

## Insurance of Life and Property Due to Communal Violence ♦

The justification or otherwise of Insurance under the prevailing conditions of India was put for deliberation in the light of the questionnaire issued by the Academy. All kinds of life, property and various other insurances were discussed at length in the Fifth Seminar on Islamic jurisprudence and a committee was formed consisting of the following persons to submit its proposals:

1. Ml. Obaidullah Asadi (Banda), Convenor
2. Ml. Khalil-ur Rehman Sajjad Nadvi (Lucknow)
3. Ml. Syed Nizamuddin (Patna)
4. Ml. Zubair Ahmad Qasmi (Hyderabad)
5. *Mufti* Zafeeruddin Miftahi (Deoband)
6. Ml. Nizamuddin Rizvi (Mubarakpur)
7. Ml. Khalilur Rahman Azmi (Omerabad)
8. Ml. Ateeq Ahmad Bastawi (Lucknow)
9. *Mufti* Fuzail-ur Rehman Hilal Usmani (Punjab)
10. Ml. Sadar-ul Hasan Nadvi (Aurangabad)
11. *Mufti* Habibur Rahman Khairabadi (Deoband)
12. Ml. Mohammad Nooh Qasmi (Kerala)
13. Ml. Riazur Rahman Rashadi (Bangalore)
14. Ml. Moosa Ibn-e-Ahmad (Kerala)
15. Mr. Syed Aminul Hasan Rizvi (Delhi)

The committee considered all pros and cons of the issue and felt that the policy of Insurance Companies is not clear whether the loss of life and properties because of communal riots is covered under the existing laws and regulations of Insurance or not.

It was felt by the committee that the issue should be further probed and discussed at length and full details regarding different schemes be obtained from insurance experts.

This proposal of the committee was accepted in the general session of the Fifth Seminar and the following committee consisting of the following members was constituted to formulate a final opinion after considering the issue from every angle in consultation with the experts.

1. Ml. Mujeebullah Nadvi, Azamgarh

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♦ 5<sup>th</sup> Fiqhi Seminar (Jamiatur Rashad Azamgarh) Oct 30, Nov 2 1992.

2. Ml. Mohd. Burhanuddin Sambhali, Lucknow
3. Mufti. Mohd Obaidullah Asadi, Banda
4. Ml. Ateeq Ahmed Bastavi, Lucknow
5. *Mufti* Habibur Rahman Khairabadi, Deoband
6. *Mufti* Ahmad Khanpuri, Dabhel
7. Ml. Abdul Ahad Azhari, Malegaon
8. *Mufti* Manzoor Ahmad Kanpuri, Kanpur
9. Ml. Nizamuddin Ashrafi, Mubarakpur
10. *Mufti* Mohd Zafeeruddin Miftahi, Deoband
11. *Mufti* Abdul Quddus Roomi, Agra
12. Ml. Zubair Ahmad Qasmi, Bihar
13. *Mufti* Junaid Alam Qasmi, Phulwari Sharif
14. Ml. Khalil-ur Rahman Azmi, Umerabad
15. Ml. Khalil-ur Rahman Sajjad Nadvi, Lucknow
16. Janab Abdus Sattar Yousuf Shaikh, Mumbai
17. Ml. Qazi Mujahidul Islam Qasmi, Patna

After due deliberations the committee presented its recommendations in the ensuing Seminar of the Academy and the following statements were accepted by the attending experts.

The constant peril to the life and properties of Muslims in India under the prevailing circumstances due to recurring communal riots and the gross negligence of the government officials towards their prime duty of providing protection to the Muslims bordering on encouragement and, at times, actual participation in the riots as also the lack of interest shown by the government machinery in providing compensation for the destruction of life and property of the Muslims was discussed at length in the Fourth Seminar held at Hyderabad. It was decided to form a committee to go into the issue and submit its observations to be considered at the next Seminar (See report of the Fourth Seminar). Keeping in view the fact that *Majlis-e-Tehqiqāt-e-Shariah*, Lucknow had taken the decision in favour of Insurance in 1960 and also the recent *Fatwa* issued by Darul Ifta, Darul Uloom, Deoband, the committee gave its recommendation in favour of Insurance.

Since insurance in its present form is not permissible under the Shariah as it is based on interest, gambling and speculation which are prohibited in Shariah. But the prevailing circumstances in India where Muslims life, property, trade and industry are exposed to a constant danger of communal carnage, necessity over rides prohibition. Also in view of the fact that the Shariah lays greater emphasis on the safety of life and property, life and property insurance is therefore permissible under the Shariah to avoid perils and losses in the existing condition in India<sup>1</sup>.

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<sup>1</sup> It may be made here clear that the suggestion on behalf of the Fiqh Academy and it being seconded by the scholars attending the Seminar does not mean that insurance stands for the security of Muslims. It also does not mean that after this insurance, the amount that is received by the insured ones would be legal and permissible to the beneficiaries. But the point is that what ever is received as compensation to the loss of life and property during the riots and is given under the law is permissible to the insured persons. In other cases only the actual amount paid as a premium will be permissible to the insured persons and not the profit and dividend. And the legitimacy of the extra amount paid under the insurance is like a guarantee on the part of the government against its inability and irresponsibility.

The following theologians and *Muftis* have put their signatures on this important decision:

1. Ml. Qazi Mujahidul Islam Qasmi, Patna
2. *Mufti* Habibur Rahman Khairabadi, Deoband
3. Ml. Nematullah, *Mufti*, Deoband
4. *Mufti* Mohd Zafeeruddin Miftahi, Deoband
5. Ml. Mohd Burhanuddin Sambhali, Lucknow
6. Ml. Mujeebullah Nadvi, Azamgarh
7. *Mufti*. Habibullah Qasmi, Jaunpur
8. Ml. Ateeq Ahmed Qasmi, Lucknow
9. Ml. Khalid Saifullah Rahmani, Hyderabad
10. Ml. Abdul Rahman Qasmi, Gujarat
11. Ml. Shams Peerzada, Mumbai
12. Ml. Zubair Ahmad Qasmi, Hyderabad
13. Ml. Anisur Rahman Qasmi, Patna
14. *Mufti*. Mohd. Obaidullah Asadi, Banda
15. *Mufti*. Junaid Alam Nadvi Qasmi, Patna
16. *Mufti* Jamil Ahmad Naziri, Mubarakpur
17. Ml. Sanaul Huda Qasmi, Vaishali
18. Ml. Sultan Ahmed Islahi, Aligarh
19. Dr. Abdul Azeem Islahi, Aligarh
20. Ml. Badrul Hasan Qasmi, Ministry of *Awqāf*, Kuwait
21. *Mufti* Azizur Rahman Fatehpuri, Mumbai
22. Ml. Rafiq Al-Mannan, Ahya ul- Uloom, Mubarakpur
23. Ml. S. Mustafa Rifai Nadvi, Bangalore
24. Ml. Maazul Islam, Moradabad
25. Ml. Abdullah Mughisi, Meerut
26. Ml. Arshad Qasmi, Meerut
27. Ml. Abdul Jaleel Qasmi, Champaran
28. Ml. Sadrul Hasan Nadvi, Aurangabad
29. Ml. Abdul Rahim Qasmi, Bhopal
30. Ml. Mubarak Hussain Nadvi, Nepal
31. Ml. Afzalul Haque Qasmi, Gorakhpur
32. Ml. Shamim Ahmad, Mau
33. Ml. Sayeedul Haque Qasmi Madani, Mau
34. Ml. Mohd. Yousuf Qasmi, Mubarakpur
35. Ml. Sarfraz Ahmad, Jamia Mubarakpur
36. Ml. Afzal Ahmad Qasmi, Patna
37. Dr. Qudratullah Baqvi, Mysore
38. Ml. Abdul Qayyum Palanpuri, Gujarat
39. Ml. Abdullah Qasmi, Varanasi
40. Ml. Abdul Rahman Qasmi, Chhapi, Gujarat
41. Ml. Mohd. Imran Mazahiri, Chhapi, Gujarat
42. Ml. Mohd. Qamruzzaman, Allahabad
43. *Mufti*. Naseem Ahmad Qasmi, Patna
44. Ml. Shah Badar Ahmad Mujeebi, Patna
45. Ml. Tanveer Alam Qasmi, Sitamarhi
46. Ml. Mohd. Rashid, Deoband
47. Ml. Iqbal Ahmad, Deoband
48. Ml. Shoaib Islahi, Azamgarh
49. Ml. Nazeer Ahmad Qasmi, Barabanki
50. Ml. Ashfaq Ahmad Qasmi

However, three *'Ulemā*, named below, were of the view that insurance of property only is permissible:

1. Ml. Shabbir Ahmad Qasmi, Moradabad
2. Ml. Abdullah Phoolpuri, Sarai Meer
3. *Mufti* Mohiuddin, Tadkeswar, Gujarat