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### ROLE OF TAXATION TO DEVELOP A WELFARE STATE

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#### Abstract

The Islamic Estate is the welfare estate and in a Welfare Estate, the main objective is the welfare of the public in every walk of life. So, it is legally and morally lawful to implement the tax on the wealthy people to construct the road, bridges and hospital, to establish the Police system and army for the security of public and the Estate, and so on many other faculties for the welfare of the public. So, it is not necessary to sought out the reason from the Quran and Sunnah to legalize the tax system, because the Fuqha and all the renowned Islamic Scholars have pointed out the term Msalih e Murslah in the light of Quran and Sunnah and the contemporary tax system is one of them which have been granted the lawful branches of Msalih e Murslah. So the Islamic welfare estate could implement everything on the public which would be for the welfare of the public and is not against the teachings of Quran, Sunnah and Msalih e Murslah. So, In the article, "The Contribution of Tax in the Development of Welfare Estate", all this debate would be elaborated logically in the light of the teachings of Sharia.

**Keywords:** Free State, Jews and Muslims, Prophet Muhammad, Medina Constitution

#### Definition of State

State is derived from a Greek word "status", origin of this word consists lodging and environment. Anyhow, historically the word state was used in the sixteenth century as a political body of government or an organized political personality. State is a group or organization of people who work for abridged objectives <sup>(1)</sup>.

#### Terminological Definition of State

A state is a policy that is typically established as a centralized organization. There is no undisputed definition of a state. Max Weber's definition of a state as a polity that maintains a monopoly on the use of violence is widely used, as are many others. Some states are sovereign, while other states are subject to external sovereignty or hegemony, where supreme authority lies in another state <sup>(2)</sup>.

#### Idea of a Welfare State

The possibility of government assistance state has gotten extremely mainstream as of late to such an extent that each state presently prefers to call itself government assistance state. Despite the fact that government assistance as a motivation behind government isn't an innovation of this century, yet the term 'government assistance state' came into wide spread utilize simply after the Second World War.<sup>3</sup>

The term 'government assistance state' has not been plainly and precisely characterized with the outcome that government assistance programs nearly contrast from nation to nation and here and there. In any case, for the most part comprehended implications of this term are that it is a state wherein the administration accepts accountability for least ways of life for each resident. The term is extensively used to depict a general public which has all or a portion of the accompanying highlights:

- 1.Provision of standardized savings for all against mishap, affliction, joblessness, mature age and inability.
- 2.Social equity or reasonable and fair circulation of pay and riches among all residents by limiting the inlet between the rich and the poor through powerful utilization of tax collection and open consumption.
3. Provision of free or intensely financed benefits by the state in training and clinical guide.
- 4.The upkeep of full work for the working power of the country by making the state completely liable for giving employments to all physically fit laborers.

5.Public responsibility for administrations with the goal that the equivalent might be given to low pay bunches at sponsored rates

### Elements of Islamic Welfare State

For government assistance of the individuals the Islamic Welfare State plays out the accompanying obligations The obligations of the Islamic state towards poor people and the penniless and their offer out of the incomes of the state is featured by the accompanying sections of the Qur'an:

(وَاعْلَمُوا أَنَّمَا غَنِمْتُمْ مِنْ شَيْءٍ فَإِنَّ لِلَّهِ خُمُسَهُ وَلِلرَّسُولِ وَلِذِي الْقُرْبَىٰ وَالْيَتَامَىٰ وَالْمَسْكِينِ وَابْنِ السَّبِيلِ إِنْ كُنْتُمْ آمَنْتُمْ بِاللَّهِ وَمَا أَنْزَلْنَا عَلَىٰ عَبْدِنَا يَوْمَ الْفُرْقَانِ يَوْمَ التَّنْفِيهِ الْجُمُعَانَ وَاللَّهِ عَلَىٰ كُلِّ شَيْءٍ قَدِيرٌ . )

“And realize that whatever ye take as riches of war, Lo! A fifth thereof is for Allah, and for the Messenger and for the brother (who hath need) and vagrants and the penniless and the wayfarer.”<sup>(4)</sup>

“The charity (Zakat) are just for poor people and the destitute and the individuals who gather them, and those whose hearts are to be accommodated and to free the prisoners and the account holders, and for the reason for Allah, and for the wayfarers.”<sup>(5)</sup>

“That which Allah gives as crown jewels unto His Messenger from the individuals of the townships, it is for Allah and His Messenger, and for the close of family and the vagrants and the destitute and the wayfarer, that it becomes not a product between the rich among you.”<sup>(6)</sup>

The obligation of the Islamic state towards poor people and the destitute and its status as their watchman has been additionally explained by the Prophet of Islam as under:

- I. Allah has made Zakat mandatory upon the Muslims. It is to be gathered from the affluent among you and circulated among the poor ones. <sup>(7)</sup>

II. The government is the watchman of any individual who has no other gatekeeper.<sup>(8)</sup>

III. When anybody kicks the bucket in the red or deserts wards unjustifiable for, the last should come to me since I am their gatekeeper (as head of state). - <sup>(9)</sup>

IV. On the off chance that anyone kicks the bucket while he owes an obligation and doesn't desert any property for its installment then the duty regarding its installment is mine (as leader of the state). In any case, in the event that anybody abandons any property, it is for his beneficiaries. - <sup>(10)</sup>

V. In the event that anybody abandons property, it will go to his beneficiaries, yet in the event that anybody deserts a few liabilities (rather), the weight of their obligation falls on us (i.e., the State) <sup>(11)</sup>

The previously mentioned stanzas of the Qur'an and adages of Prophet Muhammad (PBUH) build up without question that the obligation of giving essential needs to its residents lays on the Islamic state. Right now, has seen no difference amongst the Muslims and non-Muslims. Caliph Umar once found a Zimmi asking offerings. He allowed him annuity and exonerated him from installment of Jizyah. Khalid, the popular general of Islam, finished up a bargain with the non-Muslims of Hira which made an arrangement for money related help to poor people and down and out of non-Muslims.

Following people are particularly qualified for money related help from the state:

- 1.All poor people who need assistance to pull on.
- 2.Incapacitated or genuinely incapacitated people who can't gain.
- 3.Helpless people like vagrants, widows, old and jobless.
4. Evacuees or criminals who are driven away from their country and their possessions under mistreatment or oppression.
- 5.Students, educators, evangelists, and so forth who have committed their lives for the reason for learning and engendering of Islam and in this way have no time or intends to win for their subsistence.

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6. Persons who are surpassed by some disaster like flood, seismic tremor, pestilence, war, violent wind, storm, and so forth.

7. All different defenseless, dejected, upset and penniless people, who are compelled to asking so as to eat and cover their bodies,

The Holy Qur'an says:

(يَسْأَلُونَكَ مَاذَا يُنْفِقُونَ قُلْ مَا أَنْفَقْتُمْ مِنْ خَيْرٍ فَلِلَّوَالِدَيْنِ وَالْأَقْرَبِينَ وَالْيَتَامَىٰ وَالْمَسَاكِينِ وَإِذَا السَّبِيلِ وَمَا تَفْعَلُوا مِنْ خَيْرٍ فَإِنَّ اللَّهَ بِهِ عَلِيمٌ) <sup>12</sup>

"They ask thee, (O Muhammad), what they will spend. State: That which ye spend for good (must go) to guardians and close to related and vagrants and the poor and the wayfarer. What's more, at all great ye do, Lo! Allah knows about it".

### Provision of Basic Needs:

It is explained in Sorah Taha Versus 118,119 as under

(فَقُلْنَا يَا آدَمُ إِنَّ بَدَأَ عَدُوُّكَ وَ لَزَوْجِكَ فَلَا يُخْرِجَنَّكَ مِنَ الْجَنَّةِ فَتَشْقَى) <sup>13</sup>

"Then We said, 'O Adam, this is an enemy to thee, and to thy wife; so let him not drive you both out of the garden, lest thou come to grief.'"

(إِنَّ لَكَ أَلَّا تَجُوعَ فِيهَا وَ لَا تَعْرَى) <sup>14</sup>

"It is *provided* for thee that thou wilt not hunger therein, nor wilt thou be naked."

It is the first and foremost duty of state that it fulfills all the basic needs of every citizen. After creating Adam (A.S) and having fulfilled his needs Allah addresses:

The holy Prophet (P.B.U.H) explained this verse in the following words:

"It's the basic right of the son of Adam that he should have a home where he could live ,he have cloths through which he could cover himself and he must have meal to eat and water to drink"<sup>15</sup>

Through the above verse and Hadiths it is proved that bread and butter, clothes and housing are above all in the basic needs of human beings. In order to establish Islamic welfare state it is inevitable that the state should take such steps that no citizen should remain without proper meal and shelter. This is the great responsibility of government because:

"Government is patron of every such person who has no other patron."<sup>16</sup>

As government patronizes of every citizen so this is the responsibility of government to patronize such people.

### Free treatment of deserving citizens:

Treatment is also necessary for living and spending a good life. The holy Prophet (P.B.U.H) said:

"The one whom Allah made the ruler of any nation and he did not do good with them, he would not even have smell of heavens."<sup>17</sup>

There is no more goodness with any individual except that he should be provided all the basic necessities of life and those things which are inevitable to survive, should be supplied.

### The progress of Educational department and free Education for the Poor:

The emphasize which Islam has laid upon getting education and spreading it perhaps any other religion has ever done it. It is the responsibility of the government to take necessary measurement and steps to provide educational facilities to the masses. Although Allah has blessed Muslim countries with countless natural resources but they cannot avail and protect these sources because of their backwardness in the field of education. It's the responsibility of the ruler of the state to spend money for the progress of education as the economic progress is also not possible without education.

(أَلَمْ يَجْعَلْ لَكُمْ رَسُولًا نَحْنُ قَسَمْنَا بَيْنَهُمْ مَعِيشَتَهُمْ فِي الْحَيَاةِ الدُّنْيَا وَرَفَعْنَا بَعْضَهُمْ فَوْقَ بَعْضٍ دَرَجَاتٍ لِيَتَّخِذَ بَعْضُهُمْ بَعْضًا سُلُوفًا وَرَحِمْتَ رَبِّكَ خَيْرٌ مِمَّا يَجْمَعُونَ) <sup>18</sup>

"Is it they who allocate your Lord's mercy? We have allocated for them their livelihood among them in this life, and We elevated some of them above others in rank, so that some of them may employ others in service. But your Lord's mercy is better than what they accumulate."

### To provide employment:

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Government should formulate policies in such a way that maximum employment opportunities could be provided to the people. Government resources should be exploited in such a way that maximum people could get employment, the opportunities of employment should be provided through public welfare.

### Standard prices:

Islamic welfare state is such a state where poor and destitute are cared about, the head of the state make such kind of economic policies that the prices of basic needs of life should be at that scale that even the poor people could also buy easily and both the buyer and seller get benefit and neither of them could have to face loss. All those factors must be eliminated which bring temporary rise and fall in the prices. If the prices of the things are high and it became the cause of loss for the sellers if they sell at lower rate then it's the responsibility of the government to purchase those things and make them accessible for the masses so that they don't reluctant to purchase them.<sup>19</sup>

### Equivalent Distribution of Wealth and Resources

The main goal of the Islamic system of finance is that the wealth and of state should be distributed among people judiciously and fairly.

It is defined in Quran as under

﴿هُوَ الَّذِي خَلَقَ لَكُمْ مَا فِي الْأَرْضِ جَمِيعًا ثُمَّ اسْتَوَىٰ إِلَى السَّمَاءِ فَسَوَّاهُنَّ سَبْعَ سَمَاوَاتٍ ۗ وَهُوَ بِكُلِّ شَيْءٍ عَلِيمٌ﴾<sup>20</sup>

“It is He who created for you everything on earth, then turned towards heaven, and formed them seven heavens. And He has knowledge of all things.”

It is declared through this saying of Allah that every individual has an equal right to get benefits from the resources which Allah Almighty has blessed human being with. But is a fact that all the people are not equal in their financial status because Allah has blessed every single individual with entirely different potential and capacities, so the difference in financial status is obvious and natural.

Allah says:

﴿وَفِي أَمْوَالِهِمْ حَقٌّ لِّلسَّائِلِ وَالْمَحْرُومِ﴾<sup>21</sup>

“And in their wealth, there was a rightful share for the beggar and the deprived.”

Hence the difference in the financial status is expediency from Allah Almighty but this difference should not create discrimination in human beings that they start accumulating wealth to such an extent that the rich start becoming richer and poor otherwise. Islam emphasis upon the circulation of wealth rather it has fixed the rights of poor so that the wealth should not be the sole possession of rich people.

Islam is in the favor of circulation of wealth, in order to flourish financially and economically it's the dire need that money should be circulated in the society as it's the dire need for development of any nation. Government should formulate such kind of policies the benefit of extra wealth the riches could reach to the poor through the state. The act of equal distribution of wealth can be made sure by imposing tax on the extra wealth of the riches because there is the share of deserving in the wealth of the rich people.

### Public prosperity and the economic development:

To make roads for the welfare of the people, to build dams, to make channels, to establish police system all these things belong to welfare of the people and public should cooperate for it so that the welfare state may flourish.

It is the responsibility of the head of the state that he should take a strict notice of poverty, starvation and destituteness and if found anywhere invest all his power to root it out and eradicate.

Hazrat Umer was so strict in the financial affairs of the state; it can be assessed through this saying:

A large amount of finance is needed for economic development, welfare of the public, health facilities, educational institutes, electricity and water provision, roads and dams, better canal system for irrigation, system of police and army against external intrusions, reduction of social difference, reduction in the prices of daily used items, the law and order system for providing protection to the citizens and to establish judiciary, court and legislative body for the state.

### Need of treasury:

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A government can neither live without treasure nor the system of a state works without treasure. Governments attain finance and economy in order to accomplish their welfare, development, defense and other duties. Following are the sources of income of an Islamic state:

### Zakat (Alms):

Zakat is an important source of income in the financial resources of Islamic state. It has fundamental importance in the economic system of Islam. It is imposed as an obligation upon the rich to help the poor. The obligation of zakat becomes declare by the following verse:

(وَأَقِيمُوا الصَّلَاةَ وَآتُوا الزَّكَاةَ وَمَا تُقَدِّمُوا لِأَنفُسِكُمْ مِنْ خَيْرٍ تَجِدُوهُ عِنْدَ اللَّهِ إِنَّ اللَّهَ بِمَا تَعْمَلُونَ بَصِيرٌ)<sup>22</sup>  
 “And perform the prayer, and give the purifying alms. Whatever good you forward for yourselves, you will find it with Allah. Allah is seeing of what you do.”

Zakat is obligatory upon all those things which increase themselves or can be increased by investing so that the person who possess may get purified his possessions and the needy would be helped. The holy prophet (P.B.U.H) said:

“I am ordered to wage war against the people until they testify this fact that there is no god but Allah and Mohammad (P.B.U.H) is the prophet of Allah, offer prayer and pay zakat”<sup>23</sup>

In the time period of Prophet (P.B.U.H) zakat was such a source of economy of the public treasury through which the state affairs were run to a larger scale. There were specific departments of its attaining in the time period of the four apostles of the Prophet (khulfa e Rashdeen). Even Hazrat Abu Bakar waged war against those who denied to pay zakat although they believers. He said:

After the Holy Prophet (P.B.U.H), Zakat was given to Hazrat Abu Bakar(R.A) or the one whom he appointed, after him it was given to Hazrat Umer (R.A) or the one whom Hazrat Umer (R.A) appointed. Difference arose among the people regarding zakat after the time period of Hazrat Usman (R.A), some people used to give zakat to the rulers and some other would distribute on their own. The innovation in receiving zakat occurred in the time period of Hazrat Usman (R.A), he retained zakat on the commodity but allowed them to pay individually who possessed rupee, ashraf, gold and silver.

Zakat is an order of sharia and its consumers have also been appointed, which are known as eight consumers. The funds of zakat cannot be spent for the work of welfare development even after including in the government treasury.<sup>24</sup>

### Ushur:

Usher is the name of that separate part which is obligatory upon the production of land; it is the tenth or twentieth of the whole crop. It's founded on the following verse of the Holy Quran:

(وَهُوَ الَّذِي أَنشَأَ جَنَّاتٍ مَعْرُوشَاتٍ وَعَيْرَ مَعْرُوشَاتٍ وَالنَّخْلَ وَالزَّرْعَ مُخْتَلِفًا أَكْثَرَهُمُ الزُّبْنَ وَالرِّيَاطُونَ وَالرُّمَانَ مُتَشَابِهًا وَغَيْرَ مُتَشَابِهٍ كُلُوا مِنْ ثَمَرِهِ إِذَا أَثْمَرَ وَآتُوا حَقَّهُ وَلَا تُسْرِفُوا إِنَّهُ لَا يُحِبُّ الْمُسْرِفِينَ.)<sup>25</sup>

“ It is He who produces gardens, both cultivated and wild, and date-palms, and crops of diverse tastes, and olives and pomegranates, similar and dissimilar. Eat of its fruit when it yields, and pay its due on the day of its harvest, and do not waste. He does not like the wasteful.”

### Khums:

Khums is the fifth part of those treasures which are gained after winning a battle, by finding hidden treasures or drawn from mines e.g gold, silver etc, it is considered the part of state treasure.<sup>26</sup>

### Fay

The possessions which are gained by non-believers without waging war or defeating them that is called fay, it is gained willingly by non-muslims while Ghanimeh is taken forcefully, Khums is also deducted from fay.<sup>27</sup>

### Kharaj:

Kharaj is meant as rent, tax, income or wages and production, it is also a great source of income of an Islamic state and it is imposed upon the production of lands.<sup>28</sup>

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### Jiziyah (Poll tax) :

Jiziyah is the money which Islamic state imposes upon the non-Muslims of those areas which are won by battle, who neither embrace Islam nor present themselves for the defense of Islamic State. Islamic state gives three options to the people of those areas;

- (i) Embrace Islam.
- (ii) Pay a specific amount as a tax which could be spent for their defense, which is to pay specific amount of poll tax.
- (iii) War against them.

Those who accept second condition, they have to pay poll tax.

### Kirat ul Arz:

To give the government lands on rent to the peasants and the tax which is received by them is called kirat ul Arz, this tax money goes to public treasury.<sup>29</sup>

### Waqf (to devote):

The things or private possessions which are given in the way of Allah is waqf or to devote.

### Zara'ib :

The taxes which are imposed upon the rich and influential people of the society except zakat and charity, during the course of famines, war, unemployment and for the public welfare, such financial support is called zara'ib.<sup>30</sup>

### Amwal e Fazla:

Amwal e fazla are the possessions by miscellaneous sources which are not the part of government treasury, for example if a zami who has no offspring or inheritors dies, his belongings and possessions will be added to public treasury.<sup>31</sup>

### Resources of the Modern Age

In order to accomplish its responsibilities government has to spend money which government fulfills by its sources of income, taxes like Zakat, Usher, Khums, Jiziyah etc were the sources of income for the government and government used to fulfil its expenses by these sources and the that income was sufficient enough to meet all the expenses of the government. The system of life was not much advanced in the earliest era of Islam, if the need would arise the people used to help altruistically at the appeal of government by considering it their social responsibility. History is embedded with such unique examples, whenever any dire situation or adversity fell upon, people would present and devote their full or half belongings in the way of Allah for winning the will of Allah Almighty.

As far as Zakat and Usher are concerned, not only the amount rather their consumers are also fixed. Khraj, Jiziyah, Fay, Ghanimah are concerned with wars and the diverse situations, these sources are impossible without war, hence now there are no such sources of Islamic state as they used to be in the past, similarly the ways of expenses have also been entirely changed. So, the question arises here that how would Islamic state accomplish welfare and development plans and other defense needs.

Can an Islamic government fulfill the needs of the state by imposing taxes beside Zakat, alms and Usher while taxes are a major part of income of any state which government can impose as a tool for expenses. So the question arises, according to Islamic system of economy, can government impose taxes in order to accomplish welfare and development plans.<sup>32</sup>

According to some scholars e.g. Hafiz Zaki ud Deen Al-Banasati, Suhrani and Alshokani, it is against Islamic way to impose taxes except Zakat. According to him, only Zakat is ordered to be paid and there is no need of paying rest of the taxes. He referred to the following Ahadith and Verse;

( وَأَقِيمُوا الصَّلَاةَ وَآتُوا الزَّكَاةَ وَارْكَبُوا مَعِ الرَّاكِبِينَ. )<sup>33</sup>

“ And attend to your prayers, and practice regular charity, and bow down with those who bow down.”

( فَإِنْ تَابُوا وَأَقَامُوا الصَّلَاةَ وَآتُوا الزَّكَاةَ فَإِخْوَانُكُمْ فِي الدِّينِ ۖ وَنُفَصِّلُ الْآيَاتِ لِقَوْمٍ يَعْلَمُونَ )<sup>34</sup>

“But if they repent, and perform the prayers, and give the obligatory charity, then they are your brothers in faith. We detail the revelations for a people who know.”

It is narrated by Fatima Bin Qais that the Holy Prophet (PBUH) said:

“There is nothing obligatory to pay except Zakat from your possessions”

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The following jurists favour to other taxes except Zakat;

Ibn e Hazm (456), Abu al Waleed al Babi (474), Al-Ghazali (505), Uzud Deen Bin Salam (660), they referred to the following Verses and Ahadiths:

The summary of these verses is that money should be spent in such a way that along with completing one's own needs, the needs of the relatives and needy people should also be fulfilled. There is a saying of Ibn e Umer;

Hazrat Ali (A.s) says:

“Verily Allah has made obligatory that much right of the poor in the possessions of the rich that could be sufficient for the poor, so if the poor are hungry and destitute it's obvious that the rich are not paying their debt.”<sup>35</sup>

Hence, it becomes obvious by the above verses that there are social rights in the possessions of the rich and to pay those rights is obligatory for the rich and if government needs it could pay from their belongings.

Allama Ibn e Hazm writes:

“It is obligatory for the riches of every state that they ought to help the poor and destitute and caliph and commander should compel them to do so, but on this condition that the income of zakat would be insufficient in this regard”.<sup>36</sup>

It is permissible to deduct from the possessions of the rich and the wealthy ones for the welfare and development of the public and to fulfill the expenses of the government; anyhow it can be done only if the public treasury is insufficient for it.

Maverdi writes:

“It is legal to get financial as well as physical support from the inhabitants of that city regarding repairing and constructing mansion of the city, mosque or the canals because these are the collective obligation for all of them, similarly if the need of the externals and needy passengers cannot be fulfilled with the money of the public treasury then the funds would be collected from the rich people of that city to meet their needs.”<sup>37</sup>

So all those needs for which government can impose taxes is not limited to the defense or patronizing of the public rather it is widespread to the extent of the economic development and welfare of the state, as Islamic state is a welfare state and the purpose of a welfare state is work for the prosperity of masses. So, the taxes imposed upon the rich at the time of need are also obligatory just like zakat and its decision depends upon the principles of Islamic system and justice of Islamic commander.<sup>38</sup>

Imam Shatbi has also favored imposing more taxes, at the time of need ruler has right to impose taxes to meet the need, anyhow Imam should be judicious enough to impose that much taxes as are needed.

Shatbi further says, the issue of imposing additional taxes was not in front of the earliest Islamic states because the income of the state was sufficient to meet the expenses of the state. That is the reason the earliest jurisprudence did not discuss this issue. Circumstances of every age are different. Although the time period of Imam Shatbi was much more different from that of primitive yet it's similar to that of modern, as whatever arguments he presented for defense needs, the same can be implemented for the development and prosperity of Islamic states.

Firstly, because of economic development and defense is an important foundation of any state.

Secondly, because if an under developed does not pay attention to its increasing population with its social and economic development then it will become backward very soon, there will be chaos in the country and being underdeveloped it will become slave of the rest of the countries.

Now it is required to impose taxes for the sake of economic prosperity and development more than it used to be in the past. Shatbi has answered to this objection as well that why state does not take debts to fulfill its increasing needs instead of imposing taxes, only this can be said to their reply that to take debt can be valid only if the need is momentary but as far as permanent needs are concerned they need permanent increase of funds. So as the needs of this modern era are permanent so they required a permanent source of income as well.<sup>39</sup>

There was no such example of the taxes in the past which are imposed now days that is why there is no argument about its being forbidden. Its justification can be found in “Masaleh Marsala” which is a source of legislation in the absence of Ijmah. To make roads, dams, hospitals, schools and colleges, universities, and to establish a proper system of police in order to provide protection to the people, to improve the entire machinery of the government, to prepare well trained army for the defense of the country and to equip them with modern arsenal all these tasks come under “Masaleh Marsala” and they belong to welfare of the public and it is legal to impose tax upon the rich people of the society and common expedience is its logic.

An Islamic state can do all those tasks and can order all that which come under “Masaleh Marsala” with this condition that it should not go against Quran, Sunnah and Ijma and when the order of tax is judicial and it's for the welfare of public then its obligatory to pay it because mstahib and mubah becomes wajib with the order of the commander or caliph it comes in terms of obedience” As Allah says in the holy Qura:

﴿ يَا أَيُّهَا الَّذِينَ آمَنُوا أَطِيعُوا اللَّهَ وَأَطِيعُوا الرَّسُولَ وَأُولِي الْأَمْرِ مِنْكُمْ فَإِنْ تَنَازَعْتُمْ فِي شَيْءٍ فَرُدُّوهُ إِلَى اللَّهِ وَالرَّسُولِ إِنْ كُنْتُمْ تُؤْمِنُونَ بِاللَّهِ وَالْيَوْمِ الْآخِرِ ذَلِكَ خَيْرٌ وَأَحْسَنُ تَأْوِيلًا﴾<sup>40</sup>

“ O you who believe! Obey Allah, and obey the Messenger, and those in authority among you. If you dispute over anything, refer it to Allah and the Messenger, if you believe in Allah and the Last Day. That is best, and a most excellent resolution.”

When the people ask for facilities from their government and get benefit from the facilities which are given to them, they have to bear the expenses of those facilities according to the fiqh rules. The possessions collected in the result of tax that belongs to the public themselves which they spend for their own ease in order to facilitate themselves in somehow or the other and this is entirely logical and legal.

#### Islamic Canon of Imposing Tax

##### Canon of Social Benefit

In the Islamic system of taxes social canon means that the social economic differences should be reduced through taxes. Islam does not favor this law that wealth should be polarized just by a few wealthy people of society and a few capitalist plays with the fate of a nation; rather Islam favors the circulation of wealth in the whole society equally. Hence, Islam treats this social and economic discrimination by putting taxes.

Allah says in the Holy Quran:

﴿ مَا أَفَاءَ اللَّهُ عَلَى رَسُولِهِ مِنْ أَهْلِ الْقُرَىٰ فَلِلَّهِ وَاللرَّسُولِ وَلِذِي الْقُرْبَىٰ وَالْيَتَامَىٰ وَالْمَسَاكِينِ وَابْنِ السَّبِيلِ كَيْ لَا يَكُونَ دُولَةً بَيْنَ الْأَغْنِيَاءِ مِنْكُمْ ۚ وَمَا آتَاكُمُ الرَّسُولُ فَخُذُوهُ وَمَا نَهَاكُمْ عَنْهُ فَانْتَهُوا ۚ وَاتَّقُوا اللَّهَ ۚ إِنَّ اللَّهَ شَدِيدُ الْعِقَابِ ۝﴾<sup>41</sup>

“As for gains granted by Allah to His Messenger from the villages' inhabitants, they are for Allah and His Messenger, and the relatives, and the orphans, and the poor, and the homeless; so that it may not circulate between the wealthy among you. Whatever the Messenger gives you, accept it. And whatever he forbids you, abstain from it. And be mindful of Allah. Allah is severe in punishment.”

#### Canon of Equality:

According to this rule the tax is imposed according the ratio of income, those who have higher income they have to pay tax more than those who have lower income, and as far as the income increases the tax increases too.

In receiving Jizya (poll tax), the way of Khulfa e Rashdeen (four rightly guided successors) is role model for us. They used to impose it only upon the wealthy ones among the non-Muslims and not on the poor and destitute, because of this is an act of injustice to impose tax upon those people who have already low income.

#### Canon of Certainty

It means that the one who is imposed tax upon he must know that how, when and how much tax he would have to pay, he should not have to face any kind of complexity regarding tax. Because lack of knowledge about tax system can create many problems for the tax payer, and the tax is not paid in proper amount that is why the government would not get the expected tax. In an Islamic state this principle is imposed upon all the taxes e.g Zakat, Ushur, Jizya and Khraj etc, its time and amount is fixed, similarly Islam has declared about its payment as well, even in the time period of Prophet (PBUH) and Khulfa e Rashideen all the details about tax were quite clear.

The Holy Prophet (PBUH) said:

“The crop which is irrigated by sky (rain) it contains Ushur and the one which is saturated by well it contains Nisf ul Ushur (half amount of Ushur).”<sup>42</sup>

The Holy Prophet (PBUH) said:

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“If the number of sheep and goat is less than forty , nothing (no tax) is obligatory upon them.”<sup>43</sup>

So, the taxes which are imposed, their legal importance, amount, time of payment and process of payment must be clear. The tax payer must know about that how much tax is due and how to pay it.

### Canon of Economy:

Following can be the forms of this canon:

1. As far as possible less amount of money should be derived from the masses.
2. This canon means that the money which the tax payer pays and the money which is put in the government treasury, it should have less difference.
3. The received tax should be thriftily consumed in the pays of employers and other organization works.
4. According to this canon, the expenses in collecting taxes by government should be reduced as much as could be.

Therefore, honest, righteous and active people should be inducted in such departments so that maximum money can be saved and added into government treasury.

The Holy Prophet (PBUH) described the purpose of taxes in the following words:

“Zakat would be received from the rich and distributed among the destitute”<sup>44</sup>

Another purpose of tax system in Islam is that social welfare and social benefits should also be achieved by taxes. In the modern era, most of the taxes of the government are wasted lavishly and in useless tasks just for the luxury and sumptuousness of the rulers and it impacts the society in a negative way.

{ وَالَّذِينَ اسْتَجَابُوا لِرَبِّهِمْ وَأَقَامُوا الصَّلَاةَ وَأَمْرُهُمْ شُورَى بَيْنَهُمْ وَمِمَّا رَزَقْنَاهُمْ يُنْفِقُونَ. }<sup>45</sup>

“And those who respond to their Lord, and pray regularly, and conduct their affairs by mutual consultation, and donate from what We have provided for them.”

### Canon of Kindness and Tenderness:

The tax payer should be given this facility in the canon of facility that either he may tax by the commodities or by cash. It should be cared in the canon of kindness and tenderness that lest nobody consider tax as fine rather it should be collected in such a tender way that the payer considers it his duty and being a patriot pay it cheerfully.

### Canon of Consultation:

This is the quality Islamic system of life that all the social matters are settled after consultation, Allah says in the praise of Muslims:

This is the reason that any social matter is not allowed to be settled without consultation. Hazrat Umer did also consult the companion of the Prophet while imposing Usher. All the rulers, whenever they imposed taxes, consulted the Fuqha (jurists) and scholars. So, it's a compulsory canon that the taxes should be imposed after the consultation of the jurists and economists.

### Conclusion:

So, in the light of the canons and principles given by Islam, a better system of taxes can be established because only that system of tax would work better which is based upon the best principles. It is legally valid to deduce a fixed ratio amount from the wealth of wealthy people to meet the needs of public institutes and the interests of public. It could be allowed when the Baitulmall reserves are not enough to fulfill the needs of the above mentioned institutions. The examples and sayings of the ancient Fuqha and thinkers are not quoted because the Baitulmall was strong in those days instead of the present. In the era of Khulfai-Rashdeen and their predecessor rulers, the sole sources of their income were Jizyah, Khiraj and Faii. These sources are not available now a day. So, the sources of the present Islamic estate are not the same as were in the past.

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