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STEPS TOWARDS ISLAMIC REPUBLIC OF PAKISTAN

BACKGROUND

After partition of India in the year 1947, the Government of India Act 1935 was adopted, with necessary amendments, as the interim constitution of the newly established state of Pakistan. But this was just a temporary arrangement and a permanent constitution was urgently required. The Muslim masses had reposed trust in the Muslim League mainly because the party was committed to establishing a state based on the principles of Islam. But unfortunately, a strong group of the members of the Constituent Assembly had secular tendencies and they made no secret of it. The Quaid-e-Azam (رحمۃ اللہ علیہ) repeated it time and again that the future constitution of Pakistan shall be framed on the basis of the principles laid down in the Holy Quran and the Sunnah.

Eminent Ulama joined hands to motivate public opinion in favour of an Islamic constitution, people rallied around them in great numbers and this campaign soon developed into a massive popular movement. It was under these circumstances that the Constituent Assembly adopted the famous "Objectives Resolution" on March 12, 1949. The Resolution was moved in the Assembly by the first Prime Minister Nawabzadah Liaquat Ali Khan.

The Objectives Resolution

SALIENT FEATURES

Sovereignty of Allah: The Resolution affirms that the sovereign (ruling) authority belongs to Almighty Allah Alone.

Democracy: Power to rule the state has been delegated by Allah to the people of Pakistan it is a "sacred trust" and the people of Pakistan shall exercise their authority strictly in accordance with divine injunctions. Power of the state shall be exercised through the chosen representatives of the people.

Islamic Conduct of State: Islamic principles of democracy, freedom, tolerance and social Justice shall be observed.

Promotion of Islamic Way of Life: Facilities will be provided to the Muslims in order to enabling them to model their lives in accordance with the teachings of the Quran and the Sunnah (i.e. the model set by Hazrat Muhammad (ﷺ) *peace and blessings of Allah be upon him*).

Safeguard of Minority Rights: The non- Muslim will be guaranteed all fundamental human rights. Particularly the rights of their religious and cultural development.

Independence of Judiciary: The judiciary in accordance with the Islamic principles shall be made totally independent of the executive and the legislative organs of government.

Safeguards of Fundamental Human Rights: All fundamental rights of the citizens like freedom, equality, ownership of property, freedom of expression, faith, worship and formation of associations shall be safeguarded and no citizens shall be denied any of these rights.

SIGNIFICANCE AND IMPACTS

The first and the foremost problem for the Constituent Assembly were of deciding the character of the state of Pakistan. The Objectives Resolution decided it nicely:

- It clearly stated that Pakistan shall be an Islamic Republic.
- Under the Objectives Resolution the state of Pakistan, for the first time, officially proclaimed Islamic social order to be its ultimate objective, and it clearly stated that Islamic injunctions shall serve as guiding principles for constitution making.
- The Objectives Resolution exhibited national consensus and it was endorsed by the Ulama from all schools of thought.
- The Resolution was made a part of the preamble in all the successive constitutions of Pakistan.
- Preambles are not, generally, justiciable parts of the constitutional documents, being recommendatory in nature these are not legally binding and cannot be invoked before the courts of law. In order to give the Objectives Resolution a legal status it was made a part of the text of the constitution under eighth amendment.

Islamic Provisions of the 1956 Constitution

Sovereignty of Allah: The Objectives Resolution was incorporated in the Preamble of the Constitution. The Preamble said that the sovereign authority of the Universe belongs to Almighty Allah. Power to rule the state is a sacred trust entrusted to the people of Pakistan by Allah Almighty.

Islamic Republic: For the first time the state was proclaimed an Islamic Republic and it was given the name of the Islamic Republic of Pakistan.

Muslim Head of the State: Under the Constitution only a Muslim could be elected as president of the Islamic Republic of Pakistan.

Democracy, Justice, Liberty, and Equality: The Preamble said that the Quaid-e-Azam (رحمہ اللہ علیہ) envisioned Pakistan as a democratic state based on the Islamic principles of social justice, liberty, and equality. The state of Pakistan shall enable its citizens to model their lives in accordance with the tenets of Islam.

Implementation of the Islamic Law: Article 98 of the Constitution provides that no law repugnant to the spirit of Islam shall be enacted. Existing laws shall be brought in conformity with the spirit of the Quran and the Sunnah.

Promotion of Islamic Values: Directive Principles of State Policy provided for the preservation and promotion of Islamic values. It was said that illiteracy shall be eliminated, working conditions of the laborers shall be improved, *riba* (usury), gambling, drinking and prostitution shall be eliminated. The government shall try to ensure that all the citizens are provided food, shelter, clothing and basic health facilities.

Relations with the Muslim Countries: Guiding Principles of State Policy laid great stress on the Improvement of Pakistan's relations with the Muslim countries of the world.

Islamic Provisions of the 1962 Constitution

Sovereignty of Allah: The Objectives Resolution was incorporated in the Preamble of the Constitution. The Preamble said that the sovereign authority of the Universe belongs to Almighty Allah. Power to rule the state is a sacred trust entrusted to the people of Pakistan by Allah Almighty.

Islamic Republic: The state was named the Republic of Pakistan in the original text of the Constitution, but it was later amended as the Islamic Republic of Pakistan. This was done on strong public protest.

Muslim Head of the State: Only a Muslim could be the President of the Republic. Since this was a presidential constitution, office of the prime minister did not exist under this constitution.

Supremacy of the Islamic Law: Existing laws shall be amended in the light of Islamic Principles, and it will be ensured that all laws passed in future conform to the tenets of Islamic Shariah.

Establishment of Islamic Society: The state shall try to provide the Muslims of Pakistan environment congenial for Islamic way of life. The Muslims of Pakistan shall be enabled to

model their lives in accordance with the tenets Islam. The society shall be purged of the vices like usury, prostitution, gambling and drinking.

Safeguard of Islamic Institutions: The Constitution promised that the Islamic institutions like zakat, auqaf and masajid shall be organized by the state and that the real Islamic spirit and character of these institutions shall be preserved and promoted.

Building of a Progressive Welfare Society: The Constitution made a vow to make Pakistan a progressive welfare state.

Safeguard of Minorities: The Constitution provided that the minorities shall be provided religious liberty according to the Islamic scholars spirit of tolerance.

Establishment of Islamic Society: New Problems arise as new realities emerge with the change of times. In order to find out the solution of these problems in the light of Islam a body of Islamic Scholar namely "Islamic Research Institute" was created.

The Islamic Advisory Council: In order to assist the president and the legislative assemblies in the process of making new laws in accordance with the Islamic tenets and for the Islamization of the existing laws, the Constitution provided for the establishment of the Islamic Advisory Council. The Council was to be constituted of eminent jurists, religious scholars and academics.

Islamic Provisions of the 1973 Constitution

Sovereignty of Allah Almighty: The Preamble of the Constitution was framed on the basis of the Objectives Resolution. The Preamble opens with "*Bismillah-hir-Rahman-nir-Raheem*" and continues with these words:

"Whereas sovereignty over the entire universe belongs to Almighty Allah alone, and the authority to be exercised by the people of Pakistan within the limits prescribed by Him, is a sacred trust..."

The Objectives Resolution did not form a justiciable part of the text of the Constitution. It pronounced just the moral responsibilities of the state of Pakistan and not its legal obligations. Under the 8th amendment the Resolution was made a justiciable part of the text of the Constitution, the amendment has, so far, failed to produce anything substantial because of a serious lacuna it had. It was not made clear that if the state fails to fulfill the obligation set out in the Objectives Resolution, what legal remedies shall be available to the people of Pakistan for seeking redress.

The Islamic Republic: The State was proclaimed an Islamic Republic.

State Religion: For the first time in the constitutional history of Pakistan, Islam was clearly proclaimed to be the religion of the state. Constitutions of 1956 and 1962 were silent on this point.

Muslim Heads of the State and Government: Only a Muslim could be elected to the offices of the President and the Prime Minister. Under the 1956 Constitution this condition applied to the President only and not to the Prime Minister. In the 1962 presidential constitution office of the prime minister did not exist:

Definition of the Muslim: This was for the first time in Pakistan that a constitution defined "Muslim" in unambiguous terms. This definition was incorporated as a part of the oath of office to be administered to the President and the Prime Minister under third schedule of the Constitution. Under this definition a person who did not believe in the finality of of Nabi Hazrat Muhammad ﷺ ceases to be a Muslim. This point was further clarified by the constitutional amendment declaring *Lahori* and *Qadiani* Sects of *Mirzais* as non-Muslim minorities.

Establishment of an Islamic Society: The Preamble of the Constitution says that the people of Pakistan aspire to establish a system based on the Islamic principles of democracy, tolerance, freedom, equality and social justice. The Principles of Policy enunciate that steps will be taken to enable the people of Pakistan to order their lives in accordance with the Islamic injunctions. Article 227 of the Constitution further adds that all present laws shall be brought in conformity with the tenets of Islam through amendments, and now law, repugnant to the spirit of Islam, shall be passed in future.

The Principles of Policy further envisage that the state shall try to make the learning of the Holy Quran and Islamic education compulsory, encourage the learning of Arabic, and ensure error-free printing of the Holy Quran.

Preservation of Islamic Institution and values: Under the Principles of Policy the state has been held responsible for the proper organization of zakat, auqaf and masajid, provision of the necessities of life to the destitute and the needy, improvement of the working conditions of the laborers, and the elimination of vices like ignorance usury, prostitution and gambling.

Affirmation of the Pakistan Ideology: The Prime Minister by virtue of his oath (under schedule III), is duty bound to preserve the Islamic ideology, which, according to the Constitution, forms the basis of the creation of Pakistan.

The Council of Islamic Ideology: The Constitution provides for the establishment of a Council of Islamic Ideology. The Council shall be constituted of the experts of Islamic

Shari'ah and jurisprudence. In order to bring all laws, present and prospective, in conformity with Islam, the Council shall provide guidelines and make recommendations to the legislative assemblies, the President and the Prime Minister.

Solidarity with the Muslim World: Principles of Policy envisage that the state shall establish friendly relations with the Muslim countries of the world on the basis of Islamic fraternity.

Steps towards Islamization (1949-1977)

Nizam-e-Islam Movement: During the days of independence movement the Muslim League had pledged the establishment of an Islamic state. When the constituent assembly was established after Partition and it started working, the people demanded that it should make a clear commitment regarding the Islamic character of the future constitution of Pakistan. Soon this demand turned into a massive movement, known as Tehrik-e-Nizam-e-Islam.

The Objectives Resolution: On public demand the Constituent Assembly adopted the Objectives Resolution in March 1949. The Resolution envisaged that sovereignty belongs to Allah Almighty alone and that the state of Pakistan was committed to establishing a system based on the Islamic principles of democracy, equality and social justice.

Twenty Two Points of the Ulama: Ulama from all schools of thought joined hands to formulate twenty two agreed principles which could serve as the foundation of an Islamic system of government for Pakistan.

Islam and Constitution Making: The Objectives Resolution formed a part of the preamble in all the three constitutions of Pakistan i.e. 1956, 1962, 1973. Under the eight amendment adopted in the year 1985 the Objectives Resolution was for the first time made a justiciable part of the text of the Constitution. Pakistan was declared to be an Islamic Republic in all the Constitutions of Pakistan. Only a Muslim could be the head of the state. Institutions like the Islamic Advisory Council were established for the interpretation of Islamic injunctions to suit the changing circumstances.

Tehrik-e-Nizam-e-Mustafa ﷺ: Public sentiments expressed during the Nizam-e-Mustafa ﷺ movement in the year 1977 made it obvious that the people were extremely dissatisfied with the process of Islamization being carried out by the government then in power. As a result of this movement, the government was overthrown and the government that followed took up the issue of Islamization with new vigor and zeal and took some concrete steps towards the Islamization of the political system and society.

Steps towards Islamization (Since 1977)

JUDICIARY AND LEGAL SYSTEM

The gradual process of Islamization of the judicial system and law started on 12 Rabi-ul-Awwal 1399 AH (Feb. 10, 1979) followings important steps were taken:

1. Islamic penalties were imposed on the crimes like drinking, stealing, adultery and false allegation of adultery.
2. A Federal Shari 'at Court was established at Federal level, its status was equal to that of the High courts. Ulama and the experts of Islamic jurisprudence were appointed as judge at this Court.
3. Un-Islamic practices in the court procedures were abolished.
4. Feeling that the successful implementation of the Islamic law cannot be made possible without the help of experts trained especially for this purpose, a Shari'ah Faculty and an Islamic University was established in Islamabad. Qazi classes were started in the institutions of religious learning.
5. The Objectives Resolution was made a justiciable part of the Constitution.

FINANCIAL MATTERS

1. Nizam-e-Zakat was introduced in the country on June 20, 1980, First contribution worth Rs. 2.25 billion was made by the government itself.
2. From January 1st 1981, banks and other financial institutions started a programme of operating interest-free economy, interest from certain categories of banking practices was eliminated as the first step.
3. Collection and distribution of *Ushr* started from the Rabi crop in 1983.

REVIVAL OF THE RELIGIOUS SPIRIT

Architects of the news Islamization programme felt that an Islamic state cannot be established merely by implementing certain pieces of law and by passing certain executive order. They were aware that the concept of a real Islamic state can materialize only in a society truly Islamic in character. To give the society an Islamic colour and character following important steps were taken:

1. Congregational *Zuhr* prayers were made compulsory in all government institutions.

2. Taking food and drinks at public places was strictly prohibited during the month of Ramazan.
3. Insulting or passing derogatory remarks about the pious caliphs and members of the Rasool ﷺ household (Ahl-e-Bait) was made a penal offence.
4. With a purpose to fight the vices like illegal gratification, corruption and inefficiency of the government functionaries, a new office of Ombudsman (also known as the, Wifaqi Mohtasib) was created in the federal government.
5. Radio and television started broadcasting 'Azan', interposing their routine transmissions.

EDUCATION

1. Islamic Studies were made a compulsory subject for all examinations up to Degree level.
2. In order to enhance the prestige of the ulama in the society higher degrees of the religious institutions were recognized to be at par with BA and MA degrees.
3. Religious teachers in the Armed Forces, for the first time, were given the status of commissioned officers.
4. A Masjid Maktab Scheme was introduced for the Islamization of education system at elementary level.
5. *Fiqh* (Islamic Jurisprudence) was introduced as a compulsory subject for law graduated.

BUILDING OF THE ISLAMIC NATIONAL SPIRIT

1. Pakistan Studies were introduced as a compulsory subject.
2. Wearing of the national dress was encouraged and in some cases made compulsory in the courts and other government institutions.
3. President Zia-ul-Haq established the tradition of delivering formal addresses in the national language and encouraged people to speak Urdu.

ISLAMIZATION OF THE ELECTRONIC MEDIA

1. Radio and television were used for the promotion of national spirit and for the building of an Islamic image of the nation.
2. Indecent and un-Islamic programmes were banned at the media.
3. Television and radio were used for the teaching of the Holy Quran and Arabic.

4. Regular practice of live Hajj transmissions and other important religious events was started.
5. Number and duration of the religious programmes broadcast by radio and television was greatly increased.

SHARI'AH BILL: In the year 1991 the Parliament passed a Sharjah Bill. The Bill was initiated with the purpose of implementing Islam as the effective and justiciable law of the land. It was held that the Bill would be a step forward from the previous practices of making high sounding proclamation and adding certain fruitless clauses to the constitutional text.

Obstacles Interposed in the Way of Islamization

The Objectives Resolution was passed in March 1949. All the basic principles required for making Pakistan an Islamic state were incorporated in the text of this Resolution. We have already studied that all the three constitutions of Pakistan (1956, 1962, 1973) conformed to the basic principles laid down in the Objectives Resolution and provided all constitutional moorings required for keeping the ship of the state in Islamic waters. We can claim today that Pakistan has an excellent Islamic Constitution, but there are certain questions which remain yet to be answered. Has this Constitution succeeded in making Pakistan an ideal Islamic state and establishing a perfect Muslim society, are we making some real progress towards the attainment of our cherished ideals. The answer is probably in the negative. We have a long way to go, selfless efforts we need to put and every citizen has to play a role.

We must admit that the strategy of Islamization, we adopted in the past, had many shortcomings. Islamic state emerges out of an Islamic society. Only a people with real Islamic character and committed to total subservience to Allah's commandments can form a society truly Islamic in character. Character building is a democratic process and requires an enormous amount of sustained but reticent labour. Major components of this struggle are; education, purification of soul and calling people to the right path by invoking their reason and sense of judgment. This, of course, is to be done through peaceful persuasion and opinion forming. When an Islamic society is formed, the state that emerges as a natural corollary of the political process that takes place in this state is democratic and Islamic in essence. In a democratic society law is considered to be the reflection of the "general will" of the society and not vice versa. Laws do not create societies, societies create laws. An Islamic state cannot be created merely by proclaiming or implementing certain constitutional or legal instruments. True, that laws do not create states or societies,

but they can certainly play a role in helping the states and societies express their “general will” effectively.

It was as early as the third year of prophet hood that The Rasool ﷺ was offered the over lordship of Makkah by the Quraish. The Rasool ﷺ turned down the offer, probably because, at that time, he did not command the support of the majority of people in Makkah. Number of the Muslims in the city was extremely meager as compared to the non-believers, and The Rasool ﷺ knew that no state can be transformed into an Islamic state by mere implementation of law or exercise of administrative authority, and that a state legislating against the “general will” of the people is bound to fail. The Rasool ﷺ adopted the strategy of converting the people through education and *da’wa* (opinion forming and persuasion through peaceful means). Following the path of The Rasool ﷺ, in true order of things, the task of imparting Islam should come before implementing Islam, and the difficult task of creating an Islamic society should precede the establishment of an Islamic state. Trying to form an Islamic state in an un-Islamic society is like starting to build an edifice from the top. If we are really serious about or professions regarding the establishment of an Islamic state, we should take up the task of building a nation spiritually sound and morally strong. This is an enormous task which can only be accomplished through education and *da’wa* and not merely through coercion or authoritative measures.

Right and Responsibilities

RIGHTS

English word “Right’ has numerous meanings but when used in a specific sense as a concept of social sciences it implies “the power to do or enjoy something which is approved or recognized by other members of the society”. Philosopher H. J. Laski has defined ‘Rights’ as:

“Those conditions of social life without which no man can seek, in general to be his best self.”

The concept of rights is as old as human history itself. The Holy Quran says that before descending the Adam on the earth Allah gave him *Huda* or the guidance for the right path, this code embodied all fundamental human rights. One of the two first sons of Adam, Cain (*Qabeel*) murdered his brother Abel (*Habeel*). In this way he became the first human person to transgress the most paramount human right i.e. right to life. Rasools were sent for guiding the people to Allah’s path as well as for safeguarding the rights of the weaker and the down-trodden against trespass from the powerful and the authoritative. Islam took

cognizance of the fundamental human rights at such a time when humanity had almost totally forgotten the teachings of the messengers of Allah. Hazrat Muhammad ﷺ said “render unto others what you would like others to render unto you”. This implies that if a man would like to see his right of life protected against trespass from others, he should himself respect others’ right to life, if one likes his honour and prestige to be upheld by others he should look that the prestige and honour of his fellow beings in maintained and protected by him. Hazrat Muhammad’s ﷺ Sermon of the last Hajj (*Khutab-e-Hijjatul-Wida*) is the most comprehensive treatise on human rights. The first pious Caliph Hazrat Abu Bakr (رضي الله عنه) said that the most powerful of you is the weakest unto me until I have forced him to restore the right of the weaker and the weakest of you is the most powerful unless his right has been restored. The people of England got their fundamental human rights recognized for the first time in the year 1215 under a charter granted to them by a king. It is known as the Magna Carta, incidentally this came six centuries after the Rasool ﷺ had given his charter of rights at Makkah. The people of France and the US had to wait for six more centuries before they got their fundamental rights upheld.

In our age a chapter on fundamental right is considered to be an essential part of all democratic constitutions. These rights are made justiciable, which means that the courts are endowed with powers to safeguard and administer the fundamental rights.

What Rights Imply?

Following are the basic characteristics of rights:

1. Rights are the basic conditions of civilized life.
2. State exercises its power to safeguard human rights. Rights can only be preserved with the help of the state.
3. Rights are uniform in nature. This implies that all citizens have equal rights.
4. Rights are inviolable; no citizen can be deprived of his or her fundamental rights unless it is imperative for the fulfillment of a constitutional or legal requirement.
5. Rights and duties are organic to each other; one person’s right is another person’s duty.
6. Rights are the values on the basic of which a society determines its norms of right and wrong, just and unjust.

DUTIES OR RESPONSIBILITIES

‘Duties’ is the term used very commonly in social sciences. It implies an individual’s responsibilities towards other members of the society. ‘Duty’ has been defined as:

“Something that one does either because it is part of one’s job or because it is morally or legally right that one should do it”.

In other words, a rightful claim of ‘B’ on ‘A’ is A’s duty.

What happens if duties are not fulfilled?

Rights and duties are co-related and interdependent. Every right that we enjoy implies a duty that we must perform. Rights and duties are two faces of the same coin. These are organic to each other and cannot be separated. Failure to understand the inextricable link between rights and duties can bring disaster to a society. This relationship has three different aspects:

1. Rights and duties are social in character, these are reciprocal. A’s rights is B’s duty and B’s right is A’s duty. For example, A’s right to life imposes upon him a duty that he should protect other’s life. If A does not fulfill his duty and takes somebody’s life; his own right to life is forfeited and he is sentenced to death. A social scientist has rightly remarked:

“It is futile to consider whether rights are prior to duties or vice versa. They are the counterparts of each other. If everyone insisted on his rights but neglected his duties towards others there would soon be no rights left for anyone.”

2. Rights not only imply reciprocity, they also demand restraint because “they are not means to satisfy individual caprice and desire alone, they are intended to serve some useful purpose. An individual should exercise his rights in such a way as to secure the greatest good not merely for himself but to the whole community”. For instance, my right to freedom of expression does not allow me to preach violence or sectarian hatred.
3. Rights and duties are not only reciprocal they also have a third party to observe and guarantee their proper implementation. This third party is state. State punishes those who do not perform their duties and it safeguards the right of the citizens.

The Rasool ﷺ saying that one should treat his brother (fellow beings) in a way he would like to be treated by them, is more valuable than thousands of books written on the

relationship of rights and duties. This one simple sentence can serve as a complete and perfect code of human relationship and no philosophy or social science can stand equal to it.

Human Rights

Following are the terms used commonly to explain different aspects of human rights.

- **Natural Rights:** There are certain rights which are twin born with humanity. These are called natural rights. Hazrat Omer (رضي الله عنه) said: "All men are free when their mothers give birth to them; nobody has a right to enslave them".
- **Social Rights:** Social rights are those powers or claim which are upheld by the society or public opinion. Social rights are also called moral rights.
- **Legal Rights:** Moral pressures, sometimes, prove too weak and ineffective to deal with those few who have a mind to violate them. If this happens the authority of the state is invoked and the rights are enforced with the help of state authority. Rights protected by state laws are called legal rights.
- **Fundamental Rights:** Fundamental Rights form that portion of the legal rights, as are essential for the survival and development of a citizen's personality. Civilized world has now arrived at a general consensus regarding their content and nature. The UN Charter and constitutions of all democratic countries have defined and provided guarantees for the fundamental rights.
- **Civil Rights:** Fundamental rights have two further divisions i.e. (i) Civil rights. (ii) Political rights. Civil rights form that portion of fundamental rights which provide guarantees for the protection of a citizen's life, property and the development of his personality.
- **Political Rights:** Political rights enable a citizen to participate in the affairs of a state by taking part in the political process.

IMPORTANT CIVIL RIGHTS

1. Right to life.
2. Right of ownership and inheritance.
3. Right to family life.
4. Right to congregation and assembly.
5. Right to make contracts.
6. Right to freedom of opinion and expression.

7. Right of forming associations.
8. Right to education.
9. Right to faith and belief.
10. Right to free movement.
11. Right to correspondence and its secrecy.
12. Rights of equality before law.
13. Economic Rights (i.e. right to be provided with the basic necessities of life and the right against bonded labour and slavery)
14. Right of gender equality.

IMPORTANT POLITICAL RIGHTS

1. Right to vote.
2. Right to represent.
3. Right of equal access to public offices.
4. Right to criticize and recall the elected representatives.

Last Hajj Sermon of The Rasool Hazrat Muhammad ﷺ :

The Most Comprehensive Charter of Human Rights

In Zil Hijjah 10th 632 AD) The Rasool ﷺ performed his first and last Hajj after Hijrah. The sermons that The Rasool ﷺ gave at different places, taken together exhibit the essence of Islamic faith. The authentic books of Hadith, *Bukhari*, *Abu Daood* and *Muslim*, have recorded full texts of these sermons as well as the details of the occasions and places where these sermons were delivered. These are very authentic accounts supported by the reporters. Scholars have compiled these sermons in the form of a single consistent discourse, referred to as *Khutbat-e-Hijjatul-Wida'*. This Sermon forms one the most important treatise in human history on the subject of human rights. We shall study important principles embodied in these sermons under separate heads.

Elimination of the Practices of Jahiliah: The Rasool ﷺ said:

“All practices carried out in the period of *Jahiliah* are under my foot.”

This meant that inhuman pre-Islamic practices were no more valid. The practices condemned were; rule of man over man, autocracy, dictatorship and religious coercion. Islam put an end to all these practices of the dark ages.

Equality: The Rasool ﷺ said:

“Remember! Your Rab (Preserver) is one; your father is one. Yes! An Arab has no superiority over a non-Arab (*Ajami*), and a non-Arab over an Arab, red over black, or black over red, but on the basis of Allah fearing (*Taqwa*)”.

Elimination of Slavery: Slavery was a centuries old institution and was deeply ingrained in the social texture of the society. To eliminate slavery with one single executive order or an authoritative piece of legislation would result in the disintegration of the entire cultural set up. Being a system based on natural wisdom, Islam suggested a policy which would eliminate slavery through a gradual but effective process. Masters were made to deal with their slaves under such restrictions that the slaves acquired a social status almost equal to that of their masters. Naturally, the masters started setting their slaves free and the society was gradually purged of the vice of slavery. The Muslim societies were the first in the world to get rid of this curse, in countries like the United States of America the practice continued till nineteenth century. (Abraham Lincoln was able to eliminate slavery after a long drawn out war.) The Rasool ﷺ in his last sermon said:

“Your slaves, your slaves! Give them to eat what you yourself eat, give them to wear like you yourself wear.”

Rights of Life and Property: For a Muslim no place on earth can be more sacred than the holy shrine of Kabah. The Rasool ﷺ said that the blood and property of others is more sacred than the Ka’bah.

Rights of Honour and Prestige: The Rasool ﷺ said that everyone has an inviolable right that his honour and prestige be preserved at the hand of others and this sanctity in valid till the Doomsday.

Religious Moderation: The Rasool ﷺ warned his followers against the dangers of religious extremism; he said that the former nations were exterminated only because they adopted extremist practices in matters of religion and faith.

Legal Rights: The Rasool ﷺ clearly proclaimed that no person can be punished for a crime which someone else has committed, so much so that even a son cannot be punished on account of the crime committed by his father, he said:

“Yes the culprit is responsible for the crime he has committed, neither son for the crime of his father nor the father for the crime committed by his son.”

Rights of the Rulers: The Rasool ﷺ said that the rulers have a right to be obeyed and followed.

Rights of Inheritance: All rights of inheritance had been set forth explicitly in the Holy Quran and the Sunnah, The Rasool ﷺ said that nobody has a right to violate the stipulated rules of inheritance and deprive anybody of his legal rights. He said:

“Allah has given everybody his due in inheritance: nobody has a right to make a will in favour of anyone of his inheritors”

Rights of Women: Before the advent of Islam women were not treated as human individuals, they were rather, treated as articles of property. Islam gave them honour and endowed them with human status. In his last sermon The Rasool ﷺ said;

“Fear Allah in your dealing with the women, you have rights unto them and they have rights unto you.”

End of Vengeance and Hatred: The most dangerous sentiments that cause disruption in human society are the sentiments of hatred and vengeance. The Rasool ﷺ set an example of forgiveness, the like of which cannot be found in the entire human history. In his address of *Hijjatul-Wida'*, The Rasool ﷺ said:

“All bloods shed in the days of *Jahilah* and their vengeance are void from this day. First of all I forgive the blood of my own family i.e., the blood of Rabia Bin Harith”

He added:

“All amounts accruing as interests on the loans advanced in the days of *Jahiliah* are hereby remitted, first of all I remit the interest on (my uncle) Abbas Bin Muttalib's loans.”

Reference for other rights: The Rasool ﷺ sermons of *Hijjatul-Wida'*, like all his sermons, were very brief and comprehensive, obviously all the details of the matters could not be discussed in these sermons. The Rasool ﷺ advised his followers to refer to the Holy Quran and the Sunnah for elaborate guidance, he said:

“People! Listen to me attentively; I have communicated to you the message of Allah. Now I am leaving between you two things. You will not lose the right path until you will remain closely attached with these two things, i.e. the Book of Allah and the Sunnah of his Rasool ﷺ”.

Fundamental Human Rights Adopted by the UN

The United Nations Organization was established in the year 1945, with a purpose of establishing peace in the world and creating an environment congenial to the preservation of human rights and liberties. Fundamental rights, which every person as a human being and not merely as a citizen should enjoy, have been elaborately enlisted in the Universal Declaration of Human Rights. This declaration was adopted by the United Nations on December 10, 1948. Given below are the salient features of this Declaration.

Equality: All human beings are born free and equal in dignity and honour; they are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Discrimination to be abolished: Every one is entitled to all rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Rights of Self-preservation: Everyone has the right to life, liberty and security of person.

Prohibition of Slavery: No one shall be held in slavery or servitude; slavery and slave trade shall be prohibited in all their forms.

Prohibition of Inhuman Treatment: No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Equality before Law: Everyone has the right to recognition everywhere as a person before the law.

Right of Legal Defense: Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defense. No one shall be held guilty of any penal offence on account of any act omission which did not constitute a penal offence under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

Rights to Family and Private Life: No one shall be subjected to arbitrary interference with his family, home or correspondence, nor to attack upon his honour and reputation. Everyone has the right to the protection of law against such interference or attacks.

Right to Free Movement and Residence: Everyone has the right to freedom of movement and residence within the borders of each state.

Right to Family Life: Men and women full of age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. The family is the natural and fundamental unit of society and is entitled to protection by society and the state.

Right to Property and Ownership: Everyone has the right to own property, alone as well as in association with others. No one shall be arbitrarily deprived of his property.

Right to Freedom of Thought Conscience and Religion: Everyone has the right to freedom of thought, conscience, and religion, this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Right to Peaceful Assembly: Everyone has the right to peaceful assembly and association. No one may be compelled to belong to an association.

Political Rights: The will of the people shall be the basis of political authority of government. This will of the people shall be expressed in periodic and genuine elections. Everyone has the right of equal access to public services in the country.

Right to get Employment: Everyone has the right to work, to free choice of employment, to just and favorable conditions of work and the protection against unemployment.

Right to Leisure and Rest: Everyone has the right to rest and leisure including reasonable limitations of working hours and periodic holidays with pay.

Right to Basic Necessities: Everyone has the right to the standard of living adequate for the health and wellbeing of himself and of his family, including food, clothing, housing and medical care, and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, in circumstances beyond his control. Motherhood and childhood are entitled to special care and assistance.

Right to Education: Everyone has the right education; education should be free, at least in the elementary and fundamental stages. Education shall be directed to full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups and shall further the activities of the United Nations for the maintenance of peace.

The Last Hajj Sermon

And the United Nation's Declaration of Human Rights

(A COMPARATIVE STUDY)

United Nations Declaration of Human Rights is an excellent and comprehensive document of human rights. Every noble and civilized human being should uphold the principles stipulated in this Declaration. Yet there are two things that need special consideration; first that the lessons that humanity learned after centuries of devastation and war, were set forth by The Rasool Hazrat Muhammad ﷺ, very clearly and precisely and in absolutely easy to understand terms nearly 1386 years before the UN Charter was adopted. Second important thing to note is that the UN Declaration of Human Rights is simply a statement of beautifully worded human aspirations and wishes; it is not supported by a moral, legal or executive authority to make its observance imperative. The UN has no power to enforce it. In contrary to this the *Hijjatul-Wida'* Sermon of The Rasool ﷺ not only sets forth the detail of the fundamental human rights, it also provides a mechanism to make their implementation possible. All Islamic states are duty bound to implement these rights and all the Muslims are individually answerable to Allah in respect to them.

EXERCISE

Q. 1. Fill in the blanks to make an appropriate statement.

1. Only a Muslim could be the of Pakistan under the 1956 Constitution.
2. Islam was declared to be the state religion under the Constitution of Pakistan.
3. Republic of Pakistan was re-named as The Islamic Republic of Pakistan through an amendment under the Constitution of Pakistan.
4. Under the Constitution only a Muslim could be the President of Pakistan.
5. The Rasool ﷺ remitted the interest accruing on the debts run by his uncle bin Muttalib.

Q. 2. Fill in the blanks by putting one of the three alternatives given in the bracket against each question.

1. Under the amendment the Objectives Resolution was made a part of the text of the 1973 Constitution. (First, Second, Eight)
2. Only a Muslim could be the of Pakistan under the 1962 Constitution. (President, Prime Minister, President and Prime Minister)

3. The Rasool ﷺ said "I absolved the price of the blood of my family member
..... (Abdul Mutalib, Rabi'a-bin-Harith (RA), Zaid-bin-Saibt (RA))
4. The Rasool ﷺ said I am leaving among you two things and my
Sunnah. (The Holy Quran, Prayers, Faith)

Q. 3. Indicate whether the statement is TRUE or FALSE; put a circle around the correct answer.

1. The 1962 Constitution asserts that Islam is the basic of Pakistan ideology. (True/False)
2. Arabs are superior to non-Arabs. (True/False)
3. The Rasool ﷺ was offered the seat of government authority at Makkah
..... in the third year of Prophet hood. (True/False)
4. An Islamic state can be established merely by proclaiming Islamic law. (True/False)
5. Nizam-e-Zakat was implemented on June 20, 1980. (True/False)

Q. 4. Put right parts together.

A	B
The Objectives Resolution	<i>taqwa</i>
The Lahore Resolution	The Arab
The non-Arab	March 1949
Standard of Superiority	1215
The Magna Carta	March 1940

Q. 5. Answer each question in two to four lines.

1. Define Muslim according to 1973 constitution.
2. Give an account of the measures taken after 1977 for Islamization of the financial matters.
3. What steps were taken for Islamization of Judiciary and laws after 1977.
4. Compare and contrast Hijjat-ul-Wida' and the UN Declaration of Human Rights.
5. Give three important characteristic of rights.
6. Narrate three important Islamic provision of 1956, Constitutions.
7. Define rights Narrate important points of objective resolution and also describe its importance.

Q. 6. Answer these questions extensively.

1. Write a note on the Objectives Resolution.

2. Give a detailed account of the Islamic provisions of the 1956 Constitution of Pakistan.
3. Give an account of the Islamic provisions of 1962 Constitution of Pakistan.
4. Give an account of the Islamic provisions of 1973 Constitution of Pakistan.
5. What happens if the balance between the rights and duties is not maintained? Discuss.
6. Give an account of the obstacles in the way of Islamization and how, in your opinion these can be removed?
7. Enlist the salient features of the UN Character of Human Rights.
8. Define rights and duties? Explain their relationship to each other.
9. Khutba-e-Hijjat-ul-Wida' is the most comprehensive charter of human rights. Discuss.
