NEW WORLD ORDER

Constitution of Global States of Peace
For 21st Century and Beyond

by Irshad Mahmood – Director, Global Right Path

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A need for every Citizen of Universe
NO One is Above the Law

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Laws are NOT meant to be taken in one's own hand BUT meant for the state to establish

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One World <---> One Human Race <---> NO One is Above the Law

We must join together to build Global State of Peace
We must establish Constitution of Global State of Peace

Hate Hate NOT Human – Love all Human Unconditionally

We must need do True Justice, at home, at work, in the court and in the assembly etc.

Table of Contents

PREFACE **4**

1> Multi Faith Community Centre 4
2> Quraan Understanding Tips 5
3> Introduction to Globalization 5
4> Customers & Businesses have Direct Links 6
5> Challenges to Global Community Growth 7
6> Global Corrections ignites Global Economic Collapse 7
7> Solution to Global Crisis & Global Black Hole 8
8> Global Anthem - Change Our World 9
9> Globalization 10

CONSTITUTION OF GLOBAL STATES OF PEACE: **11**

1> Quraanic Law 11
2> Fiqh us-Sunnah 11
3> Ijtihaad (progressive reasoning by analogy), Ijmaa (consensus), Qiyaas (analogy) 12

1> QURAANIC LAW **13**

State Affairs 16
1. SOVEREIGNTY / Command *16*
2. THE CODE OF LAWS IN AN ISLAMIC STATE is the Book of Allah (the Quraan) *16*
3. THE ENTIRE UMMAH SHALL TAKE PART IN THE GOVERNMENT *18*
4. SYSTEM BASED ON CONSULTATION *18*
5. STANDARD FOR THE ASSIGNMENT OF RANKS *18*
6. THE STATE ADMINISTRATION *18*
7. THE DECISIVE WORD *19*
8. PARTY SYSTEM *19*
9. RELIGIOUS HIERARCHY *19*
10. THE INGREDIENTS OF AN ISLAMIC STATE *19*
11. THE POSITION OF NON MUSLIMS IN AN ISLAMIC STATE *20*
12. INTERNATIONAL RELATIONS *22*
13. TREATIES *22*
14. REBELLION *23*
Government Agencies 26
INSTRUCTIONS FOR GOVERNMENT EMPLOYEES: *26*
Justice 29
A> Basic orders about the enforcement of Justice *30*
B> Corporal punishment *33*
C> Testimony (Evidence): *34*
Injunctions 37
A> General injunctions for family life: *37*
B> INJUNCTIONS - FAMILY LIFE (1): THE STATUS OF MAN AND WOMAN *37*
C> INJUNCTIONS - FAMILY LIFE (2): RELATIONS BETWEEN HUSBAND AND WIFE *39*
REMOVAL OF A MISCONCEPTION *55*
Inheritance and Testament 57
A> Testament: *57*
B> Inheritance: *58*
Sexual Relations and Crimes 72
1. Adultery (Fornication) *72*
2. Sodomy and female to female manipulation *75*
3. Preliminaries that incite adultery *75*
4. Immodest actions *75*
5. Pestering honourable women or spreading gossips about them *76*
6. False accusation (Calumny) *76*

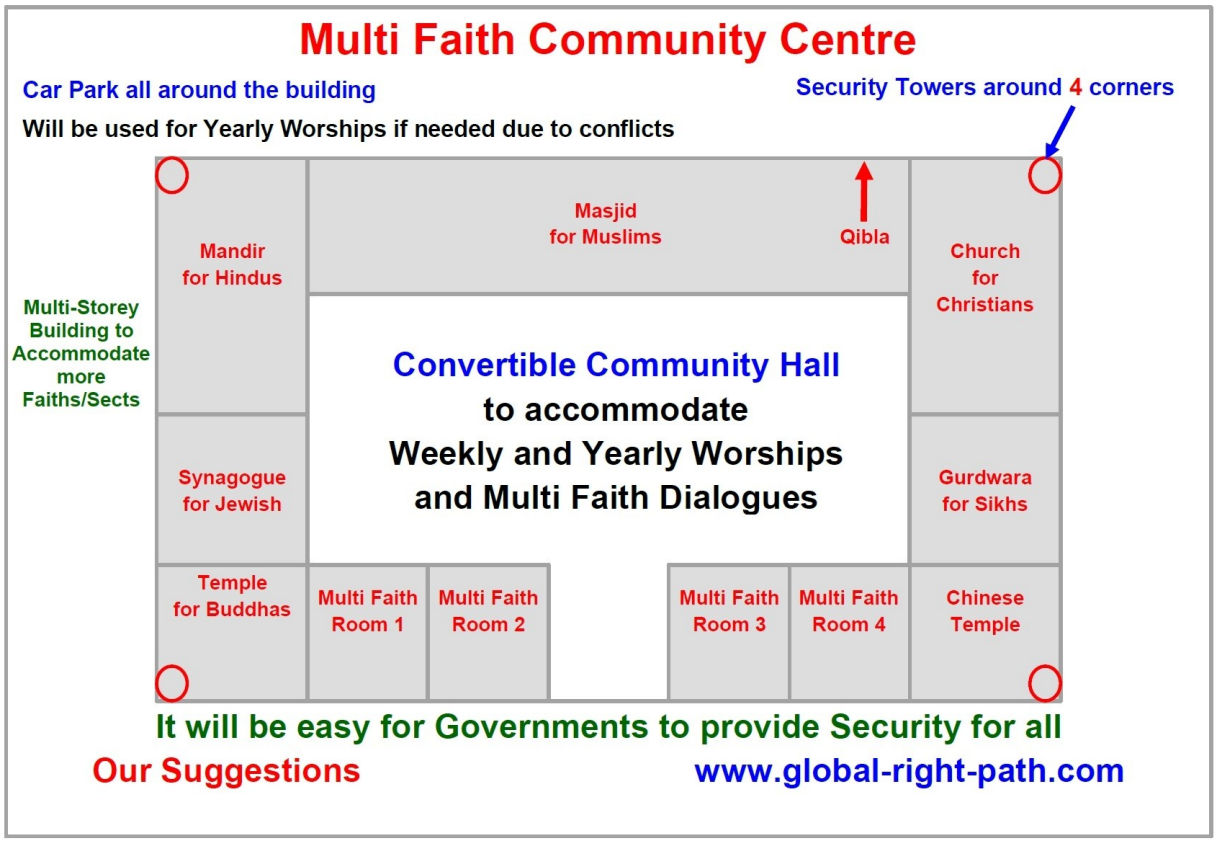
7. Privacy ... *76*
8. Rebellious women ... *77*
PROTECTION OF LIFE ... 78
The importance of human life: ... *78*
PROTECTION OF PROPERTY ... 80
1. Protection of property ... *80*
2. Theft ... *81*
3. Loan ... *81*
4. Mortgage (Pledge) ... *82*
5. Riba (Interest on loan) ... *82*
6. Trade (Selling) ... *83*
7. Breach of Trust ... *84*
TREATY (OBLIGATIONS) ... 85
THE PROHIBITED (FORBIDDEN (UN-LAWFUL) AND THE PERMITTED (LAWFUL) ... 86
INJUNCTIONS FOR SOCIAL LIVING ... 91
1. Moderation in expenses ... *91*
2. Get-up ... *91*
3. Physical and Mental Capabilities ... *91*
4. Conversation ... *91*
5. Absurd and immodest talk ... *91*
6. Walking ... *91*
7. Thoughtfulness to ponder and to comprehend ... *92*
8. Spying ... *92*
9. Knowledge ... *92*
10. Social relations ... *93*
11. Good behaviour ... *93*
12. Co-operation (Mutual Assistance) ... *93*
13. Mutual Contacts ... *93*
14. Promise (Commitments) ... *93*
15. Visiting other people's homes ... *93*
16. Etiquettes of assembly ... *93*
17. Jealousy ... *94*
18. Backbiting (Slandering) ... *94*
19. Nicknaming others ... *94*
20. Envy ... *94*
21. Jesting ... *94*
22. Public exposure of others ... *94*
23. Mistrust ... *94*
24. Ridiculing of Divine System ... *95*
25. Crooked reasoning ... *95*
26. Anger (Rage) ... *95*
27. Forgiveness ... *95*
28. Self-Correction (Mending one's ways) ... *95*
29. Do not bully people with your virtues ... *95*
RUMORS ... 96
MISCELLANEOUS ... 97
A. Persecution ... *97*
B. Tyranny and excess ... *97*
C. Conspiracy and secret counseling ... *97*
D. The mutual (Reciprocal) relations of individuals in the society ... *97*
PERTAINING TO ECONOMY ... 99
BASIC HUMAN RIGHTS ... 103
THE RELATIONSHIP BETWEEN CRIME AND PUNISHMENT ... 106
Crime and Punishment ... *106*

Preface

Sharia is the Arabic word for Constitution, also known as the Laws of Allah. Islaam classically draws no distinction between religious, and secular life. Hence Constitution covers not only religious rituals, but many aspects of day-to-day life, politics, economics, banking, business or contract law, and social issues.

Everyone has Rights to Practice his/her Faith without interfering others.

1> Multi Faith Community Centre



NO States will be allowed to acquire Unbalanced Powers between Neighboring States.

If for whatever reason any State acquires Unbalanced Power, its Neighboring States will have FULL Rights to acquire Balanced Power and Global World MUST support them for the Development of Peace in the Region.

إِنِ الْحُكْمُ إِلاَّ لِلّه

"Remember! The command is for none but Allah", (Ref: Al_Quraan_006:057, 012.040).

In the Quraan there are certain laws (the details of) which have been determined (**FIXED**) and for others guidance has been provided only in principle (**flexible according to time under the boundary limits**), it is a Hybrid System to accommodate all time, place, person etc. The determined laws shall be enforced as is. As far as those laws are concerned where only the principles are given, an Islamic State shall frame details thereof staying within the parameters of these principles according to the needs of their time. These principles shall

remain immutable but the rules framed under their guidance shall be liable to change in accordance with the exigencies of advancing times. This is the expedience, on the basis of which Allah did not determine the by-laws Himself. If it had so happened, these laws could not remain consistent with the exigencies of time, and that could render the working of the way of life prescribed by Him, impracticable. The Book that was intended to remain a code of guidance for all times and for all the people, had to be thus, i.e. the principles should be immutable (variable) and detailed (fixed) applicatory by-laws changeable with the change of time. Only this blend of permanence and change could keep the system permanently practicable through all times. This reality has been clarified by saying.

O you who believe! (**what is necessary for the guidance of mankind has been given through revelation and is prescribed in the Quraan**). Do not put questions about things which if declared (**fixed not flexible according to time**) to you may trouble you, and if you question about them when the Quraan is being revealed, they shall be declared to you; Allah pardons this, and Allah is Forgiving, Forbearing. O people before you indeed asked such questions, and then became disbelievers on account of them, (Al_Quraan_005:101-102).

The Quraan is **4** in **1**, since it is True Authentic & Protected Kalaam of Allah, True Authentic & Protected Hadeeth of Prophet Muhammad (Peace-Be-Upon-Him), since it came from his mouth, the BEST Sunnah, since it is **100%** True Authentic Actions Performed by Prophet Muhammad (Peace-Be-Upon-Him), and the BEST Seerat-un-Nabi, the Life of Prophet Muhammad (Peace-Be-Upon-Them) and many other Prophets (Peace-Be-Upon-all-of-Them).

NO More Holocaust NO More Genocide – Neither in Slow Motion Nor in Fast Motion

Global People are Cousin Brothers and Sisters and are Global Family

O humanity! Indeed, We created you from a Male (Adam) and a Female (Eve), and made you into **Nations** and **Tribes** so that you may **Know one Another**. Surely the most noble of you in the sight of Allah is the most **Righteous** among you. Allah is truly All-Knowing, All-Aware, (Al_Quraan_049.013).

Hate Hate NOT Human – Love all Human Unconditionally

Let there be **NO Compulsion in Religion**, for the truth stands out clearly from falsehood. So whoever renounces false gods and believes in Allah has certainly grasped the firmest, unfailing hand-hold. And Allah is All-Hearing, All-Knowing, (Al_Quraan_002.256).

2> Quraan Understanding Tips

When Allah says **"AFTER"**, means **"NEVER EVER BEFORE** and **NOR IN-BETWEEN"**.
When Allah says **"ANYONE"**, means **"MUSLIMS also included"**.
When Allah says, **"CLEAR"**, means **"CRYSTAL CLEAR"**.
When Allah says **"EASY"**, means **"REALLY EASY"**.
When Allah says **"Hell (NAAR)"**, means **"REALLY HELL** and **NOT GRAVE"**.
When Allah says **"WILL BE"**, means **"WILL BE** in the **FUTURE** and **NOT PAST** and **nor PRESENT"**.
RAFEEQ means **FRIEND**.
HABEEB means Close **FRIEND** / Dearest Friend.
SIDQ means **TRUTH**, **SIDDIQ** means **TRUTH Speaker**.
AULIYAA means **PROTECTORS**, **HELPERS**, **SUPPORTERS** and **PROMOTERS** of **DEEN**.

3> Introduction to Globalization

We are living in an era far more dangerous than ever before. A single mistake may ignite world war and wipe out whole humanity in a blink of an eye. Global World is going through a Great Turbulence of Global Recession, Poverty and Famine. **What if a buyer country stops buying or a seller country stops selling goods to a buyer and demands to payback full loans first, both country will hit hard by worst economy disasters**.

Since last few centuries world is trying to save businesses BUT still failing to protect them, since **they are dialing wrong number**. They cannot run their businesses without any single customer and forgot that

customers are people. **Saving a life is like save whole world**. **A single machine may replace thousands of human BUT not a single human may replace a single machine**. **Remember: Hiring Robots and Firing People, BUT Robots and Machines don't eat apples or oranges, so apples or oranges farms and their businesses will be bankrupt**.

Keep in mind: **What a Mother will do, if her infant / toddler is crying for milk and she don't have enough money to buy milk for her**.

Now on top of Global Poverty and Global Famine we are facing Global Lock-down due **Global Pandemic (Corona Virus / COVID19)** which has started in December **2019** from Wuhan, China, spread around the Globe and put whole world on stand still. **Perhaps what we have seen yet could be like the tip of an iceberg and the rest may come later in different form of Global Pandemic from other parts of the world like Spanish Flu, etc**. **War is not an option in which economy dies again and again, BUT Love is, which starts from forgiveness**.

Thinking locally while living in Global World will not save our Global World. Repeatedly Relying on the Same Corrupt or Incompetent Person will NOT Change Fortune of Global World. Do not even think to re-appoint those who were failed to protect corruptions in the land. **Do not break laws of your regions/states/countries and do not take laws into your own hands**. **NO CLOSE DOOR MEETINGS & NO HIDDEN SECRET AGENDA to Fix Global World. WORLD HAS ENOUGH TO FEED BUT NOT GREED. Hate Hate NOT Human Love all Human unconditionally. Fix Global World by Mutual Agreement in a Balanced Way for all without any discrimination. Everyone has Right to Live with Dignity.**

No human is perfect and NO one alone, nor any country alone can fix Global Poverty and Famine. People do not have any plants/trees which produces money in their backyards. Why Waiting for Saviors for Thousands of Years When Humanity is Dying Now. We are children of Adam and Eve and we are cousin brothers and cousin sisters. Let us join together to Protect our World and build Heavenly Earth without any discrimination of Religion, Race or Ethnic, Caste, Nationality, Language, Gender, Disability, Age etc.

We must need to open our hearts and minds and join together to bring ideas from anywhere, Religious as well as **Non-Religious** i.e. Modern Scientific Researches, Bible (Old Testament {Torah} + New Testament {Gospel}), Bhagavad Gita, Quraan, Sutras, Vedas, etc. and present/ share it to people on social media for FREE to fix Global System to save humanity and **build Whole New World (Heavenly Earth). Keep in mind how our Great Grand Parents Adam & Eve would like to see us in this World and what they would like to give us from whatever is available in this planet in a balance way where everyone has different DNA. How can we join together to build Heavenly Earth?**

Please present your articles/lectures on Social Media for FREE, or if you have articles/lectures (NO COPYRIGHT MATERIALS) from scholars, share those on Social Media for FREE. Keep in Mind: Courtesy and Mutual Respect MUST be Pre-Requisite. Please invite others to join this Great mission to build Heavenly Earth without any discrimination. It will be a Great Global Charity to save Humanity, our children will pray for us and Allah (God) will give Great Reward, Inshaa Allah (by God willing).

Locally I am Sorry BUT Globally YES we can Recover Global World with 100% Guaranteed upon FULL support from all Global People and all Governments around the Globe, Inshaa Allah (by God willing). My Strong Recommendations will be to do more research on these in all Universities around the Globe.

4> Customers & Businesses have Direct Links

No Customer – No Businesses
More Customers – More Businesses
Good Customers – Good Businesses
Healthy Customers – Healthy Businesses
Growth in Customers – Growth in Businesses
Customers are People – Saving Customers is Like Saving Businesses

A Single Machine May Replace Thousands of Humans, BUT Not a Single Human Can Ever Replace a Single Machine

Allah Never Destroys any Good Nation, (Ref: Al_Quraan_011.116-117).
Do not turn out people from their homes, (Ref: Al_Quraan_002:084).
Saving a Life is like Saving the Whole World, (Ref. Al_Quraan_005.032).
There is NO Compulsion in Religion, (Ref: Al_Quraan_002:256).
Save Humanity regardless of any discrimination of Religion, Race, Color, Gender, Language, Nationality, etc. It will sure help Saving Businesses with 100% Guaranteed.
NO CLOSE DOOR MEETINGS & NO HIDDEN SECRET AGENDA
With ZERO Donations BUT Need FULL Permission, Cooperation & Support from all Governments and all People, without any discrimination.

Repeatedly Relying on the Same Corrupt or Incompetent Person will NOT Change the Fortune of a Nation. Do not even think to re-appoint those who were failed to protect the corruptions in the land.

5> Challenges to Global Community Growth

For any community to grow, they need to provide right education to their children, but it looks like Global World is moving towards Zero Child Policy which is totally Against Humanity and it is **Global Economic Terrorism to kill Humanity**. **Look at how food prices are skyrocketing as well as educational costs, residential costs other living expenses etc**. One might need to take photos of foods as souvenir for future due to possible disappearance of foods.

Every sincere parent wants their children to be like a super star, which needs right education. Many professional studies are extremely expensive and some are super most expensive specially for studying overseas, which many parents cannot afford even for one child. What if someone have clear hope to get approval of loan for overseas study from a bank, since they can afford tuition fee for the first year plus all other expenses, but at the last moment after one year bank refuses since they don't have their own home to show them only jobs. If they could have got clear answer earlier from the bank refusal a year ago then for sure they might not have sent their children at the first place.

Above is just one case but there are many students who are in extreme deep trouble even in Toronto (GTA), Canada who needs lots of help, but what about rest of the world. Many parents cannot afford even for their one child, which looks like we are living in **Global World which is moving towards Zero Child Policy which is totally Against Humanity**.

Global World needs an immediate Global Revolution for all Students to Get Interest Free Loan for their studies at least if they cannot provide absolutely Free Education. It is time now to open our eyes and correct Global System, in which all including Rich & Poor can live safe and sound and can educate their children.

Only True Love with Humanity can save Global World. We must join together to fight against Global Poverty and Global Famine. Plant Fruits and Vegetables etc. in your backyards, on the side of the streets, and parks etc. where ever it is possible and permissible by your governments. If you get more fruits and vegetables etc. than what you need, then share it with your neighbors, Friends and relatives and support following programs from the depth of your heart to fix Global system which is hurting all.

I have not seen a single business person doing very good business without any single customer (customers are human).

A single machine may replace thousands of humans BUT not a single human can ever replace a single machine.

6> Global Corrections ignites Global Economic Collapse

Global Corrections may ignite Global Economic Collapse IF not saving Humanity first. Automation is making thousands of human with **ZERO income**. Take an example of past time, when **1000** people were working in a farm land. Later they started using tractors and other machines, because of which layoff started happening and when comes super fast technology, more and more people were being off the jobs, perhaps they only need

10 people, then what those leftover 990 people will do and what education they need to get jobs. These 990 people were good customers to many businesses while on the job, and now they are not. Same way other businesses started using super fast technology and had laid off many employees, who were customers to many businesses as well, but not anymore. Although you are seeing other new technologies are coming into market, but later slowing down, since they calculated for total population and thinking that everyone has money tree in their backyards, but in reality they don't have, since they have lost their job. **Later industries started shutting down followed by banks and Governments as well**. With more and more inventions and more and more Super Sonic Fast Robotic Machines, Humans are becoming worthless and are being laid off.

Super fast Technology is exceptionally good for humanity **IF** those left over (laid off) employees are put onto new projects to support themselves and their families, which is only possible if we work Globally. Students must have debt free education. **Extreme Poverty is a breeding ground for Terrorist and Criminal Master Minds may use them**. **Globally we can fix many things**.

A single machine may replace thousands of humans BUT not a single human can ever replace a single machine.

Remember: We are children of Adam and Eve and we are Global Brothers and Global Sisters of a Global Family, (Ref: Al_Quraan_002.030-039, 007.011-025, 015.26-44, 017.61-65, 018.050-051, 020.115-124, 038.071-085).

Allah Never Destroys any Good Nation, (Ref: Al_Quraan_011.116-117). **Do not turn out people from their homes**, (Ref: Al_Quraan_002:084). **Saving a Life is like Saving the Whole World**, (Ref. Al_Quraan_005.032). **There is NO Compulsion in Religion**, (Ref: Al_Quraan_002:256).

Global World is facing a Global Economic Disaster and needs a Global Revolution:

It is not Wealth (Gold or Silver etc.) or Power which can save the Global World. Allah seized Qaroon, Pharaoh, and Hamaan and many more, for their crimes against humanity and nothing could save them, not even their wealth, power, or people, etc., (Ref: Al_Quraan_029:039). The World didn't end there, but it re-developed after a Great Revolution. Those who have never faced poverty may never understand its solution, unless they have really taken Guidance from the Quraan or have gone for intensive training. It is **100%** guaranteed to save the world and to help build our Heavenly Earth. If we truly apply the guidance given by the Quraan, we can re-develop the world through our own Great Global Revolution. In simple terms "**NO CHANGES WITHOUT ACTIONS**"! It is time now to open our eyes and correct ourselves to serve the humanity in a revolutionized way in the light of Quraan, in which all including Rich & Poor can live safe and sound, since the Quraan gives the true revolutionized guidance to fix the Global System to save Humanity in a balanced way (Ref: Al_Quraan_002:002).

7> Solution to Global Crisis & Global Black Hole

One of the Greatest Inventions of all times is Wheel. With more and more inventions and more and more Super Sonic Fast Robotic Machines, Humans are becoming worthless and are being laid off. **A single machine may replace thousands of humans BUT not a single human can ever replace a single machine**. **Robotic World is Killing Humanity and Global Crisis & Global Black Hole are on the rise, since not taking guidance from the Quraan**.

Example of Global Crisis & Global Black Hole: Take an example of past time, when 1000 people were working in a farm land. Later they started using tractors and other machines, because of which layoff started happening and when comes super fast technology, more and more people were being off the jobs, perhaps they only need 10 people, then what those leftover 990 people will do and what education they need to get jobs. These 990 people were good customers to many businesses while on the job, and now they are not. Same way other businesses started using super fast technology and had laid off many employees, who were customers to many businesses as well, but not anymore. Although you are seeing other new technologies are coming into market, but later slowing down, since they calculated for total population and thinking that everyone has money tree in their backyards, but in reality they don't have, since they have lost their job. **Later industries started shutting down followed by banks and Governments as well and causing Global Crisis & Global Black Hole on the rise**.

Super fast Technology is exceptionally good for humanity **IF** those left over (laid off) employees are put onto new projects to support themselves and their families, which is only possible if we work Globally. Students must have debt free education. **Extreme Poverty is a breeding ground for Terrorist and Criminal Master Minds can use them**. **Globally we can fix many things**.

Remember:
We are children of Adam and Eve and we are Global Brothers and Global Sisters of a Global Family, (Ref: Al_Quraan_002.030-039, 007.011-025, 015.26-44, 017.61-65, 018.050-051, 020.115-124, 038.071-085).
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Global World is facing a Global Economic Disaster and needs a Global Revolution:

It is not Wealth (Gold or Silver etc.) or Power which can save the Global World. Allah seized Qaroon, Pharaoh, and Hamaan and many more, for their crimes against humanity and nothing could save them, not even their wealth, power, or people, etc., (Ref: Al_Quraan_029:039). The World didn't end there, but it re-developed after a Great Revolution. Those who have never faced poverty may never understand its solution, unless they have really taken Guidance from the Quraan or have gone for intensive training. **It is 100% guaranteed to save the world and to help build our Heavenly Earth. If we truly apply the guidance given by the Quraan, we can re-develop the world through our own Great Global Revolution**. In simple terms "**NO CHANGES WITHOUT ACTIONS**"! It is time now to open our eyes and correct ourselves to serve the humanity in a revolutionized way in the light of Quraan, in which all including Rich & Poor can live safe and sound, since the Quraan gives the true revolutionized guidance to fix the Global System to save Humanity in a balanced way (Ref: Al_Quraan_002:002).

8> Global Anthem - Change Our World

Global Anthem - Change Our World

Toronto, Canada **Irshad Mahmood** **01-JAN-2015**

https://youtu.be/0GaCaPUaV0A

Price is rising, Saving is falling	Think it like Global Charity
Poverty is rising, Corruption is rising	It will help save humanity
Kids are crying, Students are struggling	After education put them on research & development
Laying Off increasing poverty and crime	Not for luxury, but for basic needs
Oppression is rising, Humanity is dying	Sip of wine is luxury
How long Humanity will wait?	Smoking is luxury
How much Humanity will suffer?	Computer is for education and not luxury
How much is too much?	In **phase-1**, we can save humanity
We live together or die alone	In **phase-2**, we can fix global system
O Brothers and Sisters	In **phase-3**, we can go for luxury
Let No one divide us	In Whole New World with Whole New Way
Let us join to make a start	**Together we can Change Our World**
With true loves in our hearts	This is a Unique Great Noble Mission
In Whole New World with Whole New Way	Globally we can fix many things
Together we can Change Our World	Without Customers, No Businesses
If there is will there is a way	Save the people to save Businesses
There is light at the end of tunnel	If you have better option share with others
Road blockers are those who don't support	Otherwise join together and invite others
Without any single donation	Avoid loans, avoid waste
We need full permission	In Whole New World with Whole New Way
We can use Unlimited Virtual Gold	**Together we can Change Our World**

Why Waiting for Saviors for Thousands of Years When Humanity is Dying Now
Join Us to Save Humanity Now Before it Gets Too Late
Dedicated to our kids, freeware and fully allowed to copy, forward, sing etc.
Read Al-Quraan, the Miracle of Miracles and free from contradictions and errors

9> Globalization

For more Detail on Globalization please visit following link

https://www.global-right-path.com/Globalization/_G_Globalization.htm

Constitution of Global States of Peace:

There are three major components of Global States of Peace (Quraan, Sunnah, and Ijtihaad):

1> Quraanic Law

إِنِ الْحُكْمُ إِلاَّ لِلّهِ

"Remember! The command is for none but Allah (God)" (Ref: Al_Quraan_012.040).

In the Quraan there are certain laws (the details of) which have been determined (FIXED) and for others guidance has been provided only in principle (flexible according to time under the boundary limits), it is a Hybrid System to accommodate all time, place, person etc. The determined laws shall be enforced as is. As far as those laws are concerned where only the principles are given, an Islamic State shall frame details thereof staying within the parameters of these principles according to the needs of their time. These principles shall remain immutable but the rules framed under their guidance shall be liable to change in accordance with the exigencies of advancing times. This is the expedience, on the basis of which Allah did not determine the by-laws Himself. If it had so happened, these laws could not remain consistent with the exigencies of time, and that could render the working of the way of life prescribed by Him, impracticable. The Book that was intended to remain a code of guidance for all times and for all the people, had to be thus, i.e. the principles should be immutable (variable) and detailed (fixed) applicatory by-laws changeable with the change of time. Only this blend of permanence and change could keep the system permanently practicable through all times. This reality has been clarified by saying:

O you who believe! (What is necessary for the guidance of mankind has been given through revelation and is prescribed in the Quraan). Do not put questions about things which if declared (fixed not flexible according to time) to you may trouble you, and if you question about them when the Quraan is being revealed, they shall be declared to you; Allah pardons this, and Allah is Forgiving, Forbearing. O people before you indeed asked such questions, and then became disbelievers on account of them. (Al_Quraan_005:101-102)

2> Fiqh us-Sunnah

For more detail on Fiqh us-Sunnah
https://www.kalamullah.com/Books/Fiqh-us-Sunnah2.pdf

BEST Book of Sunnah is the Quraan ALONE. The Quraan is 4 in 1 and PROTECTED by Allah.

1> True Authentic Kalaam of Allah
2> True Authentic Book of Hadeeth of Prophet Muhammad (pbuh), since it came from HIM.
3> True Authentic Book of Sunnah, since Prophet Muhammad (pbuh) followed it 100%.
4> True Authentic Book of Qasas ul Anbiya, since it contains stories of many Prophets.

ONLY the Quraan is FULLY Protected by Allah alone. All other books including Books of Hadeeth (sihah sitta) may contain many errors and contradictions.

أَفَلَا يَتَدَبَّرُونَ الْقُرْءَانَ وَلَوْ كَانَ مِنْ عِنْدِ غَيْرِ اللَّهِ لَوَجَدُوا فِيهِ اخْتِلَافًا كَثِيرًا

Do they not ponder on the Quraan? If it had been from anyone other than Allah, they would have found many contradiction/discrepancy/inconsistency in it, (Al_Quraan_004.082).

إِنَّا نَحْنُ نَزَّلْنَا الذِّكْرَ وَإِنَّا لَهُ لَحَافِظُونَ

We have, without doubt, sent down the Reminder / Message (Quraan); and We are safeguarding it., (Al_Quraan_015.009).

وَلَقَدْ صَرَّفْنَا لِلنَّاسِ فِي هَذَا الْقُرْءَانِ مِنْ كُلِّ مَثَلٍ فَأَبَى أَكْثَرُ النَّاسِ إِلَّا كُفُورًا

In this Quran, We have set out all kinds of examples for people, yet most of them persist in denying the truth, (Al_Quraan_017.089).

فَبِأَيِّ حَدِيثٍ بَعْدَهُ يُؤْمِنُونَ

In what Hadeeth beyond this will they believe. (Al_Quraan_077.050)?

3> Ijtihaad (progressive reasoning by analogy), Ijmaa (consensus), Qiyaas (analogy)

Allah also told us to Obey Those Who are in Authority (Leader / Leader of the House).

يَاأَيُّهَا الَّذِينَ ءَامَنُوا أَطِيعُوا اللَّهَ وَأَطِيعُوا الرَّسُولَ وَأُولِي الْأَمْرِ مِنْكُمْ فَإِنْ تَنَازَعْتُمْ فِي شَيْءٍ فَرُدُّوهُ إِلَى اللَّهِ وَالرَّسُولِ إِنْ كُنْتُمْ تُؤْمِنُونَ بِاللَّهِ وَالْيَوْمِ الْءَاخِرِ ذَلِكَ خَيْرٌ وَأَحْسَنُ تَأْوِيلًا

O you who believe! obey Allah and obey the Messenger **and those in authority (Leader) from among you**; then if you differ about anything, **refer it to Allah and the Messenger (Quraan ALONE)**, if you believe in Allah and the last day; this is better and very good in the end, (Al_Quraan_004.059).

And withhold yourself with those who call on their Lord morning and evening desiring His goodwill, and let not your eyes pass from them (always yes sir, till they follow the Quraan and Really Authentic Sunnah), desiring the beauties of this world's life; and do not follow him whose heart We have made unmindful to Our remembrance, and he follows his low desires and his case is one in which due bounds are exceeded. (Al_Quraan_018.028)

Allah has promised to those of you who believe and do good that He will most certainly make them rulers in the earth as He made rulers those before them, and that He will most certainly establish for them their religion which He has chosen for them, and that He will most certainly, after their fear, give them security in exchange; they shall serve Me, not associating aught with Me; and whoever is ungrateful after this, these it is who are the. transgressors. (Al_Quraan_024.055)

Men are the Leader (Manager, Maintainers, Protectors, Responsible, Taking Care) of women because Allah has made some of them to excel others and (also) because they spend out of their property; the good women are therefore obedient, guarding the unseen as Allah has guarded; and (as to) those on whose part you fear desertion, admonish them, and leave them alone in the sleeping-places and beat them; then if they obey you, do not seek a way against them; surely Allah is High, Great. (Al_Quraan_004.034)

And do not covet that by which Allah has made some of you excel others; men shall have the benefit of what they earn and women shall have the benefit of what they earn; and ask Allah of His grace; surely Allah knows all things. (Al_Quraan_004.032)

The Quraan is the first and foremost source, followed by those Authentic Hadeeth and Sunnah, which do not contradict the Quraan, and FINALLY followed by the Ijmaa / Qiyaas / Ijtihaad according to the time and place, and may take benefits from modern sciences as well, of course, which do not contradict the Quraan and Authentic Hadeeth and Sunnah.

1> Quraanic Law

Quranic Laws

Chapter 1: State Affairs
- Sovereignty / Command
- The Code of Laws in an Islamic State
- The Entire Ummah Shall Take Part in the Government
- System Based on Consultation
- Standard for the Assignment of Ranks
- The State Administration
- The Decisive Word
- Party System
- Religious Hierarchy
- The Ingredients of an Islamic State
- The Position of Non Muslims in an Islamic State
- International Relations
- Treaties
- Rebellion

Chapter 2: Government Agencies
- Instructions For Government Employees.

Chapter3: Justice
- Basic orders about the enforcement of Justice
- Corporal punishment
- Testimony (Evidence)
- Circumstantial Evidence

Chapter 4: Injunctions
- General injunctions for Family Life
  - The Status of Man and Woman
  - Relations Between Husband and Wife
    - Nikaah
    - Age for Nikaah
    - Mutual Consent
    - Ceremony for Nikaah (Marriage)
    - Forbidden for Marriage (Muharramaat)
    - Polygamy
    - Female Captives
    - Facilitations for Marriage
    - Sexual Intercourse
    - Object of Sexual Intercourse
    - Object of Matrimonial Life
    - Dower
    - Maintenance
    - Strained Relations
    - Divorce
    - Waiting Period for a Divorce (Iddat)
    - Suckling
    - Custody (of Children of Divorced Parents)
    - Progeny
    - Orphans
- Removal of Misconception

Chapter 5: Inheritance and Testament
- Testament
- Inheritance
- The Inheritance of an Orphaned Grandson

Chapter 6: Sexual Relations and Crimes
- Adultery (Fornication)
- Sodomy and Female to Female Manipulation

- Preliminaries that Incite Adultery
- Immodest Actions
- Presenting honorable Women or Spreading Gossips about them
- False Accusation (Calumny)
- Privacy
- Rebellious Women

Chapter 7: Protection of Life
- The Importance of Human Life

Chapter 8: Protection of Property
- Protection of Property
  - Easy Money (Maisir)
  - Raffle and Lottery
- Theft
- Loan
- Mortgage (Pledge)
- Riba (Interest on Loan
- Trade (Selling)
- Breach of Trust

Chapter 9: Treaty (Obligations)

Chapter 10: The Prohibited (Forbidden (un-lawful) and The Permitted (lawful)
- The state of extreme helplessness
- Intoxicants (Psychoactive Substances)

Chapter 11: Injunctions for Social Living
- Moderation in Expense
- Get-up
- Physical and Mental Capabilities
- Conversation
- Absurd and Immodest Talk
- Walking
- Thoughtfulness to Ponder and to Comprehend
- Spying
- Knowledge
- Social Relations
- Good Behavior
- Co-operation (Mutual Assistance)
- Mutual Contacts
- Promise (Commitments)
- Visiting other People's Home
- Etiquettes of Assembly
- Jealousy
- Backbiting (Slandering)
- Nicknaming others
- Envy
- Jesting
- Public Exposure of Others
- Mistrust
- Ridiculing of Divine System
- Crooked Reasoning
- Anger (Rage)
- Forgiveness
- Self-Correction (Mending one's ways)
- Do not Bully People with your Virtues

Chapter 12: Rumors

Chapter 13: Miscellaneous
- Persecution
- Tyranny and Excess
- Conspiracy and Secret Counseling
- The Mutual (Reciprocal) relations of Individuals in the Society

Chapter 14: Pertaining to Economy
Chapter 15: Basic Human Rights
Chapter 16: The Relationship Between Crime and Punishment
- Qisaas
- Justice

State Affairs

1. SOVEREIGNTY / Command.

In an Islamic State, affairs are conducted within limits laid down by the Quraan. Nobody has the right to transgress these limits; in other words, the right to rule belongs to Allah alone.

إِنِ الْحُكْمُ إِلاَّ لِلّهِ

Say: Surely I have manifest proof from my Lord and you call it a lie; I have not with me that which you would hasten; **the Decision (Command / Judgment) is only Allah's;** He relates the truth and He is the best of deciders. (Al_Quraan_006.057)

You do not serve besides Him but names which you have named, you and your fathers; Allah has not sent down any authority for them; **the command is for none but Allah**; He has commanded that you shall not serve aught but Him; this is the right religion but most people do not know: (Al_Quraan_012.040)

Say: "Allah knows best how long they stayed: with Him is (the knowledge of) the secrets of the heavens and the earth: how clearly He sees, how finely He hears (everything)! They have no protector other than Him; **nor does He share His Command with any person whatsoever (including Rasool Allah (Peace-Be-Upon-Him)).** (Al_Quraan_018.026)

It is not meet for a mortal that Allah should give him the Book and the wisdom and prophet-hood, then he should say to men: Be my servants rather than Allah's; but rather (he would say): Be worshipers of the Lord because of your teaching the Book and your reading (it yourselves). (Al_Quraan_003:079)

Then We gave the Book for an inheritance to those whom We chose from among Our servants; but of them is he who makes his soul to suffer a loss, and of them is he who takes a middle course, and of them is he who is foremost in deeds of goodness by Allah's permission; this is the great excellence. (Al_Quraan_035:032)

The duty of the Ummah is to establish an Order according to the Quraan; thus an Islamic State is an agency that enforces the divine command:

Surely We revealed the Taurat in which was guidance and light; with it the prophets who submitted themselves (to Allah) judged (matters) for those who were Jews, and the masters of Divine knowledge and the doctors, because **they were required to guard (part) of the Book of Allah**, and they were witnesses thereof; therefore fear not the people and fear Me, and **do not take a small price for My communications**; and **whoever did not judge by what Allah revealed, those are they that are the unbelievers**. (Al_Quraan_005:044)

2. THE CODE OF LAWS IN AN ISLAMIC STATE is the Book of Allah (the Quraan).

Surely We revealed the Taurat in which was guidance and light; with it the prophets who submitted themselves (to Allah) judged (matters) for those who were Jews, and the masters of Divine knowledge and the doctors, because **they were required to guard (part) of the Book of Allah**, and they were witnesses thereof; therefore fear not the people and fear Me, and **do not take a small price for My communications**; and **whoever did not judge by what Allah revealed, those are they that are the unbelievers**. (Al_Quraan_005:044)

(O Jamaatul Mumineen) Follow what has been revealed to you from your Lord (Allah alone) and do not follow guardians besides Him (The subservience to Divine Laws and not of any human being is the real freedom), how little do you mind. (Al_Quraan_007:003)

O followers of the Book! indeed Our Messenger has come to you making clear to you much of what you concealed of the Book and passing over much; indeed, there has come to you Light and a Clear Book from Allah; (Al_Quraan_005:015)

And certainly We have made the Quraan **easy for remembrance**, but is there anyone who will mind / learn? (Al_Quraan_054:017, 022, 032, 040)

Why do they not study the Quraan (**Free from contradictions or Error and have Capacity to stand as a Judge**) carefully? If it were from other than GOD, they would have found in it numerous **contradictions**. (Al_Quraan_004:082)

(All) people are a **single nation**; so Allah raised prophets as bearers of good news and as warners, and He revealed with them the **Book with truth**, that it might **judge between people in that in which they differed**; and none but the very people who were given it differed about it after clear arguments had come to them, revolting among themselves; so Allah has guided by His will those who believe to the truth about which they differed and Allah guides whom He pleases to the right path. (Al_Quraan_2:213)
The word of your Lord is complete (perfect), in truth and justice; there is none who can change His words, and He is the Hearing, the Knowing: (Al_Quraan_006:115)

In the Quraan there are certain laws (the details of) which have been determined (FIXED) and for others guidance has been provided only in principle (flexible according to time under the boundary limits). The determined laws shall be enforced as is. As far as those laws are concerned where only the principles are given, an Islamic State shall frame details thereof staying within the parameters of these principles according to the needs of their time. These principles shall remain immutable but the rules framed under their guidance shall be liable to change in accordance with the exigencies of advancing times. This is the expedience, on the basis of which Allah did not determine the by-laws Himself. If it had so happened, these laws could not remain consistent with the exigencies of time, and that could render the working of the way of life prescribed by Him, impracticable. The Book that was intended to remain a code of guidance for all times and for all the people, had to be thus, i.e. the principles should be immutable (variable) and detailed (fixed) applicatory by-laws changeable with the change of time. Only this blend of permanence and change could keep the system permanently practicable through all times. This reality has been clarified by saying:

O you who believe! **(what is necessary for the guidance of mankind has been given through revelation and is prescribed in the Quraan)**. Do not put questions about things which if declared **(fixed not flexible according to time)** to you may trouble you, and if you question about them when the Quraan is being revealed, they shall be declared to you; Allah pardons this, and Allah is Forgiving, Forbearing. A people before you indeed asked such questions, and then became disbelievers on account of them. (Al_Quraan_005:101-102)

"Rather you wish to put questions to your Messenger, as Musa (Peace-Be-Upon-Him) was questioned before; and **(it is a warning, so be careful)** whoever adopts unbelief instead of faith, he indeed has lost the right direction of the way. (Al_Quraan_002:108)

Yet you it is who slay your people and turn a party from among you out of their homes, backing each other up against them unlawfully and exceeding the limits; and if they should come to you, as captives you would ransom them-- while their very turning out was unlawful for you. **Do you then believe in a part of the Book and disbelieve in the other?** What then is the reward of such among you as do this **but disgrace** in the life of this world, and on the day of resurrection they shall be sent back to the most grievous chastisement, and Allah is not at all heedless of what you do. (Al_Quraan_002:085)
"Rather you wish to put questions to your Messenger, as Musa (Peace-Be-Upon-Him) was questioned before; and **(it is a warning, so be careful)** whoever adopts unbelief instead of faith, he indeed has lost the right direction of the way

In this Quran, **We have explained all kinds of examples for people**, yet most of them persist in denying the truth, (Al_Quraan_017.089).

In what Hadeeth (Quraan ALONE), after this, will they believe, (Al_Quraan_077.050).

3. THE ENTIRE UMMAH SHALL TAKE PART IN THE GOVERNMENT.

The duty of an Islamic Ruler is: "**To enforce what is lawful according to the Divine Law and prohibit what is unlawful**."

"They **(True Muslim Leader of a Nation / State / House, etc.)** 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 the wrong**." (Al_Quraan_022:041)

You **(the Entire Muslim Ummah)** are the best of the nations raised up for (the benefit of) men; you **(the Entire Muslim Ummah)** enjoin what is right and forbid the wrong and believe in Allah; and if the followers of the Book had believed it would have been better for them; of them (some) are believers and most of them are transgressors. (Al_Quraan_003:110)

Then We gave the Book for an inheritance to those whom We chose from among Our servants; but of them is he who makes his soul to suffer a loss, and of them is he who takes a middle course, and of them is he who is foremost in deeds of goodness by Allah's permission; this is the great excellence. (Al_Quraan_035:032)

4. SYSTEM BASED ON CONSULTATION.

And those who respond to their Lord and keep up prayer, and who (conduct) their affairs by **Mutual Consultation**, and who spend out of what We have given them. (Al_Quraan_042:038)

And when Our clear communications are recited to them, those who hope not for Our meeting say: Bring a Quraan other than this or change it. **Say: It is not for me, of my own accord, to change it; I only follow that which is revealed to me; surely I fear, if I disobey my Lord (even slightly), the punishment of a mighty day**. (Al_Quraan_010:015)

And if you obey **most** of those in the earth, they will **lead you astray from Allah's way**; they **(majority)** follow but conjecture and **they (majority) only lie**. (Al_Quraan_006:116)

And should the truth follow their low desires, surely the heavens and the earth and all those who are therein would have perished. Nay! We have brought to them their reminder, but from their reminder they turn aside. (Al_Quraan_023:071)

5. STANDARD FOR THE ASSIGNMENT OF RANKS.

And to all are (assigned) **Ranks according to the deeds which they (have done)**, and in order that (Allah) may recompense their deeds, and no injustice be done to them. (Al_Quraan_046:019)

Surely Allah commands you to make over trusts to their owners and that when you judge between people you judge with justice; surely Allah admonishes you with what is excellent; surely Allah is Seeing, Hearing. (Al_Quraan_004:058)

O you men! surely We have created you of a male and a female, and made you tribes and families that you may know each other; **surely the most honorable of you with Allah is the one among you most careful (of his duty);** surely Allah is Knowing, Aware. (Al_Quraan_049:013)

6. THE STATE ADMINISTRATION.

O you who believe! obey Allah and obey the Messenger **and those in authority (Leader / Legal Administrative Center / Local Authorities) from among you**; then **if you dispute about anything**, **refer it to Allah and the Messenger** (Peace-Be-Upon-Him) **(Central Authority)**, if you believe in Allah and the last day; this is better and very good in the end. (Al_Quraan_004.059)

7. THE DECISIVE WORD.

And withhold yourself with those who call on their Lord morning and evening desiring His goodwill, and let not your eyes pass from them, desiring the beauties of this world's life; and **do not follow him whose heart We have made unmindful to Our remembrance, and he follows his low desires** and his case is one in which due bounds are exceeded. (Al_Quraan_018:028)

And it is not right for a believing man and a believing woman that they should have any choice in their matter when Allah and His Messenger have decided a matter; and whoever disobeys Allah and His Messenger, he surely strays off a manifest straying. (Al_Quraan_033:036)

8. PARTY SYSTEM.

According to the Quraan the entire Ummah, as compared to the non-Muslims, is one party. Within the Ummah itself the presence of parties, may it be religious parties or political parties, is 'shirk' (assigning partners unto Allah). The Divine Command is:

Turning to Him, and be careful of (your duty to) Him and keep up prayer and be not of the polytheists. Those who split up their Religion, and become (mere) Sects,- each party rejoicing in that which is with itself! (Al_Quraan_030:031-032)

Surely they **who divided their religion into parts and became sects**, you have **no concern with them (Not Muslim any longer)**; **their affair is only with Allah**, then He will inform them of what they did. (Al_Quraan_006:159)

And be not like those who became divided and disagreed after clear arguments had come to them, and these it is that shall have a grievous chastisement. (Al_Quraan_003:105)

From these and several other similar verses of the Quraan, this reality becomes apparent that when the Ummah gets divided into parties and sects, neither the Deen (way of life prescribed by Allah) survives, nor an Islamic State can come into existence under such circumstances. Deen is another name for the Islamic State which has one code of guidance (Book of Allah), one Ummah as its upholder, and one central authority of the state. In this state, the entire Ummah, in the form of a compact body, revolves around the pivot of the Quraan. Look how clearly the Quraan explains this reality when it says:

And hold fast by the covenant (rope) of Allah all together (Entire Ummah) and be not disunited, and remember the favor of Allah on you when you were enemies, then He united your hearts so by His favor you became brethren; and you were on the brink of a pit of fire, then He saved you from it, thus does Allah make clear to you His communications that you may follow the right way. (Al_Quraan_003:103)

Surely Pharaoh exalted himself in the land and made its people into parties, weakening one party from among them; he slaughtered their sons and let their women live; surely he was one of the mischief makers. (Al_Quraan_028:004)

9. RELIGIOUS HIERARCHY.

In an Islamic State there shall be no separate existence of religious institutions, nor a separate group of 'religious Ulama'. In Islam there is NO dichotomy of 'Deeni' and 'secular' affairs. Every single aspect of life is governed by Deen. The Quraanic Laws and Values shall encompass aspects of human life _ whether personal or public. These laws and values shall be taught in the government educational institutions; and the literature based on them shall be publicized among the people.

10. THE INGREDIENTS OF AN ISLAMIC STATE.

The Book of Allah, the Scales of Justice and the Power of Enforcement are the ingredients, or the three basics, of an Islamic State. If any one of these basics is missing, it no more remains an Islamic State. The basic object of Deen, is described in Surah Al-Hadeed as follows:

Certainly We **sent Our messengers** with **Clear Arguments**, and sent down with them the **Book** and the **Balance** that men may **Conduct Themselves with Equity**; and We have made the **iron**, wherein is **great strength** and advantages to men, and that Allah may know who helps Him and His messengers, on faith.; surely Allah is Strong, Mighty. (Al_Quraan_057:025)

"In order to obtain this objective, Allah arranged His Messengers to be sent to different people with clear signs (proofs); and every Rasool also brought with him a code of laws. They established 'social orders' on the basis of this code so that the deeds of each person could produce the exact results and thus induce people to remain steadfast on justice and equity. In order to provide stability to that social order, Almighty Allah, along with the code of laws, also sent sword (iron) in which there is great strength. And because this strength is utilized for the maintenance of a system of justice, as well as for the protection of the oppressed, it becomes useful for mankind instead of being harmful. This also brings to light as to who are those faithful people who assist and aid this Divine System which was established by the Messengers of Allah. Before the successful results had appeared before them in a visible form, they made all sorts of sacrifices on the basis of this strong belief that a social order embodying supremacy and strength will most definitely be achieved by their tireless efforts."

In Surah Al-Noor the aims and objects of an Islamic state (Caliphate) have been introduced as:

Allah has **promised** to those of you who believe and do good that He will **most certainly make them rulers** in the earth as He made rulers those before them, and that He will most certainly establish for them their religion which He has chosen for them, and that He will most certainly, after their fear, give them security in exchange; they shall serve Me, not associating aught with Me; and whoever is ungrateful after this, these it is who are the transgressors. (Al_Quraan_024:055)

And to establish them in the earth, and to show Pharaoh and Haman and their hosts that which they feared from them. (Al_Quraan_028:06)

And they shall say: (All) praise is due to Allah, Who has made good to us His promise, and He has made us inherit the land; we may abide in the garden where we please; so goodly is the reward of the workers. (Al_Quraan_039:074)

For his sake there are angels following one another, before him and behind him, who guard him by Allah's commandment; **surely Allah does not change the condition of a people until they change their own condition;** and when Allah intends evil to a people, there is no averting it, and besides Him they have no protector. (Al_Quraan_013:011)

11. THE POSITION OF NON MUSLIMS IN AN ISLAMIC STATE.

لاَ إِكْرَاهَ فِي الدِّينِ

There is no compulsion in religion (non-Muslims have right to practice their faith); truly the right way has become clearly distinct from error; therefore, whoever disbelieves in the Shaitan and believes in Allah he indeed has laid hold on the firmest handle, which shall not break off, and Allah is Hearing, Knowing. (Al_Quraan_002:256)

And say: **The truth is from your Lord**, so let him who please believe, and let him who please disbelieve; surely We have prepared for the iniquitous a fire, the curtains of which shall encompass them about; and if they cry for water, they shall be given water like molten brass which will scald their faces; evil the drink and ill the resting-place. (Al_Quraan_018:029)

O you who believe! do not take for intimate friends from among others than your own people; they do not fall short of inflicting loss upon you; they love what distresses you; vehement hatred has already

appeared from out of their mouths, and what their breasts conceal is greater still; indeed, We have made the communications clear to you, if you will understand **(i.e. the non-Muslims, cannot be admitted to participate in the affairs of the state including the key posts. BUT they shall get all the justice. As the communality of ideas and objectives is the basic condition for unity and concord, it is apparent that a true relationship can never come into being with those who oppose this ideology. So, those who believe in the permanent values given by the Revelation and make the establishment of the Divine System the goal of their life, are the members of one group)**. (Al_Quraan_003:118)

Lo! you are they who will love them while they do not love you, and you believe in the Book (in) the whole of it; and when they meet you they say: We believe (in your ideology), and when they are alone, they bite the ends of their fingers in rage against you. Say: Die in your rage; surely Allah knows what is in the breasts. (Al_Quraan_003:119)

If good befalls you, it grieves them, and if an evil afflicts you, they rejoice at it; and if you are patient and guard yourselves, their scheme will not injure you in any way; surely Allah comprehends what they do. (Al_Quraan_003:120)

O you who believe! **do NOT take your fathers and your brothers for guardians (Even the relatives are not exempted)** if they love unbelief more than belief; and whoever of you takes them for a guardian, these it is that are the **unjust**. (Al_Quraan_009:023)

Say: If your fathers and your sons and your brethren and your mates and your kinsfolk and property which you have acquired, and the slackness of trade which you fear and dwellings which you like, are dearer to you than Allah and His Messenger and striving in His way, then wait till Allah brings about His command: and Allah does not guide the transgressing people. (Al_Quraan_0090:24)

Indeed, there is for you a good (**Role Model**) example (of lifestyle, character and deeds) in **Ibrahim** (Peace-Be-Upon-Him) and those with him (including **Rasool Allah** (Peace-Be-Upon-Him)), when they said to their people: Surely we are clear of you and of what you serve besides Allah; we declare ourselves to be clear of you, and enmity and hatred have appeared between us and you forever until you believe in Allah alone, but not in what Ibrahim said to his father: I would certainly ask forgiveness for you, and I do not control for you aught from Allah, Our Lord! on Thee do we rely, and to Thee do we turn, and to Thee is the eventual coming. (Al_Quraan_060:004)

The likeness of what they spend in the life of this world is as the likeness of wind in which is intense cold (that) smites the seed produce of a people who haw done injustice to their souls and destroys it; and Allah is not unjust to them, but they are unjust to themselves. (Al_Quraan_003:117)

O you who believe! **Be upright for Allah, bearers of witness with justice**, and let not hatred of a people incite you not to act equitably; act equitably (non-Muslims shall get all the justice), that is nearer to piety, and **be careful of (your duty to) Allah**; surely Allah is Aware of what you do. (Al_Quraan_005b008)

Allah does not forbid you **respecting (an extension of the best treatment)** those who have not made war against you on account of (your) religion, and have not driven you forth from your homes, that you show them kindness and deal with them justly; surely **Allah loves the doers of justice**. Allah only forbids you respecting those who made war upon you on account of (your) religion, and drove you forth from your homes and backed up (others) in your expulsion, that you make friends with them, and whoever makes friends with them, these are the unjust. (Al_Quraan_060:008-009).

Those who have been expelled from their homes without a just cause except that they say: Our Lord is Allah. And had there not been Allah's repelling some people by others, certainly there would have been pulled down cloisters and Churches and Synagogues and Masjids in which Allah's name is much remembered **(we need to protects the places of worship of the Muslims as well as non-Muslims)**; and surely Allah will help him who helps His cause; most surely Allah is Strong, Mighty. (Al_Quraan_022:040)

And do not abuse those whom they call upon besides Allah, lest exceeding the limits they should abuse Allah out of ignorance. **(This is likely to create disorder and chaos, therefore you do not treat**

their revered persons with insults, so you must respect others). Thus have We made fair seeming to every people their deeds; then to their Lord shall be their return, so He will inform them of what they did. (Al_Quraan_006:108)

Being the citizens of Islamic State, Quraanic laws shall be applied to them. In their personal affairs, they shall be allowed to take their own decisions, subject to the laws of the Islamic State.

12. INTERNATIONAL RELATIONS.

(All) people are a single nation **(a universal brotherhood)**; so Allah raised prophets as bearers of good news and as warners, and He revealed with them the Book with truth, that it might judge between people in that in which they differed; and none but the very people who were given it differed about it after clear arguments had come to them, revolting among themselves; so Allah has guided by His will those who believe to the truth about which they differed and Allah guides whom He pleases to the right path. (Al_Quraan_002:213)

And people are naught but a single nation **(one unified community, a Global Family)**, so they disagree; and had not a word already gone forth from your Lord, the matter would have certainly been decided between them in respect of that concerning which they disagree. (Al_Quraan_010:019)

O you who believe! do not violate the signs appointed by Allah nor the sacred month, nor (interfere with) the offerings, nor the sacrificial animals with garlands, nor those going to the sacred house seeking the grace and pleasure of their Lord; and when you are free from the obligations of the pilgrimage, then hunt, and let not hatred of a people-- because they hindered you from the Sacred Masjid, incite you to exceed the limits, and help one another in goodness and piety, and do not help one another in sin and aggression; and be careful of (your duty to) Allah; surely Allah is severe in requiting (evil). (Al_Quraan_005:002)

He sends down water from the cloud, then watercourses flow (with water) according to their measure, and the torrent bears along the swelling foam, and from what they melt in the fire for the sake of making ornaments or apparatus arises a scum like it; thus does Allah compare truth and falsehood; then as for the scum, it passes away as a worthless thing; and as for that which profits the people, it tarries in the earth; thus does Allah set forth parables. (Al_Quraan_013:017)

And when Musa prayed for drink for his people, We said: Strike the rock with your staff So there gushed from it twelve springs; each tribe knew its drinking place: Eat and drink of the provisions of Allah and do not act corruptly in the land, making mischief. (Al_Quraan_002:060)

And surely We have honored the children of Adam, and We carry them in the land and the sea, and We have given them of the good things, and We have made them to excel by an appropriate excellence over most of those whom We have created. (Al_Quraan_017:070)

You shall prepare **(well-guarded by reinforced cantonments, equipped with all the steeds of war with up to date technologies)** for them all the power you can muster, and all the equipment you can mobilize, that you may frighten the enemies of Allah, your enemies, as well as others who are not known to you; Allah knows them. Whatever you spend in the cause of Allah will be repaid to you generously, without the least injustice. (Al_Quraan_008:060)

13. TREATIES.

O you who believe! **fulfill the obligations (in the maintenance of peace and the protection of human rights, treaties shall be set up with other nations).** The cattle quadrupeds are allowed to you except that which is recited to you, not violating the prohibition against game when you are entering upon the performance of the pilgrimage; surely Allah orders what He desires. (Al_Quraan_005:001)

And if you fear treachery on the part of a people **(nation)**, then throw back to them on terms of equality; **(first informing them, and if you do not agree to the renewal of treaty, that should also be**

communicated to the other party as well) surely Allah does not love the treacherous. (Al_Quraan_008:058)

An ultimatum is herein issued from Allah and His messenger to the idol worshipers who enter into a treaty with you. So go about in the land for four months and know that you cannot weaken Allah and that Allah will bring disgrace to the unbelievers. And an announcement from Allah and His Messenger to the people on the day of the greater pilgrimage that Allah and His Messenger are free from liability to the idolaters; therefore if you repent, it will be better for you, and if you turn back, then know that you will not weaken Allah; and announce painful punishment to those who disbelieve. Except those of the idolaters with whom you made an agreement, then they have not failed you in anything and have not backed up any one against you, so fulfill their agreement to the end of their term; surely Allah loves those who are careful (of their duty). (Al_Quraan_009:001-004)

And if they break their oaths after their agreement and (openly) revile your religion, then fight the leaders of unbelief, surely their oaths are nothing, so that they may desist. What! will you not fight a people who broke their oaths and aimed at the expulsion of the Messenger, and they attacked you first; do you fear them? But Allah is most deserving that you should fear Him, if you are believers. (Al_Quraan_009:012-013).

Except those who reach a people between whom and you there is an alliance, or who come to you, their hearts shrinking from fighting you or fighting their own people; and if Allah had pleased, He would have given them power over you, so that they should have certainly fought you; therefore if they withdraw from you and do not fight you and offer you peace, **then Allah has not given you a way against them.** (Al_Quraan_004:090)

Surely those who believed and fled (their homes) and struggled hard in Allah's way with their property and their souls, and those who gave shelter and helped, these are guardians of each other; and (as for) those who believed and did not fly, not yours is their guardianship until they fly; and **if they seek aid from you in the matter of religion, aid is incumbent on you except against a people between whom and you there is a treaty (even the Muslims will not be extended help),** and Allah sees what you do.

14. REBELLION.

The punishment of those who wage war against Allah and His messenger and strive to make mischief **(creating dispersion, diminution of peace and to bring about lawlessness)** in the land is only this, that they should be murdered or crucified or their hands and their feet should be cut off on opposite sides or will be expelled out of the land; this shall be as a disgrace for them in this world, and in the hereafter they shall have a grievous chastisement. (Al_Quraan_005:033)

And whoever commits a sin, he only commits it against his own soul; and Allah is Knowing, Wise. (Al_Quraan_004:111)

Except those who repent before you have them in your power; so know that Allah is Forgiving, Merciful. (Al_Quraan_005:034)

Do they not know that whoever acts in opposition to Allah and His Messenger, he shall surely have the fire of hell to abide in it? That is the grievous abasement. (Al_Quraan_009:063)

Surely those who act in opposition to Allah and His Messenger shall be laid down prostrate as those before them were laid down prostrate; and indeed We have revealed clear communications, and the unbelievers shall have an abasing chastisement. On the day when Allah will raise them up all together, then inform them of what they did: Allah has recorded it while they have forgotten it; and Allah is a witness of all things. Do you not see that Allah knows whatever is in the heavens and whatever is in the earth? Nowhere is there a secret counsel between three persons but He is the fourth of them, nor (between) five but He is the sixth of them, nor less than that nor more but He is with them wheresoever they are; then He will inform them of what they did on the day of resurrection: surely Allah is Cognizant of all things. Have you not seen those who are forbidden secret counsels, then they return to what they are forbidden, and they hold secret counsels for sin and revolt and disobedience to

the Messenger, and when they come to you they greet you with a greeting with which Allah does not greet you, and they say in themselves: Why does not Allah punish us for what we say? Hell is enough for them; they shall enter it, and evil is the resort. O you who believe! when you confer together in private, do not give to each other counsel of sin and revolt and disobedience to the Messenger, and give to each other counsel of goodness and guarding (against evil); and be careful of (your duty to) Allah, to Whom you shall be gathered together. Secret counsels are only (the work) of the Shaitan that he may cause to grieve those who believe, and he cannot hurt them in the least except with Allah's permission, and on Allah let the believers rely. O you who believe! when it is said to you, Make room in (your) assemblies, then make ample room, Allah will give you ample, and when it is said: Rise up, then rise up. Allah will exalt those of you who believe, and those who are given knowledge, in high degrees; and Allah is Aware of what you do. O you who believe! when you consult the Messenger, then offer something in charity before your consultation; that is better for you and purer; but if you do not find, then surely Allah is Forgiving, Merciful. Do you fear that you will not (be able to) give in charity before your consultation? So when you do not do it and Allah has turned to you (mercifully), then keep up prayer and pay the poor-rate and obey Allah and His Messenger; and Allah is Aware of what you do. Have you not seen those who befriend a people with whom Allah is wroth? They are neither of you nor of them, and they swear falsely while they know. Allah has prepared for them a severe punishment; surely what they do is evil. They make their oaths to serve as a cover so they turn away from Allah's way; therefore they shall have an abasing chastisement.

Neither their wealth nor their children shall avail them aught against Allah; they are the inmates of the fire, therein they shall abide. On the day that Allah will raise them up all, then they will swear to Him as they swear to you, and they think that they have something; now surely they are the liars. The Shaitan has gained the mastery over them, so he has made them forget the remembrance of Allah; they are the Shaitan's party; now surely the Shaitan's party are the losers. Surely (as for) those who are in opposition to Allah and His Messenger; they shall be among the most abased. (Al_Quraan_058:005-020)

You shall not find a people who believe in Allah and the latter day befriending those who act in opposition to Allah and His Messenger, even though they were their (own) fathers, or their sons, or their brothers, or their kinsfolk; these are they into whose hearts He has impressed faith, and whom He has strengthened with an inspiration from Him: and He will cause them to enter gardens beneath which rivers flow, abiding therein; Allah is well-pleased with them and they are well-pleased with Him these are Allah's party: now surely the party of Allah are the successful ones. (Al_Quraan_058:022)

The likeness of what they spend in the life of this world is as the likeness of wind in which is intense cold (that) smites the seed produce of a people who haw done injustice to their souls and destroys it; and Allah is not unjust to them, but they are unjust to themselves. (Al_Quraan_003:117)

Indeed, there is for you a good example in Ibrahim and those with him when they said to their people: Surely we are clear of you and of what you serve besides Allah; we declare ourselves to be clear of you, and enmity and hatred have appeared between us and you forever until you believe in Allah alone-- but not in what Ibrahim said to his father: I would certainly ask forgiveness for you, and I do not control for you aught from Allah-- Our Lord! on Thee do we rely, and to Thee do we turn, and to Thee is the eventual coming: (Al_Quraan_060:004)

O you who believe! be not unfaithful to Allah and the Messenger, nor be unfaithful to your trusts while you know **(unfaithful is a crime against and Islamic Government)**. (Al_Quraan_008:027)

And do not plead on behalf of those who act unfaithfully to their souls; surely Allah does not love him who is treacherous, sinful; (Al_Quraan_004:107)

Surely **We have revealed the Book to you with the truth** that you may judge between people by means of that which Allah has taught you; and be not an advocate on behalf of the treacherous. (Al_Quraan_004:105)

O you who believe! when you confer together in private, do not give to each other counsel of sin and revolt and disobedience to the Messenger, and give to each other counsel of goodness and guarding

(against evil); and be careful of (your duty to) Allah, to Whom you shall be gathered together. (Al_Quraan_058:009)

Government Agencies

INSTRUCTIONS FOR GOVERNMENT EMPLOYEES:

Although every law and code of an Islamic State shall be applicable to the government officials like the other individuals of society, but, in view of their special responsibilities, they shall have to be more circumspect in some particular aspects, for example:-

1. Allah's Law of Requital is cognizant not only of the human deeds that are manifest, but also of those which are concealed, such as an idea that flashes across one's mind or even the impurity of one's glances. Therefore, in the performance of their duty if they commit any carelessness, negligence, irresponsibility or breach of trust, but somehow escape the consequences of the law, yet they must remember that they cannot escape the grip of Allah's Law of Requital. Allah's Law of requital is such that: (40:19)

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

2. In each affair they shall have to ensure that they do not take a decision repugnant to Quraanic Teachings because "to enjoin what is right according to the Divine Laws and to forbid what is wrong", is their basic responsibility (22:41). Their decisions should not only fulfill the demands of justice but also that of Ihsaan. Thus it is said: (4:58)

"Whenever you decide the disputed affairs of the people, always do it with justice."

At yet another place it is said: (16:90)

"Indeed Allah commands you to do justice and make good the deficiencies of others."

Justice means that every individual in a human society gets what is his due and Ihsaan means making up the abatements of the individuals to restore the disturbed balance in the society. ADL and IHSAAN are the two basic terms of the Quraan which can be given a practical shape by pondering over the day-to-day affairs. For example a thief shall be punished according to law; this shall be a matter of justice. But the loss of one whose belongings have been stolen, is not compensated by this act. The Adl and Ihsaan demand that the loss of the victim should also be compensated.

3. You yourself must practice what you say to others; (61:2-3)

"O you who believe! You ought to present a practical proof of your belief (in the Divine Commands) by your own acts. You should never say to others what you do not do yourself. It is grievously odious in the sight of Allah that you say what you do not do."

Harmony in what you say and what you do is the visible proof of what you profess.

4. All that belongs to the State (even the secrets of the State) are a trust with you. Do not betray this trust: (8:27)

"O you who believe! It is incumbent on you that you do not betray the trust placed in your hands by the Divine System (Allah and the Rasool) nor in the performance of the duties entrusted to you. You know what shall be the result of it."

5. Render back your trusts to whom they are due and fill up the vacancies in the government service on their merit. Both these concepts are present in the verse: (4:58)

6. Never let people's confidence (trust) in you be shattered. Let the trustee faithfully discharge his trust: (2:283)

"If one of you places a thing in trust with another, let the trustee (faithfully) discharge his trust."

Basically this command relates to properties entrusted to others but as a matter of principle this is applicable to all kinds of trusts. It means that no matter what is placed in your trust, you should always honor the trust reposed in you.

7. Do not take part in any type of intrigue and always stay conscious that: (35:43)

"The evil plan besets none save its own authors."

8. You should co-operate with one another in constructive matters. Co-operate with each other in matters of benefit to humanity and in matters consistent with the Divine Laws, (5:2)

"is the Divine Commandment; and "Be with those who are veracious" (true to their commitments)." (9:119)

"Be with those who are true (in words and deed", is an emphatic commandment."

9. If one finds that another officer is handing out a wrong decision on account of his being ill-informed, he should convey to him correct information. This act shall be called SHAFAA'AT-E-HASANAH commendable intercession. (4:85)

"If somebody stands in support of another person in a matter just and equitable (commendable intercession) he shall also share pleasant results. On the contrary, if one helps another person in matters of injustice and transgression (called evil intercession) he shall share its disastrous consequences."

They shall neither take the side of those who are dishonest and betray the trust. (4:105)

"So be not (used) as an advocate by those who betray the trust, and never indulge in bribery", is Allah's Directive. The following verse is a comprehensive guide on the matter: (2:188)

"Do not eat up your property among yourselves by foul means, nor use it as a bait for the judges, with the intent that you may eat up wrongfully a part of (other) people's property, although you know its results."

10. Investigate all disputed matters yourself: never rely on hearsays: (17:36)

"And pursue not that of which you have no knowledge (i.e. of which you have not made an investigation or personal enquiry) collecting relevant information employing your faculties of hearing and seeing, and then make the knowledge thus obtained the basis of your decisions, so as to reach the correct conclusion. If a single link of this chain is missing, your enquiry shall remain defective. Think what a great responsibility lies upon you, because Allah has endowed you with the power of discretion and determination; He has not made you a constrained machine. For the use of your discretion He has bestowed on you the mediums of knowledge and ascertainment. The one who does not make use of them, tries to escape from his responsibility."

11. Achieve prevention of evil with the beauty and proportion of your deeds. The principle is: (23:96)
"Repel evil with that which is best."

12. If one does wrong by mistake and there is a possibility of his correction, he ought to be pardoned. Thus it is said: (6:54)

"If there is an omission or negligence on somebody's part, thereafter he repents and makes amends in future, he ought to be given protection and forgiveness by the organization of the state."
If anybody's guilt demands the fulfillment of justice, the punishment should not exceed his crime. In this respect the principle is: (42:40)

"The recompense of an evil is punishment equal thereto".

13. They should exercise self-control (maintain their composure) and not get enraged easily: (3:134)
"To control tempers and to forgive others" has been called trait of the believers.
Self-restraint also implies talking in low and dulcet tones. (31:19)

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"Soft talking and moderation in walk (gait) are the symbols of trustworthiness and solemnity."

During discussions they should not try to compel others to accept their version on the basis of their awe-inspiring presence as an officer; but (16:125)

"Argue with them in ways that are best and most gracious."

14. They should always fulfill their promise: (17:34)

"And fulfill (every) commitment, for (every) commitment will be enquired into on the Day of Reckoning."

15. They should not throw their responsibility on others. The principle is: (53:38)

"No bearer of burdens shall bear the burden of another." Everybody shall bear his own burden.

16. They should never wish to be praised for what they do not do. That is be not like those who like flattery and are thus the most dangerous enemies.

The way of hypocrites is described as: (3:188)

"They desire to be praised for what they do not do."

Justice

1. To establish the rule of justice is a basic responsibility of an Islamic State. The demand for justice prevails in all walks of life, but here we shall talk only about the judicial justice (that which pertains to the domain of law). The Quraan also provides the required guidance for justice-dispensing agencies i.e. the courts of law. It is necessary to understand one basic principle about JUSTICE. According to the common concept of justice in the world, the duty of a law-court is to decide the disputed affairs according to the code of law that is prevalent; therefore a decision made accordingly shall be considered as based on justice. But, if the law itself is not based on justice, then the decision based on it can never be considered just. Thus the principle laid down by the Quraan is that the law of the land should also be based on justice. In this respect the Quraan does not indulge in a philosophical debate as to what is meant by "law on the basis of justice" and what is the definition of justice. It addresses the Islamic sovereign state decisively as follows: (5:44)

"If any do fail to judge by what Allah has revealed, they are the infidels."

It means that where the rule is based on Quraanic Laws, it shall be an Islamic government and if it is not based on Quraanic Law, it shall be a government of non-believers. Only that law shall be considered as based on truth which conforms to the Book of Allah; any law contrary to it shall be based on 'zulm' (injustice). Thus the judges are addressed as follows: (7:158) "They guide people towards the Truth (the Quraan), and dispense justice in accordance with what it dictates."

The real justice, in fact, is the justice based on Truth. If the law is not based on Truth, then any judgment according to this law cannot be considered as meeting the requirements of justice. Truth is, in fact, another name for the Book of Allah. The same is the difference between an Islamic state and a secular state.

In Surah 'Saad' it is said: (38:26) "O David! We did indeed gave you the rule on the earth, so decide between men in truth, and do not follow the lust of their hearts, for they will mislead you from the path of Allah."

This makes clear two issues: firstly that the law of the land ought to be based on Truth (the Book of Allah); secondly, that the court of law should remain above its personal sentiments that is it should remain neutral. That is what is called 'a just decision'.

2. For a system of justice the Quraan has ordained: (4:58) "And when you decide between man and man, you must do so with justice."

Even when you make peace between parties, do so with justice (49:9) In Surah Al-Hujuraat it is ordained that if two factions of Muslims develop a dispute (and wage war against each other) "Sort out their mutual conflict with justice".

3. Even enmity with a nation should not incline you to act unjustly. (5:8)
"Let not the enmity of others make you swerve from justice; be just, that is only nearer to (Taqwa) piety."

4. Not only the cases of Muslims, but the cases of non-Muslims also should be decided with justice. The Rasoole was ordained: "Even if the non-Muslims come to you for the judgment of their cases:

(5:42) "Judge between them with equity".

5. The Rasool was told: "We have sent this Book to you with the truth": (5:48) "So judge between them as Allah has revealed and follow not their vain desires."

6. Al-Kitaab (**The code of Divine Laws**), power to enforce this code and scales of justice are the basic ingredients of an Islamic government as stated earlier. The various aspects of the subject are thoroughly discussed in Surah Al-Hadeed: (57:25)

"For this purpose Allah has so arranged that He sends His Messengers to different people (nations) with clear, unambiguous arguments and each one of the messengers brings with him a code of law. He establishes an Order in accordance with this Code wherein every-body's deeds produce their designated results and thus people adhere to the rule of justice and equity. For the stability and strength of such a society We have sent, along with the code of laws, steel (to provide the enforcing power) in which there is much of stiffness (strength); because power provided by (the strength of) this steel becomes instrumental in establishing an order based on justice and equity and providing protection to the oppressed. Therefore, instead of being harmful, it becomes greatly beneficial to mankind. The establishment of this Order also brings into open those faithful and loyal persons who contribute towards achieving this goal (the establishment of the Order) which takes practical shape through the efforts of Allah's Messengers. Although the refulgent results of the establishment of this Order have not, as yet become visible, these faithful and loyal people, on the strength of their conviction only, offer every type of personal sacrifice and thus establish the system ordained by Allah, wherein lies inherent Power and Sovereignty."

7. During the course of justice, do not make any distinction between relatives and non-relatives or between your people and those of the other factions, neither the status of rich and poor, nor even your personal benefits, should affect your judgment. The judgment must be based on justice, even if it goes against yourself. Thus it is ordained: (6:153)

"When you say something, say it according to justice, even if the concerned person is your relative."

Justice depends on evidence and for evidence the Holy Quraan has set up such a high standard the like of which you may not find elsewhere. Thus it is said: (4:135) "In order to establish this system in which you find pleasures of the present life as well as of the future, the basic condition for justice is that you stand as a witness, neither from the plaintiff, nor defendant, but present your own evidence in all truth and equity, even if it goes against yourself or your parents or your other relatives. Do not differentiate between rich and poor in this respect: for Allah can best protect both, so much so that you must do justice even to your enemy (5:8). Do not favour anyone after swerving from what is just, as Allah Almighty himself takes care of them. Keep it in your mind that your sentiments may not come in the way of justice. Do not talk in a crooked manner, nor try to avoid being a witness. Remember that Allah's law of requital is well acquiantal with what you do. He knows the inclination of your mind as well as your sentiments."

8. As said earlier, Allah ordains both 'Adl' and 'Ihsaan' [(7:20); (16:90)]. To punish the criminal for his crime is 'Adl' (justice) and making good the loss of the claimant is Ihsaan. This is the basic responsibility of an Islamic state.

A> Basic orders about the enforcement of Justice.

1. To punish the criminal according to law is the duty of the government. This is called 'Qisaas'. In this lies the secret of the life of people. There shall be no distinction between small or big. Thus it is said: (2:178)

"O you who believe! As regards punishment, it has been made incumbent upon you that the murderer must be punished. (It means that the crime should be considered as a crime against society or against the system itself and not against the victim only). Thus while giving punishment, the basic principles of justice and equality must be kept in mind, which means that there should be no distinction between big and small. It is not a question of the position of the murderer or the murdered; the real question is the enforcement of justice according to which every human life is of equal value. For example if the murderer is a free man he alone shall be punished for his crime; likewise if she is a woman she shall not be spared because of her sex. She will have to undergo punishment.

Murder can be of two types _ murder by intent, or murder by mistake. In the case of willful murder, the punishment is death (not ransom money) or any other punishment proportionate to the nature of the crime, i.e. anything less than the capital punishment (4:93). But the punishment should not exceed the nature of the crime [(42:40); (17:33)]. "But if it is not a willful murder but a murder by mistake, the punishment according to verse (4:92) is ransom money (blood money). But if a remission is made by the heirs of the slain out of their own goodwill, they are allowed to do so (17:33). In such a case it is incumbent on the murderer to abide by what has been settled and pay it in a commendable manner. In determining the punishment of murder by mistake, Allah has provided facility for relaxation, so that the potentialities of all of you may keep developing.

But if anybody transgresses after the settlement has taken place, he shall be punished heavily."

Thus it is clear that a compromise can take place only in case of unintentional murder, not in willful murder. In willful murder the murderer shall be punished. This is the law of QISAAS about which it has been ordained: (2:179) "O you men of understanding! In the Law of Qisaas (Retribution) there is (saving of) collective life to you". It means that if you think over it dispassionately, the reality shall come to the surface that in the Law of Qisaas (Retribution) there is a secret of individual as well as collective life, so that society can be saved from the dangers inherent in lawlessness.

2. Only the criminal _ and not any other person in his place _ shall receive punishment, nor shall any innocent person be prosecuted in place of a guilty person. Everybody shall bear his own burden: (6:165) "Every person draws the meed of his acts on none but himself; no bearer of burdens shall bear the burden of another."

3. The system of justice ought to be such that nobody might provide any benefit to the criminal, nor the recommendation of any person be accepted, nor the criminal be released through bribery, nor anybody could help him to escape punishment by any other means. Thus it is said: (2:48) "Then guard yourself against a day when one person shall not avail of another, nor shall the intercession be accepted for any person, nor any compensation be taken from somebody, nor shall anyone be helped (against the law)."

[This will happen when the Quraanic System of Justice is established in this world; and in the life. Hereafter, all affairs shall be settled subject to the Law of Requital].

4. The punishment of a criminal shall be proportionate to, and not exceed his crime. In this respect the principle is (42:40) "The recompense of an evil is punishment like it". This has been explained further in [(2:194); (10:27); (16:126); (22:60); (40:40)].

5. If there exists possibility of mending one's self, he can be forgiven. (42:40) "But if a person forgives and makes reconciliation, his reward is due from Allah."

6. Before an offence is proved, the accused ought to be considered innocent. Thus during investigation he should not be treated with excess. To consider him guilty at this stage is against the Islamic Code. In Surah 'An-Noor' there is a tale about a woman during the time of Rasoole. It is said that some evil-monger brought about a false accusation against a virtuous woman and gave it publicity. The Quraan took strong notice of it and said: Evil-mongers had given publicity to a false accusation but what had happened to you that you accepted it as true, without any investigation When you had heard about it, you ought to have a favorable opinion about her and your first reaction ought to have been (24:12) "It is an obvious lie"; (This is an obvious lie) and (24:16)"This is most serious slander". From this the principle is deduced that unless a crime is proved against a person, he should not be considered guilty, i.e. an accused should not be considered a criminal, but a favorable opinion should be formed about him until such time that he is proved guilty.

7. When a legislation is passed none shall be held accountable for what he has done before its enactment. (4:23) "What has been done before (the enactment of a law) shall not be dealt with in accordance with this law." [Also see (2:275) and (5:95)].

8. Only a willful act shall be considered a crime. Thus it is said (33:5)

"There is no blame on you if you make a mistake: what counts is the intention of your hearts". i.e., only an act committed intentionally is accountable; if someone commits an offence on account of ignorance and thereafter repents and amends (his conduct), he can be excused for it. (6:54) But that does not mean that people may become careless about the law. Carelessness itself should be considered a separate offence. For example the punishment for willful murder is death and the punishment for murder by mistake is ransom money (4:92-93). It means that carelessness is also a crime but not as serious as a willful act.

9. If one is forcibly made to commit a crime he shall not be considered a criminal (16:106). The use of force may be of varied types; however, this is not the place for giving details about them.

10. A small mistake by those who always avoid big crimes may be considered excusable. About Mumineen it is said: (53:32) "These are the people who avoid major crimes, though they may fall into small slips".

11. Anybody who puts another on the wrong path, he becomes a partner in crime. About such people it is said: (16:25) "Let them bear on the Day of Judgment their own burden in full and also (something) of the burdens of those without knowledge, whom they misled. Alas! How grievous are the burdens they will bear!"

Likewise is the one who commits a crime and throws it on another; he commits a double crime: (4:112) "And if any one commits a mistake or a crime himself and then foists it on to the innocent, he carries (on himself) (both) the burden of a calumny and a flagrant sin."

12. While declaring a judgment, the circumstances, upbringing, mentality and psychological condition of the criminal must be kept in mind. That is why the punishment, for a slave woman who commits adultery (zina), is laid down as half of that for a free woman (4:25); and double for the consorts of the Rasoole (33:30). It should be clearly understood that this commandment pertains to that period of Arab history when slavery was still rampant. Since the Quraan closed the door of slavery, the question of the captive women, or of the consorts of Rasoole does not arise. However, principles can be deduced from such verses which could be applied to present-day society.

13. Remove evil by doing good. It means to create such an atmosphere in society that people shall avoid crime automatically. (28:54); (23:96); (11:114) is a universal principle of the Quraan. It means that bad deeds ought to be countervailed by doing good. This principle serves as a means to bring about a pleasant and comprehensive resolution. Thus while declaring punishment for a crime, the prevailing conditions in the society ought to be kept in mind.

14. The object of justice is not only to punish the offenders but also to compensate the loss of the oppressed. In this connection the example of the crime of murder as laid down in the Quraan, can be presented. The one who is murdered leaves this world but the compensation for the loss that his heirs suffer is also necessary. Thus it is said: (17:33) "If anyone is slain wrongfully, We have given his heirs the right to demand (QISAAS) or to forgive.)" From this example you can draw a principle which can be applied to other occurrences like this. As far as the compensation of the loss of the oppressed is concerned, the oppressed shall be the plaintiff and the government shall be the defendant in such a case. Thus it shall be incumbent upon the government to protect the life, property, honor of all who live within its territory. Moreover, except for the loss suffered by a person on account of his own neglect or carelessness, its compensation shall lie on the government and this loss includes not only life and property but also mental torture, because the government guarantees to the people to provide for them an atmosphere wherein (2:38) "on them there shall be no fear nor shall they grieve". In fear the physical loss, is included and in grief, mental torture is included.

15. The government shall be answerable to the judiciary for each of its responsibilities, like other individuals. Even the Rasoole who was the first head of an Islamic state, was made to declare: (6:14) "I am the first to submit to Divine Law; and If I disobey Divine Command, I indeed fear the penalty of the Mighty Day."

Therefore none is exempt from this law _ neither the government, nor its functionaries, nor even the head of state.

16. The Quraanic philosophy concerning crime is as under:

a) Every crime leaves an effect on the offender himself (as well), so that, to begin with, the offender inflicts injury on his own person: (4:111) "If anybody earns a sin, he earns it against his own self".
It means that the first effect of committing wrong is on the personality of the offender and this effect cannot be erased by punishment from the court.

b) The effect of some offences is limited to the personality of the offender; it does not affect another person e.g. the treachery of the eyes and evil intentions of the heart (40:19). These offences do not normally come under the jurisdiction of the courts of law: yet even such offences which affect only the personality of the offender (for example addiction to narcotics) if declared as crimes by the law, shall come under the jurisdiction of the court.

c) Only those offences come under the jurisdiction of a court which the offender has actually committed. For example if one intends to commit theft but does not find an opportunity to do it, although the effect of his intention shall be imprinted on his own 'self', he shall not be considered as an offender in the eyes of the law. The Quraan says that Allah's Law of Requital takes account of even the ideas that pass in your mind. It means that such a person shall not be an offender in the eyes of the law-court, yet he shall be an offender according to Allah's Law of Requital. That is why the Quraan lays stress on the reformation of human ideas and intentions. If the human intentions are rectified, the crimes cannot occur. Thus it is the duty of an Islamic state to give wide publicity to educate its citizens on the philosophy of crime, so that the individuals of the society begin to comprehend the eventual loss for wrongdoing and the violation of law. Verses (4:107-112) are an eye-opener and provide effective guidance for eradication of crimes from society. As a matter of fact Eemaan on Allah's Law of Requital and the life Hereafter, substantiated by reason and argument is a great rectifying force.

17. In matters relating to punishment, it ought to be kept in mind that the punishments prescribed by the Holy Quraan itself, are the maximum punishments and were proposed according to the socio-economic conditions that prevailed during the days of its revelation. These punishments shall be ordered only under similar conditions. If the conditions change, an Islamic Rule can make changes in them. An example of it is found in the Quraan itself. The punishment for revolt against the Islamic Rule is:

- Beheading,
- Crucification,
- Cutting off hands and feet, or
- Banishment (or detention) - (5:33)

The object of prescribing a number of punishments is that these should be enforced according to the prevalent conditions. These punishments are neither abrogated, nor can they he annulled but these are conditional to the prevailing circumstances. On the other hand the Islamic Government itself shall determine punishments that have not been prescribed by the Quraan, the Islamic Government shall also decide as to which of the social laws can be included in the list of penal laws.

B> Corporal punishment.

The Holy Quraan has prescribed corporal punishments for crimes. Imprisonment as punishment is nowhere mentioned in the Quraan. (For general immodest behavior on the part of women which leads towards adultery, the punishment prescribed is "confinement to houses"): (4:15) "If any of your women are guilty of an immodesty (which can result in leading towards adultery) take the evidence of four reliable witnesses from among you against them; and if they testify, confine them to houses until death do claim them or the law of Allah creates a situation which takes them away from such shameful acts; such as she gets married". [Punishment for fornication is mentioned in (24:2) and punishment for making a false accusation in (24:4)].

Internment can also be imposed as a punishment in crimes relating to disorder and rebellion as has been previously explained (5:33-34).

In Surah "Ahzaab" (33rd chapter of the Quraan) a verse points towards banishment also. It starts with address to the Nabie: (33:59)

"O Nabi! Tell your wives and daughters and the believing women, that they should cast (a loose) outer garment over their persons when going out, (24:31). It is necessary for their recognition as honorable women, so that no vulgar people may molest them. According to the Divine Law this shall serve as a means of their protection as well as training. (33:60-61)

"So (You be careful to this extent but if after this) the hypocrites, whose hearts are diseased with wickedness and those who stir up sedition in the city desist not, then force shall have to be used against them; thus after a while they shall not be able to stay among you. They shall be deprived of all the privileges (they received, on account of their being the citizens of an Islamic State). In case they still persist in their rebellion, they shall be prosecuted and put to death."

In the above passage the words points to the possibility of their banishment.

C> Testimony (Evidence):

1. In evidence be just. In Surah Al-Maa-idah (5th Chapter of the Quraan) it is said: (5:8) "O you who believe! Stand out firmly as witnesses to maintain and perpetuate justice and do not do it for personal gain but merely for the sake of Allah."

The singularity of believers has been described as: (70:33) "Those who stand firm in their testimonies."

2. Always come forward with just narration even if it goes against you or your parents or other relatives, in your testimony do not differentiate between the rich and the poor, nor should your sentiments be allowed to prevail upon you. Never speak in a crooked way. Do not evade standing as a witness. Stand not as a witness for the plaintiff or for the respondent, but do so for Allah alone. (4:135) "In order to establish a system in which you can receive the pleasant things of the present, as well as of the future, the basic condition is that you should become the custodians of justice in this world (5:8); and for justice the basic element is truthful evidence. Therefore stand out firmly for justice as witnesses for Allah, even as against yourself, or your parents, or your kins, and whether it be (against) rich or poor; do not become their well-wishers at the cost of leaving the course of truth, for Allah can best look after them. Follow not the behest of your passions lest you swerve. Nor say anything deceitful or refuse to present your testimony; verily Allah is well acquainted with what you do (even with your passions and inclinations)."

3. Do not conceal testimony; (2:283) "And do not intermix truth with falsehood in your evidence".(2:42) "Nor present untrue (false) testimony". The singularity of the believers has thus been stated: (25:71) "They never present false (untrue) testimony."

4. You should present your testimony only on matters that you personally know: Allah ordains: (17:36) "And pursue not that of which you have no personal knowledge, for every act of hearing, or of seeing or of feeling in your mind, will be questioned into. It means that you reach conclusions through personal inquiry by the use of your sense and mind. If any link of this chain is broken, your inquiry shall remain defective. This is a great responsibility that Allah has laid upon you. Allah has endowed you with "discretion and choice, so that you can choose between right and wrong; you are not a helpless machine, and with this, He has provided you with means to investigate; and not to use such means is to avoid your responsibility."

5. Witnesses should not refuse to attend when called for: (2:282) On the other hand stress has been enjoined upon: (2:282) "Let neither scribe nor witness be harmed."

6. If the testimony of certain witnesses is doubtful, the court can call other witnesses: (5:107-108) "If it is found that the witnesses are guilty of perjury, let two others (from the party against which the

wrong evidence has been presented) stand forth in their places and swear by Allah that their testimony is truer than those who appeared earlier and that they will not exceed (beyond the truth); and if they do so they shall become guilty.

(In the Divine Law, testimony over and above the first testimony is allowed because) therein lies the possibility of witnesses giving true evidence for fear of contradiction in which case they shall be considered as criminals and this shall bring them a bad name in society. Now it is necessary for you, therefore, to remain conscious of the Divine Law and listen carefully that if you leave the right path and take up the wrong instead, it would never lead you to your destination."

7. Witnesses ought to be from amongst your own people except where it is not possible to do so: (5:106) "O you who believe! When death approaches any of you, take witnesses amongst yourselves while making a will, because making a will has been made incumbent upon you (2:180) _ Take two just men as witnesses of your own (brotherhood), or others from outside if you are journeying through the land (or where your own people are not available) and the probability of death befalls you.

Then at the time when their testimony is needed, if you doubt their truth, let your judges detain them both, after prayers (in the mosque) and let them both swear by Allah: We wish not in this for any worldly gain; even though our (beneficiary) be our near relatives; and that we shall hide not the true evidence. If we do that, then the sin will be upon us, i.e. we shall be considered as offenders."

8. In transacting financial matters take two male witnesses and if two male witnesses are not available, take one male and two females. The Holy Quraan has even given the bylaws in this respect to the minutest details for the reason that it gives utmost importance that matters of financial transactions should be clear and firm. We, therefore consider it necessary to append below complete guidance given by the Quraan in this regard: (2:282)

"O you who believe! When you borrow money for a fixed period, reduce the agreement to writing. Let a scribe write down this mutual transaction faithfully: let the scribe not refuse to write; as Allah has given him the knowledge; but he should keep the Divine Law before him and not make any alterations in it (nothing more or less). If the one who takes the loan is mentally deficient or weak or is unable himself to dictate, let his guardian dictate faithfully; and take two witnesses out of your own men and if there are not two men, then a man and two women such as both parties agree to: the purpose behind taking two women in place of one man, so that if one of them errs or is confused, the other can remind her. The witnesses should not refuse when they are called on (for evidence), disdain not to reduce to writing your contract whether it be small or big, it is closer to the demands of justice in the sight of Divine Laws. This is the best method to make the testimony firm and free of any doubts among yourselves.

But if it be a transaction which you carry out on the spot among yourselves (which you do normally), there is no blame on you if you reduce it not to writing, but even then take witnesses whenever you make such a deal; and let neither scribe nor witness suffer harm. If you do (such harm) it would be tantamount to flouting the Divine Law. So guard Allah's Law well, for it is He Who makes these laws known to you. And Allah is well-acquainted with all things.

And after this it is said: (2:283) "If you are on a journey and cannot find a scribe, a pledge with possession (may serve the purpose). And if one of you deposits a thing on trust with another, let the trustee (faithfully) discharge his trust and thus abide by the Law of the One Who is his Sustainer.
Conceal not evidence, for whoever conceals it, his heart gets tainted with sin. Even if other people do not know of it and he continues to be a reliable person among others, his 'self' does get injury and its nurturing forces do diminish and get weakened; because nothing can remain hidden from Allah's Law of Requital."

As far as the question of two women in lieu of a man is concerned, the Quraan itself has explained the reason; i.e., if one woman forgets or is confused, the other shall remind her. This clarifies two points:

i) Firstly that in that period the women were such (due to illiteracy) that they were not able to describe their own case properly (43:18) and that it was seldom that a chance arose for them to take part in the collective affairs; it was not unexpected of them to get confused before a court of law.

ii) Secondly the need for a second woman arose only when the first one got confused and forgot. If the first woman remained free of confusion and forgetfulness, the second woman could neither interfere nor her testimony was needed.

This fully explains that, in fact, two women are not appearing as separate witnesses; one would suffice provided she does not suffer confusion in the court.

It makes clear that women are not considered unreliable as against men on the basis of being women. It is only the special conditions that are kept in view. When such conditions remain no more, the testimony of one man and one woman shall be considered equally trustworthy.

9. As explained in item (7), at least two witnesses are required while making a will (5:106).

10. For acts of immodesty (leading towards adultery or fornication) at least four witnesses are required: (4:15) "Remember! This testimony is for cases of general shameless acts (leading towards adultery) and not for adultery itself."

11. In cases of calumny against chaste woman, (at least) 4 witnesses are required (24:4) "And those who make an accusation against chaste women and provide not four witnesses (to support their accusation), scourge them eighty times and reject their evidence ever after; for such men are wicked transgressors. (Also deprive them of such privileges that are available to the citizens of an Islamic State, and if they still continue with their nefarious designs inflict upon them a more grievous penalty (24:23) because these people go astray leaving the right path.

But if the charge (of adultery) is against one's own wife and other witnesses are not available, it is sufficient to take an oath. Thus it is said; (24:6-9) "And for those who raise a charge (of adultery) against their spouses and have (in support) no evidence but their own _ the solitary evidence of the husband (can be received) if he bears witness four times (with an oath) by Allah that he is solemnly telling the truth. And the fifth (oath should be) that he solemnly invokes the curse of Allah on himself if he tells a lie. But it would avert the punishment from the wife, if she bears witness four times (with an oath) by Allah that (her husband) is telling a lie. Again the fifth (oath) should be that she solemnly invokes the imprecation of Allah on herself if (her accuser) is telling the truth. With this she shall be acquitted."

12. Two witnesses for the last stage of divorce: (65:2) "When they complete their Iddat (term of counting) _ ('Iddat' shall be discussed in detail under injunction 12 of the family laws) _ either take them back on equitable terms or part from them on equitable terms and take for witness two persons from among you, endued with justice who stand as witnesses (to this last stage of divorce) as a duty towards Allah."

The detailed injunctions about divorce shall be described later on; the issue described here is regarding 'Evidence'.

13. Circumstantial Evidence:

Testimony can be deduced from circumstantial evidence; like it was done in the accusation against Joseph. Here the witness was not an eye-witness, but he argued: (12:26-28) "If it be that his shirt is rent from the front, then her tale is true and he is a liar, but if it be that his shirt is torn from the back, then she is the liar and he is telling the truth; so when he saw his shirt torn at the back, (her husband said) Behold! It is the guile of you women; how deep are your treacheries and how dangerous are your deceptions."

(It should be understood clearly that the Quraan has described it only as an incident).

Injunctions

A> General injunctions for family life:

The injunctions for family life are given in more details than any other subject in the Holy Quraan. In the social life of man 'home' is of utmost gravity. What is it that we call Society The doors of different homes open daily and the individual dwellers get dispersed in different directions; that is what makes a society. In the evening the same people, return to their respective homes. These very homes keep developing the future community. The upbringing of children depends upon their internal atmosphere. The fate of the future of nation is thus directly connected with the way children are brought up.

The concept of Nizaam-e-Rabubiyyat (the economic system laid down in the Quraan) is based on the principle that every earning member of the society shall work according to his capacity and all that is gained by their collective efforts, shall be spent in fulfilling the needs of all the individuals of the society. In a miniature form, this system takes shape within the four walls of a home. The earning member of the family does not keep to himself what he earns, nor does he give priority to his own needs over the needs of the other members of the family. His earnings are spent by all the members of the family. In so doing, the earner does not bestow a favor upon the recipient, nor does the recipient receives it as charity. The donor considers it to be his responsibility and the recipient considers it to be his right. Based on the principle of the division of labor, all keep themselves busy in the performance of their respective duties. From this arises the feeling of mutual co-operation and thus a pleasant atmosphere prevails. The result of this delightful prevalence produces the occurrence of deep relationship of love and attraction which lasts for the rest of their lives. Thus a good home presents an example for the good society.

That is why the Holy Quraan has accorded such great importance to family life and has provided detailed injunctions to make it exemplary: and this aspect takes precedence in our order of priority too in connection with Quraanic injunctions.

B> INJUNCTIONS - FAMILY LIFE (1): THE STATUS OF MAN AND WOMAN.

Basically, according to the Holy Quraan, there is no difference or distinction between one child and another by virtue of his birth: (17:70) "We have made every human being equally worthy of respect" is the ground rule. It is apparent that both men and women are included in "humanity" and both of them are equally worthy of respect. In pre-Islamic Arabia, a girl was considered inferior to a boy, and sadness, depression and anger of spirits prevailed on the birth of a girl. The Holy Quraan has forcefully condemned this mentality and has described it as follows: (16:58-59) "When news is brought to one of them of the (birth) of a female (child), his face darkens and he is filled with inward grief. The birth of a girl is considered such a disgraceful event that he hides himself with shame from the people because of the bad news announced to him. He begins to think whether he should keep her alive with disgrace or bury her in the dust, in order to save himself from this ignominy. Ah! What an evil (choice) he decides on her."

The result of this degraded status of girls in the Arab society of that era, was that they were kept devoid of literacy and art. They were considered foolish and ignorant. There was no value of their opinions and they were considered unworthy of consultation in settling affairs. It is apparent that when they are kept in this position in successive generations, their intellect would gradually degenerate. These were the women whom the Quraan describes as: (43:18) "One brought up among ornaments and unable to give a clear account in a dispute". This was the abatement in a woman, on the basis of which the Quraan had advised that when a woman has to appear before a court of law, a second woman shall stand by her side to remind her if she forgets or is confused. (See under the heading "Evidence"). (2:282) "If one of them gets confused or forgets, the other may remind her."

The Quraan raised woman from this level and with proper education and upbringing brought her to the level of man in all walks of life. Men were instructed not to look down on women because: (3:194) The one of you is from the other". However, in relation to certain natural functions, like 'childbirth' and the

nurturing and upbringing of children, there is their own distinct 'division of labor'. From this point of view, in the 'allocation' of labor, men are superior to women in some affairs, and women are superior to men in others. This is what is meant by: (4:32;34) "Allah has made some of them excel others". In order to fulfill their natural obligations, a woman's major part of life is spent in the giving birth to and in upbringing of children. During this period she is not capable of earning her own livelihood. Thus (as is stressed by the Quraan) in a family life, man is responsible for fulfilling the needs of the woman: (4:34) "Men are the maintainers of women". This has been made clear so that men may not think that women consume their earnings, while sitting at home, with no effort on their part. Thus taking them as 'needy', men may consider them despicable and abject. The Quraan has explained to man that family life is a mutual affair; in it the duties performed by woman are not within your reach; as such it is your duty to provide for her and the children. This does not mean that the Quraan considers woman a disabled person entirely dependent on man. What has been said relates only to distribution of work in family life; otherwise a woman can also earn her livelihood and be its owner. It is said in Surah An-Nisa: (4:32) "Men shall have what they earn and women shall have what they earn."

Since in family life the fulfillment of the needs of the wife and children is the responsibility of man, in the inheritance of the property of parents a daughter's share is half that of a son. (Details will be found in the chapter of Inheritance).

Besides the difference described above, the status of men and women is equal in all affairs of daily life; equal to the extent that the Quraan has used the word Zauj for them. If two parts of a certain object are such that one remains incomplete without the other, each one of these two parts is called Zauj i.e. one serves as a means to complement the other, e.g. the two wheels of a cart: if one is missing, or is weak, or comparatively smaller, the other shall become useless. That is the relationship between a wife and her husband and their positions in the vehicle of life. As far as belonging to different sexes is concerned, there in no special competency that men possess and women do not. Observe how the Holy Quraan has described their qualities as parallel to one another when it is said; (33:35) "It is a fact that as men can bow down to the Divine Laws so can women; as men can be the believers in truth, so can women; as men are capable of attesting and verifying their 'belief' by their personal acts, so are women; as men possess the capability of not losing heart in the event of trials, so are women; as men can go on submitting to the feelings of their responsibilities, so do women possess this capability; as men are equipped with the quality of self-sacrifice, so are women; as men can keep complete control over themselves, so can women; as men possess the capability of keeping themselves subservient to the Divine Laws, so do women.

As men and women both possess all the above qualities, the fruits of their deeds should also be similar for each other. For the same reason Allah has prepared protection and reward for both."

It can thus be seen from the above that there is no aspect of life in which men are competent but the women are not. The Quraan says: (4:124) "If having professed Eemaan, any does deeds of righteousness (constructive and positive), whether male or female, both shall get the life of paradise and not the least injustice will be done in their recompense."

At another place the Quraan states: (3:194 ; 16:97) "Never shall We deprive any of you of the fruits of your efforts _ whether male or female. You are the individuals belonging to the same kind: so why should there be any distinction or classification between you "

To enjoin what is lawful according to the Divine Laws and prohibit what is unlawful is the basic duty (function) of an Islamic State; and men and women both can take part in the performance of this duty: (9:71) "The believing men and women, are friends and associates (companions) of one another on account of their sharing the motto of life, they enjoin what is just and forbid what is evil; they establish the System of 'Salaat' and provide means of nourishment to humanity, and obey Allah and His Rasoole - (the Divine Order). These are the people who shall benefit from the means of nourishment provided by Allah and the whole world shall witness the power and wisdom of the Divine Laws."

Thus a woman cannot be declared ineligible for taking part in state affairs merely on account of her being a woman.

It is apparent from the principles laid down in the Quraan that any law that discriminates between men and women only on the basis of sex, is repugnant to the Quraan (Except in those matters where the Quraan has specifically said so, e.g., share in inheritance).

C> INJUNCTIONS - FAMILY LIFE (2): RELATIONS BETWEEN HUSBAND AND WIFE

1. NIKAAH - (MARRIAGE CONTRACT).

Nikaah is a mutual contract between a man and a woman. It appears in Surah An-Nisa: (4:21) "Your wives have taken a firm covenant from you". By virtue of this contract a man and a woman pledge to accept the rights and obligations laid down by the Quraan in respect of their being husband and wife in order to lead a life of companionship.

2. AGE FOR NIKAAH.

According to the Holy Quraan, **the age for Nikaah is the age of puberty**. The Quraan has specifically mentioned: (4:6) "You should, as their guardians, keep monitoring the orphans till they reach the age of Nikaah."

However, the Quraan has not determined as to what can be the age of puberty besides other factors, as it differs in different climatic conditions. At yet another place it is stated as age of adolescence: (6:153) : (17:34) "until they reach the age of adolescence." What this age is, has been explained by the Quraan at another place while pointing towards the different stages of human life. It is said: (40:67) "Then He brings you forth as an infant, then lets you reach the age of adolescence, then lets you become old."

Keeping the above verses in view, the matter becomes quite clear. In Surah An-Nisa (4:6) was said i.e., till they reach the age of Nikaah (adolescence) and in Surah An'aam has been said (6:153) ' till they reach the age of adolescence and in (40:67) this age has been interpreted as an age (6:153) between childhood and old-age i.e. the adolescence; it thus becomes evident that according to Quraan, the age of Nikaah is the age of puberty (adolescence). Thus the Quraan has laid down the age of marriage as the age of puberty both for the boy and the girl.

Therefore the question of marriages of immature people (before they reach adolescence) does not arise. It is up to the Islamic Government to determine this age (according to its environmental circumstances).

3. MUTUAL CONSENT.

Just as the age of puberty of both boy and girl is essential for the contract of marriage, likewise their mutual consent is also mandatory: without it the contract of marriage cannot take place. About men it is said: (4:13) "Marry the woman of your liking."

About women it is said: (4:19) "It is not lawful for you to bring women into your wedlock forcibly (without their consent)."

Since the Nikaah cannot be solemnized in childhood, the question of appointing a guardian does not arise. However if the woman so desires she can appoint an attorney in order to settle affairs on her behalf. The statement in Surah Baqarah, (2:237) "In whose hands is the marriage tie", means the attorney appointed by the woman, or the court itself having the power of dissolution of marriage.

4. CEREMONY FOR NIKAAH (MARRIAGE).

The Quraan has not laid down any specific ceremony for marriage. There is not even a mention of any special person who solemnizes Nikaah. Since this is a contract, whatever laws are laid down by the government for the ratification of contracts, this contract should also be ratified (confirmed) according to the prevalent laws.

It is essential for the government to make definite laws for the purpose. Moreover, it is equally important to proclaim the solemnization of Nikaah. A marriage kept secret is not tenderized by the Quraan. (5:5)

5. FORBIDDEN FOR MARRIAGE (MUHARRAMAAT).

The Holy Quraan has declared in detail those men and women who cannot marry each other. The list is as follows:

a) Marriage between a Muslim man or woman (monotheists) and polytheist man or woman is unlawful. It is said: (2:221) "Do not marry unbelieving woman (idolaters) until they profess Eemaan. A captive Muslim man is better than a free Mushrik man regardless of how pleasing he may appear; it is because marriage between persons of different ideologies makes family life a veritable hell. This is why Allah's Law prevents you from such a union. On the other hand, marriage between spouses with a similar ideology creates a paradisiacal family life. Divine Law wants to bestow on you the contentments of paradisiac life and protects you from various pitfalls. Allah explains to mankind His Laws clearly so that they may see the truth laid open before them."

At another place it is said: (5:5) "Chaste Mu'min women", which means that it is necessary for the woman to be a Muslimah.

b) Muslim men can marry women from amongst the people of the Book:(5:5)
"Chaste women from amongst the people of the Book are also made lawful to you" under conditions laid down for marrying the Muslim women. But a Muslim woman cannot marry a non-Muslim man (5:5). It clarifies the issue that Muslim men can marry woman from the people of the Book but Muslim women cannot marry their men.

It therefore implies that:

i) Muslim men can marry Muslim women or women from people of the Book, and
ii) Muslim women can marry only Muslim men.

Remember that marriage between a Muslim man and a woman from the people of Book is only permitted; it is not an injunction. An Islamic State can suspend this permission for a period for the sake of social exigencies or those pertaining to 'Deen'. However, it cannot repeal this injunction (it can only suspend it for a period); for example, the prohibition of selling meat for two days every week as it is practiced in Pakistan these days.

c) According to verses (4:20-24) the following women are declared unlawful for marriage (with Muslim men): "Mothers (real or foster, those who have suckled you), daughters, sisters, father's sisters, mother's sisters, brother's daughters; sister's daughters, women who have suckled you and girls with whom you have shared the suck, (your foster sisters); your wives mothers; your step daughters under your guardianship, born of your wives to whom you have gone in _ no prohibition if you have not gone in: (those who have been) wives of your sons proceeding from your loins; and two sisters in wedlock at one and the same times, except for what is past; for Allah is oft-forgiving, most merciful."

[The word Muhsanah means pious and chaste women, it also means 'married women'. The latter meaning is applicable here].

The Holy Quraan has not given the details of (breast feeding) itself i.e. as to how the condition of suckling is fulfilled; neither has it laid down how the condition of being a foster sister (sharing one mother's milk with you) is satisfied. Its details shall be ascertained by the Islamic State. Remember that only that woman shall be unlawful to you who has suckled you or the girl who has shared the suck.

It has been said above that those women who are already married are also unlawful, yet the Quraan did make an exception in it. The women who had migrated from Makkah and their husbands were present (it is apparent that those husbands were non-Muslims, otherwise they could also have

migrated) were also permitted for marriage (6:10); an Islamic State can issue special orders in the light of this exception, if such circumstances re-occur in any country.

Note: Adopted relations do not become real: thus it is said: (33:4) "Nor has He made your adopted sons as real sons". (It shall be applicable to all adopted sons as real sons). (It shall be applicable to all adopted relations). It shows that the Quraan gives no legal status to adopted relations.

In Surah An-Noor, a verse says: (24:3) "A man guilty of adultery or fornication marries only a woman similarly guilty or a Mushirkah woman; and a woman guilty of adultery or fornication can be married only by a man similarly guilty or by a Mushrik man, that is unlawful for Mu'mineen."

But we do not consider this purport as true. The ensuing results from this are apparent. In our view, the word Nikaah in this verse has been used for cohabitation which is its basic meaning. Thus the verses mean as follows - If any of the believing man or a believing woman is determined to remain chaste, adultery or fornication cannot occur. It can occur only by their mutual consent. [the question of Zina bil jabr (rape) is different]; only those people commit this crime who do not believe in the Divine Laws; believers cannot act as such. Thus this verse emphasizes and vividly explains the abomination of the act of fornication. That is why we have not given it in the list of "Muharramaat" ( ) (persons between whom marriage is unlawful).

As stated before, in the early days of Islam there were such women in Makkah as had embraced Islam themselves but their husbands did not and they had migrated to Madina leaving their husbands; believing men should marry them (60:10). From this it can be deduced that by abandoning Islam, the marriage automatically gets dissolved. But its legal decision lies with the Islamic Government.

6. POLYGAMY.

The Quraan has prescribed monogamy (one wife at a time), as a matter of rule. In case of constancy becoming extremely difficult with the wife, (details shall be discussed under the heading 'Divorce'), a second wife is allowed in her place: (4:20) "And if you decide to take a wife in the place of another..."
Let it be made clear immediately that it does not mean that you are free to divorce your wife any time you like and bring another one in her place. The conditions under which divorce can be resorted to are being described in a separate chapter. Monogamy; is the principle laid down by the Quraan. But if any particular circumstances crop up in society (for example on account of war) when the number of widows and young girls increases and there is no satisfactory remedy for it is in view, the Islamic Government can allow a man to marry more than one woman (up to four) making an exception in the 'one wife' rule. But there are two essential conditions under which it can be allowed: firstly, that the man doing so can do justice with his wives; and secondly, that he is capable of supporting this large family. If any of these two conditions cannot be fulfilled, the second marriage is not allowed. Surah An-Nisa states: (4:3) "If ever such circumstances occur (for example on account of a war) that in the society men are lost (perished) and widows and orphans (boys and girls) increase, especially women without husbands (4:127) and an equitable and just solution cannot otherwise be found; under such circumstances it is allowed, for the sake of protection of these widows and orphans, that you can marry out of these women whom you like [those who are willing to marry you (4:19)]. For this purpose exception is given in the principle of 'one wife at a time'. In such an event, as the circumstances require and as the society decides, two or three, or four wives at a time, can be taken in marriage. But if you feel that in so doing you shall not be able to keep the scales of justice balanced amongst the different family members, then one man and one wife shall remain the law or the female slaves that you already possess (have brought in your Nikaah). After the advent of Islam, the custom of acquiring captives was abolished. In respect of possessing female captives, the words "you already possess", are to be taken special note of. Limiting to one wife is a much better course to avoid injustice in the family and to avoid additional encumbrance due to abundance of progeny.

This is the only verse in the Quraan that allows polygamy and, as can be observed, it is conditional: "if you fear that you shall not be able to deal justly with the orphans, then only one wife is allowed". Without the occurrence of this condition, polygamy is disallowed. Let it be made clear that the word is not limited to mean only orphan boys and girls; the unmarried girls and women are also included in it. (see Lughatul-Quraan). In the Quraan itself you find the word (4:127) i.e. orphan (widow) women. As

regards the condition of maintaining 'justice' it is not possible in this respect. Here justice means that you do not become so deeply inclined towards one wife that the other is left unattended to and uncured for! (4:129)

"Remember that under the circumstances explained in verse (4:3), when you marry more than one wife you shall have to deal with them justly. As far as love and affection is concerned, it is impossible to deal with different wives equally. You will not be able to dos so, no matter how much you desire it, because such things are related to emotions and equality in sentiments is just not possible. Here the 'justice' which is aimed at and which is possible, is that you do not become so much devoted to one wife that the other remains totally neglected. However, in social matters deal with them on the basis of equality. This shall meet the demand of justice according to the Divine Law; and by so doing you shall be protected against the pernicious effects of emotional inbalance. The Divine Law in this manner makes room for your protection and nourishment."

Remember that when a nation feels the urgency to solve the problem of widows and orphans, the women also shall take equal part in this decision; men alone shall not decide it. It shows that even under the extraordinary circumstances the consent of the first wife shall be mandatory, otherwise the home shall turn into a hell.

Except under the circumstances described above a second wife is not allowed.

7. FEMALE CAPTIVES.

During the period when the Quraan was revealed, the slaves (captives), both men and women, were part of the Arab society. The Quraan closed the door of slavery, and captive women who were part of the household, were either made a part of the respective families (were taken into wed-lock) or were gradually freed. The words whenever they occur in the Quraan, mean 'those captive women who were present in those days.' Now the question of slave women does not arise.

8. FACILITATIONS FOR MARRIAGE.

The society ought to provide facilities to those who possess competence for marriage. The Quraan addresses the Islamic society by saying: (24:32) "Make proper arrangement for the marriage of those men or women who have not got the adequate facilities for marriage."

But to get married is not an injunction; it is not necessary that men or women "must" get married. Those who wish to lead an unmarried life and for whom the means to get married are not available, should control their passions (abstain): (24:33) "Those who prefer a celibate life or have not the wherewithal for marriage, should exercise self-control."

During a state of extreme hunger, the Holy Quraan has allowed the eating of unlawful things (according to need), but has not allowed fornication or adultery to satisfy one's sexual passions. Obviously man does not possess control over hunger, but on the other hand sexual urges are purely thought-motivated. Therefore the question of sexual constraint (helplessness) does not arise. An Islamic Society creates an environment in which sexual stimulations are least liable to occur.

9. SEXUAL INTERCOURSE.

Sexual intercourse is prohibited under the following conditions:

a) During menstruation;
b) While fasting, however, it is permitted during nights, in the month of Ramadaan (before the start and after termination of the "fast");
c) While one is "in retreat" (I'tikaaf) in the mosques. (during the month of Ramadaan).

10. OBJECT OF SEXUAL INTERCOURSE.

The Quraan says: (2:223) "Your wives are as a tilt unto you, so approach your tilts when you so desire."

This brings forth an important fact: one goes to the tilt in order to sow the seeds, therefore the object of sexual intercourse ought to be the augmentation of human race, not pleasure alone. This augmentation ought to be thoughtfully planned; it should not only meet personal requirements but also collective social exigencies. 'Approach the tilt' means, that you have sexual intercourse when you desire to have a child. This system (of controlled mating) prevails in nature. At yet another place the words (4:24) have been used for it; which means that the object of marriage is fortification of your procreative energies within the bounds of wedlock and not the mere satisfaction of your lust (not to let your semen flow out purposelessly).

However, this is our deduction from the verses of the Quraan.

11. THE OBJECT OF MATRIMONIAL LIFE.

The object of matrimonial life is that a husband and a wife cultivate love and companionship, so as to make life tranquil at home (life of peace and solace); thus it is said: (30:21) "Among His signs is that He created for you mates from among yourselves, that you may dwell in tranquility with them and as such He has created such a deep relationship between yourselves, as a means of actualization of potentialities for both of you. Verily in that are signs for those who reflect."

As to how much concord is present in the relationship between husband and wife, the Quraan has beautifully described a metaphor, when it is said: (2:187) "They are an apparel for you, and you are an apparel for them."

As far as the mutual rights and obligations are concerned, the Quraan has condensed it in one comprehensive sentence when it said: (2:228) "The obligations of women shall be equal to their rights, one obligation against each right*."

It has been described earlier that in view of the duties incumbent upon women, on account of their biological structure, the responsibility of earning sustenance for them rests upon men (4:34).

The relationship also expand through marriages Relationships of marriage (in-laws) come into existence in addition to the relationship of lineage: (25:54)

"In it are included both relationships of lineage and of in-laws."

12. DOWER.

a) In Surah An-Nisa, after giving the details of those between whom marriage is unlawful, it is said: (4:24); (5:5) "Except such women, others are lawful provided you seek (them in marriage) with gifts from your property."

The term "Mahr" (dower) is used for these gifts in Fiqh (jurisprudence).

The word "Mahr" does not occur in the Quraan, instead the words "Ajoor" or "Saduqaah" have been used. The Quraan has explained it further that (Mahr) is not a compensation for anything. This is a gift, without the concept of remuneration or reward. The Quraan has also used the word "Nihlah" for it: (4:4) "And give the women (on marriage) their dower as free gift". In giving a "gift" is no concept of gain or compensation.

b) No amount for 'dower' has been stipulated by the Quraan. Anything decided by mutual consent is "Mahr" but because its payment is essential, it has also been termed a 'duty' (Divine Command) (2:236-237), therefore it ought to be proportionate to one's economic status. In this connection guidance is also available in (2:236). It might expand to a heap of gold (4:20), In this verse Qintaar means a heap of gold.

c) The payment of dower ought to be made soon after Nikaah at the time of marriage. But it is evident from the verse (2:236) of Surah Al-Baqarah that an (Occasion may arise when the amount of dower could not be fixed at the time of marriage, In this verse it has been explained) (2:236)

"There is no blame on you if you divorce women before consummation or the fixation of their dower." It means that if for some reason the amount of dower could not be fixed at the time of marriage, it can be determined later on.

d) Dower is the property of the woman; no one has the right to deprive her of this amount. However, a woman can remit a part thereof if she so desires. (4:4) "Pay the dower of your wives without any notion of a reward, like the honeybee giving her honey (there is no concept of reward in it). Since dower is a gift and not an exchange, woman cheerfully remits a part of it, you can by all means use it for yourself."

A little later in the same Surah has been said that the amount of dower can be altered by mutual consent. In the words of the Quraan: (4:24) "But if you agree mutually to vary the dower after it has been prescribed, there is no blame on you."

e) After marriage if divorce occurs before consummation, then:

i) If dower has not been fixed, then the man ought to pay something according to his economic status. Surah Al-Baqarah says: [(2:236; 33:49)]

"There is no blame on you if you divorce women before consummation or the fixing of their 'dower', but bestow on them (a suitable gift), the wealthy according to his means: and the poor according to his means (so that the loss she has thus suffered may be made good to a certain extent); gift of reasonable amount is due form those who wish to do the right thing."

ii) If dower was fixed, half of it shall have to be paid; but if the woman or her agent so agrees, or if the court of law thinks it necessary under certain circumstances, it can also be remitted fully: (2:237)

"And if you divorce them before consummation, and the dower had been fixed, half of the dower (is due to them) unless they forgo it willingly; or it is remitted by him in whose hands is the marriage tie. And to forgo what is due to you is more near to Taqwa (adherence to Allah's Law). And forget not that you have to act with grace towards one another. Surly Allah sees all what you do."

Verse (2:237) should be kept in mind: "In whose hands is the marriage tie". It is often deduced from this that the marriage tie is in the hands of the husband, keeping in mind the common concept that only the man has a right to divorce. But in our viewpoint this deduction is not correct. We shall elaborate on that later. According to the Holy Quraan the right to divorce belongs equally to the man as well as to the woman. Here the meaning of the words can mean the woman's agent in the court of law, or the court of law itself. (See also chapter on 'Talaaq'-Divorce).

f) If a woman is guilty of immodesty, something can be deducted from her dower: (4:19) "O you who believe! (As has been said in (4:3), that a man should exercise his choice in marrying a woman likewise the consent of woman is also necessary for marriage). You are forbidden to become masters of women forcibly (against their will, nor is it justifiable for you to keep them against their will with the intent of bargaining to recover a part of what you have paid them; this is not permitted except where they have been guilty of open immodesty". (In such a case the court can allow you a part of it).

It is apparent that a case like this can only be decided by the law-court.

g) If a woman demands divorce (and the court of law agrees), she shall have to pay something for it (2:229); it may not necessarily be out of the dower money. (This is only for reference sake; details shall come under the heading 'Divorce').

Note: (Dowry __ the paraphernalia of a bride __ is merely a custom which has not been ordained by the Quraan. It is extremely unfair on the part of man to demand 'Jahez' (dowry). The Quraan has ordained man to give something; not to take anything from the woman. (This is a HINDU custom which Muslims have appropriated!).

13. MAINTENANCE.

a) As has been stated earlier, the provision of sustenance of the wife is the responsibility of her husband (4:34). Therefore as long as she remains in his wedlock, he shall be responsible. This includes the place of residence as well.

b) During the waiting period of a divorced woman i.e. during Iddat, the above stated responsibility shall lie on the husband [(2:241); (65:1); (65:6-7)] except when she is guilty of immodesty (65:1). (Details shall be found under the heading "Iddat" _ waiting period of a divorced woman).

c) As regards a widow, the responsibility for her maintenance still lies on the man for a period of one year. Therefore he ought to leave a will for her; but this responsibility remains no more if and when she leaves the home of the deceased husband of her own free will. (Details shall be given under the heading 'Inheritance').

14. STRAINED RELATIONS.

i) As described earlier, the object of marriage is to lead a life full of love and tranquility; thus a careful selection of partners is an utmost necessity. Yet circumstances may arise when mutual relations become strained. In some events unpleasantness may be temporary, owing to tempers being volatile; for example, a person, while angry, begins to talk absurdly or on account of ignorance, calls his wife "mother", or anything like that; this is termed "Zihaar" in technical terms; and when the rage cools down he feels ashamed. The Quraan says that such foolish talk an oaths should not be taken seriously. (2:225) "Allah will not call you to account for absurd oaths, but you will be accountable for such oaths that are taken with the intention of your hearts. (Also 5:89) By calling your wife 'mother', she does not actually become your mother: (33:4) "Nor has He made your wives, when you express so by 'Zihaar', your mothers". Such foolish behavior makes family atmosphere venomous. The Quraan, therefore, considers it necessary to penalize such behavior. In such cases before the resumption of sexual relations, the Quraan ordains (a) freeing a slave (this relates to the period when slaves were present); (b) if slaves are not found, fasting for two months; (c) if one lacks endurance (for fasting for two months), them feeding sixty indigents. In Surah 'Mujaadilah' it is said: (58:3-4) "But those who call their wives mothers (or something like that), then wish to go back on the words they had uttered, (it is ordained that such a one should free a slave, before they copulate. To this you are exhorted; and Allah is well acquainted with (all) that you do. And if anyone who has not the means, he should fast for two months consecutively, before he copulates. But if one is unable to do even that, he should feed sixty indigent ones: this is to ensure that you do profess (Eemaan), a firm belief in the Divine System which has been established by the Rasoole."

It is essential for a believer to keep himself bound by the limits laid down by Allah. (In case one makes a mistake, its compensation lies in the steps described above). But the people who reject these limits are non-believers and there is a tormenting chastisement for them.

ii) The above relates to absurd oaths while in a state of anger. But if someone willfully takes an oath, not to go to his wife (the term EELA is used for it in Arabic). Such a state cannot be allowed to continue indefinitely. The Quraan has ordained that such a person should decide within four months whether he wants to keep his wife in wedlock or not: (2:226-227) "For those who take an oath of abstention from their wives, a waiting period of four months is ordained (because a woman cannot be left in this condition for an unlimited period). If then they return (to their ordinary life), they are allowed, because a room has been left for forgiveness and protection in such falterings [(95:89); (33:4); (58:3)]; i.e. like penalty for breaking an oath. But if their intention is firm for divorce, they should proceed in accordance with the Divine Law, which is from Allah Who is All-Hearing, All-Knowing. He knows that separation is the better course in such cases."

An Islamic state can formulate necessary laws for those who do not want to keep their wives with them or for those whose whereabouts become unknown. The aim is to provide protection to the rights of a woman and not to leave her entirely at the mercy of her husband.

15. DIVORCE.

'Nikaah' is a contract between a sensible and mature man and woman to lead a married life. The Quraan provides such instructions under which this contract is fulfilled with beauty and proportion, because the social life of a nation depends on agreeable and favorable environments within the home itself. This forms the basis for the proper up-bringing of a nation. But if in spite of all that, occasion arises when it becomes impossible for them to live together, the Quraan allows separation, after the dissolution of the contract of marriage. This act is called Divorce. (Keep in mind this meaning of the word divorce). The case of marriage was left to the mutual consent of both parties on account of its being a personal affair, but the dissolution of marriage remains no more a personal affair because it affects the opposite party as well as their offsprings in most cases. Thus it becomes a collective society affair, for which instructions have been laid down by the Quraan. There is one thing in this case which is important and which needs clarification: whereas mutual discretion of both parties was essential for marriage, as such the dissolution of marriage cannot take place by the consent of one party alone. The husband cannot be allowed to declare "Divorce, Divorce, Divorce" of his own free will whenever he so likes and turn his wife out from the house; while on the other hand the other party (wife) be made so helpless that she is compelled to bear many hardships in order to be able to get rid of this commitment. The Quraan has ordained equal rights and obligations for a husband and a wife; their position is equal in this respect also. Let us look at the instructions it gives to society. It says: (4:35) "If you fear a breach between them (the couple), the concerned authority should constitute a board of arbitration consisting of two members, one from his family and the other from hers. Thus if the husband and the wife make up their minds for reconciliation, the two arbiters should attempt to bring them close to each other. The Divine Law shall bring about reconciliation because the law is based on Allah's Knowledge, Who is acquainted with all things."

The term includes both man and woman. The complainant may be the man or the woman; in both cases it is the duty of society to appoint an arbitration board.

If the woman feels an excess or disinclination from her husband, even then they try to patch up their differences among themselves or ask for a board of arbitration to be appointed. Thus it said: (4:128) "And if a woman fears ill-usage from her husband or desertion, no blame is on them if they effect a reconciliation between them for amicable settlement is always good", (or otherwise ask for the appointment of a board of arbitration).

In Surah 'Al-Mujaadilah' (58th Chapter of the Quraan) it is said: (58:1)

"Allah has indeed heard the woman who was disputing with you concerning her husband, and complaining to Allah (about the maltreatment she was receiving at the hands of her husband) and Allah was hearing the contentions of both of you. Surely Allah hears and sees (all things)."

This also makes it clear that a woman can take her case to a court of law and has full right to apply for divorce; however, the first priority of the court of arbitration shall be to bring about reconciliation between them.

Remember, the Quraan has used the term "Talaaq" (Divorce) both in respect of the husband and the wife. The term "Khul'ah" (divorce obtained by a wife against a ransom by herself or through an attorney) is nowhere to be found in the Quraan. Moreover, when it is said that a husband has delegated his right of divorce to his wife this is not correct; according to the Holy Quraan because husband and wife have equal rights of divorce. Delegating the right of divorce by husband ("Tafweez" in juristic terminology) makes no sense.

If reconciliation cannot be brought about, the court which has convened the board of arbitration shall declare dissolution of marriage. This shall be known as Divorce. It is said in Surah At-Talaaq (65th Chapter of the Quraan): (65:1) "O Rasoole! When you pronounce decisions on divorce cases, tell the people concerned that after this (the divorce) the issue of 'counting period' (Iddat) is a matter of great importance and must be completed."

The Rasoole has been addressed in the verse (65:1) by the words : "When you divorce women". Here the word used is "Tallaqtum" which is plural. Thus the matter does not concern the divorce of any wife of the Rasoole himself. Such a question never arose. As a matter of fact it is the status of the Rasoole

as a judge that is being addressed. Thus the word "Tallaqtum" means: "When you decide the divorce cases of women". It makes clear that divorce is not an individual affair allowing a man to divorce his wife any time he likes. Such decisions shall only be announced by duly authorised courts. The court first appoints a board of arbitration and if reconciliation fails, then it decrees the divorce.

Because the calculation of the period of Iddat defends upon the number of menstrual periods, the execution of divorce ought to take place after the last menstrual period is over. In the above said verse (65:1) after the words come the words meaning 'to count (accurately)'. The court shall make this point clear in its decision.

If the court finds that the husband does not want a reconciliation, it shall grant a divorce, without taking anything back (of the dower money) from the wife. It is thus said in Surah An-Nisa (4th Chapter of the Quraan): (4:20-21)

"If you intend to take another woman in place of your present wife (it does, in no way, mean that the desire to bring in a new wife can become a reason for divorce ___ it only means that if, according to the conditions laid down which were mentioned earlier _ the matter reaches the stage of divorce) and you have given the latter a whole treasure (heap of gold) as dower, you should not take back even a portion of it. (However, if the demand for a divorce was initiated by the wife (2:229) or the wife is guilty of immodesty (4:19), a part can be retrieved from her. In case no such conditions prevail, then you should not slander her or accuse her of open wrong in order to compel her to surrender a part of her dower. How can you do such a thing when your wives have taken a solemn covenant from you, and you also have enjoyed marital relations with each other."

But if the woman is guilty of a shameful act which leads to adultery or fornication, then: (4:19) "It is not lawful for you to try to detain them forcibly so that you may fraudulently take away part of the dower that you have given them, except when they have been guilty of open immodesty."

Or if she herself is unwilling to live with her husband, the court can order some compensation to be paid to the husband. (2:229) "(In case of dissolution of marriage), it is not lawful for you (men) to take back any of your gifts (from your wives), except when a situation arises that this money is blocking the way to the finalisation of divorce; and on the other hand on account of strained relations, in case of the continuation of their marital relationship both parties fear that they would not be able to safeguard the limits ordained by Allah (in faithfully discharging their obligations) and the society's judicial system also reaches the same conclusion, there is no blame on either of them if she gives something for her freedom from the bonds of marriage."

Such conditions may arise that a woman gets married with ill intentions, and having received the dower money, takes steps to seek divorce. In such cases, forgiving a part of the dower shall serve as a deterrent against such nefarious designs.

After the court declares divorce, the period of 'Iddat' shall begin. 'Iddat' means the prescribed period before the end of which the woman cannot marry again (Details are given under the heading 'Iddat'). It may be termed as "waiting period". During this period (of Iddat), the divorced woman shall continue to reside in her ex-husband's house and he is responsible of her maintenance. What the Quraan has said further, in this regard, needs careful attention. It is said in Surah At-Talaaq (65th Chapter of the Quraan): (65:2)

"Then when they (the divorced women) complete their appointed term, either take them back in the recognised manner or part from them according to the law."

In Surah 'Al-Baqara' (2nd Chapter of the Quraan) It is said: (2:229) "After that either keep them according to the law or separate them with benevolence."

Again it is said: (2:228) "And their husbands have a better right to take them back in that period, if they wish for reconciliation."

It is apparent from the above that during the period of 'Iddat' a chance is given to rebuild the marital relationships. This clarifies two issues:

(a) If the wife is the one to initiate the divorce, then this means she does not want to live with her husband and he then cannot keep her back forcibly. However it is a different thing if she changes her mind.

(b) If it is the husband who initiates the divorce, although she wants to live with him, the relationship can be re-established if he changes his mind. In such an event, the Quraan has warned the husband not to keep the wife back with the intention of vexing her: (2:231) "Do not take them back with the intention of causing them harm or to transgress the limits (imposed by Allah). If any one does so, he only wrongs his own self."

The question now arises: is a renewal of the contract of marriage needed, or the previous contract shall be considered sufficient In this respect the Quraan has used the term "Bil-ma'roof" which means a procedure recognised by the Islamic Society in the light of the Quraanic Guidance. Thus if the Islamic Society thinks that a renewal of the contract of marriage is unnecessary, it shall be the correct decision. And if it decides that a renewal is called for, that too shall be a correct decision. After all, 'Nikaah' (the contract of marriage) is nothing more than the recognition of the consent of a husband and his wife. However, in verse (2:232) the Quraan has used the word 'Nikaah', when it is said: (2:232) "When you divorce women, and they are near the completion of the term of their 'Iddat' and both man and the wife are desirous to resume their matrimonial life, O Members of the society! Do not prevent them from marrying their (former) husbands, if they mutually agree.

Here again the world "Bil-ma'roof" is used: which means 'according to the way recognised by the system of the state'. However, the government ought to keep it in mind that the renewal of marriage during the period of 'Iddat' ought to be carried out in a way which may be considered a contract of marriage.

If they have made up their minds to live together again, it shall be carried out according to the above procedure; but if they decide on separation, two witnesses shall be required: (52:2) "Then, when they approach the end of the term appointed (look at the whole issue in a cool, dispassionate manner and if constancy appears possible, why resort to separation). Get united in a recognised manner; (but if constancy is not possible), part from them on the recognised terms: and take for witness two persons from among you imbued with justice i.e. those who are not inclined to any one party, and establish evidence as a duty ordained by Allah."

After this the facilities available to them (the women) in the period of 'Iddat' shall come to an end.
Thus the husband and the wife may reunite during the period of 'Iddat' or may get separated. This shall be counted as ONE DIVORCE.

If this couple again becomes husband and wife (during or after the period of 'Iddat') but again decide to separate, its procedure shall be the same as described above. This shall be the SECOND divorce.

After this second divorce if they once again decide reunion but this also results in THIRD divorce, they cannot become husband and wife again, neither during the period of 'Iddat', nor any time thereafter because: (2:229)

"A divorce is only permissible twice; after that the parties should either hold together on the recognised terms or separate with kindness."

That is, after the third divorce, remarriage is not permissible.

However, if after the third divorce the woman gets married to some other person but here also the union ends in divorce (or if she becomes a widow), she can again establish the contract of marriage with the first husband. This has been explained as such in the verses (2:229) and (2:230) (2:229-230)

"Remember! During the married life of a husband and wife, it is possible only twice to either hold together on the recognised terms or separate with kindness. [But if the divorce between them takes place the third time, they shall not be able to remarry _ (2:230)] In case of dissolution of marriage, you are not permitted to take back anything of what you have given to the wife. However, if an occasion arises that this very factor becomes an impediment in the way of dissolution of marriage and at the same time there is an apprehension that in case of living together as husband and wife they shall not be able to keep the limits laid down by the Divine Law, on account of their deranged relations; and also the society's system of justice reaches the same conclusion that the husband ought to get some recompense, in that case there is no harm that the wife may agree to forego a part of what is rightfully hers and get herself rid of the martial contract. These are the limits imposed by Allah; do not transgress them, and whosoever does so, would be held guilty by the Divine Order.

"So if a husband divorces his wife (irrevocably) he cannot, after that, remarry her until after she has married another husband and he has divorced her. In that case, there is no blame on either of them, if they reunite, provided they feel that they can keep the limits ordained by Allah. Such are the limits ordained by Allah, which He makes plain to those who possess the knowledge of the exigencies of social life."

These are the verses which are produced as an evidence to prove that if somebody says 'Divorce, Divorce, Divorce', three times, they shall have to go through the process of 'Halaalah'. This interpretation of the above verse is against the Quraan. As explained earlier, divorce means freedom from the contract of marriage. The dissolution of marriage can take place only by following the details described above. Divorce does not become valid by the verbal utterance of the word 'Divorce' whether it is repeated once, thrice or a hundred times. Three divorces mean the dissolution of Nikaah between a husband and his wife, three times during their married life spread over a period of time. After two dissolutions there still remains a chance for reunion; but after the third dissolution there is no chance: it is final, except under the condition described above. Even in that case marriage with another husband does not mean sexual intercourse for one night (Halaalah); it means to live the life of a husband and wife in a regular normal way.

As it has been said earlier, the dower ought to be paid during the process of marriage contract. But if the wife ha postponed its receipt for a later period, it shall now become an urgent recovery after the dissolution of the marriage. (See heading 'Dower')

16. WAITING PERIOD FOR A DIVORCEE (IDDAT).

(a) 'Iddat' is the name given to a period in which a divorced woman or a widow cannot remarry. In fact it is meant to make sure if she is pregnant; and in case of pregnancy, the would-be child shall be the legitimate offspring of the former husband. There is no 'Iddat' for man. The Quraan says: (2:228)"Women have the right relative to their obligations, but men have an advantage over them". The advantage is that there is no 'Iddat' for man. He can marry another woman immediately after divorce.

b) The 'Iddat' for a divorced woman is three menstrual periods (2:228). The divorce comes into effect after the menstrual period comes to an end. This is for the sake of certainty in the counting of 'Iddat' (65:1).

c) For old women who have reached menopause or for those who do not menstruate on account of a disease, 'Iddat' shall be three months:(65:4)

[As stated in verse (2:228) __ the period of Iddat, normally, is three menstruations, but] "such of your women as have attained the age of menopause, for them the prescribed period is three months; and for those who have no courses, (on account of disease) it is the same".

d) 'Iddat' for a pregnant woman is until the termination of pregnancy. (65:4) "For those who are pregnant, 'Iddat' is until they deliver (their burdens)." They should declare, in the event of divorce, that they are pregnant: (2:228) "Nor is it lawful for them to hide what Allah has created in their wombs."

e) There is no 'Iddat' for a woman who is divorced before sexual intercourse: (33:49) "O You who believe! When you marry believing women and then divorce them before you have touched them, it is not required of you to count the Iddat in respect of them (during which period the responsibility of their sustenance lies with you and the women cannot marry any other husband), so give them suitable provision and part from them in a goodly manner". [Marriage is a contract. When you find it difficult to carry out the contract, end it in a lawful manner. There is no need to create bitterness __ (2:228-236); (65:1-4)].

f) 'Iddat' for a widow is four months and ten days. (2:234)

"If any of you dies and leaves his widows behind, they shall wait for four months and ten days (for second marriage). When the 'Iddat' ends, they are free to make a decision about themselves according to law. They have the right to do so. There shall be no blame on them that they have done this way or that way. Remember, Allah knows all that you do."

In case she is pregnant, there is no separate injunction in the Quraan for it. But it can be deduced from the injunctions regarding divorced (pregnant) women, that their Iddat shall also be until they give birth.

g) During the period of 'Iddat' the responsiblity for providing daily requirements and shelter shall be on the man and its standard shall be the same as during normal life. It is said in Surah At-Talaaq (65th Chapter of the Quraan): [(65:6-7); (2:241)] "Let the women live (during 'Iddat' period) in the same style as you live, according to your means; annoy them not so as to tease them. And if they are pregnant, you have to provide their sustenance until their delivery, and if they suckle your (offspring) for your sake [i.e., if you cannot make any arrangement for the suckling and by mutual consent it is settled that she herself shall suckle], give them their due recompense, and enjoin one another to do good; and if you disagree, another will suckle for him."

In determining the scope of providing sustenance to divorcees or compensation for suckling, be considerate of the financial status of the husband. Let the man of means spend according to his means: and the man whose resources are restricted, let him spend according to what Allah has given him. Allah puts no burden on any person beyond what he has been given. If a difficulty arises for the man on account of the extra expenses, a relief can be obtained according to the Divine Law. (The court shall keep this in view).

But if during this period the woman commits an act of immodesty, the man then, is no more responsible. (65:1) "O Nabi! When you decide the cases of divorce, tell the people that the matter of 'Iddat' is of great importance. It must be accomplished adequately. For this, it is necessary that an accurate count of the prescribed period be kept, so as to submit totally to the injunctions laid down by your Sustainer (2:228-236; 33-49). During this period do not turn out the divorced women from your houses (65:2)."

During the period of 'Iddat' these are still their own homes. Nor shall they (themselves) leave without a proper excuse. However, in case they are guilty of some open immodesty, they can be turned out of the house. These are the limits laid down by Allah, and any one who transgresses the limits of Allah, besides doing wrong to others, he also wrongs his own self.

As stated above, the woman should not leave home and go to some other place during Iddat. But if conditions are not favourable to stay there, she can stay at some other place by permission of the court. This is our deduction from the Quraanic verse, in which it is said: (4:130) "And if they separate, Allah will render them both free from want out of His ampleness". Allah shall make arrangement for the fulfillment of their needs, i.e. the society (established under the Divine Order) shall shoulder this responsibility.

h) For one year's provision of daily needs and residence, the husband should leave a testament. But if before this, the widow leaves, of her own choice to some other place, this responsibility (of the late husband) comes to an end: (2:240) "Those of you who die and leave widows, should make a bequest for their widows for a year's maintenance and residence, but if they leave (the residence) of their own and

make some other arrangement for themselves according to the law, there is no blame on you for what they do with themselves. Remember! The Divine Law is exalted in power and is based on wisdom."

i) During 'Iddat' a widow is not allowed to marry another person but there is no restriction on discussing the possibility of marriage in the meantime: (2:235) "There is no blame on you if you make an offer of betrothal or hold it in your hearts. Allah knows that you would fancy to marry them: but do not take any hidden promise of marriage from them, negotiate with them in a recognised manner, but do not resolve on marriage during the period of Iddat: and always remain conscious of the fact that Allah is aware of the ideas that flash across your mind. You should know that Allah does not want to inflict any hardship on you by means of these limitations. The object of these restrictions is to protect your society from the injuries of wrong attitudes. He does not get angry by your mistakes, so as to entangle you in strict laws. This is done by tyrant rulers, not by Allah.

If (during 'Iddat' or afterwards) a woman intends to re-marry her former husband, do not stand in her way: (2:232) "When you divorce women and they are nearing the completion of their Iddat do not prevent them form marrying their former husbands if they mutually agree to do so in the recognised manner."

Note: This does not apply after the third divorce).

17. SUCKLING.

The Holy Quraan does not specify the period during which the mother should suckle the child. The husband and the wife can mutually take a decision subject to the requirements of the child's health. However, the Quraan has said that it takes two and a half years for a mother to keep the foetus in her womb followed by the suckling of the child. (46:15) "We have enjoined upon man to be gracious to his parents: in pain did his mother bear him and in pain did she give him birth. The carrying of the (child) to his weaning is a period of thirty months."

Even animals take part in the upbringing of their offsprings; but later on, their grown up offsprings do not even recognize their parents. Thus the man is asked to rise above the animal level during his life. "One of the demands of human life is that he should treat his parents with benevolence. His mother bore him and gave him birth with difficulty which she experienced day and night. This continued not for a day or two but it took at least thirty months from pregnancy to weaning. [(2:233); (13:14)].

At another place the suckling period is described as two years: (31:14) As regards a divorced woman who carries a child in her lap, the Quraan says:

i) The father of the child shall give the mother recompense for suckling the child. (65:6) "And if they suckle the offspring for you, give them their recompense and take mutual counsel together according to what is just and reasonable. If any of you feels that the arrangement is heavy on him/her, arrange for some other woman to suckle the child."

ii). Though the period of suckling is two years, but if by mutual consent they want to reduce this period they are allowed to do so.

During the period of suckling, the expenses of food and clothing shall be provided for the woman by the father of the child. The standard of this maintenance shall be according to the financial position of the father. For so doing, it ought to be kept in mind that neither the father nor the mother are put in to difficulty for the sake of their child. If it is thought advisable that the suckling be given by some other woman in place of the mother, it is permitted: (2:233) "If, in the case of a divorce the wife is suckling a child, the mothers should give suck to their offspring for two whole years, if the father desires to complete the term. But he shall bear the cost of their food and clothing on the prescribed terms. No person shall have a burden laid on him greater than he can bear. (The court ought to keep this mind): the mother shall neither be treated unfairly on account of her child nor the father. (If however, the father dies in the meanwhile), his heir shall be incharge in the same way as had been decided by both of them. On the matter of weaning; if you both agree on premature weaning and make alternative

arrangements, there is no blame on them provided the husband pays the settled compensation to the mother."

(Anyhow) you should always adhere to the Divine Law and keep this reality in mind that Allah's Law of Requital oversees what you do. (For this' neither observe the law as a mere custom, nor try to evade it).

18-a. CUSTODY (OF CHILDREN OF DIVORCED PARENTS).

There is no specific injuction in the Holy Quraan as to who will have custody of the underage children after the separation of their parents. The court can decide on it according to the prevailing circumstances. The principle that ought to be observed in this case is that neither the father nor the mother shall be put to unnecessary hardships. An inference can be drawn for this rule in the light of verse (2:233) described above. To achieve this objective the Islamic Government shall also decide as to who shall bear the expenses of the children, till they reach the age of maturity.

18-b. Comments on Custody: If Father does not want, baby can not be under Mother's Custody Reference: (2:233) and (65:6-7)

And the mothers should suckle their children for two whole years for him who desires to make complete the time of suckling; and their maintenance and their clothing must be-- borne by the father according to usage; no soul shall have imposed upon it a duty but to the extent of its capacity; neither shall a mother be made to suffer harm on account of her child, nor a father on account of his child, and a similar duty (devolves) on the (father's) heir, but if both desire weaning by mutual consent and counsel, there is no blame on them, and if you wish to engage a wet-nurse for your children, there is no blame on you so long as you pay what you promised for according to usage; and be careful of (your duty to) Allah and know that Allah sees what you do. (Al_Quraan_002:233)

Lodge them where you lodge according to your means, and do not injure them in order that you may straiten them; and if they are pregnant, spend on them until they lay down their burden; then if they suckle (your baby) for you, give them their recompense and enjoin one another among you to do good; and if you disagree, another (woman) shall suckle (the baby) for him. Let him who has abundance spend out of his abundance and whoever has his means of subsistence straitened to him, let him spend out of that which Allah has given him; Allah does not lay on any soul a burden except to the extent to which He has granted it; Allah brings about ease after difficulty. (Al_Quraan_065.006-007)

19. PROGENY.

a) Besides mutual companionship the basic object of married life is the augmentation of the human race. Even animals increase their progeny, but the case is different with man. A young animal needs nourishment, after which it becomes what it is destined to become. But a human child, in addition to sustenance, needs education and upbringing which lifts him from the stage of animal life to the stage of human life. Thus the parents undertake a dual responsibility. It is the duty of an Islamic State to frame laws for the purpose and make such arrangements that no child is deprived of sustenance, as well as education and upbringing. The Islamic State shall issue necessary guidance to the parents as to what extent their co-operation is required. The objective is that no child is left without the development of his human potentialities on account of negligence, ignorance, laziness, or mismanagement on the part of parents or an incompetent system of government. Every child shall be provided with an equal opportunity for upbringing. The Quraan says: (17:31); (6:152) "Do not kill your offsprings for fear of being reduced to poverty."

Here killing does not actually mean putting to death. (Murder in itself is a crime, even if it is of one's own children). Here killing children means depriving them of proper education and upbringing. In this regard an Islamic State shall furnish surety that: (6:152) "We are responsible for your sustenance as well as that of your children."

Remember in an Islamic Social Order, providing the mans of sustenance is the foremost duty of the State.

b) A healthy, sound and sturdy child is a bounty from Allah (7:189-90) and an intelligent and a chaste youth, with a loving heart and subservient to the Divine Laws, is a 'Rahmat' from Him (19:12-14). In Surah 'As-Shoora' (42nd Chapter of the Quraan) it is said: (42:49-50) "Allah is the Supreme Sovereign in the heavens and the earth, and the whole system of the universe functions under His Laws only; so much so that even the physical life of man is not excluded from its ambit. The astonishing Order of Creation including creation of man is controlled by His Laws. According to this Law He bestows some with girls, while others with boys and yet some with both boys and girls and some remain childless. All this takes place according to His Laws. He is replete with knowledge and full of power to control the destinies according to His measures and standards."

Thus whereas the creation of sex is controlled by the Divine Laws, to consider a girl inferior to a boy was a mentality peculiar to the Arabs of pre-Islamic days. Islam eradicated this. The Quraan criticises it as follows: (16:58-59) "When news is brought to one of them of (the birth of) a female (child), his face darkens and he is filled with grief. (He thinks the birth of a female child so disgraceful that) he hides himself from his people because of the bad news he received. He begins to think whether he should suffer this contempt or bury the new born alive in the dust Ah! What an evil choice they decide on their innocent girls!"

c) Wives and children have been made means of elegance in life by Allah; thus they are worthy of the parents' kind attention: (3:13) "Love for women and children has been made fair-seeming for people." Yet one must not commit any act for their sake, which goes against the Divine Laws and the Permanent Values ordained by Allah. (See 63:4; 8:28; 64:14-15). If one does that it becomes a sedition for him. Thus whenever there is a tie between a particular benefit for the wife and children on the one hand, and a Quraanic Value on the other, the Quraanic Values shall be given preference:

It is said in Surah "At-Taubah" (9th Chapter of the Quraan); (9:24) "(O Rasool)! Say unto these people that if it be that your fathers, your sons, your brothers, your spouses or your kindred, or the wealth which you have gained, the commerce in which you fear a slump, or the dwellings in which you delight, are dearer to you than Allah and His Rasool (i.e. dearer than the establishment and maintenance of the Divine System); wait until the results of such a behaviour become manifest unto you according to the Divine Law. Remember Allah guides not those who, leaving aside the right path, go astray."

It is so, because offsprings relate only to the physical life of man, they have no value against the Divine Law: (58:17) An unrighteous offspring is not even considered a member of one's family by the Quraan. This has been explained in the story of Noah in (11:45-46).

d) As long as the children are under the care and upbringing of their parents, they should act under the parents' guidance, but when they are capable of deciding their own affairs they should begin to act as such. The maxim "To obey the parent is a duty" that has not been ordained by the Quraan. The Quraan has repeatedly asked only to do good to the parents (4:36).

The Quraan states: (36:68) "If We grant long life to any, We reduce him to an abject state in creation". Man begins to forget what already was in his knowledge. (16:70) As such his condition becomes pitiable. Therefore he shall be treated gently and not rebuked. Thus it is said in Surah Bani-Israel (17th Chapter of the Quraan): (17:23-24) "Thy 'Rabb' has decreed that you should be subservient to none but Allah: (be subservient only to the Divine Law). Further it is ordained that you be kind to parents, whether one or both of them attain old age in your life. Say not to them a word of contempt, nor repel them, but address them in terms of honour. When they were youthful and active, they provided you with sustenance (in addition to their own); now they have become old and are not capable of earning. It is your duty to make good their deficiency."

Give them protection with all the affection (as they did when you were young) and say: my Rabb! Enable me to provide them with means of nourishment as they had cherished me in my childhood.

(To look after the young is even practised by the lower animals, but the practice of looking after the parents in old age is peculiar only to a human being. That is why he has been instructed as such.)

But if the parents are following a wrong path, it must be brought to their notice. This has been made clear in the story of Abraham: (19:41-45)

e) It is essential for an Islamic Government neither to leave the small children at uncared for the mercy of their parents, nor to leave the aged parents uncared for and dependent on their offsprings to the extent that they become the object of scorn and degradation. For this an Islamic State ought to provide proper guidance and make the necessary arrangements.

20. Orphans.

The basic meaning of the word "Yateem" (orphan) is the one who somehow or other is left alone and helpless in society; he may be of any age. But in the context of the subject under discussion, "Yateem" shall mean the children whose father (or both parents) have died. The provision of sustenance, education and upbringing of such children is the responsibility of an Islamic State. But the question is not of upbringing alone: the real problem is that they should be brought up in such a manner that the dignity of their 'self' does not get injured. To keep such children in orphanages, fed on charity, is the destruction of their human 'self'. This leads to the downfall of nations. In Surah 'Al-Fajr' (89th Chapter of the Quraan) it is said that one of the reasons for the destruction of nations in that they do not treat orphans with honour: (89:17) . Thus the real question is the cultivation of their self-respect. They should not be brought under undue pressure: (93:9).

A satisfactory arrangement for their proper nurturing is essential. They should be treated as your own brethren: (2:220) "They ask thee about orphans. Say: settling their problems is a deed that produces 'good'. Hence you live together and if during the period of mutual living you have but to conduct their affairs with your own, always keep in mind that they are your brethren. Allah knows which of you means their good and which of you creates mischief. You are being given such instructions because without it you could have fallen into difficulties; but Allah wants to make things easy for you."

This provision of facilities does not mean that you go on doing what you like without any hindrance. Allah's Law of Requital is exalted in power, yet it is based on wisdom.

Their wealth and property, if there be any, must be protected with utmost care. The one managing their affairs, if he is wealthy enough, should not take any remuneration; but if he is needy, he can take a compensation for it. When they reach the age of maturity and they become capable of handling their own affairs, their wealth and property should be handed over to them in the presence of witnesses: (4:5-6) "Remember! Allah has made wealth, the mainstay of a nation's economy, therefore place it not in the custody of those who are weak of understanding; feed them and clothe them therewith and speak to them words f kindness and justice."

Also make arrangements for the upbringing of orphans; and keep checking as to how far their potentialities are developed, until they reach the marriageable age. (6:153; 17:34; 40:67). If then you find them of sound judgement, deliver their property over to them. [But if they are not fit for it yet, act according to (4:5)]. But in the meantime do not consume their property wastefully, nor in a haste, fearing that they shall demand it when they become grown up. If the guardian is well off, let him claim no remuneration, but if he is poor, let him have what is just and reasonable. When you release their fortune to them, take witnesses. While counting, keep it in mind that you are submitting the account to Allah who knows what is hidden as well as manifest; therefore He is the Best of all those who take account.

This point has been emphasised further in (6:153) and (17:37).

Do not take a single pence from their wealth unlawfully. It has been ordained in Surah An-Nisa (4th Chapter of the Quraan): (4:2) "According to this law no difference remains between your own children and the orphans, therefore take care of their rights and benefits like those of your own offsprings. Keep their property safe with utmost care; do not exchange (your) worthless things for their good ones; do not eat up their assets, keep their assets separate from yours; embezzlement in their substance (by mixing it up with your own) is most unjust. One who is left alone in the society, he ought to be helped rather than his rights usurped."

It is said further: (4:10) "Those who unjustly eat up the property of the orphans, they are filling their bellies with fire which leaves their passions of greed ablaze". They being always dissatisfied, run after unlawful wealth like a lunatic and thus put their own potentialities into a blazing fire.
If widows and orphans are left behind in society, marrying more than one wife may be allowed by making exception to the law of monogamy, in order to give them a respectable place in society. (Details were given earlier).

For an Islamic State it is essential to frame necessary laws under the guidance of the Quraan. According to the Arabic dialect, a boy is called "Yateem" (orphan) till he reaches the age of maturity; and a girl continues to be called an orphan till she gets married. Even widows can be included in the category of orphans. (4:127).

REMOVAL OF A MISCONCEPTION

The injunctions and guidance for family life as stipulated in the Quraan have been stated, but the conventional meaning of a verse in Surah 'Nisa' (4th Chapter of the Quraan) remains yet to be corrected. The verse is as follows: (4:34) It is usually translated thus: "Men are the masters of women because Allah has given superiority to one over the other; for the reason that they spend their money. Then those women who are pious and thus obedient, look after what Allah has protected in them in the absence (of their husbands) with the protection of Allah, but those who are feared to be of bad temper, you advise them, keep their beds separate and beat them. After this if they obey you, do not seek a way to accuse them. Allah is indeed the Greatest". (Translation by late Maulana Mahmood Al-Hasan).
By virtue of this translation the following is deduced:

- Men are the masters of women.
- Pious women are those who are obedient to their husbands.
- If a women is not obedient to her husband:
  i) the husband shall advise her and if she is still disobedient,
  ii) keep her separate from his bedroom (which means discontinuation of conjugal relations); and if she is still disobedient,
  iii) beat her.

  It is obvious that this sort of relationship between a husband and his wife goes against the very grain and purpose of the teachings of the Quraan which have been explained in the previous pages. As a matter of fact, the purport of this verse is as follows:

  "As far as the natural duties of men and women are concerned, some of their capabilities are different from each other. In some of them men have the superiority, and in others, the women. As a result of the execution of these duties, for a major portion of her time a woman becomes incapable of earning her livelihood and thus it becomes the duty of her husband to provide her means of the necessary sustenance. This is what is meant by the words . After such arrangement, the women can give full time, satisfactorily, to their own duties (such as bearing the children and their upbringing) so the women are required to take care of their latent potentialities. But if an occasion arises that in spite of all this a woman revolts and refuses to carry out her specific functions without any sufficient cause, it shall not remain a personal affair. It shall become a collective national issue, because it concerns the protection and augmentation of the (human) race. Thus society should first admonish such a woman. But if this procedure remains ineffective, her husband should be asked to terminate copulation with her for a while so that its psychological effect may bring about a change in her attitude. But if that also remains ineffective, a court can order even physical punishment for her".

  You must have noticed that this matter concerns the collective life of a nation and it is of great importance. In this respect if women refuse to co-operate and thus rise against the collective benefit of humanity, it becomes imperative for society to take adequate steps to put a check on this revolt. It is a social crime for which even punishment can be given. But

that does not mean that men are free to beat the women on account of being their masters. This concept is utterly un-Quraanic.

* In this verse it is said that the right of man is superior. For this see the heading "Iddat".

Inheritance and Testament

A> Testament:

1. It is enjoined upon every Muslim to make a testament as regards his bequest before he dies. The last will ought to cover the entire property and all persons to whom he wants to give something without any distinction of heir or non-heir: (2:180) "It has been enjoined upon you that when you approach death and you are leaving behind your personal property, make a testament according to law for your parents and others close to you. This has been enjoined upon Muttaqeen as a duty from Allah. (The distribution of left-over property shall take place after the provisions of the 'will' have been fulfilled (4:11)."

Note that this verse starts with the words "you are commanded" and ends with the words "that it has been made incumbent upon those who guard the Divine Law". Moreover the 'will' shall be for the entire property. The verse also clarifies that the 'will' can also be made for parents and near relatives and also for non-relatives; whom the testator considers nearer to himself.

2. The Quraan has given so much importance to the making of will that even (minute) details for it have been prescribed. The following verses of Surah Al-Maaidah (5th Chapter of the Quraan) invite pondering: (5:106-108) "O you who believe! When death approaches any of you, take witnesses amongst yourselves while making testament; two just men of your own (brethren); or others from outside, if you are journeying through the land and your own men are not available and the chance of death befalls you.

Afterwards when witnesses are needed, your judges shall detain them (in the mosque) after prayers (because mosques are your court-rooms). If you doubt their truth, let them both swear by Allah: we wish not to take in this any worldly gains, even if the beneficiary be our near relative; we shall not hide evidence before Allah; if we do, we shall become censurable.

If after the witnesses have been recorded, it is found that they have deviated from the truth, two witnesses from among those against whom the witness has been given should come forward and upon an oath in the name of Allah, state that their statement is truer than the previous witnesses and that they shall not deviate a bit from the truth and if they do, they shall be liable to censure.

In Divine Law witness over witness is allowed, so as to make certain that they speak the truth. By so doing, the first two witnesses shall fear that in case they give false evidence, the other two witnesses shall prove it to be wrong and thus they shall become guilty of the perjury and this shall also bring them shame in society.

It is necessary for you to remain conscious of the Divine Laws and do not forget that, deviating from the course set out by Divine Laws and treading upon some other course, it shall not lead you to the goal.

It has been strongly emphasised that the witnesses shall not make a change in the contents of the testament: (2:181) "If any one changes the content of the will after hearing it, such people shall be guilty in the eyes of law and they ought to know that Allah hears and knows everything."

It is further stated that: (2:182) "But if any one fears partiality or wrongdoing on the part of the testator, and thinks that he is inclined towards someone unjustly, he should advise the testator to do the right thing and bring about compromise between (the parties concerned) so as to protect those whose rights are being encroached. There is no wrong in doing so. To make a room for it in the Divine Law is clemency (Rahmat) from Allah."

But it is obvious that this shall only be an attempt for making compromise, otherwise the final word shall be that of the testator.

3. In the case of a widow, in addition to her share in the bequest, it is necessary that providing of maintenance for a year be included in the will: (2:240) "Those of you who die leaving widows behind should bequeath that their widows be provided a year's maintenance and not turned out of their houses. But if the widows leave (the residence) and make some other lawful arrangements for themselves, there is no blame on you for what they do. Remember that the Divine Law is very powerful, yet it is based on wisdom."

B> Inheritance:

Death is imminent and can come any time. It can come during childhood, or when grown up or after becoming old. One may be married or may be not, he or she has to die on one day and most probably leaving heirs behind. Since the stages change according to the time, a person's responsibility also gets change. Men have their responsibilities and women have their. So it is necessary to find the right dividends for the right heirs. BUT it is extremely hard to determine these dividends without the help of Allah. Allah already mentioned in the Quraan dealing with all these issues categorically and in great detail.

… You know not which of them is the nearer to you in usefulness; this is an ordinance from Allah: Surely Allah is Knowing, Wise. (Al_Quraan_004.011)

Constitution stipulates how the Global States of Peace is to be dealt with and distributed after his or her death. The rules described here reflect the Commandments of Allah according to the Quraan; some differences or variations may be adopted under the Hanafi, Maliki, Shafi and Hanbali schools.

Knowledge of Mathematics:

To understand these calculations, you must know the middle school mathematics, which are not complex as of university level or even as of high school level mathematics. E.g. one of the bases of inheritance is male gets 2/3 and female gets 1/3. Although 2/3 + 1/3 = 1 looks PERFECT, BUT you cannot exactly divide 100 or 50 Dollars equally among the males and females. There are many cases in which you may need to deal with the prime numbers (e.g. 89), which are only divisible by 1 or by itself. Islaamic Inheritance Law are based on complete Quraan and are NOT limited to few verses only, and answers PERFECTLY to deal with all those cases. Presently with the help of science and specially the computers, it became more easier to search many things and find the answers more easily ever than before.

Hold the division of the Inheritance in case, the wife of the deceased could be pregnant.

And the divorced women should keep themselves in waiting for three courses; and **it is not lawful for them that they should conceal what Allah has created in their wombs**, if they believe in Allah and the last day; and their husbands have a better right to take them back in the meanwhile if they wish for reconciliation; and they have rights similar to those against them in a just manner, and the men are a degree above them, and Allah is Mighty, Wise. (Al_Quraan_002.228)

From the above Ayah, it very clear that the main perpose of the Iddat is to wait and see if she is pregnent or not. Waiting is variable according to cases. Also **it is advised that people shoud hold the division of the Inheritance in case, the wife of the deceased could be pregnant**. In this way we also will come to know if she delivers the **boy/s or girl/s**.

To understand the logic of Islaamic Inheritance Law, we need to keep in our mind the following Ayaat from the Quraan:

If one gets Booty, pay a fifth of shares to relatives and orphans etc.:

And know that out of all the booty that you may acquire (in war), a fifth share is assigned to Allah, and to the Messenger, and to near relatives, orphans, the needy, and the wayfarer, if you do believe in Allah and in the revelation We sent down to Our servant on the Day of Testing, the Day of the meeting of the two forces. For Allah hath power over all things. (Al_Quraan_008.041)

If one gets produced of gardens / farm pay the Due:

And He it is Who produces gardens, trellised and un-trellised, and palms and seed-produce of which the fruits are of various sorts, and olives and pomegranates, like and unlike; eat of its fruit when it bears fruit, and pay the due of it on the day of its reaping, and do not act extravagantly; surely He does not love the extravagant. (Al_Quraan_006.141)

If one earns pay the Due:

O you who believe! spend (benevolently) of the good things that you earn and or what We have brought forth for you out of the earth, and do not aim at what is bad that you may spend (in alms) of it, while you would not take it yourselves unless you have its price lowered, and know that Allah is Self-sufficient, Praiseworthy. (Al_Quraan_002.267)

How much to spend:

… And they ask you as to what they should spend. Say: that which is superfluous (in excess). Thus does Allah make clear to you the communications that you may ponder. (Al_Quraan_002.219)

WILL: A Muslim must make a will in favor of his Specified as well as non-Specified Heirs, when death approaches. In case of accidental death or the remainder of the estate after WILL, should be divided among the heirs according to the Quraan:

… If any do fail to judge by (the light of) what Allah hath revealed, they are Unbelievers. (Al_Quraan_005.044)

It is decreed that when death approaches, you shall write a will for the benefit of the parents (Specified Heir) and relatives (Specified as well as Non-Specified Heir), equitably. This is a duty upon the righteous. (Al_Quraan_002.180)

And those of you who die and leave wives behind, (make) a bequest in favor of their wives (Specified Heir) of maintenance for a year without turning (them) out, then if they themselves go away, there is no blame on you for what they do of lawful deeds by themselves, and Allah is Mighty, Wise. (Al_Quraan_002.240)

Close Relatives from where you can eat and vice versa: If you can eat from someone's house, then they can do so:

There is no blame on the blind man, nor is there blame on the lame, nor is there blame on the sick, nor on yourselves that you eat from your houses, or your fathers' houses or your mothers' houses, or your brothers' houses, or your sisters' houses, or your paternal uncles' houses, or your paternal aunts' houses, or your maternal uncles' houses, or your maternal aunts' houses, or what you possess the keys of, or your friends' (houses). It is no sin in you that you eat together or separately. So when you enter houses, greet your people with a salutation from Allah, blessed (and) goodly; thus does Allah make clear to you the communications that you may understand. (Al_Quraan_024.061)

You must give due to your relatives as well:

And give to the relatives his due and (to) the needy and the wayfarer, and do not squander wastefully. (Al_Quraan_017.026)

Then give to the near of kin his due, and to the needy and the wayfarer; this is best for those who desire Allah's pleasure, and these it is who are successful. (Al_Quraan_030.038)

We must need to think of Orphans:

And let those fear who, should they leave behind them weakly offspring, would fear on their account, so let them be careful of (their duty to) Allah, and let them speak right words. (Al_Quraan_004.009)

It is advised to announce the day of distribution of the heirs among closed as well as far relatives. If any of them are not present without any valid reason or have no interest in getting some from the inheritance then we may proceed without them and there shares may be excluded. One of the great wisdom in the following Ayaat that it did not mentioned any exact figure of share for the other relatives or charity, could be that we might need to deal with the prime numbers or other number which are not divisible among the heir. So choice is totally left upon us so that we can balance it:

And when there are present (alive) at the division the (far) relatives and the orphans (among relatives as well) and the needy (among relatives as well), give them (something) out of it and speak to them kind words. (Al_Quraan_004.008)

The inheritance of an orphaned grandson: Zaid -> Umar -> Rashid

Here Umar is the son of Zaid and Rashid is the son of Umar. Thus Rashid is the grandson of Zaid. On the death of Zaid his son Umar shall get a share from the left-over property. But if Umar died before Zaid, Rashid shall get the share left-over by Zaid, because he is now the son of Zaid. It means that an orphaned grandson shall get his share from the grandfather. According to the Holy Quran, he cannot be deprived of inheritance.

Woe to Prayers who neglect the Charity:

So woe to the worshippers, who are totally heedless of their prayers. They only show off. But refuse (to supply) (even) neighborly needs. (Al_Quraan_107.004-007)

Below are the Ayaat which mentions about inheritance in more detail and are the limits imposed by Allah:

It is decreed that when death approaches, you shall write a will for the benefit of the parents (Specified Heir) and relatives (Specified as well as Non-Specified Heir), equitably. This is a duty upon the righteous. (Al_Quraan_002.180)

And those of you who die and leave wives behind, (make) a bequest in favor of their wives of maintenance for a year without turning (them) out, then if they themselves go away, there is no blame on you for what they do of lawful deeds by themselves, and Allah is Mighty, Wise. (Al_Quraan_002.240)

Men shall have a portion of what the parents and the near relatives leave, and women shall have a portion of what the parents and the near relatives leave, whether there is little or much of it; a stated portion. (Al_Quraan_004.007)

And when there are present (alive) at the division the relatives and the orphans and the needy, give them (something) out of it and speak to them kind words. (Al_Quraan_004.008)

And let those fear who, should they leave behind them weakly offspring, would fear on their account, so let them be careful of (their duty to) Allah, and let them speak right words. (Al_Quraan_004.009)

Those who consume the orphans' properties unjustly, eat fire into their bellies, and will suffer in Hell. (Al_Quraan_004.010)

Allah enjoins you concerning your children: The male shall have the equal of the portion of two

females; then if they are more than two females, they shall have two-thirds of what the deceased has left, and if there is one, she shall have the half; and as for his parents, each of them shall have the sixth of what he has left if he has a child, but if he has no child and (only) his two parents inherit him, then his mother shall have the third; but if he has brothers, then his mother shall have the sixth after (the payment of) a bequest he may have bequeathed or a debt; your parents and your children, you know not which of them is the nearer to you in usefulness; this is an ordinance from Allah: Surely Allah is Knowing, Wise. (Al_Quraan_004.011)

And you shall have half of what your wives leave if they have no child, but if they have a child, then you shall have a fourth of what they leave after (payment of) any bequest they may have bequeathed or a debt; and they shall have the fourth of what you leave if you have no child, but if you have a child then they shall have the eighth of what you leave after (payment of) a bequest you may have bequeathed or a debt; and if a man or a woman leaves property to be inherited by neither parents nor offspring, and he (or she) has a brother or a sister, then each of them two shall have the sixth, but if they are more than that, they shall be sharers in the third after (payment of) any bequest that may have been bequeathed or a debt that does not harm (others); this is an ordinance from Allah: and Allah is Knowing, Forbearing. (Al_Quraan_004.012)

These are Allah's limits, and whoever obeys Allah and His Messenger, He will cause him to enter gardens beneath which rivers flow, to abide in them; and this is the great achievement. (Al_Quraan_004.013)

They ask you for a decision of the law. Say: Allah gives you a decision concerning the person who has neither parents nor offspring; if a man dies (and) he has no son and he has a sister, she shall have half of what he leaves, and he shall be her heir she has no son; but if there be two (sisters), they shall have two-thirds of what he leaves; and if there are brethren, men and women, then the male shall have the like of the portion of two females; Allah makes clear to you, lest you err; and Allah knows all things. (Al_Quraan_004.176)

Basic Logic of Distribution after paying all the debts including funeral expenses and wills:

Case-1:>
Ref: Al_Quraan_004.011
The Deceased Person was married and leaving behind children only, since spouse might already had passed away or were separated.

And when there are present at the division the relatives and the orphans and the needy, give them (something) out of it as well.

Case -2:>
Ref: Al_Quraan_004.011
The Deceased Person was married and leaving behind children and parents, since spouse might already had passed away or were separated.

And when there are present (alive) at the division the relatives and the orphans and the needy, give them (something) out of it as well.

Case -3:>
Ref: Al_Quraan_004.012
The Deceased Person was married and leaving behind spouse without any children and may or may not have parents.

And when there are present (alive) at the division the relatives and the orphans and the needy, give them (something) out of it as well.

Case -4:>
Ref: Al_Quraan_004.012
The Deceased Person was married and leaving behind spouse and children.

And when there are present (alive) at the division the relatives and the orphans and the needy, give them (something) out of it as well.

Case -5:>
Ref: Al_Quraan_004.012
The Deceased Person was un-married or married and leaving behind parents and brothers and sisters, without any children or spouse.

And when there are present (alive) at the division the relatives and the orphans and the needy, give them (something) out of it as well.

Case -6:>
Ref: Al_Quraan_004.176
The Deceased Person was un-married or married and leaving behind brothers and / or sisters only (no ascendants - no descendents and no parents - no spouse - no children).

And when there are present (alive) at the division the relatives and the orphans and the needy, give them (something) out of it as well.

Because a male is responsible for the maintenance of the family, not the female, Male gets 2/3 and Female gets 1/3.

And when there are present (alive) at the division the relatives and the orphans and the needy, give them (something) out of it as well.

Other Relatives and Charity:>

Do not neglect other relatives and charity. Also we need to keep in mind, if only daughter or only sister is the heir, where could she feel comfortable to live with, either state need to look after her or she will feel more comfortable with her uncle and aunt. So uncle and aunt should also get some shares as well as. Under the light of the list of above Ayaat, if I don't forget any, it is my suggestion to be in the middle and pay to other relatives as well as charity which may be around 10 percent **upon the consult of all the specified heirs if they agree**. Now we can realize why Allah did not fix the shares for other relatives and charity in Ayaat Al_Quraan_004.008, since in dividing shares we may come up with dealing of prime numbers or other numbers which do not perfectly divide among heir.

Division of dividends for simple case (Male 2/3 and Female 1/3):

Because a male is responsible for the maintenance of the family, not the female, Male gets 2/3 and Female gets 1/3.

Remember: If any of the specified heirs is not alive BUT his / her descendents are alive. He or she will be treated as alive and later his / her shares will then be divided among his or her heirs.

Example 1:>
1000 dollars may be divided as follows:
Male heir + Female heir + (Other Relatives & Charity) = Total Shares
2/3 of 90% + 1/3 of 90% + Remainder = 1000
600 + 300 + 100 = 1000

100 dollars may further be divided among Other Relatives and Charity as follows:
Paternal Relatives + Maternal Relatives + Charity = around 10 % of Total Shares
2/3 of 90% + 1/3 of 90% + Remainder = 100
60 + 30 + 10 = 100

60 dollars may further be divided among Male and Female Paternal Relatives and Charity as follows:
Male heir + Female heir + Charity = 60

2/3 of 90% + 1/3 of 90% + Remainder = 60
36 + 18 + 6 = 60

30 dollars may further be divided among Male and Female Maternal Relatives and Charity as follows:
Male heir + Female heir + Charity = 30
2/3 of 90% + 1/3 of 90% + Remainder = 30
18 + 9 + 3 = 30

Example 2:>
500 dollars may be divided as follows:
Male heir + Female heir + (Other Relatives & Charity) = Total Shares
2/3 of 90% + 1/3 of 90% + Remainder = 500
300 + 150 + 50 = 500

50 dollars may further be divided among Other Relatives and Charity as follows:
Paternal Relatives + Maternal Relatives + Charity = around 10 % of Total Shares
2/3 of 90% + 1/3 of 90% + Remainder = 50
30 + 15 + 5 = 50

30 dollars may further be divided among Male and Female Paternal Relatives and Charity as follows:
Male heir + Female heir + Charity = 30
2/3 of 90% + 1/3 of 90% + Remainder = 30
18 + 9 + 3 = 30

15 dollars may further be divided among Male and Female Maternal Relatives and Charity as follows:
Male heir + Female heir + Charity = 15
2/3 of 90% + 1/3 of 90% + Remainder = 15
8 + 4 + 3 = 15

Example 3:>
997 dollars which is a prime number may be divided as follows:
Male heir + Female heir + (Other Relatives & Charity) = Total Shares
2/3 of 90% + 1/3 of 90% + Remainder = 997
600 + 300 + 97 = 997

97 dollars may further be divided among Other Relatives and Charity as follows:
Paternal Relatives + Maternal Relatives + Charity = around 10 % of Total Shares
2/3 of 90% + 1/3 of 90% + Remainder = 97
58 + 29 + 10 = 97

58 dollars may further be divided among Male and Female Paternal Relatives and Charity as follows:
Male heir + Female heir + Charity = 58
2/3 of 90% + 1/3 of 90% + Remainder = 58
36 + 18 + 4 = 58

29 dollars may further be divided among Male and Female Maternal Relatives and Charity as follows:
Male heir + Female heir + Charity = 29
2/3 of 90% + 1/3 of 90% + Remainder = 29
18 + 9 + 2 = 29

Priority of payments:

Before the estate of the deceased can be distributed to his/her heirs, all the debts owing by the deceased, all prior claims against him/her and all the wills must first be paid.

In order of priority, payments from the estate are as follows:

a> Payment of funeral expenses.
b> Payment of ALL the DEBTS owing by the deceased.
c> Satisfaction of all Zakaat payments that are unpaid;
d> Making donations of the specified amount to redeem fast days unobserved;
e> Payment of legacies under a valid will. Wills could be for those how are heirs as well, so they should get both Wills and heirs on top of Wills.
f> Distribution of net estate among Specified Heirs according to the Quraan and Authentic Sunnah (described below).

Specified heirs:

Heirs entitled to share in the net estate of the deceased in accordance with Islaamic Sharia Law. These Specified Heirs include the following:

a> MALES who are entitled to succeed are:

1> Son of the deceased.
2> Grandson of the deceased how low so ever.
3> Father of the deceased.
4> Grandfather of the deceased how high so ever.
5> Brother of the deceased.
6> Son of the brother of the deceased.
7> Uncle, i.e. brother of the parents of the deceased.
8> Son of Uncle, i.e. Son of brother of the parents of the deceased.
9> Husband of the deceased.

b> FEMALES who are entitled to succeed are:

1> Daughter of the deceased.
2> Granddaughter of the deceased how low so ever.
3> Mother of the deceased.
4> Grandmother of the deceased how high so ever.
5> Sister of the deceased.
6> Daughter of the Sister of the deceased.
7> Aunt, i.e. sister of the parents of the deceased.
8> Daughter of Aunt, i.e. Daughter of sister of the parents of the deceased.
9> Husband of the deceased.

c> Other close relatives.

d> Charity.

These heirs are entitled to certain prescribed shares which are intended to effect an equitable distribution of the estate. For instance, males are given 2 shares of the estate to every share given to his female counterpart because they are expected to assume financial responsibility for the women. In addition, female heirs are allocated a specified portion of the estate (e.g. half or one sixth) which means they will always be entitled to a portion of the estate, regardless how small, while male heirs are often residuary heirs who are only entitled to what is left of the estate after the claims of female heirs have been met. It may happen that a residuary heir is left with nothing or a very tiny portion after claimants with specific shares have been paid off.

Specified Heirs forfeit their claim under the following circumstances:
a. he caused the death of the deceased, whether deliberately or unintentionally; or
b. he is not a Muslim (the deceased may be a Muslim convert, or the heir may have renounced Islam).

Making of Wills:

A Muslim can make a will in favor of his Specified Heirs as well as non-Specified Heirs, such as his adopted children, paternal relatives, maternal relatives, or third parties such as close friend.

It is decreed that when death approaches, you shall write a will for the benefit of the parents (Specified Heir) and relatives (Specified as well as Non-Specified Heir), equitably. This is a duty upon the righteous. (Al_Quraan_002.180)

Sharia Court administration:

The first step is for a beneficiary to apply to the Syria Court for a Certificate of Inheritance to be issued. The Certificate will identify the surviving Specified Heirs, state their relationship to the deceased, and specify his precise share to the estate.

Computation of shares of specified heirs:

We must try our best to do the justice in dividing the shares among the heirs for the case where there is no wills or there is some leftover after the payment of wills.

It is decreed that when death approaches, you shall write a will for the benefit of the parents (Specified Heir) and relatives (Specified as well as Non-Specified Heir), equitably. This is a duty upon the righteous. (Al_Quraan_002.180)

… If any do fail to judge by (the light of) what Allah hath revealed, they are Unbelievers. (Al_Quraan_005.044)

Followings are six main categories of the deceased person.

Remember: If any of the specified heirs is not alive BUT his / her descendents are alive. He or she will be treated as alive and later his / her shares will then be divided among his or her heirs.

Category-1 :::>>>
Ref: Al_Quraan_004.011
The Deceased Person was married and leaving behind children only, since spouse might already had passed away or were separated.

And when there are present (alive) at the division the relatives and the orphans and the needy, give them (something) out of it as well.

Category-2 :::>>>
Ref: Al_Quraan_004.011
The Deceased Person was married and leaving behind children and parents, since spouse might already had passed away or were separated.

And when there are present (alive) at the division the relatives and the orphans and the needy, give them (something) out of it as well.

Category-3 :::>>>
Ref: Al_Quraan_004.012
The Deceased Person was married and leaving behind spouse without any children and may or may not have parents.

And when there are present (alive) at the division the relatives and the orphans and the needy, give them (something) out of it as well.

Category-4 :::>>>
Ref: Al_Quraan_004.012
The Deceased Person was married and leaving behind spouse and children.

And when there are present (alive) at the division the relatives and the orphans and the needy, give them (something) out of it as well.

Category-5 :::>>>
Ref: Al_Quraan_004.012
The Deceased Person was un-married or married and leaving behind parents and brothers and sisters, without any children or spouse.

And when there are present (alive) at the division the relatives and the orphans and the needy, give them (something) out of it as well.

Category-6 :::>>>
Ref: Al_Quraan_004.176
The Deceased Person was un-married or married and leaving behind brothers and / or sisters only (no ascendants - no descendents and no parents - no spouse - no children).

And when there are present (alive) at the division the relatives and the orphans and the needy, give them (something) out of it as well.

========== **Details of Inheritance with Examples** ==========

Remember: If any of the specified heirs is not alive BUT his / her descendents are alive. He or she will be treated as alive and later his / her shares will then be divided among his or her heirs.

Details of division of the shares among all the heirs after paying all the debts and wills:

It is my suggestion to be in the middle and pay to other relatives as well as charity **upon the consult of all the specified heirs if they agree**.

Category-1 :::>>>
Ref: Al_Quraan_004.011
The Deceased Person was married and leaving behind children and / or parents, since spouse might already had passed away or were separated:

Category-1_Example-1 :> Only sons are the specified heirs
1000 dollars may be divided as follows:
Sons + (Other Relatives & Charity) = Total Shares
All of 90% + Remainder = 1000
900 + 100 = 1000

100 dollars may further be divided among Other Relatives and Charity as follows:
Paternal Relatives + Maternal Relatives + Charity = around 10 % of Total Shares
2/3 of 90% + 1/3 of 90% + Remainder = 100
60 + 30 + 10 = 100

60 dollars may further be divided among Male and Female Paternal Relatives and Charity as follows:
Male heir + Female heir + Charity = 60
2/3 of 90% + 1/3 of 90% + Remainder = 60
36 + 18 + 6 = 60

30 dollars may further be divided among Male and Female Maternal Relatives and Charity as follows:
Male heir + Female heir + Charity = 30
2/3 of 90% + 1/3 of 90% + Remainder = 30
18 + 9 + 3 = 30

Category-1_Example-2 :> Only Daughter (1/2 shares) is the specified heir
1000 dollars may be divided as follows:
Daughter heir + (Other Relatives & Charity) = Total Shares

1/2 + Remainder = 1000
500 + 500 = 1000

500 dollars may further be divided among Other Relatives and Charity as follows:
Paternal Relatives + Maternal Relatives + Charity = 500
2/3 of 90% + 1/3 of 90% + Remainder = 500
300 + 150 + 50 = 500

300 dollars may further be divided among Male and Female Paternal Relatives and Charity as follows:
Male heir + Female heir + Charity = 300
2/3 of 90% + 1/3 of 90% + Remainder = 300
180 + 90 + 30 = 300

150 dollars may further be divided among Male and Female Maternal Relatives and Charity as follows:
Male heir + Female heir + Charity = 150
2/3 of 90% + 1/3 of 90% + Remainder = 150
90 + 45 + 15 = 150

Category-1_Example-3 :> Two or more Daughters (2/3 shares) are the specified heirs
1000 dollars may be divided as follows:
Daughters heirs + (Other Relatives & Charity) = Total Shares
2/3 + Remainder = 1000
666 + 334 = 1000

334 dollars may further be divided among Other Relatives and Charity as follows:
Paternal Relatives + Maternal Relatives + Charity = 334
2/3 of 90% + 1/3 of 90% + Remainder = 334
200 + 100 + 34 = 334

200 dollars may further be divided among Male and Female Paternal Relatives and Charity as follows:
Male heir + Female heir + Charity = 200
2/3 of 90% + 1/3 of 90% + Remainder = 200
130 + 65 + 5 = 200

100 dollars may further be divided among Male and Female Maternal Relatives and Charity as follows:
Male heir + Female heir + Charity = 100
2/3 of 90% + 1/3 of 90% + Remainder = 100
60 + 30 + 10 = 100

Category-1_Example-4 :> Mixed number of Sons (2/3 shares) and Daughters (1/3 shares) are the specified heirs
1000 dollars may be divided as follows:
Sons heir + Daughters heir + (Other Relatives & Charity) = Total Shares
2/3 of 90% + 1/3 of 90% + Remainder = 1000
600 + 300 + 100 = 1000

100 dollars may further be divided among Other Relatives and Charity as follows:
Paternal Relatives + Maternal Relatives + Charity = around 10 % of Total Shares
2/3 of 90% + 1/3 of 90% + Remainder = 100
60 + 30 + 10 = 100

60 dollars may further be divided among Male and Female Paternal Relatives and Charity as follows:
Male heir + Female heir + Charity = 60
2/3 of 90% + 1/3 of 90% + Remainder = 60
36 + 18 + 6 = 60

30 dollars may further be divided among Male and Female Maternal Relatives and Charity as follows:
Male heir + Female heir + Charity = 30

2/3 of 90% + 1/3 of 90% + Remainder = 30
18 + 9 + 3 = 30

Category-2 :::>>>
Ref: Al_Quraan_004.011
The Deceased Person was married and leaving behind children and parents, since spouse might already had passed away or were separated.

Category-2_Example-1 :> Parents (1/6 + 1/6) and children (Sons 2/3 of Remainder + Daughters 1/3 of Remainder) are the specified heirs

1000 dollars may be divided as follows:
Father + Mother + Children + (Other Relatives & Charity) = Total Shares
1/6 of 90 % + 1/6 of 90% + Remainder + 1/10 = 1000
166 + 166 + 568 + 100 = 1000

Children may get from 568 dollars according to the case mentioned in the above examples Category-1_Example-1 to Category-1_Example-4, depending upon the case of only sons, or only daughter, or two or more daughters, or mix number of sons and daughters.

Also Other Relatives and Charity may get from 100 dollars according to the case mentioned in the above examples Category-1_Example-1 to Category-1_Example-4.

Category-2_Example-2 :> Only Parents (Mother gets 1/3, Father gets Remainder) are the specified heirs.

1000 dollars may be divided as follows:
Father + Mother + (Other Relatives & Charity) = Total Shares
2/3 of 90 % + 1/3 of 90% + Remainder = 1000
600 + 300 + 100 = 1000

Also Other Relatives and Charity may get from 100 dollars according to the case mentioned in the above examples Category-1_Example-1 to Category-1_Example-4.

We already know the basic formula for sons and daughters as well as brothers and sisters, which gives the same concept i.e. common in both for Males and Females heirs. We may apply the same logic for only Father (all shares), for only Mother (1/2 shares) as well.

Category-2_Example-3 :> Parents and only one brother or sister are the specified heirs

1000 dollars may be divided as follows:
Father + Mother + Brother or Sister + (Other Relatives & Charity) = Total Shares
Remainder + 1/6 of 90% + 1/6 of 90% + 1/10 = 1000
568 + 166 + 166 + 100 = 1000

Also Other Relatives and Charity may get from 100 dollars according to the case mentioned in the above examples Category-1_Example-1 to Category-1_Example-4.

Category-2_Example-4 :> Parents and more than one brothers and / or sisters are the specified heirs
1000 dollars may be divided as follows:
Father + Mother + Brothers and / or Sisters + (Other Relatives & Charity) = Total Shares
Remainder + 1/6 of 90% + 1/3 of 90% + 1/10 = 1000
402 + 166 + 332 + 100 = 1000

Brothers (1/2 of 332) and sisters (1/2 of 332) may get from 332 dollars equally divided among them.

Also Other Relatives and Charity may get from 100 dollars according to the case mentioned in the above examples Category-1_Example-1 to Category-1_Example-4.

Category-3 :::>>>
Ref: Al_Quraan_004.012
The Deceased Person was married and leaving behind spouse without any children and may or may not have parents.

Category-3_Example-1 :> Only Husband (1/2 shares) is the specified heir
1000 dollars may be divided as follows:
Husband heir + (Parents, Brothers, Sisters, Other Relatives & Charity) = Total Shares
1/2 + Remainder = 1000
500 + 500 = 1000

Parents, Brothers, Sisters, Other Relatives and Charity may get from 500 dollars according to the case mentioned in the above example Category-2_Example-1 to Category-2_Example-4 or Category-5_Example-1 to Category-5_Example-4.

Category-3_Example-2 :> Only Wife (1/4 shares) is the specified heir
1000 dollars may be divided as follows:
Wife heir + (Parents, Brothers, Sisters, Other Relatives & Charity) = Total Shares
1/4 + Remainder = 1000
250 + 750 = 1000

Parents, Brothers, Sisters, Other Relatives and Charity may get from 750 dollars according to the case mentioned in the above example Category-2_Example-1 to Category-2_Example-4 or Category-5_Example-1 to Category-5_Example-4.

Category-4 :::>>>
Ref: Al_Quraan_004.012
The Deceased Person was married and leaving behind spouse and children.

Category-4_Example-1 :> Husband (1/4 shares) and Children are the specified heir
1000 dollars may be divided as follows:
Husband heir + (Parents, Children, Other Relatives & Charity) = Total Shares
1/4 + Remainder + 100 = 1000
250 + 750 = 1000

Parents, Children, Other Relatives and Charity may get from 750 dollars according to the case mentioned in the above example Category-1_Example-1 to Category-1_Example-4.

Category-4_Example-2 :> Only Wife (1/8 shares) is the specified heir
1000 dollars may be divided as follows:
Wife heir + (Parents, Other Relatives & Charity) = Total Shares
1/8 + Remainder = 1000
125 + 875 = 1000

Parents, Children, Other Relatives and Charity may get from 750 dollars according to the case mentioned in the above example Category-1_Example-1 to Category-1_Example-4.

Category-5 :::>>>
Ref: Al_Quraan_004.012
The Deceased Person was un-married or married and leaving behind parents and brothers and sisters, without any children or spouse.

Category-5_Example-1 :> Parents and only one brother or sister are the specified heirs
1000 dollars may be divided as follows:
Father + Mother + Brother or Sister + (Other Relatives & Charity) = Total Shares
Remainder + 1/6 of 90% + 1/6 of 90% + 1/10 = 1000
568 + 166 + 166 + 100 = 1000

Also Other Relatives and Charity may get from 100 dollars according to the case mentioned in the above examples Category-1_Example-1 to Category-1_Example-4.

Category-5_Example-2 :> Parents and more than one brothers and / or sisters are the specified heirs
1000 dollars may be divided as follows:
Father + Mother + Brothers and / or Sisters + (Other Relatives & Charity) = Total Shares
Remainder + 1/6 of 90% + 1/3 of 90% + 1/10 = 1000
402 + 166 + 332 + 100 = 1000

Brothers (1/2 of 332) and sisters (1/2 of 332) may get from 332 dollars equally divided among them.

Also Other Relatives and Charity may get from 100 dollars according to the case mentioned in the above examples Category-1_Example-1 to Category-1_Example-4.

Category-6 :::>>>
Ref: Al_Quraan_004.176
The Deceased Person was un-married or married and leaving behind brothers and / or sisters only (no ascendants - no descendents and no parents - no spouse - no children).

Category-6_Example-1 :> Only Brother are the specified heirs
1000 dollars may be divided as follows:
Brothers + (Other Relatives & Charity) = Total Shares
All of 90% + Remainder = 1000
900 + 100 = 1000

100 dollars may further be divided among Other Relatives and Charity as follows:
Paternal Relatives + Maternal Relatives + Charity = around 10 % of Total Shares
2/3 of 90% + 1/3 of 90% + Remainder = 100
60 + 30 + 10 = 100

60 dollars may further be divided among Male and Female Paternal Relatives and Charity as follows:
Male heir + Female heir + Charity = 60
2/3 of 90% + 1/3 of 90% + Remainder = 60
36 + 18 + 6 = 60

30 dollars may further be divided among Male and Female Maternal Relatives and Charity as follows:
Male heir + Female heir + Charity = 30
2/3 of 90% + 1/3 of 90% + Remainder = 30
18 + 9 + 3 = 30

Category-6_Example-2 :> Only sister (1/2 shares) is the specified heirs
1000 dollars may be divided as follows:
Sister heir + (Other Relatives & Charity) = Total Shares
1/2 + Remainder = 1000
500 + 500 = 1000

500 dollars may further be divided among Other Relatives and Charity as follows:
Paternal Relatives + Maternal Relatives + Charity = 500
2/3 of 90% + 1/3 of 90% + Remainder = 500
300 + 150 + 50 = 500

300 dollars may further be divided among Male and Female Paternal Relatives and Charity as follows:
Male heir + Female heir + Charity = 300
2/3 of 90% + 1/3 of 90% + Remainder = 300
180 + 90 + 30 = 300

150 dollars may further be divided among Male and Female Maternal Relatives and Charity as follows:

Male heir + Female heir + Charity = 150
2/3 of 90% + 1/3 of 90% + Remainder = 150
90 + 45 + 15 = 150

Category-6_Example-3 :> Two or more Sisters (2/3 shares) are the specified heirs
1000 dollars may be divided as follows:
Sisters heirs + (Other Relatives & Charity) = Total Shares
2/3 + Remainder = 1000
666 + 334 = 1000

334 dollars may further be divided among Other Relatives and Charity as follows:
Paternal Relatives + Maternal Relatives + Charity = 334
2/3 of 90% + 1/3 of 90% + Remainder = 334
200 + 100 + 34 = 334

200 dollars may further be divided among Male and Female Paternal Relatives and Charity as follows:
Male heir + Female heir + Charity = 200
2/3 of 90% + 1/3 of 90% + Remainder = 200
130 + 65 + 5 = 200

100 dollars may further be divided among Male and Female Maternal Relatives and Charity as follows:
Male heir + Female heir + Charity = 100
2/3 of 90% + 1/3 of 90% + Remainder = 100
60 + 30 + 10 = 100

Category-6_Example-4 :> Mixed number of Brothers (2/3 shares) and Sisters (1/3 shares) are the specified heirs
1000 dollars may be divided as follows:
Brothers heir + Sisters heir + (Other Relatives & Charity) = Total Shares
2/3 of 90% + 1/3 of 90% + Remainder = 1000
600 + 300 + 100 = 1000

100 dollars may further be divided among Other Relatives and Charity as follows:
Paternal Relatives + Maternal Relatives + Charity = around 10 % of Total Shares
2/3 of 90% + 1/3 of 90% + Remainder = 100
60 + 30 + 10 = 100

60 dollars may further be divided among Male and Female Paternal Relatives and Charity as follows:
Male heir + Female heir + Charity = 60
2/3 of 90% + 1/3 of 90% + Remainder = 60
36 + 18 + 6 = 60

30 dollars may further be divided among Male and Female Maternal Relatives and Charity as follows:
Male heir + Female heir + Charity = 30
2/3 of 90% + 1/3 of 90% + Remainder = 30
18 + 9 + 3 = 30

The inheritance of an orphaned grandson: Zaid -> Umar -> Rashid

Here Umar is the son of Zaid and Rashid is the son of Umar. Thus Rashid is the grandson of Zaid. On the death of Zaid his son Umar shall get a share from the left-over property. But if Umar died before Zaid, Rashid shall get the share left-over by Zaid, because he is now the son of Zaid. It means that an orphaned grandson shall get his share from the grandfather. According to the Holy Quran, he cannot be deprived of inheritance

Sexual Relations and Crimes

1. Adultery (Fornication).

a) Sexual relations with a woman other than the wife (who came under marriage bond) is called 'adultery'. Regarding the singularities of believers it is said: (23-5:6) "They are those who abstain from sexual indulgence; except with those joined to them in the marriage bond or captive females, (who, before the revelation of the Quraanic injunctions, regarding the prevention of the institution of slavery), came into their possessions (47:4) and who, after coming under the marriage bond were given equal status with the wives). There is no reproach in conducting husband-and-wife relations with them."

After this it is said: (23:7); (70:29-31) "But those who indulge in any extra-marital sex, are transgressors, and that is a serious crime under the Divine Law (24:2)."

b) Adultery (fornication) is a crime and except in the case of rape, both man and woman are equally guilty. Thus it is said in Surah An-Noor (24th Chapter of the Quraan): (24:2) "The woman and the man guilty of adultery, inflict on each of them one hundred lashes. Let not compassion move you in their case because it has been prescribed by Allah, if you believe in Allah and the life Hereafter (i.e. on the fact that since these are Allah's Commandments, their results are bound to appear forth) and let a party of the believers witness their punishment (so as to make sure that the punishment has been given according to Law)."

Nowhere in the Quraan is it indicated that four eye witnesses, who have observed the act of fornication, are required to testify. For this, see under the heading "Acts of immodesty" (shameful acts leading towards 'zina') which shall be described later on.

c) The punishment for 'zina' is flogging with hundred stripes each for both man and woman. The punishment of 'stoning' is nowhere to be found in the Quraan.

Adultery: Punishment for illegal Sex: It is matter of **giving life NOT taking life,** and a baby may be born because of this adultery (Rape):

The woman and the man guilty of adultery or fornication,- flog each of them with a hundred stripes: Let not compassion move you in their case, in a matter prescribed by Allah, if ye believe in Allah and the Last Day: and let a party of the Believers witness their punishment. (AL_Quraan_024.002)

Punishment for False Blame on Sex:

And those who launch a charge against chaste women, and produce not four witnesses (to support their allegations),- flog them with eighty stripes; and reject their evidence ever after: for such men are wicked transgressors; Unless they repent thereafter and mend (their conduct); for Allah is Oft-Forgiving, Most Merciful. (Al_Quraan_024.004-005)

Stoned to Death or 100 Lashes: It is matter of giving life NOT taking life, and a baby may be born because of this adultery (Rape):

We point on other Religions about the contradictions, What Will be your Answer?, when others will point on our Religion Islaam that we also have contradiction.

1> Punishment for Adultery is stoned to death. In the Year 2003 a Nigerian women was stoned to death on the basis of Hadeeth.

2> **BUT according the Quraan it is 100 lashes, regardless of men, women, married or un-married.** Please also read my article on “Responsibilities of Rasool Allah (Peace-Be-Upon-Him)”.

The woman and the man guilty of adultery or fornication flog each of them with a hundred (**100**) stripes: Let not compassion move you in their case, in a matter prescribed by Allah, if you believe in Allah and the Last Day: and let a party of the Believers witness their punishment, (AL_Quraan_024.002).

And those who launch a charge against chaste women, and produce NOT four witnesses (to support their allegations), flog them with eighty (**80**) stripes; and reject their evidence ever after: for such men are wicked transgressors; unless they repent thereafter and mend (their conduct); for Allah is Oft-Forgiving, Most Merciful, (Al_Quraan_024.004-005).

We are supposed to do judgment according to the Quraan & no one including Rasool Allah (Peace-Be-Upon-Him) has right to change it. Please read my article on "Responsibilities of Rasool Allah (Peace-Be-Upon-Him).

To understand this we need to understand the punishments for Murder or Wounds.

Punishment of Blasphemy in Quraan:

Blasphemy is the act of insulting or showing contempt or lack of reverence to a deity, to religious or holy persons or sacred things, or toward something considered sacred or inviolable. No Muslim is a Muslim if he/she doesn't feel pain/hurt due to Blasphemy of any of the Prophets/Messengers of Allah including Ibrahim (Abraham), Musa (Moses), Isa (Jesus), Dawood (David) and Muhammad (PBUT). Laws of Makka al Mukarrama and Al Madina Al Monawara where disbelievers are not allowed to visit or live cannot be applied to rest of the Islaamic Countries. Similarly Laws of Islaamic Countries cannot be applied to rest of the world. People are not allowed to take laws into their own hand. Violence is hurting Islaam very badly. It is becoming extremely difficult to do Dawah in Non-Muslim countries after any single violence by a single Muslim. A wise approach could be to reply in the media, to participate in peaceful demonstrations, or take legal actions seeking punishment or compensation and even boycott goods or apply political pressure since it's a matter of personal choice.

Freedom of Speech does not mean hurting the feelings of others and in this case 2 Billions of Muslims around the world, so there must be checks and balances with tolerances to co-exist in our Global Village. There is law for many things but there is no law for hurting 1.8 Billions of Muslims feelings is unjust, double standard and is not acceptable to Muslims. Is there any law for hurting peoples feeling who are living in minority. Positive dialogues must be established including live on Media (e.g. TV) where people can ask direct questions from scholars.

Blasphemy and these types of slogans are not new and many times, Prophet Muhammad (PBUH) was subjected to verbal and physical humiliation. He (PBUH) was narrowly escaped assassination by migrating to Medina along with Hazrat Abu Bakar (RA). He was accused of FORGERY, (Ref: Al_Quraan_021.005), and MAD/CRAZY/POSSESSED, (Ref: Al_Quraan_ 068.002). His personal reaction, as also the reaction of all his devoted Companions (RA), while both in and out of power, was impeccable adherence to the Quraanic teachings.

Punishment for Physical Abuse/Crime in the Quraan: The Quraan sets strict limits on punishment for any and every physical abuse/crime, i.e. tit for tat, e.g., eye for eye, teeth for teeth and wounds for similar wounds as its maximum punishment, while recommends to forgive to set a role model for others, (Ref: Al_Quraan_002.178, 004.092-093, 005.032, 005.045, 062.040, 028.054). The honourable ministers and lawyers must have clear knowledge of the Quraanic directives on crime and its punishment.

Punishments for Murder or other wounds:

And We prescribed to them in it that life is for life, and eye for eye, and nose for nose, and ear for ear, and tooth for tooth, and (that there is) reprisal in wounds; but he who foregoes it, it shall be an expiation for him; and whoever did not judge by what Allah revealed, those are they that are the unjust. (Al_Quraan_005.045)

In the above ayaat Allah clearly mentioned about the justified punishment i.e., is Here is life for life, and eye for eye, and nose for nose, and ear for ear, and tooth for tooth, and (that there is) reprisal in wounds. Now we need to analyze that, does Adultery fall in any of the above categories, of course NOT.

Allah prescribed us on retaliation in the matter of the slain:

O you who believe! retaliation is prescribed for you in the matter of the slain, the free for the free, and the slave for the slave, and the female for the female, but if any remission is made to any one by his (aggrieved) brother, then prosecution (for the bloodwit) should be made according to usage, and payment should be made to him in a good manner; this is an alleviation from your Lord and a mercy; so whoever exceeds the limit after this he shall have a painful chastisement. (Al_Quraan_002.178)

Even Allah told us that there is life for you in retaliation (Qisaas):

And there is life for you in (the law of) retaliation (Qisaas), O men of understanding, that you may guard yourselves. (Al_Quraan_002.179)

We need to remember that Saving a Life is like Saving the Whole World. (Ref. Al_Quraan_005.032).

So Adultery does not fall in any of the Murder case, even for which Allah told us about the law of retaliation (Qisaas).

Do justice according to the Quraan:

We have sent down to thee the Book in truth, that you may judge between people, as guided by Allah: so be not (used) as an advocate by those who betray their trust; (Al_Quraan_004.105).

But when our CLEAR SIGNS are rehearsed unto them, those who rest not their hope on their meeting with Us, say: bring us reading 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 (as is): if I were to disobey my Lord, I should myself fear the Penalty of a great day (to come). Say: If Allah had to willed, I should not have rehearsed it to you, nor would he have made it known to you. A whole lifetime before this have I tarried amongst you: will ye not then understand? (Al_Quraan_010.015 – 016).

And recite (and teach) what has been revealed to thee of the Book of thy Lord: none can change his words, and none wilt thou find as a refuge other than him. (Al_Quraan_018.027).

d) If a 'captive' woman commits adultery, her punishment is half as compared to a free believing woman: (4:25) "After slave women enters into wedlock and then become guilty of immodesty (adultery), her punishment is half that of a free woman; (24/4) because they were not brought up under circumstances conducive to a high character and thus, such acts were not considered blamable in their previous life; a high standard of behaviour therefore cannot be expected from them as in the case of a woman of nobility. It is necessary to keep such factors in view while handing out punishment."

An important principle can be inferred from it that while proclaiming judgement for a crime, the circumstances, the upbringing, and! the mental calibre etc. of the criminal ought to be kept in mind. That is what is meant by giving half punishment to a captive woman.

On the other hand it has been said that if the wives of the Nabi commit a crime, their punishment shall be double: (33:30) "O consorts of the Nabi! If any of you were guilty of evidently unseeming conduct, your punishment would be doubled. There shall be no difficulty in doing so, in view of its being a Divine Law, because your life has got to serve as a model for other women.

e) Do not create such circumstances that those under your protection are compelled to commit adultery. Thus it is said in Surah 'An-Noor' (24th Chapter of the Quraan): (24:33) "Those of your grown-up girls (maids or slave women) who intend to get married, do not stop them from doing so, for the sake of making any worldly gain. This way they might be compelled to commit adultery. If anybody

forces them to such conditions, there is provision in the Divine Law which protects them from this compulsion and provides them means of sustenance. (It is the duty of an Islamic State to provide them such protection)."

2. Sodomy and female to female manipulation.

If two men (or two women) are guilty of lewdness, give them suitable punishment. (The punishment has not been prescribed by the Quraan). But if there exists a possibility of their correction, the court in its own opinion can forgive them. (4:16) Those two men who commit such shameful act, should be suitably punished; but if they show penitence, reform and mend their ways, they should be forgiven. There is room for forgiveness in the Divine Law (which in most cases becomes a blessing in checking crimes)."

The word in this verse is a masculine gender (i.e. two men) but by deduction it can also be "two women"; that is why we have included it in the heading above (which means two lesbian women. The Holy Quraan has described homosexuality as the most hateful act in verses (7:81) and (27:55). This highlights the fact that such sexual acts are a crime.

3. Preliminaries that incite adultery.

a) Those women who commit such shameful acts which lead towards adultery, and four eye witnesses are available for this act, such woman shall be forbidden to leave their homes: (4:15) "If any of your women are guilty of shameful acts (which lead towards adultery) take the evidence of four reliable witnesses from amongst you against them; and if they testify and the crime is proved, confine them to houses, until death claims them, or Allah ordains for them some (other) way, (for example they get married, if they are unmarried)."

The punishment for adultery is mentioned in verse (24:2) and punishment for slandering (false accusation) in verse (24:4).

The word in this verse is often translated as 'adultery', but we do not consider it correct because the Quraan has ordained 'a hundred lashes' as punishment for adultery (24:2) and here the punishment is 'confinement in the homes'; and thus it does not mean adultery. It means such immodest acts which, if not constrained, can result in adultery. That is why we have described it under the heading 'Preliminaries leading to adultery'. It is nowhere given in the Quraan that witnesses are required to prove the commission of adultery.

b) If a married woman commits an act of lewdness, some amount can be reduced from her dower (at the time of divorcing her consequent to such an act). It has been described earlier under the heading 'DOWER'. (4:19).

4. Immodest actions.

a) Do not go near lewdness (immodesty), open or hidden; (6:152) and (7:33). Do not ever get close to immodesty either in thought or in action, be it open or secret.
b) The circulation of talks regarding acts of immodesty is prohibited. It is a crime to do so: (24:19) "Remember! Those who wish to propagate talks of lewdness among the believers, will have a grievous penalty in this life and in the life Hereafter. Allah knows (how destructive are such acts,) and you know not."

This includes all acts and means which cause diffusion of actual immodesty or thoughts about it.

c) There is room for forgiveness if those who commit such acts and mend their ways: (3:134) "Those of the believers, who commit an indecency, or having wronged themselves (or others) due to oversight or a slip, do not persist with it and earnestly revert to Allah for forgiveness: by so doing they save themselves from the harmful effects of their wrongdoings. As a matter of fact, nothing can save them from the harmful effects of wrongdoings except turning towards the Divine Law."

5. Pestering honourable women or spreading gossips about them.

This is a heinous crime for which the punishment extends from withdrawal of their citizen's rights to death sentence.

In Surah Ahzaab (33rd Chapter of the Quraan) it is said:(33:59) "O Nabi! Tell your wives, daughters and the believing women that they should let down upon them overgarments (when they come out of their homes) This is more proper so that they may be recognised (as noble women) and Allah is ever forgiving, merciful."

After this it is said: (33:60-61) "You take this precaution and if even after this the hypocrites and those in whose hearts is a disease and those who stir up sedition in the city, desist not, force shall certainly be used against them; then they will not be able to stay in as your neighbours for any length of time. They shall have a curse on them, wherever they are found; their rights of citizenship shall be confiscated. If even then, they do not mend their ways, they shall be seized and put to death mercilessly."

6. False accusation (Calumny).

a) One who makes a false accusation against honourable women, must produce four witnesses. If the accusation is proved to be false, his punishment is eighty stripes and after this his evidence shall not be accepted. However, if there is possibility of his correction, he can be excused. (24:4-5) moreover (24:23) and (60:12)

Chastity is an invaluable asset and a Permanent Value, therefore it must be firmly protected. Thus it is ordained: "Those who make a false accusation against chaste woman and produce not four witnesses in support (of their allegation), flog them with eighty lashes, and reject the evidence of such untrustworthy people; (confiscate their human rights) thereafter, if still they do not come to the right path, give them more severe punishment (24/23) _ for such men are wicked transgressors. However, if they discard their erroneous ways thereafter and mend (their conduct), they can be excused because in the Divine Law there is room for forgiveness and excuse, (with this, the casual criminal not only gets protection but also is not deprived of the means of sustenance)".

b) Anybody who raises a charge against his own wife (accuses her of adultery) and fails to produce witnesses, he should take an oath upon Allah four times and in the fifth oath invoke a curse of Allah. But if the wife takes a similar oath five times for her exoneration, she shall not be considered a criminal: (24:6-9) "And for those who raise a charge against their spouses and have (in support) no evidence except their own, the matter will be decided thus: they should bear testimony four times (with an oath) by Allah that they are solemnly telling the truth, and the fifth (oath) should be that they solemnly invoke the curse of Allah upon themselves, if they are telling a lie."
With this the wife shall be considered guilty. But it would avert the punishment from the wife, if she bears witness four times (with an oath) by Allah that (her husband) is telling a lie. And the fifth oath should be that she solemnly invokes the wrath of Allah on herself if (her accuser) is telling the truth.

c) If a person commits a crime and blames it on some other person, it shall be considered a double crime (on account of his own and that of false allegation on others): (4:112) "If any one falls into error or commits a crime and throws it on to one who is innocent, he carries (on himself both) a falsehood and a flagrant sin. As such he has loaded himself with a double crime (with the load of his own crime and the load of the false allegation)."

7. Privacy.

One should not enter other people's houses without permission. (24:27-29) "O you who believe! Enter not houses other than your own, until you have sought permission from and complimented those in them. This upkeep of social etiquette is best for you, so that your society may observe the highest principles of social living.

If you find none in the house, enter not until you have been permitted to do so: if you are asked to go back, go back without any feelings of displeasure. It will lead you to decency and Allah knows well all that you do. However, there is no restriction on you if you enter houses not used for living, which serve some (other) use for you (for example such houses in which is kept the common goods.) You may enter such a house but without any bad-intention. Remember that Allah's Law of Requital knows what you reveal and what you hide."

8. Rebellious women.

For this, first of all attempt should be made to make them realise their erroneous attitude. But if they are adamant, separate their beds temporarily and if they still do not mend their conduct, the court can give them corporal punishment [i.e. beating - (4:34)]. This has been described earlier under the heading 'Divorce'.

Protection of Life

The importance of human life:

1. The Israelites were ordained that if they killed a single person unjustly, it would be taken as if they had destroyed the whole of mankind and if they saved a single person's life, it would be as if they had saved the whole of mankind. This verse is very important: (5:32) (The story of the two sons of Adam which was on everybody's lips among the Israelites, in fact represented their own emotional state of being _ ever-ready to kill one another). "That is why We ordained that if anyone slew a person, unless it be life for life in case of a murder, or it be as a punishment for spreading mischief in the land, it would be as if he slew the whole of mankind; and if anyone saved a life, it would be as if he saved the whole mankind".

The believers are ordained not to kill one another: (4:29)

2. Allah has sanctified human life, it is therefore a crime to take a life except for a just cause (Haq), i.e. for being subject to the dictates of the Divine Law. (25:68); (17:33); (6:152) (Allah has made the life of a human being sacred) _ "Nor should one take a life except for its being subject to the Divine Law".

3. It is the duty of an Islamic State to pursue the crime of murder and punish the offender: (2:178-179) "O you who believe! You are ordained to pursue the case of a murderer and punish the criminal according to law. (It means that it should not be taken as a personal case between the murderer and the relatives of the murdered; it should be considered a crime against the society or the system which should take it into its own hands. As regards its punishment, the principles of justice and equity must be kept in mind, so that there should be no difference between big or small. The real issue is that of justice, according to which every human life is equally valued (the individual human beings are equal) For example: if the murderer is a free man, the same free man shall get punishment; and if the murderer is a slave, the same slave shall be punished; if she is a woman, her being a woman cannot save her: she must get punishment.

The crime of murder can be of two kinds: (i) willful murder, or (ii) murder by mistake. The punishment for willful murder is death (not blood-money or compensation) or anything less than the maximum punishment (4:93); in any case the punishment should not exceed the extent of crime. (42:40; 17:33).

But if the murder is not by intent or premeditated, but the result of a mistake (inadvertent), the punishment shall be blood-money (compensation) according to (4:92). If the heir of the person slain willfully wants to give a remission in the amount settled, he can do so. In such a case it is necessary for the guilty to abide by what has been settled and make payment in a commendable manner. (In the fixing of the punishment for an inadvertent murder) your Sustainer has given a relief, so that your capabilities may continue to flourish. But if anybody commits excess after the settlement of the case, he shall receive grievous punishment.

Leaving aside superficial emotionalism, if one ponders deeply and dispassionately, this reality shall come to the surface that in this law of pursuing the case of a murder, the secret of your collective life is hidden. This saves you from the dangers of lawlessness."

At yet another place it is said: (17:33) "Allah has declared the life of an innocent one as sacred: (5:32). "Nor take life which Allah has made sacred except when it is required by law (2:178). And if anyone is slain wrongfully, the murderer should not assume that he cannot be taken to account because there is nobody to help or stand by the heirs of the slain person; We have made the Divine Order powerful and authoritative for the support and help of his heirs. Therefore this Order would provide them patronage (stand by them) and pursue and punish the crime but it is important for the Social Order not to exceed bounds, it shall execute the punishment within the bounds of the law. (6:152; 42:40)."

4. The Israelites were ordained 'life for life, eye for eye, nose for nose, ear for ear, tooth for tooth, also wounds for wounds,' yet room was left for pardon: (5:45) In the case of Israelites "We ordained therein

for them: life for life, eye for eye, nose for nose, ear for ear, tooth for tooth and for other wounds like for like. But if the plaintiff forgives, it shall become the atonement for the crime".

This was the law of retaliation (punishment) which was given in their books; they ought to have made decisions accordingly, because those who fail to judge (in the light) of what Allah has revealed, do not act justly and are the ones who transgress the Divine limits.

5. As it has been said before, premeditated murder and inadvertent or unintentional murder are two separate cases. For murder without intent it is said: (4:92) "Never should a believer kill a believer, except when by mistake: if one (so) kills a believer, it is ordained that he should free a believing slave and pay compensation to the family of the deceased (2:178), unless they forgive it as an act of grace. If the deceased belonged to a people at war with you and he was a believer, the freeing of a believing slave (is enough). If he belonged to a people with whom you have a treaty of mutual alliance, compensation should be paid to his family, along with freeing a believing slave. For those who find this beyond their means, it is prescribed for them that they should fast for two months running; this shall be considered sufficient cause for forgiveness by the Divine Law, for Allah is All-knowing, All-Wise."

And for willful murder it is said: (4:93) "If one kills a believer with intent, punishment for this unjust killing is death (5:32), but after death, he shall also go to hell to abide therein (for ever) and the wrath and curse of Allah shall be upon him and a dreadful penalty is prepared for him; he shall be deprived of the rights of citizenship* and shall be given severe punishment**.

Thus it is clear that blood money is allowed only in an unintentional murder, not in willful murder, punishment for willful (premeditated) murder is death.

6. Killing the offspring is prohibited. But as has been said earlier, here murder may mean "to deprive them from education and proper nurture as well as actual killing. (6:52) see also (6:141; 17:31; 60:12).

7. The destruction of crops and cattle or human race is a sedition. For despotic rulers it is said: (2:2.5) "When these people get sovereignty and rule in the land, they aim at destruction and desolation all around, and destroy crops and human race (also cattle). Neither the system of economy, nor the political system remains intact. They only seek self-interest and do not care if the country goes to hell. Allah, Whom they invoke at every step, does not like destruction or desolation.

Note: As it has been said earlier, it is not only sufficient to punish such persons as are guilty of these crimes, it is incumbent upon the government to compensate the affected people for the loss of life and property. It is the duty of the government either to compensate the loss by itself or make the offenders pay; it is of no concern to the heirs as to who pays. For them the government becomes the respondent because it takes the responsibility for the protection of life, wealth, chastity, honour and property of the peaceful citizens. If any of these things is lost (except when it is due to the carelessness, negligence and apathy of the owner himself), it shall mean that the government has not fulfilled its responsibility. Thus the claim for loss shall be against the government and not directly against the culprits.

* The word "Lanat" (curse) means to 'deprive somebody'. Legally it means to deprive of rights which were available to him as a citizen.

** It is apparent from the above that even in willful murder punishment less than capital is allowed. For example if one kills somebody, on being suddenly enraged by the sudden attack on his honour, one can be given some other punishment less than the capital punishment.

Protection of Property

1. Protection of property.

a) To eat up 'one another's property' unlawfully is a crime: (2:188) "Do not eat up your property among yourselves unlawfully" has been ordained by Allah.

b) As regards the property of orphans, it has been said emphatically not to eat it up in a wrong way: (4:6) (Also 17:34 ; 6:153) "And provide proper nurturing to the orphans and keep monitoring as to how far their potentialities are developing, until they reach the age of marriage (or maturity) (6:153; 17:34; 40:67); if then you find maturity or intellect in them, release their property to them but, if they are not yet mature, do not consume it wastefully, nor in a haste against their growing up. As far as the protection of their property and the compensation for their upbringing is concerned, if the guardian is well off, let him claim no remuneration. But if he is indigent, let him take what is just and reasonable. When you release their property to them, take witnesses to the transfer. And while accounting for it, keep it in mind that you are presenting the account to Allah Who knows what is hidden as well as manifest."

c) The way the religious leaders eat up the property of the people is also a crime: (9:34) "O you who believe! There are indeed many among the priests and monks who, in falsehood, devour the substance of men and hinder them from the way of Allah (because if people started following the Divine Laws, their leadership would come to an end)."

As a matter of fact those (except the disabled) who eat up other's property without putting in labour, eat it up wrongly. The priests and monks are on the top of such list. They do not earn their livelihood by putting in labour but lead their life on what others earn. Next to the priestly class, on the list, are the Capitalists who on the basis of their wealth usurp the outcome of others' labour. Thus in the first part of verse (9:34) the priestly class is mentioned and in the later part the capitalists are mentioned . If you ponder over it deeply the priest-craft is the worst form of capitalism, because a capitalist, after all, spends something in order to increase his capital, but the priests eat up others' property without spending a penny, and thus the Holy Quraan has ordained that it is an unlawful method of earning livelihood.

d) Do not obtain decision in your favour by means of bribery. The first part of the verse (2:188) has been described earlier, the complete verse is as follows: (2:188) "And do not eat up your property among yourselves wrongfully, nor use it as a bait for the judges (if the case lies with the court), with intent that you may eat up wrongfully a part of what rightfully belongs to others. You know what results it would produce."

e) Keep your measures and weights proper and just. Thus it has been said as a matter of principle: (6:152) also (17:35); (7:85) "Give measures and weights with full justice."

This has been explained further by saying: (83:1-3) "The result of wrongful business-mindedness and capitalist mentality can be nothing but destruction. People of such attitude, when they are on the receiving end, take by full measure, but when they have to give to others, they give short of weight. They take full work from the workers, but pay them less and themselves earn more. They not only deal with the property in this manner; their mentality remains the same even in evaluating humans in order to keep their potentialities suppressed so that their full growth is restrained and only allowed to develop so far as it is beneficial for the capitalist's interests, they do not permit them any more freedom."

f) Easy Money (maisir):

The term is commonly used for gambling, but it is a comprehensive term which includes all means of earning easy money. According to the Holy Quraan, the loss inherent in such earning is more than the gain: (2:219) "O Rasool! They ask thee about khamr (psycho-active substances which put them in an

altered state of mind) and maisir (acquiring easy money), tell them that the long-term adverse effects of both are far more than their temporary and short-term benefits." (5:90-91) "O you who believe! Intoxicants and gambling, dedication to stones and (divination by) arrows which have been described in (2:219) and (5:3) are abominations of Satan's handiwork, which suppress human faculties of intellect and vision; eschew such (abominations) so that they do not become an obstacle in the way of your success. If you become accustomed to such habits as wine and gambling, in order to satisfy your baser passions, (in addition to its bringing about your personal debility), it shall cause enmity and hatred amongst you and hinder you from the establishment of the system of 'Salaat' Will you not, then, abstain (after such a lucid explanation)."

The Holy Quraan has not ordained the punishment for intoxicants and gambling, but it has been left for the Islamic State to determine them according to its own circumstance.

g) Raffle and lottery:

This is also included in easy money. The word divination by arrows in (5:90) and (5:3) means lottery.

2. Theft.

The punishment for stealing is amputation of hands whether the thief is a man or a woman: (5:38) "Thief, may it be a male or a female, are both equally guilty; there is no discrimination in their punishment. However, a way should be devised in which the thieves themselves abstain from stealing, and which also becomes an obstacle in the way of violating the Divine Law; it means that it serves as a curative for the offender and as a preventive for others. But if you find that the matter has reached the extreme and the thefts have become rampant, the extreme punishment can be to cut off the thief's hand. Anyhow the aim is to check the crime, either by force or by planning; these are both included in the words.

But the following has also been said along with the above: (5:39) (As the objective is to check the crime, thus) "if the thief is repents after his crime and assures to mend his conduct, a provision has been made in the Divine Law, to protect such a person from punishment and deprivation from the common privileges of life".

This words not only mean amputation of hands, it also means **(i)** to inflict wounds on the hands (as you find in the story of Joseph in (13:31), or **(ii)** to cause obstruction in some working as for example (cutting the tongue) means to check from unnecessary talk. Even in (5:38) it has been called i.e. an obstruction caused by Allah Himself.

Note: The last note under the heading 'Murder' also applies to cases of theft, i.e. it shall be the responsibility of the Government to make good the loss by theft.

3. Loan.

The dealings of giving or taking loan ought to be reduced to writing. The Holy Quraan has provided guidance about the nature of writing and the way it should be written. [However, it is not required to put hand to hand transactions (over the counter transactions) into writing]:

A.:

- It should be written by a scribe;
- Loanee or his guardian should dictate;
- There should be two male witnesses. If two males are not available, then one male and two females;
- The scribe or witnesses should not be harmed in any way.
- All these details are given in (2:282) which has been explained earlier.

(In our view these details come under 'directives' rather than under 'laws').

B. The loanee ought to be provided facility for the payment of loan; and if he is so poor that he is unable to pay back the loan, he ought to be excused for it. The relevant verse (2:280) shall appear under the heading 'Usury'.

4. Mortgage (Pledge).

In case the loan transaction is made during a journey and no scribe is available for writing, a pledge with possession (of some article that belongs to the loanee) is allowed. But in case the loanee is a reliable person, writing is not necessary. Thus it is said: (2:283) "If you are on a journey and cannot find a scribe, a pledge with possession may serve the purpose, but if trust exists between the parties, pledge is not necessary. (In case when neither the transaction has been reduced to writing, nor a pledge has been taken, then) the loanee should honestly and faithfully return the loan and thus exhibit his submission to the Divine Law."

5. Riba (Interest on loan).

As it shall be described under the heading 'economic system', according to the Holy Quraan a return is only due on one's labour, not on capital. The return on capital is usury, be it in any form. The capital alone can only be paid back in place of capital and not any interest on it. In view of the importance of this issue, the verses pertaining to it shall be described in a sequence. To begin with look at the effects and the dangerous results of usury: (2:275) "On one side are the people who by cutting down their own needs to the minimum, fulfil the necessities of others (59:9), and on the other side are those who give loans to others but taking advantage of their indigence, take back more than what they had loaned.

The state of such people who have this mentality, is like the one who has been stung by a snake and is violently running about hither and thither (i.e. the greed for money sets fire in their chest which keeps them uneasy all the time). The reason, they produce for this act of theirs, is that usury (taking more than what they had spent) is like trade; there is no difference between the two. As in trade, a shopkeeper takes from the purchaser more than he had spent, similarly in usury the one who uses his capital for loaning, receives more than his principal amount. This is a lame excuse. In trade a man spends his capital and in addition to it he puts in labour. Thus anything surplus that he takes is not a profit on the capital, rather it is a return for his labour, and this is exactly the right way. On the contrary in usury where no labour is put in, it is only a surplus gain on money loaned by him, this is unlawful. (Remember the principle in this respect, that it is only the return of labour that is right (53:39) but to gain profit on other people's labour simply by investing capital alone, is unlawful. This is what is called 'Riba' (or interest).

But anybody who, after receiving this Divine Commandment, puts an end to his earlier ways, then that which he has received earlier belongs to him and according to the Divine Law he shall not be called to account. But those who do not desist from their previous practice and persist in such dealings, these are the people whose deeds shall meet destruction; they will find no way out of the chastisement."

After the above description let us take up the comparison between usury and deeds of charity: (2:276) "Remember! that what a man thinks, increases his capital, in fact, it deprives him of all blessings, and it causes destruction not only to himself but also to his nation. On the contrary whatever he spends for the nourishment of others and which appears to decrease his wealth, in fact, not only provides nourishment to himself but also provides means of nourishment to his nation.

In usury it becomes a common mentality to keep the necessaries of sustenance hidden from others, so that the people always remain needy and compelled to take loans and those who extend loans, on the other hand keep enjoying the benefits on the produce of those who put in actual labour and hard work. This paralyses man's productive energies and he becomes incapacitated to keep progressing further in life. Hence a capitalist society is doomed to destruction."

At another place it is stated: (30:39) "That which you lend out to others so that you can recover something over and above your principal amount, you may, as per your trading norms, receive some profit, but according to the Divine Law it is not an increase. This appears to be an increase in your assets because you make the calculations on the basis of your personal gains, but if you think over it,

keeping in view the benefit of humanity, you shall find that it is indeed no increase. On the contrary whatever you spend for the nourishment of others, without an intent for your personal gain or compensation, but with the intent of bringing your life in consonance with the Divine Laws, then you shall really make an increase in your wealth. (2:275-276; 3:129; 74:6)."

After declaring usury unlawful, previous transactions of the kind are explained: (2:278) "O you who believe! Stay conscious of the Divine Laws and guard them and what remains due against the loans, write them off, if you are indeed Mu'mineen (believers)."

Here writing off' the outstanding balances due against loanees has been laid down as a prerequisite to one's Eemaan (belief). Following this it has been stated that those who do not do this: (2:279) "If you are not prepared to do it, consider it an ultimatum (of war) from the Divine System (Allah and His Rasool) and be prepared for it (because the Divine System is an open enemy of capitalism and there can be no compromise between the two on this issue). But if you retract from this practice of yours, you will be allowed to recover your principle sums, so that you neither commit an excess on the loanees, nor are you dealt with unjustly."

From above the severity of this crime (usury) can be perceived. Here the usury has been declared as a rebellion against the Islamic order and the two are declared incompatibilities that cannot exist together. After this it is said: (2:280) "If the debtor is in difficulty, grant him time till it is easy for him to repay. But if you forgive it completely it would be an act of benevolence on your part if you comprehend with farsightedness what great collective benefits it contains."

A verse of Surah 'al-e-Imraan' (3rd Chapter of the Quraan) deserves particular attention where it has been said that: (3:129-130) In this verse as stated above the usual translation of the words is taken as doubled and multiplied and from this compound interest is inferred. This inference is against the basic teachings of the Holy Quraan. As a matter of fact, it means that an increase on the capital alone is unlawful, be it in any form. One who provides loan can only take back his principal sum and nothing more than that. Thus the verse (3:129-130) actually means:

"O you who believe! Usury plays the main role in causing collapse of a social system (i.e., to gain profit on the capital alone). People think that it increases wealth. Individually it seems so, but in reality it weakens the economic system and reduces national wealth. Thus O believers! Never adopt this capitalistic system of usury; always keep in mind the Divine Laws, that is the only way to success. If you, instead of increasing the wealth by putting in hard labour, take to exploitation of the produce of the worker, you will be doomed to the fire of destruction like those who reject the Divine System."

The Holy Quraan says that one of the causes which brought about the destruction of the Jews was the system of usury. Thus it has been said in Surah An-Nisa (4th Chapter of the Quraan): (4:160-161) "It was the result of such of their excesses and insurrection that the pleasantries which were lawful for them, were ordained as unlawful as a punishment (6:147). The list of their crimes is very long but briefly stating these people always put hindrances in the way of enforcement of Divine Order which is a path of bringing beneficence to humanity; they, instead of helping the indigent, exploited their needs; while giving loans to them they took back more than what they had spent (charged interest on their capital) although they were prohibited to do so, and thus they used these tactics and others in order to eat up other people's property by foul means; they do the same even now. These are the crimes which are the cause of their miserable suffering."

According to the above definition of usury, sleeping partnership in business known as mudarabat, or giving land on sharing contract known as are all included in usury.

6. Trade (Selling).

a) Usury is unlawful and trade is lawful as has already been explained under the verse (2:275). At yet another place it is said: (4:29-30) "O you who believe! Eat not up your assets amongst yourselves unlawfully. In social living there is exchange of necessities (called trading). This should be conducted through mutual agreement. Under this principle everybody shall get the return of his labour (54:39), not that one exploits the other by virtue of his capital (2:275). If you do so, you are destined to face

destruction. Allah wants everyone of you to get his part of the nourishment, as such an economic system wherein this objective is lost, cannot be a just system.

After such a clear emphasis, any nation that conducts its dealings in a manner that every individual aims at causing reduction in other people's rights and as such transgresses his limits, is doomed to a speedy destruction. Any system established against the universal beneficence, contains inherent means of its destruction."

b) Hand to hand trading transactions need not be reduced to writing (2:282)

Note: We have seen above under the heading 'Usury' that the return is only justified against labour and not against capital. As such the profit in trade should not exceed the labour put in by the trader. It is for the Islamic Order to enforce the requisite guidelines.)

7. Breach of Trust.

a) Render back the trusts to whom they are due: (4:58)

b) Betray not the trusts; it also includes the trusts of the government which include all the responsibilities entrusted to you by the state, or the secret affairs which you have known on account of your being the members of the state organisation. Thus it is said: (8:27) "O you who believe! Betray not either the Divine Order (Allah and His Rasool) or the trusts reposed in you. You know what shall be the result of such betrayal (4:58)."

c) Do not plead the cause of the cheats (those who betray the trusts). It has been described in detail as under: (4:105-109) "(O Rasool)! We have sent down to you the Book (code of laws) so that you may judge the disputed affairs of men according to the knowledge with which Allah has provided you. And be not one advocating the cause of the dishonest.

The matter of 'awarding judgements' between people is the grave responsibility of government and justice is a very sensitive affair; (human inclinations do tend to affect these decisions). One can escape this situation only if one remains conscious of the Divine Law and keeps seeking its protection. The Divine Law is fully equipped with means to provide such protection and nurture.

Again take note of it that you must not become an advocate on behalf of those people who betray each other or their own selves; one who betrays the trust, thinks that one has gained something but, on the other hand, it creates such a debility in his personal character that his human capabilities become infirm. (That is what it means, when we say that he betrays himself). How can the Divine Law approve of such people?

These people think that they can hide their crimes from others, but how can these remain hidden from Allah, Who watches over them even when they secretly counsel by night in matters that He will not approve. Allah's Law of Requital encompasses all human actions (40:19).

Remember! Allah's Law of Requital is not such as it concerns only this world and if one arranges to get himself acquitted from the grip of law by foul means, he is still not acquitted of its accountability. Every human action leaves its imprint on the human 'Self' (17:14); and his 'Self' does not end with physical death _ it goes on to the life Hereafter. As such the results of human action also appear after death. Therefore if you contend on behalf of such persons or even get them acquitted from the grip of law by telling lies, say who will contend with Allah on their behalf on the Day of Judgment and who will be able to become their advocate".

d) The believers pay special attention to their trusts and covenants: (23:8) and (70:8)

Treaty (Obligations)

A. It is necessary to fulfill obligations: (5:1)

"O you who believe! Fulfill obligations."

The word includes personal contracts as well as treaties. (17:34)

"Fulfill (every) obligation, for every obligation will be inquired into". It means the breaking of an obligation is accountable.

B. The fulfillment of obligations is the sign characteristic of believers: (23:8)

"Those who faithfully observe their trusts and their covenants." Also (70:32); (3:75); (3:177), (70:32)

C. The Quraan presents a comprehensive guidance when says: (61:2-3)

"O you who believe! Why do you say which you do not. Grievously odious it is in the sight of Allah that you say that which you do not do. A man's act must coincide with he says."

D. To fulfill your covenant with Allah is also a necessity. (16:91); (6:152)

"And fulfil the covenant of Allah."

Covenant with Allah also includes those responsibilities which man takes upon himself with his belief in Allah.

In those who break their obligations with the Islamic state, it is said: (13:25)

"Those who break the covenant with Allah after ratifying it and cut asunder the human relationship which Allah has commanded should be joined, and make mischief on earth; for them is the curse; theirs is the terrible abode."

At yet another place it is called "selling of obligations": (16:95) also (3:76), (2:41)

"Nor sell the covenant of Allah for a miserable price for the sake of worldly gains". In our opinion it also includes the conspiracies against an Islamic state, which the intriguers bring about in league with the enemy."

The biggest and the basic covenant between man and Allah which makes the man a 'believer' is, that the sells his life and property to Allah: (9:111)

"It is a reality that Allah purchases of the believers their persons and their wealth, and gives them a heavenly life is return". Note that it is not a matter of belief alone; it is meant to be brought into practice. Its practical shape is that it is a contract between an Islamic state and the believers, in the name of Allah. (This is not the place for its explanation. For contacts with other states, see under the leading "**STATE AFFAIRS**").

The Prohibited (Forbidden (un-lawful) and The Permitted (lawful)

1. The prohibited articles of food are:
a) Carrion;
b) Blood;
c) Flesh of swine; and
d) That which is dedicated to anyone other than Allah: (2:173) and (6:146): (5:3)(2:173)

"Lo! He has forbidden for you carrion, blood, the flesh of swine and that which has been dedicated to any other name besides that of Allah."

If at any time a situation arises in which no article of food is available and you are compelled to save your life, the prohibited articles of food are allowed to be taken, under the condition that you are really constrained to do so and do not intend to transgress the law or to satisfy your lust. Under such conditions of stress, the bad effects on your personality of eating prohibited articles of food shall be counteracted by your feelings of respect for the Laws of Allah and your personality shall continue to receive nourishment".

Such conditions of helplessness cannot be decided by law; the man concerned can only decide for himself. However, for a believer taking such a decision it is not difficult.

2. The food of the people of the Book is admissible; it appears in Surah Al-Maaidah (5th Chapter of the Quraan): (5:5)

(Have you noticed to what extent the Quraanic laws on the 'permitted' and the 'prohibited' have brought about a pleasant revolution in human life Before this a multitude of restrictions were imposed by the man-made codes of the so called Sharia (the religious laws) which had strangulated human freedom. The Quraanic laws, after laying down prohibition on certain articles of food, allowed all other agreeable articles for eating).

"The food of the "people of the Book" is also made lawful to you provided (it does not contain anything that has been prohibited for you) and they also partake of your eatables."

It is obvious that in accepting the eatables of the "people of the Book", the decisive factor will be that they do not contain anything which is forbidden by the Quraan. From the latter part of the verse it ensues that its aim is to promote social intercourse. But those people of the Book who are not desirous of creating social intercourse with the Muslims, such contacts with them cannot be allowed.

3. Killing an animal for hunting on land while in the sacred precincts (in the pilgrim's garb) is prohibited, but water game is permitted: (5:95-96)

"O you who believe! Kill not game while (in the sacred precincts of Ka'bah) in the pilgrim's garb [We have declared Ka'bah a place of peace and tranquillity (3:96)], as such exigency of Our surety not only provides such atmosphere to men entering these precincts, but to animals also. If any person intentionally kills an animal within its bounds, the atonement for this act is an offering brought to the Ka'bah, of a domestic animal, like the one he has killed; [so that it may be used as food by the needy (22:28)]. In order to decide as to which animal is equivalent to the one killed, it shall be adjudged by two just men of relevant knowledge among you, or its atonement is feeding the poor, the extent being equal in value of the animal killed; or fasting equivalent to the guilt, its measure has been given in (5:89) i.e. fasting for 3 days or the feeding of ten indigent people, so that he may taste the penalty of his violating the confines. This is ordained as from now, because Allah forgives what you have been doing in the past, but whosoever repeats the offence, will be punished because a law which can be violated without fear of punishment, it becomes a sermon. As such the Divine System while prescribing the punishment for law-breaking also possesses the strength for its enforcement."

Lawful to you is the pursuit of water game and its use for food, for your benefit and those who travel. This is applicable to water game, as well as to water animals thrown ashore or those left on the dry land after the water recedes. But forbidden is the pursuit of land game as long as you are in the sacred precincts or in the pilgrim's garb. Thus you guard the Divine Laws which is the purpose of your getting together in this centre from all sides.

4. Eating the meat of such permitted animals on whom Allah's name has been invoked is allowed, but the meat of animals on whom Allah's name is not invoked is forbidden. Thus it is said: (6:118)

"So eat of (meats) on which Allah's name has been pronounced, if you believe in the Divine Laws."

After this it is said: (6:119)

"Why should you not eat of (meats) of the animals that are lawful for you on which Allah's Name has been pronounced, when He has explained to you in detail what is forbidden and of those too which are allowed to be taken under compulsion of necessity."

This is followed by: (6:121)

"Eat not of (meats) on which Allah's Name has not been pronounced. This is, no doubt, digression from the path ordained by Allah."

It is clear from the above commandments that:

i) Even from the lawful animals only those are allowed to be eaten on which Allah's Name has been pronounced.

ii) Those on which the name of other than Allah is pronounced, are prohibited; likewise those on which no name is pronounced.

5. When Allah has defined lawful animals, the condition of their being (Tayyib) has also been added to it. (2:168).

(Tayyib) means things which are agreeable to your taste, sight and smell, or those which are good from a nutritional point of view. It is not necessary that a man must eat every lawful thing. Eating of lawful things is not prohibited, yet from amongst the lawful things eat only what you like; you are not forced to eat what you dislike. The things which you dislike do not become unlawful if disagreeable to your taste.

6. As nobody has the right to declare 'lawful' what has been declared 'unlawful', similarly none has the right to declare unlawful that which has been legitimate. The Holy Quraan has clarified this point at several places. Thus it is said in Surah Al-Maaidah (5th Chapter of the Quraan): (5:87-88)

"Make not unlawful the pleasant things which Allah has made legitimate for you and commit no excesses in violating the limits imposed on you __ exuberance as well as diminution, both are equally harmful."

The right way is that you remain within the limits laid down by the Quraan and benefit from the good things of life; and as such whatever Allah has provided for you as means of sustenance, eat it in a lawful and agreeable manner and thus obey the laws of Allah in Whom you have professed Eemaan.
It is said in Surah 'Yunus' (10th Chapter of the Quraan): (10:59)

"Say: See what Allah has sent down for you of sustenance, then you make (a part) of it unlawful and (a part) lawful. Say: Has Allah commanded you or do you forge a lie against Allah".

In Surah 'An-Nahl' (6th Chapter of the Quraan) it is said: (16:116)

"And say not any fake things that your tongues may put forth and start declaring at random: this is lawful and this is forbidden, so as to ascribe false things to Allah. For they who ascribe false things to Allah will never prosper."

In Surah Al-A'raaf it has been forcefully proclaimed: (7:32)

"Say: who dares forbidding the adornments (gifts) of life which Allah has produced for His devotees, and the things, clean and pleasant (which He has provided) for sustenance"

Those who do so, make themselves partners unto Allah; nobody can be given this authority. Say: whatever was intended to be unlawful, Allah has explicitly explained in His Book, other than those, everything is legitimate and nobody has the right to forbid any of them.

As explained earlier, if anything out of the lawful foods is not agreeable to somebody's taste, he may not take it; but that does not mean that it has become unlawful for him. For example, if Islamic Government orders a restraint on the consumption of certain articles of food in response to exigencies of a time, they do not become unlawful. That shall be called a temporary restraint.

But those who are great in ranks, their difficulties are also great; the Rasool was ordained not to put even a temporary restraint upon himself. When on a certain occasion he had done so, he was told: (66:1-2)

"O Nabi! Why did you hold to be forbidden that which Allah has made lawful to you, just for the sake of pleasing your consorts"

This is an admonition to you, so that no diminution takes place in the means of sustenance and protection for you and also because the effects of your deeds do not remain confined to your person; in as much as if you leave a certain article of food on account of your dislike, your followers may think that it is a bad thing in reality. That is why you should be careful.

If you have sworn not to take a particular thing there is no harm, because Allah has allowed dissolution of such oaths against atonement (2:25; 5:89). Allah is your Protector; He has provided such facilities in His Laws so that one could easily get absolved, of the consequences of his 'slips' or omissions, He knows the weaknesses of human nature and as such has based His Laws on wisdom.

It was so ordained because the Rasool had forbidden a certain thing upon himself for personal reasons but, there was a possibility of his followers accepting that thing as unlawful. Thus as a precautionary measure, the Rasool was prevented from such acts. Such a thing had already happened when Jacob the Messenger of Allah had forbidden something for himself and the Israelites made it unlawful for themselves.

It is apparent from the foregoing that the issue of lawful and unlawful is of such a great importance that, leaving aside the question of holding unlawful a thing declared as lawful by Allah, even to create such circumstances under which it may be taken as unlawful, is not allowed. It was not allowed even to the Rasoole himself. To declare a certain thing as unlawful means a restraint on human freedom. It is obvious that according to the basic teachings of the Quraan, none except Allah holds this right.

The state of extreme helplessness.

[A state of hunger wherein a person fears death on account of the non-availability of permitted (lawful) items of food].

To clarify one particular point at this juncture is extremely important. After giving a list of the forbidden (unlawful) articles of food, it has been said in the Holy Quraan that one can partake anything out of them proportionate to one's need, and under the state of extreme helplessness. This means that if circumstances are such that a person is approaching death on account of hunger and a lawful article of food is not available, then in order to save his life, an unlawful thing can be partaken proportion in to his need. This is the only exception the Quraan has allowed to take an unlawful article of food. The

Quraan does not recognise such a state of helplessness in any other aspect of life. But if one adopts a principle that any unlawful thing can be held lawful according to need or any forbidden act can be regarded as legitimate under certain needs, the differentiation between "lawful and unlawful" or between "forbidden and permitted" comes to an end. In this respect two clear examples are before us:

a) Sayed Abul A'la Madoodi has said that:

"According to Islam, honesty and truthfulness is one of the important doctrines of Islam and falsehood (lying) is the worst evil, but in practical life there are certain needs under which not only that lying is allowed but it has even been decreed obligatory" (decreed by the religious hierarchy).
('Tarjmaanul Quraan' May 1985 issue)

We are not aware as to who are such authorities that have issued this decree (FATWA) but we know for sure that Allah has never allowed the telling of lies. If we admit that lying is obligatory under certain conditions, then neither falsehood nor crime shall remain an evil, because nobody tells lies unless it is necessary for him. When one accuses somebody of telling a lie he immediately replies "Why should I tell a lie" Not only for telling lies does every criminal offer 'necessity' as the reason for his committing a crime the 'necessity' may be material or emotional.

Thus to hold every unlawful thing as lawful under the pretext of "permission to partake of forbidden items of food, is an open rebellion against the Quraan. After this, all limits laid down by Allah become unnecessary.

b) When the late Miss Fatima Jinnah stood for election as a candidate for the Presidency of Pakistan during the reign of late Muhammad Ayub Khan, the Jamaat-e-Islami decided to support her. But sometimes before this occasion Mr. Maudoodi had given a decision that Islam does not allow a woman to take part in politics. Thus the question arose as to how far it was permissible from the Islamic point of view to get Miss Fatima Jinnah elected as President of the country and how far it was right for Jamat-e-Islami to support it. The following was its reply:

"After prolonged deliberations, the Jamaat has reached the conclusion, that amongst the things declared unlawful by the Islamic Law, there are certain things the unlawfulness of which is eternal and final, i.e. which cannot be changed under any circumstances; but the unlawfulness of certain other things is such as under conditions of acute necessity it can be changed into 'permission' to the extent of the need. Thus it is clear that the matter of unlawfulness of making a woman the head of a state, is not one of those which are final and eternal, but it can be counted as belonging to the other category.
(Pamphlet published by Jamaat-e-Islami)

This distinction of (Hurumaat) 'the forbidden acts' some of them being final and eternal and some being alterable under conditions of utmost necessity is totally against the Quraan. No such distinction has been made anywhere in the Quraan. According to the Holy Quraan each type of unlawfulness is final and eternal. The allowance of eating unlawful things under conditions of extreme helplessness (to save one's life) does not mean that the forbidden category gets changed into lawfulness, even if they remain unlawful. This allowance is only for a person who is under extreme condition of stress; and this allowance is made by Allah Himself. An Islamic Government can also put a temporary restraint on the use of admissible things, considering them unsuitable or harmful under certain circumstances; for example, prohibiting the use of certain fruits during the rainy season or during outbreak of epidemics but it has no right to declare as lawful a thing that has been ordained unlawful by Allah.

We thought it necessary to elaborate on this issue because on the basis of decisions made by Mr. Maudoodi, the concept of lawful and unlawful is undergoing a change amongst the common men; and by such interpretations the people who dislike Divine restraints get an open license for remissions.

Professional Election - Islaamic Election

Today Global World is on the edge of total collapse and west started accepting that. In the news they started saying **1%** are rich and **99%** are poor, what about in the third world, perhaps it could be 1 in million rich and rest are poor. Doctors decide which treatment is best for patients, and patients don't

know right qualification to choose right treatments. Those who have knowledge and those who don't have are NOT equal, so their votes are not equal, (Ref: Al_Quraan_039:009, 040:058). We MUST need to include Highly Professionalism in Elections, since Professional Election is the True Islaamic Election.

Following a Leader: And withhold yourself with those who call on their Lord morning and evening desiring His goodwill, and let not your eyes pass from them (always yes sir, till they follow the Quraan), desiring the beauties of this world's life; and do not follow him whose heart We have made unmindful to Our remembrance, and he follows his low desires and his case is one in which due bounds are exceeded, (Al_Quraan_018.028).

Obey Your Leader as Long as He follows the Quraan on Case by Case Method: O you who believe! obey Allah and obey the Messenger and those in authority (Leader) from among you; then if you quarrel about anything, refer it to Allah and the Messenger, if you believe in Allah and the last day; this is better and very good in the end, (Al_Quraan_004.059).

Commandments are none BUT Allah, (Ref: Al_Quraan_006.057). NO one is above the Suprime Law of Allah.

Intoxicants (Psychoactive Substances).

A). Intoxicants are not included in the category of food, and as such they are not included in the list of 'unlawful' things. Their use however, has been very strongly condemned because the addiction to the drugs cannot be eradicated in a day or so. The proclamations in this regard were gradual. At the beginning it was said: (4:43)

"O you who believe! Approach not prayers with a mind befogged (in a state of intoxication) until you can understand all what you say". One ought to be vigilant and attentive during prayers.
After this it was said: (2:219)

"They ask thee (O Rasool) concerning intoxicants (psychoactive substances) and gambling. Say: In them is a great sin and some profit for man: but their sin far outweighs their gains."
And in the end it is said: (5:90-91)

"O you who believe! Intoxicants and gambling (easy money) dedication to stones, and (divination by) arrows are an abomination of Satan. It causes disintegration of society and the human qualities of intellect and the vision gets afflicted (suppressed) (10:100). Thus eschew such abominations so that you may prosper."

If in order to satisfy your baser passions, you get habituated to intoxicants and gambling, these things, in addition to your personal debility, shall create mutual enmity and rancour and shall put in obstacles in your subservience to Divine Laws and in the establishment of the system of 'Salaat'. Will you not then refrain from these things after such a clear warning.

After this last proclamation by the Holy Quraan, intoxicants became prohibited.

From this stage by stage methodology of proclamations a principle is deducted that the enforcement of laws shall be carried out according to the existing circumstances of the society and this also includes the prevailing mental and psychological condition of the individuals.

B). The word 'Khamr' (psychoactive substance) includes all those psychoactive substances that put a person in an altered state of mind (which put a lid on the human intellect); commonly it is used for wine, but other intoxicants may also be included in it. In the code of laws prescribed for the state, the word 'intoxicants' shall have to be clearly defined so as to give it a legal form.

Injunctions for Social Living

Social injunctions are not generally included in the category of LAWS. But if any social evil becomes rampant in society, an Islamic Government can make them statutory. Some social injunctions are described as under _ [Their details can be found in my book "Islami Mua'sharat" _ "Islamic way of living"].

1. Moderation in expenses.

i) "Eat and drink but waste not by excess." (7:31)

ii) Do not spend without reason (need). Those who do so are the brethren of Satan. (17:26-27)

2. Get-up.

a) Use of things that produce beauty and elegance is lawful. None can proclaim them as unlawful. Details have already been given under the heading 'Lawful and Unlawful'. (7:32)

b) Apparels provide cover for body as well as elegance for a person. (7:26)

3. Physical and Mental Capabilities.

Knowledge (mental capability) and physical strength, are both necessary. When Taloot was made commander of Israelites, they had objected to it for his not being a wealthy person and asked: "What are his qualifications for which he has been made a commander" The reply was as follows: (2:247)

"Allah has chosen him above you and has gifted him abundantly with knowledge and bodily prowess". That is why he is chosen as your commander.

4. Conversation.

a) Always converse in clear, straightforward and decisive language, which contains no ambiguity: (33:70)

b) Use language, which is recognised by society and commonly used. (4:5) "Speak to them in words that are commonly recognised and used."

Also adopt an elegant manner for speech: (2:83) "And speak to men in a charming way."

c) (22:30) "And shun the words that are deceitful and showy".

d) (6:153) "When you say something, say with justice and equity, even if it goes against your relatives." "Do not shout, a shrieking voice is disliked by others". (31:19)

"Speak softly, for the harshest of sounds, without doubt, is the braying of any ass."

5. Absurd and immodest talk.

Avoid all absurdities. One of the qualities of the believers has been stated as (23:3) "They avoid vain talk". The word "Laghw" means vain as well as meaningless. In Surah Al-An'aam (6th Chapter of the Quraan) it is said: (6:151) this includes all sorts of immodesties __ even an immodest talk __ as it arouses lewd passions.

6. Walking.

i) Do not walk in haughtiness, be moderate (31:18-19) also (17:37)

"Do not be haughty while walking, adopt moderation in your gait."

ii) When you go out, do not allow your gaze to become bold and daring. This has been ordained both for men as well as women.

For men: (24:30)

And for women: (24:31)

7. Thoughtfulness to ponder and to comprehend.

i) Do not follow a thing without an inquiry into it. (17:36)

"Remember! Pursue not that of which you have no knowledge (which you have not inquired personally). Personal inquiry means that you gain knowledge of it through your senses of hearing and sight and on this basis, decide by your own intellect. If any link of this manner is broken, your inquiry shall remain incomplete. Look! How great is your responsibility in this matter, because Allah has given you 'will' and the faculty of 'choice'; you are not a inanimate machine. For the use of this faculty, He has provided you means of investigation. One who does not make use of them, shirks his own responsibility.

This is an important injunction which if acted upon properly, turns all conspiracies and the intrigues into a complete failure and a peaceful atmosphere prevails in society."

ii) Always ponder over things: see, hear, comprehend and then make decisions intellectually. For those who do not do so, it is said: (7:179)

Many are (amongst) the people (both) civilised and uncivilised whom We have made for hell. "They have mind wherewith they understand not, eyes wherewith they see not, and ears wherewith they hear not; they are like cattle, _ nay more astray, (because cattle, at least, follow their natural instincts). These people are heedless of warning".

iii) When you hear a good thing, act upon it; and when you hear an absurd one keep yourself away from it. (2:285) "We hear and we obey", has been called the believers way. And also (28:55) "And when they hear vain talk, they turn away therefrom".

8. Spying.

"Do not spy on other people's affairs that concern you not". (49:12)

9. Knowledge.

i) A learned person and an illiterate one cannot be at par: (39:9) "Say: Are those who know and those who do not know, equal to each other"

ii) Never think that you have reached the final stage of knowledge and nobody knows more than yourself. Remember! (12:76) "And above everyone endowed with knowledge is another endowed with more knowledge."

Nor say that my cup of knowledge is full and I do not want to know any more. Such mentality has been attributed to the non-believers. (2:88) "They say: our hearts do not need any outside information nor is there room in them for anything more to enter".

Not to speak of others, in this respect even the Nabie was asked to keep praying. (20:114) "O My sustainer! Advance me in knowledge."

10. Social relations.

When you meet each other, offer good wishes and blessings for safety. Thus it is said: (4:86) "One who conveys to you a message of safety and security and also when a courteous greeting is offered to you, meet it with a greeting still more courteous or (at least) of equal courtesy."

When you enter your own house or the house of somebody else, compliment the inmates. (24:61) "As has been said earlier (24:27) enter not houses other than your own until you have sought permission; and then greet the inmates and wish them a life of blessing, purity and pleasure from the grace of the Almighty Allah."

11. Good behaviour.

i) Extend kind and good behaviour to your parents kinsfolk, orphans, neighbours, friends, travellers and those serving under you: (4:36)

The words in this verse do not mean slave men and women only but also include those serving under you.

ii) Do not expect a return for your good behaviour, not even thanks. Tell them: (76:9) "No reward do we desire from you, nor thanks". (because it has been prescribed by the Divine Law; and thus the question of thankfulness does not arise).

12. Co-operation (Mutual Assistance).

"Co-operate with one another in good and virtuous matters consistent with the Divine Laws and do not co-operate in evil and bad matters."(5:2)

13. Mutual Contacts.

"Do not behave bitterly when you meet each other". (31:18)

14. Promise (Commitments).

Always fulfill your promise (and commitments); (17:34) "Fulfil your commitments; remember! You will be questioned about them."

15. Visiting other people's homes.

Do not go to other people's home without permission. The Holy Quraan has given detailed instructions in this respect: (24:27-29) "O you who believe! Enter not houses other than your own until you have sought permission and when you go in, extend your salutations to the inmates, wishing their safety and security. Observing these social etiquettes is best for you so that your society always manifests the finest. If you find no one in the house, enter not. In any case never enter until you have sought permission; if you are asked to go back, go back without feeling any displeasure. Keeping up such manners will keep improving your associations. Allah knows all that you do. There is, however, no restraint on you to enter houses not used for living, those which serve some (other) use for you (and if these are common godowns, enter not with bad intention). Always keep in mind that Allah has knowledge of what you reveal and what you conceal."

16. Etiquettes of assembly.

a) Observe assembly etiquettes while sitting in and leaving. (58:11) "O you who believe! These hypocrites when they come to your assemblies, sit close to each other for the sake of whispering together. Thus if you are asked to make room in the assemblies (spread out), do make room, (so that the hypocrites shall also have to spread out and you will not have to suspect that they are conspiring against you. This ought to be a routine in the assemblies). Thus Allah shall make way for broadmindedness among you. And when you are told to rise up, do so. (These are small matters but

their effects are far-reaching; and if you obey these injunctions), Allah will raise those of you to suitable ranks (and degrees) who believe in such things wholeheartedly and are acquainted with the wisdom and purpose hidden in it. Remember! Allah's Law of Requital is well-acquainted with what you do."

b) When you are invited for a meal, do not go there before time and do not indulge in unnecessary talk, such things may cause inconvenience to the host: (33:53) "O you who believe! Do not go to the house of the Nabie, until he invites you to a meal (and then) not (so early) as to wait for its preparation; and when you have taken your meal, disperse without seeking familiar talk. Such behaviour causes annoyance to the Nabie: he will feel shy in asking you to depart, but Allah is not hesitant to tell you the right course."

Just imagine! The society in which the Quraan was revealed to the Nabie, its level of civilisation was so low that they had to be taught etiquettes even in small matters of everyday occurrence. But after a few year's training by the Nabie they were in a position of bringing about improvement not only in the Roman and Persian civilisations but also taught ways of living to European nations.

17. Jealousy.

Do not be jealous of others. This attitude has been condemned, when it was said: (4:54) "They feel jealous of what Allah has bestowed on others out of His bounties."

18. Backbiting (Slandering).

(49:12) "Do not slander each other".

19. Nicknaming others.

Do not call others by nicknames, nor stigmatise them. (49:11)

"Do not defame each other; nor be sarcastic to each other; nor call each other by (offensive) nicknames. When after having professed Eemaan (belief) in Allah, you are determined to become the bearers of graceful manners, then why nickname each other"

20. Envy.

(4:54) "Do not envy mankind for what Allah has given them of His bounty."

21. Jesting.

Do not laugh at others: (49:11) "O you who believe! Let not one party among you laugh at others, may be they are better than those of your lot; nor let some women laugh at others, it may be that the latter are better than the former. Neither men nor women should do it."

22. Public exposure of others.

Unless you have been subjected to an excess, do not publicly expose others. (4:148) "Allah loveth not that evil should be made public, except when injustice has been done to somebody."

23. Mistrust.

Avoid suspicion and mistrust. (49:12)
"O you who believe! Avoid suspicion as far as possible; because some suspicion becomes sin."

When differences arise between you, some evil-mongers taking advantage of it, begin to create suspicion among you. Be careful about it. Always have a favourable opinion about others and avoid suspicion; some suspicions reach the degree of crime and sin.

24. Ridiculing of Divine System.

Deen (the Divine System) is a very important as well as sensitive matter. Those who do not take it seriously forsake their company: (4:140) "Friendly relations with the non-believers aside, Allah has ordained in the Book that when you hear the signs of Allah (verses of the Quraan) held in defiance and ridicule you are not to sit in their company, unless they stop doing this and turn to a different subject. If you join them in such a congregation you would become the like of them, although there is nothing common between them and you."

Forsake the company of such people. (6:70) "Leave such people alone who, not to speak of the Divine System, do not give any importance to the Divine code of their own life which they have adopted and consider it as mere play and amusement."

25. Crooked reasoning.

Do not indulge in absurd reasoning. Present your case with clear arguments, reasons, wisdom and exhortation. (16:125) "Invite people to the way of your Sustainer with wisdom and exhortation; talk to them in an elegant manner, keeping before yourselves the aims and objects of the Divine Laws and of the moral values."

26. Anger (Rage).

Do not get into fits of extreme anger (3:133) "to control oneself when enraged" has been described by the Holy Quraan as a virtue of the believers.

27. Forgiveness.

If anybody acts wrongfully in ignorance but regrets afterwards, if you think that if forgiven he shall mend himself, forgive him. Allah in most forgiving and merciful. (6:54)

28. Self-Correction (Mending one's ways).

a) You should try correcting others, but give preference to your own correction. The Jews were admonished:(2:44) "Do you enjoin right conduct on others and forget to practise it yourselves"

b) Your own correction includes correction of your own families as well. (66:6) "O you who believe! Save yourselves and your families from the fire (of hell)".

29. Do not bully people with your virtues.

Do not try to impress and bully people on account of self-proclaimed virtues.

Do not ascribe purity to yourselves. (53:32) "Do not keep calling yourself virtuous. He only knows best who it is who guards against evil."

Incompatibility of words and thought (something in the mind and another thing on the tongue), is the worst habit. The state of hypocrites is described as follows: (3:167) "They say with their mouths what is not in their hearts."

Rumors

1. Don't spread rumors. Whenever you hear something which concerns your collective life, communicate it to the appropriate authorities so as to make them reach a correct conclusion after proper investigation:(4:83)

"When there comes to them some matter touching (public) safety or fear, they divulge it, although their attachment and obedience to the (Divine) System requires that they had only referred it to the Rasool (central authority) or those charged with authority amongst them (officers of the lower ranks); in case they refer it to them, the specialists could verify and ascertain the truth."

At yet another place it is said:(49:6)

"O you who believe! If a mischief-maker comes to you with any news, ascertain the truth, lest you should harm people unknowingly, and afterwards have to feel ashamed for what you have done."

2. When you hear a rumour against somebody, your first reaction ought to be that it is a calumny. In Surah "An-Noor" (24th Chapter of the Quraan) an event has been mentioned concerning a noble, chaste lady, about whom somebody started a rumour which got spread in the society. (24:12)

"When you heard it, why did you not react with a favourable view and declare it as a clear calumny Why did not believers __ men and women __ when they heard of the affair, thought good of your own fold and said: It is a manifest calumny."

It was further said: (24:15-16)

"When you received it on your tongues and spoke with your mouths that of which you had no knowledge, and you deemed it a trifle, while with Allah it was serious. And why did you not, when you heard it, say: It beseems us not to talk of it. Glory be to Thee! This is a great calumny"

Miscellaneous

A. Persecution.

Unlawful persecution is a crime: (33:58)

"Those who molest believing men and women undeservedly, bear (on themselves) a calumny and a glaring sin."

At yet another place it is said: (85:10)

"Those who persecute (or draw into temptation) the believing men and women and retract not from their practice, will have a burning chastisement (of hell), the chastisement that will burn everything they possess to ashes."

It is apparent that persecution includes both physical as well as mental molestation. The mental vexation is even more worse than the physical torture.

B. Tyranny and excess.

A comprehensive list of all that can by called tyranny or oppression cannot be prepared. (As a matter of principle, it may be said that, anything against the Divine Law comes under oppression. In fact, this word means "To put a thing at a place where it does not belong". This makes the purport of this word much wider). It is the duty of an Islamic State to provide protection for the oppressed and take upon itself the responsibility of the redress of their grievances. It is said in Surah "Bani-Israel" (17th Chapter of the Quraan). (17:33)

"If anyone is slain wrongfully, the murderer should not think that there is nobody to stand by the heirs of the one murdered and therefore he shall not be called to account for the crime. To provide protection for the heirs, We have made the Islamic Rule authoritative and prevailing". This Rule itself shall provide protection to the heirs of the slain person. Although this verse is related to 'murder', it shall be applicable to all sort of oppressions. If the government itself is the oppressor, the redress of grievances should be arranged through the judiciary. Justice ought to be provided cost for free because providing redress of grievances is a duty of the State and as such the State cannot ask for remuneration from the oppressed in providing him the redress of his grievances.

C. Conspiracy and secret counseling.

Secret counsels for unlawful matters and conspiracies are a crime: (58:9)
"O you who believe! When you hold counsels, do it not for criminal activities against the Divine Order, but always do it to achieve ends in conformity to the Divine Law. In short, in whatever you do, your aim should be obedience of the Divine Law; because the Divine System should always remain the focus of all your activities."

D. The mutual (Reciprocal) relations of individuals in the society.

Believers are a single brotherhood: (49:10)

"The believers are but a single brotherhood, so reconcile between your two contending brothers. While doing so, do not forget that both of them are your brethren and your decision should be according to the Divine Laws, without any favour or bias. This shall enable your society to become worthy of Allah's favours."

If at anytime, conflict between any two factions of the Mu'mineen reaches a stage of actual fighting, even then make peace amongst them, and if one commits excesses, call him to account. (49:9)

"If (unfortunately, at any time) two parties among the believers start fighting each other, intervene to bring them to make peace, but if one of them transgresses bounds against the other, then you should all fight against the one who transgresses, until it reverts to abiding by the decision made in accordance with the Divine Law. So if he complies, then make peace between them with justice and be fair, for Allah loveth those who are fair (and just)."

Pertaining to Economy

1. The basic duty of an Islamic State, as ordained in the Holy Quraan is provision of 'ZAKAAT'. Thus it is said: (22:41)

"Those Mu'mineen are the people who if We grant them rule in the land, establish the way of life consistent with the Divine Laws and provide 'Zakaat'", means to provide 'Zakaat'. Thus the providing of Zakaat is the duty of an Islamic State. 'Zakaat' means the providing of the means of nourishment. As such it becomes incumbent upon the Islamic State to provide means of nourishment to the individuals, which includes both nourishment of the body as well as of the human potentialities. Thus it becomes the duty of an Islamic State to make such arrangements that the fulfillment of the basic necessities of life of each individual shall keep going, and also that their potentialities may develop. This is called 'Rabubiyyat' (providing of sustenance). The 'Rabubiyyat' of the entire universe is an attribute of Allah. The words (1:2) make the beginning of the Quraanic text. But the practical application of this attribute of Allah, in the human world, takes its practical manifestation through the agency of an Islamic State. Thus all the responsibilities, in this respect, which Allah has taken upon Himself, are fulfilled by the Islamic State.

2. Based on this principle, it becomes the responsibility of an Islamic State that no living object (human beings; may also include animals, [Lughat-ul-Quraan Root: Ray-Bay-Bay] in its domain, remains devoid of nourishment. (11:6) is Allah's commandment, which means that there is no moving creature* on earth, but its sustenance is the responsibility of Allah.

In this respect the State becomes responsible to its individuals and their progeny for the fulfillment of their daily necessities of life; and tells them: (17:31)

"We are responsible for your sustenance and that of your offsprings."

3. The Islamic social order takes shape by means of a contract between the State and the individuals living in its domain. In this contract, the life and property of the believers are placed at the disposal of the state and in lieu of it, becomes the responsibility of the state to provide a life of peace and plenty (life of Jannat) to the individuals: (9:111)

"The Mu'mineen (those who profess Eemaan-belief in Allah) and the Divine Order enter into a treaty; the Mu'mineen place their persons and their wealth at the disposal of the Divine Order (sell them) and the Divine Order guarantees a life of peace and plenty (life of Paradise) for them in return."

In this life of Paradise are included all the basic necessities of life, food, clothing, shelter etc. The Quraan has introduced to us the paradisiacal life as follows: (20:118-119)

"There is therein (enough provision) for you not to go hungry, nor to go naked, nor to suffer from thirst from the sun's heat". (Everything mentioned above is available without any undue labour).

4. In this society every individual retains for himself the proceeds of his labour according to his needs and gives over the rest of it for fulfilling the needs of others: (2:219)

"(O Rasool!) They ask you as to how much (of their earnings) should they keep open for fulfilling the needs of the others; tell them whatever is over and above their (genuine) needs (16:71)". This system shall be established through the agency of the State; because the Rasoole has been ordained: (7:199)

"Get the surplus from them". (This is the natural result of the above said treaty covenant _ therefore the question of taking by force does not arise). Those who earn less than their needs, or those who are not capable of putting in labour, do not take it by way of charity but they claim it as a matter of their right, from the collected surplus: (51:19)

"In their wealth and possessions is the recognised right of the needy and the disabled."

5. According to the Economic System of the Quraan, wealth cannot be accumulated. A severe warning has been given against accumulating wealth: (9:34-35)

"O Rasool! These priests and monks, and their followers who (in the guise of their self-made 'Shariat') consider the system of capitalism as the will of Allah, and thus hoard heaps of gold and silver and do not make them available to the usage of humanity, announce unto them a grievous penalty. During the period of Divine System, these will be heated in the fire of Jahannam (hell), heat will be produced out of that wealth and with it their foreheads will be branded, their flanks and their backs: and this fire shall mount to their hearts (104:6-7): They shall be told, this is the treasure you had hoarded for yourself, so now taste (the treasure) you had buried.

Wealthy cannot be allowed to circulate wealth amongst themselves alone: (59:7)

6. To meet emergent needs, it is necessary for the people that whatever they have retained for their own requirements, they shall also donate something out of it. This is known as 'Sadaqaat'. This will also not be an individual affair; it shall be carried out under the System of the State. Thus the Rasoole was ordained: (9:103)

"Take their donations (out of their earnings) and in association with other members, make arrangements for their education which would purify them (by removing all doubts from their minds) and nourish them. As they grow in their qualities, you should applaud them because your applause will certainly bring them peace of mind. Allah is All-Hearing and All-Knowing."

In some cases the avenues of usage of such emergency needs have been prescribed by the Quraan itself, when it is said: (9:60)

"About 'Sadaqaat' i.e. wealth which the state spends for public welfare, it ought to be understood that its distribution shall not mean personal benefit or satisfaction of the individual emotions, but it is the right of those:

a) Who depend on others for their nourishment i.e. those who, for some reason, are not able to earn themselves

b) Whose business somehow or other comes to a standstill.

c) For the remuneration of those who are entrusted with the duty of collecting 'Sadaqaat' (the source of state revenue).

d) Whose consolation of hearts' is required. It means that those people who are prepared to join the Divine System but some impediments do not allow them to take this course; they should be helped in the removal of these impediments.

e) To get freedom for those fastened to the chains of other's captivity (subjugation).

f) To help those who are under the enemy's debt or penalty, and cannot manage to pay it off on their own.

g) Also the wayfarers who are in need of money.

h) In addition to the above, anything conducive and helpful to the general welfare of humanity by the Divine System.

Described above are the codes laid down by Allah based on knowledge and wisdom.

In this verse the item of 'in the Divine Cause' is very comprehensive. It includes all other avenues of usage, which the Islamic State deems necessary.

Note: Amongst us the above items are known as items of Zakaat expenditure. This is not correct. The Quraan has clearly described them as item of 'Sadaqaat' and not of 'Zakaat'. Even the prevalent concept of 'Zakaat' itself is different from the Quraanic concept.

7. Earth (Land) is the basic source of production. Because an Islamic State has the momentous responsibility of provision of 'Zakaat' to fulfil, therefore this basic source of production (the land) cannot remain in the ownership of individuals. Land remains under the charge of the State, so that the needs of the individuals may get equally fulfilled. In Surah Haa-Meem Sajdah (41st Chapter of the Quraan) it is said: (41:10)

"He set on the earth mountains standing firm, standing high above its surface, (which serve as means of water supply) and gave it the capability to produce different items and with the change of four seasons standardised** its produce correctly, for feeding its inhabitants. (39:67) and (56:73-74).

Note: It has been clarified at several places in the Quraan, that the earth has been created to fulfil the requirements of humanity. As an all-encompassing explanation of this topic is not intended in this book, therefore it is not considered quoting all the relevant references, however, see verses (55:10); (56:63-73).

8. In the Economic System of Islam (except those who are disabled) only that person has the right to receive who puts in labour: (53:39)

"That a man can have nothing, but what he strives for", is its basic principle. As described earlier under the heading 'usury', any profit on the capital is totally unlawful and amounts to declaration of war against Allah and the Divine System of His Rasool. As a matter of fact, the question of profit on capital does not arise when nothing surplus to the needs is left with anybody."

9. As said earlier in item (4) above, in the Islamic Order surplus wealth is not left with any person. Thus the question of raising personal property does not arise, which includes land, wealth, industry, trade, etc. Everything remains in the custody of the State, so that the needs of every individual get fulfilled and their standard of living goes on rising, and then eventually this system, surpassing its boundaries, extends to embrace humanity at large.

10. It shall be the duty of an Islamic State to establish such an economic system in the light of this basic guidance of the Holy Quraan which can satisfy all the requisites of 'Rabubiyyat', so that nourishment is neither held back from anybody, nor his dignity is injured. This system shall gradually come into force. The Quraanic injunctions relating to charity, inheritance, etc. are of transitory nature for the period in which this system is still taking shape and is not yet finalised. This also ought to be kept in mind that this system shall be established by those who consider it a part of their belief and yearning of their hearts. This is the motive force for its establishment and stability. In the absence of such a driving force, a system of this kind can neither get established, no can it survive.

* It happens doubtful to assume that an Islamic State can take up the responsibility of providing nourishment to moving creatures, such as dogs and reptiles in its domain. (Abdul Wadud).

> ** To interpret the word as (Arba' Ayyaam) change of four seasons is not comprehensive. Following is the full explanation. The terms (Arba' Ayyaam) and (Umeen) are specific Quraanic terms. They represent the Six Eras of Evolution in the creation of heavens and the Earth.
> (2 ERAS [Umain in Arabi translation]
>
> "So He completed them as several heavens in 2 Eras (41:12)"
>
> Thus (Umain) 2 ERAS -- includes the evolutionary period involved in the Creation of the heavens and the earth.
>
> On earth the period without life lasted for 3000 million years and science calls it the Azoic Period.
> [4 ERAS (Arba-e-Ayyaam)]

"He made on the earth mountains standing high above it and bestowed blessings on it and measured therein all things to give them nourishment in due proportion in four Eras" (41:10)
In these four Eras, life began on earth and gradually got evolved and this has lasted for 2000 millions years:

(a) Precambrian Eras 1500 million years

(b) Paleozoic Era or Ancient life -- 300 million years

(c) Nezozoic Era or Middle life -- 130 millions years

(d) Cainozoic or Modern life -- started 75 million years ago.

Basic Human Rights

These are the rights which every human being, on account of his belonging to the human race, is entitled to without any discrimination of sex, colour, race, religion, abode (land) and nationality. An Islamic State guarantees these rights to every individual living in its territory. And if the state fails to provide such a surety, the individuals can acquire those rights through the court of law. The prominent rights are as follows:

1. Every human child is equally worthy of respect, thus on account of one's genesis there can be no discrimination; there is no difference between one man and the other: (17:70)

"We have honoured the humanity as a whole" has been ordained by Allah.

2. In the Islamic Social Order, criterion of determining status of its people shall be their personal deeds and merit: (46:19)

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

3. No human being can be subservient to another. Nobody can have the right to rule other people (3:79) "No human has the right, even though Allah may have given him a 'code of laws' or the power to enforce it or even Nabuwwah that he should say unto mankind: 'Be subservient to me instead of Allah'. (Subservience can only be to the Divine Injunctions. Its details have already been given under the heading 'State Affairs').

It is apparent that when nobody can be subservient to another, how can he be a slave to others. The Quraan closed the door of slavery for good.

4. None shall seize the labour of another person by force, every worker shall get the full recompense of his labour; (39:70)

"To every person shall be paid in full (the fruits) of his deeds".

Recompense does not mean wages. The concept of wages is a product of the capitalist system; the Quraan has cut at its very roots. Compensation means the fulfillment of needs. Anything surplus to ones needs, shall be willingly handed over to others (with complete promptness of his heart). Take for example a peasant who puts in labour for one full year and produces one hundred maunds of wheat; that wheat certainly belongs to him, none can seize it forcibly; but on the basis of his Eemaan (conviction) he shall give to others all that is surplus to his needs. This shall happen in the social order of the Mu'mineen (the believers). (See details under the heading 'Economics')

5. Everyone shall be treated justly: (16:90)

"Indeed Allah commands justice and benevolence." (Details of what is meant by justice have been given under the heading 'Justice')

So much so that justice shall be meted out even to the enemy: (5:8)

"Let not the enmity of others to you, make you deviate from the path of Justice". Always do justice (with friends as well as foes). This shall bring you nearer to that mode of life, which Allah desires, for you.

6. Not only justice, if someone lags behind in spite of his best efforts, his deficiency has to be made good by others to restore the disturbed balance in society. That is called 'Ihsaan'. That is why it is said: (70:24-25)

"Those who are indigents or are incapacitated, have a recognised right in the wealth of society".

7. The right of sustenance:

To provide means of sustenance to every individual is the responsibility of the system raised on Divine Injunctions: (6:151). Such system shall proclaim:

"We are responsible for your needs as well as the needs of your offsprings."

8. Security and safety of life.

(Details already described in the chapter on protection of life). (See 6:151)

9. Protection of Wealth.

Everything that a person has gained and has been lawfully acknowledged as his property, shall be protected. (Details already given in the chapter on Protection of Property). See (4:29).

10. Protection of dwellings.

To expel people from their places of residence has been declared a crime (2:85).

11. Protection of chastity.

Details have been given in the chapter on 'Zina' (Adultery).

12. Protection of aesthetics.

It means the right to satisfy one's taste for the beauties of this life remaining within the limits of the law. The Holy Quraan lays down in a challenging manner: (7:32)

"Say to them, O Rasool: who dares forbidding the adornments and elegance of life (beautiful gifts of Allah) which He has produced for His obedient people (the humans) and the agreeable and wholesome things (which He has provided) for their sustenance" (See also 7:26 and 18:31)

The Holy Quraan has presented 'life of Paradise' as the ideal life. This also includes the beautiful gifts of life. The details are as under: (76:12-16)

"This life of Paradise is the result of their perseverance and constancy. Therein they lead a life of tranquillity and authority; in Gardens 'ever succulent'; atmosphere of ardour and emancipation. They shall be reclining therein on raised thrones (of authority and discretion). They will find therein neither the sun's (excessive heat), nor excessive cold of the winter _ an everlasting spring _ thick shady trees stooping over them with fruit-laden branches; no means of sustenance or comfort shall be beyond their reach _ they shall get them without soul-exhausting efforts; food will be served to them in utensils of silver and drinks in beakers (as) of glass i.e. bright as glass but made of silver. Those utensils would have been made according to the most proportionate measures."

Let it be clearly understood that in an Islamic Order, the above mentioned things shall be available to all, and not to any one particular rank or class. In the life of paradise there shall be no separate ranks of the rich and the poor.

13. Right of the freedom of religion.

There is the freedom to adopt or forsake whatever religion one likes (2:256)

"There is no compulsion in following the way of life based on the Quraanic fundamentals". (Details already given, under the heading 'STATE AFFAIRS' __ sub-heading 'Position of non-Muslims in an Islamic State' and the protection of their places of worship.) In Surah Hajj (22nd Chapter of the Quraan) it is said: (22:40)

"Had Allah not restrained one set of people through another, (and given a free hand to the transgressors to do what they willed), there would surely have been pulled down monasteries, churches, synagogues and mosques in which the name of Allah is remembered much."

Be it clear that according to the Holy Quraan there is no punishment for 'Murtad' (i.e. one who abandons Islam for any other religion -- an apostate). When freedom of religion is the basic principle, then why should there be a punishment for change of religion.

14. Right of redress of grievances to the oppressed. (4:148)

"Allah loves not, public exposure of the evil, except by a person who has been wronged."

15. The right of a person not to bear the burden of another. (6:164)

"Every soul draws the meed of his own acts on none but himself: NO bearer of burden can bear the burden of another." This is the basic principle.

In addition to it there are certain rights which do not come under 'Laws'. These were described under different headings.

These rights mean that any law which deprives people of these rights shall be repugnant to the Quraan; also that if any society does not fulfil these rights, it can be sued in the court of law. (Details in my collection of articles in the book titled [Nau] 'Bahare-e-Nau').

The Relationship Between Crime and Punishment

The details of the Quraanic Code of Laws have all been stated but often it is being asked, "What is the relationship between crime and punishment and what is the Quraanic philosophy of punishment" In reply to this question I had published a short treatise in the monthly 'Tolu-e-Islam'. I deem it proper to include in this book the relevant parts of that article, so that this topic may become complete from this angle of vision as well.

Crime and Punishment.

1. In the Holy Quraan one finds two kinds of injunctions; (i) Moral, and (ii) Punitive. Punitive means those laws, the violation of which becomes a social crime and Moral means those laws which cannot be categorised as a social crime. For example (17:37)

"do not walk arrogantly on the earth." The Quraan ordains that he non-observance of this injunction is not a social crime. On the other hand there is injunction in which it is said: (17:32)

"Do not go near adultery or fornication". It is apparent that the non-observance of this injunction is a social crime.

However, the above said division is arbitrary only to understand the question under view, otherwise the basis of every Quraanic Injunctions aims at correction and importance of the morals and 'morals' encompasses all the means of nurture of human personality.

2. The Punitive injunctions are also of two kinds:

(i) those in which the punishment has also been prescribed by the Quraan, and

(ii) those, the punishment of which is left to the Islamic Government to determine as per exigencies of particular circumstances. For example, in the case of intoxicants (wine), its prohibition is ordained, but the punishment has not been prescribed for its non-observance.

It is an issue which warrants deep pondering that out of those injunctions for which the punishment has not been prescribed by the Quraan, which ones can be included in the list of Punitive laws. It is apparent that no single person can answer this question nor it is the right of any single person to declare a person liable to punishment on the basis of the non-observance of a Quraanic Injunction; its decision rests with the Islamic State. This also must be kept in mind that such decisions made by the Islamic State shall be liable to change as and when needed, based on the exigencies of the changing circumstances.

This is not applicable to injunctions alone; even those issues described by the Quraan as principles or in the matter of limitation [Hudood] laid down, by the Quraan; it is only the Islamic State that can declare unlawful their violation in various forms. I have not used the word 'limitations' in the sense of punishment, rather, I mean by it the sphere of freedom to act, the trespassing of which is disallowed. The limits and the principles are the two facets of one reality.

3. It is the duty of an 'Islamic Order' to create such an atmosphere within the society, in which an individual considers each of his basic rights and each of his means of living perfectly safe in such a manner that he may not have the least anxiety or fear about it. Creation of such an atmosphere is the necessary result of the Quraanic Social Order. The Quraan says that in this order the state of the individuals shall be such that: (2:38)

"On them there shall be no external fear nor shall they have any internal grief."

Such an atmosphere comes into existence by educating the people and freeing them from the worries of meeting the basic necessities of life, according to the Permanent Values of the Quraan.

But in spite of all this, there can exist such people in society as are psychologically unsound and their insanity can take away the sense of comfort and satisfaction from the society. Such a sick person has to be treated and unless he does not recover completely from this condition, it is necessary to protect the society from the dangers created by his insanity. A majority of them can be treated by improvement in their psychological correction, but in some cases fear of punishment has to be resorted to as a final measure. There are many psychological patients who can be treated by putting in them the sense of fear. This type of treatment is called 'punishment'. Its objective on the one hand, is the correction of the criminal, and on the other, the rectification of those in whose subconscious mind the germs of crime are festering. The concept of punishment for revenge is un-Quraanic.

The above described is one objective of punishment. The other objective is the compensation for the loss suffered by the person inflicted on by the criminal. For example, a person has committed theft in somebody's house, and the court has punished him with ten years imprisonment; this shall not compensate the loss suffered by the victim. Justice demands that the loss be returned to the owner. If recovery could not take place, let the Social System itself compensate the loss in kind or by paying its cost. According to the Quraanic concept of "Crime and Punishment", the plaintiff is not in fact the complainant against the criminal, he is rather a complainant against the government or Social System. It is the Social Order that had contracted to protect his property and if somebody has laid his hands on his property, it shall mean nonfulfillment of the contract on the part of the Social System; and as such the offender is the Social System and not that particular person who had committed theft. It is up to the Social System to decide whether it compensates the loss by itself or gets it done by the offender; it is not the concern of the plaintiff. It is the duty of the Social System to stand by the victim or his heirs and to become the protector of the plaintiff and his heirs: (17:33) If the Social Order does not compensate the loss of the offender, how can it become his protector and how can it claim to be his helper It is true that every loss cannot be compensated by the payment of money, yet the Social Order has got to provide compensation in any possible way, (except when the loss is the result of one's own negligence or carelessness). In addition to providing compensation, it shall be the duty of the Social System to make arrangements that such things do not happen again.

4. It has been stated above that the object of penal punishments is the treatment of the psychologically sick people. But the foremost condition for the success of the psychological treatment is that the patient develops a realisation that he has done a wrong. The Quraan explains that if he does develop a feeling of reproach, you can expect that he shall mend his ways. In such an event the Quraan forgives him instead of inflicting punishment, and the authorities shall keep a watch that he corrects himself and shall help him in his self-rectification. This is the reason that the Quraan has made provision for forgiveness (and thus correction) before the punishment. It proposes punishment only when no possibility of correction is left in the criminal except through punishment.

5. The Holy Quraan proposes corporal punishments. It does not send the thief to prison, in which case the offender himself goes on getting his food and clothings but his wife and children die of hunger i.e. members of his household suffer instead of him. As a matter of fact, the fear, which can cause the habitual offenders to mend their ways, or which can keep the potential offenders away from committing crime, can only be aroused by corporal punishments.

6. Now look at the principle which, according to the Quraan, are basic in this respect:

a) **QISAAS** _ It does not mean to inflict punishment on the offender, rather it means to pursue the criminal in such a way that he does not remain unpunished. It means that in the Quraanic System, no crime shall remain untracked. The Quraan calls a flawless and firm system of investigation, a means of providing security and safety of the social living. (2:179)

b) **JUSTICE** _ It means that while deciding a case, the status of the criminal should not affect the demand of justice in any way; (2:178)

"Free for the free and slave for the slave" shall remain its principle.

c) The punishment for a crime should be proportionate to the nature of the crime, not more. (42:40) and that too, in case where there is no chance of the offender's correction.

d) Until a crime has been established, the accused should be taken as innocent and the society ought to have a favourable opinion about him. An incident in Surah 'An-Noor' (24th Chapter of the Quraan) sums it up as follows "Some people in Madina brought an allegation against a chaste woman which the people spread it further. On this, the Quraan instructed that after hearing this scandal your first reaction ought to have been that (24:12-16) it is a fabrication, an open and grievous calumny".

It provides a permanent guidance, not to have an adverse opinion about the accused.

e) If a crime has been committed prior to promulgation of a law declaring it as such, it should not be considered a crime. It other words the application of a law cannot be made retrospectively; this shall be applicable only after its enforcement. Regarding many such injunctions the Quraan has said: (4:22)

"Except what has foregone". i.e., what happened before the enforcement of law, shall not be accountable.

f) An act not committed willfully shall not be considered cognisable. It is said in Surah 'Ahzaab' (33rd Chapter of the Quraan): (33:5)

"There is no blame on you if you make a mistake therein: (what counts) is the intention of your hearts."

But carelessness (inattention) is also a crime in itself and punishable, that is why the Quraan has also prescribed punishment in case of murder by mistake; although it is not as severe as for premeditated murder; rather it is by way of atonement.

g) Some small mistakes on the part of people who always avoid big crimes are pardonable. In Surah An-Najm, (53rd Chapter of the Quraan) it is said: (53:32)

For those who avoid major sins and shameful deeds, falling into small errors, is pardonable.

h) While prescribing punishment, the offender's intellectual level, education and upbringing, and social environments must be kept in mind. It is on this account that the Quraan had ordained punishment for fornication with women (of that period) half that of the free believing women (4:25), because in view of the circumstances under which they were brought up, high morals could not be expected from them. On the contrary the wives of the Rasoole were told that if any one of them commits a crime, their punishment should be twice that of an ordinary believing woman. (33:30)

i) The kind of Social Order that the, Quraan establishes, and the way in which its individuals are brought up, it expects of them to come forward voluntarily and accept their slips if ever they occur, and to tell the truth, even if it goes against themselves (4:135). In this verse, the Holy Quraan has presented such a lofty principle regarding evidence, in the presence of which there remains no difficulty in the administration of justice. (See chapter on 'Testimony').

7. The Holy Quraan aims at correction of the criminal: therefore it adopts all possible means to stir up in his mind the sense of contempt for crime; and in this connection presents an extraordinary (and strange) principle. It says: (4:111)

"And if anyone commits an excess or an oppression, he does so against his own self". That is, if anyone commits crime or excess against anybody, he thinks in his own mind that he has harmed somebody else, but in reality he commits the crime against his own person and thus harms his own self. Here it is said that it is the criminal's own personality that is affected and that it cannot be made good by an external punishment. It also means that if the criminal, somehow or the other, escapes punishment, even then he cannot escape the harm which he has inflicted on his own personality; because Allah's Law of Requital is such that: (40:19)

"He knows the dishonesty of the eyes and that which the bosoms hide."

Such are the teachings which make a criminal feel guilty and by so doing provide him means for self-rectification.

Yet another question arises here and it is, that after a criminal gets punishment by a court of law, does he escape accountability in the life Hereafter For this we ought to comprehend what is meant by accountability in the Hereafter The effect of every human action (even an idea) is engraved on his 'Self'; and his life Hereafter takes shape on the basis of these accumulated effects. One effect of crime falls on the society and the other on his own 'self'. Punishment by the court of law can annul the crime against the society, but it cannot obliterate the effect of the crime on his own personality. He himself shall have to make it good. For it, the first step is the feeling of guilt which results into Tauba _ or his determination to keep away from the crime. The second step is that of correction; which means to perform such constructive deeds which can compensate the loss which resulted from the crime he had committed: (11:114)

"Those deeds that are good, remove the effects of those that are evil."

The is the basic principle of the Quraanic Law of Requital. As a matter of fact, one who firmly believes in Allah's Law of Requital seldom commits a crime.

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Always Remember:
Allah is One <---> Quraan is One <---> Siraat_al_Mustaqeem is One
One Ummah <---> One Islaam <---> One Voice <---> One Worshiping Method

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Quraan is full of Wisdom (Al_Quraan_036.002)
Quraan is a Crystal Clear GUIDANCE and to understand a Crystal Clear GUIDANCE, you don't need any other GUIDANCE, (Ref: Al_Quraan_002:002, 002:185, 003:096, 003:138, 004:105, 004:174, 006:155, 010:037, 014:001, 014:005, 016:064, 016:089, 017:009, 021:010, 026:002, 038:029, 039:041) e.g. to see Sun you don't need any other Torchlight.
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And withhold yourself with those who call on their Lord morning and evening desiring His goodwill, and let not your eyes pass from them (always yes sir, till they follow the Quraan and Really Authentic Sunnah), desiring the beauties of this world's life; and do not follow him whose heart We have made unmindful to Our remembrance, and he follows his low desires and his case is one in which due bounds are exceeded. (Al_Quraan_018.028)