Chapter - 2

Islamic Concept of Human Rights
**Concept of Human Rights**

The ‘Rights’ in the modern term are those conditions of social life without which no man can seek in general to be himself at his best. If men have to live in a society, they must have rules by which to regulate their conducts towards one another. If rights are privileges, they also involve duties and obligations.

It is through the exercise of rights and performance of duties that an individual becomes a citizen. The rights and duties arise out of social relations of the people and form the basis of an organised society. It is claimed that the verses of Holy Qur’ân and the Sunnah of the Prophet (صلى الله عليه وسلم) are not directly related to the modern concept of human rights. The common impression is that the Qur’ân emphasises human duties rather than rights. It should not be overlooked, however that the free performance of a divinely ordained duty becomes the correlative of a right that may have an individual as well as a collective frame of reference. It is the supreme object of the good life contemplated by the Qur’ân that would fix the contours of the rights of human individuals or groups. The concepts of human dignity receive clear exposition in the Qur’ân and some right would seem to be defensive ramparts of the citadel of human dignity. But there are various verses which can be treated as the foundation stone of human rights in Islam. It would be better to discuss the verses of Holy Qur’ân and the Sunnah of the Prophet (صلى الله عليه وسلم) to elaborate the viewpoint.

**Right to Education**

Islam recognizes this right as one of the most important basics and first among the rights which is granted to humankind by the Almighty Allah. This concept we can trace in the very first revelation of the Holy Qur’ân. This was revealed for the benefit of humanity. It is for individuals to learn more day by day; nations and humanity at
large to learn fresh knowledge at every stage. The main emphasis behind to select and place the right to education as primary, is that without education no right in its proper context and background would be understood. Verse as follows:

اقرأ باسم ربك الذي خلق. خلق الإنسان من علق. أقرأ وربك الأكرم.
الذي علم بالقلم. علم الإنسان مالم يعلم.

"Proclaim! (Or Read!) In the name of thy Lord and Cherisher Who created. Created man out of a (mere) clot of congealed blood: Proclaim! And thy Lord is Most Bountiful. He Who taught (the use of) the Pen. Taught man that which he knew not".

Iqraa may mean ‘read’, or ‘recite or rehearse’, or ‘proclaim aloud’, the object understood being God’s Message. For an account of the circumstances in which this first revelation – the divine commission to preach, and proclaim God’s Message came to the Holy Prophet (صلى الله عليه وسلم), in the cave of Hiraa. In worldly letters he was unversed, but with spiritual knowledge his mind and soul were filled, and now had come the time when he must stand forth to the world and declare his mission.

The declaration or proclamation was to be in the name of God the Creator. It was not for any personal benefit to the Prophet (صلى الله عليه وسلم): to him there was to come, bitter persecution, sorrow, and suffering. It was the call of God for the benefit of erring humanity. God is mentioned by his title of “thy Lord and Cherisher”, to establish a direct nexus between the source of the Message and the one addressed. The Message was not merely an abstract proposition of philosophy, but the direct concrete message of a personal God to the creatures whom He loves and cherishes. “Thy” addressed to the Prophet (صلى الله عليه وسلم) in appropriate in two ways: (1) he was in direct contact with the divine Messenger (Gabriel) and Him Who sent the Messenger; (2) he represented the whole of humanity, in a fuller sense than that in which Christ Jesus is the “Son of Man”.
The lowly origin of the animal in man is contrasted with the high destiny offered to him in his intellectual, moral, and spiritual nature by his "most bountiful" Creator. No knowledge is withheld from man. On the contrary, through the faculties freely given to him, he acquires it in such measure as outstrips his immediate understanding, and leads him ever to strive for newer and newer meaning.

The symbol of a permanent revelation is the mystic Pen and the mystic Record.

The Arabic word for 'teach' and 'knowledge' are from the same root. It is impossible to produce in a Translation the complete orchestral harmony of the words for 'read', 'teach', 'pen' (which implies reading, writing, books, study, research), 'knowledge' (including science, self knowledge, spiritual understanding), 'proclaim'. an alternative meaning of the word for 'to read'. This proclaiming or reading implies not only the duty of blazoning forth God's message, as going with the prophetic office, but also the duty of promulgation and wide dissemination of the Truth by all who read and understand it. The comprehensive meaning of qaraa refers not only to a particular person and occasion but also gives a universal direction. And this kind of comprehensive meaning, as we have seen, runs throughout the Qur'ân for those who will understand.

God teaches us new knowledge at every given moment. Individuals learn more and more day by day; nations and humanity at large learn fresh knowledge at every stage. This is even more noticeable and important in the spiritual world.

All our knowledge and capacities comes as gifts from God. But man, in his inordinate vanity and insolence, mistakes God's gifts for his own achievements. The gifts may be strength or beauty, wealth, position, or power, or the more subtle gifts of knowledge or talents in individuals, -or Science, or Arts, or Government, or Organization for mankind in general.
Some other verses are quoted below:

يرفع الله الذين امنوا منكم والذين اوتوا العلم درجت، والله يمتعون خبير.

Allah will raise up to (suitable) ranks (and degrees) those of you who believe and who have been granted Knowledge: and Allah is well-acquainted with all ye do. ²

Seeking knowledge is obligatory for every human being. In the following verse Allah Almighty had commanded his supreme creation to acquire all the knowledge which his mental faculty can grasp.

يمشح الجن والانسان ان استطعتم ان تنفذوا من أقفار السموت والأرض فإنفاذوا، لا تنفذون إلا بسلطان.

"O ye assembly of Jinns and men! If it be ye can pass beyond the zones of the heavens and the earth pass ye! Not without authority shall ye be able to pass!" ³

قل انظروا ماذا في السموت والارض

"Behold all that is in the heavens and on earth" ⁴

وذلك الامثال نضر بها الناس، وما يعقلها الا العلمون.

"And such are the Parables We set for mankind but only those understand them who have Knowledge" ⁵

طلب العلم فريضة على كل مسلم

"Search for knowledge is a sacred duty imposed on every Muslim man and woman" ⁶

ومن سلك طريقا يطلب به علمما سهل الله له طريقا إلى الجنة

"If anybody goes on his way in search of knowledge, Allah will thereby make easy for him the way to Paradise" ⁷

طلب العلم فريضة على كل مسلم. وواضع العلم عند غير أهله كمقدد الجنائزير الجوهر واللوز والذهب
“Seeking of knowledge is incumbent upon every Muslim and he who imparts knowledge to the persons who do not deserve it is like one who puts on a necklace of pearls, jewels and gold around the necks of swine.”

“Who seeks the knowledge and acquires it, there are two rewards for him, and if he does not acquire it, there is only one reward for him.”

Right to Life

Concept of right to life and respect and security for human life and its necessities is the foremost fundamental right as taught by Islam. The human life is sacred and is the sacrosanct aspect of the faith itself. Allah Almighty has granted us it as a gift, which we should protect it, and one shall abstain himself from taking one’s or others life. Thus the Qur’ān upholds the sanctity of human life for all people for all time to come, there being no special privilege for those of noble birth, no royal prerogative, no diplomatic immunity and no discrimination on the basis of faith or wealth. The Holy Qur’ān states:

“Nor take life – which God has made sacred – except for just cause”

The above cited verse explicitly defines that it is the heinous crime to slay life, the greatest gift of Allah Almighty.

“If anyone slew a person unless it be for murder or for spreading mischief in the land it would be as if he slew the whole people.”

“And if anyone saved a life, it would be as if he saved the life of whole mankind.”
"Kill not your children for fear of want, We shall provide sustenance for them as well as for you. Verily the killing of them is a great sin."

This particular verse warns the parents to kill their babies due to lack of any provision, as it was prevalent during the pre-Islamic period, because of their financial crises, poverty, etc. The Almighty Allah has provided many resources of income, which is being temporarily hidden and unexposed.

"And that ye slay not your children because of penury- We provide for you and for them- and that ye draw not high to lewd things whether open or concealed. And that ye slay not the life which Allah had made sacred, save in the course of justice. This He hath commanded you, in order that ye may discern."

The mentioned verse deals with the gravity of the said crime. This heinous crime is punishable.

"Whoso slayeth a believer of set purpose, his reward is hell for ever. Allah is wroth against him and He hath cursed him and prepared for him an awful doom."
And when We made with you a covenant (saying): Shed not the blood of your people nor turn (a party of) your people out of your dwellings. Then ye ratified (Our Covenant) and ye were witnesses (there to)\(^{17}\)

The verses are related to the people of Israel (or children of Israel), that they had taken oath and pledge with Allah Almighty not to take life or kill human kind, which is sacred and precious. The verse addresses to all the human beings as well.

**Right to Equality**

Islam not only recognizes absolute equality between human beings irrespective of any distinction of colour, sex, language, religion, and race or nationality but makes it an important and significant principle of its teachings. The basic teachings of equality of mankind is declared in the Holy Qurʾān,

> يا بني إسرائيل، خلقتمكم من ذكر وانثى وجعلتم شعوباً وقبائلًا لنتعرفوا،<br>ان اكركم عند الله اتقكم، إن الله عليم خبير.

> O mankind! We have created you from a single (pair) of a male and a female, and made you into nations and tribes: that you may know each other (not that you may despise each other). Verily the most honoured of you in the sight of Allah is (he who is) the most righteous of you. And Allah had full knowledge and is well acquainted (with all things)\(^{18}\)

> ما كان ليبشر أن يؤتيه الله الكتاب والحكم والنبوة ثم يقول للناس كونوا عباداً لى من دون الله ولكن كونوا رهنين بما كنتم تعلمون الكتب واما كنتم يدرسون.

> “It is not (allowed) that a man, to whom is given the Book, and the wisdom, and the Prophetic office, should say to people; ‘be all of you my slaves (worshippers) rather than God’s’. On the contrary (he would say): ‘be all of you slaves (or worshippers) of Him who is truly the cherisher of all: for you have been taught the Book and you have studied it earnestly’\(^{19}\)
"Verily this Brotherhood of yours is a single Brotherhood and I am your Lord and Cherisher: therefore serve Me (and no other)"\(^{20}\)

وَأَن هَذِهِ امْتَكَم مَا إِمْمَةٌ وَاحِدَةٌ وَإِنَا رَبُّكُمُ فَاتَقُونَ.

“And verily this Brotherhood of yours is a single Brotherhood and I am your Lord and Cherisher: therefore fear Me (and no other)"\(^{21}\)

The Holy Prophet ( صلى الله عليه وسلم ) declared in the Sermon of the Farewell Pilgrimage, that all human beings are brethren.

ياَبِيُّهَا النَّاسُ إِنَّ رَبِّكُمُ وَاحِدٌ وَإِنَّ أُمَّتِكُمْ وَاحِدَةٌ، لَا فَضْلٌ لِّعَزِيزِي عَلَى عَجْمٍ

ولاَ لَسَوْدَةٌ عَلَى أَحْمَرٍ إِلَّا بالنَّقْوَى.

“No Arab is superior to an Ajam (non-Arab) and no Ajam (non-Arab) has superiority over an Arab. You all are in the progeny of Adam and Adam was created out of dust”\(^{22}\)

كَافِلُ الْيَتِيمْ، لَهُ أُرُجُوهُ أَنَا وَمَوْمُ كَهَانِيْنَ فِي الْجَنَّةِ

“One who looks after the orphans whether he is his relative or not, I and he would be together in paradise”\(^{23}\)

**Right to Individual Freedom**

In Islam there is total prohibition to enslave a free person. The slavery was practiced not only by the Arabs by all the nations before the advent of Islam. The Prophet ( صلى الله عليه وسلم ) of Islam was the first in history of the world to abolish the slavery system which was practiced by the Arabs in the similar way as it was practiced by the west during the days of colonization. He empathetically declared that to Allah Almighty no service was more acceptable than the emancipation of slave. Freeing of slave was encouraged in many ways. He was the first to marry the divorced wife of his freed slave, Zaid (then his adopted son). The laws protecting the honour of human being is very well mentioned in the following two verses.

يَايِّاهَا الَّذِينَ آمَنُوا لَا يَسْخَرُ قُومُ مِنْ قُومٍ عَسِىَّ إِنَّهُ يُكْوَنُوا خَيْرًا مِنْهُمْ وَلا

نساءٍ مِنْ نَسَاءٍ عَسِىَّ إِنَّهُ يُكْوَنُ خَيْرًا مِنْهُمْ وَلا تَلْمِزْنَى الْفَسَّامِ وَلَا تَتَابِعْنَوا
“O ye who believe! Let not a folk deride a folk who may be better than they care. O ye who believe! Shun much suspicion; for lo! Some suspicion is a crime. And spy not, neither back bite one another. Would one of you love to eat the flesh of his dead brother? Ye abhor that (so abhor the other)! And keep your duty (to Allah). Lo! Allah is Relenting, Merciful.”

The Qur’ân also condemns the character assassination in the following verses,

"The desert Arabs who lagged behind will say to thee: "We were engaged in (looking after) our flocks and herds and our families; do thou then ask forgiveness for us." They say with their tongues what is not in their hearts. Say: "Who then has any power at all (to intervene) on your behalf with Allah if His will is to give you some loss or to give you some profit? But Allah is well acquainted with all that ye do. Nay ye thought that the Apostle and the Believers would never return to their families; this seemed pleasing in your hearts and ye conceived an evil thought for ye are a people lost (in wickedness)."

"And that He may punish the Hypocrites men and women and the Polytheists men and women who imagine an evil opinion of Allah. On them is a round of Evil: the Wrath of Allah is on them: He has cursed them and got Hell ready for them: and evil is it for a destination."
“These are nothing but names which ye have devised ye and your fathers for which Allah has sent down no authority (whatever). They follow nothing but conjecture and what their own souls desire! Even though there has already come to them Guidance from their Lord!”

The Prophet (صلى الله عليه وسلم) clearly and categorically forbade the primitive practice of capturing a free man, to make him a slave or to sell him into slavery. On this point the clear and unequivocal words of the Prophet (صلى الله عليه وسلم) are as follows:

قَالَ اللَّهُ تَعَالَى: ثَلَاثَةَ أَنَا خُصُمُهُمْ يَوْمَ الْقِيَامَةِ: وَرَجُلٌ يُحِضْرُ حَسَنًا فَأَكِلَ

“He, who has a slave-girl and educates and treats her nicely then manumits her and marries her, will get a double reward”

Islam has not only prohibited cruelty and tyranny upon human beings in particular and living beings in general, but it has conferred upon human beings the right to protest against a government’s tyranny.
"Allah does not love evil talk in public unless it is by some one who has been subjected to injustice (and cruelty)."  

Islam puts great stress upon the honour and dignity of man and has made him the most honoured of the creatures. The Qur’an says:

وقد كرمنا بنى ادم وحملنهم في البر والبحر ورزقتهم من الطيبت وفضلنهم على كثير ممن خلقنا تفضيلا.

“We have honoured the sons of Adam; provided them with transport on land and sea; given them for sustenance things good and pure; and conferred on them special favours, above a great part of Our Creations.”

Right to Freedom of Thought

Islam is the progenitor of this concept as this is the most basic human rights. Without it mankind would sink to subhuman level. It is on the condition, that, it should be used for the propagation of virtue and truth, and not for spreading evil and wickedness. This concept is much superior and not only allows freedom of speech but elevates this fundamental right to the position of an obligation. It also asks everyone to express his view freely in case one is witnessing one’s own relatives. It forbids the people to distort the fact and commands them to speak plainly.

"You are best nation raised up for men; you enjoin good and forbid evil."

"O ye who believe! Stand out firmly for justice as witnesses to Allah even as against yourselves or your parents or your kin and whether it be (against) rich or poor: for Allah can best protect both. Follow not the lusts (of your hearts) lest ye swerve and if ye distort (justice) or decline to do justice verily Allah is well-acquainted with all that ye do."
"It is not (possible) that a man to whom is given the Book and Wisdom and the prophetic office should say to people: "Be ye my worshippers rather than Allah's; on the contrary (he would say): "Be ye worshippers of Him Who is truly the Cherisher of all for ye have taught the Book and ye have studied it earnestly."

The similitude of those who were charged with the (obligations of the) Mosaic Law but who subsequently failed in those (obligations) is that of a donkey which carries huge tomes (but understands them not). Evil is the similitude of people who falsify the Signs of Allah: and Allah guides not people who do wrong."

Right of Expression and Conscience

The Holy Qur'an declares that, compulsion is in compatible with religion, because (1) religion depends upon faith and will, and there would be meaningless if, induced by force, (2) truth and Error have been so clearly shown up by the mercy of God that there should be no doubt in the minds of any persons so good will as to the fundamental of faith; (3) God's protection is continuous, and His Plan is always to lead us from the dept of darkness into the clearest light.

"There is no compulsion in religion (and in the matter of faith) the right way is indeed clearly distinct from error."

"Therefore do thou give admonition for thou art one to admonish. Thou art not one to manage (men's) affairs."

"And if they turn away from thee, say: "Lo! it is for me to (one of) God's guidance of Him who is truly the Cherisher of all: for thou hast taught me the Book and ye have studied it earnestly."

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"Therefore do thou give admonition for thou art one to admonish. Thou art not one to manage (men's) affairs."
This verse corroborates what has been explained in other verses of the Holy Qur’an that, there should be no compulsion: not only in the sense that, in act of subjugating to religion and submitting to it; one must not compel others to submit; but in the sense that even with oneself wholeheartedly and willingly, and love and enjoy the submission. Unwillingly submission betrays arrogance, disobedience and rebellion, and is tantamount to misbelieve, which is one God alone is sufficient in true religion, and that such belief guarantees security and salvation. Iblis (Satan), who believes in the One True God and knows and acknowledges Him as his Creator, Cherisher and Sustainers, his Rabb, is nevertheless a misbeliever (Kafir). Although Iblis submits to God, yet he submits grudgingly and insolently, and his Kufr is due to arrogance, disobedience and rebellion. His is the submission, then, is not the mark of true belief, and a Kafir might therefore be also one who, through professing belief in One God, does not submit in real submission, but prefers instead to submit in his own obstinate way—a way, or manner, or form neither approved nor revealed and commanded by God. Real submission is that which has been perfected by the Holy Prophet (صلى الله عليه وسلم) as the model for mankind, for that is the manner of submission of all the Prophets and Messengers before him, and the form approved, revealed, and commanded by God. Thus fundamentally, the submission; for the submission confirms and affirms the belief to be true and genuine.\(^{39}\)

\[\text{\textit{O ye who believe! Obey Allah and obey the Apostle and those charged with authority among you. If ye differ in anything among yourselves refer it to Allah and His Apostle if ye do believe in Allah and the Last Day: that is best and most suitable for final determination.}}^{40}\]
“If it had been Allah's Plan they would not have taken false gods: but We
made thee not one to watch over their doings nor art thou set over them to
dispose of their affairs.”

The believers, men and women are protectors one of another: they enjoin
what is just and forbid what is evil: they observe regular prayers practice
regular charity and obey Allah and His apostle. On them will Allah pour
His mercy: for Allah is Exalted in power Wise.

Right to Equality of Law

Concept of right to equal protection of laws and justice is traced in the Qur'an
and the Sunnah of the Prophet.

“Allah doth command you to render back your trusts to those to whom they
are due; and when ye judge between man and man that ye judge with
justice: verily how excellent is the teaching which He giveth you! For Allah
is He who heareth and seeth all things.”
"O ye who believe! Stand out firmly for justice as witnesses to Allah even as against yourselves or your parents or your kin and whether it be (against) rich or poor: for Allah can best protect both. Follow not the lusts (of your hearts) lest ye swerve and if ye distort (justice) or decline to do justice verily Allah is well-acquainted with all that ye do."  

"O ye who believe! stand out firmly for Allah as witnesses to fair dealing and let not the hatred of others to you make you swerve to wrong and depart from justice. Be just: that is next to Piety: and fear Allah for Allah is well-acquainted with all that ye do."

"We ordained therein for them: "Life for life eye for eye nose for nose ear for ear tooth for tooth and wounds equal for equal." But if anyone remits the retaliation by way of charity it is an act of atonement for himself. And if any fail to judge by (the light of) what Allah hath revealed they are (no better than) wrong-doers."

"And this (He commands): Judge thou between them by what Allah hath revealed and follow not their vain desires but beware of them lest they beguile thee from any of that (teaching) which Allah hath sent down to thee."

"We ordained therein for them: "Life for life eye for eye nose for nose ear for ear tooth for tooth and wounds equal for equal." But if anyone remits the retaliation by way of charity it is an act of atonement for himself. And if any fail to judge by (the light of) what Allah hath revealed they are (no better than) wrong-doers."
“O ye who believe! Take not the Jews and the Christians for your friends and protectors: they are but friends and protectors to each other. And he amongst you that turns to them (for friendship) is of them. Verily Allah guideth not a people unjust.”

“O ye who believe! Ask not questions about things which if made plain to you may cause you trouble. But if ye ask about things when the Qur'an is being revealed they will be made plain to you.”

“Say: My lord has commanded (to do) justice…”

“Truly Pharaoh elated himself in the land and broke up its people into sections depressing a small group among them: their sons he slew but he kept alive their females: for he was indeed a maker of mischief.”

“And (tell O Muhammad!) I have been commanded to judge justly between you.”

“We sent aforetime our apostles with Clear Signs and sent down with them the Book and the Balance (of Right and Wrong) that men may stand forth in justice; and We sent down Iron in which is (material for) mighty war as well as many benefits for mankind that Allah may test who it is that will help unseen Him and His apostles; for Allah is Full of Strength exalted in Might (and able to enforce His will)”
“Say: I seek refuge with the Lord and Cherisher of Mankind. The King (or Ruler) of Mankind. The Allah (or Judge) of Mankind.”

Islam has also laid down the principle that no citizen can be imprisoned unless his guilt has been proved in an open court. To arrest a man on the basis of suspicion only and to throw him into prison without proper court proceedings and without providing him a reasonable opportunity to produce his defence is not admissible in Islam. Here it is important to cite a verse of Qur’an and a Hadith.

بيترما رسول الله صلى الله عليه وسلم: يقسم قسم اقيل رجل فاكب عليه
فطعته رسول الله صلى الله عليه وسلم برجون كان معه فجرح وجهه
فقال له رسول الله صلى الله عليه وسلم تعال فاستقد قال بل عقوت
يارسول الله.

“When the Apostle of Allah ( صلى الله عليه وسلم) was distributing something, a man came toward him and bent down on him. The Apostle of Allah ( صلى الله عليه وسلم) struck him with a bough and his face was wounded. The Apostle of Allah ( صلى الله عليه وسلم) said to him: come and take retaliation. He said: No, I have forgiven, Apostle of Allah!”

إِّنَّا هَلَكَ الَّذِينَ مِن قَبْلِكُمِ الْأُئِمَّةُ لِكُلِّ ذِئَبٍ كَانَوا أذًا سَرَقُوا فِيْهِمُ الشَّرِيفُ تَرَكَوْهُ وَاِذَا سَرَقُوا فِيْهِمُ الْمَضْعُوفُ أَقَامُوا عَلَيْهِ الحَدَّ، وَأَيُّمَ اللّهُ لَوْانْ فَاطِمَةَ بَنَتِ رُسُولِ اللّهِ صلى الله عليه وسلم سَرَقَتْ لَقَطَعَتْ يَدًا.

“What destroyed your predecessors was just that when a person of rank among them committed a theft, they left him alone, and when a weak one of them committed a theft, they inflicted the prescribed punishment on him. I swear by Allah that if Fatmeh daughter should steal, I would have her hand cut off.”

جَبَّنَا عَمِرَ بْنَ الْخَطَّابِ فَقَالَ افْتُمِرْ أَمِّي لَا يُبِيدُ عُمُّي لِيَضْرُبُوا اِبْشَارُكَمْ وَلَا نَلْبِيَ خَذَّلُوا امْوَالَكُمْ فَعَلْتُمْ فَيْنَبِيَ ذَلِكَ فَلْيَقْلِ فَعِيْهِ الْأَقْصَى مِنْهُ قَالَ عَمِرُ بْنُ الْخَطَّابِ عَلَى اللّهِ أَنْ رَحَلَ أَدُبَّ بَعْضِ دُعُوَّتِهِ انْقِصَصَهُ مِنْهُ قَالَ اَيْ وَالذِّي نَفَسَ بِهِدَاهُ اِقْصَى وَقَدْ رَأَيْتُ رَسُولَ اللّهِ صلى الله عليه وسلم اِقْصَى مِنْ نَفْسِهِ.

“Umar b. al-Khattab (Allah be pleased with him) addresses us and said: I did not send my collectors (of Zakat) so that they strike your bodies and
that they take your property. If that is done with some one and he appeals to
me. I shall take retaliation on him. 'Amr b. al-Ās said: If any man (i.e.
governor) inflicts disciplinary punishment on his subjects, would in whose
hand my soul is, I shall take retaliation on him. I saw that the Apostle of
Allah (صلى الله عليه وسلم) had given retaliation on himself.69

"Allah curses a thief who steals an egg and gets his hand cut off, or steals a
rope and gets his hands cut off.60

"You people will be keen to have the authority of ruling which will be a
thing of regret for you on the Day of Resurrection. What an excellent wet
nurse it is, yet what a bad weaning on it is.61

"Let the curse of Allah upon be the thief who steals an egg and his hand is
cut off, and steals a rope and his hand is cut off.62

"If the people were given according to their claims, they would claim the
lives of persons and their properties, but the oath must be taken by the
defendant.63

"He who makes peace between the people by inventing good information
or saying good things, is not a lair.64

"O Prophet of God! For what crime have my neighbour been arrested". The
Prophet heard the question and continued his speech. The man rose once
again and repeated his question but the Prophet did not answer and
continued his speech. The man rose for the third time and repeated the same
question. Then the Prophet ordered that the man’s neighbour be released.65

The above ahadîth are the finest example that no one can be illegally detained
without being convicted in the court of law. The backdrop of this Hadîth is that in the
same mosque the police officer was also present; who had arrested the neighbour of the said man, when he made a plaintiff to the Prophet Muhammad صلی الله علیه وسلم for the three consecutive times even then the police officer did not explain his position, and the cause of arrest, and remained silent.

Some of the basic evidence that was reviewed under the principles of *ibāhah* above can equally be brought in here.

The Qurʾān provides basic authority with regard to the claims that some people make against others, in that they must be investigated before any conclusion is drawn from them, even if the claimant happens to be a person of compromised integrity (*al-Hujurat*, 49: 6). Elsewhere, the Qurʾān proclaims that,

ان الظن لا يغني من الحق شيئًا

"Conjecture avails nothing against the truth"\(^{66}\)

An unproven claim is tantamount to conjecture (*al-zann*) and therefore amounts to nothing. And then according to the clear terms of a *hadith-cum-legal maxim*,

البينة على المدعى والببين على من أنكر

"The burden of proof is on the claimant, but the defendant must take an oath"\(^{67}\)

The plaintiff may, in other words, ask the court to put the defendant on oath, in the event where the latter denies the claim, and there is no other evidence to confirm that he is telling the truth. This is the basic position, supported by the analysis that it would be extremely difficult for the defendant if he or she were in all cases required to prove his or her innocence. The claimant and prosecutor are therefore required, as in the above Hadith, to prove their allegations. If the claimant as in all cases required to prove his claim, then it follows that until he proves it, the defendant is presumed innocent. According to Ibn Qayyim al-Jawziyyah, if the claimant proves his claim, the
court will adjudicate the dispute in his favour; otherwise, the last word is that of the defendant and the court shall credit what he says provided that he takes a solemn oath to affirm that he is telling the truth. It is thus concluded that no one may be granted anything on the basis merely of a claim, suspicion or accusation alone, and that the claim must in all cases be supported by evidence. This conclusion is also upheld in another Hadith, as follows:

**Lo yutal al-nisa bida'ahu laddu al-nisa damma rajal wa ammalhum; yunkin al-ummam li al-madhiyyi li-hu.**

"If people were to be granted what they claim on the basis only of their claims, they would claim the blood and property of others, but the oath is on the shoulder of the defendant."

This Hadith clearly lays down the requirement that every claim must be proven by evidence and that nothing is proven by a claim which is not accompanied by proof. The basic liberty of the people and their original freedom from liability is, in other words, not affected by mere allegations, and the authorities are also not permitted to take any action on that basis alone. Both Bassiouni and Weeramantry drew from this Hadith the conclusion that islamic criminal law consequently throws the onus of proof heavily upon the prosecution and in the absence of such proof the accused must be acquitted. The presumption of innocence is also upheld in the Hadith declaring that,

**Kal amat mi haf idi al-majaherin.**

"The whole of my community is innocent except for those who broadcast [and boast about] their sinful conduct."

If there is any doubt in the evidence presented by the prosecution, the defendant will be given the benefit of this doubt, is to be resolves in favour of the accused. This is in purport of the following Hadith:
“Drop the prescribed punishments in cases of doubt as far as you can. For it is better to err in forgiveness than making an error in punishment”

Right to Privacy

The Qur’ān is extremely solicitous to one’s fair name and of the right of privacy of the individual.

"Those who calumniate chaste, unwary, believing women, without proof, are cursed in this world and the Hereafter and for them there is a grievous punishment"

Allah Almighty had already said that;

"O believer! Enter not houses other your own, until you have asked permission and saluted those who are in them: that is best for you, in order that you may heed (what is seemly). If you find no one in the house, enter not until permission is given to you: (but) you for greater purity for yourselves: and Allah knows well all that you do"
“O ye who believe! let those whom your right hands possess and the (children) among you who have not come of age ask your permission (before they come to your presence) on three occasions before morning prayer; the while ye doff your clothes for the noonday heat; and after the late-night prayer: these are your three times of undress: outside those times it is not wrong for you or for them to move about attending to each other: thus does Allah make clear the Signs to you: for Allah is full of knowledge and wisdom. But when the children among you come of age let them (also) ask for permission as do those senior to them (in age): thus does Allah make clear His Signs to you: for Allah is full of knowledge and wisdom.”

Islam has also prohibited any undue interference or encroachment on the privacy of an individual. Therefore, the Qur’ān has ordered not to spy on one another in one’s private life.

In this context the Qur’ān has also ordered to avoid suspicion as much (as possible), for suspicion in some cases is sin.

“A grace and favour from Allah; and Allah is full of Knowledge and Wisdom. If two parties among the Believers fall into a quarrel make ye peace between them: but if one of them transgresses beyond bounds against the other then fight ye (all) against the one that transgresses until it complies with the command of Allah; but if it complies then make peace between them with justice and be fair: for Allah loves those who are fair.
(and just). The believers are but a single Brother: And make peace and reconciliation between your two (contending) brothers: And fear Allah that ye may receive Mercy. O ye who believe! let not some men among you laugh at others: It may be that the (latter) are better than the (former): Nor let some women laugh at others: it may be that the (latter) are better than the (former): nor defame nor be sarcastic to each other nor call each other by (offensive) nicknames: Ill-seeming is a name connoting wickedness (to be used of one) after he has believed: And those who do not desist are (Indeed) doing wrong. O ye who believe! Avoid suspicion as much (as possible): for suspicion in some cases is a sin: and spy not on each other nor speak ill of each other behind their backs. Would any of you like to eat the flesh of his dead brother? Nay, ye would Abhor it .... But fear God: for God is oft Returning Most Merciful.”

وَيِلَّوْلَّىٰ لَكُمْ هَمْزَةً لِمُزَةً

“Woe to every (kind of) scandal-monger and backbiter”

إِبْنَاءٌ كَمْ وَالَّذِينَ فَانَّ الظَّنُّ أَكْذَبُ الْحَدِيثَ، وَلَا تَحَسَّسُوا، وَلَا تَجَسَّسُوا، وَلَا تَنَا جَشُوا، وَلَا تَحَاسَدُوا، وَلَا تَبَاغَضُوا، وَلَا تَنَادَبُروا، وَكُونُوا عِبَادَ الْلَّهِ إِخْوَانًا

“Beware of suspicion, for suspicion, is the worst of false tales; and do not look for the others faults and do not spy, and do not be jealous of one another, and do not desert (cut your relation with) one another, and do not hate one another; and O Allah’s worshipper! Be brothers (as Allah has ordered you!)”

إِنَّ كَانَ فِيهِ مَا تَقْولُ، فَقَدْ اغْتِبَبْهُ، وَإِنَّ لَمْ يَكُنْ فِيهِ، فَقَدْ بَهَتْهُ

“If (that failing) is actually found (in him) what you assert, you in fact back bitted him, and if that is not in him it is a slander”

لَا أَحْدُ أَخْرَجَ مِنَ الْلَّهِ، وَلَنْذَاكَ حَرِمَ الْفَوَاحِشُ مَا ظَهَّرَ مِنْهَا وَمَا بَثْنَ. وَلَا أَحْدُ أَحْبَبَ إِلَيْهِ المَدِحُ مِنَ الْلَّهِ

“None is more zeal than Allah and it is because of this that He has prohibited obscenity – both visible and invisible - and no one praise more than Allah Himself”

الآ ستذناثن ثَلَّثَ فَانْذِنَ لَكَ فَادِجَلْ وَلَا فَارِجَعْ
“Permission (to enter the house) should be taken three times. Enter if permission granted other wise return.”

Right to Freedom of Movement and Residence

Islam has recognized this right and has asked the oppressed person to move to the place of safety.

"And yet, it is you who slay one another and drive some of your own people from their homelands, aiding one another against them in sin and hatred; but if they come to you as captives, you ransom them- although the very (act of) driving them away has been made unlawful to you."

"When the angels take the souls of those who die in sin against their souls, they say: In what (plight) were you? They (i.e. the angel) say: ‘was not the earth of Allah spacious enough for you to move themselves away?’"

"Say (O Muhammad): O my servant who believe! Fear your Lord. Good is (the reward) for those who do good in this world. Spacious is Allah’s earth!"

Here the great event of migration of Muslims of Makkah to Abyssinia (Habshah, or modern Ethiopia), is referred. The Prophet Muhammad (صلى الله عليه وسلم), who along with his numerous companions migrated to Medinah (ancient Yathreb), to
take asylum, as the non-Muslims of Makkah were making hardships for the Muslims, and were persecuting them.

**Right to Own Property**

Islam fully recognizes it and has provided categorical ordinances in this regard. The ordinance regarding the purchase and sale, interest, charity and Zakat, measurement, and spending in the cause of Allah Almighty—all are applied when one owns property or wealth; otherwise no ordinance would be applied in this regard. Some of the verses of Qur'ān state:

"And do not eat up your property among yourselves for vanities nor use it as bait for the judges with intent that ye may eat up wrongfully and knowingly a little of (other) people's property."

"Those who spend their substance in the cause of Allah and follow not up their gifts with reminders of their generosity or with injury for them their reward is with their Lord; on them shall be no fear nor shall they grieve."

"O ye who believe! Give of the good things which ye have (honourably) earned and of the fruits of the earth which We have produced for you and do not even aim at getting anything which is bad in order that out of it ye may give away something when ye yourselves would not receive it except with closed eyes. And know that Allah is free of all wants and worthy of all praise."

وَلَا تَأْكُلُوا أَموَالَ الَّذِينَ يُفْعَلُونَ الْمَنْعُ أَمْوَالَهُمْ بِالْبَاطِلِ وَتَدْعُوُوهُ بِأَحَدِ الْحُكَّامِ لِتَأْكُلُوا أَمْوَالَهُمْ أَفْرِيقًا مِّنْ أَمْوَالِ الْنَّاسِ بِالْأَلْبَمِ وَاتَّمُّوا تَعْلُمُونَ.

"And do not eat up your property among yourselves for vanities nor use it as bait for the judges with intent that ye may eat up wrongfully and knowingly a little of (other) people's property." \(^{87}\)

"Those who spend their substance in the cause of Allah and follow not up their gifts with reminders of their generosity or with injury for them their reward is with their Lord; on them shall be no fear nor shall they grieve."

"O ye who believe! Give of the good things which ye have (honourably) earned and of the fruits of the earth which We have produced for you and do not even aim at getting anything which is bad in order that out of it ye may give away something when ye yourselves would not receive it except with closed eyes. And know that Allah is free of all wants and worthy of all praise." \(^{89}\)
“And give the women (on marriage) their dower as a free gift; but if they of their own good pleasure remit any part of it to you take it and enjoy it with right good cheer”

"And give the women (on marriage) their dower as a free gift; but if they of their own good pleasure remit any part of it to you take it and enjoy it with right good cheer"
portion equal to that of two females: if only daughters two or more their share is two-thirds of the inheritance; if only one her share is a half. For parents a sixth share of the inheritance to each if the deceased left children; if no children and the parents are the (only) heirs the mother has a third; if the deceased left brothers (or sisters) the mother has a sixth. (The distribution in all cases is) after the payment of legacies and debts. Ye know not whether your parents or your children are nearest to you in benefit. These are settled portions ordained by Allah and Allah is All-Knowing All-Wise. In what your wives leave your share is a half if they leave no child; but if they leave a child ye get a fourth; after payment of legacies and debts. In what ye leave their share is a fourth if ye leave no child; but if ye leave a child they get an eighth; after payment of legacies and debts. If the man or woman whose inheritance is in question has left neither ascendants nor descendants but has left a brother or a sister each one of the two gets a sixth; but if more than two they share in a third; after payment of legacies and debts; so that no loss is caused (to anyone). Thus is it ordained by Allah and Allah is All-Knowing Most Forbearing. Those are limits set by Allah: those who obey Allah and His Apostle will be admitted to Gardens with rivers flowing beneath to abide therein (for ever) and that will be the Supreme achievement.91

"O ye who believe! Eat not up your property among yourselves in vanities: but let there be amongst you traffic and trade by mutual good-will: nor kill (or destroy) yourselves: for verily Allah hath been to you Most Merciful.92

"And in no wise covet those things in which Allah hath bestowed his gifts more freely on some of you than on others: to men is allotted what they earn and to women what they earn: but ask Allah of His bounty: for Allah hath full knowledge of all things.93
In Qur'an, Allah Almighty has commanded us not to wage undue liberty, unless conscious is not harmed. The verses are as follows:

"And in this wealth and possessions is the right of the (needy) who asks (for that); and for him who is deprived of (owing wealth or worldly property)"

"And those in whose is a recognized right for the (needy) who asks (for that), and him who is deprived of (owing wealth or worldly property)

"Who brings dead land back to life shall himself possess it and he who by force wants to make use of it has no right or title to it at all"
“Permitted to you on the night of the fasts is the approach to your wives. They are your garments. And ye are their garments. Allah knoweth what ye used to do secretly among yourselves; but He turned to you and forgave you; so now associate with them and seek what Allah hath ordained for you and eat and drink until the white thread of dawn appear to you distinct from its black thread; then complete your fast till the night appears; but do not associate with your wives while ye are in retreat in the mosques. Those are limits (set by) Allah; approach not nigh thereto. Thus doth Allah make clear His signs to men that they may learn self-restraint”.

“A divorce is only permissible twice: after that the parties should either hold together on equitable terms or separate with kindness. It is not lawful for you (men) to take back any of your gifts (from your wives) except when both parties fear that they would be unable to keep the limits ordained by Allah. If ye (judges) do indeed fear that they would be unable to keep the limits ordained by Allah there is no blame on either of them if she give something for her freedom. These are the limits ordained by Allah; so do not transgress them. If any do transgress the limits ordained by Allah such persons wrong (themselves as well as others)”.

“And why should ye not fight in the cause of Allah and of those who being weak are ill-treated (and oppressed)? Men women and children whose cry is: “Our Lord! Rescue us from this town whose people are oppressors; and raise for us from Thee one who will protect; and raise for us from Thee one who will help!”
O ye who believe! Enter not houses other than your own until ye have asked permission and saluted those in them: that is best for you in order that ye may heed (what is seemly). If ye find no one in the house enter not until permission is given to you: if ye are asked to go back go back: that makes for greater purity for yourselves: and Allah knows well all that ye do.

Avoid suspicion, for suspicion is the gravest lie in talk and do not be inquisitive about one another, also do not spy upon one another, and do not feel envy with the other, nurse no malice, and nurse no aversion and hostility against one another. And be fellow-brothers and servants of Allah.

When two persons indulge in hurling (abuses) upon one another, it would be the first one who would be the sinner as long as the oppressed does not transgress the limits.

Permission is needed as a protection against glance.

Right to Social Security

Islam has provided every individual, and has asked its nationals to spend their wealth for the welfare of the needy. At many places in the Qur’an, Allah Almighty has ordered the well-off persons to spend or spare wealth upon the poor and needy, and also praised such persons who do so. Some of the verses are as follows:
And they ask you (i.e. the Messenger of Allah) as to what they should? Say: what is beyond your needs.\textsuperscript{106}

ولَتَنْفَكُونَ

And (they) give away (their) wealth out of love Him to the near of the kin; orphans; the needy; the wayfarer; to those who ask (for their need); and to set slaves free (or to pay off the loan of borrowers).\textsuperscript{107}

ويَطْمُونَ الطَّعَامُ عَلَى حِبِّهِ مَسْكِينًا وَيَتِيماً وَأُسْرِاً. اَنْمَا نَطْعُمُكُمُ لَوَجِهَ اللهُ لا نَرِيدُ مِنْكُمْ جَزَاءَ وَلَا شَكُورًا.

And they give food (i.e. feed), out of love for Him (i.e. Allah), to the poor, the orphans; and the captive; (and say) we feed you, for Allah's pleasure only – we desire from you neither reward not thanks (for this).\textsuperscript{108}

لا يَدْخُلُ الْجَنَّةُ قَاطِعَ الْرِّحْمَ

And the severe of the tie of kinship would not get into paradise.\textsuperscript{109}

Right to Work and Livelihood

Islam not only commands every individual to work but also to pay the wages justly and immediately or in accordance with the contract or terms and conditions settled. It has also recognized the basic standard of life. The Qur‘ān states that,

وَفِي امْوَالِهِمْ حَقٌّ لِلْسَّلِّيْمِينِ وَالْمَحْرُومِينَ.

And in their wealth there is acknowledged right for the one who asks (for his needs) for the destitute.\textsuperscript{110}

وَالْذِينَ فِي امْوَالِهِمْ حَقٌّ مَعْلُومٌ لِلسَّلِّيْمِينِ وَالْمَحْرُومِينَ.

And those in whose wealth is a recognized right. For the (needy) who asks and him who is prevented (for some reason from asking).\textsuperscript{111}

من أصْبَابٍ مِنْ شَيْءٍ فَلِيلَزِمُهُ

He who receives something (as means of livelihood), should cling to it.\textsuperscript{112}
"Pay to the labourer his wages before his sweat becomes dry."

**Right to Defend Individually**

In Qur'an, Islam has provided this right to human being, so that, they may defend themselves against aggression and unhealthy retaliation. The following verses clearly indicate this point.

الشهر الحرام بالشهر الحرام والحرمت قضاص، فمن اعتدى عليكم فاعتدوا عليه بمثل ما اعتدى عليكم واتقوا الله واعلموا أن الله مع المتقين.

"The prohibited month for the prohibited month and so for all things prohibited there is the law of equality. If then anyone transgresses the prohibition against you transgress ye likewise against him. But fear Allah and know that Allah is with those who restrain themselves."

إن الله يأمركم ان تؤدوا الأمت إلى اهلها وإذا حكمتم بين الناس ان تحكموا بالعدل، ان الله نعما يعظكم به، ان الله كان سميعاً بصيراً.

"Allah doth command you to render back your trusts to those to whom they are due; and when ye judge between man and man that ye judge with justice: verily how excellent is the teaching which He giveth you! For Allah is He who heareth and seeth all things."

ولاطلق ما ليس لك به علم، ان السمع والبصر والفوائد كل اولنكم كان عنه مسنولاً.

"And pursue not that of which thou hast no knowledge; for every act of hearing or of seeing or of (feeling in) the heart will be enquired into (on the Day of Reckoning)."

والذين إذا اصابهم البحى هم ينتصرون. و جزؤا سجينة سمعة مثلها فمن عفا واصبح فاجره على الله، انه لا يجب الظلمين. ولمن انتصر بعد ظله فاولنكم ما عليههم من سبيل.

"And those who when an oppressive wrong is inflicted on them (are not cowed but) help and defend themselves. The recompense for an injury is an
injury equal thereto (in degree): but if a person forgives and makes reconciliation His reward is due from Allah: for (Allah) loveth not those who do wrong. But indeed if any do help and defend themselves after a wrong (done) to them against such there is no cause of blame.\textsuperscript{117}

Though there is a restriction to take life (i.e. to kill) as life is the precious gift of Allah Almighty. But it could be taken for the just cause or for the welfare of the society or for the protection of other rights which was hampering the other rights. We find this commandment in the following verse.

"Say: 'Come I will rehearse what Allah hath (really) prohibited you from': join not anything as equal with Him; be good to your parents: kill not your children on a plea of want; We provide sustenance for you and for them; come not nigh to shameful deeds whether open or secret; take not life which Allah hath made sacred except by way of justice and law: thus doth He command you that ye may learn wisdom.\textsuperscript{118}

"Nor take life which Allah has made sacred except for just cause. And if anyone is slain wrongfully We have given his heir authority (to demand Qisas or to forgive): but let him not exceed bounds in the matter of taking life: for he is helped (by the Law).\textsuperscript{119}

"O ye who believe! If a wicked person comes to you with any news ascertain the truth lest ye harm people unwittingly and afterwards become full of repentance for what ye have done.\textsuperscript{120}
Right to Economic Stability

The Qur’ān guarantees this right for the sustenance of human being and for the maintenance of their standard of living. Allah Almighty has provided sustenance to all his creations.

"And their Lord hath accepted of them and answered them: "Never will I suffer to be lost the work of any of you be he male or female: ye are members one of another; those who have left their homes or been driven out there-from or suffered harm in My cause or fought or been slain verily I will blot out from them their iniquities and admit them into gardens with rivers flowing beneath; a reward from the presence of Allah and from His presence is the best of rewards".\(^{121}\)

"And in no wise covet those things in which Allah hath bestowed his gifts more freely on some of you than on others: to men is allotted what they earn and to women what they earn: but ask Allah of His bounty: for Allah hath full knowledge of all things.\(^{122}\)

"Allah has made it obligatory for them to pay Sadaqa from their properties and it is to be taken from the wealthy among them and given to the poor among them.\(^{123}\)
Right to Inheritance

In the Qur’an we find that, Allah Almighty, has set rules of inheritance as the basic right, and fixes shares of several heirs in the property of a deceased person.

"To orphans restore their property (when they reach their age) nor substitute (your) worthless things for (their) good ones; and devour not their substance (by mixing it up) with your own. For this is indeed a great sin."

"Allah (thus) directs you as regards your children's (inheritance): to the male a portion equal to that of two females: if only daughters two or more their share is two-thirds of the inheritance; if only one her share is a half. For parents a sixth share of the inheritance to each if the deceased left children; if no children and the parents are the (only) heirs the mother has a third; if the deceased left brothers (or sisters) the mother has a sixth. (The distribution in all cases is) after the payment of legacies and debts. Ye know not whether your parents or your children are nearest to you in benefit. These are settled portions ordained by Allah and Allah is All-Knowing All-Wise. In what your wives leave your share is a half if they
leave no child; but if they leave a child ye get a fourth; after payment of legacies and debts. In what ye leave their share is a fourth if ye leave no child; but if ye leave a child they get an eighth; after payment of legacies and debts. If the man or woman whose inheritance is in question has left neither ascendants nor descendants but has left a brother or a sister each one of the two gets a sixth; but if more than two they share in a third; after payment of legacies and debts; so that no loss is caused (to anyone). Thus is it ordained by Allah and Allah is All-Knowing Most Forbearing.\(^{125}\)

والكل جعلنا موالى مما ترك الوالدن و الآخرين، والذين عقدت إيمانكم فيتوهم تصيبهم، إن الله كان على كل شيء شهيداً.

"To (benefit) everyone We have appointed sharers and heirs to property left by parents and relatives. To those also to whom your right hand was pledged give their due portion: for truly Allah is Witness to all things."\(^{126}\)

ذلك احتقوا الفرائض بأهلها، فما بقي فهو لأ ولد نذر

"Give the Faraid (the shares of the inheritance that are prescribed in the Qur’ân) to those who are entitled to receive it. Then what ever remains, should be given to the closest male relative of the deceased."\(^{127}\)

ومن ترك كلا وليته

"That who left inheritors is entitled to get it."\(^{128}\)

إن الله قد أعطى كل ذي حق حقه، فلا وصية لوارث

"Indeed, Allah has granted him, who is entitled to aright his (due) right. Therefore, a will is (not permissible) for the heir."\(^{129}\)

إذا استهل الصبي صلي عليه، وورث

"When an infant has raised his voice (after birth and then died), funeral prayer would be offered over him and he would become an inheritor."\(^{130}\)

فقال الا من ولي بيتها له مال صليتجد فيه ولا يتركه حتى باكله الصدقة

"Beware! Whoever is entrusted with an orphan having property let him make merchandise therewith, and let not leave it till Zakat eats it up."\(^{131}\)
Freedom of Association

The right to freedom of association is the natural corollary to freedom of expression. The Qur’an has not only given, this right, but has been ordered to exercise it in order to check the evils and wrongs in the society.

ولتكن منكم أمة يدعون إلى الخير ويأمرون بالمعروف وينهون عن المنكر، وأولئك هم المفلحن.

"Let there arise out of you a band of people inviting to all that is good enjoining what is right and forbidding what is wrong; they are the ones to attain felicity"132

Right to Protest

In the Qur’an, Allah Almighty has given us, the right to protest against the tyranny or oppression. It is the fundamental right to raise the voices against the oppression and suppression. We find this commandment of Allah Almighty, in the following verse,

لا يجب الله الجهر بالسوء من القول إلا من ظلم، وكان الله سميعا علميا.

"Allah loveth not that evil should be noised abroad in public speech except where injustice hath been done; for Allah is He who heareth and knoweth all things"133

من استعمل رجلا في مسألة وهو يعلم بوجود من هو أفضل منه فقد خان الله ورسوله والمؤمنين.

"Whoever employs a man to a task while knowing the existence of a more qualified person for the same task, truly betrays god and His Messenger and the believers"134

Let us have a look on a Hadith Qudsi, mentioned below, in which Allah Almighty spoke to humankind through the Prophet Muhammad (صلى الله عليه وسلم), this Hadith very clearly indicate that it is the right (or incumbent upon), of a person to raise voice towards an injustice incurred on them.
"O my servants! I have forbidden injustice for Myself and forbade it also for you. So avoid being unjust to one another"\textsuperscript{135}

"If two parties among the Believers fall into a quarrel make ye peace between them: but if one of them transgresses beyond bounds against the other then fight ye (all) against the one that transgresses until it complies with the command of Allah; but if it complies then make peace between them with justice and be fair: for Allah loves those who are fair (and just)"\textsuperscript{136}

With the above discussion we could deduce that, being part and parcel of injustice is considered to be harām\textsuperscript{137}.

**Right to Avoid Sin**

"But if they strive to make the join in worship with Me things of which thou hast no knowledge obey them not; Yet bear them company in this life with justice (and consideration) and follow the way of those who turn to Me (in love): in the End the return of you all is to Me and I will tell you the truth (and meaning) of all that ye did"\textsuperscript{138}

Islam confers the right on every citizen to refuse to commit a sin or a crime; if any government or administrator orders an individual to do a wrong, he may refuse to comply. Refusal is not an offence, the giving of an order to one’s subordinates to commit a sin or do a wrong instead, is itself an offence and such an officer, whatever his rank, is liable to summary dismissal.
These clear instructions of the Prophet (صلى الله عليه وسلم) are summarized in the following Hadith;

أن تتزاني حليلة جارك

"To commit illegal sexual intercourse with the wife of your neighbour"\(^{139}\)

In other words, no one has the right to order his subordinates to act against the laws of God. No offender may seek to prove his innocence or escape punishment by saying that the offence was committed on the order of a superior. If such a situation arises, the person who commits the offence and the person who orders it are equally liable to criminal proceedings.

**Right to Honour and Dignity**

The right to honour and dignity in Islam is so all-pervasive. It is the Islamic determination that the dignity of a human person should be protected without any distinction between one man and another under the impetus of the divine Islamic creed. The laws protecting the dignity and honour of human being have been beautifully illustrated in the following verses;

ان الله يامركم ان تؤدوا الامنت الى اهلها واذا حكمتم بين الناس ان تحكموا بالعدل، ان الله نعما يعظكم به، ان الله كان سمياً بصيراً.

“Allah doth command you to render back your trusts to those to whom they are due; and when ye judge between man and man that ye judge with justice: verily how excellent is the teaching which He giveth you! For Allah is He who heareth and seeth all things”\(^{140}\)

وعد الله الذين امنوا وعملوا الصلاحت لهم مغفرة واجر عظيم.

“To those who believe and do deeds of righteousness hath Allah promised forgiveness and a great reward”\(^{141}\)

بابها الذين امنوا لا يسخر قوم من قوم عستى إن يكونوا خيرا منهم ولا نساء من نساء عستى إن يكن خيرا منهن ولا لتلمزوا أنفسكم ولا تناززوا بالالقب، بنس الاسم الفسوق بعد الايمان ومن لم يتب فاولئك هم
"O ye who believe! let not some men among you laugh at others: it may be that the (latter) are better than the (former): Nor let some women laugh at others: it may be that the (latter) are better than the (former): nor defame nor be sarcastic to each other nor call each other by (offensive) nicknames: Ill-seeming is a name connoting wickedness (to be used of one) after he has believed: And those who do not desist are (Indeed) doing wrong. O ye who believe! Avoid suspicion as much (as possible): for suspicion in some cases is a sin: and spy not on each other nor speak ill of each other behind their backs. Would any of you like to eat the flesh of his dead brother? Nay ye would abhor it...but fear Allah: for Allah is Oft-Returning Most Merciful."

"We have honoured the sons of Adam"

"Your mother, again your mother, again your mother, then your father, then your nearest relatives according to the order (of nearness)"

**Rights of Minorities**

Islam applies equally to both Muslims and non-Muslims citizens in the sphere of public law and worldly affairs, but, non-Muslims are free to follow their own laws and traditions in the religious and customary matters. The non-Muslims who are citizens of an Islamic State are known as *Dhimmis* and the non-Muslims who are aliens and are granted safe-conduct (*aman*) and reside in Islamic State temporarily for a particular purpose are known as *Mustamin*.

Some of the Muslim scholars are of the view that, the complete equality before the law is not the norm in the Shari'ah; they do not qualify the *Dhimmis* equality to the Muslim citizens. The two Qur'anic verses are quoted in this regard:
You are the best community evolved for mankind, enjoining what is right, forbidding what is wrong and you believe in God. If only the People of the Scriptures had believed, it would have been better for them. Some of them are believers but most of them are transgressors.

Fight those who believe not in Allah nor the Last Day nor hold that forbidden which hath been forbidden by Allah and His apostle nor acknowledge the religion of truth (even if they are) of the People of the Book until they pay the Jizya with willing submission and feel themselves subdued.

These scholars have also made reference to the following verse of the Holy Qur’ān:

O ye who believe! Take not the Jews and the Christians for your friends and protectors: they are but friends and protectors to each other. And he amongst you that turns to them (for friendship) is of them.

The scholars in the light of above quoted verses conclude the Muslims/non-Muslims in equality.

Most of the Muslim scholars in the contemporary world however are very clear about the equality of the law in respect of Muslim and non-Muslim citizens of an Islamic State. They have differentiated between the neutral and aggressing non-Muslims of the time. Those non-Muslim who have maintained normal relations and
are friendly to the Muslims, have equal rights. In whole the hostile non-Muslims are
debarrd from the right mentioned in the Holy Qur'an and Sunnah.

“Quite a number of the people of the Book wish they could turn you
(people) back to infidelity after ye have believed from selfish envy after the
truth hath become manifest unto them; but forgive and overlook till Allah
accomplish His purpose; for Allah hath power over all things.”

لا أكره في الدين

“There is no compulsion in religion”

“Ye people of the Book! Why dispute ye about Abraham when the Law and
the Gospel were not revealed till after him? Have ye no under­
standing?”

“Restrain thyself from doing harm to anyone for that is also charity towards
thyself.”

“O ye who believe! violate not the sanctity of the Symbols of Allah nor of
the Sacred Month nor of the animals brought for sacrifice nor the garlands
that mark out such animals nor the people resorting to the Sacred House
seeking of the bounty and good pleasure of their Lord. But when ye are
clear of the Sacred Precincts and of pilgrim garb ye may hunt and let not
the hatred of some people in (once) shutting you out of the Sacred Mosque
lead you to transgression (and hostility on your part). Help ye one another
in righteousness and piety but help ye not one another in sin and rancour: fear Allah: for Allah is strict in punishment;\(^{154}\)

ولا تسوا الذين يدعون من دون الله فسبوا الله عدواً، بغير علم، كذلك زينا لكل امة عملهم ثم إلى ربيعهم مرفعهم فينبويه بما كانوا يعملون.

"Revile not ye those whom they call upon besides Allah lest they out of spite revile Allah in their ignorance. Thus have We made alluring to each people its own doings. In the end will they return to their Lord and We shall then tell them the truth of all that they did."\(^{155}\)

خذ العفو وامير بالعرف وأعرض عن الجهلين. واما ينزعنك من الشيطان نزغ فاستعاذ بالله، انه سميع علم.

"Hold to forgiveness; command what is right; but turn away from the ignorant. If a suggestion from Satan assail thy (mind) seek refuge with Allah; for He heareth and knoweth (all things);\(^{156}\)

وان احد من المشركين استجارك فاجره حتى يسمع كلم الله ثم ابلغه ماعمه، ذلك بأنهم قوم لا يعلمون.

"If one amongst the pagans ask thee for asylum grant it to him so that he may hear the word of Allah and then escort him to where he can be secure: that is because they are men without knowledge;\(^{157}\)

ادفع بالتي هي احسن السبينة، نحن اعلم بما يصفون.

"Repel evil with that which is best: We are well-acquainted with the things they say;\(^{158}\)

ولا تجادلو اهل الكتب الا بالتي هي احسن الا الذين ظلموا منهم وقولوا امنا بالذي انزل علينا وانزل اليمين ويهبنا الهدى واحد ونحن له مسلمون.

"And dispute ye not with the People of the Book except with means better (than mere disputation) unless it be with those of them who inflict wrong (and injury): but say "We believe in the Revelation which has come down to us and in that which came down to you; Our Allah and your Allah is one; and it is to Him we bow (in Islam);\(^{159}\)

ولا تستوى الحسنة ولا السبينة، ادفع بالتي هي احسن فلا الذي بينك وبينه عداوة كانه ولي حميم.
“Nor can Goodness and Evil be equal. Repel (Evil) with what is better: then will he between whom and thee was hatred become as it were thy friend and intimate!”

“It may be that Allah will grant love (and friendship) between you and those whom ye (now) hold as enemies: for Allah has power (over all things); and Allah is Oft-Forgiving Most Merciful”

“Surely those who believe, and those who are Jews, and the Christians and the Sabians, whoever believes in God and the Last Day and does good, they have their reward with their Lord, and there is no fear for them, nor shall they grieve”

“This day [all] things good and pure are made lawful to you. The food of the People of the Book is lawful to you and your food is lawful to them. And so are the chaste from among the believing women and the chaste women from among those who have been given the Scriptures before you

“God forbids you not to be good and just to those who have not fought you over your religion, nor have they evicted you from your homeland. For god loves those who are just”

The minorities are protected, against the oppression and tyranny, this we can deduce from the following Ahadîth;

“لا ينهكم الله عن الذين لم يقاتلوكم في الدين ولم يخرجوكم من دياركم أن تبرؤهم وتقسطوا اليهم. أن الله يحب المقتضين.”

“مَنْ سَيَنَا بِعِيرٍ طَيِّبٍ فَأَنَا حَجِيِّهِ يَومُ الْقِيَامَةِ.”
“Beware, if anyone wrongs a contracting (confederate) man, or diminishes his right, or forces him to work beyond his capacity, or takes from him anything without his consent, I shall plead for him on the Day of Judgement”\(^{165}\)

لا يدخل الجنّة من لا يؤمن جاره بوائقه

“He will not enter paradise whose neighbour is not secure from his wrongful conduct”\(^{166}\)

إن الله عزوجل يعذب الدين يعذبون الناس في الدنيا

“Allah Most High will punish those who punish the people in this world”\(^{167}\)

من قتل معاها، لم يرح دائحة الجنة وإن ربحها ليو جد من مسيرة أربعين عامًا

“He who kills a person who has been given a covenant, will not experience the odour of the paradise and verily, its odour is experienced from the distance (to be covered in) forty years”\(^{168}\)

لا ترجعوا بعدي كفّارا يضرب بعضكم رقاب بعض

“Do not turn non-believer after me by striking off the necks of one another”\(^{169}\)

أجاز شهادة أهل الكتاب، بعضهم على بعض

“Witness of the people of the book (Jews and Christians) lawful for one another”\(^{170}\)

إذا رأيتم الجنّةة فقوموا حمی تخلفكم.

“He who kills a person who has been given a covenant, will not experience the odour of the paradise and verily, its odour is experienced from the distance (to be covered in) forty years”\(^{168}\)

Wherever you see a funeral procession, should stand up till the procession goes ahead of you”\(^{171}\)

إذا مرت بك جنّةة يهودى أو نصوانى أو مسلم فقومموا لها فلستم لها تقومون انما تقومون لمن معها من ملكة

“When the bier of a Jew, Christian or Muslim passes by you, stand up for it. You do not stand up for it, but you stand up for those angles who are with it”\(^{172}\)

لهم مالنا وعليهم ماعلينا.

“They have the same rights as we do and the same obligations as we have”\(^{173}\)
“Whoever annoys a dhimmi, I shall be a litigant against him on the Day of Judgment”\(^{174}\)

أنا أحق وفي بذمته.

“I am committed, more than anyone else, to fulfilling my covenant”\(^{175}\)

اذًا جلس بين يديك الخصمان فلا تقضٌى حتى تسمع من الآخر كما سمعت
من الأول.

“When the litigants appear before you, do not decide for one until you hear the other. It is more likely that by doing so, the reasons for a judgement will become clear to you”\(^{176}\)

They can also participate in the public, administrative and civil affairs of the state. The only limitation is that they are not liable to be appointed as the head of an Islamic State, since it is based upon an ideology in which a non-Muslim has no faith\(^{177}\).
"(They are fond of) listening to falsehood of devouring anything forbidden. If they do come to thee either judge between them or decline to interfere. If thou decline they cannot hurt thee in the least. If thou judge, judge in equity between them; for Allah loveth those who judge in equity. But why do they come to thee for decision when they have (their own) laws before them? Therein is the (plain) command of Allah; yet even after that they would turn away. For they are not (really) people of faith. It was We who revealed the law (to Moses); therein was guidance and light. By its standard have been judged the Jews by the Prophet who bowed (as in Islam) to Allah's will by the Rabbis and the doctors of Law: for to them was entrusted the protection of Allah's Book and they were witnesses thereto: therefore fear not men but fear Me and sell not My Signs for a miserable price. If any do fail to judge by (the light of) what Allah hath revealed they are (no better than) unbelievers. We ordained therein for them: "Life for life eye for eye nose for nose ear for ear tooth for tooth and wounds equal for equal." But if anyone remits the retaliation by way of charity it is an act of atonement for himself. And if any fail to judge by (the light of) what Allah hath revealed they are (no better than) wrong-doers. And in their footsteps We sent Jesus the son of Mary confirming the law that had come before him: We sent him the Gospel: therein was guidance and light and confirmation of the law that had come before him: a guidance and an admonition to those who fear Allah. Let the people of the Gospel Judge by what Allah hath revealed therein. If any do fail to judge by (the light of) what Allah hath revealed they are (no better than) those who rebel. To thee We sent the Scripture in truth confirming the scripture that came before it and guarding it in safety; so judge between them by what Allah hath revealed and follow not their vain desires diverging from the truth that hath come to thee. To each among you have We prescribed a Law and an Open Way. If Allah had so willed He would have made you a single people but (His plan is) to test you in what He hath given you: so strive as in a race in all virtues. The goal of you all is to Allah; it is He that will show you the truth of the matters in which ye dispute."

(Quran 5:4)
The Holy Qur’ān very clearly defined in its chapter IV, verse 59, that, Muslims are obligated to follow Allah Almighty, His Apostle and those who are in authority among the Muslim community. This verse implies two important points:

1. In an Islamic State Uliū al-Amr (those in authority), would be elected or selected from among the Muslim community. Because the word minkum clearly indicated the appointment of the head, must be among the Muslims themselves.

2. The Holy Verse orders the faithful to turn to Allah Almighty and the Messenger in case of any disputes in between various groups of the Muslim communities. It is very clear that, in a dispute between the ruler and the subject, Allah Almighty and His Messenger as the arbitrators would be accepted only by those rulers who are Muslims, and not by the non – Muslims. Maulana Maududi very clearly elaborates the point and says that there is no scope for the non – Muslims to be appointed as the head of the state of Islam as in a socialist state no one who oppose socialism would be appointed as its head. Nor an opponent of democracy in a democratic state has any chance for the highest post of administration.  

Dhimmis have been exempted from military duty, because the defence of state against its enemies has been made the responsibility of its Muslims population only. Evidently only those people who believe in the basic ideology of the state sincerely can and should fight from it protection. Again, only the believers in that ideology can be expected to honour the moral principles which have been prescribed by Islam for warfare. Others can fight for it only as mercenaries and, consequently; they cannot be expected to observe the Islamic Ethical Code in the heat of the battle. These are the main reasons why the dhimmis have been exempted from military service and have only been enjoyed to pay their monetary share in the defence of the state. Jizyah is thus not only a symbol of loyalty to the state but it is also the contributory compensation for
exemption from military service, and that is why it is imposed only on males, capable of military service. Whenever Muslims are unable to protect the Dhimmis, the Jizyah and Kharaj that might have been realized from them, have to be returned.

Political Rights

In the Qur’an, Allah Almighty has commanded the Muslims to participate in the political affairs of the state, so that, a person may choose or elect a good and Allah fearing as the ruler of the state. This can lead to smooth running of the state, and one should work freely for the welfare of the community. The best way to participate is through mutual consultation, every person has a direct say in the affairs of the state or his participation is acknowledged indirectly through a representative assembly chosen by him. The verses are as follows;

فأعف عنهم واستغفر لهم وشاورهم في الأمر.

“And perform your duties by mutual consultation amongst you”

واعدد الله الذين انتموا ومنكم وعملوا الصالح ليستخلفوهم في الأرض كما استخلف الذين من قبلكم ولهم لبكم لهم ولبيد لنهم من، بعد خوفهم امنا، بعيدونا لا يشركون بى شيئا، ومن كفر بعد ذلك فاولئك هم الفسقون.

“Allah has promised to those among you who believe and work righteous deeds that He will of a surety grant them the land inheritance (of power) as He granted it to those before them; that He will establish in authority their religion the one which He has chosen for them; and that He will change (their state) after the fear in which they (lived) to one of security and peace: ‘They will worship Me (alone) and not associate aught with Me.’ If any do reject faith after this they are rebellious and wicked”

وأمرهم شوري بينهم

“Who (conduct) their affair by mutual consultation”
Right to Abstain

Allah Almighty has commanded the Muslims not to take what is harmful to them. The verse is as follows;

"Forbidden to you (for food) are: dead meat blood the flesh of swine and that on which hath been invoked the name of other than Allah that which hath been killed by strangling or by a violent blow or by a headlong fall or by being gored to death; that which hath been (partly) eaten by a wild animal; unless ye are able to slaughter it (in due form); that which is sacrificed on stone (altars); (forbidden) also is the division (of meat) by raffling with arrows: that is impiety. This day have those who reject faith given up all hope of your religion: yet fear them not but fear Me. This day have I perfected your religion for you completed my favour upon you and have chosen for you Islam as your religion. But if any forced by hunger with no inclination to transgression Allah is indeed Oft-Forgiving Most Merciful"

The hadith regarding in this context are given below:

"Whoever abstains from asking others, Allah will make him contended, and whoever tries to make himself self-sufficient, Allah will make him self-sufficient. And whoever remains patient, Allah will make him patient. Nobody can be given a blessing better and greater then patience"

"يكون فتنة تستناشف العرب. نقتلاها في النار. اللسان فيها أشد من وقع السيف"
"A turmoil will rise that will embrace the entire mankind (and bring about their destruction). They will be in the Hell-fire. The tongue (i.e. uttering of the tongue) in it (turmoil) is more sever then the blow of a sword"\textsuperscript{186}

العبادة في الهجرة: كهجرة إلى

"Worship during the blood-shed is like emigration towards me (as the reward is concerned)"\textsuperscript{187}

فإن د ماءكم وأموالكم، قال محمد: وأحسبه قال: وأعراضا ضكم عليكم حرام، كحر ماه يومكم هذا، في بلدكم هذا، في شهركم هذا وسلتون ربك، فسساكم، عن أعمالكم، إلا فلا ترجعوا بعدي صلا، يضرب بعضكم رقاب بعض، ألا ليبلغ الشاهد الغائب، فقل بعض من يبلغه أن يكون أوعى له من بعض من سمعه، فكان محمد إذا ذكره يقول:

صدق محمد صلى الله عليه وسلم ثم قال: ألا هل بلفت.

"So your blood, your property and your honour are sacred to one another like the sanctity of this day of yours, in this town of yours, in this month of yours; and surely, you will meet your Lord, and he will ask you about your deeds. Beware! Do not become like those who went astray (as infidels) after me, cutting the necks of one another. It is incumbent on those who are present to convey this message (of mine) to those who are absent. May be that some of those to whom it will be conveyed might comprehend (what I have said) better that the present audience"\textsuperscript{188}

ليس الشديد بالصرعة، إنما الشديد الذي يملك نفسه عند الغضب

"The strong is not the one who overcomes the people by his strength, but the strong is the one who controls himself while in anger"\textsuperscript{189}

لا يحكم أحد بين اثنين وهو غضبان

"No one of you should judge between two person when he is angry"\textsuperscript{190}

كل شراب أسكر فهو حرام

"Any drink that intoxicates is forbidden"\textsuperscript{191}

Rights of Women

Islam has explicitly discussed the position of women. As we have observed in the previous chapter, every ancient civilization had dealt with the women differently.
The Qurʾān has honoured women to the extent that, there is a whole chapter on her entitled ‘Women’ (i.e. Surah Nisa), and her status and dignity are explicitly stated therein as also in so many other verses of the Qurʾān. Some of her rights and indications of her status are stated below.

Islam recognized women as a full and equal partner of man in the procreation and survival of mankind. Her role is no less vital than man’s. As a consequence of this partnership she has an equal share in every aspect and is entitled to equal rights. She undertakes equal responsibilities to her partner. In the Qurʾān we read,

بيتها الناس اننا خلقتم من ذكر وانثى وجعلتم شعوبا وقبائل لتجاربوا.

“O mankind verily! We have created you from a single (pair) of a male and female and made you into nations and tribes that ye may know each other”

هن لباس لكم وانتم لباس لهن.

“They are your garments. And ye are their garments.”

من أنفسكم ازواجا لتسكنوا اليها وجعل بينكم مودة ورحمة.

“He created for you help mates from yourselves that ye may find rest in them and he ordained between you love and mercy”

She is acknowledged as an independent personality, possessing all human qualities and worthy of spiritual aspirations. Her human nature is neither inferior nor to deviates from men. She is equal to man in bearing personal and common responsibilities and in receiving rewards for her deeds.

فاستجاب لهم ربهم انى لايضيع عمل عامل منكم من ذكر او اثنا بعضاكم من بعض فاذئين هاجروا واخبروا من ديارهم وأولوا في سبيلي وقتلوا وقتلوا لآكلون عنهم سياتهم ولاد خلصهم جنت تجري من تحتها الانهر ثوابا من عند الله، والله عينه حسن الثواب.

“And their Lord hath accepted of them and answered them: "Never will I suffer to be lost the work of any of you be he male or female: ye are
members one of another; those who have left their homes or been driven out there-from or suffered harm in My cause or fought or been slain verily I will blot out from them their iniquities and admit them into gardens with rivers flowing beneath; a reward from the presence of Allah and from His presence is the best of rewards”

“The believers men and women are protectors one of another: they enjoin what is just and forbid what is evil: they observe regular prayers practice regular charity and obey Allah and His apostle. On them will Allah pour His mercy: for Allah is Exalted in power Wise”

“For Muslim men and women for believing men and women for devout men and women for true men and women for men and women who are patient and constant for men and women who humble themselves for men and women who give in charity for men and women who fast (and deny themselves) for men and women who guard their chastity and for men and women who engage much in Allah’s praise for them has Allah prepared forgiveness and great reward. It is not fitting for a Believer man or woman when a matter has been decided by Allah and His Apostle to have any option about their decision: if anyone disobeys Allah and His Apostle he is indeed on a clearly wrong Path”

Islam grants women equal rights to contract, to enterprise and to earn and possess independently. Her life, her property, her honour are sacred as those of man. If she commits an offence she is no less or more guilty than a man in a similar case. If she
is harmed or wronged, she is entitled to the same compensation as a man in her position would get.

"O ye who believe! The law of equality is prescribed to you in cases of murder; the free for the free the slave for the slave the woman for the woman. But if any remission is made by the brother of the slain then grant any reasonable demand and compensate him with handsome gratitude; this is a concession and a Mercy from your Lord. After this whoever exceeds the limits shall be in grave penalty."198

Islam does not state the right of women in dry statistical terms. It puts them into practice as integral articles of faith. It does not tolerate any prejudice against women or any discrimination between men and women. Time and again, the Qur’ān criticizes those who used to believe women to be inferior to men. It says;
And when to any one of them the tidings of the birth of a daughter is conveyed, dark shadows settle on his face, and he is filled with grief. He keepth himself aloof because of this tidings and begins to think whether he shall keep it as a sign of disgrace or bury it in the earth. Mark! How vile is their line of thought.

To Allah belongs the dominion of the heavens and the earth. He creates what He wills (and plans). He bestows (children) male or female according to His Will (and Plan). Or He bestows both males and females and He leaves barren whom He will: for He is Full of knowledge and power.

For Muslim men and women for believing men and women for devout men and women for true men and women for men and women who are patient and constant for men and women who humble themselves for men and women who give in charity for men and women who fast (and deny themselves) for men and women who guard their chastity and for men and women who engage much in Allah’s praise for them has Allah prepared forgiveness and great reward.

She is entitled to freedom of expression as much as man is. Her sound opinions cannot be disregarded just because she belongs to the fairer sex. The Qur’an and history of Islam bear testimony that the women not only expressed their opinion but
also agreed and participated in serious discussions with the Prophet Muhammad (صلى الله عليه وسلم), himself and with other Muslim leaders.

"O, ye who believe! When there come to you believing women refugees examine (and test) them: Allah knows best as to their Faith: if ye ascertain that they are Believers then send them not back to the Unbelievers. They are not lawful (wives) for the Unbelievers nor are the (Unbelievers) lawful (husbands) for them. But pay the Unbelievers what they have spent (on their dower). And there will be no blame on you if ye marry them on payment of their dower to them. But hold not to the guardianship of unbelieving women: ask for what ye have spent on their dowers and let the (Unbelievers) ask for what they have spent (on the dowers of women who come over to you). Such is the command of Allah: He judges (with justice) between you: and Allah is Full of Knowledge and Wisdom. And if any of your wives deserts you to the Unbelievers and ye have an accession (by the coming over of a woman from the other side) then pay to those whose wives have deserted the equivalent of what they had spent (on their (dower): and fear Allah in. Whom ye believe. O Prophet! when believing women come to thee to take the oath of fealty to thee that they will not associate in worship any other thing whatever with Allah that they will not steal that they will not commit adultery (or fornication) that they will not kill their children that they will not utter slander intentionally forging falsehood and that they will not disobey thee in any just matter then do thou receive their fealty and pray to Allah for the forgiveness (of their sins): for Allah is Oft-Forgiving Most Merciful."

The Holy Prophet Muhammad (صلی الله عليه وسلم) elevated the dignity and status of women by saying:
The best among you are those who behave best towards their wives.\textsuperscript{204}

The whole world is a place of useful things and the best thing of this world is a virtuous woman (wife).\textsuperscript{205}

Even paradise lies underneath the feet of your mothers\textsuperscript{206}

The case regarding marriage of the widower, divorced, or virgin girl. The Prophet Muhammad (صلاة الله عليه وسلم), had said that,

A Tayyib should not be married till she is consulted; nor should the virgin be married till her consent is sought and her consent is her silence\textsuperscript{207}

A matron should not be given in marriage except after consulting her; and a virgin should not be given in marriage except after her permission\textsuperscript{208}

Islam equally grants the political right and participation in government to the women, though there are some difference between the sexes in the area of family law including marriage, divorce, and inheritance, but deals do not actually amount to inequality. As far as women’s eligibility to public office, such as the judges, governor, officer-in-charge, the head of the public grievance tribunal, and the public post, modern Muslim scholars had declared the women eligible, provided there is no encroachment on the post of women in discharging the basic religious obligations. The scholars however have precluded women from the post of caliph/head of state, basing there argument upon the below text:

And stay in your houses, and make not a dazzling, like that of the former times of ignorance\textsuperscript{209}

وخيركم خيصركم لننساهم

فائز مهافن الجنّة عند رجلها

And stay in your houses, and make not a dazzling, like that of the former times of ignorance
"Such people as ruled by a lady will never be successful."

We could trace Hadith that women also participated in serious discussion with Prophet Muhammad (صلى الله عليه وسلم).

Islam as the ultimate divine revelation does not only prescribe in detail the human rights and the legal codes and conducts in this regard; it also provides a complete system of morality and ethics that contains a complete safeguard to the spirit of the execution of these fundamental rights. The moral values enshrined in the Holy Qur’ān and Islamic History basically ensure the honest implementation of the legal codes. Islamic ethics deals with the minds and hearts of the people and prepare them to accept the will of God eagerly and wholeheartedly. The Holy Qur’ān is clearly opposed to any kind of socio-economic or politico-psychological compulsion in the context of practising any religion or code. This is the unique feature of Islam that distinguishes it from other ideologies and religions.
Notes & References:

1. The Qur'an 96: 1-5
2. The Qur'an 58: 11
3. The Qur'an 55: 33
4. The Qur'an 10. 101
5. The Qur'an 29: 43
7. Al-Bukhari, Kitab Jamāl al-Sahih, English translation, Muhammad Mohsin Khan, Kitab Bhawan, New Delhi, 1984, See Kitab al Ilm, Chapter 11, Vol. 1, p. 59
10. The Qur'an 17: 33
11. The Qur’an 5: 32
12. The Qur’an 5: 35
13. The Qur’an 17: 31
14. The Qur’an 6: 151
15. The Qur’an 25: 68
16. The Qur’an 4: 93
17. The Qur’an 2: 84
18. The Qur’an 49: 13
19. The Qur’an 3: 79
20. The Qur’an 21: 92
21. The Qur’an 23: 52
24. The Qur'an 49: 11-12
25. The Qur'an 48: 11-12
26. The Qur'an 48: 6
27. The Qur'an 53: 23
28. The Qur'an 33: 10
31. The Qur'an 4: 148
32. The Qur'an 17: 70
33. The Qur'an 3: 110
34. The Qur'an 4: 135
35. The Qur'an 3: 78
36. The Qur'an 63: 5
37. The Qur'an 2: 256
38. The Qur'an 88: 21-22
40. The Qur'an 4: 59
41. The Qur'an 6: 107
42. The Qur'an 9: 71
43. The Qur'an 10: 99
44. The Qur'an 41: 9
45. The Qur'an 4: 58
46. The Qur'an 4: 135
47. The Qur'an 5: 8
48. The Qur'an 5: 45
49. The Qur'an 5: 49
50. The Qur'an 5: 51
51. The Qur'an 5: 101
52. The Qur'an 7: 29
53. The Qur'an 28: 4
54. The Qur'an 42: 15
55. The Qur'an 57: 25
62. Al-Muslim, Kitab Jāmi' al-Sahih, op. cit., See Kitab al-Hudud, Hadith No. 1687, Chapter 1, Vol. 3, p. 128
66. The Qur'an 10: 36
68. Ibn Qayyin, al-Turuq, p. 28
69. Muslim, *Mukhtasar Sahih Muslim*, p. 280, Hadith no. 1053.


72. Mahmassâni, *Arkân*, p. 106


74. The Qur'an 24: 23.

75. The Qur'an 24: 27-28

76. The Qur'an 24: 58-59

77. The Qur'an 49: 8-12

78. The Qur'an 104: 1


81. Al-Muslim, *Kitab Jamî al- Sahih*, *op. cit.*, See *Kitab al-Tauba*, Hadith No. 2760 R 1, Chapter 6, Vol. 4A, p. 265


83. The Qur'an 2: 85

84. The Qur'an 4: 97

85. The Qur'an 29: 56

86. The Qur'an 39: 10

87. The Qur'an 2: 188

88. The Qur'an 2: 262

89. The Qur'an 2: 267

90. The Qur'an 4: 4

91. The Qur'an 4: 7-13

92. The Qur'an 4: 29

93. The Qur'an 4: 32
94. The Qur'an 4: 37-38
95. The Qur'an 51: 19
96. The Qur'an 57: 7
97. The Qur'an 70: 24-25
99. The Qur'an 2: 187
100. The Qur'an 2: 229
101. The Qur'an 4: 75
102. The Qur'an 24: 27-28
103. Al-Muslim, Kitab Jam'i al- Sahih, See op. cit., Kitab al Birr was salat-i-wal-Adab, Hadith No. 2563, Chapter 9, Vol. 4, pp. 172-173
104. Al-Muslim, Kitab Jam'i al- Sahih, op. cit., See Kitab al Birr was Salat-i-wal-Adab, Hadith No. 2587, Chapter 9, Vol. 4, p. 183.
106. The Qur'an 2: 219
107. The Qur'an 2: 177
108. The Qur'an 76: 8-9
109. Al-Muslim, Kitab Jam'i al- Sahih, op. cit., See Kitab al Birr was Salat-i wal-Adab, Hadith No. 2556R1, Chapter 6, Vol. 4, p. 170.
110. The Qur'an 51: 19
111. The Qur'an 70: 24-25
114. The Qur'an 2: 194
115. The Qur'an 4: 58
116. The Qur'an 17: 36
117. The Qur'an 42: 39-41
118. The Qur'an 6: 151
119. The Qur'an 17: 33
120. The Qur’ān 49: 6
121. The Qur’ān 3: 195
122. The Qur’ān 4: 32
124. The Qur’ān 4: 2
125. The Qur’ān 4: 11–12
126. The Qur’ān 4: 33
128. Al-Muslim, Kitab Jamī al-Sahih, op. cit., See Kitab al-Fara'id, Hadith No. 1619R5, Chapter 4, Vol. 3, p. 71
132. The Qur’ān 3: 104
133. The Qur’ān 4: 148
135. Al-Tabrīzī, Mishkāt, Vol. II, Hadith no. 2325
136. The Qur’ān 49: 9
138. The Qur’ān 31: 15
140. The Qur’ān 4: 58
141. The Qur’ān 5: 9
142. The Qur’ān 49: 11-12
143. The Qur’ān 17: 70
144. Al-Muslim, Kitab Jamī al-Sahih, op. cit., See Kitab al Birr was Dalat -i- wal- Adab, Hadith No. 2548R1, Chapter 1, Vol. 4, p. 164.
145. The Qur'an 3: 110
146. The Qur'an 9: 29
147. The Qur'an 5:51
150. The Qur'an 2: 109
151. The Qur'an 2: 256
152. The Qur'an 3: 65
154. The Qur'an 5: 2
155. The Qur'an 6: 108
156. The Qur'an 7: 199-200
157. The Qur'an 9: 6
158. The Qur'an 23: 96
159. The Qur'an 29: 46
160. The Qur'an 41: 34
161. The Qur'an 60: 7
162. The Qur'an 2: 62
163. The Qur'an 5:5
164. The Qur'an 60:8


175. Al-Tilī, Hurriyyat, p. 331


177. Maududi, S. Abul Ala, The Islamic Law and Constitution, English translation, Khurshid Ahmad, Lahore, Islamic Publication Limited, 1980, p. 295. He has debarred, the non-Muslims from the membership of Majlis Shura / Parliament, according to the basic principles of Islam. He, however has allowed them to be the member of shura in the modern democratic state provided, the constitution of the country contains the clear-cut assurance that, the parliament would have no right to legislate against the Holy Qur‘ān and Sunnah; the prime sources of the country would be Holy Qur‘ān and Sunnah; and the laws made by the parliament will be finally approved only be such a man who will be compulsorily be a Muslim.

178. The Qur‘ān 5: 42-48


181. The Qur‘ān 3: 159

182. The Qur‘ān 24: 55

183. The Qur‘ān 42: 38

184. The Qur‘ān 5: 3


192. The Qurʾān 49: 13

193. The Qurʾān 2: 187

194. The Qurʾān 30: 21

195. The Qurʾān 3: 195

196. The Qurʾān 9: 71

197. The Qurʾān 33: 35-36

198. The Qurʾān 2: 178

199. The Qurʾān 4: 92

200. The Qurʾān 16: 58-59

201. The Qurʾān 42: 49-50

202. The Qurʾān 33: 35

203. The Qurʾān 60: 10-11


205. An-Nawawi, Riyadh-us-Saleheen, op. cit., Hadith no. 280, chapter 34, p. 181. (Hadith reported in Sahih Muslim)


209. The Qurʾān 33: 33