

HUMAN RIGHTS IN ISLĀM

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opportunity to produce his defence is not permissible in Islām.

5. The Right to Protest against Tyranny: Amongst the rights that Islām has conferred on human beings is the right to protest against governments tyranny. This was acknowledged by Sayyidina Abu Bakr (R.A) who said in his very first address; "Co-operate with me when I am right but correct me when I commit error. Obey me so long as I follow the commandments of Allah and His Prophet, but turn away from me when I deviate."

6. Freedom of Expression: Islām gives the right of freedom of thought and expression to all citizens of the Islāmic state on the condition that it should be used for the propagation of virtue and truth and not for spreading evil and wickedness. The Islāmic concept of freedom of expression is much superior to the concept prevalent in the West. Under no circumstances would Islām allow evil and wickedness to be propagated.

7. Freedom of Association: Islām has also given people the right to freedom of association and formation of parties or organisations. This right is also subject to certain rules.

8. Freedom of Religious Sentiments: Along with the freedom of conviction and freedom of conscience Islām has given the right to the individual that his religious sentiments will be given due respect and nothing will be said or done which may encroach upon his right.

10. The Right to Basic Necessities of Life: Islām has recognised the right of the needy

people that help and assistance will be provided to them.

11. Equality before Law: Islām gives its citizens the right to absolute and complete equality in the eyes of the law.

12. Rulers not Above the Law: A woman belonging to a high and noble family was arrested in connection with theft. The case was brought to Rasulullah (Sallallahu Alaihi Wasallam), and it was recommended that she might be spared the punishment of theft. Rasulullah (Sallallahu Alaihi Wasallam) replied; "The nations that lived before you were destroyed by Allah because they punished the common-man for their crimes. I swear by Him Who holds my life in His hand that even if Fatimah, the daughter of Muhammad, had committed this crime, I would have amputated her hand.

14. The Right to Participate in the Affairs of State: The Shura or the legislative assembly should be elected by free and independent choice of the people.

Lastly, it is to be made clear that Islām tries to achieve the above mentioned human rights and many others not only by providing certain legal safeguards but mainly by inviting mankind to transcend the lower level of animal life to be able to go beyond the mere ties fostered by the kinship of blood, racial superiority, linguistic arrogance and economic privileges. It invites mankind to move on to a plane of existence where, by reason of his inner excellence, man can realise the ideal of the Brotherhood of man.

Since Allah is the absolute and sole master of men and the universe, He is the Sovereign Lord, the Sustainer and Nourisher, the Merciful, Whose Mercy enshrines all beings, and since He has given each man human dignity and honour. Apart from their other human attributes, men are substantially the same and no tangible and actual distinction can be made among them, on account of their differences such as nationality, colour or race. Every human-being is thereby related to all others and all become one community of brotherhood in their honourable and pleasant servitude to the most Compassionate Creator of the Universe. In such a heavenly atmosphere the Islāmic confession of the oneness of Allah stands dominant and central, and necessarily entails the concept of the oneness of humanity and the brotherhood of mankind.

Islām has laid down some universal fundamental rights for humanity as a whole, which are to be observed and respected under all circumstances whether such a person is resident within the territory of the Islāmic state or outside it, whether he is at peace with the state or at war.

The Qur'ān clearly states;

"O believers, be steadfast witnesses for Allah in equity, and let not hatred of any people move you that you deal unjustly. Deal justly, that is nearer to Allah-fearing. Observe your duty to Allah. Lo! Allah is informed of what you do." (Surah Mā'ida V.8)

Human blood is sacred in any case and cannot

be spilled without justification. If anyone violates this sanctity of human blood by killing a soul without justification, the Qur'ān equates it to the killing of entire mankind.

It is not permissible to oppress women, children, old people, the sick or the wounded. Women's honour and chastity are to be respected under all circumstances. The hungry person must be fed, the naked clothed and the wounded or diseased treated medically irrespective of whether they belong to the Islāmic community or are from amongst its enemies.

When we speak of human rights in Islām we really mean that these rights have been granted by Allah, they have not been granted by any king or by any legislative assembly. The rights granted by the kings or the legislative assemblies, can also be withdrawn in the same manner in which they are conferred. The same is the case with the rights accepted and recognised by the dictators. They can confer them when they please and withdraw them when we wish, and they can openly violate them as they like. But since in Islām human rights have been conferred by Allah, no legislative assembly in the world or any government on earth has the right or authority to make any amendment or change in the rights conferred by Allah. No one has the right to abrogate them or withdraw them. Nor are they basic human rights which are conferred on paper for the sake of show and exhibition and denied in actual life when the show is over. Nor are they like philosophical concept which have no sanction behind them.

The charter and the proclamations and the resolutions of the United Nations cannot be

compared with the rights sanctioned by Allah, because the former is not applicable to anybody while the latter is applicable to every believe. They are part and parcel of the Islāmic faith.

HUMAN RIGHTS IN AN ISLĀMIC STATE

1. *The security of Life and Property:* In the address which Rasulullah (Sallallahu Alaihi Wasallam) delivered on the occasion of the Farewell Hajj, he said; "Your lives and properties are forbidden to one another till you meet your Rabb on the Day of Resurrection." Rasulullah (Sallallahu Alaihi Wasallam) also said; "One who kills a man under convent (i.e. Zimmi) will not even smell the fragrance of Paradise."

2. *The Protection of Honour:* The Qur'ān lays down;

- 1) You who believe, do not let one (set of) people make fun of another set.
- 2) Do not defame one another.
- 3) Do not insult by using nickname.
- 4) Do not backbite or speak ill of one another.

3. *Sanctity and Security of Private Life:* The Qur'ān has laid down the injunction;

- 1) Do not spy on one another.
- 2) Do not enter any house unless you are sure of the occupant's consent.

4. *The Security of Personal Freedom:* Islām has laid down the principle that no citizen can be imprisoned unless his guilt has been proved in an open court. To arrest a man only on the basis of suspicion and to throw him into a prison without proper court proceedings without providing him with a reasonable