

2024

6 How can the system of accountability in Pakistan be idealized in the teachings of the Holy Prophet (PBUH)? Explain. (20)

### (1) Introduction

In Islam, everyone is accountable for their own deeds both in this world and the hereafter. Whether it is a ruler or a beggar, everyone is to be treated equally before law. A ruler is responsible for the entire country under his reign and if he fails to perform his duties, he will be held accountable for it. The system of accountability in Pakistan can be idealized in the teachings of the Holy Prophet (PBUH).

### (2) Islamic Standards of Accountability

The rules and precedents set by the Holy Prophet (PBUH), in accordance with the teachings of the Quran, regarding accountability of government, were also observed and further elaborated by his successors. People would openly question the pious Caliphs and ~~there was~~ ask about the various actions and measures taken by them. The Caliphs, considering themselves answerable to people,

would then explain their conduct in question. In Islam, there is no room for authorities to be immune from law. Even the head of an Islamic state may be challenged, in both official and private capacity, in the court. The office of a judge is independent of all executive control and he can exercise his authority without any form of interference from influential quarters. He decides all disputes in light of the Quran and the Sunnah: 'So judge between them by that which Allah has revealed ...' (Surah Al Maida). Pakistan can therefore, strengthen its system of accountability by adopting the Islamic standards of accountability.

### (3) Accountability of Ruler of an Islamic State

The very essence of an Islamic State is that sovereignty belongs to Allah and the sovereignty exercised by the rulers in an Islamic state is a sacred trust bestowed on them by Allah: 'Then We appointed you Viceroy's in the land after them that we might see how you behave.' (Surah Al Mulk). The rulers on earth are to practice and implement

the commands of Allah which have been laid down in the Quran

### (3.1) Responsibilities of an Islamic State

The primary focus of an Islamic State is the promotion and endorsement of the religion of Islam. At the same time, it operates to provide safety and protection to the people of the state. It also looks after the people's welfare.

### (3.2) Appointment of the ruler of an Islamic State

The ruler of an Islamic State is appointed through consultation. Allah says in the Quran: 'And those who respond to their Lord and keep up prayer, and whose affairs are (decided) by counsel among themselves...' (Surah Ash-Shura). The most important example is the appointment of Caliph Abu Bakr by conducting mutual consultation. Once appointed, the ruler has to manage all affairs by consulting those around him.

### (3.3) Obedience to the ruler

It is obligatory for the people to listen to the ruler of an Islamic State. In the case where a ruler deviates from the right path, he is no longer entitled to obedience by the people. The Holy Prophet (PBUH) said: 'A Muslim has to listen to and obey (the order of his ruler), whether he likes it or not, as long as his ~~or~~ orders do not involve disobedience (to Allah). But if ~~an~~ an act of disobedience to Allah is imposed, one should not listen to it or obey it.' It also becomes evident that the accountability of a ruler of an Islamic State is two fold; he is answerable to God, as power bestowed on him by God is a sacred trust and he is answerable to the people who are his subjects.

#### (4) Accountability of Judiciary in an Islamic State

A judge is required to ~~decide~~ be impartial and decide on ~~the~~ the merits of the case uninfluenced by external strains. Allah says in the Quran: 'O you who believe, be maintainers of Justice, bearers of witness for Allah, even though it be against yourselves or your near relatives,

whether a rich man or a poor man...' (Surah An Nisa).

#### (4.1) Case of a Noble Woman who had committed theft

The Holy Prophet (PBUH) set an exemplary example in the case of a noble woman who had committed theft. He said: 'Verily those who were before you were destroyed because when a noble man from among them committed theft, they passed no sentence on him. By Allah, had Fatima, the daughter of Muhammad committed theft, I would have cut off her hand.' This shows <sup>that</sup> ~~how~~ everyone is equal before law.

#### (4.2) Responsibility of Judges

Allah says in The Quran: 'Surely we have revealed the book to thee with truth that thou may judge between people by means of what Allah has taught thee. And be not one pleading the case of the dishonest' (Surah An-Nisa). It is the duty of the judges to ensure that justice is served.

### (4.3) Accountability of Judges

Like the rulers, the judges are also answerable to God. The Holy Prophet (PBUH) once said: 'Judges are of three types, one of whom will go to paradise and two to Hell. The one who will go to paradise is a man who knows what is right and gives judgement accordingly; but a man who knows what is right and acts tyrannically in his judgement will go to Hell, and a man who gives judgement for people when he is ignorant will go to Hell.' This is how strict the system of accountability in Islam is.

### (4.4) Conduct of Judiciary under Pious Khilafat

The pious caliphs issued detailed instructions about qualification, appointments and conduct of judges. Letters written by Caliph Ali (RA) to his governors regarding the administration of justice in their territories thoroughly explain who should be a judge and what should be the conduct of a judge.

### (4.4a) Caliph Umar's Case

Caliph Umar's case is an example of how unsuitable judicial behavior must be dealt with. Caliph Umar (RA) once had a law suit against a Jew. When both parties went before the judge, the judge rose in his seat out of deference to Umar (RA). Caliph Umar (RA) looked upon the act as an unpardonable judicial weakness.

#### (5) Need for Accountability.

Man has his own will, yet he is required to submit to the will of Allah. He has been provided necessary guidance about the way he has to discharge his responsibilities, yet the soul (Nafs-i-Ammarah) impels him to deviate. This is why there is a need for accountability. Allah says in the Quran: 'no bearer will bear the burden of another.' (Surah AL Isra)

#### (6) Conclusion

The system of accountability in Pakistan be idealized in the teachings of the Holy Prophet

(PBUH). The Holy Prophet (PBUH) is a personification of the commandments of Allah. By following these commandments, Pakistan can become a true Islamic State where everyone will stand equal before law.