

# Islamic

## WELFARE STATE

*In Theory and Practice*



Dr. Muhammad Sharif Chaudhry

# **ISLAMIC WELFARE STATE**

**In Theory and Practice**

By

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## FOREWORD

In the name of Allah, the Beneficent, the Merciful. "O My Lord! Relieve my mind. And ease my task for me; and loose a knot from my tongue. That they may understand what I say, "(Al-Qur'an 20:25-28)

Although the concept of welfare state is not new, however it is gaining ground rapidly in the modern world as much as many states of the world have started one or other type of welfare programs and like to call themselves welfare states. But the concept of Islamic welfare state is fundamentally different from the prevailing notions, because it is very comprehensive in the nature as compared with the modern secular concept. Welfare state in Islam aims at achieving the total welfare of mankind in material, socio economic, moral and spiritual aspects of life in this world as well as in the Hereafter (the world to come in existence in the life after death), whereas modern concept aims at only achieving material welfare of the citizens in this worldly life.

One of the most popular supplications of the followers of Islam is: And of them is he who says: Our Lord! Give us in this world that which is good and in the Hereafter that which is good and guard us from the doom of the Hell fire (Al-Qur'an 2:201). This means that the Muslims always pray to Almighty God for their welfare in both the worlds i.e. this world and in the next world. The Islamic state helps them in achieving this goal.

Now I conclude this foreword with my usual prayer to the Almighty God: O My Lord! Increase me in knowledge (Al-Qur'an 20:114). So that I may be able to serve the cause of Islam through my pen and tongue.

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## **CHAPTER 1**

# **ISLAMIC WELFARE STATE**

## **I - What is a Welfare State?**

The idea of welfare state has become very popular in recent times so much so that every state now likes to call itself welfare state. Although welfare as a purpose of government is not an invention of this century, yet the term 'welfare state' came into wide spread use only after the Second World War.

The term 'welfare state' has not been clearly and exactly defined with the result that welfare programmes almost differ from country to country and place to place. However, generally understood meanings of this term are that it is a state in which the government assumes responsibility for minimum standards of living for every citizen. The term is broadly used to describe a society which possesses all or some of the following features:

1. Provision of social security for all citizens against accident, sickness, unemployment, old age and disability.
  2. Social justice or fair and equitable distribution of income and wealth among all citizens by minimising the gulf between the rich and the poor through effective use of taxation and public expenditure.
  3. Provision of free or heavily-subsidised services by the state in education and medical relief.
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4. The maintenance of full employment for the working force of the nation by making the state fully responsible for providing jobs to all able-bodied workers.
5. Public ownership of utility services so that the same may be provided to low income groups at subsidised rates.

Modern states have taken several measures in order to achieve their goals of national welfare. The principles of mutual insurance have been adopted and schemes of social insurance have been introduced. The state has become an agency of administering social services and a helper of social welfare activities. The social welfare programmes generally provide family allowances, marriage grants, food rebates, school meals, grants or soft loans for purchasing houses, cars and household goods, medical aid, holiday allowances, free vacation, recreational allowances, special welfare schemes for women and children, etc.

## **II- Islamic Concept of Welfare State**

As stated earlier, the concept of welfare state is gaining ground rapidly in the modern world and over last few decades many states of the world have started one or the other type of welfare programmes and like to call themselves welfare states. However, their concept of welfare state is based either on the Marxian philosophy or on the principles of welfare economics of Professor Pigou. In both cases the emphasis is given on the material welfare of the people to the neglect of spiritual and moral one. But the Islamic concept of welfare state differs fundamentally from the prevailing notions. Because its concept is so comprehensive in nature that the Welfare State in Islam aims at achieving the total welfare of mankind of which economic welfare is merely a part. Equal stress on Zakat and Salat in the Qur'an is quite significant for proper understanding of the true nature of the Welfare State in Islam. The dynamic interplay of these spiritual and secular

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institutions in the Islamic society is symbolic of inner unity of Religion and Economics. Its social and economic effects are wholesome and the social pattern that emerges is free from the hideous tyrannies of capitalism and the coercive standardisation of the communistic society. It was this all-pervading social harmony that led H.G. Wells to remark: "Islam has created a society more free from widespread cruelty and social oppression than any society had ever been in the world before." As a matter of fact, the Islamic concept of the Welfare State is based not only on the manifestation of economic values but also on moral and spiritual, social and political values of Islam.<sup>1</sup>

Islam, as universal religion of humanity, believes in the well-being of mankind in this world as well as in the next world. Quran, in one of its very popular prayers, teaches its believers to ask God: "Our Lord ! Give unto us in the world that which is good and in the Hereafter that which is good" (2 : 201). The primary objective of an Islamic state is, therefore, to establish an ideal society based on justice, equity and virtue. The Islamic state not only establishes the system of Allah's worship (i.e., Salat or Prayer) but also establishes system of Zakat. Thus, both the spiritual and material well-being of the individuals is aimed at by the Islamic state. In other words, the Islamic state is a welfare state which performs a number of functions, in addition to the traditional functions of a state, for the socio-economic welfare of its citizens in this world and for their religio-spiritual welfare in the Hereafter. Its functions aimed at material welfare of its people include provision of basic necessities of life for all, ensuring of a comprehensive social security system, establishment of social justice, etc., whereas its functions for the spiritual well-being of its people include establishment of

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<sup>1</sup> M. A. Mannan: *Islamic Economics — Theory and Practice*.

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Islamic system of life for the Muslims and full religious freedom for the non-Muslims.

### **III- Islamic Welfare State under the Prophet and His Successors**

1. **The Prophet of Islam**, Hadrat Muhammad (May Allah's peace be upon him) migrated from Makkah and settled at Madinah in the year 622 A.D. Soon after he concluded a three-party pact comprising Muhajirin (Muslims who had migrated with him), Ansar (Muslims of Madinah who had welcomed him) and Jews of Madinah. This pact came to be known in history as Charter of Madinah which laid down the foundations of a small Islamic state at Madinah headed by the Prophet himself. The income of public treasury of this tiny state was too small to undertake work of social security and public relief at a large scale. Moreover the state was always engaged in warfare as its security was constantly in danger due to frequent invasions of Quresh of Makkah and intrigues of Jews of Madinah. Initially the only source of income of the state was Zakat. Later on spoils of war augmented the government resources, as four-fifth of it was distributed among the fighting soldiers and one-fifth was taken for the public treasury for the cause of the poor. Out of these available revenues, the Holy Prophet always provided financial assistance to the needy and the poor, and monetary help to those who were sick, invalid and hence unable to earn. He also helped those who were unemployed either in the shape of monetary assistance or in getting employment. When the position of public revenue improved during later part of his reign, he started paying off the debts of those poor Muslims who were unable to repay the same or who died leaving behind no property to clear their debts. Thus the Holy Prophet established a sort of social security system whereby the Islamic state could provide at least basic human needs to all

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those members of the community who were otherwise unable to provide the same for themselves and for their families.

2. **Hadrat Abu Baker** (May Allah be pleased with him), who succeeded the Prophet of Islam, strictly followed the policy initiated by the Prophet regarding financial assistance to the poor and the needy. He declared war on those who had refused to pay Zakat, because the Zakat was the share of the poor and the destitute in the wealth of the rich and well-to-do. In the distribution of funds among the eligible persons, Abu Bakr followed in the footsteps of the Holy Prophet and gave equal share to each without making any distinction. When some companions insisted that the earliest Muslims should be given preference and paid higher allowances than the later converts, Abu Bakr rejected their plea saying : "I am fully conscious of the superiority and excellence of the people you have mentioned; but it is a thing which will be rewarded by God. But here is a matter of livelihood, where equality is better than the principle of preference". During his reign a regular Bait-ul-Mal on permanent footing was established and its income increased considerably due to accession of some conquered countries to the Islamic state. So the state assistance to the poor and the needy also substantially increased.

3. **Hadrat Umar**(May Allah be pleased with him),, the second caliph of Islam, who succeeded Abu Bakr, established a full-fledged and an all-embracing system of social security and public maintenance as the revenues of the Bait-ul-Mal substantially increased due to conquest of many rich countries of Iranian and Roman empires like Iraq, Syria, Iran, Egypt, Palestine, etc. So it was during his time that an ideal welfare state of Islam with large scale system of public maintenance and social justice was established which guaranteed fair and equitable distribution of wealth and minimum but reasonable standard of living for all citizens. Different departments were

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created for distribution of grants and allowances among the people and registers were maintained for this purpose.

Imam Abu Yusuf, in his book *Kiiaab-ul-Kharaj*, gives a detailed account of grants and allowances given by Caliph Umar to various classes of persons. He states:

"When God extended the conquests during the Caliphate of Umar, and the Persians and the Romans were defeated, he called the Surah, the Advisory Council of the companions of the Holy Prophet and said, "I have decided to keep wealth in Bait-ul-Mal (the state treasury), for it will be useful for paying annual grants to the people, I want to know your opinion". The companions replied: "Do as you think proper for the hand of God is with you". Then Umar fixed grants for various categories of people and called for the preparation of registers to make the necessary entries therein. Then Umar enquired whose names should be written first in the register. Abdur Rahman bin Auf replied: "Start with your own name". Umar said: "By God I can do this but I will start with Banu Hashim, the family of the Holy Prophet". Further elaborating this system of grants and allowances, Abu Yusuf writes that Zaid reported from his father who heard Umar bin al-Khattab saying that: "I swear by God without Whom there is no god, that there is not a single individual who has not got a right in this wealth (received from people) even though in practice he may get it or not. And no individual has more right in it than any other except a slave. My position in this respect is like anyone of you, and our grades will be determined in the light of the Book of God and association with the Holy Prophet. All the trials through which a person has gone and the lead he has taken in accepting Islam will be taken into account. By God, if I live even a shepherd in the hills of Sana will get his share from this wealth at his own place." <sup>2</sup>

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<sup>2</sup> Quoted by Afzal-ur-Rahman.

"He fixed an allowance of 5,000 dirhams per annum for any one who had fought in the battle of Badr, and for all others whose Islam was of the same degree as those who had fought at Badr, e.g., who had migrated to Abyssinia, or fought at the battle of Uhad were given 4,000 dirhams per annum; children of those who had fought at Badr received 1,000 dirhams, but Hassan and Hussain for their relation with the Holy Prophet received the same amount of allowance as their fathers, i.e., 5,000 dirhams each. Every one who had migrated before the conquest of Mecca was given an annual allowance of 3,000 dirhams; and those who embraced Islam at the conquest of Mecca were given 2,000 dirhams each and young children of Muhajirin and Ansar also received the same amount of allowance".

"In the determination of allowances for common people, 'he took into account their position, knowledge of the Holy Quran and struggle in the Way of Gad (Jehad). All others were placed on equal footing; grants of 2,100, 1,000, 900, 500 and 300 dirhams were fixed for the people of Yemen but no one received less than 300 dirhams per annum. Umar also said that if more wealth was received, he would increase the allowances and fixed 4,000 dirhams for everyone, 1,000 for his journey, 1,000 for arms, 1,000 for his family expenses and 1,000 for his horse or pony".

Every Muhajir on the average was paid 5,000 dirhams, every Ansar 3000 dirhams and wives of the Holy Prophet at the rate of 12,000 dirhams each per annum. But Umar did not always follow very strictly the rules which he had laid down in determining the allowances. In certain cases it was not considered essential to follow those rules and some individuals were given higher allowances than other people of the same status. Umar Ibn Abi Salma, who was the son of Ummul Mumineen, Um-e-Salma, was given 4,000 dirhams. When Muhammad bin Abdullah Ibn Jahsh objected, Umar replied

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that he was giving him more because of the place in which he was held by the Holy Prophet, and the one who was objecting should bring a mother like Um-e-Salma and then he would accept it. He also fixed 4000 dirhams for Ussama bin Zaid, at this Abdullah bin Umar said that he had fixed 3000 dirhams for him and 4,000 dirhams for Ussama, even though he had fought in many battles in which Ussama could not participate. Umar replied that he had given him more for he was dearer to the Holy Prophet than him and his father was also dearer to him than his father.

Umar fixed 1,000 dirhams for Asma bint Umais, wife of Abu Bakr, Um-e-Kulsum bint Uqbah and the mother of Abdullah bin Masuad."

The Islamic state under Umar also supported the poor and needy from its non-Muslim citizens in providing their basic needs and remitted their taxes like Jizyah. We have already mentioned how caliph Umar remitted Jizyah and gave financial assistance to a blind old non-Muslim whom he found begging. The great caliph by exercise of Ijtihad, included poor non-Muslims among the 'Masakin' who are entitled to Sadaqat as prescribed in verse 60 of chapter 9 of the Holy Qur'an. He thereafter issued a standing order to the concerned departments to provide regular allowances out of Bait-ul-Mal to those non-Muslim citizens who were needy and destitutes. Collection of Jizyah from such persons was also strictly forbidden.

Besides providing the above mentioned grants and allowances, Umar made it sure that no one was left hungry, naked or shelterless in the Islamic state. He made necessary arrangements that every needy, invalid, sick, old, orphan, widow, and unemployed was provided adequate subsistence from the Bait-ul-Mal. Allowances for new-born babies were fixed and families of the Mujahideen (Muslim warriors) were properly looked after. Travellers were assisted, they were

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provided free food and lodging and guest houses were built for them at various places.

4. **Hadrat Usman**(May Allah be pleased with him), the third caliph of Islam, who succeeded Umar, continued the system of public maintenance established by his great predecessor-in-office. **Hadrat Ali**(May Allah be pleased with him), the fourth caliph, reversed the principle of preference in the matter of grants and adopted Abu Bakr's principle of equality. On the whole the Islamic Welfare state under these two caliphs maintained its welfare activities and continued providing regular grants and allowances to various classes of recipients.

5. With the death of Ali, the pious caliphate came to an end and so did the welfare state, except its revival for a shorter period under Umar-bin-Abdul Aziz.

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## **CHAPTER 2**

# **ECONOMIC POLICY**

## **Objectives and Principles**

Economic Policy of the Islamic Welfare State is based on the following principles and objectives.

### **1 – Allah is the Sustainer**

One of the major features of the economic system of Islamic Welfare State is the concept that Allah, the Almighty God of universe, is the Sustainer and Provider. Allah provides livelihood and subsistence to all of His creatures in the universe. It is Allah who has created all means and resources through which man earns his livelihood. Allah, in fact, has committed to feed, sustain and nourish all creatures including human beings. It is Allah who expands or curtails rizq (sustenance).

To explain and elaborate this concept further, let us reproduce some of the relevant Verses of the Holy Quran and Ahadith of the Prophet of Islam.

- 1- And there is not a beast in the earth but the sustenance thereof depends on Allah. He knows its habitation and its repository. All is in a clear record. -(11:6)
  - 2- Lo! Thy lord enlarges the provision for whom He will, and straitens it (for whom He will). Lo, He was ever Knower, Seer of His slaves. -(17:30)
  - 3- And how many an animal there is that bears not its own provision! Allah provides for it and for you. He is the Hearer, the Knower. -(29:60)
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4. Omar-bin-al-Khattab reported: I heard the Messenger of Allah say : If you all had relied on Allah with due reliance, He would have certainly given you provision as He supplies provisions to birds who get up hungry in the morning and return with full belly at dusk.  
(Tirmizi, Ibn Majah)
  5. Abu Darda'a reported that the Messenger of Allah said: Certainly provision seeks a servant just as his death seeks him.  
(Abu Nayeem)
  6. Jabir b. Abdullah reported: The Messenger of Allah (may peace be upon him) said "O people, Fear God and cut your ambitions of livelihood, for a man will not court death unless he is provided full sustenance (decreed) for him even if he restrains himself from it. So, fear Allah and cut your ambitions in search of livelihood. Take whatever is lawful and leave whatever is unlawful." (Ibn Majah)
  7. 'Ali (Allah be pleased with him) said: "I heard the Messenger of Allah (may peace be upon him) saying: '(on the Day of Resurrection) when there will be no shade except that of the Throne of Allah, the person who undertakes a journey to earn his livelihood and then returns with it towards his dependents, will be under the shade of Allah's Throne'." (Masnud Zaid bin Ali)
  8. 'Ali (Allah be pleas with him) said: "A person come to the Prophet of Allah (May peace be upon him) and asked: 'O Messenger of Allah: What type of earning is best?' The Prophet (may peace be up him) said: 'A man's work with his hand and every business transaction which is approved for Allah loves a believer who is a craftsman. A person who suffers pain to feed his dependents is like a person who fights in the cause of Allah, the Mighty and Glorious. "  
(Masnud Zaid bin Ali)
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The conception of God's dispensation does not, however, suggest that one should sit idle and wait for sustenance which would automatically come to him. Instead of giving up struggle, Islam rather inspires a person to do his best in order to earn his livelihood by using all lawful (Halal) and fair means. The Qur'an encourages struggle when it says: "And that man hath only that for which he maketh effort, and that his effort will be seen"—(53:39-40). The revealed book of Islam encourages its followers even on Friday which is day of special worship to disperse in the land after finishing their prayer and seek of the bounty of God (62:10). Ahadith of Prophet Muhammad (PBUH) also emphasize the importance of struggle and hard work put in for earning livelihood for oneself and one's family.

## **2-God is Real Owner of everything and man is merely a trustee.**

The heavens and the earth and everything in the universe belongs to Allah. God is the real owner of everything, al-though He has given some rights to man for use of things required by the latter for his existence on the earth. However, the rights given to man are very limited, the real position of man being that of a trustee and a beneficiary. Some of the relevant verses of the Qur'an which highlight this concept are given as under:

1. Unto Allah belongs whatsoever is in the heavens and whatsoever is in the earth. Allah ever surrounds all things. (4:126)
  2. He it is Who has placed you as viceroys of the earth and has exalted some of you in rank above others, that He may try you by (the test of) that which He has given you. Lo! Thy Lord is swift in prosecution, and lo! He is Forgiving, Merciful. -(6:165)
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3. Believe in Allah and His messenger, and spend of that whereof he has made you trustees; and such of you as believe and spend (aright), theirs will be a great reward.  
-(57:7)

This limited ownership or trusteeship bestowed on man by Allah in respect of the wealth which is given to him is not without significance. The divine wisdom underlying this principle of trusteeship is that man should not hoard his wealth treating it as his absolute ownership and deprive others from its use. Rather the surplus wealth of man must go to his fellow beings who are in want. This principle has been made more clear when the Qur'an says: ".....and bestow upon them of the wealth of Allah which He has bestowed upon you....." (24:33). Thus the whole scheme of circulation of wealth through charity and Zakat and distribution of wealth through other equitable means envisaged by Islam is based on man's limited rights as a trustee of wealth which has been bestowed on him by His Lord.

### **3-Concept of Halal and Haram**

Islam has introduced concept of Halal (lawful) and Haram (unlawful) in its economic system. In fact the foundations of the Islamic economy have been laid on this concept. This concept reigns supreme in the realm of production as well as consumption. Certain means of earning - livelihood and wealth have been declared unlawful such as interest, bribery, gambling and games of chance, speculation, short weighing and short measuring, business malpractices, etc. Unlawful means of earning are strictly forbidden and a follower of Islam is permitted to earn through lawful and fair means. Similarly in the field of consumption certain items of food are unlawful such as dead animals, blood, swineflesh and animals slaughtered in the name other than that of Allah. Even expenses on certain items such as drinks, narcotics, debauchery, prostitution, pornography, things that promote

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obscurity and vulgarity, lotteries and gambling are strictly inadmissible.

Now let us glance through relevant verses of the Quran and Ahadith of Muhammad (PBUH), the Prophet of Islam, to highlight in brief the concept of halal and haram.

- 1- O mankind! Eat of that which is lawful and wholesome in the earth, and follow not the footsteps of the devil. Lo! he is an open enemy for you.(2:168)
  - 2- O ye who believe! Eat of the good things wherewith We have provided you, and render thanks to Allah if it is (indeed) He Whom ye worship. He hath forbidden you only carrion, and blood, and swineflesh, and that which hath been immolated to (the name of) any other than Allah. But he who is driven by necessity, neither craving nor transgressing, it is no sin for him. Lo! Allah is Forgiving, Merciful. (2:172-173)
  - 3- And eat not up your property among yourselves in vanity, nor seek by it to gain the hearing of the judges that ye may knowingly devour a portion of the property of others wrongfully. (2:188)
  - 4- Abu Hurairah reported that the messenger of Allah said: Verily Allah is pure. He does not accept but what is pure..... Then mentioned about a man disheveled in hair and laden with dust, making his journey his journey long and extending his hands to heaven: O Lord! O Lord! While his food was unlawful, his drink unlawful, his dress unlawful and he was nourished unlawful things. How he can be responded for that? (Muslim)
  - 5- Abu Masud Al Ansari reported that the messenger of Allah forbade the price of dogs, earning of prostitute and foretelling of a soothsayer. (Bukhari, Muslim)
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- 6- Jabir reported that the messenger of Allah cursed the devourer of usury, its payer, its scribe, and its two witnesses. And he said that they are equal in sins. (Muslim)

#### **4 - Ban on hoarding while circulation of wealth ensured**

Hoarding of wealth has been condemned by Islam in very clear terms, and those who hoard wealth and do not spend it for good cause have been threatened with painful doom. Hoarding of wealth is a great evil as it tantamounts to obstruction of flow of God given wealth from the rich to the poor who are in genuine need of it. Therefore, Islam discourages hoarding of wealth and instead encourages circulation of wealth among all the sections of society. Following verses of the Qur'an and Ahadith of the Prophet of Islam throw light on this subject.

- 1- And let not those who hoard up that which Allah Hath bestowed upon them of His bounty think that it is better for them. Nay, it is worse for them. That which they hoard will be their collar on the Day of Resurrection.....  
-(Al-Imran 3:180)
  - 2- .....They who hoard up gold and silver and spend not in the way of Allah, unto them give tidings (O Muhammad) of a painful doom. On the day when it will (all) be heated in the fire of hell and their foreheads and their flanks and their backs will be branded therewith (and it will be said unto them): Here is that which ye hoarded for yourselves. Now taste of what ye used to hoard!  
-(9:At-Taubah:34-35)
  - 3- That which Allah giveth as spoil unto His messenger from the people of the townships, it is for Allah and His messenger and for the near of kin and the orphans and
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the needy and the wayfarer, that it become not a commodity between the rich among you. And whatsoever the messenger giveth you, take it. And whatsoever he forbiddeth, abstain (from it). And keep your duty to Allah. Lol Allah is stern in reprisal.  
 -(Al-Hashr 59:7)

- 4- Abu Hurairah reported that the Messenger of Allah used to store up nothing for the morrow. -(Tirmizi)
- 5- Ayesha reported that the Messenger of Allah said: This world is an abode for one who has got no abode, and a property for one who has got no property, and one who has got no wisdom hoards for it. (Ahmad, Baihaqi)

The objective of the economic system of Islam is to ensure circulation of wealth and it achieves this objective through Zakat. Zakat is a great enemy of hoarding. If it is paid regularly on the hoarded wealth, it would eat away the whole or main portion of such wealth in a few years time. Thus a person possessing, such hoarded wealth is forced to bring it into circulation by investing it or spending it. The Prophet of Islam (PBUH) is reported to have said: "Beware! Whoever is the guardian of an orphan who has property should trade with it and should not have it (hoarded), lest the Zakat should consume it. (Tirmizi)

The objective of circulation of wealth is also achieved through other compulsory and voluntary Sadaqat, through laws of inheritance and will and through monetary atonements.

## **5 - Equity and not equality in distribution**

Islam establishes equity, fairness and justice in the production and distribution of wealth, and in ownership of means of livelihood. However it recognises that like other natural things there is no equality among human beings as

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regards the economic means and possession of worldly wealth. This inequality has been presented by the Qur'an as a part of Divine Economic order. The Qur'an does not consider these inequalities in the distribution of Divine sustenance as punishment or reward and does not try to eliminate them, because no two individuals have been blessed with hundred percent equal mental and physical abilities.

Taking the existence of inequalities as a part of divine scheme, the Qur'an advises its followers not to covet those things in which Allah has made some of them excels others. By exalting some of you over others in rank or by favouring some of you over others in provisions, God in fact tries and tests the human beings whether they are thankful to Him in good circumstances and patient in bad circumstances. The Qur'an highlights these inequalities in its following verses:

- 1- And covet not the thing in which Allah hath made some of you exceed others. Unto men a fortune from that which they have earned, and unto women a fortune from that which they have earned - (4:32)
- 2- He it is Who has placed you as viceroys of the earth and hath exalted some of you in rank above others. That He may try you by (the test of) that which He hath given you - (6:165)
- 3- And Allah hath favoured some of you above others in provision - (16:71)
- 4- Lo ! thy Lord enlargeth the provision for whom He will, and straiteneth it (for whom He will) - (17:30)

The existence of economic inequalities among the people is not only natural but is also a blessing for the purification of human soul and development of human personality. Those who have scarce means of sustenance should thereby learn to be patient and contented and not to be jealous; while those

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who have abundant resources should thereby learn to be grateful to God, to be kind and benevolent to the poor and to sacrifice their possessions for the cause of God.

However, Islam does not permit the difference in possession of wealth to assume such proportions that few lucky persons live in ease and luxury controlling major portion of community's wealth while the vast majority of people possessing negligible share in community's wealth lives a life of abject poverty, misery and hunger. According to Islam, difference in wealth must not exceed natural and reasonable limits, because if it happens the community invites wrath of God and meets its natural end of self-destruction. The Prophet of Islam has said: If anyone spent a night in a town and 'he remained hungry till morning, the promise of God's protection for that town comes to an end.

## **6 - Achievement of Falah**

The first and the foremost aim and objective of Islam is falah or well-being of the mankind in this world and in the next world. That is why al-Qur'an, the revealed book of Islam, admires those who pray to God: "Our Lord! Give unto us in the world that which is good and in the Hereafter that which is good, and guard us from the doom of fire" (2:201)

The Islamic concept of falah is very comprehensive. It refers to spiritual, moral and socio-economic well-being in this world and success in the Hereafter. At micro level, falah refers to a situation where an individual is adequately provided for in respect of his basic needs, and enjoys necessary freedom and leisure to work for his spiritual and material advancement; whereas at macro level, it aims at establishment of an egalitarian and happy society with clean environment, with freedom from want and with opportunities to its members for progress in socio-political and religious affairs. Although welfare of the individual and the society does not necessarily

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lie only in economic prosperity because moral, cultural and socio-political advancement is equally important, but still Islam does not discourage achievement of material prosperity through fair means.

The concept of *falah*, in strictly economic field, refers to material well-being of the citizens of an Islamic state. The economic system of Islam, therefore, aims to achieve economic well-being and betterment of the people through equitable distribution of material resources and through establishment of social justice. Yet the basic objective of Islamic system remains the same which has been clearly laid down by the Qur'an thus: "But seek with (the wealth') which God has bestowed on thee, the home of the Hereafter, nor neglect thy portion in this world, but do thou good as God has been good to thee and seek not mischief in the land, for God loves not those who do mischief."(28:77)

## **7 – Elimination of poverty**

One of the most fundamental and important objective of the Islamic welfare state is elimination of poverty or at least minimizing it. To achieve this objective the Islamic state adopts positive means of distribution as well as negative and prohibited means or measures. Kindly see chapter no. 6 "Fair distribution of wealth" and chapter No. 7 "Haram means of earning" for elaboration of these positive and negative means respectively.

Positive distributive means ensure fair and equitable distribution of wealth in the society. Some of these means are: (1) Zakat, (2) Voluntary sadaqat or charity, (3) Law of inheritance, (4) Law of will or bequest, (5) Law of Waqf i.e. dedication of property to the cause of Allah, (6) Charity of Fitr or Sadaqah Fitr, (7) Monetary atonements, (8) Feeding the poor, (9) Goodly loan to Allah i.e. loan to the poor for helping them. (10) Charity of Surplus wealth.

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Negative or preventive or prohibitive measures are also adopted by the Islamic welfare state which ensure prevention or stopping of concentration of wealth in the hands of few persons in the society. Some of these measures are: (1) Riba or usury or interest in every form is haram or unlawful and hence prohibited. (2) Bribery and corruption prohibited, (3) usurpation or devouring of orphans property prohibited. (4) Trade in wine and narcotics prohibited. (5) Gambling and games of chance are prohibited. (6) Theft and robbery punished. (7) Hoarding of food items and other essential goods prohibited. (8) embezzlement prohibited, (9) Wrong measuring or weighing prohibited and also other business mal practices, (10) Income through prostitution, dancing, singing pornography, etc. prohibited. (11) Beggary discouraged. (12) Earning through blackmail, deception, exploitation prohibited.

## **8 – Provision of Basic Human Needs**

It is also an important purpose and objective of the Islamic economic system that basic necessities of life like food, clothing and shelter should be provided to all the citizens of the Islamic state. The Prophet of Islam has beautifully defined the barest necessities of life in his famous Hadith which says: "The son of Adam has no better right than that he would have a house wherein he may live, and a piece of cloth whereby he may hide his nakedness, and a piece of bread and some water." (Trimizi). Thus, in this Hadith the basic needs of an individual have been defined to include a house to live in, clothing to hide one's body and food for survival and maintenance of health.

To get the basic minimum necessities of life is one of the fundamental rights of every human being. It is the obligation of the Islamic state to provide the basic needs of life to those of its citizens who are unable to earn due to physical disability, unemployment or any other reason. God guarantees the basic needs to every creature on earth as stated by the Qur'an:

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"And there is no animal in the earth but on God is the sustenance thereof." (11.6). The Islamic state, being vicegerent of God, is duty-bound to fulfil this purpose of God and provide the basic needs to its poor citizens. The Islamic economic system ensures the provision of basic needs to every needy person through its comprehensive system of social security. This system of social security shall be elaborately discussed at proper place in this book.

## **9 – Principle of Justice**

Islamic principle of justice operates in every sphere of human activity, may it be legal, social, political or economic. Islamic economic system, in fact is based upon the principle of justice which governs all the basic aspects of economy like production, distribution, consumption and exchange.

In the sphere of production, Islamic principle of justice ensures that nobody is exploited by the other and that nobody acquires wealth by unjust, unfair, unlawful and fraudulent means. The followers of Islam have been allowed to acquire wealth through just and fair means. Islam admits the right of every individual to earn his livelihood, to acquire wealth, to own property and live a comfortable life. But it does not allow that people should amass wealth through bribery, corruption, embezzlement, stealing, robbery, gambling, trade in narcotics, exploitation, gambling, interest, fraud, hoarding, black marketing, prostitution, malpractices in business, immoral professions or through other unjust methods.

In the field of distribution, the Islamic principle of justice plays the most vital role. One of the greatest contribution of Islam to humanity is that Islam ensures just and equitable distribution of wealth among the people. Justice in distribution, which is called by various names like economic justice or social justice or distributive justice, demands that economic resources and wealth should be so distributed

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among the members of the community that on the one hand the gulf between the rich and the poor should be bridged and on the other hand everyone should be provided with basic necessities of life. Islam discourages concentration of wealth in few hands and ensures its circulation in the community not only through moral education and training but also through effective legal measures. System of Sadaqat, Zakat and voluntary alms alongwith laws of inheritance helps distribution of wealth among the larger sections of society, while prohibition of interest, gambling and other Haram (unlawful) means of earning stop concentration of wealth in fewer hands.

The Islamic principle of justice also operates in the sphere of consumption. Islam condemns extravagance as well as miserliness, both extremes, in consumption and spending. It enjoins upon its followers to exercise moderation in consumption of food and other articles of use and also in spending wealth on their needs. Moreover, it forbids squandering of wealth on drinking wine, consumption of narcotics, gambling, committing adultery, and on other luxuries. High and luxurious standard of living is discouraged. Simplicity and austerity in life is promoted. People are encouraged to spend only on their just and fair needs. In this way the resources which are saved are used for the welfare of the poor people.

Even in the field of exchange Islam has properly applied its principle of justice. The Prophet of Islam has forbidden all those forms of business, trade and sale which are unjust or which contain element of gambling, riba, fraud, deceit or exploitation. Only those means of exchange, sale or trade have been allowed which are based on justice and fairplay.

## **10 – Elimination of Exploitation**

The last, but the most important, objective of Islamic economic system is elimination of exploitation of one human

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by another. To achieve this end Islam has taken many effective measures. First such measure is the abolition of interest or usury which is and has been perhaps the worst instrument of human exploitation.' The Qur'an calls it *riba* and declares it a heinous crime which amounts to war against God and God's messenger. The Qur'an says: "O ye who believe! Observe your duty to Allah, and give up what remaineth (due to you) from usury, if ye are (in truth) believers. And if ye do not, then be warned of war (against you) from Allah and His messenger. And if ye repent then ye have your principal (without interest). Wrong not and ye shall not be wronged. - (2:278-279)

Another measure taken by Islam for putting an end to human exploitation is regarding slavery. The slaves have been the most exploited class in human history. Islam declared the emancipation of slaves as the most pious act and enjoined upon its followers to earn God's pleasure by setting free as many slaves as they could. The Qur'an has made emancipation of slaves an expiation of some types of sins and criminal acts committed by the believers, e.g breaking of oaths, murder of a Muslim, *Zihar* with wife, etc.

To eliminate exploitation of labour by the employer or the capitalist, the Prophet of Islam has laid down that the workers would be paid their wages promptly. On the authority of Abdullah-bin-Omar, it is reported that the Messenger of Allah said: "Pay the labourer his wages before his sweat dries up." (Ibn Majah).

The tenants and the farm workers are another most exploited class of humans which has been subjected to the worst type of tyranny by the feudal lords. To eliminate exploitation of this class, Islam almost abolished *jagirdari* or feudal system by repealing the system of absentee landlordism and by confiscating the lands of those who did not cultivate them for three continuous years. The Prophet of

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Islam also discouraged giving of land to others for cultivation on cash rent or for share in produce.

The debtors have been another exploited class. Islam has not only abolished interest, but to help this class, the Qur'an has laid down that the creditor should give as much time as possible to the debtor for repayment of debt and if the creditor remits the debt it shall be treated as almsgiving.

The orphans have always been an exploited class in every society as their property is generally devoured by their near relatives and their guardians. In the sight of Islam, devouring the property of the orphans is a major sin. The Qur'an warns such persons in these words: "Lo! Those who devour the wealth of orphans wrongfully, they do but swallow fire into their bellies, and they will be exposed to burning flame." (4:10)

The women have been exploited by men throughout the history of humankind. They were denied in the past even the status of a human being and were treated as chattel. Islam restored their status of human beings and gave them rights equal to men in every sphere. In the economic field, Islam has given them rights to acquire property, own it, enjoy it and alienate it as the men do. The women have also been given rights of inheritance like men, they can inherit property from their parents, from their spouses, from their children and from their other near kindred. Thus Muslim women are no longer economically exploited by the men.

Supra are some of the steps, which have been taken by Islam to end economic exploitation of the weak by the strong.

## **11 – Principle of Moderation**

Islam unequivocally discourages its followers to cross tire limits and follow extremes. The Muslims have been called by the Qur'an a middle nation (2:143). Therefore, the principle of

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moderation carries paramount importance in every field of life for a Muslim, especially in the economic field. This principle is followed by the true believers in the production of wealth as well as in the consumption and spending of wealth. Although earning of wealth through permitted (Halal) means is allowed, yet the piety demands that a Muslim should not become mad after amassing wealth like a greedy materialist. He should exercise restraint and earn wealth to meet his lawful needs. Extra wealth, if at all is earned by him somehow, may be spent in the path of Allah on charity and relief of the poor. Similarly, in the consumption and spending of wealth, the believer is recommended to strike balance avoiding miserliness and extravagance. Miser is he who does not even provide for the legitimate needs of himself and his family let alone spending on charitable and noble causes. Extravagant or spend thrift is a person who squanders his wealth in luxury, gambling, drinking, and on lavish expenditure on festivities, weddings, day to day living, etc. Islam condemns both miserliness and extravagance and enjoins upon a believer to exercise' moderation. The Qur'an appreciates those who exercise moderation in spending when it says: "And those who, when 'they spend, are neither prodigal nor grudging; and there is ever a firm station between the two:" (25:67)

The Qur'an does not like those who transgress limits. O you who believe! Forbid not the good things, which Allah hath made lawful for you, and transgress not. Lo, Allah loves not the transgressors. (5:87)

Some Ahadith of the Prophet of Islam on moderation are given as under:

- 1- Abu Hurairah reported that the Messenger of Allah said: Moderation in expenditure is half of livelihood, and love for people is half of wisdom, and good questioning is half of learning. (Bukhari)
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- 2- Matred-b-Abdullah reported that the messenger of Allah said: The best of affairs is their mean.

The principle of moderation propounded by the above mentioned texts equally applies in economic field specially in the field of acquisition of wealth and its consumption.

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## **CHAPTER 3**

# **FUNCTIONS OF THE ISLAMIC WELFARE STATE**

For the socio-economic well-being of its citizens, the Islamic Welfare state is bound to perform the following duties (or functions) in the light of the Qur'an and the Sunnah:

### **1 – General duties towards the poor**

The duties of the Islamic state towards the poor and the needy and their share out of the revenues of the state is highlighted by the following verses of the Qur'an:

- (i) And know that whatever ye take as spoils of war, Lo! A fifth thereof is for Allah, and for the Messenger and for the kinsman (who hath need) and orphans and the needy and the wayfarer. -(8:41)
- (ii) The alms (Zakat) are only for the poor and the needy and those who collect them, and those whose hearts are to be reconciled and to free the captives and the debtors, and for the cause of Allah, and for the wayfarers; -(9:60)
- (iii) That which Allah giveth as spoils unto His Messenger from the people of the townships, it is for Allah and His Messenger, and for the near of kin and the orphans and the needy and the wayfarer, that it become not a commodity between the rich among you -(59:7)

The duties of the Islamic state towards the poor and the needy and its status as their guardian has been further clarified by the Prophet of Islam as under:

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- (i) Allah has made Zakat obligatory upon the Muslims. It is to be collected from the wealthy among you and distributed among the needy ones. –(Muslim)
- (ii) The government is the guardian of anyone who has no other guardian. –(Abu Daud, Tirmizi)
- (iii) When anyone dies in debt or leaves behind dependents unprovided for, the latter should come to me because I am their guardian (as head of state). –(Bukhari, Muslim)
- (iv) If anybody dies while he owes a debt and does not leave behind any property for its payment then the responsibility for its payment is mine (as head of the state). But if anyone leaves any property behind, it is for his heirs –(Bukhari, Muslim)
- (v) If anyone leaves behind property, it will go to his heirs, but if anyone leaves behind some liabilities (instead), the burden of their discharge falls on us (i.e., the State): –(Bukhari, Muslim)

The above mentioned verses of the Qur'an and sayings of Prophet Muhammad (PBUH) establish beyond any doubt that the responsibility of providing basic needs to its citizens lies on the Islamic state. In this matter, Islam has made no distinction between the Muslims and non-Muslims. Caliph Umar once found a non-muslim Zimmi begging alms. He granted him pension and absolved him from payment of Jizyah. Khalid bin walid, the famous general of Islam, concluded a treaty with the non-Muslims of Hira which made a provision for financial assistance to the poor and destitutes of non-Muslims.

## **2 – To Provide basic needs of life to citizens**

The Holy Qur'an has referred to the basic human needs in these words: "There is therein (enough provision) for thee

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not to go hungry nor to go naked; nor to suffer from thirst, nor from the sun's heat" (20:118-119). Thus basic human needs are: protection from hunger and thirst, protection from nakedness, and protection from sun's heat which means shelter. In other words, food, clothing and house are the basic human needs which are the minimum requirement of a human being to lead his life in this world. The Prophet of Islam has also defined the minimum necessities of life in one of his oft-quoted traditions. He is reported to have said: "The son of man has no better right than that he would have a house wherein he may live, and a piece of cloth whereby he may hide his nakedness, and a piece of bread and some water" - (Tirmizi). From this tradition of the Prophet also, the barest necessities of human life include food and water, clothes and a house.

Every person living in the Islamic state is entitled to these basic needs, but if he is unable to procure them for himself or for his family then the Islamic state is duty bound to provide him the same. Many Muslim jurists have held that Islamic state is responsible to provide minimum standard of living, in the form of basic necessities of life, to all those persons who being poor, needy, sick, disabled, old or unemployed, are somehow unable to achieve the same. God has guaranteed sustenance to all His creatures on earth and the Islamic state being viceroy of God has its foremost duty to provide barest necessities of life to all of its citizens. Some of the very eminent jurists of Islam have held that the allegiance of the citizens to Islamic state depends upon the condition that the state would guarantee them basic necessities of life. But if the state fails to do so, then the state, according to them, forfeits its right to their allegiance.

Following persons are especially entitled to financial assistance from the state:

- (1) All poor persons who need help to pull on.
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- (2) Incapacitated or physically disabled individuals who cannot earn.
- (3) Helpless persons like orphans, widows, old and unemployed.
- (4) Refugees or fugitives who are forced to leave their homeland and their belongings under oppression or persecution.
- (5) Students, teachers, preachers, etc. who have dedicated their lives for the cause of learning and propagation of Islam and thus have no time or means to earn for their subsistence.
- (6) Persons who are overtaken by some calamity like flood, earthquake, epidemic, war, cyclone, storm, etc.
- (7) All other helpless, destitute, distressed and needy persons, who are forced to begging in order to eat and cover their bodies.

An Islamic welfare state establishes an all-embracing social security system in its land for the deserving persons without any discrimination on any bias like religion, colour, language, race, place of birth, sex or blood-ties. This system of social security provides maintenance allowances, family allowances, invalid allowances, widows allowances, orphans allowances, old age pensions, unemployment allowances, medical aid, etc. It also provides financial aid to the debtors in discharging their debt liability. It helps the prisoners and captives in provision of food and clothing. The social security scheme helps the travelers in the form of boarding and lodging facilities. The scheme is supposed to help the guarantors also who stand as surety for a debtor.

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### **3 – To ensure social justice**

The economic philosophy of an Islamic state is based on the concept of social justice. Allah has placed in the earth sustenance and provisions for all to cater their need. However, due to various reasons, the distribution of these provisions does not remain fair among all the human beings, thus making some fortunate people very rich who possess wealth more than their needs and making many others very poor who possess nothing or too little to meet their very basic necessities of life. An Islamic state provides equal opportunities to all its citizens to earn their livelihood. In order to achieve social justice, Islam takes two major steps: Firstly it discourages rather condemns concentration of wealth in few hands; secondly it ensures fair and equitable distribution of wealth through effective measures.

The Qur'an, the revealed book of Islam, condemns hoarding of gold and silver in very strong words in its verses 34 and 35 of its chapter 9, while concentration of wealth among the rich segment of society has been discouraged in verse No. 7 of Chapter 59 of the Holy book. To check concentration of wealth in few hands, unlawful and unfair means of acquiring wealth like interest, games of chance, bribery, business malpractices (such as short measuring, short weighing, etc). hoarding, embezzlement, theft and robbery, etc, have been strictly prohibited. Fair and equitable distribution of wealth has been ensured by Islam through Zakat and Sadaqat, through taxes and compulsory contributions levied by the Islamic state, and last of all through the laws of inheritance and will.

Thus, Islam, through its attack on concentration of wealth and through its measures taken for equitable distribution of wealth, has paved the way for establishment of socio-economic justice in an Islamic state. The gulf between

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the rich and the poor is narrowed and economic disparities are removed.

#### **4 – To impose social rights on the rich**

In order to achieve its ideal of socio-economic justice, Islam imposes social rights over individual wealth such as rights of the poor relatives for financial support, rights of the needy neighbors for assistance, rights of the slaves and servants for help, rights of the wayfarers, friends and general Muslims who need financial aid. The Holy Qur'an says: "They ask thee, (O Muhammad), what they shall spend. Say: That which ye spend for good (must go) to parents and near kindred and orphans and the needy and the wayfarer. And whatsoever good ye do, Lo! Allah is aware of it"- (2:215).

Since the above mentioned social rights of others are to be fulfilled and payment of Zakat may not be sufficient for the same, the Prophet of Islam is reported to have said: in one's wealth there are other rights too besides Zakat". Ali, the fourth caliph, said: "Allah has ordained that the rich are to pay out of their wealth to that extent which is sufficient for the needs of the poor; so that if they do not find food or clothing or struggle (unsuccessfully for their living), it would be because the rich are not doing their duty, and Allah will take them to task on the Day of Judgement and will punish them."

Thus the followers of Islam are required to fulfil the needs of the poor and if Zakat revenues are insufficient, the Islamic welfare state can ask them to contribute more so that the needs of the poor can be met. Ibn Hazm, however, goes further to say: "It is obligatory on the wealthy of every city to provide for the needy and if the income from Zakat is not sufficient for this purpose, the Sultan can force them."

The view of Abu Dhar Ghaffari, who was a very close companion of the Prophet, is that the rich should surrender all

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of their surplus wealth to the Muslim community or the state so that needs of the poor should be satisfied. According to him, no Muslim is entitled to keep wealth more than his needs when even a single Muslim remains hungry or naked in the country.

It would be of great academic interest if we reproduce an extract from Afzal-ur-Rahman's book 'Economic Doctrines of Islam' in order to know the views of a great jurist like Ibn Hazm.

"As to the prohibition of keeping surpluses while fellow citizens are in dire need, Ibn Hazm quotes another saying of the Prophet "Whoever has an extra camel, let him give it to him who has it not and needs it; whoever has surplus food, let him give it to him who is without it." The Prophet went on talking about parting with surpluses of various kinds until we came to believe that we are being taught that no one has any right to any surplus."

"Ibn Hazm then proceeds to deal with the question of the power of the state exercised in spending out of the national wealth. He first deals with the right of the needy individual against another who has a surplus. He says that if a person is dying of thirst or hunger and the person possessing water and food refuses to help him, the hungry or the thirsty man has a right to take it by force. Most jurists before Ibn Hazm had mentioned only extreme thirst as a justification for individual violence. He criticises them and says that if thirst justifies it, why not starvation or lack of covering which might prove equally fatal."

"Abu Bakr, the first Caliph, fought war to crush those who would not pay Zakat meant for the poor. Ibn Hazm thinks that it justifies violence against those who withhold surpluses while perty and misery still exists."

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## **5 – To provide Education**

Islam grants paramount importance to education and learning. The importance which revealed book of Islam gives to education can be pointed out from the very fact that the first verses of the Qur'an which were revealed to Prophet Muhammad (PBUH) instructed him to 'read'. Al-Qur'an says: "Read: In the name of thy Lord Who createth, createth man from a clot. Read: And thy Lord is the most Bounteous, Who teacheth by the pen, teacheth man that which he knew not (96:1-5). So the Holy Qur'an, if its revelation is put in the chronological order, starts with the commandment 'read'. In these verses, the Qur'an uses three words\_ 'read', 'teach' and 'pen', which shows how much is the importance of reading, learning, writing and teaching. The Qur'an has commanded the believers to reduce their contracts and agreements in writing (2:282).

Human being is the best of Allah's creation and it is because Allah has given him knowledge. It is on account of the learning and knowledge that man's superiority was established over the Angels. Allah taught Adam all the names, and then showed them to the Angels asking them to inform Him about them which they could not, but Adam did (Al-Qur'an 2:31-33). Wisdom or knowledge is a great treasure and everlasting wealth. He is Allah Who gives wisdom to whom He likes. Unto whom wisdom is given, he has indeed been blessed with a great treasure (Al-Qur'an 2:269).

The Ahadith of Prophet Muhammad (PBUH) about the importance of knowledge and need of education for the men and women are cited below:-

1. Anas reported that the Messenger of Allah said: Search for knowledge is compulsory upon every Muslim male and Muslim female. (Ibn Majah)

2. Anas reported that the Messenger of Allah said: Whoso goes out in search of knowledge, he is in the path of Allah till he returns. (Tirmizi)
3. Anas reported that the Messenger of Allah said: Search knowledge though it be in China, (Baihaqi)
4. Sakharah-al-Azdi reported that the Messenger of Allah said: Whoever searches after knowledge, it will be expiation for his past sins. (Tirmizi)
5. Ayesha reported: Superiority in education is better than superiority in divine service. (Baihaqi)

In Islam, it is the basic right of every individual to get education. Since the human beings, male as well as females, are responsible and accountable for their actions and deeds on the Day of Judgement, they are required to have the knowledge of the teachings of the Qur'an and Sunnah particularly the basic knowledge of the fundamentals of Islam like Belief, Prayer, Zakat, Fasting, Hajj, etc. Besides that, they are also obliged to know the Attributes of Allah, knowledge of lawful and unlawful, right and wrong, their religious obligations, laws promulgated by the Qur'an regarding marriage, dower, divorce, inheritance, will, adultery, murder, theft,. etc. The prophet(PBUH) of Islam took keen interest in the education and training of his followers. He made suitable arrangements for education of the males as well as females.

The Prophet of Islam released some of the prisoners who had been captured in the Battle of Badr, without ransom on the condition that each of them should teach at least ten Muslims children how to read and write. This shows how the Prophet viewed the need of education and literacy for the Muslims children.

The Prophet of Islam has made it obligatory upon every Muslim, whether male or female, to acquire education and

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knowledge. With this stress on education, the Prophet of Islam, as first head of the Islamic community and state, started educating and training his followers. Soon after his migration to Madinah, the Prophet ordered reservation of a part of his mosque for educational purposes. This place was called al-Suffah where elementary education in al-Quran was imparted alongwith teaching the students how to read and write. After the Prophet, his successors known in history as right-guided caliphs, continued discharging this duty of the state to educate the people. Thus it has become one of the very important duties of the Islamic state to provide education to all its citizens.

The state is bound to impart education of the Qur'an and Hadith besides humanities, sciences and other technical subjects. It would establish schools, colleges, universities, etc. to provide free education to all of its citizens, male or female.

## **6 – To provide health care and medical relief**

Every citizen in an Islamic welfare state has right to healthcare and medical relief and this right should be granted to him as this is considered by the modern world as one of the fundamental human rights.

Right to health care and medical relief means that the citizens should be provided medical facilities by the state like hospitals, health care units, medicines, etc. in case they fall sick. The weak, old and disabled people should be provided protection and should be looked after in addition to medical facilities. General public should be provided facilities for health care like playgrounds, parks, etc. Leisure and rest and recreation facilities should be provided enabling the citizens to maintain their health and remove stress and mental tension.

The Qur'an does not say much about the sick and the disabled, except that the sick have been exempted from

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religious obligations like fasting (2:196), and performing of ablution (5:6) during their sickness. Similarly disabled persons such as blind, lame, weak and sick have been exempted from participation in jihad (holy war) (9:91 and 48:17)

In his traditions the Prophet (PBUH) of Islam has emphasised the obligations of others in visiting the sick and nursing and looking after them:-

1. Abu Musa reported that the Messenger of Allah said: Feed the hungry, visit the sick and free the captives.  
(Bukhari)
2. Saoban reported that the Messenger of Allah said: When a Muslim visits his brother Muslim in sickness, he certainly continues to pluck fruits of Paradise till he returns.  
(Muslim)
3. Ibn. Abbas reported that the Messenger of Allah said: There is no Muslim who visits a Muslim in illness and says seven times, "I pray to the Almighty Allah, the Lord of the Magnificent Throne, that He may cure you" except that he is cured, unless his death is imminent.  
(Abu Daud, Tirmizi)
4. Ibn Abbas reported: Short sitting and little noise when visiting a sick is a part of sunnah.  
(Razin)
5. Anas reported that the Messenger of Allah said: .....whose visits his brother Muslim in sick-bed out of hope of reward, he goes to a distance of sixty years away from hell.  
(Abu Daud)

Islam has much stress on health as it plays very vital role in the welfare of the individuals as well as in the development of the nation. So a welfare state specially a welfare state of Islam cannot ignore this sector in order to achieve its socio economic goals. Thus to provide health care

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and medical relief becomes an ownerous duty of the Islamic Welfare state. To achieve this objective, the state would establish schools, colleges and universities in the medical sector to educate and train health care workers like doctors, surgeons, nurses and managers. It would also establish dispensaries, clinics and hospitals to provided health services to the sick, disabled and needy. Health insurance should also be improved and provided in the public sector by the state to the poor families in case of expensive treatment and essential surgeries.

## **7 – To Provide employment**

The Islamic welfare state is obliged to provide employment and jobs to its citizens to enable them to earn lively hood for themselves and for their families particularly to those persons who have no jobs and no source of income. Jobs should be provided not only to the educated, able bodied and skilled people but also to the illiterate, disabled and unskilled workers. If white collar, well paid and standard jobs are not available, the people should be provided ordinary jobs of physical and mental labour by which they can honourably earn their bread and butter at minimum level of existence.

Right to get a job or employment to earn honourable living is a right which the Prophet of Islam recognized fourteen centuries ago when a poor person went to him and begged for his means of living. The following Hadith shows how the Prophet provided him an employment or an occupation for respectable living.

Anas reported that one of the Helpers (Ansar) came to the Messenger of Allah begging of him. He said: Have you got anything in your house? He replied: Yes, I have a woolen carpet with one part of which we cover ourselves and spread the other (part) and a cup in which we drink water. He said: come to me with both of them. The man came to him with

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both of them, and the Holy Prophet took them in his hand and said: Who will buy these two? A man said: I shall take them both for one silver coin. He enquired twice or thrice: Who will pay more than a silver coin? A man said: I will take them both for two silver coins. Then he gave them both to him and took the two silver coins and paid them to the Helper and said: Buy food with one of these, and let it go to your family, and buy an axe with the other and come to me there with. Then he brought it. The Messenger of Allah fixed a handle to it with his own hand and said: Go, cut wood and sell it, let me not see you for fifteen days. Then the man went to cut the wood and sell it. Then he came to him when he had already earned ten silver coins. He purchased a garment with some of these and food with some. Then the Messenger of Allah said: This is better for you than that the begging should put a spot upon your face on the day of Resurrection. (Abu Daud)

Following the footsteps of the Prophet, Islamic state is thus responsible to provide employment to its citizens if they have no employment or occupation to earn, their livelihood. State should also make provision to provide unemployment allowance and stipends to the unemployed.

## **8 – To Help the eligible persons to marry and raise family**

Right to family has been granted by Islam to every human being, may he or she be a male or a female without any discrimination on any basis like caste, race, colour, nationality or language. Even the slaves and slave girls living in the Muslim society have been granted family rights. Family rights in Islam include right to marriage, right to divorce in case of failure of 'marriage, right to maintain the purity of marriage relations, right to procreation of children, right to bring-up and control children, and right to privacy.

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Islam grants every individual the right to marry. The Qur'an says: "Marry those among you who are single"... (24:32). Traditions of the Prophet of Islam exhorting the believers to marriage and stressing the merits of marriage are as follows:

1. Abdullah-b-Mas'ud reported that the Prophet said-. O assembly of youth! Let him marry who amongst you is able to have sexual intercourse, and verily it greatly shuts up eye-sight and protects private parts. And whoso is not able, he should keep fast; and verily it is (as it were) castration for him (Mishkat-ul-Masabih)
2. Anas reported that the Messenger of Allah said: Whoso wishes to meet Allah pure and purified, let him marry free women. (Ibn Majah)
3. Alias reported that the Messenger of Allah said: When a man has married, he has indeed made his religion half perfect. Then let him fear Allah for the remaining half (Mishkat-ul-Masabih)
4. Abu Sayeed and Ibn Abbas reported that the Messenger of Allah said: Whoso has got a son born unto him, let him give him a good name and good manners. When he attains maturity, let him be married. If he attains maturity, and he does not get him married, and then he commits sin, his sin will fall upon his father. (Baihaqi)

Whatever be the reason of being single; a man or a woman have got right to marry or remarry in case of the dissolution of previous marriage by divorce or death. If marriage with free individuals is not possible, marriage with believing slaves has been encouraged. Widows and divorcees have been allowed to re-marry. Muslim men are permitted to marry the women of the people of the Scripture i.e. Jews and Christians. However Islamic law prohibits marriages between

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close relations, e.g. a man cannot marry his mother, sister, daughter, mother of his wife, sister of his wife, daughter of his wife, etc.

For maintaining purity of marriage relations, Islamic law ordains very harsh and severe punishment for adultery and fornication. The Qur'an says: "The adulterer and the adulteress, scourge ye each one of them (with) a hundred stripes. And let not pity for the twain withhold you from obedience to Allah, if ye believe in Allah and the last day. And let a party of believers witness their punishment" (24:2). The Prophet of Islam has prescribed even a more severe punishment for a married person who is involved in adultery. The punishment prescribed by the Prophet (PBUH) is that of rajm (stoning to death).

## **9 – To protect the weak against the strong.**

Another important function which the Islamic welfare state is supposed to perform is to protect the poor and the weak person from the high-handedness and attacks of the rich and strong person. Hadrat Abu Bakr (May Allah be pleased with him), the successor of the Prophet (PBUH), in his inaugural speech as the first caliph of the Muslims said: "He that is weak among you is strong before me, in as much as I shall restore unto him his due, if God will. And he that is strong among you is weak before me, in as much as I shall take that which is due from him, if God will."

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## CHAPTER 4

# SOCIL SECURITY

### General Meaning

The term social security has recently come into common usage. However, this term has not been exactly defined. So every individual and community assigns to it meanings of his or her own liking. Generally it is believed to mean the provision of basic human needs to every individual by the community or the state.

Social security laws, according to jurists, are "those legal mechanisms primarily concerned to ensure the provision for the individual of a cash income adequate, when taken along with the benefits in kind provided by other social services, to ensure for him a culturally acceptable minimum standard of living when the normal means of doing so fail."

Broadly speaking, social security embraces in its fold social assistance, provision of basic necessities of life, social insurance against risks of hazards (such as sickness, old age, unemployment), public maintenance, etc.

The idea of social security originated in realisation by the state of its responsibility to provide its citizens adequately against certain contingencies like want, poverty, disease, illiteracy, unemployment and old age. Formerly social security benefits were confined merely to workers, but lately the same have been extended to all citizens. Thus in the modern world, almost all the countries are maintaining some sort of social security schemes for providing monetary benefit to persons suffering economic hardship. Such schemes embrace in their

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fold insurance against sickness and unemployment; pensions to old people, widows and disabled; compensation to workers who have met with some accident; maternity benefits; family allowances etc.

## **Islamic Concept of Social Security**

The Islamic concept of social security originates from the following Verses of the Qur'an and the Ahadith which enjoin upon the believers of Islam to help their poor and needy brothers-in-faith who are unable to fulfil their basic human needs:

1. They ask thee, (O Muhammad), What they shall spend. Say: That which ye spend for good (must go) to parents and near kindred and orphans and the needy and the wayfarer. And whatsoever good ye do; Lo! Allah is Aware of it. –(Qur'an 2:215)
  2. And serve Allah. Ascribe nothing as partner unto Him. (Show) kindness unto parents, and unto near kindred, and orphans, and the needy, and unto the neighbour who is of kin (unto you) and the neighbour who is not of kin, and the fellow-traveller and the wayfarer and (the slaves) whom your right hands possess. Lo! Allah loveth not such as are proud and boastful. –(Qur'an 4:36)
  3. The alms are only for the poor and the needy, and those who collect them, and those whose hearts are to be reconciled and to free the captives and the debtors, and for the cause of Allah, and (for) the wayfarers; a duty imposed by Allah. Allah is Knower, Wise. –(Qur'an 9:60)
  4. And in their wealth the beggar and the outcast had due share. –(Qur'an 51:19)
  5. That which Allah giveth as spoil unto His messenger from the people of the townships, it is for Allah and His
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messenger and for the near of kin and the orphans and the needy and the wayfarer, that it become not a commodity between the rich among you....

–(Qur'an 59:7)

6. And in whose wealth there is a right acknowledged. For the beggar and the destitute. –(Qur'an 70:24-25)
  7. The Holy Prophet is reported to have said: The government is the guardian of anyone who has no other guardian. –(Abu Daud, Tirmizi)
  8. Miqdam reported that the Messenger of Allah said: "I am nearer to every believer than his own self; so whoever leaves behind a debt (to pay) or children to support, it shall be our charge; and whoever leaves property, it is for his heirs, and I am the heir of the person who has no heir. I inherit his property and pay his debt." –(Muslim)
  9. It is reported from Abu Hurairah that the Messenger of Allah said: "I am, according to the Book of Allah, nearest to the believers of all human beings. So whoever amongst you dies in debt or leaves behind destitute children, you should call me for help, for I am his guardian. And who amongst you leaves property, that is for his inheritor, whoever he is." –(Muslim)
  10. Abu Hurairah reported that the Messenger of Allah said: One who strives for the widows and the poor is like one who fights in the way of Allah. He said: I shall regard him as one who stands up (for prayer) without rest and as one who fasts without break. –(Bukhari and Muslim)
  11. Ibn Umar reported that the Messenger of Allah said: There is a key for everything and the key of Paradise is love for the poor. –(Darqutni)
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12. Anas reported that the Messenger of Allah said: The best charity is to satisfy a hungry belly. -(Baihaqi)
13. If anyone spent a night in a town and he remained hungry till morning, the promise of God's protection for that town came to an end. -(Musnad Ahmad)
14. Abu Saeed Khudri reports that the Apostle of Allah said: Anyone who possesses goods more than his needs, should give the surplus wealth to the weak (poor) and whosoever possesses food more than his needs should give the surplus food to the needy and the destitute -(Quoted by Ibn Hazm)
15. Ali is reported to have said: God has made it obligatory on the rich to meet the economic needs of the poor upto the extent of their absolute necessities. If they are hungry or naked or in financial hardship, it is because the rich are not doing their duty. God will question them about it on the Day of Judgement. -(Quoted by Ibn Hazm)

From the above mentioned verses of the Qur'an and Ahadith of the Holy Prophet, it is clear that Islamic state being guardian of the poor and helpless is responsible for providing the barest necessities of life to its' poor and needy citizens. In the income of the state from Zakat, spoils of war and fai, the Qur'an has especially mentioned the share of the poor and the needy. Besides making the Islamic state responsible to provide for the poor, Islam also enjoins upon its rich followers to help their poor relatives, friends and neighbours.

## **Basic Human Needs**

Basic human needs or the barest necessities of life have been defined by the following verse of the Qur'an and Hadith of the Holy Prophet:

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1. There is therein (enough provision) for thee not to go hungry nor to go naked; nor to suffer from thirst, nor from the sun's heat. -(Al-Quran 20:118-119)
2. The son of Adam has no better right than that he would have a house wherein he may live, and a piece of cloth whereby he may hide his nakedness, and a piece of bread and some water. -(Tirmizi)

Thus the basic human needs, according to the Qur'an and the Sunnah, include food, clothes and a house. In the modern age the concept has been stretched to include education and healthcare.

Every person living in the Islamic state is entitled to these basic needs. But if he is unable to procure them for himself and for his family due to unemployment, sickness, disability, old age or due to any other reason, then the Islamic state is duty-bound to provide him with the same. In case of lack of resources, the state must find out means to make arrangements to help its needy citizens. For this purpose, the state has been allowed to levy taxes in addition to Zakat on the authority of Verses 177 of surah 2 and on the authority of the following Hadith of the Prophet: "In one's wealth there are rights other than Zakat also".

Many Muslim jurists of classical age have taken the notion of state responsibility for meeting the basic human needs of every eligible citizen so seriously that they have ruled that the allegiance of the Islamic state depends upon this condition. If the state fails to provide these needs to its citizens, it forfeits its right to their obedience.

An eminent economist of Islam, Mr. Afzal-ur-Rahman calls Zakat (which is collected by the Islamic state) an insurance fund of the Islam state. He says:

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"It is an insurance fund to which only the wealthy make contributions. If you are rich today, you contribute to this fund. The needy and the poor benefit from this fund today, but if you (or your children) are rendered poor tomorrow by the vicissitudes of this world, you (or your children) will also benefit from it. Thus no member of the Muslim community need ever feel financially insecure for himself, his wife or his children after him because the social insurance fund (Zakat) will always look after the interests of the needy and the poor. A Muslim should, therefore, never worry himself even about unforeseeable catastrophes, such as diseases, fire, accidents, floods, bank-ruptcies, death etc., which might wreck his career, destroy his property or business and render his descendants penniless, for the Zakat fund is his permanent insurance against all types of risks. Even when one is on a journey and becomes penniless through theft, sickness or other reasons, this fund will meet all one's needs".

## **Social Security in Practice**

From its very inception at Al-Madinah in the early seventh century, the Islamic state accepted its responsibility towards the poor and the destitutes. The Prophet of Islam as the first head of this state initiated the policy of providing economic assistance to the needy and the poor from the state treasury although this tiny state during his time had meagre resources which were always under pressure due to constant wars. He utilized the limited revenues of the state collected from Zakat, Khums and Fai to meet the needs of the poor, orphans, widows, the disabled, debtors, slaves, prisoners of war and those who were unemployed.

Prophet's policy was followed by Abu Bakr, his successor, who continued helping the poor and the needy. It was, however, during the time of Umar, Abu Bakr's successor and second caliph of Islamic state, that the scheme of social security for all the eligible persons was established on

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permanent footing as the state had expanded to include in its fold many rich countries like Iraq, Syria and Egypt and its revenues had substantially increased.

In the year 20 /A.H., Umar established a government department called Divan for the purpose of holding census of population at regular intervals. On the basis of this census annual pensions were fixed for (i) widows and orphans, (ii) all disabled, sick and old people, (iii) widows of the prophet, (iv) survivors of the battle of Badr and all others who had been in the forefront of the struggle for Islam and (v) early Muhajirs and Ansars. Encyclopedia of Seerah gives the following account of rates of grants fixed for each category by Umar. "He fixed an allowance of 5,000 dirhams per annum for anyone who had fought in the Battle of Badr, and for all others whose Islam was of the same degree as those who had fought at Badr, e.g., who had migrated to Abbyssinia, or fought at the battle of Uhud, were given 4,000 dirhams per annum; the children of those who had fought at Badr received 1,000 dirhams, but Hassan and Hussain, for their relation with the Holy Prophet, received the same amount of allowance as their father, i.e., 5,000 dirhams each. Everyone who had migrated before the conquest of Makkah was given an annual allowance of 3,000 dirhams: and those who embraced Islam at the conquest of Makkah were given 2,000 dirham each, and young children of the Muhajirin and Ansar also received some amount. Wives of the Holy Prophet were paid 12000 dirhams each.

The caliph also established a special department for maintenance of record of pension. Pensions and allowances were paid to all deserving persons, and even the destitute and needy among the Zimmis received financial assistance. With a view to find out the minimum amount of food an average person needed to maintain proper health, Umar is reported to have made experiment with a group of thirty people of good

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appetite. He kept them for two meals and on the basis of this experiment he ordered that every citizen should receive a monthly amount of wheat sufficient for two square meals a day in addition to monetary pension which he was already receiving.

The department maintained separate registers for each category of grant. The purpose of this department was that nobody in the Islamic state should remain hungry or naked. All those who were poor, needy, disabled, orphans or widows and were unable to earn their livelihood for one reason or the other were enrolled by this department and were paid regular grants by the Bait-ul-Mal (public treasury).

The disabled, old and destitute among the non-Muslims were also provided financial assistance from public treasury and their taxes like Jizyah were remitted. Caliph Umar once saw an old man begging and he asked him why he was doing so. The old man replied that he was a non-Muslim and he had to beg in order to pay his Jizyah tax to the state. Umar took him home, gave him some money and sent him to the incharge of Bait-ul-Mal with the order that such people should be helped financially and should be exempted from Jizyah. He also issued a general order, based on his own ijthihad (interpretation) of verse 60 of chapter 9 of the Holy Qur'an, that destitute among the non-Muslims should also be provided financial assistance from the Sadaqat Fund of the public treasury.

Guest houses were built in most of the cities to provide free meals and accommodation to the travellers. Arrangements were made for the care and nursing of children who were left on roadside by their mothers. Allowances were paid to children, family allowances were provided, allowances to the old and widows were paid, debtors and prisoners were helped and slaves were assisted in their manumission. During a famine in Madinah, the cash and food stores of public

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treasury were all spent on the sufferers. Even the provinces were directed to dispatch foodgrains to Madinah.

The caliph was so conscious of his responsibilities towards have-nots that he is reported to have once remarked that he would be held responsible on the Day of Judgement if a camel dies of thirst near a bank of river Tigris (Dajala).

After Umar, the system of social security continued to be maintained with almost same zeal by his successors Usman and Ali, the third and fourth right-guided caliphs. However, with the dismemberment of pious caliphate, this noble system of helping the poor also deteriorated. Umar-bin-Abdul Aziz, another pious caliph, revived it for a shorter period during his brief reign. But unfortunately, during the later period, the system gradually disappeared due to lack of personal interest of the Muslim rulers.

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## **CHAPTER-5**

### **SOCIAL JUSTICE**

#### **General Meaning**

The term social justice is of recent vintage. It first appeared in political debate in the early nineteenth century. It was employed by political thinkers like John Stuart Mill and its use has since become widespread. Social justice implies that overall pattern of distribution in a society ought to be brought into line with principles of justice. There have been two major conception of social justice, one embodying the notions of merit and desert, the other those of need and equality.

The first conception entails that each person's social position and material rewards should as far as possible correspond to their place on a scale of merit, an idea also expressed in demands for 'careers open to talents' and 'equality of opportunity'. It implies the ending of hereditary privilege and an open society in which people have the chance to display their desert. The second conception entails that goods should be allocated according to each person's various needs. It is closely allied to an idea of equality, since a programme which successfully satisfies need makes people materially equal in one important respect.

#### **Islamic Concept of Social Justice**

Islam, being religion of nature, understands that human beings are born with varying gifts. As they differ in their bodies and their features so they differ in their mental and other capabilities. Their environment, their circumstances and their hereditary gains also differ. In this situation there can be no possibility of economic equality. Thus the existence of

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economic inequalities among the human beings is but natural. It is also there because Islam allows individual initiative in earning wealth and gives right of private ownership of property. Moreover, existence of inequalities in economic and social life is a part of Divine scheme whereby God tests and tries the people to know who are good and who are bad. To this fact, the Holy Qur'an refers when it says:

- He it is who hath placed you as viceroys of the earth and hath exalted some of you in rank above others, that He may try you by (the test of) that which He hath given you -(6:165)
- And Allah hath favoured some of you above others in provision -(16:71)
- We have apportioned among them their livelihood in the life of the world, and raised some of them above others in rank that some of them may take labour from others -(43:32)

However, despite recognising inequalities as natural and part of Divine world order, Islam permits differences in wealth within reasonable limits only. It does not tolerate that these differences should grow so wide that some people live their life in absolute luxury while millions are left to lead a life of abject poverty and misery. It does not allow economic disparities turn into an extreme position wherein millions of 'have-nots' become serfs and slaves in the hands of few 'haves' of the society. In other words, we can say that Islam does not believe in equal distribution of economic resources and wealth among the people rather it believes in equitable, just and fair distribution. It bridges the gulf between the rich and the poor by taking very effective measures to modify the distribution of wealth in favour of the poor.

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Islam, on the one hand, ensures just and equitable distribution of wealth among the people and, on the other hand, provides social security to the poor and the destitute in the form of basic necessities of life. Besides that, Islam also protects the weak from the economic exploitation by the strong. All there are various aspects and manifestations of what is called Islamic social justice.

Thus social justice (which is also referred to as economic justice or distributive justice) according to Islamic conception includes three things, namely: (1) fair and equitable distribution of wealth, (2) provision of basic necessities of life to the poor and the needy, and (3) protection of the weak against economic exploitation by the strong.

## **Foundation of Islamic Social Justice**

Ideological basis of the above mentioned concept of Islamic social justice are found in the following verses of the Holy Qur'an, Ahadith of Prophet Muhammad (PBUH) and traditions of Prophet's companions

1. Give unto orphans their wealth. Exchange not the good for the bad (in your management thereof) nor absorb their wealth into your own wealth. Lo! that would be a great sin. -(Al-Qur'an 4:20)
  2. ....Give full measure and full weight, in justice..... -(Al-Qur'an 6:152)
  3. And know that whatever ye take as spoils of war, Lo! A fifth thereof is for Allah, and for the messenger and for the kinsman (who hath need) and orphans and the needy and the wayfarer. If ye believe in Allah and that which We revealed unto Our slave on the Day of Discrimination, the day when the two armies met. And Allah is Able to do all things. -(Al-Qur'an 8:41)
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4. The alms are only for the poor and the needy, and those who collect them, and those whose hearts are to be reconciled and to free the captives and the debtors, and for the cause of Allah, and (for) the wayfarers; a duty imposed by Allah. Allah is Knower, Wise.  
-(Al-Qur'an 9:60)
  5. And Allah hath favoured some of you above others in provision. Now those who are more favoured will by no means hand over their provision to those (slaves) whom their right hands possess, so that they may be equal with them in respect thereof. It is then the grace of Allah that they deny?  
-(Al-Qur'an 16:71)
  6. He placed therein firm hills rising above it, and blessed it and measured therein its sustenance in four Days, alike for (all) who ask.  
-(Al-Qur'an 41:10)
  7. And the sky He hath uplifted; and He hath set the measure, that ye exceed not the measure, but observe the measure strictly, nor fall short thereof.  
-(Al-Qur'an 55:7-9)
  8. Believe in Allah and His messenger, and spend of that whereof He hath made you trustees     -(Al-Qur'an 57:7)
  9. We verily sent our messengers with clear proofs, and revealed with them the scripture and the Balance, that mankind may observe right measure     -(Al-Qur'an 57:25)
  10. That which Allah giveth as spoil unto His messenger from the people of the townships, it is for Allah and His messenger and for the near of kin and the orphans and the needy and the wayfarer, that it become not a commodity between the rich among you.  
-(Al-Qur'an 59:7)
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11. And in whose wealth there is a right acknowledged. For the beggar and the destitute;        -(Al-Qur'an 70:24-25)
  12. The Prophet of Islam is reported to have said: If anyone spent a night in a town and he remained hungry till morning, the promise of God's protection for that town came to an end.                                -(Musnad Ahmad)
  13. The Messenger of Allah said: The government is the guardian of anyone who has no guardian.                                -(Abu Daud, Tirmizi)
  14. Abu Hurairah reported that the Messenger of Allah said: One who strives for the widows and the poor is like one who fights in the way of Allah        -(Bukhari, Muslim)
  15. The Messenger of Allah said: No one's faith amongst you is reliable until he likes for his brother (in Islam) what he likes for himself.                                -(Bukhari)
  16. Prophet Muhammad (PBUH) is reported to have said: The son of man has no better right than that I would have a house wherein he may live, and a piece of cloth whereby he may hide his nakedness, and a piece of bread and some water.                                -(Al-Muhalla by Ibn Hazm)
  17. Abu Saeed Khudhri reports that the Holy Prophet said; "Anyone who possesses goods more than his needs, should give the surplus goods to the weak (and poor); and whosoever possesses food more than his needs should give the surplus food to the needy and the destitute." He further added that the Holy Prophet went on referring to different kinds of goods in similar manner until we thought that none of us had any right over his surplus wealth.'                                -(Al-Muhalla by Ibn Hazm)
  18. The Prophet of Islam is reported to have once said: One who has an extra camel (transport), should give it to the
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one who has no camel (transport); one who has surplus provision, should give it to the one who has none; one who has two persons' food, should take a third (as his guest), and if it is for four, he should take fifth or sixth person (as his guest).

19. Caliph Umar once said: Each and every Muslim has a right in the property of Bait-ul-Mal whether he exercises it or not.  
-(Kitab-ul-Amwal)
20. It is reported that Umar in the last year of Caliphate, said: "The thing which I have known today, had I known before, I would never have delayed it and would have, undoubtedly, distributed the surplus wealth of the wealthy among the poor Muhajrin."  
-(Al-Muhalla by Ibn Hazm)
21. Ali is reported to have said that "God has made it obligatory on the rich to meet the economic needs of the poor up to the extent of their absolute necessities. if they are hungry or naked or involved in other financial difficulties, it will be merely because the rich are not doing their duty. Therefore God will question them about it on the Day of Judgement and will give them due punishment."  
-(Al-Muhalla by Ibn Hazm)

## Elements of Social Justice of Islam

We have already defined social justice of Islam and have also mentioned that it comprises three elements i.e., equitable distribution of wealth, provision of social security and protection of the weak against the strong. All these elements have been dealt with in detail at proper places in this book. Let us briefly discuss them here.

**1. Fair and Equitable Distribution of Wealth:** No doubt Islam accepts unequal distribution of wealth as natural and part of Divine Scheme of world order, yet it does not

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allow existence of wide disparities in distribution of wealth. If distribution of wealth in a community is unfair and unequitable, social peace in that community is always at stake and conflict between the poor and the rich is bound to result in war and class struggle. Islam being religion of peace is against such class conflict. It establishes fraternity and brotherhood in the ranks of the members of Islamic community. Islam believes in well-being of its followers and, therefore, ensures fair and equitable distribution of income and wealth among them. For bridging the gulf between the rich and the poor and for ensuring just and equitable distribution of economic resources and wealth, Islam has taken very effective measures. Positive measures taken by it are Zakat and Sadaqat, laws of inheritance and bequest, monetary atonements, voluntary charities and compulsory contributions in the form of taxes and various levies. To prevent concentration of wealth in few hands, Islam has taken some prohibitive measures also. These include abolition of interest, prohibition of acquisition of wealth through illegal and unfair means, prohibition of hoarding of wealth, etc.

**2. Provision of Basic Human Needs to all:** Islamic economic system guarantees basic human needs to all the citizens of the Islamic state. Islam enjoins upon the well-to-do to fulfil the needs of the poor and the destitute. According to Al-Quran, the poor and the needy have share in the wealth of the rich. The Quran says: And in whose wealth there is a right acknowledged for the poor beggar and the destitute"-(70 : 24-25).

To the question as to how much wealth should be spent by the rich for the cause of the poor, the Qur'an replies: "..... And they ask thee how much they are to spend; say : "What is beyond your needs"-(2:219). Thus the revealed book of Islam expects from the rich to spend all their surplus wealth for their poor brothers if the circumstances so demand. Abu

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Zarr Ghaffari, a close companion of the Prophet, who is considered a great champion of the cause of social justice, holds the view that it is unlawful to keep any surplus wealth after meeting one's personal needs and so the same must be spent on satisfying the needs of the deprived members of the Muslim Ummah (community). In his view, so long as there is even one poor person who is unable to meet his basic needs of life, surplus wealth of the rich must be collected by the state and spent on poor. It is reported that he was expelled from Syria by Governor Muawwiya for preaching such views and later on even caliph Usman asked him to stop propagating such views or to leave 'Madinah and he preferred the latter option.

According to some Muslim jurists, the Islamic state should provide social security cover to all its citizens and undertake especially to provide basic necessities of life to all those poor, destitute, deprived of, disabled and unemployed citizens who themselves are not able to provide for them and their families. If the Islamic state fails to do so it has no right to demand allegiance from its citizens.

About holding of surplus wealth by the rich and responsibilities of the Islamic state to provide basic necessities of life to the poor, it would be pertinent if we produce the views of Ibn Hazm, a great Muslim jurist. He says: "It is the duty of the rich that they should meet the needs of the poor and the destitute of their village or town. And if the treasury is not sufficient to meet their needs, then the state has the right to take their surplus wealth, if necessary by force, to meet the needs of the poor in the community. He further says that all the companions of the Holy Prophet are agreed upon this that if there is anyone hungry or naked or without shelter, it is incumbent upon the state to supply his needs from the surplus wealth of the rich (in case its own treasury is insufficient)."

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**3. Elimination of Economic exploitation:** Elimination of economic exploitation of the weak by the strong is another element of Islamic social justice. Many steps have been taken by Islam in this direction. Riba or usury is one of the worst instruments of human exploitation and this has been abolished root and branch. Other means of human exploitation such as bribery, gambling, speculative transactions, fraudulent practices, prostitution, embezzlement, etc. have also been prohibited in Islamic society.

Interest of the weaker classes of the society like women, orphans, slaves, labourers, tenants, consumers, etc. have been protected through detailed legislation by Islam.

The women were treated as chattel and were denied the status of human being before emergence of Islam. Islam restored their human status and gave them equal social and economic rights alongwith men. In the economic field, for example, women have been given rights to own property, to acquire property and to dispose it off at their discretion. They are given rights of inheritance from their parents, their husbands, their children and near relatives. They are allowed to work to earn their livelihood through any dignified profession or vocation of their choice. The orphans have been another economically exploited class in society as their property is generally devoured by their guardians and near kindred. Islam has declared devouring the property of the orphans a major sin. The Qur'an warns the devourers of orphan's property in these words: "Lo! Those who devour the wealth of orphans wrongfully, they do but swallow fire into their bellies, and they will be exposed to burning fire"- (4:10). The slaves were perhaps the most exploited class in human history. Islam declared the emancipation of slaves as the most pious act and enjoined upon its followers to set the slaves free and thus earn God's pleasure. The Qur'an has made emancipation of slaves an expiation of some kinds of sins of

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the believers. The Muslim men and women were encouraged to marry the believing maids and slaves in preference to non-believers even if the non-believers were very rich and good looking. Islamic state is obliged to financially assist the slaves in their manumission out of its Zakat revenues.

Islam has protected the labourers against the economic exploitation by the capitalist by providing that fair wages should be fixed before employing the labourers and that they should be promptly paid their wages before their sweat dries up. To eliminate the exploitation of the tenants by the landlords, Islam almost abolished Jagirdari system. Interests of consumers have been protected by ordering ban on certain exploitive business malpractices like hoarding, monopoly, speculation, and short-weighing and short-measuring.

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## **CHAPTER 6**

### **FAIR DISTRIBUTION OF WEALTH Steps to Eliminate Poverty**

Basic aim of Islam, as we have already stated earlier, is to ensure well-being (Falah) of its followers in this world and in the Hereafter, and also to establish brotherhood among the members of the Muslim community (Ummah). This aim cannot be achieved if distribution of wealth among the members of Muslim community is uneven, the gulf between the rich and the poor is very wide and class conflict exists in the society. Therefore, the economic system of Islam tries to establish fair and equitable distribution of wealth among the members of the Muslim community by taking very effective measures. Al-Qur'an, the revealed book of Islam, declared in unequivocal terms: "That it (wealth) become not a commodity between the rich among you...." (59:7). It means that the wealth should not form a circuit among the rich only, rather it should remain in circulation amongst all the members of the community meeting the genuine needs of all. That is why the Quran has strongly condemned, with threats of punishment, those who hoard wealth. "They who hoard up gold and silver and spend it not in the way of Allah, unto them give tidings (O Muhammad) of a painful doom" (9:34)

For fair, just and equitable distribution of wealth, and also for elimination of poverty from its lands, Islam prescribes positive as well as prohibitive measures. Positive measures include Zakat, laws of inheritance and other compulsory and voluntary contributions (Sadaqat). Prohibitive measures comprise prohibition of interest, prohibition of hoarding, prohibition of drinking and gambling and above all prohibition of all immoral, unfair, unjust and unlawful means of acquiring

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## 1- Zakat

1. Establish worship, pay the poor-due, and bow your heads with those who bow (in worship). -(2:43)
2. Establish worship, and pay the poor-due and whatever of good ye send before (you) for your souls, ye will find it with Allah. Lo! Allah is Seer of what ye do. -(2:110)
3. He it is Who produceth gardens trellised and untrellised and the date-palm, and crops of divers flavour, and the olive and the pomegranate, like and unlike. Eat ye of the fruit thereof when it fruiteth, and pay the due thereof upon the harvest day, and be not prodigals. Lo! Allah loveth not the prodigals. -(6:141)
4. The alms are only for the poor and the needy, and those who collect them, and those whose hearts are to be reconciled, and to free the captive and the debtor, and for the cause of Allah, and (for) the wayfarers: a duty imposed by Allah. Allah is Knower, Wise. -(9:60)
5. Take alms of their wealth, wherewith thou mayst purify them and mayst make them grow, and pray for them.

Lo! thy prayer is an assuagement for them. Allah is Hearer, Knower. -(9:103)

6. That which ye give in usury in order that it may increase on (other) people's property hath no increase with Allah; but that which ye give in charity, seeking Allah's countenance, hath increase manifold. -(30:39)
  7. Ibn Omar reported that the Holy Prophet said: Islam is built on five things, to bear witness that there is no deity but Allah and that Muhammad (PBUH) is His servant, to keep up prayer, to pay Zakat, to make pilgrimage and to keep fast in Ramadan. -(Mishkat-ul-Masabih)
  8. Ibn Abbas reported that the Holy Prophet sent Mu'az to Yemen saying: Certainly you will come across a people, the People of the Book. Call them to bear witness that there is no God but Allah and that Muhammad is the Messenger of Allah. If they submit to that, teach them that Allah has made obligatory upon them prayer for five times a day and night. If they submit to that, teach them that Allah has made obligatory over them Zakat which will be taken from the rich and will be given to the poor among them. If they then obey that, avoid taking the best part of their property and fear the invocation of the oppressed, because between it and Allah, there is no veil. -(Bukhari and Muslim)
  9. Abu Hurairah reported that the Messenger of Allah said: Whomsoever Allah gives wealth but who does not pay its Zakat, his wealth, will be made to appear to him on the Resurrection day as a huge bald snake having two fangs for it. It will be put round his neck on the Resurrection day and then take hold of him with its two fangs meaning its two jaws. Afterwards it will say; I am your wealth, I am your hidden treasure. Then he recited: And
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let not those think who are niggardly, the verse.

-(Bukhari)

10. Ibn Omar reported that the Messenger of Allah said: Whoever acquires wealth, there is no Zakat therein till a year passed over it. -(Tirmizi)
  11. Amr-bin-Shuaib reported from his father from his grandfather who said that two women came to the Holy Prophet with two bangles of gold 'in their hands. He asked them: Have you paid its Zakat? "No" replied they. The Holy Prophet then asked them. Do you both like that Allah will dress you with bangles of Hell? "No" replied they. He said: Then pay its Zakat. -(Tirmizi)
  12. Samorah-bin-jundab reported: The Messenger of Allah used to direct us to collect Zakat from that which we counted as merchandise. -(Abu Daud)
  13. Ibn Omar reported that the Messenger of Allah said about (Zakat of) honey: For every ten leather bottles, one bottle falls due. -(Tirmizi)
  14. Abdullah-bin-Omar reported from the Prophet who said: There is one tenth in what is watered by clouds or fountains or what grows in a fertile land. And there is half of one-tenth in what is watered by camels. -(Bukhari)
  15. Musa-bin-Talha reported: We had with us a letter of Mu'az-b-Jabal from the Holy Prophet. He said: The Prophet ordered him to take Zakat from wheat, barley, and dates. -(Sharhi Sunnat (Defective))
  - 16- Ali reported that the Messenger of Allah said: There is no Zakat for vegetables, nor there is Zakat for cultivated plants, nor there is Zakat for less than five 'Wasuqs' nor there is Zakat for animals of labour, nor there is Zakat
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for Jabha. (Saqr said: Jabha is horse, mule and servants.)  
-(Darqutni)

Besides having religious importance, Zakat plays very important role in the socio-economic life of the Muslim Ummah. It is the corner-stone of the financial structure of the Islamic state. Zakat not only provides the required funds to Islamic state for its welfare activities in sectors like education, health and social services but also enables it to discharge its obligations regarding its poor and deprived of citizens. It also prevents the concentration of economic power in the hands of few and ensures fair and equitable distribution of wealth. It checks growing income disparities and bridges the gulf between the rich and the poor. Thus its distribution aspect brings about social justice in the society and protects the community from bloody revolutions and political upheavals which are generally the result of ever growing disparities between the haves and have-nots.

## **2- Law of inheritance**

Law of inheritance followed by a community plays a vital role in setting the pattern of distribution of wealth among its members. Those communities who adopt law of primogeniture, which makes the eldest son to inherit the whole of the property of his father, have concentration of wealth in few hands. Those communities who confine the inheritance to only male children and exclude the females also have a narrow base of distribution. Only those communities who confer the inheritance on a larger number of heirs without any discrimination between males and females have broad-based pattern of distribution.

Islamic law of inheritance is perhaps the only such law in the world which conceives a very broad-based distribution pattern. This law not only makes the male and female children of the deceased his legal heirs but also includes among his

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legal heirs his spouse or spouses and his parents. In case the deceased leaves no children and no parents, his estate goes to his brothers and sisters and sometimes even to his distant kindred. In case a deceased person leaves behind him no near or distant relatives, his property may go to the community or the state for benefit of all the members or the citizens.

The basic principle of inheritance has been setup by verses 7 and 8 of chapter 4 of the Holy Qur'an. According to these verses, both men and women of a family would inherit the estate left by their parents and near relatives and something shall also be bestowed on kinsfolk, orphans and the needy who are present at the time of division of inheritance.

The details regarding shares of children and parents in the estate are available in verse 11 of Surah 4, about shares of husband and wife in each others inheritance are in Verse 12 of Surah 4, and regarding the legal heirs of a person who dies without leaving parents and children are found in 176 of Surah 4 of the Qur'an.

The detailed discussion of Islamic law of inheritance is in fact subject of a law book or a book of Fiqh and not that of the present book. However, we can briefly say that Islamic law prescribes a long line of legal heirs who have been divided by the jurists into three classes, namely: sharers, residuaries and distant kindred. In case of non-existence of any legal heir, the estate goes to the Bait-ul-Mal (Public treasury of the Islamic state). The main objective of the Islamic law of inheritance is, thus, the fair and equitable distribution of wealth among a larger number of near and distant kindred of the deceased, and so prevention of concentration of fortune in few hands.

### **3- Law of Will**

Before the revelation of the verses regarding division of inheritance, it was prescribed by the Qur'an in verses 180 to

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182 of Surah No. 2 that will or bequest should be made in favour of parents and near kindred. But when the Qur'an (in its chapter 4) revealed the law of inheritance and prescribed the shares of parents, children, spouses and other relatives, bequest is no longer valid in favour of an heir, as declared by the Prophet. The Holy Prophet has also prescribed that will should not be made in respect of more than one-third of total property which one is likely to leave after death.

The law of will generally inspires rich and well-to-do Muslims to bequest some fortune in the path of God for charitable causes like relief of the poor, education and medical relief, etc. This law has helped, in Islamic society, the establishment of waqfs, trusts, hospitals, educational institutions. This law, thus promotes Jihad against poverty, misery, disease, ignorance and illiteracy. Thus the institution of will helps transfer of wealth from the rich to the poor.

#### **4- Law of Waqf**

The institution of waqf in Islam gets its inspiration from the following Verses of the Qur'an and Ahadith of Prophet Muhammad (PBUH):

1. Ye will not attain unto piety until ye spend of that which ye love. And whatsoever ye spend, Allah is aware thereof. -(Qur'an 3:92)
  2. Ibn 'Umar told that when 'Umar got some land in Khaibar he went to the Prophet and said, "Messenger of God, I have acquired land in Khaibar which I consider to be more valuable than any I have ever acquired, so what do you command me to do with it?" He replied, "If you wish you may make the property an inalienable possession and give its produce as sadaqa." So 'Umar gave it as sadaqa declaring that the property must not be sold, given away, or inherited, and he gave its produce as sadaqa to be
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devoted to the poor, the needy relatives, the emancipation of slaves, God's path, travellers and guests, no sin being committed by the one who administers it if he eats something from it in a reasonable manner or gives something to someone else to eat, provided he is not storing up goods (for himself). Ibn Sirin said, "provided he is not acquiring capital for himself." -(Bukhari and Muslim)

The institution of waqf, thus, got its roots when verse 92 of chapter of the Holy Qur'an was revealed and the well-to-do companions of the Prophet sought his guidance expressing their desire to donate their property in the path of Allah. So the followers of Islam throughout their history have been maintaining this institution to earn the pleasure of Allah in this world and in the Hereafter. As stated earlier, a Muslim can bequeath one-third of his property for charity after his death. But during his lifetime he has right to spend whole of his property in the way of Allah. According to law of gift, one can donate or gift as much of his property as he likes to any person during his life. Good-natured and virtuous believers, who are rich, exercise their powers under the law of will or the law of gift and establish waqf for a charitable cause.

Waqf, in the language of Shariah, means the dedication of the corpus of property to Almighty God. The property thus transfers from the dedicater (waqif) to the ownership of Allah but its usufruct or benefit is dedicated to the poor, sick, travellers, or any other noble cause recognised by Islam.

The institution of waqf helps elimination of poverty, misery, disease, illiteracy and in this way promotes the cause of equitable distribution of wealth.

## **5- Charity of Fitr**

The Prophet of Islam has prescribed for every well-to-do Muslim to pay Sadaqat-ul-Fitr to the poor Muslims to enable

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them to participate in the celebrations of Eid after the end of the Holy month of Ramadan. Fitr means alms which is incumbent upon every Muslim possessing property equal to the amount of Nisab of Zakat. The well-to-do are required to pay it not only for themselves but also for their families, children, servants and slaves. The measure of Eid charity in wheat, flour, barley, dates, etc. is one Sa'a which is equivalent to 112 ounces, nearly 3.5 KG. It is also lawful to pay the equivalent price. The charity can be paid in the month of Ramadan but it should certainly be paid before Eid prayer so that the wants of the poor in connection with the Eid festival are satisfied and they also enjoy the festival.

Some of the Ahadith of the Prophet are reproduced below to understand the importance of this charity and its rules:

1. Ibn Omar reported that the Messenger of Allah made obligatory the charity of 'Fitr'-one sa'a of dried dates or one sa'a of barley upon the slave and the free, male and female, young and old from among the Muslims. He directed its payment before the people go out for the Eid prayer.  
-(Bukhari, Muslims)
2. Abu Sayeed al-Khodri reported: We used to levy charity of Fitr-one sa'a from food crops, or one sa'a from barley, or one sa'a from dried dates, or one sa'a from 'cheese, or one sa'a from raisins.  
-(Bukhari, Muslim)
3. Ibn Abbas reported that the Messenger of Allah made charity of Fitr compulsory as a purification of fast from vile discourse and vain talks and also as food to the poor.  
-(Abu Daud)

## **6- Monetary Atonements**

Monetary atonements have been prescribed by the Qur'an for certain sins. Those who commit certain sins,

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offences or omissions intentionally or unintentionally have been enjoined upon by the Qur'an to make prescribed charity in expiation of these sins. These monetary atonements also play important role in flow of wealth from the rich to poor.

- 1- For a person who does not keep fast, Fidyah or ransom is feeding of a man in need, However he can give fidyah in the form of cash or food grains.
- 2- If a person murders somebody, he may pay blood money to the family of the slain if they agree.
- 3- If a person swears an oath intentionally but does not fulfil it, his expiation is to feed ten needy persons or to cloth them or to free a slave or to keep three days fast. Expiation can be paid in the form of cash or food grains.
- 4- Those who put away their wives by saying that they are as their mothers (do zihar), their penalty is to free a slave or fast for two successive months or feed sixty needy persons.

## **7- Voluntary Charity and Alms**

After discussing compulsory charities, now we turn to voluntary charities and alms. If Zakat and other compulsory charities fail to satisfy the needs of the poor, the state can either impose taxes or motivate the rich to donate voluntarily and generously to help eradicate poverty and want. Let us reproduce the verses of the Holy Book and Ahadith of Muhammad (PBUH) regarding Sadaqat or Infaq fi Sabil Allah (spending in the way of God).

- 1- It is not righteousness that ye turn your faces to the East and the West; but righteous is he who believeth in Allah and the Last Day and the angels and the Scripture and the Prophets; and giveth his wealth, for love of Him, to kinsfolk and to orphans and the needy and the
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wayfarer and to those who ask, and setteth slaves free;  
and observeth proper worship and payeth the poor-due.  
-(2:177)

- 2- Spend your wealth for the cause of Allah, and be not cast by your own hands to ruin; and do good. Lo! Allah loveth the beneficent. -(2:195)
  - 3- They ask thee, (O Muhammad), what they shall spend. Say: That which ye spend for good (must go) to parents and near kindred and orphans and the needy and the wayfarer. And whatsoever good ye do, Lo! Allah is Aware of it. -(2:215)
  - 4- And they ask thee what they ought to spend. Say: That which is superfluous. Thus Allah maketh plain to you (His) revelations, that haply ye may reflect: -(2:219)
  - 5- O ye who believe! Spend of that wherewith We have provided you ere a day come when there will be no trafficking, nor friendship, nor intercession. The disbelievers, they are the wrong-doers. -(2:254)
  - 6- The likeness of those who spend their wealth in Allah's way is as the likeness of a grain which groweth seven ears, in every ear a hundred grains. Allah giveth increase manifold to whom He will. Allah is All-Embracing, All-Knowing. Those who spend their wealth for the cause of Allah and afterward make not reproach and injury to follow that which they have spent: their reward is with their Lord, and there shall no fear come upon them, neither shall they grieve. -(2:261-262)
  - 7- Allah hath blighted usury and made almsgiving fruitful. Allah loveth not the impious and guilty. -(2:276)
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- 8- Ye will not attain unto piety until ye spend of that which ye love. And whatsoever ye spend, Allah is aware thereof. -(3:92)
- 9- Believe in Allah and His messenger, and spend of that whereof He hath made you trustees; and such of you as believe and spend (aright), theirs will be a great reward. -(57:7)
- 10- Let him who hath abundance spend of his abundance, and he whose provision is measured, let him spend of that which Allah hath given him. Allah asketh naught of any soul save that which He hath given it. Allah will vouchsafe, after hardship, ease. -(65:7)
- 11- And in whose wealth there is a right acknowledged. For the beggar and the destitute; -(70:24-25)
12. Anas reported that the Messenger of Allah said: verily charity appeases wrath of the Lord and removes pangs of death. -(Tirmizi)
13. Abdullah-bin-Mas'ud reported: There are three whom Allah loves-a man who gets up at night to read the Book of Allah, and a man giving alms with his right hand which he conceals (I consider that he said) from his left hand: and a man, being in a battalion, encounters the enemies, although his companions are routed. -(Tirmizi)
14. Marsad-bin-Abdullah reported: Some of companions of the Holy Prophet informed me that he heard the Prophet say: Surely the shade of the believer on the Resurrection Day will be his charity. -(Ahmad)
15. Abu Hurairah reported that the Messenger of Allah said: Had there been gold for me like the mount of Uhud, it would have pleased me that three nights should not pass
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over me with something with me therefrom except what I should keep in wait for debt. -(Bukhari)

16. Asmma's reported that the Messenger of Allah said: Spend and don't count lest Allah counts for you, and don't hoard up lest Allah withhold from you. Spend what you can. -(Bukhari, Muslim)
17. Abu Hurairah reported that a man enquired: O Messenger of Allah! which charity is greatest in reward? He replied: Your charity while you are sound, greedy, fear poverty and hope for riches. -(Bukhari, Muslim)
18. Abu Hurairah reported that the Messenger of Allah said: The generous man is near Allah, near Paradise, near the people and, far off from Hell; and the miser is far off from Allah, far off from Paradise, far off from the people near Hell; and illiterate charitable man is dearer to Allah than the pious miser. (Tirmizi)

Voluntary charities to earn the pleasure of God almighty are rewarded in this world as well as in the next one. These also help in flow of wealth from the rich of the community to the poor and needy. Thus the cause of distributive and social justice is achieved through this voluntary measure.

## 8- Feeding the Poor

Feeding the poor is one of the voluntary charities and is a very common practice among the generous and pious Muslims.

Rewards for this are very numerous and both the Qura'n and the Prophet of Islam inspire the believers to feed the poor and the needy. This measure is also a good step to mitigate want and misery from the Islamic society. The relevant verses and Ahadith are:

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1. That they may witness things that are of benefit to them, and mention the name of Allah on appointed days over the beast of cattle that He hath bestowed upon them. Then eat thereof and feed therewith the poor unfortunate. -(22:28)
2. (Because) they perform the vow and fear a day whereof the evil is wide-spreading. And feed with food the needy wretch, the orphan and the prisoner, for love of Him. (Saying): We feed you, for the sake of Allah only. We wish for no reward nor thanks from you. Lo! We fear from our Lord a day of frowning and of fate. Therefore, Allah hath warded off from them the evil of that day, and hath made them find brightness and joy; -(76:7-11)
3. Abdullah-bin-Amr reported that the Messenger of Allah said: Serve the Merciful, give food and spread peace; you will then enter paradise with peace. (Tirmizi, Majah)
4. Ibn Abbas reported: I heard the Messenger of Allah say: No Muslim gives a cloth to a Muslim except that he is in the protection of Allah so long as a piece thereof remains upon him (Ahmad, Tirmizi)
5. Abu Hurairah reported that a man complained to the Holy Prophet about his hardness of heart. He said: Pass thy hand over the head of the orphans and give food to the poor. (Ahmad)
6. Anas reported that the Messenger of Allah said: The best charity is to satisfy a hungry belly. (Baihaqi)

## **9- Goodly Loan to Allah**

It is grace of Allah, the Almighty God, that any expense incurred by a person in His path on charity or alms to the poor is regarded by Him as goodly loan (Qarz-e-Hasnah) to Him and He undertakes to repay it manifold. The rich are inspired

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to give loan to God in the form of helping the poor people and to earn many times big rewards for this. The verses of the Qur'an pertaining to this subject are:

1. Who is it that will lend unto Allah a goodly loan, so that He may cause it increase manifold? Allah straiteneth and enlargeth. Unto Him ye will return. -(2:245)
2. Who is he that will lend unto Allah a goodly loan, that He may double it for him and his may be a rich reward? -(57:11)
3. Lo! those who give alms, both men and women, and lend unto Allah a goodly loan, it will be doubled for them, and theirs will be a rich reward. -(57:18)
4. If ye lend unto Allah a goodly loan, He will double it for you and will forgive you, for Allah is Responsive, Clement. -(64:17)

According to Abul Ala Maududi: "Good loan" is that which is lent without any idea of personal gain or interest but is given with the sole intention to please Allah. Allah in His bounty credits the wealth thus spent in His Way as a loan to Himself. He promises that He will not only return the actual debt but increase it manifold, provided that it is a goodly loan in the real sense and is lent merely to please Him and for the sake of those objects He approves."

## **10- Charity of Surplus**

The highest degree of charity, which has always remained an ideal for a Muslim, is the charity of surplus (Anfaq al-Afw). It requires a believer to spend all his wealth which is over and above his needs. The word Afw means that wealth which is left over after meeting one's needs. The Injunction of the Qur'an on spending surplus wealth is: " And they ask thee what they ought to spend. Say: That which is

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superfluous. Thus Allah maketh plain to you (His) revelation that haply ye may reflect."  
-(2:219)

If the principle of Anfaq al-Afw comes into play in its full force and all the believers voluntarily spend all their surplus wealth in the way of God, there will be no poverty, no disease, and no illiteracy in the Muslim society. The cause of distribution of wealth cannot be served better by any measure than this.

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## **CHAPTER-7**

# **HARAM MEANS OF EARNING PROHIBITED**

The earning of livelihood and acquiring of wealth is neither prohibited in Islam nor is discouraged. But the Holy Qur'an and the Sunnah of the Prophet of Islam have laid down that wealth should be earned through lawful (Halal) means and not through unlawful (Haram) means. Lawful means of earning wealth have been strongly recommended with blessings of Allah in this world and promise of reward in the Hereafter; whereas unlawful means have been denounced with wrath of Allah in this world and warning of stern punishment in the Hereafter. Thus the economic system of Islam neither allows unrestricted freedom like capitalism to earning of wealth in whatever way the people like nor does it chain them in control like socialism that they are prohibited to have any individual freedom in this sphere. According to the Qur'an and the Sunnah, all the means of earning livelihood are allowed if they are fair, just and moral and if they are not specifically prohibited. Unjust and unlawful means of earning wealth have been defined and illustrated in the Qur'an and the Sunnah. Manufacture, sale and purchase, and consumption of wine and narcotics is illegal. Interest, bribery, stealing, robbery, embezzlement and corruption is illegal. Prostitution, music, dancing and profession of singing is forbidden. Gambling, betting, speculation, forward selling, games of chance are unlawful means of earning. Business malpractices such as hoarding, black-marketing, profiteering, monopoly, short weighing and short measuring, adulteration, false oaths, misrepresentation, fraud, deception, etc. are prohibited.

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Let us now discuss some of the unlawful means of earning wealth in Islam as follows:

## **1- Interest**

Islam has prohibited 'Riba' (usury or interest) and, therefore, in the economic system based on the injunctions of the Qur'an and the Sunnah there is no permission for earning livelihood, or acquiring wealth through interest. Some of the verses of the Quran and the "Ahadith of the Prophet of Islam which forbid interest are:

1. Those who swallow usury cannot rise up save as he ariseth whom the devil hath prostrated by (his) touch. That is because they say: Trade is just like usury; whereas Allah perniitteth trading and forbiddeth usury. He unto whom an admonition from his Lord cometh, and (he) refraineth (in obedience thereto), he shall keep (the profits of) that which is past, and his affair (hence-forth) is with Allah. As for him who returneth (to usury) - such are rightful owners of the Fire. They will abide therein. Allah hath blighted usury and made almsgiving fruitful. Allah loveth not the impious and guilty.  
(2:Al-Baqarah : 275-276)
  2. O ye who believe! Observe your duty to Allah, and give up what remaineth (due to you) from usury, if ye are (in truth) believers. And if ye do not, then be warned of war (against you) from Allah and His messenger. And if ye repent, then ye have your principal (without interest). Wrong not, and ye shall not be wronged.  
(2:Al-Baqarah : 278-279)
  3. O ye who believe! Devour not usury, doubling and quadrupling (the sum lent). Observe your duty to Allah, that ye may be successful. (3:Al-Imran : 130)
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4. Jaber reported that the Messenger of Allah cursed the devourer of usury, its payer, its scribe, and its two witnesses. And he said that they are equal (in sin).  
-(Muslim)
5. Abu Sayeed al-Khodri reported that the Messenger of Allah said: Gold for gold, Silver for silver, wheat for wheat, barley for barley, date for date, salt for salt and like for like in hand to hand (transaction). Whoso gives more or takes more, then the taker and the giver are equal in taking interest therein.  
-(Muslim)
6. Abu Sayeed al-Khodri reported that the Messenger of Allah said: Don't sell gold for gold unless like for like and don't increase something of it upon something, and don't sell silver for silver unless like for like and don't increase something of it upon something, and don't sell the absent therefrom for the present. In a narration: Sell not gold for gold, nor silver for silver unless like for like.  
-(Bukhari, Muslim)
7. Abu Hurairah reported that the Messenger of Allah said: Usury has got seventy divisions(of sin). The easiest division of them is a man's marrying his mother.  
-(Ibn Majah)
8. Abu Harairah reported that the Messenger of Allah said: I came across a people in the night in which I was taken to heaven. Their bellies are like houses wherein there are serpents which can be seen from outside their bellies. I asked: O Gabriel! who are they? He said: These are those who devoured usury. (Ahmad, Ibn Majah)

Riba has not been defined by the Quran and the Sunnah. But both have condemned and prohibited it in the most severe possible terms. According to the Qur'an, Riba, which is generally translated into usury, decreases national wealth

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whereas Zakat increases it. Charging of Riba in the sight of the Qur'an tantamounts to declaring of war against Allah; while in the words of Prophet Muhammad (PBUH), a dirham of usury a man devours with knowledge is greater (in sin) than thirty six fornications. During the times of the Prophet, Riba was not only charged on money loans but was also charged on exchange of commodities in barter transactions. So the Prophet prohibited Riba in both the forms. Some modern economists have tried to distinguish bank interest from Riba and have held that bank interest is not prohibited. But majority of the Muslim scholars are unanimous in holding that Riba in every form is prohibited including bank interest.

## **2- Bribery**

Bribery eats justice and gives birth to many socio-economic evils. Islam has not only prohibited bribery but has also condemned both the parties to its transaction to Hell in the next world. Bribery is a major sin and a culpable crime in an Islamic state. Therefore, earning wealth through bribery is absolutely illegal (Haram). Let us see what the Qur'an and the Sunnah say about it.

1. And eat not up your property among yourselves in vanity, nor seek by it to gain the hearing of the judges that ye may knowingly devour a portion of the property of others wrongfully. -(Al-Qur'an 2:188)
  2. Abdullah-b-Amr reported that the Messenger of Allah cursed the bribe-taker and the bribe-giver. -(Abu Daud, Ibn Majah)
  3. Abu Humaid-as-Sayidi reported: The Prophet appointed a man of Azd 'tribe called Ibnul Lutbiyyah as Zakat-collector. When he returned (to Madinah), he said: This is for you and these are presents to me. Then the Holy Prophet delivered sermon, praised Allah and glorified
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Him and said the next thing is that I have appointed some men among you to manage some affairs of which Allah gave me authority. One of them comes and says: This is for you and this is a present given to me. Why then does he not sit down in the house of his father or in the house of his mother and then see whether he is given presents or not? By Him in whose hand there stands my life, nobody will take anything out of it but he will not be brought on the Resurrection Day carrying it on his shoulder. -(Bukhari and Muslim)

4. Amr-bin-Al-A's reported: He heard the Messenger of Allah say: There is no people among whom adultery becomes widespread but are overtaken with famine and there is no people among whom bribery becomes widespread but are overtaken with fear. -(Ahmad)

### **3- Usurpation of Orphan's Property**

The orphans are the weakest and the most exploited class in human society. They are generally the easiest targets of those near relatives and guardians to whose care they are left. Unscrupulous persons do not feel any moral compunction and devour the property of the orphans with impunity. Such persons have been warned by the Qur'an and Hadith as follows:-

1. Give unto orphans their wealth. Exchange not the good for the bad (in your management thereof) nor absorb their wealth into your own wealth. Lo! that would be a great sin. -(4:2)
  2. Prove orphans till they reach the marriageable age; then if ye find them of sound judgement, deliver over unto them their fortune; and devour it not by squandering and in haste lest they should grow up. Whoso (of the guardians) is rich, let him abstain generously (from
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taking of the property of orphans); and whoso is poor, let him take thereof in reason (for his guardianship). And when ye deliver up their fortune unto orphans, have (the transaction) witnessed in their presence. Allah sufficeth as a Reckoner. -(4:6)

3. Lo! Those who devour the wealth of orphans wrongfully, they do but swallow fire into their bellies and they will be exposed to burning flame. -(4:9-10)
4. Come not near the wealth of the orphan save with that which is better till he come to strength, and keep the covenant. Lo! of the covenant it will be asked. -(17:34)
5. Abu Hurairah reported that the Messenger of Allah said: The best home of Muslim is one wherein there is an orphan who is treated well; and the worst home of Muslims is one wherein there is an orphan who is treated badly. -(Ibn Majah)
6. Amr-b-Shuaib from his father from his grandfather reported that the Messenger of Allah addressed the people and said: Beware! Whoever is entrusted with an orphan having property; let him make merchandise therewith, and let him not leave it till Zakat eats it up. -(Abu Daud, Tirmizi)

#### **4- Trade in Wine and Narcotics**

Wine-drinking has been prohibited by the Qur'an and denounced as a great sin. The Prophet of Islam has declared manufacture, purchase, sale and transportation of wine illegal and unlawful. According to the Prophet, every intoxicant is unlawful (Haram) and thus, by implication, consumption of and trade in narcotics, wine, opium, heroin, etc is illegal. Therefore, income generated through transactions connected with narcotics is forbidden. The verses of the Quran and Ahadith of the Prophet which prohibit wine are as follows:

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1. They question thee about strong drink, and games of chance. Say: In both is great sin, and (some) utility for men; but the sin of them is greater than their usefulness. -(2:219)
  2. O ye who believe! Strong drink and games of chance and idols and divining arrows are only an infamy of Satan's handiwork. Leave it aside in order that ye may succeed. Satan seeketh only to cast among you enmity and hatred by means of strong drink and games of chance, and to turn you from remembrance of Allah and from (His) worship. Will ye then have done? -(5:90-91)
  3. Anas reported that the Prophet cursed ten about wine: one who squeezes it, one who is engaged for squeezing it, one who drinks it, one who carries it, one to whom it is carried, one who gives it to drink, one who sells it, one who devours its price, one who purchases it and one from whom it is purchased. -(Tirmizi, Ibn Majah)
  4. Ibn 'Omar reported God's messenger as saying, 'Every intoxicant is Khamr and every intoxicant is forbidden.'  
-(Muslim)
  5. We'il al-Hadrami said that Tariq b. Suwaid asked the Prophet about wine and he forbade him. When he told him that he made it only as a medicine he replied, "It is not a medicine, but is a disease."  
-(Muslim)
  6. Dailamah al-Humairi reported: I asked: O Messenger of Allah, verily we are in cold land, and we are to do hard works therein, and we prepare wine from this wheat which gives us strength in our works and in the chill of our cities. He said: Does it intoxicate? 'Yes' said I, He said: Give it up. I said: Verily the people can not give it up. He said: If they do not give it up, fight with them.  
-(Abu Daud)
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## **5- Gambling and Games of Chance**

Earnings through gambling and games of chance have been strictly prohibited by Islam as Haram (unlawful). Following are relevant Verses of the Qur'an and Ahadith of the Prophet:

1. They question thee about strong drink, and games of chance. Say: In both is great sin, and (some) utility for men; but the sin of them is greater than their usefulness.....  
-(Al-Quran 2:219)
2. O ye who believe! Strong drink and games of chance and idols and divining arrows are only an infamy of Satan's handiwork. Leave it aside in order that ye may succeed. Satan seeketh only to cast among you enmity and hatred by means of strong drink and games of chance, and to turn you from remembrance of Allah and from (His) worship. Will ye then have done?  
-(Al-Qur'an 5:90-91)
3. Abdullah-bin-Amr reported that the messenger of Allah prohibited intoxicants, games of chance, card playing and Gobairah  
-(Abu Daud)

The word used by the Qur'an for gambling is 'maisir' which literally means 'getting something too easily' or 'getting a profit without working for it'. Originally, it stood for a game or play with unfeathered or headless arrows. The evil-of-gambling is in vogue since the time immemorial. According to a writer: 'Games of chance are as old and as wide-spread as humanity.....

The extent to which gambling prevails in the modern world is difficult to assess. Modern form of gambling are lottery, betting, cross-word puzzles, horse racing, card-playing (with bets), prize schemes, etc.

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Gambling and all games of chance have been strictly prohibited by the Qur'an. According to the Qur'an, gambling, as wine-drinking, is devil's handiwork through which he seeks to cast enmity among the people and turns them away from remembrance of God.

## **6- Theft and Robbery**

Earning livelihood and acquisition of wealth through theft and robbery has again been declared unlawful and illegal by Islam. The Qur'an has declared theft and robbery major offences, the former to be punished with amputation of hands (5:38) while the latter to be punished, like rebellion, with death or with amputation of hands and feet or with banishment (5:33). The relevant Verses of the Qur'an and Ahadith of the Prophet on this subject are:

1. As for the thief, both male and female, cut off their hands. It is the reward of their own deeds: an exemplary punishment from Allah Allah is Mighty, Wise. But whoso repenteth after his wrongdoing and amendeth, Lo! Allah will relent toward him. Lo! Allah is Forgiving, Merciful.  
-(5:38-39)
2. Lurk not on every road to threaten (wayfarers), and to turn away from Allah's path him who believeth in Him, and to seek to make it crooked. And remember, when ye were but few, how he did multiply you. And see the nature of the consequence for the corrupters!     -(7:86)
3. Ibn Omar reported that the Prophet cut off the hand of a thief for a shield, price of which was three dirhams.  
-(7:86)

## **7- Hoarding of Essential Goods**

Business of monopoly and hoarding of necessities of life has been condemned by Islam. Especially holding back or

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storing up of food grains, eatables and other articles of daily use for getting higher prices in times of scarcity and crises is absolutely unlawful (Haram). In times of scarcity and non-availability of food items, hoarding of such items becomes the worst type of human exploitation and hence a major crime and a great sin. Making undue profits from such business of exploitation and blackmail is illegal. Following are the verses of the Qur'an and Ahadith of the Prophet of Islam which pronounce Islamic view-point on this illegal business:

1. And let not those who hoard up that which Allah hath bestowed upon them of His bounty think that it is better for them. Nay, it is worse for them. That which they hoard will be their collar on the Day of Resurrection.  
-(Al-Quran 3:180)
2. Ibn Omar reported that the Messenger of Allah said: Whoever stores up food-grains for forty days, intending thereby a dear price, becomes free from Allah and Allah is free from him.  
-(Razin)
3. Abu Omamah reported that the Messenger of Allah said: Whoso stores up food grain for forty days, and then gives it in charity, it will not be an expiation for his sin.  
-(Razin)
4. Memar reported that the Messenger of Allah said: whoever monopolises is a sinner.  
-(Muslim)

## **8- Wrong Measuring and Weighing**

Business malpractices such as wrong measuring and wrong weighing have been very common in the nations of old as of today. This device of spurious weights and measures is adopted by unscrupulous traders to harm the interests of customers and earn undue profits. The practice of short measuring and short weighing while giving and over-measuring and over-weighing while taking has been

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condemned by the Qur'an and the Sunnah of the Prophet of Islam. The relevant verses of the Qur'an and Ahadith are:

1. And unto Midian (We sent) their brother Shu'eyb. He said: O my people! Serve Allah. Ye have no other God save Him! And give not short measure and short weight. Lo! I see you well-to-do, and Lo! I fear for you the doom of a besetting Day. O my people! Give full measure and full weight in justice, and wrong not people in respect of their goods. And do not evil in the earth causing corruption. -(11:84-85)
  2. Fill the measure when ye measure and weigh with a right balance; that is meet, and better in the end. -(17:35)
  3. Give full measure, and be not of those who give less (than the due). And weigh with the true balance. Wrong not mankind in their goods, and do not evil, making mischief, in the earth. -(26:181-183)
  4. Woe unto the defrauders: Those who when they take the measure from mankind demand it full, but if they measure unto them or weigh for them, they cause them loss. Do such (men) not consider that they will be raised again. Unto an awful Day: The day when (all) mankind stand before the Lord of the Worlds? -(83:1-6)
  5. Ibn Abbas reported that the Messenger of Allah said to the owners of measurement and weight: You have been certainly entrusted with two affairs about which the former nations before you were destroyed. -(Tirmizi)
  6. Ibn Abbas reported: Treachery does not appear in a nation but Allah throws fear into their hearts, nor fornication becomes wide-spread in a nation but death becomes frequent in them, nor does a nation decrease weight and measure but provision is cut off from them, nor does a
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nation pass order unjustly but murder becomes prevalent among them, nor do a nation break a treaty but the enemy becomes powerful over them. -(Malek)

Earning livelihood or acquiring wealth through such like business malpractices is unlawful (Haram). The Prophet of Islam, as the above mentioned traditions show, was very strict regarding weights and measures which are great trust. Every follower of him is, therefore, obliged to adopt standard weights and measures and use the same both for purchasing and selling commodities.

## **9- Prostitution**

Fornication and adultery have been prohibited by Islam and declared a major crime in an Islamic state. Therefore, earning income from prostitution and adultery is strongly prohibited. By implication, all professions and vocations which directly or indirectly promote adultery in society such as obscenity, pornography, blue films and sex-songs become unlawful (Haram). The verses of the Qur'an and Ahadith of the Prophet of Islam concerning prostitution and adultery are:

1. And come not near unto adultery. Lo! it is an abomination and an evil way. -(17:32)
  2. The adulterer and the adulteress, scourge ye each one of them (with) a hundred stripes -(24:2)
  3. Force not your slave girls to whoredom that ye may seek enjoyment of the life of the world, if they would preserve their chastity. And if one force them, then (unto them), after their compulsion, Lo! Allah will be Forgiving, Merciful. -(24:33)
  4. Rafe-bin-Khadiz reported that the Messenger of Allah said: Price of dog is impure, earning of a prostitute is impure, and earning of a cupper is impure. -(Muslim)
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5. Abu Mas'ud Al Ansari reported that the Messenger of Allah forbade the price of dogs, earnings of prostitutes and fore-telling of a sooth-sayer.        -(Bukhari, Muslim)
6. Abu Hurairah reported that the Messenger of Allah prohibited the price of dogs and earnings of singing girls.        -(Sharhi Sunnat)

## **10- Beggary**

Beggary is a curse for humanity and is below one's dignity and self-respect. Begging tantamounts to lack of trust in God and lack of confidence in one's ability to earn through hard work. Begging is, therefore, disliked in an Islamic state and adoption of it as a profession is strictly prohibited. But in very adverse circumstances it is allowed only to the extent of saving one's life or fulfilling one's need. The view-point of the Qur'an and that of the Sunnah is reflected below by the verses of the Holy Book and Ahadith of Muhammad (PBUH):

1. And in whose wealth there is due right for the bagger and the destitute.        -(Al-Quran 70:24-25)
  2. Zubair-b-Awam reported that the Messenger of Allah said: That one of you takes his rope and then comes with a load of wood upon his back and sells it is better than to beg of men whether they give or reject him.        -(Bukhari)
  3. Qabisah-bin-Maknareq reported: I became surety for a debt and came to the Messenger of Allah to ask him about it. He said: Wait till Zakat comes to us, and then we shall order something therefrom for you. Then he said: O dear Qabisah! Surely begging is not lawful except for one of these three (reasons)-a man who becomes surety for a debt, it then becomes lawful for him to beg till he gets it, after which he shall withhold; a
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man having met with a misfortune which has ruined his property-it is lawful for him to beg till it enables him to get livelihood (or he said means of livelihood); and a man who meets with dire necessity, till three men of understanding of his tribe stand up (and say): Dire necessity afflicted such one-it is lawful for him to beg till he finds means for livelihood. O Qabisah! what is besides these in begging is unlawful and its owner eats unlawful things. -(Muslim)

4. Abdullah-bin-Omar reported that the Messenger of Allah said: Man will continue to beg of men till he will come on the Resurrection Day without any piece of flesh in his face. -(Bukhari, Muslim)
5. Sahl-bin-Hanjaliyyah reported that the Messenger of Allah said: Whoever begs while he has got sufficient means begs of Hell-fire. Nufali who was one of its narrators in another place asked: And who is a solvent man for whom begging is unlawful? He (Prophet) said: He who has means which give him food morning and night. He said in another place: He who has food for a day or for a night and a day. -(Abu Daud)
6. Hubshi-bin-Junadah reported that the Messenger of Allah said: Begging is not lawful for the solvent, nor for one who is stout and strong except for one who has got pressing poverty or destroying debt. And whoso begs of men to increase his wealth will have scratches on his face on the Resurrection Day, and hot stone of Hell which he will devour. -(Tirmizi)

## **11- Swearing in Trade**

It was a common practice in the times of the Prophet, as today, that the sellers used to sell their goods by taking oaths to convince the buyers about the superior quality of their

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goods although they were of bad or defective quality. This practice has been strictly prohibited and condemned by the Holy Qur'an and the Prophet. Relevant verses of the Qur'an and traditions of the Prophet are as under.

1. Lo! Those who purchase a small gain at the cost of Allah's covenant and their oaths, they have no portion in the Hereafter. Allah will neither speak to them nor look upon them on the Day of Resurrection, nor will He make them grow. There's will be a painful doom.                   -(3:77)
2. Allah will not take you to task for that which is unintentional in your oaths, but he will take you to task for the oaths which ye swear in earnest                   -(5:89)
3. Abu Qatada reported that the Messenger of Allah said: Be careful of excessive swearing in sale, because it finds market but then reduces (blessing).                   -(Muslim)
4. Abu Omamah reported that the Prophet said: Whoso takes the right of a Muslim with his oath, Allah makes Hell sure for him and Paradise unlawful. A Man asked him: O Prophet of Allah, even though it be a small thing? He said: Even if it is a rod of Arak.                   -(Muslim)

## **12- Miscellaneous Unfair Means**

Islam has prohibited earning of income through profession of singing and dancing. Income of a magician, soothsayer, foreteller and a painter of life portraits is Haram. Earning of income through unfair trade practices like fraud, deception, misrepresentation, sale of defective things or the things which are yet not in possession of the seller is strictly prohibited. Speculation and forward transactions are also un-Islamic. Relevant verses of the Quran and Ahadith are reproduced as follows:

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1. O ye who believe! Squander not your wealth among yourselves in vanity, except it be a trade by mutual consent, and kill not yourselves. Lo! Allah is ever Merciful unto you. (4:An-Nisa:29)
  2. And of their taking usury when they were forbidden it, and of their devouring people's wealth by false pretences, We have prepared for those of them who disbelieve a painful doom. -(4:An-Nisa:161)
  3. And thou seest many of them vying one with another in sin and transgression and their devouring of illicit gain. Verily evil is what they do. Why do not the rabbis and the priests forbid their evil speaking and their devouring of illicit gain? Verily evil is their handiwork. -(5:Al-Maidah:62-63)
  4. Jaber reported that the Messenger of Allah forbade Mukhabarah, Muhaqalah and Muzabanah. Muhaqalah is a man's selling corn for one hundred Farq of wheat, and Muzabanah is to sell dry dates upon the heads of date trees for one hundred Farq. And Mukhabarah is to let out land for one-third or one-fourth (of produce). -(Muslim)
  5. Abu Hurairah reported that the Holy Prophet forbade the sale by stone-throwing and the sale of unpossessed thing. -(Muslim)
  6. Abu Hurairah reported that the Holy Prophet passed by a heap of corns. He thrust his hand therein but his fingers touched moisture. He asked, O owner of corn! What is this? He replied: Rain fell on it, O Messenger of Allah. He enquired: Have you not done so, over the corn so that people may see it? Whoso acts with deceit is not of me. -(Muslim)
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7. Ali reported that the Messenger of Allah forbade the (forced) purchase from a needy person, and purchase from the inconsiderate and purchase of fruit before it reaches maturity.  
-(Abu Vaud)
  8. Waselah-b-Asqa's reported 1 heard the Messenger of Allah say: Whoso sells a defective thing without disclosing it continues to be in the wrath of Allah.....  
-(Ibn Majah)
  9. Abu Hurairah reported that the Messenger of Allah said: Verily Allah is pure. He does not accept but what is pure. And verily Allah ordered the believers with which He ordered the Prophets. He said: O Prophets! Eat of the pure things and do good deeds. And He said: Eat of the pure things with which We provided you. Then he mentioned about a man disheveled in hair and laden with dust, making his journey long and extending his hand towards heaven: O Lord! O Lord while his food was unlawful, his drink unlawful, his dress unlawful and he was nourished with unlawful things. How can he be responded to for that?  
-(Muslim)
  10. Abu Bakr reported that the Messenger of Allah said: A body which has been nourished by unlawful thing shall not enter Paradise.  
-(Baihaqi)
  11. Ibn Omar reported: Whoso purchases a cloth with ten dirhams wherein one dirham is unlawful, the Almighty Allah shall not accept his prayer so long as it will last upon him. Afterwards he entered his fingers into his ears and said: Be deaf. Would that I had not heard the Holy Prophet say (it)!  
-(Ahmad, Baihaqi)
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## **CHAPTER-8**

# **REVENUE BUDGET OF THE STATE**

### **Sources of Revenue**

Public finance deals with the income and expenditure of a state. It consists of the efficient management of taxes and other sources of revenue, proper budgeting and effective control over state expenditures. In this chapter, we would study in detail the sources of revenue, while in the next chapter we would discuss budget and expenditure of the Islamic state.

Sources of revenue of the public treasury (Bait-ul-Mal) in the Islamic state in the time of Prophet Muhammad (PBUH) and his successors included Zakat, Ushr, Khums, Fai, Jizyah and Kharaj. The first five sources have been mentioned in the revealed book of Islam, while the sixth arose out of the extended application of the Fai properties of the Islamic State. These sources were tapped and utilized by the state to defray its essential expenses incurred on discharging various functions, and also with a motive to distribute wealth among the poor and destitute classes of the society. Let us discuss these sources briefly as under.

#### **1- Az-Zakat**

'Zakat' or 'Zakah' literally means 'growth' or 'increase' or 'nourishment' Another derivative of this word carries the sense of purification. Thus, Zakat means 'to grow', 'to increase' or 'to purify'. It is because of the fact that Zakat helps the purification of human soul from miserliness, selfishness, lust and greed of wealth and, thus, it paves the way for its growth and development. Technically, Zakat is a compulsory

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contribution, a sort of tax which is collected from the rich and distributed among poor or spent by the state for the welfare of the needy and helpless.

Zakat is levied on the authority of the Qur'an and Sunnah. The Qur'an says: "establish worship, pay the poor-due (Zakat) and bow your heads with those who bow (in worship)" (2:43). At another place, the Qur'an enjoins upon the prophet of Islam to collect Zakat in these words: "take alms of their wealth, wherewith thou mayst purify them and mayst make them grow and pray for them. Lo! Thy prayer is an assuagement for them. Allah is Hearer, Knower" (9:103). The Prophet of Islam has been quoted by *Mishkat-ul-Masabih* on the authority of Ibn Umar as follows: "Islam is built on five things; to bear witness that there is no God but Allah and that Muhammad (PBUH) is His Messenger; to establish prayer; to pay Zakat; to make pilgrimage; and to keep fast in Ramadan".

Zakat is not only a tax but also an act of worship. It is one of the five fundamental articles of faith for a Muslim. It is the corner-stone of the financial structure of the Islamic State. Next to Salat (prayer), Zakat is the most important of the religious obligations enjoined on the followers of Islam. The importance of Zakat in Islam can be judged from this very fact that the Qur'an mentions Zakat for more than eighty times, while for twenty seven times commandments regarding Zakat are found in close connection with obligatory prayers. Hadrat Muhammad (PBUH), the Prophet of Islam, not only established a model system of collection and disbursement of Zakat but also made rules and regulations of this levy. Zakat is not a private charge but it is a State institution as referred to in the verses 60 and 103 of chapter 9 and verse no 41 of chapter 22 of the Holy Qur'an. Practice of the Prophet also establishes that system of Zakat was set up in the Islamic State as governmental institution. After the demise of the Prophet of Islam, when some people declined to pay Zakat,

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Hadrat Abu Bakar, the successor of the Prophet, declared war on them to enforce Zakat as a state levy.

Briefly speaking, following rules and regulations govern the system of Zakat:

1. According to jurists and scholars, Zakat is imposed on the wealth of a person who is (a) Muslim (b) adult (c) sane (d) free and (e) solvent. However, Zakat is payable on the wealth of a minor as well as on the wealth of an insane person and that is paid by the guardian. As it is a religious duty, it is obligatory on a Muslims only and no non-Muslim is obliged to pay it. A slave and insolvent debtor is also not liable to its payment.
  2. Nisab of Zakat or the minimum limit of wealth which attracts liability of Zakat has also been fixed at various levels in case of different categories of wealth. Nisab in case of gold is 20 dinar or 7.5 tolas or 3 ounces. In case of silver, it is 200 Dirhams or 52.5 tolas or 21 ounces. In case of camels, it is 5 in numbers. In case of cows, it is 30 and in case of goats and sheep, it is 40 in numbers. Articles of trade and general merchandise qualify for Zakat when their value is equal to Nisab of silver.
  3. Rate of Zakat in case of gold and silver is 2.5%, in case of cattle wealth it varies between 1% to 2.5%, while in case of articles of trade it has been fixed at 2.5%. Assets of modern times like shares and stocks, cash and coins, investments and debentures, etc. are also charged to Zakat at the rate of 2.5%.
  4. No Zakat is due on property before a year elapses. Ibn Umar reported that the Messenger of Allah said; 'Whoever acquires wealth, there is no Zakat therein till a year passed over it' (Tirmizi). For the purpose of Zakat,
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the Muslim financial year begins with the month of Ramadan. Advance payment of Zakat is also permitted like the advance payment of Income Tax these days.

5. Deduction of Zakat at source is also reported to have been initiated by the early Muslims as Muawiyah introduced the system of deduction of Zakat from pensions.
6. For the purpose of levy of Zakat, properties or goods are divided into two categories; goods of increase and goods of no increase. Goods of increase are real and capable of measurement such as animals, gold and silver, articles of trade, etc. Goods of no increase are buildings and personal effects. On the principle of productivity, Zakat is levied on the former but not on the latter.

Another classification for the purpose of charging Zakat is that of Amwal-e-Zahirah (visible or apparent wealth) and Amwal-e-Batinah (invisible or non-apparent wealth). Example of the former is farm produce, sheep, cattle, etc., while example of the latter is gold, silver, cash, etc.

7. Properties which were subjected to Zakat in the early Islamic State included gold and silver, animal wealth, articles of trade, etc. During the reign of Hadrat Umar, horses were also subjected to Zakat where they were bred and traded on a larger scale.

Industrial revolution and technological development have brought in their wake certain properties and assets which were not known in the early days of Islam such as; industrial machinery, bank or currency notes, bank deposits, bonds, securities, shares, stocks, debentures, certificates of credit, bills of exchange, insurance policies, provident funds, certificates of investment etc. Modern jurists and scholars of

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Islam are almost unanimously agreed that these assets are chargeable to Zakat in an Islamic State.

8. The following properties and assets have been exempted from the levy of Zakat:- a) Personal effects like clothes, articles of furniture, household goods except ornaments and utensils of gold and silver. b) Horses and asses for conveyance or Jihad. c) Arms or weapons for personal use. d) Cattle employed in farming or transportation of goods. e) Tools of a professional for his personal use. f) Residential house. g) Slaves and servants. h) Books. i) Food for the zakat payer and his family. j) Agricultural land and factory building and machinery etc.
  9. Zakat cannot be lawfully paid to members of the tribe of Hashim who was the great grand-father of the prophet of Islam. It cannot be paid to Non-Muslims. Servants and slaves are also not eligible for Zakat when it is paid to them in consideration of their services. A person possessing Nisab property is also not eligible for it. One's ascendants and descendants are also not eligible for Zakat. Wife and husband cannot pay Zakat to each other. Similarly, according to some jurists Zakat cannot be spent on the construction of a Mosque.
  10. Zakat is levied only on what remains after satisfaction of one's basic necessities. Wealth for Zakat is computed after deducting the amount of debt which the assessee owes to the others. All the wealth and assets owned by an assessee are not clubbed together for the purpose of Zakat because every category of wealth has its own Nisab and its own rate. In case of joint ownership of wealth, the share of each partner is considered separately. Zakat can be collected or paid in kind or cash, whichever method is convenient. Zakat on visible or apparent wealth is assessed and collected by the Islamic State but in case of invisible or non-apparent
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wealth Zakat can be assessed and determined by the Zakat payer himself. However, in this case also Zakat should be paid to the State.

## **2- Al-Ushr**

Ushr means one-tenth. It is a tax on agricultural produce. It is frequently used in the sense of Sadaka and Zakat, because no strict line is drawn between Zakat and Ushr in Fiqh books. The term Ushr is not found in the Qur'an, but two verses (2:267 and 6:141) are taken to refer to it and it is on the authority of these verses that ushr is levied. The Qur'an says:

1. O Ye! Who believe! Spend of the good things which ye have earned and of that which We bring forth from the earth for you  
-(Al-Baqarah 2:267)
2. Eat ye of the fruit thereof when it fruiteth, and pay the due thereof upon the harvest day, and be not prodigal.  
-(Al-An'am 6:141)

Keeping in view the above - mentioned Qur'anic mandate, the prophet of Islam Hadrat Muhammad (peace be upon him) levied Ushr on agricultural produce.

The following rules and regulations framed in the light of the Qur'an and Sunnah of the prophet of Islam govern the levy of Ushr:-

1. Ushr is collected on the agricultural produce of Ushr lands. Concept of Ushr lands was developed by the Muslim Jurists and scholars in Fiqh books. Briefly speaking the lands of those who accepted Islam, and which remained in their possession, as Makkah, Madina, Taif, Hijaz, Yemen and other Arabian Territories are included in Ushr lands. Lands granted by the Imam to Muslims as fiefs, lands obtained by Muslims from the
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state lands of Al-Swad etc., are also included in Ushr lands.

2. Jurists have classified the agricultural produce in two categories for the purpose of determination of Ushr dues: Firstly, farm produce like corn and vegetable and secondly, garden produce like fruits, honey, etc. In the view of Imam Abu Hanifa, Ushr is chargeable on all farm produce such as corn, vegetables and fodder. On the other hand, Imam Shafii, Imam Malik and Imam Abu Yusuf have view that no Ushr is chargeable on the produce which cannot be stored or measured. Thus, according to them, Ushr is not chargeable on vegetables and fodder. So far as garden produce is concerned, Imam Abu Hanifa subjects all kinds of fruit to Ushr, while Imam Shafii is of the opinion that Ushr can be imposed on dates and grapes only.
  3. According to Ahadith and Sunnah of the Prophet of Islam, Ushr is levied at the rate of one-tenth or 10% of the produce in case of land irrigated by natural sources like rain, springs or streams. However, the rate of Ushr is one-half i.e. 1/20 or 5% of the entire produce in case of land watered by artificial means of irrigation such as wells, buckets, tube wells, etc. The tax is charged before deduction of any expenses on account of cultivation or production.
  4. Nisab or minimum amount of agricultural produce which is liable to Ushr is 5 Vasqs or 948 kg. in weight. If the produce is less than that, no Ushr is chargeable.
  5. Ushr on agricultural produce is paid at the time of harvest when the crops are reaped or fruits are taken away. The Qur'an says; "... And pay the due thereof upon the harvest day" (6:141). Thus, period of one year
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is not essential for levy of Ushr like Zakat on gold and silver.

6. Ushr is payable only when there is actual produce, the land is Ushr land and the producer or the owner of the produce is a Muslim. Owner may be an adult or a minor, a man or a woman, a slave or a makatab, Ushr will have to be paid. Even a Waqf is subjected to Ushr.

In case the owner of the land has himself cultivated it, he will be charged to Ushr. If the land has been given on lease or rent by the owner and has been cultivated by the tenant or leaseholder, then the tenant or the leaseholder would be paying the Ushr because he is the owner of the produce (Abu Yusuf).

In Mazaraat, i.e. when the land is given to the tenant on the basis of produce sharing, Ushr would be paid by the landlord if the seed has been supplied by him. If the seed is supplied by the tenant, then the land-owner and the tenant, both of them, would be paying Ushr according to their shares in the produce.

If the land is leased or rented to a Zimmi, the Ushr would be paid by its Muslim owner, because by renting the land to a non-Muslim, he has deprived the state of its right to Ushr.

7. If the crops are destroyed on account of natural calamities or theft, there would be no Ushr. If the owner gets compensation for destruction of the crop, then he would be paying Ushr out of such compensation.

### **3- Al-Khums**

Al-Khums means one-fifth. It is the share of the Islamic state which was collected from the following:-

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1. Spoils of war or war booty is subjected to Al-Khums at the rate of one-fifth on the authority of Al-Qur'an. The Qur'an says; "and know that whatever ye take as spoils of war, Lo! A fifth thereof is for Allah, and for the messenger and for the Kinsman (who hath need) and orphans and the needy and the wayfarer, if ye believe in Allah and that which We revealed unto Our slave on the Day of Discrimination, the day when the two armies met. And Allah is able to do all things" (Al-Anfal 8:41)

Khums on spoils of war used to be the major source of revenue of the Islamic State during its expansionist period, particularly during the period of the Prophet and the right-guided caliphs.

2. Khums on the produce of the mines or mineral wealth was charged by the Islamic State at the rate of 20%. However, Imam Shafii and Imam Hanbal are of the view that mines should be charged to Zakat at the rate of 2.5%.
3. Khums on Treasure-Trove or Rikaz is also charged by the Islamic State. The finder or discoverer of such treasures, be he a Muslim or Zimmi, gets four-fifth, while one-fifth goes to the State.
4. Khums is also levied on what is extracted from the sea like pearls, ambergris, etc. It is reported that Hadrat Umar levied Khums on the pearls and appointed Yaali-b-Ummayah as tax collector.

#### **4- Al-Jizyah**

Jizyah is derived from 'Jaza' which means 'recompense' or 'compensation'. It is a tax imposed by an Islamic State on its non-Muslim subjects in lieu of protection given to their lives and properties. The non-Muslims are called Zimmis or

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protected or covenanted people. The tax is also called 'tribute' or 'poll-tax'.

Jizyah is levied on the authority of Al-Qur'an (Chapter 9, verse 29) which commands the believers : "Fight against such of those who have been given the scripture as believe not in Allah nor the Last Day, and forbid not that which Allah hath forbidden by His messenger, and follow not the religion of truth, until they pay the tribute (Jizyah) readily, being brought low".

Rules framed in respect of Jizyah in the light of the Qur'an, Sunnah of the Prophet and practice of the right-guided caliphs are as follows:-

1. Though Jizyah was initially imposed on people of scripture (Ahl-e-Kitab), later on when the non-Arab countries were conquered by the Muslims it was imposed on all non-Muslim communities of every faith. However, it is levied on able-bodied adult male non-Muslims who are capable to participate in war but who do not join the defence forces of the Islamic State.
  2. The following classes of Zimmis (protected people) are exempt from the payment of Jizyah tax:- a) All females. b) Males below age of puberty. c) Old men. d) All sick, blind or crippled. e) Priests and monks. f) The slaves. g) Persons who join military service. h) The destitute, poor and beggars. i) Insane and mentally retarded persons.
  3. The Prophet of Islam imposed Jizyah at the rate of one Dinar or 12 Dirhams per person per annum. However, during the reign of Hadrat Umar, the rates of Jizyah were raised according to the income level of the tax-payers. For the rich, the rate was fixed at 4 Dinars; for the middle class, it was fixed at 2 Dinars, and for the
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lower class it was retained at one Dinar. Disabled and poor Zimmis who have been reduced to begging or who have been over-taken by a calamity are not only exempted from Jizyah but also are eligible for support from the public treasury of the Islamic State.

4. Since Jizyah was imposed on non-Muslims for the protection of their lives and properties, it is not chargeable when the Islamic State is unable to provide such protection. There are many examples in the history of Islam when the amount of Jizyah collected from the non-Muslims was refunded to them in times of war because the Islamic State found itself unable to defend the non-Muslims.

## **5- Al-Fai**

Fai means 'to return', 'to revert', 'to come back'. When the Muslims conquered enemy countries by armed force they gave name of Fai to perpetuated incomes obtained once and returned again each year. The term Fai is applied in the Qur'an and the Sunnah exclusively to war gains—whether consisting of lands or tribute or indemnities—which are obtained from an enemy who has laid down arms before actual fighting has taken place.

According to the Qur'an (59:6-7) Fai means such of properties of the unbelievers as are returned to the Muslims without war. It is not to be distributed like booty among the soldiers, but the whole of it is for Allah and His apostle and for the near of kin and the orphans and the needy and the wayfarers.....! From the Sunnah and Practice of the Prophet of Islam it is evident that the Prophet himself used to manage Fai as the head of the Islamic republic.

After the death of the Prophet, when Iraq, Iran and Egypt were conquered by Muslim armies, there was a

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controversy among the Muslims concerning the lands of these countries. Companions of the Prophet at the request of caliph Hadrat Umar held meetings to discuss and deliberate upon the issue. It was decided that the conquered lands of these countries would be considered Fai property and would be kept under state control for the benefit of all Muslim Ummah including future generations. Income from these lands would be considered Fai revenue and would be utilized for common benefits and for state expenses in the light of the Qur'an and the Sunnah.

## **6- Al-Kharaj**

Kharaj means revenue, tax, rent, rate, lease, produce, income, wages, etc. received from land which the Muslim jurists call Kharaj land. According to Imam Abu Obaid, Kharaj is rent or produce received from land. It is, in fact, an agricultural tax received from non-Muslim owners of the lands.

Kharaj was levied by the early Muslims on the authority of the Qur'an, on the basis of the interpretation of the verses numbering from 7 to 10 of Surah 59. Sanction for the levy of Kharaj is also found from the practice of the Prophet of Islam who gave the conquered lands of Khaiber to the Jews (who were previous owners of these lands) on the agreement that they would pay half of the produce to the Islamic State.

It has already been discussed in detail under the head Fai that Hadrat Umar, after consultation with his Shura, retained the conquered lands of Iraq, Iran, Egypt and other provinces under State control. The State in turn permitted the previous owners of these lands to cultivate the lands on behalf of the state and pay a definite part of the produce as a tribute to the public treasury. This tax which came to be called AI-Kharaj was fixed either per unit of land in the form of cash or share of the harvest in kind. Once the land was declared as

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Kharaj land, Kharaj Tax continued to be paid by the tiller even if he embraced Islam.

Soon after taking over the conquered lands in the State control, Hadrat Umar set to re-organise the system of revenue. Survey of these lands was carried out and Kharaj was imposed according to the rates fixed per unit of land on different categories of crops. The system was set up so efficiently that the revenue from Kharaj rose before the death of Hadrat Umar to an impressive level of 12.80 crore Dirham in Iraq, in Egypt it rose to 1.20 crore Dinar and in Syria it amounted to 1.40 crore Dinar.

Some of the rules and by-laws of Kharaj are briefly stated as under:-

1. Kharaj has been historically charged on either of the two basis i.e. on fixed rate or on proportional basis. Hence the jurists have classified Kharaj into two types; fixed Kharaj levied at a fixed amount per unit of area; proportional Kharaj which is charged in the form of a definite portion of the produce, for example, one-half or one-third etc. During the times of Hadrat Umar fixed Kharaj was charged while in the Abbaside period proportional Kharaj was levied.
2. Kharaj is charged on the Kharaj land. Whether the owner is minor or adult, free or slave, Muslim or Zimmi, does not make any difference.
3. In case of destruction of crop no Kharaj is charged.

## **7- Miscellaneous Sources**

Apart from the six major sources of revenue narrated above, the following miscellaneous revenues also contributed towards the public treasury of the early Islamic State:-

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1. Hadrat Umar introduced import duties which were charged on the articles of trade and merchandise imported into Islamic State. Abu Musa Ashari, the Governor of Iraq apprised the caliph about the fact that the Roman and Persian Governments of the neighbouring countries were levying import tax on the Muslim traders who visited their countries to sell their articles of trade. So the Islamic State also levied a tax of 10% on the goods brought into Muslim territories by Harbi traders as a reciprocal measure. Later on, the tax was also extended to the Zimmi and Muslim traders at the rate of 5% and 2.5% respectively. These import duties on mercantile goods are called 'ushur' by the Muslim jurists. In the modern world these taxes are called import duties or custom duties or tolls.
2. Income from public domain or the lands owned by Bait-ul-Mal is another source of revenue in an Islamic State.
3. Income from Waqf properties (Properties or lands donated by generous persons to the Islamic State for charitable cause) is yet another source of substantial revenue for the Islamic State.
4. Other minor sources include the following:-
  - a) Income from lease or license to exploit or use certain things belonging to Islamic State.
  - b) The proceeds from things found on the highways when there is no claimant of such things.

## **8- Modern Taxes**

Can an Islamic state impose taxes such as Wealth tax, Income tax, Customs, Excise, Sales Tax, Gift Tax, Capital value Tax, Property tax, etc. on its Muslim citizens in addition to Zakat? This question is being hotly debated these days.

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However, in the light of the Qur'an and the Sunnah, the conventions of the rightly guided caliphs, the opinions of the jurists of Islam, and in the light of the experience of states through history it has been held that the Islamic state is authorised to levy and collect extra shariah and modern worldly taxes in addition to Zakat from its citizens provided the following conditions are fulfilled:-

- a) Taxes should be levied for emergencies, contingencies or genuine needs of the state and not for benefit of the ruling classes.
- b) Tax proceeds should be prudently applied and honestly spent for the welfare of all in the public interest without any discrimination.
- c) Principles of equity, justice and fairness should govern the charge, assessment and collection of taxes.
- d) When the objective or the purpose of imposing a certain tax is achieved, that tax should be withdrawn.
- e) And the last condition is that the rules and regulations and the tax laws and procedures should not be inconsistent with or repugnant to any injunction or law of Islam.

If the above-mentioned conditions are met the Islamic state can levy as many taxes as are required to meet its expenditure.

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## **CHAPTER-9**

# **EXPENDITURE BUDGET OF THE STATE**

In this chapter, if God will, we shall deal in detail with the government budget of the Islamic Welfare state and public expenditure.

### **I- Types of Budget**

Budgets in modern states are generally of two types, current budget and capital budget. Current budget is prepared to meet current expenditure on civil administration, defence, debt servicing and other expenses of current nature; whereas capital budget is prepared to meet for capital expenditure of enduring nature such as building of infrastructure, educational institutions and health facilities, tele-communications, defence projects, dams, canals, power stations, roads and railways.

However, budgeting in an Islamic state is a little different. All revenues from Zakat, Ushr and Sadaqat are transferred to Bait-ul-Mal (public treasury) for expenditure on welfare of the poor and needy; while other revenues from taxes and non-tax resources are allocated for expenditure on civil administration, defence, economic development projects, payment of state debt if any, and other items of revenue or capital nature.

It means that budget in the Islamic state is of two types: Welfare budget and general budget. Sources of welfare budget are Zakat and Sadaqat and it is expended on heads or expenditure mentioned in the Qur'an (9:60) which concern mainly the welfare and relief of the poor and have-nots.

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General budget is financed through taxes and non-tax revenues, while it is spent on all the current and capital expenditure of the state pertaining to its general and administrative activities. However, when funds from Zakat and Sadaqat fall short of meeting the needs of the poor, the state would transfer the funds from general budget to welfare budget. But it cannot be vice versa i.e., revenues from welfare budget cannot be transferred to general budget because Allah Himself has prescribed the heads of expenditure on which Zakat and Sadaqat can be spent.

## **II- The System of Budgeting**

The system of budgeting followed in the Islamic state is that a fair estimate of revenues from all the resources of the state is carefully prepared and then distributed for various categories of expenditures. Thus, in the Islamic State the basis of budgeting is the revenue, which determines the amount available for expenditure. In simple words, the system of Islamic budgeting is based on the maxim: "cut your coat according to your cloth." Expenditure is determined in accordance with the quantum of revenues available on account of taxes and other sources of income of the Islamic State. On the other hand, the budgeting system being followed these days in modern states of the world is just the opposite. According to the modern system of budgeting, an estimate of expenditure under various heads is prepared and then ways are found to raise the required finances by manipulating various taxes and sources of income of the state in order to balance revenue with the expenditure. Thus, the noticeable tendency on the part of a modern state is to incur expenditure beyond its means. Huge expenditures under various heads are undertaken despite scarcity of resources, which result in substantial deficits. These deficits are financed through internal and external borrowings, printing of currency

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notes, etc. which lead ultimately to inflation and sometimes to recession and economic depression.

On the contrary, the Islamic budgetary system is simple, convenient and logical. In this system we cut our coat according to the cloth available. Thus, we do not outstrip our means. Expenditure is according to the revenue available. The budget is normally a surplus or at least a balanced budget. There is no need of loans or printing of notes for deficit financing. Thus, the Islamic system provides safeguards against the dangerous tendencies inherent in the modern budgets such as heavy debts, inflation, and cyclic depressions and recessions.

Islam is religion of moderate or middle way. In spending, the Qur'an has condemned miserliness as well as extravagance, while moderation in expenditure has been recommended. Al-Qur'an says:

1. And let not thy hand be chained to thy neck nor open it with a complete opening lest thou sit down rebuked, denuded. -(17:29)
2. An those who, when they spend, are neither prodigal nor grudging; and there is ever a firm station between the two. -(25:67)

The principles laid down by the Qur'an regarding moderation in expenditure are observed while preparing estimates of public expenditure by the Islamic state at the time of budgeting.

### **III- Classification of Expenditure**

Since the Islamic Shariah has prescribed the items of expenditure in respect of certain categories of revenues, the classification of expenditure follows the lines of revenue. In the Islamic State, the revenue derived is either from Zakat

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and Sadaqat or from other sources like Jizyah, Kharaj, etc. Therefore, the broad classification of the revenues in the Islamic state is as follows:-

1. Zakat and Sadaqat.
2. Ghanaim or Spoils like Khums and Fai.
3. Revenues from Jizyah, Kharaj, Import duties, and other financial imposts and extra-Sharaih taxes.

The heads of expenditure of Zakat and Sadaqat funds have been prescribed by the Qur'an in its verse No. 60 of Chapter 9 which reads as follows: "The alms are only for the poor and the needy, and those who collect them, and those whose hearts are to be reconciled, and to free the captives and the debtors, and for the cause of Allah, and for the wayfarer; a duty imposed by Allah " An Islamic state is bound- as it is a duty imposed by Allah- to apply the Zakat funds on the categories of the beneficiaries enumerated in this verse. Thus, the revealed book of Islam prescribes eight heads of expenditure in respect of revenues from Zakat and Sadaqat namely: (1) The poor (2) The needy (3) The collectors of these revenues (4) Persons whose hearts are to be reconciled (5) Freeing of captives (6) Freeing of debtors (7) The cause of Allah and (8) The wayfarers. In the time of the Prophet of Islam and early Caliphate, Zakat revenues were applied in accordance with Qur'anic injunctions. Even the modern Islamic state has to apply these funds on all or any of the heads of expenses listed by the Qur'an.

For second category of revenues, that is the Ghanaim, the Qur'an has recommended the items upon which they can be spent by the Islamic state. In its verse 41 of chapter 8, al-Qur'an prescribes the one-fifth share of spoils of war for the Islamic state and also mentions the categories of its beneficiaries. The verse reads: "And know that whatever ye

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take as spoils of war, Lo! a fifth thereof is for Allah, and for the messenger and for the kinsman (who hath need) and orphans and the needy and the wayfarer " Regarding the expenditure of revenue from Fai, the Holy Qur'an says: "That which Allah giveth as spoil unto His messenger from the people of the townships, it is for Allah and His messenger and for the near of kin and the orphans and the needy and the wayfarer, that it becomes not commodity between the rich among you " (59:7). In the next verses numbering 8, 9 and 10 of this Surah, mention has also been made of the poor fugitives (Muhajirin) and the needy among Ansar of Madinah and also of those who came after them. Thus, according to the Qur'an, heads of expenditure of Khums and al-Fai revenues are almost the same, namely: (1) Allah and his messenger (2) Near of kin (3) The orphans (4) The needy (5) The wayfarers. The Prophet (PBUH) used to spend his share on his own needs and on the needs of his family. The share of kinsmen was disbursed by him among the descendants of Hashim and Abdul Muttalib. In the times of Hadrat Abu Bakr and Hadrat Umar, the shares of the Prophet and his kinsmen were spent on the purchase of weapons for the Muslim armies.

The third group of revenues i.e. Kharaj, Jizyah, tolls and other financial imposts which formed major source of governmental income, were spent by the Islamic state for the expenses of defence, general administration, public works and all other expenses which cannot be allowed out of Zakat funds.

#### **IV- Principles of Expenditure**

The following principles of public expenditure have been laid down by Majallah, the Ottomon Civil Code, which is based on Sunni fiqh.

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1. The principal criterion for' all expenditure allocations should be the well-being of the people;
2. The larger interest of the majority should take precedence over the narrower interest of a minority;
3. The removal of hardship and injury must take priority over the provision of comfort.
4. A private sacrifice or loss may be inflicted to save a public sacrifice or loss and a greater sacrifice or loss may be averted by imposing a smaller sacrifice or loss.
5. Whoever receives the benefit must bear the cost.

All the above mentioned five principles should be strictly observed while making expenditure allocations to various sectors and heads of expenses. Rule 2, 3, 4 and 5 can also be applied to taxation.

## **V- Bait-ul-Mal**

Bait-ul-Mal was first established during the reign of Abu Bakr who succeeded the Prophet in the year 632, A.D. as First caliph of the Islamic state. With the conquests of Iraq, Syria and other countries there was considerable increase in the revenues of the Islamic state which necessitated the establishment of public treasury. However, Bait-ul-Mal took its real shape on permanent footing during the rule of Umar Farooq, the second caliph of Islam. It is during his time that the treasures of countries conquered from former Iranian and Roman empires started pouring into Muslim capital which made the institution of Bait-ul-Mal a powerful and very important department of the Islamic state.

It is better to explain the concept of Bait-ul-Mal, as envisaged by early Muslims who founded it, before we proceed to dilate upon sources of its income and heads of its

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expenses. "Every property which belongs to Muslims in general and not to any Muslim in particular constitutes a part of the assets of the public treasury (Bait-ul-Mal). It is not necessary that the property should be actually in the vaults (hirz) of the treasury for it to be considered an asset of the treasury, because the conception of Bait-ul-Mal refers to the destination of the property, not to its actual location. Therefore, every expenditure which must be incurred in the interests of the Muslims in general is a liability of Bait-ul-Mal and when it is made, it is considered to have been made by it whether or not it has actually been paid out of the vaults of Bait-ul-Mal; this is for the reason that a revenue which has gone into the hands of the public collectors or has been directly spent by them is really a part of the income and expenditure of the Bait-ul-Mal itself, and therefore, subject to the regulations governing the same". (Nicolos P. Agnides: *Muhammadan Theories of Finance*).

The revenues which accrue to the Bait-ul-Mal of the Islamic state have been placed by the classical jurists of Islam under three categories. They are:

(1) the 'Zakat' and 'Sadaqah' revenues; (2) the 'ganimah' revenue or spoils of war; (3) the 'fai' revenues such as Jizyah and Kharaj. These revenues have already been discussed in detail in the previous chapter. Since the revenues falling under the second and third category are no longer available to a modern Islamic state, the same would be substituted by the modern taxes.

The above mentioned classes of revenue are maintained distinctly under separate heads or titles by the Bait-ul-Mal as the items of expenditure to which they can be allocated are different in Shariah. The Zakat and Sadaqat revenues can be applied to the heads of expenditure as prescribed by the Qur'an (in its verse 60 of chapter 9) which relate mainly to the welfare of the poor; whereas other revenues are expended by

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the Islamic state at its discretion to fulfil its multifarious responsibilities such as establishment of law and justice, defence, civil administration, transport and communication, economic development, education and health and social action programme.

A full-fledged proper organisation of Bait-ul-Mal existed during the Muslim rule right from the time of Umar the great, the second caliph of Islam. Central Bait-ul-Mal existed at the capital of the empire under the direct control of the caliph, whereas at provincial level the Bait-ul-Mal was controlled by the governor of the province. There were no commercial banks or central bank during those times. It appears that all the requirements and needs of the government and the society used to be met by Bait-ul-Mal which supervised public revenues and public expenditure, helped the poor and performed almost similar functions which the ministry of finance performs today. In addition to that, it also performed the functions of a central bank except issue of currency, and control of credit and interest rates which are modern devices.

## **VI- Expenditure on Welfare Activities**

Welfare activities on which the Islamic state spends its revenues have been mentioned in some verses of the Qur'an very clearly. For Example: The Qur'an in its surah 09 verse 60 has prescribed that the revenues or funds received from zakat and sadaqat must be spent by the Islamic state on the following items or head of expenses: (1) the poor (2) the needy (3) the collectors of these revenues (4) persons whose hearts are to be reconciled (5) Freeing of captives (6) Freeing of debtors (7) cause of Allah (8) The way farers.

In Verse 41 of chapter 8, the Qur'an has prescribed the following items of expenses on which revenues acquired by the Islamic state from one fifth of Ghanaim or spoils of war could be spent : (1) Allah i.e. Islamic state (2) Allah's

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messenger and near of kin i.e. messenger's relatives (3) the orphans (4) the needy (5) the way farers.

In Verse 7 of chapter 59, the Quran has again prescribed that the revenues acquired by the Islamic state from fai must be spent on the items namely (1) Allah i.e. the Islamic state (2) Allah's messenger and near of kin i.e. messenger's relatives (3) the orphan (4) the needy (5) the way farers. So all the items fixed under chapter 8 verse 41 and chapter 59 verse 7 are the same.

If we look upon all the three verses of the Quran analysed above, we find that the items of expenditure prescribed under them in fact represent the welfare activities of the Islamic state i.e. the fulfilment of the needs of the have-nots and elimination of poverty in the Islamic land. In the times of the Prophet, the funds received from the revenues were indeed spent on the items prescribed by the Qur'an in its above verses and in the times of the rightly guided caliphs, the same practice was continued. But in the modern world the things have mostly changed.

Revenues from spoils of war and Fai are no longer available due to change in international laws. Heads of expenditures from zakat and sadaqat revenues have also changed with the times e.g. heads like "persons whose hearts are to be reconciled" and "freeing of slaves" are particularly missing today. Thus the remaining six heads of expenditures today can be met by the modern Islamic state from its zakat and sadaqat funds. These heads need a brief discussion which may be made as under:

**I. The poor:** The word 'faqir' means a poor person who has no means or insufficient means to live on. The jurists have held that the word faqir includes:

- 1) All poor persons who need help to pull on.
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- 2) Incapacitated or physically disabled individuals who cannot earn.
- 3) Helpless persons like orphans, widows, old and unemployed.
- 4) Muhajireen or refugees who are forced to leave their home and their belongings under oppression or persecution and they seek refuge in another land.
- 5) Students, teachers, preachers etc. who have dedicated their lives for the cause of learning and Islam and have no time or means to earn for their survival.
- 6) Persons who are overtaken by some calamity like flood, earthquake, war, storm, cyclone etc.

II. **The Needy:** The word 'Masakin' which is plural of word 'Miskin' is again not defined. It is a derivative of word 'Maskanat', which according to Syed Abul Ala Maududi, means humility, helplessness and disgrace. 'Masakin', in fact, are those persons who are very needy and indigents. Having nothing with them to live on, they are forced to resort to begging in order to eat and cover their bodies. They are perhaps in a worse condition than the 'fuqara' because of their poverty and hardship. However, for practical purposes, the difference between 'faqir' and 'Miskin' is not of much significance.

Since the Qur'an mentions the 'masakin' in close proximity with near relatives and orphans, it has been held that close and near relatives who are poor and needy, enjoy preferential claim on one's Zakat and Sadaqat. According to a tradition reported in Abu Daud, Hadrat Abu Hurairah asked the Messenger of Allah, which charity is the best? The Prophet (PBUH) said: "The charity of the needy. And begin with one

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who is a kinsman". Again, it has been reported by Solaiman-b-A'mer that the Holy Prophet said: "Alms to a poor man has one merit, merit of charity, but alms to a Kinsman has two merits, merit of charity and merit of connection" (Ibn Majah, Tirmizi, Nisai). If everyone looks after his poor relatives, poverty would be alleviated because every poor man has some relative who is rich.

**III. The Collectors:** Aamileen' or collectors are those employees of the Islamic state who have been entrusted with the assessment, collection, management, preservation and disbursement of Zakat and keeping of its accounts. They fall under the category of the beneficiary of Zakat funds. So the salaries, allowances and the emoluments of state officials engaged in the administration of Zakat are a charge upon the Zakat revenues.

It would be very pertinent to point out here that the very fact of application of Zakat funds on the emoluments of Zakat collectors, establishes beyond any doubt that Zakat is a state levy and the Quran makes it an obligatory duty of the state to collect and administer it. It is not a private charity as some people hold it.

**IV. Persons whose hearts are to be reconciled:** This is the fourth head of expenditure of Zakat revenues. Zakat Funds can be applied to benefit those non-Muslims whose hearts need reconciliation. In the modern times, things have changed so this heading is no longer applicable.

**V. Freeing of Captives:** Slavery has been a great curse for humanity and Islam took many steps to remove this curse. Islam not only gave rights to the slaves but also encouraged the affluent believers to purchase the slaves and set them free. So an important charge on the Zakat revenues used to be to help the slaves in getting their freedom. Since slavery

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has been abolished, this head of expenditure is no longer in existence.

**VI. Debtors:** Another important charge on the Zakat fund is to help the debtors in paying off their debts. Debtors who are to be helped from Zakat are those who do not possess wealth worth Nisab over and above their debt. In other words, if these debtors pay off their whole debt from their own means, they are left with an amount less than the minimum level which attracts Zakat.

According to the Jurists, only following categories of debtors are to be helped in discharging their debt obligations:

- 1) Those who incurred the debts for genuine needs e.g. for buying necessities of life, for wedding their daughters, etc.
- 2) Those who incurred the debts by helping other people e.g. by standing surety for others, by bringing about peace between combatants or by composing feuds between hostile tribes.
- 3) Those who made every effort to discharge their liabilities of debts by affecting all possible means but failed.

However, those debtors who incurred the debts for indulging in luxuries, or for unlawful acts like gambling or drinking, or for extravagance, would not be helped by the Islamic state.

**VII. The Cause of Allah:** Fi Sabil Allah means in the way of Allah or for the cause of Allah. This is the seventh head of expenditure of Zakat funds. This head of expenditure is very wide and the allocation of funds made under this head covers all acts of piety and virtuous deeds. Generally speaking, Zakat funds under this head can be applied to the following acts:

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1. Hospitals and medical aid centres can be maintained to provide relief to sick and wounded, especially to the poor patients.
2. Educational institutions can be established to provide education to those who cannot otherwise afford it.
3. Charitable institutions, orphan houses, social work centres etc. can be established or financially assisted.

VIII. **The Wayfarers:** Ibn-us-Sabil is the traveller or wayfarer. Expenditure for the relief and welfare of the travellers is another charge on the Zakat revenues of an Islamic state. Funds allocated under this head can be used for the following purposes:-

- 1) The wayfarer or traveller, though he may be rich at his home, can be helped financially provided he needs such assistance to complete his journey.
  - 2) Facilities and comforts may be provided to the wayfarers such as meals, rest houses, baths, etc.
  - 3) Roads and bridges can be built and their repair or maintenance can be undertaken.
  - 4) Means of communications, traffic and transport can be improved.
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## **CHAPTER-10**

# **INTEREST ABOLISHED**

## **No to Capitalism**

Interest or usury (Riba in Arabic) has been abolished totally by Islam in all forms of economic activities. Interest is the pillar of capitalist system of economy and abolishing of interest means that Islam has said goodbye to this system which is based on exploitation of the poor by the rich. Islam's economic system is based on human welfare and it has already laid down its objectives and principles.

Let us go through the Qur'anic Verses and Ahadith of Prophet Muhammad (PBUH) before discussing the issue of interest in general.

### **I- The Qur'an on Interest**

At the time of emergence of Islam, the institution of interest existed in the Arabian society both in the transactions of money loans and barter transactions of commodities. Since it was deeply rooted in the economic life of the people, the injunctions of the Holy Qur'an on its prohibitions were gradually revealed, like those regarding prohibition of wine, so that the economic life of the people may not be abruptly disrupted. Following are the verses of the Holy Qur'an which deal with interest:

1. Those who swallow usury cannot rise up save as he arises whom the devil has prostrated by (his) touch. That is because they say: Trade is just like usury; whereas Allah permits trading and forbids usury. He unto whom an admonition from his Lord comes and (he)
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refrains (in obedience thereto), he shall keep (the profits of) that which is past, and his affair (hence-forth) is with Allah. As for him who returns (to usury) - such are rightful owners of the Fire. They will abide therein. Allah has blighted usury and made almsgiving fruitful. Allah loves not the impious and guilty. -(2:275-276)

2. O you who believe! Observe your duty to Allah, and give up what remains (due to you) from usury, if you are (in truth) believers. And if ye do not, then be warned of war (against you) from Allah and His messenger. And if you repent, then you have your principal (without interest). Wrong not, and you shall not be wronged. -(2:278-279)
3. O you who believe! Devour not usury, doubling and quadrupling (the sum lent). Observe your duty to Allah, that you may be successful. -(3:130)
4. Because of the wrong-doing of the Jews, We forbade them good things which were (before) made lawful unto them and because of their much hindering from Allah's way: And of their taking usury when they were forbidden it, and of their devouring people's wealth by false pretences. We have prepared for those of them who disbelieve a painful doom. -(4:160-161)
5. That which you give in usury in order that it may increase on (other) people's property has no increase with Allah; but that which you give in charity, seeking Allah's countenance, has increase manifold. -(30:39)

If put in the order of revelation, the above verses gradually prohibited interest. The first verse of the Holy Qur'an (30:39) which was revealed regarding interest compares it with Zakat and states that interest does not increase one's wealth, in fact it decreases it, whereas Zakat increases it manifold. In the next verse (3:130), the believers are told not

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to devour compound usury doubling or quadrupling the sum of loan. In the next two verses (4:160-161), the Muslims are warned to obey the Qur'anic injunctions of prohibition of interest lest they suffer the fate of the Jews who infringed prohibition of interest and will meet a painful doom. Then comes the famous para of the revealed book of Islam (verses 275,276,278 and 279 of chapter 2) which finally prohibited interest. It distinguishes between trade (Bai) and interest (Riba). It condemns interest or usury and the usurer and praises the fruitfulness of charity. It absolutely prohibits charging of usury and commands the believers to give it up and get back only their principal amounts of loans. Finally, it warns them to take notice of war from Allah and Allah's Messenger if they violate prohibition and revert back to usury.

## **II- Ahadith of Prophet Muhammad (PBUH) on Interest**

In this section we are reproducing some of the well-known Ahadith of the Prophet of Islam which show that the Prophet has not only condemned 'Riba' (interest) in possibly the most severe terms but has also identified it in money as well as in commodity transactions in very clear words. These Ahadith facilitate our understanding of the Islamic concept of 'Riba' and bring into focus its various aspects for our guidance. The relevant Ahadith are:

1. Abu Sayeed al-Khodri reported that the Messenger of Allah said: Gold for gold, silver for silver, wheat for wheat, barley for barley, date for date, salt for salt and like for like in hand to hand (transaction). Whoso gives more or takes more, then the taker and the giver are equal in taking interest therein. (Muslim)
  2. Abu Sayeed reported that Bilal came to the Holy Prophet with Barni dates. The Prophet asked him: whence is this? He replied. There were old dates with me and I
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- sold out of them two sa'as for one. He said: Alas! Veritable interest! Don't do (it), but when you intend to purchase, sell the dates for purchasing another kind, and then purchase therewith. (Bukhari and Muslim)
3. Osamah-bin-Zaid reported that the Messenger of Allah said: Usury is in promise. And in another narration he said: There is no usury in what is hand to hand. (Bukhari and Muslim)
  4. Omar reported that the Messenger of Allah said: Gold for gold is interest unless in hand to hand (transaction); silver for silver is interest unless in hand to hand (transaction); wheat for wheat is interest unless in hand to hand (transaction), barley for barley is interest unless in hand to hand (transaction), and date for date is interest unless in hand to hand (transaction).  
-(Bukhari, Muslim)
  5. It is related by Abu Bakr that the Holy Prophet said: "Sell not gold for gold and silver for silver but in equal quantity; but sell gold for silver or silver for gold as you please".  
-(Bukhari)
  6. It is reported by Abu Saeed Khudri that the Holy Prophet said, "Sell not gold for gold and silver for silver but in equal quantity nor sell anything for the same thing in lesser quantity, nor sell anything present for that which is absent."  
-(Bukhari)
  7. Sa'ad-bin-Abi Waqqas reported: I heard that the Holy Prophet was questioned about the purchase of dry dates for fresh ones. He asked: Shall the fresh dates be diminished when they become dry? 'Yes' said he. So he prohibited him from that.  
-(Malek, Tirmizi, Abu Daud, Nisai, Ibn Majah)
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8. Samorah-b-Jundub reported that the Holy Prophet prohibited from selling animal for animal by way of promise. -(Tirmizi, Abu Daud, Nisai)
  9. Abu Hurairah reported that the Messenger of Allah said: I came across a people in the night in which I was taken to heaven. Their bellies are like houses wherein there are serpents which can be seen from outside their bellies. I asked: O Gabriel! who are they? He said: These are those who devoured usury. -(Ahmad, Ibn Majah)
  10. Omar-b-al-Khattab reported: The last of what was revealed was the verse of usury, and the Messenger of Allah expired while he did not explain it to us. So give up usury and doubt. - (Ibn Majah, Darimi)
  11. Abdullah-b-Hanjalah (one washed by angels) reported that the Messenger of Allah said: A dirham of usury a man devours with knowledge is greater than 36 fornications. -(Ahmad, Darqutni)
  12. Abu Hurairah reported that the Messenger of Allah said: Usury has got seventy divisions. The easiest division of them is a man's marrying his mother. -(Ibn Majah)
  13. Ibn Mas'ud reported that the Messenger of Allah said: Though usury increases, its effect indeed turns towards decrease. -(Ibn Majah)
  14. Jaber reported that the Messenger of Allah cursed the devourer of usury, its payer, its scribe, and its two witnesses. And he said that they are equal (in sin). -(Muslim)
  15. It is reported that the Holy Prophet, on his last Pilgrimage and in his last address, said: "Every form of interest ('Riba') is cancelled; capital indeed is yours which you shall have, wrong not, and you shall not be
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wronged. God has given His injunctions that interest is totally forbidden. I first start with (the amount of) interest (which people owe) to 'Abbas and declare it all cancelled". (Abu Daud on the report of Jabir bin Abdullah)

16. Abu Hurairah reported that the Prophet said: A Time will certainly come over people when none will remain who will not devour usury. If he does not devour it its vapour will overtake him. -(Ahmad, Abu Daud, Nisai, Ibn Majah)

### **III- What is Riba?**

The Qur'an and Hadith have used the term 'Riba' which has been translated by the scholars as 'usury' or 'interest'. We do not find direct definition of this term either in the Qur'an or in Ahadith of the Prophet of Islam. It would be, therefore, most appropriate if we reproduce the views of some renowned commentators of the Qur'an and the jurists of Islam who have explained the meaning and nature of 'Riba'.

1. According to Muhammad Asad: "In its general, linguistic sense, this term denotes an "addition" to or an "increase" of a thing over and above its original size or amount: in the terminology of the Qur'an, it signifies any unlawful addition, by way of interest, to a sum of money or goods lent by one person or body of persons to another. Considering the problem in terms of the economic conditions prevailing at or before their time, most of the early Muslim jurists identified this "unlawful addition" with profits obtained through, any kind of interest-bearing loans irrespective of the rate of interest and the economic motivation involved. With all this-as is evidenced by the voluminous juridical literature on this subject - Islamic scholars have not yet been able to reach an absolute agreement on the definition of riba: a definition that is, which would cover all conceivable legal situations and positively respond to all the exigencies of
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a variable economic environment. In the words of Ibn Kathir (in his commentary on 2:275), "the subject of *riba* is one of the most difficult subjects for many of the scholars (ahl-al-ilm)". It should be borne in mind that the passage condemning and prohibiting *riba* in legal terms (2:275-281) was the last revelation received by the Prophet, who died a few days later, hence the Companions had no opportunity to ask him about the shar'i implications of the relevant injunction - so much so that even "Umar ibn al-Khattab is reliably reported to have said: "The last [of the Qur'an] that was revealed was the passage [lit., "the verse"] on *riba*; and, behold, the Apostle of God passed away without [lit., "before"] having explained its meaning to us " (Ibn Hanbal, on the authority of sa'id ibn al-Musayyab)

2. According to Syed Abul Ala Maududi: "The Arabic word *riba* literally means "increase in" or "addition to" anything. Technically it was applied to that additional sum which the creditor charged from the debtor at a fixed rate on the principal he lent, that is, interest. At the time of the revelations of the Quran, interest was charged in several ways. For instance, a person sold something and fixed a time-limit for the payment of its price, and if the buyer failed to pay it within the fixed period, he was allowed more time but had to pay an additional sum. Or a person lent a sum of money and asked the debtor to pay it back together with an agreed additional sum of money within a fixed period. Or a rate of interest was fixed for a specific period and if the principal along with the interest was not paid within that period, the rate of interest was enhanced for the extended period, and so on."
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After going through the verses of the Qur'an, Ahadith of the Prophet of Islam and views of the Muslim doctors, we can now understand the meaning of Islam's concept of 'Riba'.

The Verse No. 278 of chapter 2 of the Holy Qur'an commands to give up 'Riba' while the next verse numbering 279 allows the lenders to take back their principal amount of loan and nothing more. It means that 'Riba' is the amount which is charged by the lender from his debtor in addition to the capital lent by him. It is this amount which has been declared unlawful by the Qur'an. Thus, according to the Qur'an, every increase obtained in addition to the principal amount of loan is 'riba' irrespective of the fact how much rate of interest is charged and for what purpose the loan is advanced.

Prophet Muhammad, in his Ahadith, has explained and clarified that element of 'Riba' is found not only in cash loans or money transactions but also in all forms of barter transactions in which one person receives an excess over and above the commodity exchanged. From the address of the Prophet delivered during his last pilgrimage, we can easily derive the definition of riba. The Prophet is reported to have said: "Every form of 'riba' is cancelled; principal indeed is yours which ye shall have; wrong not and you shall not be wronged. God has given His injunctions that interest is totally forbidden. I first start with interest (which people owe) to Abbas and declare it all cancelled." Thus every form of riba has been cancelled by the Prophet and the lenders are allowed to recover their principal amount of loan only, which means that every addition to principal amount lent is 'riba' without reference to rate of interest charged and without reference to the purpose for which loan is given.

Some liberal scholars hold that Islam has prohibited usury only check which is charged at exorbitant rate of interest by the money lenders from the poor on consumption

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loans contracted by the latter for their personal needs. However, this view is erroneous in the opinion of majority of the contemporary Muslim scholars who hold that 'Riba' covers all forms of usury and interest on loans irrespective of the purpose for which loan is contracted, irrespective of the parties to the loan and also irrespective of the rate of interest and the period involved.

During the last one or one and half century there has been a mushroom growth of banking and financial institutions which provide loans to the individuals as well as to the associations or organisations even to the governments and the states or countries and charge amount in addition to the sum lent. They call it sometimes commission or profit or dividend or compensation for the depreciation of the value of money lent and claim that it is not riba which has been prohibited by Islam. However the majority of the Muslim scholars hold it riba and 'haram'. In Pakistan, Federal Shariat Court and Council of Islamic Ideology have ruled that such amounts charged by the banks or other institution or persons are Riba in fact though they may not be called Riba, and therefore cum under the prohibition imposed by Islam.

#### **IV- Types of Riba at the Advent of Islam**

On the basis of practice prevailing at the time of emergence of Islam and keeping in view the Ahadith of Prophet Muhammad (PBUH), the Muslim jurists have classified 'Riba' into two types, namely: Riba-an-Nasia and Riba-al-Fadl. The former is in cash loans whereas the latter is in barter transactions.

Riba-an-Nasia means interest charged on money loans. Some examples of Riba-an-Nasia are as follows: In times of ignorance, if a debtor owed some loan to his creditor, but had no means to repay it within the fixed time, he would request the creditor to extend time. The creditor stipulated certain

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increase or addition in his principal on the consideration of which he would agree to extend the time of payment. This increase in principal is Riba.

Riba-al-Fadl is the name of the interest which is charged in barter transactions of commodities. It lies in the payment of an addition by the debtor to the creditor in the exchange of commodities of the same kind i.e. wheat for wheat or barley for barley or dates for dates. etc.

Barter system for exchange of commodities was very common in Arabia at the time of emergence of Islam. People used to change goods for goods, especially the poor used to borrow some food items from the rich with a promise to repay more than the borrowed quantity after a certain specified time. This additional quantity was Riba. Islam abolished both the types of 'Riba', Riba an-Nasia and Riba-al-Fadl.

## **V- Interest and Trade**

The Holy Quran says: "Those who swallow usury cannot rise up save as he ariseth whom the devil hath prostrated by (his) touch. That is because they say: Trade is just like usury; whereas Allah permitteth trading and forbiddeth usury....."(2:275) Why does God permit trade and forbid usury?

It is because trade and usury are absolutely different. In trade one earns profit as a result of initiative, enterprise, efficiency and hard work. But the interest is not earned through hard work or any value creating process. It is not the reward of labour but is in fact unearned income. Moreover interest is fixed whereas profit fluctuates. In case of trade there is risk of loss also, but in case of interest the lender gets his fixed amount irrespective of the fact whether the debtor earns any profit or sustains loss. God has forbidden interest but has permitted trade.

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## **VI- Interest and Zakat**

The Holy Qur'an states: "Allah hath blighted usury and made almsgiving fruitful. Allah loveth not the impious and guilty". (2:276). In another verse, the Qur'an mentions the benefit of Zakat over usury in these words: "That which ye give in usury in order that it may increase on (other) people's property hath no increase with Allah; but that which ye give in charity, seeking Allah's countenance, hath increase manifold". (30:39)

The above verses of the Holy Qur'an have inspired many scholars of Islam to compare interest with Zakat and underline the advantages of Zakat and disadvantages of interest. Through observation and experience of various economies it has been held that Interest discourages economic growth and ruins national prosperity and also individual's well-being by causing many distortions in national economy such as inflation, unemployment, uneven distribution of wealth and recession. Zakat, on the other hand, helps economic growth and national prosperity in two ways: Firstly it discourages hoarding of wealth and encourages its circulation. The hoarder of wealth knows that if he keeps his wealth idle then the Zakat would gradually consume it. So he would perforce bring his wealth into circulation by spending or investing it. Thus the investment and consumption both would have multiplier effect on the growth of national income. Secondly, Zakat is collected from the rich who are few and returned to the poor who are many, and this process ultimately increases aggregate demand of the consumer goods in the society as the poor people after having purchasing power in their hands start demanding more such goods. The industrialists would produce more in order to meet the increasing demand. Thus increase in demand and supply would lead to industrialization, business activity, expansion of employment and growth of national income.

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## **VII- Interest and Rent**

Interest, as we have already discussed in detail, is charged by the creditor from the debtor on money loan or on exchange of commodities in barter transactions at pre-determined rate or prefixed amount with reference to time. Rent, on the other hand, is charged on the lease of land, building, plant and machinery, furniture and fixtures, motor vehicles or on use of other capital goods. Interest and rent are both different from each other in nature.

As far as their permissibility in Islam is concerned, we have already seen that interest in every form has been prohibited by Islam whereas it is not the case with rent. Rent on building and lease of capital goods and other articles is justified by Muslim jurists like Syed Maududi on the ground that the owner of these things maintains them for the use of the tenant by spending his time, labour and money. Moreover, these things suffer wear and tear and also depreciation in value when under the use of the tenant. Thus, charging of rent on such things is not only justified, according to them, but is also permitted by Islam.

Regarding lease of agricultural land on fixed cash or quantity of produce, the opinions of scholars widely differ. While majority of the scholars hold it lawful, some jurists such as Syed Maududi consider it similar to interest and hence prohibited in Islam.

Prohibition of interest, according to professor Smith, if taken seriously, would include the prohibition of land rent and of the whole landlord system and it would mean precisely the socialization of agriculture in the interests of those who labour on land. The reason given by him is briefly as under: "of course, where tenants are made to 'pay a fixed rent whether in cash or in kind, it is morally identical with interest. Because, here, the landlord is to the same extent indifferent to the

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actual return from land as the banker is to the actual return from industry and commerce."

### **VIII- Why Interest is Prohibited?**

As we have already discussed, interest has not only been prohibited and declared unlawful by Islam but has also been strongly condemned as a criminal offence in this world and a major sin liable to punishment in the Hereafter. According to al-Qur'an, charging of interest amounts to declaration of war against God and God's Messenger; while according to the Sunnah it is a criminal and sinful act worse than adultery. But no reason for its prohibition has been provided either in the Qur'an or by the Sunnah of the Prophet. This has left the scholars and jurists to find out reasons as to why interest has been prohibited. Regarding reasons of prohibition of interest views differ widely. However they are unanimous on one single point at-least that the prohibition is due to moral, social and economic harms of interest which we have already discussed under the heads No. V, VI, and VII above.

### **IX - Substitute for interest**

Despite condemning and abolishing interest, the Qur'an and the Sunnah have not suggested any substitute system for Riba. The matter has been rightly left to the Muslim scholars, jurists and economists to devise a workable economic system without interest according to the demands of their time.

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## **CHAPTER-11**

# **JAGIRS NOT ALLOWED**

## **No to Feudalism**

An other pillar of human exploitation of the poor by the rich, besides interest, has been Jagirdari system or feudalism.

Like Interest, Islam has also abolished the system of Jagirdari to put an end to human exploitation and misery and poverty. Although Islam allows private ownership of land but it does not allow individuals or families to own large tracts of land so that they may not become a danger to peace and security of Islamic society which is based on fair and equitable distributions of economic resources.

### **Land as factor of Production**

The factors of production have been traditionally classified as four, namely: land, labour, capital and organization or enterprise.

Islam has recognised land as one of these most important factors of production. But in this chapter, we will discuss Islamic view-point regarding ownership and agricultural use of land. Since most of the matters pertaining to agriculture are of temporal character, Islam has not laid down any hard and fast rules to govern each and every affair so as to restrict the freedom of action of the people. Rather most of these matters have been left to the discretion of the people of each age and each place to decide the same according to their ever changing socio-economic situations. Only a few general instructions have been issued by al-Qur'an,

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the revealed book of Islam and Muhammad (PBUH), the Prophet of Islam, in the matters of land-ownership, land cultivation, reclamation of dead lands, peasant-landlord relationship, irrigation, etc.

## **Private Ownership of Land Allowed**

Some people, especially those having inclination towards socialism, believe that the concept of ownership of land is alien to Islam. However, this view does not have any locus standi when we look at the teachings of Islam. The institution of ownership of land, which exists among the humankind since time immemorial has not been abolished either by the Qur'an or by the Sunnah. No doubt, according to the Qur'an, overall concept of absolute ownership over earth and heavens belongs to Allah, but the man has been vested with proprietary rights over land as Allah's trustee or vicegerent. Institution of individual or private ownership of land has thus been recognised by Islam.

Land is needed by man either for habitation or for the purpose of earning livelihood through its cultivation. For both these purposes the Holy Qur'an concedes individual's right of ownership and possession of land. For the purpose of habitation, the Qur'an says: O you who believe! Enter not houses other than your own' without first announcing your presence and invoking peace upon the folk thereof.....-(24:27). Thus ownership of land for the purpose of houses has been recognised by the Holy Book in this verse. In another verse the Qur'an affirms the right of ownership of land for the purposes of cultivation and earning sustenance. The verse states. .... Eat ye of the fruit thereat when it fruiteth, and pay the due thereof upon the harvest day, and be no prodigal .....(6:141). From this verse it is clear that one has to pay zakat on his fruits and agricultural produce if one owns and cultivates land. This verse thus concedes the

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individual or private ownership of land for the purpose of agriculture.

Before we discuss whether there is any place in Islamic state for feudalism (ownership of large tract or estate of land) or not, let us see what system of acquiring the ownership of land was prevalent during the reign of the prophet (PBUH) and pious caliphs.

## **System of acquiring Ownership of Land**

Initially private ownership of land is acquired through colonisation of land or through allotment or grant of land by the state. These two methods of acquisition of ownership rights over land have been recognised by society since ancient times. Although land is also acquired by an individual through purchase from another person, through inheritance, through gift, through bequest, etc. but these are the subsequent transfers with which we are not concerned. In this section we would, therefore, discuss initial two methods of acquisition of ownership rights over land and see what is the view-point of Islam about them. Discussion would be restricted to agricultural land only.

**I - Colonisation:** First method of acquiring ownership of land is colonisation when man settled on earth, the rule of ownership of and which emerged in due course of time was: The land which one occupies and develops for cultivation is his and he has better right to use it. This ancient rule was maintained by the Prophet of Islam with certain useful conditions. Some of his traditions are reproduced below. (These traditions have been taken from Syed Maududi's book Economic system of Islam)

1. Hadrat Aisha (Allah be pleased with her) reported that the Holy Prophet (peace be on him) said: 'Whoever colonizes a land which does not belong to another, has
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the better right to keep it. Urwa bin Zubair states that Hadrat Umar (Allah be pleased with him) acted upon the same rule during his reign."      -(Bukhari, Ahmad, Nisai)

2. Jabir bin Abdullah (Allah be pleased with him) related the tradition that whoever reclaims dead land (i.e. colonizes wasteland), acquires proprietary right over it.  
-(Ahmad Tirmidhi, Nisai)
3. Tawus (Tabii) reported that the Holy Prophet (peace be on him) had said: "Ownerless land which has no trustee or heir belongs to God and His Apostle and then it is open to use by you. Hence anyone who reclaims dead land shall keep it; and he who occupies it without using it shall lose his ownership right over it at the expiry of three years.  
-(Abu Yusuf : Kitab-ul-Kharaj)
4. Saeed bin Zaid reported that the Holy Prophet (peace be on him) had said: "Anyone who reclaims some wasteland shall keep it. But he who colonizes another person's land illegally has no right over it."  
-(Ahmad, Abu Dawud, Tirmidhi)

From the above traditions of the Prophet, two principles emerge which regulate the rights of ownership arising out of colonisation of land:

- (i) Whoever colonizes a land which does not belong to other acquires proprietary right over it. But he who colonises another person's land illegally has no right over it.
- (ii) He who reclaims dead land shall keep it; and he who occupies it without using it, shall lose his ownership over it at the expiry of three years.

**II - Grants or Allotments:** Second method to get ownership of land is grant or allotment by the government.

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The Prophet of Islam as head of Islamic state and his immediate successors known in history as right-guided caliphs made grants of land to people. Some of their traditions are related which have been quoted by Maulana Moududi in his book economic system of Islam.

1. Alqama bin Wail reports that his father (Wail bin Hajr) stated that the Holy Prophet (peace and blessings of Allah be on him) had granted him a tract of land in Hadramut.  
-(Abu Dawud, Tirmizi)
  2. Asma, the daughter of Hadrat Abu Bakr states that the Holy Prophet (peace be on him) had granted her husband Hadrat Zubair a tract of land in Khyber which contained date-palms and other trees.  
-(Bukhari, Ahmad, Abu Daud)
  3. Amr bin Dinar reported that when the Holy Prophet (peace and blessings of Allah be on him) arrived in Madinah, he granted lands both to Abu Bakr and Umar (Allah be pleased with them).
  4. Musa bin Talha reported that Hadrat Uthman (Allah be pleased with him) during his reign had granted lands to Zubair b. Awam, Saad b. Abi Waqqas, Abdullah b. Masud, Usama b. Zaid, Khubab b. Art, Ammar b. Yasar and Saad b. Malik (Allah be pleased with them).
  5. It is further reported: The Holy Prophet (peace and blessings of Allah be on him) had granted the whole valley of Aqiq to Bilal b. Harith Muzni. But he could not bring a major part of it under cultivation. Hadrat Umar, therefore, in his reign said to him, "The Holy Prophet (peace be on him) had not granted this land to you to keep it fallow and withhold it from use by others. So retain as much of it as you can use and return the remainder so that I may distribute it among the
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Muslims." Bilal b. Harith refused to comply with this advice. Umar persisted in his demand. Finally, except the land which was actually under his (Bilal's) use, Umar (Allah be pleased with them) took away all the land from him and divided it into plots, which were distributed among the Muslims.      -(Kitab-ul-Amwal by Abu Obaid)

Following principles emerge from the land-grants made by the Prophet and the right-guided caliphs:

- i) A grant which is not being put to proper use or if a grantee could not develop his land, his ownership over it could be abolished, as was done by Umar in case of land granted to Bilal by the Prophet himself.
- ii) State can make grants only out of state lands and dead lands. State has no power to deprive a person from his land illegally and grant it to some other person.
- iii) State lands are not to be distributed as gifts among favourites. Such lands are to be allotted in accordance with rules made in this behalf to those persons who have rendered some meritorious services or who can be helpful in Jihad against the enemies of Islam.

If we go through the above mentioned system of acquiring land through colonisation and allotments which was prevalent under the prophet and pious caliphs and if we also ponder on their traditions and practice we can safely say that no person could get so much land which he could not colonize or cultivate. In other words no individual could get big estate or jagir that he would become a feudal lord or jagirdar.

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## **No Room for Feudalism or Jagirdari System**

As we have stated above Islam recognises an individual's right to ownership of land or in other words it concedes the right of private ownership of land, but despite that it does not allow feudalism or jagirdari system in which an individual or a person owns large or big tracts of land which he cannot cultivate himself. And being unable to colonise and cultivate the land himself he leases it to others on fixed rentals or gets it cultivated through exploitive system of hiring hundreds of farmers or cultivators who work for petty wagers or for little share in the produce or even without any compensation. In this jagirdari system the whole of the produce or the lion's share in the produce goes to the feudal lord or the jagirdar who does not work and lives in ease and luxury and sucks that blood of the poor farm workers like a parasite.

So how Islam a religion of peace, equality and brotherhood, can tolerate such an oppressive, tyrannical, suppressive and undemocratic institution like feudalism which renders millions of human being to the status of serfs and slaves.

Those who contend that feudalism or landlordism exists in Islam mainly give two arguments in the favour of their view: firstly that the Holy Prophet as well as his successors granted lands to the people, and secondly that the system of cultivation of land through tenants on the basis 'of produce-sharing or cash-rent remained in vogue during their times. But both these arguments hardly carry any force if examined impartially and dispassionately.

No doubt the Holy Prophet allotted some tracts of land to his companions but such allotments were made in small tracts of land only to those needy persons, among the Muhajirin and Ansars, who had no property and no source of income, just to enable them to earn their livelihood, These small land owners generally cultivated their land themselves.

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Those who could not cultivate their lands themselves due to some reason, they got it cultivated through tenants on crop-sharing basis or cash rent. But when the system of cultivation through others came to the notice of the Holy Prophet, he discouraged his companions to do so. He enjoined upon them to cultivate their land themselves or to give it gratis to their brothers in faith rather than giving it on hire.

During his region, after having a long discussion with his shura, Caliph Umar placed all the lands of conquered countries like Iraq, Syria and Egypt under state ownership and refused to allot the same to individuals who participated in the conquest thereof despite the pressure of some influential companions. So the lands of these countries remained in the control of the peasants and farmers who paid Kharaj in kind or in cash to the state. This land tenure system was continued during the period of Usman and Ali. So the system of Jagirdari was never allowed to take its roots during the reign of the Prophet and the pious caliphs.

### **Feudalism incompatible with Islam**

For the following reasons, I believe, the system of Jagirdari is incompatible with the teachings of Islam and so it was rightly allowed to exist in Islamic state:

1. Feudalism or Jagirdari system is the most exploitive, the most oppressive and the most retrogressive system that has ever lived in the history of man on earth. How a humanitarian religion like Islam which believes in justice, fairness and equity can tolerate this system?
  2. Economically feudalism is even worse and more exploitive than usury because a feudal lord lives on the blood of his farm workers treating them as chattel and paying them little or insignificant compensation while the usurer does not maltreat his debtor as long as he
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regularly gets his usury. Usury, as we have already studied, has not only been prohibited by Islam but has also been declared by its revealed book as equivalent to war against God and God's Messenger.

3. Islam provides all the fundamental human rights to its followers including right to equality, right to liberty, right to protection of person, honour and property, right to basic needs, right to freedom of profession or vocation and right to rest and leisure. But all these rights are denied to farm workers and tenants by the feudal system. This system makes them serfs and slaves having no rights.
  4. In feudal system, the landlords own thousands of hectares of land without any limit or ceiling. Vast tracts of lands are placed in the possession of few jagirdars while majority of the people have no lands and are thus forced to work on the lands of these jagirdars. Such a tyrannical and unjust system is alien to Islam which believes in equitable and fair distribution of wealth and economic resources. As stated earlier, if a landowner colonises some land or is granted some land by the state and does not put it to use for a period of three years, he loses his ownership rights according to Islamic system. Similarly, state can make law prohibiting purchase of land by certain persons in certain areas as was done by Caliph Umar who prohibited the Arabs to purchase lands in the conquered countries. Thus, in this situation, one cannot be a jagirdar in an Islamic state as all the means of acquiring of land are placed under the control of the Islamic state which exercises its powers judiciously so as to keep the distribution of land among its citizens fair and equitable.
  5. We have gone through the Ahadith of the Prophet of Islam and we know that the Prophet not only discouraged Muzara'a or tenancy system but also
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forbade his companion like Abu Rafaa, whose family was landowner in those days, to indulge in this practice.

The Prophet advised those who owned lands to cultivate their lands themselves or to give their lands gratis to their brothers-in-faith without any charge or to leave the land fallow. Thus the Prophet preferred to leave the land fallow instead of giving it on Muzara'a or tenancy system because of the evils attached with this system such as exploitation, *riba*, idle life, and unearned money.

Feudalism depends on cultivation of land through Muzara'a or tenancy system because no single individual or family, how much efficient and hardworking it may be, can cultivate vast lands of *jagir* or estate. Since Muzara'a is disallowed, *Jagirdari* cannot exist in Islamic state.

6. Both the major forms of Muzara'a or tenancy system contain elements of *riba* and exploitation. In cash tenancy, the landlord gets his fixed rent of land even if the tenant suffers a loss, and so the transaction becomes like that of *riba* on capital because the lender of capital also gets his *riba* without having any concern whether the borrower earns any profit or suffers a loss in his business. In case of share-tenancy, the landlord suffers only loss of his share when the crop is damaged but the tenant suffers not only loss of his share but also loss of money spent on seeds, fertilisers, pesticide and other inputs. Thus the transaction becomes tainted with exploitation and *riba* (usury).

Because of the reasons and situations mentioned above, feudalism or *Jagirdari* system which is one of the major tools of exploitation of the poor and helpless majority of the people by few landlords has been abolished by Islam in Islamic state.

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### **Dr. Muhammad Sharif Chaudhry**

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He is a prolific writer and has written more than 40 books on Islam which cover a wide range of subjects. His website is [www.shaufi.com](http://www.shaufi.com). Some of his books are available on it which can be freely downloaded.

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