

Q. No. 2

Introduction:

Fasting is a vital pillar and worship in Islam. Its importance has been enjoined in Quran and sayings of Prophet Muhammad (P.B.U.H).

It leaves profound spiritual and moral impact on the life of individual.

Moreover, the fasting is a source of eradication of poverty, removal of materialism and creation of peace in society.

Evolution

Concept of Siyam:

(i) Literal meaning of Siyam:

Literal meaning of Siyam is "to stop".

(ii) Contextual meaning of Siyam:

Contextual meaning of Siyam is to relinquish eating and drinking for a time period.

(iii) Shariah meaning of Siyam:

According to Islamic Shariah, Siyam is an Islamic ritual prayer in which Muslims refrain from eating and drinking in order to seek pleasure of Allah Almighty.

(iv) Fasting: Fourth pillar of Islam:

Roza or fasting is fourth pillar of Islam as enjoined in Hadiths:

“Islam is based on five pillars. To testify that there is no God but Allah and Muhammad (P.B.U.H) is his last prophet. To offer prayer, to give Zakat, observe fast and offer pilgrimage”

Importance Concept of Fasting.

(i) Order to observe fast has been enjoined in Holy Quran:

Fasting is mandatory worship in Islam. Its observance leads to

pleasure of Allah and leaving this worship attracts God's wrath.

According to context of Quranic verse:

” يَا أَيُّهَا الَّذِينَ آمَنُوا كُتِبَ عَلَيْكُمُ الصِّيَامُ

O believers! Fasting has been enjoined upon you.

(A. Q. Baqarah).

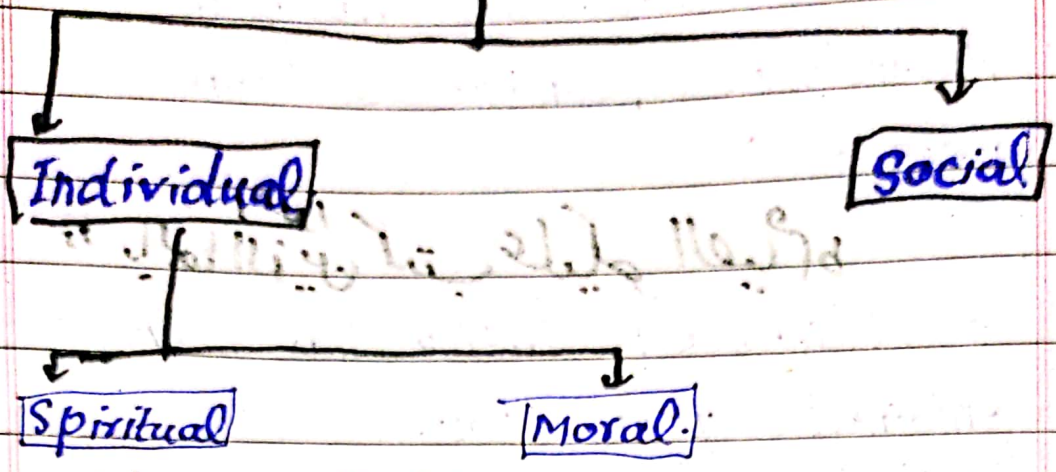
(if) Importance of fasting is gleaned from Hadith of prophet:

Second source of Shariah is saying and action of Holy prophet (P.B.U.H). He (P.B.U.H) also ordered fast to observance of fast to be saved from hell fire:

“Roza (Fasting) will be shield of Believers from hell fire”

It indicates that both sources of shariah mandates muslims to observe fast for attaining proximity to Allah.

Impacts of Fasting



a) Spiritual impacts of Fasting:

(i) Fasting has been mandated for Muslims to attain piety. Piety is a condition in Islam that brings muslims close to Allah and ward off evil. To attain this condition, man has to sacrifice his hunger for sake of Allah. Therefore, spiritual impact of fasting is attainment of piety. According to context of Quranic verse:

“Fasting had been enjoined upon people before you so you attain piety” (Al-Baqarah).

b) Moral impact of Fasting.

i) Purification of spirit leads to character building.

Piety leads to purification of soul, which leads to character building. Moreover, Fasting mandates one to fast his mouth and eyes, so that he/she can abstain from evil. According to context of Hadith:-

“One who keeps fast but does not abandon abuse and evil, Allah does not accept his sacrifice of hunger.”

ii) Creation of altruism in individuals:

Altruism is a trait in which one sacrifices his/her needs for needs of others. Fasting promotes hunger, which compels one to think about hunger pangs of other people. In this way, man

sacrifices his needs for others due to fasting.

iii.

Social impacts of Fasting:

(i) Fasting is source of eradication of poverty.

In Islam, poverty is strongly discourage. According to Prophet Muhammad (P.B.U.H), poverty leads to kufr. Due to fasting, people feel thirst of others. Thus, they increase practice of charity. Charity empowers individuals to meet their needs and thus poverty is eradicated.

(ii) Fasting removes materialism from society.

In month of Ramadan, people are mandated to expend their surplus in form of "Fitrana".

It removes materialism from hearts of muslims. In this way, avarice for wealth is kept in check through spontaneous and ~~volun~~ mandatory

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charity.

(iii) Siyam leads to creation of peace in society:

During month of Ramadan, people avoid abusive language and greet each other with ~~b~~ amicable attitude. It fosters coordination and harmony in Muslim society. This coordination ultimately leads to peace, which is meaning of Islam.

Conclusion:-

Fasting is observed for will of Allah and its reward also belongs to him. It is not a burden, but source of purification of soul, humanitarian spirit and harmony in society.

Q.4.

Introduction

Last sermon of Holy Prophet Muhammad (P.B.U.H) proclaimed rights of women and slaves. Moreover, Last Sermon ended racism and nationalism in any form. It also enshrined right to privacy, equality of people and right to life of people. He (P.B.U.H) left legacy of human rights in form of Quran and Sunnah, which makes last sermon comprehensive charter of human rights.

Last Sermon of Holy Prophet (P.B.U.H).

In 9A.H., Hazrat Muhammad (P.B.U.H) intended to perform first and last Hajj of his life with his 1,24,000 companions. In this Hajj, Hazrat Muhammad (P.B.U.H) delivered a remarkable sermon about Islamic laws and injunctions called "Hujjat ul Wida".

Last Sermon: Comprehensive Charter of Human Rights:

(i) Last Sermon proclaimed inherent rights of women:

Women have been marginalised in all segments of society before dawn of Islam. However, there were some remnants of "days of ignorance" in people, which were eradicated in Last Sermon by granting security of women to men and ensure their inherent rights. According to Prophet Muhammad (P.B.U.H),

"O people! fear Allah in case of woman. They

have been granted in your security"

(ii) Last Sermon declared the rights of slaves:

Slaves, in ancient societies, were considered like animals. They were ploughed to heavy work and provided little food. Even this form of slavery persisted in modern societies in form of trans-atlantic slavery. However, their rights were mentioned in Last Sermon:

Be Good to your slaves.
Provide them clothing, what
you clothe yourself.
Provide them food, what
you eat yourself."

(iii) Last Sermon of Holy
Prophet (P.B.U.H) ended
racism:

Before dawn of Islam, racism
was prominent. Due to their
eloquence, and fair color, Arab
considered themselves superior to other
nationalities. This racism, even wreaked
havoc to Europe in 19th century in
form of Nazism. However, it was
abolished by Holy Prophet (P.B.U.H)
in his Last Sermon:

"There is no priority
of white over black
and black over white"

(iv) Last Sermon of Holy
Prophet (P.B.U.H) ended
ethnic nationalism:-

Islam is not entirely anti-nationalist
religion. It maintains existence of
tribes for recognition. However,
Islam promotes concept of inclusive
nationalism in the form of Ummah
Wahida. Thus, ethnic nationalism was
abolished in Last Sermon

"There is no Arab

superior to non-Arab and there is no superiority of non-Arab over Arab"

(v) ~~Islam~~ Through Last Sermon, Holy Prophet recognized inherent human right to Life:-

Life is a divine right to man, which cannot be snatched by anyone. Europe recognized this right in 16th century, when Ross Thomas Hobbes promoted ideas of revolution to protect right to life. However, Islam granted this right to life in Last Sermon, even before Hobbes:-

"Your life, property and dignity is as sacred as this day"

(vi) Last Sermon enshrine inherent human right to privacy:

Last Sermon recognized reality that privacy is inherent right of every man and woman. There is ~~not~~ no one in the world, who can intrude to desecrate the premise of his Muslim Brother:-

"O people! your respect is sacred for each other"

(vii) Through Last Sermon, Prophet Muhammad (P.B.U.H) proclaimed equality of all people.

Equality of all people is the fundamental principle of Islam. In Islam, there is no place for haves or have not and proletariat or burgoise classes. It is fundamental right of everyone to face equal & treatment in all aspects of life.

In ^{words} terms of Last Sermon:

“O people! You all are progeny of Adam (A.S.) and Adam was created from soil”

(viii) Through last Sermon, Holy Prophet (P.B.U.H) left legacy of Quran and Hadith, which is itsself emblem of Human Rights:

Quran and Hadith are fountainhead of human rights. All fundamental human rights mentioned in UN charters have been enshrined in Quran and Hadith. As these are primary sources of Shariah, therefore Islam is emblem of human rights. In his last sermon, Prophet Muhammad (P.B.U.H) proclaimed:

“I am leaving Quran and

Sunnah among you. If you followed, you will never go astray"

Conclusion

Last sermon of Holy Prophet (P.B.U.H) mentioned all rights of humans, which were enshrined in Geneva convention 1948 and United Nations charter 1945. Therefore, Last sermon can be termed as comprehensive charter of human rights.

Q.6.

Introduction:-

Pakistani judicial system is flawed due to favouritism in appointment of judges, corruption in courts and justice tilted in favour of elite. Islamic judicial system is characterized by meritocracy, open courts and dual system of accountability of judges. Judicial system of Pakistan can be reformed by introducing Islamic injunctions of meritocracy, accountability and rule of law in courts.

Judicial system of Pakistan:

(i) Judicial system of Pakistan is flawed due to favouritism in appointment of judges.

In Pakistan, judges in Supreme Court are not appointed on merit. They are dictated by the will of executive. Therefore, they cannot deliver effective justice. According to Article 175A of constitution of Pakistan 1973:

“Judicial Commission will select judges consisting of

Law Minister, 4 people from parliament, 2 people of parliament from minority and women”

It indicates dictation of executive to select judges.

(ii) Corruption in courts undermine judicial system of Pakistan.

Due to enormous amount of corruption, effective verdicts cannot be proclaimed. It includes corruption in challans, bail money and bribery from lawyers to compromise justice. This reality is evident from report of Transparency International, which proved that judiciary has been 2nd most corrupt institution in Pakistan in 2023 after police.

(iii) In Pakistan, entire judicial system is tilted in favour of elite:

Pakistan is a country of justice with its wing clipped. That justice is tilted in favour of elite. It is evident from historical facts, when court used doctrine of necessity to legalize martial laws in Pakistan.

(Pakistan: A New History: Jan Taboot).

Islamic Judicial system

(i) Meritocracy in appointment is base of Islamic judicial system:

Islam promotes appointment of judges on merit. It is because of the reason that their verdict remains impartial. A Qazi (Judge) must be good at Islamic law, and honest along with knowledgeable enough to conduct ijtihad. In a letter of Hazrat Ali (R.A.) to Malik Bin Ishtar, he ordered:

“Remember that some people want to claim post of Qazi to enjoy prestige. Be careful of such people and scrutinize

the candidate carefully before appointment."

(ii) Islamic promotes open courts for people:

Islam promotes the concept that justice must be transparent and impartial, so that both plaintiff and defendant are not aggrieved.

Moreover, it promotes concept of open courts, so that public maintains its trust in judicial system. In a letter of Hazrat Umar (R.A.) to Hazrat Ameer Muawiyah (R.A.), he advised:

"Do not keep yourself aloof from public. Conduct open courts to hear pleas of people"

(iii) Islam introduced concept of judicial & dual accountability of Judges:

In Islam, judge is not only accountable to executive in case of injustice, but he is also accountable to Allah on day of hereafter. It is the reason concept of justice and fear of Allah are inter-linked in Islam.

"Do justice. It is very near to piety (fear of Allah)"
(5:8 Al-Quran)

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Reformation of Pakistan Judicial system in light of Islam:-

(i) Introduction of Islamic injunction of meritocracy:

As merit is life line of Islamic judicial system, Islamic ^{Pakistan} judicial system should also be transformed according to this trait.

Chief justice of Supreme court and judges of bench should be selected on merit after judging their knowledge.

Before 26th Amendment, seniority-based selection of judge Chief Justice of Pakistan retained these ^{is} character.

(ii) Reformation of accountability is needed in Pakistan:

In Pakistan, Judges are not accountable to anyone for their misjudgement. On the other hand, Islamic promotes concept of dual accountability. Thus, a separate chapter of fear of Allah should be included in Law curriculum across Pakistan. Secondly, senate committee should conduct accountability of judges to promote

fairness.

(iii) Rule of law in line with Islamic injunctions should be promoted:

As Judicial system of Pakistan is tilted in favour of elite, rule of law should be upheld to reverse this trend.

It can only be done by making everyone accountable before law, without discrimination.

According to Hadith of Prophet Muhammad (P.B.U.H)

“Nations, in ancient times, were obliterate, because they leave the rich and punish the poor in their judicial systems”

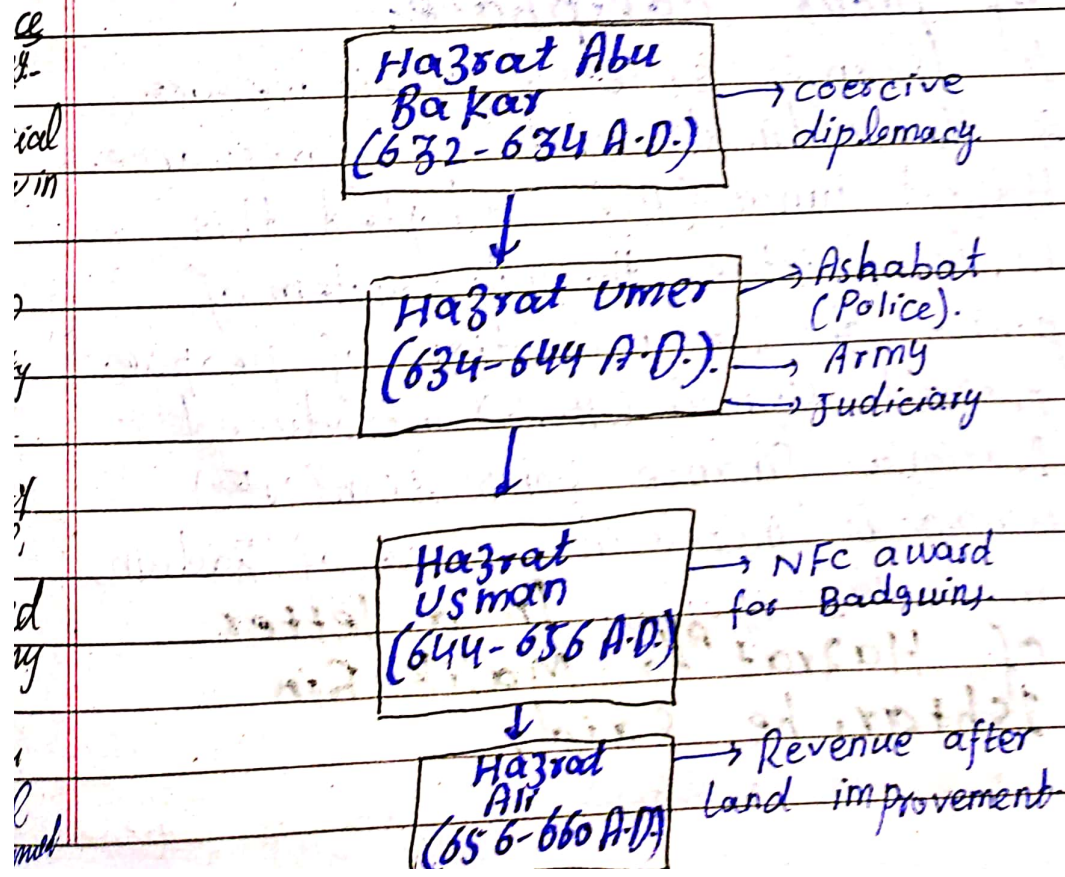
Conclusion

It is true that there are multiple flaws in judicial system of Pakistan. However, if Islamic injunctions are implemented in letter and spirit, Pakistan would be a cradle of peace through exemplary justice.”

Introduction.

Good governance in an era of pious caliphate was characterized by independence of judiciary, Maslahah (public welfare), division of state into provinces, establishment of Bait ul Mal etc. These forms of governance are relevant today in form of judicial review in United States of America (USA), social security systems in Europe, mixed economy of Scandinavian countries and local governments in France.

Pious caliphate: A cursory overview.



Good Governance in

era of pious caliphate:

(i) Independence of Judiciary was landmark of good governance by Hazrat Umar:

Judiciary is an importance pillar of state, because it dispense justice to people. In Islam, justice must be done without pressure from privileged few.

First time in the history of mankind, Hazrat Umar (R.A.) separated judiciary from executive and Shura.

Judiciary had the power to summon caliph for their decisions.

(ii) Public welfare was the end of good governance of pious caliphate:

In Islamic society, public welfare is the ultimate end of governance.

Hazrat Umar (R.A.) adopted this noble virtue through system of police ~~the~~ for protection of people.

Hazrat Usman (R.A.) introduced National finance commission (NFC) award by increasing share of Beduins in war spoils. In a letter of Hazrat ^{Ali} to Malik Bin Ishtar, he said:

"Remember Business class is source

of revenue for state. However, they are involved in hoarding. Therefore, check prices of commodities to maintain interests of all classes of society."

(iii) Division of state into provinces is exemplary good governance of pious caliphate:

Hazrat Abu Bakr divided territory of state into Madinah, Makkah, Basra and Hams. Hazrat Umar (R.A.), keeping in view expansion of territory into 20 provinces. In era of Hazrat Usman (R.A.), Madinah and Kofa were divided into administrative units, so total provinces reached to 36. It is exemplary good governance of pious caliphate.

(iv) Bait ul Maal was established to meet needs of marginalised segments:

In era of Hazrat Umar (R.A.) a separate building of Bait-ul-Mal was established in Madina. It was guarded by 400 guards. Hazrat Ali (R.A.) ordered to establish such buildings in other provinces, which were used to

to fulfill needs of widows, handicapped and old age people.

Relevance of Good Governance in modern society.

(i) Judicial review in USA is derived from judicial proceedings in pious caliphate.

Judicial review is a concept, in which US court can annul a law, if it violates constitution.

In US, Supreme court has been declared independent and powerful in Article III of US constitution.

It is derived from courts of Hazrat Umar (R.A.), where Qazi can summon executive for its decisions.

(ii) Social Security system is altered form of Bait Ul Maal.

In Global North, concept of social security was introduced by progressive liberals. It was established to provide marginalised segment of society with the benefits. It includes insurance for handicapped and old age benefits. It is akin to concept of Bait Ul Maal in

era of prophetic pious caliphate.
(iii) Mixed economy of Scandinavian countries is inspired by governance of pious caliphate.

Capitalism mandates states to protect interests of business class, who can control prices of market. Communism promotes collective classless and stateless society. However, pious caliph Hazrat Ali (R.A) emphasized upon the needs of business class but kept control of prices in hands of state to prevent manipulation. This mixed economic model is present in Finland, Norway and Denmark.

(iv) Local governments in France is example of devolution of powers in pious caliphate.

Across the globe, France has excellent and centralised governance local governance system. Government in Paris devolves resources to prefectures in town councils, but it is checked by central government. This model was adopted from devolution of powers to small administrative units in

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era of Hazrat Usman (R.A.)
Conclusion.

Good governance of pious caliphate was excellent system of governance in that time. This system has been adopted by Western countries to improve their governance and ensure public welfare.