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AN APPRAISAL OF POLITICAL AND LEGAL RIGHTS OF NON-MUSLIMS IN PAKISTAN

Zahid Farooq¹ , and Alam Khan²

Abstract: Islamic society, which is based on justice and peace, gives all rights to each community living within its legal and juridical limits. It has been observed in Sirah al-Nabi (PBUH) that, non-Muslims were given full rights to building their temples and they were also free to worship according to their religious ways and thoughts. Holy Prophet Muhammad (PBUH) allowed them to perform their religious customs in their towns as they wish but within the limit of Islamic terms and conditions which were imposed in different agreements (i.e. Misaq e Madinah). In the present era, as we are living in multi-cultural and multi religions, there is much confusion about whether non-Muslims should be allowed or not for these acts. There is a great discussion between classical Islamic scholars. They think not to be allowed, although if necessary they should be bond in special terms and conditions. In a certain situation, there is a second opinion that allows Muslim statesman to give non-Muslims their religious liberty and allow them to build their temples in their areas under the need of circumstances. This article deals with both views and signifies the correct one in the light of Sirah al-Nabi (PBUH) and presents various charters i.e. UNO charter.

Keywords: *Political; Legal Rights; Non-Muslims; Pakistan; Constitution; Personal Law.*

PRELUDE

Islam, the religion of peace and the last religion in whose blessing are for all, whether they are Muslims or not. Islam does not only protect its followers but it protects the respect and property of non-Muslims. In an Islamic state, the rights of non-Muslims are

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the same as those of Muslims. There is no difference. In an Islamic state defending the non-Muslim a general responsibility of all Muslims and special that of the state. For some time because for some reason it has been said that Islam does not respect the followers of other religions. And it does not allow others to act upon their religions and international media especially is proving that Muslim states are ineligible to protect the non-Muslims, and in Islamic states, non-Muslims are considered of low grades and they are not free to live their lives according to their religions. But the fact is that not in any time non-Muslim are not misbehaved anywhere. Since the time of Holy Prophet Muhammad (PBUH), he advised his followers never to degrade or misbehave with the non-Muslims and this is the topic of our research. In any Islamic state at present, what guidance do we get from Fiqh-ul-Seerah? In this regard, details are given below.

CONCEPTS OF ISLAMIC STATE AND ITS BASIS

In the present era there are two meanings of an Islamic state, first is a state where the Shariah is fully enforced. According to modern and old thinkers and Muslim Jurists, this definition is perfect. And the second concept is that which world and international agencies think the population of Muslims is more than the others. According to this concept, every member of the Muslim conference is said to be from a Muslim state. According to our old thinkers, not only population but enforcement of *shariah* is necessary to declare a state as an Islamic state or *Dar al-Islam*.

The detailed study of *Sirah al-Nabi* shows that an Islamic state is standing upon these basic concepts. And these rules were fundamentals of the first Islamic state of Madinah. If these laws are enforced in a state then the state is Islamic. The most important of these is the rule of God following the sayings of the Prophet (PBUH) counselling in different matters and enforcement of justice and equality among the people. Without these basic characteristics, the concept of an Islamic state is impossible. The state will be Islamic if Islamic rules should be enforced in it.

Today it is a need to take a view of the previous study on the religious rights of non-muslims and our religious leaders have given terms like *Dar al-Islam* and *Dar al-Harb* to differentiate between Islamic and non-Islamic states. But nowadays due to political and social conflicts compound societies and national states are coming into existence. Due to this, the discussed matter is needed to view from a different angle. The national states

and compound societies are different to some extent from the general concept of *Dar al-Islam* and *Dar al-Harb*. The non-muslims *Maftūhīn*, *Mu'āhidīn* or *Musta'minīn*. These old Islamic states or *Dar al-Islam* were considered the citizens of Islamic states. In these states, citizens are treated equally. There is no difference in religion or anything else. They are allowed to go to any management position even in defence and they are allowed to preach their religion. In addition, the United Nations and other international institutions' charters bound such states that they should give religious independence to all the people. In these religious freedoms from the change of religions to the preaching of religion are included. At present time many countries of the world are bound by these charters. These details and circumstances demand a new study on this topic. Today this issue is before us that we should take instructions from the first Islamic state formed by Holy Prophet Muhammad (PBUH) that are basics in Islamic countries for the religious freedom of non-muslims.

CONSTITUTIONS OF PAKISTAN AND RIGHTS OF NON-MUSLIMS

In Pakistan, people do not even know their basic rights. Therefore they do not know how their rights are being demolished. In this way, it is necessary that how the constitution of Pakistan and the International human rights charter are defending their rights and how states and rulers do not give them rights. Although UDHR and constitutions of Pakistan are eager to finish religious conflicts and discrimination. Yet the government of Pakistan had done nothing in this regard.

The UN's international agenda is that "*No one like state, institutions or people can be treated badly due to, religion or faith difference*". In the 1973's constitution of Pakistan, it has been stated about religious discrimination that "*It is the obligation of the state that it should oppose in regard of religion, nation, tribe or provincial discrimination.*" Now turn to the other side of the picture where not only the UN's Charter is neglected but the constitutions of 1973 are also turned over, by thinking it as a booklet and its holiness was affected.

To take a bird's eye view of 1973's constitutions the preaching of Islam and discrimination of non-muslims can be checked. Following are those articles of 1973's constitution that are related to only Islam and its preaching and discrimination of the religious minorities:

As article no.1 is:

*"The state of Pakistan will a federal democracy whose name would be the Islamic Republic of Pakistan." So in this article, Pakistan was declared an 'Islamic republic, and people living in a country with equal rights were divided into Islamic and non-Islamic blocks, which created insecurity among the religious minorities living in the country.'*¹

As well as article no.2 is:

*"Islam will be the state religion of Pakistan. This article of the constitution separates the followers of other religions from the national stream. Article no.41: "No one could take oath as president unless he is 45 years old."*²

This discriminated and one-sided article of the constitution declared religious minorities as citizens of democracy in Pakistan. As in article no.227:

*"To take the oath of Prime Minister Following to be presented. I (name) take an oath by good heart that I am a Muslim and believe in Allah the one, Almighty, book of God and in which Holy Quran is the last one and Holy Prophet Muhammad (PBUH) is last Prophet and no one can be Prophet after him. And believe in the Day of Judgment, the Holy Quran, and the whole teachings of Sunnah."*³

THE POLITICAL AND LEGAL PROBLEMS FACED BY NON-MUSLIMS IN PAKISTAN

In Pakistan, the discriminatory behaviour of minorities continues in the 21st century. Bomb blasts in churches and hospitals, ban on Christian preaching, illegal, arrests, and dis-honour of Christian marriages are major examples in this regard. In Pakistan, the basis of lingual, national, religious, and political conflicts in different regions and sects demand severe conditions of aggression that we should ponder upon these issues with a cool heart but we should try to bring economic, political, and civilizational changes that this concept of aggression should be controlled. And we should pave a way for creativity, peace, and build's way.

¹ UNO, *International charter of Human Rights*, article no.18, 19.

² *Ibid.*

³ *Ibid.*

To give Pakistan respect at the International level it is very necessary to make Pakistan a great country and give a proper difference between religious and political affairs. These points can help out Pakistan to become a great nation.

1. There should be a free and permanent commission that should eliminate religious discrimination and social harmony.
2. There should be a free inquiry commission that should keep an eye on the activities of non-muslims.
3. All the discriminated articles from the constitution of Pakistan and state laws should be eliminated.
4. Nepotism corruption and fake Islamization should be abolished to get jobs in the country for non-muslim. So in higher government jobs, the number of religious minorities should be increased.
5. The marriage of non-muslims should be legally protected according to their faith. So that *Nikah* should honour and to make by force the Muslims to other religions legal action should be taken and ensure the security of religious minorities.
6. Pakistan is a multi-religious country and all religions should be given proper rights and respect.
7. Islamiyat should not be a compulsory subject for non-muslims.
8. The media of the country should be forbidden to broadcast against the non-muslims.

LIBERATION IN PERSONAL LAW

In an Islamic state, non-Muslims are free to act upon their laws. In this regard, they are not restricted in any way. If a Muslim does marry a woman from the category of *Muḥarramāt* (Sacred relations that are forbidden in Islam for a man, or woman to marry). Then he will be punished according to Islamic law. But if it is done by the people of other religions and this is not forbidden in their laws then the Islamic state will not interfere in their laws.

In the life of Holy Prophet Muhammad (PBUH), The *Majūsīs* were allowed to marry their real sisters, two sisters at the same time, maternal and paternal aunts, nieces, and all the blood relations at the same time as their wives. But the Messenger of Allah (PBUH) did not object to the *Majūsī* of Bahrain in this regard, likewise, if they are marrying

without following any Islamic condition as dowry, witnesses or they don't follow 'iddat rules, then the Islamic state will give them full freedom and the state shall not interfere in their laws in any way.

The Islamic scholars and Jurists agree on the statement that in an Islamic state non-Muslims are free to act upon their religion. They can even use vine and pig's meat, whereas these two things are strictly forbidden in Islam and their use in Islam is the greatest sin. When Islam permits non-Muslims to worship other than God, then how they can be stopped from using Alcohol and interest? In *Al-hidayah* it is mentioned:

*"We are ordered that we should make free the non-Muslims and how they want they should follow their religion and beliefs."*¹

Imam Tabari also thinks that:

*"They should not be asked to change their religion, not any obstacle should be made in their way."*²

In the above-said proofs, this can be said wholeheartedly that Islam has set free all the non-Muslims and they are free to follow their religion. It is the responsibility of the state that should protect the Rights of all the citizens. However, while performing religious rites and customs in public the Islamic law is that the monitories can perform it freely in their specific areas, in the majority of Muslim areas, the Islamic state keeps the right to ban them in their area. *Imam Kāsānī* writes:

*"In settlements that are not of the Muslim population, the land will not be barred from selling liquor, pigs, crucifixion, even though there are a large number of Muslim populations, although these actions are unpleasant in the Muslims, namely those cities which are specified for Friday and Eid prayers. As such, they are guilty of the shame they have committed, such as adultery and all other fornication all nudity which is also forbidden in their religion, will be prevented from doing so in any case, whether they are Muslims or in their cities."*³

¹ Burhan uddin abi Al-hassan al-marghanani, *Al-hidayah* (Lahore: Maktabah Rahmania, 1998), 3:78.

² Muhammad ibn-e Jarir al-Ṭabṛī, *Jam'e al-bayān* (Cairo: Maktaba Al-Risalah, 1999), 2:231.

³ Imam Alauddin abi Bakr ibn-e Mas'ud al-Kasani, *Al-Badā'y al-ṣanā'y* (Quetta: al-Maktabah al-Habibiya, 1996), 7:113.

When we discuss an Islamic state, the question arises about the position of minorities, their roles and rights, and how the minorities will be treated as a citizen in an Islamic state. There are some points to be discussed, here:

1. In an Islamic state the sovereign power is none other than God. The center of authority is Allah, not the man. Any person or a group can use these designated powers of God to man according to Holy Quran and Sunnah. And any amendment or novelty must be according to the Holy Quran and Sunnah.
2. The authority of an Islamic state will be naturally in hands of those who believe in the Holy Quran and Sunnah and they believe it is the basic structure of an Islamic state. Those who do not believe cannot be trusted the state affairs neither they can govern it happily. But in the state, there will be the refuge of only God and the Holy Prophet (PBUH). According to Islamic law, their basic rights will be guaranteed by the law. No person or state will be allowed to violate those rights. The Government can avail its services in management affairs.
3. In an Islamic state, as the non-Muslims this is the legal aspect of the state to the minorities. But in common life, the moral aspect is more important than the law. Islam stresses more fair play in relations and instructs to abstain from backbiting and falsehood. Islam ordered humbleness and gentleness rather than sharpness and callousness. It has also given instructions for good conduct, humility, and overcoming anger. Don't go too far in taking revenge and adopt forgiveness.

Someone may take it as if there are good and bad people in life, it is not fair to give a sweeping statement about them. Some people took it as a nation and form their general opinion. Now the situation has changed. The concept of piety and state of compassion has ended in Muslims. They have lost their born moral distinction and their standard is inferior to others in some aspects. Other are considered more reliable in matters of daily life. And they are considered more trustworthy than Muslims. This situation demands the review of some old beliefs and myths. The debates like *Dar al-Islam*, *Dar al-Harb*, and *Dar al-Amān* are discussed by non-muslims and their rights. These terms are not being used in Holy Quran and Sunnah. But Jurists have used different countries according to the Islamic point of view. According to them, *Dar al-Islam* is a place where Islamic orders are being implemented and Muslims are living a safe life. And they are not in any danger or fear because of being Muslim. *Dar al-Harb* is a place where infidels are superior and orders of infidels are implemented. If there is a treaty of peace between *Dar al-Islam* and

Dar al-Ḥarb and he does not claim to fulfil its demands. And like, he has not started a war against any country declaring it *Dar al-Ḥarb*. Many countries of the world are bound by international treaties. These situations demand new thinking on this topic.

FREEDOM OF CONSTRUCTION OF WORSHIP PLACES FOR NON-MUSLIMS IN ISLAMIC STATE

After the arrival of the Holy Prophet Muhammad (PBUH), on the earth in which peaceful society came into being, its main characteristic is also tolerance. This society is distinguished from this point of view in the theoretical state of Islam. The life, property, and honour of non-muslims are not only completely protected but non-Muslims are given full religious freedom in an Islamic state. And the example of this tolerance and humbleness is being practically presented. That is the essence of the Islamic philosophy of life.

From the life of Holy Prophet Muhammad (PBUH), the proof of many such agreements are being found in which He(PBUH) as a ruler of the Islamic state gave full religious freedom to the non-muslims. These are the centre for all the laws relating to minorities in any Islamic state. And from these agreements, we could get the instructions that give guarantee religious freedom of non-muslim and minorities. In the following, we would copy the relating text from these agreements so that details openly came out.

RELIGIOUS FREEDOM FOR THE NON-MUSLIMS IN AN ISLAMIC STATE

Religious Freedom is one of the basic principles of Islam. Islam does not put pressure on the people of other religions to alter their beliefs or to accept Islamic beliefs. But in this context, Islam negates every oppression and hate. The Holy Quran declares these things

"There is repression in religion"¹

¹ Al-Qur'ān, 2:256.

In the era of the Holy Prophet Muhammad (PBUH), the people living in an Islamic state and its obedient were a large number of non-muslims. He practically treated them, and with his lifestyle, he set them as legal and given social status. That was the law of Shariah and a leading policy of the Islamic state. We get these instructions from the life of the Holy Prophet Muhammad (PBUH) that he gave full freedom to non-muslims to stand on their religion and to follow it. The basic characteristic of the state of Madinah formed by the Holy Prophet Muhammad (PBUH) was religious freedom. The followers of different religions were residents of the state of Madinah. And every group was free to lead a life according to their religion.

It is confirmed through the vast study of the Holy Prophet Muhammad (PBUH) that neither he had ordered against the religious freedom of non-muslims nor he ordered to maltreat them. From the Jews of Medina to *Ahl-e-Najrān*, he granted freedom to all religions according to their religion. In the Holy Prophet Muhammad (PBUH) time there was a large number of followers of non-muslims living in an Islamic state. He treated them very well.

They were fully free to live and worship according to their religion, it is a lesson from the life of the Holy Prophet Muhammad (PBUH) that non-muslim citizens of the Islamic state had complete rights to live their life according to their religious laws from *Nikah* and divorce to inheritance. As it is known about the behaviour of the Holy Prophet Muhammad (PBUH) with the *Majūsīs*, of *Hajar* they were under the Islamic state and give *Jizyah* to Holy Prophet Muhammad (PBUH) but He (PBUH) do not object to their *Nikah* and marriage laws. As it was known that they think it right to *Nikah* with prohibited blood relations according to Islam.¹ This policy of religious freedom was also acted upon after the death of the Holy Prophet Muhammad (PBUH) for non-muslims in an Islamic state, as it was in the life of the Holy Prophet Muhammad (PBUH). In the time of Abu-Bakr (R.A) and Umar (R.A), many guarantees of religious freedom in the present documents of shelter.

¹ Muhammad ibn-e Abu-bakar Ibn al-Qayyam, *Aḥkām Ehl-e-dhimah* (Damam: Maktaba al-rushd, 1997), 2:64.

In this context, a special agreement with the people of *Ḥirā*,¹ *ʿĀnāt*,² Hargeisa,³ Damascus,⁴ Gomas,⁵ Azerbaijan,⁶ Māh-bahrzazan,⁷ *ʿAin al-Shamas*,⁸ are especially noteworthy. In all these agreements very openly non-muslims were given a guarantee of this that while living in an Islamic state they are completely free to build their worship place, offer their worship, and in their private life to spend according to their religion. And all these agreements were done by the state of Madinah formed by the Holy Prophet Muhammad (PBUH). And in all these agreements the basic example was religious freedom given by the Holy Prophet Muhammad (PBUH) to the Jews of *Madinah* and the people of *Najrān*.

THE RELIGIOUS FREEDOM GIVEN UN'S CHARTER AND FIQ-UL-SIRAH IN THE PRESENT TIME

The status of different people and groups living in any society and respect for their social and political rights and with them constitutional and legal concepts are also of basic importance. The concept of old Jurists about the non-muslims living in an Islamic state was that they are *Ahl-e-dhimah* and Islamic law describes their rights and protects their life and property and religion according to an agreement. Like these, according to classic jurists for Muslim states the terms like *Dar al-Islam* and *Dar al-Ḥarb* for the non-muslim state were in use.

But in modern times social changes have changed completely the agreement. And in these changes, two are specially discussed. One is migration on a large scale and the other is the modern political concept of citizen rights. Because of these changes now national states and democratic society come into being. In modern democratic states, *Ahl-e-dhimah* and *Mu'āhid*, like terms are meaningless. And in addition, the concept of

¹ Abu Yousaf Yaqoob ibn-e Ibrahym, *Kitab-ul-Kharaj* (Beirut: Dar-ul-Ahya al-Turāth al-Arabi, 1405 AH), 142.

² Ibid, 146.

³ Ibid, 145.

⁴ Ahmad ibn-e Yahya Al-Balazri, *Futuḥ al-Buldān* (Beirut: Maktabah al-Hilal, 1988), 126.

⁵ Ibid, 326.

⁶ Ibid.

⁷ Muhammad Hamidullah, *Al-Wasā'iq al-siyasiyah* (Lahore: Majlis Tarqi Adab, 1960), 265.

⁸ Ibid, 314.

citizenship in the present time is different from its classic concept. In these states, all the citizens are of equal status in political and legal rights without religious discrimination. At present time national state's laws and implementation and legal frame and formation have a basic impact on international treaties. In these treaties the different declarations of the UN are of special importance according to these all member countries are bound that they should give basic freedom in their public to all religions as it is in the UN's charter of human rights. And in Article no.18, 19 every person is granted a right of opinion religion and to change the religion and the right of preaching his religion as their basic right. In all these situations by ignoring *Dar al-Islam* and *Dar al-Harb* we directly get vivid guidance from the life of Holy Prophet Muhammad (PBUH) and the Islamic state of *Madinah*. The state of *Madinah* was a compound society to some extent in which the followers of a different religion were living. This state was not formed by war and aggression but it was formed by conversation and dialogues. Jews, Muslims, and other non-muslims tribes were its residents, and the treaty of *Madinah* was its constitution has a co- agreement in which the limits of all the parties were defined. In the state formed by him, every group was free to spend their life according to their religion and they were free to worship according to their religion, and politically all these groups were united. Therefore in the present time situation, we get this guidance from the life of Holy Prophet Muhammad (PBUH) that we should allow non-muslim to spend their lives according to their religion. They have a right to worship according to their religion. They have to right to build and offer their religious ceremony in their town and colonies. This religious freedom is demanded by the UN's charter and its practical example in the state of *Madinah*. In addition, we get a lesson from the life of Holy Prophet Muhammad (PBUH) to fulfil such international treaties that we have done with our freedom and will. So in this context, this point is especially to be discussed that Islam gives us freedom and motivation to act upon these agreements whose articles are not against Islam. Against Islam, not any conditions can act upon it. Holy Prophet Muhammad (PBUH) said that:

*"Muslims are on their conditions, except the condition that illegitimate any lawful or legitimate unlawful."*¹

¹ Muhammad ibn-e 'Isā al-tirmidhi, *Al-Sunan* (Al-Riyadh: Dar al-salam, 1999), Hadith# 1352.

In this situation UN's charter 'article no.18, 19 if analysed then the religious freedom is from changing the religion to preach of own religion. And in this respect the Islamic punishment of blasphemy to prevent non-muslim from preaching to declare *Ahmadi's* non-muslim minorities is against human rights.¹

Therefore it is the responsibility of Rulers that they should play their role in this respect and identify all such articles and the Muslim government should raise their voice to the respective forms of UN because according to the charter of the UN the articles on which the state has doubts they can express these doubts and could delay acting upon these articles. And if Muslims could not act upon these articles which are against Shariah they can send their message to respective forms. It is not a good act to oppose any condition without telling the other partner. Yes! In the Islamic state, the examples which we get from the state of Madinah about the religious freedom from the state Madinah we should open-heartedly give relaxation to the non-muslim and should keep an eye on the changes in present society.

STATE OF RELIGIOUS FREEDOM, CONSTITUTIONS POINTS, AND THEIR SOLUTION

The main side of our discussion is that in all this bad situation which principles we should act upon to build the worship and the religious freedom of non-muslim? Because all the scholars of Pakistan think, Pakistan is an Islamic state and declare its constitutions Islamic. Here majority is a Muslim who with their enter-treaty has decided that their head will be a Muslim. Here is the dominance and government of Muslims. In 1949 first constitutional assembly passed an objective resolution in which it was decided that Islamic law will have superiority. In 1956 all the scholars of Islamic sects gave 22 points to accept the constitution as Islamic. By putting all these points before it is a need to ponder upon it that in Pakistan what guidance we get from Islamic law and Sirat al-Nabi about the religious freedom of non-Muslims. Especially in respect of the social sketch of Pakistan, we should keep before us the present social situation that commonly in present society and especially in Pakistani society non-muslim on a much extent have the equal citizen right as *Mufti Muneeb al-Rehman* in one of his columns wrote about *Ahl-e-dhimah*:

¹ UNO, International charter of Human Rights, article no.18, 19.

*"We have repeatedly said that the word minority should be excluded from our legal and political terms and all non-muslim should be accepted as equal Pakistani citizens."*¹

Although, in the problem, under discussion, we should need focus on this side that here the situation of *Ahl-e-dhimah* is not of non-muslims. Pakistan came into being after a long struggle. In this struggle Muslims with them Hindus, Sikhs, Parsi, and other non-Muslims also participated. A social agreement has been formulated among us in the shape of the constitution of Pakistan after the formation of Pakistan. Therefore the non-muslim accept the constitution of Pakistan and promise to act upon it. To defend it, it's our national and religious obligation especially the speech of the founder of Pakistan Quaid-e-Azam Muhammad Ali Jinnah on 11th August 1947 is also an important document about the rights and religious freedom of non-muslims. In which he assured the non-muslim minorities of this country that their religious and political rights are completely safe and the state of Pakistan would not support any side although after this assurance it is of more importance that Pakistan the founder of Pakistan has promised which religious and political rights they have to get it. It is also clear from the policies of the state of Madinah and *Sirat al-Nabi* that a government promise it should fulfil. Because of such orders in our dear country non-muslims are completely free to act upon their religion, to build their worship place, and to worship. In this context, our constitution, law, and political leadership are vivid from the first day. Moreover, on the social level, there are some problems with this issue. On this level also is a discussion on whether Pakistan is an Islamic state. National state? Islam republic or is a Dar-ul-Islam? ²

Besides this about the non-muslims, legal identification is done by the terms like *Mu'āhidīn*, *Ahl-e-dhimah*, and *Ahl-e-Sulāḥ*. Due to these hardships, the situation about religious freedom and the rights of non-muslims does not vividly come out.³ The solution to this hardship is that the government should guide the country and the nation on this issue. Instead of confusing the terms like *Dar al-Islam* and *Dar al-Ḥarb*, and *Ahl-e-*

¹ Mufti Muneeb al-Rehman, "Zaviyah Nazar", Daily Dunya News, accessed on April 29, 2017. https://e.dunya.com.pk/colum.php?date=2017-04-29&edition=LHR&id=97129_41532875

² Ammar Khan Nasir, "State, society and religious classes. A discussion on important questions in the context of Pakistan", *Monthly Al-Shariah* 24, no. 3 (2013). URL: <http://alsharia.org/2013/mar/riasat-muashara-mazhabi-tabqaat-1-ammam-nasir>

³ Mahmood Ahmad Ghazi, *Inter-Countries law of Islam* (Islamabad: Shariah academy, 2014), 313.

dhimah putting the Pakistani society before we should take instructions and laws from the life of Holy Prophet Muhammad (PBUH) and the state of Madinah that is basic for our guidance.

CONCLUSION

The above lines conclude that in the first state that was formed by Holy Prophet Muhammad (PBUH) the non-muslims were given full religious freedom, After the formation of the state many nations because part of an Islamic state by the agreement of peace Holy Prophet Muhammad (PBUH) assured them every type of religious freedom and all the points were included about this in the written peace agreement. After Him (PBUH), the first four caliphs also continued this policy of religious patience, and all the tribes were given religious freedom and became part of an Islamic state. This policy of the state of *Madinah* was imposed by the Islamic government every time. During the Umayyad, Abbasids, and ottoman eras Islamic state was divided into different parts by jurists so the difference in orders should be kept in mind. At present time there is some difference from the division done by old jurists. Now because of this division, some different societies are coming into existence.

Therefore by putting this division and presenting an objective situation before us we get this guidance from the state of Madinah that the followers of different religions living in a country have a right to follow their religions. And in this, they have freedom taking from their worship to building their worship place.

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