And they (sometimes) say: “There is nothing except Our life on this earth, And never shall we be Raised up again.”
If thou couldst but see When they shall be mad to stand Before their Lord!
He will say: “Is not this the truth?” They will say: “Yea, by our Lord!”
He will say: “Taste ye then the Chastisement Because ye rejected Faith”
Al-Quran- VI: 29-30

First-generation Muslims felt that the Holy Qur’an and the Prophet’s explanations and applications thereof were sufficient to order their day-to-day affairs. Consequently, after the Prophet’s death, consensus (ijma), analogical reasoning (qiyas), juristic preference (istihsan) and the processes of defining human interests and the overarching aims of Islamic law were all forms of reasoned interpretation (ijtihad), the goal of which was to increase their understanding of the meanings of the Qur’anic revelation and what they had come to know through the Prophetic Sunnah. The process of recording the Islamic sciences, voweling the relevant texts, and regulating the ways in which these texts were used called for the development of specific new approaches. The various sciences that were developed at that time included the principles of jurisprudence, the principles of exegesis, principles of Hadith study, and scholastic theology. These newly developed disciplines were an outgrowth of Muslim reasoning, they were without precedent in the history of the sciences, and they provided a means of ordering Muslims’ concrete affairs on the basis of Islamic law. Consequently, they constituted an Islamic methodology par excellence.

However, when we reflect on the principle source of this Islamic knowledge – the Qur’an itself – it becomes clear that the Qur’an was not only addressing the first generation of Muslims concerning the sciences they needed to establish. Nor was it addressing Muslims alone. Rather, it was addressing the entire human race, providing them with the source of guidance they needed to order all their affairs. The Qur’an continues to address believers and unbelievers alike, engaging them in dialogue and debate, telling them stories of bygone nations, encouraging them and a warning them, and offering them evidence to which they are obliged to make some response. The Qur’an deals with life’s affairs in their social, political and economic aspects alike while entering the inner recesses of people’s hearts and minds. It points to the marvels of the world we live in from the level of the infinitesimal to the vastest expanses of the universe. By means of its various styles of rhetoric – story – telling and parables, dialogue and questioning, enticement and threat – the Qur’an stimulates the mechanisms of perception and awareness in human beings in such a way that they put them to use as source of knowledge, while holding them responsible ultimately for these uses and their outcomes.

This type of reflection helped Muslim scholars to appreciate the Qur’an’s focus on informing people and directing them to what they ought to do, a focus whose aim is to help people both to achieve their interests in this earthly realm and to lead a life that earns them God’s pleasure in the world to come. These aspect of knowledge have their origin in the written revelation. Further reflection gave them an appreciation of the way the Qur’an encourages us to contemplate and meditate on the realities both within ourselves and in the outer world. Contd. on page-8
A two-day national seminar on “Minority Rights and Constitutional Safeguards: The Role of State, Judiciary and Civil Society” was held on February 6-7, 2016. It ended with the adoption of an 18-point resolution after deliberations over six business sessions where the participation of a cross-section of society reflected seriousness, importance and relevance of the themes.

The seminar opened with the recitation of a Quranic verse by Qari Mohammad Ismail, followed by an all-religion prayer. Inaugurating the seminar, former Union Minister for Minority Affairs, K. Rahman Khan said that the debate on the minority rights was as old as the Constitution itself. Though the Constitution did not define the term minority and there was no chapter dealing with it, we concluded that minority meant a community which was numerically smaller. He referred to Article 29 which guarantees the right of minorities to preserve their culture. Similarly, Article 30 guarantees the right to set up and manage their educational institutions. Referring to Articles 50 and 60, he said that every citizen of the country enjoyed his or her rights as a citizen without prejudice on the basis of sex, caste, creed, etc; adding that citizens had to assert for the protection of fundamental rights by the Central and state governments.

Unfortunately, the governments failed in their duty to fulfill that responsibility. He noted that Dr. B.R. Ambedkar had described Article 32 as the “soul of the Constitution” as it called upon government to ensure implementation of Constitutional provisions. Here came the role of the judiciary to act as a watchdog. Commenting on the role of the civil society, he said that little effort had been made so far to sensitise society in order that the government took note of its concern for implementing the provisions. Here came the role of the judiciary to act as a watchdog. Commenting on the role of the civil society, he said that little effort had been made so far to sensitise society in order that the government took note of its concern for implementing the enforcement of the Constitution. He said that the principles of human rights were enshrined in the Indian Constitution, but the judiciary lagged behind in ensuring their enforcement by the executive. Holding that the cultural and educational rights of the minorities were part of the bundle of the rights of citizens, he said that the most point today was if the rights with regard to the minorities measured up to the expectations of the Constitution. He said that in 1950, Sardar Patel had agreed to a political compromise formula under which special religious and educational rights were to be provided to the minorities. But this could not take off due to the lack of consensus among stakeholders.

Terming the verdict of a nine-member bench on the rights of the minorities as landmark, he said that it was fair, and amounted to an affirmative action. But the bureaucracy became a stumbling block by not reconciling to it. It should be sensitised on the issues pertaining to the minorities’ rights. Referring to interpretation of Articles 25 and 26, by the Supreme Court, he observed that the right to conscience could not be interfered with by the state. Claiming that secularism was the basic structure of the Constitution, he said that this had been ruled by the Supreme Court in the Bommai and the Keshavanand Bharti cases. He wondered how could the 11-member judgment of the Supreme Court in TM Pai case be reversed by a 5-judge bench. He maintained that there were several Acts that gave equal rights to citizens and that the Constitution was not focused on the rights of the largest minority of the country.

Senior advocate of Mumbai High Court, Yusuf Hatim Muchhala held that the issue concerned core values of Constitution. He said that the principles of human rights were enshrined in the Indian Constitution, but the judiciary lagged behind in ensuring their enforcement by the executive. Holding that the cultural and educational rights of the minorities were part of the bundle of the rights of citizens, he said that the most point today was if the rights with regard to the minorities measured up to the expectations of the Constitution. He said that in 1950, Sardar Patel had agreed to a political compromise formula under which special religious and educational rights were to be provided to the minorities. But this could not take off due to the lack of consensus among stakeholders.

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only a legal document, it also reflected political proclivities. He opined that Muslims were a numerically smaller group from panchayat level to parliament. Since they maintained a distinct identity, there could never be a uniform civil code in the country. Thus there was a need to provide them with security, ensure their development and allow them to maintain a separate identity.

He observed that the recommendations of the National Police Commission had not been implemented and bureaucracy had failed the minorities. Since bureaucracy had not been sensitised about the minorities, it failed to provide security to them during communal riots. He blamed the Congress for swearing by secularism, but failing to practise it. He called upon civil society to create political will and learn to act through NGOs. The minorities must take a lead in the NGO movement, he said. Civil society should take upon itself the responsibility to safeguard fundamental rights, he concluded.

Prof. Amarjit Singh Narang of the School of Social Sciences, Indira Gandhi National Open University (IGNOU), New Delhi pointed out that Indian Constitution was framed to ensure social, economic and political transformation of the country. He admitted that inequality was widespread, and there was discrimination against the minorities.

He explained that the Constitution could not decide the mindset of the people. But it was the executive, legislature and the judiciary that were charged with the task of implementing the Constitution. Commenting on the National Minorities Commission, he said that it was VP Singh who accorded statutory status to it, but the members of the Commission were nominated by the government of the day. He noted that the bogey of a uniform civil code was used as a stick to beat Muslims with. He said that the judiciary had been inconsistent in deciding cases relating to the minorities. While the UN Charter on Minority Rights was in place since December 1992, nothing substantial had been done in the case of minorities. He said that equality was needed de facto and not de jure and meaningfully commented on the present state of affairs. “What cannot be cured, must be endured”, he concluded.

The Nazim of Imarat-e-Shariah, Bihar, Orissa and Jharkhand, Mualana Anisur Rahman Qasmi called for setting up of a special commission to examine if the laws made were discriminatory.

Father Manthra SJ of St. Xavier’s School, Patna pleaded for ending gender discrimination in society and suggested that it must start with schools.

The Minister of Education, Bihar, Ashok Chaudhary regretted that even after 67 years of Independence, the condition of Dalits and Muslims had not changed. Calling the Sachar Committee Report an eye opener, he said, “we can empower ourselves through a social movement”. This needed change in thinking about inequality. He informed that the present government of Bihar had given appointment letters to more than half of Urdu teachers against 42,000 posts.

In his presidential address, the Chairman of the IOS, Dr M Manzoor Alam said that the focus should be on the role of the executive and the judiciary and the issue of minority rights. Claiming that very little affirmative action had been taken to strengthen the Constitution, he said that if intellectuals did not work at the grassroots level, they would be sitting only in their ivory towers. He lauded the role of the people of Bihar in silently and unitedly working for the installation of a secular government in the state.

Emphasising the need for affirmative action by the new government, he said that taking a cue from Bihar he was trying to adopt it as a model for future deliberations in the IOS. He announced that on the pattern of the seminar in Patna, four or five such programmes would be organised in other parts of the country on different issues. He felt that negative impulse could be neutralised through affirmative action. Calling for the participation of minorities in governance, he informed that about 21 books had been published by the IOS on minority issues.

In his introductory remarks, the Secretary General, IOS, Prof. ZM Khan briefly dwelt on the activities of the Institute during 30 years of its existence. He said that the IOS had specific areas of research which were decided after thorough discussion. Action was taken on the proposals received by the Institute. The IOS was engaged in the publication of topical books and a translation bureau had been set up to look after regional languages. He informed that the scholarship scheme which was stopped sometime ago had been revived. As many as 932 students had received scholarships and students going abroad for higher studies were given matching grants. He said that the IOS had decided to celebrate its 30th anniversary this year. He also informed that the report of the special committee
appended to draft the vision document for the IOS had been received recently. Commenting on the outcome of the Bihar assembly elections last year, he said that they needed to be studied and analysed how the undermining of the Constitution did not go down well with the electorate.

The business session on “the role of parliament and state assemblies” began with the Member of Parliament (Rajya Sabha), KC Tyagi in the chair. In his presidential speech he referred to Sheikh Mohammad Abdullah’s statement in which he had said that his decision not to go with the theocratic Pakistan was well-thought out. He said that had the great people of Bihar not demonstrated far-sightedness, the political scene of the country would have been altogether different. He alleged that the doors opening on the outside world were sought to be shut. He feared the challenges before the Rajya Sabha. He, however, assured that he would never allow a proceeding in the Rajya Sabha that could jeopardise the interests of Muslims.

He said that national chauvinism has taken centre-stage and parliamentary institutions had become subservient to the members of the Sangh Parivar. He pointed that instead of the national tri-colour, a saffron flag flutters over the RSS headquarters at Nagpur. Describing Gujarat killings as genocide, he said that the number of those killed in Bhagalpur communal riots was about 1,800. In the circumstances that were obtaining today when the freedom of worship and faith were endangered, the role of Parliament and state assemblies had become crucial. Calling for restraint against communal provocation, he said all-out efforts should be made to enlarge the number of liberal Hindus.

Prof. Afzal Wani, Prof. of Law, GGSPIP University, Delhi held that the Supreme Court had in a judgment ruled that Parliament was constituted by the Constitution and the former should respect the latter. Constitution was adopted for ensuring social, economic and political justice. Equality, fraternity, liberty and justice were the basic values of the Constitution. He said that the judiciary was the custodian of the Constitution and was empowered to strike down a law passed by Parliament if it was violative of the Constitution.

For imparting modern education to Muslims for their upward mobility.

Former member of Bihar Human Rights Commission, Justice Rajendra Prasad complained that we only discussed things, but did not practise. He said that the majority had become tyrannical to us. He commented that if the society did not protect us how could judiciary do it? Ali Anwar Ansari, Rajya Sabha Member of Parliament said that the doors which were closed on the Dalits were opened. Similarly, Sikhs also got relief due to their fighting nature. Muslims failed because they had no proper representation in law-making bodies. Referring to the reports of the Sachar Committee and the Rangnath Commission, he said that the political empowerment of Muslims was necessary for their educational uplift. He asked the Muslim community to do justice to those who were weak among them.

Eminent civil rights activist and journalist, Teesta Setalvad termed the current situation as the collective failure of governance. She said that there were inherently anti-constitutional activities by the members of the ruling dispensation. Union ministers were making anti-constitutional utterances on the floor of the House. The same people acted negatively to ensure defeat of the Communal Violence (Prevention and Rehabilitation of Victims) Bill in Parliament. She regretted that the number of Muslims collected at the Azad Maidan in Mumbai in protest against the killings in Gujarat riots did not add up to even one lakh. She informed that a peace mapping initiative had been taken in which people of different faiths were asked to connect with the administration. She advised the civil society people to build up a data bank of IAS and IPS officers in order to seek their rational reaction. Careful documentation of the reaction of the
administrative officers was needed the most. While calling for women’s issues among Muslims to be addressed, she observed that the Sachar Committee had no mention of gender discrimination and security of the Muslims in its report. She sought to collaborate with any NGO for sharing a plethora of information on various issues. She referred to a circular issued by the Ministry of Home Affairs, Government of India on January 2, 2016 to keep a close watch on the madrasas teaching Arabic and Urdu.

She said that it was incomprehensible why the Intelligence Bureau (IB) was not accountable to Parliament or any other body. An intelligence officer from the IB was always present at every seminar. The statements of Dr. Subramanian Swami and Praveen Togadia were never recorded by the IB. Similarly, neither the proceedings of the events of Hindutva organisations were recorded, nor files on them prepared. She called upon all stakeholders of civil society to move court against IB’s immunity to parliamentary review.

Human rights activist VB Rawat said that the RSS was a Brahminical organisation and represented Hindu majoritarianism. Since Dalits were asserting themselves, RSS was fighting the war of hegemony. The Brahmin-Baniya combine was waging a war of majoritarianism. He said that the RSS propaganda machinery was busy evolving a strategy using nationalism and communalism as propaganda tools for next elections. He insisted that the Congress, Samajwadi Party and Communists had casteist leaders who were keeping the flame of the RSS burning.

Another human rights activist Ramdev Vishwabandhu termed RSS as Rumour Spreading Society and said that those who talked of Dalits, land and forest rights were dubbed as Naxalites and the Muslims among them as terrorists. He termed the civil society as the fifth pillar of democracy.

Former Vice Chairman, Bihar State Child Labour Commission, SN Madan opined that the role of NGOs was limited. The state should take something from the NGOs by making them implementing agencies. He noted that the Muslim areas were almost ignored by NGOs.

Dr Amir Ullah Khan, Advisor, Gates Foundation and visiting professor at the Indian School of Business, Hyderabad, briefly acquainted the audience with the findings of two studies he made. While one was an all-India study, the other related to Telangana. He said that in the study, urbanisation was found to be key to poverty. The benefits of urbanisation to Muslims was uneven. He said that India would become the biggest economic power in the world in the next 50 years. Life expectancy among the Muslims was at the top. While no robust study on the benefit of reservation had so far been made, reservation did not benefit Muslims sufficiently, he noted. Reservation was working for the people belonging to the Scheduled Castes and Scheduled Tribes the most, but least for Muslims, he concluded.

Prof. Md. Zafar Mahfooz Nomani from the Law Deptt. of AMU pointed out that India had a Constitution but no constitutionalism. He pleaded for the setting up of an Equal Opportunity Commission or a Diversity Commission. Though the Supreme Court had developed judicial activism, when it came to interpreting Article 29, it remained unmoved. Holding that justice was the first virtue of an institution, he said that Dr B.R. Ambedkar had stated on January 26, 1950, “we are going to have so many contradictions.”

Terming advocacy as the hallmark of equal opportunity, he said that advocacy by an Equal Opportunity Commission would be beneficial for the marginalised sections. If an equal opportunity law was enacted, it would be free from religion and caste. An anti-discrimination law and Diversity Commission would also work for the same ends.

Prof. Arsh Khan of the Deptt. of Pol. Sc., AMU, held that a particular community in the country pocketed all the benefits while an important component, i.e., Muslims were deprived of them. They only got a symbolic benefit. This called for proportional representation of Muslims in legislatures. If this was implemented, the problem of reservation would automatically end.

The PRO, Central University of Bihar, Patna Dr Mudassir Alam, made a presentation of the progress on ten indicators.

Associate Prof. at ANS Institute of Social Studies, Patna Dr Habibullah Ansari held that deprivation,

L-R: Mr. Ram Puniyani, Dr. M. Manzoor Alam, Mr. Abdul Bari Siddiqui, Prof. Faizan Mustafa, Prof. Z.M. Khan and Prof. Shakeel Ahmad Qasmi
discrimination and injustice could not be removed altogether.

Prof. Mujteba Husain of the Deptt. of Sociology, Patna University opined that the grand old party, Congress proclaimed to be a secular party but when it came to taking a stand on secularism, it always backed out. He cautioned that today the Muslims faced the greatest danger even to their existence and they had to be in the forefront of the fight for social justice.


In his key-note address, Vice-Chancellor of NALSAR University of Law, Hyderabad, Prof. Faizan Mustafa struck an optimistic note by saying that due to saner voices, India would always remain secular. Secularism in India stayed not due to Muslims but the majority that was Hindu. He held that the term “minority” was used in the Constitution at four places and according to its definition, just less than 50 per cent of the population would constitute minority. He explained that the Muslim Personal Law being practised in India was a law given by the British. He advised that Article 29 must be invoked for claiming relief under Personal Law of Muslims.

Speaking in the valedictory session, Human rights activist and writer, Dr. Ram Puniyani opined that earlier the business establishments of Muslims used to be the main target of rioters, but the pattern changed after 1990, with a broader targeting of Muslims and their properties. He suggested that Muslim youth be trained to provide the media with facts. He also called for constituting a group of lawyers to defend victims. While finding no fault with the enquiry commissions set up to probe riots, he said that the implementation of reports was the main issue. Analysis of such reports was necessary to determine the cause of riots.

He stressed that the task in such cases must be multi-layered, including establishment of peace centres. Such centres should have a library and a watchman. Similarly, the community should develop a network with peace workers from within the community. In order to keep the conscientious members of the community abreast of the development, workshops should be regularly organised, he said. Quoting the outcome of the study conducted by a US university, he said that according to the study when a riot took place in India, it was exclusively a single political party that benefited from it. He maintained that till Independence, the state played a neutral role in communal riots, but post-Independence police played a partisan role. Minor incidents that triggered violence were used to polarise society on communal lines. He came down heavily on the role of the state in organising relief and rehabilitation in the wake of communal violence.

Bihar’s Minister of Finance, Abdul Bari Siddiqui, while underlining the importance of the seminar, held that sovereignty, democracy, secularism and socialism were four principles on which the Preamble to the Constitution of India was based. “We would not have held discussions here had there been no democracy in the country”, he said adding that no political party could act against the democratic system, but certain people were raising opposition to the Preamble despite taking pledge to protect the sanctity of the Constitution. He insisted that the pro and anti-democracy debate was as old as the Constitution itself, but if we had to fight for protecting the democratic system, we would have to be bold and fearless. Under the circumstances, the onus to protect democracy had now fallen on the shoulders of Muslims. This called for the expansion of literacy among Muslims. He asked community leaders to take forward the debate why the review of 15-point programme for minorities was not mandatory. He maintained that democracy had handed over a powerful weapon to us and we were duty-bound to protect it.

In his presidential address, Dr. M. Manzoor Alam called for a positive approach to various issues as it gave us strength to sail against odds. He said that the role of civil society had assumed more importance under the current situation. He also informed that he would try to arrange a meeting of the Muslim Personal Law Board with lawyers to strongly put up the Aligarh Muslim University case before the court. He informed that the book written by Prof. Faizan Mustafa on the criminal justice system in 20 years would be released in Patna.

At the end of the session, the following 18-point resolution was read out by Prof. Z.M. Khan which was adopted by the House with a
commitment to carry the message forward:

1. Indian philosophy of composite culture should be upheld and pressed to shape attitude formation of young India.

2. Security of the community is a prime concern. The ways and means may be worked out to look into this dimension.

3. Serious efforts should be put in place to minimise and eradicate the effects of right-wing aggressive designs and methods. Radicalisation of youth in all communities must be resisted.

4. Legal cells should be strengthened to provide legal help to victims of discrimination and implication of Muslim youth in false cases.

5. Efforts are to be made to ensure that response to terrorism comes within rule of law and similarly state should not fall in the trap of terrorists by indulging in any kind of state terrorism.

6. Serious efforts should be made to establish linkages and cooperation between like-minded organisations.

7. There should be serious plans to collate both Muslims and non-Muslim liberal sections to manifest and practise ideas of Indian Constitution and culture.

8. Rights of minorities about security, non-discrimination and non-assimilation are to be protected through all legitimate means.

9. Efforts should be made to push the demand for creating an Equal Opportunity Commission and Diversity Index should be prepared both for the public as well as private sector.

10. Confidence-building measures should be planned and initiated at all levels.

11. Participation of minorities in governance has to be increased. All measures are urgently needed to be adopted with a time-line.

12. Muslims need to conduct internal reforms in their society through valid methodology based on consensus within the community.

13. Civil society should come forward to increase feelings of togetherness and amity. Efforts may also be made to initiate joint actions with other marginalised sections on suitable themes and occasions.

14. Recommendations of different inquiry commissions about violence against Muslims should be classified and made public.

15. IOS should plan to draw a blueprint for proposing affirmative action strategy by the Central and state governments.

16. Rights of religious and linguistic minorities to establish universities should be fully protected.

17. All efforts at saffronisation of education must be resisted.

18. Law against communal violence must be enacted at the appropriate level.
CALICUT CHAPTER

Scintillating lecture on seerah

IOS Calicut chapter organised a lecture on the Prophet’s (PBUH) biographies in Malayalam on 13th February 2016. Sheikh Muhammad Karakunnu, the learned speaker who is currently the Asst. Ameer of Jamat-e-Islami Hind, Kerala observed that Malayalam is rich in seerah. There are many original works as well as translations brought out by many publishing houses and several of them are in print. Biographies of the Prophet (PBUH) are mostly best sellers.

There are around 150 biographies in the language: excellent original works like Muhammad Nabi, Jeevithavum Sandeshavum (Prophet Muhammad, Life and Message) by Prof P K Muhammad Ali, which is a well-documented work. It has run into many editions, Karakunnu added.

Islamic Publishing House has translated Seerah by K L Gauba, Abu Salim Abdul Hayy, Naeem Siddiqui and Ramakrishna Rao and these titles have helped remove many misconceptions about Rasool Kareem (PBUH). Karen Armstrong’s excellent biography was rendered into Malayalam as soon as it appeared. Another notable translation is Martin Lings’s Muhammad (PBUH).

Hayath Muhammad of Muhammad Haykal, the renowned Egyptian scholar, was translated into Malayalam two decades ago. It has run in many editions and still has brisk sale.

Later, Karakunnu replied to queries from the audience made up of many scholars and academics.

Mr A A Vahab, Director of IYC scholarship programme, welcomed the audience. Prof P Koya, the coordinator of IOS Calicut chapter, presided over the session.

Contd. from page-1

Through these mental processes human beings are able to discover the laws God has established on the psychological, social and cosmic planes, and, having grasped these realities, to legislate the laws needed to order life’s affairs, to establish a community devoted to truth and justice, and to construct an enlightened civilization. These aspects of knowledge have their origin in the universe as a whole with its vast array of objects, living beings, events and phenomena. And just as human life is a unified whole in which there is no division between the requirements of this world and the world to come, so also should human beings relate to the two sources of knowledge—revelation and nature— in an integrated, holistic manner.

(From Epistemological Integration by Fathi Hasan Malkawi, pp. 112-113)

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