

Islamic view of leadership in the perspective of the article 62 and 63 of the constitution and ideological orientations of Pakistan

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Abstract:

There is a plenty of discussion upon the articles 62 and 63 of the constitution of Islamic Republic of Pakistan. Liberal groups deem Islamic clauses of the constitution particularly pertaining to the articles as unnecessary. On the other hand, conservative journalists and right wing social activists are raising their voices in the favor of these articles. Pakistan was established in the name of Islam. This research work is an attempt to have a glance on the Islamic view of leadership keeping in view the clauses of these two articles.

Keywords: Leadership qualities; Islamic clauses; Article 62,63; Sirah

Introduction:

In Pakistan, there has been an explicit requirement for public office holders particularly politicians that they ought to be of an indefatigable integrity. This aspiration is also translated to the social contract or the constitution of Pakistan in the form of articles 62 and 63. Every parliamentarian must be subscribed to this constitutional obligation. However, the latest issues related to counterfeit degrees, forged facts, non-allegiance to oath and non-declaration of assets cast a slur upon the practical implementation of the constitutional obligation. Such issues have been instrumental in garnering the attention of media and masses relating to Islamic view of leadership. There has been an increasing exigency for the parliamentarians to toe the line of these articles strictly.

Allah Almighty has described each man as his representative or vicegerent on earth in the Holy Quran.^[1] Owing to this title, the human being is innately interested in drifting towards refinement so that the human life acquires the status of excellency and live by utilizing its fullest potential in each field. Human beings possess countless abilities and numberless resources which can be utilized in order to achieve marvelous aims and objectives. However, in order to

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achieve such objectives, everyone has to tread on a particular course of actions using particular standards.

In Islam the absolute sovereignty is vested in Allah Almighty. Its means that all the authority is possessed by Allah Almighty. Every action is upon the will and mandate of Almighty Allah. In an Islamic state, there is a conviction that the ruler is conferred with the power of the sovereign by the Almighty. The ruler should exercise these powers to ensure freedom, equality, justice and peace among the masses. Thus, in contrary to western political culture where there is one-fold system of accountability, there is a two-fold system of accountability in Islam. A ruler is answerable to both the Almighty and the masses.^[2] Thus, a leader must comply with both standards of accountability. He should not abuse his mandate and powers. It is his responsibility to ensure justice and peace in the society. His decisions must consider future implications.

In order to comply with the pre-requisites and standards of leadership, the one enshrined in the Holy Quran and the one relating to masses, the leader is gauged against a set of parameters most of which have been delineated in the articles 62 and 63 of the constitution of Islamic Republic of Pakistan.^[3] The research is a sincere attempt to analyze the leadership perspective with respect to Islam and to evaluate the practicality and applicability of these articles.

Scope of the paper:

In this work, Islamic leadership principles as described by the articles 62 and 63 of the constitution of Islamic Republic of Pakistan have been discussed. Additionally, the importance of these tenets for leadership have also been described.

Methodical Approach:

The conception of leadership has been explored fully keeping in view the teachings of the Holy Quran, Ḥadith and Sīrah of Prophet Muhammad (PBUH). Also, the existing literature on leadership has been reviewed. The conclusion as well as the suggestion of the paper is the premise that Islamic administrative principles ensure efficacy, efficiency and accomplishment.

Qualities of Leadership in Islam:

The principles of Islamic Leadership are derived from three main sources. These include the Holy Quran, the governing style of the Holy Prophet and that of the four caliphs. Based on these key sources as the light bearer of leadership the principles of leadership can be categorized in the following basic norms and ethics.

Faith and Belief:

The nature of a person's character is fairly reflected by his belief and faith. In Islam faith has been unprecedentedly emphasized a lot. In the Holy Quran, the conception of Iman (faith) have been rendered as rudimentary and fundamental requirement of the religion. Faith is the only spirit through which one can carry through all the difficulties and meet one's goals. Faith is conditional to

accomplish and it goes in parallel with determinism. However, it is customary to mention that faith is the pre-requisite of religion but not the sufficient entity for someone to acquire the knack of leadership.

History reveals the fact that owing to strong faith and determination, individuals had been able to make remarkable and commendable strides in their domain. Each of the extraordinary leader and commander was bestowed with the qualities of faith which in turn granted him conviction and confidence.

Knowledge and Wisdom:

The conception of leadership is strongly correlated with an extraordinary responsibility and it is bolstered and refined if a leader is involved in continuous learning. In the Holy Quran, the culture of research is based on the use of intellect and evidence has been promoted a lot. It is said in the Holy Quran, "Are those equal, those who know and those who do not know? It is those who are able with understanding that receive caution."^[4] This verse demarcates the line between the ignorant and the intellectual one not on the basis of status, wealth and property but on the basis of knowledge and wisdom.

The history of developments bears testimony to the fact that many civilizations including Roman, Byzantine, Greek and Islamic ones, meet their waterloo when the innate quest of knowledge was set aside by their leaders. The Holy Prophet (PBUH) undoubtedly believed in knowledge and wisdom.

During the high time of the Islam, there was a plenitude of emphasis on religious and scientific knowledge. The remarkable and wonderful libraries were established in Cordoba and Baghdad. These libraries contained religious, medical-related, math-related and investigative books together. It was the nascent phase of Islamic civilization and much focus of it was on gaining and propagation of knowledge.^[5] There is a verse in the Holy Quran, "He (God) grants understanding to whom He gratifies; and he to whom knowledge is approved receives indeed a benefit teeming; but none will hold the message but men of sympathetic."

The glory of Muslims particularly in Spain tempted Europeans particularly the French to get access to the reservoir of knowledge found in the gigantic libraries of Toledo and Cordoba.^[6]

There were intensive and laborious efforts to get the reservoir of knowledge being translated from Arabic to Latin. This was instrumental in the progress and prosperity of Western civilizations. The downfall of Islamic civilization was contingent upon some activities which disengaged people from learning.

A continuous struggle and non-complacency:

Islam has a practical and effective interpretation of leadership. The Holy Quran aptly describes it as, "And endeavor in His reason as ye should endeavor (with truthfulness and under discipline)". A true leader in Islam is thus involved in the struggle for improved conditions and pious objectives. The endeavor is threatened by jadedness and thus in this way additional advance is hampered. It

must be avoided. The necessary part of endeavor is to subside the temporary setbacks.

Establishing awareness: a sense of discrimination between good and evil:

It is evident from the teachings of the Holy Quran that a man has the capacity to differentiate between two things, right or wrong, good or evil. It is stated in the Holy Quran, "Then He showed him what is wrong for him and what is right for him".^[7] Thus such a quality is possessed by each and every individual. Hence, the leader in Islam have these qualities also. Additionally, an Islamic Leader is also responsible to promote noble qualities (*Aamar bil Maruf*) and mitigate evil activities (*Nahi anil Munkar*). According to Jamaal al Din M. Zarabozo, *Aamar bil Maruf* is described as, "It is a word that implies every act of obedience to Allah and every act that takes one closer to Allah, whether be obligatory recommended." The *munkar* has the opposite meaning than that of *Maroof*. It is described as, "everything that is rejected or objectionable from a Shariah or rational point of view."^[8] It is clearly obligatory on the Islamic Leader to perform the functions of *Aamar bil Maruf* and *Nahi anil Munkar*. It is clearly stated in the Holy Quran, "Let there arise out of you a group of people inviting to all that is good (Isla enjoining al-maruf and forbidding al-munkar and if they who are the full."^[9] This verse of the Holy Quran sets a mandatory obligation upon each Muslim in general and the leader in particular to help people differentiate between good and evil and help them stick on the right course so as to achieve success. Abdul Qadir Audah explains it as, "Enjoining of good means that people should be induced to act upon the shariah injunctions by their words as well as deeds." Also, he is of the view, "Prevention of evil means that people should be asked and induced to give up all such acts which are forbidden under the Shariah."

The conception of *Aamar bil Maruf* and *Nahi anil Munkar* entitles a duty. This duty is one of the most fundamental one in Islam. Thus, every leader must endow his subjects with benefits. In addition to this duty, there is another obligation to eliminate *munkar*. The Prophet has said, "Who amongst you sees something abominable should modify it with his hand; and if he does not have the strength to do it, then he should do it with his tongue; and if he does not have the strength to do it, (even) then he should (abhor it) with his heart, and that is the weakest of faith."^[10] According to these Ḥadiths, apart from leadership it is the responsibility of each and every Muslim to keep himself away from sin and evil. They should ensure the command of *Nahi ai nil Munkar* by any possible means. If he possesses enough power to eliminate evil by force, he must do so. Otherwise, he ought to be able to denunciate evil by any possible means. The command of Ḥadith applies to each Muslim in general and leader in particular depending upon their capabilities. However, to ensure promotion of the good and removal of the evils is not a facile task. Even the Prophet had to face many hardships while exercising this. He had to undergo mental and physical turmoil, trials and problems with other people. It is stated in the Quran, "Those who

believe in Allah and the Last Day; they enjoin al-maruf and forbid al-munkar and they hasten in (all) good works; they are among the righteous.” It is easily to decipher from this command that authority for the perpetuation of the good starts from intra-person to inter-persons and then spread to the whole community. It means that first of all each Muslim should practice noble deeds within him and then advise others to do so.

In a community the onus of implementing *Aamar bil Maruf* and *Nahi anil Munkir* lies on the leadership and this is one way to protect people’s welfare.

Courage and determination:

Each leader must possess these noble qualities. Bravery and willpower have always been the traits of the leaders. A cursory glance on the history of Islam is reveals a number of instances where leaders exhibited unprecedented valor and determination. Faith and unflinching belief are the sources of willpower and courage. The one having the strong faith do not nurture any kind of fear or apprehension. The epitome of courage, valor, fortitude, perseverance and determination is clearly evident from the instance of young Tariq Bin Ziyad. Owing to his faith, he went against his apprehensions. As he arrived at Gibraltar, his army comprising of 12,000 soldiers had to confront a Spanish army consisting of 60,000 soldiers.^[11] It was his perseverance and fortitude which brought his army to a focal point of collective responsibility. Owing to his indefatigable determination and indomitable strength, he defeated his adversary. The determination and courage is ingredient of the leader’s character apart from strength. Currently, it is a common trend that a leader is said to have these traits if he has the view antithetical to west in general and the American in particular.

Mutual consultation and Unity:

The Islamic political system is centered on mutual consultation. It is termed as shurā in Islamic political system. Almighty Allah has rightly said in the Holy Quran, “And those who answer the Call of their Lord, and to worship none but Him alone, and perform their prayers, and who conduct their affairs by mutual consultation, and who spend of what we have bestowed on them.”^[12]

Morality and Piety:

It is greatly emphasized on the qualities of leadership in the Holy Quran. A leader is essentially an epitome of service to the community and humanity. The Life of Prophet Muhammad (PBUH) has ample examples of true and honest leadership. The Prophet exhibited fiscal probity, integrity and transparency. Even the non-Muslims bear testimony to the fact that the Prophet (PBUH) was honest in his dealings and acted in compliance with his words.

The Holy Quran has adopted a clear version on the traits of leadership. Allah has rightly said in the Holy Quran, “Those (Muslim leaders) who, if we give them power in the land. (They) enjoin Iqamat-as-Salah! To pay the Zakat and they enjoin *al-maruf* and forbid *al-munkar*?”^[13]

According to this verse the leader of an Islamic state is entitled to implement certain measures according to the wishes of Allah Almighty. It is his responsibility to spread *al-maruf* and check *al-munkar*. Thus, the social contract between the ruler and the ruled ones in an Islamic state is based on trust. He must be responsive to the aspiration of the masses and accountable to the omnipresent, the omnipotent and omniscient Allah Almighty. The leader has to answer Allah Almighty for the affairs of their people. It is thus a foregone conclusion that there is two-fold accountability in Islam, one before Allah and the other before the masses.

The operating justification of a leader and also a promulgated law can be gauged from the parameters of ensuring justice in the society. In addition, a leader is responsible for providing all the available means to meet the basic needs of the populace. The sense of responsibility helps in evolving a harmonious interaction between the ruler and the ruled one. This will cultivate an atmosphere of harmonious social fabric in which there will be supremacy of the rule of law, i.e. everyone is equal before the law and no one is above the law. Therefore, it is obligatory on an Islamic State to ensure *din* with its full commandments and an Islamic state should exercise its powers under the purview of the Shariah. An Islamic state is obligatory to fulfill the basic requirements of the citizens and only following the course of Islamic principles, the ideal state can be actualized. Muhammad Sharif Chaudhary describes the essentials of establishing an Islamic state, "Islamic State is required to implement moral principles of Islam and educate its citizens to achieve self-discipline *taqwā* and self-purification."^[14] Therefore the basic aim of an Islamic state is the elimination of the evil and the perpetuation of virtue. Thus, in an Islamic state *Aamar bil Maruf wa Nahi anil Munkar* becomes the obligation of the state.

The essence of an Islamic system is to propagate the sense of virtue by using all available devices based on religion. An Islamic state creates a narrative among its citizens whereby there is hatred for evil and affection for virtue. An Islamic state is also responsible to take practical and effective steps to ensure these things. In toto, an Islamic state is solely concerned with the welfare of the people. In addition, the leader of an Islamic state is responsible to refine the character of the individuals into righteousness.

Justice and Integrity:

Trust is the touchstone on which the justification of leadership is built in Islam.^[15] A leader is also a guide to his subjects. The concept of leadership in Islam is centered upon integrity and honesty. The creator of the humanity has created all in a balanced way and in right proportions.^[16] Any perturbation in the system created by the Lord causes ripples and disturbance through the whole system. In such case, there is a fear that the system may function badly or in the worst case may collapse. The onus of responsibility lies on the leaders if an Islamic state is to maintain balance in the system. The balance is conditional to

the provision of equality and justice. Justice entails all walks of life in its purview and it has its necessity in the entire community.

The conception of justice is much above the mere sense of reciprocity i.e. evil for evil or virtue for virtue. Islam commands everyone of its followers to act justly. Justice is promoted as an attitude or intrinsic trait of human beings in Islam. Islam has ordered justice even to those who create hatred. Thus, justice is well above the partisan interests and biased motives. It does not entertain grudges. It is fairly said in the Holy Quran, "O you who trust! Attitude out conclusively for Allah as just spectators; and let not the hostility and animosity of others make you avoid justice."^[17]

Thus, justice has broader connotation. It is normative value. It is a religious obligation that is mandatory upon each and every Muslim. Apart from leadership, it is mandatory on each and every Muslim to strictly follow all the orders and commandments of Allah Almighty in order to conform to the will of the Lord. A Muslim should abhor what is obnoxious to Allah. This applies both to the leadership and the masses. However, the leader has an additional responsibility to practice justice based on the divine justice. The divine justice is conditional to maintain justice in all circumstances. The leader acting or treading the line of divine justice inherently adopts the line of ideal justice.^[18] Such a leader is not preoccupied with any sort of discrimination or biasedness. He is fair, transparent and predictable in his dealings. The idea of divine justice is derived from the Holy Quran and Sunnah.

Patience and Endurance:

Other traits of great leadership include perseverance, fortitude and patience (*ṣabr*). A great leader has to face countless difficulties and gigantic hardships. He continuously strives to achieve his aims and objectives with patience and tolerance. The Prophet Muhammad (PBUH) has to bear intolerable oppression, suppression and restrictions in Makkah. However, he never surrendered against the odds and asked his colleagues to do so.

Commitment and Sacrifice:

The greatness of a leader is highly correlated with the sense of responsibility and adherence to commitments. If a Muslim leader is endowed with the sense of sacrifice, his adherents will be ready to make even greater sacrifices. A Muslim leader must be evaluative and equitable. Under his domain, the suppressed sections of the society are equipped with more benefits and facilities.

Another evidence of sacrifice is manifest in the simplicity of an Islamic leader. Simplicity is a kind of sacrifice in the personal domain. The instance of simplicity is hereby mentioned in the caliphate period of Hazrat Umar. He outrightly refused to accept stipend from Bayt-ul-Maal despite the insistence of his mates. This is an illustration of benevolence and altruism.^[19]

The Article 62 and 63 of the Constitution:

The qualification criteria of the member of the parliament is mentioned in the article 62 of the constitution of Islamic Republic of Pakistan. A member of parliament must not be a person of doubtful character or he must not commit violations of Islamic commandments. In the light of the above-mentioned article, a member of the parliament should be a practicing Muslim i.e. he should possess adequate understanding of religion, he should not be involved in major sins and evil acts and he must be honest.

The disqualification clauses of an elected member of parliament is mentioned in the article 63 of the constitution of Islamic Republic of Pakistan. The disqualification is contingent upon the verdict by court of competent jurisdiction on the allegations of moral practices, abuse of power and prestige or moral deprivation. It also includes disqualification of a member of parliament if he fails to pay the bank loan.

The articles 62 and 63 of the constitution of Pakistan are subjective in nature. Therefore, there is plenty of debate on these articles in socio-political and constitutional circles. There is lack of guidance towards assessing one's character on the conditions mentioned in these articles. The clause (e) of the article 62 requires adequate knowledge of Islamic injunctions. There is an objection that this clause lacks clarity. Moreover, the clause (f) is more subjective in nature.^[20]

There is no gauge for assessing the attributes of *ṣaadiq* and *amīn*. It is rather biased and ambiguous. It is alleged narrative among the social and political activists that the clause is (mis)used by the establishment to grant favor to the pro-establishment candidate. The articles 62 and 63 were introduced in the constitution of Pakistan by the then president Zia ul Haq. Therefore, some political scientist term these articles as non-democratic and autocratic in nature. There are no parameters or standards against which these articles can be gauged. It is a common narrative that article 63 is used to snub and disqualification of corrupt politicians, those involved in tax invasions, defaulters of the loans and criminal politicians. It is also being held that the Article 63 generally deals with the disqualification of corrupt tax evaders, willful loan defaulters, and criminal politician. The objection against these articles is the use of these articles for political victimization. It is customary to mention here that each Muslim should possess rudimentary and fundamental knowledge of Islamic injunctions so that a particular decision made by the public office holder can be analyzed on the basis of Islamic injunctions.

Around the globe, the most essential, necessary and indispensable features of public figure include transparency, fiscal probity and incorruptibility. The one entering the parliament as the representative of the masses must possess these qualities in the most refined and enriched form. Integrity and honesty must be prerequisite for a public office holder. That may be a valid and sufficient interpretation of *ṣaadiq* and *amīn*. Political Scientist, Sir Ivor Jennings elucidates

in his classical work, Cabinet Government, "The most elementary qualification demanded of a minister is honesty and incorruptibility. It is, however, necessary not only that he should possess this qualification but also that he should appear to possess it."^[21] However, Professor Khurshid Ahmad is antithetical to this argument by a number of ways. He is of the view that the definition of a Muslim has been mentioned in the article 260(3) of the constitution of Islamic Republic of Pakistan. The relevance of the knowledge of Islam to the legislature is evident in the articles vis. 2, 2A, 5, 31, 35, 36, 37,38, 203 (A)-03(!). 227, 228, 229 and 230. Islam has no subjective interpretation. It has practicality. Islam has a splendid history. If it has been based on subjective injunctions, it was next to impossible to shape history and affect the lives of numberless people over a long period of time.^[22] Quaid-e- Azam has said that in one of his address that Pakistan is an independent and free state. We are a nation whose people possess undoubtful integrity. It is only through faith and sacrifice, we can achieve anything remarkable.^[23] In an Islamic state, the power of legislation lies with Allah Almighty. Allah has rightly said in the Holy Quran, "And those who do not rule by what Allah has revealed are the transgressors".^[24] It is necessary but not a sufficient condition for rulers to exhibit fiscal probity. The leaders are required to rule those laws provided by Islam. It has been said in the Holy Quran, "So judge between them by what Allah has revealed and follow not their vain desires diverging away from the truth that has come to you".^[26]

Conclusion:

The model of Islamic leadership is the assurance of an ideal state and society. The promulgation articles 62 and 63 is a constitutional endeavor to conform the leadership with Islamic injunctions. It is not surprising to define and assess the character of leadership of a country on the basis of Islam which was inherently established in the name of Islam. The leadership of such a country must be well versed with Islamic teachings and must be *ṣaadiq* and *amīn*.

References:

- [1] Al-Quran, 10: 14.
- [2] Kamla, Rania, Sonja Gallhofer, and Jim Haslam. "Islam, nature and accounting: Islamic principles and the notion of accounting for the environment." In *Accounting Forum*, vol. 30, no. 3, pp. 245-265. Elsevier, 2006.
- [3] Redding, Jeffrey A. "Constitutionalizing Islam: Theory and Pakistan." *Va. J. Int'l L.* 44 (2003): P.759.
- [4] Al-Quran 39:9
- [5] Halstead, Mark. "An Islamic concept of education." *Comparative education* 40, no. 4 (2004): 517-529. [6] Kennedy, Hugh. *Muslim Spain and Portugal: A political history of al-Andalus*. Routledge, 2014: P.203

- [7] Al-Quran (91:8)
- [8] Zarabozo, M. J. "Commentary on the Forty Hadith of Al-Nawawi, introduction by Jaafar Sheik Idris." *Al-Baheer Company for Publications and Translations, Boulder, USA*(1999): P.45
- [9] Al-Quran 3:104
- [10] Siddiqui, Abdul Hameed. *Sahih Muslim*. Peace Vision, 1976: P. 505
- [11] Qasim, Muhammad Ibni, Qutaiba bin Muslim, Musa Ibni Muslama, and Tariq Bin Ziyad Nusair. "Islamic history." (1981), P.156
- [12] Al-Quran 42:38
- [13] Al Quran, 22:41.
- [14] Muhammad Sharif Chaudhry, *An Introduction to Islamic State and Government*, Kuwait: Islamic Book Publishers. 1999, P. 7
- [15] Moten, Abdul Rashid. "Leadership in the West and the Islamic world: A comparative analysis." *World Applied Sciences Journal* 15, no. 3 (2011): 339-349.
- [16] Al-Quran 54 : 49.
- [17] Al-Quran 5:8
- [18] Shah Mu'inuddin Ahmad Nadvi, *Hazrat Omar Farooq: A Complete Seerah, i.e. Biography of the Second Caliph of Islam*, Karachi: Idara Isha'at e Diniyat, 2005, P.143.
- [19] Abdul Quddus Hashm Nadvi, *History of Islamic Caliphate*, Karachi: Motamar al-Alam e al-Islami, P.47.
- [20] See the web link: <http://ptisv.wordpress.com/2007/07/03/much-ado-about-the-article-62-63/>, accessed on 23rd January, 2013.
- [21] Ivor Jennings, *Cabinet Government*, Third Edition, 1959, Cambridge: Cambridge University Press, P.106.
- [22] The News Tuesday, April 09, 2013.
- [23] Jinnah's Blogspot: The Task Ahead (Assessed on: <http://m-a-jinnah.blogspot.it/2010/04/task-ahead-30th-oct-1947.html>)
- [24] Al-Quran, 5:47.
- [25] Al-Quran, 5:48.