

## THE RELATIONSHIP BETWEEN THE JUDICIARY AND THE RULERS IN TRADITIONAL ISLAM AND ITS APPLICATION IN PAKISTAN

Abdur Rashid  
Law College, Gomal University, Dera Ismail Khan.

Received: 08-04-90

Accepted: 18-08-90

### ABSTRACT

According to Kasani, it is [justice] one of the best acts of devotion and 'one of the most important duties, after belief in God [1]. The paper deals with one of the important departments of the government (the department of Qada). The author gives an account of the importance of the judiciary in traditional Islam and the author also analyses the role played by the early judges in Islam. Finally, the author makes some comparison between the early judges in Islam and the Pakistani judges and concludes that despite their moral, constitutional and religious commitments most of the judges in Pakistan failed to discharge their duties fearlessly and conscientiously.

### INTRODUCTION

The purpose of this study is to give an overview of the relationship between the judiciary and the rulers in traditional Islam and to trace out why the Pakistani judges failed to adhere to that standard of justice as dispensed by the early judges.

The Quran enjoins believers to stand firm for justice and to be careful and cautious and search for the help of God in dealing with strictest justice without fear or favour even if it is detrimental to their interest or to the interest of those who are near or dear to them, as to do otherwise is to betray a sacred trust [2]

About the importance of the administration of justice Prophet Mohammad (PBUH) said to Amr bin al-As: "If a judge exercises Ijtihad, and arrives at the correct decision, he is doubly rewar-