

Islamic 'Adl in Orakzai

The *Daily Times*, Lahore, of April 15 carried the following as reported by Abdul Saboor Khan:

“Sikh families leave Orakzai after Taliban demand *jizia*

“HANGU: Sikh families living in Orakzai Agency have left the agency after the Taliban demanded Rs 50 million as *jizia* (tax) from them, official sources and locals said on Tuesday.

“Residents of Ferozekhel area in Lower Orakzai Agency told Daily Times on Tuesday that around 10 Sikh families left the agency after the demand by the Taliban, who said they were a minority and liable to pay the tax for living in the area in accordance with *sharia*.

“Locals said the Taliban had notified the Sikh families about the ‘tax’ around a week ago. They said of the 15 Sikh families in Ferozekhel, 10 had shifted while the remaining were preparing to do so.

“The locals said the families were impoverished and had left the area to avoid any Taliban action.”

The following day, April 16, appeared another report by the same correspondent:

“Sikhs in Orakzai pay Rs 20 million *jizia* to Taliban

“HANGU: The Sikh community living in Orakzai Agency on Wednesday conceded to Taliban demand to pay them *jizia* – tax levied on non-Muslims living under Islamic rule – and paid Rs 20 million to Taliban in return for ‘protection’.

“Officials told Daily Times that the Taliban also released Sikh leader Sardar Saiwang Singh and vacated the community’s houses after the Sikhs accepted the Taliban demand.

“The officials said the Taliban announced that the Sikhs were now free to live anywhere in the agency.

“They also announced protection for the Sikh community, saying that no one would harm them after they paid *jizia*. Sikhs who had left the agency would now return to their houses and resume their business in the agency, the officials said.”

A week has passed, but I have not seen any comment on the above in the three Urdu newspapers from Pakistan that I fairly regularly check: *Jang*, *Nawa-i-Waqt*, and *Daily Express*. And if the *Daily Times* or *Dawn* carried an editorial on the plight of the smallest and most powerless group of Pakistani citizens I must have missed it. Here I must note that while *Jang* failed to carry the news about the Pakistani Sikhs, it twice reported on the special arrangements made for security and hospitality for the Sikh pilgrims from India.

The Pakistani lawyers who took to the streets to bring back an independent judiciary might not have read the news, busy as they must be with important matters, for none issued even a statement of regret or sympathy. As for the newly established 'independent judiciary,' personified by the Supreme Court of Pakistan and its Chief Justice—it took notice, *suo motu*, of the case of the whipping of a married woman and then only the other day declared that the penalty for 'blasphemy' should be death in the Islamic nation—it too preferred to ignore the Sikhs. The nation's President and Prime Minister, of course, saw nothing wrong in what the Taliban had done—the two now co-share authority—and made not the slightest noise. Of course the guardians of Islam's honour in Pakistan, the muftis and maulanas, made not the slightest protest. Most likely they saw in the incident just one more triumph of their vision of Islam's glory in Pakistan. If anything, they showed remarkable restraint when they didn't make a public celebration of it, as they had done when President Zardari's father-in-law had the Ahmadis declared non-Muslim. Who knows but the mullahs might be planning secretly to demand that the same *shari'a* should now be enforced on the equally helpless and minute population of Hindus in Sindh.

What surprises me, however, is that none of the maulanas and muftis made an issue of the exact amount of money when so many avenues of argumentation were open to them. Was the amount extorted from the Sikhs right according to all the major schools of Islamic jurisprudence? Wasn't it less? Wasn't it more? Shouldn't the amount be equivalent to the value of a certain weight in gold? And what about the requirement, according to many jurists, that the *dhimmi*s must additionally be publicly humiliated and made to display some distinct marker to separate them from the pure and virtuous? Shouldn't the *dhimmi*s be disbarred from riding a motorbike now, and

limited only to riding a bicycle? So many valid questions of *fiqh* were available to the reverends for the purpose of displaying their brilliance. Further, the newspaper report does not indicate if a similar payment would be demanded again next year. Perhaps not, but then is it valid under *shari'ah* to extort *jizya* in a lump sum? Are not the Talibans guilty of a *bid'ah* in this instance? Surely a few *fatwas* are needed to settle that issue.

Another question that the newspaper report left in the dark is: have the champions of *shari'ah* simultaneously levied an *'ushr* on local Muslims? Not to do so, while collecting *jizya* from non-Muslims would be an affront to Islamic *'adl* that so many opinion columns and editorials have recently praised. It would amount to one more *bid'ah*, to say the least.

Since the maulanas and muftis of Pakistan have seemingly failed to do a proper job of establishing *shari'ah* with all its ramifications in Orakzai, I urge the Pakistani Supreme Court to take notice, *suo motu*, and make sure the Taliban also levied an *'ushr* on all local Muslims, including themselves. The learned court only recently decided that the penalty for 'blasphemy' in Pakistan should indeed be death; it should, therefore, have no trouble deciding what punishment should be meted out in such grave cases of *bid'ah*. Islamic *'adl* demands nothing less.

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