

Quranocracy

**NOT DEMOCRACY
NOR AUTOCRACY
NOR THEOCRACY**

*"Then We made you heirs in the land after
them to see how you would behave."
(Al-Quran 10:14)*

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FOREWORD

Democracy has been a terrible experience in Pakistan, since its inception. The events, that took place before the year 1958 i.e., before the first Martial Law in the country and those that took place after the year 1988 i.e. the end of the last Martial Law, have been so tragic and so disgraceful that sometimes it appears as if no government exists in the country. The failure of Western democracy is due to the fact that Pakistan came into existence as the outcome of Two Nation theory and the very survival of the country depends on the introduction, here, of an Islamic Social Order. On the other hand, the basic principles of an Islamic Social Order are incompatible with the basic principles of Democracy. The remedy for this ailment is to make a fresh start from the very beginning, by giving the Constitution of the state a new form consistent with the Quranic fundamental principles. That is the only way to make the state of Pakistan, happy, prosperous and progressive.

We must realise that the government of an Islamic State is neither Aristocracy in which the supremacy is that of privileged persons; nor Autocracy in which the supremacy is that of a dictator or an absolute ruler, nor Bureaucracy in which the officials reign supreme; nor Theocracy in which the priestly class is the dominant authority; nor Democracy in which the sovereignty lies in the people; but it is a 'Quranocracy' in which the sovereignty lies in the injunctions, laws and permanent values given by the Quran which is the only final, complete and un-adulterated revealed Book, now present on the fact of the earth.

The contents of this book shall serve as a guide in order to put into practice an Islamic Social order in the country, free from exploitation of all kinds. In the first chapter of this book we have described the defects of a regime based on Western democracy and the incompatibilities of Western democracy with the Islamic Social Order. Further our own experience of democracy in Pakistan has also been described in some detail.

In the second chapter of this book, it has been stated that after centuries of unsuccessful experiments based on man-made laws, modern man is still in search of the kind of laws which are eternal and unchangable, applicable to all, at all times. These laws are available inside the Quran only, which is the last revealed book of Allah. A fairly detailed description of permanent values has been provided in this chapter.

In the third chapter, it has been stated that the emergence of Nation

States in the world, has produced a disasterous effect on humanity, and that all the political, economic, moral and social problems of the world are the result of the concept of Nationalism.

Nationalism has split up humanity into offensive groups, each group being the formidable foe of the other. It has been described further that internationalism is not the remedy for eliminating the effects of nationalism. The remedy lies in universalism which is the political goal prescribed by the Quran for humanity.

In the fourth chapter of the book, have been described the basic principles of the Quranic Constitution for an Islamic state, which is the ultimate objective of writing this book and which shall serve as a guide to the making of a fresh constitution, in case we are determined to make Pakistan a real Islamic State. This Constitution based on the fundamental principles of the Quran, shall provide a way out of the present difficulties in which we are deeply entangled. The survival of the State of Pakistan depends on adopting the way of life prescribed by the Quran.

The fifth chapter of this book deals with the position of AHADIS and FIAQ laws in the Constitution of an Islamic State.

In the sixth chapter, of this book, it has been said that the Quran does not prescribe the form of Government for an Islamic State. It has been left for the Muslim Ummah to make its own decision in this respect according to the demands of the time. However, the forms of government prevalent in the modern world have been described in this chapter for the interest of the readers, and finally the views of the writer in this regard.

I earnestly request the intelligientia of Pakistan especially our learned lawyers to ponder over this work and give their comments; because it is only after a combined effort that we can reach the goal of establishing an Islamic Social Order in Pakistan.

CHAPTER 1

DEMOCRACY

The Evolution of Governmental Organisation

The history of mankind is a story of unsuccessful experiments, trials and tribulations. Man produces a concept, gives it a trial and after centuries of dreadful conflicts, bloodshed and wars, comes to the conclusion that the concept he had produced was wrong. Then he brings forwards a fresh concept which is generally opposite to the previous one and thus begins fresh experiments on it. That also proves unsuccessful, after passing through the same unfortunate events. The life of man, political, social and economic, has reached the present stage after passing through a series of such vicious cycles. However, in the following lines we shall deal only with its political aspect - Man is a social animal. He cannot live without a society. In a society struggle between individuals or groups of individuals, for selfish motives, is a must. On the other hand the resolution of conflicts needs a third person to put things in order. To begin with, the head of a family took this position which further evolved into tribal organisations, the head of a tribe assuming a supreme personality whose decisions became incumbent on the individuals of the tribe; and thus a primitive form of government originated.

Later on, in the primitive societies the priests became the dominant power (and this condition still continues in some societies). The priests came to be considered as representatives of deities, with super-human powers. They became awe-inspiring and nobody could think of disobeying them. This gave origin to theocracy or sovereign power of priests.

At other places, some powerful persons began to suppress the weaker ones by their brutal force and thus gave origin to Autocracy or Dictatorship and Kingship. Later on, the autocrats realised that it was rather difficult to keep people subjugated to their brutal force which they thought must be associated with an aspect of sense of respect by the people, for them. On the other hand the priests realised that for them in order to maintain a respectful position is getting difficult without a force. Thus the kings and the priests, by mutual understanding, divided the

supremacy of power into two parts. The priests accepted the Kings as the "Shadow of God" and the Kings declared that they have assumed the supreme power, by means of the intermediary of the priests. Thus in practical life the priests became the supreme power in matters related to religion and the Kings a supreme power in the worldly affairs.

It is apparent for what has been described above that in this change in the form of Governments, the concept which remained common to all, throughout, was the concept of the rule of one individual or one group of individuals over another group of individuals. The history of the rule and exploitation by kings and priests makes a tragic reading in which the humanity became crushed by their brutal force in one way or the other.

Origin of Democracy

When the beastly practice of Autocratic and Theocratic rulers reached its zenith, some Western thinkers originated the idea that in order to eliminate the misery of mankind, the system of government should be based on the mutual contract of the people. Thus the theory of "Social Contract" was introduced by Hobbes and Locke. But Rousseau (1712-1778) gave it the practical shape. He said that every man wants freedom but that is an impossibility. Thus let every individual person allow his 'will' to get absorbed into the will of the society, in other words, to make the general will of the society the ultimate source of authority. Theoretically it appeared to be a good idea but the difficulty arose in putting the general will of the people into practice. It was not possible to determine the will of every individual in a society. Thus it was decided to base the form of Government on the representatives of the people; and if opinions differ, the decision of the majority be accepted. Thus Democracy came to be based on the following suppositions-

- (1) In a democratic Government, there remains no distinction between a ruler and the ruled and the people form their own Government.
- (2) The will of the people can be determined through their representatives.
- (3) In order to find out whether a certain decision is right or wrong, the standard laid down is the opinion of the majority of representatives.
- (4) The minority is bound to accept the decision of the majority and the people as a whole are bound to obey them.

Thus Democracy came to be considered as the Government of the people, by the people and for the people. It developed chiefly in the West but the people of Asia and Africa who had suffered tremendously on account of their being exploited by the Autocrats and the Theocrats with the resultant misery and degradation, followed them and took democracy to be a gift from heavens and a panacea for their ailments.

The basic concept, in which democracy rests, namely that no body has a right to rule the other, is ideal but the point is whether it has achieved or is capable of achieving the aim it has laid down before itself? West has been the cradle of democracy. Let us see what the thinkers of the West have got to say about it.

Professor Alfred Cubban of London University says in his book "The Crisis of Civilisation";

"Considering politics in terms of actual facts and not of abstract theories, it must be acknowledged that the identification of ruler and the ruled, assumed in the theory of the sovereignty of people, is a practical impossibility. The government is one set of people and the governed another. Once society has developed beyond the smallest and the most primitive communities, they never have been and never can be the same. The pretence that they are, can only lead to the worst excesses of power in the state (P-68).

Another thinker Rene Guenon says in his book — "The crisis of the modern world":-

"If the word democracy is defined as the government of the people by themselves, it expresses an absolute impossibility and cannot even have a de-facto existence in our time any more than in any other. It is contradictory to say that the same persons can be, at the same time, rulers and ruled, because to use the Aristotelian phraseology the same being cannot be 'in act' and 'in potency' at the same time and in the same circle of relations. The relationship of the ruler and the ruled necessitates the joint presence of two terms; there could be no ruled if there were not also rulers, if though those may be illegitimate and have no other title to power than their own pretensions; but the great ability of those who are in control in the modern world lies in making the people believe that they are governing themselves, and the people are the more inclined to believe this as they are flattered by it and as they are in any case, incapable of sufficient reflection to see its impossibility. It was to create this illusion that 'universal suffrage' was invented. The law is supposed to be made by the opinion of the majority but what is overlooked is that this opinion is something that can very easily be guided or modified; it is always possible by means of suitable

suggestions to arouse in it currents moving in this or that direction as desired."

Arnold J. Toynbee writes in his book, "The Present Day Experiment in Western civilisation 1962" -- Democratic parliamentary government is a less efficient and therefore a most wasteful regime than oligarchic parliamentary government and even a parliamentary oligarchy is inefficient and more extravagant by comparison with a well managed authoritarian regime". p. 35.

Defects of Democracy in practice-

Ideals of democracy are difficult to be realised in practical life. Democracy demands from the people, a high degree of civic capacity which involves intelligence, self control and devotion to a common cause, and capacity to subordinate to it private interests and desires. It relies on the spirit of give and take. It also demands time to share in common activities, to study the issues involved. The common man is indolent in politics. He is neither politically intelligent, nor sufficiently educated. He does not possess the capacity to understand political problems and is incapable of intelligent action. Democracy is suited to a state in which the people who want to exercise power, are capable of sinking differences and cooperating for the general good, and have acquired knowledge and judgment enough to elect suitable representatives and to judge as to the propriety of general lines of policy.

Lecky, accordingly characterised democracy as the government of the poorest, the most ignorant, the most incapable who are necessarily the most numerous. The average citizen has not the time, inclination and ability to inform himself on the affairs of the state.

Lord Bryce, a fervent exponent of democracy points to the following defects, based on his personal observations of the major democracies in the world-

- (1) The power of money to pervert administration or legislation.
- (2) Tendency to make politics a gainful profession.
- (3) Extravagance in administration.
- (4) The abuse of the doctrine of equality and failure to appreciate the value of administrative skill.
- (5) The undue power of party organisation.
- (6) The tendency of legislature and political officials to play for

votes in the passing of laws and in tolerating breeches of order.

Our own experience of Democracy in Pakistan

The conclusion one draws from the writings of the above said thinkers and others, is that democratic parliamentary government is a deception and a most wasteful regime in which the achievement of a small group of people is to make fools of a larger group of people in a society; because opinion is something that can easily be guided or modified. We, in Pakistan, can easily verify this fact from our own experience in this country. The experiment of a democratic parliamentary form of government in Pakistan is a dreadful experience, since this country came into being. Its failure is due to two different causes - (1) The deception and wastefulness lies in the very nature of this regime, as said by the thinkers in the West. (2) The incompatibility of the democratic parliamentary form of government with an Islamic government.

Every election in Pakistan brings forward a good number of imbeciles, most of them having poor academic background. Their opinion can easily be purchased by anybody who possesses sufficient money. They get elected because of their wealth with which they buy votes and after being elected they get this wealth spent by them, multiplied manifold, by unfair means. They can even be bribed to change parties and neither the buyers nor the bought feel ashamed of it. The term Horse-trading is prevalent for this disgraceful act of these people. They are so much absorbed in greed and selfishness that they have neither time, nor capacity, to perform the function of law-making 'از مفر دو صد خر فکر انسانے فی آید' 'A human idea can not arise from the brains of two hundred donkeys'.

Majority of them have no political background and some of them are mere oratorical prostitutes who stir human sentiments not by display of body contours but by display of rosy words. Oratory is a precious human virtue but it becomes a sinful act when used for selfish ends. In a country like Pakistan politics is an easily accessible vocation. Every vocation needs some sort of training. Businessman, mason, carpenter, black-smith or even a barber needs training before he starts his carrier; but politicians in Pakistan are an exception. A shrewd politician manoeuvres to hold a firm grip on the mental outlook of the products of his oratory. Following are the pre-requisites of his success:-

He is capable of constantly arousing the passions of his followers, without allowing them to use their own intellect. He can create a strong

impression amongst them that his thinking is mature and far superior to anybody else's. He can act as diplomat rather than a man of principles. He is well versed in the art of agitation and law breaking. He knows how to bring abasement to his opponents, no matter how many lies he has got to invent. He can feign strong resistance without accepting even the truth offered by his opponents. He is capable of depicting the darkest picture of the present regime and a brightest picture of the future which he assures to bring about. He is competent to kindle the light of impossible hopes in the minds of his followers, and in order to keep this trick going, he never states anything definite but presents his programmes in the guise of attractive reforms. At every step he can firmly assure his followers that they are on the threshold of success. He can keep his followers fully confident that it is only their party which is on the right path, all others are vague and unsound. He can keep them constantly on the move, never giving them respite to pause and think.

These leaders try to keep their followers away from the divine fundamental principles. As a matter of fact they themselves are not aware of them. They themselves assume the role of a final authority in making decisions. Some of them succeed in creating such an awe amongst their followers that they are always spell-bound and consider all that is said by their leader as immutable. But the hold of political leaders on the imagination of their followers is often not as firm and lasting as that of religious leaders. This is another category which has appeared on the scene of Western democracy in Pakistan. As a matter of fact they are either idiots; or hypocrites. If they are not able to visualise the clear Quranic guidance that the sovereignty in an Islamic State is that of the Book of Allah, they are idiots; on the other hand if in spite of their belief in the guidance of the Quran, they still stick to a form of government in which sovereignty is that of the people, they are hypocrites. The billionaires use their finances and the Mullas use their glib tongue; and the poor masses follow these exploiters like a herd of sheeps, being impressed by their false proclamations and petty monetary gains during the election campaigns, only to lead a life of misery and degradation later on.

In spite of all the drawbacks of a democratic parliamentary form of government, the Western people stick to it because they have got no other alternative. Those people are sceptic of divine truths. But in a country like Pakistan whose origin and stay is welded with the belief in the divine truths, Western democracy is and shall always remain a source of disorder.

Western Democracy and Quranocracy are the two incompatibilities

The basic difference lies in the issue of **SOVEREIGNTY**.

In a democratic parliamentary form of government, the sovereignty lies, as they say, in the people but in a Islamic state the sovereignty lies in the injunctions, laws and the permanent values which are contained in the Quran for the guidance of mankind and the safety and protection of which Allah has taken upon himself:-

(15:9) **إِنَّا مَعْنُ نَزَّلْنَا الذِّكْرَ وَإِنَّا لَهُ لَنُحَافِظُونَ**

"We have without doubt sent down the message and We will assuredly guard it (against corruption).

Unless the question of sovereignty is taken up seriously, the establishment of an Islamic Social Order shall always remain a dream.

As stated earlier, the government of an Islamic state is only a machinery to put into practice the Quranic laws, injunctions and permanent values. In order to escape from this responsibility, our Pakistani lawmakers have improvised the term "Delegation of Allah's powers" which forms a part of the Pakistan Constitution. This concept of delegation of Allah's powers is absolutely false. It took its origin amongst the Christians and gave birth to Theocracy. The Christian kings modified this concept to give it the form of 'divine rights of the kings'. The same idea came into vogue amongst the Muslims after Caliphate changed into Kingship and Muslim Kings began to call themselves **ظِلُّ اللَّهِ عَلَى الْأَرْضِ** "Shadow of God on the earth". From then onwards the Muslim Kings became sovereign in the worldly affairs and the Muslim priests in the religious affairs; and the 'Deen' became split up into 'church and state'.

As said earlier the concept of delegation of sovereignty of Allah is absolutely false from the Qur'anic point of view. Delegation of power from one person to another means that the latter gains absolute control of power for a certain period and that the exercise of this power by the former becomes suspended in the meantime. Secondly, the occasion for the delegation of power by certain authority arises when that authority itself is not present at the place where the power is to be exercised. But Allah is omnipresent. The question of His being not present, at any time or anywhere, does not arise. Allah does not delegate His Sovereignty to anyone, not even to His own messengers who themselves are subservient to His laws.

Now let us see the argument produced by Mullah in support of this false concept of delegation of Allah's sovereignty. They consider man as **خليفة الله** and erroneously translate it as vicegerent of Allah which means that he exercises delegated powers of Allah. As a matter of fact, there is not a single instance in the Holy Qur'an where man is described as **خليفة الله** successor of Allah. He is rather described as **خليفة في الارض**. When Allah addressed the Mal'ika and said:

(2:30) **إِنِّي جَاعِلٌ فِي الْأَرْضِ خَلِيفَةً**

"I will create a 'khalifa' on the earth".

It pointed towards the creation of a successor to the preceding generations that lived on the earth before mankind.

Moreover, in order to clarify the point that man is not successor of Allah, we shall have to clarify the meaning of the word Khalifa. There are three basic concepts in the meaning of the words with root **خ ل ف** (a) to succeed (b) to follow and (c) to undergo change. The Holy Qur'an is self-explanatory. It says:

(25:62) **وَمَنْ لَدُنِي يَحْتَمِلُ اللَّيْلَ وَالنَّهَارَ خَلْفَةً**

"And it is He who made the night and the day (**خلفة**) to follow each other".

Again it is said:

(2:164) **وَكُنُوزَ اللَّيْلِ وَالنَّهَارِ**

"Day and night coming one after the other".

'B' can become Khalifa of 'A' only in his absence. 'A' may be dead or alive but 'B' cannot take his place as Khalifa in his presence. The following verses of the Qur'an support it:-

Before Moses went up on the mount for communion with his Lord, he said to his brother A'aron:-

(7:142) **الْخَلْفَىٰ فِي قَوْمِي**

"You shall succeed me amongst my people (in my absence)".

And yet another place it is said:-

(10:14) **ثُمَّ جَعَلْنَاكَ خَلِيفَةً فِي الْأَرْضِ مِن بَعْدِهِ وَأَنْتَ عَلَىٰ نِعْمٍ مِّنَّا**

"Then We made you successors in land after them, to see how you would behave".

Hûd said to his people:

(11:57) يَسْتَخْلِفُنِي قَوْمًا غَيْرَكُمْ
 (11:57) يَسْتَخْلِفُنِي قَوْمًا غَيْرَكُمْ
 (11:57) يَسْتَخْلِفُنِي قَوْمًا غَيْرَكُمْ

"(If you turn away from the Divine Guidance) my Lord will make another people to succeed you".

About the people of 'Aad it is said:-

(7:69) إِذْ جَعَلْنَا خَلْفًا مِنْ بَعْدِ قَوْمِ نُوحٍ
 (7:69) إِذْ جَعَلْنَا خَلْفًا مِنْ بَعْدِ قَوْمِ نُوحٍ
 (7:69) إِذْ جَعَلْنَا خَلْفًا مِنْ بَعْدِ قَوْمِ نُوحٍ

"In that He made you successors after the people of Noah".

The Holy Qur'an has, thus, amply clarified that a Khalifa is a successor in the absence of or on the death of his predecessor. Hence the question of somebody being خليفة الله does not arise.

The concept of خليفة الله is the invention of individuals with vested interests who wanted to exploit people in the garb of Allah's vicegerency¹. After the death of Rasool, when somebody used the word خليفة الله for Hadrat Abu Bakr Siddique (first caliph), he repudiated it by saying, "I am خليفة الرسول (successor to the Rasool), not خليفة الله (successor to Allah).

Hence the words استخلاف في الارض as they occur in the Holy Qur'an, mean to hold reins of power with the purpose of putting into practice the Divine Laws in human affairs. Allah is the law maker. His laws are immutable and cannot be changed.

(6:34) لَا مَبْدَلَ لِكَلِمَاتِ اللَّهِ
 (6:34) لَا مَبْدَلَ لِكَلِمَاتِ اللَّهِ
 (6:34) لَا مَبْدَلَ لِكَلِمَاتِ اللَّهِ

"Nobody can change the laws of Allah".

Not even the messenger of Allah:

(3:128) لَيْسَ لَكَ مِنَ الْأَمْرِ شَيْءٌ
 (3:128) لَيْسَ لَكَ مِنَ الْأَمْرِ شَيْءٌ
 (3:128) لَيْسَ لَكَ مِنَ الْأَمْرِ شَيْءٌ

"(O messenger of Allah!) You are not given the authority to change the laws of Allah".

¹. The words used by our lawyers for خليفة are vicegerent as well as viceregent. The dictionary meaning of the word vicegerent is "Person exercising delegated powers", and that of the word viceregent is "Person appointed to administer kingdom, during minority, absence or incapacity of the monarch."

Allah is **ال إله** i.e. the Only Sovereign. There is no sovereign except Allah. He is the only authority to whose laws subservience of man is due. As said earlier, in an Islamic State the central command of believers is an instrument to enforce the Divine Laws and its jurisdiction in Law Making is confined within specific limits; it does not hold absolute rights of law making. The law making in a Qur'anic society is a blend of Permanence and Change. The fundamental principles given by the Qur'an are Permanent and Immutable. The legislature of an Islamic State is not authorised to exceed the limits laid down by these fundamentals; yet it can make by-laws or change the existing by-laws, according to the needs of the changing times, within the boundary line laid down by the Qur'anic fundamentals, by means of **شورى** 'consultation'. Even the machinery for implementation of **شورى** Shura is changeable with the change of time and circumstances, but shura itself is a permanent injunction. Thus the concept of delegation of Allah's sovereignty or the delegation of power of law-making by Allah to the legislature of an Islamic State is an erroneous one. The acceptance of this false concept of delegation of power means that a legislature can make any law according to its whims and wishes, and that is exactly what has been happening in Pakistan. This concept is not only erroneous but is also a source of grave mischief.

Allah is **ال إله** 'al-'IL'AHA' which means the only Sovereign. He only possesses absolute Power and it is imperative for human beings to be subservient to His laws. The Qur'an says:

(16:51) **وَقَالَ اللَّهُ لَا تَتَّخِذُوا إِلَٰهَيْنِ اثْنَيْنِ ۚ إِنَّمَا هُوَ إِلَٰهٌ وَاحِدٌ ۚ**

"Allah has said: take not for subservience two Gods (ILAHAIN). For He is just one God."

The delegation of Allah's Powers means to make more than one Sovereign.

CHAPTER 2

SEARCH FOR ETERNAL AND UNCHANGEABLE LAWS

After giving a trial to democracy the trend of modern western thinkers is that it is wrong to accept the majority decision as right under all circumstances. We have no objective standard, they say, for judging human action. The Italian patriot Mizzini says, "The principle of universal suffrage was a good thing in as much as it provides a lawful method for a people for safeguarding against forces of destruction and continuing their own government. However, in a people who have no common beliefs, all that democracy can do is to safeguard the interest of the majority and keep the minority subdued. We can, he adds, be subject to God or to man, one man or more than one. If there be no superior authority over man, what is there to save us from the subjugation of powerful individuals? Unless we have some sacred or immutable law, which is not man made, we can have no standard for discriminating between right and wrong. A government based on laws other than the God's will, produces the same results, whether it be despotic or revolutionary one. Without it whosoever be in authority will be a despot. Unless a government conforms to God's law, it has no right to govern. The purpose of government is to enforce God's will; if a government fails in its purpose, then it is your duty to try for and bring about a change." 23.

After centuries of unsuccessful experiments, with man made laws, modern man is still in search of the kind of laws which are eternal, unchangeable, applicable to all and at all times. The source would have to be super human, i.e., the laws given by God Himself. The West had naturally to seek the help of religion to ascertain such laws. They tried Christianity but there was no response. Christianity has got no laws to give. It is all other-worldliness.

In the words of Joad - "Christianity places man's life not in this world but in the next. While the next world is wholly good, this world is conceived to be, at least to some extent, evil. While the next world is eternal, life on earth is transitory. For man's life hereafter, this, his present existence, is to be regarded as a preparation and a training, and its excellence consists in the thoroughness and efficiency with which the

training is carried out. Nothing on the earth is wholly and absolutely good, and such good deeds as earthly life contains, are good only as a means of greater goods which are promised hereafter." 28

Now the question arises, **what is that code of life and where to find it?**

The man-made laws are limited in scope, conflicting and ever changing; and are thus too fragile to solve the problems of entire mankind. A universal code of life, that can bring peace, can only be found in the objective laws given to humanity through the messengers of God. As the divine codes of life given to humanity by the earlier messengers of God, who appeared successively, have been subjected to the onslaught of human whims and wishes, the only code of life that comprise immutable laws applicable for all the succeeding generations of mankind, through all ages, is the one that lies safely preserved in the pages of the holy Quran, unapproached by falsehood. The Quran lays great stress on the study of history of the foregone nations and advises us to see that they rose when they acted according to the revealed laws and fell from the pinnacle of their glory when they acted in the opposite way. The holy Quran comprises laws, injunctions and permanent values. The laws and injunctions given in the Quran, themselves form a vast subject. However we shall describe here only the most prominent Permanent values. There are two beliefs which form the basis of all the permanent values. Let us describe them at the outset--

(1) Belief in One God - According to the holy Quran the belief in One God is neither an academic problem, nor a dogmatic creed. It has a practical bearing on the day to day life of a man. Belief in God means the acceptance of the sovereignty of God, or in other words it means the submission of one's action to the will of God. The word Allah in the Quran is a proper noun and is a combination of the words **ال** and **له**. The word contains the following underlying concepts:

(1) To seek protection in a state of anxiety. (2) To become perplexed. (3) To be out of sight and to have an exalted status. (4) To accept subservience of some body or to admit sovereignty of some body.

Accordingly the Quranic word 'Allah' means the Supreme Existence which is out of sight; whose extremely exalted position leaves the human intellect perplexed; whose sovereignty reigns supreme in the universe and to whom subservience is due by all components of His creation. Allah is beyond human perception-

(6:103) لَا تَدْرِكُهُ الْأَبْصَارُ
 "No vision can grasp Him".

A finite thing can not grasp an infinite object. However we know Him through His attributes given in the Quran. Accordingly belief in Allah means to accept the sovereignty of One whose attributes are given in the Quran.

The sovereignty of Allah reigns supreme in the physical world as well as in the human affairs.

لَا إِلَهَ إِلَّا اللَّهُ
 "There is no sovereign except Allah"

(12:40) لَنْ يَخْضَعُوا إِلَّا لِي
 "The command is for none but Allah"

(18:26) لَا يُشْرِكُ فِي حُكْمِهِ أَحَدًا
 "Nor does He share His command with any one whatsoever."

On the other hand one who believes in Allah is subservient to only One command and that command is of Allah Himself-

(18:110) لَا يُشْرِكُ بِعِبَادَةِ رَبِّهِ أَحَدًا
 "In the subservience of Sustainer, let no body admit any one as partner."

Allah does not deal with the human affairs directly. In the human world He exercises His command by means of revelation, to his messengers. Thus it is said:

(6:114) أَفَغَيْرَ اللَّهِ أَبْتَغِي حَكْمًا وَهُوَ الَّذِي أَنْزَلَ إِلَيْكُمُ الْكِتَابَ مُفَصَّلًا
 "Say!, shall I seek for judge other than Allah, when it is He Who has sent unto you the detailed book."

Thus the sovereignty of Allah means the sovereignty of the book of Allah. This in turn is exercised through an organisation. The central command of the organisation of believers is an instrument to enforce the divine law and it is not allowed to exercise its personal authority.

(2) The other basic concept upon which rest all the permanent values provided by the Quran is the Belief in human personality. Man is

composed of two things, physical body and human personality. The physical body is controlled by the physical laws and human personality is controlled by the laws revealed to the messengers of Allah. Physical body is destructible, on the other hand human personality has got potentialities, which when actualised make the developed personality indestructible.

The development of human personality is controlled by human actions. This being a world of cause and effect, every action has got its reaction. In other words, every human action is rewarded. An act may be good or bad. A good act is one which is consistent with the divine laws; a bad act is one which is inconsistent with the divine laws. The holy Quran says that the entire machinery of the universe has been created in order that no act of any human being remains unrewarded:

وَخَلَقَ اللَّهُ السَّمَوَاتِ وَالْأَرْضَ بِالْحَقِّ وَالْعِزِّي كُلُّ نَفْسٍ بِمَا كَسَبَتْ وَهُمْ لَا يُظْلَمُونَ ﴿٤٥﴾

(45:22)

"Allah has created the heavens and the earth for constructive purposes and that every one be repaid for what it has earned, and that they will not be wronged."

A good act produces a positive or constructive effect on human personality and a bad act has a negative or disintegrating effect. The act may be manifest or concealed, it makes no difference. It requires no outside policing. The reaction is automatic. Even an idea that flashes across the mind, has its impact on the human personality:

يَعْلَمُ خَائِنَةَ الْأَعْيُنِ وَمَا تُخْفِي الصُّدُورُ ﴿١٩﴾

"(40:19)

"He knows the traitor of the eye and that which the bosoms hide."

فَمَنْ يَعْمَلْ مِثْقَالَ ذَرَّةٍ خَيْرًا يَرَهُ ﴿٨﴾ وَمَنْ يَعْمَلْ مِثْقَالَ ذَرَّةٍ شَرًّا يَرَهُ ﴿٧﴾

(100:7-8)

"And he who does good (to the extent of) an atoms weight will see it then and he who does ill an atom's weight will see it then."

Thus the human body ends with the physical death, while the developed human personality passes on to its next evolutionary stage. This forms the basis of the belief in the Hereafter and thus the basis of all the permanent values provided by divine guidance.

The rest of the permanent values are as follows:-

(1) Respect for Humanity:

(17:70) وَلَقَدْ كَرَّمْنَا بَنِي آدَمَ

"We have honoured the humanity as a whole."

It means that Allah has created, all human beings equal by birth and worthy of respect. This proclamation was made by the Quran, for the first time in human history, and it is a fundamental human right.

(Note - Meaning of equality- Absolute equality is, in fact, an impossible ideal. Equality means that special privileges of all kinds should be abolished. All barriers of wealth, birth, race and colour be removed, so that no one suffers from any kind of social and political disabilities. All should have the right to Equality which means the absence of legal discrimination against any individuals).

(2) Criterion of position in Society:

After birth the ranks are according to how far one's actions are consistent with the divine laws:

(6:132) وَلِكُلِّ دَرَجَةٍ مِمَّا عَمِلُوا

"And to all are (assigned) degrees according to their deeds."

Thus, the measure of greatness of an individual, are his virtues. The more one acts according to the divine laws, the more worthy of respect he becomes:

(49:13) إِنَّ أَكْرَمَكُمْ عِنْدَ اللَّهِ أَتْقَاكُمْ

"Verily the most honoured of you, in the sight of Allah is (he who is) the most subservient to the divine law."

The Quran thus changed the old Criterion of respect for man. From then onwards the measure of respect for man became his virtues instead of relative ones. This single change in the measure for respect for man declared, all the old systems of kingship, priesthood and capitalism, as wrong and hateful. However, the old measures of respect, especially the possession of wealth, still persist in the modern societies; one who possesses big property, banglows, cars and all other amenities of life is considered respectful, even if he is a smuggler or a trader in narcotics.

(3) Slavery

No man shall be a slave or a subject to his fellow beings. A man can only be subjective to divine laws and not to any person, however highly placed he may be, even as high as a messenger of Allah:

مَا كَانَ لِشَيْءٍ أَنْ يُؤْتِيَهُ اللَّهُ الْكِتَابَ وَالْحُكْمَ وَالنَّبُوءَةَ تَرْقُولَ لِلنَّاسِ
 كُونُوا عِبَادًا لِي مِنْ دُونِ اللَّهِ وَلَكِنْ كُونُوا رَبَّيْنَ بِمَا كُنْتُمْ
 تَعْلَمُونَ الْكِتَابَ وَبِمَا كُنْتُمْ تَدْرُسُونَ ﴿٧٩﴾

(3:79)

"It is not for any human being unto whom Allah had given the scripture and wisdom and the Divine Message, that he should afterwards have said unto mankind, "Be slaves of me instead of Allah. He should rather say, "Be faithful servants of your Rabb by virtue of the code of life that He has given you and which you teach one another and constantly study."

This verse is the charter of human freedom. The extreme individual or collective desire of man, is his desire for freedom. Slavery is the opposite of freedom. A look at the human history shows that although slavery appears in so many forms but basically there are two forces which make other people slaves; the authority to rule and the dignity of priest-hood. Authority to rule appears in a manifest form and its chains entangle the human body; but the authority of the self-made representatives of God appears in an invisible and imperceptible form and it controls the human mentality. In spite of his best efforts humanity has not been able to release itself from the grip of these two enslaving powers. Their hold goes on changing itself but the strength of their grip remains unaffected.

The holy Quran brought forth this revolutionary proclamation that no man has got the right to enslave others. In this verse the Quran has clarified the above two enslaving powers, generally called the Temporal and Spiritual. In spiritual powers, the messengers of God are the highest in ranks. The Quran has emphatically declared that even the messengers of God have no right to make others subservient to their personal desires. It is apparent that if even the messengers of God are not given this right, the priests stand no where. The temporal power in past ages was the autocratic rule of the kings and now dictators have come into being. The political thinkers rejected the rule of autocrats and gave the power of law making to the people and this came to be known as Secular

Democratic rule. The Quran on the other hand has declared that law makers may be individuals or groups of individuals, it makes no difference. They have no right to make others subservient to their self-made laws. That is all slavery and not freedom. The Quran thus broke the chains of both temporal and spiritual slavery in one stroke.

But on the other hand, if there is no ruling power and no restraint on freedom, it shall result into Anarchy. Thus it is said that although no individual or a group of individuals shall rule others but there shall be the rule of God over them.

On this the priestly class said that God does not rule people directly; we are His representatives and thus subservience to us shall be the subservience to God. The Quran rejected this claim of the priests and declared that no human being can be the representative of God. He has given a code of laws, subservience to this code means the subservience to God and that is the true freedom. In the subservience of man to man, all the human potentialities are crushed, but in the subservience of the book of God, man is able to actualise his potentialities which is the aim of human life in this world and which makes him fit to pass on to the next evolutionary stage of man in the hereafter.

(4) ADL (or Justice):

It means a condition where every individual in a human society gets what is due to him, not only economically but all the fundamental rights that belong to him by virtue of being a man. This provides equal opportunities to individuals for the physical development as well as the development of their personalities.

(16:90) إِنَّ اللَّهَ يَأْمُرُ بِالْعَدْلِ وَالْإِحْسَانِ

"Indeed Allah commands justice and proportion."

It means to give to every body what is due to him.

Adl is a very comprehensive subject. However, let us describe here a few examples of the Quranic Adl:

- (a) To do justice in a favourable or a natural atmosphere is meritorious enough, but the real test comes, when you have to do justice to people who hate you or who are your enemies. Thus it is said:

يَا أَيُّهَا الَّذِينَ آمَنُوا كُونُوا قَوَّامِينَ لِلَّهِ شُهَدَاءَ بِالْقِسْطِ وَلَا يَجْرِمَنَّكُمْ شَنَاَنُ قَوْمٍ

عَلَىٰ الْآتِعِدِلُوا إِعْدِلُوا هُوَ أَقْرَبُ لِلتَّقْوَىٰ وَاتَّقُوا اللَّهَ إِنَّ اللَّهَ خَبِيرٌ بِمَا تَعْمَلُونَ ﴿٥٨﴾

"Oh you who believe! stand out firmly for Allah, as witnesses to fair dealing and let not the hatred of others make you swerve to wrong and depart from justice. Be just. That is nearer to Allah. Allah's law of requital is well-acquainted with what you do."

(b) About transactions involving future payment it is said:

يَا أَيُّهَا الَّذِينَ آمَنُوا إِذَا تَدَايَنْتُمْ بِدِينٍ إِلَىٰ أَجَلٍ مُّسَمًّى فَالْكِتُوبَةُ

(2:282)

وَلْيَكْتُبْ بَيْنَكُمْ كَاتِبٌ بِالْعَدْلِ

"Oh you who believe! when you deal with other in transactions involving future obligations in a fixed period of time, reduce them to writing. Let a scribe write down faithfully as between the parties."

As regard orphan's property it is said:

وَلَا تَقْرَبُوا مَالَ الْيَتِيمِ إِلَّا بِالَّتِي هِيَ أَحْسَنُ حَتَّىٰ يَبْلُغَ أَشُدَّهُ وَأَوْفُوا بِالْكَيْلِ

(6:152)

وَالْمِيزَانَ بِالْقِسْطِ

"And come not near the orphan's property, except to improve it, untill he attains the age of full strength; give measure and weight with (full) justice."

Adl while fighting against the enemy-

وَقَاتِلُوا فِي سَبِيلِ اللَّهِ الَّذِينَ يُقَاتِلُونَكُمْ وَلَا تَعْتَدُوا إِنَّ اللَّهَ لَا يُحِبُّ الْمُعْتَدِينَ ﴿١٩٠﴾

"Fight in the cause of Allah, those who fight you, but do not transgress limits for Allah loveth not the transgressors."

It means that war is permissible in self defence. When undertaken it must be pushed with full vigour; not reluctantly but to restore peace and freedom for the protection of the Quranic Social Order. Women and children, old and infirm men should not be molested; trees and property not destroyed.

Another splendid example of Quranic Adl:

يَا أَيُّهَا الَّذِينَ آمَنُوا إِذَا جَاءَكُمُ الْمُؤْمِنَاتُ مُهَاجِرَاتٍ فَامْتَحِنُوهُنَّ إِنَّ اللَّهَ عَلِيمٌ بِمَا يَصْنَعْنَ
فَإِنْ عَلِمْتُمُوهُنَّ مُؤْمِنَاتٍ فَلَا تَرْجِعُوهُنَّ إِلَى الْكُفَّارِ لَأَمَّا جُنُودُهُمْ وَلَا هُمْ

(60:10)

يَحِلُّونَ لَهُنَّ وَأَنْتُمْ مِمَّا أَنْفَقُوا

"Oh you who believe! when there come to you believing women refugees, examine them, Allah knows best as to their belief; if you ascertain that they are believers, then send them not back to the unbelievers; they are

not lawful (wives) for the unbelievers, nor are the (unbelievers) lawful (husbands) for them. But pay the unbelievers what they have spent for them."

(5) Law of Equality-

(2:179) **وَلَكُمْ فِي الْقِصَاصِ حَيَوةٌ يَا أُولِي الْأَلْبَابِ**

"Oh you men of understanding! in the law of Equality there is the secret of collective life for you."

QISAS - Life for life in the case of murder. But **Qisas** is not a personal act. It is the duty of the Government formed on the basis of divine laws to prescribe and give punishment. The punishment should be proportionate to the crime committed:

(10:27) **وَالَّذِينَ كَسَبُوا السَّيِّئَاتِ جَزَاءُ سَيِّئَةٍ بِمِثْلِهَا**

"But those who have earned evil, will have a reward of like evil."

But one who apologises must be pardoned:-

(42:40) **وَجَزَاءُ سَيِّئَةٍ سَيِّئَةٌ مِثْلُهَا ۗ فَمَنْ عَفَا وَأَصْلَحَ فَأَجْرُهُ عَلَى اللَّهِ**

"The recompense of an injury is an injury equal there to (in degree) but if a person forgives and makes reconciliation, his reward is due from Allah."

(6) Ehsan-

(16:90) ... **إِنَّ اللَّهَ يَأْمُرُ بِالْعَدْلِ وَالْإِحْسَانِ**

"Allah command justice and proportion in society."

The words Adl and Ehsan come together in the holy Quran. In the Quranic Social order Ehsan is the next higher stage after Adl. As described earlier, Adl provides equal opportunities to individuals. On the other hand, Ehsan means a condition where an individual (inspite of his best efforts) lags behind, his deficiency is made good by others to restore the disturbed proportion of the society. This is not by way of charity but as a matter of right.

(7) Justice in Courts of Law-

(a) Evidence-

The Quran warns that while giving evidence in a court of law one

must not conceal the testimony.

(2:283) وَلَا تَكْتُمُوا الْعَمَلَةَ وَمَنْ يَكْتُمْهَا فَإِنَّهُ آثِمٌ قَلْبُهُ وَاللَّهُ بِمَا تَعْمَلُونَ عَلِيمٌ ﴿٢٨٣﴾

"Conceal not evidence; for whosoever conceals it - his heart is tainted with sin. And Allah knows all that you do."

The Quran says that the concealment of evidence has a serious effect on your own personality because it taints the every source of higher life. Again it is said:

يَا أَيُّهَا الَّذِينَ آمَنُوا كُونُوا قَوِّمِينَ بِالْقِسْطِ شُهَدَاءَ لِلَّهِ وَلَوْ عَلَىٰ أَنفُسِكُمْ أَوِ الْوَالِدِينَ
وَالْأَقْرَبِينَ إِن يَكُنْ غَنِيًّا أَوْ فَقِيرًا فَاللَّهُ أَوْلَىٰ بِهِمَا فَلَا تَتَّبِعُوا الْهَوَىٰ أَنْ تَعْدُوا
وَلَنْ تَكُونُوا أَعْرَضًا قَاتِنًا اللَّهُ كَانَ بِمَا تَعْمَلُونَ خَبِيرًا ﴿١٣٥﴾

(4:135)

"Oh you who believe! Be you staunch in justice. Give evidence for Allah, even though it goes against yourself or (your) parents, or (your) kindred, whether (the case be) of a rich man or a poor man, for Allah is nearer to both (than you are). So follow not passion lest you lapse or fall away. For lo Allah is ever informed of what you do."

Pleaders in the court of law, are warned as follows:

(4:105) لَهْمُنَّ الْفَآئِنِينَ حَٰصِبًا ﴿١٠٥﴾

"So be not (used) as an advocate by those who betray their trust."

One who deceives others thinks that he has gained something. In fact he has lost something, on account of the destructive effect on his own personality. Actually he has deceived himself. To plead the cause of such people is prohibited:

(4:107) لَا تَجَادِلْ عَنِ الَّذِينَ يَخْتَانُونَ أَنفُسَهُمْ

"Fight not the cause of those who betray their own selves."

Moses repented after he helped a wrong person and said:

(28:17) فَلَنْ أَكُونَ ظَهِيرًا لِلْجَٰمِئِينَ ﴿١٧﴾

"I shall never be a helper to those who sin."

(8) Personal Responsibility-

Each person is responsible for his own acts. The consequences of

one's acts can not be transferred to another:

.... وَلَا تَكْسِبُ كُلُّ نَفْسٍ إِلَّا عَلَيْهَا وَلَا تَزُولُ مِنْهُ وَالْآخِرُ (6:164)

"Every personality draws the meed of its own acts on none but itself: no bearers of burden can bear the burden of another."

(9) Zulm-

ظلم is opposite to عدل justice. It means 'to put a thing in a place where it should not be'. The Quran not only prohibits wrong acts but also that you should not be wronged:

.... لَا تَظْلِمُونَ وَلَا تُظْلَمُونَ (2:279)

"Wrong not and you shall not be wronged."

If every individual on his part avoids wrong acts, the wrong shall be eliminated from the society and all shall be protected against it. The verse also means that you should gain so much strength that no body may attempt to do wrong to you.

.... أُولَئِكَ الَّذِينَ يَفْتَلُونَ بِأَنَّهُمْ ظَلِمُوا (22:39)

"Sanction is given unto those who fight because they have been wronged".

(10) Enforcement of Law-

It is the duty of the Quranic Social order to enforce what is lawful according to divine law and prohibit what is unlawful. In other words Do's and Dont's are not a matter of preaching. They are rather to be made the law of the country:

.... كُنْتُمْ خَيْرَ أُمَّةٍ أُخْرِجَتْ لِلنَّاسِ تَأْمُرُونَ بِالْمَعْرُوفِ وَتَنْهَوْنَ عَنِ الْمُنْكَرِ (3:109)

"You are the best of community that has been raised up for mankind. You enjoin what is right and forbid what is wrong."

Islam is a 'Deen' which is non-sectarian, non-racial and universal. It is just a submission to the will of Allah. This implies (a) Belief in One God (b) doing right, being an example to others to do right and having the power to see that the right prevails (c) eschewing wrong, being an example to others to eschew wrong and having the power to see that wrong and injustice are defeated. Islam therefore lives not for itself but for mankind.

(11) Lawlessness is prohibited-

(2:205) **وَاللَّهُ لَا يُحِبُّ الْفُسَادَ**

"Allah loveth not lawlessness."

(12) Render back the Trust-

(4:58) **إِنَّ اللَّهَ بِأَمْرِكُمْ أَنَّ تُوَدُّوا وَالْأَمْنَتِ إِلَىٰ أَهْلِهَا وَإِذَا
حُكِمْتُمْ بَيْنَ النَّاسِ أَنْ تَحْكُمُوا بِالْعَدْلِ**

"Verily Allah commands you to render back your trusts to whom they are due; and when you judge between man and man, that you judge with justice."

The holy Quran lays great emphasis on rendering back the trusts to whom they are due. The trust may be an ordinary deposit. On the other hand, 'the reigns of power' being the biggest and most sacred trust that any human beings can entrust to their fellow human-beings, it is imperative that those who are given power must be most trustworthy and most fit persons, those who are capable of deciding the human affairs with full justice and fulfil the responsibilities entrusted to them.

(13) Quranic Economic System-

(a) *Subsistence* - The serving of man's physical needs, though not an end in itself, yet it is the grim reality to be faced. Only that person can attend to the higher ideals of life whose mind is not assailed with pangs of hunger. According to the holy Quran, nourishment of individuals is the responsibility of the state:

(22:41) **الَّذِينَ إِذَا مَكَتُمْ فِي الْأَرْضِ أَقَامُوا الصَّلَاةَ وَآتَوُا الزَّكَاةَ**

"Those who, if We establish them in the land, establish a social order based on divine law and provide nourishment (to the individuals).

(b) *Contract between an Islamic State and the believers* - In a Quranic social order the state becomes a symbol of divine attributes, guaranteeing the fulfillment of Allah's promises. Thus the life and property of the believers are at the disposal of the state; and in lieu of it, it is the responsibility of the state to provide peace and plenty to the individuals i.e., a heavenly life on the earth:

(9:111) **إِنَّ اللَّهَ اشْتَرَىٰ مِنَ الْمُؤْمِنِينَ أَنفُسَهُمْ وَأَمْوَالَهُمْ بِأَنْ لَهُمُ الْجَنَّةُ** ...

"Allah has purchased of the believers, their persons and their wealth,

surely for them is a heavenly life (in return)."

This contract between the state and the believers is not merely an abstract idea; it ought to be put in to practice.

(c) *Sources of production are for the humanity as a whole:*

(2:29) هُوَ الَّذِي خَلَقَ لَكُمْ مَّا فِي الْأَرْضِ جَمِيعًا

"It is He Who has created all that is in the earth, for your collective benefit."

(7:10) وَلَقَدْ مَكَّنَّاكُمْ فِي الْأَرْضِ وَجَعَلْنَا لَكُمُوهَا مَعَالِشٌ

"It is He Who has given you the authority on the earth and provided you (humanity) therein the means of fulfillment of your life."

(d) *All that is surplus to the needs of an individual belong to the society -*

(2:219) سَأَلُونَكَ مَاذَا يُنْفِقُونَ قُلِ الْعَفْوَ

"They ask thee (O Rasool!) how much to spend (for the benefit of others) say: what is surplus to your needs."

This spending on others is not by way of charity but by way of their human right: Those who spend on others shall say:

(76:9) إِنَّمَا نُطْعِمُكُمْ لِجَهَنَّمَ لَا نُؤْتِيكُمْ مِنْهُمُ جَزَاءً وَلَا شُكْرًا

"We provide you with the means of sustenance only because it is prescribed by the divine law. We do not intend to receive any personal benefit from you, nor any thanks."

(e) *Giving to others, promotes the nourishment and stability of your own personality:*

(2:265) تَشْبِيهًا مِنْ أَنْفُسِهِمْ

"In the stability of their own personality."

(f) *The Quran disallows an economy based on interest. Thus it is said:*

(2:275) وَأَحَلَّ اللَّهُ الْبَيْعَ وَحَرَّمَ الرِّبَا

"Allah has permitted trade and forbidden usury."

The Quran condemns and prohibits usury in the strongest terms and differentiates between trade and usury. The Quran only allows a return in lieu of one's labour. In trade one puts in both capital and labour while in usury only capital is spent. Thus interest on capital is disallowed, while genuine profit in trade is allowed. Every type of profiteering is usury.

(14) Chastity-

Sexual relationship between a man and a woman, other than marriage are strictly forbidden.

(17:32) وَلَا تَقْرَبُوا الزَّوْجَ إِذَا كَانَ فَرْجُكُمْ وَسَاءَ سَبِيلًا

"And come not near adultery. Lo, it is an abomination and an evil way."

Marriage is a contract between two adults by mutual consent only. It is not allowed to compel some one for marriage.

(4:19) يَا أَيُّهَا الَّذِينَ آمَنُوا لَا يَجْرُ الْكَرَّانُ تَرْتُوا النِّسَاءَ كَرْمًا

"Oh you who believe! It is not lawful for you to become masters of women forcibly."

(15) Universal Brotherhood-

(10:19) وَمَا كَانَ النَّاسُ إِلَّا أُمَّةً وَاحِدَةً فَاخْتَلَفُوا

"Mankind were but one community, then they differed."

To reorganise universal brotherhood, the holy Quran has prescribed one fundamental code of life for the humanity. In other words one world Government:

(10:57) يَا أَيُّهَا النَّاسُ قَدْ جَاءَكُمْ مَوْعِظَةٌ

"Oh mankind! There has come to you a (common) code of life."

(16) The survival of the constructive-

The welfare work may be confined within parties, countries or nations. According to the holy Quran, that which is beneficial for the entire mankind, survives:

(13:17) وَأَمَّا مَا يَنْفَعُ النَّاسَ فَيَمْكُتْ فِي الْأَرْضِ ...

"All that is useful to humanity, remains on the earth."

As a first step towards achieving this goal, the holy Quran directs mankind to cooperate with one another without distinction of race, colour, country or nation; in those affairs which are constructive and based on permanent values; and not in those affairs which are destructive and unlawful:

(5:2) وَتَعَاوَنُوا عَلَى الْبِرِّ وَالتَّقْوَىٰ وَلَا تَعَاوَنُوا عَلَى الْإِثْمِ وَالْعُدْوَانِ

"You cooperate with one another in matters of broad mindedness and matters consistent with the divine laws, and do not cooperate in matters of sin and enmity."

(17) Division of mankind-

Distinction between man and man on the basis of caste, colour, race and language is forbidden. According to the holy Quran, there is only one criterion for the division of mankind. That division is on the basis of ideology. Those who believe in the permanent values of the Quran belong to one group. Those who do not believe in them belong to another group:

(64:2) هُوَ الَّذِي خَلَقَكُمْ فَمِنْكُمْ كَافِرٌ وَمِنْكُمْ مُّؤْمِنٌ

"It is He who has created all of you, some of you are non-believers and some of you are believers."

(18) Freedom of choice-

There is no compulsion for belief in the Quranic Fundamentals. A decision that is not willful is not a decision. Thus non-believers are under no compulsion to join the ranks of believers:

(2:256) لَا إِكْرَاهَ فِي الدِّينِ ۚ قَدْ تَبَيَّنَ الرُّشْدُ مِنَ الْغَيِّ ۚ

"There is no compulsion (to follow) the way of life based on Quranic Fundamentals. The right direction is henceforth distinct from error."

Thus there is a freedom of choice whether one follows this way or that way:

(18:29) وَقُلِ الْحَقُّ مِنْ رَبِّكُمْ ۚ فَمَنْ شَاءَ فَلْيُؤْمِنْ وَمَنْ شَاءَ فَلْيُكْفِرْ ۚ

"Say: (It is) the truth from the Rabb of you (all). Then whosoever will, let him believe and whosoever will let him disbelieve."

In a social order based on Quranic fundamentals, it is not only that

the non-believers are allowed to disbelieve but the holy Quran enjoins upon believers to protect the non-believers and their places of worship:

.... وَلَا دَفْعَ اللَّهُ النَّاسَ بَعْضَهُم بِبَعْضٍ أَن هَدَمْتَ صَوَامِعَ
 (22:40) وَيَعْبُورَ صَلَاتٍ وَمَسْجِدًا يُذَكِّرُ فِيهَا أَسْمَاءَ اللَّهِ كَثِيرًا

"Had not Allah checked one set of people by means of another, there would surely have been pulled down monasteries, churches, synagogues and mosques in which the name of God is commemorated in abundant measures."

But it is important to note that when one willingly joins the Quranic social order then it remains no more optional to follow this law or that. Then he is bound to follow the Quranic law.

(19) Defence of the Social Order by raising Arms-

Believers are commanded to raise arms for the defence of the Quranic social order:

وَقَاتِلُوا فِي سَبِيلِ اللَّهِ الَّذِينَ يُقَاتِلُونَكُمْ وَلَا تَعْتَدُوا إِنَّ اللَّهَ لَا يُحِبُّ الْمُعْتَدِينَ ﴿١٩٠﴾

"Fight in the cause of Allah those who fight you. But do not transgress limits, for Allah loveth not the transgressors."

It means that believers are prohibited not to fight for personal motives or material gains; nor against those who do not cause hindrance in the way of the Quranic Social order. Limits must not be transgressed and women, children, old and infirm should not be molested.

(20) Hijrat-

According to the holy Quran it is the duty of a messenger of God, as well as a believer, to strive hard for the establishment of a social order based on the divine law. His first step would be to establish it at the place of his birth. But inspite of his best efforts, if the circumstances around him are not favourable, he leaves this place and migrates to another land where he finds suitable environments. His objective is to establish a social order and not to worship a particular locality. The choice lies between his wealth, property, relatives and place of birth on one hand; and the Quranic Social order on the other. He chooses the latter and sacrifices the former. This type of migration is termed by the holy Quran as 'Hijrat'. It is not a migration in search of food or wealth nor is it an escape from facing difficulties; it is rather a more feasible and

practicable procedure and a part of his struggle to establish the Quranic Social order. That is why the words **هاجروا** and **جاهدوا** often come together in the holy Quran.

إِنَّ الَّذِينَ آمَنُوا وَالَّذِينَ هَاجَرُوا وَجَاهَدُوا فِي سَبِيلِ اللَّهِ أُولَٰئِكَ يَرْجُونَ رَحْمَةَ اللَّهِ (2:218)

"Those who believed and those who emigrated and strove and struggled in the path of Allah, they have the hope of being nourished by Allah in His specified pattern."

The above brief description represents the more prominent and main fundamental principles that one comes across during the study of the holy Quran. These principles were proclaimed to the world, 1400 years ago, by an unlettered orphan (p.b.u.h.) who belonged to a backward, uneducated, unskilled and undisciplined community of idol worshippers of Makkah. He was born at a time when the edifice of the world civilisation, that was built through the past 4000 years, was razed to the ground; when despotism was the rule of the day; when superstition dominated the human thought; when every tribe was thirsty of other's blood; when the way of life prescribed by the messengers of the past throughout the world, which was meant to produce peace and integration, was thrown over board and was replaced by chaos and disruption. In short that was the time when the forces of disintegration prevailed upon the entire human society inhabiting the globe.

The principles described above are immutable and provide guidance for the development of human personality as well as the smooth running of the human society, as truly today as they did 1400 years ago: and they shall remain as such for all times to come. Anything constructive that we find in the human world today, is in consonance with these principles; and anything positive, constructive and lasting that man is in search of shall be available from this very source. Anything repugnant to this code of life, is bound to be negative, destructive and perishable. The more a nation follows the above-said principles, the more it pulsates with life; the more a nation forsakes them, the more it is full of misery and disappointment. Any unbiased observation and any pragmatic test can prove the truth of this assertion. In the words of Iqbal:

ہر کجا بینی جهان رنگ و بو
آنکہ از نفس کشش بروید آرزو
یا ز نور مصطفیٰ او را بہاست
یا ہنوز اندر تلاش مصطفیٰ است

"Where ever you find a world displaying life and beauty, from the soil of which blossom sublime aspirations; it has either already received light from Muhammad (*p.b.h.u.*), or is still in search of that light."

CHAPTER 3

NATIONALISM, INTER-NATIONALISM AND UNIVERSALISM

The political objective in this world, as laid down by the Quran for humanity, is Universalism which shall be achieved by adopting a common code of life, obtainable from the Quranic Injunctions, laws and permanent values.

Tribal instinct persisted in all forms of living, from families and tribes to the present national states. Each social group promotes friendship between its members and hostility towards other group, in order to maintain its own interests. Thus hostility to the outergroups is as characteristic of nations as it was of tribes. Every nation has feelings of ill-will and hatred towards its neighbour. Nationalism is a feeling which is born out of hatred and lives on enmity. It does not form merely a political grouping, it has developed in to a cult which arouses in the individual passionate devotion to his nation and violent antipathy to other nations. Aldous Huxley says: "Nationalism leads to moral ruin, because it denies universality, denies the existence of a single God, denies the value of the human being as a human being; and because at the same time it affirms exclusiveness, encourages variety, pride and self satisfaction, stimulates hatred and proclaims the necessity and rightness of war."

Cavour has said: "If we did for ourselves what we do for our country, what rascals we should be. 14

He said further that:

the creed of Nationalism has had three unfortunate results-

- (1) Humanity has been divided into a number of nation states with conflicting interests.
- (2) A powerful nation has tempted to exploit the weaker nations on the pretext of safeguarding its interests.
- (3) The absence of moral restraint turned the world "into an arena of beasts" as Wakeman rightly observed, with only one

principle in view, that is, might is right" 15

Politicians who follow Michiavelli believe that moral rules are not binding on them. They reject moral considerations as irrelevant to political affairs.

Emery Reves in his book "Anatomy of Peace" says: Nothing can distort the true picture of conditions and events in this world more than to regard one's own country as the centre of the universe, and to view all things solely in this relationship to this fixed point. It is inevitable that such a method of observation should create an entirely false perspective. Yet this is the only method admitted and used by all the national governments of our world, by our legislators and diplomats, by our press and radio. All the conclusions, principles and policies of the people are necessarily drawn from this warped picture of the world obtained by so primitive a method of observation.

Within such a contorted system of assumed fixed points it is easy to demonstrate that the view taken from each point corresponds to reality. If we admit and apply this method, the view point of every single nation appears indisputably correct and wholly justified. But we arrive at a hopelessly confused and grotesque overall picture of the world."

Then in order to prove this assertion the author describes fully how the international events between the two world wars look from some of the major national vantage points. He produced a vivid picture of the disaster which resulted from the mutual conflict of the nation states between the two world wars and the disaster that lies ahead, after the production of Atomic Bomb.

Internationalism

What step the nations of the world have taken to avoid further disaster that hangs on the horizon, as a result of the concept of Nationalism? They have invented Internationalism. There is no going away from the fact that none of the dominant conception of political thought is more abused, more discredited, more prostituted than Internationalism. It has been given a trial in different fields, in its association with the Catholic Church, socialism, big business, communism, Jewry, Cartels, Freemasonry, Fascism, Pacifism, armament industry and other movements and organisations with complete failure. Also internationalism is an utterly misleading term: from its inception it has retarded political and social progress by half a century. Rather early in the industrial age, people of various classes and professions, within

the various nation states, began to feel restrained and hindered by their national barriers. Efforts were made to try to overcome these barriers, by establishing contacts and working out common programmes, common movements, common organisations between groups with similar interests in different countries. In a certain time these organisations no doubt strengthened the position and influence of those who took part in them. But far from overcoming the difficulties which induced their creation, such international organisations stabilised and perpetuated the condition responsible for the difficulties.

Internationalism does not and never has opposed nationalism and the evil effects of nation-state structure. It merely tries to alleviate particular symptoms of our sick world without treating the disease itself. Paradox it may be - but nothing has added more to the strength of national institutions, nothing has fanned nationalism more than internationalism.

As for instance, the founders of the modern socialism assumed that the working classes ruthlessly exploited as they believed, by the capitalist states, could feel no loyalty towards their particular nations. The interest of the labouring masses in every country were thought to be in opposing and combating capitalist states. Consequently the proletariat was organised on an international basis in the belief that the loyalty and allegiance of the workers would be the exclusive appanage of the internationally organised socialist party. But allegiance and loyalty to a nation state has little, if any thing to do with the economic and social position of the individuals in that state. They made no attempt to weaken or destroy the nation state as such. Their aim was to overthrow the capitalist class and transfer political power to the proletariat within each nation state. They thought that such independent, heterogeneous national resolutions taking place in many countries through coordinated action, either simultaneously, or following each other, would solve the social problem; abolish war between nations, create world peace.

It was soon obvious that these "International working class organisations changed nothing in the worldwide trend towards nationalism. The socialist workers in the various countries had to choose between loyalty to their comrades in the internationally organised class warfare within nations, and loyalty to their compatriots in the nationally organised warfare between nations, they invariably chose the latter. Never in any country did organised labour withdraw its support from the nation-state in waging war against another nation-state, even though the latter had a labouring class with the same resentments, the same ideals

and the same aims as its own. This failure was the result of the contradiction that lay in the discrepancy between the socialist political ideal of internationalism and the socialist economic ideal of nationalism of the means of production. The socialist and communist leaders never called the attention of their followers to the fact that nationalism of the land and of industries cannot be reconciled with the political ideal of Internationalism.

The greater the extent of nationalism, the more power is vested in the nation-state, the more impregnable becomes nationalism. The stronger the nation-states, the more inevitable and the more imminent is the danger of conflict between them. The consistence of a large number of sovereign nation-states with all economic power in the hands of each nation is unthinkable without frequent and violent conflicts. The socialist and communist parties must realise that through their programme of nationalisation they have done more to strengthen and buttress the modern totalitarian nation states than have the aristocracy or any feudal or capitalist ruling class.

Internationalism among the Capitalist forces was exactly similar in its development. Industrialists, traders, bankers, also began to feel hampered by the business of nation-states and began to form organisations reaching beyond national boundaries. By and large they succeeded in arriving at agreements which excluded competition in their respective domestic markets, in fixing minimum prices and in regulating competition in world market.

Most of these measures were detrimental to the consumers the world over. Their greatest drawback was that they failed to solve satisfactorily or for any length of time the problems they were supposed to solve. Far from leading to a reconciliation of divergent national interests, such international financial and cartel agreements served only to intensify nationalism among industrialists and bankers, all anxious to strengthen their own positions as national units, against other national units.

The national contingents of these international producing and financing Corporation bodies completely indentified with the interests of their nation-states and in every country governments were backing them by economic policies designed to strengthen the national representative in these international organisations. The direct results of these attempts to internationalise big business led to an acceleration of economic nationalism, higher tariffs, irrational subsidies, currency manipulations,

and all other devices of government control repugnant to the principles of free enterprise.

League of Nations-

After the ravages of the first world war, the representatives of the nation-states, the national governments themselves, felt that something had to be done to bridge the constantly widening abyss between nations and to prevent a repetition of such devastating wars between them.

From this necessity, the covenant of the League of nations was born. According to the covenant peace was supposed to be maintained through regular meetings and discussions of representatives of sovereign nations having equal rights in an assembly of all nations and in a council comprised of representatives of great powers, as permanent members, and a limited number of smaller powers elected as temporary members by the Assembly. No decision was possible over the veto of any nation. Any national government could withdraw from the League, the moment it did not like the atmosphere.

The League had some success in the non-political fields. It did some excellent research work, and even settled from minor political clashes between smaller nations. But never in its entire history was the League able to settle a conflict in which one of the major powers was involved. After a few short years the construction began to totter and crack. The historical fact remains that never on any occasion was the League of Nations capable of acting when action would have involved the use of force against any of the leading military powers. The League of Nations failed because it was based on the false notion of internationalism, on the idea that peace between national units, between sovereign nation-states, can be maintained simply by bringing their representatives together to debate their differences, without making fundamental changes in their relations to each other. One of the main reasons for League's failure was the international disequilibrium brought about by economic, political and social forces in the post war period.

The United Nations Organisation is no better either. U.N.O. is a complete failure as far as the solution of political and economic problems of humanity are concerned. It is no more than a medium to perpetuate exploitation of one nation by the other. Take for instance, the forcible, treacherous and unlawful usurpation of Kashmir territory by India and the forcible occupation of Palestine by Jews. The issues lie unsolved with the U.N.O. from the last over forty years. Yet the big powers are reluctant to solve them, on account of their own selfish motives.

There are old jealousies and ideological differences between 'Big Five' and this we witness every day in the proceedings of the General Assembly.

The world outlook expressed by the word internationalism, embodies the greatest misconception and the greatest error of our time.

As already said, Nationalism is the herd instinct. It is one of many manifestations of that tribal instinct which is one of the deepest and most constant characteristics of man as a social creature. It is a collective inferiority complex, as Emery Reves describes, that gives comforting reactions to individual fear, loneliness, weakness, inability, insecurity, helplessness, seeking refuge in exaggerated consciousness and pride of belonging to a certain group of people. Internationalism, on the other hand encourages Nationalism; it implies that various nationalities can be bridged. Yet it recognises as supreme the sovereign nation-states institutions and prevents integration of peoples in to a supernational society. Thus the only way of escape from the miserable plight of mankind is the elimination of nation states from the maps of the world.

The world has played enough with the toy of internationalism. The problem we are facing is not a problem between nationalisms. It is a problem of crisis of human society caused by Nationalism and which consequently nationalism or Internationalism can never solve. What is needed is Universalism; a creed and a movement, clearly proclaiming that its purpose is to create peace by a legal order between men beyond and above the existing nation-state structure. (Extracts from "Principles of Political Science" by A.C. Kapoor and "Anatomy of peace" by Emery Reves.)

The holy Quran and Universalism-

the Quran says:

كَانَ النَّاسُ أُمَّةً وَاحِدَةً فَبَعَثَ اللَّهُ النَّبِيِّنَ مُبَشِّرِينَ وَمُنذِرِينَ وَأَنْزَلَ مَعَهُمُ الْكِتَابَ وَالْحِكْمَ لِيُحْكَمَ بَيْنَ النَّاسِ فِيمَا اخْتَلَفُوا فِيهِ وَمَا اخْتَلَفَ فِيهِ إِلَّا الَّذِينَ أُوتُوهُ مِنْ بَعْدِ مَا جَاءَ تَهُمْ بِالْبَيِّنَاتِ بَغْيًا بَيْنَهُمْ فَهَدَى اللَّهُ الَّذِينَ آمَنُوا لِمَا اخْتَلَفُوا فِيهِ مِنَ الْحَقِّ بِإِذْنِهِ وَاللَّهُ يَهْدِي مَنْ يَشَاءُ إِلَى صِرَاطٍ مُسْتَقِيمٍ ﴿٢:٢١٣﴾

"Mankind was one single nation, and Allah sent messengers with glad tidings and warnings and with them He sent the Book in Truth, to judge between people in matters wherein they differed. But the people of the Book, after the clear signs came to them, did not differ among

themselves, except through mutual contumacy. Allah (by His grace) guided the believers to the truth, concerning that wherein they differed. For Allah guides whom He wills, to a path that is straight."

The above verse explains that to begin with mankind was one single nation. Differences amongst them arose later on. Messengers of God came to them in succession, giving them the glad tidings of following the right path of union and warning them of the wrong path of disunion, and thus resolved their differences by means of the divine message that was revealed to each of them successively. The object of this resolution of differences was a step towards making mankind again, a one united nation. After the death of each successive messenger of God, people polluted the divine message by their own whims and wishes, resulting in to the reappearance of differences amongst them. The differences arose because their religious leads fell in to schisms and mutual envy.

This process of alternate belief and unbelief in the divine message, with the resultant resolution and recurrence of differences amongst men, continued until Allah revealed a Book the message of which could not be altered. It was not possible to make any change in it. By this message the last messenger of God (*p.b.u.h.*) laid down the foundations of "One Single Nation." It was beyond the power of religious leaders to alter the message. Thus they invented a new approach to achieve their heinous design. They introduced the idea that the entire message revealed to Muhammad (*p.b.u.h.*) is not contained inside the Quran. A large portion of it lies outside. Thus putting the Quran into the background they gave the status of revelation to that which is outside the Quran i.e. to Ahadis. This resulted into the appearance of religious sects. Now with the close of the process of Nabuwwat, no new messenger of God shall come to resolve the differences so created. On the other hand, the Quran is present with us in its original and unadulterated form. The only way to abolish Sectarianism is to accept the Quran as our guide and accept it as the only book which contains the message revealed to the last messenger (*p.b.u.h.*) of God.

All other differences which arose amongst mankind, with the passage of time, such as those of race, caste, colour, creed, language etc. can also be illuminated by means of subservience to the final, complete and the only message of God now present on the face of earth.

One God, one and the final code of life laid down by Him shall result into the formation of one world government.

The concept of a nation-state and of Internationalism is

incompatible with the concept of Quranic Social Order. The former concerns the people living within geographical boundaries, while the latter promotes Universalism.

The holy Quran clarifies this point further by saying:

وَمَا كَانَ النَّاسُ إِلَّا أُمَّةً وَاحِدَةً فَاخْتَفَوْا وَلَوْلَا كَلِمَةٌ سَبَقَتْ مِنْ رَبِّكَ لَفُضِيَ بَيْنَهُمْ فِيهِمْ يَوْمَئِذٍ لَإِنَّمَا كَانَ شَرْعًا مِنَ رَبِّكَ فَأَخْتَفَوْا وَلَوْلَا كَلِمَةٌ سَبَقَتْ مِنْ رَبِّكَ لَفُضِيَ بَيْنَهُمْ فِيهِمْ يَوْمَئِذٍ لَإِنَّمَا كَانَ شَرْعًا مِنَ رَبِّكَ فَأَخْتَفَوْا وَلَوْلَا كَلِمَةٌ سَبَقَتْ مِنْ رَبِّكَ لَفُضِيَ بَيْنَهُمْ فِيهِمْ يَوْمَئِذٍ لَإِنَّمَا كَانَ شَرْعًا مِنَ رَبِّكَ فَأَخْتَفَوْا
(10:19)

"Mankind was but one single nation, but differed (later). Had it not been for a divine wisdom that went forth, from Thy Rabb, their differences would have been solved long ago."

This verse makes it clear that mankind, to begin with, was one single nation with one creed. Later, differences arose on account of their self interests which divided them and made them enemies of one another. It was not difficult, for the Creator of mankind, to remove their differences and make them follow one way of life, as in the case of all other animal species. But Allah had bestowed upon man the faculty of "freedom of choice" and "will": and at the same time had provided them guidance by means of revelation; so that humanity may be able to choose the right path, without losing its freedom of choice. The revelation provides the solution to differences, so as to make humanity a one single nation again. Self interested persons provide obstacles in the way of this divine programme, but they are ultimately bound to fail and surely the humanity shall emerge as a single nation with one code of life provided by the Quran.

The holy Quran, when it addresses the believers, uses the words "يا أيها الذين آمنوا" and when it addresses humanity, the words used are يا أيها الناس. In the last chapter of the holy Quran it is said:

قُلْ أَعُوذُ بِرَبِّ النَّاسِ ﴿١﴾ مَلِكِ النَّاسِ ﴿٢﴾ إِلَهِ النَّاسِ ﴿٣﴾ (114:1-3)

"Say I seek refuge, with the One Who provides nourishment to mankind from its initial stage to the stage of its final destination; with the One Who is the Ruler (Sovereign) of mankind and; with the One to Whom subservience is due by the entire mankind."

But whereas Allah is رَبُّ النَّاسِ Sustainer of humanity, مَلِكِ النَّاسِ Sovereign of humanity and إِلَهِ النَّاسِ the One to Whom subservience is due by the humanity, the Quran is بِصَافِرٍ لِلنَّاسِ (45:20) a clear guidance to humanity, a guidance beyond the boundaries of time and space, a light which makes things clear and makes the ultimate goal of humanity visible.

Thus the object of the final revealed message of Allah, the safety of which Allah has taken upon Himself, is to bring humanity again to live under a Universal Order.

CHAPTER 4

CONSTITUTION

Definition of Constitution-

Every state needs some kind of order, some system by which a reasonably orderly process of government may emerge. Without such an order there is anarchy. The order or constitution must lay down certain rules which define the organs of the government, and how they originate, their mutual relationship and the relationship between government and the people over which the authority is exercised. A constitution is, therefore, the basic design of the structure and powers of the state and the rights and duties of the citizens. Sometimes the Constitution of a State is definitely formulated in a document, sometimes it is found in an established body of rules, maxims, traditions and practices in accordance with which its government is organised and its powers are exercised.

Classification of Constitution-

Some constitutions are cumulative or evolved and others are conventional. The former is the accumulated material which has moulded and shaped the political institutions of a country. Such a constitution is not made, it grows, with the roots in the primitive past. The edifice it presents is the accumulated wisdom of the past and the results of numerous customs, usage traditions, principles and judicial decisions which have influenced its development. The conventional constitution, on the other hand, is the result of deliberate efforts of man. It may either be the outcome of the deliberations of the Constituent Assembly, specially convened for this purpose or it may have been promulgated by the command of a sovereign authority, King or Parliament.

Flexible and Rigid Constitutions-

Bryce suggested a new scheme of classification. Under this scheme constitutions are of two types Flexible and Rigid. The basis of this classification is the relation which the constitution bears to the ordinary law.

The flexible constitution places constitutional law and ordinary law

on the same level in the sense that both are enacted in the same way and both proceed from the same source. If the constitutional law can be amended, repealed or altered in the same way as the ordinary law, the constitution is flexible. It does not matter whether the constitution is primarily written or consists largely of convention.

Parliament in England is sovereign and by sovereignty it means-

- (1) There is no law which Parliament cannot make.
- (2) There is no law which Parliament cannot unmake, and
- (3) Under the English constitution no marked or clear distinction between laws which are fundamental or constitutional and laws which are not.

A Rigid constitution may find its origin in two ways-

- (1) It may be made by a Constituent Assembly, or
- (2) It may be granted by a superior government, as in the case with British Dominions.

It must be remembered that an Islamic Social Order has got its own peculiarities as it is a combination of Permanence and Change. Its fundamental principles which are the principles of the Quran are immutable and form a boundry line for human action. On the other hand, man is free to solve his day to day problems, by means of his intellect, rather the holy Quran impresses upon man at every step to use intellect; but that his decisions should remain within the four-walls of the Fundamental principles.

In the history of Islam, an Islamic state was formed for the first time by the holy Rasool (*p.b.u.h.*) which lasted only for a short period during the reign of his immediate successors, the four Caliphs, and was then changed into the kingship by the latter Caliphs. Thus the primary Islamic State could not undergo sufficient evolutionary changes in its by-laws even. Now with the emergence of Pakistan on the map of the world, and it is after the lapse of fourteen centuries that a state in the world is determined to make itself Islamic. Thus the constitution of the Islamic state of Pakistan, could not be called evolutionary.

On the other hand, the existing constitution may be called a conventional constitution because it was given shape by a constituent body. But unfortunately, the constitution of the state of Pakistan, although it has been changed severel times, could not be based on the

fundamental principles of the Quran. It is more or less a secular constitution, although on the face of it are written the words, "Islam to be state religion."

Given below are the basic principles of the constitution of an Islamic State. These shall serve a guide in introducing a fresh constitution which shall bring us on the right path.

The constitution of an Islamic state is partly flexible and partly rigid, because its constitutional law, based on the Quranic principles cannot be repealed or altered. It is only the bye-laws which can undergo change within the boundryline of the Quranic fundamentals.

BASIC PRINCIPLES FOR THE CONSTITUTION OF AN ISLAMIC STATE

Guranic terminology-

1. The word **الدِّين** "Ad-Deen" provided by the holy Quran covers the modern terms like "organisation of State", "Code of laws" and "Constitution" etc.
2. The Quran dislikes anarchy and ordains a constitutional life. The period in which human beings lead a life consistent with the divine laws is termed as **يَوْمَ الدِّينِ**.
3. Sovereignty - the words **(ال الله)** mean the Sovereign power to whom subservience by all is due. Thus based on the above-said attribute a specific term **مالك** is used for Him. In Sura-al-Fatiha, the opening Chapter of the Quran it is said that He is **مالك يوم الدين** (1: 3) which means that in the true constitutional life of man the sovereignty shall lie in Allah alone. The Quran further explains itself. Thus it is said:

وَمَا أَدْرَاكَ مَا يَوْمَ الدِّينِ ۗ ثُمَّ مَا أَدْرَاكَ مَا يَوْمَ الدِّينِ ۗ
يَوْمَ لَا تَعْمَلُ لِنَفْسٍ شَيْئًا ۖ وَالْأَمْرُ يَوْمَئِذٍ لِلَّهِ ۗ

(82:17-19)

"And what will explain to thee what is **يوم الدين** ?

"Again, what will explain to thee what is **يوم الدين** ?

After this Question, the Quran produces the answer itself by saying:
"The Day (or the period) when no one person shall exercise sovereignty

over another person and the order shall be that of Allah alone."

At yet another place the word **مالك الملك** (3:25) is used for Allah which means the One Whose sovereignty reigns supreme in a state.

(18:26) لَا يُشْرِكُ فِي حُكْمِهِ أَحَدًا ۖ

"Nor does He share His command with any one whatsoever."

Again it is said:

(95:7-8) فَمَا يَكْذِبُكَ بَعْدُ بِالذِّينِ ۗ أَلَيْسَ اللَّهُ بِأَحْكَمَ الْحَاكِمِينَ ۗ

"Then what can, after this, contradict thee about 'Deen'. Is Allah not the Supreme ruler?"

Accordingly the clause No. 1 of the constitution of an Islamic State shall be as follows:-

The Sovereignty in an Islamic State shall be that of Allah. None else besides Him shall have the sovereign power.

4. Muslim - One who accepts the above-said basic clause of the Islamic constitution, shall be called a MUSLIM and by its acceptance he shall become the citizen of this State. The Qur'an says:-

(21:108) قُلْ إِنَّمَا نُحْيِي إِلَىٰ أَنَّمَا الْفُكْرُ إِلَهٌ وَاحِدٌ ۖ فَهَلْ أَنْتُمْ مُسْلِمُونَ ۗ

"Say: O Muhammad! What has come to me by inspiration is that your Sovereign is One God only, will you therefore explain if you accept His sovereignty?"

The same is meant by pronouncing the words **لَا إِلَهَ إِلَّا اللَّهُ** i.e. the acceptance of the sovereignty of Allah. Those who accept this principle that He is **مالك يوم الدين** are the people who say (1:4) **أَتَاكَ نَعْبُدُكَ** "We are subservient to you alone"

This reality is further explained as follows:-

لِن الْحُكْمِ إِلَّا لِلَّهِ أَمَرَ أَلَّا تَعْبُدُوا إِلَّا آيَاهُ ۗ ذَٰلِكَ الَّذِيْنَ الْقَيِّمُ
وَ لَكِنَّ أَكْثَرَ النَّاسِ لَا يَعْلَمُونَ ۗ

(12:40)

"The command is for none but Allah. He has commanded that you do not accept the subservience of any body except Him. That is straight and balanced way of life, but most men understand not (they either

become subservient to a king or a dictator or entrust sovereignty to the people)."

But remember- مَا كَانَ لِسِمَاءٍ أَنْ يُوْتِيَهُ اللَّهُ الْكِتَابَ وَالْحِكْمَ وَالنُّبُوَّةَ

(3:78) تَقْرِيْقَوْلَ لِلنَّاسِ كُونُوا عِبَادًا لِي مِنْ دُونِ اللَّهِ

"It is not for any human being unto whom Allah had given the scripture and wisdom and the Divine Message, that he should afterwards have said unto mankind, 'Be subservient to me instead of Allah."

Subservience is due to Allah alone.

Sovereignty in Practice-

From the above it is clear that according to the Islamic Constitution, Sovereignty is that of Allah alone. But He does not appear before you personally, He does not talk to any body and no body can see Him. So what shall be the practical shape of His sovereignty in an Islamic state. This Allah explained Himself when He said:

(7:3) اَتَّبِعُوا مَا أَنْزَلَ إِلَيْكُمْ مِنْ رَبِّكُمْ وَلَا تَتَّبِعُوا مِنْ دُونِهِ أَوْلِيَاءَ

"Follow the revelation given unto you from your Rabb, and follow not as friends and protectors other than Him."

It means that Sovereignty of Allah is put into practice by means of His Book.

At yet another place it is said:

(4:105) إِنْ أَنْزَلْنَا إِلَيْكَ الْكِتَابَ بِالْحَقِّ لِتَحْكُمَ بَيْنَ النَّاسِ بِمَا أَرَاكَ اللَّهُ

"We have sent down to thee the Book in truth, that you might establish the rule between men, as guided by Allah."

There lies a difference between a believer and a non-believer. Thus it is said:

(5:44) وَمَنْ لَمْ يَحْكَمْ بِمَا أَنْزَلَ اللَّهُ فَأُولَئِكَ هُمُ الْكَافِرُونَ

"Those who do not establish a government according to what Allah has revealed, they are the non-believers."

Thus the difference between a secular and an Islamic State is that in the former, the government is run according to the will of the people and in an Islamic State it is according to the Book of Allah. Thus Islam is "the

establishment of a government according to the Book of Allah".

From the above it is clear that in a country inhabited by Muslims, the constitution of the State is bound to be one according to the holy Quran. A Muslim accepts this basic reality that he shall lead a life subject to the Quran. But in case if one is desirous of a constitution other than that of the Quran, he is free to leave and join another religion. It is not possible that he being a Muslim accepts any Constitution other than that of the Quran.

Thus the clause No. 2 of the Islamic Constitution shall be- *"In the state the sovereignty in practice shall be that of the holy Quran which means that the government shall be established according to the Quran, and nothing against it shall be accepted.*

This book, the Quran, is clear and explicit-

(36:69) **.... إِنَّ هُوَ إِلَّا وَكُرْهُ وَقُرْآنٌ مُبِينٌ**

"This is no less than a message and a Quran making things clear."

It is easy to understand:

(54:32) **وَلَقَدْ يَسَّرْنَا الْقُرْآنَ لِلذِّكْرِ**

"And We have indeed made the Quran easy to understand and remember."

It is not complicated:

(18:1) **.... وَلَمْ يَجْعَلْ لَهُ عِجَابًا**

"And hath allowed therein no crookedness."

There is yet another argument which goes in favour of its being a revealed book; it is a book without any discrepancy:

(4:82) **أَفَلَا يَتَذَكَّرُونَ الْقُرْآنَ وَلَوْ كَانَ مِنْ عِنْدِ غَيْرِ اللَّهِ لَوَجَدُوا فِيهِ اخْتِلَافًا كَثِيرًا**

"Do they not consider the Quran (with care)? Had it been from other than Allah, they would surely have found therein much discrepancy."

This book has come down to remove differences between man:

(2:213) **.... وَأَنْزَلَ مَعَهُمُ الْكِتَابَ بِالْحَقِّ لِيُحْكُمَ بَيْنَ النَّاسِ فِي مَا اخْتَلَفُوا فِيهِ**

"And with them He sent the book in truth, to judge between people

wherein they differed."

Thus all differences shall be solved by accepting the Quran as the basis of the constitution of an Islamic State.

Practical Enforcement of the Book of Allah-

Inheritance of the Book-

A book (may be any) is after all a collection of words. Its practical enforcement needs a living authority. In an Islamic Constitution this authority is not entrusted to any particular individual or a group of individuals. It is rather entrusted to the entire Muslim Ummah which inherits this book.

(35:32) **فَمَّا أَوْزَنَّا الْكِتَابَ الَّذِينَ اصْطَفَيْنَا مِنْ عِبَادِنَا ...**

"Then We have given the Book for inheritance to such of Our servants, as We have chosen."

As described earlier, it is the duty of an Islamic State to establish a rule consistent with the Quranic laws and basic principles. In Quranic term, it is called **امر بالمعروف ونهى عن المنكر** which means to order what is lawful according to the Quran and to prohibit what is unlawful. This is the duty of the Ummah as a whole. Thus it is said:

(3:110) **كُنْتُمْ خَيْرَ أُمَّةٍ أُخْرِجَتْ لِلنَّاسِ تَأْمُرُونَ بِالْمَعْرُوفِ وَنَهَوْنَ عَنِ الْمُنْكَرِ ...**

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

Mushawarat - the Ummah shall fulfil this duty by means of consultation:

(42:38) **... وَأَقْرَبُهُمْ شُورَى بَيْنَهُمْ ...**

"Who conduct their affairs (of the state) by mutual consultation."

But it must be remembered, that the Quran provides guidance only in principles and leaves the details to be decided by mutual consultation. The Quran, however, does not provide the machinery for consultation and has left it at the discretion of ummah to provide it according to the needs of the time.

Thus the clause No. 3 of an Islamic Constitution shall be as under-

According to the holy Quran, the establishment of a government shall be the duty of 'Milat-e-Islamia' and this shall be carried out by their mutual consultation. Thus an Islamic state shall be "Jamhooria Shoraiyya" i.e. "democracy by consultation", "with the provision that the rights of the people shall be within the boundry-line laid down by the Quran and there shall be no addition on alteration in it. There shall also be no trace of Theocracy. The government shall only be a machinery to enforce the Quranic laws, injunctions and principles.

Party System-

According to the holy Quran the Ummah as whole is a party. The presence of religious and political parties within this party is 'Shirk' i.e. to join gods with Allah. Thus it is said:

مُنِيبِينَ إِلَيْهِ وَاتَّقُوهُ وَأَقِيمُوا الصَّلَاةَ وَلَا تَكُونُوا مِنَ الْمُشْرِكِينَ ﴿٣١﴾
 مِنَ الَّذِينَ فَرَّقُوا دِينَهُمْ وَكَانُوا شِيعًا كُلُّ حِزْبٍ بِمَا لَدَّهُمْ فَرِحُونَ ﴿٣٢﴾

(30:31-32)

"Turn unto Him (and Him alone) and be afraid (of the consequences of turning away from his laws), establish State (i.e. a social order based on his guidance) and be not among those who follow laws other than His and thus set up peers to Allah (i.e.) be not of those who create cleavage in their social order and resolve themselves into various sects, where each sect is obsessed with its own view of it."

At yet another place it is said:

إِنَّ الَّذِينَ فَرَّقُوا دِينَهُمْ وَكَانُوا شِيعًا لَسْتَ مِنْهُمْ فِي شَيْءٍ (6:159)

"Those who create cleavage in "Deen" (i.e. the way of life prescribed by Allah) and divide themselves into sects (O Messenger of Allah) you have nothing to do with them."

Oneness of Ummah is the basic demand. Allah ordains-

وَاعْتَصِمُوا بِحَبْلِ اللَّهِ جَمِيعًا وَلَا تَفَرَّقُوا (3:103)

"O you who believe!) Hold fast, all of you together, the cable of Allah (i.e. the way of life Allah has prescribed for you) and be not divided among yourselves."

Sects and parties are the source of differences and differences among the people is a great (عذاب) misfortune: Thus it is said:

وَلَا تَكُونُوا كَالَّذِينَ تَفَرَّقُوا وَاخْتَلَفُوا مِنْ بَعْدِ مَا جَاءَهُمُ الْبَيِّنَاتُ

(4:105)

وَأُولَئِكَ لَهُمْ عَذَابٌ عَظِيمٌ

"Be not like those who are divided amongst themselves and fall into disputations after receiving clear signs: for them is an awful doom."

The disappearance of differences is a 'Rahmat' of Allah:

.... وَلَا يَزَالُونَ مُخْتَلِفِينَ إِلَّا مَنْ رَحِمَ رَبُّكَ (11:118-119)

"But they will not cease to dispute, except those on whom He has bestowed His 'Rehmat'."

In a state like this the individuals join together in the mutual teaching of the truth and of patience and constancy:

(103:3) وَتَوَاصَوْا بِالْحَقِّ وَتَوَاصَوْا بِالصَّبْرِ

"Who exhort one another to truth and exhort one another to endurance."

They cooperate with one another in matters of broad mindedness and matters consistent with the divine laws:

(5:2) وَتَعَاوَنُوا عَلَى الْبِرِّ وَالتَّقْوَى

"Help yee one another in righteousness and piety."

Thus the clause 4 of an Islamic constitution shall be:

In an Islamic state the people as a whole in the capacity of being a single party shall form the government and the presence of religious sects and political parties shall be strictly prohibited.

As it is difficult to eliminate religious sects in one stroke. These can be gradually eliminated under the Quranic guidance and practice.

Distribution of tasks

In an Islamic State as said above, 'Milat-e-Islamia' shall be a single party. Tasks for running the government machinery shall be distributed according to the different capabilities of individuals:

وَهُوَ الَّذِي جَعَلَكُمْ خُلَفَاءَ الْأَرْضِ وَرَفَعَ بَعْضَكُمْ فَوْقَ بَعْضٍ دَرَجَاتٍ لِيَبْلُوكُمْ فِي مَا أَنْتُمْ

(6:165)

"It is He who both made you the inheritors of rule on the earth and has exalted some of you in rank above others, that He may try you by the gifts He hath given you."

The Quran has given different epithets to the individuals belonging to the Muslim Ummah: for example, "Muslimeen", "Momineen", "Saliheen", "Muttageen" etc. generally these terms are interpreted to have similar meanings, but at certain places they mean differently, which reveals the fact that the distribution of tasks amongst the individuals of Muslim Ummah be made according to their personal capabilities and actions. Accordingly the lowest in rank shall be 'Muslimeen' i.e. those persons who have submitted to the rule of an Islamic state, but they are not yet sufficiently educated and trained to become the firm believers.

It is said:

قَالَتِ الْأَعْرَابُ آمَنَّا قُلْ لَمْ تُؤْمِنُوا وَلَكِنْ قُولُوا أَسْلَمْنَا وَلَمَّا يَدْخُلِ الْإِيمَانُ فِي قُلُوبِكُمْ (49:14)

"The desert Arabs say, 'We believe'. Say, 'you have no belief; but you should say, 'We have submitted our wills to Allah. For not yet belief has entered your hearts."

On the other hand there is category about whom it is said:

إِنَّمَا الْمُؤْمِنُونَ الَّذِينَ آمَنُوا بِاللَّهِ وَرَسُولِهِ ثُمَّ لَمْ يَرْتَابُوا وَجَاهَدُوا بِأَمْوَالِهِمْ وَأَنْفُسِهِمْ فِي سَبِيلِ اللَّهِ أُولَئِكَ هُمُ الصَّادِقُونَ (49:15)

"Only those are believers who have believed in Allah and His 'Rasool', and have never since doubted, but have striven, with their belongings and their persons, in the cause of Allah. These are the ones who are true in their belief."

As the circle of believers progresses in their belief they enter the category of Saliheen:

وَالَّذِينَ آمَنُوا وَعَمِلُوا الصَّالِحَاتِ لَنُدْخِلَنَّهُمْ فِي الصَّالِحِينَ (29:9)

"And those who believe and work deeds consistent with the divine law, them shall we admit in the company of (Saliheen) righteous."

Saliheen are those people whose latent potentialities are actualised to the extent that they become capable of taking charge of the administration of an Islamic State. For them it is said:

وَلَقَدْ كَتَبْنَا فِي الزَّبُورِ مِنْ بَعْدِ الذِّكْرِ أَنَّ الْأَرْضَ يَرْثُهَا عِبَادِيَ الصَّالِحُونَ (21:105)

"Before this We wrote in Psalms, (or any other divine book) after giving the message, that My (Sallhoon) righteous servants shall inherit the earth."

In modern terms we shall call it Executive. Above this is a category called Legislature. This is the circle of "Muttaqeen":-

لَيْسَ الْبِرَّ أَنْ تُوَلُّوا وُجُوهَكُمْ قِبَلَ الْمَشْرِقِ وَالْمَغْرِبِ وَلَكِنَّ الْبِرَّ مَنْ آمَنَ بِاللَّهِ وَالْيَوْمِ الْآخِرِ
وَالْمَلَائِكَةِ وَالْكِتَابِ وَالرَّسُولِ وَآتَى الْمَالَ عَلَى حُبِّهِ ذَوِي الْقُرْبَىٰ وَالْيَتَامَىٰ وَالْمَسْكِينِ
وَابْنَ السَّبِيلِ وَالتَّسَابُلِينَ وَفِي الرِّقَابِ وَأَقَامَ الصَّلَاةَ وَآتَى الزَّكَاةَ وَالْمُوفُونَ بِعَهْدِهِمْ
إِذَا عَاهَدُوا وَالصَّابِرِينَ فِي الْبَأْسَاءِ وَالضَّرَّاءِ وَحِينَ الْبَأْسِ أُولَٰئِكَ الَّذِينَ صَدَقُوا
وَأُولَٰئِكَ هُمُ الْمُتَّقُونَ ﴿١٧٧﴾ (2)

"It is not righteousness that you turn your faces towards East or West; But it is righteousness - to believe in Allah, and in the life hereafter, and in the angels, and in the Book, and the Messengers; to spend of your substance, inspite of your love for it, for your kin, for orphans, for the needy, for the way-farer, for those who ask and for the ransom of slaves; to be steadfast in establishing a social order consistent with the divine laws and practice regularly the nourishment of humanity; to fulfil the contracts which you have made; and to be firm and patient in pain (or suffering) and adversity and throughout all periods of panic. These are the ones who prove the truthfulness of their belief and these are the ones who are متقون 'Muttaqoon'.

Amongst the 'Muttaqeen' the one whose life is most consistent with the divine laws, shall be most worthy of respect (49:13) "The most honoured of you in the sight of Allah is (he who is) the most righteous of you." Such a person shall be the chief or President of an Islamic state.

From the above 'Ayats' it is clear that the Quran inspite of its active support for the equality of human beings, accepts the diversity of ranks amongst individuals, on the basis of their personal qualities. Thus the distribution of tasks in the organisation of an Islamic State shall be according to the fitness of the individuals for their respective jobs and their lives being consistent with the Quranic teachings.

However it must be kept in mind that all that has been said above does not means that upper and lower classes exist in an Islamic State.

There is nothing like it. As said earlier, no one individual has got the right to rule over another. The above said discussion only means an effective and responsible distribution of tasks.

It shall not be out of place if here we throw some light on the word 'Equality'-

Right to Equality - means absence of legal discrimination against individuals, any group of individuals, class or race.

Meaning of Equality - Absolute Equality is in fact an impossible ideal. Equality means that special privileges of all kinds should be abolished. All barriers of wealth, birth, race and colour should be removed, so that no one suffers from any kind of social and political disabilities.

THE ORGANISATION OF GOVERNMENT

CENTRE - The organisation of an Islamic State revolves around this single point that the right to rule belongs to Allah alone which is put in to practice by means of His Book, the Quran. To begin with, this was organised by the Rasool (p.b.u.h.) himself, hence the Quranic term "Allah and Rasool" which means that the Rasool (p.b.u.h.) was the central authority of that organisation. His successors inherited that central authority after his death. For example Hazrat Abu Bakar Siddiq (the first Caliph) performed the same function as the Rasool (p.b.u.h.) himself during his life time.

Government Officials-

The centre appoints its functionaries or the Government officials, called **أولو الأمر** in the Quranic terminology, which mean Executives. An appeal to the centre is permissible against the decisions of these Executives, but the decision of the centre shall be the final. Thus it is said:

يَا أَيُّهَا الَّذِينَ آمَنُوا أَطِيعُوا اللَّهَ وَأَطِيعُوا الرَّسُولَ وَأُولِي الْأَمْرِ مِنْكُمْ

(4:59) فَإِنْ تَنَازَعْتُمْ فِي شَيْءٍ فَرُدُّوهُ إِلَى اللَّهِ وَالرَّسُولِ

"O Ye who believe! obey Allah and obey the Rasool and those charged with authority among you. If you differ in anything among yourselves, refer it to Allah and His Rasool (i.e. to the centre).

The centre shall decide the dispute according to the holy Quran:

(42:10) وَمَا اخْتَلَفْتُمْ فِيهِ مِنْ شَيْءٍ فَحُكِّمُوهُ إِلَى اللَّهِ

"Whatever it be wherein you differ, the decision thereof is with Allah."

It means that although the officials of the lower ranks shall also make decisions according to the Quran but if any body differs from their interpretation, he can appeal to the centre and the interpretation by the centre shall be considered as final. The centre itself shall not comprise a single person but it shall consist of consultative and advisory council of the head of the state. Thus the Rasool (p.b.u.h.) received the following instruction-

(3:158) ... وَشَاوِرْهُمْ فِي الْأَمْرِ فَإِذَا عَزَمْتَ فَتَوَكَّلْ عَلَى اللَّهِ ...

"Consult them in affairs (of moment). Then when you have taken a decision, put thy trust in Allāh. (i.e. enforce it with firmness)."

Conditions for the fitness of government officials-

Ist condition:

(4:58) إِنَّ اللَّهَ يَأْمُرُكُمْ أَنْ تُؤَدُّوا الْأَمَانَاتِ إِلَىٰ أَهْلِهَا ...

"Verily Allah commands you to render back the trusts to whom they are due."

The Quran lays great emphasis on rendering back the trusts to whom they are due. On the other hand, the reigns of power being the biggest and most sacred trust that any human beings can entrust to their fellow human beings, it is imperative that those who are given power, must be most trust-worthy and most fit persons, those who are capable of deciding the human affairs with full justice and thus fulfil the responsibilities entrusted to them.

The second condition for the government functionaries is sound knowledge and sound health. When Allah appointed Hazrat Talût as the commander of Israelites, his qualifications were described as:

(2:247) قَالَ إِنَّ اللَّهَ اصْطَفَاهُ عَلَيْكُمْ وَزَادَهُ بَسْطَةً فِي الْعِلْمِ وَالْجِسْمِ ...

"He said: Allah has chosen him above you, and has gifted him abundantly with knowledge and bodily prowess.

The third condition in choosing the government officials of an Islamic State shall be that of wisdom and maturity. In the case of protection of the property of orphans the Quran states:-

وَابْتَلُوا الْيَتَامَىٰ حَتَّىٰ إِذَا بَلَغُوا النِّكَاحَ فَإِنْ آنَسْتُمْ مِنْهُمْ رُشْدًا فَادْفَعُوا إِلَيْهِمْ أَمْوَالَهُمْ... (4:6)

"Make trial of orphans untill they reach the age of marriage; if then you find sound judgement in them, release their property to them."

The age of maturity for undertaking much more responsible jobs may be considered as 40 years. The Quran says:

(46:15) حَتَّىٰ إِذَا بَلَغَ أَشُدَّهُ وَبَلَغَ أَرْبَعِينَ سَنَةً

"When he reaches the age of full strength and attains forty years."

It means that maturity in man, comes in an advanced age.

The fourth condition for the government functionaries which is more important than the others, is

- that these persons ought to be well acquainted with the divine law.
- Those who do not follow their sentiments and personal gains.
- and those whose cause has not gone beyond all bounds.

Those devoid of these qualities should not be obeyed:

..... وَلَا تَطْعَمَنْ أُعْطِلْنَا قَلْبَهُ عَنْ ذِكْرِ نَادَاؤِ تَبِعَ هُوَ وَكَانَ آفْرُهُ قُرْطَانًا

(18:28)

"Do not obey any whose heart We have permitted to neglect the remembrance of Us, one who follows his own desires, whose case has gone beyond all bounds.

Unfitness

Any executive authority whose deeds are incompatible with the divine command, his authority shall be confiscated:

(11:46) إِنَّهُ لَيْسَ مِنْ أَهْلِكَ إِنَّهُ عَمَلٌ غَيْرُ صَالِحٍ

"He is not one of you, for his conduct is unrighteous."

However, it ought to be clear that the conditions of unfitness, are not confined to the lower ranks only. These are applicable to all ranks from above downwards and to each branch of the government e.g. members of the Parliament (or consultative council), ministers, even the head of the state - All shall be bound by the conditions of fitness and unfitness described above.

Thus clause No.5 of the constitution of an Islamic State shall be:

In order to conduct the affairs of an Islamic state, the centre shall comprise the head of the state and his consultative machinery (مجلس شورى). Under this there shall be the government executives of lower ranks to whom powers shall be delegated by the Centre. The individuals of the state shall have the right to appeal against the decisions of the executives of lower ranks; but the decision of the centre shall be considered as final. The head of the state, his مجلس شورى or (ministers of his cabinet), members of the legislature (or the Parliament), all other executives or functionaries of the lower ranks belonging to the government machinery shall be subject to the following conditions-

1. They shall be conversant with the Quranic principles and injunctions.
2. They shall be competent to carry out their respective jobs, including the knowledge of current affairs.
3. Righteousness and integrity of character.
4. Capability of performance without base sentiments and personal gains.
5. Wisdom, maturity and good health.

If any body, at any time is not able to fulfil the conditions described above, he shall be suspended or dismissed, through the same channels which selected or appointed him.

The Powers of Legislature

The holy Quran has provided guidance in principle and (with few exceptions) has not given the details. A splendid book meant for guidance in all ages ought to be one like this; because the principles for the life of man are immutable but their details cannot remain immutable for all ages. They ought to change with the changing time. During the period of descent of the holy Quran certain people demanded for the details of the principles given in the Quran but Allah Almighty prohibited such demands firmly and said:

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَسْأَلُوا عَنَ أَسْمَاءِ لَن تَبَدَّلَ لَكُم مِّنْهُنَّ شَيْئًا وَإِن تَسْأَلُوا عَنْهَا حِينَ يُنزَلُ الْقُرْآنُ تَبَدَّلَ لَكُم مِّنْهَا عَنَّا اللَّهُ حَذْرًا لِّكُمْ فَاصْبِرُوا قَدْ سَأَلَهَا قَوْمٌ

(5:101-102)

مَنْ قَبْلَكُمْ ثُمَّ أَصْبَحُوا بِهَا كَافِرِينَ ﴿١٠٢﴾

"O ye who believe! ask not question about things which if made plain to you may cause trouble. But if you ask about things when the Quran is being revealed, they will be made plain to you: Allah will forgive those: for Allah is often forgiving, most forbearing. Some people before you did ask questions, and on that account; lost their belief."

Thus to discuss the details of the Quranic principles shall be the duty of the Legislature of an Islamic State. The principles shall remain immutable but additions and alterations shall be made in the details, according to the needs of the time. Regarding these principles it is said:

وَمَتَّ كَلِمَاتِ رَبِّكَ صِدْقًا وَعَدْلًا لَا مُبَدَّلَ لِكَلِمَاتِهِ ۗ وَهُوَ السَّمِيعُ الْعَلِيمُ ﴿١١٥﴾ (6:115)

"The code of divine laws is perfected in truth and in justice. None can change His laws, for He is the One Who is All Hearing and All-knowing."

No addition, alteration or compromise is allowed in these revealed

laws- وَإِذْ أُنزِلَ عَلَيْهِمْ آيَاتُنَا بَيِّنَاتٍ قَالَ الَّذِينَ لَا يَرْجُونَ لِقَاءَنَا انْتِزَاعًا غَيْرِ هَذَا أَوْ بَدِّلْهُ قُلْ مَا يَكُونُ لِي أَنْ أُبَدِّلَهُ مِنْ تَلَقَائِي نَفْسِي ۚ إِنْ أَتَيْتُمْ إِلَّا مَا يُرْسَىٰ لِي ۚ إِنْ أَخَافُ أَنْ عَصَيْتُمْ رَنِي عَذَابَ يَوْمٍ عَظِيمٍ ﴿١٠٥﴾

"But when Our clear signs are rehearsed unto them, those who rest not their hope on their meeting with Us, say: "Bring us a Reading (a code of laws) other than this, or change this." Say it is not for me, of my own accord, to change it. I follow naught but what is revealed unto me: If I were to disobey my Rabb, I shall myself fear the penalty of a Great Day (to come)." (10:15)

Thus the clause No. 6 of the constitution of an Islamic state shall be as under-

"The Legislature of an Islamic State shall have the right to frame bye-laws according to the needs of its respective age within the boundry wall laid down by the immutable Quranic principles. These principles could never be changed but the bye-laws within their boundry line could be framed by mutual consultation; and any change addition or alteration could be made in them as required. No law, could be enforced in an Islamic State, which surpasses the boundry wall laid down by the Quranic principles.

JUDICATURE

Administration of justice

The entire organisation of an Islamic State revolves around Justice. Justice means:

1. All human beings be considered equal by birth and worthy of respect.
2. All be provided with equal opportunities for the development of their potentialities.
3. Their position in society be determined by their personal capabilities.
4. Every body be provided task, befitting his capabilities.
5. No body shall be denied his basic fundamental rights.
6. The settlement of disputes, shall be subjected to the laws provided by the Quran and it shall be equally applicable to all.

The holy Quran has emphasised:

(16:90) إِنَّ اللَّهَ يَأْمُرُ بِالْعَدْلِ

"Surely Allah commands Justice."

This is an order which is without exception, so much so that even an enemy must get justice:

(5:8) لَا يَجْرِمَنَّكُمْ شَنَاٰنُ قَوْمٍ عَلَىٰٓ أَلَّا تَعْدِلُوٓا۟ اِعْدِلُوٓا۟ هُوَ اَقْرَبُ لِلتَّقْوٰى

"Let not the hatred of others to you make you serve to wrong and depart from justice. Be just. That is nearer to piety."

Justice also demands that the punishment for a crime should be based on the law of equality:

(2:179) وَلَكُمْ فِي الْقِصَاصِ حَيٰوةٌ يَاۤ اُولِى الْاَلْبَٰبِ

"O ye men of understanding! In the law of equality there is (the secret of collective) life for you."

Punishment should be proportionate to the crime:

(42:40) وَجَزَآءُ سَيِّئَةٍ سَيِّئَةٌ مِّثْلُهَاۗ فَمَنْ عَفَا وَاَصْلَحَ فَاجْرُهُ عَلَىٰ اللّٰهِ

"The recompense of an injury, is an injury equal thereto (in degree): but if a person forgives (the one who has committed a crime) and makes reconciliation, his reward is due from Allah."

Justice also demands that only the one who has committed a crime

should be punished.

(6:164) لَا تَكْسِبُ كُلُّ نَفْسٍ إِلَّا عَلَيْهَا

"Every soul draws the meed of its acts on none but himself."

And every body shall bear his own burden:

(6:164) لَا تَرْوَاهُ زِمَةٌ وَلَا ذَرٌّ لآخَرَ

"No bearer of burden can bear the burden of another."

The Quran has briefly explained the entire system of judicature in two words:-

(2:279) لَا تَظْلِمُونَ وَلَا تُظْلَمُونَ

"Deal not unjustly and you shall not be dealt with unjustly."

It is apparent that only those persons shall be able to put such a justice in to practice who are influenced neither by their personal inclinations nor by some outside pressure. In case of justice the question of compromise does not arise. Neither in the case of your ownself nor in the case of anybody else. That is what the Quran has pointed out when it is said:

(68:9) وَذُو الْوُدُّ يُدْهِنُ فِي دُهْنٍ هُنُونَ

"Their desire is that you should be pliant so would they be pliant." (You bend a little so shall they bend a little)

That is not possible in the administration of justice and that is why in an Islamic State the Judiciary should be left absolutely free.

Thus the clause No. 7 of the constitution of an Islamic State shall be as follows-

The entire performance of an Islamic State shall be consistent with the basic concept of Justice as given by the Quran which means that:-

- (1) All human beings shall be considered worthy of respect by birth.
- (2) All shall be provided equal opportunities for the development of their potentialities.
- (3) The position in the society of each individual shall be

determined by his personal qualifications.

- (4) *All shall be provided jobs befitting their personal capabilities.*
- (5) *None shall be denied his basic fundamental rights.*
- (6) *Those who commit crimes shall be punished; the punishment shall be proportionate to the crime; and where there is chance of reconciliation the punishment shall be remitted.*
- (7) *Every person shall bear his own burden.*
- (8) *Wrong not and you shall not be wronged.*
- (9) *All disputes shall be settled by means of laws subject to the Quranic principles.*
- (10) *The Judiciary shall be responsible for putting into practice the Quranic 'Adl' and shall be free from all external influences. The chief justice of the Supreme Court shall be appointed on the advise of the Parliament.*
- (11) *Justice shall be provided without remuneration and 'Muftis' shall be appointed who shall advise people regarding the lawful position of their cases.*

Objective before an Islamic State

According to the holy Quran, the state is not the objective by itself. The objective is the individual, his protection and the development of his personality. The programme laid down by the Quran is for the achievement of this high ideal. This has been described in the Quran at different places. Thus it is said:

وَعَدَ اللَّهُ الَّذِينَ آمَنُوا مِنكُمْ وَعَمِلُوا الصَّالِحَاتِ لَيَسْتَخْلِفَنَّهُمْ فِي الْأَرْضِ
كَمَا اسْتَخْلَفَ الَّذِينَ مِن قَبْلِهِمْ... فَأُولَئِكَ هُمُ الْفَاسِقُونَ ﴿٥٥﴾

(24:55)

"Allah has promised those amongst you who believe and work deeds consistent with the divine laws that He will of a surety, grant them inheritance in the land, as He granted it to those before them."

(What is the object of this succession in power?)

"That they may establish in authority their 'Deen'; the one which He has chosen for them: and that He will change (their state) after the fear in which they (lived) to one of security and peace". (This peace and

security, again, is not the end by itself. Its objective is explained by saying) "That they will bow down before my laws (only) and not associate ought with my sovereignty". (It is further explained by saying:) "If any rejects it after this, they are rebellions (they break the pattern in which the organisation of Deen flourishes)."

After this it is said:

(24:56) وَأَقِيمُوا الصَّلَاةَ وَآتُوا الزَّكَاةَ وَاطِيعُوا الرُّسُولَ لَعَلَّكُمْ تُرْحَمُونَ ﴿٥٦﴾

"So establish 'sal'at' (the way of life consistent with the divine laws and provide 'Zakat' (provision of nourishment to individual human beings) and obey the Rasool, so that you may undergo development, within the specified pattern."

In the above said Ayats the objectives of an Islamic state have been described in detail which are:-

1. To establish in authority their Deen.
2. To change the State of individuals from the fear in which they live to that of peace and security.
3. The obedience shall be that of divine laws only.
4. To establish a social order in which every individual firmly follows the divine laws.
5. Nourishment of individuals followed by the nourishment of humanity as a whole.

The individuals shall obey the Centre, in order to put into practice the above said objectives and that shall cause the development of their personality.

At yet another place the above said objectives have been described briefly:

(22:41) الَّذِينَ إِنْ مَكَّنَّاهُمْ فِي الْأَرْضِ أَقَامُوا الصَّلَاةَ وَآتَوُا الزَّكَاةَ
وَأَمْرُوا بِالْمَعْرُوفِ وَنَهَوْا عَنِ الْمُنْكَرِ ۗ وَإِلَى اللَّهِ عَاقِبَةُ الْأُمُورِ ﴿٤١﴾

"They are those who if We establish them in the land, establish the way of life consistent with the divine laws and provide nourishment to individuals, enjoin the right and forbid wrong. With Allah rests the end and decision of all affairs."

Thus the basic objective of an Islamic state is to make the individuals follow the divine laws and to provide means of nourishment to them; and this nourishment shall include the provision of their

physical needs, as well as the development of their personalities.

The responsibilities of Allah-

Before proceeding further let us point out a basic issue - when an Islamic state makes the individuals follow the divine laws, the responsibilities which Allah has taken upon Himself, shall be fulfilled by the Islamic state. The fulfillment of these responsibilities is the foremost duty of the Islamic state.

Out of these responsibilities the primary and basic one is the provision of رزق or the means of nourishment. 'Rizq' means the provisions for physical development as well as the development of latest potentialities. The Quran says:

(11:6) وَمَا مِنْ دَابَّةٍ فِي الْأَرْضِ إِلَّا عَلَى اللَّهِ رِزْقُهَا

"There is no moving creature on the earth, but its sustenance depends on Allah."

In respect of the same responsibility an Islamic State addresses the individuals of the state as follows:-

(6:151) نَحْنُ نُزِيلُكُمْ وَإِيَّاهُمْ

"We provide nourishment for you and for them (your children)."

As far as the provision for the physical needs of human beings are concerned the Quran has included food clothings and dwellings in it (20 : 118-119).

Thus clause No. 8 of the constitution of an Islamic state shall be:

The State in itself is not the ultimate objective. The ultimate objective is the individual. The state is meant for the protection of the individuality of persons and for the development of their personality. In order to achieve this objective the state shall fulfil all those responsibilities which Allah has taken upon himself in respect of human beings. This includes رزق or the provision of the means sustenance which is the uppermost responsibility. About this the state shall arrange for the easy availability of the basic needs to the individuals. None shall be an exception to it. Moreover the state shall provide means for the development of personalities of individuals.

Means of Production

It is apparent that the state is not able to fulfil the above said responsibilities, unless the means of production are not in the custody of the state. The Quran has ordained to keep the means of production (*رض*) equally open to all: *متاعاً للمقوين* (56:73) Means of nourishment to the hungry:

Besides means of production, the surplus wealth also remains basically in the custody of the State. It means that basically the surplus wealth is in the custody of the state but the state depending on its organisational facilities, can keep it with the individuals as a trust. About the surplus wealth it is said:

(2:219) *يَسْأَلُونَكَ مَاذَا يُنْفِقُونَ ذُقْ الْعَقُوبَ*

"They ask thee how much they are to keep open for others, say: "What is surplus to your needs."

In an Islamic state neither the means of sustenance, nor the surplus wealth remains the personal property of anybody. Even with the state these remain as a trust, so that it could be spent according to needs.

Thus the clause No. 9 of the constitution of an Islamic state shall be as under:

In order to meet the above described responsibilities it is imperative that the means of production shall remain in the custody of the state and surplus wealth shall not be considered the personal property of individuals. These shall remain in the custody of the state as a Trust, so that the state may spend it for the nourishment of humanity.

Relationship between Individuals and the State

Because the state is bound to fulfil such responsibilities which Allah has taken upon Himself, in respect of human beings, it is the duty of the individuals to make payment to the state of all the dues prescribed for them by Allah. In this connection the relationship between the state and the individuals has been laid down by means of a contract:

(9:111) ... *لَئِنْ لَمْ يَشْرِكْ مِنَ الْمُؤْمِنِينَ أَنْفُسَهُمْ وَأَمْوَالَهُمْ لَأَنَّهُمْ أَجْنَةٌ* ...

"Allah has purchased of the believers, their persons and their wealth, surely for them is a heavenly life (in return)."

It means that the individuals of an Islamic state should consider

their life and property as a trust of the state lying with them, and the responsibility of the state shall be to make such arrangements that a life of peace and plenty shall become available to them in this world and in the life hereafter. This contract shall be made the part of the Islamic Constitution. **Thus the clause No.10 of the constitution of an Islamic State shall be as under:**

The individuals of the state shall consider their life and property as a trust of the state which the state could demand as required subject to the injunctions laid down by Allah in the Quran. In lieu of it the state shall make such arrangements that a life of peace and plenty could be available to the individuals in this world and in the hereafter. This contract shall be equally applicable to both sides.

Basic Human Rights

What should be the basic human rights available to the individuals of the state, is a question which has gained much importance in modern age. In this respect a list of basic rights is given in the constitutions of the constitutional states. The U.N.O. has given details of the basic human rights in its charter. But may it be, in the constitutions of the states or in the United Nations charter all the basic human rights are conditional. On the other hand in the holy Quran these human rights are in the form of VALUES. Most of them are permanent values and some are Relative Values. Permanent Values are the ones in which the rights are unconditional. And relative values are ones in which the rights are conditional. As for example the availability of رزق or the means of sustenance is a permanent value and is unconditional. No individual can be denied of this right, in any case. On the other hand, protection of life is a relative value. If a person murders another person, he shall be sentenced to death. That clarifies the difference between a Permanent Value and a Relative Value.

The list of Values shall be described separately. **Thus the clause No. 11 of the constitution of an Islamic State shall be as under:**

All those basic rights the details of which are given in the Quran shall be available to the individuals of an Islamic State. Out of them those rights which are conditional, their conditions shall be the same as shall be determined in the light of the Quran.

The position of non-Muslims in an Islamic State

This is an important question which must be thoroughly understood. In the modern politics of the world individuals form a Nation

on the basis of a common abode or country, or on the basis of a common race, particularly the former. It means that all individuals living in a country inspite of having different creeds, form a nation. But according to the holy Quran, a nation comes in to existence on the basis of ideology; which means that those people who accept the Islamic ideology, form one nation and those who do not accept that ideology are outside the circle of this nation, although they may be the inhabitants of the same country. The Quran has divided humanity on basis of this standard:

(64:2) هُوَ الَّذِي خَلَقَكُمْ فَمِنْكُمْ كَافِرٌ وَمِنْكُمْ مُؤْمِنٌ ...

"It is He Who has created all of you, some of you are non believers and some of you are believers."

Thus according to the holy Quran, this is the only criterion for the division of mankind. The Quran presents its ideology to the whole world without any distinction of colour, race, language nativity and religion and asks them to thoroughly ponder over this ideology; and after this if one thinks that it is worthwhile he may accept it by his own free will. But if he does not think it worthwhile, he may reject it. Nobody shall be compelled to accept it

(2:256) لَا إِكْرَاهَ فِي الدِّينِ قَدْ تَبَيَّنَ الرُّشْدُ مِنَ الْغَيِّ ...

"There is no compulsion (to follow) the way of life based on the Quranic Fundamentals. The right direction is henceforth distinct from error."

Again it is said:

(39:41) إِنَّا أَنْزَلْنَا عَلَيْكَ الْكِتَابَ بِالْحَقِّ فَمَنِ اهْتَدَىٰ فَلِنَفْسِهِ
وَمَنْ ضَلَّٰ فَآئِنَّمَا يَضِلُّ عَلَيْهِمْ وَمَا نَتَّ عَلَيْهِمْ بِرُكُوبِهِ ۗ

"Verily We have revealed the Book to thee in Truth, for (instructing) mankind. He, then, that follows the right path by accepting this guidance, shall be benefitted by it; but he that strays and follows the wrong path, shall injure his own self. Nor art thou (O Rasool!) set over them to bring them to the right path."

The Quran has thus left the door open for entry into the Islamic Ummah. Anybody who likes it may enter it

(73:19) فَمَنْ شَاءَ اخْتِذْ إِلَىٰ رَبِّهِ سَبِيلًا ۗ

"Whoso will, let him take a (straight) path towards his Rabb."

After this open declaration, if any body does not like to enter it, he shall be responsible for his own acts.

The same has been clarified further by saying:

هُوَ الَّذِي جَعَلَكُمْ خَلَائِفَ فِي الْأَرْضِ

"He it is Who has made you inheritors on the earth."

فَمَنْ لَعَنَ قَوْمَهُ لَعْنَةً

"If then, any who rejects the path of Allah i.e. the constitution on which is based its government, he himself shall be responsible for it." If he feels at a loss after this, he should not complain for it, because that is what he has achieved for himself. It is not possible that one does not accept an ideology, but becomes an equal partner in receiving the privileges and favours of Allah by those who accept it. If he is at a loss after this he should bear the loss."

... وَلَا يَزِيدُ الْكٰفِرِيْنَ كُفْرَهُمْ عِنْدَ رَبِّهِمْ اِلَّا مَقْتًا وَلَا يَزِيْدُ الْكٰفِرِيْنَ كُفْرَهُمْ اِلَّا خَسَارًا ﴿٣٥﴾
(35:39)

"Their rejection but adds to the odium for the unbelievers in the sight of their Rabb. Their rejection but adds to their own loss."

It is a pity that the unbelievers have themselves closed the doors to the gifts and privileges (36:30) يَا حَسْرَةً عَلَى الْعِبَادِ Ah alas for my servants."

But the cure for this ailment lies in their own hands. The door is always open to them. Any time they realise their mistake, they can enter this door by accepting the ideology.

The non-believers shall not take part in the secrets of an Islamic state--

Non-Believers who live within the boundaries of an Islamic state, if they do not accept the ideology of the state, they cannot take part in the working of its government, nor can they be relied upon in the case of secrets of the state. The Quran has fully clarified this point when it is said:

يٰۤاَيُّهَا الَّذِيْنَ اٰمَنُوْا لَا تَتَّخِذُوْا اٰيٰتِنَا مِنْ دُوْنِكُمْ لَا يٰۤاَلَيْسَ لَكُمْ خِمٰلًا وَّ دُوْرًا مَّعِيْنًا
قَدْ بَدَتِ الْبَغْيٰةُ مِنْ اَنْفُوْسِهِمْ وَمَا تُخْفِيْ صُدُوْرُهُمْ اَكْبَرُ قَدْ بَيَّنَّا لَكُمُ الْاٰيٰتِ
اِنْ كُنْتُمْ تَعْقِلُوْنَ ﴿١١٨﴾
(3:118)

"O ye who believe! Take not into intimacy those outside your ranks. They will not fail to corrupt you. They only desire your ruin: rank hatred has already appeared from their mouths: what their hearts conceal is far worse. We have made plain to you the signs, if you have wisdom. هٰنَتُمْ لَوْلَا رَحْمَتُنَا وَلَا يَجِبُوْنَ لَكُمْ وَتُؤْمِنُوْنَ بِالْكِتٰبِ كُلِّهِمْ وَاِذْ اَنْزَلْنٰهُ قَالُوْا اٰمَنَّا

وَأَذَانُكُمْ وَأَعْرَافِكُمْ إِلَّا تَأْمَلُ مِنَ الْغَيْبِ قُلْ مَوْتُوا بَعِيْظَكُمْ إِنَّ اللَّهَ عَلِيمٌ بِذَاتِ الصُّدُورِ (3:119)

"Ah! you are those who love them. But they love you not, - though you believe in all the books (yours and theirs). When they meet you they say, "We believe (in your ideology)" but when they are alone, they bite off the very tips of their fingers at you in their rage. Say: Perish in your rage; Allah knows well all the secrets of the heart."

لَنْ تَسْكُرَ حَسَنَةً تَسُوهُمُ وَإِنْ تُصِبْكُمْ سَيِّئَةٌ يَفْرَحُوا بِهَا وَإِنْ

(3:120)

تَصِيرُوا أَوْ تَتَفَرَّقُوا أَيْضًا كَرِهْتُمْ شَيْئًا إِنَّ اللَّهَ بِمَا يَعْمَلُونَ عَمِيمٌ

"If ever a good befalls you, it grieves them. But if some misfortune overtakes you, they rejoice at it. (Remember!) if you are constant and take measures in order to protect yourselves, not the least harm will their cunning do to you, for Allah compasses round about all that they do."

Other verses of the Quran related to this subject are (3:27), (60:1-4), (9:23-24)

That is no short sightedness-

Some people object to the above-said concept and consider it to be short sightedness. But no system based on ideology shall accept, as partners in state affairs, those who are against that ideology. Not to speak of ideology, even in the current democratic governments the party in power does not allow the opposition party to take part in the administration. But in the case of Islam the matter goes further. The constitution of an Islamic state is its ideology. Those who do not accept its ideology, as a matter of fact do not accept its constitution. Now just consider, if there is any state in the world which could possibly admit as partners those who do not accept its constitution? Shall it not be strange that whereas the object of an Islamic State shall be to put into practice the divine laws and to achieve this objective they shall accept as partners those who are against the objective itself?

Kind treatment with the non-Muslim living in an Islamic State-

But it by no means follows that non-Muslims have no rights in an Islamic state. they shall have all the rights which the Quran declares as basic human rights. Their life property, honour and places of worship shall be protected. They shall have the religious freedom. They shall be treated kindly (60:8). As a matter of fact, in one way, they shall even be in a better positions than the Muslims., When an enemy attacks a

Muslim country, the Muslim armies shall protect the places of worship of non-Muslims (22:40). In case the non-Muslims of an Islamic state want to migrate to a non-Muslim country, they shall be provided security to reach their destination:

(9:6) **وَلَنْ أَعِدَّ مِنَ الْمُشْرِكِينَ أَصْحَابَكَ فَاجْرُ حَتَّى يَسْمَعُوا كَلِمَ اللَّهِ ثُمَّ أَلْبِغْهُ مَأْمَنَهُ
ذَلِكَ بِأَنَّهُمْ قَوْمٌ لَا يَعْلَمُونَ**

"If one amongst the Pagans ask thee for asylum, grant it to him, so that he may hear the word of Allah and then escort him to where he can be secure: that is because they are men who do not know (the benefits of remaining in an Islamic State)."

But if they stay in an Islamic state and at the same time rebel against its constitution, they shall be punished for the rebellion (5:36). The punishment for rebellion is the same whether he be a Muslim or a non-Muslim.

Thus the clause No.12 of the constitution of an Islamic State shall be as under:

"The non Muslim residents of an Islamic state shall not be allowed to take part in the affairs of the state because they do not accept the Islamic constitution and, thus, are not desirous of being the part of the Muslim Nation. But they shall be provided all the basic human rights. Their life, property honour and places of worship shall be protected. They shall have personal religious freedom. They shall be treated justly and in this respect there shall be no difference between a Muslim and a non-Muslim.

Inspite of all these privileges, if these people want to migrate to some other state which is willing to accept them, the Muslim state shall manage to help them in this transfer, with security.

But if they rebel against the laws and constitution of Islamic state while living inside it, they shall be punished for the rebellion; and the punishment shall be the same as for Muslim rebels."

Universalism

An Islamic state starts within a particular territory which serves as a laboratory for putting into practice the divine laws and to watch their results. The positive and delightful results which appear by this experimentation do not remain enclosed within this territory. Its perimeter is bound to spread, making the organisation of the Islamic state a gift for the whole of mankind. Its objective is to promote universal brotherhood by removing the differences that exist amongst mankind.

and that is what the Quran stands for: **كَانَ النَّاسُ أُمَّةً وَاحِدَةً ۗ فَبَعَثَ اللَّهُ النَّبِيِّينَ مُبَشِّرِينَ وَمُنذِرِينَ ۖ وَأَنْزَلَ مَعَهُمُ الْكِتَابَ وَالْحِكْمَ بِالْحَقِّ لِيَحْكُمَ بَيْنَ النَّاسِ فِي مَا اخْتَلَفُوا فِيهِ ۗ** (2:213)

"Mankind was one single nation (but they became divided into different groups later on (10:19). Thus Allah sent his Messengers with glad tidings of the results of following the right path and with warnings about the dreadful results of following the wrong path and with them He sent his code of law in truth to judge between people in matters wherein they differed (through self-contumacy and thus make them again a single nation)."

Equality of mankind - The Quran has openly declared that the hindrances in the way of unity amongst mankind, such as blood, colour, race, language etc. are their self-made; and that all human beings are worthy of respect by birth (17:70).

The object behind the organisation of an Islamic state is to establish justice in the entire world: (57:25) **لِيَقُومَ النَّاسُ بِالْقِسْطِ** "That men may stand for justice."

The other object is the establishment of peace in the world.

(2:60) **... وَلَا تَتَّبِعُوا فِي الْأَرْضِ مُغْتَابِينَ**

"And do not act corruptly, making mischief in the world." And do not advance forward, in making mischief in the world."

The individuals who organise an Islamic state are called **مَوْضِينَ** which means those who are responsible for making peace in the world; and the principle for the perpetuity and eternity of the system is:

(13:17) **... وَأَمَّا يَنْفَعُ النَّاسَ فَيَمْكُتْ فِي الْأَرْضِ ...**

"While that which is for the good of mankind remains on the earth."

Thus the provision of nourishment to the humanity shall be the aim of this system. Those nations who make efforts to achieve the above-said objectives, the Islamic state shall cooperate with them; and those who take steps against these objectives, the Islamic State shall not cooperate with them (5:2)

Thus the clause No. 13 of the Constitution of an Islamic State shall be as under:

"The ultimate aim of the establishment of an Islamic State shall be:

- (1) *To remove the differences which have arisen amongst mankind and make them a universal Brotherhood (a single nation). To achieve this objective it is essential that there should be one code of laws and one organisation for the whole of humanity. It is apparent that such a code of laws can be obtainable only from the Divine Fundamental Principles.*
- (2) *A system of peace and justice be established in the world, based on the principles of equality and respect for mankind.*
- (3) *A system, of provision of nourishment to individuals, in order to fulfil the needs of their body and their personality with satisfaction, be laid down.*
- (4) *To make strenuous efforts to explore nature and to make use of the fruits of this labour for the benefit of mankind as a whole.*

The holy Quran impresses upon man the importance of a pragmatic test. You apply revealed laws to human affairs and watch the results yourself. The Pakistan territory was gained for this very purpose.

Basic Human Rights

As mentioned earlier, the basic human rights are contained in the Permanent Values provided by the Quran, which have already been described in Chapter 2 of this book. However we shall briefly mention them again at this juncture, in order to make it a part of the Constitution.

These human rights are basic and permanent, they cannot be denied to any individual, and every individual can demand them as a matter of right-

- (1) **Human Personality** - The aim of human life is the nourishment of human personality (91:9-10). An Islamic state exists for the sake of provision of nourishment to the personalities of individuals. The Quran calls it 'ruh-e-Khudawandi' (32:9). That is what distinguishes man from lower animals.
- (2) **Rizq (رزق)** - The provision of means of nourishment for human body is the responsibility of an Islamic state (11:6), (22:41).
- (3) **Respect for Humanity** - All human beings are equal and worthy of respect by birth (17:70)

- (4) Criterion for position in society - After birth, the ranks are according to how far one's actions are consistent with the divine laws. (46:19)
- (5) Adl (Justice) - The provision of justice means justice in all spheres of life. It means a condition where every individual in a human society gets what is due to him by virtue of being a man. It is the provision of equal opportunities to individuals for their physical development as well as the development of the personalities; it is the provision of ranks proportionate to the capabilities of individuals; it is the decision of disputes according to law (16:50) without distinction between friend and foe. (5:8)
- (6) Punishment for a crime - "Those who earned evil will have a reward of like evil." (10:27) The recompense of an injury is an injury equal thereto (in degree); but if a person forgives and makes reconciliation, he should be provided opportunity to amend himself (42:40)
- (7) Responsibility - Every body should bear his own burden i.e., he should personally fulfil his own responsibilities. (6:165)
- (8) Zulm - **ظلم** is opposite to Adl. It means to put a thing at a place where it should not be. The Quran not only prohibits wrong acts but also that you should not be wronged. (2:279). In order to put a check to Zulm, even war is allowed. (22:39)
- (9) Ihsan - Adl (justice) provides equal opportunities to individuals. On the other hand Ihsan means a condition where an individual (if inspite of his best efforts) lags behind, his deficiency is made good by others, to restore the disturbed proportion of the society (16:90). This spending on others is not by way of charity but by way of their Human Rights. (76:9), (55:60)
- (10) Freedom - No human being shall be a slave or a subject to his fellow beings. (3:78). The subservience shall be due to law only. (3:78) and the law shall be consistent with the divine command (7:3).
- (11) Results of human actions - Every action has its reaction. A good act produces a positive or constructive effect and a bad act has a negative or disintegrating effect. (99:7-8). There shall be no difference between a man and a woman in this

respect. (3:195)

- (12) Lawlessness shall be checked. (2:205)
- (13) The state shall be organised on the basis of mutual consultation. (42:38)
- (14) Justice, Evidence and pleading the cases of clients in the court of law shall be according to the rules laid down by the Quran in (2:42), (2:283), (4:135), (5:8), (4:105), (4:107) and (28:17)
- (15) Power shall be entrusted to most trust-worthy and fit persons for the job. (4:58)
- (16) Chastity shall be protected. (16:32), (24:2)
- (17) Cooperation - in matters consistent with the divine laws and non-cooperation in matters of sin and enmity. (5:2)
- (18) Freedom in the choice of religion. (2:256)
- (19) Non believers and their places of worship shall be protected. (22:40)
- (20) Division of mankind on the basis of Ideology only. (64:2)

Relative Values

Besides Permanent Values there are Relative Values which are conditional, for example -

- (1) Protection of life - Although it is a permanent value but according to law a murderer can be sentenced to death. (5:32) Similarly in times of war life can be demanded for the protection of Truth.
- (2) Security for peace - Those living in a just regime based on divine laws shall be provided security of peace as their human right but if they intrigue or rebel against the lawful regime they shall be severely punished.
(5:33)
- (3) Security for Crops and Cattle - This is also an important value. (2:205). But their protection may not be possible during war waged in protection of Truth.
- (4) Security of places of Residence - This is also a permanent value but this may become interrupted during the time of war

waged for the protection of a Truthful and just regime. (2:85)

- (5) Fulfil obligations - This is a permanent value. But if you fear treachery from the other party, throw back their covenant. (5:58)

The constitution of the Islamic State of Pakistan ought to be one consistent with the basic principles of the Quran described above.

To seek for a constitution based on divine laws is not only the duty of those who rule the land of Pakistan; it is rather the duty of all the Muslim individuals to ponder over it and strive for it, in order to pull ourselves out of the drudgery of Western Democracy. Already we have seen enough of this nonsense.

CHAPTER 5

THE POSITION OF AHADIS AND FIQAH LAWS IN THE CONSTITUTION OF AN ISLAMIC STATE

In the preamble to the Constitution of Pakistan it is said, "wherein the Muslims shall be enabled to order their lives in the individual and collective spheres in accordance with the teachings and requirements of Islam as set out in the Holy Quran and Sunnah". We Muslims often write down the words بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ on the top of our correspondence. But as a matter of fact these words have got no connection with the contents of the letters. Same is the case with the words Quran and Sunnah written on the face of Pakistan Constitution, these words being decorative in nature without any connection with the secular regime in practice in this country.

On the other hand; if we ask any Muslim as to what are the Constituents of 'Deen'? the almost invariable answer shall be that 'Deen' comprises 'Quran & Sunnah'. We have become so much used to it that we never make the slightest effort to find out if it is exactly right. Even to cast a searching glance over it is considered sinful. However there is one thing on which we all agree, that 'Deen' must be based on certainty, not on speculations.

The Quran says: وَمَا يَتَّبِعُهُمُ الْاِظْمَارُ اِنَّ الظَّنَّ لَا يَغْنَىٰ مِنَ الْحَقِّ شَيْئًا
(10:36) اِنَّ اللّٰهَ عَلِيْمٌۢ بِمَا يَفْعَلُوْنَ

"But most of them follow nothing but fancy: truly fancy can be of no avail against truth. Verily Allah is well aware of all what they do."

Now it is for us to find out if any of the two constituents which are supposed to comprise 'Deen', is not based on fancy? And whether each one of these two constituents have been given to Muslims by Allah and His Rasool? As regard the Quran it has been repeatedly said:

(35:31) وَالَّذِيْٓ اٰتَيْنَا النَّبِيَّكَ مِنَ الْكِتٰبِ هُوَ الْحَقُّ ...

"That which We have revealed to thee of the Book is the truth."

This book begins with the following words:-

(2:2)

ذَٰلِكَ الْكِتَابُ لَا رَيْبَ فِيهِ هُدًى لِّلْمُتَّقِينَ ﴿٢﴾

"This is the Book, in it is guidance sure, without doubt."

Thus it is the book without any fancy, sure and certain. On the other hand, Allah took upon Himself the collection and compilation of this book:

(75:17)

إِنَّا عَلَيْنَا جَمْعُورَاتِهِ ﴿١٧﴾

"It is for Us to collect and promulgate it."

Not only that, even the explanation of it:

(75:19)

شَرَّانَا عَلَيْنَا لِيُذَكَّرَ ﴿١٩﴾

"Nay more, it is for Us to explain it (and make it clear)."

Not even that, it is emphatically proclaimed that no change in the Quran is possible for all times to come.

(15:9)

إِنَّا مَن نُّزِّلْنَا الذِّكْرَ وَإِنَّا لَهُ لَحَافِظُونَ ﴿٩﴾

"It is We and We alone Who have sent down this message and We will assuredly guard it (from corruption)."

The purity of the text of the Quran through the last fourteen centuries is a foretaste of the eternal care with which this Divine Message is guarded through all ages. To give a practical shape to this protection the Rasool is addressed as follows:

(5:67)

يَا أَيُّهَا الرَّسُولُ بَلِّغْ مَا أُنزِلَ إِلَيْكَ مِنْ رَبِّكَ ۖ ﴿٦٧﴾

"O Rasool! Proclaim (the message) which has been sent to you from your Rabb."

In obedience of this order, the Rasool^ﷺ dictated every word of the Quran to a group of his companions and thousands of people learnt it by heart and reproduced it before the Rasool^ﷺ himself who made corrections in their recitations. Thus the Rasool^ﷺ satisfied himself before he died that the complete Message was delivered to humanity in its perfectly original form. In his last address to the nation before his death he asked the people, if he had delivered the message to them in full? And when the congregation replied in the affirmative, he said,

"O God! You are witness to the fact that I have delivered the message."

After this Allah confirmed it by revealing the following verse:

(6:115) **وَمَتَّ كَلِمَاتِ رَبِّكَ حُجُودًا وَعَدْلًا لَا يُؤْمَدُّ لِكَلِمَاتِهِمْ وَهُوَ السَّمِيعُ الْعَلِيمُ**

"The code of divine laws is perfected in truth and in justice. None can change His laws, for He is the One Who is All-Hearing and All-Knowing."

The Quran has thus come down to us from Rasoolallah , perfectly safe, through the last 14 centuries and shall continue to do so for all times to come.

Ahadis-

We know that Allah has not taken upon himself the safety of any other book besides the Quran. Allah never ordained to collect Ahadis and never promised to protect them.

Ahadis are supposed to be the collection of the sayings and deeds of the Rasool. But had the Rasool himself taken any step to make them a part of 'Deen'? Did he try to preserve them as he did in the case of the Quran? The answer is that he did not take any step towards the preservation of anything except the Quran. He never asked the people to note down all what he said, he never asked them to learn his sayings by heart. He never tried to satisfy himself, whether they remembered, all what he said, correctly. In fact he never made any arrangement for the safe preservation of his own sayings for the future. Only this much can be gathered from the books of tradition that, besides the Quran, certain miscellaneous things had been reduced to writing in the presence of Rasool and after his death, the following articles were found in written form--(1) A register containing the names of his 1500 companions. (2) The copies of certain letters which he wrote to certain Kings. (3) Some written orders and agreements.

Thus the Rasool did not leave anything behind him to follow, except the Quran. There is even a tradition in 'Bokhari', considered to be the most authentic book of Ahadis, which runs as follows:- Ibn Abbas was asked, "What did the Rasool leave (for his Ummat)?" He said, "He did not leave anything except the Quran."

(Bokhari, Volume III, Kitab Fazailul-Quran).

After the death of the Rasool , his companions did their best to preserve and promulgate the Quran, but what did they do about Ahadis? Did they try to collect, preserve and promulgate them?

In 'Tazkiratul Haffaz', it is said about Hazrat Abu Bakr Siddiq (the 1st Caliph): "After the death of the Rasool ﷺ, he once collected the people and told them, 'you relate the sayings of the Rasool and you differ amongst yourselves about it. Those people who shall come after you shall differ more. so you do not tell any hadis of the Rasool . If any body asks you about a saying of the Rasool , you tell him that the Book of God is present between you and me. All that is said to be lawful in it, be considered lawful and all that is said to be unlawful in it, be considered unlawful."

Hazrat Omar (II Caliph) was even more strict about it. A tradition runs as follows:- Abu Huraira was asked, "Did you relate Ahadis during the time of Hazrat Omar?" He said, "Omar would have beaten me with his stick, if I had done so." Once the issue of bringing the Ahadis of the Rasool into writing was brought before Hazrat Omar who thought over it for one month and said, "There was a mention of bringing the Ahadis into writing. But when I thought over it, there came into my mind the state of a nation who wrote a book themselves and then became so much absorbed in it that they forsook the book of God. By God, I shall not mix up the Book of God with anything else." Even till the end of the first four Caliphates, there is no trace of any Ahadis being collected by the caliphs themselves or got collected under their supervision. In 100 A.H. some Ahadis were collected during the Khilafat of Omar Bin Abdul Aziz. After this, Imam Ibn Shahab Zahri (Died 124 A.D.) prepared a small collection of Ahadis, under orders of the then Caliph, about which he himself said that he did not like it. But these two collections did not last long; although the latter collections have quoted from them. The first such collection of Ahadis which is available at present is by Imam Malik (Died 179 A.H.). Different copies of this collection vary in their contents, about 300 to 500 Ahadis. Later on, the collection of Ahadis increased in number and volumes. Most well-known collections are 'Saheeh Bokhari' and 'Muslim'. Imam Bokhari died in 256 A.H. He collected 600,000 Ahadis out of which he selected 2,630 for entry into his book and rejected the rest on account of their unreliability.

The true position of Ahadis

The contents of Deen must be absolutely certain and free from fancies. Quran is the only book which is certainly true because Allah took its safety upon Himself. The Rasool ﷺ put the words of the Quran into writing and handed it over safely to the Ummat after he completely satisfied himself about its authenticity. He not only gave it in the form of a book, but he made thousands of people to learn it by heart and

satisfied himself that they remembered it correctly. Thus through the last fourteen centuries it has come down to us not only in the form of a book but also through the memory of millions of people; who existed in the past, exist now and shall always continue to exist.

Besides the Quran, the Rasool did not dictate anything; nor did he ask the people to memorise anything in addition to it. On the other hand, there is evidence to the fact that he opposed and resented it.

When certain people thought of writing down the history of the period of the Rasool and his companions, they also thought of collecting such things that were considered to be the sayings of the Rasool . They collected them in the form of books. These very collections are now known as Books of Ahadis. The Ahadis literature, which is being considered as authentic as the Quran, was collected about 250 years after the death of the Rasool . Even the earliest such book was compiled 150 years after him. The source of this literature were the stories that were current amongst the people of that period. These stories were not transferred in words, from one generation to the other, but in contents. Those who collected and compiled them decided on their own, as to who amongst those who originally related these stories were reliable, so that decisions about their reliability took place hundreds of years after their death. These collections of Ahadis even contain material which goes against the teachings of the Quran, so much so that it even reflects badly upon Allah and His Rasool .

Such is the literature which is considered to be as much a part of Deen as the Holy Quran. It is even said that the Quran is dependent on Ahadis and if there is a conflict, on a certain point, between the two, the Hadis shall be considered more reliable than the Quran.

It is apparent that the Hadis literature is based more on fancy and thus cannot be considered as the basis of Deen. We can be benefited by this literature only as far as it is consistent with the Quran. As the Rasool^ﷺ did not leave behind any written record of anything other than the Quran, it is not easy to check whether a certain saying attributed to Rasool^ﷺ, was actually said by him. Those who tried to investigate the issue, only went to the extent of finding out whether those few persons who are described to have originally related the Ahadis were really reliable and truthful. This was the only procedure adopted to sort out the correct from the incorrect or forged Ahadis. On the other hand there is no source available from which one could ascertain that the Ahadis which have been attributed to certain persons, were actually related by them.

The Ahadis are supposed to be the utterances of the Rasool (PBUH); but the spoken words when uttered are gone forever, like the breath which carries them. This also must be kept in mind that Ahadis of legal nature are extremely few.

The word Sunnah refers to the way of life practiced by the Rasool (p.b.u.h.). But there is no going away from the fact that the Rasool (p.b.u.h.) established a social order based on what was revealed to him and which now lies in the pages of the Quran. Thus in order to find out the Sunnah of the Rasool (p.b.u.h.) we should consult the Quran rather than run after the controversial statements.

Fiqa Laws-

The Quran is the direct concern of every Muslim and it requires no intermediaries or priests to express the Divine message. The Muslims are required to use their own intellect, learn the Quran by themselves and take direct guidance from it. But unfortunately very few people make efforts in this direction. They do not use the Quran as a source of law and guidance, they rather use it for purposes of taking oath or use it as 'Tawiz'. For guidance in the matters of 'Deen', they often approach the 'Mulla'. The Mulla when consulted for any particular issue pertaining to 'Deen', quotes the authority of some Imam or some so-called learned man and seldom quotes the authority of the Quran; thus taking the Imam as his Rabb in derogation of Allah. His reason for doing so is that the Imams could understand the Quran better than other people. This behaviour on the part of the Mulla has a historical background. When Muslims held the reigns of power for the first time, they took guidance from the Quranic fundamentals but they needed bye-laws within the four walls of these fundamental principle, for purposes of running the state. Those conversant with the teachings of the Quran gathered together and made the bye-laws according to the needs of time. Such laws were forwarded to the Judiciary for application. *As the laws were initiated by the state, any addition or alteration to it was the function of the state.* This is how the 'Fiqa laws' originated. It is apparent that these bye-laws were changeable with the changing needs of time. These were not immutable like the fundamentals of the Quran, within the four walls of which they were framed. Neither the originators of these laws knew the future requirements of all times to come, nor were they in a position of final

*Quranic verses written on a piece of paper, enclosed in a piece of cloth or metallic case, and hung round the neck or any other part of the body, to guard against evil.

authority, for all future law-making. But unfortunately the Muslim generations that followed, adopted the view that no further application of mind is required either for receiving fresh guidance from the Quran or for the introduction of fresh bye-laws consistent with the changing needs of the time. They thought that the originators of the Islamic laws were the only competent persons who could think over it. Thus the Quran gradually came to be considered only a book of highest reverence but not a book which could be used as a source of law. This wrong and objectionable attitude advanced further. It remained no more restricted to matters concerning our daily life, it also blocked the way of any further research on the Quran which is a vast treasure of knowledge in so many ways. For example, it deals with the history of the past nations providing thereby guidance and moral lessons of the highest importance. It also deals with the phenomena of nature in support of the truth of its fundamentals, the subject being one of most revealing nature introducing fresh horizons of knowledge. The result of this disuse of intellect was that a vast majority of Muslims became,

(7:179) **أُولَئِكَ كَالْأَنْعَامِ بَلَّغْنَا مِنْ آيَاتِنَا**

"like cattles rather more misguided."

The Quran says that such people have minds wherewith they understand not, eyes wherewith they see not and ears where-with they hear not. Such people (it is said) are heedless of warning (7:179).

Now let us consider this issue dispassionately. Does not such disuse of one's own intellect and judgment amount to worship of those who preceded us? Is it not taking others as creators in derogation of Allah? It is only the Creator of the universe Who has created and evolved things according to plan and Who possesses the knowledge of His future plans. Considering the decisions of our predecessors to be immutable, amounts to giving them an equal status with Allah. Truly it is priest worship.

The Lord of the universe has blocked the way of this exploitation of one set of people by another, through a forceful declaration that the Quran is explicit and self-explanatory. It needs no outside help for the clarification of its message; it needs only the intellect and judgment of the reader. Thus it is said:

(11:1) **الَّذِي كَتَبَ آيَاتِهِ يُرِيدُ أَنْ يَهْدِيَ بِهَا النَّاسَ وَيُفَصِّلَ لِلَّذِينَ آمَنُوا حَدِيثَهُمْ وَالْحَدِيثَ الَّذِي نُزِّلَ فِي الْقُرْآنِ**

"This (the Quran) is a code of life whose laws are based on Permanent

Values, further explained in detail-from One Who is Wise and Well-acquainted (with all things)."

What has been the result of giving Fiqah laws, originated by Imams, the status of immutability? The result, as we all know, is the permanent division of Muslim Ummah into pieces, known as Sects. The Quran, as stated earlier, leads, humanity as a whole, towards Universalism, making Muslim Ummah as the starting point. But Mullah places hurdles in the way of God.

What a pity? But it is not only the Mulla alone who has taken up this disgraceful and mischievous attitude, our law makers who are frightfully ignorant of the Quranic teachings, have bowed down to Mulla. Article 20(b) of the Constitution of Pakistan says:- "Every religious domination and **every sect** thereof shall have the right to establish, maintain and manage its religious institutions". What a shame that Muslim sects have been provided rights to make their own laws in the Constitution of an Islamic State.

There is yet another outstanding product of the insolence of our law makers. Article 227 of the Constitution of the Islamic Republic of Pakistan says:

"All existing laws shall be brought in conformity with the injunctions of Islam, as laid down in the Holy Quran and Sunnah, in this part referred to as the Injunctions of Islam, and no law shall be enacted which is repugnant to such injunctions.

Explanation - IN THE APPLICATION OF THIS CLAUSE TO PERSONAL LAW OF ANY MUSLIM SECT, THE EXPRESSION OF "QURAN AND SUNNAH" SHALL MEAN THE QURAN AND SUNNAH AS INTERPRETED BY THAT SECT."

This distinction, between personal laws and public laws, is a manifest subservience to man-made laws or the whims and wishes of Mulla instead of divine laws. It is rather an open rebellion against the Quran. It is a sharp-edged axe which cuts at the very root of the unity of Muslim Ummah and it is a conspiracy against the establishment of an Islamic Social Order in Pakistan and in the world at large.

The Quran says:

(3:102) وَأَعْتَصِمُوا بِحَبْلِ اللَّهِ جَمِيعًا وَلَا تَفَرَّقُوا ...

"(Oh you who believe!) Hold fast, all of you together, to the cable of God (i.e., the way of life Allah has prescribed for you) and be not divided

amongst yourselves."

Again it is said:

إِنَّ الَّذِينَ فَتَقُوا دِينَهُمْ وَكَانُوا شِعَابًا لَسْتَ مِنْهُمْ فِي شَيْءٍ إِنَّمَا أَمْرُهُمْ إِلَى اللَّهِ ثُمَّ يُنَبِّئُهُم بِمَا
(6:160) كَانُوا يَفْعَلُونَ

"Those who create differences in Deen (i.e. the way of life prescribed by God) and divide themselves into sects (O Messenger of God!) you have nothing to do with them. Leave their affair for the law of God to decide. That will tell them how they acted."

Again it is said: فَتَقَطَّعُوا أَمْرَهُمْ بَيْنَهُمْ زُبُرًا كُلُّ حِزْبٍ بِمَا لَدَيْهِمْ فَرِحُونَ

(23:53-54)

فَذَرَّهُمْ فِي غَمَرَاتِهِمْ حَتَّىٰ حِينٍ

"But rather than preserve their unity, people split themselves into factions. Each group rejoices in what it adheres to. You had better leave them in ignorance for a while."

Again it is said: مَنِيبِينَ إِلَيْهِ وَاتَّقُوهُ وَأَقِيمُوا الصَّلَاةَ وَلَا تَكُونُوا مِنَ الْمُشْرِكِينَ

(30:31-32)

مِنَ الَّذِينَ فَتَقُوا دِينَهُمْ وَكَانُوا شِعَابًا كُلُّ حِزْبٍ بِمَا لَدَيْهِمْ فَرِحُونَ

"Turn unto Him (and Him alone) and be afraid (of the consequences of turning away from his laws); establish Salat (i.e., the social order based on His guidance) and be not among those who follow laws other than His and thus set up peers to god, (i.e.) be not of those who create cleavage in their social order and resolve themselves into various sects where each sect is obsessed with its own view of it."

Again it is said: وَأَتَيْنَهُم بَيِّنَاتٍ مِنَ الْأَمْرِ فَمَا اخْتَلَفُوا إِلَّا مِنْ بَعْدِ مَا جَاءَهُمُ الْعِلْمُ بَعْضًا بَيْنَهُمْ

(45:17)

إِنَّ رَبَّكَ يَقْضِي بَيْنَهُمْ يَوْمَ الْقِيَامَةِ فِيمَا كَانُوا فِيهِ يَخْتَلِفُونَ

"And We gave them a clear code of life. It was only after the knowledge had come to them that they fell into schisms through mutual envy. Verily thy Rabb will judge between them on the Day of Judgment in respect of that in which they differed."

The hurdles in the way of unity of mankind can be removed only by following the code of life revealed by the Creator of the universe, which ensures the security and development of the human society. This code of life today lies safely preserved in the Holy Quran.

The way of Escape

The way of escape from this miserable and unfortunate tangle in

which our law makers are stuck, is as follows:-

We must remember that it is impossible to bring about a Social Order in Pakistan based on the Qur'an and the Sunnah unless the true position of the Qur'an and the Sunnah is established. The constitution of the state of Pakistan should be based on the Qur'an which is without exception accepted by all Muslims as the final authority in all matters and ensures human dignity for each and every member of the state without distinction of caste, creed or colour. The Qur'an gives the basic principles which admit no change and constitute permanent values. Within the four-walls of these principles, the Qur'an allows the Islamic State to frame its own laws to suit the requirements of the time. The principles remain immutable but the subsidiary laws change from time to time. This harmonious blending of permanence and change gives us the true Islamic Constitution. It shall recognize neither theocracy nor priesthood but shall place all individuals on equal footing, allowing none to command the others and subjecting all to one law. It will encourage the spirit of democracy allowing it free-play within the boundaries laid down by the Qur'an.

In considering an issue, the Islamic State follows the following procedure:-

1. Ascertain the principle bearing on the issue which Allah has given in the Qur'an. The Qur'an gives generally the principles which should govern various aspects of life in different ages according to the requirements of any particular age.
2. Visualize clearly the urges of the age and the state.
3. Look for the precedence in the collection of Ahadis or the books of law (Fiqh) which might correspond to the present conditions and to the relevant Qur'anic principles.
4. If a precedent answers exactly the requirements of the time, it is adopted straight-away.
5. If a precedent does not exactly answer the needs of the time, it is adopted after suitable amendment.
6. If a precedent exact or partial is not forthcoming, new course is carved out to meet the new situation.

That is the basic issue which every Government of the State of Pakistan has evaded resulting into uncertainties and a complete failure in the establishment of a stable Social Order.

If we stick to the idea that all that is written in the books of Ahadis and Fiqah is as immutable a basis of 'Deen' as the holy Qur'an, there is no possibility of establishing an Islamic Order in Pakistan.

ANOTHER ISSUE - Let us clarify one more important issue at this juncture. Division of Muslim Ummah in to sects and political parties is against the tenets of the Quran. But majority of our intelligentsia, as well as media, uphold the party system. Their argument in favour of elections on party basis is that Quaid-e-Azam fought the case of Pakistan on party basis. Thus it is imperative to keep the process going on. But these people totally forget that according to the holy Quran there is only one criterion for the division of mankind and that is on the basis of ideology. Those who believe in the Permanent Values of the Quran belong to one party and those who do not believe in it belong to the other party. (64:2). Quaid-e-Azam separated **حزب الله** or Allah's party and brought them here to settle in Pakistan. In doing so he worked under the British Constitution which was the law of the country at that time. In doing so, the course he carved out was constitutional, intellectual and absolutely correct. But the conditions in Pakistan have entirely changed. Now we are not living under the British law and being **حزب الله** Allah's party, are bound to live under the Quranic law, for our survival. At present there are two courses open. Either we adopt a secular regime with party system as an integral part of it or we reject the party system and adopt a regime bound by the dictates of the holy Quran. The latter shall provide, safety, integrity and survival of Pakistan and the former shall demolish the very foundation of the State.

CHAPTER 6

FORMS OF GOVERNMENT

The holy Quran does not provide instructions as regards the form of government in an Islamic state. In general, the Quran provides guidance in principles and (with few exceptions) has not given the details. That is so because the principles for the life of man are immutable, but the details formulated within the boundary lines of these principles, need change, with the change of time and circumstances. It is for the legal experts in Pakistan to decide by mutual consultation as to what form of government suits this country.

The forms of government prevalent in the modern age are Unitary and Federal governments; Cabinet and Presidential governments, Bureaucratic government and Dictatorship etc. Our legal experts after mutual consultations can decide if any of the above said forms of government can suit Pakistan, in its original or modified form.

The outlines of the prevalent forms of governments are briefly described below for the convenience of readers, so as to enable them to form their own opinions about it.

Unitary form of Government

In unitary form of government there is one integrated system of government and the supreme power belongs to the central government. For administrative convenience and other considerations the country may be divided into political divisions of different categories; but all authority emanates from the Central Government. These subdivisions have no original existence of their own. They are the creation of the Central government and may be altered at will. The power exercised by them is only delegated and subordinate authority, which can be increased, diminished or withdrawn at the will of the central authority.

Merits of Unitary form of Government-

The unitary type of government represents the most effective type of governmental organisation. The whole problem of organisation of government is simplified and the system possesses the merit of flexibility. One of the essential features of a good governmental system should be its ability to modify and adjust its organisation and the manners in which

its powers are exercised, as new needs and conditions demand such change. In a unitary government territorial division of powers is a matter of government itself to determine: it has accordingly full power to modify its scheme of internal organisation and distribution of powers as and when need arises.

The outstanding feature of unitary government is unity. All powers of government are concentrated in the hands of single set of authorities and all organs of government constitute integral parts of one piece of administrative mechanism. There is uniformity of laws, policy and administration. All the organs of government can thus be brought to bear directly on the problems of administration to be solved. There can be no conflict of authority, no conflict or confusion regarding responsibility of jurisdiction, no duplication of work or organisation which cannot be immediately adjusted. In the fields of foreign policy and national defence the strength of centralised government is especially manifest. It exhibits promptness of decision and firmness of action. United administration checks centrifugal forces and saves administration from disruption. Finally, a unitary form of government being simple in organisation, it is less expensive. There is no duplication of political institutions.

Defects attributed to unitary form of Government-

The only defects which can be ascribed to a Unitary government, as Prof. Garner puts it, is that it tends to repress local initiative, discourages rather than stimulate interest in public affairs. The present day Central governments, it is further maintained, have to tackle so many complex problems, national and international, that they have neither the initiative, nor time to devote to local affairs. Local areas cannot accordingly progress.. But such a criticism will not hold valid, once we distinguish between a centralisation of authority and a centralisation of the use of this authority. There is nothing in the unitary form of government which does not permit decentralisation in the actual exercise of governmental powers, or the conferring of autonomy or powers of self government upon political subdivisions. All the same unitary government is best suited for small countries which have a geographical unity and which are socially and culturally homogeneous. It does not suit a country with big territory and huge population consisting of diverse races and cultures. Only a federation can bring unity out of this diversity.

FEDERAL GOVERNMENT

Federation means treaty or agreement. A federal government comes into existence either as a result of centripetal or centrifugal force. When hitherto sovereign and independent states, either because they are too weak to resist individually foreign aggression or because they remain economically backward by standing alone, voluntarily agree to unite, as in union there lies strength, they form a federal union. Such a union comes into existence by centripetal forces. The instrument by which a federation is brought about is of the nature of treaty or agreement between the independent states and the new unit of the government, national or central, which they agree to create. A new state is thus created, to which the hitherto sovereign states surrender their sovereignty and agree to become its component parts, known by different names - States in the United States, Australia and India; provinces in Canada, Cantons in Switzerland - in different federal states.

The central or national government which comes into existence as a result of such a union, is entrusted with powers of general character which concern the nation as a whole. Other subjects which are of local interest or in which variety of practice can be permitted, are left within the jurisdiction of the regional governments, states, provinces whatever the name. The power so distributed between the two sets of governments, central and regional, are protected by the Constitution and neither of the two can encroach upon the jurisdiction of the other or destroy its existence. Alterations can be made by amending the constitution alone. Sovereignty lies neither in the central government nor in the regional governments. Neither can it be divided between the two. It resides in the state alone and it is exercised by the authority which has the power to amend the constitution. In a Federation, therefore, the "Supreme States" disappear, their sovereignty being destroyed; and their citizens having divested themselves of the old allegiance, create on the basis of a national unity, a federal state.

A federation may also come into existence when a unitary state with a large area which needs unity out of diversity, divides its powers into two sets of governments and grants constitutional independence to its units. The new apparatus of government comes to be like this: the Central government retains only those subjects which are of national importance and transfers the rest to the jurisdiction of the units. In this case centrifugal forces operate and bring about a federal form of government. As for example the government of India.

Whatever be the method of coming into existence and whatever be the system of division of powers, a federal government is a dual government in which powers are divided and distributed by the constitution between a central government and regional governments. Unlike the unitary government, powers of the units in a federation are ORIGINAL and not derived. They are not the grant of the central government but the gift of the Constitution and they are constitutionally protected.

Pre-requisites of a Federation-

According to Dicey there should be in the first place, a strong desire to have a nation, the will to have a union and to be under a single independent government for some purpose is really the basis of a federation. It means that federating units must be inspired and bound together by a sense of oneness, with a desire to objectify it politically. Unless they become a community of interests their cohesion into a new state is extremely difficult.

The second requisite condition for a federation, according to Dicey, is that the federating states must desire union rather than unity, that is while there should be a desire on the part of federating states for national unity and to be under a single independent government, they must desire at the same time to maintain their individuality and autonomous existence by establishing independent regional governments in some matters at least. The aim of the federation is to give effect to both these sentiments.

Moreover there should not only be the desire to have a federation but the power and ability to operate it as well. The factors, which determine their desires or aspirations as well as their capacities to make them operative ideals, are the following:-

- (1) One of the main incentives to closer association is a feeling of homogeneity, what Mill calls mutual sympathies among the population. "The sympathies available for the purpose", he says, "are those of race, language, religion and above all of political institutions, as conducing most to a feeling of identity of political interest. It is, however, clear that strong as the force of language, race, religion, nationality are in producing a desire for union, such a desire can nonetheless be produced amongst people who differ in all these particulars but possess a sentiment for union, a common sentiment that in union lies strength and this strength can be

achieved by political cohesion. The Swiss did so and they continued to operate inspite of the diversity of language and religion. Exposed frontiers and the danger of aggression from various neighbours dictate union for the purpose of defence. In Canada the desire to unite arose inspite of differences of language and race.

- (2) The areas having the desire to federate should be geographically contiguous, that is to say, that the states desiring to federate should not be separated from one another by distant spaces of land and water.
- (3) Of all the factors which produce the desire for union, similarity of social institutions and particularly the political institutions is the one which is very important, because it produces best the capacity for union.
- (4) Not only it is desirable that there should be similarity of political institutions in the federating units but it is also essential that these institutions should not be autocratic or dictatorial.
- (5) The capacity of states to work a federal union is also greatly influenced by their size. It is desirable that there should be, as far as possible equality among the component parts of a federation in their size and population. If there are wide differences in size and population, the federating units are not equal partners in a union. Units larger in size and population and more powerful in resources than the others may be too proud and domineering for smaller ones. They may even overrule the others and bend the will of the central government to themselves. The idea of dominance by some, creates suspicion and lack of confidence in others. Confidence on the other hand, is the essence of the will to federate and the capacity to work the federal government.
- (6) Finally the federating states must possess adequate economic resources to support both an independent national government and independent regional governments. A federal government must be given sufficient independent economic resources if it is to perform the duties well. It is also essential for a federation that the regional governments must be left with adequate economic resources to run their governments and perform functions assigned to them. If the resources left

are not sufficient to support independent regional governments, then no matter how much states desire a federal government and no matter whether a federal constitution is drawn up, in practice federal government will not be possible.

The division of powers between central and regional governments which is the essence of federalism involves three consequences. First the arrangement must be embodied in a written constitution, secondly the constitution must be rigid, and finally the presence of a Supreme Court.

The Constitution must be a written document and must be binding on the central and regional governments. It must either be immutable or else capable of being changed only by some authority above legislatures existing under the constitution. In a federation the necessity of a supreme or federal court with an authority to interpret the constitution is an established fact. The federal judiciary performs two important functions: (1) It decides disputes of jurisdiction arising between the central government and regional governments or between one regional government and another; and (2) it keeps different governments within their limit so that none may encroach upon the sphere of jurisdiction of the other.

Advantages of a Federal Government-

Small independent states cannot exist in the midst of modern competing states and they find a good substitute in a federal system of government which brings them the advantages of union while maintaining their political autonomy at the same time. Federation has as a principle, the combination of unity and diversity. Such a need exists particularly in countries of great territorial expansion, or deep seated social, cultural, religions or linguistic differences. Federal government prevents rise of a single despotism, checks the growth of bureaucratic authority and conserves the political liberty of the people. Abuse of authority is more easily checked by vigorous federalism than by any another form of government. Territorial division of functions also relieves the central government of many burdensome functions and relieves congestion of legislative and administrative work at the centre.

Drawbacks of a Federal Government-

- (1) The constitution framing body of a federal government has to bear the burden of not only of providing two sets of governments but also of determining the manner in which the

total of the governmental power shall be distributed among them. The task is so difficult that a satisfactory performance of it at one time is impossible, as it is tantamount to compartmentalising the life of the nation. What might formerly have been safely left to the separate units may with the lapse of time and under changed conditions demand a national regulation and decision. This leads to bitter contests regarding the jurisdiction of the two governments. The proper adjustment of central to local governments becomes a constant source of difficulty and the danger of rebellion or the formation of sectional factions is always present.

- (2) Then, the pre-requisite of a federal government is the supremacy of the constitution which implies a written and rigid constitution. If any change in the constitution is desired to be brought about, it must be done by amending the constitution as prescribed by law and not by unilateral action of any of the two sets of government. But the process of amending the constitution being difficult and circuitous, it is not possible to get the desired results as and when the needs of the people and the country demand.
- (3) The powers of government in a federation are divided among as many sets of officials as there are major political divisions plus the central government. The organs of government instead of being parts of one highly integrated piece of administrative machinery are parts of many different administrative systems. Being coordinate as regards their status, uniform policy for common good can only be secured by a voluntary government among all to cooperate. This is something which is often difficult, if not impossible to secure. The particular interests of all the component units of a federation are not identical and each unit is likely to pursue a policy which seems to be conducive to its own interests over those of the state as a whole. More serious still, this difference of interests may bring the several units into sharp conflict with each other or collectively into conflict with the Central government. Even when there is no conflict of interest, great loss often results when a given work is not under a single direction.
- (4) In the conduct of foreign affairs, it is maintained that the federal government exhibits inherent weakness and

inconsistency. The experience of the United States in particular has shown that the individual members of the federal union, by virtue of their reserved powers over the rights of person and property, may embarrass the national government in enforcing its treaty obligations in respect of aliens residing in the United States. When internal differences are carried into foreign relations, the national government loses its prestige. A fluctuating foreign policy leads to manifold troubles. Similarly in times of war federal government may sometimes be found lacking in promptness of decision and firmness of action, which national emergency of this kind demands.

A federal government is financially expensive, since there is much duplication of administrative machinery and procedure. It is wasteful of time and energy, in that it much depends on negotiation, political and administrative, to ensure uniformity of law and proper administrative fulfillment thereof. However, the theory and practice of federalism has undergone a radical change. In fact in all those states which adopted federal system of government, there has been a steady movement to counteract the disadvantages resulting from a constitutional distribution of powers by progressively increasing the powers of the central government.

CABINET AND PRESIDENTIAL GOVERNMENTS

Modern democratic governments are further divided into cabinet and Presidential governments. The former also carries the name of parliamentary or responsible government and the latter is called non-parliamentary or congressional government. This classification is made on the basis of the principle governing the relations between the executive and the legislature. If both these departments are unified and coordinated under the control of the same persons, so that they must work in harmony, such a system of government is called cabinet or parliamentary. It is responsible because the cabinet is responsible to the legislature for the political policies and acts and it remains in office so long as it retains the confidence of the legislature. If the executive and legislative departments are largely independent of one another, but each possesses checks on the power of the other in order to make the power limited, controlled and diffused, the system of government is Presidential. Here the head of the executive is constitutionally independent of the legislature in respect of the duration of his tenure and is not responsible

to it for his political policies. Hence it is non-parliamentary or non-responsible.

Cabinet Government-

Here the chief executive is the head of the state, whether he is a hereditary King as in England or one like the President of India who is elected for a fixed number of years, possesses only nominal powers. Legally, he possesses all those powers and privileges which the constitution may confer upon him, but in practice he exercises none of them. The real executive power rests with the cabinet.

Defects of the Cabinet Government-

In spite of the many practical advantages of the Cabinet system, some objections have been urged against it. Combination of executive and legislature functions in the same set of individuals, it is argued, leads to tyranny. Moreover, the Ministers are liable to be distracted from their executive duties by the work of preparing legislative measures and carrying them through the parliament, while parliament is tempted away from legislative problems by interesting questions of current administration in which, especially in foreign affairs; it is liable to interfere to an excessive extent. On the other hand, it is said that practical experience tells us that collaboration between the executive and legislature powers is essential to the well being of the state. These departments can not be divided into water tight components.

It is further pointed out that Cabinet government is unstable. It has no fixed life. It remains in office only as long as it can retain parliamentary majority which is subject to the vagaries of the representatives, particularly if the dominant majority in the representative chamber is either small or wanting in cohesion; and in the latter case it is liable to be upset by a new combination of parties in the chamber-aided perhaps by personal intrigues - if the opportunity for the combination is skilfully chosen, so that the newly formed majority is not reversed on an appeal to the country. The uncertainty in the tenure of office, does not prompt the party in power to adopt a foresighted and consistent policy.

Finally cabinet government is charged with lack of promptness in deciding and taking immediate action in times of national crisis or emergency.

Presidential form of Government-

Both Cabinet and Presidential form of governments are representative in their character, but the responsibility of the executive to the legislature is the sine qua non of the former whereas the latter is constitutionally independent of the legislature. Under the Presidential system, the legislature and the executive are two distinct departments of the government; the executive is neither responsible to the legislature for their public acts nor do they depend on it for remaining in the office. The chief executive head of the state, the President, unlike Cabinet government, is the real executive, both as a matter of law and in fact, and such power is the direct grant of the constitution. The executive makes all ministers his assistants and thus denies them the more independent positions of ministers in a parliamentary government. They have no access to the legislature; the policy of the government is that of the head of the state and they are responsible to him alone. The legislature in a Presidential form of Government cannot be dissolved. It runs its own lease of life.

Merits of Presidential form of Government-

Its chief merit is that without being responsible it retains a representative character. The President is an elected representative of the people, but his tenure does not depend upon the fluctuating will of the legislature. A fixed tenure of office accounts for a greater continuity of policy and firmness in administration. The policy of the government can be successfully carried out without any fear of break. The principal virtue of Presidential form of government, therefore, is the fact that it creates a stable executive within the framework of a democratic order. This means promptness, vigour and initiative in administration. Unity of control, quickness in decision and concerted policy which emergency of any kind demands, can best be obtained in a Presidential system of government. The head of the State is the chief policy maker and a Commander-in-Chief of the armed forces of the country.

The Presidential system also makes possible the appointment of experts to head the departments and without consideration of party affinities.

The Presidential form of government, it is argued, is best suited for countries inhabited by different communities with diverse interests.

Defects of Presidential form of Government-

It is said that with powers divided between the executive and the

legislative departments, without any means of proper coordination, there is always inordinate delay to arrive at an agreement even on pressing matters which demand expeditious disposal. One branch of government may be operating on one policy, whereas the other may be following a different one, particularly when the executive belongs to one party and the legislative majority to another.

It is said that lack of direct initiative in legislation on the part of the executive is a serious defect in the Presidential form of Government. Legislation is the main function of the executive and the legislation does not act under its instructions. There can accordingly be no cohesiveness and the party ties which bind the executive and the legislature are too flimsy for an integrated policy.

Again the Presidential form of government is characterised to be autocratic, irresponsible and dangerous. Once the President has been elected, the nation must continue with him whether they like and approve of his policy or not. He may become autocratic and even degenerate into a dictator. Since his office goes by calendar, he cannot be removed.

But in the United States of America, the Presidential system, inspite of its limitations, has worked vigorously well. Whenever basic unity was required in an exceptional crisis, statesmanship and patriotism has always provided it. However, the Presidential system has not worked well in Latin American countries, Philippines and South Korea.

BUREAUCRATIC GOVERNMENT

Bureaucracy represents that type of government the administration of which is entrusted to the permanent functionaries. They constitute the permanent civil service and are specially recruited to the services as a result of competitive examination or by nomination. They enjoy permanency of tenure and remain in office during good behaviour or till they retire on pension. Their promotion in service depends partly upon seniority and partly upon merit. Bureaucratic government is neither representative nor responsible and accordingly it is not responsible to the public opinion. The most familiar example of bureaucratic government was the British Government of India before 1919.

Merits of Bureaucracy

Its chief merit is that the key posts are entrusted to the charge of officers who are men of high skill and ability and possess expert

knowledge. They acquire special training in the art of government and observe a rigid code of traditions. It is accordingly, more efficient, than popular government. Usually there develops among the administrative functionaries, a spirit of discipline similar to those found in a regular army.

Demerits of Bureaucratic Government-

The chief defects of the bureaucratic government are centralisation of control and supervision, red-tapism, strong attachment to routine work, secrecy and undue safeguards for service. Such a government can neither be responsible nor responsive. Those who exercise authority are wedded to official customs and precedents without any regard to the needs of the people. They are conservative in their outlook and, as such, have neither the means to feel the pulse of the people nor an inclination to adjust their policy according to the popular demand. They are primarily concerned with the form rather than with substance. Urgency has no place in Bureaucracy. Every detail of the administration must mechanically move through the rut of "proper channel" till it reaches the head of the department and decision is taken. Years pass before any trifling matters are finally disposed of. All this entails unnecessary waste of time and public money.

Bureaucracy may mean an efficient government, but efficiency is not the sole test of a good government. A good government always tries to stimulate in the people self-reliance, patriotism, loyalty and interest in the government. It aims at political education of the citizens. The rulers consider themselves as trustees of public opinion and in their public actions they are guided and influenced by the needs and requirements of the people. Bureaucracy is a denial of all this and thus whatever its merits it is no substitute for self-government.

DICTATORSHIP

Dictatorship as a form of government is not new. It was a recognised institution in Republican Rome where normally the authority of the government was vested in two Presidents called Consuls. In times of emergency Romans used to appoint a Dictator to supersede the Consuls, granting him supreme powers to meet the crisis. But Roman dictatorship was a temporary expedient to meet a crisis and discarded when crisis was past. Moreover the dictator was selected by a legal process with the obligation to submit his use of power to the scrutiny of the permanent authority.

This nature of dictatorship does not apply to the modern dictators who appeared in the present century. Modern dictators are not selected by a legal process for a limited period of time in order to steer the state in a national emergency. They come into power as the result of coup de tat. Force is the criterion of their political authority and they remain in power as long as force can retain them. They are responsible to no other authority except to themselves. In fact the whole authority of the state is vested in one individual person and he personifies the state.

Two important principles of modern dictatorship are: (1) To make a sharp distinction between rulers and the subjects; and (2) to blur the distinction between government and the state. The ruler becomes the state. There is no sphere of life which the modern dictator's state will not cover.

SUITABILITY OF THE FORM OF GOVERNMENT FOR PAKISTAN

Before making a decision as regards the suitability of the form of government in the Islamic State of Pakistan, it must be kept in mind that the organisation of the government of an Islamic State revolves around one single point that the right to rule belongs to Allah alone, through His revealed Book.

In an Islamic society, any issue not covered by the Quranic Injunctions is meant to be decided by the Ummah by mutual consultation. The 'form of government' is one such issue. However, the writer may be allowed to express his own opinion.

In the opinion of the writer, the Federal form of government does not suit the state of Pakistan, for the following reasons-

- (1) A Federal government, as stated earlier, comes into existence as the result of hitherto sovereign and independent states, either because they are too weak to resist individually foreign aggression or because they remain economically backward by standing alone, they thus voluntarily agree to unite. But Pakistan came into existence as a single Muslim Nation, as the result of separation from the non-Muslims of India. The provinces of Pakistan, that now exist, were only the administrative units under the British Government of united India. The question of these provinces belonging to separate nations does not arise.

- (2) The powers, so distributed between the two sets of governments in Pakistan i.e., the Central and the Regional are protected by the constitution and neither of the two can encroach upon the jurisdiction of the other or destroy its existence. Sovereignty lies neither in the central, nor in the regional governments. Alteration in the distribution of power can only be made by amending the constitution.

What havoc, this distribution of power has created in the dual government of the country during the present regime is self evident.

As described earlier, under the heading, "Prerequisites of Federation", there should be, in the first place, a strong desire amongst the constituents to have a union. This will to unite, in this country, has been gradually frustrated by the vested interests and all units have been forced to be at daggers drawn with each other. A single united nation that emerged in the year 1947, on the basis of ideology, has been divided into Punjabis, Pathans, Sindhis, Balochis, Mohajirs and what not; with the resultant loss of feelings of homogeneity or mental sympathy.

Moreover, as said earlier, there should not only be the desire to have a federation, but power and ability to operate it as well; and that factor is totally absent in the present State of affairs in Pakistan. No feeling of identity of political interests and sentiment of union has been left. No similarity of social institutions is visible and the federal units have become autocratic and dictatorial. Moreover, the federating units in Pakistan are different in size and population; another obstacle in the way of the working of the federation. Also that the economic resources of federating units are different. It is essential for a federation that regional government must be left with adequate economic resources to run their governments. How can all the pre-requisites of a good federal government be fulfilled, when the central and the regional governments in Pakistan are whole-heartedly indulged in cutting each others throat, and there is no hope of any change either in the near future.

Moreover in the conduct of foreign affairs, it is maintained, that a federal government inherits weakness. The divided policy of the various political parties and groups in Pakistan, as regards, the present state of affairs in Kashmir, is not a secret.

Under the circumstances, in the opinion of the writer, it is the Unitary form of government that suits this country most. Firstly because it is a most effective type of governmental organisation and secondly because the sovereignty of the Book of Allah can be effectively exercised

by a single set of authorities in the centre.

As opined by some writers on the political science, the only defect, which can be ascribed to a unitary form of government, is that it tends to repress local initiative in public affairs. But that is a flimsy excuse. Why should every body meddle with politics and the affairs of the government. There are other fields equally important where people can apply their skill, energy and talents. One such field is that of Science and technology, which is most important.

Parliamentary or Presidential?-

As stated earlier, this classification is made on the basis of the principles, governing the relations between the Executive and the Legislature. If both these departments are unified and coordinated, under the control of same powers so that they must work in harmony, such a system is called a Cabinet or Parliamentary.

If the Executive and legislature departments are largely independent of one another, but each possesses checks on the powers of the other, in order to make power limited or diffused, the system of government is Presidential.

In spite of the many practical advantages of the Parliamentary form of government, the objection raised against it, is that the combination of Executive and Legislature functions in the same individuals leads to tyranny. We in Pakistan have had a taste of it.

As regards the Presidential form of government that exists today in some countries of the world, it has been said already that lack of direct initiation in legislation on the part of Executive is a serious defect. Moreover, Presidential form of government is characterised to be autocratic and irresponsible.

As far as an Islamic State is concerned, the head of the State, may be called a President, bound down by the splints of Quranic laws, injunctions and permanent values and working in consultation with his Majlis-e-Shura, is the ideal form of government. This form of government was established by the Rasool (p.b.u.h.) himself. It is denial to the practice of 'كفر' kufir i.e. disobedience to the divine laws. The Quran says:

وَكَيْفَ تَكْفُرُونَ وَأَنْتُمْ تُتْلَىٰ عَلَيْكُمْ آيَاتُ اللَّهِ وَفِيكُمْ رَسُولُهُ ... (3:101)

"And how would you practice 'Kufr' while unto you are rehearsed the signs of Allah and among you lives the Rasool."

Thus the sovereignty of the book of Allah and the presence of Rasool (p.b.u.h) as the central authority were the two prerequisites of the organisation of an Islamic state. But that does not mean that the organisation of 'Deen' existed only as long as the Rasool (p.b.u.h) lived. On the death of the Rasool (p.b.u.h.), disappointment and dismay prevailed all round. On this Hazrat Abu Bakr Siddiq gave a sermon explaining that those who considered Muhammad (p.b.u.h) as their **محبوب** (the one to whom subservience is due) ought to know that their **محبوب** has died. And those who consider Allah as their **محبوب** ought to know that He is ever alive. After this he recited the following verse of the Holy Quran.

وَمَا خَلَقْنَا الرَّسُولَ قَدْ خَلَتْ مِنْ قَبْلِهِ الرُّسُلُ أَفَإِنْ مَاتَ أَوْ قُتِلَ انْقَلَبْتُمْ عَلَىٰ أَعْقَابِكُمْ وَمَنْ يَنْقَلِبْ عَلَىٰ عَقْبَيْهِ فَلَنْ يَضُرَّ اللَّهَ شَيْئًا وَسَيَجْزِي اللَّهُ لِلشَّكِرِينَ

(3:144)

"Muhammad is no more than a Rasool, many were the Rasools who passed away before him. If he died or were slain, will you then turn back on you heels? If any did turn back on his heels not the least harm will he do to Allah. Allah on the other hand, shall swiftly reward those who (serve Him) with gratitude".

This provided the gathering a clear indication as to what they should do. Thus immediately afterwards they elected **خليفة الرسول** Successor to the Rasool (p.b.u.h), so as to fill up the vacuume created by his death. Thus the basic elements of the central authority of Ummat "The Quran and the Rasool" continued.

Dictatorship-

As regards the Dictatorship, it is entirely antagonist to an Islamic State as the law that controls the state affairs in an Islamic State is the Revealed law and not man-made law. The state functions to determine bye-laws within the boundary laid down by the revealed law.

Anything that has been left by the Quran for the Ummah to decide, according to the needs of time, is not an individual affair. It is bound to be decided by mutual consultation.

We must remember that it is the first attempt, after the reign of "Khulafa-e-Rashideen, to revive an Islamic State and we have already

wasted 42 years in experimenting on secular regimes. In case we succeed in establishing an Islamic Social Order in this country, not only that we shall flourish and progress in the Quranic pattern of life, its glorious results shall attract other nations of the world towards Islam and the world shall witness once again the graceful phenomenon of people entering, in crowds, into the 'Deen' of Allah, (110:2), a forward step towards universalism.

In the end, I would like to emphasize on one more point:

After the events that took place in East Pakistan, now Bangladesh, and that are now occurring in the province of Sindh, the enemies of Islam rejoice at the idea that Islam has failed to serve as an adhesive force which could unite the people belonging to different races, colours, languages and localities, into a single nation. That is not true. It ought to be remembered that there is a difference between an Islamic State and a state ruled by Muslims. An Islamic State is governed by a single code of divine laws and a Unitary form of government. On the other hand, it must be realised that no Islamic State exists in the world at present. The so called Islamic States are in fact the nation-States inhabited by the people with divided concepts of life; the division having been brought about by the religious sects and political parties.

When a state, based on a divine code of life, comes into existence, that very code forms an impregnable boundary wall of defence against the disintegrating forces.

As long as the Muslims do not bring into practice the Sovereignty of the Book of Allah in state affairs, they shall ever remain exposed to the forces of disintegration. The forcible warning of the holy Quran is before us:

(17:22) لَا تَجْعَلْ مَعَ اللَّهِ إِلَهًا آخَرَ فَتَقْعُدَ مِنْ مَوْمَاتٍ أَخَذَ وَلَا تَكْفُرْ

"Devise not another Sovereign with Allah, or thou wilt sit down despised forsaken."

رَبَّنَا لَا تُؤَلِّمْنَا فِي دِينِنَا لَئِنْ نَسِينَا أَوْ أَخْطَأْنَا

(2:286)

"Our Rabb! Take us not into account if we forget or fall into an error"

Whichever people act on the guidance of the Quran, will of certainly prosper. The light of the Quran is bound to prevail all over the world, by trials and errors, if not otherwise, however much the conspirators may act against it.

يُرِيدُونَ لِيُطْفِئُوا نُورَ اللَّهِ بِأَفْوَاهِهِمْ وَاللَّهُ مُتِمُّ نُورِهِ وَ
تُوكِرُهُ الْكٰفِرُونَ ۗ هُوَ الَّذِي ارْسَل رَسُوْلَهُ بِالْهُدٰى وَ
دِيْنِ الْحَقِّ لِيُظْهِرَهُ عَلَى الدِّيْنِ كُلِّهٖ وَتُوكِرُهُ الْمُشْرِكُوْنَ

(61:7-8)

"They intend to extinguish Allah's light (by blowing) with their mouths, but Allah will complete His light, even though the un-believers may detest (it). He it is Who has sent His Rasool with guidance and with the concrete, constructive and purposeful way of life, that he may cause it to prevail over all other ways of life, however much those ascribe partners unto Allah are averse."

The way to achieve the objective of making Pakistan a truly Islamic State is not by means of taking part in the present secular political organisation of the country but by means of REVOLUTION based on the SOVEREIGNTY of the BOOK OF ALLAH

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