Chapter – 8

Maulana Mawdudi and Pakistan

After the British rule was over the country was divided into two parts, based on the concept of two-nation theory. That part of the country which had Muslim majority became Pakistan, i.e., east and west Pakistan and the rest became India. Pakistan was established in the name of Islam, which in fact means the establishment of a Islamic state. After independence it was the duty of the government in power, i.e., Muslim League to cancel the British law of 1935 and replace it with Islamic law. But no such change was effected and the league on account of their own interest gave a different interpretation of their promises made during the pre-independence time. It was therefore, essential to awaken the nation in this regard. They were to be reminded that simply acquiring the piece of land and naming it Pakistan will not make Pakistan Islamic. Sincere efforts were required to make Pakistan an Islamic state by totally overhauling its executive, judiciary, legislature and other organs of the state.

Maulana Mawdudi, the torchbearer of the Islamic State evolved the theory of Hukumatt-i Ilaha and Iqamat-i Din for the establishment of an Islamic State in Pakistan. He was careful when he pronounced the establishment of an Islamic state. He said it is a time consuming exercise to transform the western oriented system to an Islamic system. Therefore, it should be implemented in a gradual process.
The basic points against which revolves his theory of an Islamic state are:

- The establishment of the sovereignty of God.
- The establishment of His commandments and the *Sunnah* of the Holy Prophet.
- The Vicegerency of man on behalf of God.
- Government by elected parliament members.
- Implementation of the principle of *Shura*.
- Islamic constitution.
- Establishment of free and independent executive, legislative and judiciary.

He suggested the establishment of an Islamic constitution, reforms in legal system, changes in method of election, establishment of democracy. He discussed the position of women in an Islamic state and the concession which could be given to non-Muslims living in Pakistan. He also suggested that we need to fight the evil effects of socialism and other western ideologies.

Immediately after the partition of India, Mawdudi along with his associates migrated from Pathankot, on August 30th 1947. His aim and object was to transform the Muslim nationalism propounded by Muslim League into Islamic Nationalism. He wanted Pakistan to become ‘Mumlikat-i Khudad Pakistan’. To achieve this goal he did every thing possible, using all his limited resources within the frame work of Islamic law and morality.
To achieve his goal he started a mass movement called *Matlab-i Nizam-i Islami*, the aim of which was the establishment of an Islamic order. After an struggle of nineteen months the constituent assembly of Pakistan passed the objective resolution on 12th March, 1949. After the establishment of Pakistan this was the first political victory of Mawdudi because this resolution contained the following important clauses:

i. Sovereignty belongs to Allah.

ii. *Shariah* forms the basis of the law.

iii. Laws which are repugnant to Islam, will be abrogated.

iv. The government will not over step the limits laid down by the *Shariah*.  

After this initial success Mawdudi continued his struggle for the establishment of an Islamic constitution. He criticised strongly the interim report of basic principle committee, because it did not contain even a single clause, characteristic of an Islamic state. The divine law was ignored.  

People having secular approach were spreading rumours that within in the Muslim religious *ulama* there is no consensus. They are loggerhead with each other. Therefore, it is impossible to establish an Islamic state. In view of these developments a meeting of a group of 31 leading ulama belonging to different schools of thoughts from the Deoband, the Barelvi school,

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the Ahl-i Hadith and the Shiite was convened successfully under the chairmanship of Maulana Syed Suleman Nadwi at Karachi. Maulana Mawdudi was its convenor. This assembly after long deliberation approved the following 22 basic principles of the Islamic constitution in January 1951.³

(1) Sovereignty of the State vests in God.

(2) The law of the land shall be based on the holy Quran and the Sunnah.

(3) The state shall be governed on the principles and ideals of Islamic ideologies.

(4) The state shall promote virtue and suppress vice.

(5) The state shall strengthen the bonds of unity and brotherhood among the Muslims of the world.

(6) It shall be the responsibility of the state to guarantee the basic necessities of life for all people.

(7) The citizens shall be guaranteed all rights conferred by the Shariah.

(8) No one shall be punished without being given full opportunities of defence.

(9) The recognised Muslim schools of thought shall have within the law complete religious freedom.

(10) The non-Muslim citizens shall have within the limits of law complete freedom of religion and in their personal law.

(11) All obligations of the state with regard to non-Muslims
enjoined by the Shariah shall be fully honoured.

(12) The head of the state shall always be a male Muslim.

(13) The responsibility for the administration of the state
shall vest in the head of the state.

(14) The head of the state shall be advised by a Majlis-i Shura.

(15) The head of the state shall have no right to suspend the
constitution.

(16) The head of the state shall be removable by simple
majority vote.

(17) The head of the state shall be responsible for his acts
and shall not be above law.

(18) The judiciary should be independent of the executive.

(19) All citizens and officials shall be subject to the same law.

(20) The propagation and publicity of all such views and
ideologies which are against the ideals of Islam shall
be prohibited.

(21) The various regions of the country shall be considered
administrative units of a single state.

(22) No interpretation of the constitution, which is in
conflict with the provisions of the Quran and the
Sunnah shall be valid.⁴

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⁴ Masudul Hasan, Sayyid Abul A’ala Maududi and His Thought, Vol. I, p. 425. Note: It was
assumed that these 22 points were drafted by Mawlana Mawdudi, Maulana Mawdudi Ki
In August 1952 Mawdudi presented proposals before the constituent assembly of Pakistan to enable them to frame the Islamic constitution, which will include a preamble, directive principles and fundamental rights. He also suggested certain amendments in preventive detention act and the method of election.

In 1952, when final touches were being given to the constitution, Maulana Mawdudi made some important proposals. The first and the foremost being the inclusion of the clause that no legislation shall be passed against the Quran in the operative part of the constitution and the provision that every citizen would have the right to challenge the government in the supreme court any law on the ground that it was repugnant to the Quran and the Sunnah.  

Maulana Mawdudi also suggested the following provisions to be made in the directive principles:

(1) That all the existing laws will be brought in conformity with the Shariah within a specific period.
(2) That moral training shall be made compulsory for all services.
(3) That all departments of government shall extend every facility to its functionaries to fulfil their obligations as per the requirements of Islam.
(4) That government shall promote all that is good and suppress all that is evil.

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(5) That the system of education shall be reformed in accordance with Islam.

(6) That government shall within ten years provide all amenities to its citizen.6

He insisted that the judiciary should be free of the executive. He suggested qualification for the candidate who participate in the election, and abolition of the rule relating to the unopposed election. Women should not be allowed to participate in the constituent assemblies. The Qadiyanis should be declared as minorities and they should elect their representatives through a separate electorate. The head of the state shall not be given the power to suspend the constitution.7

After the assembly of 31 ulama representing the divergent school of thought passed their unanimous recommendations, Maulana Mawdudi convened a press conference to convey the unanimous recommendation of this body of ulama. In fact this was done to dispel the doubts that there are differences within the ulama.

When the Islamic constitution was being framed, a vicious campaign was launched in the press against the Islamic constitution. The opponents were of the view that the demand for Islamic constitution was merely a political stunt and that the Quran and the Sunnah do not throw any light on the constitution making. To refute this view point Mawdudi wrote an article in Tarjuman al-Quran 8 in

which he quoted several verses of the Quran and *Ahadith* which were enough to prove that there is ample guidance available in the *Shariah* to frame an Islamic constitution. From different Quranic verses Maulana Mawdudi pointed out that the following points are the key for framing the Islamic constitution:

i. Sovereignty of God.\(^9\)

ii. Obedience to the Prophet.\(^10\)

iii. Supremacy of *Shariah*.\(^11\)

iv. Vicegerency and mutual consultation.\(^12\)

v. Qualifications required for the men to be elected.\(^13\)

vi. Objectives of an Islamic state.\(^14\)

vii. Justice.\(^15\)

viii. Fundamental rights.\(^16\)

ix. Social welfare.\(^17\)

x. Position of women.\(^18\)

After presenting the above mention Quranic verses and the sayings of the holy prophet, Mawdudi challenged those who had said that there is nothing in the Quran and the *Hadith* regarding the framework of an Islamic constitution. He challenged them by saying, “either submit to the demand of Islamic constitution or say frankly, we do not recognise the Quran and the *Sunnah* as a final authority”. He further said, “It is unfair and dishonesty to choose a middle course, between


\(^10\) 4:64, 80, 57:57, 4:65, 105.

\(^11\) 4:59, 33:36, 5:44.

\(^12\) 24:55, 42:38.


\(^14\) 22:41.

\(^15\) 4:58, 5:8.


\(^17\) 51:19.

\(^18\) 4:34.
Iman and Kufr. He insisted that the constitution should be made as per the divine instructions or it should be pronounce loudly that they favour the democracy of United States of America and Great Britain as enshrined in their constitution.19

When the second recommendations were being framed for the constitution, ulama of different sects met and deliberated for nine full days and presented the proposal. Maulana Mawdudi took the initiative to explain these points to the common man in a public meeting. After appreciating the positive aspects of the report, he was bold enough to point out the week aspects of these recommendations and demanded certain amendments in the constitution relating to the fields of education, finance, prohibition of drinking, gambling and prostitution.20

The family law commission appointed by the government of Pakistan, sent a questionnaire to the ulama requesting them to send the replies by January 15th 1956. Mawdudi wrote the replies to these queries which were published in the Tarjuman al-Quran, to enable the ulama to form their opinion. The questionnaire relates to matters which relate to Muslim Personal Law like the institution of marriage, its registration, divorce, number of marriages, maintenance, payment of dower, inheritance of paternal grandson, hiba, the dissolution of Muslim marriage and about the family court. 21

The constituent assembly of Pakistan, after a gap of eight years passed the constitution of Islamic Republic of Pakistan in 1956. The preamble, the directive principles, the state policies and some other provisions of this constitution were according to Islam writes Maulana Mawdudi. He was of the view after that eight years of struggle, the opponents of Islam have agreed to the view point of Islam. He asserted that after the times of righteous caliphs and the Umayyad caliphs Umar bin Abdul Aziz, this was the first time that the authority of the government is passed into the hands of the people. He further said that though there are few things which are still objectionable like the preventive detention act, suspension of fundamental rights during emergency, in acting of indemnity laws, disqualifying people, yet the constitution was acceptable because of its Islamic and democratic character.22

Ayub Khan, the martial law dictator abolished this Islamic constitution in 1958 and again a long battle started for a new Islamic constitution. Mawdudi, opposed vehemently the family law which were introduced by Ayub Khan, because these laws were repugnant to Islam and amounted to innovation. The struggle for the Islamic constitution continued during the times of Yahya Khan (1969-1971).23 Eventually during the times of Zulfiqar Ali Bhutto due to public pressure the constitution of the Islamic Republic of Pakistan was passed in April, 1973.24 For the establishment of Islamic constitution Mawdudi convened public

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22 Jamat-i Islami ki dasturi jad o jahed, p. 108.
23 Jamat-i Islami ki dasturi jad o jahed, pp. 134-164.
24 Maulana Mawdudi and His Thought, vol. II, p. 447. See also Jamat-i Islami ki Dasturi Jadahhd, pp.242-244.
meetings, processions, passed resolutions, conducted seminars, involved the advocates, the *ulama*, the politicians, the students and the youth. Even processions were taken out. He provided to the government the guidelines of an Islamic constitution. He went through the draft, pointed out the defects and suggested changes wherever required.

After the establishment of Pakistan, Mawdudi pointed out the defects in the existing legal system and suggested reforms on the Islamic lines. He firstly suggested the establishment of a legal academy which will undertake the codification of the Islamic law, translation of source books of jurisprudence and suggests reforms in the fields of law, education and judicial system. Mawdudi was keen that the government should abolish the court fee.25 During the constitutional struggle Mawdudi also pointed out the discrepancies in the laws Habeas Corpus and the suppression of fundamental rights during emergency. Mawdudi, writes that to bring about a change in the constitutional set up of a country, time is required. Changes cannot be brought about overnight, it requires lot of patience to change the moral, cultural, political, social, economic and legal laws in the frame work of the country. Change, writes Mawdudi, is a gradual process. If changes are brought about by force they are not long lasting. According to Mawdudi, for a strong and long lasting revolution it is necessary that we work in a synchronised manner like a machine in which all the components of

the machine support each other. He pointed out that even the Quranic injunctions were revealed upon the Prophet Muhammad (PBUH) gradually. The Britishers took more than hundred years to change the prevailing Muslim law in the sub-continent. Therefore, Mawdudi, suggests gradual changes which will be effective and long lasting. Any things done in haste are by force will not bear fruits. 

Mawdudi, was of the view that as there are no clear cut injunctions in the Shariah about the method of election, any free and fair procedures can be adopted through which a pious and honest persons can be elected. Mawdudi writes, that the purpose of election is to elect a competent leader. The real purpose is to elect representatives of the society who are the well-wishers of the country, through whom Islamic system can be established. If the leadership of the country is in the hands of the dishonest, debauchers and quarrel some person, writes Maulana Mawdudi, evil will spread in the society and peace and tranquillity will disappear. Mawdudi, writes that as the car moves on its course as per the desire of the driver, the vehicle of the civilization also moves in the direction which its chosen representatives take it, because they have the reins of the civilization in their hands.

Mawdudi, questions what should be the yardstick of a sincere leader? He writes that as per the guidelines of the Shariah the minimum requirements are:

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(1) The leader should be true follower of Islam who performs his duties and shuns all his desires.

(2) He should be honest, faithful and straightforward person.

(3) He should not be a evil monger or a debaucher.

(4) He must possess good knowledge and understanding of the Islamic affairs and the requirements of his time, age and society.

(5) He should not be a greedy person and shall not desire for a post.

Maulana Mawdudi, writes that in order to elect a pious leadership which will practically implement the Islamic system, it is absolutely necessary to introduce necessary reforms in the election procedure. He was of the view that the party system and the candidate belonging to a party should be abolished. Persons of noble characters must be elected through the electoral *Panchayats*. All immoral and un-Islamic practices should be abolished.

According to Mawdudi, the basic reasons of all the evils in the existing political system is in the procedure of elections. He pointed out that at the time of elections such people who are desirous to hold key posts, participate in the election. They start campaigning their candidature and use such means and methods, which are totally un-

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28 The concept of ‘Electoral Panchayat’ was given by Mawlana Mawdudi. According to this system in every electoral constituency good, honest and suitable persons should be nominated, as their leaders or MLAs/MPs. The Panchayat should have a manifesto based on principles. The nominated candidate should take public oath that he will abide by the manifesto of the Panchayat and work in parliament with other elected candidates of the Panchayats. If the Panchayat loses its confidence in them they should resign from their post. All expenses of election will be borne by the electoral constituency of that panchayat. Mawlana Mawdudi evolved this system to bring out righteous leadership for the enforcement of Islamic order in the country. *Islami Nizam-i Zindagi*, pp. 335-336.

Islamic and uncalled for. If they fail to get party ticket they fight the election as independent candidates and in order to gain success they do not abide by any moral code of conduct. They have no hesitation in telling lies, in committing frauds and use all such means and methods, which are un-ethical. Their sole goal is to win by hook or crock. They lure the voters through wealth or threat.\textsuperscript{30} It is for this reasons the noble persons of the society do not participate in this dirty game. Even if they do in the initial stages they will soon give up. Hence the competition continues only between those who do not have the fear of Allah or moral values, or honesty. Mawdudi, therefore, writes, that our elected representatives are mostly such elements who have distrustful characters. Even our electorate which elects such candidates have no knowledge of the principles, programmes of the government or knowledge about the capacities of such candidates. Mawdudi, therefore, writes that malpractice in our election procedure, corrupt polling officers, fake voting has resulted in the election of the undesirable elements to our national and provisional assemblies. This has in fact deprived the honest, committed people from participating in the election. Mawdudi, concludes by writing that as long as this corrupt procedure of election remain in practice it will not be a possible for an honest and noble person in the society to participate, leave alone win. He writes that the nature of this procedure itself is such that it provide all the opportunity of success only to the corrupt elements of the society who posses evil character.\textsuperscript{31}

\textsuperscript{30} Islami Nizam-i Zindagi. pp.334-335.
Mawdudi, therefore, writes that it is absolutely essential to change the election procedures. In fact it should be abolished and new mechanism of honest election should be introduced. He writes that these malignant procedures should be replaced with ethically and morally sound system to enable the honest persons to participate in the election. He therefore, suggests some guidelines in this regard. Firstly the election shall be conducted based on principles and not on interest of the parties and personalities or tribal affiliations. The voter shall be given training to help them elect a person who is suitable for implementing the reformative programme. Persons who are desirous of posts shall not be allowed to participate in election. Candidate shall not be permitted to use their financial resources in elections because that will lead to corrupt practices. The voter should elect a suitable candidate. A person who represents the panchayat shall publically take an oath that he would abide by the manifesto put up by the panchayat. That he will work together in the national or provincial assemblies along with other elected representatives and help them in implementation of the manifesto of the panchayat. When the panchayat looses its confidence in him he must quit. They will not adopt any immoral and unethical practices. Neither they pressurise the voter nor lure them with money. They will not cause any proxy voting. They shall remain honest and true throughout the election and their tenure. Mawdudi, was of the view that if these procedures are implemented the democratic procedure can begin and the government will be in a position to eliminate the evil characters.  

However, the experiment of electoral *panchayat* introduced by *Jamat-i Islami* had its initial success but failed in the 1951 elections of Punjab. The *Jamat* failed to change the moral of the masses. The electoral malpractices, gundaism and exchange of money was the part of this election. However, *Jamat-i Islami* stood by its faith in good principles and honesty. The party did not resort upon to bargaining or any wrong methods. It accepted its defeat. Commenting on the result, Mawdudi remarks, “Had they banned, threat, evil practices, cheating, the free flow of money, it would have been a free and fair election. The real and genuine voters did not defeat us but the mal practices defeated us”.

Mawlana Mawdudi, observed that the prevailing electoral system was un-Islamic and immoral and totally rotten, through which the ineligible persons occupy seats in the government. Maulana Mawdudi, gave a concept of a new ‘electoral machinery’ (the *Panchayat System*) to get rid of the rotten one. One which was in accordance with the principles of Islam, wherein honest and pious people could be elected, and through whom an Islamic State could be established. Mawlana not only gave this concept but tried his best to implement it practically. Mawdudi was in favour of democracy but said that there should be free and fair elections. Regarding the present western type of democratic elections, he said they are *Mubah* (permissible), provided it be free from all illegal and immoral practices.33

33 *Islami Riyasat*, p. 344.
During 1956, the provincial assemblies of east and west Pakistan, were expressing their opinion on the question of ‘electoral system’. On this important issue Mawdudi strongly supported the idea of ‘separate electorate’. Mawdudi was of the view that there shall be separate electorate for such region where people of other faith, other than Islam reside. The election of non-Muslims to the constituent assemblies would create problems, because their faith, their ideology and culture are be entirely different from that of Islam. This would create practical hurdles in the smooth functioning of the government. In such circumstances the natural and better course would be to adopt the system of separate electorate. In case of any practical difficulty, he suggested that a referendum should be held to solve such problems.\textsuperscript{34} This opinion of Mawdudi was based upon ideological background of Pakistan.

During the tenure of president Ayub Khan, Mawdudi, drafted a code of conduct for the elections, the need of which was long felt. He proposed:

1. No party should be allowed to work against Islam, or against the unity of the country.
2. No party should step beyond the bounds of reasonable limits, and indulge in any accusation, which can not be established.
3. Every party should have the right to hold public meetings to project its viewpoint, but no party shall be allowed to disturb or break up the meetings of other parties.

4. No party shall be allowed to bring about a revolution in the country through force.

5. If any party decides to boycott elections it should be free to do so, but it should not be allowed to intimidate others to boycott elections.

6. During elections, political parties should refrain from, purchasing votes, procuring votes through influence or intimidation and corrupt practices.

7. Every party should undertake that if it came to power, the party in power shall not use its employees and resources of the government for the benefit of the party, refrain from using the mass media for carrying out propaganda in favor of its party and in condemning the other parties, shall favor its party men with concessions, licenses, or other material advantages.

8. Parties who do not believe in the order other than democratic order based on Islam shall be banned from participating in the elections.35

Mawlana Mawdudi, was against the concept of monarchy and dictatorship. Dictatorship, whether civil or military writes Mawdudi is against the basic spirit of democracy. In dictatorship force is used making the country a police state. Hence monarchy and dictatorship are the two sides of the same coin. In Islam both are detestable.36 It is bad luck for Pakistan that since independence it is under military and civil dictatorship of persons like Malik Ghulam Mohammed, Sikander Mirza, Ayub Khan, Yahiya Khan, Shaikh Mujeebur Rahman, Zulfiquar Ali Bhutto, General Ziaul Haq.

Mawlana Mawdudi, writes that the ruling class of Pakistan right from its establishment consists of western educated capitalists, *jagirdars* and *zamindars*. Therefore, they tried their utmost to avoid the establishment of an Islamic system, because its establishment would adversely affect their interest. To avoid this they tried to promote secularism through dictatorship and used the bureaucracy as a tool. Mawlna writes that: “If minority wants to implement its desire in a country against the majority, then they do not need democracy but dictatorship which is more feasible for them.” Because after coming to power and taking charge of the government it rules over the nation through corrupt practices and force. They think that the country is their personal estate. In the initial stage the bureaucrats favor dictatorship and try to delay elections. Finally when elections become inevitable, with the help of the bureaucracy they use dishonest means, and as per their desire they see the candidates of their choice emerge victorious in the election. The people are never given an opportunity to elect the representative of their own choice. Mawlna Mawdudi, states that dictatorship cannot work in the presence of freedom of press. Ban on press is an indicator of the dictatorial intentions. By imposing the ban on press the dictator gets an opportunity to do things of his choice. A dictator uses all the means to avoid his bad deeds to come before the people. Similarly they want the proceedings of the assemblies and court to remain within the four walls and never become public. For this reason new ordinances are issued. These ordinances reflects the intentions of the ruling party. Mawlna says, if the public does not
have the knowledge of the proceedings of the assemblies, then how is it possible for them to judge their candidates.\textsuperscript{37} The sentiments of the people are always against the dictators. Mawlana Mawududi, writes: “Independence does not mean that one should be free from the slavery of other nations, but also means one has to gain freedom from the autocrats of their own country. It is important to note that majority of freedom struggles in the world were not fought against outside enemies but were fought to liberate them from the clutches of the autocrats of their own country and also against cruel rulers. The Iranians had to fight against the Qachar rulers; the Turks and the Chinese had to struggle against their own kings. Likewise the English men, who are great lovers for their own country and nation, had to fight against their own Monarchs and Dukes. The stories of France and America are no different.”\textsuperscript{38}

Therefore, democracy is the general concern of majority of the people. In an Islamic democracy government is formed by means of election. The parliament elects the Head of the state. If head of a state fails to discharge his duties according the Shariah he can be deposed from his office. However in an Islamic democracy, the laws of the Shariah cannot be changed by public opinion. As there are no clear cut injunctions regarding election in Shariah, any free and fair procedure can be adopted by which we can elect the righteous persons.\textsuperscript{39} The fundamental principle of democracy writes Mawlana Mawdudi is that the power should not vest with a

\textsuperscript{39} Mawdudi, Islamic Nizam-i Zindagi, p. 170. See also Khilafat wo Mulukiat, pp. 76-79.
particular person or group but should be vested with people as a whole. He says that there are five basic principles for Islamic democracy; Firstly it should be provided that the Judiciary should be separate and independent of executive. Secondly, the people should be assured of civil liberty. They should have fundamental rights which should be fully guaranteed by an independent judiciary. Thirdly, rule of law should be provided, and there should be one law for both the ruler and the ruled. Fourthly the constitution should guarantee free and fair elections. Fifthly, it should be provided that the servants of the State whether civil or military should not indulge in politics, and they should implement the decisions of whichever government is in power.  

Immediately after the inception of Pakistan, Mawlana Mawdudi in his public meetings reminded the people about the demand for an Islamic order (Mataleb-i-Nizam-i Islami), because the State of Pakistan was formed in the name of Islam. Hence as promised Islamic law should be implemented instead of social and secular systems. Shaikh Mujeebur Rahman’s Awami Party of East Pakistan and Zulfiquar Ali Bhutto’s Pakistan’s Peoples Party of West Pakistan were trying their utmost to promote socialism and secularism in Pakistan. Mawlana Mawdudi, however, and his party Jamaat-i Islami, made untiring efforts to revive the Islamic order. He said that this country does not belong to the nation of Marx and Lenin, it is the country of the followers of Prophet Muhammad.

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(PBUH). Except Islamic System no other system will be tolerated in Pakistan.⁴² Mawlana Mawdudi wrote several books and made number of speeches and gave interviews and tried to explain that socialism is against Islam and not acceptable for Pakistan.

Mawdudi states that in Russia and China great experiments have been made for the establishment of a socialist society, but these states were governed under the dictatorship of Stalin and Mao and consequently the people of those countries had to suffer. Islam is an ideology which is totally different from Socialism, and in different spheres of life.⁴³

In order to prevail over the masses, the flag bearers of socialism invented slogans like Islamic socialism, Islam is our religion, socialism is our economy, democracy is our politics etc. Mawdudi also took note of these slogans and through his public address, books and articles, he tried his utmost to point out that these slogans have nothing to do with Islam or the Muslims. He said that it is a fact that socialism, capitalism or the theories of Marx and Lenin are alien to Islam. The system, which Islam envisages, is entirely different in all respects.⁴⁴

Mawlana Mawdudi, writes that time has come to impart religious and modern system together. It is time to develop our own and a new educational system which will fulfil the requirements of

⁴³ Istifsarat, p. 398.
⁴⁴ Istifsarat, pp. 334, 397, 420, 421-422, see also Tasrihat, p. 90, and Islami Riyasat, pp. 608-609.
our time, age and society. To bring about an intellectual, moral and cultural revolution we require a new system of education. He was of the view that to lead the world one has to be highly educated. According to Mawlana Mawdudi, the new education policy shall be such that it should produce knowledgeable and practicing Muslims. We need Muslim philosophers, historians, scientists and sociologists, who can lead us into the modern times and simultaneously develop the Islamic culture. The religious scholars and social scientists shall be brought on to one plate form in order to narrow down the gap between the religious scientists and the social scientists. There is an urgency to give Islamic orientation to the social and physical sciences. Education should not be based on speculation, but should be based on knowledge of revelation. In all disciplines of education, research work should be promoted. In this new educational system, apart from emphasis on theory alone, more emphasis should be placed on training. Mawlana Mawdudi presented the syllabus for the residential schools at primary, secondary and higher levels. It is also important to mention, that he presented the agenda for the Islamic system of education to the National Education Commission of Pakistan in 1952.

The identity of a progressive Nations writes Maulana Mawdudi, depends upon the inventions, research and development. He writes that England, Germany, America, Russia have never

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46 Talimat, pp. 192-208.
ceased in the field of research and development. The knowledge through research continues and makes great strides in these countries. Inventions are made, books are written and published.\textsuperscript{47}

Mawlana Mawdudi, knew very well that our society has been losing its virtues since long, which cannot be changed in a day or two. The moral values of the common man have dipped so low, that for them the movies, the songs, the mixed culture, the wine, gambling and other forbidden act have become a part of their daily life. We need to start the process to change all this. The vices and evils which are a part of our society shall be eradicated at the earliest. For reforms of the society several programs can be taken up. We need to circulate Islamic literature among the educated persons. The farmers, the workers and the villagers should be reformed through oral lectures. In respect of women, students, the advocates and other professionals a systematic approach is necessary. Sustained efforts should be made to broadcast and telecaste on Radio and the Television. The Mosque should be become the focal point. In this regard he suggests that the \textit{ulama} and \textit{mashaiq}, the students, the youth and the women must work hard to transform the society. To spread Islam on a larger scale, and to bring about an awakening of Islam among the people, Mawlana Mawdudi himself wrote extensively on all topics, so that people can comprehend Islam easily. He adopted a rational, scientific and modern method in his writing which reformed millions of people. He used simple language

\textsuperscript{47} \textit{Mawlana Mawdudi ki Taqarir}, vol.II, pp. 267-277.
and the idiom of the common man. Inspired by his works, speeches and radio talks hundreds and thousands of people adopted the Islamic way of life in India, Pakistan and Bangladesh. Scholars from different organizations and institutions have produced vast Islamic literature on different subjects. Likewise the newspapers, magazines and journals are rendering service in their own style so that the youth also get an opportunity to comprehend Islam.

The Quran has made it obligatory (farz) for every Muslim to propagate virtue and to admonish the evils. Particularly the ulama and mashaiq have a great responsibility to fulfil this injunctions writes Mawdudi. Mawlana Mawdudi, was critical of the Sufis for isolating themselves and adopting goshanashini. He said that they cannot escape from obliging the instructions of God. At a time when the Muslim nations are going astray and indulging in immoral acts, it is their duty to reform the society as did their forefathers. They are required to promote Amar bil Maruf wa Nahi Anil Munker (enjoin what is good and forbid what is evil).  

It is the duty of the ulama, mashaiq and Islamic scholars to introduce Islam to the people living in the cities, hamlets and villages, most of whom are illiterates. For this the people need not be literates. During the period of Prophet (PBUH) Islam did not spread through the book. It spread through oral education, guidance and training. Even today it is not necessary that we first teach them how to read and write and then explain to them about religion. As in the period of Prophet (PBUH) in the present times common people can

be given religious education. They may be informed and taught about the Islamic faith and the principles of morals. Explanation can be given to them regarding the importance of the *Faraiz* and the pillars of Islam. One can create in them the ability to make a distinction between the *Halal* (lawful) and the *Haram* (unlawful). They should be told about the severe punishment for major sins, which will be inflicted on them by Allah Almighty. They should be lured through information that their good acts and deeds will be rewarded by Allah Almighty. The verses of the *Quran* and the *Hadiths* of Prophet (PBUH) had brought about a reform in the Arab world, even today we can transform this society through the *Quranic* verses and the *Hadiths* of the Holy Prophet (PBUH).49

Mawlana Mawdudi writes, that Radio, T.V., Cinema, Press and Literature must play an important role in eliminating obscenity, immoral acts and crimes. Modern technology must be used for the benefits of the Muslim society. Common people can be shown the differences between true Islamic morals and the un-Islamic values. Initially Islam introduce moral and ethical values and subsequently on the basis of the strong faith the moral, social, economic, political and legal aspects were strengthened. Today we also need to adopt a similar methodology in order to bring about a gradual but lasting change in our society.50

He advocated the maximum use of T.V., radio and transmitters to reach out to our rural masses. Narrations pertaining to the period of Prophet (PBUH), the periods of *Sahaba* and the

49 *Tasrihat*, pp. 344–348.
50 *Tasrihat*, pp. 344.350.
Saliheen should be broadcast regularly in an interesting style. He advocated a gradual replacement of the present programs. Any haste will lead to greater problem. 51

In the constitutional recommendations of January, 1953, Mawlana Mawdudi, had suggested that all those things which are forbidden by the Quran and the Sunnah, shall be banned constitutionally. Such as wine, gambling, prostitution etc. Mawlna emphasized banning all such things within a fixed period of time. 52 He further said that if any leniency is shown in the law regarding the forbidden things (and licenses are continued to be issued), then any number of sermons by the preachers will not have any effects, and the evils would continue to remain in our society. It is very essential he said, that through the amendments in the law, these evils should be strictly banned. After this the people should be taught about the negative effects of the sinful practices. In other words all roads leading to evils have to be totally blocked.

There is a misunderstanding that the criminal law of Islam is strict and out dated. There is a need to change this mindset. We need to sensitise the Muslim mind about the unity of God, Prophethood, and accountability in the life hereafter. Then the work of the restoration of moral values should be done on large scale, so that the general conscience should awake. 53

Mawlana Mawdudi, expressed his great concern about the deterioration in the Islamic culture due to ignorance of Islam, and the influence of the Western secular culture. He writes that due to

51 Tasrihat, pp. 352-354.
53 Tasrihat, pp. 344-345.
the impact of western imperialism, and the British educational policy, Muslims have developed a tendency to submit and surrender. Mentally and physically they began to emulate the west. They set aside their national identity and adapted western dress, language, life style etc. Freedom of women, equality of the men and women, mixed society of men and women, profligacy, nudity, debauchery and all such vices have entered the Muslim society. And like many other things, they thought that, even Islam was an outdated religion of the medieval period. After mentioning the harmful effects of the western culture, Mawlana Mawdudi, put a decisive question before Muslims: “Are we prepared to face the consequences of the western way of life which is showing its ill effects in Europe and America?” He says, there is lot of difference between Islamic culture and western culture in concept of life, purpose and the way of life, because our concept of God, universe and position of man in the universe is different from western secular culture.

To remove the misunderstanding among the Muslims about the criminal law of Islam, Mawdudi writes that it took about 23 years for the Holy Prophet (PBUH) to bring about an Islamic revolution among the pre-Islamic Arabian society. It took more than 100 years for the British to change the Islamic law in the sub-continent. Similarly if we want to change the existing laws it can not be done over night. We have to do lot of exercise to review the

54 Islami Nizam-i Zindagi, pp. 309-312. See also Purdah, p. 28.
previous Islamic laws and current laws, we have to make amendments, abrogation and frame new laws after Ijtihad as per the requirement of the time. We have to follow thing step by step gradually. First of all we have to declare objective resolution for Islamic State. Then election should be fare and free of all corruptions. We have to reform educational system and media, so that the moral and social life should become Islamic. similarly economic conditions of the state should be changed according to Islam. Reformative changes should be done sincerely in all the government departments, systematically and simultaneously. Because Islamic system works with mutual interaction.\(^57\)

Implementation of Penal Code will be the last step towards an Islamic Change. Chopping off the hands of a thief, shall be implement only when the there is a full proof system of the collection of Zakat and its distribution among the poor, the needy and the destitute. The Islamic punishments for fornication and adultery shall be implemented, writes Mawdudi only after the establishment of pure Islamic society, where in there will be no excitement of sex and nudity.\(^58\)

Discussing the position of women in the society, Mawdudi writes, that there are two sets of opinion, which are at logger head with each other. One set of scholars do not want to give any status to the women. The other set of scholars give full liberty to the women and equality with men in the society. Whereas, Islam


\(^{58}\) *Islamic Law and Constitution*, pp. 53-55.
accords her a position according to her physical makeup. It gives her a status, which is governed by some ethical and moral boundaries. There the Quran says:

**Men are the managers of the affairs of women.**

Mawdudi writes, that the word *Qavvam* mentioned in this verse means a person who is responsible for the proper conduct, safeguard and maintenance of the affairs of an individual or an institution or an organization. The Quran says about women:

**Stay in your houses, and do not go about displaying your fineries as women used to do in the days of ignorance.**

The Holy prophet said:

**Women is the responsible of her home affaires, she will be asked.**

Maulana Mawdudi, explains that it does not mean that all her activities shall be restricted to the confines of the four walls of her home. In fact it means that the real task of women is to look after the family. She is required to nourish, educate and train her children according to Islamic values. This is an important responsibility imposed upon her. The responsibilities of Islam assigned to women are by no mean less than those assigned to men. Women should carry out her activities within the framework of Islamic law as laid down by Allah. Maulana Mawdudi states, that it is untrue that Islam does not

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59 4:34.
60 *Tafheem al Quran*, vol.1, p.349.
61 33:33.
allow women to come out of the four walls of her home or they are not allowed to take part in the normal activities of life within the prescribed limits. In certain things men and women are equal in matters of respect and honor, moral value, right of ownership of property and in respect of reward in (Akhairah) hear after.

Mawlana Mawdudi, in his book *Huquq al-Zaujain*, discusses at length the rights of women. He writes that she gets a share in inheritance, she can earn, she can own property, dower is her exclusive right, *khula* and maintenance are her rights, she can approach the *Shariah* court for the judicial separation. All her rights are obligatory upon husband.

Mawdudi, out rightly rejected the adoption of western culture, because Islam is against a mixed society. He writes that the impact of mixed gathering in the western societies is already evident from the immoral effects, birth of illegitimate children and increases in divorce rate. The problems of western women have increased when compared with the Asian women. The concept of joint family, ethical values and the respect for parents has disappeared. There are more evils in the society today. Mawdudi, writes that the injunction of the Quran and the *Sunnah* do not allow Muslims to adopt values where there is no *haya* or modesty.

Mawdudi, strongly supported the concept of education for women. He insists that it is the need of the hour. We need their

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services in colleges, hospitals and various other departments where women can play an important role. However, he was not in favour of co-education. Regarding the role of women in politics, Mawdudi, was not in favour of their participation in politics. He writes that Islam segregates the male and the female into two spheres. He quotes the following hadith:

**That nation cannot prosper whose matters are in the hands of a women.**

As per the Quran and the Sunnah writes Mawdudi, a women can not become the head of state, a minister, or a member of the parliament. She cannot contest the assembly and parliamentary election, or she cannot hold any key post pertaining to the administration of the state. No Islamic State can give any provision to the women in its constitution. In brief according to Mawdudi, she has no role in politics, administration and military services. However, women can exercise their right to vote freely. Women have the right to set up their own associations so that they may be able to criticize the policies of government objectively and comment on the law and order problems. According to Mawdudi, expression of opinion about the political matters is one thing and to shoulder political responsibilities is another. Mawdudi, rejects the argument of those who says that Bibi Aisha (RA) fought against Hazrat Ali (RA) in battle of camel for blood of

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67 Islami Riyasat, p. 516. See also Purdah, pp.186-187.
69 Selected speeches and writings of Maulana Maududi, pp.136-138. See also Islami Riyasat, pp. 379, 506-513.
Hazrat Usman (RA). Mawdudi, writes that the after the battle, Bibi Aisha was very much apologetic on her own action.\textsuperscript{70}

As regard the candidature and support of Mrs. Fatimah Jinnah is concerned, it was an emergency situation. President Ayyub Khan was the dictator and all civil liberties were sized and Maulana Mawdudi was imprisoned. Support to her candidature was based on the basis of \textit{Ahwan al Balaitain}, and it was an all parties’ decision.

After the partition, the Constituent Assembly of Pakistan issued a questionnaire regarding the rights of non-Muslims in an Islamic state. Mawlana Mawdudi, discussed the problem from the Islamic point of view in \textit{Tarjuman al Quran} August 1948. He said, that Islamic State is an ideological state, therefore, it is different from the national secular states. If we closely examine we can find following difference. An Islamic State classifies its citizens on the basis of Muslims (believers) and non-Muslims (non-believers). Where as in the national secular state the term majority and minority are used. Islamic State is governed by those who accept the state ideology. The non-Muslims can cooperate in the administration but they will not be given the responsibilities of policy making. The doors are always open for them to accept the ideology of the state. In the national states the responsibility of policy making always remains with the majority. The minority candidate, hardly get a chance to share the responsibility even if they do get a chance, it is for namesake. In an Islamic State rights of non-Muslims are well defined. Where as the rights of the minority in national state are on

\textsuperscript{70} \textit{Islami Riyasat}, pp.510-513.
paper only but in practice it is the majority which rules. Islamic State gives rights to the non-Muslim citizens and keeps them away from the ideological affairs. Whereas, national state adopts a different mechanism, it gradually destroy the separate entity of the minority or try to genocide and exterminate them from the state and treats them as untouchables. The rights given to non-Muslims are given by the *Shariah* and cannot be deprived by the state. They can be given additional rights which should not be repugnant to Islamic teachings. Whereas in the national state they can deprive the minorities of their rights.\(^{71}\)

Mawlana Mawdudi, explains that there are three categories of non-Muslim subjects, the contractees, the conquered ones and any others. Once when the Muslims enter into an agreement with the non-Muslims (*Dhimmis*) they must honour the agreement. They are not allowed to alter or amend the terms and conditions. The life, property and honor of the non-Muslims is as sacred as those of the Muslims. The conquered *Dhimmis* are those who are ready to pay *Jizyah*. If *Jizyah* is accepted by the Islamic state their lives, property and honor will have to be protected by Islamic State. The state will not interfere in their personal matters. The amount of *Jizyah* will be fixed on *Dhimmis* in accordance with financial position. *Jizyah* is only applicable upon the combatants and rest i.e., women, children, old men & women and disables are exempted from such a payment.\(^{72}\)

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The blood of a *Dhimmi* is considered as sacred as that of a Muslim. The law of retribution (*Qasas*) and blood money (*Diat*) are equal for both Muslims and non-Muslims. The protection of life, honor, dignity and their properties is the duty of an Islamic State. Criminal Law is same for both Muslims and *Dhimmis.* Chopping of hands for theft, 100 lashes on adultery and life for life is the same in both cases. In the matter of drinking, *Dhimmis* are exempted from punishment. Civil laws, too are same for both the *Dhimmis* and the Muslims. Whatever objects, forms and means of trade are prohibited for the Muslims, the same are also prohibited (*haram*) for the *Dhimmis.* For instance interest is unlawful for Muslims and similarly it is unlawful for *Dhimmis.* But the non-Muslims are exempted from the use wine and pork/ pigs.\(^73\)

The responsibility of non-Muslims (*Dhimmis*) by an Islamic state will not end even if he refuse to pay the *Jizyah* or kills a Muslim or abuses the Holy prophet (PBUH) or attacks the honor of Muslim women. He will be treated as per law of the land. The right of protection of a *Dhimmi* ends if he go over to its enemies or revolt against the Islamic State.\(^74\)

The use of violence and coercive methods in realization of *Jizyah* is strictly forbidden and kindness and benevolence are enjoined in this respect. In case of failure to pay *Jizyah*, properties of *Dhimmis* cannot be auctioned or confiscated. According to


Muslim Jurist such *Dhimmis* can be awarded simple imprisonment as a corrective measure. Due to old age or poverty, the *Dhimmis* who are unable to pay *Jizyah*, they are exempted and pension will be sanctioned to them.\(^\text{75}\)

*Jizyah* is the symbol of loyalty to the Islamic State. In return they will be exempted from the military services. That is why it is imposed only on male combatants. The defence of the Islamic state from the enemies is the responsibility of the Muslim population only. If the State is unable to protect the *Dhimmis*, *Jizyah* have to be paid back to the non-Muslims. Mawdudi says, *Jizyah* may be exempted from the non-Muslims living in Pakistan.

Mawdudi added, *Jizyah* is the consideration for the protection and the safeguard of their rights, which an Islamic state guarantees to the non-Muslims. This is to be realized from the able-bodied adult males only. The scholars who criticized the *Jizyah* and called it as ‘a fine for not accepting Islam’ can be asked: *Zakat* which is collected from all able Muslim men and women can it be termed as a ‘fine for accepting Islam.’\(^\text{76}\)

In matters of law the *Dhimmis* are free to adhere to their own personal law. *Shariah* laws are not to be enforced on them. *Dhimmis* can request the honorable court to decide their disputes in the light of Islamic *Shariyah*, then only Islamic court will enforce the *Shariah* laws on them. Further if in a matter of personal Law, one of the parties is a Muslim, the case will have to be dealt in the light of *Shariah*.\(^\text{77}\)


Dhimmis are free to perform their religious rites and festivals within their own temples, houses and their localities but for Muslims areas they had to seek permission from the government.\textsuperscript{78} Dhimmis have the right to build or repair their worship places and the government will not interfere in their matters. But they are not entitled to build new places of worship in Muslim cities, however they can repair the damaged homes of worship.\textsuperscript{79}

According to Mawlana Mawdudi one has to review the previous literature and see what additional rights and privileges we can give to non-Muslims in Islamic state. A non-Muslim can not become the Head of the State (\textit{Ulul Amri Minkum}), however, with reference to the membership of a parliament, this rule could be relaxed if constitution ensures that parliament would not legislate any law which is repugnant to the Quran and Sunnah. The Quran and Sunnah will remain the chief sources. The Head of the State would be necessarily a Muslim. Mawdudi, writes that it is also possible to permit the setting up of a separate representative assembly for all non-Muslims, which can be referred to as a central agency through which all the demands of the non-Muslims should be submitted to the parliament. The membership and voting rights of such an assemblies will be confined to non-Muslims and they would be given the full freedom within its framework of law. Mawdudi says that in the municipal corporation and local bodies non-Muslim could be given full electoral rights. In an Islamic State all non-


\textsuperscript{79} \textit{Tarjuman al Quran}, p. 224, \textit{Islami Riyasat}, pp. 589-590, \textit{Islamic Law and Constitution}, p. 288. Mawdudi explains that \textit{Jizyah} from non-Muslims living in Pakistan can be exempted because the emergence of Pakistan was not because of propagation of Islam or conquest of any country as in the early history of Islam but because of the division of the Indian sub-continent.
Muslims will have the same freedom of expression as in case of Muslims. Within those limitations they will be entitled to criticize the Government and its officials including Head of the State.

Non-Muslims will enjoy the freedom to practice in their religion functions, they are also entitled to propagate their religion without any foreign help. They will be allowed to use the educational institutions as set up by the Government throughout the country. As regards to the religious education, they will not be compelled to study Islam, but will have the right to make arrangement of their own. With the exception of few key posts (related to the State ideology and policy) all other services will be open to them with out any prejudice, except in the army. In an Islamic State, the doors of industry, agriculture, trade and all other professions are open to all, and Muslims have no special privileges over non-Muslims. Maulana Mawdudi, writes, an Islamic State is bound to give to non-Muslim citizens whatever rights Islam prescribes, regardless of what rights and privileges are given to or withheld from Muslims in the neighbouring or other non-Muslim states.  

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Conclusion