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### RESEARCH ARTICLE

#### GUARDIANSHIP IN THE ERA OF THE RIGHTEOUS CALIPHS.

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#### Abstract

Islamic system of government has paid a significant importance to the sustenance of people under its rule. The prime understanding of this system can be gained from the example of the first Khalifah of the Muslim nation, Sayyidina Abu Bakr RA. This script visits in detail the key tenets of the life and style of government of this first Islamic Caliph, emphasizing in particular upon the incredible system of guardianship he established, which has remained key to all the future Islamic systems of Guardianship.

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#### Introduction:-

Khilafah is accession or succession to throne', or 'succession'. This is the dictionary meaning but in religious terminology it is sovereignty over absolute religious and worldly affairs in the capacity of a successor of the Prophet PBUH. The office and person of a Kalifah deserved to be obeyed or to rule in every religious and worldly affair; his sovereignty was bound by the laws and custom of Shari'ah. The real aim of khilafah was to protect the honor of Islam and to administer and establish the government from the point of view of Shari'ah. The Khalifah of the Prophet was called by three titles in the first era of Islam.

1. Khalifah (Caliph).
2. Ameer ul-Mu'mineen (Commander of the Believers).
3. Imam (leader) (2)

#### Titles of Khalifah

Since Sayyidina Abu Bakr RA was the Prophet's (PBUH) successor in matters of administration and discipline of Islam and its propagation, so he was called Khalifah Rasool Allah (Khalifah of Allah's Messenger). When Sayyidina Umar RA succeeded him he was known for some time as Khalifah khalifah Rasool Allah (Khalifah of thAe the Khalifah of Allah's Messenger PBUH), but, this title was soon given up and the title Ameer ul-Mu'mineen was adopted. The Khalifah was also called Imam because he had a religious sanctity and he led the salah which is a great means of religious focus among the Muslims. (3)

#### Background of development of the Khalifah Rashidah

The initial era of the Islamic state is very significant. It is divided into two periods as far as its evolution is concerned. The first is made up of the Siddiqi and the Farooqi rules because of their historical, political, social and universal revolutions. The second comprises the Uthmani and the Alawi rules. This division by no means belittles the second period because both periods were auspicious and exemplary and each Khalifah was high ranking and possessed perfect characteristics. However, the first period was more perfect and exemplary as far as the collective life and unity of the ummah is concerned.

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The reason is that the succeeding Khlifahs did not face difficulties the first of them had encountered and had solved them. The succeeding Khalifahs did not face any serious difficulty.

The Prophet's (PBUH) sharp foresight had observed the capabilities of both his Companions and he had said about them:

وزرائي من اهل الارض ابو بكر و عمر

"Of the people of earth, Abu Bakr and Umar RA are my ministers."(4)

These words disclose the excellence of the men who had served as ministers under the Prophet PBUH.

In his book, Islam, Lord Count Henri De-Castri, has quoted a priest, Brooklay's acclaim about these men:

"Abu Bakr and Umar took the reins of the government in their hands and presented an excellent example of political acumen that won them universal acclaim. Both were more sober, just, patient, noble-tempered respectable, courageous and determined compared to the rules and commanders of Eastern Greece with whom they were at war. (5)

### The beginning of Khilafah

The rule of the Prophet PBUH (610-632 C.E.) was purely a divine one. His companions knew that the driving force of his rule was divine revelation. Allah sent commands through Jibreel AS and the Prophet PBUH enforced them, but his death was the most painful tragedy for Muslims and even the common Muslims flurried. No one was willing to confirm the news. Sayyidina Umar RA was also in extreme anger and said that he would sever the neck of anyone who merely mentioned the Prophet's (PBUH) death. At that very moment, Sayyidina Abu Bakr RA came there and asked him to keep quiet. "The Prophet PBUH has died as Messengers before him had died. Will you then turn away from Islam?"

فمن كان يعبد محمداً فقد مات ومن كان يعبد الله فان الله حي لا يموت.

"As for him who worshipped Muhammad, then he has died but as for him who worships Allah then He is Ever-living and will never die." (6)

This timely action of Sayyidina Abu Bakr RA prevented the ummah from falling into confusion. The question of succession arose next because the Prophet PBUH had not given a clear ruling in this regard. Sayyidina Ali RA said:

انه قال يوم الجمل ان رسول الله صلى الله عليه وسلم لم يعهد الينا عهداً نأخذ به في اماره.

"The Prophet PBUH had not left a clear guidance by which we may entrust the government to any particular person. But we knew beforehand what we had to do" (7)

The differences of opinion could have been very damaging, but Sayyidina Abu Bakr RA reached the general assembly on time and suggested that everyone should swear allegiance to Abu Ubayadh RA or Umar RA. Thus, the crisis was avoided and the elders of the Prophet's clan, of the Hashmites, of the Ansars and of the Muhajirs came to a common decision. (8) Sayyidina Abu Bakr RA was appointed Khalifah. He has the honor to be the first leader of the Islamic government.

### Sayyidina Abu Bakr RA

Ibn Kathir has said that his name was Abdullah Ibn Uthman while Ibn Sa'd cites Ibn Sireen to say that he was Ateeq, but this is an epithet. The reason for the epithet is mentioned by Bazzar and Tabarani on the authority of Sayyidina Ibn Zubayr RA that the Prophet PBUH said to him "Allah has delivered you from the fire of Hell." So he came to be known as Ateeq. He is also known as Siddiq and this is now commonly used for him. It is recorded that he would promptly apply his seal of confirmation on the Prophet's sayings and information, so he was called Siddiq. Ibn Ishaq and Qatadah have reported that on the morning of the night of accession (Mi'raj), he got the epithet of Siddiq.(9) he was born two years and a few months before the Prophet's birth and he died at the age of sixty-three. Makkah was his ancestral place and his family was among the noblest of the Quraysh chiefs. He was kindness personified and was respected by his people. Even in pre-Islamic days, he was a chief of the Quraysh and their beloved, and they consulted him on different matters. He used to decide cases of blood nit and penalties. Zubayr Ibn Bakkar and Ibn Asakir have written on the authority of Ma'roof Ibn Kharbooz that Abu Bakr RA was one of those eleven individuals who were respected equally in pre and post-Islamic days. (10) He was dignified in appearance and great in character. He held responsibilities as successor of the Prophet PBUH for two years, three months and ten days over the Islamic state. In this short tenure, he achieved that which is regarded highly by political and military

standards. (11) He has the honour of being the first of the free people to recite the Kalimah and he was proud of that, saying, "I am the first of those who embraced Islam." (12) His Khalifah's period was from 11 A.H., to 13 A.H., (632 C.E. to 634 C.E.)

### **National discipline**

When he took over the Khalifah, Sayyidina Abu Bakr RA retained the governors appointed by the Prophet PBUH and deputed other prominent Sahabah over other departments of government. Sayyidina Abu Ubaydah RA was entrusted the financial affairs and Sayyidina Umar RA the ministry of justice, keeping in view their respective ingenuity and experiences. He also consulted men of opinion and scholars and that included Sayyidina Uthman RA, Sayyidina Ali RA RA, Sayyidina Abdur Rahman Ibn Awf RA, Sayyidina Mu'az Ibn Jabal RA, Sayyidina Ubayy Ibn Ka'b RA and Sayyidina Zayd Ibn Thabit RA, to name some.

The governors were authorized to appoint judges into their respective Ares. The land of Arabia was divided in his era in the following provinces: Makkah, Madinah, Ta'if, San'a, Hadramawt, Khawlan, Zabeed, Ama, Jund, Najran, Jarash, Bahrain. (13)

### **Humility and righteousness**

Abu Ahmad has reported on the authority of Mu'az Ibn Jabal RA that once Sayyidina Abu Bakr RA went to a garden and seeing a sparrow under the shade of a tree, he let out a sigh and said, "O Sparrow! You are very fortunate. You eat fruit from the trees and reside in their shade and are safe from reckoning. Would that I were like you!" Sometimes he would say, "I wish that I was a hair on a Muslim's chest." when he offered salah, he stood erect and motionless like a piece of wood. (14)

### **Aloof from the world**

Once he asked for water but was presented a drink of honey. As he brought it to his lips, he was overcome by emotion and could not hold back his tears. Other people who were there also wept with him, He said, on regaining control over himself, "One day I was with the Prophet PBUH and he drove something away. When I asked him, he said that the world had come to him in a personified form and he drove it away. I remembered the same thing now and was apprehensive lest I fall in its net." (15)

### **His honorarium**

He already had a textile factory at Sakh (سَخ) and he paid for his livelihood from his earnings there. But, after six months, he settled down at Madinah permanently and had to think of his livelihood. He said, "By Allah! One cannot shoulder responsibility of people's affairs and carry on his own business at the same time. One has to be completely available for those responsibilities and be fully attentive to them while I also have to see to the economic needs of my family. My people know that my trading is enough to provide for my family but since I am occupied in serving the Muslims, my family will now be provided from the state Treasury while I will serve the Muslims. (16) So, he wound up his business and drew from the state Treasury that much as was necessary to meet his needs. The Sahabah had fixed a small honorarium for him in the beginning but when it became possible they paid him, during the last days, six thousand dirham per annum. (17)

Ibn Sa'd has reported on the authority of Ata Ibn Sa'ib that the next day after allegiance was pledged to him, Sayyidina Abu Bakr RA made rounds of the market with some sheets of cloth. Sayyidina Umar RA exclaimed "What is this? You are now the khalifah of the Muslims." He asked, "How will I support my family?" Sayyidina Umar RA said, "Abu Ubaydah RA will decide about that." They went to Abu Ubaydah RA and Umar RA said to him, "Arrange for him what is equal to an average provision for a Muhajir, without increase or decrease, and garments for winter and summer and when the garments wear out take them back and give him new ones instead." Sayyidina Abu Ubaydah RA followed the instructions regarding the garments and also gave him half of a goat's meat every day and two thousand dirham annually. But, he said, "This salary is insufficient for me because I have many dependents and you have stopped me from carrying on my business." So, they raised it to two thousand and five hundred dirham. (18)

May Allah raise the ranks of these people! They have determined the path for coming generations. It is the government's responsibility to look after the Khalifah and state employees who cannot strive for the maintenance of their families. The government must act as guardians of the employees and their families, not merely the individual

but also his dependents. This is why Sayyidina Abu Bakr RA tasked the Treasurer of the State Treasury for an increase, and that request was proper.

#### **His will**

Tabarani has reported in Musnad on the authority of Imam Hasan RA that Sayyidina Abu Bakr RA said before his death, "O Ayshah! This she-camel giving surplus milk which we drink, and this large bowl of our meals, and this stripped sheet of cloth with which we cover ourselves we have benefited from them as the Khalifah while we served the Muslims. After my death, give all of these things to Umar RA." Accordingly, when she abided by these instructions, Sayyidina Umar RA said, "O Abu Bakr RA! May Allah shower mercy on you. You have put a heavy burden over my shoulders."

Also, a little before his death, Abu Bakr RA said, "During my Khilafah, I have not taken any money from the Treasury. However, I have eaten coarse meals and worn ordinary dress." (19)

According to one version, he said to the people, "Calculate and tell me how much have I drawn from the state Treasury? Take away that amount from my property." He had drawn eight thousand dirham all through the Khalifah. (20)

#### **System of guardianship**

The first thing to which Sayyidina Abu Bakr RA paid his attention was the economic maintenance of the Muslims. He bore on his shoulders the responsibility of every affair of the Islamic state.

Sayyidah Ayshah RA said about the gravity of this responsibility and burden on her father:  
توفى رسول الله صلى الله عليه وسلم فنزل بابي ما لو نزل بالجبال الراسيات.

"After the death of Allah's Messenger PBUH here descended on my father (the responsibilities) which would have shattered the most solid of mountains if it had descended thereon."(21)

Sayyidna Abdullah Ibn Masood RA said about him:

لقد قمنا بعد رسول الله صلى الله عليه وسلم مقاماً كدنا نهلك فيه لو لا ان الله من علينا بابي بكر. رض

"Indeed, after (the death of) Allah's Messenger PBUH we stood at the threshold of destruction if Allah had not favored us with Abu Bakr RA."(22)

#### **The Bayt al-Maal (State Treasury)**

It is the department where the common properties of the Muslims are deposited safely and used as and when necessary for their betterment. No one has a monopoly or exclusive authority over it. Rather, it is the collective property of the members of the Islamic government. The author of Hidayah writes:

مال بيت المال مال عامة المسلمين.

"The treasure of the State Treasury is the treasure of the Muslims."(23)

It is generally believed that the Bayt al-Maal was established in the times of Sayyidina Abu Bakr RA. Though this is not wrong yet this department had been formed in the Prophetic era without any edifice with Sayyidina Bilal RA as its supervisor. His responsibilities included borrowing money to meet the needs of the Muslims for their maintenance and to arrange to repay the debt on the due date. He was also charged with safe-keeping of wheat and grain. He was the Prophet's Finance Minister, as it were.

When Sayyidina Abu Bakr RA became Khalifah, he first created the department of Bayt al-Maal in a bidding and appointed Sayyidina Abu Ubaydah RA over it. But, it was not made a store house during his era. As soon as some wealth was received, it was distributed among the Muslims and they never had occasion to retain anything in the Treasury and always the lock hung at its door. When he died Sayyidina Umar RA went to the state treasury with some other men to investigate but found nothing of value over there.(24)

#### **Efforts towards guardianship of people**

He was a very mild-hearted person who shared the sorrow of other people. He did not tolerate shortage of any necessity and he longed to see his people nourish with every blessing. Simply that the doors to grant should remain open always, he had the Bayt al-Maal shifted to his residence in the second year of his Khilafah. Whenever there

were receipts, he distributed them immediately among the needy on the basis of equality. Sometimes, he would buy with the receipts camels, horses or weapons and give them for the sake of Allah. Once, he purchased some cloaks of the type used in villages and gave them away to widows and needy women of Madinah.(25)

There was an old, blind woman in the times of Abu Bakr RA. Sayyidina Umar RA used to visit her hut early every morning and make arrangements for her water and other needs. But in a few days, he sensed that someone else visited her before him and attended to the chore. So, one night he went to her hut earlier than usual only to find the successor of Allah's Messenger PBUH the Ameer ul-Mu'mineen returning after having attended to the household chores of the old, blind woman. Umar RA could not help exclaim:

انت لعمري يا خليفة رسول الله.

"O Khalifah of Allah's Messenger! You are the one who helps out (the lady)."(26)

### **The first spoils of war**

The first revenue receipt in the Khilafah of Sayyidina Abu Bakr RA was the booty from Bahrain. The first thing he did with it is to fulfill the Prophet's (PBUH) fiscal pledges with anyone. Sayyidina Jabir Ibn Abdullah RA said that the Prophet PBUH had promised to give him a certain share of the wealth of Bahrain if he got that, but he died before that could happen. So when the wealth of Bahrain came to hands in the Siddiqi era, he announced that if the Prophet PBUH had made a promise to anyone, or if anyone had loaned him any money (or in kind), then he should approach him (Abu Bakr RA). So, Sayyidina Jabir RA went to him and referred to the Prophet's (PBUH) promise. Sayyidina Abu Bakr RA gave him five hundred dirham and then said take as many more.(27) Then he distributed the rest of the wealth equally among all people and also honored any other promise or debt.(28) The first time everyone got seven and a quarter dirhams. The receipts next year were higher and on distributing equally, everyone received twenty dirhams. Some Muslims did not agree with him for the equal distribution and they complained to him that he had ignored differences in rank and he should have taken into consideration the varying ranks. He said to them that he was aware of the excellences and distinctions but Allah is responsible for reward for those things.

وهذا معاش فالاسوه فيه خير.

"But this is a question of means of livelihood and equality is preferable in such matters."(29)

In this way, equilibrium or balance of wealth could be maintained. His conclusion was that all Muslims should be equal in getting worldly opportunities because everyone needs, with the same compulsion, a home to live, clothes to wear and food to eat. The reward of the Hereafter or excellences has no say in this matter. This thought reflects equal attachment to all of them and love for everyone. As a ruler, his compassionate sight fell on every individual equally. It is necessary for a ruler not to let one who is approved get all favors and to throw out one who has earned his anger. This thought helps maintain the balance of wealth among members of the society.

### **Father's share in son's wealth**

Imam Bayhaqi has reported on the authority of Qays Ibn Hazim that someone came to Sayyidina Abu Bakr RA and complained, "My father wishes to take away all my wealth and to leave me a pauper. So please decide about it." Sayyidina Abu Bakr RA therefore, said to his father, "You can take from his wealth so much as-meet your needs." The man exclaimed, "O Khalifah! Do you know that Allah's Messenger PBUH has said that the son's wealth belongs to the father." The Khalifah confirmed that he had quoted the Prophet PBUH correctly but it meant that the father could take from the wealth only enough to meet his needs.(30)

### **Guardianship of non-Muslims**

The blessings of the Islamic state are uncountable and if the rulers are also true Muslims who fear Allah, then Muslim and non-Muslim subjects will receive their rights without fail. If a non-Muslim chooses to reside in a Muslim state as a zimmi then he has the same rights as Muslim from material standards.

لهم ما للمسلمين وعليهم ما على المسلمين.

"The equal rights assure the non-Muslim needy and handicapped exactly what a Muslim needy and handicapped would get in support from Bayt al-Maal."

Thus, at the conquest of Heerah, Khalid Ibn Waleed concluded a pact with the people of that place a pact which has no comparison in the world whether in war or peace. This was a clause of the pact:

ايما شيخ ضعف عن العمل او اصابته آفة الآفات او كان غنياً فافتقر وصار اهل دينه يتصدقون عليه طرحت جزيته وعيل من بيت مال المسلمين وعياله ما اقام بدار الهجرة ودار الاسلام.

"Any (non-Muslim) old man who is beyond working age, or one who is afflicted, or having been rich has lost everything and his co-religionists give him charity then Jizyah is written off and he will be paid maintenance for himself and his family from the Bayt al-Maal of the Muslims till so long as they stay in Madinah and the Islamic state."(31)

The pact concluded with the words that this clause was valid for non-Muslim old, young, poor, rich, healthy or sick:  
فان طلبوا عوناً من المسلمين اعينوا به ومؤنة العون من بيت المال المسلمين.

"If they seek help of the Muslims then that will be given. Any expenses on that account should be borne by the state treasury."(32)

This is first example in history of social security for the vanquished who appealed for peace.(33) Rather, it is rare that anyone would present such an example. The clauses of the pact discloses that the ruler is responsible for the maintenance of Muslim and non-Muslim subjects, but, it is true also that a Muslim subject would be provided economic guardianship even if he does not face a severe compulsion while a non-Muslim is entitled to it only when he is absolutely helpless and entirely dependent on guardianship. If they do not need it then the door of the Muslim's Bayt al-Maal will not opened for them. Besides, the maintenance is on condition that the, non-Muslim does not conspire against Muslims, in secret or openly otherwise instead of help, he will be liable to punishment.

#### **The mischief of rejecters of zakah**

The mischief of those who rejected to pay zakah in his times is very significant because zakah is a basic source of revenue for the Bayt al-Maal. It is a means of support to the helpless Muslims.

After the Prophet's death, some Arabs who had just embraced Islam refused to pay zakah. They said, "We do offer salah but will not pay zakah. Many of the Sahabah did not give it much importance and did not pay due attention. Sayyidina Umar RA said to Sayyidina Abu Bakr RA "O Khalifah! To win over hearts, be mild to them. For, they are like animals." He said, "O Umar RA, I had expected help from you. Why do you show weakness? You were brave in pre-Islamic days why this lethargy in days of Islam? Tell me, how shall I win over their hearts? Shall I talk or wage jihad? It is sad that Allah's Messenger PBUH has died and the revelation has ceased. As long as I have the sword, by Allah, I will fight those who do not pay zakah?" (34)

Sayyidina Umar RA asked him on what basis he would fight them while Allah's Messenger PBUH had said, "I will fight people till they recite the kalimah tayyibah. And, if anyone says: لا اله الا الله محمد رسول الله (There is no god but Allah and Muhammad is Allah's Messenger) then it is my responsibility to protect his wealth and life and I will give their rights. As for other things, Allah will take the account."

Sayyidina Abu Bakr RA said. "If anyone differentiates between salah and zakah then I will definitely fight him." And, before saying this, he had said already, "In the times of the Prophet PBUH those people who gave a little amount, or the young of a goat, if they failed to pay, I will surely wage war against them because zakah is the right of Bayt al-Maal and the Prophet PBUH has said that war may be waged for the right."

Sayyidina Umar RA withdrew his own opinion and understood that the Khalifah was correct.

So, Sayyidina Abu Bakr RA took with him Muhajir and Ansar and when they reached the heights of Najad, the apostates fled. Some people suggested that it was better for him to return and appoint another commander for the army. So, he returned appointing Sayyidina Khalid Ibn Waleed as commander with instructions that if the apostates believe and pay zakah, he may return whoever he chose from his army. Sayyidina Khalid Ibn Waleed took his army from Madinah in the month of Jumadi ul-Aakhir. On coming to the tribes Banu Asad and Ghatfan, he killed certain apostates, arrested some, and some others returned to the fold of Islam.(35)

### Method of collecting Zakah:-

It was his endeavor to retain the same administrative measures as were adopted in the Prophet's (PBUH) time. Accordingly, he carried on the same method of collecting zakah as was used by the Prophet PBUH. He declared, "By Allah! I will not change the position of Sadaqah (charities) as was in the Prophetic era."

### Dying instructions

Sayyidah Ayeshah said that Sayyidina Abu Bakr RA had given her a gift of twenty wasq of dates of ghabah. When he was near death he said to me, "Daughter! I like to see you happy always. Your poverty pains me while your happiness gives me pleasure. If you have taken possession of the dates of ghabah then its right otherwise they will form part of my inheritance. You have other sisters and brothers, so share with them the dates as instructed in the Qur'an." She said, "O dear father! I will obey you. If there was much more property, I would have given it up at your advice."

A little before death he said, "The stipends from the public treasury may be worked out. See, how much I have taken." He had taken eight thousand dirham. He said, "Sell my land and return this amount." So, the property was sold at that very moment and the Prophet's PBUH Companion in the cave was cleared of his worry in his regard. When that was done, he said, "Make enquiries and see if there has been increase in my wealth since I became the Khalifah." They learnt that there was an increase of a slave who fed children and polished swords of the Muslims, second addition was of a she-camel on which water was carried. The third addition was a clock worth a hundred rupees. He said, "After I die, send all three things to the ruling Khalifah." On the day of his death, he asked "On which day did Sayyidina Muhammad PBUH die?" He was told that it was a Monday. He said, "Then I wish that I should also die today, if Allah accepts it. Let my grave be near the Prophet's (PBUH). Death was getting closer and closer. Sayyidah Ayshah was sitting at the side of his head and was shedding tears. She was overcome with grief and she recited this poetry: There are many illuminated faces from who even clouds call for water. He was the support of the orphans and the helper of widows.

Hearing this, the Siddiq's eyes opened and remarked "Daughter! This is about Allah's Messenger." (36)

### His death

Sayyidina Ibn Umar RA has said that Sayyidina Abu Bakr RA's death was really because of the Prophet's PBUH departure. "The grief weakened his body and led to his death."

He had a bath on Monday, 7th Jumadi al-Aakhar. The severe wintery cold brought about a fever and he could not go to lead the salah for fifteen days. Finally at the age of 63, he died. It was the night of Tuesday, 22nd Jamadi al-Aakhar 13 A.H.

The pure life terminated with these words:

رَبِّ توفني مُسْلِمًا وَأَلْحِقْنِي بِالصَّالِحِينَ.

"O my lord, cause me to die a Muslim and join me with the righteous."

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32. Bunyadi Zaroorat Zindagi aur Islam, p-333.
33. Tareekh al-Khulafa, p-78.
34. Tareekh al-Khulafa, p-80-81.
35. Insaniyat Mawt kay Darwazay par, p-47-50.