



# IOS NEWSLETTER

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## Thought for the Month

Those who avoid  
Great sins and indecent deeds,  
Save lesser offences,-  
Verily your Lord is ample  
In forgiveness. He knows  
You well when He brings  
You out of the earth,  
And when you are hidden  
In your mother's wombs  
Therefore hold not yourselves  
purified:  
He knows best who it is  
That guards against evil  
Al-Quran-53:32

Al-Quran- 43:23-24

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## FOCUS

Now sixty-odd years old after emerging as a new country, separated from India and as a sovereign entity, Pakistan has evolved; it now has a much greater and sharpened sense of its 'Pakistanness', a more enhanced consciousness of it being a distinctly separate country from India, and not just in contra-distinction to India. Its induced and perpetual sense of hostility to India is now somewhat mellowed, it is more confident of itself, therefore, accommodative and is now ready to accept a greater understanding of the many onenesses and unities that bond India and Pakistan together. Or is it really ready? Dare I ask?

However, sadly, even this land for Muslims has not been the end of the journey. Pakistan went further along the path of Islamic exclusiveness, it opted to become an Islamic state, and this after having already separated on grounds of Islam. The country then adopted Sharia, as the foundational philosophy of its jurisprudence. From this to an acceptance of apostasy, as part of the law of the land was inevitable, equally so then would become the transference of responsibility for interpreting law from courts of law to maulvis in the mosques. Tragically, Pakistan chose terrorism as an instrument of state policy, to be employed as a tool of external aggression. However, nemesis had to visit upon such policy planks; that malevolent energy of terror, by whatever name you choose to call it, once unleashed had to turn back upon its own creator and to begin devouring it. This has now converted Pakistan into the epicentre of global terrorism, sadly, therefore, Talibanisation now eats into the very vitals of Pakistan. None of this was a part of Jinnah's dream of either 'Muslims as a separate nation', or that long sought after land of Pakistan.

Prof Rosalind O'Hanlon has perceptively observed that upon partition in 1947, Pakistan suffered also from disabilities inherited from the days of the Raj: 'Punjab having been from the 1860s to 1947 the garrison province of the colonial state, its farmers and landlords nourished by generous agrarian policies, its landlords unchallenged by the kind of rural movements for social change that emerged elsewhere in India encouraged by the Congress or socialist parties. At independence, therefore, the most powerful institution in Pakistan was the army, and in the wider society, the powerful landed classes'. And that is what has remained, largely, not just in Punjab, but in reality in the whole of Pakistan.

It is also ironic in the extreme that Pakistan, mid-wifed by the West, as a strategic outpost to safeguard their (own) interests, ought today, more than sixty years after partition be for them the West, a 'fearsomely chaotic and dangerous country' posing the 'greatest challenge to their (West's) security'; and this metamorphosis is not a consequence of any one factor alone, like Islamic terrorism, though, currently that is most frequently cited. On the contrary, it is a compendium of many accumulated grievances, a deep sense in the minds and hearts of the citizens of Pakistan that they have been repeatedly betrayed, wronged continuously, decade after decade since 1947 by the West, also often by India, and it is this that has made Pakistan not a strategic outpost of western interests but in reality a great threat to the West.

The Indian subcontinent, from Burma to Afghanistan had almost always been a natural 'common market' for the movement of goods and people. Partition was not just a geographical and emotional vivisection of this subcontinent, in fact it amounted to, sadly and totally unnaturally, fracturing this common market of trade, commerce, and a free movement of people, too. It turned Indians, in their own subcontinent, into refugees, and the movement of goods in this region acquired a new term – that of 'smuggling'. India in consequence clearly lost the most; its land and its people; plus its political, cultural and social unity was torn asunder, but then that was not of concern to the Quaid-e-Azam.

*Contd. on page 6*

## Activities of the IOS Headquarters

### Lecture on HIV/AIDS: A New Perspective

A lecture was delivered by Shri Purshothman Mulloli, General Convenor of the Joint Action Council Kannur, India (JACKINDIA) on August 20, 2009 on the topic, “genesis of HIV/AIDS and its impact on our society vis-à-vis Section 377 IPC” through a power-point presentation. Prof. Z.M. Khan, Secretary General of IOS, presided over this function. He praised Mr Mulloli and his team for their experience in field work. He maintained that this problem has become very acute, there is need not only to discuss but also to understand this problem. He said Mr Mulloli lecture is not only academically important but it also increases our awareness level.

Mr Mulloli explained how the issue of HIV/AIDS is being blown out of proportion by vested groups and how data are manipulated for the purpose. He made startling revelations as to how data was manipulated to secure a SC judgment banning domestic blood donors just to facilitate import of blood involving crores of rupees. He further submitted.

Due to the complexity and scope of this subject, we are touching the surface of just few of the many issues directly connected with HIV/AIDS, to explain how this so called “health crisis” operates as the most powerful tool for global control.

In order to truly understand AIDS, it is essential to look at it from the perspective of “global control”, that extends not only to control economies and natural resources, but a multi-dimensional, political, cultural & social control. A struggle for the establishment and control of new global systems and equations. More than any other issue, “AIDS” provides a unique and powerful tool of control in the hands of these neo-masters of the globe

The HIV/AIDS campaign has enlisted the support of governments, constitutional bodies, NGOs and all political parties (ruling and in opposition) – globally.

The HIV/AIDS paradigm cuts across all social, political and economic dimensions. It concerns everybody, providing a potential entry point to vital organs of the polity, like Industry, Youth, Judiciary, Sexuality, Parliamentarians, Traditional medicine, Marriage & Family, Education, Religion & culture, Sensitive regions like NEast, J&K, Tribal communities, Workers / labour, etc., including our national security agencies like the Armed Forces

Broadly speaking, this is managed in



Mr. Purshothaman Mulloli delivering his lecture

India through embedded...26,000 Consultants (at 50 \$ to 500\$ per day), 15 Media Houses, 200 top rung Bureaucrats, 60 Industrial Houses, countless NGOs, Judiciary, few dozen so-called “Celebrities”, few dozen non-entity Politicians, with any & every politician (President to Panchayat members) at their beck & call, churning out / endorsing carefully selected stories through trained journalists

In India, the Social Development Sector is a more powerful and effective tool for ‘global control’ than the Economic Sector.

Governments invest in social development because it is the foundation and the means for creating national wealth. In India, this sector has become the arena of exploitation and plundering of national wealth

Bilateral agencies in India contribute 2 to 6% of social sector investments in the country. This enables them to control policy, and directly take away 25% from the social sector budget, while generating billions of dollars worth business for the western world.

This has been achieved by introduction of a weapon called “draft policy”.

The process initiated openly 2 decades ago, has become a full fledged control mechanism, astutely managed with the active support of all governments. It portends a major crisis in our economy – and undermines the very survival of democracy in this country

It begins by identifying and supporting “suitable” groups and institutions to work on and draw attention to the “need for policy” in certain preplanned areas. Followed with publication of “studies” and research”, & formation of “experts” that support the desired policy directions and help build favorable public mindsets. Occasionally, these “draft policies” are endorsed by parliamentary committees, under the passed as law through Supreme Court Judgments. Already “landmark” Supreme Court Judgments over the last two decades, are documented witnesses of such manipulation, and over a 1000 ‘national’ draft policies have already been introduced in various sectors.

Anyone who questions policies introduced in the name of “social development”, is labeled as ‘anti-people’ or ‘non-progressive’. In fact, well meaning people are even cheering the bypassing of the democratic processes for hasty introduction of such policies.

For example, in the Health and Family Welfare sector (which is not a high priority sector), we have National policy on Malaria; National policy on Filaria; National policy on Kala Azar; National policy on Filaria; National

policy on Japanese Encephalitis; National policy on Dengue fever; National policy on Leprosy; National policy on TB; National policy on Iodine deficiency disorder control; National Mental Health policy; National policy on Blindness Control; National policy on HIV/AIDS; National policy on Oral Health; National policy on Micronutrient Malnutrition; National policy on Cancer; National policy on Diabetes; National policy on Cardiovascular disease; National policy on Guinea worm; National policy on Yaws eradication; National policy on Communicable Disease; National policy on Nutrition; National policy on Medicare for tribal & nomadic communities; National policy on Blood Banks; National policy on Sex Education; National policy on Sex Industry (1st Draft...)

All supported & promoted by captive consultants & experts and public funds via World Bank Loans.

And of course, on top of this there is also the 'National Health Policy', which states: "Under NHP-2001 it is planned to increase health sector expenditure to 6% of GDP, with 2% of GDP contributed as public health investment, by the year 2010". "And by 2005 to 2007, the States would be expected to double their budget allocations". Which means forced loans from World Bank, to be siphoned off through UN & bilateral agencies ... who also get to control vital policies. For example: The latest National AIDS Control Programme (NACP) Phase III, launched in July 2007 – with a World Bank loan of Rs. 11,000 Crore.

Let us take a look at how such policy & "reforms" work – with one example: *The Blood Bank "reforms"*

Blood Banks collect blood through human blood donors. Up to 1996, there were two types of blood donors, Professional (paid) donors; & Voluntary donors;

In the early 1990s, following 8 years of intensive public build up, a PIL was filed in the Supreme Court of India, seeking a ban on professional blood donors (who contributed between a third

to half of blood collections), as being carriers of HIV. In a "landmark judgment", in January 1996, the Court passed the order to phase out professional donors in 2 years.

Why? Because according to a "study" (just one), they were a "high risk group for HIV"

This was a study commissioned by the Health Ministry to Ferguson, one of the oldest firm of Chartered Accountants in the UK. Even this sole "study / evidence" was never submitted before the Court by the Petitioner. Nor was it available with the Health Ministry. JACKINDIA was able to get a copy of this study only from a public library in London.

*According to a survey, professional donors were the lowest risk group for*



A view of audience

*HIV!* In any case, banning a group of donors does not ensure blood safety. Safety standards are determined only by following transfusion safety norms

So who benefited from the ban?

The ban triggered enormous domestic blood shortage, resulting in massive demand for blood imports. From an import bill of blood products which annually hovered around Rs. 25 lakhs in early 90s – shot up to an estimated Rs. 2000 crores in early 2000s, with international experts placing the figure closer to Rs. 3000 crores! This was achieved by the collaborative efforts of the international agencies, NGOs, media and government officials.

The astute maneuverings to reap millions of dollars worth import business came at enormous costs to public health, resulting in unaccounted numbers of avoidable deaths.

Banning of groups of donors creates a mindset in which "Indian" donors are beginning to be perceived by general public as being unsafe. Indeed, no less than the Parliamentary Standing Committee 73rd Report on Dreaded Diseases (1998) (para 2.12), says that professional donors "have a very objectionable kind of lifestyle", that they "keep on donating blood once in fifteen days and once they get money they immediately go to a red light area"!

The blood shortage was further compounded through gross mismanagement of the sector and introduction of complex rules and policies resulting in Wastage and discouragement of voluntary blood donors, who were frequently turned away – even during crisis like the Kargil war, or the Bhuj earthquake – or discouraged under threat of disclosing their HIV status – and further banning of many more people of India (like convicts, rickshaw-pullers, low income groups etc.) as "high risk" for HIV/AIDS, and refusing to honor incentives extended to voluntary donors, etc. All accentuating critical blood shortage to cripple the country.

In order to tide over the blood deficit caused by the ban on Professional donors (who contributed almost half of total blood collections), it was made mandatory for relatives / friends of blood recipients to donate blood in replacement of blood transfused. Therefore, such "replacement donors" are currently providing more than half to two thirds of the blood collections. Therefore despite the disastrous blood management practices, the public somehow managed to survive the blood shortage crisis

But the blood safety campaign has already been claiming that "No blood is safe", and that HIV "Window period" makes it impossible to ensure all human blood is free of HIV. Government policies are clearly moving towards a ban of even replacement blood, and the creation of a massive, and captive market for the ultimate pharmaceutical product, i.e. "Imported Synthetic Blood", from the lone manufacturer – USA

*Thus we can see how such a seemingly small, so called "Reform", brought about through the Supreme Court in the name of 'Public Interest' has had a disastrous impact on the National Economy and Health Security, while securing millions of Dollars worth, annually recurring business for trans-national companies. Thereby draining the National Wealth without providing any guarantees of "Blood Safety", in the name of a so called "Landmark Judgment" based upon stage-managed "studies" from captive "experts", manipulating policy directions and public mindsets.*

Intervening in the lively discussion attended by a large number of advocates, academics, social workers and activists, Mr. Mushtaq Ahmad, advocate Supreme Court submitted that the Delhi High Court judgment of July 2, 2009 can be faulted on many factual as well as legal grounds. It has been wrongly held, for example, that homosexuality is not a disease but a sexual orientation. The greatest drawback of the judgment is that its whole philosophy and raisan'd etre is based on foreign judgments and western moral values which hardly dovetail in the Indian social milieu. He informed that some Christians and Hindu Organisations have challenged this judgment in the Supreme Court and some Muslim organizations are also preparing to challenge it.

Dr. Eqbal Hussain, Reader, Jamia Millia Islamia explained the genesis of the judgment. Attacking the judgment on legal and constitutional grounds, he said that unnatural act of homosexuality cannot be put in the category of 'sex' with reference to Article 15 of the Constitution of India which prohibits discrimination on the ground of sex, inter alia. Hence, holding of the High Court that S-377 IPC is violative of Article 15, inter alia, is not constitutionally sustainable.

Prof. Z.M. Khan, Secretary General of the IOS, congratulated Mr. Purshothaman Mulloli, General Convenor of JACKINDIA, for contesting the said case in the Delhi High Court. He expressed the hope that Mr. Mulloli will fight the case in the Hon'ble Supreme Court with the same zeal. He stressed the need to build a workable pressure on the Central Government to undo the impugned

judgment. Lastly, he thanked the participants.

### **International Conference on Theories of Islamic Law: The Methodology of Ijtihad**

A two day International Conference on Theories of Islamic Law: The Methodology of Ijtihad" was organized by the Department of Law, Kashmir University in collaboration with the Institute of Objective Studies, New Delhi on 18-19 July, 2009 in the Hall of Gandhi Bhavan, Srinagar.

Besides inaugural and valedictory sessions the conference was divided into four business sessions spread over two days. The Conference was inaugurated by Mr. Justice B.A. Kirmani (Retd.) Judge, High Court of J&K State. The key note address was delivered by Prof. Khalid Rashid, Islamic University of Malaysia and the session was presided over by Prof. (Dr.) Riyaz Punjabi, Hon'ble Vice Chancellor, University of Kashmir. Justice Kirmani, in his lucid presentation, highlighted the challenges the Muslim Ummah faces at the international level. He stressed the need to understand the dynamics of socio-economic change in modern society and to work for solution through the dynamic process of Ijtihad. He underlined the need to understand the problems posed by scientific and technological innovations and to work for their solution with a view to bridge the gap created by materialistic pursuit of the west.

Prof. Khalid Rashid highlighted the changes taking place at the international and national levels which deserves a candid and sincere effort by the Muslim academia to answer questions for better understanding of Islamic perspective.

The Vice Chancellor called upon the Muslim intelligentsia to come out of the cocoon & face the challenges posed by the modern development. He stressed the need to create a peaceful atmosphere for academic discourse so as to find the solution to divergent problems faced by Muslims at international level.

Dr. Manzoor Alam, Chairman Institute of Objective Studies also spoke on the occasion. He highlighted the main activities undertaken by IOS to create an

ambient atmosphere for systemic analysis of various problems faced by the Ummah. He stressed the need to create an atmosphere of inter sect & inter religion convergences on matters of mutual interest so as to subserve the cause of Khairul Ummah. He emphasized that the IOS would follow collaborative efforts to organize more conferences & seminars to bring intellectuals and Ulemas closer for exchange of ideas particularly on Islamic themes & areas of national development.

The first business session stated just after the tea break which took place after the inaugural session. The session was chaired by Prof. Z.M.Khan and co-chaired by Prof. Mohammad Akram Mir. In this session there were five presentations. The first presenter Prof. Mohsin Usmani said that Ijtihad is the urgent need of the hour. Ijtihad can't be stopped as Quran is the last revealed word of Allah. Ijtihad is a must but Mujtahid must have a comprehensive knowledge of Din and Dunya. Mujtahid needs to be a man of impeccable character and must be familiar with contemporary problems. He further said that Individual Ijtihad must give way to collective Ijtihad. Modern scientific investigation can help in the process of Ijtihad rather than be a bottle neck. Our religious institutions need to be an amalgam of classical textual base with modern and upto date knowledge.

The second speaker Prof. Mohammad Afzal Wani highlighted the challenges before Ijtihad. Degeneration of moral values, materialistic approach, imposition of common law to replace Sharia, doctrines imposed to discredit Sharia, cultural aggression and political, economic and social disability created amongst Muslims to wean them away from the process of Ijtihad are some of the challenges before Ijtihad. He cautioned the Muslims to be careful about these external forces who distort the Muslim thought process.

Another speaker Dr. Fahim Nadvi said that various Mujtahids have existed in Ummah from the 4<sup>th</sup> Century to 18<sup>th</sup> century and have contributed a lot. Ijtihad becomes relevant when it takes cognizance of time & space. Ijtihad has to be contemporary keeping in view the application of mind & wisdom. He further said that the problems of the

people are innumerable but Quran being compact needs to be applied keeping in view the exigencies of time & space. He narrated the instance of Maa'z bin Jabal to be the touch stone of Ijtihad based on reason & common sense. He concluded by saying that there is a need to follow Fiqh in letter & spirit and a need to create a nexus with basic tenets of Islam and the modern world.

Next speaker Prof. Tayyub Kamli said that there is a close proximity between "Din" and Ijtihad. Islam is the complete code of conduct and Ijtihad is the way to achieve it. Islam is the amalgam of Haququl-Ibad (Rights of People) and Haqul-Allah (Rights of Allah) and Quran provides the best example of reconciling the two. In Sharia two types of principles exist, the one which remains unchangeable like faith, pillars of Islam etc., and the other one being flexible to change with time & space which provides the need for Ijtihad providing the limits provided by Allah are not transgressed.

The last speaker of the session was Maulana Abdul Hamid Nayeem who said that the institution of Ijtihad is the need of the hour. There is a need to create a favourable nexus between what is revealed and what has been reported to answer the contemporary problems. Knowledge should be given priority so as to guide us properly. The Ijtihad must serve the contemporary problems in the light of inquiry, insight and vision created by knowledge. At the end there was question answer session followed by remarks of the chairman.

The second business session was started during the post lunch period. This session was chaired by Dr. Mohsin Usmani and co-chaired by Prof. S.M. Afzal Qadri. In this session also there were five presentations. The first paper presented was that of Dr. Ausaf Ahmad. He mainly elaborated on the scope of Ijtihad in the context of present day economic problems. He mentioned that there are two components of Islamic Law, one pertains to basics and has been provided by the Quran & the Sunnah. There is no scope of Ijtihad within this domain. So far Fiqh is concerned, it is human endeavour and bound by impact of space & time. Fiqh can be modified in context of our own space & time and it needs to be modified. He in this context cited examples of contemporary issues,

utility of computers, e-mail etc., and modern means of communication in the context of economic transactions where Ijtihad can be made through modern means of communication. He cited examples of Saudi Ulemas who in the beginning were not receptive to paper currency. However, they had to modify their views subsequently.

Next speaker of this session was Mufti Nazir Ahmad. He mentioned that Ijtihad was initiated by the Prophet (PBUH) himself and continues even now. There can't be any Ijtihad on fundamentals of Islam. Subsidiary issues however, can be subjected to Ijtihad. Ijtihad however, does not mean making lawful what is unlawful but there are a lot of things which fall in the category of Mubah. People remain keen to know their legitimacy. Ijtihad on economic, political and societal issues is the need of the hour. In response to a question Mufti Nazir Ahmad made it clear that terminology of Darul Harb and Darul Islam is obsolete now and we need to look for different terminologies.

Third speaker of this session was Prof. Hamid Naseem Rafiadabi. He presented a detailed account of contribution of Imam Shaukani in the context of Ijtihad & Taqleed. He mentioned that Imam Shamakani's perception was that closure of doors of Ijtihad is a myth which was created because of some writings of Imam Ghazali. He made it clear that Ijtihad has been going on and continued uninterrupted even during the periods which are perceived to be times of Taqleed. What is needed for Ijtihad is to understand who is Mujtahid and what are the issues on which Ijtihad can be performed. He mentioned that it is the Quran & the Sunnah which must be the guide in Ijtihad. We should not misconstrue Ijtihad as rationalism.

Fourth speaker of this session was Mr. Showkat Ahmad. He gave an elaborate account of contribution of Central Asian Scholars towards Ijtihad.

Last paper of the session was presented by Dr. Eqbal Hussain. He read a paper on role of Ijtihad in administration of Justice. Paper presentation was followed by question answer session and concluding remarks of the chairperson and co-chairperson.

The second day of the conference started with third business session. The chairman of the session was Dr. Ausaf Ahmad and co-chairman was Prof. M. Afzal Wani. In this session there were six presentations. The first presentation was made by Prof. Khalid Rashid. He narrated the dismal picture of Institution of Wakf-Alal-Aulad in India which has been adversely affected under the fiscal & taxation laws and which has been made subject of confiscation in the name of land reforms especially in the state of U.P. There is slow but steady decline in these institutions and as these institutions are deemed without owners, no compensation is paid to the Muslims. He said that there is a need to find solution to this problem through collective Ijtihad. Further, there is a need to have Takhayur and need to retain Family Wakfs and to circumvent laws encroaching upon these wakfs.

The second speaker Dr. Shakeel Ahmad stressed upon the need of Ijtihad in the modern complex world in which Muslims are facing political, social & economic problems. He emphasized on collective Ijtihad, although he said individual Ijtihad can also be there. Muslims are enjoined to save the life of others but when it comes to save their own life, there is a need to find a solution through Ijtihad particularly about the concepts of Jihad & Terrorism.

Third speaker Dr. Abdul Rashid Bhat presented a paper on "Istehsan and its place in Legal Theory". He said Istehsan is viable model of Ijtihad. It is a valuable source of Islamic Jurisprudence and has divine sanction based on Quran. According to Dr. Bhat Sharia has fixed laws which must remain static but new problems suggest invocation of Istehsan, equity & fairness. He said that Istehsan has found favour in all schools except Shafi school. Maliki School considers it 9/10<sup>th</sup> of Islamic Law.

Another speaker Dr. Sameena Yaqoob said that Islamic Law is divine and is based on duties towards Allah & Prophet. She said that Sharia has a potential to unite and the role of jurists is embedded in Ijtihad. She said that Islamic Law is adoptive and new problems based on economy, military, food security, privatization, moral behaviour, education call for Ijtihad.

Next speaker Dr. Mufti Muzaffar said that there are two schools of thought on Ijtihad. One that of Fazal Rehman and second that of Mohammad Arkoon. According to him there is a need to reconcile both the models, although he showed preference to the Arkoon's Model.

The last speaker of the session Dr. Mohammad Sanaullah Nadvi spoke on "Didactic structure of Ijtihad". He said that modern writers do not take the basics of Islam seriously. The presentation of paper was followed by question answer session and concluding remarks of the chairperson.

The fourth business session started after tea break. The session was chaired by Prof. A.M. Matta and co-chaired by Prof. Hamid Naseem Rafiabadi. There were five speakers in the session.

The first speaker Mufti Mohammad Sultan said that the principles of Din are unalterable but there is a need for Ijtihad for which the condition/precedent is competence and capability of Mujtahid.

The second speaker Dr. Mushataq Ahmad said that dynamic role of Islam has been explained by Dr. Alama Iqbal. There is a need to understand the philosophy of Iqbal to solve the problems faced by Ummah. According to him the Re-construction of Religious Thought needs to be revisited.

The third speaker Prof. Z.M. Khan said that challenges of modern times need to be taken seriously. Ijtihad is needed to overcome the difficulties the Ummah faces in the modern times from information technology, communication boom and bio-sciences. He said that younger generation is positive in Ijtihad and need to be groomed.

Two more speakers Dr. Nazir Ahmad Zargar and Dr. Maroof Shah also discussed the significance and role of Ijtihad in the modern times. The former discussed Ijtihad in the light of Sharia and the later gave a Sufi view of Ijtihad. After question answer session and the concluding remarks of the chairperson & co-chairperson the session came to an end.

The valedictory session started after the lunch break. The session was

presided over by Dr. Manzoor Alam. There were two speakers in the session Prof. A.S. Bhat and Prof. A.M. Matta.

Prof. A.S. Bhat said Islam is the youngest revealed religion and gives a bright message for all human beings. Islam influenced others but not its people. Muslims have failed Islam. He further said that just order can be achieved through Ijtihad. Ijtihad has not been done for a long time now. Conditions need to be created for scholars to know both Islamic and modern knowledge so that contemporary issues can be addressed through Ijtihad.

Prof. A.M. Matta said that human knowledge being limited so it depends upon how much it retains of that bestowed knowledge of Allah. We need to broaden our horizon before we deliberate on Ijtihad. He further said that Islam is there from the time of Adam; the challenges from within & without need to be taken care of.

Prof. Manzoor Alam in his presidential remarks said that the theme of the conference is justified for the people because of socio-political & religious background. He said that difference of opinion is welcome but opposition is inimical. There is a need to understand diversity in modern life so as to find the solution to the problems. Ijtihad is the method to solve the problems. Further he said that there is a need to reconcile the differences for creating conducive atmosphere to work in an ambient manner.

At the end a draft resolution was adopted unanimously which calls upon both IOS and University of Kashmir to further collaborate in future by organizing more conferences & seminars and bringing intellectuals & Ulemmas closer for exchange of ideas. The conference also calls upon Islamic Ummah to adopt a more meaningful & constructive approach towards Ijtihad that can prove to be useful in solving the problems facing the Ummah in line with the spirit of the Holy Quran & the Sunnah.

After presenting vote of thanks by the organizing secretary Prof. G.Q. Mir the conference came to an end.

*Contd. from page 1*

As for Britain, as a post Second World War country it gave up the 'jewel in the crown of its Empire'. I think, wisely and just in time, for it thus saved its own war-torn land and the people. The choice confronting them was stark: which was it to be – Empire or Britain? Or was there really ever any choice? That is why neither the choice made nor the method of implementing it was heroic, it was decidedly a 'scuttle', just short of being a rout. For this the British so clearly bartered India's interests, and in the process, (knowingly?) banished 'peace' entirely from this subcontinent. That peace is yet to return, as indeed is order, which also is yet to be fully re-established, for these two vital categories of governance (peace, law and order) do not feel welcome these days, in any of the successor countries. Was that the final British trade-off? The traders' spirit of the seventeenth century East India Company had come to the fore, again, as it had always done when pressed, it made India pay the price, yet again, for Britain's mistakes. It pains greatly to recognise that we agreed to this bargain and falsely called it a 'peaceful transfer of power'. For this 'transfer' India continues to pay, still, and that certainly was not amongst the chosen goals of Mohammed Ali Jinnah's journey as he travelled to become the Quaid-e-Azam of Pakistan. That was our own doing. As for the British, in the end as A.A. Gill mockingly comments in *The Angry Island Hunting the English*: 'The loss of Empire 'the "broke England's heart but it couldn't tell anyone". So the English then experienced "what everyone who has been dumped experiences – a cataclysmic, middle-aged stumble of self-confidence, [but] nostalgia [has now] come to [their] rescue"'.

Pakistan and its citizens have doubtlessly suffered grievously in the six decades of an independent existence. A break-up into two, in the emergence of Bangladesh; four military dictatorships during these decades; on top of which came the civilian governments that did not exactly serve the land, all this has inflicted upon the citizens of Pakistan untold hardships. There were then these several conflicts with India, each draining the land of resources. Where after arrived extremism. The country is now ravaged by all varieties of sectarian and provincial divisions, extremism and

violence. And yet, it demonstrates a great vitality, enormous natural creativity and exuberance and, of course, always an outgoing heart warming hospitality. In comparison so much of the past pales, for Pakistan has overcome many near impossible obstacles. However, the dream of the late Quaid and the current reality do not entirely harmonise, which is saddening comment for the land, for its people, in truth, merit so much more.

### **The End?**

There are now no more points left to score; all have already been scored, no great issues of partition left to resolve, except one: an inability to understand what, after all, did this partition achieve? Other than constant pain and the suffering of crores of humans, all around, which has now finally moulded itself into a kind of a sealed and an abrasive continuity. This had become ours, India's proverbial cross, also perhaps its greatness. And as we end writing about the epic journey of Mohammed Ali Jinnah from being the 'ambassador of Hindu-Muslim unity' to the Quaid-e-Azam of Pakistan, we need to share a reflection on a reality, that all historical narration is after all an account of the politics of those times. In which sense this attempt at Jinnah's political biography is exactly that, no more, no less. That notwithstanding, in the end, any assessment of who gained what in this traumatic partition becomes an empty exercise. For though Jinnah died in the after-glow of having found a 'new country', Pakistan, has remained a conceptual orphan, the result of a somewhat barren attainment; 'barren' because Pakistan itself, as both the progenitor and as the first born of the idea, has demonstrated that this notion of 'Muslims being a separate nation does not work'. It did so by breaking up on the issue of language; whereafter provincial identities and the many normal chores of routine, everyday existence like water or territory or boundary lines have asserted themselves.

The turbid sediment of our recent past, the agony of our blood encrusted partition continues to sour the present of Indo-Pak relations, still. Our sensibilities are now so splenetic that even the routine is a source of spiteful disbelief. Obviously, there is now no 'South Asian Monroe doctrine' of which Jinnah had

spoken idealistically, instead we now have a near constant haze of simmering discord and mistrust. That is why I reflect: what if instead of this path of breaking apart and near continuous conflict, we had, instead, post the 1947 partition chosen to work together, to wipe out contentions and now that finally there has been born a sovereign Pakistan, to fraternally stop looking at the past? Would that have brought back that lost 'peace' to our region? I cannot vouchsafe the outcome; indeed, who can? For, long with several other there is one central difficulty that India, Pakistan, Bangladesh face: our 'past' has, in reality never gone into the 'past', it continues to reinvent itself constantly becoming our 'present', thus preventing us from escaping the imprisonment of memories. To this we have to find an answer, who else can or will?

The partitioning of India is the defining event of the twentieth century for this entire subcontinent. The searing agony of it torments still, the whys and what-fors of it, too. We relive the partition because we persist without attempts to find answers to the great errors of those years so that we may never repeat them. Also perhaps by recounting them we attempt to assuage some of our pain.

This is that account of Jinnah, the man and his heroic endeavours, and of the others, too.

'And of these is a story written: but [then] Allah alone knoweth all?'

**From "*Jinnah: India - Partition - Independence*" by Jaswant Singh, pp. 520-525**

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**Worship and Social Service**  
by Ishtiyaque Danish

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Ghar se Masjid Hai Bahut Door Chalo  
Aisa Karein  
Kisi Rote Hu-e- Bachche ko Hansaya  
Jaa-e-

(Far away is the mosque from the house  
(Hence can't offer the prayer).  
Let us do this, then  
(We pick up) a weeping child  
And make him laugh.

The only problem I have with this powerful Urdu couplet is that it seems to suggest that prayer and social service can not go hand in hand. My humble and limited understanding of the Quran, however, suggests the otherwise. That it is possible to pray and also carry out the desirable social work. It is not necessary that one offers prayer only in a mosque; it can be said at any clean place within or outside the house/immediate locality if the mosque happens to be far away. My apology for this *Maulviana* comment but, then, I felt it was necessary.

The Holy Quran is full of verses which urge believers to establish prayer and pay the poor due in the same breath. In one *Surah* (chapter) those worshipers have been severely criticized who deny small things to the needy. Quoting the whole *Surah* would be in order here:

Have you seen him who denies the  
Recompense?  
That is he who repulses the orphan  
(harshly)  
And urges not on the feeding of Al-  
Miskin (the needy)  
So woe to those performers of Salat  
Those who do good deeds only to be  
seen  
(Of men). And withhold Mau'n (small  
kindness  
like salt, sugar, water)

The idea is that it is impossible for a true worshiper of God to be harsh towards fellow human beings, especially the weaker sections. The generosity of the Prophet (Pbuh) is famously well known. He was known for his kind nature even before he was blessed with the responsibilities of prophethood. When the Prophet (Pbuh) received the first revelation in the Cave of Hira, he

rushed to his beloved wife shivering with the sense of realization of the big responsibility he was asked by Allah to bear. What Khadija, the Prophet's wife, spoke on the occasion bears testimony to the great character of her husband. She consoled him saying that your God will never forsake you because you establish relations (and fulfill their rights) and bear the burden of the weak. Moreover, you give people what they do not have, you welcome guests and treat them well and also you help the right or stand for truth during troubles or tragedies. It is easily discernable that Khadija did not make any reference to her husband's habit of meditation and worship but enumerated numerous good works he used to perform for the needy and the poor.

The fact of the matter is that social service occupies a very high place in Islam. Helping the needy has been described as an essential consequence of true worship. That a true worshiper can not be blind to the sufferings of those who have been left behind in the race of life. This aspect of Islam has been highlighted in various ways in numerous Urdu couplets. One such famous couplet reads as follows:

Darde dil ke waste paida kiya Insan ko  
Warna taat ke li-e- kuch kam na the  
Karrubian

He created man (and endowed Him  
with) a heart to ache.  
For, God's (chosen) angels  
Were quite sufficient for worshipping  
Him.

Another Urdu poet has captured this same spirit of Islam in the following beautiful couplet:

Meri hawas ko aish-e- do aalam bhi tha  
qabul  
Tera karam ki tu ne dia dil dukha hua

Acceptable to my lust  
Was the pleasure of the two worlds.  
It is Your blessing  
That You gave me an aching heart.

God has, no doubt, created man to  
worship Him. Worship in Islam means

complete surrender to the will of Allah both in spiritual and mundane matters. There are two key Quranic terms which present before us the essence of Islam. The two terms are Salat and Zakat. Salat symbolizes man's attempt to fulfill the rights of Allah and through Zakat he tries to fulfill the rights of fellow human beings. This is Islam, nothing less and nothing more.

It is sad to note that today's Muslims have not been able to maintain the desirable balance between the rights of man and those of God Almighty. There are Muslims who neither pray properly nor do they pay the poor due. There are also Muslims who stand the whole might in prayer but do not pay attention to the poor the way they ought to. Then there are Muslims who are good in the arena of social service but fail to fulfill the rights of Allah. These imbalances are not desirable in Islam.

There are countless illiterate and poor people in India. They need and deserve the attention of those who worship Allah sincerely. Sadly a good number of prayer-sayers have ignored this aspect of Islam. We have no intention of committing *Kufr* by undermining prayer and worship. Our intention rather is to impress upon the Muslims that both worship and social service are important in Islam. Due to a variety of reasons Muslims have not been doing well in the sector of social work. They need to treat social service as worship thinking it is as much required by Allah as He wants men to worship Him. God would surely love Muslims championing the cause of the poor. God's beauty is that He never rejects the erring men and welcomes them whenever they return to Him. Perhaps this is what Parveen Shakir has tried to capture in her famous couplet:

Who Kahin bhi gaya louta to mere pas  
aaya  
Bas yehi baat hai achchi mere harjai ki

Wherever (he liked) he went  
But when he returned, he came to me  
This is the only good thing  
About my unfaithful (beloved)