

ISLAMIC JURISPRUDENCE -2

TOPIC: RIGHTS OF MINORITIES IN AN ISLAMIC STATE

1. INTRODUCTION

Islam is a religion of tolerance. It has granted equal rights to the non-Muslims in the Islamic state but without imposing equal duties on them. The non-Muslims in the Islamic state are known as “Dhimmis” whose protection is the responsibility or obligation of the Islamic state.

2. STATUS OF MINORITIES IN AN ISLAMIC STATE

Following Quranic verse throws light on the status of minorities in an Islamic state.

"O ye! Who believe! Be steadfast witnesses for Allah in equity and let not hatred of any people seduce you that ye deal not justly, that is nearer to your duty".

3. KINDS OF MINORITIES IN ISLAM STATE

There are three kinds: --

- (i) Contractors.
- (ii) Conquered.
- (iii) Others.

4. RIGHTS OF MINORITIES IN AN ISLAMIC STATE

Following are the rights of minorities in an Islamic state.

(I) Right to life and property

Islamic state recognizes the right of its non-Muslim citizens to life and property. The blood of non-Muslim is regarded as sacred as that of the Muslims. In case a non-Muslim is killed or injured by a Muslim, the deceased relatives have the right to treat the Muslim in the same manner.

(II) Freedom of religion and worship

The non-Muslim in an Islamic state have the freedom of religion and worship. Religion is respected as religion without any discrimination, in Islam. It preaches tolerance and avoids and prohibits use of force.

Quran says:

"O Prophet! We know what these people say; you are not appointed to force them to believe". (50: 45}

(III) Protection of their personal law

Non-Muslims in an Islamic state have their own personal laws except in such a matters in which their personal law might sanction a cruel custom e. g. custom of sati etc.

(IV) Protection of non-Muslim places of worship

It is the duty of the Muslim State to protect the places of worship of the non-Muslims.

Quran says:

“An had there not been Allah's repelling some people by others, cloisters and churches and synagogues and mosques in which Allah's name is much remembered would have been pulled down,”

(V) Exemption from military service

Islamic state is an ideological state whose defense is the religious duty of the Muslims and non-Muslims are exempted from the military services.

(VI) Political rights

Minorities have right to participate in politics. Non-Muslim can cast vote and elect his representation.

Therefore, various methods in order to adequate representation for minorities in the legislature.

Some of them are following.

- (a) Proportional representation.
- (b) Limited vote system.
- (c) Alternative vote system.
- (d) Communal representation.
- (e) Second ballot system.
- (f) Cumulative vote system.

(VII) Legal rights

Minorities have legal rights. They have access to justice in Islamic state.

5. POSITION IN PAKISTAN

Rights of minorities have been provided under Articles 20 to 22 of constitution of Pakistan, 1973 which gave protection to the religious institutions of the minorities and also give them religious protections.

6. CONCLUSION

To conclude, [can say, that the protection of non-Muslim in an Islamic state is the responsibility of the state. Islamic state provides certain rights to the minorities and in the enforcement of those rights, no discrimination between Muslim and non-Muslim will be made.