

Consciousness of 21st Century  
**INDIAN MUSLIM  
RENAISSANCE**

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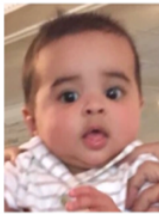
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**Dedicated to my grandchildren and their generation**



**Hammad**



**Zaydaan**



**Eemaan**



**Jibran**





## **ACKNOWLEDGEMENT**

I'm grateful to the Almighty God for all His precious blessings. May peace be upon Prophet Mohammad and all other prophets anointed by the Creator in different parts of the world and in various phases of human history.

English language was taught to me by my Abbajaan and I also learnt from him how to be practically and effectively considerate to the fellow humans. After my father's death - for three decades (1978 to 2008) - I had the good fortune of being under the spiritual cum educational tutelage of my father-in-law. May their noble souls - and those of my mother and eldest brother and all those who've been my near and dear - rest in peace on high pedestal in paradise. May my India and the world, soon and forever, be ridden of all that is inappropriate.

My colleague in Zakat Foundation of India Mr. Adeel Akhtar has taken pains to collect my articles and has put them together. ZFI another colleague Mr Mumtaz Najmi is publishing the book. May God bless him. Aameen !

**Syed Zafar Mahmood**



## FOREWORD

**Justice Rajindar Sachar**

I have great pleasure in congratulating Dr Syed Zafar Mahmood (Zafar Sahib as I call him) for the book containing series of articles written by him. When I accepted to be the Chairperson, Prime Minister's High Level Committee, I told the PMO that I am not particular about other details but I was keen that the officer to be nominated by the Prime Minister should be at least of the level of a Joint Secretary to the Government of India. I said this because I knew, since I had headed a committee (1978) to review the Companies Act and Monopolies Act, that such an officer plays a very important and delicate task in the functioning of the committee's work including keeping liaison with the Government on various important matters. And to my delight I found that Zafar Sahib not only excelled in all administrative matters but also on the subject matter of the Committee. I do not mind confessing that I greatly benefited from Zafar Sahib (apart from my other member colleagues).

It is to the commitment of Zafar Sahib that he later resigned from his job as chief commissioner in IRS (whereas he had a number of years to retire) and devotes himself to the all important cause of spreading knowledge about the basics of practical Islam through his umpteen ground level institutional works under the

aegis of the Zakat Foundation of India, Interfaith Coalition for Peace, God's Grace institutions and Iqbal Academy India - all established by him. He has written a series of articles on matters which are extremely important to the welfare of the minorities and has shown how it results in a better and harmonious understanding. He has spoken at various meetings attended amongst other important leaders including the two Prime Ministers Mr Narendra Modi and Dr Manmohan Singh, Congress Vice President Mr Rahul Gandhi, Delhi CM Mr Arvind Kejriwal, the father-son Yadavs in UP, Ms Mayawati and others and raised questions of vital importance for the minorities which is beneficial to India because it is universally accepted that the "faith and confidence of the minority in equal and just treatment by the majority is the acid test of a civilized state."

Amongst his various suggestions one of the most important deals with the unfairness in allocation of electoral constituencies which results in lesser number of Muslims in the legislature than they are justly entitled based on the population. This anomaly arises from the irrational demarcation of legislative seats under the reserved category. Dr Zafar has very logically and analytically highlighted facts, which were also pointed out in the High Level Committee Report.

He gives the findings worked out by the Zakat Foundation. According to its research, in U.P. there is abundant potential for substantial number of Muslims to win seats. For instance, in U.P. that sends the largest number of members (80) to Lok Sabha, there are 25-52% Muslims in 18 seats, in 23 Muslims are 15- 24% and in another 18 Muslims are 10-14%. Similar is the demographic - electoral reflection in most of the states.

I feel that delimitation of constituencies in a fair manner is essential. As mentioned in the High Level Committee Report the constituencies with substantial number of Muslims have been reserved for scheduled castes, and constituencies with substantial

number of SC voters are unreserved. This is unfair to both Muslims and the SC electorate. Zafar Sahab has specifically referred to the Committee's Report, which said as follows;

"The Committee hopes that it would receive the attention of the Government immediately because the Delimitation Commission is at present engaged in this exercise and evidently any suggestion or any exercise to be done by it has to be undertaken during the current term of the present Delimitation Commission,"

The Committee had found that Muslims were being denied participation in politics since assembly constituencies where the voter population from the community was substantial were reserved for scheduled caste candidates for election. So, it would be more equitable to reserve those constituencies for SCs where their voter population is high rather than those where it is low and the Muslims' presence is higher.

But, the High Level Committee's suggestion was ignored during the delimitation. This anomaly is a reason for low representation of Muslims in the legislature. So, issues related to the community are ignored or don't get the desired priority.

Dr Zafar especially pointed out other important aspects as how to develop understanding of each other's religion as highlighted by the Committee thus:

Regarding the contents of school textbooks and the need to get them reevaluated" - this was pointed out by the Committee which has said that the textbook should not only reflect reality but also help in creating appropriate values. If the texts do not reflect diversity or are derogatory with respect to specific communities they can alienate the children of these communities from the wider society.

However, as per information available such evaluation work was not taken up during the seven years of the UPA Government after the High Powered Report was presented.

That Dr Zafar has kept his commitment and interest in this matter is shown by his letter dated Feb 14, 2015 to Chief Minister Delhi Mr. Arvind Kejriwal on various urgent matters like;

"Establish equal opportunity commission in Delhi. (Modalities were finalized by Central Govt's expert committee 5 years ago.)

De-reserve constituencies with substantial Muslim presence. Create a cell in the C.M.'s Office to carry out research and collect data. Write to the Delimitation Commission to remove these anomalies.

Order the vacation of Waqf properties occupied for long by the central and Delhi Governments and their agencies and restore these to the Delhi State Waqf Board. For the period of occupation, Waqf Board should be given rent at market rate."

It is regrettable that Delhi Chief Minister who is quite active in rightly criticizing the Central Government for its inadequacies on various matters, has strangely shown such indifference to the immediate issues concerning Muslims in Delhi on a subject which falls squarely within the domain of the power of Delhi State Government.

I am of the firm view that for any person who wishes to update himself on various delicate issues concerning the country especially concerning the biggest minority i.e. Muslims, it is a must read book not only for reading but for keeping permanently in his/her private library at one's home.

I wish the author full success.

**Rajindar Sachar**

## **RESPONSE TO SUPREME COURT ON ITS AYODHYA OFFER**

**22 March 2017**

Muslims can agree to the construction of Ram Mandir in Ayodhya provided the following are accepted, approved and implemented by the Government:

1. The constituencies of Lok Sabha and state assemblies where Muslim population is very high while the Scheduled Caste percentage is not among the highest should be de-reserved. Instead, reserve those constituencies where SC percentage is among the highest, as recommended by Sachar Committee.

2. The Alternative Admission Criteria for undergraduate level admission into all universities and colleges of India should be accepted, approved and implemented as recommended by Sachar Committee.

3. To fill the posts of CEO of state waqf boards the central government should accept, approve and implement the launching of Indian Waqf Service as recommended by the Sachar Committee.

4. The RBI proposal of allowing the banks to have a window for interest less banking should be approved by the central government.

5. The Minority character of Aligarh Muslim University should be accepted, approved and implemented by the central

government.

6. Any person who is charged of terror activity and is, after several years of multi-dimensional sufferance, is exonerated by the court as innocent should be given Rs fifty lakh as compensation by the government. Later on, this money should be partly deducted from the salary/pension/provident fund/retirement benefits of the officer(s) who wrongly implicated him.

7. Give proportionate share to Muslims in nominated posts and appointments under the state & central governments.

8. Appoint Equal Opportunity Commission at the centre and in the states as recommended by Sachar Committee.



## **RESPONSE TO LAW COMMISSION OF INDIA'S QUESTIONNAIRE ON UNIFORM CIVIL CODE**

**04 Nov. 2016**

Response No. 2 dated 17 November 2016 emailed to the Hon'ble Chairman, Law Commission of India, New Delhi on 17 November 2016 by Dr Syed Zafar Mahmood, Convener, Watan ki Fikr, CISRS House, 14 Jangpura B, New Delhi 110014. Phone 011-24375196. [zmahmood@zakatindia.org](mailto:zmahmood@zakatindia.org)

(My response no. 1 was emailed to the Hon'ble Chairman, Law Commission of India on 04 Nov 2016. Copy is attached):

The Questionnaire is unfair, biased and unconstitutional

1. The group of persons who framed the Law Commission's questionnaire did not include equal number of men and women from different faiths of India. Hence, the questionnaire is unfair and unconstitutional.

2. Most of the questions in the Questionnaire themselves are biased against some religions and these favor some others Hence the questions are unconstitutional.

3. The Questionnaire needs to be revised by a committee comprising equal number of experts from each faith duly recognized by the followers of the respective faiths.

**> LCI has sidetracked constitutional priority**

4. We must consider Part IV of the Constitution in its totality. The chart prepared by me and emailed to the Hon'ble Chairman of LCI (copy attached) clearly shows that the Constitution has decided about the order of priority of all the directive principles. Out of 25 such DPs the one regarding Uniform Civil Code is placed at 19. Also, these 25 principles can be divided into nine categories based on the initial words used in the various articles of the Constitution covered in Part IV. These are as follows:

The State shall regard among its primary duties

The State shall promote with special care

The State shall direct its policy towards securing

The State shall secure

It shall be the obligation of the State

The State shall make provision

The State shall take steps

The State shall strive, and

The State shall endeavor.

5. Uniform Civil Code falls in the last category where lightest words have been used i.e. "the state shall endeavor" as against the phrases like the State shall regard among its primary duties, the State shall promote with special care, the State shall direct its policy towards securing, the State shall secure, it shall be the obligation of the State, the State shall make provision, the State shall take steps and the State shall strive - all of which give much stronger messages than the last one namely "the state shall endeavor".

6. Yet, why the Law Commission of India has not shown interest in many other and constitutionally much more important directive principles and, instead, has overtaken the constitutional will and has thus sidetracked many constitutional priorities?

7. The UCC is deliberately placed among the Constitution's last priorities. Also, no other directive principle is the subject matter of so much national controversy as the UCC. The latter is even polarizing the country on religious lines which is injurious for a democratic system like ours. We are told that tens of thousands of adverse petitions have been filed with LCI regarding UCC reflecting sharp national cleavage. In any case the DPs are not mandatory.

#### **Codification & reform can be attempted from within**

8. Codification of personal laws needs to be attempted internally by the respective communities. Like in Hindu religion, Upnayana???? should be discontinued as it takes away the right of women and shudras to read the sacred Vedas. This is discrimination against them and goes against the Constitution of India.

9. Likewise, the dichotomy between Mitakshara and Dayabhaga need to be sorted out.

10. The Hindu Undivided Family (HUF) should not be a basis for charging lesser rate of taxation. This is discrimination on religious grounds which is prohibited in the Constitution.

11. The institution of caste itself is undemocratic and violates the norms of social decency. It should have no role in the civil law of any cultured society. No person is by birth impure or polluted. Sixty six years of constitutional reservation for scheduled castes have failed to instill in the minds of the people the inhuman nature of the caste system. Hence, the caste system should be clearly and loudly deprecated and the discriminators based on caste should be meted out maximum punishment available in any relevant law.

12. Till that is done, para 3 should be deleted from the Constitution (Scheduled Caste) Order of 1950 as it discriminates among the citizens on the basis of religion which is prohibited in

the Constitution.

13. There are separate provisions for succession in case of Hindu men and Hindu women dying intestate. The property of Hindu male devolves upon his heirs irrespective of the source of the income but the property of Hindu females devolves according to the source of the income. This shows as if the woman is a temporary occupier of the property and that the property must revert back to where it was inherited from and that the woman has no identity of her own. This discrimination against the Hindu women must be removed.

14. The Hindu Minority and Guardianship Act, 1956 provides that the father is the natural guardian of a Hindu minor when the minor is a boy or an unmarried girl and the mother would be the natural guardian after the father. It relegates the mother to a lower position than the father. This needs to be reviewed.

15. Besides, the Hindu Marriage Act reads, "If the court is satisfied that the party in whose favour an order of alimony / maintenance has been made under this section has re-married or, if such party is the wife, that she has not remained chaste, or, if such party is the husband, that he has had sexual intercourse with any woman outside wedlock, it may at the instance of the other party vary, modify or rescind any such order in such manner as the court may deem just." Thus, for the wife unchastity is the criterion for modifying or rescinding the order in her favour while for the husband it is sexual intercourse. The term "chaste" is difficult to define and can be interpreted differently by different people according to their moral and ethical standards. Sexual intercourse, on the other hand, is something that is difficult to prove. The Section admittedly prescribes different standards for men and women when it comes to a decision with respect to when an order for maintenance can be modified or rescinded. For instance, if a woman is out with a man at midnight, it might amount to being unchaste and the maintenance order might be modified but the

situation is different in a man's case. Thus, the Hindu Marriage Act holds on to the archaic notions of chastity and purity of women and making their rights dependent on these.

16. Intra-religion efforts at codification of personal law should be encouraged to bring in gender equality as above. Yet, no government agency should associate itself with such work.

## **MUMBAI ORDER ON SURYA NAMSKAR: INTERFAITH DISCRIMINA- TION AND CURTAILMENT OF FUNDAMENTAL RIGHTS**

**13 Oct. 2016**

The municipal corporation of Greater Mumbai (BMC) has ordered that performance of Surya Namaskar by the students in its 1200 schools is compulsory. A petition challenging the order is now pending before the Bombay High Court whose division bench has, however, refused to stay its operation saying 'don't go on the name, it is just an exercise which is good for the body'. Even at the introduction stage the High Court had asked 'what's the harm if the BMC has made Surya Namaskar compulsory?' Let us analyze the merits of this judicial stand.

### **Rig Veda**

2. According to the website of International Sivananda Yoga Vedanta Centers [sivananda.org](http://sivananda.org) spread over Uttar Kashi, Madurai, Thiruvananthapuram, USA, Europe, China, Japan, Argentina, Vietnam, Cambodia "In Hindu mythology, the sun god is worshipped as a symbol of health and immortal life. The Rig Veda declares that Surya is the Soul, both of the moving and unmoving beings. The Sun Salutation originated as a series of prostrations

to the sun. Traditionally, it is performed at dawn, facing the rising sun. In time, each of the twelve positions came to have its own mantra, celebrating aspects of the sun's divinity".

### **Puranic Origins**

3. Master Murugan Chillayah in his treatise 'Surya Namaskar: Puranic origins of Valmiki Ramayana' ([http://www.silambam.asia/yoga\\_asana.html](http://www.silambam.asia/yoga_asana.html)) says "Aditya Hridayam is another ancient practice which involves a variation of S?rya Namask?ra. It is a procedure of saluting The Sun, taught to Rama by Sage Agastya, before his fight with Ravana. It is described in the "Yuddha Kaanda" Canto 107 of Ramayana. There are in total 124 names praising the Sun in the whole procedure.

4. In verses 15 - 20, salutations to Sun are described. An example from the 15th verse is: "He is the lord of stars, planets and all constellations. He is the origin of everything in the universe and is the cause of the lustre of even the brilliant ones. Salutations to Thee who is the One being manifest in the twelve forms of the Sun".

12 Asanas = 12 forms of sun

5. The twelve aasanas of Surya Namaskar depict the twelve forms of the Sun.

### **First Asana: Pranamasana**

6. Times Music has made out a Surya Namaskar app in whose introduction it is written that 'Surya Namaskar is best performed facing east, the direction of the rising sun in the early hours of the morning'. At [healthandyoga.com](http://healthandyoga.com) it is written that the first aasan of Surya Namaskar is known as Pranamasana, that is, salutation to the sun for which the performer has to stand in a prayerful attitude while, in the website of Sri Krishna Pranami Sampradaya of USA and Canada [pranami.org](http://pranami.org) it is written that pranam means, 'I bow to the Lord Supreme in you'.

#### 6th Asana: Ashtanga Namaskara

7. Sri Sri Ravi Shankar's Art of Living website says that Surya Namaskar "provides an opportunity to express gratitude to the sun for sustaining life on this planet". In its video and photo of the sixth asana known as Ashtanga Namaskara the devotee lies upside down where two hands, two feet, two knees, chest and the chin touch the ground; this has been described as 'Salute with eight body parts or points'. So the spiritual purpose of Surya Namaskar is that the performer has faith that the sun itself sustains life on earth.

8. As per pranayoga.co.in "Surya Namaskar is an ancient yogic tradition of worshipping the rising or setting of the sun (surya)". In whole of India one can see Hindu men and women standing in early morning facing and worshipping the sun.

Quran loudly recapitulates Abraham's denial to accept sun's divinity

9. On the other hand, the Quran recapitulates (6.75-80) that Prophet Abraham did not accept that there is any divinity in the sun, moon or stars and rather acknowledged the formless and invisible God as the creator and sustainer of the entire cosmos including the sun. In 16.12 God has further clarified that "He has subjected for the human beings the night and day and the sun and moon, and the stars."

Quran says sun will be folded up & darkened

10. In 31.29 the Quran reiterates, "Do you not see that God causes the night to enter the day and causes the day to enter the night and has subjected the sun and the moon, each running its course for a specified term?" Sun 'runs its course for a period determined by God' (36.38) 'in accordance with divinely ordained laws' (7.54). In 81.1 God exhorts the humanity to prepare for the day of judgement "when the sun will be folded up and darkened ...".



Quran says sun is amenable to human control

11. At many more places God has mentioned in Quran this basic strand of Islamic faith that sun, moon, stars and the entire cosmos have been subjected by God to human control and that these are God's creatures with limited life.

### **Prophet's visit to heavens**

12. Quran also describes in detail how God caused Prophet Mohammad lifted to the heavens where God spoke to him and this dialogue is repeated by Muslims as part of their daily five times prayers. This is another divine act through which the message was given that humanity is superior to the whole cosmos including the sun. After such rendezvous the prophet came back to earth and resumed his normal human life. Dr Sir Iqbal, the composer of 'Saare jahaan se achha Hindostaan hamara' has described this prophetic journey (known in Arabic as meraaj: high flight):

*Sabaq mila hai ye meraaj-e Mustafa se mujhe  
Ki aalam-e bashariyyat ki zad mein hai gardoon.*

From the prophet's visit to the heavens I got to learn that the skies and the entire cosmos are available for human control.

### **Namaz too is a beneficial bodily exercise**

13. Another interesting phenomenon is that Namaz is also an excellent exercise for the human body even having some postures common with yoga. It begins with the worshipper standing straight lifting both hands upto the ear lobes and then holding the hands between chest and stomach, the right cupping the left, with eyes down, realizing as standing in the presence of the invisible Creator and Sustainer of the worlds whose praises are recited followed by another small portion from Quran. Then, bending in front by ninety degrees keeping the hands on the knees saying thrice 'I praise the Creator & Sustainer of the worlds who is the greatest', standing again with hands down, then slowly going into prostration twice

again praising God similarly and at the end of the second such process bending the knees 180 degrees and sitting on toes, heels and knees reciting the above mentioned dialogue which God had with prophet - praying for general human welfare - and so on.

14. Thus, as a daily five times bodily exercise, Namaz can also be adopted by anybody across the religious spectrum and, as per the observation of the hon'ble Bombay High Court, one need not go on the name and must mind that it is a good exercise for maintaining the human body.

Quran declares sun as God's creature

15. In Islam the early morning Namaz must finish before the sunrise and the evening prayer cannot be performed before the sunset thus ensuring that the object of worship is not the sun but God who has created the sun.

16. The learned judges would kindly appreciate that the vital difference between Surya Namaskar and Yoga is that in the former the performer worships the sun while in the latter it is the sun's Creator and Sustainer who is worshipped.

#### **State violation of fundamental rights**

17. This is where articles 14, 15 and 25 of the Indian Constitution magnanimously and strongly intervene according to which (a) the State shall not deny to any person equality before law and equal protection of law; (b) the State shall not discriminate against any citizen on grounds of religion; and (c) all persons are equally entitled to freedom of conscience and the right freely to profess, practise and propagate religion.

18. Thus, the Bombay Municipal Corporation's order making Surya Namaskar compulsory in all the schools run by it as well as the High Court's refusal to stay this order explicitly violate these unambiguous constitutional injunctions. Issue of this order and not staying its operation tantamount to State discrimination against a section of the citizens on ground of religion and curtailment of

the right of some persons to freely profess and practice their faith.

19. Besides, Article 28(i) prohibits provision of any religious instruction in any educational institution wholly maintained out of State funds and says that (ii) no person attending any educational institution recognised by the State or receiving aid out of State funds shall be required to take part in any religious instruction that may be imparted in such institution or (iii) to attend any religious worship that may be conducted in such institution or in any premises attached thereto unless such person or, if such person is a minor, his guardian has given his consent thereto. The orders of the BMC as well as the Court violate these provisions of Article 28.

**Supreme Court may kindly intervene under article 32**

20. Surely the Supreme Court would kindly consider this vital matter, intervene under article 32 and enforce the rights conferred by articles 14, 15 and 25 and 28.

## **AMU'S MINORITY CHARACTER, THE JUDICIARY AND THE EXECUTIVE**

**10 April 2016**

The citizens of India would be grateful to the Hon'ble Supreme Court for very kindly taking note of the contents of this article vis-a-vis the ongoing matter regarding the minority character of the Aligarh Muslim University.

### **Recorded history**

2. The nation and the world are quite aware from duly recorded history that in 1875 Sir Syed Ahmed Khan had established the Mohammedan Anglo-Oriental College in Aligarh. It was originally affiliated with Calcutta University and in 1885 its affiliation was shifted to the Allahabad University.

### **MAO College: Tool of Muslim modernization**

3. Since the last quarter of the 19th century this institution began catalyzing the coming together of different schools of Islamic thought, accelerated their movement toward modernity and spearheaded the Indian Muslims' intellectual and social renaissance. It thus came to be recognized as the fountain head of an intertwined dynamic Indo-Islamic consciousness and quintessence.

### **The Aligarh Movement**

4. Such affirmative squirming and twitching of Indian Muslims

- initiated by the legendary Sir Syed - came to be collectively known as the Aligarh Movement. One of the foremost objectives of this movement was to develop the MAO College into a university so that it could stand on its own and play a bigger role in nation building by ameliorating the Muslim educational backwardness. For that purpose the College added more and more programs to its curriculum. During the first four decades of its working, the institution had phenomenally grown up in academic diversity, reputation and size.

#### **Enactment only procedural in nature**

5. As per the norms of governance prevalent at that time (which incidentally continue till date) the only method of upgrading a college to a university was to pass a statute to that effect in the legislature. For passing such a statute there was no requirement that the existing college should not have been established by a minority community. Thus the Aligarh Muslim University Act was passed in 1920.

#### **Properties of MAO College became AMU properties**

6. Section 4(i) & (iv) of this original Act of 1920 says, "the Societies known as the Muhammadan Anglo-Oriental College, Aligarh, and the Muslim University Association shall be dissolved, and all properties, movable and immovable, and all rights, powers and privileges of the said Societies and all properties, movable and immovable and all rights, powers and privileges of the Muslim University Foundation Committee shall be transferred to and vest in the University and shall be applied to the objects and purposes for which the University is incorporated." The instruments of bequest, gift and trust favoring any of the aforesaid bodies were made to construe as if the word University had replaced each one of them.

**Mandatory promotion of Islamic studies**

7. Section 5(2)(a) of the original Act of 1920 says "The University shall have the powers to promote Oriental and Islamic studies and give instruction in Muslim theology and religion".

**AMU seed money came from MAO College**

8. The original Act of 1920 had also recognized that the seed money to run the University was to come mostly from its forerunner bodies. As per Section 7 the University's Reserve Fund comprised the capitalized value of all permanent and recurring grants of money which had been made to (i) the Muhammadan Anglo-Oriental College, (ii) the Muslim University Association and (iii) the Muslim University Foundation Committee as well as (iv) the total income accruing from immovable properties whose ownership was transferred from the above mentioned entities to the University by virtue of this Act.

**The 1971 & 1981 statutory clarifications**

9. Later in 1981 Section 2(l) of the Act was amended to clarify and expand the definition of the 'University' as "the educational institution of their choice established by the Muslims of India, which originated as the Muhammadan Anglo-Oriental College, Aligarh and which was subsequently incorporated as the Aligarh Muslim University". The Act enjoins upon the University to "specially promote educational and cultural advancement of the Muslims of India" and through the amendment made in 1971 the Act recognized the University Mosque as the center of its campus.

**1920 Act didn't establish but only upgraded the institution**

10. It is, therefore, quite clear from the law and historical records that the land, money and human resources all were contributed by Indian Muslims and they established the MAO College in 1875 and they ran it as such for 45 years. Alongside, they made efforts

to raise the status of this institution to university. But, the only prescribed method to do so was to enact a statute. Thus, the 1920 Act was only an enabling law just like we the people of India made efforts for Independence but that had to be granted by the empowered agency namely the British Government who issued the Declaration of Independence. Nobody would accept that because the Britishers issued this declaration therefore India was established by Britain. Hence there is no scope nor justification to doubt that the MAO College which was established by Muslims of India became the Aligarh Muslim University through the enabling legislation of 1920; by doing so the legislature did not 'establish' the University, it only upgraded an existing institution to the level of a university.

**Islamic logo**

11. Even the logo of the Aligarh Muslim University carries a verse from the Holy Quran alongside a date tree, the sketch of Holy Quran and the crescent. All of these represent Islamic tradition and culture.

**CJ's obiter dictum**

12. One wonders as to what else is required to accept the AMU as a minority institution. The observation of the Hon'ble Chief Justice of India, as obiter dictum in another case, asking as to "how a central university can have a minority character" stares into the face of Article 30 of the Constitution which gives the fundamental right to all minorities to establish an educational institution of their own choice.

**Dictionary meanings of 'institution'**

13. The Hon'ble Chief Justice did not clarify as to why a central university, in his opinion, is excluded from the definition of "Educational Institution" as mentioned in Article 30. The Oxford dictionary defines an 'institution' as an organization founded for

educational, professional or social purpose. The Cambridge dictionary defines an 'insti-tution' as a large and important organization such as a university. The Constitution makers were clearly aware of these definitions of the word 'institution'. Yet to leave no future doubt they prefixed the word 'educational' to the word 'institution' while giving this right to the minorities.

#### **5-Judge SC bench clarification**

14. Besides, in the famous TMA Pai case of 2002 the 5-Judge bench of the Supreme Court has given the required clarification. In that judgement Question no. 11 was as follows: What is the meaning of the expressions 'Education' and 'Educational Institutions' in various provisions of the Constitution? The Supreme Court answered: The expression "Education" in the Articles of the Constitution means and includes education at all levels from the primary school level upto the post-graduate level. It includes professional education. The expression "educational institutions" means institutions that impart education, where "education" is as understood hereinabove.

#### **SC urged to take note of this article**

15. Thus, a large number of the citizens of India most respectfully urge the Hon'ble Supreme Court to kindly accept that the Aligarh Muslim University is a minority institution manifesting the specific fundamental right given to the minorities in Article 30 read with the 5-Judge Bench clarification by the Supreme Court in the MA Pai case. The AMU is an educational institution which Muslims have established as per their own choice. The Constitution does not exclude a central university from the purview of 'educational institutions'.

#### **Appeal to PM & HRDM**

16. The citizens also urge the Hon'ble Prime Minister and the Hon'ble Minister of Human Resource Development to rise to the



occasion and accept the above constitutional scheme as well as the fact that the MAO College was established by Muslims of India and that through the Act of 1920 the Parliament only procedurally upgraded the College to a University and these facts were duly clarified through the 1981 amendment. The central government would do well not to withdraw its appeal before the Supreme Court.

**Respecting the constitutional precincts**

17. The citizens of India earnestly urge the nation to see reason and not to challenge the sentiments of millions of Indian Muslims and their sympathizers. Let us not test the nerve of the nation, let us not push any section of the population to the wall and let us remain confined within the sacred constitutional precincts.

## **ELECTRONIC VOTING MACHINES (EVMS) DESERVE MULTI-PARTY CONTROL**

**30 March 2017**

To conduct the polling for parliamentary election and those for the provincial assemblies the election commission of India (ECI) procures the EVMs from two public sector undertakings namely Bharat Electronics Ltd, Bangalore and Electronics Corporation of India Ltd, Hyderabad. Both of these public sector undertakings are controlled by the central government and not by the ECI nor through a multi-party control mechanism.

2. Procuring the EVMs for elections of municipal corporations and other local bodies is the discretion of the state election commissioners. It's a subject matter of investigation as to from where they buy these machines. Also, the voters need to know upto what extent the prescribed mechanism of the upkeep and handling of the EVMs are tamper proof.

### **EVM components**

3. In India the voting machines have two parts. On the balloting unit the voters press the button and the control unit gives the command to the polling officer who sits in the polling booth. These components of the EVM are inter-connected and also, through a

fifteen feet long cable, the control unit's button rests with the polling officer. One EVM can record maximum 3,840 votes.

4. Before the EVMs came into vogue, a ballot paper was given to each voter after which nobody other than the voter had any control on the casting of the votes. The manual ballot has, in the recent past, been replaced by a system where the polling officer presses the ballot button and only then the balloting unit is open for casting the vote. After a voter presses a button on this unit, the red LED indicator should light up and a whistle sound should come from the machine. But if that doesn't happen then millions of the illiterate and rural voters would not realize that the vote has not been cast.

#### **Polling Officer's discretion**

5. Simultaneously, after the button is pressed, the EVM is again locked automatically for any further voting. Pressing any button again will not be counted as a vote. This system has originally been devised to ensure that no registered voter can cast multiple votes. Yet, avoidable discretion does now lie with the polling officer who has the EVM control trigger in hand. This surely casts aspersions on high values of total democratic transparency.

6. As the EVM unit can accommodate only a given maximum number of votes, it enables a candidate to easily know about the number of persons who have voted for him through that particular EVM. That is susceptible to vitiating the winner's mind towards those areas where he was not the voters' choice.

#### **No multi-party technical pre-election check of EVMs**

7. In response to a query the Election Commission of India has recently clarified that during production of EVMs in the factory, functional testing is done by the production group as per the laid down quality plan and performance test procedures. Samples of EVMs from production batches are periodically checked for

functionality by a Quality Assurance Group, which is an independent unit within the manufacturing firms.

8. However, nowhere it is mentioned in the ECI's response that technical representatives of various political parties are ever able to check the EVMs in any manner.

### **RTI queries**

9. Against this backdrop and in the context of the upcoming elections for the three Municipal Corporations Delhi due in April 2017 the ZFI has raised the following RTI queries with the Delhi state election commissioner: (i) The name & address of the suppliers from whom the Delhi State Election Commission has bought the electronic voting machines (EVMs) which will be used for conducting the MCD Election 2017. (ii) The number of such machines. (iii) The date on which such machines were bought and brought to Delhi. (iv) The mode of transportation of such machines. (v) The location of safe custody of these machines. (vi) The arrangements for safe custody of such machines. (vii) How many security personnel are deployed every 24 hours to guard these machines. (viii) After arrival in the custody of Delhi State Election Commission on which dates these machines were subjected to technical checking and verification of their authenticity and by whom. (ix) If yes, then please provide copies of these reports. (x) What is the professional expertise of the persons who did such checking. (xi) From where did they receive the required training and when. And, (xii) on which date the upcoming MCD election candidates and their technically equipped representatives will be offered to inspect these machines.

### **EVM tampering possible**

10. The possibility of the EVMs being tampered with cannot be denied. Their safe custody under the EC guards does give a sense of satisfaction. Yet there are so many slips between the cup and the lip.

11. It is satisfying to some extent that the operating program of EVM's control unit is engraved permanently in silicon by the manufacturers. This program supposedly cannot be changed once the unit is manufactured, even by the manufacturer. But, from beginning to the end, the manufacturers too are voters, and, effectively at the beck and call of the political party in power.

#### **Technically equip ECI's internal checking team**

12. So the questions arise as to what is the internal mechanism available with the election commission to check and satisfy itself that the EVMs bought by it are not pre-rigged? From where does the commission's staff deployed for this purpose get training to carry out such checking? In the polling booths if the polling officer does not press the button after a person has voted, how do the millions of illiterate rural voters make sure that their vote has been cast?

#### **EVM's pitfalls noted in USA**

13. In a news item "Voting Machines Put U.S. Democracy at Risk" the CNN News Anchor Lou Dobbs reported that during the 2004 presidential election, one voting machine in a suburb of Columbus, Ohio reportedly added nearly 3,900 additional votes to George Bush's total. Officials caught the machine's error because only 638 voters had cast ballots at that precinct.

14. A report from the US Election Science Institute found that in Cuyahoga County the electronic voting machines' four sources of vote totals - individual ballots, paper trail summary, election archives and memory cards - didn't match up with each other. The totals were all different, and the report concluded that relying on the current system for Cuyahoga County's more than 1.3 million people should be viewed as "a calculated risk." Lou Dobbs asked, are we really willing to risk our democracy?

**MIchigan scientists' hacking of Indian EVM**

15. Julian Siddle of BBC had reported that scientists at the University of Michigan developed a technique to hack into Indian electronic voting machines. After connecting a home-made device to a machine, the researchers were able to change results by sending text messages from a mobile phone, as confirmed by Professor J Alex Halderman, who led the project. "Our lookalike display board intercepts the vote totals that the machine is trying to display and replaces them with dishonest totals - basically whatever the bad guy wants to show up at the end of the election", said the US professor. In addition, they added a small microprocessor which they say can change the votes stored in the machine between the election and the vote-counting session. The researchers added that the paper and wax seals put on the EVMs could be easily faked.

**Princeton findings**

16. In the US, there are four main manufacturers of electronic voting systems, none of which has been demonstrated to be more secure than the others. A Princeton University study found that hackers can easily tamper with electronic voting machines by installing a virus to disable machines and change the vote totals.

17. Princeton researchers also found that "malicious software" running on a single voting machine can steal votes with little risk of detection, and that anyone with access can install the software. The study also suggests these machines are susceptible to viruses.

**Government Accountability Office finding**

18. A 2005 Government Accountability Office report on electronic voting confirmed the worst fears of watchdog groups and election officials. The report said, "There is evidence that some of these concerns have been realized and have caused problems with recent elections, resulting in the loss and miscount of votes."

**Newsweek report**

19. Newsweek also reported that "it requires only a few minutes of pre-election access to a Diebold EVM to open the machine and insert a PC card that, if it contained malicious code, could reprogram the machine to give control to the violator. The machine could go dead on Election Day or throw votes to the wrong candidate. Worse, it's even possible for such ballot-tampering software to trick authorized technicians into thinking that everything is working fine, an illusion you couldn't pull off with pre-electronic systems." Consequently, many US states have taken action to implement paper trails.

**Introduce multi-party EVM control**

20. Section 61A of the Indian Representation of People Act states "the giving and recording of votes by voting machines in such manner as may be prescribed, may be adopted....". The manner so prescribed needs to be examined by technical representatives of the political parties with a view to strengthen the system and make it foolproof as well as fully transparent. The companies manufacturing EVM machines and the checking and upkeep of these machines should be controlled jointly through a multi-party mechanism.

## **SHOULD INDIAN SUPREME COURT FAVOR SIKH BEARD DISAPPROVING JEWISH, CHRISTIAN AND MUSLIM BEARDS?**

**21 April 2017**

The Supreme Court of India recently offered to a suspended Muslim Maharashtra police constable the revocation of his suspension with the condition that he grows his beard only during the festivities. The man has declined the offer saying that in Islam there is no provision for a temporary beard on which the court expressed its inability to help.

2. A Sikh bearded government employee in similar situation, however, has unconditional permission to grow the beard all the year round. Let us examine here various aspects of this conditional judicial offer in the light of the constitutional provisions, different faith mandates and international law.

### **Mandate of the Indian Constitution**

3. Articles 15 of the Indian Constitution says that the State (legislature, judiciary and executive at all levels) shall not discriminate against any citizen on grounds of religion and no citizen shall, on grounds of religion, be subject to any disability, liability or restriction. Article 16 says that there shall be equality



of opportunity for all citizens in 'matters relating to employment or appointment to any office under the State' and no citizen shall, on grounds of religion, be ineligible for, or discriminated against in respect of any employment or office under the State.

4. Article 25 mandates that all persons are equally entitled to freedom of conscience and the right freely to profess, practise and propagate religion.

5. Article 29 says that any section of the citizens residing in the territory of India or any part thereof having a distinct language, script or culture of its own shall have the right to conserve the same.

6. Article 51A(e) & (f) mandates it as every citizen's duty to promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities and to value and preserve the rich heritage of our composite culture;

### **Mandate for beard in Judaism & Christianity**

7. The rabbinical literature reflects that when God accepted the repentance of Adam he went into prostration and supplicated for the grant of the promised beauty. Immediately a wholesome beard appeared on his face for which Gabriel told him that it has been granted to you and your male offspring till the day of judgement.

8. Thus the beard became a part of the male anatomy which beautifies, gives respectability and adorns the man. The beard is a natural inherent part of the biological characteristics of the male gender of humanity. Its purpose is also to differentiate between the male and the female. Hence any unnatural alteration to the beard would be considered forbidden and unlawful.

9. In the Bible, thus, shaving of the beard is considered a sign of mourning and degradation (Job 1:20 & Ezek. 5:1ff.). To humiliate a man, it was the practice to forcibly shave half of the

beard as in II Samuel 10:4, where the elders, because of this humiliation, were commanded to hide in Jericho until their beards grew again. Priests were forbidden to shave the edges of their beards (Lev. 21:5), and the the Levites, the sons of Zadok (Ezek. 44:15&20) were not allowed to shave their beards.

10. The Talmud regards the beard as "the adornment of a man's face" (BM 84a); Sennacherib was punished by having his beard shaved off (Sanh. 95b-96a). Objection to the removal of the beard was on the ground that God gave it to man to distinguish him from woman; to shave it, was therefore an offense against nature (Abrabanel to Lev. 19.27).

11. In the Middle Ages the Rabbinical courts punished adulterers by cutting off their beards (C.M. Horowitz, *Toratan shel Rishonim*, 1 (1881), 29; 2 (1881), 18). The post of *of'azzan* was only bestowed upon a man with a beard (Ba'?, OH 53). Kabbalists ascribed mystical powers to the beard. Isaac Luria refrained from touching his, lest he causes any hair to fall out (Ba'er Hetev, YD 181:5). With the spread of kabbalism to Eastern Europe, trimming the beard was prohibited by leading rabbinic authorities (Noda bi-Yhudah, Mahadura Tinyana, YD 80) and with the rise of *of'asidism*, the removal of the beard became tantamount to a formal break with scriptural tradition.

12. 'The Word of God' speaks of a man needing to have a full, untrimmed beard that centers on the verse in Leviticus 19:27 which is translated by the New King James Version as: "You shall not shave around the sides of your head, nor shall you disfigure the edges of your beard." (Leviticus 19:27 NKJV)

13. In the kabbalistic mysticism, the beard represents on earth the Beard of the Holy Ancient One on High, that is, the unfolding of the divine grace symbolized by the strands of the beard. In kabbalistic circles the beard is a sacred object and they would not remove even a single hair from their beard. Following that, all Hasidists wear long beards and sidelocks.

14. To shave or pull out part of the beard was a sign of grief (Jer 48:37-38), and to cut off someone's beard was to insult him (2 Sam 20:4-5). In the Last Supper, there was one woman and ten men had beard.

15. It is dishonourable for a Gaelic man to have no facial hair. Among the Catti, a Germanic tribe, a young man was not allowed to shave or cut his hair. The Lombards derived their name from the great length of their beards: Longobards - Long beards. For his serious utterances Otto the Great used to swear by his beard.

16. In recent times the heads of countries sporting beard include Belgium's Prime Minister Charles Michel, Spanish Prime Minister Mariano Rajoy, Indian Prime Minister Narendra Modi, Iranian President Hassan Rouhani, Egyptian President Mohamed Morsi, Brazilian President Luiz Inácio Lula da Silva, and Brunei's Sultan Hassanal Bolkiah Saudi Arabian King Salman of Saudi Arabia and many others.

### **Mandate for beard in Islam**

17. The Quran mentions the beard in the incident when Moses came back from his meeting with God, and found his people worshipping a golden calf. He then grabbed the beard of his brother Prophet Aron in anger demanding to know why had he not stopped the Israelites from taking the calf as a deity for worship. The brother Aron said, do not seize me by my beard (20.94).

18. This tradition of keeping the beard has continued throughout the serial prophetic editions. At the time of Prophet Mohammad also the growing of beard was considered normal and natural for a man, yet he specifically exhorted "Lengthen your beards and cut the mustaches short". (Sahih Al-Bukhari Hadith 7.780 Narrated by Nafi Ibn Umar).

19. Whenever the Prophet performed ablution, he took a handful of water and putting it under his chin, made it go through his beard, saying: Thus did my Lord commanded me. (Sunan of

Abu-Dawood Hadith 145 narrated by Anas ibn Malik).

20. The Prophet said, 'There will emerge from the East some people who will recite the Qur'an but will renounce the religion and will never come back to it'. The people asked, 'What will their signs be?' He said, 'Their sign will be the habit of shaving of their beards'. (Narrated Abu Sa'id Al-Khudri, Fateh Al-Bari, Page 322, Vol. 17 - Translation of Sahih Bukhari, Oneness, Uniqueness of Allah, Volume 9, Book 93, no. 651).

21. Quran also clearly mandates adherence to what the Prophet did and said, "O ye who believe! Obey God, and obey the Messenger." (4:59, 8:20, 8:24, 33:21). Take what the Messenger gives you, and refrain from what he prohibits you. And fear God who is strict in punishment." (59:7).

22 Also, Quran says, "When the believers are called to God and His Prophet to accept and practice the law and commands of God and the Prophet that he may pass judgement upon them, their reply is 'We hear and obey.' Such men shall surely prosper." (24:51)

23. Imam Muhammad writes in his book "Kitabul Aathaar" where he relates from Imam Abu Hanifa who relates from Hadhrat Haytham who relates from Ibn Umar that he (Ibn Umar) used to maintain at least one fist length of beard. Imam Muhammed says that this is what we follow and this was the decision of Imam Abu Hanifa. Therefore, according to Hanafies, to shorten the beard less than a fist length is haraam (absolutely forbidden) and on this is Ijma (concensus of juridical opinions). Imam Shafe'i in his Kitabul Umm states, "To shave the beard is haraam." (Shari Minhaj dar Shara Fasl Aqueeqa).

24. The commentary of Imam Abu Zayed's book quotes Shekh Ahmad Nafarawi Maliki, "to shave the beard is without doubt haraam according to all Imams." It is also mentioned in "Tamheed" which is a commentary of "Muatta" (Sunnan Imam Malik) that to shave the beard is haraam. The Hanbalies in the famous Al-Khanie'a

Hanbali Fatawa Kitab state that "to grow the beard is essential and to shave it is haraam." Also the Hanbali books "Sharahul Muntahaa" and "Sharr Manzoomatul Aadaab" state that it is haraam.

25. According to scholars of Islam: "To shave off the beard is unlawful (haraam) and one who shaves his beard is legally speaking an unrighteous fellow (Fasiq); hence, it is not permissible to appoint such a man as an Imam." (Shami Vol.1, p.523). Durre-Mukhtar states: "No one has called it permissible to trim it (the beard) less than fist-length as is being done by some Muslims." (Vol. 2, p. 155). Also, "It is forbidden (haraam) for a man to cut off another's beard." (Vol. 5, p. 359).

26. Imam Ghazzali says: "Know that the key to total bliss lies in following the Sunnah and in emulating the life of Prophet in all that issues from him, and in all his doings (Kitab al Arba'in Addin, Cairo 1344, p. 89).

27. According to 'Takmela e Bahr al Raiq' the daily recitation of a band of angels of God is "Holy is the Being who adorned men with beards and women with braids" (Vol. 3, p. 331).

28. Shaykh al-Baha'iy, al-Damad and Kashif al-Ghita' are grand Shi'ite jurists, who have given rulings to the unlawfulness of the shaving of the beard, based on consensus, in their books Al-I'tiqadat and Resalah al-Shar' al-Muqaddas.

### **Mandate for beard in Sikhism**

29. For a baptised or Amritdhari Sikh, it is mandatory to keep the hair uncut honouring and accepting the perfection of God's creation. This command was issued by the tenth master, Guru Gobind Singh at Vaisakhi 1699.

30. There are various Shabads in the Sri Guru Granth Sahib which favour the keeping of hair. God is referred to as "Kesva" - "having long hair". God is referred to as having hair which is "Wondrous and Beautiful". (p98).

31. God is referred to as "the beautifully-haired Lord": All wealth, and the eight miraculous spiritual powers are in the supremely sublime essence of the Naam, the Name of the Lord. Those humble beings, with whom the beautifully-haired Lord is thoroughly pleased, sing the Glorious Praises of the Lord. (p203, 567).

32. Says the puritan Sikh, 'My mind is the dust of the feet of the Holy. I dust the Guru's Feet with my hair' (p1335). Call in the long-haired scholarly Saints of the Lord, to read the sermon of the Lord. (p923). The Gurmukh (saintly person) attains the supreme, sanctified status. He meditates on the Lord with every hair of his body. Says he, 'O Nanak, the Gurmukh merges in Truth'. (p941). God is found in "all places, the forests and the meadows, the three worlds, and every hair" (p966).

33. Bhai Gurdas Ji states (Vaar 28, Pauri 10) that acting according to the instructions of the Guru is the performance of the Sikh life.

#### **Mandate under international law**

34. On 19 March 2015 the Human Rights Council of UN General Assembly unanimously called upon (A/HRC/-28/L4) all the states to take effective measures to ensure that the public functionaries, in the conduct of public duties, do not discriminate against an individual on the basis of religion or belief. It also called upon the states to foster religious freedom and pluralism by promoting the ability of members of all religious communities to manifest their religion.

35. Earlier, in the *Minority Schools in Albania* case, the Permanent Court of International Justice had ruled that within a State 'the nationals belonging to racial, religious or linguistic minorities shall be placed in every respect on a footing of perfect equality with the other nationals of the State'.

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**Doesn't Supreme Court observation violate the Constitution?**

36. Yet, there are many Jews, Christians, Muslims, Sikhs who shave off their beard but this is not a yardstick of understanding whether or not their respective faiths mandate the growing of the beard.

37. Thus, the most honorable judges of our Supreme Court would surely and very kindly share with the people of Judaism, Christianity and Islam as to what are those scriptural mandates of Sikhism that, in their view, bestow upon the followers of the Sikh beard an extraordinary status that is denied to the Jewish, Christian and Muslim beard. Why the latter are offered the restricted permission to keep the beard only during festivities? Does this not violate Article 15 of our Constitution that prohibits state discrimination among the citizens based on religion?

38. Does this not violate Article 16 that prescribes equality of opportunity for all citizens in matters relating to employment under the state? Does this not violate Article 25 guaranteeing equal entitlement to freedom of conscience and the right freely to profess, practice and propagate one's religion? Does it not violate Article 29 bestowing upon the citizens the right to conserve one's culture?

39. Does it fully mesh with article 51A casting the duty upon every citizen of our motherland to promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious and sectional diversities and to value and preserve the rich heritage of our composite culture? Does the SC's stated inability to help the Maharashtra constable squarely fit into the ruling of the Permanent Court of International Justice? Does it respond to the call given by the Human Rights Council of UNGA?

## **DIVISIVE POLITICS IN INDIA: OPERATION 'PROVOKE MUSLIMS & CHRISTIANS'**

**26 Aug. 2018**

During the last seventy one years since India became independent its sovereignty has been considerably strengthened, internal peace has been well maintained, enormous multifaceted developmental works have occurred ceaselessly and India's standing has been going up in the comity of nations - all this has happened irrespective of which political party or coalition was in power. That's the beauty of the Indian polity.

### **Recent political shift - from ethical to parochial**

2. However, of late, the political bandwagon has regretfully strayed into the woods - from the abiding-ethical to the myopic-parochial. It should have continued to focus on far sighted policies for reconditioning and upgrading the country enough to make its mark in the 21st century world, garnering brownie points in favor of the well deserved claim to permanent seat in the UN Security Council and even otherwise becoming at least a regional super power. Instead, it is dissipating its precious energy just to make immediate electoral capital out of mass illiteracy.

3. It casts the spell of an apparently emotive Hindutva mirage



over the scripturally unlettered, cognitively uninformed and vocationally unengaged minds of the teeming millions belonging to the religious majority. They are being told intermittently and in different ways that though their faith spans four-fifth of the national population - and it assuredly and justifiably dominates the Indian political landscape - 'yet it is under threat of the minorities, specifically Muslims and Christians'.

4. The proponents of such ulterior designs had chalked out their multidimensional action plan well in advance and are moving forward accordingly. In mid 2014, TV serial *Zindagi* was launched - strategically patronized by a celebrity 'law-maker' of the ruling party - regularly showing Muslim family life characteristically in bad light - while simultaneously, programs eulogizing Hindu culture grew exponentially.

#### **Fiduciary allegiance of TV channels exploited**

5. Soon, the evening prime time debates on TV channels, owing fiduciary allegiance - through big business - to the ruling elite, turned into spectacles with the angry anchor aggressively and habitually finding fault with Muslims and their faith. To support him, unauthentic but pliable bearded persons are hired to malign their own community. Even a known Muslim baiter was imported from abroad.

#### **Only 2 Muslim ministers against proportional propriety of 12**

6. As per the latest national Census 2011, at the national level, there are 14.2 percent Muslims in India. But in the new 44 member Council of Ministers of 2014 only one Muslim found place (as against the proportional propriety of 6) and that too with the Minority Affairs portfolio. Now in 2018 the strength of the central council of ministers has swelled to 78 but there continues to be only one Muslim cabinet minister and another junior minister (as against the proportional propriety of 12). Even the old party loyalist

ex cabinet minister Shahnawaz Hussain has been kept out.

### **Churches are repeatedly attacked**

7. Within a year after assuming office the Government announced that Dec 25 (ex PM Vajpayee's birthday) would be celebrated as Good Governance Day but no mention was made that for more than two millennia, Christmas is celebrated throughout the world on the same date. Later, during 2015-2018, Churches were repeatedly desecrated and vandalized in Delhi, Hyderabad, Goa, UP, Chhattis-garh, Telengana, Odisha and Tamilnadu.

### **AMU & Jamia minority character opposed by new Government**

8. The new central government changed its predecessor's stand before the Supreme Court and insisted that the constitutionally mandated minority character of Aligarh Muslim University and Jamia Millia Islamia (both established by Muslims a century ago) should end. The Government also wants that seats should be reserved for Scheduled Castes in AMU and JMI. Conversely, it opposes the deletion of (anti-Muslim and anti-Christian) religious conditionality in the 1950 definition of Scheduled Caste. So, in dealing with minority interests the Government believes in "heads I win, tails you lose" policy.

### **UGC aid stopped to centers of minority empowerment**

9. The University Grants Commission has now discontinued the usual annual grant to predominantly Muslim institutions - AMU, JMI, Hamdard University and Maulana Azad National Open University - for running the Residential Coaching Academies doing affirmative action to help empower the youth. The disappearance of the JNU student Najeeb, the subsequent gun shot attack on another student Umar Khalid near New Delhi's high security zone and the government's apathetic reaction thereto eloquently speak

of the current anti-minority atmosphere in India.

### **Citizenship Amendment Bill and Assam NRC**

10. Through the Citizenship Amendment Bill introduced in Parliament in 2016 the people of Indian origin were welcomed back in the Indian fold but, while doing so, Muslims were singled out for negative discrimination. Contrarily, the threatened disenfranchisement of four million people of Assam (through deletion of names from the National Register of Citizens) rubs salt basically into the Muslim wounds giving 'glad tidings' to the forces of majoritarian electoral polarization.

### **Triple Talaq highlighted - Waqf properties mistreated**

11. A Muslim practice of negligible numerical consequence like Triple Talaq has been picked up for making a mountain out of a molehill while large scale encroachment of Waqf properties not only goes 'unnoticed' but, in effect, these properties are officially offered on the platter for non-Waqf utilization by the government agencies and others. In the parliamentary standing committee on the Waqf Properties (Eviction of Unauthorized Occupants) Bill, 2014 only one Muslim MP was appointed out of twenty members of Lok Sabha (lower house). Wherefore, sadistically overruling the well argued bureaucratic reasoning, the Committee's minutes were drawn to prejudice the most genuine Waqf interests.

Surya Namashkar made compulsory for all students

12. During 2016, in more than 1200 schools under the Greater Mumbai Municipal Corporation, Surya Namashkar was made mandatory. The Hindu scriptures and many modern day websites of the community loudly declare that this is the worship of Sun which is fundamentally prohibited in Islam. Such blatant interfaith discrimination is expressly prohibited in the Constitution (Articles 15, 25, 28).

**Interfaith marital couples assaulted**

13. The Indian Constitution gives freedom of interfaith marriage. But these days if a Hindu girl decides to marry a Muslim boy the heavens fall in India. The so called 'Love Jihad' (anti-Muslim derogatory phrase coined by Hindutva stalwarts) goons have been having free hand to physically assault the couple and 'stop' such relationships. In the well known case of Hadiya the Supreme Court had to intervene to establish the supremacy of the Constitution.

14. The prime minister's speech in New Delhi's Vigyan Bhawan (government convention centre) in the presence of the visiting Jordanian King and earlier his foreign detour to greet the then Pakistan premier Nawaz Sharif's family were exercises of cosmetic value - as superfluous as the 'sabka saath sabka vikas' slogan.

**Shamshans pitched against Qabristans**

15. The prime minister knows well that large number of half a million Waqf properties in India are under unauthorized occupation. There is widespread encroachment of Muslim graveyard land (Qabristan) and it is the Government's statutory duty to protect these properties. On the other hand, there exists no such issue pertaining to Hindu cremation grounds (Shamshan). But during the UP Assembly election speech delivered at Fatehpur in February 2017 the PM pitched Shamshans against Qabristans.

**Madarsas maltreated**

16. In August 2017, out of thousands of various kinds of educational institutions, the new State Government of UP singled out Madarsas to unjustifiably point out towards them the needle of suspicion of being 'unpatriotic'. The whole exercise ultimately fizzled out but not without exacerbating the communal cleavage.

**Muslims mob-lynched**

17. Since 2014, there abruptly emerged an unprecedented trend

in India when a few dozens of hooligans suddenly appear on a street and lynch a poor Muslim individual on the pretext of saving the cow - considered sacred by many Hindus. The group ensures proper videography and the clip is widely circulated on the social media creating interfaith hatred. The official reaction ranges from apathy to supporting the perpetrators of the crime. The Supreme Court has again intervened to censure these "horrendous acts of mobocracy".

### **'Lynching becoming part of Indian culture'**

18. In fact the official eye has been so much squinted that, according to some observers, lynching might be on way to becoming a 'part of national culture'. The other day in Jharkhand a mentally challenged person was lynched on suspicion of his involvement in a rape case. On Independence Day 2018 a group of Hindu youth menacingly climbed the main stairs of Delhi's Jama Masjid (world heritage) and raised communally offensive slogans there.

19. Thus, conspicuous efforts are being made to provoke some Muslims or Christians somewhere into some reaction based on which a national issue could be tailored giving opportunity to the pro-right TV anchors and spokes-persons to negatively brush the entire Muslim-Christian citizenry during the forthcoming electioneering aiming at majority polarization.

### **Muslim & Christian patience**

20. Yet the credit goes to the minorities to have remained calm and patient. On Fridays the sermon concludes with the Quranic injunction (16.90) to raise oneself from the realm of 'justice' to the higher orbit of 'compassion' even while dealing with the aggressor. Besides, the minorities feel reassured with another silver lining that the majority of Indians have a sound heart, they do not approve of such divisive political agenda and many of them even protest, time and again. God bless the nation.

## **PREPARING FROM WITHIN: AS THE 21ST CENTURY UNFOLDS ITS CHALLENGES**

We are now in early 2017 - completing the 69th year after having got our Indian Independence in August 1947 - that is more than two third of a century. That's quite a good duration for the national social ethos to stabilize in a new republic. We the Indian nation are now expected to be mature enough that our socio-political permutations and combinations settle into a proper humanistic pattern that augurs well for our national prestige to rule the universal roost in the 21st century. Each one of us - proud Indians - need to ask the self this question as to whether as a nation we are ready to present ourselves to the world as an internally well galvanized society staking the claim of world leadership through permanent membership of UN Security Council.

Do we measure up to the sacred determination enshrined in the preamble of our Constitution: socialist secular democratic republic?

My foremost personality has been described above - a proud Indian. But with the first ever qualification I'm surely an Indian Muslim. In this book I've chosen to attempt answering the above mentioned questions as an Indian Muslim. My mother died when I was three and my father was alive till I was twenty five. May

God bless their souls with high status in paradise, Amen. My father, whom all of us siblings fondly addressed as Abba jaan, instilled in us high nationalistic values alongside teaching us the basics of Islam and other faiths followed in India.

In 2005 when I was posted as Commissioner of Income-tax, Agra division, the then prime minister Dr Manmohan Singh picked me up as officer on special duty (OSD) in his Cabinet Secretariat at New Delhi and assigned to me the works relating to the Prime Minister's High Level Committee to write a Report on the Social, Economic and Educational Status of the Muslim Community of India. Later, the media started referring to this committee after its illustrious chairperson as Justice Sachar Committee. It submitted its Report to the prime minister on 17 November 2006 and, in nutshell, documented its broad inference that almost in every field the Indian Muslims are lagging behind the followers of all other faiths including the scheduled castes who were most backward at the time of Independence in 1947 and because of that backwardness special constitutional provisions were made for earmarking for them 15% or more seats in the parliament, state assemblies, local bodies, courts, government jobs and educational institutions. The Sachar Committee had recommended a battery of measures to be taken by the Government in order to restore justice to the Indian Muslims and thus ameliorate their plight.

After officially winding up the work of Sachar Committee, I had briefly gone back to my parent cadre of Indian Revenue Service and soon thereafter took voluntary retirement from government service in 2009. Since after that and till now in 2016 I've been publicly speaking across India - and to the NRIs even abroad - making PowerPoint presentations as well as profusely writing mostly in Urdu but quite often also in English and Hindi. The purpose has been to educate the Muslim community and to bring to the attention of the Government and the people as to what all are really the problems of the Indian Muslims and how these can

be addressed by the Government and by the Muslim community itself. In addition, through Zakat Foundation of India (registered trust) established by me in association with a few selfless, enlightened Muslims, I've been making ground level efforts establishing institutions to help raise the Muslim status.

In its last days Muslims were unhappy with the UPA Government at the centre because it had failed to pay heed to the major recommendations of the Sachar Committee. Alongside, it had appointed Justice Mishra Commission too whose recommendations also had met with the same fate. In this regard, I had made powerful presentations before Prime Minister Manmohan Singh and the Congress Vice President Rahul Gandhi - but to no avail.

In June 2013 I was the only ordinary Muslim who received an invitation to speak at a conclave titled "Ek Bharat Shreshtha Bharat" organized by 'Citizens for Accountable Governance' at Ahmedabad in the presence of the then Gujarat chief minister and the prime ministerial aspirant Narendra Modi; the conclave was inaugurated by former president APJ Abdul Kalam. Later from the same platform Mr. Modi had said, "Dr Zafar Mahmood has brought many issues to our attention. That is also a point of view. It is imperative to understand others." Since then three of the eighteen points raised by me have been implemented by Mr Modi - one as BJP's prime ministerial candidate and two as PM. He got removed from the BJP's website the three articles pointed out by me which were supposed to reflect the party's philosophy but which carried hate against Muslims. As prime minister he upgraded the central department of Skill Development to a full fledged ministry and allocated enhanced budget for the same; across India Muslims have large chunks of semi ripe skill that need to be developed. Later, at Mr. Modi's initiative the Reserve Bank of India has come up with a proposal to provide windows of interest-less banking in the country's commercial banks. Hope Mr. Modi sticks on to these



benevolent measures.

But the most important point raised both by Mishra Commission and Sachar Committee is need to make the Government's definition of 'scheduled caste' as religion neutral by deleting para (3) from the Constitution Scheduled Caste Order of 1950. The second most important recommendation of Sachar Committee is that the Muslim predominant constituencies of Lok Sabha (lower house of parliament) and state assemblies which are reserved for scheduled castes need to be de-reserved. And, instead, the constituencies which have high scheduled caste presence should be reserved for them.

These vital issues were raised by me before Narendra Modi, Manmohan Singh and Rahul Gandhi. Rahul, after listening to me in the meeting of Muslims called by him on 22 December 2013 in New Delhi's Rajiv Bhawan, even publicly asked for Minister Salman Khursheed's reaction who loudly endorsed my presentation. Minister Oscar Fernandez was also present. Rahul then announced that this issue should be taken up on priority and should also be included in the Congress manifesto. Nothing positive has happened since then.

Similarly there are many other issues agitating the mind of the Indian Muslim community. I've been writing articles on these issues which have been published online and in print media during the last few years. Some of these articles are now being published in this book. Hopefully these will throw light on major Muslim issues of India and their possible solution at the hands of not only the Government but also Muslims themselves.

Together let us try to fix up the fault lines, bridge the gap and prepare ourselves -as a unified nation to take on the world from a position of internal confidence.

## LET US TAKE CHARGE OF OUR UMMAH

*Innallaha ya"muru bil 'adli wal ihsaani wa eetaai  
zil qurba wa yanha 'anil fahshaai wal munkari  
wal baghyi ya'izukum la'allakum tazakkaroon*

(Holy Quran:16:90 )

Duly supported with authentic data, the Justice Rajindar Sachar Committee gauged in 2006 the Muslim deficit in India vis-a-vis any other community or social group. This Committee and the Justice Ranganath Mishra Commission (2008) recommended a series of affirmative actions to be taken by the Government in order to restore justice to Muslims and ameliorate their plight to the level of national averages. However, very little, say less than ten percent, of follow up action has been taken so far that includes amending the Waqf law, instituting the national minorities scholarship schemes and establishing the national commission for minority educational institutions. A host of major recommendations whose implementation would make the real difference still remain confined to the portals of these two landmark reports of recent Indian history. Though the 2014 parliamentary election manifestos of the Congress Party and Aam Aadmi Party did belatedly take note of some of these many remaining recommended steps.

The main reason of Muslim backwardness is the community's gross under-representation in the Lok Sabha (lower house of parliament) and provincial assemblies as well as the judiciary and

the bureaucracy. The presidential order of 1950 denies to Muslims (13.4% of total Indian population), Christians and Zoroastrians access to 15%+ seats in every legislature, judiciary and the civil service. Justice Misra Report says its a black law infused in the statute from the back gate; the Supreme Court agrees. Yet, this anathema remains on the statute book mostly to the chagrin of Muslims who are the dominant minority. Simultaneously, as a double jeopardy, Justice Sachar Committee has pointed out that a large number of the parliamentary and assembly constituencies with huge Muslim population and quite low presence of the Hindu/Sikh/Budhist barbers, tailors, blacksmiths, sweepers etc named in the Constitution as Scheduled Castes (SC) have been reserved for the latter. On the other hand, there is another set of constituencies with high SC population but low Muslim visibility that have not been reserved for SCs. Thus, Sachar Committee recommended that the Delimitation Commission should be appointed and mandated to remove these anomalies. Secondly, the definition of Scheduled Caste needs to be purged of religious parochialism. These actions are yet to be taken.

In the meanwhile, Muslims themselves need to take crucial affirmative action. We are not in the habit of doing that even though our faith mandates us to do so; in fact the basic elements of Islamic system warrant devotion of at least one third of the individual's existence for the sake of the community. In Surah Al-Qadr Allah says that the night of mystic glory is better than one thousand months. That's a strong divine indication that from inception to infinity the average human life is of about 84 years. The first one third segment is for self, the second for self and family and the third is mostly for the community. Using Allama Iqbal's terminology I've named the members of the third segment as Keemiyagar; that means the alchemist who turns ordinary metals into gold. They continue to have robust limbs and brain but have fulfilled their responsibilities. They will have to come forward to change the

community's track. Zakat Foundation of India runs a Department of Delimitation. According to its research even among the 85% unreserved constituencies there is abundant potential for substantial Muslim win. For instance, in U. P. that sends the largest number of members (80) to Lok Sabha, there are 63 unreserved seats. Out of these, in 18 seats Muslims are 25-52%, in 23 Muslims are 15-24% and in another 18 Muslims are 10-14%. Similar is the demographic-electoral reflection in most of the states.

In every Indian constituency with 15% Muslim population or more the local Keemiyagars will have to form a group of 10-12 persons of their ilk, name it KGP (Keemiyagars Political) and begin working from a room in one of their own houses. They can google and collect information from the Registrar of Census Operations and Election Commission regarding the Muslim population and percentage in their respective constituencies - otherwise obtain it by writing an email to [info@zakatindia.org](mailto:info@zakatindia.org). They need to comprehend the major Muslim issues at the national, provincial and local levels and their solutions and start intensely working on these within the constituency by way of advocacy and meaningful activism. The next parliamentary election will be held after five years or less; during this period every state assembly will also be re-voted. But within the next two years or so the KGP would have won the hearts of the local Muslims so much that they will tend to vote en masse a candidate of the KGP's choice.

Another parallel group of Keemiyagars will have to be formed in each constituency, named as KGA (Keemiyagars Administrative) that would select the academically ablest graduate or PG boys & girls and encourage them to prepare well and appear at the civil services competitive examinations organized by the central and provincial public service commissions. These fellows will have to be sent for coaching in professionally & privately run most successful coaching institutes for civil services for which funds will have to be garnered from within the local community. Mind

you the main purpose of this exercise will not only be getting good employment to the community youth but to empower the community.

With these measures in place, within the next 5-7 years Muslims of India will inshaAllah begin feeling a fresh breeze of optimism, buoyancy, confidence and a useful sense of direction. All this will catapult them to a pedestal of equality that's our cherished constitutional value.

**STRONG CASE FOR DELETING PARA 3  
IN PRESIDENTIAL ORDER OF 1950  
A RESPONSE TO SOCIAL JUSTICE  
MINISTER GEHLOT**

**15 Oct. 2014**

Social Justice Minister Gehlot needs to tune with Modi & saner national sentiment

Supreme Court must kindly delete para 3 from scheduled caste definition & make it religion-neutral

Plato has once again been proved right: politics is the art of gaining power and the craft of retaining it. Media has reported the current central government saying that opening up the list of Scheduled Castes beyond Hinduism, Sikhism and Buddhism - would encourage religious conversions. It said so in the context of the demand of Muslims & Christians that the definition of 'scheduled caste' should be made religion-neutral by deleting para 3 from the presidential order of 1950. That's what has been stated a couple of days ago by the union social justice minister Thavar Chand Gehlot, "Allowing SC status (to converts to Christianity & Islam) would provide a fillip to religious conversions. The demand is not constitutional and we want to work within the parameters of the statute for the welfare of 'these communities' (read Hindus,

Sikhs and Buddhists)."

The statement indicates that the Centre may oppose the demand of Christians & Muslims - in ten writ petitions pending for long in the Supreme Court. For years the UPA government was dragging its feet in the apex court and did not file its counter affidavit. This was despite the National Commission for Scheduled Castes having given its nod for the inclusion of Dalit Christians and Dalit Muslims in the SC list though with the rider that the existing SC quota should not be affected and the government should increase the overall quota of SC if it goes ahead with the move. Nonetheless, the statutory body did concur with the essence of the proposal.

The National Commission for Religious & Linguistic Minorities, later popularly known as Justice Ranganath Mishra Commission, strongly recommended in 2007 as follows: "Para 3 of the Constitution (Scheduled Caste) Order 1950 - which originally restricted the Scheduled Caste net to Hindus and later opened it to Sikhs and Buddhists, thus still excluding from its purview the Muslims, Christians, Jains and Parsis, etc - should be wholly deleted by appropriate action so as to completely delink the Scheduled Caste status from religion and make the Scheduled Castes net fully religion-neutral like that of the Scheduled Tribes."

Before making this recommendation the Commission dug deep into the historical & constitutional aspects of the matter. It noted that in 1927 the Madras Presidency had reserved 5 of every 12 Government jobs for non-Brahmin Hindus, 2 each for Brahmins, Christians and Muslims and one for others. In Bombay, seats were reserved for all except Brahmins, Marwaris, Baniyas, Parsis and Christians. Around these two models a few princely states like Baroda, Travancore and Kolhapur also introduced similar provisions.

The Justice Mishra Commission also recapitulated that Article 14, 15 and 16 provide, respectively, for Right to Equality, Prohibition against Discrimination based on Religion and Equality

of Opportunity in Public Employment. However, it allowed reservation of seats for backward 'classes' of citizens. Also, Article 46 obliges the State to promote with special care the educational and economic interests of the 'weaker sections of the people' and protect them from social injustice and all types of exploitation. Accordingly, reservation for minorities has been provided in government employment and for admission in educational institutions by the state governments of Kerala (Muslims 10%, Christians 2%) and Karnataka (Muslims 4%).

In *Jiwajiraja Sindhia Bahadur Madhava Rao vs Union of India* (1971) the Supreme Court held that para 3 of the presidential order of 1950 is an anathema which disfigured the beauty of the written Constitution of India. In the famous case of *Kesavanand Bharati* the apex court said that the President has no authority to proclaim para 3 as it is contrary to Articles 15(2), 16(2) and 29(2) and also it is against the basic structure of the Constitution. Even under Article 341 the President is not given power to discourage any citizen from professing any religion of his choice. But under para 3 of the 1950 Order the President indirectly prescribes the people (particularly the scheduled castes) not to profess any religion different from the favored trinity: Hindu, Sikh and Buddhist religions. Under Article 341 the power given to the President is to specify the caste and not to specify religion. Hence the Order of 1950 is a 'colored legislation under the guise of the presidential order'.

It is important to note that the Explanation given under Article 25 cannot be used to treat Sikhs, Jains, Buddhists and Hindus as a single class or group except for purposes of applicability of personal laws under Article 25(2); thus, the presidential order of 1950 has misconstrued the impugned Explanation below Article 25. Also, in view of SC Bench decision in *Indira Sawhney Vs Union of India*, para 3 of the presidential order of 1950 requires to be struck down as it came to the conclusion that caste is not confined to any



specific religion only but it extends irrespective of the religious sanctions. This is surely a scenario reflected from the Indian social milieu across all faith affiliations.

Muslims have been excluded from Scheduled Castes through para 3 of the 1950 Order. But the same Muslims have been recognized as backward under the OBC category. In view of this contradiction, the Mishra Commission notes that para 3 of the 1950 Order suffers from "hostile discrimination" against scheduled caste Muslims. Also, the basic tenets of Sikhism & Buddhism do not recognize the caste system like Christianity and Islam. But Sikhs & Buddhists have been favored while Muslims & Christians have been discriminated against by the President. This is patently illogical, unreasonable and unjust.

Thus, Mishra Commission has recommended deletion of para 3 of the Constitution (Scheduled Castes) Order 1950. Also, it further recommended that all those groups & classes among Muslims & Christians etc whose counterparts among the Hindus, Sikhs and Buddhists are included in the central or state SC lists should also be covered by the Scheduled Caste net. The Justice Sachar Committee too has observed that Muslims should make maximum use of the prevailing 'caste' categories as the unit for quotas. It questioned the non-availability of the SC quota for Muslims while it was available for Sikhs and Buddhists. The reports of both Mishra Commission and Sachar Committee were presented seven years ago and during this long period there has been no cogent and sustainable opposition to their findings and recommendations in the judicial forums or elsewhere.

Such is the strong case in favor of deleting para 3 from the presidential order of 1950. Couple it with the statement of Prime Minister Narendra Modi in Parliament where he loudly recognized that Muslims are more backward than any other socio-religious community, argued that specialized schemes need to be implemented to ameliorate their plight and declared that he doesn't

consider such schemes as Muslim appeasement but rather a reasonable national social necessity. Thus, Social Justice Minister Thavar Chand Gehlot would be well advised to revisit this matter of vital significance and reformat his stance tuning it with his master's voice, rhyming it with the saner national sentiment and file the counter affidavit accordingly in the Supreme Court. The PM too would hopefully guide him suitably and manifest his qualitative leadership and characteristic equal concern and care for each of the 1.25 billion Indians.

## **INSUFFICIENT MUSLIM MPs, MLAs MAIN REASON FOR COMMUNITY'S BACKWARDNESS**

Duly supported with authentic data, the Justice Rajindar Sachar Committee gauged in 2006 the Muslim deficit in India vis-a-vis any other community or social group.

This Committee and the Justice Ranganath Mishra Commission (2008) recommended a series of affirmative action's to be taken by the Government in order to restore justice to Muslims and ameliorate their plight to the level of national averages.

However, very little, say less than ten percent, of follow up action has been taken so far that includes amending the Waqf law, instituting the national minorities scholarship schemes and establishing the national commission for minority educational institutions.

A host of major recommendations whose implementation would make the real difference still remain confined to the portals of these two landmark reports of recent Indian history. Though the 2014 parliamentary election manifestos of the Congress Party and Aam Aadmi Party did belatedly take note of some of these many remaining recommended steps.

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parliament) and provincial assemblies as well as the judiciary and the bureaucracy.

The presidential order of 1950 denies to Muslims (13.4% of total Indian population), Christians and Zoroastrians access to 15%+ seats in every legislature, judiciary and the civil service.

Justice Mishra Report says its a black law infused in the statute.

## **PROPORTIONATE PENTAGONAL MUSLIM RESERVATION OTHERWISE, DR AMBEDKAR'S RECIPE OF 1942**

**14 June 2012**

In 2006 the Prime Minister's High Level Sachar Committee and in 2008 the Government of India's Mishra Commission have duly documented, supported by most authentic data, that in our beloved country the plight of Muslims is pitiable. Muslim representation ranges from one-fourth of the community's share in the national population to one-fifth or even less than that in each arena of life be it parliament, state assemblies, local bodies, educational institutions, economic status, corporate employment, public sector, housing colonies, or the like. In some areas Muslims are starkly invisible. Even basic infrastructure is mostly unavailable in Muslim settlements.

Harsh Mander, former IAS officer who had resigned protesting against the 2002 Gujarat pogrom and Member, UPA's National Advisory Council has narrated, in his 91-page report\* of one-year long survey conducted in 2011 Promises to Keep, the reasons why necessary initiatives have not been taken to improve the condition of Muslims even after five years of the presentation of Sachar Committee Report. He says that the officials of central and state governments and those in the districts are fully aware

that the Sachar Committee had been appointed for the sake of completing electoral formality but its implementation does not figure in the Government's political calculations. The institutional structures designed to implement these initiatives - right from the Union Ministry of Minority Affairs down to the implementing officials in districts and below - lack conviction, clout and even a clear mandate to directly battle the socio-economic structural discrimination and denial encountered by the community. Consequently, the schemes enunciated in the light of Sachar recommendations were thinned out to all the minorities reducing their Muslim-specific viscosity to either nil or bare minimum. Then, major portion of the billions of rupees worth of their annual budgets are incurred in areas where there are hardly any Muslims or even other minorities.

Twenty vital recommendations made by the Sachar Committee and the JPC on Waqfs were ignored while drafting the Waqf Bill 2010. On top of that, bending rightward, the official draftsmen came up with a self styled amendment that delimits the 'confined to Muslims' Waqf usage and opens up access to the usufruct of Waqf properties to all and sundry. On the other hand, the website of the Ministry of Minority Affairs shows that in the new government appointments made during the last five years after the submission of the Sachar Committee Report, the total minority representation makes only seven and half percent. This is against nineteen percent of the total minority population in the country. Obviously the Muslim share is much lesser. Nonetheless - riding roughshod over serious reservations expressed by the UPSC, most of the state governments and majority of the central police organizations - a new scheme has been put together in 2011-12 by the union home ministry to recruit hundreds of additional IPS officers that would bring down the existing pitifully low Muslim presence in the elite cadre to either zero or to such a small figure that it can be easily counted on fingers.

Why are we, Muslims, being subjected to these miseries for decades - with no let up in sight despite multi-cornered election-eve promises to the contrary? What is the remedy? There are tens of thousands of chains of bureaucrats & politicians where legislative, judicial and executive decisions are taken every day at central, state, regional, district and local levels. In more than ninety percent of these chains there is no Muslim. Hence these decisions are taken in the absence of Muslims, without any heart beating for them and often at cross purposes with their interests.

One vital factor of this widely prevalent anti-Muslim apathy and protracted injustice is surely the ridiculously low Muslim representation in the legislature, the executive and the judiciary. Out of the 552 seats in Lok Sabha, Muslims should occupy 74 seats in proportion of their 13.4% share (as per the Census statistics of 2001) in the national population. However, on the average, Muslims have been able to occupy only 27 seats, which means that they are deprived of around two-third of their rights during the last 65 years. Their parliamentary representation from some states remains nil. The period of more than six decades since Independence generally reflects that the political parties have been avoiding giving tickets to Muslim candidates. Most of those Muslims who do succeed in obtaining the tickets face defeat.

Fifteen percent of the Lok Sabha seats are reserved for scheduled castes (SC) while the executive wing of the Government, unconstitutionally and surreptitiously, excluded Muslims from the list of scheduled castes in 1950. This is despite the Muslim community having always been consisting a good complement of sweepers, cobblers and blacksmiths etc. On the other hand, as the second anti-Muslim jeopardy flagged by Justice Sachar Committee, the Lok Sabha and Assembly constituencies having huge population of Muslims but very low SC presence have been reserved for scheduled castes. Conversely, the constituencies having huge SC population but negligible Muslim presence have

not been so reserved. Muslims suffer big loss in either case. Thus, for the last 65 years, Muslim voice has not been reverberating - in proportionate pitch and rhythm - in the houses of parliament and state assemblies and such vacuum has been transducing itself into bureaucratic and judicial apathy leading to Muslim deprivation in different walks of life. The characteristic anti-Muslim couldn't care less attitude has, unfortunately, become a part of the national 'culture' bordering apartheid; the Indian statecraft as well as the ethos of private life have practically written Muslims off their mind. This phenomenon has rendered Muslim presence even in the bureaucracy to the pathetically low percentage of less than three.

There seems to be a ray of light at the end of the dark tunnel. Thanks God, in some quarters - during the sixth and seventh decades after Independence - there has been some talk of Muslim reservation though confined to government jobs and admission in educational institutions. Asaduddin Owaisi, MP emphatically advocated reservation for Muslims on the occasion of celebrating sixtieth anniversary of parliament. This gives some solace to Muslims though too late and too less. There is every reasonable ground of reservation for Muslims not only in the government's executive offices and the judiciary but also in parliament, assemblies, district boards, municipal corporations & boards, panchayat samitis, gram panchayats, educational institutions and government housing projects. The allegation that the Central Government's 4.5% OBC reservation orders issued in December 2011 two days prior to the provincial elections were a mere lollypop was recently contested by a central minister. Let us make a fair analysis.

As mentioned above, Muslims make 13.4% of the population in India. The Sachar Committee used the data provided by government agencies and documented that in each field Muslims are lagging behind the followers of every other faith. The Mishra Commission too deliberated on the same lines. Still the 4.5% OBC



sub-quota spans all the minorities and that too is confined to the central government jobs and admission in centrally run educational institutions. It would also be recalled that the Mishra Commission had recommended 15% reservation for minorities in educational institutions out of which 10% was recommended to be reserved for Muslims. But even in this paltry 4.5%, no space was earmarked for Muslims. So, this minuscule reservation of uncertain percentage reluctantly doled out after 65 years of blatant deprivation could at best be described as the proverbial lollypop for Muslims.

To ensure that even this lollypop survives judicial scrutiny and does get implemented at the ground level, no preemptive or proactive mechanism was devised by the government. As a result, the AP High Court didn't need more than the fall of a hat to roll it back; we can separately discuss the nuances in another write-up. Even otherwise, the 4.5% sub-quota has been meeting intermittent executive disregard. For instance, the advertisement published in March 2012 regarding the recruitment of additional IPS officers had no mention of 4.5% minority sub-quota. Likewise, during the same period, there were Muslim candidates available for the reserved 4.5% seats for the MBA admission in Indian Institute of Mines, Dhanbad. But, raising a technical objection, the seats reserved under this quota were left vacant presumably to be filled in due course by non-minority candidates. This leads one to the assumption that, despite the formal issue of 4.5% sub-quota orders for OBC among the minorities, the cross-national ambience has yet to undergo a benevolent transition for its heart full implementation.

In any case, such small half-hearted quotas here and there cannot make up for the oppression and injustice meted out to the Muslims over 65 years and the spree still continues unabated. Reverting for a while to the eve of Independence one finds that the legendary Dr Ambedkar had got approved some historical resolutions at the All-India Scheduled Castes Conference held in 1942 at Nagpur.

The Conference strongly demanded Separate Electorate for Scheduled Castes returning to the parliament, state assemblies and local bodies such number of SC members as squarely correspond to their share in the population. These resolutions sponsored by Dr Ambedkar also demanded reservation for scheduled castes in the bureaucracy as per the proportion of their population. Subsequently, Mahatma Gandhi went on fast. This led to the Poona Pact between him and Dr Ambedkar based on which special provisions were incorporated in the Indian Constitution. The scheduled castes were accorded reservation in the parliament, state assemblies, local bodies, government offices and educational institutions. Thanks to Dr Ambedkar's 1942 intervention, there is huge presence of scheduled castes in each arena of Indian life today.

Conversely, today's Indian Muslims are in a miserable condition - much worse than the condition of scheduled castes that obtained before Independence. In his article *Persistent Political Under-representation of Muslims in India\** published in the famous research journal 'Law and Ethics of Human Rights', the well known social analyst Professor Rajiv Bhargava, Director, Center for the Study of Developing Societies has written that Muslims should be given proportional representation wholeheartedly. He has also suggested that the methodology to do this is to chart out special multi-member constituencies with provision for preferential voting.

[\* <http://www.clb.ac.il/workshops/2005/articles/rajeeb.pdf>]

We, Muslims, must now have proportional reservation in the parliament, state assemblies, judiciary, district boards, panchayat samitis, gram panchayats, central/ provincial/ district government offices, all non-minority educational institutions and all government housing projects. However, should this not be forthcoming, then we the Muslims would prefer to go in for Babasaheb Ambedkar's 1942 recipe of separate electorate for the parliament, state assemblies and all local bodies etc. For that purpose, necessary

modifications need to be incorporated in the constitution. To conclude, I invite the readers' attention - men, women and youth - to take inspiration from Faiz Ahmad Faiz:

*Chashm-e-num, jaan-e-shoreeda kaafi nahin*

*Tohmat-e ishq-e posheeda kaafi nahin*

*Aaj bazaar mein pa-bajaulaan chalo !*

*Merely moist eyes and a disturbed spirit will not suffice, Just being accused of latent community love is not good enough; Let's us go out in public even though in shackled feet !!*

## **LETTER TO PRIME MINISTER: APPOINT DELIMITATION COMMISSION**

**28 Sep. 2013**

"The data shows that constituencies which have been declared reserved for SCs by the Delimitation Commission in these three states are by and large those constituencies where Muslims live in greater numbers often more than 50 per cent as well as their proportion in the population is higher than that of SCs. On the other hand, there are quite a large number of other constituencies within the respective states, where the share of SCs is large, often closer to or even more than one half but these are declared as 'un-reserved'. Arguably, this can be seen as discriminatory and certainly reduces the opportunities that Muslims have to get elected to democratic institutions." - Sachar Committee Report

Respected Prime Minister Dr Manmohan Singh Ji,

On 16 Sept when I met you in your house along with some other national level Muslim leaders, in the context of

Muzaffarnagar riots, I had said that one of the long term reasons of violence against Muslims is their gross under-representation in the legislature. I reminded you that the Sachar Committee has pointed out (Foreword and Chapters 2 & 12) a trend obtaining since 1950 that the parliamentary & assembly constituencies with large Muslim presence but negligible SC visibility are reserved for Scheduled Castes. Thus it recommended the reference of this anomaly by the Govt to the Delimitation Commission which was very much in session then. Despite having accepted thus vital Sachar recommendation the Govt did not implement it for 7 years since Nov 2006 when the Sachar Committee presented its Report to you.

On 16 Sept, you had wondered that now that the elections are round the corner how Delimitation Commission can be appointed. But, one week later, you approved the appointment of the VII Pay Commission for central government employees with two year tenure.

Muslims of India and their sympathizers are wondering why for seven years your Government did not move on Sachar Committee's strong plea to refer the matter of erroneous reservation of constituencies to Delimitation Commission. And why in Sept 2013 you are taking the plea of elections being on the anvil while this factor is not a constraint for appointing the VII Pay Commission. Is it because the 7th upward revision of pay for 31 lakh central government employees is dearer to the Government than restoration of justice to 18 crore Muslims that has been denied to them for 63 years?

We would earnestly urge you to kindly appoint the next Delimitation Commission immediately giving to it the clear mandate of looking into wrongful allocation of constituencies with large Muslim presence, for Scheduled Castes. We are aware that, like the 7th Pay Commission, it would take a couple of years or more to complete its

job. But, though late in the day, your Government would have fulfilled the strong Muslim expectation. You would agree that, either way, the omission or commission would surely influence the upcoming electoral outcomes.

Looking forward to your kind response and with warm regards.

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## **GOVERNMENT NOT AT FAULT FOR LOW MUSLIM PRESENCE IN BUREAUCRACY**

**An Interview to rediffmail.com  
31 July 2015**

While women seem to be breaking gender barriers in the Union Public Service Commission exam, Muslims still seem to be struggling. The 2015 results have four women in the top five ranks, but out of 1,236 people who passed the exam this year, only 38, or 3%, are Muslim.

Interestingly, almost half of the Muslim candidates who cleared the test were sponsored by one body, the Delhi-based Zakat Foundation of India. Syed Zafar Mahmood is the founder and president of the Foundation and has earlier served on the Sachar Committee, appointed by the government in 2005 to ascertain the socio-economic condition of Muslims in India.

Scroll.in spoke to Mahmood about the role of his organisation as well as the larger issues of Muslim representation in India's bureaucracies.

**Tell us about the Zakat Foundation of India and its role in preparing Muslims for the UPSC exam.**

I took inspiration from what Sir Syed Ahmad Khan did in 1887

- he started the Mohammedan Civil Services Fund Association to finance the travel of Muslims to London to write the ICS examination. The Zakat Foundation of India was established in 1997. In 2007 we started the unit that dealt with training people for the civil services.

Muslim political representation, according to the population, is also very low because constituencies with a large number of Muslims are reserved for scheduled castes. The Sachar Committee had recommended that this anomaly be referred to the delimitation commission. But the government cannot be blamed for Muslim under- representation in the bureaucracy. Sufficient numbers of Muslims are not appearing for the civil services exams - not even 2,000 appeared for the UPSC exam this year. Selfless and organised efforts need to be made by leaders of the community and its well-wishers.

**What are some of the backgrounds of the people who have made it using the ZFI?**

Muhammed Ali Shihab hails from Kerala. His father died when he was eleven. The poor family made its living from a make shift paan shop in village Edavannappara, district Malappuram, where Shihab shared a small dilapidated house with a brother and three sisters. His mother had no means to feed the children. She took the children to a Muslim-managed orphanage in Kozhikode district. Shihab completed his higher secondary schooling and secured a teacher's training certificate.

He wanted to study further but the pressure to make a living meant he had to take up the first available job, which was of a peon in the Kerala Water Authority in 2004. Later, he got promoted to lower divisional clerk in a local body department. Shihab enrolled for a BA in history as a private student even as he applied for other jobs. In 2007, Shihab joined as an upper primary school teacher in Malappuram, where he continued till he took a sabbatical



to prepare for the UPSC exam.

He came to know of the civil services coaching conducted by Zakat Foundation of India through a well-wisher. He appeared at the ZFI's orientation-cum-selection procedure conducted in Mallapuram and was selected by ZFI. The rest is history. He is now an additional collector & district magistrate.

**How do you collect and manage your funding? How much do you spend on each student on an average? Is the student expected to repay back this cost?**

Out of Islam's five basic pillars, zakat is the third. According to this mandate each Muslim has to annually donate as charity 2.5% of his wealth and annual savings in various forms including fixed deposits, shares, land, properties, jewellery, etc. In addition, there is the sadaqah, an optional means of charity extending to "all that is not needed by the family".

The Zakat Foundation of India is a registered trust and it undertakes the organised collection and utilisation of zakat, sadaqah and other charitable donations. Annually audited accounts available on the website and statutory returns are regularly submitted.

We established the Sir Syed Coaching & Guidance Centre for Civil Services in 2007. The most capable students are selected annually by the ZFI via a written test and interview.

The ZFI admits these students to Delhi's best civil services coaching institutes. ZFI pays the high fees of Rs 1.5 to 2 lakh per person to these institutes. Their board and lodging in Delhi is also taken care of by us and students are accommodated in ZFI's civil services hostels in New Delhi.

At the time of inducting ZFI Fellows, candidates need to sign a declaration that the money that ZFI would spend on them will be treated by them as a debt to be repaid either to ZFI or to god as and when they are in a position to do that.

**What made you start this initiative?**

The Sachar Committee's findings and remedial measures that it suggested were the starting point of our civil services support programme. I apprehended that the government would not implement more than 10% of the Sachar recommendations and that's what happened. Hence, the community had to take its own initiative.

**Muslims are severely underrepresented in our bureaucracy. Why?**

There are many reasons for this. A shortage of information about the process is one. There is also a lack of inspiration for aspirants, given that there are no community role models and hardly any organised effort on the part of the Muslim community.

**What difference do you think having more minority representation will make in governance in general and minority welfare in particular?**

It will promote the cause of inclusiveness. Muslims will start to genuinely believe that they belong to the system as much as anybody else.

**A number of committees and commissions such as the Sachar, Mahmoodur Rahman and Ranganath Misra have recommended reservations for Muslims in government jobs. Do you think this is required? If so, what method of reservation do you think will work?**

The Constitution provides more than 15% reservation for scheduled castes in the legislature, executive, judiciary and in educational institutions. But it did not define the term "scheduled caste", leaving that to the wisdom of the executive. A 1950 government order listed, statewise, all the so-called menial "professions" such as sweeper, cobbler, barber, blacksmith etc. But in paragraph 3 of the covering note it inserted a rider: "no

person who professes a religion different from the Hindu religion shall be deemed to be a member of a scheduled caste". Later, Sikhism and Buddhism were added to this list, along with Hinduism.

The Supreme Court has agreed that this discrimination of the basis of religion is unconstitutional and unjust. Justice Ranganath Misra said that it is a black law. Hence, I feel that either there should be no reservation for anybody or paragraph 3 of the 1950 order should be deleted. In any case, the creamy layer should never be allowed to enjoy the benefits of reservation.

## **PREPARING TODAY FOR INDIAN MUSLIM MIRROR OF TOMORROW**

**12 June 2014**

Duly supported with authentic data, the Justice Rajindar Sachar Committee gauged in 2006 the Muslim deficit in India vis-a-vis any other community or social group. This Committee and the Justice Ranganath Mishra Commission (2008) recommended a series of affirmative actions to be taken by the Government in order to restore justice to Muslims and ameliorate their plight to the level of national averages. However, very little, say less than ten percent, of follow up action has been taken so far that includes amending the Waqf law, instituting the national minorities scholarship schemes and establishing the national commission for minority educational institutions. A host of major recommendations whose implementation would make the real difference still remain confined to the portals of these two landmark reports of recent Indian history. Though the 2014 parliamentary election manifestos of the Congress Party and Aam Aadmi Party did belatedly take note of some of these many remaining recommended steps.

The main reason of Muslim backwardness is the community's gross under-representation in the Lok Sabha (lower house of parliament) and provincial assemblies as well as the judiciary and the bureaucracy. The presidential order of 1950 denies to Muslims (13.4% of total Indian population), Christians and Zoroastrians

access to 15%+ seats in every legislature, judiciary and the civil service. Justice Mishra Report says its a black law infused in the statute from the back gate; the Supreme Court agrees. Yet, this anathema remains on the statute book mostly to the chagrin of Muslims who are the dominant minority. Simultaneously, as a double jeopardy, Justice Sachar Committee has pointed out that a large number of the parliamentary and assembly constituencies with huge Muslim population and quite low presence of the Hindu/Sikh/Budhist barbers, tailors, blacksmiths, sweepers etc named in the Constitution as Scheduled Castes (SC) have been reserved for the latter. On the other hand, there is another set of constituencies with high SC population but low Muslim visibility that have not been reserved for SCs. Thus, Sachar Committee recommended that the Delimitation Commission should be appointed and mandated to remove these anomalies. Secondly, the definition of Scheduled Caste needs to be purged of religious parochialism. These actions are yet to be taken.

In the meanwhile, Muslims themselves need to take crucial affirmative action. We are not in the habit of doing that even though our faith mandates us to do so; in fact the basic elements of Islamic system warrant devotion of at least one third of the individual's existence for the sake of the community. In Surah Al-Qadr Allah says that the night of mystic glory is better than one thousand months. That's a strong divine indication that from inception to infinity the average human life is of about 84 years. The first one third segment is for self, the second for self and family and the third is mostly for the community. Using Allama Iqbal's terminology I've named the members of the third segment as Keemiyagar; that means the alchemist who turns ordinary metals into gold. They continue to have robust limbs and brain but have fulfilled their responsibilities. They will have to come forward to change the community's track. Zakat Foundation of India runs a Department of Delimitation. According to its research even among the 85%

unreserved constituencies there is abundant potential for substantial Muslim win. For instance, in U.P. that sends the largest number of members (80) to Lok Sabha, there are 63 unreserved seats. Out of these, in 18 seats Muslims are 25-52%, in 23 Muslims are 15-24% and in another 18 Muslims are 10-14%. Similar is the demographic-electoral reflection in most of the states.

In every Indian constituency with 15% Muslim population or more the local Keemiyagars will have to form a group of 10-12 persons of their ilk, name it KGP (Keemiyagars Political) and begin working from a room in one of their own houses. They can google and collect information from the Registrar of Census Operations and Election Commission regarding the Muslim population and percentage in their respective constituencies - otherwise obtain it from the ZFI office by writing an email. They need to comprehend the major Muslim issues at the national, provincial and local levels and their solutions and start intensely working on these within the constituency by way of advocacy and meaningful activism. The next parliamentary election will be held after five years or less; during this period every state assembly will also be re-voted. But within the next two years or so the KGP would have won the hearts of the local Muslims so much that they will tend to vote en masse a candidate of the KGP's choice.

Another parallel group of Keemiyagars will have to be formed in each constituency, named as KGA (Keemiyagars Administrative) that would select the academically ablest graduate or PG boys & girls and encourage them to prepare well and appear at the civil services competitive examinations organized by the central and provincial public service commissions. These fellows will have to be sent for coaching in professionally & privately run most successful coaching institutes for civil services for which funds will have to be garnered from within the local community. Mind you the main purpose of this exercise will not only be getting good employment to the community youth but to empower the

community.

With these measures in place, within the next 5-7 years Muslims of India will inshaAllah begin feeling a fresh breeze of optimism, buoyancy, confidence and a useful sense of direction. All this will catapult them to a pedestal of equality that's our cherished constitutional value.

## ROADMAP

- Step 1:** Read the Cause and Plan of Action in English, Urdu or Hindi at <http://zakatindia.org/Preparing-for-Indian-Muslim-Mirror-2020.html>
- Step 2:** Select your parliamentary or assembly constituency (say 'X') where you usually live.
- Step 3:** Identify & involve some more selfless persons of your kind (KGPs).  
Click <http://zakatindia.org/images2/millatkikamanform.doc>  
Take printout of the ZFI Form, you may fill it, scan it and email it to ZFI at [info@zakatindia.org](mailto:info@zakatindia.org)
- Step 4:** Identify an office table in an outer room of one of your houses.
- Step 5:** Have a computer with strong internet connectivity.
- Step 6:** Google the demography of X. Go to the internet site of Registrar of Census Operations and look for Census 2001 (Census 2011 religion wise data has not yet been uploaded). Find out the total population and the total number of Muslims in X. What's the percentage of Muslims in X. Take printouts and open a new file and keep in there.  
Paste one copy on the wall.
- Step 7:** Download village-wise and ward-wise charts and maps of (i) Total population, (ii) Muslim Population and (iii)



Muslim percentage. Take printouts, keep in file and paste on wall.

**Step 8:** Identify all the Waqf properties in X. Go to the website of Central Waqf Council: [www.wamsi.nic.in](http://www.wamsi.nic.in) and look for the details of all waqf properties in X. Take printouts. Open another file and keep printouts.

Paste one set on the wall.

**Step 9:** Personally visit each Waqf property, talk to the persons on site, obtain information, take photos. Who is the Mutawalli? Obtain original Waqf Deed and take its photo. Make sure that Mutawalli is the rightful person. Make an assessment whether each Waqf property is being fully utilized for the purposes that have been mentioned in the Waqf Deed. Whether there is proper income being received from the property. Is there any encroachment. Whether accounts are being meticulously maintained. Whether any court cases are going on.

Whether in the interest of the Waqf property the case is being properly represented in the court. Whether the rents are being received at current fair market rates.

**Step 10:** In the website of Central Waqf Council there are three schemes. Please download and read them:

- (a) Industrial Training Institutes  
[http://centralwakfcouncil.org/traning\\_institute.php](http://centralwakfcouncil.org/traning_institute.php)
- (b) Vocational Training Centres  
[http://centralwakfcouncil.org/vocational\\_traning.php](http://centralwakfcouncil.org/vocational_traning.php)
- (c) Book Bank / Library  
<http://centralwakfcouncil.org/bookbank.php>

**Step 11:** Go to the website of central Ministry of Minority Affairs [www.minorityaffairs.gov.in](http://www.minorityaffairs.gov.in)

**Access all the Government welfare schemes for minorities:**

- (a) Advertisement inviting proposals from Registered Societies/ Registered Companies/Trust etc. for imparting Coaching Programme 2014-15
- (b) Multi-sectoral Development Plan
- (c) Scholarship Schemes
- (d) Free Coaching & Allied Scheme
- (e) Grant in Aid Scheme to State Channelising Agencies of National Minorities
- (f) Development & Finance Corporation
- (g) "*Nai Roshni*"- The Scheme for Leadership Development of Minority Women
- (h) "*Seekho aur Kamao* (Learn & Earn)"- The Scheme for Skill

**Development of Minorities.**

- (i) Support for Students clearing Prelims conducted by UPSC/ SSC, State
- (j) Public Service Commission(PSC) etc.
- (k) Nalanda Project: Faculty development program for minority higher educational institutions
- (l) Minority Cyber Gram

**Step 12:** Access the website of the central Ministry of HRD, read and deeply understand so many educational schemes, for instance:

- (a) Sarva Shiksha Abhiyan
- (b) Scheme to Provide Quality Education in Madrasas (SPQEM)
- (c) Rashtriya Madhyamik Shiksha Abhiyan
- (d) Incentives to Girls for Secondary Education
- (e) National Means Cum-Merit Scholarship Scheme

- (f) Financial Assistance for Appointment of language Teachers
- (g) Adolescence Education Programme
- (h) Scheme for construction and running of Girls' Hostel for students  
of secondary and higher secondary schools
- (i) Model School Scheme
- (j) Scheme of Vocationalisation of Secondary Education At + 2 Level
- (k) Model School Scheme - PPP Mode
- (l) Saakshar Bharat
- (m) State Resource Centre
- (n) Jan Shikshan Sansthan
- (o) Assistance to Voluntary Agencies
- (p) CENTRALLY SPONSORED SCHEME ONTEACHER EDUCATION

**Step 13:** Access the website of the central Ministry of Home Affairs, read and understand the following schemes:

- (a) Assistance to the victims of terrorist and communal violence  
[http://www.mha.nic.in/sites/upload\\_files/mha/files/Schemeis2-0112.pdf](http://www.mha.nic.in/sites/upload_files/mha/files/Schemeis2-0112.pdf)
- (b) Kabir Puruskar  
[http://www.mha.nic.in/sites/upload\\_files/mha/files/pdf/Kabir-Puraskar-Scheme.pdf](http://www.mha.nic.in/sites/upload_files/mha/files/pdf/Kabir-Puraskar-Scheme.pdf)
- (c) Assistance to voluntary organizations in the cause of national integration  
[http://www.mha.nic.in/sites/upload\\_files/mha/files/pdf/AsstVOLRG\(E\)-060309.pdf](http://www.mha.nic.in/sites/upload_files/mha/files/pdf/AsstVOLRG(E)-060309.pdf)

**VERY IMPORTANT:**

- Step 14:** Read all these schemes carefully, take printouts, keep in separate files, paste copies on wall, identify the possible beneficiaries of these schemes in different Mohallahs and villages, printout application forms, fill the forms on their behalf, complete the required documentation, send these applications by speed/registered post to the officer concerned and follow up what happens there, etc.
- Step 15:** Download similar schemes from your state govt websites and take similar action.
- Step 16:** Request the Friday Imams & Khateebis to also tell the audience the meanings and Mafhoom of the Arabic Khutba. Help them in doing so. Obtain from them the standard Friday Arabic Khutba which they deliver every week. Get it authentically translated in local language and give the translation to him.
- Step 17:** Also request them to pre-plan the topics and prepare the contents of the local language speech which they deliver on Friday. Some advice is available at <http://zakatindia.org/images/Ashabus Suffa Brochure.pdf>
- Step 18:** Access Prime Minister's 15 Point Program for Minorities at <http://www.minorityaffairs.gov.in/pm15point> Carefully study and analyze each point.  
See in X as to what extent these points have been implemented.  
Wherever there is lack of implementation, take up the matter with the officers concerned. Petition them under RTI Act and follow up.
- Step 19:** For national level Muslim problems and their solutions please click <http://zakatindia.org/20PointsActionPlan.html> Likewise,

if you have any Muslim issues specific to your state please do research on these, collect authentic data and take these up with the authorities / Govt concerned.

**Step 20:** Keep informing the local media and the Friday Imams & Khateebis of all the work that you have been doing for widest publicity among the local Muslim community. You can even issue press releases and public fliers and brochures.

**Step 21:** Keep emailing, every Sunday, all the above information to [info@zakatindia.org](mailto:info@zakatindia.org) so that it is immediately uploaded on the website. During your researches and activities if you find something additional that needs to be included in this Roadmap, please so email at [info@zakatindia.org](mailto:info@zakatindia.org).

## **UPBRINGING OF AND ACTION BY INDIAN MUSLIM COMMUNITY:**

Synopsis of the keynote address delivered at the all-India Muslim think tank convention, Mumbai, 9 Oct 2010

**Currently, Muslims in India and the world are at the receiving end.**

Aftermath of Sept 11, 2001 at world level, and Gujarat 2002 at India level, were God's mild expressions of displeasure toward Muslims for not fulfilling our role as His good messengers.

Let us, Muslims in India, rise and do our duty as expected by Allah.

We will have to devote our time, personal resources, assets, income and love - for others.

Our Action Plan should have the following heads

### **A. Community upbringing (Tarbiyat)**

1. The new generation of Muslim children must be systematically taught the meanings of Quran explaining to them in simple language what's written in widely read commentaries. Begin from the last ten surahs. Organise regular workshops for young parents advising them how to ensure this. Basic Quranic concepts must be explained to the children and adults on regular basis. These should include the following:

- 
- a) God's purpose behind the creation of humanity: "So that He can test as to who among you acts more righteously" (Quran 18.7).
  - b) Basic unit of society is not only the small nuclear family but the wider, extended FAMILY of kith & kin joined together by blood and marriage. The more blessed in this FAMILY have duty to help the weaker members. (Al-mawaddata fil-qurba 42.23)
  - c) Concentration of the Ummah's total wealth in a few hands violates Allah's injunctions. The wealth must keep on circulating and changing hands. (59.7)
  - d) The ummah must cultivate natural lifelong habit of giving away to others (retaining for self and family only what's required for comfortable life), without showing off, and derive internal pleasure therefrom.
  - e) The community needs to be reminded of the importance of the concepts of 'iqra' (read) and 'qalam' (communicate) as told in Quran. Parents should gear up to devote substantial part of their earning for ensuring high quality primary education to their children.
2. Meanings of the Quranic verses planned to be recited during each Friday prayers should be explained by the khateeb before the prayers.
  3. The contents of Friday sermons delivered in Urdu and other Indian languages must be systematically pre-planned. Books on standard sermons should be distributed among the imams and khateeb. Voluntary organisations should join hands to prepare in advance and circulate among the imams / khateeb an annual almanac of Friday sermons.
  4. Translation of the Arabic khutba should be prominently displayed on the walls inside the mosques. These should

become topics of informed group discussions.

5. Institutes for training of imams should be established in different parts of India.
6. Simple Quranic messages with universal appeal should be displayed at traffic signals, highways and other public places.

#### **B. Action by the Community**

7. Form Community Monitoring Groups throughout India at different levels. These should comprise selfless, competent persons. Work should be distributed among them and supervised by the first among equals.
8. Muslims must occupy space in English and vernacular media - print and electronic. This has to be achieved through planned, concerted effort. Community funds need to be earmarked even to regularly buy media space.
9. For a long time, proper utilisation of most of half a million Wakf properties is going by default. Muslim vigilante groups have to devote big time and energy for wakf resuscitation. Raise voice against Government's non-acceptance of Sachar recommendation to create Indian Wakf Service and National Wakf Academy. Create pressure on Govt to turn this rejection into acceptance.
10. Schemes announced by the Government for welfare of Muslims/minorities need to be intensely followed up - point by point at state, district and sub-divisional levels. Take the help of RTI Act.
11. Establish "Community Reading Rooms cum Information Centres" in each Muslim locality / mohalla / village in a room volunteered by a better-placed resident and funded by many others. These should have books, newspapers, magazines and internet access to Government's welfare



schemes and application forms.

12. Help identify Muslim brains to prepare well for competitive examinations so that they join positions of government authority and planning.
13. Genuine English medium madaras should be established to bring up and churn out batches of Muslims with command over knowledge of Islam as well as expression in English language.
14. Use mosques for community education and training. Eidgah is used on ground level. Construct upper floors and use them as institutions for learning.
15. Avoid offering Friday/Eid namaz on roads and other public places. Don't be a source of inconvenience to others. Be proactive and find alternative spaces in Muslim schools, factories, big houses, masjids under ASI control.

## **LETTER TO PRIME MINISTER ON HIS SILENCE ON DADRI LYNCHING**

**07 Oct. 2015**

Respected Sri Narendra Modi Ji,

You would kindly recall my presentation before you made in Ahmedabad on 29 June 2013 followed by my letter to you dated 27 July 2014. Through these communications we tried to impress upon you and, through your good offices, upon the the BJP and the Sangh Parivar as to what are the grievances of the Muslims of India and what we would like all of you to do. We are pleased that, after my Ahmedabad presentation, you got deleted from the BJP website the three hateful anti-Muslim articles that purportedly reflected the party's philosophy. Later, your upgrading the Skill Development department to a separate central ministry manifests the acceptance of another of our demands. We are surely thankful to you. In your maiden speech in Parliament the concern expressed by you for Muslim backwardness and your pledge to take necessary steps for its amelioration were music to our ears.

However, during the 17 months of the current NDA rule at the centre we are yet to notice any ground level affirmative action to help out the Muslim community come out of the abyss of regression. On the other hand, the anti-Muslim and anti-Christian utterances and happenings during these 17 months have vitiated the atmosphere of our mother land. Indian Muslims & Christians and their sympathizers do note that frequent public gesturing by many persons associated with the Parivar is meant to keep the air warm against these two communities to discreetly keep the

uninformed Hindu masses emotionally surcharged to encase the sentiment at any upcoming election.

In the backdrop of such mass mental commotion and despondency, first the churches were attacked across India and then, just on the eve of Bihar assembly election, the hapless dad of an Indian Air Force officer Mohammad Akhlaq is murdered by a horde of hooligans on the suspicion that he slaughtered a cow. This heinous act received unequivocal condemnation across the nation and the globe. But, you Mr Prime Minister, chose to remain silent on this topic even though you kept on tweeting on various other issues after the murderous assault on Akhlaq.

So, how should we, the people of India, interpret your conspicuous silence, Mr Prime Minister? How does your silence mesh with our constitutional pledge to 'uphold the dignity of the individual'? How does your silence square up to Article 25 which says that all people are equally entitled to freedom of conscience and the right to freely profess, practice and propagate religion?

How does it mesh with the belief of Swami Vivekananda in the 'divinity in every soul and the purity of love'. How does it mesh with the wisdom of Mahatma Gandhi who said that the different religions are beautiful flowers from the same garden; branches of the same majestic tree? How does it mesh with the basic truth that all persons have the right to practice their faith how they choose and to do so free of persecution, fear and discrimination? How does it mesh with President Obama's caution given during his speech at the Siri Fort auditorium, 'we have to guard against any efforts to divide ourselves along sectarian lines'?

We shall be grateful for your kind response.

With regards ... though with a sad heart,

Yours sincerely,

**Dr Syed Zafar Mahmood**

## **LETTER TO PRIME MINISTER REGARDING THE PROBLEMS OF INDIAN MUSLIMS**

**27 July 2014**

Respected Sri Narendra Modi Ji,  
Pranaam & Eid Mubarak

You would kindly recall that in a conclave titled 'How government and business can change to provide Indian youth with the opportunities they deserve' organized in Ahmedabad on 29 June 2013 by Citizens for Accountable Governance and inaugurated by Dr APJ Abdul Kalam, I had made a 30 minute PowerPoint presentation titled 'Ek Bharat' in your august presence. You were kind enough to sit through the presentation, listened to my words, watched each of the 65 slides and later commented from the stage: "Dr Zafar Mahmood has pointed out some issues, these are thought provoking; one must try to understand others". For recapitulation, the presentation and your kind comments are available on many news channel sites.

### **Your Commitment Made in Parliament**

During your conclusive remarks given toward the end of the debate on the President's address to the joint session of Parliament, you acknowledged the national Muslim backwardness. You stated

that you know Muslim families who for three generations have been repairing bicycles and wondered of the reasons for such a pathetic condition of the community. In order to bring about a positive change in the Muslim condition, you emphasized, "We will have to undertake focused activity and will have to initiate special purpose schemes. I do not consider such schemes as appeasement; rather I see these as an instrument of ameliorating the life of (Muslim) community". You explained that if in a human body one organ is disabled then nobody can consider that body as healthy. A body can be sturdy only if all its organs are equally agile; no part should remain comparatively weak. With this fundamental premise there is need to move forward, "we are under obligation to do so and we wish to work accordingly", you had concluded.

Later, as a part of my usual, serialized writings addressed to the Muslim community, I counseled it that "As a seasoned community we need to take the PM's olive branch at its face value and give him reasonable opportunity to transform his initial promise into substantial praxis. We need to practically demonstrate the potential for harmonizing the relationship between faith and society and the creative interplay between unity and diversity. We need to examine in what manner the present moment offers an opportunity to foster inter-cultural understanding and social cohesion through new levels of partnership, dialogue and engagement. The present state of change and transformation mandates us to affirm mutual commitments towards living in a shared manner, for we are mindful of our scriptural injunction: God created the earth for all humanity (Quran 55.10)."

Through my Ahmedabad presentation I had drawn your kind attention to three articles on the BJP website supposed to describe the party's philosophy but, instead, reflecting a basic bias against Muslims - not fitting into the credentials of a national level political party. A few months later all three of those articles were removed

from the website and were replaced by a single milder one. The party manifesto of April 2014 promised augmenting the minority traditional artisanship and entrepreneurial skill, which are the backbone of Indian cottage and small-scale industry - strengthening these sectors through better market linkages, branding and access to credit. This did find place in the Budget 2014. For these kind actions we are grateful to you.

I am once again enclosing for your kind consideration the list of fundamental long term works that need to be done for Muslims uplift.

## **EIGHTEEN FUNDAMENTAL LONG-TERM WORKS THAT NEED TO BE DONE FOR MUSLIM UPLIFT**

1. As per Justice Sachar Committee report, the Home Ministry has to quickly appoint the new Delimitation Commission with the specific mandate to de-reserve Muslim predominant constituencies of parliament & assemblies where SC presence is much less.

2. The Law Ministry needs to file its long pending counter affidavit in Supreme Court in the twin writs filed by Christians & Muslims for deletion of the unconstitutional para 3 (imposing the conditionality of religious affiliation) from the presidential order of 1950 defining the scheduled castes.

3. On the pattern of Hindu officers being statutorily recruited through state public service commissions in more than a dozen states to run Hindu endowments, the Sachar Committee's recommendation to establish Indian Waqf Service for managing the affairs of state waqf boards should be implemented (article 312 of the Constitution) through Rajya Sabha resolution with 2/3rd majority of those present and voting, stating that it is necessary and expedient in the national interest to do so. The Ministry of Personnel has to take up this work on priority.

4. HRD Ministry has to give shape to the Sachar

recommendation (Statement 12.1) of 'Alternate Admission Criteria' in colleges and universities giving due recognition, in addition to personal merit, to the admission seekers' backwardness as reflected from the profession and income of the family and backwardness of his/her district.

5. Home Ministry has to push for creation of time-bound fast track courts to try terror allegations. Also, provide compensation of Rupees fifty lakh to each person who is judicially acquitted of terror allegations and take disciplinary action against those responsible for such false action.

6. Home Ministry should get passed from Parliament the Prevention of Targeted Communal Violence Bill.

7. Finance Ministry has to create Special Component Plan in the Budget for Muslims for skill development programs and other economic opportunities.

8. Planning Commission has to make the village (in rural areas) and ward (in urban areas) [and not the district or block] as units of planning for infrastructure schemes (including multi-sectoral development plan) and their implementation.

9. For special recruitment of 1400 additional IPS officers, the Home & Personnel Ministries have to scrap the Limited Competitive Examination as it preempts Muslim intake.

10. Ministry of Minority Affairs should include the following Sachar + JPC recommendations of vital significance (which have not been incorporated in Waqf Act 2013) in the Waqf Rules.

- (i) The Secretary of the Central Waqf Council shall not be of official rank lower than Joint Secretary to the Government of India.
- (ii) No Waqf property shall be leased at less than the currently prevalent fair market rate of rent.
- (iii) No Waqf lease proposal shall be required to be submitted



to the state government before issuing the lease order by the State Waqf Board.

11. PMO will kindly oversee and ensure the vacation of Waqf properties occupied by the Governments or their agencies in the centre and states and restore these to the State Waqf Boards. (Recommended by Sachar Committee & JPC on Waqfs)

12. HRD Ministry has to publicize Madarsa Scheme (SPQEM) in Urdu & other languages. The amount of Rs 50 lakh granted every year for publicity, has not been adequately utilized.

13. HRD Ministry (specifically, NIOS & UGC) has to establish Equivalence between Madarsa and other education.

14. HRD Ministry should ensure the conferment of 'Minority Status' on the Aligarh Muslim University founded by Sir Syed Ahmad Khan and take similar action for other institutions founded by Muslims and other minorities. Take up the matter in the court on priority.

15. Finance Ministry should please give option for interest-free finance in the banking sector. It should implement the recommendations of the Planning Commission's Raghuram Rajan Committee on financial sector reforms.

16. HRD Ministry should follow up and get resolved non-implementation of Central Urdu Teachers Scheme in states.

17. PMO should please establish Equal Opportunity Commission. Modalities were finalized by Expert Committee 4 years ago. File is in Minority Affairs Ministry.

18. PMO should kindly institute the Schemes for Incentives based on Diversity Index. Modalities were finalized by Expert Committee 4 years ago. File is in Minority Affairs Ministry.

## **MODI'S STATESMANLIKE LAHORE TRIP: MUST CREATE MIRROR IMAGE AT HOME**

**28 Dec. 2015**

Narendra Modi's stopover in Lahore to greet Nawaz Sharief's family is a diplomatic gesture displaying high form of statesmanship. Having now rubbed shoulders with almost every world leader of good significance and riding his aspirations to become a statesman of world repute he must have realized the futility of sticking to the erstwhile policy of proactive animosity toward the strategic neighbour Pakistan. Earlier he met the leaders of UAE and Turkey and hosted envoys from Muslim countries at his residence. That also reflects his realization that for being a world leader one has to keep channels of communication open with 1.7 billion Muslims spanning 56 Islamic countries and rest of the world.

One only expects that Modi will bring about similar change in his party's policy within India. Much before Independence in 1947 the Congress party had monopolized all the tricks of the political trade including superficially courting the Muslims in India yet not taking any substantial measures to ensure the community's proportionate participation in the nation's social, economic and educational progress as documented in the Sachar Committee

Report of 2006. Through the 1950 presidential order the party excluded the community from the definition of scheduled caste and thereby denied the Muslim barbers, blacksmiths, tailors, sweepers etc (unlike their counterparts in Hinduism, Sikhism and Buddhism) of 15% seats in parliament, assemblies, local bodies, government jobs and educational institutions discriminating against them on the basis of religion. As a double jeopardy, constituencies with high Muslim presence have been reserved for scheduled castes. Thus, for the last 63 years the average Muslim presence in 543-member Lok Sabha (house of the people) has remained pathetically pegged at less than 25 i.e. one third of the community's justifiable and proportionate numbers - as per 2011 census, it comprises 14.2% in the national population.

Muslims have been mostly kept away from powerful Government positions such as cabinet secretary (one in 65 years), finance secretary, home secretary, vice chairman of planning commission (now niti ayog), governor of Reserve Bank, director of CBI and the like. Rather Muslims have been confined to institutions established by or related with the community itself like Haj Committee, AMU & JMI, ineffective central waqf council and state waqf boards, toothless minority commissions, under-engaged ambassador in Saudi Arabia and the like. Yes, Muslims have also been president of India and provincial governors but it is well known that these positions are powerless and figurehead.

Despite such conspicuous deprivations meted out to Muslims and their consequent slide down on the developmental scale, the Sangh Parivar has been adopting the policy of blaming the Congress for 'appeasing' Muslims because it didn't find another anti-Congress rallying point having potential of winning the elections. This policy of the Sangh Parivar kept its political hearth warm during the first 3-4 decades after Independence though at the back burner and since late 1980s the political climate began softening making it conducive for the Sangh Parivar to gaining power and retaining

it. Of late they've even been telling Muslims to 'go to Pakistan'.

Having ridden the crest of this Sangh policy Narendra Modi became prime minister in early 2014. Soon he realized that the premiership of India is a different ball game more so if the incumbent aspires to become world leader of widespread acclaim and that too when he is agile and comparatively not so aged. That seems to be the reason of his diplomatic somersault vis a vis Pakistan and by proactively befriending it he is trying to bridge the gap that has been artificially created over years between the two vital neighbors.

Modi is also trying to take India to new politico-economic heights of glory in 21st century including its seat as a permanent member of the UN Security Council. For that purpose too, he will have to simultaneously create a mirror image at home too restoring the lost rights to Muslims as a whole, unlike the Congress which has usually been mentoring a few Muslim individuals and families. The community will closely watch Modi's policies regarding itself. His famous remark of July 2015 'Indian Muslims will live for and die for India' is reassuring but now they expect him to come down to brass tacks.

## **TEXTBOOKS MUST REFLECT APPROPRIATE VALUES IN CHILD'S MIND**

Regarding the contents of school textbooks and the need to get them re-evaluated, Sachar Committee has said that the textbooks should not only reflect reality but also help in creating appropriate values. Since the children tend to read their textbooks several times, their familiarity with the text is significant and acts to reinforce the values are being suggested in the text. If the texts do not reflect diversity or are derogatory with respect to specific communities, they can alienate children of those communities from the wider society.

Simple things in textbooks can sow the seeds for religious intolerance, create caste bias and/or reduce sensitivity to gender differences, while the intent and purpose of texts should be to do just the opposite. The Committee recommends that a process of evaluating the content of school textbooks needs to be initiated to purge them of explicit and implicit content that may impart inappropriate social values, especially religious intolerance. The Committee had noted that a very systematic effort of this kind was done by Samaan, a Kolkata based NGO, for the state board textbooks (Class 7-10) in West Bengal.

However, as per information available, such revaluation work

could not be taken up during the seven years of the UPA Government after the Sachar Report was presented.

Now, rather than the revaluation recommended by Sachar Committee being taken forward, Shiksha Sanskriti Uthan Nyas (SSUN) has demanded total change in education complete with new textbooks and a new pedagogy. RSS pracharak, Mr. Dinanath Batra of SSUN is reportedly going to meet the new PM to whom he has already sent his demands. After the political change there should be total revamp of education, he said. His recipe includes creation of a new mortal universe. Mr. Batra had played a vital role in bringing about a saffron-oriented kaleidoscopic change in education during the earlier NDA regime.

It's time for the patriotic civil vigilante individuals and groups, the judiciary and the media to keep a close watch on how the matter proceeds and to intervene, insist and ensure that the textbooks not only reflect reality but also help in creating appropriate values in the child's mind.

## **AMU'S MINORITY STATUS: PM MODI MUST ERASE HRD MINISTRY'S BLATANT BIAS**

**27 January 2016**

The minority character of Aligarh Muslim University is back in the news. Attorney General (AG) Mukul Rohatgi has told the Supreme Court that, in the opinion of the HRD Ministry, AMU is not a minority institution; 'as the executive government at the Centre, we can't be seen as setting up a minority institution in a secular state'. Thus, even though characteristically rubbing the minority shoulders on the wrong side, a central government functionary has for once realized the importance of secularism in the Indian constitution. Another perturbing aspect, however, of the AG's statement before the court is that instead of highlighting secularism as an asset for the wellbeing of the heterogeneous Indian society he has tried to present it to the court as a constraint forced on the minorities.

### **Attorney General's Amnesia**

While saying so the AG forgot so many democratic realities of India. To manage Hindu temples and endowments in the state of Tamil Nadu, for more than 50 years, there exists a separate service cadre for Hindus only (code 003). It is known as Tamil Nadu Hindu Religious and Charitable Endowments Administration

Service. Recruitments are made by Tamil Nadu State Public Service Commission for the post of Assistant Commissioner under the Tamil Nadu Hindu Religious and Charitable Endowments Administration Department. The recruited officers, after undergoing official training, are posted across the state, they're accommodated in government residences and they travel in government vehicles.

In the state of Kerala, Deputy Commissioners are directly recruited by the Kerala Public Service Commission (KPSC) to serve under the Hindu Religious and Charitable Endowment Administration Department. The KPSC advertisement in newspapers says 'Only persons professing the Hindu religion shall apply to the post'. In the state of Karnataka, Sections 6 and 7 of Hindu Religious Institutions and Charitable Endowments Act, 1997 say that the Commissioner etc shall be government servants and they shall be Hindu.

In the state of Odisha, Sections 7 and 8 of the Orissa Religious Endowments Act, 1970 say that an officer of the state government shall be the President of the Board and he shall be Hindu. In the most populated state of Uttar Pradesh, Sections 3 and 6 of Sri Kashi Vishwanath Temple Act say that four Secretaries to the Government of UP, one Director, the Divisional Commissioner and District Magistrate of Varanasi shall form the Executive Committee of the Board and if any of these officers is not Hindu the officer next below him who professes Hindu religion shall substitute him.

### **Constitutional provisions for minority uplift**

Attorney General Rohatgi also forgot before the Supreme Court that under article 15(4) of the Constitution of India the Government is empowered to make special provisions for the advancement of the socially and educationally backward classes of citizens. Under article 15(5) the Government can make special provisions, by



introducing specially drafted bills for legislation, for the advancement of any socially and educationally backward classes of citizens. Under article 30(1) the minorities have the right to establish and administer educational institutions of their choice. Under the spirit of these constitutional provisions the Parliament through the AMU Amendment Act of 1981 empowered the University to promote especially the educational and cultural advancement of Muslims in India. Through this statutory amendment the parliament neutralized the 'anti-minority-character' effect of the Supreme Court judgement in Aziz Pasha case of 1967.

#### **AG's inability to hide bias**

But the attorney general could not even decently hide the anti-Muslim bias of those who briefed him. He said in the court that the AMU is not a minority university because it has been established through an act of parliament. Going by such reasoning, one is afraid, the recruitments and special government services rendered to the Hindu temples in the above mentioned five states would need to be withdrawn and cancelled because all of these have been established through acts of legislative assemblies. Also tens of thousands of schools in India are recognized by the government and affiliated to different boards of education. Some of them are statutorily registered as minority institutions. Thus, for granting minority status, government recognition is an enabling factor.

#### **RTE Act and minority status**

More so, under the Right to Education Act 2009 no school, other than a school established, owned or controlled by the appropriate Government or the local authority, can be established or function, without obtaining a certificate of recognition from the prescribed authority. So, as a fall out of the attorney general's reasoning no school can be granted the minority status as all schools are recognized by the government.

**AG's attempt to obstruct basic structure**

Rohatgi also said that the ratio of the 1967 Aziz Pasha case still holds good. Is he trying to say that the parliament is incapable of undoing a view taken by the court? That way he is trying to obstruct the basic structure of the constitution which may have far reaching consequences destabilizing the sacrosanct and strong Indian constitutional monolith. Doesn't he need to resist from throwing the baby along with the bath water?

**Supreme Court's loaded question**

Perhaps that is why the supreme court in its astute wisdom had to ask him the loaded question: is the abrupt change in the attitude of the union government caused by the political change of guard at the centre? Again the AG looked askance while the court had to order him to transform whatever the government has to say into a duly sworn affidavit on 4 April 2016 that's the next date of hearing.

**Briefing to AG clashes with PM's declared policy**

It seems that the AG was briefed parochially at the bureaucratic level without the latter pre-obtaining specific instructions from the political executive regarding the substance of the arguments to be made. Otherwise, this instance of the union HRD ministry is quite at variance with the way prime minister Modi has recently changed his government's approach toward interest-less banking in India as well as dealing with the intransigent western neighbour Pakistan. One wishes there is truth therein; may be because of that Rohatgi added the rider that it is upto the university to adopt a contrary view.

**Kudos to VC**

In the meanwhile the student body and staff association of the 'varsity would do well to register their democratic agitation with the union HRD ministry. Three cheers to the vice chancellor who

has already stated that the AMU's minority character is a matter of life and death for the institution as well as the Indian Muslim community.

A deeper analysis reveals that the whole issue boils down to reserving 125-150 seats in the university's medical & engineering colleges and may be in MBA too. In whole of India there are thousands of institutions giving such degrees but somehow the union HRD ministry is disproportionately bogged down with these 125-150 seats in AMU.

### **Mishra Commission's recipe**

The national commission headed by former supreme court judge Justice Ranganath Mishra had written in its 2008 report that if, as per judicial decisions, in the institutions established by the minorities more than 50% seats cannot be reserved for the minority candidates that leads to the remaining 50% seats virtually going to the majority community. The Commission strongly recommended that, going by that reasoning and in the interest of justice and fair play, in all those institutions that are not established by the minorities at least 15% seats must be reserved for the minority candidates.

The AMU counsel has asked the supreme court to refer the 1967 Aziz Pasha case to a larger bench. If the 1981 amendment in the AMU Act has neutralized the 'anti-minority-character' effect of Aziz Pasha case then such a reference is not called for. However, if the court decides to do so then - and even otherwise during the current judicial proceedings - the above recommendation of Justice Mishra Commission needs to be strongly raised by the AMU counsels during their arguments.

### **Good hope from Modi - otherwise from Supreme Court**

PM Modi will hopefully once again act in the spirit of a world statesman, will intervene and benevolently restore to the AMU its

pristine glory of minority status as per the dreams of its illustrious founder Sir Syed Ahmad Khan; and he would give clear instructions to the HRD ministry for revising its stand taken in the court. Alternatively, the Supreme Court would restore justice to the glorious institution established by the Indian Muslims 130 years ago in 1885. For that purpose it may even refer the matter with suitable directions to the National Commission for Minority Educational Institutions in the spirit of section 11(c) of the NCMEI Act, 2009.

## LETTER TO CHIEF MINISTER OF DELHI

Delhi Muslims' long pending wishlist, will Aam Aadmi Party take it up?

Feb 14, 2015

Dear Sri Arvind Kejriwal Ji,

### **Congratulations for your party's second victory in Delhi.**

We promise that any office bearer or member of Zakat Foundation of India shall never seek any personal favor from you or your government for ourselves or any other well placed individual.

During its second innings the UPA Govt in the centre generally ignored the restoration of justice to Muslims except toning up the Waqf law. Through a PowerPoint presentation made at Ahmedabad on 29 June 2013 in a program of Sri Narendra Modi, the ZFI President had eloquently narrated the reasons of Muslim disenchantment with his party and the required remedial measures. But a substantial improvement has yet to come. During the 2014 Lok Sabha elections and in the just concluded Delhi Assembly elections, Muslims overwhelmingly voted for Aam Aadmi Party.

We would request you to kindly consider the following major recommendations of Justice Sachar Committee, Justice Mishra Commission, Mr. Harsh Mandar and others for planned

implementation in Delhi.

With warm regards,

yours faithfully,

For Zakat Foundation of India:

Dr Syed Zafar Mahmood, S. M. Shakil, Asrar Ahmad, Anisur Rahman, Mumtaz Najmi, Irfan Baig, Mufti Dr Adil Jamal, Imtiyaz Ahmad Siddiqui, Kamal Akhtar

### **Works pending for long**

#### **1. Units of Planning & Implementation**

Make the village (in rural area) and ward (in urban area) [and not the district or block] as units of planning for infrastructure schemes (including MSDP) and their implementation.

#### **2. Alternate Admission Criteria**

Implement the Alternate Admission Criteria that will help the poor among all communities and will facilitate admissions to the 'most backward' in regular universities and colleges, providing a rating/ grading system (Sachar Committee Report page 246, Statement 12.1).

State funding should also be linked to the use of such criteria in admissions by the educational institutions.

#### **3. Equal Opportunity Commission**

Establish Equal Opportunity Commission in Delhi. (Modalities were finalized by Central Govt's Expert Committee 5 years ago)

#### **4. Incentive Schemes based on Diversity Index**

Institute in Delhi the Schemes for Incentives based on Diversity Index. (Modalities were finalized by Central Govt's Expert Committee 5 years ago).

### **5. Interest Free Finance Option**

Give option for interest-free finance in the banking sector. Implement the recommendations of Raghuram Rajan Committee on financial sector reforms of the erstwhile Planning Commission.

### **6. Budget Component**

Create Special Component Plan in the Budget for Muslims for skill development programs and other economic opportunities. ('Promises to Keep' by Harsh Mandar & others)

### **7. Delimitation**

De-reserve constituencies with substantial Muslim presence. Create a cell in the CM's office to carry out research and collect data. Write to the Delimitation Commission to remove these anomalies.

For example, in Delhi, Mangolpuri assembly constituency (Scheduled

Castes 34.16%, Muslims 6.31%) is not reserved for SCs. However, Seemapuri assembly constituency (SCs 28.97%, Muslims 17.38%) is reserved for SCs. Such gross injustice to Muslims needs to be reversed.

### **8. Waqfs**

- (a) Institutionally ensure that
  - (i) No Waqf property is leased at less than the currently prevalent fair market rate of rent.
  - (ii) No Waqf lease proposal is required to be submitted to the state government before the State Waqf Board is enabled to issue the lease order.
- (b) Order the vacation of Waqf properties occupied for long by the central & Delhi Governments and their agencies and restore these to the Delhi State Waqf Board. For the period of occupation, Waqf Board should be given rent at market

rate.

- (c) Ensure that all the 123 Waqf properties are immediately returned to the Delhi Waqf Board immediately and it begins working to fruitfully utilize these as per the Waqf purposes.
- (d) Appoint a senior officer of an all-India or central service as CEO of Delhi Waqf Board on the pattern of several states where senior officers are appointed to manage temples & pratishthaans.

### **9. Madarsas**

- (a) Publicize the Central Madarsa Modernization Scheme (SPQEM) in Urdu & Hindi.
- (b) Establish equivalence between Madarsa and other education in coordination with UGC and NIOS.

### **10. Urdu Teachers**

Implement the Central Urdu Teachers Scheme.

### **11. Muslim Nomination & Involvement**

- (a) Like, Andhra Pradesh, evolve procedure to nominate Muslims in public positions of power, not only in areas of exclusive Muslim interest but in all other areas also.
- (b) Involve Muslim beneficiary groups in planning & oversight of projects.
- (c) Concentrate on benefiting the whole Muslim community, not only a few individuals.



## **IN 2012 WHY MUSLIMS ARE UNHAPPY WITH THE UPA GOVERNMENT**

The UPA swept to power in 2004 riding on widespread Muslim support. In 2005 it appointed the Sachar Committee whose report was submitted to the Prime Minister in November 2006. Accordingly, Muslims were found and documented to be most backward in the social, economic and educational fields. The Report was tabled in Parliament and was accepted by the union cabinet within a few months. It resulted in the grant of more than four lakh academic scholarships to Muslims and other minorities across the country. Muslim faith stayed with the UPA in 2009 elections.

However, apart from that, adequate follow up has not been taken by the central and state governments to implement the Sachar Committee report. Vital Harsh Mandar Report, 2011 was rejected by the Government on grounds of minor statistical inaccuracy.

In his 2011 report titled 'Promises to Keep', based on a year long survey-cum-interaction in different Muslim dominated areas of India, former IAS officer Mr Harsh Mandar, Chairman, Centre for Equity Studies, New Delhi (and Member, UPA Government's National Advisory Council) gave very substantial and thought provoking reasons of why Sachar Report could not be implemented. These include the following:

- i. Low budget allocation
- ii. Poor design of programs
- iii. Diffidence at policy level to focus on Muslims: For addressing proven Muslim backwardness the Government is utilizing funds for all minorities (even those who are covered for reservation and separate huge budgeting - on religious basis - under the 'scheduled castes' category)
- iv. Non-sensitized, unmotivated, prejudiced ureaucracy
- v. Active reluctance by implementing agencies
- vi. Weak institutional mechanism
- vii. Diversion of funds to non-Muslim areas because of Government's fear of being 'blamed' for appeasement
- viii. Poor efforts by government to create awareness of schemes and reach out to beneficiary groups/ Muslim civil society
- ix. Complete disconnect between minority welfare infrastructure and Muslim civil society
- x. Poor Muslim representation in decisions making bodies.

### **Harsh Mandar's Action Plan**

The Harsh Mandar Report suggested the following:

- i. Enhance Plan Outlay under 15 Point Programme - to at least 19% of total plan allocation.
- ii. Make the village and ward (and not the district) as units of planning for infrastructure schemes.
- iii. Impart sensitisation training regarding negative aspects of social exclusion and disadvantaged groups, including specifically Muslims.
- iv. Act on the recommendations of the Expert Groups on Equal Opportunity Commission and Diversity Index.
- v. Build public awareness and strengthen civil society amongst Muslims by launching schemes for, among other, (i)

- establishing 'facilitation centres' at block and district levels, run by Muslim youth, to act as information dissemination and guidance facilities on schemes and entitlements; (ii) capacity building of development-oriented community based organisations of/for Muslims.
- vi. Create a Special Component Plan for large scale skills development, programmes, creation of small enterprises and other economic opportunities.
  - vii. Use village and preferably hamlet in rural areas, and ward and slum in urban areas as the unit of planning for both individual and collective benefit schemes. Identify hamlets, villages and blocks, wards and slum settlements, not districts, with concentration of minorities.
  - viii. Involve beneficiary groups in planning and oversight of projects.
  - ix. Make mandatory public accountability tools - social audits and proactive disclosure of information.

A larger summary of this 91 page Report can be seen at Annexure 'A' to this write up.

However, in August 2011, the Minister of State for Minority Affairs Mr Vincent Pala rejected the Report of Mr Harsh Mandar on grounds of some instances of statistical inaccuracy. That shows that the Government does not like to receive the crux of the feedback given by the civil society and is more interested in window dressing.

In the following paragraphs we will discuss the vital concerns of the Muslim community including the hordes of Sachar recommendations that have not yet been implemented.

### **'Scheduled Castes' definition of 1950 is on religious ground\s - 62 years of Muslim sufferance**

The Constitution provides reservation of seats in parliament,

state legislatures, local bodies, government jobs and educational institutions for Scheduled Castes. Article 341 says that the scheduled castes shall be identified and enlisted by the President who issued his order in 1950. However, he added therein that for getting SC advantage it is incumbent to profess Hindu religion. Later in 1956 and 1990 Sikhism and Hinduism were added. Thus, as of today, it is basically a reservation against Muslims who constitute 13.4% of the total population. The other remaining Indian faiths together form less than two percent.

Thus, the constitutional reservation is based on religion. This violates article 15 that prohibits state discrimination on the basis of religion. Yet, this unconstitutional discrimination is substantially targeted against Muslims. Justice and fair play demands that the conditionality in the Constitution (Scheduled Castes) Order 1950 namely "No person who professes a religion different from the Hindu, the Sikh or the Buddhist religion shall be deemed to be a member of a Scheduled Caste" needs to be deleted. This will stop the discrimination that is being meted out to Muslims since 1950.

### **Muslim dominated constituencies reserved for SCs**

To the Muslims this deprivation has caused double jeopardy. Sachar Committee has found that a large number of the parliamentary and assembly constituencies where Muslims are in substantially large percentage while the SC population is very low have been reserved for SCs. Contrarily, in the same states there is another set of constituencies with high SC population and low Muslim presence. The latter types of constituencies remain unreserved. Thus Muslims are losers in more than one ways. In 2006 the Sachar Committee asked the Government of India to take up the matter with Delimitation Commission which was in session at that time. But the Muslims and their well-wishers do not have any information regarding any action taken by the Government till March 2012 to redress this vital Muslim grievance which has been the major cause of their abject under-representation

in the legislative wing of governance. For example in the Lok Sabha (@ 13.4% - that is the national Muslim population as per census) there should be 71 Muslim members. As against this, since Independence the average number of Muslim MPs in Lok Sabha has remained at 27 (though it has once each plummeted to 18 and gone up to 45). Thus, on the average, 44 Lok Sabha seats that rightfully belonged to Muslims are occupied by others. The situation in the provincial assemblies has been equally inadequate for Muslims.

#### **Sachar suggestion for Muslim nomination**

Sachar Committee felt so much peeved with the pathetic low Muslim representation in governance that it recommended the adoption of the Andhra Pradesh model of nominating Muslims to local bodies and provide for such nomination in law by amending the relevant Acts. These local bodies include Zila Parishads, Municipal Corporation/ Board, Panchayat Samit/Panchayat, Cooperative Bank, Agricultural Marketing Committee etc.

#### **4.5% Minority Sub Quota:**

##### **(a) Inadequate Defense and (b) Grey Area**

In December, the Government of India decided to carve out a 4.5% sub quota for the minority communities (out of the 27% reservation in jobs and educational institutions). Thus the Sikh, the Buddhist and the Jain communities - who have been enjoying since 1950 the space rightfully belonging overwhelmingly to Muslims and marginally to Christians - now get double advantage. Out of this 4.5%, Muslims would get only about 3%. This is against the backdrop reported by the Sachar Committee that all the Muslims jointly occupy not more than 2.5% of the senior bureaucratic positions.

Even this 4.5% sub quota has been opposed by a section of the Opposition on the ground that it is based on religion. But the Government of India has not so far come up with the counter-

argument that reservation on grounds of religion is already in vogue since 1950.

Every Government job recruitment usually has five stages: advertisement, application, written test, interview and result. The order issued on 22 December 2011 by the Ministry of Personnel to give effect to the Government decision of 4.5% sub quota does not specify the stage in the selection process that should not have been reached on the cutoff date to warrant that a given vacancy is covered by the 4.5% order. Consequently, the various government employers and recruitment agencies have been directionless for a long time during which period Muslims were not appointed to thousands of new posts. This is despite the written requests made by the Muslim community to the Ministry of Personnel both before and after the issue of the order concerned asking it to issue the clarification that if the last stage (viz declaration of result or issue of appointment letter, whichever is earlier) has not reached on the cut off date then the recruitment concerned falls within the purview of 4.5% sub quota.

Also, no remedial action has been provided in the 4.5% orders issued by the Ministries of Personnel and the HRD in case a particular recruitment is not subjected to the 4.5% sub quota. Necessary corrigenda need to be issued expeditiously.

### **Muslims out of 1400 IPS recruitment**

Through the annual civil services examination (CSE) the UPSC recruits 100 to 150 IPS officers every year. In 2011 the Government decided that it requires about 1400 additional IPS officers. It also decided that out of this additional requirement, 490 IPS officers shall be recruited @ 70 officers per year over the next seven years for which the selection process will not be opened to the whole country. Instead, a limited competitive examination (LCE) will be held for which only those who have been working for five years or more as major or captain in the defense forces or as deputy

superintendent of state police or as assistant commandant in a police organization. It is well known that in the defense forces Muslims constitute less than one per cent. The situation is not much better in middle management of state police and the police organizations. Thus, over the next seven years, through the LCE much less than one per cent Muslims will be selected.

In this way, the LCE violates article 16 of the Constitution that guarantees right to equal opportunity in public employment. It needs to be rescinded. Instead, all the recruitment should be made through UPSC's regular annual civil services examination. This has also been recommended by the UPSC, substantial number of state governments and central police organizations; but their recommendations have been overruled by the union home ministry on grounds that are easily controvertible. Also, the LCE goes against the Congress Manifesto, 2009 which promises that the police force will be made more representative of the diversity of the population.

### **Ineffectiveness of Free Coaching Scheme for Civil Services**

Muslims in the bureaucracy are less than one third of their share in population. The union Ministry of Minority Affairs runs the Scheme for Free Coaching to empower the minority communities by enhancing their capability making them deployable in the government and other sectors. However, because of this scheme there has been no impact on the deplorably low level of Muslim presence in the government bureaucracy. The reason is that the scheme demands that the recipient NGO should itself organize and impart coaching to the selected candidates. In the Civil Services Examination annually conducted by UPSC four lakh candidates appear out of which 400 - 700 are selected. The success rate is much less than one per cent. India's most successful (statistically proven) professionally run civil services coaching institutes are located in Delhi. Their fees are high. The NGO

recipients of the government grant under the Free Coaching Scheme should be allowed to sponsor the candidates (selected by them on the basis of test & interview) for coaching in India's most successful professionally run civil services coaching institutes located in Delhi and monitor their progress. Necessary amendments are required to be made in the government's Free Coaching Scheme.

### **Indian Waqf Service - Vital Sachar recommendation went by default Needs to be revived**

The Ministry of Minority Affairs rejected the vital Sachar recommendation to institute Indian Waqf Service to man the post of Secretary/CEO and other official positions in the Central Waqf Council and the State Waqf Boards. This rejection is based on the brief easily controvertible noting done in the Ministry at lower level that was not adequately examined at any higher level. The matter must be revived. The National Commission for Minorities has written in this regard to the Minister for Minority Affairs with a copy to the PM. Many well known national level Muslim organizations have taken up the matter with the PM.

### **Madarsa Quality Education Scheme not publicized**

The union HRD Ministry has not yet publicized the Scheme for Providing Quality Education in Madarsas (SPQEM) despite having received specific grant for this purpose @ Rs fifty lakh annually. This has been admitted by the Ministry in response to a RTI query. The only expenditure made for SPQEM out of this huge grant was on a meeting in Hyderabad and a workshop in Lucknow both organized in 2009 on which total expenditure incurred was less than Rs ten lakh. The matter was brought up to the attention of the MoS and the Cabinet Minister HRD respectively on 8 Dec 2011 and 11 March 2012. One lakh SPQEM brochures (including the detailed scheme, rules and application form) need to be published in Urdu and other regional languages



and distributed among the madarsas. Besides, advertisements should be issued in Urdu and vernacular languages. This should be supplemented by TV & Radio advertisements.

### **Equivalence between Madarsa and other education**

Also, Sachar Committee had recommended the creation of adequate equivalence between the Madarsa certificates/degrees and the NIOS/universities/colleges so as to ensure smooth sailing for madarsa educated students to the regular system of education at different levels. Little progress has been made in five years. The Madarsa students are yet to get the recommended advantage.

### **Urdu Teachers Scheme**

Point no. 3 of the Prime Minister's 15 Point Program for the Welfare of Minorities, 2006 says that central assistance will be provided for recruitment and posting of Urdu language teachers in primary and upper primary schools that serve a population in which at least one-fourth belong to that language group. Accordingly, the central scheme (as was already existing) of financial assistance for appointment of language teachers was modified in respect of Urdu teachers saying that from then onward emphasis was shifted to areas where more than 25% of the population is from Urdu speaking community. Even that existing/moderated scheme has not been implemented in some states like UP and Maharashtra with huge Urdu speaking population. This is because proper government order was not issued at the state level while the union HRD ministry did not adequately monitor the implementation. When the Urdu speaking community mobilized its rank and file resulting into direct applications sent to union HRD ministry the latter washed its hands off the matter saying that it does not have to take any action on these applications. The New Testament rightly says: The spirit giveth and the letter killeth life.

Popularisation and Monitoring of Government Schemes: Non-involvement of Muslims

Both the Reports (Sachar Committee and Mr Harsh Mandar's Promises to Keep) recommended close involvement of Muslims for the popularization of the government welfare schemes as well as monitoring their implementation at local, district, state and central levels. This needs to be done sooner. On the pattern of SC reservation, at the national level the implementation of the Sachar Committee Report and other policies meant for Muslim welfare should be monitored by a parliamentary committee consisting mostly of Muslim MPs but also having on board representatives of well known Muslim welfare outfits like All India Muslim Personal Law Board, Zakat Foundation of India, All India Muslim Majlis-e-Mushawarat, Jamiatul Ulema-e-Hind, Jamaat-e-Islami-Hind.

**Equal Opportunity Commission & Incentives based on Diversity Index:**

**What the Government has been waiting for?**

As a follow up to two Sachar recommendation namely (a) creation of Equal Opportunity Commission and (b) launching a scheme of Incentives linked to Diversity Index. Five years ago the Government appointed separate expert groups for working out the modalities for implementing these two recommendations. Both of these expert groups submitted their reports three years ago. But the Government has not yet implemented these two Sachar recommendations.

## **IF 7TH PAY COMMISSION, WHY NOT DELIMITATION COMMISSION?**

**(Report published in Times of India)  
28 Sep. 2013**

On a day when the seventh pay commission was announced, Muslim leaders demanded a delimitation commission, as suggested by the Sachar Committee, to take a relook at assembly constituencies with high Muslim population reserved for SC candidates.

The Sachar Committee had noted that the matter was in the purview of the Delimitation Commission. On September 16, when Muslim leaders met the PM about the communal violence in Muzaffarnagar, Zakat Foundation of India's president Syed Zafar Mahmood had reminded Manmohan Singh about the anomaly.

"The PM told us that in view of the upcoming election how can a delimitation commission be appointed now?" said Mahmood, who was the PM-appointed officer on special duty to the Sachar Committee.

The committee's report was submitted in November 2006 while the delimitation process was on. "If the 7th Pay Commission can be appointed ahead of the elections, why not a delimitation commission to rectify this anomaly?" said Mahmood.

In its report, the Sachar Committee said, "The Committee hopes

that it would receive the attention of the Government immediately because the Delimitation Commission is at present engaged in this exercise and evidently any suggestion or any exercise to be done by it has to be undertaken during the current term of the present Delimitation Commission,"

The Committee had found that Muslims were being denied participation in politics since assembly constituencies where the voter population from the community was substantial were reserved for scheduled caste candidates for election. So, it would be more equitable to reserve those constituencies for SCs where their voter population is high rather than those where it is low and the Muslim presence is higher.

But, the Sachar Committee's suggestion was ignored during the delimitation. This anomaly is a reason for low representation of Muslims in the legislature. So, issues related to the community are ignored or don't get the deserved priority.

## **IPS LIMITED EXAM SHOWS UPA GOVT'S APATHY TOWARDS IMPLEMENTING 4.5% MINORITY SUB-QUOTA**

The Delhi High Court on Apr 11 once again reserved its verdict on the petition of Zakat Foundation of India (ZFI) challenging the Central Government's decision to select 490 IPS officers through a limited competitive examination (LCE). The well-known national level charitable NGO echoes the strong countrywide minority objection that the LCE kills their fundamental right under Article 16 that guarantees equality of opportunity in public employment. This is because in the limited eligibility pool the availability of all minorities grouped together is less than four per cent while their presence at the national level is 19 per cent.

The statistics of Muslims reflects much worse scenario. Their national presence is 13.4% while their availability in the limited eligibility pool of LCE is less than one per cent. Also, the LCE shows that the UPA Government is really not interested in implementing its own decision of 4.5% minority sub-quota in public services that was announced with fanfare on the eve of the assembly elections for UP and four other states held in Feb-March 2012. Subsequently, notification was issued by the Central Government's Department of Personnel and Training (DoPT) two days before

the Election Commission's code of conduct came into force.

Earlier, ZFI collected under RTI Act numerous detailed documents from the PMO, Personnel Ministry and Home Ministry. It found that the UPSC and more than half of the state governments and central police organisations had strongly disagreed with the LCE proposal. According to UPSC, there are one thousand candidates for each vacancy filled through its annual Civil Services Examination (CSE) while there would be only three candidates for each vacancy in LCE. Also there is existing acute shortage of middle level officers in the central police organisations. This was also stated by the MoS, Home in the Lok Sabha on Mar 8, 2012. The Law Ministry and National Police Academy too had expressed their apprehensions. The central IPS Officers Association has represented to the Home Minister against the LCE. Several state units of IPS Association have filed writ petitions.

The LCE advertisement published in Employment News on Mar 10, 2012 inviting online applications omits one vital information that is of basic relevance for the prospective applicants. The Record of Discussion which the Home Minister had, through which the UPSC was over-ruled, says in para 9(ii) that the IPS officers selected during any year through LCE shall be placed in seniority below their counterparts selected in the same year through the CSE. Had the applicants known about this step-motherly treatment to be meted out to them, many of them would have opted out.

## **JANGPURA MASJID: HIGH COURT DID NOT ORDER DEMOLITION**

**16 January 2011**

On 12 November 2010, I happened to offer Friday namaz for the first time in Masjid Noor of Jangpura in New Delhi. Imam Saheb was telling the audience that there was threat of demolition of the masjid. After the namaz was over, I told my staff to stay back and collect details from Imam Saheb. Within the next few days we received copies of some related documents. A thorough study thereof revealed that there was something amiss. Delhi Government's Home Department had written to the DDA that the Lt. Governor's Religious Committee had recommended the demolition of the masjid. On 19 November, Zakat Foundation of India (ZFI) wrote to the Lt. Governor asking him under the RTI Act as to who are the members of the Religious Committee, names and addresses of the members who attended the relevant meeting held on 16 June 2009, copy of the minutes of the meeting and copy of the paper on which the Lt. Governor approved these minutes. On 25 Nov 2010, the LG Secretariat forwarded the ZFI's RTI petition to the Commissioner-cum-Secretary of DDA asking him to provide the required information to ZFI. On 1st Dec 2010, DDA's Sr RO (RTI) forwarded the ZFI's petition to the DDA's Deputy Director (NL)-I. The LG Secretariat also advised the ZFI to file a separate petition to Delhi Government's Home Department

as some of the queries were to be answered by them. On 2nd Dec ZFI sent another RTI petition to Delhi Government's Home Department seeking the same information as sought earlier from the LG. No response has since been received either from DDA or from Delhi Home Department.

The matter had reached this stage while, using huge police force, DDA demolished the masjid on 12 January 2011. In the Gazette Notification of Delhi Government dated 25 September 1975, in Khasra no. 633 at entry no. 20 is mentioned the Muslim graveyard measuring 6 bigha 13 biswa. The notification is signed by the Secretary, Delhi Wakf Board which also has copy of Jamabandi of 1947-48 showing the land as Muslim graveyard. On 26 August, 2010, Delhi Wakf Board wrote to the Director (LM) of DDA that the impugned piece of land is duly notified in the Delhi Gazette of 1975 and is entered in the Jamabandi of 1947-48. The masjid has existed there for several decades. Copies of Gazette and Jamabandi were provided to DDA. The Board told DDA that the local Muslims were apprehending demolition of masjid by DDA and requested it that no demolition should take place as it would be illegal and will violate the religious rights of Muslims.

Now the demolition has occurred under the pretext of Delhi High court order dated 9 July 2008 in WP© No. 9358 of 2006. This writ was diled in 2006 by the Jangpura Residents Association so that the unauthorized construction and encroachment on the adjoining Nala and the public land could be removed and it could be restored as green area. Since then MCD has been intermittently submitting status reports to the High Court. The court order further observed that the status report dated 30 July 2007 shows that the de-silting of the Nala was completed in June 2007. Encroachments had been removed and the land had been developed. Later, on 7 July 2008, angpura Residents Association filed a fresh application before the High Court for issue of directions to the respondents



to remove all other structures including the masjid. However, having examined the photographs filed by the Association it appeared to the Court that most of the unauthorized structures have been removed and there is a boundary wall constructed to ensure that no further encroachment takes place. It is stated by the counsels for the Petitioners that any further grievance that the Petitioner may have, including those made in the present application, will be promptly looked into and appropriate action taken thereon. 'In view of this statement, this Court does not consider it necessary to continue to monitor the progress of the implementation of its directions.' Thus, the High Court did not order the demolition of the masjid. The Lt. Governor, DDA and the Delhi Government Home Department have not yet divulged the minutes of the meeting of the Religious Committee held on 16 June 2009 nor the names and contact details of those who attended the meeting. On the other hand, the Delhi Wakf Board had informed DDA on 26 Oct 2010 that the 30-year-old masjid is located at a land owned by Delhi Waqf Board as per 35-year-old gazette notification and the Jamabandi of 1947-48. Even then, using massive police force, DDA committed the gross illegality injuring the sentiments of millions of Indian Muslims.

Muslims have thus started feeling that the current governments in Delhi and at the Centre have no place for them in their heart. Sachar Committee report and PM's 15 Point Programme for Minorities worked as a show piece. These have mostly not been implemented. Muslims are not nominated @ 13.4 % wherever the Government has discretion. Government officers are not sensitized toward Muslims. Many a time their prejudice continues against Muslims as in the case of Masjid Noor of Jangpura, New Delhi. The officials found guilty for this demolition should be punished. Masjid should be reconstructed. Monitoring Committees of Muslims and other minorities should be constituted to oversee the implementation of the welfare schemes.

## **INDIAN MUSLIMS INCREASINGLY DISENCHANTED**

**(Interview to D. Kurup of The Hindu)  
Bangalore, Oct 6, 2013**

A few months ago at a small meeting in Gandhinagar, Syed Zafar Mahmood, former member of the Sachar Committee and president of the Zakat Foundation of India, made headlines when he took on the BJP's prime ministerial candidate Narendra Modi.

He took Mr. Modi through a power point presentation on all that was wrong with the BJP and the Sangh Parivar's anti-Muslim ideology. But today, Mr. Mahmood, who recently led a contingent to the Prime Minister on the lack of State's and Union government's intervention in the post-riot situation in Muzaffar Nagar, Uttar Pradesh, says that Indian Muslims are increasingly a "disenchanted" lot.

In an interview with The Hindu, he says that the Union government should not think of conducting elections in Muzaffarnagar until each of the thousands displaced have been allowed to return to his/her home. Further, the UPA must use the next six months to regain the trust of the community by implementing the Sachar Committee report.

Excerpts:

**Has there been any perceptible improvement in the socio-economic and educational status of Muslims since the Sachar Report was accepted and implemented?**

**SZM:** During the past four-and-a-half years, the only one thing that has happened is the Wakf amendment, and in that too several vital recommendations have been left out. As far as evaluation of other changes goes, one should read Harsh Mander's report evaluating the implementation in Muslim-dominated districts and States. I agree with his evaluation that the Sachar report has not been implemented because the implementing machinery knows that the government does not have the political will to do so. This is because they have been advised that at this stage they should not be seen associating with the Muslim cause as it will give the sangh a handle to talk about 'minority appeasement'.

**Last week you were part of a delegation to the Prime Minister complaining about the lack of intervention by the Centre...**

**SZM:** Yes, even today in Muzaffarnagar, thousands cannot return to their homes fearing violence. Many have been injured, and many girls' whereabouts are unknown. What we saw there is a complete failure of both the State and Central governments. It was well within the ambit of the Centre, under Articles 356 and 365, to take charge, send the military or even declare an Emergency. Nothing was done.

There is evidently a clash of human interests with political interests, and the latter has prevailed.

**Now that Modi has been named the PM candidate, do you foresee greater communal polarisation - and riots - in the run up to the 2014 elections?**

**SZM:** Yes. Our study found that before Muzaffarnagar riots, there were 32 pre-riot situations recorded in Uttar Pradesh.

When everyone talks about the Gujarat model there are two things to consider. One is the economic one, and there is enough data to prove that Gujarat has not moved financially in a big or

outstanding way during his tenure. The second part of the so-called model is that of polarising the two communities and isolating Muslims. Needless to say, this is a great matter of concern for the entire citizenry.

In fact, we are at a point where the Election Commission should treat this election in a special and extraordinary way. For one, they can increase the period where the Model Code of Conduct for elections is in force. It can be initiated early to ensure fair play.

Recently, Home Minister Sushil kumar Shinde wrote to Chief Ministers expressing concern on wrongful detaining of innocent Muslim youth in terror cases. Meanwhile, there is also radicalisation among Muslim youth. Your thoughts...

**SZM:** Yes. Radicalisation is a matter of concern. And the elders in the community are worried and are addressing this constantly. But, there is also a feeling of discrimination and isolation. It is true that in some cases those caught were Muslims but that doesn't justify the rounding up of innocent youth because of the actions of a few individuals. They should take everything on a case by case basis and leave no room for stereotyping.

## **VICE PRESIDENT HAMID ANSARI'S FAUX PAS: A NATURAL CONSEQUENCE OF ONGOING ETHOS**

**24 June 2015**

Way back in mid 1970s one of the essay topics in my Civil Services exam was 'Politics is the art of gaining power and the craft of retaining it'. As I grew with the times I found its relevance going up. The other day in Lok Sabha TV series 'a page from history' anchored by Nilanjan Mukhopadhyaya I was sitting next to the known RSS face Dr JK Bajaj. The discussion was regarding the political impact of Shah Bano case. I re-stated the generally perceived Muslim understanding that the Sangh Parivar formalized its activities from 1925, proceeded according to its action plan and gaining power at the centre was found by it to be an instrumentality to carry forward its agenda of a Hindu rashtra. Thus, in mid 1980s when Rajiv Gandhi - in the Congress spirit of not doing much worthwhile to restore justice to Muslims or uplift them economically - made an avoidable mountain of the Shah Bano molehill, the Sangh Parivar caught this opportunity by the forelock to accelerate the implementation of its long drawn strategy and, since then, there is no looking back.

The run up to the 2014 Lok Sabha election was marked by the manifestation of this Sangh strategy in its different hues. Thereafter, there has been a visible dichotomy of patterns and roles of the

organization and the Government. In individual capacity the political representatives including the ministers sporadically pass off making anti-Muslim and anti-Christian comments. Attacks on churches and masjids are now common occurrence; Ghar Wapsi is a term of common parlance. The social justice minister clearly stated that his government cannot allow Muslims & Christians to be considered as scheduled caste thus perpetuating the 65 years old religion-based discrimination against them at national level.

Now the softer but more effective strategy includes the emphasis on Yoga. Though one must grant that the declaration of International Yoga Day by UNO will surely take India to a higher level in the world perception yet, simultaneously, there is no denying that it gives a clearly stated edge to the Hindus over all other communities of India. One can argue that the majority must have its way but that does go against article 38 of the directive principle of our Constitution mandating that the State shall strive to promote the welfare of the people by securing and protecting as effectively as it may a social order in which justice - social, economic and political - shall inform all the institutions of the national life. It also goes against the spirit of the Fundamental Duty enshrined in our constitution to promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious diversities.

Particularly against this backdrop the Central Government should have taken care to preempt its faux pas of not inviting Vice President Hamid Ansari to the IYD event at Rajpath and thus compounding doubts in the minds of the Indian and the world communities as to why he was left out. Further confounding the delicate omission, one of the chief RSS functionaries hurried to imagine in vacuum and negatively tweet against the Vice President's non-existent commitment to the national event. Surely prime minister Modi, being an astute politician, would now make amends to retrieve the situation in an appropriate manner befitting the constitutionally exalted office of the Vice President.

## **Making wrong mountain of a right molehill: AMU VC - MEDIA OVERDRIVE**

**17 Nov. 2014**

An innocuous remark by the Aligarh Muslim University vice-chancellor seems to have been used by the local correspondent of a national newspaper as the proverbial bait to lure media attention revolving around his byline; but, in the process, the 136 years old seat of high learning had to suffer the ignominy of defamation.

Freedom of the media is surely the 'ark of the covenant of democracy'. Yet the international and national laws do not allow one kind of freedom to trample upon another. London's Harrow School, Hong Kong's Diocesan School, Los Angeles' Loyola School remain exclusively for boys in the year of grace, 2014. Back home, Rajasthan's Banasthali University and Jayoti Vidyapeeth do not permit boys to study there even today. Satish Chand Dhawan College of Ludhiana, Mayo College of Ajmer, Government College of Udhampur, Christ College of Bangalore have no place for girls.

Similarly, the AMU provides for co-education at postgraduate level. For decades, the postgrad boys and girls have been visiting and benefiting from the varsity's central Maulana Azad Library as well as dozens of departmental libraries. For undergrad girls there is exclusive and comprehensive library facility in the women's college campus where they attend their classes and they also live

there in the hostels. However, the media finds AMU retrograde if, in addition to the huge library in the women's college, the undergrad girls are not accommodated round the clock even in Maulana Azad Library.

Don't the media scribes think that if they have to unitedly speak against retrograde and offensive anti-women practices in our country these really are feticide, dowry deaths, absence of reservation for women in the legislature, etc. The media does play the noble task of strengthening the grassroots democracy yet it should not allow itself to undergo a tectonic shift or to have a squinted eye growing out of sub-societal parochialism. It must not even be doubted to subserve polarization that may foster short term political interests but does create a long term societal cancer from whose effect nobody can remain safe. Media must remain above board, apolitical and a-communal. It is important to recapitulate that with the rights of media freedom come responsibilities of larger public interest, equity, justice, fair play, non-harassment and non-discrimination.

The episode prompts one to reflect on the current status of media regulation. The Press Council of India is statutorily empowered to take suo moto cognizance or entertain complaints against newspapers and journalists accused of violating standards of journalistic ethics. It may summon witnesses and take evidence under oath and issue warnings and admonish the newspaper, news agency, editor or journalist.

The Law Commission's May 2014 consultation paper on the media law says that the exponential growth and reach of media has shown unhealthy trends of competition, leading to sensationalized reporting. While this is certainly not true across the board in the whole media, the problem is certainly extensive. The Commission added that "civil de-famation is dealt with under the law of torts whereas criminal defamation is an offense under Section 499 of the Indian Penal Code. A journalist has no special



status under defamation laws in India. Although the press enjoys the freedom of speech and expression under Art. 19(1)(a) of the Constitution, defamation is a ground for a reasonable restriction to this freedom under Art. 19(2)". Section 66A of the IT Act makes it a punishable offense to send messages that are offensive or false or created for the purpose of causing annoyance or inconvenience, danger, obstruction, insult, injury, criminal intimidation, enmity, hatred or ill-will through a computer or other communication device. The Law Commission has thus asked the people of India a pertinent question: Is there a need for a regulatory authority with powers to ban or suspend coverage of objectionable material? If yes, should the regulatory authority be self-regulatory or should it have statutory powers?

The UNESCO paper of 2011 on self-regulation by media includes in the essential elements of journalism the responsibility to make the news comprehensive as well as proportional and ensure non-harassment. While dealing with the recent AMU library matter, the media did not report the massive demonstration of the students and staff - men and women - protesting against the media making a wrong mountain of a right molehill and, in the process, showing the AMU in poor light. Even then, AMU should not have banned the newspaper concerned from entering the campus. Rather, it should keep on positively projecting the correct facts and, if warranted, proceed under law. Nonetheless, time seems to have come to have in India a media ombudsman as are found today in USA, Latin America, Europe and parts of the Middle East and Asia.

## **CHERISHING JACINDA ARDERN AS NZ USHERS IN NEW WORLD ORDER OF HIGH PUBLIC MORALITY**

I cherish Jacinda Ardern as my daughter. At her very young age she has catapulted herself to the likes of Martyn Luther King and Mahatma Gandhi and has changed the course of recent history through Ahimsa, that is non-violence. After the infamous attack on worshippers in the two mosques in Christchurch she did not confine herself to chasing the culprit and providing solace to the bereaved families but took direct charge of guiding how the world community and the comity of nations should intrinsically transform themselves. Thus Jacinda rose from mere justice (Adl) and hoisted herself atop high-rise compassion (Ehsaan), complying with the divine mandate given to the humanity (Quran 16.90).

Jacinda described the attack as an utterly callous and cowardly act of terrorism. Many of those affected will be members of our migrant communities - New Zealand is their home - "they are us", she added. Her Government's comprehensive resolve was conveyed by her foreign minister at the specially convened session of OIC.

Ardern's decision not to name the perpetrator of the attack does offer a master plan of how to deal with terrorists - by deflecting the attention from the perpetrator towards the victims;

she also appealed to the world to follow her example.

The New Zealand police has mounted the largest investigation in its history. It premises that no punishment could match the depravity of his crime, but the families of the fallen must have justice.

Jacinda Ardern took time to read stories to children at an Islamic kindergarten. The Prime Minister, wearing a hijab, was welcomed by the children at Al-Nur Child Education and Care Centre in South Dunedin while young girls and boys proudly sang "I am Muslim" to the tune of Freire Jacques to welcome her in.

New Zealand also decided to confront the way social media, even at the international stage, is used to spread vile hatred as 'extremism has no race, religion or colour; it must be condemned, whatever form it takes'. Ardern said. "They are the publisher, not just the postman. It cannot be a case of all profit, no responsibility."

In order to pay respect to the dead, the maimed and the bereaved the NZ Parliament convened its special session that opened with an Islamic prayer in the presence of several Imams and representatives of many other faiths. On the very next Friday after the terror attack New Zealand stopped for a call to prayer followed by two minutes of silence. This was followed next week by a national memorial service.

Ensuring Muslim communities feel safe and secure is now a particular NZ focus. Police stand guard outside all mosques to ensure people can pray in peace and there is an elevated police presence throughout the country. The NZ police chief addressed the people thus: I'm a proud Muslim and a leader in the New Zealand Police ....

A Royal Commission has been constituted to inquire into New Zealand's security and intelligence agencies, after questions were raised over why the alleged shooter did not show up on the intelligence radar.

New strict gun control measures have been announced. As per new law New Zealanders are required to register online to set up a time to hand in their guns to police - without penalty, if this is done within the prescribed time frame. The Government has created a buy-back program to pay the owners 'fair and reasonable compensation,' which is estimated to cost the exchequer between \$100-200m; the guns will be destroyed.

NZ has noted that when a terrorist strikes, the aim is to provoke fear and panic but NZ did not let this happen 'because our thoughts are not the terrorist's thoughts, and his extremist ways are not our ways and, to be clear, in New Zealand hate speech is not tolerated'. NZ has announced its resolve to work with renewed vigor to spread tolerance, compassion and understanding.

USA's Empire State Building and France's Eiffel Tower went dark in mourning; an image of Jacinda Ardern was projected onto Dubai's Burj Khalifa. Pope Francis held a silent prayer meeting and 'felt particularly close to our Muslim brothers'. PM Shaikh Mohammad tweeted his thanks to NZ for its sincere empathy and support that "has won the respect of 1.5 billion Muslims" after the terrorist attack that shook the community around the world.

President Trump asked Jacinda what support the US could provide, her message was "sympathy and love for all Muslim communities". The New York Times' editorial board praised Jacinda and called upon all world leaders to condemn racism; the New Yorker added 'Ardern has set a new precedent for how a nation grieves after a terrorist attack'.

Last week, a representative group of Indian Muslim community called on Joanna Kempfers, NZ high commissioner in New Delhi to profusely thank NZ for its very humane exemplary reaction to the recent terror attack. I told her that now the world Muslims expect NZ PM to take the world leadership role in eradicating Islamophobia. A 5-year old child today is totally innocent. If after 20 years he decides to strike terror then it is humanity's duty to

research now and identify those factors which are going to bother him during the next 20 years, preempt these and thus keep the world galvanized and secure. She liked the idea and promised to convey it to the Ms Jacinda Ardern.

## **OBAMA'S 'INTERNAL-PEACE' PROVISO TO UPGRADE US-INDIA TIES**

**01 Feb. 2015**

Through his farewell address to the people of India, including a large posse of the youth - delivered at Siri Fort auditorium built in the yesteryear's campus of Alauddin Khilji's Fort in Delhi - US President Barack Obama clarified in no uncertain terms that his concurrence to lift the level and intensity of US-India relations to a higher orbit is patently conditional.

'My confidence in what our nations can achieve together is rooted in the values we share', Obama candidly announced and went on to elucidate this conditionality, 'in big and diverse societies like ours, progress ultimately depends on something more basic, that is how we see each other. We are strongest when we see the inherent dignity in every human being.'

Obama reminded the India that on 26th January, with the tricolor waving above, he joined it in celebrating the strength of its Constitution that begins with the pledge to uphold the dignity of the individual. He pointed out, 'Your Article 25 says that all people are equally entitled to freedom of conscience and the right to freely profess, practice and propagate religion'. Generations have worked to live up to these ideals and upholding this fundamental freedom

is the responsibility of the government, as much as of every person. He went on: Its important to realize how we treat each other, people who are different than us, how we deal with diversity of beliefs and of faiths. Every individual's dreams, their hopes, are just as important, just as beautiful, just as worthy as anybody else's. The point is that the aim of our work must be not to just have a few do well, but to have everybody have a chance, everybody who has the ability to dream big must have opportunity to reach its fulfillment. Our nations are strongest when we uphold the equality of all our people, he emphasized.

Obama was impressed to watch on Delhi's Rajpath 'the pride and the diversity of this nation'. He realized that the sight of an American President as chief guest on India's Republic Day would have once seemed unimaginable. But 'my visit reflects the possibilities of a new moment'. He believes that the relationship between India and the United States can be one of the defining partnerships of this century and 'today, I want to speak directly to you - the people of India - about what I believe we can achieve together, and how we can do it.

Obama recapitulated the cherished conviction of Mahatma Gandhi and Martin Luther King in the 'struggle for justice and human dignity' and the belief of Swami Vivekananda in the 'divinity in every soul and the purity of love'. Under their inspiration both USA and India threw off colonialism and created constitutions that began with the same three words "We the people' and, consequently, kept on climbing up the stairs of progress including trips to the Moon and Mars. Indians and Americans are some of the hardest working people on Earth, he noted, and that America has the largest Indian Diaspora in the world, including some three million Indian-Americans.

For all these reasons, he hoped, America can be India's best partner. However, he cautioned, 'Only Indians can decide India's role in the world. So here in New Delhi, Prime Minister Modi and

I have begun this work anew. America wants to be your partner as you lift up the lives of the Indian people' and provide greater opportunity be it civil nuclear agreement, more electricity for Indians, better technology, renewable energy, cleaner vehicles on the road, more filtration systems on farms and villages, young healthy people, more trade and investment, new infrastructure, roads, airports, ports, bullet trains, smart cities, increased collaboration between our colleges and universities, encourage young entrepreneurs who want to start a business, take measures against human trafficking, confront the challenge of climate change, ensure our mutual security, stronger defense and enunciate greater role for India in the Asia Pacific. As icing on the cake, Obama expressed his intention to support a reformed United Nations Security Council that includes India as a permanent member.

For extending these multiple offers the US President used the epithets like we 'want' to be your partner, we 'can' do these together, 'if we're going to be 'true' global partners, 'with power comes responsibility', and so on.

Having said all this, he clarified that the basic purpose of his farewell address is to share with the people and the government of India the sine qua non for all this to happen. He displayed confidence that universal experience suffices our two countries to know what makes nations strong.

Going deeper into the seriousness of his proviso, Obama said that our nations are strongest when we see that we are all God's children all equal in His eyes and worthy of His love. Across our two great countries we have Hindus and Muslims, Christians and Sikhs, and Jews and Buddhists and Jains and so many faiths. And we remember the wisdom of Gandhiji, who said, that the different religions are beautiful flowers from the same garden; branches of the same majestic tree.

Nonetheless, he regretted that no society is immune from the darkest impulses of man. And too often religion is used to tap into



those darker impulses as opposed to benefiting from the light of God. He reminisced that three years ago in the American state of Wisconsin a man went to a Sikh temple and, in a terrible act of violence, killed six innocent people-Americans and Indians. And in that moment of shared grief, the two countries reaffirmed a basic truth that must again be done today - that all persons have the right to practice their faith how they choose and to do so free of persecution, fear and discrimination.

The peace we seek in the world begins in human hearts, Obama stirred up the people of India. It finds its glorious expression when we look beyond any differences in religion or tribe, and rejoice in the beauty of every soul, he continued. And nowhere is that more important than India, he forewarned. Nowhere is it more necessary for that foundational value to be upheld. 'India will succeed so long as it is not splintered along the lines of religious faith and is unified as one nation', he admonished us.

For that to happen Obama prescribed the recipe: Do we act with compassion and empathy? Are we measured by our efforts - by what Martin Luther King called "the content of our character" rather than the color of our skin or the manner in which we worship our God? In both our countries, in India and in America, our diversity is our strength. And we have to guard against any efforts to divide ourselves along sectarian lines. And if we do that well, if America shows itself as an example of its diversity and yet the capacity to live together and work together in common effort, in common purpose; if India, as massive as it is, with so much diversity, so many differences, is able to continually affirm its democracy, that is an example for every other country on Earth. That's what makes us world leaders - not just the size of our economy or the number of weapons we have, but our ability to show the way in how we work together, and how much respect we show each other, Obama tipped us off.

He specifically appealed to the Indian youth, 'prejudices,

stereotypes and assumptions - those are what happens to old minds; that's why young people are so important in these efforts'.

Obama had no qualms to observe that India and USA are not perfect countries. But the reason of his optimism about 'our future together', is that, despite our imperfections, our two nations possess the keys to progress in the century ahead. We vote in free elections. We work and we build and we innovate. We lift up the least among us, he reiterated. We respect human rights and human dignity, and it is recorded in our constitutions. And we keep striving to live up to those ideals put to paper all those years ago. And we do these things because our moral imaginations extend beyond the limits of our own lives. And we believe that the circumstances of our birth need not dictate the arc of our lives.

Thus, the undisputedly most powerful world leader of today did not let diplomacy take the better of the American conscience and did not mince words to announce in unambiguous terms that the price of world leadership is a high level of genuine intra country religious harmony. Surely, this would have appealed to the statesmanship of PM Narendra Modi and the sagacity of all our peace loving people.

## **MUSLIMS AND WORLD PEACE**

**14 Dec. 2015**

The November 2015 attackers of Paris were aged between 25-28 years. In 2001 they were 11-14 years boys and were surely not terrorists. So, what all went into their mind during these 14 years of 21st century that should not have gone? Had they been happy from within vis-a-vis the net world treatment to Islam and Muslims would they still have turned terrorists?

It goes without saying that irrespective of any of these considerations every terrorist deserves to be meted out the sternest exemplary punishment.

Simultaneously, in the interest of longer term world peace, it would be useful to ponder if a terrorist was peeved because if dozens of Muslims are brutally killed it doesn't warrant the attention of the world media and at times it is passed off as collateral damage. But if one westerner is killed it becomes major news item and a topic fit for TV discussions across the globe.

In India it is a common site that RSS volunteers wielding lathi (bamboo stick used as weapon) are taking rounds in various localities and some persons feel happy to see that. Yet the question arises in many other minds that they take these rounds against whom? Also, if one group of citizens - all owing allegiance to same faith - are showing off their muscle power then why it is bad if followers of another faith do likewise. Similar questions arise at

the international level too.

We are aware that more than 99% of the world population including the 1.7 billion Muslims are nice people. But a minuscule number of world citizens, many of them Muslims, have of late been going astray and trying to take the law in their hands. That's definitely a scourge of the society in our world today and must be dealt with most harshly. But must we exhaust all our resources on post mortem only? Shouldn't the Harvard, Cornell, Yale, Oxford, Cambridge and other universities carry out systematic dispassionate research, identify the issues that may bother the potential terrorists now or in future and based thereupon shouldn't the world statesmen take broad scale preemptive measures to ensure that all of the upcoming youth remain satisfactorily on the right path?

In April 2005 the Indian government appointed the Prime Minister's High Level Committee to write a report on the social, economic and educational status of the Muslim community of India. It was chaired by retired chief justice Rajender Sachar and comprised nationally acclaimed experts in the fields of sociology, education, planning, economics, administration and statistics. The Committee submitted its report in November 2006; it is treated as the 21st century's authentic reference book on the subject. It found the Muslim community lagging behind all others in almost every parameter. Some remedial affirmative actions have been taken by the central and state governments based on the Committee's recommendations.

Later in 2014, during his maiden speech delivered in Parliament after taking over as prime minister, Mr Narendra Modi reaffirmed that Muslims are backward in the economic and other fields and he too vowed to take remedial measures to ameliorate the community's plight; Indian Muslims felt reassured. The world needs to take a lesson from India and adopt this model.

In the context of the post-San-Bertrandino anti-Muslim reactions President Obama has rightly cautioned on 12 December 2015, in his weekly White House address, that prejudice and discrimination help ISIL and "it undermines our national security." Muslims should not be judged based on the "twisted interpretation of Islam" used by ISIS to justify violence, he added.

Earlier on 16 November - at his press conference at Antalya, Turkey - Obama had emphasized that "the overwhelming majority of victims of terrorism over the last several years, and certainly the overwhelming majority of victims of ISIL, are themselves Muslims. ISIL does not represent Islam. It is not representative in any way of the attitudes of the overwhelming majority of Muslims. This is something that's been emphasized by Muslim leaders -- whether it's President Erdogan or the President of Indonesia or the President of Malaysia -- countries that are majority Muslim, but have shown themselves to be tolerant and to work to be inclusive in their political process. And so to the degree that anyone would equate the terrible actions that took place in Paris with the views of Islam, those kinds of stereotypes are counterproductive. They're wrong. They will lead, I think, to greater recruitment into terrorist organizations over time if this becomes somehow defined as a Muslim problem as opposed to a terrorist problem."

Thus, in addition to sternly dealing with acts of terrorism it is high time to study and objectively analyze the Muslim psyche emanating out of the community's perception of its grievances and to identify areas of possible intervention by individual nations as well as the international community to address the relevant issues. That would also facilitate and strengthen the work of Muslim leaders and intellectuals in pushing the terrorists to the wall.

## **O, TEXAS CLOCK BOY'S FAMILY!**

**Stay put in US and use the moment as venture capital**

**24 Oct. 2015**

The 13 year American Ahmad Mohamed, inventor of home-made clock with digital display, was expecting a pat on the back from his school teacher. Instead, she cold-shouldered him and advised him to not show it to others. Later in the day his clock's alarm went off in another teacher's class who alerted the Principal. Police was called in and reportedly wanted the kid to accept in writing his 'guilt' of attempting to make a bomb, he was suspended from school for 3 days, was handcuffed, taken to a juvenile detention center and was intensely questioned. The social media came to the kid's rescue and by the evening he was 'exonerated' and released.

Led by President Obama who invited and chatted this week with Ahmad in the White House during an 'Astronomy Night' and the chiefs of Google and Facebook the saner world reinvigorated the lad's spirits with virtually a standing ovation. Offers of support poured in from within USA and outside. In my opinion the ill treatment initially meted out to Ahmad has been adequately restituted. Yet the family has reportedly decided to move bag and baggage to the 'safer environs' of Qatar.

The family and its circle of friends and advisors need to reflect more deeply on the scenario. Ahmad's questioning by the police

mirrors the post-USSR mindset that was carefully cultivated with a squinted eye on vested interests and was widely publicized aiming at politico-diplomatic hegemonist gains. Add to that the retaliatory cuff by some persons claiming to shield Muslim interests. The net result is that as of today the motive of an innocently normal individual action is likely to be doubted if the doer's name or appearance suggests that he is Muslim.

Kudos to Ahmad and his parents, the kid did put his heart and mind into making a device to facilitate the human life, the world needs such acumen. Simultaneously, the world also needs the help of people like Mark Zuckerberg, Sundar Pichai and Barack Obama to purge the globe of motivated prejudices and negative branding. On the social media trail of the Ahmad episode there are comments of both types but the more humane ones win - statistically and qualitatively.

Dear family & friends of Ahmad ! The whole of a human being's existence is not meant for the self; that's not the Creator's scheme. Substantial part thereof belongs to the society. God said to the Messenger: They ask you how much should they do for the sake of God; tell them to dedicate to God the utilization of all of one's resources that are not essentially needed by the owner family (Quran 2.219). The current positive name & fame of Ahmad and his family and the hordes of offers available to them on the platter are not to be under-utilized just subserving Ahmad's and his family's interests. Use it wholesomely for chipping off some of the negative mindset unjustifiably created against the community.

Dear Ahmad's family & friends, God is watching you. Do not squander away His bounties by parochially narrowing down and limiting their deployment. Instead, use these as the 'venture capital'. Let Ahmad take a cue from Malala Yusufzai. Let him stay put in America and be the benign defiant face against prejudices and branding. Let him be inspired by the likes of Thomas Jefferson, Mahatma Gandhi, Martin Luther King, Nelson Mandela. Grab

the opportunity out of adversity. Individual existence is transient, societal life has to last longer; that's God's scheme. Be His partner in carrying the mission forward. Thank the Qataris and respectfully decline their very kind offer. You are the falcon who need not recline on the palace top; rather reconnoiter and overwhelm the mountainous terrains.



## **WORLD MUSLIM MINORITIES' COLLOQUIUM SEES OPPORTUNITY TO REPOSITION THE COMMUNITY**

**12 April 2013**

Charged with the urge to ensure better and deeper relationships with fellow citizens across the world, members of Muslim minority communities - representing twenty countries spanning six continents gathered in Paris, 29-31 March 2013. They assembled in their diversity scholars, academics, professionals, entrepreneurs, leaders, activists and media practitioners - to find a common voice for more than 25% of the global Muslim community that exists in almost every country of the world. The objective of infusing in these societies greater dynamism, creativity, cohesiveness, respect and a cosmopolitan character is what brought the participants together, they being mindful of the Quranic injunction: God created the earth for the entire humanity (55.10).

The Colloquium was conscious of it's collective concern that, in some parts of the world, Muslims and their fellow citizens are drifting apart, that the space for inter-group engagement is diminishing, and that, at the heart of this process are the twin challenges of Islamophobia and extremism. The perpetrators of both of these misguided movements blame and disgrace each other and both need to be confronted and checked. Yet the Colloquium did not convene in despair. Instead, it convened because Muslims

are seeing an opportunity to reposition themselves, rethink their relationships with fellow citizens, and better harness the resources at their disposal to participate in the decision-making processes in and mutually share the ownership of their countries.

This opportunity presents itself in the surge for more realistic freedom, democracy, human rights and dignity across the world - including in overwhelmingly Muslim societies. This opportunity also comes from a world drained and exhausted with decades of militarism and violence - to resolve political, social and economic problems. Most importantly, there is an opportunity as the world community emerges from the long night of suspicion, fear, antipathy and hostility after the tragedy of 9/11 - to reach out to each other in a spirit of empathy, healing and reconciliation.

The Colloquium resolved its determination to mitigate the mutual concerns, explore together where the opportunities will take them, and through honest dialogue - free of platitudes - find ways to enrich the spaces already occupied jointly: where Muslims live, work, pray and play and where their diversity enables their uniquenesses to form a creative whole.

Realising that these goals are not easy to achieve, the experiences shared by the participants over three days of deliberations spoke of multiple challenges ranging, among others, from immigration practices to rhetoric on Shariah. But the Colloquium was far more aware of the need for leadership. A transition may be afoot, if there is collective will. Leadership for Muslim minorities entails, amongst others, that:

- Muslims dialogue with fellow citizens about eliminating Islamophobia in attitude, word and deed - even as they reflect on how their existence - in name and often their silence - helps make them objects of fear;

- Muslims engage their societies about the contribution they continue to make to the nations they share - even as they evaluate whether their differences and number, that constitute them as a

minority, are not in danger of casting them as the constant outsider;

- Muslims reassure the fellow global citizens - through verbal expression and praxis - that the teachings of their faith are unequivocal about the need to respect the intrinsic value, honour and dignity of all humans irrespective of difference; and Muslims invite the fellow citizens to walk the road of courage with them, together, as they manage the uncertainties of globalization and the vulnerabilities of a world mired in recession.

Deliberating upon its theme Living where we don't make the rules, the Colloquium trawled the scripts and scholarship of Islam, reignited the values and objectives of the faith and reinvigorated the valuable traditions and treasures of Muslim history. It was convinced of the utility to live by the Maqaasid-us-Shariah (objectives and values of Islam), guided by the internal religious ethics and principles and accessing God's promise of providing ease. Accordingly, the Ummah can (a) through intense internal consultation, arrive at a jurisprudence of citizenship and a paradigm of shared spaces to bring comfort to over 300 million Muslims living as minorities in varied historical and social circumstances and (b) partner with and warmly reassure all fellow citizens of the world. For this purpose, the participants renewed their awareness that the Quran 'defines for us both the rights we should expect, and the responsibilities we should fulfill': God enjoins you to be kind towards non-hostile co-citizens and, indeed, God loves those who are just (Quran 60.9).

The Colloquium realized that even as Muslims assert the right for the profession and practice of their faith, they must ensure the mutual enjoyment of that right; and as they seek the peace and security for themselves, they need to guarantee it to others. In their quest to be kind and just to those with whom they enjoy such mutuality, they express it through integration in society, sharing a common national identity and through practices of reciprocation. The Colloquium noted the good example of South Africa where

Muslims participated in the struggle against apartheid, integrating with democratic values, mutual dignity and enrichment, thus demonstrating the potential for harmonizing the relationship between faith and society.

The Colloquium resolved to transform emotions into strategy, intentions into actions, and ambiguity into decisiveness. Guided by Islam, learning from an array of best practices drawn from a variety of countries and programs, and inspired to be ideal citizens of respective countries, the participants found themselves on the road to the 'imaginative and creative rethinking of our identities and roles, committed to meeting the common social, economic and political challenges for the betterment of all our respective societies, and mustering the courage to defuse the potential for both Islamophobia and extremism'.

The Colloquium participants left Paris equipped with a network across the six continents to realize the vision of shared societies and a commitment to harness the power of a jurisprudence of citizenship. This network is charged with convening a broader and more representative gathering of Muslim minorities, to utilize the current moment of opportunity, to conceptualise and construct such shared spaces in which peace and security for all will be the basis of mutuality of faith and the plurality in citizenship. Such a positive and constructive approach will manifest in the methodologies that are developed for (a) the education of the community, (b) training of its religious leadership to ensure an effective response to the lived realities and the challenges faced by the emerging generations, and (c) the deployment of all forms of media for the correct projection of Muslim image and message.

This network will also be charged with structuring Muslim dialogue with fellow citizens of other faiths and cultures, ensuring 'our engagement with people made vulnerable in a difficult and - sometimes harsh - world, and finding solidarity with those who are marginalized and alienated because they are different. In doing

so, we exert ourselves, and exhort all Muslims, to rise above the heartburns and injuries we may harbor, and rather, to respond to the call of God to cooperate with each other in pursuit of the good and piety'.

## **POST PARIS - LET SOME OF US STAND APART**

**19 January 2015**

The unfortunate attack on Charlie Hebdo magazine of Paris in January 2015 has brought to the fore a man-made cataclysm that has been threatening to shape up in the world for a little more than two decades even though it stares in the face of the existential necessity of 'maintaining an inter-community relationship balance' that's needed for the welfare of humanity and everything else in the multiverse.

The people responsible for this avoidable pestilence have been the agents of parochialism, aggrandizement and one-up-man-ship. The trampling of Palestine's territorial sovereignty; the initial grooming of Taliban; the post 9/11 attacks on Iraq and Afghanistan; the overdrive to abruptly magnify, politicize and overplay the differences between Sunnis & Shias; the maneuvering of continuous oil supply to self at cheap rates; the cultivation of the docile Gulf monarchies; the insistence to democratize Iraq and Libya as they had temerity to stand up; the overthrow of democratically elected Egyptian government; the messing up in Syria; the insistence to mock at the Prophet of Islam - all these events have provided talking points in international debates and have thus worked as readymade electoral planks to fight national elections.

The Muslim community is equally to blame though on a different footing. The couldn't-care-less attitude of the community to internally debate and revamp its religious thought and bring it in sync with the times - even though its scripture mandates so; focussing too much on the sense of victim-hood at the hands of others; squarely blaming the 'other' for its lack of progress; not rising to the occasion and not taking the initiative to promote a culture of individual contribution to boost the community image; not realizing the significance of the basic Quranic articles of faith like (a) God's purpose of creating humanity is to test as who amongst us is more serviceable to others (11.7), (b) Out of whatever I've been blessed with I must utilize what's needed for mine and my dependents' upkeep while the remaining balance needs to be devoted to the needy (2.219), (c) wealth should be made to circulate in the society and not be allowed to remain confined in a few hands (59.7), (d) taking care of my extended family (4.1) and my neighborhood (4.36) is one of my primary duties, (e) I should not differentiate among God's messengers and His books (2.285), and so on.

Reverting to the latest events we note that in Germany, the Dresden's group known as Pegida - Patriotic Europeans Against the Islamization of the West - has been marching with selective myopia looking only at the behavior of a few aggrieved, ill-motivated Muslims in Europe but not concerned with its diagnosis that smacks of planned anti-Muslim injustice. So is the case with Great Britain's Ukip and the Tea Party of America, even though German Chancellor Angela Merkel has emphasized that the exclusion of certain groups from society is humanly reprehensible.

French PM Manuel Valls has placed an extra 10,000 troops on the streets of Paris and warned, 'we are at War'. Security services on both sides of the Channel have cautioned that further attacks are highly likely. Policemen are guarding the Jewish schools. We know that Amedy Coulibaly was killed by police in Paris after

murdering a woman officer and four Jewish hostages. Before dying, he clarified that he deliberately chose a Jewish shop claiming that his victims were legitimate targets in revenge for the deaths of Muslims in Palestine. Private Jewish security cars 'Shomrim' are also out in north-west London following the kosher deli murders. In the circumstances, we must sit back and ponder, "Is so much risk-taking and the consequent massive misdirection of precious resources really justifiable in order to side with a section of the media's right to malign a particular faith?"

In Holland, speaking at the Dutch Current Affairs TV program 'Nieuwsuur' the Moroccan born 51 year mayor of Rotterdam - conscious of his future electoral stakes - Ahmed Aboutaleb (son of an Imam, came to Netherlands in 1976) has further lowered the bar of public morality and urged the fellow Muslim immigrants who do not appreciate the Western way of life to pack their bags. Giving credence to this newfound moral depth, the London mayor Boris Johnson (equally concerned to grab yet another electoral victory) described him as his hero. "That's the voice of the enlightenment, of Voltaire. That's the kind of the voice we need to hear and it needs to be a Muslim voice", he wrote in the Daily Telegraph. Both these gentlemen have sacrificed higher standards of global interfaith bonhomie at the altar of their personal political interests.

On the other hand, the Oxford University Press (with no personal stake in any any power politics) has diametrically opposite views. Through a recent circular it prohibited its authors from including in the books anything that could be perceived as pork-related in their books, including pigs and sausages. This is aimed at avoiding offense to Muslims and Jews. This came up during discussion on free speech on Radio 4's 'Today' program. The OUP spokesman said, "We supply these books in 150 countries and we need to consider cultural differences and sensitivities". Surely, the world's silent majority salutes the the high Oxford tradition.



In the meanwhile, the latest issue of Charlie Hebdo has published another cartoon of the Muslim prophet holding a Je Suis Charlie sign on the cover. As the British preacher Anjem Choudary called it blatant provocation, a section of the local media dubbed him 'radical' though many other voices also said that it is offensive. Labour MP Khalid Mahmood has advised the British media not to publish this cartoon; Omer El-Hamdoon, president, Muslim Association of Britain feels disgust.

We must listen to the saner voices like 'We are not all Charlie' by award winning columnist Matthew Norman in Independent newspaper of Britain dated 14 Jan 2015. He quotes Boris Johnson of 'Today' having said that "you might have got offended by what they (the diseased CH editorial team) have done but you must defend their right to publish it". To this, Matthew has responded, "The point at issue is not whether one shows solidarity with the dead of Paris in word. It is whether you - or we, more aptly, in the media - are prepared to do so in deed, by publishing depictions of the prophet with a prominence likely to attract the attention of the kind of crazies who went hunting with their AK47s in Paris last week. Would Boris, were he still editing the 'Spectator', put an intendedly offensive cartoon on Muhammed on the cover in defense of the human right to cause offense? Would he risk his life?"

"The journalists whose lives ended after years of ignoring a danger so clear and present that they required police protection may not have been saints .... Frankly, I'm not convinced they were fighting the war they may have imagined. If satire ever is an effective weapon, it is only against vulnerable individuals. Against a mass movement, it is powerless. When the post-traumatic exuberance fades, when the next murderous attack takes place, we might morosely reflect that the deaths of Charb and his colleagues were essentially pointless", adds Matthew.

Yet, even if this was a desperately tragic instance of "C'est

magnifique, mais ce n'est pas la guerre" (It is magnificent, but it is not war: it is madness), their cursed defiance was magnificent. We can admire it, venerate it, be humbled by it. "What we cannot do is make the false and self-aggrandizing pretense that we are Charlie", Matthew concludes.

Separately, one of the founding members of Charlie Hebdo has accused its slain editor, Stéphane Charbonnier, or Charb, of "dragging the team" to their deaths by releasing increasingly provocative cartoons. Henri Roussel, 80, who contributed to the first issue of the satirical weekly in 1970, wrote to the murdered editor, saying: "I really hold it against you." In the magazine *Nouvel Obs*, Mr Roussel, calling Charb an "amazing lad", wrote that he was also a stubborn "block head". "What made him feel the need to drag the team into overdoing it," he said, referring to Charb's decision to post a Mohammed character on the magazine's front page in 2011. Soon afterwards, the magazine's offices were burnt down by unknown arsonists. Roussel added "He shouldn't have done it, but Charb did it again a year later, in September 2012." Incidentally, the earlier CH editor Philippe Val had fired one of its historic figures, Maurice Sine, for publishing a cartoon on the marriage of Nicolas Sarkozy's son, Jean, to a Jewish retailing heiress, which he considered as anti-Semitic.

In India, the treatment of the kinds of Charlie Hebdo editorial team is loud and clear. The Constitution mandates (Article 51A) the citizens' fundamental duty to promote harmony and spirit of common brotherhood transcending religious diversities. The Indian Penal Code prescribes imprisonment and fine for transgressing this statutory provision.

The world society is closely knit and intertwined. There are 30% Christians, 25% Muslims, 15% Hindus, 7% Buddhists and many others including 0.2% Jews. Its imprudent, indeed hazardous, to ignore the believers of any faith, much worse to insult. Everybody everywhere will have to follow the common minimum

fundamental prohibitions. Yet, by repeatedly defying and provoking a particular faith sentiment, Charlie Hebdo and world politicians have, for long, been weakening the case of world peace.

Generations of politicians are born and die, all over the world, who either take selfish political advantage of such situations or ignore these. Politics is perverted. Masses are not, but they habitually choose to silently watch the vitiating of atmosphere making life more difficult for the upcoming citizens of the world. Mahatma Gandhi had said, "it's easy to stand in the crowd but it takes courage to stand alone"; let some of us stand apart.

## **DISCRIMINATION AGAINST BURMESE MUSLIMS**

The current Government of Myanmar has been perpetrating different types of cruelty against its non-Budhist citizens. They have been thrown out of their houses and have been denied access to their landed property in Myanmar. The military enters houses at night and rapes the girls. Educational opportunities are denied to the youth.

Consequently, hundreds of thousands of Myanmar nationals have been forced to flee the country to different other nations in its geographical vicinity where they have been granted asylum or refugee status.

About 2000 Burmese Muslim refugees have been camping for about a month in front of the office of UN High Commission for Refugees (UNHCR) in Vasant Vihar, New Delhi demanding Refugee Status in India.

Hundreds of similar Burmese refugees of other faiths have been granted Refugee Status in India. But to these 2000 hapless Muslim refugees such status is being denied. Some of them have simply been given a short term validity card saying that they have "Applied for a Refugee Status". Officials of the UNHCR have confided with the Burmese applicants that the regular Refugee Status is not being given to them because the Government of India is not permitting it to do so.

It is requested that the Ministry of External should write the

UNHCR in New Delhi advising it to grant the regular Refugee Status to about 2000 Muslim Burmese Refugees who have been camping in front of it's office in New Delhi, as referred to above.

Human interest is surely more important than narrow geographical and other parochial considerations. Hence, the Burmese Muslim Refugees (BMRs) should also be provided basic amenities of life in India like shelter, water, sanitation, security, etc.

## **GEOGRAPHICAL BOUNDARIES versus HUMAN INTERESTS**

**12 Dec. 2015**

The current happenings in Myanmar and Assam illustrate a disturbing social phenomenon of our times. The significance of geographical boundaries is being over-glorified - often trampling upon the sacred, fundamental and universal human rights. The intrinsic value of guaranteeing and protecting the life, dignity and property of group A can be thrown to the wind simply because the members of this group do not 'belong to' the geographical boundaries of group B. Thus the modern man is degenerating from the status of being the 'noblest creature' - sliding back to the dark era of primitive, brutish ape-man - and, ironically, seems to be proud of this retrograde drift.

An intellectual analysis reveals that the modern misconception of nationalism hovers around the material opportunism to gain political power and its retention. With this latent agenda, the national geographical contours are sometimes manipulatively raised by the political class even to the level of divinity. Let's pause here and look back to the series of geo-political changes occurring on this planet for thousands of years. Does that mean that the Divinity keeps on changing its form? How on earth can it ever be

plausible to the human mind that a person who is born in a certain geographical area must be rated as better or worse - or deserves more or less attention of the administrative authorities - than another person only because the latter is born in a different geographical area? This trend of 'geographical boudaryism' has gone further astray to the extent that in China those living in rural areas need a special permit authorizing them to work in cities; this is known as the Hukou system.

What happens when two countries join each other or a country gets divided? For millennia, and for different reasons, the global surface has been undergoing kaleidoscopic changes vis-a-vis the international and interprovincial boundaries. These do play a vital role in organizing the affairs of the individual and social life. However, subjecting the destiny of individuals to the interests of a particular geographical area - as it obtains at a given point of time - can give birth to bacteria eating into the sanctity of basic human values. Nevertheless, the opposite is happening in today's world. A German couple, Balaz and Susan Lohle were deprived of a happy union with their children who were born in India, because of the bilateral legal complexities and mutual disagreement regarding the modalities. There are innumerable instances when avoidable wars erupted due to the misunderstanding of the ground level factual position; the expansionist greed of the rulers prompted them to attack and seize foreign territories; human population was decimated by a vainglorious ruler; inhuman treatment was meted out to a section of their own people by the government leaders.

Likewise, politics in the modern world too has been reduced to capturing the grip over governance and directing all energy to consolidate and prolong the same. The political actors find it convenient to use even religion as a tool in order to achieve this goal. Their interest lies in promoting a scenario where people do not owe their allegiance to a religion because it bonds them to the

Creator and promotes high ethical values but, instead, they get attracted to a religion because such connexion will get them some short-term material benefits. Recently one could clearly see vote-bank driven, political double standards fitting into this analysis. A group of people were discriminated against and wronged and were compelled to leave a country because of state prejudice against their religion but we did not provide shelter to them even for a short duration.

On the other hand, immediately thereafter, when another group of people of another religion came from another country having faced a somewhat similar situation, and it was expected that they might seek shelter, we moved many steps forward and welcomed them offering asylum. Similarly, if group X forcefully renders group Y homeless, the political expediency favours Y; but when there is a public demonstration against such inhuman behavior then still the political class blames the demonstrators.

Professor Waseem Barelvi rightly says:

*Is daur-e munsifi mein zuroori nahin Waseem*

*Jis shakhs ki khataa ho usee ko sazaa miley*

(In the judico-administrative system characteristic of our times it is not necessary, O Waseem, that the punishment is handed down to the person who commits the crime.)

Some political opportunists do not mind playing with even the delicate silky fabric of social relationships, only in order to feather their own nests. They have two separate sets of morality: public morality and private morality. Such instances of parochial misdemeanor throw multiple generations of humanity into the abyss of social evil. Haughtily marching toward their selfish goals these elements don't even bother to realize that their own progeny too would have to suffer the long term cascading effects of their current evil designs flaming today the fire of intra-societal hatred.



In the wake of casualties arising out of such a geo-political tug of war immediate financial grant is sometimes sanctioned by the government to extend short term help to the affected group. However, this is no solution of the problem as such. This fly-by-night approach can be illustrated by the doctor merely applying a petty ointment to treat a chronic ulcer in the human body whenever it looks sore from outside. This cannot be a long-lasting treatment. The patient, rather, requires to be taken under antibiotic cover, surgically operated upon and kept under observation till full recovery. There is another jeopardy. In order to placate and woo the voters of the grossly under-represented community, the ruling clique doles out personal favors to some of its proteges - who at least look by name to be belonging to the depressed community. But, in return, these individuals do not utter a single word on the community's behalf lest their political masters get offended - even though their silence badly damages the community's basic interests. Perhaps they are under the misconception that they are never going to be held accountable before their Creator. While Islam has encouraged nationalism, it has discouraged worshipping the nation. Maulana Abul Hasan Ali Nadwi says in his book *Nuqooshe Iqbal* that such disproportionate overarching of nationalism causes hostile inter-territorial rivalry, mutual exploitation rules supreme, unprincipled and dishonest behavior permeates the body politic and, ultimately, lawlessness becomes the law. That's the reason why, fourteen centuries ago, Prophet Mohammad (pbuh) had declared in his last sermon that thence onward there would be no differentiation between man and man except on the basis of the level of individual commitment to righteousness.

Nationalism is good but, if over-glorified, it may side-step the values of humanism. We must keep the human values at a pedestal higher than nationalism, otherwise the latter might become a sword with double edge for the people of one's own nation. If the American congressmen, under the effect of nationalism, disapprove that the

Indians living in India are allowed to handle jobs for the U.S. companies, then we surely do not like this. In such a situation the American nationalism is harmful for us. Therefore, to some extent, we - all the world citizens of the twenty first century - will have to define the outer limits of the concept of nationalism. The United Nations must include this in its agenda. Discussions must be held on this topic worldwide. When Adam and Eve descended from the heaven, the whole globe was their nation. Today the world population makes more than six billion. Still the humankind needs to treat the first couple as the pivot in order to continuously purify and consolidate the human values. The same single message was ingrained on the divine Preserved Tablet, later from which the Prophets received the message from time to time. Dr Sir Mohammad Iqbal conveys the same message:

*Momin ke jahaan ki had nahin hai*

*Momin ka muqaam har kahin hai*

(There are no boundaries for the world of a true believer. The whole universe is his field of proactivity).

## **CRIMES AGAINST WOMEN: PUNISHMENT AND PREEMPTION**

**27 Sep. 2009**

It is justified for us to bask in the glory of India standing up and being counted among the nations that matter. Yet, in order to ensure that the green plant of our glory does not dry up from within we have to keep it duly nourished. For that we have to redouble our efforts to be internally clean and strong, collectively and individually. In that regard we definitely lag. There is at least one aspect of our life where our societal attitude is bordering the clichéd description couldn't care less. There are ghastly instances of boys catching hold of a hapless girl and satisfying their lust with the victim. We are living in twenty first century. Also all our faiths teach us that the interests of society are more important than those of the individual. Let each of us place ourselves in the position of such victims' parents and imagine what would be our reaction to the mishap. Shall we be satisfied with these incidents being treated as mere law and order issue and blaming police inaction after every such occurrence? We must realize that, during the rest of his life, the personality of the perpetrator of such crime shall develop according to what treatment is given to his crime now. If we let the criminal go without being severely punished, tomorrow he may target your daughter or mine. Have we ever imagined as to what depth our society can descend in such a

scenario?

During the times of Vedic culture women were held in higher respect in India than in other ancient countries as is duly depicted in the epics and old literature of India. Women are worthy of worship. The gods reside in those households where women are worshipped; and, in households where women are slighted all efforts at improvement go in vain (Manusmriti 3-56). As per Bible (Exodus 20:14 & Deuteronomy 22:22) the penalty for rape is death and according to Jewish Mishnah (Sanh. xi. 1 & 74a) stoning to death at the place of public execution.

Quran prescribes (The Light 24:1-2) publicly flogging the criminal with a hundred stripes and cautions, "Let not compassion keep you from carrying out this law." However, the Prophet clarified that in case the perpetrator is a married person the punishment for him is publicly stoning to death. Quran further prescribes an additional consequence of the crime by adding "Let no man guilty of adultery or fornication marry any but a woman similarly guilty." (24:3).

Geneva Convention 4, Protocol I, Article 76 provides that women shall be the object of special respect and shall be protected in particular against rape and any form of indecent assault. Article 21 of the Constitution of India guarantees the right to protection of life and personal liberty. On the other hand, among the approvals accorded by Parliament in 2008 is to an amendment to the Code of Criminal Procedure (CrPC) that tightens the law governing the trial of rape cases. Henceforth, the trial of rape cases would be fast-tracked without any adjournments. To the extent possible, the trial would be conducted before a woman judge. This apart, the police examination of a victim would be conducted at either her residence or that of her parents or at any other place of her choice. The aim is to make the law more humane for victims and more stringent for the offenders. Even in cases where the accused sexually harasses or insults the modesty of a woman by way of

either obscene acts or songs or by means of words, gesture, or acts intended to insult the modesty of a woman, he is punishable under Sections 294 and 509 of Indian Penal Code (IPC). When a woman is ravished, as per Justice Krishna Aiyer, what is inflicted is not mere physical injury but the deep sense of some deathless shame... human response cannot be blunted by people's habit to take life easy.

Against the backdrop of so comprehensive and profuse a mandate against women being subjected to indecent behavior, why are we still sitting in our respective cozy environs without moving an eyelid against what is going on in the street around us. The upcoming generations will not forgive our inaction nor will God ignore our act of omission. God says in the scripture that man and woman are garments for each other. At the same time He chose to make woman the weaker gender. Are we the men doing our duty to the women? I am afraid, not. Let us get up and resort to vigilantism before this crime becomes an epidemic.

Let some of us form ourselves into a task force for preemptive protection of women at different levels. We have to keep our eyes and ears open all the time. We have to forecast situations and take advance action. We have to organize periodical group discussions and lectures on the duties of man and woman towards each other. We have to keep reminding the children of their duty toward the society. Let us insist that an unmarried perpetrator of rape can marry only a proved adulteress. We must not be myopic in this regard. That would be counter-productive. For that, let us morally gird ourselves from within.

Let us prevail upon our law makers to prescribe more stringent punishment for perpetrators of crimes against women. His public flogging is never a bad idea. That would be an exemplary lesson for all other unmarried males. For married men committing rape the punishment should be death.

The harm of rape can leave its survivors with irreparable

psychiatric injury which sometimes leads ultimately to suicide. Though alive, what such victims have lost therefore arguably merits the most serious punishment that the law has to offer. Sherry F. Colb, US Professor at Rutgers Law School in Newark has opined that opposition to the death penalty tantamount to making a value judgment about rape and deems this crime to be qualitatively not serious enough for the ultimate punishment. It trivializes the suffering of rape. According to Bracton's yesteryear British law treatise the penalty for violation of a virgin was castration. Westminster II (1285) prescribed hanging as the penalty for rape.

Let there be an intense public debate on this vital issue including debates in schools and colleges. Our country can even think of a referendum on this issue. Parents and other close relatives of rape victims should have loaded value of their vote. The Indian lawmakers and judiciary should lead the world in arresting the trends of such moral degradation of society. By the way, are we bringing up our little ones sufficiently well to make them into morally upright human beings?

That brings us to a discussion on dress ethics. What is the genesis of dress? When Adam and Eve violated God's injunction and touched the forbidden fruit the first punishment they were meted out was that they were rendered undressed. Out of embarrassment they covered themselves with tree leaves. Thus, dresslessness is God's punishment. How right Tolstoy was! Clothing is more truthful than nudity. Our Sikh compatriots' sartorial practices provide us a good example. Is there a case for a proper general Indian dress code both for men and women?

Whole of India can obviously not have one code of what to wear. But, we can definitely loudly think in unison regarding what parts of human body must remain unexposed in public, even if we have to name it undress code. Is it not abominable to wear clothes with a view to attract the other gender? Why can't the contents of at least the advertisements be regulated? Are we taking care of

these vital social factors? Or, that too is going by default. India need not blindly sub serve the west in this field. We should define and should be patriotically proud of what is civilized for us and what is not. That too calls for a national debate followed by appropriate measures. Same is the case with accessibility to pornographic material.

Usually in a school's examination question paper there is one compulsory question while among others there is choice of what to attempt. But if the compulsory question is left unanswered the student is likely to fail even if he or she does well in others. Something of that sort seems to be happening with us Indians. We have done well in choice questions but our performance in the compulsory question is poor. Let us reassess ourselves and give proper attention to excel in answering the compulsory question also. That would consolidate our long term success among the comity of nations.

## **CODE OF HUMAN CONDUCT FOR SOCIAL REFORMATION**

**20 June 2010**

Laying down a comprehensive charter for human behavior, a set of fundamental duties and fundamental prohibitions has been prescribed in chapter 16 verses 90 of the Quran. Broadly these are basic dos and don'ts, three each. The verse is usually recited as a part of the mandatory sermon delivered before Friday congregational prayer. Trying to overcome the constraints of translation we can say that, through this injunction, God commands justice to all, the doing of general good and special liberality to one's kith and kin. Conversely, He forbids all shameful deeds, injustice and rebellion.

Here, 'justice' is at best a triangular attempt to translate the circular Quranic concept pronounced through the term *adl*. *Adl* envisages *masaawaat* that is equality of rights - with due balance and proportion - ethical, social, economic, legal, political and cultural. For any kind of justice there are supposed to be two or more parties: the aggressor and the aggrieved. Quran calls for equanimity, proportion and large heartedness even while dealing with injustice - at the discretion of the aggrieved. Similarly, in the court of law also, the judge is under scriptural instruction to implement *masaawaat* between the two parties. Also, *adl* provides for an element of *tarbiyat* or training mechanism for upgrading



the defaulter's level of morality. And, it encourages voluntary social service by a section of the society towards improving the level of societal moral order

The second injunction in this verse is of Ehsaan. It means good manners, benevolence, kindness, mutual accommodation, humility, generosity and has to be appreciated in conjunction with adl or justice. If adl visualizes equitable justice, ehsaan prefers milder revenge or punishment for evil. On the other hand, a good deed should be responded with a better deed.

As per some commentators of Quran, justice may include the virtues of cold philosophy but religion asks for something warmer and more human: the doing of good deeds even when perhaps they are not strictly demanded by justice. Such as, returning good for ill, or obliging those who in worldly language have no claim on you. This also implies fulfilling the claims that are recognized in social life.

Adl is the foundation of society and Ehsaan is its elegant marvel. Adl protects the society from unpleasantness and offensive behavior while Ehsaan adds amiability and melliflence to the social order. It is impracticable for a society that its individual members keep on identifying their rights vis-à-vis others. Such a society can blandly be free from mutual scuffle. But it would, any day, remain bereft of mutual affection, gratitude, selflessness and magnanimity. These are the values that give rise to benignity and suavity in human life. At the higher spiritual plain Adl signifies Oneness of God and Ehsaan demands the human being to worship God imagining that He is seeing the devotee.

The third positive prescription in the above verse worded as Eetaai-zil-Qurba is to provide material support to one's needy kith and kin. Every individual of better means must realize that in whatever material support he or she has been blessed with there is a share for his or her relatives - near and distant. Internally, an extended family is supposed to be a materially self-sufficient unit.

No family member is entitled to pass a life of extraordinarily high status while some other family member is facing difficulty of livelihood. A richer support system behind an individual must be shared with other family members who are not so well off. The first right of a have-not is on those of his or her family members who are materially better blessed. Caliph Omar is on record to have ordered an orphan child's cousins to take the responsibility for his upbringing. It is not difficult to imagine how homogeneously happy a society would be whose families are internally caring for each other.

The three prescribed basic prohibitions of human behavior are all shameful and sweetly immoral deeds, injustice and rebellion. The first one namely *Fahsh* includes miserliness, greed, rape, nudity, obscenity, sodomy, marriage with prohibited category of persons, theft, drunkenness, beggary, abuse, foul language, false propaganda, slander, etc. The second set, *Munkir*, covers all such deeds that are ever unanimously considered to be bad. The third, *Baghyi*, refer to overstretching one's natural limitations, oppression and stepping upon others' rights - be it humanity or the Creator. That encompasses any inward rebellion against God's law or human conscience in its most sensitive form - done in a fit of anger or otherwise. Its common forms are vanity, egotism, arrogance and a misplaced sense of pride.

Scholastic opinion converges around the understanding that if a person's inner self is the same as or nobler than the outer appearance, the praiseworthy personality falls in the affirmative domain of *Adl*, *Ehsaan* and *Eetaai-zil-Qurba*. But if the inner self is not as noble as the outer one, the person stands to be charged with violating fundamental prohibitions of *Fahsh*, *Munkar* and *Baghyi*.

## **GLOBAL WEALTH CIRCULATION SHALL USHER IN PEACE**

**(Lecture in a conference on Islam and World Peace at  
Sultan Sharif Ali Islamic University, Brunei)  
25 Feb. 2010**

The purpose of creation has been amply explained by God in the Holy Quran. It is to test among the human beings as to who are most righteous (11.7), positively contributing to make this world a better place for the human beings.

In verse 2.2-3 God clarifies that righteousness and piety do not result only from prayers. He demands the human beings to keep up prayers and to spend, out of what He has provided to them, on the needy. Such giving may be on terms of money, food, clothes, physical assistance, imparting of education. In verse 2.195 God cautions that failure to give adequately may result in social self-destruction. God further clarifies in verses 2.261-274 that the giving so mandated should also result in capital, equipment and training for creating the wherewithal for jobs and vocation for the masses. These acts of giving permeate the total social edifice. Consequently, the general economic benefits expand in quality and quantity. Thus, spending for the cause of God becomes a social tradition across generations. The beneficiaries include non-Muslims also (2.272). All children of Adam deserve equal rights irrespective of their faith, race or gender (17.7). One is supposed to give to

others what one loves and values (3.92 7 2.177). Such high virtue causes the giver move toward godliness, rejecting all selfishness. The purpose of giving obviously has to be God's pleasure, not expecting social recognition.

God has announced his scheme of having blessed some more than others as far as material resources are concerned. Having said that, He renders the have under obligation to ensure that the means of livelihood are equally distributed among the human beings irrespective of their capacity to earn or personal economic status (16.17). In the context of the employer's relationship with the employees this obligation becomes more severe; same is true in cases of other similar payer-payee relationships. Among such list of recipients God includes the needy, the orphans and the captives which term, in modern world, includes the domestic help. In fact, the giver is only a temporary trustee of God's bounties (57.7). Sometimes, God shows the negative consequences of violating this injunction by taking away from the trustee, His bounties, within the trustee's lifetime (68.17-33).

Not having an urge to feed the needy has been treated by God as equal to denial of faith in Him (107.1-7). Such a person's daily prayers may not be accepted by God. Thus, socio-economic parity is supreme virtue and the main purpose of creation of this world. Worships like prayer, fast and pilgrimage are not the end in themselves. These are the means pointing towards the larger purpose creation, i.e. striving for socio-economic equality.

Dr Mohammad Hamidullah, in his book *Introduction to Islam*, emphasizes that Islam prohibits economic exploitation of the less blessed by the more blessed. In order to ensure the implementation of this injunction what God has prohibited He terms as Riba. About this term Caliph Umar (raziAllahu 'anhu) had wished that Prophet Mohammad would have defined it. In Anglo-Saxon terminology the closest possible translation has been accepted to be usury. In some parts of the world the modern day concept of interest has

been considered as equivalent to God's concept of Riba. However, the religious scholarly opinion converges around the bottom-line that economic exploitation is a necessary and major ingredient of Riba. Islam permits profit-making provided there is equality of the rights and obligations of the parties concerned. But, Riba gives an undue edge to the person who receives it while the payer of Riba bears the brunt of timely payment of the principal as well as additional amount. The latter keeps on increasing with time before final repayment. Thus, the Riba-receiver's additional earning is a factor of the Riba-giver's necessity and incapacity to pay back. That is what is prohibited in Islam. Therefore, all those portions of usury and interest that emanate from such exploitative tendency are covered under the definition of Riba and are un-Islamic. Such practices entail mutual acrimony and undue temptation jeopardizing gross universal product and social disharmony (2.275-6). In fact, in cases of justifiable claims to receive back in time what a person had earlier given to a needy by way of financial bail out, God likes generosity in the form of not penalizing delayed refund or even writing off the loan (2.278-281).

For all those who have been blessed more than many others, it is a must that their assets and resources should be utilized without prejudice to the general socio-economic welfare. If a wealthy person is, however, incapacitated, for some reason, to properly utilize what he owns and possesses, it is the duty of the civic society to play a constructive role to ensure the correct utilization of such individual's assets and resources. Thus, public interest has been elevated to supersede erratic private enterprise (4.5).

God denounces the tendency to devour one another's possessions by way of transgression. He prescribes mutual agreement in legitimate trades. By not doing so, "do not destroy yourselves", He warns (4.29). Socio-economic fair play is the cornerstone of Islamic social order.

Zakat and Sadaqa are obligatory and optional Islamic charities.

Zakat has been mandated to be one-fortieth of one's wealth and savings. For the quantification of Sadaqa, there is Prophet's directive principle of social policy. He told his companions, including the first and second caliphs, that retaining what is and would be needed for proper family upkeep, the balance saving deserves to be given away as Sadaqa. Heads of Zakat payment have been enumerated in Quran (9.60) while Sadaqa heads are not regimented. These have been left to the community's and individual's decision from time to time within, of course, broad Islamic contours. The collection and utilization of charity is the compulsory / voluntary responsibility of 'Ulul-amr', people who have competence - mundane, state, spiritual, scholarly, social, etc (9.103 read with 4.59). Self-indulgence in excessive luxury has been discouraged (6.141, 7.31, 11.16, 21.13). It isolates the person from society and God, stops intellectual and social dynamics, Squandering of wealth has also been prohibited (17.26-27). It is the duty of some persons of virtue and righteousness to periodically speak out against the spread of corruption and invite people to the right path (3.104, 110, 11.116-117). Prohibiting the games of chance, Qur'an (5:90) describes them as the satanic work. In these, there is temptation for quick gain without hard work.

For streamlining the matter of inheritance, Islam prescribes (a) obligatory distribution of the belongings of a deceased person among his close relatives and (b) restriction on the freedom of bequest. The legal heirs inherit the property of the deceased in the proportions determined by Islamic law.

The first charges on the property left by the deceased are the expenses of his burial. The balance passes to his creditors. Repayment of debt has precedence over the rights of inheritors. The spouse, parents, descendant sons and daughters are the first heirs. They inherit necessarily.

Zakat and Sadaqa were the only taxes of the State in the time of the Prophet and the Righteous Caliphs. In later times, on account

of extraordinary requirements, there used to be supplementary charges, on a strictly provisional basis, to meet contingencies. These levies were called *nawa'ib*.

The larger purpose of the above mentioned Quranic principles has been plainly mentioned in the Book: "So that this (wealth) may not circulate solely among the rich from among you" (59.7).

Caliph Umar had organized a pension system for all the inhabitants of the country, and according to the *Kitab al-Amwal* of Ibn Zanjwaih and *ar-Risalahal-'Uthmaniyah* of al-Jahiz, even non-Muslim subjects were among the beneficiaries of these pensions - so much so that as soon as a child was born, he began to receive a certain pension. The adults received the minimum necessary for living. In the beginning, the caliph practised a certain discrimination amongst the different categories of the pensioners, and if the minimum was one, the most favoured person received forty; yet towards the end of his life, he decided to observe complete equality, but he died before this reform could be introduced.

In the case of commercial loans, there is also the system of *mudarabah*, in which one lends money and participates equally in gains as well as in risks. If, for instance, two individuals form a company, each one furnishing half of the capital and labour, then the distribution of the profit is not difficult. However, if the capital comes from one party and the labour from the other, or if the two furnish the capital though only one of them works, or the proportions of the partners' share are not equal, in such cases a reasonable remuneration of the labour, on the basis of the previously agreed conditions is taken into consideration before the distribution of gains and profit is effected. Of course all possible precautions are taken, in order to prevent risks, yet Islam demands that in all contractual negotiations, the profit as well as the loss should be shared by both the contracting parties.

As far as the banks are concerned, their activities are principally

of three kinds (i) remitting of amounts from one place to another, (ii) assuring safety of the savings of the clients, and (iii) lending money to others on profit. The expenses of the functioning are borne by those who utilize the service of banks. The question remains of loans for commerce, industry or any other trade motive. If the bank participates in the profit of its debtors as well as in their risks, Islam allows such banking activities, otherwise not.

In all planning, it is necessary to have an idea of the available resources. The Prophet organized the census of the Muslim population, as al-Bukhari informs us. In the caliphate of 'Umar, the census of beasts, fruit-trees, and other goods was organized; and cultivable lands were measured in the newly-acquired provinces. With a large spirit, full of concern for the well-being of the public, caliph 'Umar had the habit of inviting representatives of the people of different provinces, after the collection of taxes, to find out if they had any complaint against the behaviour of the collectors during the year.

In day to day life, the use of alcohol has the peculiarity that its consumption in a small quantity makes one gay and weakens his resolution to drink no more. And when one becomes drunk, one has loses control over one's acts. One may then squander money without noticing it. To these evils may be added the unhygienic effects of alcoholic beverages which are transmitted in the children and their progeny also. One of the Quranic verses (2:219) speaks of it in interesting terms: "They question you about wine and games of chance; say: in both is great sin and some profits for men; but the sin of them is greater than their usefulness." (Qur'an 2:219). In another verse (5:90) it relegates it to the same level as idolatry. It exhorts that if one desires to be happy in both worlds, one should abstain from games of chance and alcoholic beverages.

The world GDP statistics fail to reveal the huge accumulated debt driving economic growth. In 2007, the external debt the US owed to the rest of the world amounted to \$12 trillion (85% of



GDP).

As per IMF data, the top debtors and GDP of the world are, in trillion dollars, US (12.2, 13.5), UK (8.2, 2.2), Germany (3.9, 2.7), France (3.5, 2.0) and Italy (2.0, 1.9).

The GDP does not distinguish between good and bad economic output. Time, effort and resources devoted to producing, distributing, marketing and then dealing with the health and societal break down aspects of alcohol, for example, is all classified as 'economic output' and contributing to the GDP per but is in fact hugely destructive for society, families and households. Likewise, the painfully adverse impacts on society of huge and rising debt levels and home repossessions, often contributing to family breakdowns and wider social ills. As the credit crunch bites there is real and present danger that a financial meltdown could result in economic depression.

The GDP tends to be only mildly related to the welfare of the citizens. Millions still live in poverty in the affluent West in spite of high GDP levels and growth rates. A big national 'cake' does not ensure that all individuals will get a bigger slice due to the elusive 'trickledown effect'. In contrast, the success of the economic model in Islam is judged by its ability to secure the satisfaction of the basic needs of every citizen. Bukhari narrated from Ibn Umar: The Prophet (saw) said: "The Imam is in charge (ra'i) and he is responsible for his citizens." The Prophet (saw) also said: "Do you have, son of Adam, of your property except that which you ate and consumed, that which you wore and exhausted, and that which you donated and kept (for yourself)?" In Islam, the distribution of income is the basis of the economic system and a principal role of State. Wealth must circulate in the whole society and not just among the rich and wealthy: Allah (swt) says. The Prophet (saw) distributed wealth from the Ansar to the Muhajireen at the time of the hijra to Medina. It has been reported on the authority of Ibn Abbas that the Messenger of Allah (saw) said to

the Ansar: "If you wish I could ask you to share your homes and your wealth with the Muhajireen and divide among you this booty, or if you wish you could keep your homes and your wealth and I shall not have to give you anything from this booty." Moreover, the hoarding of gold and silver, the currency in the Islam State, is strictly prohibited. Allah (swt) says: "And let those who hoard gold and silver and do not spend in the way of Allah know that a severe and painful punishment is awaiting them."

The concept of work in Islam, *amal*, has different characteristics and objectives than generally understood in the modern economic tradition. In Islam, work ethic is defined by the Quran itself, which mentions the word '*amal*' in 360 verses. A closely related concept of *fe'l* (also translated as work) is mentioned in an additional 109 verses. These verses stress the need for work and action by human beings. It is based on this emphasis on work that Islam is considered as the ideology of practice and the practice of ideology, a religion of action, and "the par axis of the believers." The Quran considers idleness - or squandering of time in pursuit of unproductive and non-beneficial work - as the manifestation of lack of faith and of unbelief. Man is called upon to utilize "time" in pursuit of work by declaring that God has made the day as means of seeking sustenance. A person who through hard work seeks God's "bounty" - which includes all appropriate means of earning one's livelihood - is most highly praised. All able-bodied persons are exhorted to work in order to earn their living. No one who is physically and mentally able is allowed to become a liability on one's family or the state through idleness. The work which everyone is required to perform must be "good" or "beneficial" (*al-'amal al-salih*), but no work is considered as inconsequential in terms of its rewards or punishments in this world and in the next. One will have to reap whatever rewards or retributions are done as a result of his work. (99:6-8). Work, therefore, is regarded not only as a right but a duty. Islam extends to the individual the right to choose the

type of work he desires, but along with this freedom comes the obligation to consider the needs of the society as well as the selection of the type of the work permitted by the Shariah. Since all class distinctions are negated by Islam, no line of work permissible by the Shariah is considered demeaning by Islam, which countenances only diversification on the basis of natural talents, skills and technology, or personal inclinations. Based on its concepts of justice and contracts, Islam makes it an obligation for the worker to perform the tasks which he has contracted to the best of his ability, but since individuals are endowed with different abilities and talents, their productivities will differ. Justice, however, demands that return to work of every individual must be commensurate with his productivity. While Islam, in no uncertain terms, is against idleness and socially unproductive work, it maintains that those who are physically or mentally unable to work still retain a right to what the society produces (2:110, 2:254; 9:60; 73:20; 51:19; 17:26; 17:29; 9:34-36; and 51:19).

All human beings have a right in the resources which God has provided for mankind. Islam refers to wealth as "good", an object of delight and pleasure, and a support for the community (29:61; 14:32; 16:14; 45:13; 22:36-37; 2:180 and 215; 62:10; 73:20; 16:6; 17:70; and 7:32). Conversely, involuntary poverty is considered as undesirable. This particular conception of wealth, however, is qualified in terms of earning, possession and disposition of wealth. The earning of wealth is qualified through the emphasis on the fact that wealth is only a means for the achievement of man's ultimate objective and not an end in itself. It must be earned through "good", "productive" and "beneficial" work. This type of work is specified by the Shariah which defines the methods of earning wealth lawfully, not only are lawful methods of earning wealth specified, but also the types of economic activity which are prohibited are outlined. The Shariah specifies non-permissible professions and trade and economic activity which may lead to

unlawfully acquired wealth. Even within each profession, the Shariah specifies proper and improper practices. Unlawfully acquired or accumulated wealth for its own sake is condemned as "corruption" and retrogression to the basis of all human negative qualities, i.e., greed.

Islam considers wealth as the life-blood of the community which must be constantly in circulation; therefore, its possession excludes the right of hoarding (Quran 9:34-35). The implication is that lawfully earned wealth must be invested within the community to improve its economic well-being. Investing wealth is not only measured by the monetary gain associated with it, but also by the benefit which accrues to the society. The needs of the society, therefore, must be a consideration for the owner of wealth. Utilization of wealth is subjected to the rules of the Shariah as well. The first and foremost among these rules is the recognition of the rights of others in this wealth, resulting from the principle of invariant claim to ownership. Also among these rules are the levies whose amounts are specified and those levies whose amounts are left to the determination by the wealth owner. All these levies fall due when wealth exceeds a specific minimum amount called Nisab. After these obligations are met, the remainder of wealth belongs to the owner but must be used in accordance with the rules of the Shariah. Among these are rules which forbid extravagance, opulence, waste or general abuse of wealth (2:190; 2:195; 9:34). It cannot be used to harm others or to acquire political powers to corrupt the polity. While Islam considers lawfully acquired wealth as subject to the protection of the Shariah, it regards the wealth owner as a trustee who holds his wealth as a trust on behalf of God and the community. Hence, his inability to use his wealth properly provides the basis for the forfeiture of his right to his wealth. Extravagance, waste and general abuse of wealth is the basis upon which the community can consider him a "safih", a person of weak understanding and one in possession of

"weak intellect"; and a person who along with his own financial and moral loss is damaging the interest of the community. There is a principle according to which such a person's wealth is made the ward of the community, or its legitimate representatives, which may limit his right to use only a part of his property to meet his basic needs (4:5). That wealth, therefore, is considered "good" and a "support" for the community in attainment, possession, and disposition of which all rules of the Shariah are observed.

Islam does not ascribe that high level of importance and precedence to national geographical boundaries as is usually done in the world today. When deeply pondered upon, today's concept of nation appears to be more of a manifestation of the ruling class selfish interest in, somehow, sticking on to power. That's why it sometimes catapults the national geographical entity that it rules to that of a godly deity. Consider this in the background of the kaleidoscopic changes that the earth's crust has been undergoing over millennia. Does it mean that the deity has been changing its composition and shape? To some extent, same is the case with the concept of national pride? How does one justify that an individual born in a geographical entity known as X today is necessarily superior to or deserves more attention of the authorities as compared to his or her counterpart borne in an adjoining geographical entity called as Y today? What when two nations merge or a nation splits? Redemarcation of national boundaries has been a widely prevalent universal phenomenon based on factors like continental shift, war, economic meltdown, etc. Crux of the matter is that what is important is welfare of the individuals inhabiting the planet. Geographical boundaries can at best play the role of administrative convenience for managing the affairs of the humanity keeping in mind the maximum good of the maximum number. But the fate of the individuals of the world should never be rendered subservient to the interests of a given geographical entity as it appears at a given point of time.

There is no dearth of instances in the world today and in history when wars have been unnecessarily fought because of improper appreciation of human realities, when extra-territorial encroachments have occurred because of the whims of the ruling individuals, when a chunk of the humanity has been decimated because of governmental despotism, when a section of its own population has been maltreated by national governmental leaders.

On the other hand, having been victorious, the Prophet, hailing from Arab, declared that there is no difference between an Arab and a non-Arab. For calling Azan in the first mosque, he invited an African. He sent messages of goodwill to the adjoining rulers asking them to join him in good works for the larger human cause, irrespective of the then prevailing national geographical boundaries.

Today's universal expenditure on national defense stares in the face of even minimum human prudence. There is international disagreement on climate change parameters. World discord is now at the verge of entering water and space. Each one of these factors, and many more, is driven by avoidable economic selfishness and parochialism. Imagine, if we could minimize the importance of current national geographical boundaries, what a wonderfully positive impact this will have on equitable utilization of universal resources for the humanity.

That's what Islam wishes us to strive for.

## **NEED TO STREAMLINE ZAKAT & SADAQAH ADMINISTRATION IN THE WORLD**

**23 June 2015**

Bringing about economic equality through circulation of wealth in the society is one of the fundamental objectives of Islam. The instrumentality prescribed to achieve this goal is popularly known as Zakat that is considered, like Namaz or Salah, as a prescribed mode of mandated worship. Zakat is yearly donation of 2.5% of the individual's wealth plus annual savings. The eight heads of distributing Zakat are defined in chapter 9 verse 60 of the holy Quran. These are (i) the poor, (ii) the needy, (iii) those employed to administer the funds, (iv) those whose hearts have been recently reconciled to Truth, (v) those in bondage (literally and figuratively), (vi) those who are in debt, (vii) in the cause of God and (viii) for the stranded traveler. Such deserving persons are identified and helped by individual or organized effort.

A deeper understanding of Quran, however, reveals a wider methodology of the circulatory mechanism of the society's wealth. As against Zakat the term Sadaqah has a more far-reaching connotation. In the above-referred verse 9.60 also, the term used to indicate charity is Sadaqah though, as per general consensus, this specific verse has been accepted the world over as the divine

instruction for Zakat heads. On the other hand, Sadaqah is ordinarily considered as optional charity and most of the Muslims - though erroneously - do not attach much importance thereto except sporadically giving away very small amounts (much less than one percent) of their financial holdings.

### **Qulil Afwa**

In this context we must appreciate that if the economically higher ranked 15-20% of the community contributes only 2.5% of its wealth and savings that would not suffice to lift the remaining 80-85% of the people to a higher economic status aspiring to be in the vicinity of the one enjoyed by the top 15-20%. That is the reason why God has emphasized the significance of voluntary charity that is broadly referred to by Muslims as Sadaqah. But here is a catch. Most of us Muslims are not aware that God has also prescribed a directive principle for us to decide as to how much we should volunteer to donate as Sadaqah on top of Zakat. Here comes the principle of Qulil Afw as indicated in the Quran (2.219). Says God: O Prophet (S), they ask you as to how much should they spend in the cause of Allah; say, whatever remains after taking care of yourself and your dependents. Thus, God has minced no words in His prescription. In fact, before closing the conversation, He adds, "Thus Allah makes clear to you the verses of revelation so that you give thought."

In this way, Islam's mechanism of redistributing the community's earnings and wealth begins from Zakat and completes with 'Sadaqah to the extent of Qulil Afw'. Daily five times prayers generally consume not more than one hour of the individual. But these prayers provide the spiritual skeleton on which the human body must rest during the remaining 23 hours. Likewise, Zakat is the fundamental indicator to facilitate the comprehensive human understanding and action. The spirit of Zakat must permeate the remaining 97.5% of the individual's earnings, savings and wealth. God says, out of that, spend on yourself and your dependents as



much as is required, but whatever remains does not belong to you and must be spent on those who need to be helped. Such a matrix of compulsory and benevolent charity would keep the community economically robust. However, meshing with the broader divine mandate, it is the extent of voluntary charity that would decide the worth of the individual in the divine evaluation.

**Islamic charity matrix: panoramic view**

Being aware of this panoramic appreciation of Islam's emphasis on charity yet, for purposes of linguistic convenience, naming it largely as Zakat, the world administrators of Islamic charities assembled in the Indonesian port city of Banda Aceh recently (8-10 June 2015) and mutually agreed to the core principles for Zakat's good governance, safety net, strong legal foundation, international collaboration, risk management and financial integrity. The draft of these principles was discussed, debated and amended at the international seminar. Thus the following was agreed to.

**Core principles of Zakat administration**

The Zakat organizational activities must comply with the Shariah regulations (under the watchful eye of a Shariat advisory body) as well as the country's constitutional and legal requirements; it should cooperate with the authorities concerned. Latest accounting standards and integrated tools of information technology must be deployed to collect, process, disburse, monitor and analyze the receipts and expenses. These may include Zakat, Infaq, Sadaqah and other similar religious charitable funds. The amounts pertaining to the Corporate Social Responsibility (CSR) fund may be classified as Infaq and may also be collected and managed by the same organization that should have a comprehensive internal control system. The Zakat organization should ensure standard book-keeping and preparation of financial statements in accordance with the accounting practices that are widely accepted at the national and international levels. The

accounts must be annually audited. The financial statement should be issued annually to the public and should bear an independent external auditor's opinion. The activities of the organization must be regularly reflected on its website for use by the general public. The administrators need to be properly qualified, trained, experienced and of proven integrity. All required legal reporting to the Government must be punctually complied with. Manpower must be honest, trustworthy, upright, and virtuous. They should be having character, integrity and the basic knowledge of Shari'at and financial accounting. Instances of administrative or financial indiscipline need to be firmly dealt with in time; these may include imposing fines, penalties and sanctions. The administrative and personnel cost should not exceed 1/8th or 12.5% of gross amount collected.

### **Trained personnel**

The Board should approve, actively direct and oversee the implementation of the prescribed policy and rules and maintenance of Islamic culture and values through the prescribed code of conduct. The quality of officers needs to be ensured by insisting on proper certification and should be improved through in-service training. They should study the prevailing price index and should accordingly announce the non-zakatable exemption limit (nisab) depending upon the sources of income or the extent of property accumulation in the light of the shari'ah. It should have appropriate policy and process for regularly evaluating the various types of zakatable assets and their classification. It should make the collection proactively. And should advise regarding the period of normal Zakat donation as well as in times of disaster. It should identify the Zakat liability from new forms of wealth not known in the early days of Islam, e.g. the joint-stock company or corporation.

### **Consumptive & Productive Programs**

The organization should formulate policies and processes for

utilizing the Zakat, Sadaqah, Fitra, Infaq for the prescribed beneficiaries. It should have proper financial planning, recording and management to prevent mismatch of fund allocation. The donated amount should be utilized for both consumptive and productive programs. Consumptive programs aim to fulfill short term basic needs of mustahiks (deserving persons) while productive programs aim to empower the mustahiks to cultivate long term socio-economic resilience. The inter se proportion of consumptive and productive programs should be periodically decided on the basis of socio-economic and environmental analysis of the area of operation. The organization should aim at targeted higher reading of the social benefit indicators that must be achieved in the planned timeframe.

#### **Priority scale & Hadd-al-Kifayah**

The Zakat organization should devise a suitable procedure to decide a priority scale of the eight prescribed heads of expenditure. The poor (fuqara) and the needy (miskeen) are the most needy groups that must be given the first priority and large amount in the distribution of zakat.

Taking into account the macroeconomic conditions of the area of operation the Zakat organization should prepare a priority scale of recipients through poverty level or the calamity impact, as the case may be. It may review the range of activities by identifying a clear definition and assessment of the eight heads of expenditure. It should have adequate socialization and education programs to enhance the public awareness about Zakat. It should adopt a standard 'hadd-al-kifayah' representing adequacy to meet the individual requirements and may, for this purpose, collaborate with other similar facilities such as Islamic banking and Awqaf. The Zakat organization should have an appropriate internal process for preempting and dealing with potential fraud, technical failure of the IT system, and any other factors that are likely to vitiate the

normal organizational operations.

**Consensus & adoption**

These core principles will also be shown to well known Islamic international bodies like the Islamic Development Bank seeking their concurrence and will then be passed on to all Islamic countries and societies to be considered for adoption and adherence.

### Less known quranic injunction

## TURN RIBA INTO CHARITY

(Research paper: An international conference on Islamic Finance at Glasgow University, U. K.)

### Wealth Must Circulate

Islam's basic pillar is equality in society (Masawaat). That's one reason why Quran prescribes for circulation of wealth across the social spectrum. This is an important dimension of God's emphasis on developing a wide-angled charitable disposition. The overarching purpose is to ensure that the community's wealth does not remain confined among a few hands; rather it keeps percolating across and circulating in the societal body:

مَا آفَاءَ اللَّهِ عَلَى رَسُولِهِ مِنْ أَهْلِ الْقُرَىٰ فَلِللَّهِ وَلِلرَّسُولِ وَلِذِي الْقُرْبَىٰ وَالْيَتَامَىٰ وَالْمَسْكِينِ وَابْنِ السَّبِيلِ ۚ لِي لَا يَكُونَ دُولَةً بَيْنَ الْأَغْنِيَاءِ مِنْكُمْ ۗ وَمَا آتَاكُمُ الرَّسُولُ فَخُذُوهُ وَمَا نَهَاكُمْ عَنْهُ فَانْتَهُوا ۗ وَاتَّقُوا اللَّهَ ۗ إِنَّ اللَّهَ شَدِيدُ الْعِقَابِ ۝

Allah says, what Allah has bestowed on His Messenger (and taken away) from the people of the townships- belongs to Allah - to His Messenger and to kindred and orphans, the needy and the wayfarer; in order that it may not merely make a circuit among the wealthy among you. So take what the Messenger assigns to you, and deny yourselves that which he withholds from you. And

fear Allah; for Allah is strict in punishment. (59:7)

The above verse lays down the fundamental code of the economic policy in Islamic societies and governments. Wealth should permeate the entire community and must not remain confined among the rich.

But, as per the Divine scheme, the instruments mentioned to ensure this are surely not confined to Zakat. If 15% of the Ummah is financially well placed then only 2.5% of their "wealth+annual savings" will not suffice to bring up the remaining 85% of the Ummah to the level of economic equality all over the community. That's the reason why God has prescribed Sadaqah. For quantifying how much Sadaqah one should give, God has mandated the following directive principle that has mostly missed the world's attention so far.

### **Qulil Afwa**

وَيَسْأَلُونَكَ مَاذَا يُنْفِقُونَ قُلِ الْعَفْوَ كَذَلِكَ يُبَيِّنُ اللَّهُ لَكُمْ آيَاتِهِ لَعَلَّكُمْ تَتَفَكَّرُونَ ﴿٢١٩﴾

(2.219)

They ask you what they should spend (in God's cause and for the needy). Say: "What is left over (after you have spent on yours and your dependents' needs)." Thus does God make clear to you His revelations, so that you may reflect.

Accordingly, after duly providing for self and family, whatever a person is left with has to be given away as Sadaqah. The comparative effect of Zakat, Sadaqa and Qulil Afwa on the society can be gauged by the matrix shown here.

It is thus clear that for the truest implementation of God's mandate, Muslims will have to comprehend the concept of Qulil Afwa and practice it. Then only, the real impact of an internally coherent Muslim society will be felt by the non-Muslim world.

### Charity and Riba: mutually exclusive

In conjunction with this mandate let us also mull over the following ayah where God has bracketed Riba and Charity in the same sentence even though they are diagonally opposite.

يَهْتِكُ اللَّهُ الرِّبَا وَيُرِي الصَّدَقَاتِ ۗ وَاللَّهُ لَا يُحِبُّ كُلَّ كَفَّارٍ أَثِيمٍ ﴿٣٩﴾

2.276.

God deprives Riba (which is thought to increase wealth) of any blessing, and blights it, but makes alms-giving (which is thought to decrease wealth) productive. God does not love any obstinate unbeliever, any obstinate sinner.

Then, God goes on to further elucidate His point as follows.

وَمَا آتَيْتُم مِّن رِّبَا لِّيَرْبُوا فِي أَمْوَالِ النَّاسِ فَلَا يَرْبُوا عِنْدَ اللَّهِ ۗ وَمَا آتَيْتُم مِّن زَكَاةٍ تُرِيدُونَ وَجْهَ اللَّهِ فَأُولَٰئِكَ هُمُ الْمُضَعِفُونَ ﴿٣٩﴾

30.39

Whatever you loan to the people in usurious hope that it would return to you increased through the goods of those people, will bring no increase in God's sight. Whereas whatever you give in charity seeking God's countenance (His approval and good pleasure), for those there is increase (of recompense) multiplied.

In both these ayahs God has encouraged the human being that whenever one is having abundance of funds and feels that one can give that money as loan to others so that one earns money on money, one should remember these ayahs and change the track of one's thought process and action. Thus, leaving aside the instinct of earning more through these worldly means which God detests, one should give away excess funds in charity to the needy. There God promises that due to His kindness the money so given away in charity would come back to the donor many fold. This has been further clarified in the following ayah.

إِنَّ الْهُدَىٰ قَيْنَ وَالْهُدَىٰ قَيْتَ وَأَقْرَضُوا اللَّهَ قَرْضًا حَسَنًا يُضْعَفُ  
لَهُمْ وَلَهُمْ أَجْرٌ كَرِيمٌ ﴿٥٧﴾

57.18.

Those men and women who give alms (by spending out of their wealth in both the obligatory and supererogatory duties of alms-giving), and lend to God a goodly loan (by spending either in His cause or for the needy), it will be increased manifold to their credit; and they will have an honorable, generous reward, in addition.

### Why Riba is forbidden

God has considered the person who earns money by lending money as spiritually dis-balanced. His greedy ego vitiates the spirit of mutual bonhomie that nurtures the sustenance of mankind. He is unmindful of individually prospering by polluting the societal bond of mutual consideration.

On the other hand, the law of nature doesn't recognize a means of livelihood that guarantees a mandated income without harboring an element of risk. Every kind of livelihood has to be earned by incurring material expenditure as well as human labour and this has to be dovetailed with some fundamental inherent risk. The basic paradigm of normal give and take in the world is based on equal terms. Profit is earned by incurring time, labour and brains in 'producing' a commodity that is 'bought' by those who require it. There has to be the 'pain of creation'.

But, the money-lender goes on charging interest repeatedly and the quantum is ever increasing. The profit which the debtor makes on the money of the creditor, however large it may be, has after all its in-built limits, but there is no restraint on the interest the creditor may charge on his money. He may even appropriate all the earnings of the debtor and may even deprive him of his means of livelihood and his property while still having the same



amount of debt against him that existed at the time of the initial borrowing. Thus Riba generates lethargy and tendency to unlawfully take over others' earnings; that leads to self-indulgence.

Apparently the money earned on money makes a person opulent while charity diminishes wealth. However, if one doesn't only physically see using his eyes but also spiritually perceives using his heart it is in fact just the opposite. Interest disjoins the society by creating mutual dislike and jealousy while charity builds mutual love and trust. It's the difference of ego-centric narrow mind versus generosity for the larger good. One breeds class struggle while the other sprouts homogeneity.

Mind you, the money-lender can even withhold his money as and when he has the slightest fear of market deterioration. He creates trepidation that can turn an exigency into a catastrophe. Thus, interest mars and cripples the national economy. Conversely, through charitable utilization of the people's riches the level of national prosperity rises and so does the GDP.

### **Islamic economy: rules & instruments**

Thus, in order to implement its economic policy objective Islam has taken the following measures: Riba (usury or interest) has been forbidden. Zakat has been made obligatory. The level of Sadaqah has been raised to the extent of Qulil Afwa. Believers have been exhorted to practice voluntary charity. Different kinds of atonements in kind mandate out from the wealth turned towards ameliorating the downtrodden in the society. The law of inheritance is aimed at ensuring that the wealth left by every deceased person spreads among the largest circle of the people. Stinginess has been condemned and generosity commended as a noble moral quality. And, the well-to-do people have been told that in their wealth there is a definite share of the beggar and the indigent, which they must discharge not as charity but as the right of those people.

This brings to the fore the necessity of an Islamic society or

government to organize its affairs in the following manner. The ownership and control of the material resources of the community need to be so distributed as best to subserve the common good. The operation of the economic system must not result in the concentration of wealth and means of production to the common detriment. The wealthy people should not be allowed to monopolize the means and resources of wealth.

Thus, it is important that the world's materially better placed class appreciates God's purpose in creating humanity and His clear mandate regarding the reality of His own ownership of all material resources. We need to realize that some of us have only been nominated as part-time custodians of small portions of these assets and the sources of income emanating there from. Out of what each one of us is able to earn and procure, we are supposed to retain only that much as is sufficient to sustain us and our dependents in the family. The balance does not belong to us and has to be incurred for others who are in need. By way of implementing this broad Divine mandate, certain dos and don'ts have been prescribed. Riba, that's earning money out of lending money and thus exploiting the have-nots, is forbidden; that's mostly known in today's world as usury or interest. Instead, the extra funds available should be spent as charity or at least for giving interest free benevolent loans. The concomitant theme of all economic activity should be to ensure that the community's wealth keeps on changing hands and circulating across the entire social spectrum. In the process, the Mahajirs needed to necessarily be rehabilitated with dignity. The Islamic societies and governments should mull over this paradigm and incorporate it, in letter and spirit, in their constitution as well as the day to day working.

## **APPEASING THE RELATIVES: ARTICLE OF FAITH IN ISLAM**

**29 June 2012**

Last week an elderly lady in my extended family left for her eternal abode. May Allah bless her soul with a high pedestal in Paradise, amen. Later during condolence sessions it came to light that he is highly technically qualified and worked in the Gulf at half a million Rupees monthly salary. As mother began falling frequently ill her son requested his wife to shift to New Delhi, permanently stay with mother and serve her. The good wife happily agreed and shifted base to the Indian capital. In due course, as mother began remaining regularly unwell, the son quit his lucrative job in the Gulf, took up a not so good position in the national capital region and both of them started living full time with mother. He noticed that due to her aching knees mother was not able to climb up while she liked to sit in the sun on the roof. He carved out space in a corner of the house and got an elevator installed. Lo & behold, even in the 21st century there are some persons in the world who discern God's real purpose behind creating the humanity and act thereupon. One feels like envying the parental upbringing of this young couple. The boy and his wife were actually implementing God's command in letter and spirit: In the best way possible do good to your parents and the relatives (holy Quran 4.36). Even Dr Sir Mohammad Iqbal was amazed at such high

level of parental upbringing:

*Ye faizan-e nazar tha ya ki maktab ki karaamat thi*

*Sikhaaye kis-ne Ismaeel ko adaab-e farzandee*

(Was it the school lesson or parental upbringing that taught Ismail (Ishmael) what should he happily forbear for the sake of his parents' pleasure?)

While the significance of serving the parents is generally well known let's try to understand what God has enjoined upon us in respect of our relatives. In order to describe the relatives God has used two types of terms in the Quran: Arhaam and Aqraboon or other derivatives of the 3-letter Arabic root QRB like Qurba, Aqrabeen, Maqraba. Arhaam is plural of Rahm that's the chamber in the mother's sacrosanct body in which the human being gestates. But as a collective noun, Arhaam has been used in Quran Kareem to describe one's extended family comprising all the relatives both through birth and matrimony. As per divine instruction each one of us has to continuously and duly discharge the obligations of kinship (4.1). Maulana Abdul Majid Daryabadi writes in Tafseer-e-Majidi that according to the divine law (Shari'at) the kinship group is the basic unit of society. Prophetic tradition says that, hanging from the celestial throne, the womb supplicates God to 'bless those who augment me and censure those who frustrate my centrifugal aspirations'. Quranic commentators mutually agree that patronizing the relatives is a fundamental obligation of faith (Wajib) and to deliberately disregard them is sacrilegious. For this, the individual is under continuous divine surveillance. The Prophet (S) also exhorted that even if the other fellow tries to sabotage the relationship bond, one should still stick on unilaterally. He declared: Whosoever wishes augmentation of provisions and elongation of life period must indulge in obliging and appeasing the relatives (Sila-Rahmi).

Abu Huraira (R) complained, "I try to strengthen the bonding while some of the relatives frustrate my efforts"; the Prophet (S) informed him that till he does that an angel would remain deployed by his side. God further desires (26.214) us to keep reminding the society about such injunctions of Shari'at. Also, He cautions us that the relatives deserve our attention on priority vis a vis the other members of the society (33.6). According to Tafhīm-ul-Quran any act of charity done ignoring and superseding the needy relatives doesn't squarely measure up to the divine reckoning. There is a special mention in the Book regarding helping the relatives who are orphan (Yateeman za maqraba - 90.15) that commands greater reward. We are forewarned (47.22) that our going against these heavenly writs may tantamount to twisting the basic infrastructure leading to societal upheaval; God detests and deprecates such assailants of His design. Tafhīm-ul-Quran says that this verse enlists Qata-Rahmi (cutting off a natural relationship) among the fundamental prohibitions (Haraam). Conversely, Sila-Rahmi has been bracketed (2.177, 4.36) among the best deeds (A'maal-e-Saaleh).

According to the commentators all the relatives - distant & close - of an individual constitute what is known as Zawil Arhaam. For special consideration of this group God has used (42.23) the term Al-mawaddata Fil-Qurba. Closer the relationship more intense is the obligation and bigger is the sin for pausing or laying off the relationship. As per divine scheme Zawil Arhaam has been made internally self-sufficient. In a kaleidoscope, turning around the cylinder in a circular motion shows different designs and colour combinations. Similar is the internal mechanism of Zawil Arhaam: in the group of relatives some are very rich, some very poor, some on the threshold, some very learned, some illiterate, but the group as a whole is internally self-reliant. God keeps a tab on every group member as to his/her behavior with others. God's minimum expectation from us under Sila-Rahmi is to "not avoid what best

one is capable of doing" for the fellow group members. In two verses of Quran Karim (17.26 & 30.38) Sila-Rahmi has been declared as the right of the needy relatives in the assets & capabilities of the better off members of Zawil Arhaam. Mind you, God may sometimes even turn around the kaleidoscope of Zawil Arhaam and thereafter the red color may begin looking white .. and the white, pink etc. Qata-Rahmi is ill-treatment with the relatives or deliberately not doing what best one is capable of doing with the relatives. In 17.26 God enjoins upon us not to be spend-thrift and squander away our wealth & income and, instead, discharge the obligations of the needy relatives.

Simultaneously, God has also put a caveat (60.3) that even in order to favor the relatives nothing should be done in violation of God's law otherwise on the Judgement Day the relatives too would not be of help. Also in 4.135 God clarifies that we are expected to remain on the side of justice even though it goes against ourselves, our parents or any other relatives; be he/she rich or poor, God warrants our obedience in supersession of his/her interests. We need not let our desires have the upper hand vis a vis the divinely mandated straight path and should, rather, fulfill the promise that we've made to our Creator (6.152). God told the Prophet (S), 'Say, I do not ask from you for any compensation (for guiding to the right path) except valuing the natural relationships'. The scriptural research done by the famous commentator Hazrat Ashraf Ali Thanvi (R) tells us that patronizing the relatives amounts to pure observance of faith (Iman).

## **FULFILLING THE NEIGHBORS' PRIVILEGES**

**22 Aug. 2016**

God expects us to do good to "the neighbor who is near, the neighbor who is distant and the companion by your side (on the way, in the locality, in the workplace, etc.)" (Quran 4:36). In this glorious verse, our Creator has mentioned the rights of neighbors along with the rights of parents and relatives. Prophet Muhammad (peace be upon him) said, "Whoever believes in God and the Last Day should continue to behave kindly towards his or her neighbors." The Prophet also warned that God will be particularly displeased with those persons who cause discomfort to their neighbor. He added, "Gabriel (Jibreel - pbuh) kept on enjoining good treatment with the neighbor to the extent that I thought that God would order neighbor's share in one's property." The Prophet also recommended, "No one should eat to the fill, while the neighbor is hungry." He said, "If a person fasts during day and worships during night but also causes discomfort to the neighbor, then such transgressor would be admitted into Hell. Contrarily, a person who does not offer supererogatory (Nafil) prayers but behaves kindly towards the neighbors, would be admitted into Paradise." One should occasionally send gifts to the neighbor and a gift offered by the neighbor should be accepted with respect and humility. The Prophet's daughter Ayesha asked him, "I want to

send a gift to one of my neighbors; whom should I send it to?" He answered, "The one whose door is closest to yours."

Quranic term 'the companion by your side' also includes in its definition the temporary companion at any certain place e.g. in the market, in a gathering, in a hostel, in the offices, the people standing, sitting or walking beside in bus, train, aeroplane, bus stop, railway station, airport, park etc. The commentators of the Quran say that this temporary companionship also imposes some obligation on a decent and civilized person, which requires that the other person must not be troubled and should be treated well. And if the neighbor happens to be a relative, then one has twofold responsibility; Quran describes this as 'the neighbor who is near of kin'.

A man came to the Prophet (pbuh) and complained, "I am not feeling secure with my neighbor, let alone the expectation of some good from him." After that the Prophet proclaimed in the Grand Mosque, "If one's neighbors are not safe from his evils, then he is not a true believer". After this, the Prophet said, "In each direction, forty houses come under the canvas of neighborhood." The scholars of Quran and Prophetic Traditions agree that kind behavior with the neighbor making sure that the basic necessities of life are available with him or her include participation in happy and sad times, non-violation of privacy, keeping the common paths and entrances in and around the houses neat and clean, extending one's helping hand when the neighbor in a bad condition, offering loan if asked for, visiting during illness, attending funeral prayer, providing special assistance, not to build one's house higher to the extent that it deprives the neighbor's house of light and ventilations, and not to let the odor of the meals of one's house reach the neighborhood.

It is the requirement of the true spirit of the faith that whenever we go to a certain area as new neighbors or a new neighbor comes to our area, we should introduce ourselves to the family in order



to establish positive and equitable social cohesion and inclusion.

One wide realm for positive effort in the society is kinship and the other one is neighborhood. If we proactively perform well in these two orbits of life, each one of us can shine as a brilliant star on the societal firmament. Then, if some insane person dares to break peace, the society -rich with high ethical values - will jointly come to its own rescue.

## **FRIDAY SERMON: PLANNING, STREAMLINING AND ENRICHMENT**

**15 January 2016**

Today's Muslim community has not been able to organize the required upbringing of the individuals - properly and regularly - to the extent that it is obliged to do. Shariah had prescribed, even fourteen centuries ago, a comprehensive weekly system of Friday sermons, which is still in vogue to some extent.

However, in order to ensure that the community takes full advantage thereof the sermonizing needs to be subjected to well-researched planning, streamlining and enrichment. In the community's life, the Imams and Khateeb are meant to play pivotal, multi-faceted role. However, it is not an easy task to adequately perform the duties of deputizing the Prophet (S) and his Companions (R). In order to equip themselves with the required competence, the Imams & Khateeb need to continuously acquire deep knowledge of the basic concepts of Quran, Hadith and, in fact, the whole Shariah alongwith positive thinking, social activism, educational pursuits, high ethical values, and awareness about the most up-to-date scientific and technological developments.

In the Indian subcontinent, Friday's Arabic Khutba is usually preceded by a speech in local language. For that, on every Friday millions of Muslims piously present themselves in the mosque, sit in reverence with heads bent and keep attentively listening to every

word uttered by the Imam/Khateeb. The sermons, fifty two times in a year and 4000 times in an average lifetime, surely leave an indelible impact on the listeners' personality.

Therefore, the Imams and Khateeb - before each Friday Khutba - should spend quality time to study, mull over and carefully plan their sermon and prepare meticulous notes regarding the proposed subject-matter in a dedicated diary. They should plan the weekly topics keeping in mind the expediency for individual and societal guidance. For this purpose, if the Imams and Khateeb also stay together in small groups of 25-30 each - for 2-3 days atleast once a year - this periodical rendezvous would be mutually enriching. The masses have to be impressed upon that the Qur'an is a complete code of human conduct equally applicable to each moment in life and hence it must not be restricted to recitation and memorization only. Every day for half an hour every educated Muslim must read multiple translations and commentaries of one Quranic verse and, thus, try to appreciate the message given therein. Thus, slowly one begins having a feel of God's scheme of human creation and, concomitantly, the individual obligations toward the community.

Likewise, with the help of many commentaries, the Imams and Khateeb too need to fully grasp God's message given in the Qur'anic verses comprised in the Arabic sermon delivered on Friday fully appreciating the relevant historical background and true import of the message. Having done so and with the help of notes in their diaries, the Imams/Khateeb should periodically (say, once in every six weeks) explain the Arabic Khutba to the Friday audience. Similarly, the meanings of the Surahs to be recited in both rakats on Friday should also be explained in local language and it must be announced that 'these verses would be recited today in the Namaz'. That would boost up and augment the Namazis' connexion to and ownership of the divine commandments given in the Qur'an.

Apart from that, the Friday speech delivered in the mother

tongue should focus on better upbringing of the listeners adequately highlighting that the interests of the community need to be placed at a much higher pedestal than those of the individual. The Ummah has at least one-third claim over each individual's existence. Everybody must devote one third of his or her time, resources, assets, income and love - not to oneself or the family but - to somebody else who is needy.

The Imams/Khateebis have a basketful of responsibilities and challenges entrusted to them by the Shariah to identify the difficulties faced by the community and explore the steps needed to overcome them. For example, each individual must get the Aadhar card and the election card, eligible candidates must try to join the government service at appropriate level, in addition to purely deeni taleem the parents must impart modern education to the children, madarsa educated child must also know computers, science, maths, English, amendments needed in the Waqf law, etc. While sermonizing the masses regarding such issues the Imams/Khateebis will surely avoid political or sectarian overtone. They must rather focus on social reformation, moral upgradation and selfless service to the community.

We are aware that no part of human life is outside the realm of Shariat. Hence, the role of the Imams and Khateebis must permeate each aspect of the individual and community life. In order to best perform their key responsibilities, the Imams/Khateebis will have to continuously keep themselves well informed. In addition to hosting the five daily congregational prayers, the mosque will have to be used as a center to monitor and upgrade the social, economic and educational progress of the community.

In the Quran's first revelation itself God has mentioned the significance of Qalam. If we are asked today what's a Qalam, we would immediately take out of the pocket and wave a ball pen or a fountain pen. Exploring further we can think of the chalk of the slate or the wooden pen of the wooden writing board. But fourteen

centuries ago none of these existed and still God used the word Qalam.

A contemplative analysis leads us to realize that the Qalam mentioned in the Qur'an is any device through which one person's thoughts can be communicated to another or from one place to another. In the twenty-first century the computer keyboard is the Qalam. Today if Muslims do not use computer systems they would lag behind other communities even in spreading the divine message. The Imams and Khateebis will have to learn computers. There are 56 Islamic countries and millions of Imams and Khateebis all over the world. The key to what we can learn from this wealth of global resources lies in our index (shahaadat) finger. Using this finger on the keyboard the knots of knowledge begin to untie. It was only ten years ago that surfing on computer I came to know the genesis of what we recite in the Namaz sitting on our folded legs.

Ironically in India, the individual concern regarding the community mostly remains confined to being angry over governmental indifference toward Muslims. We hardly wonder that if the government has ignored the community for 65 years, then would we still be silent spectators for another 65 years? Or we would stand up as good Muslims, take command of the community and march ahead for its progress and prosperity. The Imams and Khateebis will have to guide the Ummah as rightly said by Dr Sir Mohammad Iqbal:

*Ishq ne kar diya tujhey zauq-e-tapish se aashna  
Bazm ko misl-e sham'-e-bazm, haasil-e soz-o-saaz de.*

[Your true love for God has introduced you to the ecstasy of burning out the self for His pleasure. So now it's your duty to pass on to the community what all you've learnt through such joyful self-dedication.]

## **HAJ SUBSIDY: RELIGIOUS AND CONSTITUTIONAL ASPECTS**

**01 June 2012**

Unlike the other four basic pillars of Islam, Haj is not obligatory for every Muslim. In fact it is simply not possible for each Muslim in the world to become a Haji. If 2.5 million Muslims perform Haj each year, still the more than one billion Muslim population of the world would need at least four centuries to perform Haj, whereas the generation changes in much less than a century. Thus, as per Godly scheme, only a small percentage of Muslims can perform Haj in their lifetime. This seems to be a strong worldly justification for why God did not proclaim Haj as obligatory for every Muslim.

Let's find out for whom Haj is obligatory. As per Quran (verse 97 of Surah Aale Imran) a person needs to be individually equipped to become liable for Haj. Exegesis converge around the view that this capability needs to be both financial and bodily. The person so obliged should have the necessary provisions - emanating from his lawful earnings - to fulfill all the justifiable requirements of self and dependents as on date as well as for the foreseeable future. After this, an amount (or property of similar value) should still remain that suffices to mete out the Haj expenses, having even paid off the debts, without seeking help from an extraneous source. Secondly, the person should be physically capable of bearing the vagaries of Haj journey. Also, the travel route should

be safe enough not likely to bring any risk to the pilgrim's life and property. When all these conditions are fulfilled, a Muslim may consider himself or herself under obligation to perform Haj - though that too only once in lifetime.

It is generally understood that the Government of India has been extending part financial help toward the travel expenses of those who undertake their Haj journey through the Central Haj Committee. This means that a good deal of individual expenses are covered through the state exchequer. The state coffers consist of different types of tax monies paid by the citizenry. Our country has overwhelming majority of non-Muslims and they are also financially better off. A big chunk of the state revenues is collected from them. Some of the heads under which the Government collects taxes are not permissible in Shariat. Thus, true believers must ponder as to what extent God would be happy with a Haj performed with the financial support of the Government funds. Also, among the pilgrims handled by the central haj committee there are a good number of those who are so well off that their acceptance of state monetary help is not justified even on pure mundane consideration.

It needs be borne in mind that Haj is a sacred religious duty having no place for instincts like tourism or recreation. It is a delicate worship and must be performed with the required spirit. The first message Haj conveys is of self-sacrifice, that is, submitting one's existence to the Creator's pleasure. The fundamental methodology of pleasing God is to raise the level of one's spirit above the materialistic requirements of the body. Thus, a Haji should become an epitome of qahhari, ghaffari, quddusi and jabroot i.e. power of self-control, magnanimity to forgive, purity of thought and envisioning divine glory all around. Maulana Abul Hasan Nadwi says in his book *Nuqoosh-e Iqbal: Proactive disapproval and protest against perpetration of injustice and untruth is a divine attribute*. Such a person remains ready to utilize personal

capabilities to implement God's will. Haj also teaches forbearance and cultivation of mutual bonhomie. Accordingly a Haji's vision of God's purpose in creating humanity is expected to undergo an internal kaleidoscopic change during the entire post-Haj life.

Most of us know the story of Ali Hajveri. On Mount Arafat a question flashed in somebody's mind as to whose Haj among his compatriots was most liked by God. He heard a whisper in his ears 'Ali Hajveri'. On return, he travelled to Hajver (Afghanistan) and profusely greeted Ali, a cobbler living at the outskirts: God liked your Haj most of all. With tearful eyes Ali lamented: I could not go for Haj despite my willingness and best intention. I had planned the pilgrimage carefully saving each pie out of cobbling people's footwear for a lifetime. But on the eve of my departure, I discovered that the neighbor's children were hungry for two days and had to be fed roasted flesh of dead animal. Hence, I gifted to the neighbor all my savings for Haj and then prostrated before Allah seeking forgiveness for my indiscretion in appreciating the true import of His message. Ali's sacrificial love for humanity had Divine recognition equivalent to the performance of a faithful Haj. This story gives an insight into the true concept of Haj and its real benefit. Let's contemplate as to how much divine pleasure would be invoked through a Haj performed using the fellow contrymen's tax money. Why at all the community let a situation be created where the highest homeland court had to express disapproval of Haj subsidy? Does it not give a feeling of self-inflicted insult?

The Haj subsidy needs to be analyzed from another standpoint. Acting well within the constitutional spirit, the Government makes necessary arrangements for the followers of different religions: Like on the occasions of Kumbh Mela, Kailash Mansarovar Yatra, dispatching jathas to Nankana Saheb, having dedicated Haj Terminals at Indian airports, running Haj Offices in Makkah and Madinah, etc. Besides, the Government bears substantial portion of the air fare in respect of those who undertake the pilgrimage



through the Haj Committee of India; this is generally known as Haj subsidy. As conscientious Muslims, we must examine the scriptural permission or otherwise of such financial help provided by the Government, in the light of verse 97 of chapter Aale Imran which enshrines the the Godly scheme of Haj. That is surely an internal issue of the Ummah. We should obtain written substantiated clarifications from reliable Islamic ulama, commentators, jurists, scholars, and Muftis. On the basis of such comprehensive documentation, supported by authentic references, Haj subsidy becomes a subject matter of Ijma - consensus through widespread informed discussion - that is the third prescribed source of Islamic law, after Quran and Hadis.

Meanwhile, it would be useful to dig deep into the components of what has come to be known as Haj subsidy. If only the national air carriers of India and Saudi Arabia are allowed to participate in the Haj travel - and that is the reason of the high fares - then why shouldn't we obtain the competitive fare quotes from many other international air travel companies? Based on that, our diplomats in Saudi Arabia - in consultation with their counterparts from other countries in Riyadh and Jeddah - can jointly make a representation to the Saudi Government. The Kingdom should be asked to re-orient its Haj travel policy and allow every country to bring its Hajjis through any international airline of it's choice. Before that the Ministries of External Affairs and Civil Aviation and the Central Haj Committee can join hands and organize an international convention for this purpose. Consequently the Haj-air-fare sector could possibly become the buyers' market rather the sellers' as it obtains today. The air fare could considerably go down as a result of the competitive commercial rivalry among the various air companies and then the necessity of subsidy might become superfluous.

Another important aspect of Haj subsidy must also attract our attention. We, the Muslims of India, are surely living a better life

in our country as compared with our co-religionists in many other countries. Yet, in some areas of life, we suffer constitutional violations. Our constitution prevents religion-based discrimination or favoritism by the State. Still we were excluded from the definition of scheduled castes under the Constitution Scheduled Castes Order of 1950. As a result, we were excluded from the reserved seats of the parliament, assemblies and the bureaucracy. It is difficult to fathom the resulting grave and multiplied sufferance of the community and how this has undermined our well-being and prosperity. That is the reason that the Sachar Committee reported that, compared to the followers of other faiths, we Indian Muslims are lagging much behind in the educational, economic, and social fields. So, why don't we get the issue resolved once and for all through our parliament, assemblies, and the governmental machinery: Make the definition of the scheduled castes religion-neutral and withdraw the Haj subsidy. That way, the pilgrimage of more than a hundred thousand of Muslims can invoke greater divine pleasure. At the same time, the six decade old State discrimination against millions of Muslims can come to an end.

## **SAUDI HAJ MANAGEMENT NEEDS TONING-UP**

**28 Sep. 2015**

On 11 and 24 September 2015 two incidents occurred in the Muslim sacred Hejaz region of Saudi Arabia causing death of 935 Haj pilgrims and grievous injury to 1,257. Including these, from 1975 till date, 14 mishaps have occurred in which 4,476 devotees have died and a much larger number got injured to various degrees. Thus during the last 40 years every alternate year a man made incident has taken place resulting in, on the average, annual death of 112 pilgrims coming from all over the world who according to Islam were the Guests of God in the holy land. This is not only a cause of pain and agony for the pilgrims and tens of thousands of their family members but also a source of embarrassment for Saudi Arabia and the world Muslim community.

### **Causes of tragedies**

The factors responsible for these tragedies have been (a) inadequate traffic control inside the tunnel from Makkah to Mina and Arafat and on the bridge leading to Jamarat (the triple satans), (b) lack of planning to channelize the flow of pilgrims while they stone the satans (this is known as Rami), (c) insufficient preventive measures against fire, (d) absence of modern expertise among the security personnel and (e) substandard training of staff deputed to

handle vital machines at expansion sites.

### **Spiritual pleasure versus safety concerns**

The community's reverence toward Haj is undeterred and so is the spiritual value of getting buried in the holy precincts. In 1975 my father too peacefully expired while lying in Makkah after completing Haj and is buried in Jannat-Al-Ma'ala, the graveyard in the vicinity of the Prophet's companions. May he and all others who have gone from this world be bestowed with high place in paradise, Amen. But more vital is to ensure that for millions of world pilgrims of different age groups with no urgent wish to die, there are in place flawless arrangements to circumambulate the Kaaba, running between the hillocks of Safa & Marwa, standing at Arafaat, overnight stay in Muzdalifa and stoning of the satans and happily go back home.

### **Saudi statements after tragedies**

After this month's twin tragedies the Makkah Governor followed by the Central Haj Committee Chairman prince Khaled have constituted the investigation committees. However, even before the second committee could pull up its socks and begin working, Prince Khaled has told the Saudi tv Al-Arabiya that for the latest mishap the pilgrims themselves are responsible as they did not follow the rules. That can be said in respect of all traffic accidents anywhere in the world. In the twenty first century of 'welfare state' violation of traffic rules cannot be taken as sufficient to prejudge an un-investigated occurrence killing 717 persons in one go.

Saudi Interior ministry's spokesperson Mansoor Al-Turki says that the outer limits of Mina and Mashhar are predetermined and the available space cannot be further expanded. But, what about vertical expansion on which there is no cap? Moreover, if there's faith-mandated space crunch, the obvious concomitant is that more

than the corresponding number of those who can be comfortably accommodated should not be invited even if it goes against the demands of the local economy.

### **Science of tower cranes**

The investigation committee on crane crash has attributed the fall to the unexpectedly fast wind. The contractee Saudi Binladen company's engineer says that the crane was affixed properly and its fall was an act of God. In this context it's important to know that air is a mixture of gases with given density. With the blowing air, the gas molecules move speedily and imbibe energy. Striking a surface, the air retards but the molecular energy causes forceful pressure. Doubling of the wind speed quadruples the wind pressure; it goes further up at higher elevation.

### **Cranes: International Code for safe use**

It is for ensuring utmost precaution in such a delicate handling and yet preempt a mishap that a Code of Practice for Safe Use of a Tower Cranes has been devised and uploaded online in USA, Canada, UK, Europe, Australia and India. But on any Saudi Arabian website this is yet to be seen. According to this Code it is mandated that on each tower crane there is affixed an Anemometer to continuously measure and report the wind speed. Also, the staff incharge of the crane is bound to be always in touch with the weather forecast centre. Wherever needed the tower crane has to be vertically tied backwards with a stable hook. Also, it is important to regularly check the anchorage and ballast of the tower crane. The special yearly permit is to be obtained in respect of each crane. The world Muslim community would like to know that in case of the fallen crane of Makkah if these requirements were not fulfilled then who was responsible for such dereliction and what punishment has been awarded to the culprits.

**Invite international tenders**

In the 21st century world no nation is supposed to be expert in every field. Even the USA takes pride in importing the required expertise from different parts of the world. Saudi Arabia too does that in many departments. But for managing the enormous affairs of the two holy cities it still depends upon local amateurish help while this responsibility engulfs the entire Muslim community of the world. If the same incumbents do not keep on performing the same chores year after year the system is saved of the ill effects of monotony. Conversely, in Saudi Arabia the same set of persons and families have been engaged in the same works of Haj management for a long time even, in some cases, germinating vested interests. That needs to be substituted by well planned interventions through open international tenders.

**Appoint world class experts**

Obviously, the expanse of the city of Makkah is scripturally confined to the believers. But, first class experts even from beyond can be invited to sit outside the periphery and yet plan, control, supervise and monitor - like the Kingdom happily does in many areas of its activity. In any case, the provision of top quality world expertise in no section of Haj management should ever be compromised.

Saudis will do well to rope in an international group of experts in different fields of Haj management - mass movement, traffic control, crowd planning & management, public relations - who should prepare a well considered annual action plan of what should be done when and by whom and meticulously act thereupon. The institutions of Mu'allim has since lost its utility and needs to be discontinued. Haj management should be entrusted to young & experienced Muslim graduates of the world's most acclaimed universities in different fields including public administration and management; and internally they should be continuously transferred

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from one seat to another in order to preempt sprouting of vested interests.

**Rope in most qualified, certified, experienced Muslim youth**

For expansion work in the holy cities too international tenders should be invited; world's ablest, certified and most experienced companies should be given contracts rather than circulating these among a few Saudi companies even though they don't have that kind of updated competitive qualifications, experience and certification. For the inspection and monitoring of their work another set of similarly qualified, experienced and certified companies should be appointed. In the world there are 56 Muslim countries and even apart from these there is no dearth of Muslims that match the best in the world and they'll surely consider such service as a spiritual boon.

## **TARIQ BIN ZIYAD'S LESSON: SELFLESSNESS AND COURAGE ARE THE ONLY HOPE**

The Rock of Gibraltar is strategically located at the southernmost tip of the Iberian Peninsula. From the Muslim world's homeland, it is the gateway to Europe. Geographically it is a part of Spain but for a couple of centuries it has been under the British sovereignty. The word 'Gibraltar' is an anglicized version of Jabal-al-Tariq (The Rock of Tariq). Earlier, it was known as Mons Calpe, one of the Pillars of Hercules.

The Government of Gibraltar's website ([www.gibraltar.gov.gi](http://www.gibraltar.gov.gi)) says that following the death of the prophet Mohammad (pbuh) a wave of Islamic conquest overran North Africa from Arabia. By 710 AD it had reached the shores of the Strait and Europe was poised for the Islamic conquest. Wikipedia (The Free Encyclopaedia: <http://en.wikipedia.org>) quotes the historian Ibn Khaldoun saying that Tariq Bin Ziyad was from the Berber tribe of Nefzaoua, a particular branch of the Oulhasas, that live to this day on the banks of Oued Tafna, in today's Algeria. He was a brave General under Governor Musa Bin Numair in the reign of the Umayyad Caliph Al-Walid I.

**After landing on the Rock, Tariq ordered his ships to be burnt and then, standing on the Rock, said to his soldiers:**

Oh my warriors, whither would you flee? Behind you is the



sea, before you, the enemy. You are now left with only the hope of your courage and your constancy. Remember that in this new land you are more unfortunate than the orphan seated at the table of the avaricious master. Your enemy is before you, protected by an innumerable army; he has men in abundance, but you, as your only aid, have your own swords, and, as your only chance for life, such chance as you can snatch from the hands of your enemy. If you delay to seize immediate success, your good fortune will vanish. Do not believe that I desire to incite you to face dangers which I shall refuse to share with you. In the attack I myself will be in the fore, where the chance of life is always least.

Remember that if you suffer a few moments in patience, you will afterward enjoy supreme delight. Do not imagine that your fate can be separated from mine, and rest assured that if you fall, I shall perish with you, or avenge you. The Commander of True Believers, Alwalid, son of Abdul Malik, has chosen you for this attack from among all his Arab warriors; and he promises that you shall become his comrades and shall hold the rank of kings in this country. Such is his confidence in your intrepidity.

Remember that I place myself in the front of this glorious charge which I exhort you to make. If I perish after this, I will have had at least the satisfaction of delivering you, and you will easily find among you an experienced hero, to whom you can confidently give the task of directing you. But should I fall before I reach to Roderick, redouble your ardor, force yourselves to the attack and achieve the conquest of this country.

The Muslim armies swept through Spain and, in the summer of 711, won a decisive victory when King Roderick was defeated and killed on July 19th at the Battle of Guadalete.

The Musa-Tariq duo would have easily conquered the whole of Europe. There was none to stop their advance, but Providence meant otherwise. While planning the conquest of Europe, they received summons from the Caliph. Observing discipline, they

immediately arrived in Damascus where after Tariq died. Yet, the Muslim conquest of Spain opened a new era for the Peninsula. It brought about a societal catharsis in which the freedom of religion was fully recognised. The intolerance and persecution of the Christians gave way to tolerance and large-heartedness. The captured Christian cities received favourable terms that were honestly observed. Individual aberrations by the Muslim soldiers were severely dealt with. No properties were confiscated. Rather, Muslims introduced a meticulous system of taxation, which soon brought prosperity to the Peninsula and made it a model country in the western hemisphere. The Christians were allowed to have their own judges to settle their disputes. All communities had equal opportunity for entry into the public service. This wise and generous administration of Muslim rulers had its positive effect. The Christians who had first left their homes in terror came back and passed a congenial routine of life.

Ever after the Muslim rule ended in Spain, sovereignty over Gibraltar has been subjected to a tug of war between the powers that be. Ultimately, the British sovereignty was recognized by Spain by the 1713 Treaty of Utrecht. Great Britain has retained sovereignty over Gibraltar ever since, despite all attempts by Spain to recapture it. Later, Gibraltar's strategic value increased with the opening of the Suez Canal, as it controlled the important sea route between the UK and colonies such as India and Australia. During World War II, the civilian residents of Gibraltar were evacuated, and the Rock was turned into a fortress. An airfield was built over the civilian racecourse. Guns on Gibraltar controlled the entrance to the Mediterranean Sea.

It is vital that the upcoming generations get to know about the achievements of the yester centuries' great men. Also the grownups have to take lessons there from. If Tariq would have so decided, he could have simply basked in the glory of the Caliphate. But he chose to live dangerously on a volcano, for God's pleasure. Though

we are not confronted with any such situation, knowing about great lives must be an occasion for soul searching. Are we doing what God expects us to do? Are our lives too much concentrated around ourselves and our families? Do we think that are doing enough for others? Does our conception of 'enough' match with God's conception?

## **FLOODED KASHMIR: A FORTNIGHT LATER**

**26 Sep. 2014**

Kashmir has once again been vitiated - now by the Nature. There has already been recent history of adversities of different hues. The poor Kashmiris somehow continue to be at the receiving end: from the times of the Maharaja's self-centered rule to the couldn't care less attitude of the successive chief ministers to the demoralizing militancy since 1988 to the hurting earthquake of 2008 to the drowning floods of 2014. For centuries the societal actors have only been enjoying Kashmir's cool and panoramic beauty but have hardly invested into the infrastructure, basic amenities of life, educational facilities, connectivity. There has always been a feeling of an unfortunate inherent bias at the other end.

As per general perception, out of 2.5m of the people in Kashmir valley about 1.5m have been adversely affected in different ways by the floods of September 2014. At the peak adversity during 8-15 Sept water level in the capital city of Srinagar hovered around 14 feet and much higher in the southern parts of the valley. Loss of human lives due to inability to rescue oneself in time is anybody's guess. The Government says it is a little above 200 but that too must be a guesstimate as real survey can be possible only after a few days when the water fully drains off everywhere. Similarly, as

per the Government announcement, the number of persons that got stuck on upper floors of their houses began from 600,000 and kept on going down in later days as the Defence Forces' choppers and boats kept on rescuing them.

On Sept 10 itself Zakat Foundation of India [ZFI: ZakatIndia.org] had realized that the Central Government needed to directly supervise the rescue & relief operations rather than leaving these to the provincial government as the former is in a higher command and is better equipped; also the number of choppers and boats deployed by the Government had to be hiked several fold. ZFI members & others staged a sit-in demonstration near the seat of Government in New Delhi and submitted their memorandum to the prime minister. That was covered by electronic & print media. It paid off. In 24 hours both the demands were accepted by the Government.

For ten days to two weeks the ground floors of all houses in 60% of different areas of the valley were fully under water and in many cases even a portion of the first floor. Now, after two weeks, 80% of the water has drained out and about 2-3 feet high water remains in different areas. When the ZFI truck laden with supply bags reaches these areas and wades through the water the waves so created are, at times, sufficiently forceful to fell the walls of the adjoining houses that have become brittle due to being inundated for 10 days or more. Animal carcasses have been adding to the pollution woes; later, many of these have been dissolved through chemicals under specialized government supervision after ZFI advocated this at high level.

As the efforts of the Government agencies had limitations of time, human imagination, internal coordination and financial constraints - yet hundreds of thousands desperately needed help every moment - we at Zakat Foundation of India sprang into action since Sept 8 itself. We scouted around India's coastal cities and were able to purchase nine inflatable rubber boats that could

accommodate 10 persons each and got them airlifted to Srinagar where our team had arrived in advance. We also got airlifted 100 life saving jackets. We recruited about 30 local volunteers and provided 18 hour rescue support daily for 15 days.

Thus, ZFI has been instrumental in saving about 6,000 persons' life and shifting another 9,000 out of helpless loneliness. Besides, ZFI has been airlifting about 20 cartons of supply daily from New Delhi to Srinagar and distributing these among the people that remained trapped for two weeks or so. These cartons have been carrying drinking water, torches, batteries, candles (the valley had no electric supply for ten days), cereals and oil, milk, sugar, tea, dates, medicines & surgical items, sanitary napkins, chlorine tablets for cleaning water, phenyl, blankets, etc. Doctors have been deployed. ZFI has been working in these colonies of Srinagar: Tangpur, Hamdaniya, Numbrish, Firdausabad, Sarsadbad, Qamarwadi, Batmalo, Bal Garden, Kiran Nagar and many more. We've also gone to South Kashmir.

Now the work of rehabilitating half a million people who have practically become internally displaced persons (IDPs) is a huge challenge. The valley needs to be cleaned up and disinfected. Most of the houses have to be re-built or reinforced. In the intervening period alternate accommodation and plastic sheets / mattresses / quilts / blankets are to be organized for tens of thousands. Cleaning up and restoring the normal utility of places of worship is ZFI's priority. ZFI teams are still working in Kashmir and will continue to do so till needed.

## **JUDICIAL DIRECTIONS TO ESTABLISH WINTER SHELTERS:**

**We salute & urge the court to include  
Jammu & Kashmir and Uttarakhand**

**02 Nov. 2014**

Yesterday, the Supreme Court has directed the governments of five northern states (UP, Delhi, Haryana, Rajasthan and Himachal Pradesh) to build sufficient number of shelter homes for homeless people ahead of the upcoming winter season. Sending a stern warning to the state governments, a bench headed by Chief Justice H L Dattu said the states will have to face consequences if they fail to put shelter homes before the onset of winter. 'We will be very harsh to you if the shelter homes are not ready,' the bench said. I join the nation in saluting the Supreme Court for its compassion and benevolence.

The bench was hearing a PIL seeking its direction to governments to build shelter homes as many homeless people die due to cold in winter. The bench said that it will send court commissioners to find out whether the governments have set up night shelters or not. The apex court had earlier passed a series of orders for providing shelter to homeless people saying that right to shelter is a fundamental right.

The apex court said that nothing is more important for the state than to preserve and protect the lives of the vulnerable, weak, poor and helpless people. The threat to life is particularly imminent in the severe and biting cold winter, especially in the northern India, the court added.

We are, however, aware that the coldest place in north India is Kashmir valley and the second coldest is Uttarakhand. As I write this (Nov 1) the normal temperature in Srinagar is hovering around 16 degree Celsius - lower than any other state capital of north India; during Dec-Jan, as per the international weather data portal AccuWeather.Com, the average temperature in the valley goes down to 8 to 3 degrees. As against that, the average temperature in Mussoorie & Shimla now is 19 degrees while during Dec-Jan it goes down to 15-10 degrees. Thus during the winter season the weather conditions in Uttarakhand remain broadly like those in Himachal Pradesh; together, after Kashmir valley, these two states remain second coldest. Needless to add, per capita GDP of Uttarakhand & Himachal Pradesh is almost double that of Jammu & Kashmir. On the other hand, during winter season, the temperature in Delhi, UP, Rajasthan and Haryana remains higher than Kashmir valley by 15+ and then Himachal Pradesh & Uttarakhand by 7+ degrees.

Also, there have been recent floods in J & K which have frozen even the necessities of life including homes, beds, mattresses, blankets, quilts and hearth etc. Moreover, the attention and resources of the J & K and central governments has now been diverted to preparing for the polls that should have been postponed till after the winter season is over.

In view of the absolute paucity of time caused by the imminent onset of the fast approaching cold weather on the hills, we would respectfully urge the Hon'ble Supreme Court to kindly treat this write up as PIL and (a) include the states of J&K and Uttarakhand in the list of states to whom directions have been issued by the



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Supreme Court to establish winter shelters for the needy. (b) Direct the central and J&K Governments to ensure not only shelter but also warm beddings, warm clothes (pharons) and other basic necessities of life to the tens of thousands of people of Kashmir who got deprived of these amenities due to recent floods. (c) Direct the authorities that the hundreds of government houses that remain vacant in the valley during the winters when the state government Darbar shifts to Jammu should be allotted to those people of the valley who otherwise cannot be readily provided with warm shelters and (d) in order to facilitate the implementation of these humanitarian instructions, direct the Election Commission to postpone the J & K state elections till April 2015; Delhi's is a case in view where elections are being postponed for several months in row, though not because of any natural disaster.

## **SAIYID HAMID**

**Mard-e-Darvesh**

**12 Feb. 2015**

Forty years ago it was Eid in 1975, a day earlier was our civil services exam paper in UPSC at Shahjahan Road, New Delhi. Next day was to be another paper; so the festival was sandwiched between two papers of civil services. We walked for Eid Namaz to the Parliament Street mosque, came back and resumed studies expecting the usual aloo ki sabzi and roti from the kitchen for which too we were grateful to God and the organizers of our trip to the capital. We had hardly re-settled on our desks that we could see his self-driven old model Fiat car entering our gate. His children alighted the car holding one big dish each and their Ammi the third one. They brought for all of us home-made siwaiyan, kabab and biryani. He made our day memorable, while his friends, relatives and usual battery of visitors at home would have had to wait. He not only caused us momentary happiness but also gave us life long lesson in high morality and outstanding conduct. He was the then Secretary to the Government of India, Saiyid Hamid.

I learnt from him to be the first to say Salam; he always managed to do so unfailingly while he was more than double my age and quite superior in governmental hierarchy. After a few years it transpired that he was faithfully practicing what Prophet Mohammad (pbuh) had prescribed for mankind. Later in life

whenever I and my wife Nazira came out after a courtesy call on him and Begum Suraiya Hamid he would always escort us out upto the car and would habitually embarrass us opening the car door for Nazira. During journeys I found him to be extra-respectful even to the fellow stranger ladies. He unfailingly treated Begum Hamid as God's special gift to him - with extreme courtesy, affection, care and consideration.

During 1981-84 in the Income-tax Department at Aligarh I had my office-cum-residence at Marris Road. He was AMU VC. Begum Hamid opened the portals of the VC Lodge to personally run a crèche. Our eldest son Kashif was less than three years. He went to the crèche everyday receiving best possible attention that a child could receive at that age. More than that no discussion or interaction ever took place between us regarding Saiyid Sahab's running of the University, even though they sporadically obliged us through their affectionate visits to Aaykar Bhawan. Yet, I had earlier passed a coveted decade in AMU as a student and then as lecturer, thus was having a wide circle of friends on campus. From them I used to know what all revolutionary steps Saiyid Sahab was taking

For selecting a really meritorious hockey team he invited the wizard, Dhyan Chand. Letters received from within India and abroad inviting papers for presentation at conferences were no longer passed on to the HOD concerned and, instead, were circulated by the Registrar through Notice Boards on campus. Papers were invited by the Registrar Office, were got vetted through a team of external experts and the one who submitted the best paper was sponsored by the University. Long leave of the teaching staff who had gone abroad for years together, yet retaining the post in AMU (and, in the process, compromising the teaching standards during their absence) was cut short and notice was served on them to join back within a reasonable period. Admission of the students residing in the hostels for longer than a given number of

years was discontinued. Grabbing the University contracts no longer remained the prerogative of an 'influential' coterie.

Thus, the institutional running of this great seat of learning was overhauled. In the process Saiyid Sahab did have to bear the wrath of many with vested interests. But he valued long term community interests much more than short term personal ones. After completing his tenure at AMU - coupled with his high bureaucratic clout at national level - it was easy for him to grab a gubernatorial assignment and pass the rest of his life in maximum luxury at public expense in the precincts of sprawling Raj Bhawans cutting ribbons and inaugurating exhibitions. But he chose to be different and made his own niche in Jannah. He managed to personify God's message given in Surah Al-Asr (103.1-3): Indeed, mankind is in loss, except for those who have believed and done righteous deeds and advised each other truth and patience.

During his tenure as senior most member of the Prime Minister's High Level Committee on Muslims (later known as Sachar Committee) his role was like an elder statesman. Before and after the meeting he would sit on the sofa in my room devoting every minute on discussing how best to ensure honest appraisal of Muslim status in India and make most meaningful recommendations. Moving to the Board Room he would mostly keep silent during the meetings but would very minutely observe and follow the discussion. Whenever the situation so warranted he would put his foot down even though maintaining his usual highly sophisticated low pitch eloquence. Many significant additions to the Sachar Report emanated from his specific notes submitted to Justice Sachar who valued his counsel and would invariably approve their circulation and incorporation. Restoration of justice to the Ummah was very close to Saiyid Sahab's heart. For that sake he would not mind bearing even ignominy at the hands of an inferior being.

His Urdu was flowery, his English stylish, his syntax amusing. He would never deliver a talk without carefully preparing for it.

His discourse was based on well studied substance punctuated by properly selected words and phrases. His speeches as well as writings were lessons in more ways than one. For summing up his life we must take recourse to Allama Iqbal:

*Qaumon ki taqdeer wo mard-e-darvesh*

*Jis ne na dhoondi sultaan ki dargaah.*

(Destiny of the communities is enriched by those selfless and self made individuals of high calibre who do not seek personal favors from the powers that be.)

May Allah bless him and Begum Suraiya Hamid with high pedestal in Paradise. May hundred flowers bloom... of his ilk.  
Aameen

## **TAJ MAHAL'S SPIRITUAL MESSAGE**

**13 January 2018**

Taj Mahal is known all over the world for its singular beauty and as a symbol of ardent love. But, the third aspect of its celestial revelatory panorama remains mostly obscure from the public cognizance.

2. On the gigantic double arches in all four sides of the Taj facade, carefully selected verses from the holy Quran are calligraphed each beginning from lower right side going all the way up, running to the left and creeping down till the left lower side. The calligraphy is made by jasper inlaid in white marble panels. Higher panels are written slightly larger to reduce the skewing effect when viewing from below. Inside the main chamber also such verses as well as ninety nine Arabic names of God are inscribed.

3. From the mausoleum's 223 feet height and 112 feet width one can make out the dimensional enormity of the eight marble arches on which the Quranic calligraphy is inscribed. Additionally there is similar marble inscription around the outer red stone gates each of which is 70 feet high.

### **Adam, other Messengers and Books**

4. As per the message mirrored by Taj Mahal, Adam was the first man and the first messenger of God. As humanity progressed,

God appointed fresh messengers in different parts of the world and in various phases of human history. To some of them He revealed His message that can be broadcast in the form of a scripture.

5. Each such message was meant for the entire humanity though these were clothed in the respective local languages of the recipient communities. Quran is in Arabic which was the language of Prophet Mohammad (peace be upon him) and his contemporaries in Arabia. Names of some of the earlier messengers and books have been mentioned in the Quran and many have not. Twenty-five messengers and three revealed books are mentioned by name.

6. When chronologically appraised, the list of messengers begins from Adam and includes, among others, Abraham, Isaac, Ishmael, David, Jacob, Joseph, Moses and Christ. The books mentioned are Psalms, Old Testament and New Testament. Yet, God says that the human beings should believe in and revere all the messengers and all the revelations. This injunction verbatim forms part of the Quran (2.285).

### **The Preserved Tablet - Sanctum sanctorum of all revelations**

7. It is understood from Quran that even before God created life outside the heavens, He caused to be written, in what is known as the Protected Tablet (Lauh Mahfooz), His grand comprehensive message that was set to be revealed to humanity - intermittently and repeatedly - through a battery of messengers during the millennia to come. On the eve of beginning the earthly creation, this comprehensive message was brought down to the worldly sky. From there, it was revealed to God's messengers at various global locations in different languages, many times over, in different phases of human history. Thus, the Preserved Tablet is the sanctum sanctorum of all revelations.

**Purpose of creating humanity**

8. God goes on to explain that humanity was created by Him to test the comparative levels of righteousness among the human beings, or absence thereof. Worldly life is temporary and insignificant, it is only a trial. The award or punishment for good or bad deeds done here will be given in the next life which will be everlasting and permanent. The final dwelling place will be either Heaven or Hell. That would be decided on the Day of Judgement when all human beings will be resurrected.

9. The moral of the story is that the human beings should try to be more and more righteous during their limited tenure in this world.

**Shahjahan's service to mankind**

10. This realization seems to have intensely dawned upon Emperor Shahjahan after the immature death of his beloved queen. So, in addition to creating a long lasting memorial for her - in brick, mortar and marble - the monarch also used the edifice to telecast his supernatural realization for the spiritual pleasure and benefit of the upcoming generations of humanity.

11. He expanded his architectural project to include imparting to the millions of prospective visitors to the shrine - and today's online surfers sitting in the cozy comfort of their houses and offices the world over - some nuances of God's Message to humanity. Proper appreciation thereof is sufficient to keep the day to day activity of human soul altruistically attuned toward the service of the fellow creatures, elevating it to a level much above the confines of mundane passion.

**Bill Clinton on Taj Mahal**

12. President Bill Clinton had once said that there are two kinds of people in the world, those who have seen the Taj Mahal and those who haven't. But, even Clinton didn't know that appreciating



mere marble beauty is not the full realization of the Taj. Its intrinsic beauty is the Beauty of God manifested through its widespread Quranic calligraphy that was created by the Persian calligrapher Abdul Haq who came to India from Shiraz, Iran, in 1609. Shah Jahan conferred the title of "Amanat Khan" upon him as a reward for his dazzling virtuosity.

13. In the coffee table book published in 2018 by Zakat Foundation of India umpteen specific camera views of the Taj Mahal have been presented that focus the calligraphic beauty of the wonderful monument. Along side each photo view the theme of the Quranic engraving has been briefly summarized. For this purpose cues have been taken from well known translations and commentaries; may God bless the noble authors and their associates. Some of these divine injunctions are given as follows.

#### **Code of conduct for human behavior**

14. Among the Quran's chapters enshrining the Taj is Surah Ikhlas (ch 112) which establishes the Oneness of the Creator i.e. the doctrine of Tawhid. It says that God is without equal, without origin and unlike anything else that exists. The fourth line, 'Nothing is like Him' is a fundamental statement of 'tanzih' i.e. divine exclusivity and inimitability - God as the incomparable. This surah was also inscribed on the Dome of the Rock at Jerusalem by Abd-al-Malik ibn Marwan .

15. In Surah Al-Takvir (ch 81) female infanticide has been declared punishable. Besides, through many Surahs the divine scheme and code of human conduct have been elucidated. The scripture say: God has breathed His spirit in each one of the human beings (38.72) casting duty upon him or her to imbibe some godly qualities. Over every possessor of knowledge there is one knowing more (12.76); thus nobody should be proud of what he knows.

16. God likes us being good hosts (12.59). God also likes prostration as expression of thanks to Him (2.58). In an individual's

wealth his needy relatives have a right (17.26). Contracts must be fulfilled, these will be asked for (17.34). On the day of judgement no intercession will be accepted from anybody (2.48). One should fear only God, none else (16.51, 27.10, 28.31).

17. God talks of His great plan of networking the holiday humanity into prophetic communities and books to many of them (2.38). Before accepting a supplication God wishes the believer to exhaust all worldly effort (2.60). One is under divine command to lower the wings of humility to the parents (17.24). Before advising others for righteousness one should practice it oneself (2.44).

18. Out of one's earning and wealth one should keep for self only as much as is required for comfortable life, balance should be incurred on others' well being (2.219). Extended family and neighborhood are basic units of society for utilitarian proactivity (2.177, 4.36, 17.26, 30.38, 33.6, 47.22). Wealth must keep on circulating in the society rather than remaining confined in a few hands (59.7). Duly observe the rights of the wombs that bore you (4.1). God helps those who help His cause (22.40).

19. Thus, a visit to the Taj should not be limited to appreciating its temporal charm comm.-emorating somatic love between two humans but it should encompass learning and cherishing the divine injunctions inscribed on the monument and thus imbibing qualities of head and heart thus making oneself a better human being and a more useful world citizen.

### **Nigaah-e Shauq**

20. As per the Poet of the East, Dr Sir Mohamad Iqbal:

*Kuchh aur hi nazar aata hai kaarobaar-e jahaan*

*Nigaah-e shauq agar ho shareek-e beenaee.*

One finds the world to be an altogether different  
phenomenon,

When one includes Nigaah-e-Shauq in one's canvas  
of perception.

(Iqbal's concept of Nigaah-e-Shauq means perceiving Godly  
design in all that one sees.)

## **INDIA ISLAMIC CULTURAL CENTRE - 1981-1982 - GENESIS, AIMS & OBLIGATIONS**

At Aligarh's Marris Road the sprawling Government of India Complex spanning eleven thousand square yards used to be my office-cum-residence when I was heading the Income-tax Department there during early 1980s. One of my celebrated family guests visiting us there in 1981 was Chaudhary Mohammad Arif who had taken premature retirement from his job as senior research officer in Indian Council of Agricultural Research, New Delhi. I had known him from mid 1970s when he had put together a delegation of Delhi's well placed Muslims and had brought them to AMU where PG toppers of different academic streams were invited in Kennedy House for an interaction. As a result, I and many others had got motivated to write the UPSC's Civil Services Examination.

### **Chaudhary Mohd Arif's initiative**

2. Subsequently, during our stay in Delhi for the UPSC Exam, Arif Bhai organized our stay at 11, Mahadev Road which was the official residence of Chaudhary Tayyab Hussain, Member of Parliament from Mewat. We used to offer our Friday prayer at the nearby New Delhi Jama Masjid adjoining the Parliament House. After the Namaz we curiously watched Arif Bhai standing alone

delicately hanging in his neck a big self written placard that read: "We are going to establish India Islamic Centre in Delhi, please help".

### **Galaxy of Muslim Intellectuals**

3. In 1981 at Aligarh, Arif Bhai reminded me of his Islamic Centre plan and invited me to be its founder member; considering this as an honor, I complied instantly and also roped in many accomplished Muslim businessmen and professionals to donate for this noble cause. He had persuaded the likes of Mufti Atiqur Rahman, Badruddin Tayabji, General Shahnawaz, MWK Yusufzai, Chaudhary Tayyab Hussain, Saiyid Hamid, Sayeedus Shafi, Yusuf Siddiqi, Hakim Abdul Hameed and Justice Hidayatullah and through their good offices and/or financial support (taking advantage of the turn of the Islamic Hijri Century) got two Govt bungalows allotted at Lodi Road. At PM Indira Gandhi's suggestion the word 'Cultural' was added to the proposed nomenclature.

### **The First Decade - Productive utilization for empowerment**

4. During its first decade Arif Bhai literally remained the sole personification of India Islamic Cultural Centre - mostly left high and dry - yet he practiced Prophet Mohammad's (peace be upon him) teaching Al-Faqr-o-Fakhri (I take pride in keeping myself deprived) and homoeopathically stimulated the community's self-regulating mechanisms to initiate the healing process. He turned adversity into opportunity discovering promising boys from all over India, accommodating them in IICC bungalows and organizing for them some sort of coaching (including asking serving civil services officers like me and many others including Jannat Hussain, Rajen Khwaja, Noor Mohammad, Naved Masood, A. L. Khan, Siraj Hussain, Ahmad Saeed Khan, the Ghauri brothers, MNA Chaudhary and Khwaja Shahid - to occasionally speak to them) to prepare them for different competitive examinations usually of groups B and C. Thus close to two hundred

youth were able to join the hierarchy of Government and the public sector at different levels.

### **1993 Strengthening of Guard**

5. After completing my tenure as First Secretary / Consul (Haj) & Director of Indian International Schools, I returned from Saudi Arabia and in 1993 joined as Additional Commissioner in Delhi. That year itself the new IICC Team had to be elected. There were hardly any takers. Not many were interested in two old dilapidated bungalows with little funds (only rupees forty lakh including bank interest) burdened with the responsibility of raising funds and seeing through an 8-10 crore project. Arif Bhai again told me that I've to devote my time and resources and I readily agreed to undertake this stupendous task, started spending there several hours daily as Trustee, Treasurer and later also as Deputy Director General.

6. In fact the new team had been unanimously elected at the general body meeting by raising of hands followed by clapping. The suave former First Lady Begum Abida Ahmad was elected as President and Mohd Fazal was appointed as Director General, of course Arif Bhai remained the perpetual Secretary. Some Trustees like Shafi Qureshi, AR Kidwai, Chaudhary Tayyab Hussain, Najma Heptulla, Rafiq Alam had obligations of statecraft. The executive committee (members & special invitees) included Abrar Ahmad, Sirajuddin Qureshi, Eesa Shafiq, M. A. Haq, B.P. Maurya, Wajahat Habibullah, Safdar H. Khan, Naved I. Khan and (by virtue of office) myself, Arif Bhai and Mohd Fazal. The Government Nominees (during two consequent terms) included Habiba Kidwai, A. H. Rizvi, Ishrat Farooqi and Tariq Anwar.

### **Moosa Raza's entry & role**

8. After about a year Mohd Fazal expressed the desire to be relieved as DG be-cause of some personal reasons; yet even during his short tenure the magnificent boundary wall of IICC was constructed that still adorns its exteriors. Also, the IICC's

Memorandum of Association was got firmed up procuring ratification by the General Body. Meanwhile, we the Trustees internally mulled over whom to bring in as the new DG so that the construction project takes off. Our choice converged on Moosa Raza who was then at the fag end of his service career and was working in the Govt of India as its Secretary in the Ministry of Steel. We met him in his office and placed the offer. He readily agreed but wondered as to how it would happen to which we said, "leave that to us". Personally I typed a letter from the side of Begum Abida saying that it is proposed to appoint Moosa Raza as director general and if any trustee has any other views he should write back within fifteen days; Begum Sahiba signed the paper which was circulated among the trustees. On the sixteenth day, I typed another paper saying that Moosa Raza is appointed as DG (despite not having been a Member or elected Trustee), Begum Abida again obliged us.

9. Moosa Raza measured up to our expectations, generously and valiantly using his personal contacts in India and Dubai to raise funds. After obtaining the statutory approvals of New Delhi Municipal Committee, Delhi Urban Arts Commission and Delhi Fire Office, the project was started full steam and by 2003 when we completed our second term and laid down office 91% of the civil work of the three storied building, 88% of the electrical work, 98% of sub station, 73% of fire fighting, 100% of Elevator, 94% of air conditioning, 100% of water proofing, 100% of tube-well, and 100% of high tension connection had been completed. Specially manufactured tiles had been procured from Iran, these had been got released from the Customs Department through the intervention of the External Affairs Ministry and had been stacked in the IICC. These had to be fixed on the facade and the tomb by the Iranian experts whose arrival was then awaited. As on March 31, 2003 the IICC's audited balance sheet showed its Assets valued at Rs 8.25 crore. Out of this Rs 4.65 crore was given by B. S.

Abdur Rahman & his group, 90 lakh by Sultan Qaboos of Oman and many other donors included Sirajuddin Qureshi (51 lakh). Over this ten year period 35 meetings were held of Board of Trustees, Executive Committee, Building Committee and Progress Review Committee; all proceedings were duly minuted. Letters were issued to the prime minister, party presidents and others seeking financial help. All this information is based on official documents.

### **Meeting Extraneous Challenges**

10. We did also have our share of envious inroads. Somebody sitting somewhere in the Archeological Survey of India got a bright idea and issued a notice to IICC saying that its building had been constructed within prohibited limit around the main tomb in the adjoining Lodi Garden threatening to pass an order to demolish the IICC building. I got the actual distance from the Tomb measured upto all buildings that had come up around it - including IICC, India International Centre, Ford Foundation and World Wildlife Federation and found that our distance was shorter than all other buildings which had been constructed before ours. Thus, I wrote back to the ASI graphically showing these comparative distances and the respective dates of the construction of all buildings. The ASI officer frantically phoned, came running to me and deeply apologized. The license was soon issued to us.

11. The NDMC's property tax department also had its naughty forays. It wanted to water down the IICC's exemption status. I studied the file, made out strong counter arguments supported with necessary documentation, personally appeared before the Advisor (Taxation) and reiterated my arguments. Consequently, he revised his stand in favour of the IICC. During one of such visits to NDMC, Begum Abida's son Advocate Badar Durrez Ahmad agreed to accompany me; he later worked as Judge in Delhi High Court and recently retired as Chief Justice of Jammu



& Kashmir High Court.

### **Programs Organised 1993-2003**

12. Even while the building was under construction we had got erected temporary auditorium and seminar rooms; also the huge open space was repeatedly used to organize events by the IICC in pursuance of its aims and objects. At the IICC seminar on 'Islam for Peace' ex PM I. K. Gujral was the chief guest. The well thought out themes of umpteen other IICC programs included Importance of Madarsas, Vocations for Indian Muslims, Latest Cultural Trends in Middle East, Women's Empowerment in Indonesia, Human Rights in Islam, Muslim Agenda in the 21st Century, Role of Civil Services in Nation Building, Future of Islam in Bosnia, Muslim Minority in Britain, Constitutional Humanism, Rise of Information Technology, etc. Senior officers of various Govt departments were invited to the IICC to conduct workshops of how to fill up application forms for taking scholarships, skill development training etc under the Govt schemes. Besides, the IICC used to regularly organize hugely attended (thousand plus audience) events of Eid Miladun Nabi, Iftar, Diwali Milan, Christmas, AMU Alumni get together etc. Interactive sessions were held with Supreme Court Judges, Ministers, CMs, Governors, Ambassadors, Vice Chancellors, Professors, Advisors, film personalities including Dilip Kumar and many others. Arif Bhai used to separately organize in Old Delhi the Annual International Quran Recitation program.

### **2003-2018: Interiors done up, facilities streamlined**

13. During the last fifteen years (2003-2018) bank loan was taken, interiors were done up, final touches were given to the IICC's infrastructure and its facilities were streamlined and these became self propelling; thus the bank loan was paid off. President Siraj Qureshi's and some other NGOs organized some welfare programs in IICC. Muslim and other festivals were celebrated

and dignitaries were received. There is a move even to expand the IICC building skyward and probably open branches outside Delhi. So, the hardware has surely been going strong. Now greater emphasis is required over IICC's software that is proper understanding of its primary objective and organising programs for its implementation.

### **The missing Civil Services wing**

14. Article 3(c) of the IICC's Memorandum of Association makes it incumbent upon it to promote economic, educational, cultural and social advancement of Muslim community in India so that they, with their fellow countrymen, contribute effectively in making India into a great society. Thus, the vital purpose of establishing IICC includes empowering the Muslim community by facilitating its proportional representation in India's governance. In order to achieve this purpose, as per the architectural designs, the entire eastern wing of the basement floor was earmarked for accommodating most meritorious Muslim candidates who should be selected through a transparent system of pure merit as assessed through a professionally conducted selection process. These candidates were to be provided appropriate coaching as well as a serene atmosphere and wherewithal for self study. However, this fundamental purpose of IICC is yet to be accomplished while there is no dearth of the required talent in the Muslim community.

15. The Indian Prime Minister's High Level Committee on Muslims (later known after its chairman as Justice Sachar Committee) had documented in November 2006 that Muslims are lagging behind every other faith community in social, economic and educational fields because of thorough under-representation of the Muslim community in India's governance. Incidentally, as OSD, I was the PM's man in this Committee so that its work could be facilitated and fast tracked. My periodical reports travelled to him through his secretaries particularly including Jawed Usmani

to whom too the nation owes its obligation; later he was chief secretary in UP and is currently chief information commissioner of the state.

### **Muslim under-representation in elected bodies**

16. In the Lok Sabha (lower house of parliament) elections are held every five years for 543 seats. The Census of India 2011 says that at the national level Muslims comprise 14.2 percent of the total population. At this rate there should be 77 Muslims Members in Lok Sabha. But ever since the first Lok Sabha that was elected in 1952 till date the average number of Muslims in Lok Sabha has been less than 25. The situation is still worse in provincial assemblies. The Justice Sachar Committee revealed that the basic reason for this lack of Muslim representation is that Muslim predominant constituencies of Parliament and provincial Assemblies have been earmarked and reserved for 'Scheduled Castes' even though SC population in such constituencies is negligible.

### **Violation of Delimitation Act**

17. This is in gross violation of Section 9(1)(c) of the Delimitation Act which mandates that those constituencies shall be so earmarked and reserved where the population of scheduled castes is highest in the State. Such (faulty) delimitation is also done by the Civil Service officers who don the mantle of election commissioners. That is why all the more it is the duty of the persons responsible for running the IICC to fulfill their mandated responsibility. Secondly, the Center needs to establish and institutionalize a mechanism monitoring the implementation of the Justice Sachar Committee's other major recommendations including the Alternative Admission Criterion for all universities & colleges admitting undergrad and postgrad students.

**Promoting Mutual Understanding**

18. The aims & objects of IICC include the following: To promote mutual understanding among the diverse citizens of India. To remove misunderstanding about Islam and its teachings. To promote an awareness of the ethos of the Islamic culture. To assist in the creation of an ethical society based on tolerance, universal brotherhood, love and charity. To promote mutual understanding and appreciation and amity between the people of India and those of the Islamic world, through a study of each other's past and present civilization, and a mutual exchange of knowledge and information relating thereto, and by providing facilities that would lead to a fruitful interaction between them and an appreciation of each other's contribution to world civilization.

19. Thus, the IICC should have a Committee of Learned Scholars and Successful Activists who should be given the job of shortlisting the programs that need to be launched by IICC in order to implement the above aims and objects. The Committee should also draw a time bound Annual Action Plan for implementing this agenda.

**Espousing Islamic Culture at home & abroad**

20. The IICC is duty bound to make institutional arrangements for enriching the relations of Indian Muslims with the rest of India through carrying forward the true Islamic culture to the whole nation. For this purpose the Centre must organize programs, conferences, seminars, exhibitions, group discussions etc. The Centre has to facilitate what we usually know as cultural diplomacy between the people of India and the Islamic world through exchange of academics, delegations, artisans, etc and that way help the Government of India in enriching its productive, fruitful liaison with the Muslim World.