the  
Constitution**

Author : **(Late) Allama Ghulam Ahmad Parwez (R. A)**

Compiled by : **Prof. Dr. Manzoor-ul-Haque**

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## Preface

After the event of September 11, 2001, there has been a flurry of activity in all phases of the world media to link "Islam with Violence." In this connection, it is very unfortunate to say that no stone has been left unturned. To shun this concept of violence linked to Islam, Idara Tolu-e-Islam is pleased to present another English pamphlet in the series of its publications for its readers who do not know Urdu language. The main purpose of the present publication is to bring to the world forum the outlines of the Constitution the Holy Quran enshrines for the amelioration of humanity.

The issue has been discussed comprehensively and lucidly in articles, letters to the Muslim members of the constituent assembly, lectures, pamphlets etc. by (Late) Allama Ghulam Ahmad Parwez (R. A.) during his lifetime. His writings on the subject have been vetted and compiled by Prof. Dr Manzoor-ul-Haque under the title of "Quran's Constitution in an Islamic State: The Basis of Legislation and Outlines of the Constitution" for publication. This pamphlet is expected to go a long way in expounding the right philosophy of an Islamic System of governance and provide food for thought for those thoughtful humans who desire to find a way out of humanity's present predicament.

Allama Ghulam Ahmad Parwez (R. A), a distinguished and outstanding scholar of Islam, wrote over forty books and hundreds of articles covering almost every aspect of human life analyzed in the light of the Holy Quran. Quranic thoughts of Late Allama Parwez had been the topic of papers written for doctorates (Ph. Ds) in the West, (like 'The Authority of the Past' and 'Social Import of Parwez's Religious Thoughts' - Sheila McDonough - McGill

University, Canada) and were also the subject of a number of critical studies like "Modern Koran Interpretations 1880-1960 - Leiden 1968 (J. M. S. Baljon Leiden 1968)", "Islam and Pakistan" Dr. Freeland Abbot, Tuft University USA, "Islam in Modern National State" - E. I. J. Rosenthal, Cambridge University - 1965 - and many others.

Prof. Dr. Manzoor-ul-Haque, a student of the Quran and a devotee of the noble mission of delivering its message to humanity, has no desire for publicity, thanks or rewards, it is for the good mission of Allah (Quran 76: 9). However, the Idara will be failing in its duty if it does not gratefully acknowledge the marvelous job he has rendered for accomplishing the task, and if it fails to introduce him to its readers.

Dr. Manzoor met Allama Ghulam Ahmad Parwez (R. A) in 1955 when he was in Karachi. The meeting revolutionized his life and kindled torch radiating the teachings of the Quran in his heart extinguishing the irrational fire of emotionism. He remains busy in doing a lot for the prolific dissemination of the teachings of the Holy Quran and the English rendering of Urdu literature of Allama Parwez (R. A). His work, in this regard can be studied on the Websites of Idara Toluislam and its various Bazms spread all over the world.

Prof Dr. Manzoor-ul-Haque has a Ph. D in Science Education and Cognitive Psychology and a Master's in Education with specialization in Educational and Psychological Testing. He has worked as Director Research and Publications, Liaison Officer, Professor, and Editor of a research Journal of Education in the University of Sindh. His research interests include social research, science education and teachings of the Holy Quran with special emphasis on Quranic permanent values. He is an author of

more than 200 research articles having the impact of the teachings of the Holy Quran, that have been published in the journals of international repute inland and abroad both.

And more over, he has worked in the numerous research projects sponsored by World Bank, UNICEF, Federal and Provincial Ministries of Education, Government of Pakistan. He is still working as a research guide and advisor (at the post-graduate level) Allama Iqbal Open University, Islamabad; University of Sindh, Jamshoro, Sindh, Pakistan; Bahauddin Zakariya University, Multan; and Islamia University, Bahawalpur. He remained MELAB Examiner of the University of Michigan, English Language Institute, USA.

Dr. Manzoor is the recipient of Award of Honours for conducting social and educational research meticulously, and the Chancellor's Gold Medals for accomplishing various research works, and for being the most scholarly influencing scholar in the University of Sindh from 1947 to 1997.

Last but not the least, I, on behalf of the Idara Tolu-e-Islam, also gratefully acknowledge the help and cooperation, of Mr. Maqbool Mahmood Farhat and London Bazm for sponsoring this publication.

Ayaz Hussain Ansari  
Chairman  
Idara Tolu-e-Islam  
25/B, Gulberg 2, Lahore  
PAKISTAN

## **PART-I**

### **THE QURAN'S PURPOSE OF STATE**

The people who, if We establish them in the land, will:

1. Organize a Social Order in which they will follow Allah's Laws;
2. See to it that all are provided with means of development;
3. Make and enforce laws consonant with the Quran;
4. Repeal laws repugnant to the Quran and
5. Advance in all manners the programme, which Allah has designed for man's well being.

(Al-Quran, 22: 41)

Let no man suffer from dependence on another man,  
This is the focal point of the entire Quranic Law.

(Iqbal)

Hence **Establishment of Social Order** "for following Allah's Laws, for providing means of development, for repealing laws repugnant to the Quran, for advancing the programme Allah has designed for not letting man suffer from dependence on another man" is the Quran's purpose of State.



## **PART-II**

### **INTRODUCTION**

#### **THE BASIS OF LEGISLATION IN AN ISLAMIC STATE**

Wherever he be, the man likes to act as he pleases and have full freedom of action. Were he by himself, he could do so with equanimity. In society, however, individual freedom has to be circumscribed to avoid conflict with the freedom of action of others. Individuals have, therefore, to abide by certain voluntarily accepted restrictions, the formulation of which pertains to the sphere of legislative action.

This discourse generates two questions:

1. Who should formulate these restrictions?
2. Will the restrictions once formulated apply for all time to come? Or will they be susceptible to change from age to age?

The first question falls within the domain of "Constitution making" and the second to "Law making in a Constitutional State".

#### **I. Two Concepts of Life: Ideological Orientations**

The foremost essential, which a people must determine and define in law making, is the concept of life. As is the concept of life of a person, so will be its laws. Broadly speaking, two concepts of life, which have come down to us through history, are prevalent today, and have a direct bearing in law making.

One concept sees man only as a physical body, endowed somehow with consciousness, living according to certain chemico-biological laws. With his physical death, man like other animals, ceases to exist. This concept is known as the materialistic concept of life. Laws or rules of conduct framed under this concept are based on expediency and admit of no permanent or unchangeable values. Changes, abrogations, or amendments in the laws are also governed exclusively by expediency. The Government machinery set up by people subscribing to this concept is called the "Secular" form of government, whether its pattern is democratic or dictatorial.

There is another concept of life, which is propounded by the Quran and forms the very basis of the two-nation theory. Man, according to this Qurānic concept, is a combination of a physical body, which is changing, changeable and liable to death, and a personality which does not change, but develops and is capable of self-integration and becoming immortal. The aim of life, according to the Quran, is the development of Personality imbibing the Permanent Values enshrined in the Quran. This human Personality is not static but is potentially capable of developing and expanding. Its development can, however, take place only in a social order called the Islamic State. The Islamic State provides the ways and means for the proper development and progress both of Body and Personality. Since man is, according to this concept of life, an integrated composition of permanence and change, laws governing the social order wherein his development takes place, should also be a combination of permanence and change. Late Dr. Sir Mohammad Iqbal has beautifully elaborated this point in his "Reconstruction of Religious Thought in Islam" (2<sup>nd</sup> Edition) published by Institute of Islamic Culture and Iqbal Academy Pakistan, 1989. He

says:

"The ultimate spiritual basis of all life, as conceived by Islam, is eternal and reveals itself in variety and change. A society based on such a conception of Reality must reconcile, in its life, the categories of permanence and change. It must possess eternal principles to regulate its collective life; for the eternal gives us a foothold in the world of perpetual change. But eternal principles when they are understood to exclude all possibilities of change, which, according to the Quran, is one of the greatest "signs" of God, tend to immobilize what is essentially mobile in its nature (P. 117)".

## **II. Scope of Human Intellect**

Man has been endowed with "*Intellect*" which gives him superiority over other animals. Human intellect functions, however, within the limits of Time and Space and is, consequently, capable of handling only that aspect of man's life which is subject to "change", i.e., the physical aspect of human life. It cannot peep over the boundaries of "change" into the supra physical, or the realm of "permanence" to which human Personality belongs. In that realm, things reveal themselves to human intellect (to Messengers of God) and are not discovered by it. Revelation is Divine, and Divine Guidance alone provides Permanent Values or unalterable fundamental principles, otherwise known as "Divine Precepts," or the "Way or Practice of Allah". Laws or rules devised by human intellect need change with a change in Time and Space; but Permanent Values admit of no such change. In the words of the Quran, "There is no changing in the Words of Allah" (10: 64) and "you will find no change in the way of Allah" (33: 62).

## **III. Urges of Body and Personality**

Body and Personality cannot be divided into two mutually exclusive compartments, nor can the laws pertaining to the

realms of permanence and change. A combination of "permanence and change" can be achieved if in framing laws, human intellect keeps itself within the boundaries of eternal values revealed by God. The laws so framed will be applicable to man as a whole and satisfy the requirements both of personality and the physical body of man. It is this point where comes the question of Two-Nation Theory.

#### **IV. The Two Nation Theory**

It is, therefore, deemed necessary that the importance of this theory be reiterated at some length:

The Holy Quran tells us:

Mankind were but one community but differed later. (10: 20)

Mankind's differences and contentions were nurtured by the considerations of caste, colour, race, language and territory. To resolve these differences and contentions, God sent His Messengers from time to time:

Mankind were one community and Allah sent (unto them) Prophets as bearers of good tidings and as warners, and revealed therewith the Scripture with the truth that it might judge between mankind concerning that wherein they differed. (2: 213)

It is apparent that God's Scriptures were meant to remove differences among mankind. People who accepted the way of life ordained in the Scripture, transcended all considerations of caste, colour, race, language and territory, and became members of one brotherhood (nation); while those who rejected the Scripture and persisted in following their old ways, were considered members of a different nation. According to this criterion mankind were divided into two distinct groups. Says the Quran:

It is He, Who has created you; and of you are some that are

*Kafir* (unbelievers) and some that are *Momin* (believers).  
(64:2)

Unfortunately, the word *kafir* is generally used in a somewhat abusive sense. The Quran, however, does not use it in this import. There, it is used in the sense we use the word 'non-member'. The Quran says: all those who believe in the veracity of Permanent Values revealed by God (and which are now preserved in the Quran) are considered members of one nation, and those who reject these Values are termed as *kafirs* (non-members). According to the Quran, there are, therefore, only two nations in the world, believers and non-believers. Confrontation between these two groups is going on since time immemorial. The first confrontation mentioned in the Quran is that which burst forth in the time of Noah: In this confrontation, Noah was on one side and his real son was on the opposite side. When Noah was embarking on his boat along with his followers (believers), he called upon his son to shun the unbelievers and take refuge in the boat (11: 42). But the son rejected the invitation and was drowned along with unbelievers. The fact of his being the son of a Rasoolullah could not be of any help to him. Noah naturally felt for his son but God promptly disabused him saying:

O Noah, he is not of thy family for his conduct is unrighteous.  
(11:46)

Similarly, when the father of Abraham rejected the message of Allah, Abraham ex-communicated not only his father but also his entire community. Said Abraham to his father:

And I will turn away from you and from those whom you invoke besides God. (19:48)

Abraham further declared to his people:

We are clear of you and of whatever ye worship besides God: We have rejected you and there has arisen, between us and you, enmity and hatred forever unless ye believe in God and Him alone. (60:4)

At another place, he said:

Whoso followeth me, he verily is of me. And whoso disobeyeth me (is not of me). (14:35)

It was this criterion whereby Lot's wife was adjudged as alien and she was doomed with the unbelievers. (66:10)

The Rasoolullah created a nation (*Ummat-e-Muslima*) on this very criterion, whereby his own real uncle, Abu Lahab, and Abu Jehl of Makkah became aliens whereas Bilal of Abyssinia, Salman of Persia, and Suhaib of Rome were absorbed in the *Ummat-i-Muslima*. This division of *Iman* and *kufir*, in its practical shape, was demonstrated in the battlefield of Badr, where Huzaifa was on this side, his father Utba was on the other side; Abu Bakr was on this side, his son on the other side; Ali was on this side and his brother, Aqeel, on the other side; Umar was on this side, and his maternal uncle on the other side. And above all, the Rasoolullah was on this side and his own real uncle, Abbas, and son-in law, Abul Aas, on the opposite side. This division of mankind, which transcended all considerations of caste, creed, colour, blood, language and country, came about on the criterion of *Iman* and *Kufr*. The binding force, which welded people of different countries and of different races into one nation, was the ideology of Islam. The Quran called them *Momimeen* and said, "These were the protecting friends one of another" (9: 72). Against them, the unbelievers (*kafirs*) were described as protectors one of another (9:73). The Quran then warned the *Momimeen* against the machinations of the unbelievers thus:

O ye who believe! take not for intimates other than your own folk, who could spare no pains to ruin you: they love to hamper you. Hatred is revealed by (the utterance of) their mouths, but that which their breasts hide is greater. We have made plain for you the revelations if ye will understand. (3:118)

If a lucky chance befalls you, it is evil unto them, and if disaster strikes you they rejoice thereat. But if ye persevere and keep from evil their guile will never harm you. (3:120)

It is clear from the above quotations that, according to the Quran, mankind is divided into two groups; *Momineen* and *Kafirs*, and that the former are forbidden from sharing their State secrets with the latter.

To establish *Al-Deen* (Quranic Social Order) it is necessary that *Momineen* should have a State of their own because the Quranic Laws must be backed by power of enforcement. God has promised that *Momineen* will inherit power and authority in the land so that they may maintain God's Laws (24:55). God has commanded the *Momineen* that they should settle the affairs of their State in the light of the Quranic injunctions (5: 48), and one who does not do so is *Kafir* (5: 44). All laws should be framed after mutual consultation (42: 38). Unbelievers (*kafirs*) who do not believe in the veracity of the Permanent Values revealed in the Quran should not be included in your councils to give advice in matters of State (3: 118). There was no unbeliever in the *Shura* of either *Rasoolullah* or of the *Khulafa-e-Rashideen*. Their Government consisted entirely of *Momineen*. Unbelievers lived in the State as a minority community under the protection of the Government, enjoying, of course, fundamental human rights, like all believers, but not participating in the affairs of the State.

The above facts, figures, and teachings of the Quran explain the criterion of nationhood and the form of Government which the Quran gives.

Today, when *Ulema* issue a theoretical *Fatwa* (edict) of *kufr* against a Muslim, no practical proof is ever exhibited of his having been ousted from the fold of Islam. All that is understood by this *Fatwa* (edict) is that the person concerned will be doomed to Hell on the day of Judgement. In a truly Islamic State, such *Fatwa* (edict) is issued only under Government authority. No *Maulvi* or *Mufti* was ever authorized to declare a *Momin* a *Kafir*. This was a constitutional issue to be decided by the Government. Any person who was declared by Government authority as *kafir* was disenfranchised. He could neither vote nor stand for election; nor hold an appointment as a Government functionary where he could get access to State secrets. Being outside the fold of Islam he was treated as a member of non-Muslim minority. The State, however, afforded non-Muslims full protection of life, property, honour and places of worship. They enjoyed complete freedom in the observance of their respective religions. In the matter of justice, they were treated at par with Muslims. They enjoyed fundamental human rights but could not be taken in confidence in the affairs of the State.

This is the concept of the two-nation theory, which is the basic pillar of *Deen* on which the structure of the Islamic State has to be built.

### **V. The Aim and Purpose of an Islamic Constitution**

Islamic Social Order is a harmonious blending of permanence and change. Interpreted in human life this principle shows (as pointed out in Para III above) that human has two distinct types of urges, the urges of Body and the urges of Self. While the former change every moment, the urges of Self remain constant and brook no change. The Social Order, which Islam gives, satisfies both these urges eminently. The urges of body are its physical needs, namely, food, clothing, shelter, health, education,



etc., the urges of Self constitute the development of its latent potentialities. The duty of the Islamic State, according to the Quran is that it should see to it that every individual in its charge is provided with the means for the satisfaction of both the types of his urges. A State, which fails to meet this requirement, ceases to be an Islamic State. That is why, while writing to the Quaid-i-Azam, Muhammad Ali Jinnah, on 28<sup>th</sup> May 1937, Late Dr. Sir Allama Muhammad Iqbal said: "After a long and careful study of Islamic Law, I came to the conclusion that if this System of Law is properly understood and applied, at least the right to subsistence is secured to every body." And the Quaid-i-Azam, Muhammad Ali Jinnah, the first Governor General of Pakistan, himself stressed the importance of the truth, when on the 1<sup>st</sup> July 1948 inaugurating the State Bank of Pakistan, he said: "The adoption of Western economic theory and practice will not help us in achieving our goal of creating a happy and contented people. We must work our destiny in our own way, and present to the world an economic system based on the true Islamic concept of equality of mankind and social justice. We will thereby be fulfilling our mission as Muslims and giving to humanity the message of peace which alone can save it and secure the welfare, happiness and prosperity of mankind."

Therefore, according to Allama Iqbal as well as Quaid-i-Azam, the Constitution should lay down in the clearest terms that the Government shall be responsible for providing every citizen with the basic needs of life as well as means of developing his latent potentialities. And that if the fulfillment of this responsibility so requires, it will assume control of all means of production. The Social Order, which will ensure these requirements, forms the subject matter of Allam G. A. Parwez's book "NIZAM-I-RABUBIYAT". The book deals exhaustively with the underlying principles and the details based on the freely quoted Quranic verses. A study of the book is sure to prove illuminating. After giving very serious thought to the

contents of this book, the readers will deem it imperative that this proposed Constitution, shall -in the light of the Quranic Principles -lay down the following three objectives as the bounden duty of the State:

- i) to secure basic necessities of life to each and every individual of the State,
- ii) to provide means and opportunities for the fullest development of their latent faculties,
- iii) to apply these developed faculties for the good of the whole mankind.

But, unfortunately, there are two schools of thought at present and gush forth the discussion on "Quran and Sunnah" for Constitution making.

#### **VI. The Sunnah and the Allied Questions**

There is one school of thought which holds that whatever has come down to us in the name of Fiqh or the Traditions, is unalterable and should be enforced as such. This school of thought projects a general demand that the Constitution should be based on "Quran and Sunnah".

A Constitution worth the name has to be clear, definite and unambiguous. The term "Quran and Sunnah" does not, wholly satisfy this essential requirement. "Quran" conveys, no doubt, a definite connotation, namely, a book in Arabic beginning with the word "*Alhamd*" and ending with the word "*Wannaas*", every word of which is authentic and unalterable. But "Sunnah" conveys no such precise connotation.

If "Sunnah" must be incorporated in the Constitution then it is most essential that the underlying intention should be clearly and categorically expressed stating exactly as to what is meant by "Sunnah" and in which compilation it is to be found. It will not do just to say that "Sunnah" means the "established way the Prophet lived his life." It will be

necessary to explain who "established" it, under whose authority and by what method, and where it is laid down. Also whether the "Sunnah" so defined is acceptable to the entire Muslim population or to only a section thereof. Any indifferent use of the term "Sunnah" without a comprehensive explanatory note would be dangerous and open the way to many serious complications.

### **VII. The Quran and the Quranic Arguments for Meeting the Requirements of the Time**

There is, also, another school of thought, which considers that for meeting the requirements of the present time, we can formulate our own laws in the light of the permanent and the unalterable principles given by the Quran.

Now the fundamentals of Islam are contained in the Quran. And the Quran has fortunately been handed down to us, the Muslims, intact in its original form and pristine purity. The ravages of time and human conflicts have had no effect on its authenticity. The Quran contains a complete code for human life and may help us, the Muslim community, in all respects.

It is because the Quran gives eternal and immutable principles for the guidance of human affairs and that in the light of the Quranic Principles the Islamic State of every age is fully competent to frame subsidiary laws to satisfy the then existing requirements. Hence the Quran's Constitution is a happy blending of Permanence and Change. The Quran has given permanent and immutable principles for all time to come and all places; the Traditions of the Rasoolullah and his companions and the Fiqh of the later jurists contain instructions subsidiary to the Quranic Principles, which are liable to change with changed conditions and localities.

In this way the Constitution of the Quran has, for its basis,

the permanent and immutable principles and allows the Legislature to continue, modify or replace the subsidiary instructions contained in the traditions and Fiqh to suit the existing requirements.

This view is supported abundantly by the Quran. The Quranic arguments may be summarized below:

1. In Islam obedience is essentially and basically due only to the Laws of Allah as embodied in the Quran. "Shall I (Rasoolullah) look for a judge other than Allah, He who has revealed to you a book defining things clearly"? (6: 115).
2. He who does not adjudicate in accordance with the Quran is not a Muslim (5: 44).
3. Obedience to Divine Laws is not a thing belonging to the individual plane in the sense that one might, of his own, consult the Quran, interpret it for himself and act according to his individual interpretation. The obedience has to be disciplined and orderly under an organized system, called State in the present day terminology, controlled by a central authority, the first central authority having been Allah's Rasool. Obedience to the central authority is obedience to Allah. Says the Quran: "One who obeys the Rasool obeys Allah" (4: 80), the Rasool adjudging everything according to the Book (5: 48).
4. Barring a few exceptions, the Quran enunciates generally fundamental principles without touching subsidiary law. About these principles or the basic provisions, the Quran says: "The *Kalema* (Basic Principle) revealed by the Nourisher has been made complete in truth and justice. There is none, who can change His principles (6: 116).
5. The reason for leaving out subsidiary laws from the Quran has been explained thus: "Ask not for things which if revealed would inconvenience you and if you ask for them while the Quran is being revealed, they will be disclosed to

you. . . Before you a people (the Israelites) did ask for them and then disbelieved (and defied) them". (5: 101-2).

6. The question as to how details, which have deliberately been left undetermined in the Quran, will be formulated in the light of the Quranic Principles, is answered by the direction given in the Quran to Rasoolullah to "consult them (the believers) in the affairs (of the Society)" (3: 158).
7. While he lived, Rasoolullah determined subsidiary laws in consultation with the Ummat. The question is as to what was to be done after his demise. The Quran answers the question by saying, "Muhammad is but a Rasool. There have been several Rasools before him. Will you turn back on your heels if he dies or is slain?" (3: 143). It follows that the process of framing laws within the framework of the Quranic Principles was not to discontinue after the death of Rasoolullah but was to go on as before. Therefore, after his demise, the first thing the companions did was to elect a Successor so that he could carry on the process of determining subsidiary laws and enforcing Divine Principles as did Rasoolullah himself. "One who obeys the Rasool obeys Allah" now took the form of "One who obeys the Rasool's Successor obeys Allah." Rasoolullah himself is reported to have said: "You have to follow my practice and the practice of my mature and rightly guided Successors", (Mishkat, chapter on Adherence to Book and Sunnah). The Quran directed Rasoolullah to "consult the believers in determining the affairs of the people" (3: 158); it guided his successors by saying "and they determine their affairs by mutual consultation" (42: 38). "Mutual consultation" within the ambit of the eternal and inviolable laws given in the Quran is the "way of the believers" (4: 115) which should never be given up.
8. There is material available in the record of Traditions of Rasoolullah and the doings of his companions to show how subsidiary laws were formulated under the

**Khilafat-e-Rashida.** The procedure followed was:

- (a) Where subsidiary law had not already been framed it was formulated by mutual consultation.
- (b) If a subsidiary law once enacted needed no amendment or change it was retained intact, just as any constitution government would continue to enforce the laws of its predecessors until the need for a change arose.
- (c) Subsidiary enactments, which needed amendments in consequence of a change in circumstances, were duly modified. Since they were not prescribed initially by Revelation, it was not necessary that they should undergo changes through Revelation.

### **VIII. Points to be borne in Mind in Framing an Islamic Constitution**

Here are a few instances, which must be borne in mind in framing an Islamic Constitution.

1. Barring a few exceptions, the Quran concerns itself generally with the Principles and gives no details. The intention is that while the Principles remain inviolable, the Islamic State of the day will determine details thereunder to suit the requirements of the time. The Quran is very explicit on this point, e.g., Sura V (MAAEDAH) Verses 101-102, wherein it is stated that details of things, which have not been specified in the Quran should not be asked for because if they are revealed they might prove difficult to follow. Stated in simple words, the essence of this point is

- That Allah, the Law-giver, has revealed in the Quran the basic principles governing man's corporate life and very few detailed instructions and
- That the intention underlying His great design is

that the Government of every age should itself frame subsidiary laws within four walls of the Divine Principles.

2. In the light of the Quranic Principles, the Rasoolullah was the first to determine details appropriate to his time. After the Rasoolullah, came his successors. The time lag between him and his immediate succession was too short to bring about any substantial change in the prevailing conditions of society. But there are instances on record to prove that his successors modified or reversed his earlier decisions on the expressed ground that the requirements of the later time justified a modification of his decisions. Here are some of the examples given below.

(i) ***Ransom***

The Rasoolullah fixed the amount of ransom for prisoners of war at one *Deenaar* per head. Hazrat Omar fixed different amounts for different countries.

(ii) ***Conquered Land***

The Rasoolullah distributed conquered lands among soldiers. Hazrat Omar disagreed with it and after prolonged consideration decided that since the coming generations also had the right to benefit by the conquered lands, they should not be distributed among soldiers but should remain in the charge of the State.

(iii) ***Maintenance Allowance***

The Rasoolullah gave the allowance at a uniform rate. Hazrat Abu Bakr continued the practice. But Hazrat Omar decided that the amount of the allowance shall vary with the services rendered by the recipient.

(iv) ***Taleef-i-Quloob***

The Rasoolullah gave financial assistance out of State funds. Hazrat Omar stopped it

and went so far as to withdraw the lands which had been given out earlier to certain tribal chiefs.

(v) ***Wine***

The Rasoolullah did not specify the punishment for a drunkard. Hazrat Abu Bakr fixed it at 40 lashes and Hazrat Omar increased it to 80 lashes.

(vi) ***Tax on Agricultural Produce***

The Rasoolullah did not prescribe separate rates for individual articles. Hazrat Omar did it.

(vii) ***Zakat***

The Rasoolullah did not recover Zakat on horses for sale and sea produce. Hazrat Omar did it.

(viii) ***Call to Prayer***

In Rasoolullah's time there was only one call (*Azaan*) for Friday prayer. Hazrat Osman made it two.

(ix) ***People of the Book***

The Quran permits Muslims to marry the female folk of the people of the Book. The permission was utilized up to the time of Hazrat Osman, but sensing disruption Hazrat Ali suspended it.

3. The following are some instances in which the first four Caliphs have differed from one another:

(i) ***Divorce***

Hazrat Omar decided that if a man on sick bed divorces his wife, she will have a share in inheritance provided the man dies within the period of *Iddat*. Hazrat Osman did away with the proviso and allowed the widow a share automatically.



(ii) *Iddat*

Hazrat Omar held that the *Iddat* of a pregnant woman ended with delivery, but Hazrat Ali decided that her *Iddat* shall be until delivery or 4 months and 10 days whichever is longer.

(iii) *Inheritance*

Hazrat Abu Bakr did not allow a share to the brothers of the deceased if his grand father was alive. Hazrat Omar gave a share to the brothers.

4. Instances of this kind can be multiplied if those measures are taken into account, which Hazrat Umar introduced initially. Their number, according to historians, ranges between forty and fifty. This number, however, is not the issue. The real issue is that the rightly guided Successors of Rasoolullah accepted and worked according to the principle that the decisions taken during the time of Rasoolullah could be modified, if the changed circumstances so demand. They extended the principle to the decisions taken among themselves, and a Successor felt no hesitation in amending the decisions of his predecessor. This process stands to the reason that had the Khilafat confined to function, the process of amending and revising the provisions of Shariat would have gone on *ad infinitum*. But Khilafat soon changed into Kingship wherein the King's word became supreme and the system of legislation underwent a marked change. In political matters, the King's will became the law and the personal matters became the concern of individual jurists. They brought about Fiqh by working on the same old lines of legislation, namely rationally determining details suited to existing conditions in the light of the Principles of the Quran and the traditions of the Rasoolullah and his contemporaries. The conclusions of Fiqh differ from the earlier decisions in several respects.

In explaining the difference, Imam Abu Hanifa has given one reason to be that the Rasoolullah arrived at his decisions after consultation with his companions. Many a time he accepted the views of the others in preference to his own. Had Imam Abu Hanifa been present at the time, it is quite possible that the Rasoolullah might have accepted his (Imam Abu Hanifa's) view in preference to all the other views expressed before him. That is why in elucidating Shah Waliullah's view, Maulana Ubaidullah Sindhi, a renowned Muslim thinker and reformer, and an acknowledged authority on Shah Waliullah, the reputed Indian Muslim thinker and reformer of the 18<sup>th</sup> century, wrote: "It should be understood that the enforcement of the basic law is preceded by the formulation of introductory subsidiary laws bearing directly on the prevailing conditions of the people concerned." He (Maulana Ubaidullah Sindhi) further said: "The basic law is unchangeable but introductory laws change with a change in attending circumstances. The introductory laws which Rasoolullah and his three immediate Successors formulated in consultation with the central council of advisers, are termed "Sunnah". The system whereby decisions were reached by consultation broke down, however, after Hazrat Othman. The "Sunnah" embraces, according to the Hanafi School of Thought, the practices of both Rasoolullah and his rightly guided Successors, a view to which we also subscribe. But the practice of "Sunnah" which the current terminology will call Bylaws must follow the Quran. The basic law is unchangeable; bylaws change with the changing circumstances. The old bylaws undergo changes to suit present requirements and new ones have to be deduced to satisfy fresh developments. This process is called Fiqh". (Al Furaqna, Waliullah Number, page 264).

5. The considerations set out above lead to the following conclusions:

- (a) Allah has left out from the Quran matters of detail without overlooking anything.

- (b) The Rasoolullah determined details but did not codify them for the *Millat*. No one dare say that non-codification was accidental. It was deliberate since the Rasoolullah knew that the details he determined "were not to prevail unchanged" for all time to come.
- (c) The immediate successors of the Rasoolullah - the Khulafa-e-Rashideen - affected changes in his decisions as well as in the decisions of one another.
- (d) The sponsors of Fiqh carried out amendments in the decisions of the Rasoolullah and his companions as is evident from those provisions of Fiqh, which go contrary to Traditions.
- (e) It follows, therefore, that the Islamic Government of every age has the right to frame its own laws to meet the current requirements by keeping well within the four-corners of the Principles given by the Quran. In framing the laws due attention will be paid to what has preceded but the precedents will not be followed *ipso facto*. They will serve as a guide and will continue undisturbed until a change becomes necessary.

This discussion leads to the basic provisions necessary for the development of the Constitution of the Quran.

## IX. Basic Provisions of Quranic Constitution

- I. In considering an issue, the Islamic State follows the following procedure:
  - i. It ascertains the principle bearing on the issue, which Allah has given in the Quran. The Quran gives generally the principles, which should give various aspects of life in different ages according to the requirements of any particular age.
  - ii. It visualizes clearly the urges of the Age and the

State.

- iii. It looks for precedents in the collection of Traditions (Ahadith) or the books of law (Fiqh) which might correspond to present conditions and the relevant Quranic Principle.
  - iv. If a precedent answers exactly the requirements of the time, it is adopted straightway.
  - v. If a precedent does not exactly answer the needs of the time it is adopted after suitable amendment.
  - vi. If a precedent, exact or partial, is not forthcoming, a new course is carved out to meet the new situation.
2. The responsibility for providing basic needs of the individual rests with the State, which should see to it that a citizen and his dependents are in no circumstances left unprovided with basic needs, e.g., food, clothing, shelter, medicine, education, etc.
  3. It is the duty of the State to provide, with passionate sense, adequate facilities for the fullest development of the potentialities of each and every individual under its charge.
  4. In order to enable the State to fulfil its responsibility in the above respects, it is necessary that the sources of sustenance and the means of production should be shifted from individual ownership to the collective control of the State.
  5. In the Islamic State, justice is administered free of cost, that is, in obtaining adjudication from a court of law the applicant incurs no financial expense.
  6. Assignment of offices is made solely on the basis of personal qualifications and in complete disregard of family and other connections, and suitable provision is made for the withdrawal of assignment, when necessary, from all categories, from the Head of the

State down to the lowest functionary.

7. Before the law all are equal, including the functionaries of the State, who, however, have the right to move the courts of law for the protection of their rights.
8. The Islamic State enforces these provisions within its territorial limits with due regard to the best interests of the whole of mankind.
9. The above provisions taken together substantially are the *sine qua non* of Islamic Constitution. Disregard of even a single provision makes the Constitution un-Islamic.
10. This is the picture of the full-fledged Islamic State and time will be needed to attain it.

This paves way to the tone and the pitch of the peculiar points for the Quranic Constitution.

#### **X. Peculiar Points for the Quranic Constitution**

1. The Constitution of the State shall be based on the Quran which is, without exception, accepted by every Muslim as the final authority in all matters, and ensures human dignity for each and every member of the State without any distinction of religion, faith, caste, colour, creed, or language. The Quran gives the basic principles of life, which admit of no change and constitute **PERMANENT VALUES**. Within four-walls of these principles, the Quran allows the Islamic State to frame its own laws to suit the requirements of the time. The principles remain immutable, but the laws change from time to time. This harmonious blending of "permanence and change" gives Islamic Constitution.
2. It shall recognize neither theocracy nor priesthood, but shall place all individuals on equal footing, allowing none to command the other and charging all to one law. It will encourage the spirit of democracy allowing it free play within the boundaries lay by the Quran.

3. It shall ensure free and full development of human personality and see that no one remains unprovided with the basic necessities of life, namely food, clothing, shelter, education, medicine, etc.
4. It shall provide that all means of production shall be entrusted to the State to ensure equitable distribution.
5. It shall direct that 'education for all' shall not only be informative but capable of so moulding the child that he will have beauty of character, breadth of vision, respect for law, sense of personal responsibility, unity of *Millat*, love of humanity and faith in the universal laws of God -all in the effect of actions. Such education alone can save the people from baseness, black-marketing, exploitation, prostitution and similar other social evils.
6. It shall guarantee non-Muslims in the State complete protection of life, honour, property, religion, places of worship and human rights and absolute justice for friend and foe alike.
7. It shall direct all efforts - individual as well as collective - towards the higher and nobler goal of inculcating in man respect for humankind and attaining a unified brotherhood of man, which will be above race, sex, creed, caste, nationality, colour or language. This human unification, which can be found not in blood or bones but in the mind of man, can be achieved only through the universal social order prescribed by the Quran, which is an absolute guidance for the entire humanity.
8. It will prepare the people to defend Rights anywhere and everywhere even at the cost of one's own life.

These are the basis of legislation in an Islamic State. Now we revert to the domain of Constitution making delineating the outlines of the Quranic Constitution.

## PART-III

### OUTLINES OF QURANIC CONSTITUTION

#### **I. Constitution: Concept and Two Basic Points**

Without any razzle-dazzle, the lexical meanings of 'Constitution' are

- (a) "an authoritative enactment",
- (b) "an established law",
- (c) "the mode in which a state or society is organized, especially the manner in which sovereign power is distributed",
- (d) "the system or body of fundamental rules and principles of a nation, state or body politics that determines the powers and duties of the government and guarantees certain rights to the people",
- (e) "the written instrument embodying these fundamental rules and constituting the organic law of the land". And
- (f) "the basic rules governing a social or professional organization."

(Gove, P. Babcock: **Webster's Third New International Dictionary of the English Usage Unabridged**, Merriam-Webster Inc. Massachusetts, USA, 1986.)

The common denominator in these meanings is the factor that Constitution is understood to be "the sovereign power", "the system or body of fundamental rules and principles of the government that guarantees certain rights to its people."

As explained in Part-I under "**The Basis of Legislation in an Islamic State**", the Quran gives guidelines for Constitution making. In this connection, the following two basic points should once again be borne in mind:

- i) The Quran lays down basic principles governing man's corporate life and, barring a few exceptions, does not determine details of those principles.

*Ummat-e-Muslima* of every age has to frame subsidiary laws within the four-walls of those principles according to the requirements of its age. The intention is that while the fundamentals remain inviolable, the Islamic State of the day should itself determine details to meet particular requirements of the time. Thus Islamic society is free to formulate subsidiary laws in accordance with the prevailing conditions, provided they do not transgress the Divine limits. The subsidiary laws are liable to change with the changing time.

- ii) The Quran determines a clear goal of life for the *Millat-e-Islamia*, which has to be reached in stages. The Rasoolullah also built up a society gradually. This society then had implicit faith in the goal set before it by the Quran. The conduct of the society today is different. Though we claim to be Muslims, our faith in Quran is not strong enough to match with the faith of the Muslims of the days of the Rasoolullah and the *Khulafa-e-Rashideen*. It is apparent that in spite of professing faith in the Quran, we belie it by acting contrary to the teachings of the Book. This retrogression is not of recent formation. Unfortunately, it has been handed down to us from centuries. It must, therefore, be clearly understood that we cannot *muslimise* our long deteriorated society overnight simply because we are Muslims. The task of reformation is stupendous which requires sustained and sincere efforts over some considerable time. In the present circumstances, our leaders should first determine at what moral level our society stands today. And then they should carefully plan to advance on the road of renaissance by stages, defining program of work to be accomplished in each stage; thus enabling the *Millat* to reach gradually the ultimate goal - establishment of Quranic Social Order.

Keeping the above two points in mind, we will now bring



into focus the fundamental principles which the Quran lays down as guidelines for framing an Islamic Constitution and leave the task of working out details thereof, in accordance with the prevailing conditions, to the Constitution-making body.

## II. Sovereignty

Sovereignty signifies the highest authority in a State whose decision is considered final and binding on all. To defy this authority is considered treason. In autocracy such authority vests in the King, in dictatorship in the Dictator and in democracy in Parliament, i.e., the elected representatives of the people. But according to the Quran, such authority belongs to Allah, to the complete exclusion of any one else (12: 40; 18: 26; 21: 23). God's authority is absolute and cannot be questioned. Every other authority is questionable. The question arises, since we cannot see or talk to God, how will then His authority be exercised among the people? God Himself has answered this question. He says:

(O Prophet! tell them) Shall I seek other than Allah for judge, when He it is Who hath revealed unto you (this) Scripture, fully explained? (6: 115)

Thus the difference between an Islamic State and a non-Islamic State is that, in the former the sovereignty vests in the Quran and in the latter in a single person or group of persons. This dissimilarity distinguishes Islam from *Kufr*.

Those who do not establish a State according to the Book revealed by Allah, they are the disbelievers. (5: 44)

This is why the Rasoolullah, who established the Islamic State, was commanded:

So judge between them by that which Allah revealed. (5: 48)

It was this eminent factuality which prompted the Quaid-e-Azam, Muhammad Ali Jinnah, the first Governor General of Pakistan, to say in answer to a question in Hyderabad

(India) while addressing Usmania University Students Union:

There is a special feature of the Islamic State, which must not be overlooked. There, obedience is due to God, which takes practical shape in the Quranic Principles and Commands. In Islam obedience is due neither to a King, nor to a parliament, nor to any individual organization. It is the Quranic provisions, which determine the principles of our freedom and discipline in political and social spheres. In other words, Islamic State, is an agency for enforcing Quranic principles and injunctions.

In the light of what has been stated above the first Article in the Islamic Constitution should be:

### ***Article (1)***

Sovereignty shall belong to God i. e., the supreme authority shall vest in the Quran, which shall form the basis of the State and its laws, and nothing repugnant thereto will be acceptable.

## **III. Limitations of the Constituent Assembly and Legislatures**

The Quran says:

Perfect is the word of thy Lord in truth and justice. There is naught that can change His words (6: 116).

Therefore, neither the Head of the State, nor the legislature can change or amend the commands, and principles laid down in the Quran. They can, of course, make subsidiary laws within the boundary lines of the Divine Principles. In this respect the authority of the democratic Islamic State cannot be absolute and unlimited. The Quran will control such a democracy. Consequently, the second Article of the Constitution should be:

### ***Article (2)***

The basis of the laws of the State will be the Quran.

The Legislature will be free to frame laws in accordance with the prevailing conditions of the country provided those laws do not transgress the Quranic Principles. The State shall not enact any law repugnant to the Quran.

#### **IV. Final Authority to adjudge what is and what is not Islamic**

A question is bound to arise, with reference to *Article (2)*, as to who will decide that a particular enactment does or does not accord with the Quranic Principles. We consider that a high powered Law Commission should be appointed to examine the existing laws and those on the anvil and recommend, when necessary, amendments therein to bring them into line with the Principles of the Quran. The final decision to determine as to whether any law does or does not accord with the Quran, should, however, rest with the Supreme Court. We, therefore, propose that the next Article of the new Constitution should be:

#### ***Article (3)***

A Law Commission shall be appointed to examine the existing laws of the country, and those to be enacted in future, in the light of the Quran and directed to submit their recommendations to Government. The final decision as to whether a particular law or Bill conforms to the Quran will, however, rest with the Supreme Court. Any individual or public body interested in a particular law will be permitted by the Court to plead for his/their point of view on that particular law.

**N.B.** The existence of priesthood among the *Umma* is un-Quranic. In a Muslim State, it is for the Government institutions to decide whether a particular social behaviour is Islamic or not.

### V. Criterion of Nationality

The system of Government of an Islamic State is consultative. The nation is comprised of the entire *Millat* and its affairs are to be managed by mutual consultation. Says the Quran:

(Allah rewards) those who (conduct) their affairs, by mutual consultation. (42: 38)

The Rasoolullah was also commanded to:

Hold consultations with them in the affairs of the State. (3: 158)

These injunctions lay down a basic principle of deliberation through mutual consultation in matters of State. Details of this principle have not been given in the Quran because the practical shape thereof will be different in different ages and different countries. The *Umma* will determine the form of consultation according to the conditions of its own time and clime.

It may be noted that the above principle has been conditioned by the word *hainahum* (42: 38). It means that the individuals of the *Umma* are to hold counsels among themselves to the exclusion of Unbelievers. This is an important and basic condition relevant to *al-Deen*. It is in reality the criterion of nationality in Islam. All Muslims irrespective of colour, race, language, and country form into one nation. Their faith is the binding force and not the consideration of race and country. This is the very ideology of the country for which the Quranic Constitution is to be enacted. Hence it should be made clear in an Islamic Constitution that the next Article of the new Constitution should be:

#### **Article (4)**

Non-Muslims cannot form part of the Muslim

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nation. Therefore, they cannot be taken into confidence in the affairs of the State, especially at higher echelons of the administration. They can neither be elected as members of Parliament, nor can they vote in the elections of these members. They can neither hold such posts where they could get access to Government secrets. They will, however, be afforded all those rights and privileges detailed in Para XIV on the next pages.

It should be noted that a Constitution which does not include such a clause, cannot be called an Islamic Constitution, and neither can that country be called Islamic in which such a deficient Constitution is introduced. The Quran does not allow such a compromise. This is one of the basic-principles of *Deen*.

## **VI. Religious Sects and Political Parties**

We have seen in **Para 1V of Part-11 (The Two-Nation Theory)** above that the aim of the Book revealed in different ages has all along been to remove the differences among mankind. **The Book means a set of Divine Laws.** People of a country can become one nation only when they all agree to observe one set of laws. In other words, oneness of a nation depends on the oneness of the laws governing them. Different groups of a nation observing different sets of laws cannot be welded into one nation. *Ummat-e-Muslima* can, therefore, be welded into one nation only if all people comprising it observe one common set of laws. As all Muslims are enjoined to observe a particular set of laws (the Quran), the question of differences among them cannot and should not arise. The Quran does not differentiate between personal laws and public laws; neither is there any concept therein of different sects following different sets of laws, personal or otherwise. The existence of sects in Islam is the very

negation of the text of the Quran (30:31). There being no dualism of religion and politics in Islam, the existence of religious sects as well as political parties is anathema (*shirk*) according to the Quran. The Quran has called this dualism as Pharoah's diplomacy (28: 4). Unfortunately the *Millat-e-Islamia* has been indoctrinated with the curse of religious sectarianism from centuries. We cannot, therefore, get rid of this malady overnight. The political parties, however, can be done away with by law at once. As for the religious sects, we consider that if:

- i. The law of the country is based solely on the Quran, it being applicable to all Muslims alike, sectarianism will be dissolved automatically;
- ii. The education system is reformed in such a way that the existing un-Islamic dualism of imparting secular and religious instructions separately is abolished and the students are so educated that, along with the present courses of study, they are taught the Permanent Values of life as revealed in the Quran. The awareness of *Deen* thus aroused will automatically resolve the sectarian differences. When students come to know of the purpose of human existence as set before them by the Quran, they are bound to shun factionalism.

In the circumstances, the next article of the Constitution should be:

### **Article (5)**

- i). The laws framed on the basis of the Quran to administer the State will be applicable equally to all Muslims of the country;
- ii). Political parties will be dissolved by law.

## VII. Relations with other Muslim States

From Quranic point of view, all Muslims inhabiting any part of the world form part of the *Millat-e-Islamia*. They may form themselves into separate States in different territories for administrative purposes, nevertheless they remain members of one brotherhood—*Millat-e-Wahida*. They may belong to different races, speak different languages and have different names for their countries but they cannot be divided into separate nations. *Millat-e-Wahida* encompasses all Muslims of the world irrespective of race, colour, language and country. This concept of brotherhood has to determine the relations with other Muslim States. It is the basic requirement of Islam that relations among different Muslim States should be such as are expected among individuals of the same nation. Therefore, the next Article of the Quranic Constitution should be:

### *Article (6)*

It is the natural result and logical corollary of the concept of constituting nationhood on the basis of a common *Deen* that all Muslims inhabiting different countries should be treated as members of one nation. The relations with other Muslim countries should be established on this basic principle of the Quran.

## VIII. System of Government

We have expounded above that Muslims all over the world are members of one nation. To avoid disintegration caused by language, colour, race, locality, etc., it is necessary that basic changes should be brought about in the system of Government. We consider that a unitary pattern Government should be introduced wherein representation of any part of the country on population basis should not be aimed at. Provinces or states should be abolished and the

whole country as one entity should remain demarcated as at present into Commissioneries and Districts. The criterion for recruitment in services should be solely personal merit and character. The system of education should be overhauled and recast so as to inculcate into the minds of the students the values of life as revealed in the Quran: "All Muslims are brothers irrespective of their caste, creed, race, colour, language and country." Education of this pattern will change the mental horizon of our younger generation and they will shun factional and sectional divisions. This we think is the only solution to weld Muslims of all parts of the world into one nation.

### **IX. Form of Government**

The Quran does not dwell on the subject of the form of Government. It leaves to the *Umma* to shape their Governments to suit their requirements. We, however, consider that presidential form of Government is nearer to the Quranic concept of State. In this system the responsibility of taking decisions rests on one individual - Head of the State—who is answerable to the people. In Parliamentary system, no particular individual is held responsible for collective decisions. It may be noted that in an Islamic State, the Head of the State cannot wield dictatorial powers. He cannot behave as a dictator because he has to exercise his powers within the limitations of the Quranic tenets. The concept of dictatorship is repugnant to the Quran.

Opposition party, in modern political terminology, does not exist in the consultative body (Assembly) of an Islamic State. In Western democracy, the system of political parties is rigid. Members must cast their votes in accordance with the dictates of their parties irrespective of "the call of their own inner feelings they have developed within the value system they have lived". Members of an Islamic



Consultative body (Assembly) are not bound by party system. There is only one party —*Hizbullah*. Every problem that comes up for consideration in the Assembly is freely discussed on its merits and the Head of the State in the light of that discussion takes decisions. The division of the nation in two or more permanently antagonistic political parties is the negation of the Islamic concept of Statecraft.

The nation is comprised of common people as well as intellectuals and specialists in various sciences, arts and industries. It is necessary that both groups should be represented in the Assembly. As such the Assembly should be comprised of two houses, lower and upper. Consequently the next Article of the Constitution should be:

### ***Article (7)***

- i). The Consultative Assembly will be comprised of two houses, one for the common people and the other for specialists in various Sciences, Education, Arts, Industries, etc.
- ii). Formation of Political parties in the Assembly will be prohibited. The Head of the State in consultation with the Assembly will take all decisions.

### **IX (a). Qualifications for Positions of Authority**

For reposal of responsibility, the Quran says:

God commandeth you to entrust duties to capable hands (4: 58)

Besides knowledge and administrative capability, the moral excellence is one of the basic requisites of this eligibility. The Quran says:

Those amongst you are more respectable who obey the Divine commandments most. (49: 13)

Do not obey him whose mind is neglectful of God's laws, who follows his own desires for personal gain and who has gone beyond all bounds. (18: 28)

Thus the conditions of capability and moral excellence shall be applicable to every one from the Head of the State down to the lowest Government servant and other individuals connected with any State activity, including voters, members of legislatures or advisory bodies, etc. Therefore, the Constitution should provide:

### ***Article (8)***

The Head of the State, members of his Consultative bodies (Cabinet and Legislatures), all officers of the Executive and Judiciary and other staff and individuals connected with the working of Government machinery, including local bodies, should necessarily possess the following qualifications:

- i). Knowledge of Quranic principles and commandments;
- ii). Capability to carry out the duties entrusted to them;
- iii). Uprightness in private and public affairs;
- iv). Capability to rise above emotions and personal gains in public affairs.

### **IX (b). Educational System**

The future of a nation depends on proper education, and up bringing of its growing generations. It is one of the basic responsibilities of the State—not individually of the parents—to provide right type of education for the nation's children according to their mental capacity and natural

inclination at every stage of their development. For the country based on the Quran's concept of life, the basis of its education system will be quite different from the system of education in secular States. In view of this significance, this subject of education will be dwelt upon with reference to Pakistan at some length, to make this point clear.

The purpose of the struggle to achieve Pakistan was that the people would be able to conduct their lives in accordance with Quranic concepts. After achieving Pakistan the foremost duty should have been to recast the education system so as to bring it in tune with its ideology. Unfortunately those at the helm of affairs failed to do so with the result that during the last so many years the schools, colleges, and universities have turned out youth of the quality no one can be proud of. Most of them have wayward tendencies and they find no purpose either in their own lives or in the national existence. The youth is the most vital part of a nation, but their defective education is turning them into a threateningly unstable factor of the national life in Pakistan. The survival of the nation depends upon the reorganization of the educational system. The future of Pakistan demands from the masses and especially from those at the helm of affairs a new approach to this problem.

The ideology of Pakistan is based on the Quranic evaluation of the personality and achievements of Rasoolullah. If the edifice of the educational system is built on the basis of this ideology, the youth will find a purpose to live for and die for. They will acquire a vision to deliberate on problems—personal, national or international—in the light of the Quranic concepts and values. The notion of establishment of "Maktabs" and "Darul-Ulooms" for religious education and schools and colleges for secular education, separately, is highly

erroneous. The very idea of duality of religious and secular education is basically un-Islamic. The theological establishments have served to perpetuate the institution of priest-hood, which has no place in a Quranic Social Order. The present system in vogue of teaching Islamiyat in the schools and colleges/universities, whereby one period is set aside daily for religious teaching, or the introduction of Islamiyat as a subject for M.A. course, has taken the masses nowhere near the goal. In this system, a student may acquire a little more information about religious matters, but the final purpose is not achieved. What is this final purpose? Late Dr. Sir Allama Muhammad Iqbal has explained it so precisely and yet so comprehensively thus:

The purpose is "to unlock all worldly doors with the key of *Deen* (permanent values given in the Quran)".

The Islamic education should enable the students to solve every human problem in the light of the Quranic concepts. They should acquire a clear perception of how the Quranic knowledge becomes the key that unlocks the doors of human problems and unravels all mysteries of life. To seek for such knowledge a new approach will have to be made, different from the all-too-familiar and futile teaching of Islamiyat in the educational institutions. The correct method of imparting education is that, whatever the subjects of their studies—physics or chemistry, biology or physiology, history or philosophy, economics or political science, etc., —the students should be taught how every branch of knowledge can be helpful in accomplishing the great plan which the Quran has set before us as the purpose of human existence. This plan aims at harnessing the forces and resources of nature and then utilizing them for the benefit of all mankind in the light of Quranic values. With education of this type, the Pakistani youth will learn to regulate their individual and collective life in accordance

with the permanent values revealed by God in the Quran and regard this behaviour as the highest virtue of man. He will acquire strength and purity of character, which he lacks at present.

The basic change in the educational system in Pakistan, as outlined above, should be brought about without further loss of time. So far the higher echelons of the society have woefully neglected the upbringing of its youth on proper lines. The revised curriculum should lay special stress on the knowledge of the ideology of Pakistan, which in fact is the ideology of Islam.

In the circumstances explained above, one of the articles of the new Constitution should be to the following effect:

***Article (9)***

The responsibility of imparting education to the children of the nation, from start to finish, will rest with the State and not the parents. The system of imparting religious and secular education separately will be abolished and students will be educated in modern sciences in such a way that they will be able to discern the guidance, which the Quran offers in respect of each branch of knowledge.

**X. Judiciary**

The axis round which an Islamic State revolves is JUSTICE. "Verily Allah bids to do justice" (16: 90). This injunction admits of no exception; it will be done even to the enemy. "Let not detestation for a people move you not to be just" (5: 8).

Justice has two aspects, **social justice** and **legal justice**. So far as **social justice** is concerned, the Quran lays down the following principles:

- i). Every human being, irrespective of parentage, shall be respected equally with others;
- ii). Every citizen shall be provided with means and opportunities for development of his potentialities on the basis of equality;
- iii). The criterion for public recognition shall be personal merit:
- iv). Persons shall be assigned to do the jobs suited to their talent:
- v). No one shall be deprived of fundamental human rights.

**Legal justice** relates to disputes between contesting parties and crimes and punishment. The ends of justice are supposed to have been met if the decisions are taken in accordance with the law in force. But if the law itself is not based on justice, the decisions taken in accordance therewith cannot be called just. The Quranic criterion of law being just is that it should be based on the Divine Principles. It has, therefore, been enjoined:

"Guide with the truth and establish justice therewith" (7: 181).

Here truth means "revelation." In Section IV. **Article (3)**, we have suggested that the Supreme Court of the country should be the final authority to determine whether or not a particular law conforms to the Quranic Principles, and that such discretion should not be left to the priesthood whose very existence is un-Islamic. Therefore, before enforcing any new law, which may not have been correctly framed in accordance with the Quranic Principles and which might subsequently be challenged in the courts of law, it is advisable that it be first vetted by the Supreme Court. All affairs, public or private, are adjudged by the State. It

should, therefore, be the duty of the State, and not of the priesthood, to interpret the law.

It is the primary responsibility of the State to come to the rescue of the oppressed citizen and to redress his grievances. In order that every helpless aggrieved person could seek redress in a court of law, justice should be administered free of cost.

Islamic State is also responsible to protect the life, property and honour of every citizen. If any citizen suffers any loss, not through his own negligence, the State should compensate him adequately and punish the culprits.

The Quranic Justice also demands that accused persons should neither be put behind bars, nor put to any anguish till such time the charges against them are proved. To punish an individual without trial is injustice. In this context, special peculiarities of an Islamic Society according to the Quran are:

Whosoever followeth My guidance, shall have no fear come upon *them*, neither shall they grieve. (2 : 38)

Every individual will feel immune from every type of danger and dread and peace-loving citizens will have no anxiety under any circumstance.

Each soul earneth only on its own account, nor doth any laden bear another's burden. (6 : 165)

No one will be forced to bear the load of another person. Everyone will perform his own duties and will be responsible for his own actions. No culprit will escape punishment and no innocent person will suffer agony. Even the Head of the State cannot be considered above law.

Wrong not and ye shall not be wronged. (2:279)

This is an important principle of the Islamic Social Order. In the light of the foregoing, the Constitution should provide an article to the following effect:

***Article (10)***

Dispensation of Social and Legal Justice will be the basic duty of the State. Social Justice means that every citizen will be entitled to claim fundamental human rights (which have been discussed in para XV) and if anyone is deprived of them, he can seek redress in a court of law free of charge. Legal Justice means that all disputes among parties will be adjudged by the State according to law, free of cost. As far as possible the aggrieved persons will be compensated for their losses.

**XI. Change in Outlook on Life**

Reformation of a society cannot be brought about through fear of law alone. The whip no doubt is necessary for the corrupt people but an abiding reformation of a society comes about through psychological change in its individuals, resulting from their conviction in the veracity of Permanent Values of life. This faith will urge them to respect the law and they would not grudge if its decisions go against them. Says the Quran:

... they will not believe (in Truth) until they make thee judge of what is in dispute between them and thereafter feel not the least vexatious in their hearts over what thou decideth and submit with full submission. (4 : 65)

The sense of respect for law so derived by the people, will bring about a quick reformation of society. As a matter of fact the rise and fall of nations depends on such a psychological change in the people. Says the Quran:



Lo, Allah changeth not the condition of a folk until they (first) change that which is in their hearts. (13:11)

To enable such a psychological change to take place in the nation, it is imperative that the Constitution should provide an article to the following effect:

### ***Article (11)***

Organization of educational system on the Quranic concepts to kindle in our youth an ardent desire to live their lives in accordance with the Permanent Values as revealed by Allah will be the basic duty of the State.

## **XII. Relationship between Individuals and State**

This relationship has been beautifully expressed in the Quran as a form of mutual contract between God and man:

God has bought from the believers their lives and what they have of material things so that He may give them *Jannah*. (9: 111)

God is represented on earth by the Islamic State. According to this contract, it becomes the duty of the individual to consider his life and property as a trust of the Islamic State, whose responsibility in turn shall be to arrange sustenance for him so that he is assured of *Jannah*, i.e., life of peace, plenty and security here in this world as well as in the Hereafter, the two conditions being interdependent.

In Fascist system, the State is considered to be an idol and the individuals of the society are supposed to be sacrificed on its altar at the personal discretion of a person or a group of persons. Whereas in the Quranic System, the individuals are given the surety of the life of *Jannah*, where they are neither made dependent on others, nor are they ruled by anybody's personal discretion to their peril. In this system

the obedience is due only to Divine Laws and the Islamic State becomes responsible to provide sustenance for the people. Therefore, in an Islamic State there is no Fascist oppression where human liberties are sacrificed on the altar of the State. In the circumstances, there should be an Article in the Constitution on individual's relationship with the State to the following effect:

### ***Article (12)***

No one in the country shall be dependent on or be a serf of another individual. The law of the land based on the Quranic concepts will govern everyone and no one shall be allowed to override it. State shall create such atmosphere of *Adl* and *Ehsan* in the country that genuine respect for law will arise from the heart of the people and every one will live without fear and frustration.

### **XIII. According to the Quran, State is not an end in itself; it provides means to an end.**

The social objectives of an Islamic State are as under:

If We give them (those who help God) authority in the land, they will attend to *Iqamat-e-Salaat* (helping people follow Divine Law closely) and *Eita-e-Zakat* (providing them with means of development), will bid to do the recognized (by the Quran) and forbid the un-recognized, and do all things as God wills. (22 : 41)

Out of these objectives, only *Zakat*, being relevant to the subject under discussion, will be discussed. The Quranic phrase (*Aatuz zakata*) is generally translated 'they will pay *Zakat*' and *Zakat* is taken to mean that 2 1/2 per cent of the yearly-accumulated wealth will be paid to the poor. This is not the Quranic concept of *Zakat*. Firstly, there is no mention anywhere in the Quran of the rate at which *Zakat* is to be paid. Secondly, it conveys the impression that it is

not necessary for Muslims to have a State of their own to pay *Zakat*. Now take the example of Pakistan. The Muslims used to pay such *Zakat* individually in India under British rule and the Muslims there, still pay *Zakat* individually under Hindu rule. But the Quranic connotation of this phrase is quite different. It enjoins a duty which could be performed only through an independent Muslim State; rather it is a duty which has to be performed by the Muslim State itself and not by the people individually. Thirdly, the Quran does not allow wealth to be accumulated by individuals. Therefore, the question of payment of *Zakat* does not arise.

*Zakat* means to grow, to flower, to develop into fruition. The Quranic intention is that when the *Jamat-e-Momineen* will come into power and head a Government, their duty shall be to provide *Zakat*, i.e., necessary means for the growth and development of the individuals of the Society. These means are intended to cover food, clothing, housing, education, medical aid, etc., and also development of the individuals' personalities. At another place, the Quran has enjoined:

They shall arrange to provide sustenance. (23: 4)

As a matter of fact Allah has taken upon Himself the responsibility to provide means of sustenance for humankind:

Allah provides sustenance for them as well as for their offspring. (6:152)

The State, which is established in the name of Allah, becomes responsible to fulfil the responsibilities, which Allah has taken upon Himself to fulfil. Therefore, it is the responsibility of an Islamic State to arrange for the provision of basic necessities of life for the people. It is apparent that no State can fulfil such enormous

responsibilities until all the sources of production of a country are under its direct control. If sources of production remain in private possession, the State cannot acquit itself of its responsibilities.

Primary source of production is land. Besides producing food, it also yields minerals and other raw materials for various industrial products, which also form means of sustenance. Says the Quran:

The land belongs to Allah. (7:10)

It provides sustenance for humankind. (5: 11)

It provides sustenance for the needy folks. (56: 73)

Therefore, land's produce should remain open alike for all the needy on the basis of equality (41:10). Land being the collective property of the entire humankind, none can claim exclusive rights of possession on any part thereof. It should, therefore, remain in the custody of the State as a Trust for the benefit of all the needy alike.

So far as the earnings of the individuals are concerned, the Quran has also termed them as *Amwal-un-Nas* i.e., collective property of humankind. Therefore, earnings of any one person cannot be called his personal property. We have seen above that a *Momin* is supposed to have pledged his life and property to Allah in exchange for a life of *Jannah*:

Lo, Allah hath bought from the believers their lives and their belongings because the *Jannah* will be theirs. (12: 111)

They ask thee what they ought to spend. Say, all that, which is surplus (to their requirements). (2: 219)

Thus, *Momineen's* earnings are also not considered as their exclusive property. It shall be deemed to be a trust, which the State can recall, as and when required.

It will be seen from the above discussion that, in an Islamic State, neither land nor surplus money with individuals, can become personal property. Therefore, the possibility of individuals raising properties and hoarding money to exploit others becomes non-existent. The State being responsible for the provision of basic necessities of life of individuals, the question of determining salaries and wages of the workers would also not arise. The basic principle of such an economic system would, therefore, be the following Article in the Constitution:

***Article (13)***

Every individual shall be made to work in his job to his full capacity and capability, necessary means for his growth, development and sustenance having been provided for him by the State. To enable the State to fulfil this obligation, it is essential that the means of production of the country should remain under its direct control.

This, in short, is the goal of the Quran's Economic System, which should be included in the Constitution of every Islamic State. The goal, of course, will have to be reached gradually according to a predetermined practical plan.

**XIV. Position of non-Muslims in the State**

In Para V we have stated the Quranic view that non-Muslim citizens of an Islamic State cannot be considered as members of the Muslim nation. Therefore, they cannot share with Muslims the reins of an Islamic State based on the Quranic Ideology. They are, of course, always invited to think over this ideology dispassionately. If, after deliberation and without any fear of compulsion, they find it acceptable, well and good; otherwise, they are perfectly free to reject it:

There is no compulsion in *Al-Deen*. (2: 256)

**Freedom of thought** is a Quranic Permanent Value, and unconditional right of every individual. None can force his religion upon others. Says the Quran:

We have sent down upon you the Book for the guidance of the whole of mankind with the Truth. Whosoever accepts it as his guide for a straight march, he accepts it to his own gain and whosoever goes astray, he does so to his own loss. You (*Rasoolullah*) are not responsible for their decision and action, nor have you been appointed to compel them to adopt the right path. (39 : 41)

The door for joining the Muslim nation and working for the Muslim State is wide open for those who would care to come in:

So, whoever so wishes, may take a way to his God. (73: 19)

If anyone does not come in, he is free to exercise his choice and should accept the consequences willingly. *Sura-e-Fatir* brings out this point prominently:

It is He who made you successors in authority on the earth. So, whosoever disbelieves (does not accept the ideology and the Constitution on which that authority is based), he is responsible for the rejection and should not grudge any untoward consequences. (35:39)

A non-Muslim should not aspire to the gains, which a belief in the ideology confers on the Muslims. By their rejection, if the non-Muslims have shut the door of good against themselves, they themselves are to blame for it. The door, however, always remains wide open and if the non-Muslims so wish, they will be quite welcome inside whenever they decide to come in.

Citizens of a Muslim State who cannot persuade themselves to accept its ideology will not obviously be prepared to participate in giving practical shape to that ideology and, therefore, cannot aspire to be among those who run the Government machinery. They have to remain outside the Government automatically, because they can never be expected to support and work for an ideology which does not find favour with them and which they have, after careful thought, decided to reject.

In certain quarters this attitude towards non-Muslims is taken exception of as being opposed to broad-mindedness. They overlook the fact that an organization based on an ideology will never admit one who is opposed to that ideology. Even in secular democratic Government the party in power will never take into the Government a member of the Opposition. The matter becomes much more serious in the case of an Islamic State, which is based exclusively on an Ideology. The sole object before an Islamic State being the enforcement of Divine Laws, how can it afford to take such people in Government and expect them to advance an ideology to which they are opposed? Even if it does take them somehow, they will be untrue to themselves if they participated in running the Government charged with propagating an ideology, which goes counter to their belief. By rejecting the Islamic Ideology, they disqualify themselves voluntarily from being a functionary of an Islamic State. Their exclusion from sharing with Muslims the reins of Government does not, however, affect their other rights which have been assured to them by the Quran and which must be honoured in all circumstances. The State will afford them full protection concerning their life, property, honour and places of worship. They will have complete freedom in the observance of their respective religions; they will be treated generously (60: 8); they will always have justice (5: 8). In fact they will, in a way, be

better off than Muslims who will have, so to say, hold the horns of the cow but share equally with non-Muslims its milk. Against an advancing enemy it is the Muslim armies who will march forward and face the enemy firing so that the non-Muslims and their places of worship may remain safe (22:46). In case all these amenities fail to satisfy the non-Muslims, and they decide to migrate to another State, it will be the duty of the Islamic State to see that they reach their destination safe and sound (9: 6).

In view of what has been stated above, there should be a clear provision in an Islamic Constitution that:

#### ***Article (14)***

Non-Muslim citizens of the country would not be able to share with Muslims the reins of Government because they do not believe in the Islamic Constitution and for this reason they do not wish to become members of the Muslim nation. But they shall be afforded full fundamental human rights. Their life, property, honour and places of worship shall be protected and they shall be free to follow their personal laws. In the matter of justice, they shall be treated at par with Muslims. Despite these provisions, if they decide to migrate to another State willing to accept them, they shall be conveyed to their destination in full protection.

#### **XV. Fundamental Human Rights**

In principle, every right is recognized in return for observance of certain obligations. We have mentioned above the unwritten contract between Allah and the *Momeneen* whereby individuals surrender to Allah their life and belongings in return for *Jannah*. A *Momin* earns his *Jannah* after he has fulfilled his pledge. There are, however, exceptions to the above rule where the rights



accrue without fulfillment of engagements. For instance, a disabled person can claim sustenance from the State as of right. Certain rights are conditioned; for instance every one is assured of the safety of his life but the murderer could be deprived of this right. The Quran has not specifically categorized the fundamental rights. It has, however, laid down Permanent Values of life the protection and preservation of which is binding on the Islamic State and which cannot be sacrificed at any cost. From these Values (or State's responsibilities) we deduce rights of the people. These values can be broadly categorized as follows:

***(i) Respect for Humanity***

Every human child, male or female, deserves equal respect on the basis of his being human (17: 70). The practical significance of this value is that in evaluating an individual's position in society, no distinction is made on account of his/her birth.

***(ii) Equality of Sex***

According to the Quran, the difference in sex is not an event for which one has to be proud of or to feel small. Neither man, by virtue of being male, is superior to woman, nor woman by virtue of being female, is inferior to man. There is, no doubt, a natural difference in the normal duties both sexes are required to perform, but so far as human dignity is concerned, both are equal. There is no level of human excellence to which man can rise and woman can not.

***(iii) Personal merit—sole criterion for recognition***

Positions in society will be assigned to every individual on the basis of his personal merit and good deeds:

And to all are (assigned) degrees according to the deeds, which they have performed. (46: 19)

This is a Permanent Value of Quran and every person has a right to claim a position according to his capabilities.

***(iv) Right of Freedom***

Freedom, according to Quran, implies that no one will be forced to obey others.

Obedience will be only to law and law to be obeyed will be that given by the Book (3: 79).

***(v) Adl and Ehsan***

*Adl* means to give every person his due. *Ehsan* means to make good the deficiency in a person. *Adl* and *Ehsan* is the duty of the State to fulfil (16:90) and right of everybody to claim both.

***(vi) Provision of Sustenance***

We have already discussed that Islamic State is responsible to provide basic necessities of life and, therefore, it is the right of individuals to claim sustenance. But this right is subject to the condition that every able-bodied individual shall do the work assigned to him to his capacity and capability. Basic necessities also include means, which are necessary for the development of human potentialities, such as, education. Every child can claim this right.

***(vii) Protection of Life***

An Islamic State is duty bound to protect the life of every citizen excepting those who commit murder or create disorder. In the event of war, voluntary offer of *Mome-nee's* lives would be in accordance with the unwritten covenant they have entered into with Allah.

***(viii) Protection of Personal Belongings***

The safety of belongings, which the individuals possess, with the approval of the State, is also guaranteed by the State. It is criminal to deprive a person of his permissible

belongings by force (4: 29-30).

***(ix) Protection of Personal Dwellings***

The necessities of life, which are to be provided by the State, include also residential accommodation. To dispossess anyone of his dwellings is to deprive him of his right (2: 85).

***(x) Protection of Chastity***

Chastity is the greatest human virtue. Quran considers its protection as indispensable and unconditional right. (24: 2 ; 33: 59).

***(xi) Right of Selection in Marriage***

The contract between man and woman to live as husband and wife is called *Nikah*. The Quran enjoins that this contract shall be entered into with the consent of both the marrying parties (4:3 and 4: 19). As a natural corollary, when parties have equal rights to contract marriage, they should have equal rights to annul it, should such an eventuality arise.

***(xii) Right of Aesthetics***

The Quran views with approval everybody developing sense of appreciation for beauty. No one can be deprived of this right (7: 32). Everybody has the right to use and enjoy things within the limits prescribed by Allah.

***(xiii) Religious Freedom***

The Quran allows full freedom to every individual in the matter of religion. According to it, *Iman* means accepting a dogma after full deliberation and mature reflection. Therefore, there is no compulsion in religion (2: 256). Everyone is free to choose the path of belief or unbelief. Not only that the State is duty-bound to guarantee religious freedom, it is also responsible to protect places of worship

of all religions (22: 40) and to see that no one speaks ill of respected personages of other religions (6: 109).

***(xiv) Right to Demand Redress Against Injustice***

It is the right of every person to demand redress against injustice done to him (4:148). The Quran also enjoins that everyone should side with truth and justice and bear witness thereto even if it goes against those whom he does not want to offend (4: 135).

***(xv) Right of the Accused to be Protected***

Until the accused guilt is proved, he should be considered as innocent. He should neither be tortured, nor be humiliated. Punishment is meant for the criminal and not the accused (24: 12; 24 : 16).

***(xvi) Guarantee for Peace and Security***

It shall be the duty of the State to see that the citizens live peacefully and free from danger and anxiety (2: 38).

***(xvii) Responsibility***

Everyone will bear his own load and no one will be forced to bear the load of another (6:164). To enforce this maxim will be the responsibility of the State and every individual will have the right to ask for its implementation.

In view of what has been stated above, there should be a clear provision in an Islamic Constitution that:

***Article (15)***

No one in the country shall be left on one's own. The law of the land based on the Permanent Values revealed in the Quranic will govern everyone and no one shall be allowed to override it. State shall create such atmosphere of the Permanent Values in the country that genuine observance of these Values

will arise from the heart of the people and the Government alike; and every one will live without fear and frustration.

## **XVI. Conclusion**

We have narrated above, in the light of the Quranic insight, the fundamental principles on the basis of which the Constitution of an Islamic State should be framed. The adoption of any way of life other than *Al-Deen* will not be conducive to human good in the long run. Says the Quran:

Seek they other than the Deen of Allah when unto Him submitteth whosoever is in the heavens and the earth, willingly or unwillingly? (3: 83)

Man is free either to accept the path of Allah or to reject it. If he chooses to direct his life's affairs according to his own lights, he should remember that:

Whosoever Chooses to follow the religion (way of life) other than Islam, his religion will not be acceptable to Allah and he will be a loser in the end. (3: 84)

The guidance revealed by God is preserved in the Quran. Therefore, the basis of Constitution of an Islamic State should not be any other than the Quran. No Ideology, concept or law conflicting with the Principles of the Quran, can be accepted in an Islamic State:

Shall I seek other than Allah for judge, when He it is Who hath revealed unto you (this) Scripture, fully explained? Those unto whom We gave Scripture, (aforetime) now that it is revealed from thy Lord in truth. So be, not thou (O Mohammed) of the waverers. (6:115)

The Principles of the Quranic Constitution are complete and immutable:

Perfected is the word of thy Lord in truth and justice. There is naught that can change His words. He is the Hearer and Knower. (6:116)

The Book revealed by God is based on eternal truth. All man-made laws to regulate human affairs are based on guess about Reality. Irrespective of the numerical strength of their adherents, the man-made laws are far away from Reality. Muslims can not follow any laws other than *Al-Deen*.

If thou obeyest most of those on earth they will mislead thee far from Allah's way. They follow naught but an opinion and do but guess. (6: 117)

It is, therefore, not correct for Muslims to leave the laws revealed by Allah and follow the laws framed by non-Muslim States. We can certainly benefit from their experiments in this field but we can not accept any thing from them, which goes counter to the Quranic Principles. The basis of Constitution of an Islamic State is only the Quran:

Will ye therefore bow to his Will (in Islam) (21: 108).

It must be understood that the Quran offers us a complete code of life. It does not permit us to adopt some laws from it and to borrow some from man-made laws of other nations. This would be tantamount to mixing truth with untruth, which is heresy. We have to accept the Quranic Code in its entirety:

Believe ye in part of the Scripture and disbelieve ye in part thereof? And what is the reward of those who do so save ignominy in the life of the world, and on the Day of Resurrection they will be consigned to the most grievous doom. (2: 85)

The changeover cannot be brought about in a day. To begin

with, we will have to keep before us the Quranic Principles as our goal and to proceed towards it gradually and cautiously. But we cannot introduce into our Constitution any clause, which would violate the Quranic Principles. Even one such clause can render the entire Constitution un-Islamic.

After the Constitution is framed, the most crucial stage is one of working it. Only those people who have fully imbibed the spirit of the Quran and have actually disciplined their lives in accordance with its tenets, will be able to build a State on the Quranic Principles in its initial as well as developing stages. Merely Constitution making does not solve the problem; the crux of the problem is producing men of character to work it.

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## **OTHER PUBLICATIONS**

### **ISLAM: A CHALLENGE TO RELIGION**

By

G. A. Parwez

The very name of the book strikes one as a paradox for it is universally accepted that Islam is one of the major religions of the world. So how could a religion challenge the very institution to which it subscribes? The author has indeed made a successful bid to prove this strange aphorism for the first time in the history of Islamic thought and his research deserves careful study. It is thought provoking; it is revolutionary, opening new vistas and hold horizons of intellectual endeavors. It is the outcome of life-long study of one of the renowned Quranic thinkers of our times.

The author has not, however, taken a purely a negative attitude. Having proved his claim that Islam is NOT a religion, he has very lucidly explained what Islam really is, and how it offers the most convincing and enduring answers to those eternal questions which even thinking man asks about the meaning and purpose of life and how it can be achieved. The book is thus a unique attempt at the rediscovery of Islam: scholarly written and exquisitely presented.

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**PAKISTAN**



## QURANIC LAWS

**Quranic Laws** was written under pressing demands. It provides the code of laws for an Islamic State, and as such it may be considered a precursor of "**Tabweeb-ul-Quran**" - a grand, magnificent, and marvelous classification of the Quran by (Late) Allama Ghulam Ahmad Parwez (R.A) in three big volumes.

There is no denying of the fact that in this book, the purport of the Quranic verses has also been given prolifically. Along with this, inferences have also been drawn, though this right belongs to the Legislative Assembly of an Islamic State. However, (Late) Allama Ghulam Ahmad Parwez (R.A) emphasizes that his inferences are not more than just a pointer in this direction.

Although this collection of **Quranic Laws** shall be beneficial to all the Muslims in general, it shall, in particular, be useful to those connected with legal affairs, i.e., judges, advocates, those working with the law sections of the government, members of the legislature, the constituent assemblies, and those concerned with the media.

The chapters of this book deal with topics such as State Affairs, Government Agencies, Justice, General Injunctions for Family life, Inheritance and Testament, Protection of Life and Property. And the other chapters pertain to Economy and Basic Human Rights etc.

## ISLAMIC WAY OF LIVING

The history of mankind, engravings of human character, and the realities of the Quran stand witness to the fact that the fate of a nation rests with the ways of living with which the heart and mind of its rising generation is disciplined. This measure alone determines the specific rank a nation enjoys in the comity of nations and even the extent to which it can espouse its cause with the caravan of humanity. If that nation inculcates Islamic Ways of Living in the behaviour of its younger generation through teaching and training on firm footing, properly and adequately, the potentialities of the heart and mind of the youngsters of that nation, the vigor of their zest, the fountain spring of their life blood, and the vehemence of their character rise like tumultuous storm and dwindles away every thwarting force like a hay. Since the future of a nation depends on the way its younger generation is brought up, so (Late) G. A. Parwez (R. A) wrote *Islamee Muasharat* in Urdu.

Muslims living abroad, especially the Pakistanis, felt apprehensive of their children going astray under the influence of foreign culture. They contacted Dr. Syed Abdul Wadud in his lifetime to write a book on the "Islamic Way of Living" which could be useful for the young.

This work - **ISLAMIC WAY OF LIVING** - that he produced is not the exact translation but a reproduction in English of that Urdu book *Islamee Muasharat*. It comprises such Quranic instructions, which guide the way to the formation of an Islamic Society. It is not a philosophical treatise but a description in simple terms, meant for children, as well as for those who neither have the time nor the aptitude to go into details.

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## REASONS FOR THE DECLINE OF MUSLIMS

For the last two centuries or so, the Muslims have been emotionally and mentally preoccupied with what has been now classically bandied about as their favorite theme: **"The Rise And Fall of The Muslims"**. The glorious past has been lamented and wailed upon endlessly. While some have done just this, the others have attempted to move away from it all, alienated and disgusted. The fall and disintegration of the Mughal Empire, leading to the dethronement of Bahadur Shah Zafar in the last century, followed by the fall and disintegration of the Ottomans and dethronement of Sultan Abdul Hamid II during and after the First World War was a trauma that the Muslims have not got over.

Even a cursory glance over the world makes it amply clear that the fall of any empire and civilization does not happen suddenly. It is preceded by a prolonged phase of decay, with Nature watching, as if hoping against hope that humankind may yet see the edge of the precipice and turn back. In the Quranic terminology this is the "period of respite".

The Muslims, however, like many others before them, reached a point of no return. Allama G.A. Parwez is one of those who objectively and scientifically attempted an analysis of the causes of the decline and fall of the Muslims from the Quranic perspective of the philosophy of history. This little book in Urdu has been very much in demand and voraciously read by all and sundry. For a long time the need was felt for the English rendering of this book. There had been a demand for it from those who were not very proficient in Urdu or those whose children were born and brought up abroad. We are greatly indebted to Mr. Ismail Atcha from Bolton, Lancashire, Britain, for fulfilling this dire need. He has, in real sense, put in the best of his efforts and potentials to render this book into English.

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## LETTERS TO TAHIRA

**"Letters to Tahira"** is essentially a collection of letters written to a mature and inquisitive young lady with clean intellect. This was in response to the queries the author had received from many of the female readers of his earlier similar book **"Letters to Saleem"**.

These letters, in right earnest, bring forth the trials, tribulations and the vexing problems that the unfortunate and helpless girls of our society have to face today.

Some letters highlight those maladies that are currently rampant amongst our modern educated class. These are the results of following the West blindly. The nation is gradually pushed towards destruction, and if the orthodox section of the society needs to change, the modernists, too, are not to be exempted. It is imperative that both extremes be brought to the middle path, in the light of the Quran.

It is a stark fact that women can train, discipline and build a society more easily and effectively than men. The publishing of these letters will hopefully initiate the reformation process at home. G. A. Parwez hopes that if this effort of his can light a few Quranic candles in some homes; he believes his endeavors will have borne fruit.

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## EXPOSITION OF THE HOLY QURAN

### VOLUME - I

It was in 1983 that Allama Ghulam Ahmad Parwez undertook the project of rendering into English his celebrated work titled "*Mafhum-ul-Quran*". He could only complete up to Surah "Al-Kahaf (No. 18)" – slightly more than half of the text of the Quran, when death overtook him.

The reader would notice that some of the Quranic terms are retained as such (in Arabic) in this exposition e.g. *Allah, Deen, Nabi, Rasool, Momin, Kafir* etc. These concepts have special significance in the Quran and it is just not possible to translate them in a few words in English; so Glossary of terms has been added.

The reader would find a new approach in this presentation, which is different from all other translations in English. As the title explains, this presentation is not the translation of the Holy Quran, but it's **Exposition**.

It is an honest and serious human effort to convey to the humans the pristine concepts of the Holy Quran. The original Arabic text of Wahi (Revelation), however, is eternal and its understanding during any span of time cannot be taken as the last word, which shall have to be left to the last man on this earth.

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## THE TOLU-E-ISLAM MOVEMENT

### It's Beliefs and Objectives

#### We believe that

1. Reason alone is not enough to solve the problem of life. Reason needs revelation (Wahi) just as eyes need the light of the sun.
2. This revelation is preserved in the Quran in its final and complete form. Mankind, therefore, cannot reach its desired destination without the Quran.
3. The Quran is the criterion for judging between truth and falsehood. Everything that agrees with the Quran is correct. That which is at variance with it, is false.
4. From the viewpoint of the Quran, all human beings inhabiting the earth, are **individuals** belonging to **one universal brotherhood**. The practical aspect of establishing this brotherhood would be that all mankind may lead their lives according to ONE dispensation.
5. This universal organization of life may be formulated in such a manner that people of every era according to the requirements of their time, may compile the details of law in the light of the Quran. (These are called SHRIA LAWS). The details of law will keep changing according to circumstances, but the principles of the Quran shall forever remain unalterable.

6. From the point of view of such an organization, the Quran envisages a society in which the latent abilities of ALL individuals are developed, and no one in such a society will be deprived of his life's necessities - food, shelter, health care, education etc. - this is the Quranic Organization For the Preservation of Mankind. This is called The Quranic Social Order. Once human's latent potentialities are fully developed, the world will thus become resplendent with the light of the Eternal Nourisher.

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