

Justice System of Pakistan Once Again Shows Why the Khilafah is the Need of the Times

News:

ISLAMABAD: The Supreme Court on Wednesday found anomalies in the way the sessions courts handled the case of the 10-year-old maid tortured by the family of a serving additional district and sessions judge (ADSJ). Recently not just the incident of the brutal torture unleashed on 10-year-old Tayyaba by the wife of a sitting judge made headlines in all papers but also how the case was handled by the rich and powerful of Pakistan.

Comment:

The story of Tayyaba is not just of one irate woman's misuse of power and an innocent child's physical and mental suffering. It exposes the multilayered ugly façade that is this society, which not only allows such atrocities to take place, but also does not make any provisions for justice to be delivered to the wronged. Tayyaba's suffering is because of the pure negligence of society, government and the judiciary, and what needs to be the centre of our attention is what made this individual think she could get away with her horrific actions. Because the problem is not only of child abuse and child labour, but rather of a general trend of the abuse of power in increasingly physical ways.

The problem here is that stories like Tayyaba's have become a norm. Countless incidents have taken place where people have lost their lives because of the unabashed and fearless crimes of the spouses or children and friends of politicians. The rich and powerful have become careless even in hiding their actions because they know they are beyond the reach of the law of the land. Inefficiency and corruption in the penal and administrative systems has assured these people their safety. We always see how state machinery starts working to rescue these guilty officials. Memories of Shahzeb Khan's murder by a politician's son are still fresh in people's minds.

Cases such as Tayyaba's are only able to come to the surface because of their sensational nature and the fact that they are solid selling points for the media. The story of a young girl abused and tortured, or a young man like Shahzeb Khan being murdered on the eve of his sister's wedding, tell a good story, which is why they catch the public eye when the media reports them. However the interest in Tayyaba's story will only last for as many news cycles as she will deliver ratings.

This story like many others will lose steam as soon as public interest wanes, and the public's attention span is often quite short. So many such actions go unnoticed if they are not picked up by the media. More importantly, even the cases that surface

reach the same conclusion of nothing being done. Such inaction only injects more confidence into these people to do as they please, and will only mean countless more people suffering Tayyaba's fate.

Even if Tayyaba reaches a safe place and her future is secured by the efforts of civil society activists, there is no guarantee that such incident will not happen again. The whole Society needs a reform. A reform where a father will not be forced to sell one child to feed the other. Where the standard of respect and dignity is not money or designation but the piety of an individual. There was a time when scholars used to refuse to work as judges, as they knew that this designation is a heavy weight responsibility, but this evil system breeds judges and lawyers that feed on peoples' weaknesses. The time has come to stand up not just for this little girl but for saving all the children of this Ummah. Only a just system based on the method of the Prophethood will protect all citizens and provide them with the equality given by Allah (swt).

We remind the authorities of today the incident when the people of Quraish worried about the lady from Bani Makhzum who had committed theft. They asked, "Who will intercede for her with Allah's Apostle?" Some said, "No one dare to do so except Usama bin Zaid the beloved one to Allah's Apostle." When Usama spoke about that matter to Allah's Apostle (Sallallahu 'Alaihi Wa Sallam), Allah's Apostle (Sallallahu 'Alaihi Wa Sallam) said, (to him)

«أَتَسْتَفْعُ فِي حَدٍّ مِنْ حُدُودِ اللَّهِ». ثُمَّ قَامَ فَأَخْتَطَبَ، ثُمَّ قَالَ: «إِنَّمَا أَهْلَكَ الَّذِينَ قَبْلَكُمْ أَنَّهُمْ كَانُوا إِذَا سَرَقَ فِيهِمُ الشَّرِيفُ تَرَكَوهُ، وَإِذَا سَرَقَ فِيهِمُ الضَّعِيفُ أَقَامُوا عَلَيْهِ الْحَدَّ، وَإِيمَ اللَّهِ، لَوْ أَنَّ فَاطِمَةَ ابْنَةَ مُحَمَّدٍ سَرَقَتْ لَقَطَعْتُ يَدَهَا».

“Do you try to intercede for somebody in a case connected with Allah's Prescribed Punishments?” Then he got up and delivered a sermon saying, “What destroyed the nations preceding you, was that if a noble amongst them stole, they would forgive him, and if a poor person amongst them stole, they would inflict Allah's Legal punishment on him. By Allah, if Fatima, the daughter of Muhammad stole, I would cut off her hand.” (Bukhari)

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