

## QNO # 8 (a)

### Charter of Madina :

A charter was signed between the Muslims (Muhajirun of Madina) and Ansars of Madina for running administrative affairs of the city of Madina. This charter was proved so successful that it became the constitution of many Muslim nations later on. Following the basic principles of the state as laid down in the charter of Madina which is considered as a "social contract". The following are main and fundamental principles and articles of charter of Madina.

#### i- Fundamental Principles

##### a- Sovereignty of Allah:

This is the fundamental principle that sovereignty of the state belongs to Allah alone.

##### b- Supervision of Defence Affairs:

The allies will never advance and interfere to the defence affairs without the permission of Holy

Prophet (PBUH):  
c- Distinct Identity of Muslim Ummah:

The believers shall associate with one another against all other people.

d- Observation of International Treaties

Every one should suspect the binding international treaties. However, no treaty will restrict Muslims on defending their religion.

ii- Constitutional Rights:

a- Equality before Law:

The Jews and Arabs and their other allies shall possess the same constitutional right as other parties to this document.

b- Prohibition of Violation of the Constitution:

No party shall have the right to violate the constitution. God is the guarantee for the faithful observance of this constitution.

### iii- Legal Rights

#### a- Equality of Rights

The Jews and Banu Najjar shall enjoy the same rights as granted to the Jews and Banu Aws.

#### b- Right to protect just law:

Justice shall be prevailed irrespective of colour, creed, and race.

#### iv- Rights to be Granted by State:

State shall give following rights:

#### a- Right of Political Identity:

State shall protect the right of political identity of every citizen.

#### b- Right to Defend the State:

Muslims and Jews are jointly responsible of defending the state against any attack.

#### c- Right of Minorities to defend the State

Minorities should defend the state by extending financial support.

## iv. Individual Rights:

### a. Right to Protect life

Everyone has right to protect his life. Under article-17 of Charter, a believer shall not kill a believer or non-believer, nor help a non-believer against a believer.

### b. Right of life for minority:

Or Jews who obey the law, shall enjoy the same rights as a Muslim enjoys.

## Conclusion:

All in all, charter of madina is a comprehensive document which protects the rights of all segments of society. It helped in creating a friendly environment for conducting state affairs.

QNO # 08 (b)

Ijma :

Islam is a complete code of life which provides guidance in socio-political and religious matters. If a matter is raised which is not discussed in Holy Quran and Sunnah and Hadith of the Holy Prophet (PBUH) Islam gives another source of law for resolving unresolved matters on the basis of reasoning or creating consensus on the matter. Ijma is one of the source of resolving the unresolved issues.

Definition :

Ijma is also known as developing consensus on a matter of socio-political or religious issues.

It is considered as third source of law after Holy Quran and Sunnah of Holy Prophet.

## Ijma in Caliphate Period:

The conduct of Ijma is found in the era of Holy Caliphate as in the era of Holy Prophet (PBUH), There were no traces of Ijma because Prophet (PBUH) was Himself a source of law.

### i- Ijma in First Pious Caliphate:

Ijma was created on the recognition of Hazrat Abu Bakr (RA) as the first caliph. Similarly Ijma was conducted on the compilation of Holy Quran.

### ii- Ijms in 2nd Pious Caliph:

Nimaz-e-Tarawih was started during the era of 2nd pious caliph.

## Types of Ijma (consensus):

There are five main types

of Ijma:

- i- **Explicit or Ijma-e-Gher-Sakuti:**  
All participants should participate in conducting Ijma. that no one remains silent.
- ii- **Tacit Ijma or Ijma Sakuti:**  
To endorse Ijma by remain silent on a matter under conducting Ijma.
- iii- **Ijma-e-Ulema:**  
It is consensus of all the Ulema of Muslim Ummah.
- iv- **Ijma-e-Ummah**  
It is the consensus of entire Muslim-e-Ummah. However, it is mostly desirable but less practical.
- v- **Ijma-e-Madina:**  
It is the consensus on the scholars of Madina.

## Conditions of a Muftahid:

The following are the conditions of a Muftahid:

- i- He must be a Muslim
- ii- He must be adult and sane.
- iii- He is a scholar of Holy Quran and Sunnah.
- iv- He must be impartial and characterful person.
- v- He must have command on Arabic language.
- vi- He has also knowledge of modern world.

## Conclusion:

All in all, Ijma in Islam is a good source of law for resolving unresolved issues and aliving the Islam with modern problems.



QNO # 04

## Teachings of Islam regarding the Rights of Minorities:

Islam is a complete code of life which provides a detail account of basic rights regarding all human beings including minorities. According to Holy Quran: "Man is superior to all other creatures." The concept of human rights is based upon mutual respect, dignity and equality. Islam has two categories of human rights: Fundamental human rights and rights of minorities / non-Muslims in Islam. In Islam, these are the major declaration: charter of Madina, the Declaration of Makkah and last sermon of Holy Prophet (PBUH) which elaborated the human rights in general and minority rights in particular.

## Meaning of Right:

Right is a Arabic word Haq) whose plural is Haqqoq. Meaning of haq is that dues of one person to another person.

## Fundamental Rights in Islam:

Islam bestows fundamental rights on human being which are irrespective of colour, creed and race. These are:

### i- Respect for Humanity:

Allah says in Holy Quran:

“وَلَقَدْ كَرَّمْنَا بَنِي آدَمَ”

“We have honoured the son of Adam.”

### ii- Equality:

It is also a fundamental right in Islam as Holy Quran says: “O man-kind! we created you from a single (pair) of a male and a female.”

### iii- Justice:

Allah says in Holy Quran:

“قُلْ إِنَّ رَبِّي يَأْمُرُ بِالْعَدْلِ”

“My lord has commanded justice.”

### iv- Freedom of Religion:

Islam not only respect non-muslim, but provides them with unprecedented rights. For example freedom of religion.

## Evolution of Rights of Minorities in Islam:

The following three occasions <sup>Comprehensively</sup> describes the rights of non-Muslims in Islam:

### 1) Conquest of Makkah:

#### a- No Ancestral superiority:

On the conquest of Makkah, Holy Prophet (PBUH) says there is no superiority on the basis of privileges of ancestors.

#### b- Sanctity of Human Life:

The blood money for slaying a person was hundred camels.

#### b- Equality of Human:

All humans are equal, as they are descended from Adam, and Adam was made of clay.

### Last Sermon of Holy Prophet (PBUH)

It is considered as the charter of human rights in history of humankind.

It protects the rights of all human beings.

# Rights of Non-Muslims in Muslim State:

Islam is the first religion in the world which gave rights to the minorities in a state. The rights of non-Muslims in light of Quran and Sunnah are:

## i- Protection of Life:

Prophet (PBUH) says that protecting the rights of non-Muslims is my foremost duty.

Hazrat Ali says, "If a Muslim kills a non-Muslim, he will be killed in reciprocation."

## ii- Protection of Property:

It is duty of state to protect the property of all citizens.

## iii- Religion Freedom

There is no compulsion in religion as elaborated by Holy Quran.

## iv- Exemption from Military Services

Defence of a Muslim state solely lies with the Muslims. However, minorities can contribute financially by paying taxes like Jizya.

## Conclusion:

All in all, Islam protects the rights of all citizens irrespective of colour, creed and religion. In Islamic state, non-Muslims also enjoys all rights that are enjoyed by Muslim citizens of that state.