

A MANUAL
ON
***AMĀNAH* (TRUST) IN FISCAL GOVERNANCE**
An Overview From The Qur'ān And Hadīth



Centre for Social Justice (CSJ)
(Mainstreaming Social Justice In Public Life)

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ACRONYMS

CSO	Civil Society Organizations
CSJ	Centre for Social Justice
EFCC	Economic and Financial Crimes Commission
FRA	Fiscal Responsibility Act
MTEF	Medium Term Expenditure Framework
MDAs	Ministry, Department and Agencies of Government
NCPP	National Council on Public Procurement
PBUH	Peace Be Unto Him
PPA	Public Procurement Act

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EXECUTIVE SUMMARY

This Manual explores the possibility of taking advantage of the fact that many Nigerians are practicing Muslims who make concerted efforts to live up to the teachings of Islam to drive home the importance of imbibing the spirit of transparency and accountability in the management of public resources. Corruption, in all ramifications, is a big hurdle that has held back national development. Attempts made so far to stem the tide of corruption have not yielded the desired results. Just like other aspects of public life in which government makes use of religion to sensitise the citizens and mobilise them for specific objectives, the teachings of Islam are explored to empower Muslim leaders and their followers in the struggle against corruption and mismanagement of public resources.

Chapter One, which is the Introduction, discusses the objectives of the Manual, qualities expected of persons to be entrusted with leadership positions, enhancement of democracy and development and the tenets of Islamic value system. The issues are discussed based on the relevant verses of the Qur'ān and authentic sayings of Prophet Muḥammad, peace be unto him. More importantly, the issues are such that there is consensus of opinion among the rank and file of Muslims on them. Therefore, there is no excuse, for any Muslim not to comply with the teachings of Islam which will inevitably lead to reduction or even eradication of corruption.

Chapter Two draws attention to the dangers of sitting on the fence when it comes to waging war against corruption. Issues discussed here include the duty of citizens and the government to ensure that ethical standards of society are upheld; fighting corruption to a standstill and preventing the subversion of the legal system. This will lead to remarkable reduction in the level of unemployment and the rate of crime in society. This Chapter draws attention to the importance of discharging civic duties to the nation including payment of taxes, the power to challenge corrupt practices and citizens' duty to resist fiscal tyranny. Citizens owe it a duty to show keen interest in the making and implementation of fiscal policies and programmes. They should monitor various projects being carried out by government to ensure value for money.

Chapter Three lays emphasis on the importance of planning and timeliness of budgeting and fiscal governance activities. The budget should be prepared in good time to facilitate early passage by the legislature and eventual full implementation in the over-all interest of the nation. It emphasises spending according to the appropriation plan; preparation of the budget with measurable indicators and qualification of bidders in public procurement. Should these precautionary measures be taken, the implementation of the budget will be easy to monitor by evaluating the realisation, success or failure of the indicators.

Chapter Four is about accountability and transparency in fiscal transactions. It explores the concept of accountability, the duty to report to stakeholders by giving account of stewardship, prudence in spending, remitting of operating surplus to the treasury and spending according to appropriation. Other issues discussed in the Chapter include the need to set up the National Council on Public Procurement, the involvement of civil society and professionals at bid opening sessions, open competitive bidding, lowest evaluated responsive bid, separation of powers and the powers of the Auditor-General. Officers in charge of implementing the budget should hold themselves accountable for all financial transactions by making regular reports without altering the documents. This will guide them to avoid fraud in their transactions; it will also inspire them to contribute their quota to the amelioration of the suffering of the ordinary people because projects that will impact positively on people's lives will be successfully executed and maintained. There are occasions when money budgeted for a particular project is not exhausted. It is the duty of the officers in charge to make a report to that effect and pay back the amount in excess into the coffers of government. The law is very clear on this. Along the same line, the National Council on Public Procurement should be put in place to perform its statutory functions of ensuring accountability and transparency in procuring materials for government.

Public accounts should be audited as at when due. Legislators at all levels should not default in carrying out their oversight duties. The foregoing will check the excesses of the officers implementing the budget. Relevant records should be made available to the public so that the implementation of the budget can be monitored closely and meticulously. Civil society and professional organisations should be involved in various activities relating to the formulation and implementation of the budget. In case of bidding for contracts to procure materials or build projects, efforts should be made to ensure that the most qualified bidder, based on the criteria laid down for the purpose, should be given the job and at the most reasonable price.

Chapter Five is on the management of investments, savings and borrowing in public finance management. Resources of Government should be managed with prudence. Sufficient funds should be made available for capital projects which improve living standards. Efforts should be made to avoid wastage by saving excess funds for use in future. Except it becomes unavoidable, debts should not be incurred. Even when it becomes inevitable to borrow, caution should be exercised to avoid indulging in it, to avoid a situation whereby the future of the people will be mortgaged.

Chapter Six ends the Manual with suggestions on urgent and important steps to be taken to abolish corruption in fiscal governance. They include strict compliance with the

law and regulations relating to fiscal discipline and nipping in the bud corrupt practices such as inflation of invoices, circumventing code of conduct for public procurement, connivance by law-enforcement agents to stall proper investigation of corruption cases in fiscal governance, etc. The exposition of the roles expected of Imams and other Muslim leaders to discourage, prevent and condemn corrupt practices in relation to fiscal governance in particular, and generally in social life concludes the Manual.

FOREWORD

As a complete way of life, Islam provides requisite guidance for its adherents in all aspects of life. Many Muslims tend to forget that they owe it a duty to exercise self-restraint and discipline while occupying public posts. This, more often than not, accounts for cases of abuse of office and misappropriation of public funds. A Muslim who understands the strict teachings of Islam on accountability and transparency will never take chances with property not lawfully belonging to him or her.

This Manual is a humble attempt to use the teachings of Islam to drive home the essence of being transparent in handling public funds. To this end, it stresses the need to keep to the financial rules and regulations as stipulated in the 1999 Constitution of the Federal Republic of Nigeria and other related laws and regulations. It also draws attention to the dire consequences of failure to keep to the laws and regulations. Such illegality amounts to crimes punishable under the law. It results in corruption which is an impediment to the stability and progress of Nigeria. It is an ill wind that blows nobody any good. The worst of all is that it is a sin attracting severe punishment from the Almighty Allah.

The Manual has the credit of using relevant references which include the Constitution, the Fiscal Responsibility Act, the Financial Regulations and the Public Procurement Act of 2007. Relying on such authoritative sources enables the author to marshal his points convincingly. More importantly, the manual promises to be a useful tool to create awareness in the public especially among Muslims about the financial regulations in the country and the need to keep strictly to them. Making copious references to the relevant laws will not only help to educate and sensitise the rank and file of Muslims but will also ginger Muslim leaders to properly and efficiently guide followers.

The author has used simple language to convey the message. Relevant passages and anecdotes from the Caliphs have been quoted to support the points made. Any Muslim hoping to live up to the teachings of Islam will be influenced by this Manual to be honest, transparent and responsible in handling public funds. Without any iota of doubt, I recommend this Manual to the general public, both Muslims and non-Muslims. It is another landmark achievement in the success story of Centre for Social Justice (CSJ) in its efforts to ensure social justice and financial discipline in Nigeria.

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Chapter One

INTRODUCTION

1. 1 INTRODUCTION

Islam is a complete religion comprising of not only religious rites and rituals but also mundane affairs. It guides man to achieve success in this world and in the hereafter by maintaining a just balance between both of them. While pursuing the good things of this world, Islam cautions its adherents to avoid all things prohibited. They should take resources and opportunities available to them as *Amānah* (trust) for which they will account on the Day of Judgment. The Glorious Qur'ān says:

Then, shall you be questioned that Day about the joy (ye indulged in!)
(Qur'ān 10: 8)

The word translated as “the joy” in the quotation above is “*An-Na'īm*”. Among other things, it stands for “amenity, comfort, ease,” etc. It also means “the grace or blessing of Allah”, a term which covers everything one is privileged with in this world. As such, it behooves one to fear Allah and avoid the misuse of His blessings.

To build a society that is just, egalitarian and civilised, government is expected to effectively manage and utilise public resources and funds entrusted in its care. In the same vein, it is expected to fight corruption which impedes economic growth and development. It is also expected to promote good governance. Apart from government enacting laws and enforcing them with a view to getting rid of corruption, the teachings of the various religions practiced in Nigeria can be explored to drive home the point that corruption is evil. This is the background to the production of this Manual; to sensitise Muslims on the importance of keeping to the teachings of Islam on accountability especially in handling public funds.

In Nigeria, successive administrations and, indeed, the present one have, in so many ways, attempted to promote accountability and transparency as a means of fighting corruption. However, the war is far from being won. This Manual explores the same trend using the Islamic framework. The Manual is presented in sections which comprise introduction, the Islamic value system and concepts of accountability and transparency. It also examines the consequences of lack of accountability and transparency in the public service. It rounds off with recommendations. Allah says:

O mankind! fear your Lord, Who created you from a single person, and from him He created his mate, and from them both He created many men and women, and fear Allah through Whom you demand your mutual (rights), and revere the wombs. Surely, Allah is always watching over you. (Qur'ān 4:1)



The pictures above are quite nice and beautiful. But two questions need to be asked:

- Why are these places of worship illuminated and all the electrical installations working perfectly always?
- Why does the place of worship where you pray in your locality not have electricity regularly?

The answer to these questions is simple. People charged with the maintenance of the two mosques in Saudi Arabia do their jobs without misappropriating the funds set aside for them. In the case of electricity supplies in Nigeria, there are many challenges, chief among which is corruption. If Nigerians are honest and carry out duties assigned to them with transparency, there is no doubt that all the social amenities will work perfectly, a situation which will improve the quality of life.

1.2 THE OBJECTIVE OF THE MANUAL

This Manual is an attempt to explore the teachings of Islam to complement the efforts being made to combat corruption and lack of transparency in managing public funds and their expenditure. Its objectives include the following:

(i) Sensitisation on the importance of ensuring self-discipline especially by government officials in handling public resources.

(ii) Drawing attention to the potential and real gains and benefits of being prudent in managing and expending public resources.

(iii) Alerting the public on the dangers of mismanaging public resources and failure to keep to the law in expending them.

(iv) Creating awareness on the extant laws and financial regulations to ensure prudence and a high sense of responsibility in handling public resources.

(v) Anchoring the various laws and regulations relating to public financial discipline on the teachings of Islam based on the Qur'ān, *Sunnah* and the models of the Caliphs with a view to showing that failure to keep the laws and regulations is not only illegal and criminal but also sinful attracting severe punishments from Allah.

(vi) Calling the attention of Imams and other Muslim leaders to the need to educate the public especially Muslims to avoid corruption in all forms and to ensure transparency and accountability in handling public resources.

1.3 QUALITIES EXPECTED OF PEOPLE TO BE ENTRUSTED WITH LEADERSHIP

Leadership is a sensitive position in Islam. It is a responsibility and for service. In the tradition, Prophet Muhammad (SAW) says:

سَيِّد الْقَوْمِ خَادِمُهُمْ

Leader of the people (community) is their servant.

Leadership cuts across every sector and level in the society - Community, Local Government Area, State and Federal Government; the leadership position should be used to protect the security, welfare and interests of those under one's care. It should not be used to promote selfish individual interest. The position is for service to Allah by obeying Him and to humanity, by carrying out projects that will generally improve the quality of life.

Among the basic qualities expected of people to be entrusted with leadership positions are physical fitness and transparency. This can be inferred from the verse of the Qur'ān which says:

And said one of them (the two women): "O my father! Hire him! Verily, the best of men for you to hire is the strong, the trustworthy." (Qur'ān 28:26)

The quotation above is with reference to the incident that took place between the two daughters of Prophet Shucaib and Prophet Mūsā, (A.S.). Physical fitness is necessary because the requirements of office are so exacting and onerous that they will be difficult to carry out, if not impossible, for a person not enjoying good health, mental alertness and strength. Equally important is the ability to be honest, transparent and trustworthy to faithfully discharge duties assigned and keep property entrusted to the leader.

Similarly, in another verse of the Glorious Qur'ān, Allah mentions another two criteria thus:

And their Prophet said to them, "Indeed Allah has appointed Talut (Saul) as a king over you." They said, "How can he be a king over us when we are fitter than him for the kingdom, and he has not been given enough wealth." He said: "Verily, Allah has chosen him above you and has increased him abundantly in knowledge and stature. And Allah grants His kingdom to whom He wills. And Allah is All-Sufficient for His creatures' needs, All-Knower. (Qur'ān 2: 247)

When the Israelites asked their prophet to appoint a king over them, he appointed Ṭālūt (Saul), who was then a soldier. But, Talut was not a descendant of the house of kings among them, which was exclusively in the offspring of Yahudha (Judah). They said that Ṭālūt was also poor and did not have the wealth that could justify his appointment as a king. It is said that Ṭālūt used to bring water to the people, or that his profession was dyeing animal skins. The Jews, thus, disputed with their Prophet whereas they were supposed to obey him and follow his instructions. Their Prophet told them:

...Verily, Allah has chosen him above you and has increased him abundantly in knowledge and stature...

It can be deduced from the quotation that Ṭālūt towered over other contestants for the post of leadership because of his knowledge and physical fitness. The person to be charged with the post of leadership must have sound knowledge to enable him understand the issues involved in the vision for the welfare of the people, the best strategy and what it takes to realise it. In terms of physical capabilities, Ṭālūt was strong, courageous, persevering, patient and committed. He was always focused on making a success of all his undertakings. He would not be deterred by any obstacle to achieve his ambition in the over-all interest of his people. All these qualities are expected of any person to be put in charge of public affairs.

In the light of the points mentioned above, Muslims should bear the teachings of Allah in mind while making efforts to occupy a post of leadership at any level. They should critically examine themselves to find out whether they qualify or not for the post. The same thing applies when they are to nominate any other person for a post. If the person does not qualify physically, mentally and even morally, he or she should not be allowed to go for it. Allah will demand for explanations on such actions on the Day of Judgment.

Allah chose Ṭālūt from amongst you while having better knowledge about him.' Their Prophet stated, "I did not choose Talut to be your king on my own. Rather, Allah has commanded that upon your request". Further: "...and has increased him abundantly in knowledge and stature." Meaning, `Talut is more knowledgeable and honorable than you, and stronger and more patient during combat, and has more knowledge of warfare. In short, he has more knowledge and is stronger than you are. The king should have sufficient knowledge, be fair looking and should have a strong soul and body.'

Here, the 2 criteria buttressed are:

- Education (knowledge of the area or discipline)
- Strength (the competency and capability)

People's mind usually tilts towards materialism. Accepting the suitable leader for the development of society should not be based on materialism. They requested Allah to provide them with a leader: Talut was chosen by Allah.

1.4 ENHANCING DEMOCRACY AND DEVELOPMENT

Democracy and development are two sides of the same coin. Democracy provides the conducive environment for development to proceed unhindered while development facilitates and reinforces the wheel of democracy. A free-for-all fiscal governance regime will encumber democracy and, as such, stultify a people's economic, social and political development because leaders who hijack the state apparatus will only respond to selfish interests rather than the collective interests of society. Clearly, resources that would have gone into education, health, housing, infrastructure and general economic development would be diverted to corrupt purposes and or invested in white elephant projects that have no relationship with the people's welfare.

Society must ensure the development of its citizens. This can be done successfully through enhancing effective governance. Governance should be regarded as the major key to development. Prophet Muhammad (SAW) was reported to have said:

سَيِّدُ الْقَوْمِ خَادِمُهُمْ

Leader of people (community) is their servant.

The above is an indicator that a leader is chosen to serve those that are under him. But in reality, the practice in Nigeria is contrary to this. The situation is such that the people are servants to the leaders. Leadership positions are generally taken to be opportunities for self enrichment and for the mismanagement of public funds. This notion should be changed. This is necessary to make the nation a better place for its citizens to live in. It is the only way to bring about positive change in various aspects of life. Allah states in the Glorious Qur'an:

If you do good, you do good for your own selves, and if you do evil (you do it) against yourselves. (Qur'an 17:7)

Allah calls the attention of society to the positive benefit of doing good which is for the benefit of the individual and the society at large. But when evil triumphs in society, the society as a whole and the individuals in it will suffer the repercussions of evil.

Therefore, Allah made another call that:

Verily, Allah orders justice and kindness, and giving (help) to the

relatives, and He forbids immoral sins, and evil and tyranny. He admonishes you, so that perhaps you may take heed. (Qur'ān 16:90)

Allah's order for the establishment of justice, kindness and prohibition of evil in society is made objectively to cleanse and sanitise the society for the benefit of all. When there is justice in governance, there is a guarantee of progress in any given society. Also in another verse, Allah warns mankind against aggression and mischief saying:

"Invoke your Lord in humility and privately. He likes not the aggressors. And do not do mischief on the earth, after it has been set in order, and invoke Him with fear and hope. Surely, Allah's mercy is (ever) near unto the good-doers." (Qur'ān 7:55 & 56)

In addition, one of the Prophets – Shu'ayb called his people to come towards goodness that can bring development and desist from evil that can bring backwardness to their community:

And to (the people of) Madyan, (We sent) their brother Shu'ayb. He said: "O my people! Worship Allah! You have no other God but Him. Verily, a clear proof (sign) from your Lord has come unto you; so give full measure and full weight and wrong not men in their things, and do not do mischief on the earth after it has been set in order, that will be better for you, if you are believers. (Q7:85)

Khalīfah Umar bn Khaṭṭāb (RA) made a presidential tour to Hams – one of the Muslim States which was under the governorship of Sa'id bn Amir (RA). As he reached there, he gathered the members of society along with their governor and asked them about their relationship with the governor; they showed their satisfaction with his administration but forwarded some complaints saying:

لايخرج إيناحتي يتعالى النهار ولايُجيب أحداً بليلٍ وله في الشهر يومان لا يخرج فيهما إينا

"He used to come out late to the office in the morning, he does not attend to anybody in the night, and there are 2 days in a month that he does not come out to us ..."

Khalīfah called him to defend himself. He made an excellent response that impressed everyone as follows: I had never wanted anybody to know about these things, but since it is being forwarded before 'Amīrul-Mu'minīn' I must have to respond to them:

- a- Pertaining to arriving late to the office, you are all fully aware that I have no house maid, therefore, I used to cook for the family and observe prayer (*Ḍuḥā*) before coming out.
- b- My stand on not attending to any person in the night, I have dedicated the whole day for them but the night for my Lord (Allah).
- c- The two days in a month that I am not coming out, is not that I am not coming out in totality, rather, I used to come out very late. You all know that I have no other cloth beside these; I used to wash them twice a month and borrow the wrapper of my wife to wear before they dry; and after that I wear them and come out to you.

After making these statements, people started shedding tears alongside with the President. The President embraced him saying:

“Glory be to Allah who has not dashed my hope (in you).”

1.5 ISLAMIC VALUE SYSTEM

Islamic value system is established on three basic principles: Tauhid, Khilafah and Adl.

***Tawḥīd* or Unity of Allah, the Almighty:** *Tawḥīd* does not only mean the oneness of Allah Who is the Supreme Being but also the uniqueness of all His qualities. No creature can be comparable to any of His infinite sublime qualities for it is He Who created all. This difference clearly distinguishes between the only Omnipotent God and all His creatures. The principle of Unity, for example, which defines man’s attitude and manner is expected to discourage him from inflicting any harm on any other man or, for that matter, any other creature of Allah. He is to uphold truth and reject falsehood.

***Khilāfah* (Vicegerency):** Man is expected to perform his duties in accordance with his status as the vicegerent of Allah. Man has principally been assigned to safeguard this world which belongs to Allah (Qurān 2: 30). On the day of reckoning, every human being will be held accountable for his or her conduct in this world (Haniffa: 2002) which will determine his/her final abode either in Paradise or Hell-Fire. *Khilāfah* has four implications which are universal brotherhood of mankind, trusteeship for Allah’s resources, humble lifestyles and freedom of man in Islam.

***Al-Adl* or Justice:** The principle of Justice demands that man should not inflict any form of injustice even to his most bitter enemy. These three basic principles of the Divine Unity, Vicegerency of man and Justice form the world view of Islam which is manifested in all spheres of life. A Muslim is required to strictly adhere to the Islamic codes of conduct in all his activities including rituals or mundane affairs. The Islamic values which emanate from this world view have to be compatible with man's needs in this world as a

preparation for his life in the hereafter. Such a system of values cannot depend on the norms and practices of societies which tend to be dictated by situations and keep changing over time depending on societal standards and acceptance. The transcendence of Islamic values is what makes it to be in tandem with the basic principles of human existence and ultimate aim in life. A Muslim cannot but believe in all the articles of faith which guide him in his life. He is always reminded of the existence of the Omnipotent Being from Whom he receives everything and to Whom he gives nothing except that he has to continually behave in the most responsible manner. Deviant behaviour is not acceptable and needs an immediate remedy and correction. The Islamic value system is therefore central in the context of good governance, accountability and transparency.

Chapter Two

THE NEED FOR GOOD FISCAL GOVERNANCE: CITIZENSHIP AND PARTICIPATION

2.1 AFFIRMING SOCIETAL ETHICS AND STANDARDS

Poor fiscal governance engenders corruption which allows some people to amass wealth at the expense of other citizens. In Nigeria, there are many individuals who have been honoured and eulogised by the state but who have no visible means of livelihood other than being at the corridors of power. These individuals have contributed in no small measure to the economic and political adversity of the country. The result is that the youth who are easily influenced are indirectly being asked to follow the lead of such dubious characters. Social ethics, standards and morals therefore suffer from a poor fiscal governance regime.

Allah calls the attention of citizens and any society that is enmeshed in such culture to desist from it because it can only create chaotic consequences for the society. The Qur'an has given the story of a rich man which the society honoured but he disregarded the message of Allah sent to him through His messenger, Prophet Mūsā, (Moses) (AS):

“Verily, Qārūn was of Mūsā's people, but he behaved arrogantly towards them. And We gave him of the treasures, that of which the keys would have been a burden to a body of strong men. Remember when his people said to him: "Do not exult. Verily, Allah likes not those who exult. But seek, with that which Allah has bestowed on you, the home of the Hereafter, and forget not your portion of lawful enjoyment in this world; and be generous as Allah has been generous to you, and seek not mischief in the land. Verily, Allah likes not the mischief-makers.” (Qur’ān 28:76-77)

But Qārūn responded arrogantly to the reminder of Prophet Mūsā (AS) and his good people. He said:

He said: "This has been given to me only because of the knowledge I possess." Did he not know that Allah had destroyed before him generations, men who were stronger than him in might and greater in the amount they had collected? But the criminals will not be questioned of their sins? (Qur’ān 28: 78)

All these calls were not enough for Qārūn but he rather came out tyrannizing his people. Allah stated that:

So, he went forth before his people in his finery. Those who were desirous of the life of the world, said: "Ah, would that we had the like of what Qārūn has been given! Verily, he is the owner of a great fortune. But those who had been given knowledge said: "Woe to you! The reward of Allah is better for those who believe and do righteous deeds, and this none shall attain except the patient." (Qur'ān 28:79-80)

The end of Qārūn was not favorable. He and his followers ended in a big loss. Allah destroyed him and his entire wealth:

"So, We caused the earth to swallow him and his dwelling place. Then he had no group to help him against Allah, nor was he one of those who could save themselves. And those who desired his position the day before, began to say: "Know you not that it is Allah Who expands the provision or restricts it to whomsoever He pleases of His servants. Had it not been that Allah was Gracious to us, He could have caused the earth to swallow us up! Know you not that the disbelievers will never be successful." (Qurān 28: 81&82)

2.2 TO FIGHT CORRUPTION TO A STANDSTILL

Nigeria, like many other countries has enacted a number of laws on different aspects of corruption. At the regional and international levels, treaties have been signed to deal with the challenge of corruption. From the Independent Corrupt Practices and other Related Offences Commission, Economic and Financial Crimes Commission, the Code of Conduct Bureau, etc, the war on corruption has become the mantra of every government. For the war to be holistic, fiscal corruption and abuse of state resources must be minimised and brought under control. Political corruption is the foundation of poverty, crime and disease, etc.

Society should never tolerate corruption. Self-discipline, accountability and transparency should guide persons handling public resources. Allah ordered Prophet Muhammad (SAW) to judge justly in order to do away with such behavior:

They (like to) listen to falsehood, to devour (what is) unlawful. So if they come to you, either judge between them, or turn away from them. If you turn away from them, they cannot hurt you in the least. And if you judge, judge with justice between them. Verily, Allah loves those who act justly." (Qur'ān 5:42)

Allah also added in another verse:

Evil has appeared in the land and the sea because of what the hands

of men have earned, that He may make them taste a part of that which they have done, in order that they may return. Say: "Travel in the land and see what was the end of those before (you)! Most of them were idolators." (Qur'ān 30:41&42)

The Prophet (SAW) is reported to have said:

مَا مِنْ ذَنْبٍ أَجْدَرُ أَنْ يُعَجَّلَ اللَّهُ عُقُوبَتَهُ فِي
الدُّنْيَا مَعَ مَا يَدَّخِرُ لِصَاحِبِهِ فِي الْآخِرَةِ مِنْ
الْبَغْيِ وَقَطِيعَةِ الرَّحِمِ

There is no sin more deserving of having its punishment hastened in this world, as well as what is reserved in the Hereafter for the one who does it, than tyrannical aggression and cutting the ties of kinship.

And when We decide to destroy a town (population), We command those who live luxuriously. Then, they transgress therein, and thus the word (of torment) is justified against it (them). Then We destroy it with complete destruction." (Qur'ān 17:16)

"And eat up not one another's property unjustly (in any illegal way, e.g., stealing, robbing, deceiving), nor give bribery to the rulers (judges before presenting your cases) that you may knowingly eat up a part of the property of others sinfully." (Qur'ān 2:188)

Allah's Messenger says:

أَلَا إِنَّمَا أَنَا بَشَرٌ، وَإِنَّمَا يَأْتِينِي الْخَصْمُ،
فَلَعَلَّ بَعْضَكُمْ أَنْ يَكُونَ أَلْحَنَ بِحُجَّتِهِ مِنْ
بَعْضٍ فَأَقْضِي لَهُ، فَمَنْ قَضَيْتُ لَهُ بِحَقِّ
مُسْلِمٍ فَإِنَّمَا هِيَ قِطْعَةٌ مِنْ نَارٍ، فَلْيَحْمِلْهَا أَوْ
لِيَذَرْهَا

I am only human! You people present your cases to me, and as some of you may be more eloquent and persuasive in presenting his argument, I might issue a judgment in his benefit. So, if I give a Muslim's right to another, I am really giving him a piece of fire; so he should not take it.

The *Āyah* and the *Ḥadīth* prove that the judgement of the authorities in any case does not change the reality of the truth. Hence, the ruling does not allow what is in fact prohibited or prohibit what is in fact allowed. It is only applicable in that case. So if the ruling agrees with the truth, then there is no harm in this case. Otherwise, the judge will have his reward, while the cheat will carry the evil burden.

Ā'ishah said that one of the Companions of the Messenger of Allah sat down before him and said, "O Messenger of Allah, I have two slaves who lie to me, betray me and disobey me, and I hit them and insult them. How do I stand with regard to them?" The Messenger of Allah said:

يُحْسَبُ مَا خَانُوكَ وَعَصَوْتَ وَكَذَّبُوكَ وَعِقَابُكَ إِيَّاهُمْ،
فَإِنْ كَانَ عِقَابُكَ إِيَّاهُمْ بِقَدْرِ ذُنُوبِهِمْ، كَانَ كَفَافًا لَكَ
وَلَا عَلَيْكَ، وَإِنْ كَانَ عِقَابُكَ إِيَّاهُمْ دُونَ ذُنُوبِهِمْ، كَانَ
فَضْلًا لَكَ، وَإِنْ كَانَ عِقَابُكَ إِيَّاهُمْ فَوْقَ ذُنُوبِهِمْ،
اِقْتَصَّ لَهُمْ مِنْكَ الْفَضْلُ الَّذِي بَقِيَ قَبْلَكَ

'The extent to which they betrayed you, disobeyed you and lied to you will be measured against the punishment you meted out to them. If your punishment is commensurate with their misconduct, then you will be equal and you will not have anything counted for you or against you. If your punishment of them is less than that what they deserved for their misconduct, then this will count in your favor. If your punishment of them is more than what they deserved for their misconduct, then Allah will take what is due to them from you.

Then the man started to weep before the Messenger of Allah, and the Messenger of Allah asked:

مَا لَهُ لَا يَقْرَأُ كِتَابَ اللَّهِ

“What is the matter with him? Has he not read the word of Allah”:

And We shall set up Balances of Justice on the Day of Resurrection, then none will be dealt with unjustly in anything. And if there be the weight of a mustard seed, We will bring it. And sufficient are We to take account.’ (Qur’ān 21:47)

The man said, *“O Messenger of Allah, I think there is nothing better than keeping away from these people (meaning his slaves) I call upon you to bear witness that they are all free”.*

For orphans and other weak ones in the society, Allah has prohibited any form of oppression against them. Allah states:

And come not near to the orphan's property except to improve it, until he attains the age of full strength. And fulfill (every) covenant. Verily, the covenant will be questioned about. And give full measure when you measure, and weigh with a balance that is straight. That is good (advantageous) and better in the end.” (Qur’ān 17:34&35)

2.3 TO PREVENT THE SUBVERSION OF THE LEGAL SYSTEM

Prohibited activities like bribery and corruption, spending money without appropriation or spending a sum appropriated for a purpose for another purpose would be done more brazenly if there were no fiscal regulations. Setting standards of acceptable norms on fiscal governance emphasises the need to respect the law. This will lead to an understanding of the law as a process that leads to definite results projected from the beginning. Undermining fiscal governance procedures creates a subversion of the rule of law.

Caliph Umar Bn Abdul-Azīz made the judiciary independent of the executive arm of the government to allow for fair treatment of all without the interference of the executive. He removed all the shadows of royal influence, which might generally interfere on the administration of justice. He also enforced the Islamic principles of equity and fair-play. He compensated and remedied all injustices which had been committed to the non-Muslims, restored their unlawfully seized houses of worship, released their lands and granted them their rights and privileges under the *Sharīah* legal system.

It happened at a certain time that Prophet Muḥammad was about giving a verdict on a person that committed a crime, close relations of Prophet Muḥammad (SAW) tried to

intercede on behalf of the criminal due to his position. This made Prophet Muhammad (SAW) frown at him and made the following statement:

أَمَّا بَعْدُ فَإِنَّمَا أَهْلَكَ الَّذِينَ مِنْ قَبْلِكُمْ أَنَّهُمْ كَانُوا إِذَا
سَرَقَ فِيهِمُ الشَّرِيفُ تَرَكَوهُ، وَإِذَا سَرَقَ فِيهِمُ
الضَّعِيفُ أَقَامُوا عَلَيْهِ الْحَدَّ، وَإِنِّي وَالَّذِي نَفْسِي بِيَدِهِ
لَوْ أَنَّ فَاطِمَةَ بِنْتَ مُحَمَّدٍ سَرَقَتْ لَقَطَعْتُ يَدَهَا

“Those who were before you were destroyed because when an honorable person among them stole, they would leave him. But, when a weak man among them stole, they implemented the prescribed punishment against him. By Him in Whose Hand is my soul! If Fatimah the daughter of Muhammad stole, I will have her hand cut off’.

The Prophet commanded that the hand of the woman who stole be cut off, and it was cut off. `A'ishah said, *‘Her repentance was sincere afterwards, and she got married and she used to come to me so that I convey her needs to the Messenger of Allah.’* This is the wording that Muslim collected, and in another narration by Muslim, `A'ishah said, *“She was a woman from Makhzum who used to borrow things and deny that she took them. So the Prophet ordered that her hand be cut off.”* Allah says:

“And We ordained therein for them "Life for life, eye for eye, nose for nose, ear for ear, tooth for tooth, and wounds equal for equal. But if anyone remits the retaliation by way of charity, it shall be for him an expiation. And whosoever does not judge by that which Allah has revealed, such are the unjust.” (Qur’ān 5: 45)

This *Āyah* also chastises and criticises the Jews because in the *Tawrāt*, they have the law of a life for a life. Yet, they defied this ruling by transgression and rebellion. They used to apply this ruling when a person from Banū An-Nadīr was killed by a Qurayzah person, but this was not the case when the opposite occurred. Rather, they would resort to *Diyah* in this case. They also defied the ruling in the *Tawrāt* to stone the adulterer and instead came up with their own form of punishment, flogging, humiliation and parading them in public. This is why Allah says:

فَاسْتَقِمْ كَمَا أُمِرْتَ وَمَنْ تَابَ مَعَكَ وَلَا تَطْغَوْا
إِنَّهُ بِمَا تَعْمَلُونَ بَصِيرٌ - وَلَا تَرْكَبُوا إِلَى الَّذِينَ
ظَلَمُوا فَتَمَسَّكُمُ النَّارُ وَمَا لَكُمْ مِنْ دُونِ اللَّهِ مِنْ
أَوْلِيَاءَ ثُمَّ لَا تُنصَرُونَ

So stand (ask Allah to make) you firm and straight as you are commanded and those who turn in repentance with you, and transgress not. Verily, He is All-Seer of what you do. And incline not toward those who do wrong, lest the Fire should touch you, and you have no protectors other than Allah, nor would you then be helped. (Qur'ān 11:112&113)

Allah, the Exalted, commands His Messenger and His believing servants to be firm and to always be upright. This is of the greatest aid for gaining victory over the enemy and confronting the opposition. Allah also forbids transgression, which is to exceed the bounds (of what is allowed). Verily, transgression causes destruction to those perpetrating it, even if the transgression was directed against an enemy. Then, Allah informs that He sees all the actions of His servants. He is not unaware of anything and nothing is hidden from Him.

A Prophet told his people thus:

“O my people! Tell me if I have a clear evidence from my Lord and He has given me a good sustenance from Himself (shall I corrupt it by mixing it with the unlawfully earned money). I wish not, in contradiction to you, to do that which I forbid you. I only desire reform to the best of my power. And my guidance cannot come except from Allah, in Him I put my trust and unto Him I repent”. (Qur'ān 11:88)

Leaders were made to serve as examples in following the laws. They should not be breaking the laws while they are in a position to safeguard the law. Allah says in the Glorious Qur'ān:

Enjoin you Al-Birr (piety and righteousness and every act of obedience to Allah) on the people and you forget (to practise it) yourselves, while you recite the Scripture (Tawrah))! Have you then no sense (Qur'ān 2:44)

Allah said:

How is it, O People of the Book, that you command people to perform righteous acts, yet forget yourselves and do not heed what you call others to do and you read Allah's Book and know what it promises to those who do not fulfill Allah's commandments.

Somewhere else, Allah says:

“O Dawud! Verily, We have placed you as a successor on the earth; so judge you between men in truth (and justice) and follow not your desire -- for it will mislead you from the path of Allah. Verily, those who wander astray from the path of Allah (shall) have a severe torment, because they forgot the Day of Reckoning.” (Qur’ān 38:26)

Luqmanul-Hakeem while admonishing his son stated thus:

“O my son! If it be (anything) equal to the weight of a grain of mustard seed, and though it be in a rock, or in the heavens or on the earth, Allah will bring it forth. Verily, Allah is Subtle, Well-Aware” (Qur’ān 31:16)

The expression “Allah will bring it forth” means, “He will bring it forth on the Day of Resurrection, when it is placed on the scale of justice and everyone is rewarded or punished for his actions -- if they are good, he will be rewarded and if they are bad, he will be punished.

2.4 TO REDUCE UNEMPLOYMENT

The unemployment rate in Nigeria is at an all time high. Though the official figures suggest about 25% unemployment rate, it is a known fact that over 50% of the able bodied and qualified young Nigerians cannot find any meaningful employment. Mismanagement of the budget, taxation and other revenue sources has contributed in no small measure to this state of affairs. An idle mind is the devil’s workshop and leaving this critical aspect of the population with no jobs is a recipe for societal retardation.

Khalifah Umar Bn Abdul-Azīz went through the state's affairs and looked into various areas where *Sharīah* rules were being manipulated or abused. Some of the matters that he changed include:

- Instead of relying on taxes, he requested all the governors to encourage the citizens to practice agriculture.
- He dictated that if anybody had a piece of land which he/she did not cultivate for three years, the land was to be taken and given to somebody else who would

cultivate it.

- State officials were excluded from engaging in any business.
- Unpaid labour was made illegal.
- Pasture lands and game reserves (which had been previously reserved for families of high ranks) were evenly distributed among the poor for the purpose of cultivation.
- He urged all officials to listen to the complaints of their citizens. In addition, he used to announce that if any subject had seen an officer mistreating the people, the officer should be reported to the leader and that subject would be given a reward ranging from 100 - 300 dirhams.
- He wrote to his prison guards not to handcuff any jailed person for it prevented him from performing Prayer. He also wrote to them: "If your power over people were to lead you to treat the prisoners unjustly, then remember the Power of Allah over you."

However, by applying the appropriate *Shariah* rules related to the economy which encouraged trade and agriculture, the Islamic state began to flourish. He also enforced the collection of *Zakāt* and its correct distribution according to the *Shari'ah* so that the true justice of Islam was felt by the entire *Ummah*. It was recorded that due to the measures undertaken by Umar, the annual revenue from Persia alone increased from 28 million dirhams to 124 million dirhams.

Prophet Muḥammad (SAW) encourages one to make sure he is self reliant and even cited an example with Prophet Dāwūd (David) (AS):

فَإِنَّ نَبِيَّ اللَّهِ دَاوُدَ كَانَ يَأْكُلُ مِنْ عَمَلِ يَدِهِ

“Certainly, Prophet Dāwūd (AS) used to eat from his handiwork.”

Allah stated in the Glorious Qur’ān the work of Prophet Dawud (AS):

And we taught Him the making of metal coats of mail (for battles), to protect you in your fighting. Are you then grateful? (Qur’ān 21:80)

This is like in another verse:

And indeed We bestowed grace on David from us (saying): "O You mountains, glorify (Allah) with him! and You birds (also)! And we made the iron soft for him, saying: "Make you perfect coats of mail, balancing well the rings of chain armour, and work you (men) righteousness. Truly, I am All-Seer of what you do." (Qur’ān 34: 10-11)

2.5 TO REDUCE THE CRIME RATE

Crimes in Nigeria take various dimensions. From the extreme cases of terrorism, killings, bombings, kidnappings, armed robbery, pen robbery, organised fraud in high places to petty stealing; Nigeria has witnessed an upsurge in criminality. Indeed, Nigeria could possibly have one of the highest number of criminals who have not been convicted and sent to jail. A functional and effective fiscal system will facilitate the reduction of crime and create ground rules for the proper management of state resources. The state of the management or mismanagement of the fiscal regime is directly linked to poverty, unemployment and crime rates.

One of the major ways of curbing this menace is through effective monitoring and instilling into the minds of the citizens the fear of our Lord the Creator. An episode occurred during the governance of Umar Bn al-Khaṭṭāb as the then President of the Muslim World. Due to his effective supervision, he was walking in the streets of Al-Madīnah with the grandfather of Zaid bin Aslam as he used to do, so as to see to the affairs of the Muslims. However, Allah planned that on this occasion, an event would occur that would have consequences that could not be foreseen at that time.

Whilst Umar was leaning on a wall, he overheard a conversation between a mother and her daughter. The daughter had collected milk for that day to be sold but the milk was less than expected so her mother told her to mix water with the milk to increase it. The daughter objected and told her how the *Khalifah* had forbidden mixing of milk with water to be sold in the markets. The mother responded by telling her that Umar was not present and that nobody would know, but her daughter objected and reminded her that, although Umar was not present, Allah was watching. She said: "I cannot obey Allah in public and disobey Him in private."

Say: 'Come, I will recite what your Lord has prohibited you from: Join not anything in worship with Him; be kind and dutiful to your parents; kill not your children because of poverty -- We provide sustenance for you and for them. Come not near to Al-Fawahish (immoral sins) whether committed openly or secretly; and kill not anyone whom Allah has forbidden, except for a just cause. This He has commanded you that you may understand. And come not near to the orphan's property, except to improve it, until he (or she) attains the age of full strength; and give full measure and full weight with justice.' -- We burden not any person, but that which he can bear -- "And whenever you speak, say the truth even if a near relative is concerned, and fulfill the covenant of Allah. This He commands you, that you may remember.(Q6:151&152

And We ordained therein for them ‘Life for life, eye for eye, nose for nose, ear for ear, tooth for tooth, and wounds equal for equal.’ But if anyone remits the retaliation by way of charity, it shall be for him an expiation. And whosoever does not judge by that which Allah has revealed, such are the unjust. (Qur’ān 5:45)

Thus, *Āyah* also chastises and criticizes the Jews because in the *Tawrāt*, they have the law of a life for a life. Yet, they defied this ruling by transgression and rebellion. They used to apply this ruling when a person from Bani An-Nadir was killed by a Qurayzah person, but this was not the case when the opposite occurred. Rather, they would resort to *Diyah*. They also defied the ruling in the *Tawrāt* to stone the adulterer and instead came up with their own form of punishment such as flogging, humiliation and parading culprits in public. This is why Allah said in the previous *Ayah*.

And eat up not one another's property unjustly (in any illegal way, e.g., stealing, robbing, deceiving), nor give bribery to the rulers (judges before presenting your cases) that you may knowingly eat up a part of the property of others sinfully. (Qur’ān 2:188)

2.6 CITIZENSHIP DUTIES

The *Sharīah* regards every citizen as a stakeholder in the affairs of a state. He has his own responsibility. He should make sure that all his responsibilities are discharged accordingly because he will account for it before Allah, the Almighty. The Qur’an states thus:

And say ‘Do deeds! Allah will see your deeds, and (so will) His Messenger and the believers. And you will be brought back to the All-Knower of the unseen and the seen. Then He will inform you of what you used to do. (Qur’ān 9:105)

2.7 DUTY OF INDIVIDUAL CITIZEN TO PAY TAX

Section 24 (f) of the 1999 Constitution stipulates: “*It shall be the duty of every citizen to declare his income honestly to appropriate and lawful agencies and pay his tax promptly*”.

In this respect, the Qur’ān says emphasising the importance of truthfulness especially in declaring one’s earnings:

O you who believe, have Taqwā of Allah, and be with those who are true (in words and deeds). (Qur’ān 9: 119)

Among the believers are men who have been true to their covenant

with Allah; of them some have fulfilled their Nahbah; and some of them are still waiting, but they have never changed in the least. That Allah may reward the men of truth for their truth, and punish the hypocrites, if He wills, or accept their repentance by turning to them. Verily, Allah is Oft-Forgiving, Most Merciful.” (Qur’ān 33: 23)

And We indeed tested those who were before them so that Allah will know those who are true, and will know those who are liars.(Qur’ān 29:3)

2.8 DUTY OF THE INDIVIDUAL TO COMBAT CORRUPTION

Section 24 (e) of the 1999 Constitution says: *“It shall be the duty of every citizen to render assistance to appropriate and lawful agencies in the maintenance of law and order”*. Maintenance of law and order includes the fight against corruption and its reduction to a minimum level. The Qur’ān warns against the dire consequences of corruption and misappropriation of the property belonging to others saying:

And let those (executors and guardians) have the same fear in their minds as they would have for their own, if they had left weak offspring behind. So, let them have Taqwa of Allah and speak truthfully. Verily, those who unjustly eat up the property of orphans, they eat up only a fire into their bellies, and they will be burnt in the blazing Fire! (Qur’ān 4:9&10)

O you who believe, eat not up your property among yourselves unjustly except it be a trade amongst you, by mutual consent. And do not kill yourselves (nor kill one another). Surely, Allah is Most Merciful to you. And whoever commits that through aggression and injustice, We shall cast him into the Fire, and that is easy for Allah. If you avoid the great sins which you are forbidden to do, We shall remit from you your (small) sins, and admit you to a Noble Entrance (i.e. Paradise).” (Qur’ān 4:29-31)

Verily, the Muslims: men and women, the believers: men and women, the obedient: men and the women, the men and women who are truthful, the men and the women who are patient, the humble: the men and the women who give charity, the men and the women who fast, the men and the women who guard their chastity and the men and the women who remember Allah much with their hearts and tongues, Allah has prepared for them forgiveness and a great reward.” (Qur’ān 33:35)

O you who believe! Have *Taqwā* of Allah and speak (always) the truth. He will direct you to do righteous good deeds and will forgive you your sins. And whosoever obeys Allah

and His Messenger, he has indeed achieved a great victory. (Qur'ān 33:70&71)

And test orphans until they reach the age of marriage; if then you find sound judgment in them, release their property to them, but consume it not wastefully and hastily, fearing that they should grow up. And whoever among guardians is rich, he should take no wages, but if he is poor, let him have for himself what is just and reasonable (according to his work). And when you release their property to them, take a witness in their presence; and Allah is All-Sufficient in taking account.' (Qur'ān 4:6)

2.9 POWER TO CHALLENGE CORRUPTION

Section 51 of the Fiscal Responsibility Act (FRA) states:

A person shall have legal capacity to enforce the provisions of this Act by obtaining prerogative orders or other remedies at the Federal High Court, without having to show any special or particular interest.

This is an important power to check abuse of public resources and to hold government accountable to the people.

O you who believe! Why do you say that which you do not do?" (Qur'ān 61:2)

This is a warning to those who neglect to fulfill their promises. This *Āyah* supports the view held by several scholars of the past that it is necessary to fulfill promises, regardless of whether the promise includes some type of wealth for the person receiving the promise or otherwise. They based their opinion on the *Sunnah*, in view of the Hadīth recorded in the Two Sahihs in which Allah's Messenger is reported to have said,

آيَةُ الْمُنَافِقِ ثَلَاثٌ: إِذَا وَعَدَ أَخْلَفَ، وَإِذَا حَدَّثَ
كَذَبَ، وَإِذَا أُؤْتِمِنَ خَانَ

There are three signs for a hypocrite: when he promises, he breaks his promise; when he speaks, he lies; and when he is entrusted, he betrays.'

And in another Hadith:

أَرْبَعٌ مَنْ كُنَّ فِيهِ كَانَ مُنَافِقًا خَالِصًا، وَمَنْ كَانَتْ
فِيهِ وَاحِدَةٌ مِنْهُنَّ كَانَتْ فِيهِ خِصْلَةٌ مِنْ نِفَاقٍ حَتَّى
يَدَعَهَا

There are four characteristics which if one has all of them, he is the pure hypocrite, and if anyone has any of them, he has a characteristic of hypocrisy, until he abandons it.

So Prophet Muḥammad (SAW) mentioned breaking the promise among these four characteristics. Breaking of promises is also implied in the word of Allah which says:

كَبُرَ مَقْتًا عِنْدَ اللَّهِ أَنْ تَقُولُوا مَا لَا تَفْعَلُونَ

Most hateful it is with Allah that you say that which you do not do. (Qur'ān 61:3)

Imam Ahmad and Abu Dawud recorded that `Abdullah bin `Amir bin Rabi`ah said, "Allah's Messenger came to us while I was a young boy, and I went out to play. My mother said, `O `Abdullah! Come, I want to give you something.' Allah's Messenger said to her:

وَمَا أَرَدْتِ أَنْ تُعْطِيَهُ؟

'What did you want to give him? She said, `Dates.' He said,

أَمَا إِنَّكَ لَوْ لَمْ تَفْعَلِي كُتِبَتْ عَلَيْكَ كَذِبَةٌ

'If you had not given them to him, it would have been written as a lie in your record.'

And those who keep their trusts and covenants. And those who stand firm in their testimonies. (Qur'ān 70:32&33)

Verily, Allah commands that you should render back the trusts to those, to whom they are due; and that when you judge between men, you judge with justice. Verily, how excellent is the teaching which He (Allah) gives you! Truly, Allah is Ever All-Hearer, All-Seer. (Qur'ān 4:58)

Messenger of Allah said:

أَدِّ الْأَمَانَةَ إِلَى مَنِ انْتَمَنَكَ، وَلَا تَخُنْ مَنْ خَانَكَ

Return the trust to those who entrusted it to you, and do not betray those who betrayed you.

The instruction given above also includes the rights of the servants on each other, such as what they entrust each other with, including the cases that are not recorded or documented. Allah commands that all types of trusts be fulfilled. Those who do not implement this command in this life, it will be extracted from them on the Day of Resurrection.

Prophet (SAW) also warned that:

لَتُؤَدَّنَ الْحُقُوقُ إِلَى أَهْلِهَا حَتَّى يُقْتَصَّ لِلشَّاةِ
الْجَمَاءِ مِنَ الْقَرَنَاءِ

The rights will be rendered back to those to whom they are due, and even the sheep that does not have horns will take revenge from the horned sheep.

O you who believe! Stand out firmly for justice, as witnesses to Allah, even though it be against yourselves, or your parents, or your kin, be he rich or poor, Allah is a better Protector to both. So follow not the lusts, lest you may avoid justice; and if you distort your witness or refused to give it, verily, Allah is Ever Well-Acquainted with what you do. (Qur'ān 4:135)

2.10 CITIZENS' DUTY TO RESIST FISCAL OPPRESSION AND TYRANNY AND TO PARTICIPATE IN GOVERNANCE

Paragraph Three of the Preamble to the Universal Declaration of Human Rights proclaims:

Whereas it is essential, if man in not to be compelled to have recourse, as a last resort to rebellion that human rights should be protected by the rule of law.

This paragraph implicitly recognises a right of last resort to rebel against tyranny including fiscal tyranny. Islam does not encourage its adherents to acquiesce in abuse of office and mismanagement of national resources. It says:

O you who believe, Stand out firmly for justice, as witnesses to Allah, even though it be against yourselves, or your parents, or your kin, be he rich or poor, Allah is a better Protector to both. So follow not the lusts, lest you may avoid justice; and if you Talwu or Tu`ridu, it, verily, Allah is Ever Well-Acquainted with what you do. (Qur`ān 4:135)

O you who believe! Take care of yourselves. If you follow the right guidance, no hurt can come to you from those who are in error. The return of you all is to Allah, then He will inform you about (all) that you used to do (Qur`ān 5:105)

The people have a right to participate in fiscal governance and make contributions to the federal, state and local government budgets.

Section 14 (1) and (2) of the Constitution of the Federal Republic of Nigeria 1999 states:

(a) Sovereignty belongs to the people of Nigeria from whom government through this Constitution derives all its powers and authority

(b) The security and welfare of the people shall be the primary purpose of government; and

(c) The participation by the people in their government shall be ensured in accordance with the provisions of this Constitution

You cannot provide for the security and welfare of people if you do not allow them to make an input into the budget and fiscal policy. Participation is central in a democracy for the protection of the interests of the people. Along this line, the Prophet was instructed to make provisions for his followers to contribute to the running of the affairs of the Islamic state. The Qur`ān says:

And by the mercy of Allah, you dealt with them gently. And had you been severe and harsh-hearted, they would have broken away from about you; so pardon them, and ask forgiveness for them; and consult them in the affairs. Then, when you have taken a decision, put your trust in Allah, certainly, Allah loves those who put their trust (in Him) (Qur`ān 3:159)

The Messenger of Allah used to seek for advice from his Companions on some matters to carry them along. As such, they actively implemented the decisions reached. For instance, before the battle of Badr, the Prophet asked his Companions to give advice on how to intercept the caravan led by Abu Sufyan. They said, "O Messenger of Allah! If you wish to cross the sea, we would follow you in it, and if you march forth to Barkul-

Ghimad, we would march with you. We would never say what the Children of Israel said to Mūsā, 'So go, you and your Lord, and fight you two, we are sitting right here.' Rather, we say, "March forth and we shall march forth with you; and before you, and to your right and left shall we fight." The Prophet also asked them for their opinion about where they should set up the camp at Badr. Al-Mundhir bin `Amr suggested to camp close to the enemy, for he wished to acquire martyrdom.

Urging Muslims generally to cooperate with one another in carrying out decisions and projects in their own interests and to make the community better, the Quar'an says:

Help you one another in righteousness and piety, but do not help one another in sin and transgression. And have Taqwā of Allah. Verily, Allah is severe in punishment." (Qur'an 5:2)

Allah commands His servants to help one another to perform righteous, good deeds, being the meaning of `Al-Birr', and to avoid sins. Allah forbids His servants from helping one another in sin. Ibn Jarir said that, "Ithm means abandoning what Allah has ordained, while transgression means overstepping the limits that Allah set in your religion, along with overstepping what Allah has ordered concerning yourselves and others. The Messenger of Allah said:

انصُرْ أَخَاكَ ظَالِمًا أَوْ مَظْلُومًا

'Support your brother whether he was unjust or the victim of injustice.' He was asked, "O Messenger of Allah! We know about helping him when he suffers injustice, so what about helping him when he commits injustice" He said:

تَحْجِزُهُ وَتَمْنَعُهُ مِنَ الظُّلْمِ فَذَاكَ نَصْرُهُ

'Prevent and stop him from committing injustice, and this represents giving support to him.'

Prophet (SAW) encouraged that more by saying:

الْمُؤْمِنُ الَّذِي يُخَالِطُ النَّاسَ وَيَصْبِرُ عَلَىٰ أَذَاهُمْ
أَعْظَمُ أَجْرًا مِنَ الَّذِي لَا يُخَالِطُ النَّاسَ وَلَا يَصْبِرُ
عَلَىٰ أَذَاهُمْ

The believer who mingles with people and is patient with their annoyance, earns more reward than the believer who does not mingle with people and does not observe patience with their annoyance.

Let there arise out of you a group of people inviting to all that is good (Islam), enjoining Al-Ma`ruf (all that Islam orders) and forbidding Al-Munkar (all that Islam has forbidden). And it is they who are the successful. (Qur`ān 3:104)

Messenger of Allah said,

مَنْ رَأَى مِنْكُمْ مُنْكَرًا فَلْيُغَيِّرْهُ بِيَدِهِ، فَإِنْ لَمْ يَسْتَطِعْ
فَبِلِسَانِهِ، فَإِنْ لَمْ يَسْتَطِعْ فَبِقَلْبِهِ، وَذَلِكَ أَضْعَفُ
الْإِيمَانِ وَلَيْسَ وَرَاءَ ذَلِكَ مِنَ الْإِيمَانِ حَبَّةُ خَرْدَلٍ

Whoever among you witnesses an evil, let him change it with his hand. If he is unable, then let him change it with his tongue. If he is unable, then let him change it with his heart, and this is the weakest faith. There is no faith beyond that, not even the weight of a mustard seed.

Imam Ahmad recorded that Hudhayfah bin Al-Yaman indicated that the Prophet said:

وَالَّذِي نَفْسِي بِيَدِهِ، لَتَأْمُرَنَّ بِالْمَعْرُوفِ، وَلَتَنْهَوْنَ
عَنِ الْمُنْكَرِ، أَوْ لَيُوشِكَنَّ اللَّهُ أَنْ يَبْعَثَ عَلَيْكُمْ
عِقَابًا مِنْ عِنْدِهِ، ثُمَّ لَتَدْعُنَّهُ فَلَا يُسْتَجِيبَ لَكُمْ

By He in Whose Hand is my soul! You will enjoin righteousness and forbid evil, or Allah shall send down a punishment from Him to you. Then, you will supplicate to Him, but He will not accept your supplication.

And the king said: "Bring him to me that I may attach him to my person." Then, when he spoke to him, he said: "Verily, this day, you are with us high in rank and fully trusted.") (Yusuf) said: "Set me over the storehouses of the land; I will indeed guard them with full knowledge." (Qur`ān 12:54-55)

Section 12 (2) (a) of the Fiscal Responsibility Act states that "In preparing the draft

Medium-Term Expenditure Framework, the Minister-

- (a) *may hold public consultation, on the Macro-economic Framework, the Fiscal Strategy Paper, the Revenue and Expenditure Framework, the strategic, economic, social and developmental priorities of government, and such other matters as the Minister deems necessary;*

Provide that, such consultations shall be open to the public, the press and any citizen or authorised representatives of any organization, group of citizens, who may attend and be heard on any subject matter properly in view.

The provision for the Minister of Finance to hold public consultation is a boost for popular participation in fiscal governance and public expenditure decision making. The FRA is justified *inter alia* in literature as opening up the fiscal process to popular participation. However, the word used is “may” and this to an extent implies discretion whether to hold the consultation or not. But once the Minister decides to hold a consultation, such consultation shall be open to the public. Popular participation is supported by this Verse:

Allah will not change the (good) condition of a people as long as they do not change their state (of goodness) themselves. But when Allah wills a people's punishment, there can be no turning it back, and they will find besides Him no protector.” (Qur’ān 13:11)

Chapter Three

PLANNING AND TIMELINESS OF BUDGET

3.1 TIMELINESS IN PREPARING THE BUDGET

The FRA requires the Medium Term Expenditure Framework (MTEF) to be ready for endorsement by the Federal Executive Council before the end of June, every year (see S.14 of the FRA). The MTEF provides the anchor for the budget. The Financial Year Act describes the Nigerian financial year as the period between January 1 to December 31 of every year. The implication is that the budget should be ready by January 1 and be fully implemented by December 31 of every year.

The Holy Prophet (PBUH) is reported to advise the Muslims saying: "*Allah the Almighty loves that whenever anyone of you does a Job, let him or her perfect it*" (Hadith). Man in general will make a loss in the business of life, if we allow our capital to melt away. Our capital is time and Allah reminds us in **Surah al-‘Asr** that if we waste our capital (time) solely for the *dunya*, then we make *al-khusr* (tremendous loss) (Qur’an 103:1-3).

3.2 SPENDING ACCORDING TO PLAN UNLESS THERE IS AN EMERGENCY

By section 12 of the FRA, spending should be according to plan. It states:

The estimates of-

(1) aggregate expenditure and the aggregate amount appropriated by the National Assembly for each financial year shall not be more than the estimated aggregate revenue plus a deficit, not exceeding three percent of the estimated Gross Domestic Product or any sustainable percentage as may be determined by the National Assembly for each financial year.

(2) aggregate expenditure for a financial year may exceed the ceiling imposed by the provisions of subsection (1) of this section, if in the opinion of the President, there is a clear and present threat to national security or sovereignty of the Federal Republic of Nigeria.

Spending according to plan prevents reckless and wasteful expenditure and facilitates development. This regulation agrees with the verse of the Qur’ān which says:

So stand (ask Allah to make) you firm and straight as you are commanded and those who turn in repentance with you, and transgress not. Verily, He is All-Seer of what you do. And incline not toward those who do wrong, lest the Fire should touch you, and you have no protectors other than Allah, nor would you then be helped. (Q11:112&113)

3.3 PLANNING TO SUCCEED IN THE BUDGET

Success in human endeavours is a product of sound planning. Failing to plan is planning to fail.

Section 25 (1) and (2) of the FRA states as regards the Annual Cash Plan:

(1) The Federal Government shall cause to be drawn up in each financial year, an Annual Cash Plan which shall be prepared by the office of the Accountant-General of the Federation.

(2) The Annual Cash Plan shall be prepared in advance of the financial year setting out projected monthly cash flows and shall be revised periodically to reflect actual cash flows

Section 26 of the FRA provides for the Budget Disbursement Schedule

The Minister shall within 30 days of the enactment of the Appropriation Act, prepare and publish a Disbursement Schedule derived from the Annual Cash Plan for the purposes of implementing the Appropriation Act.

This regulation agrees with the verse of the Qur'ān which says:

*“O you who believe! Have piety of Allah and let every person look to what he has sent forth for tomorrow, and fear Allah. Verily, Allah is All-Aware of what you do.”
(Q59:18)*

To succeed in life, one must be able to measure achievements and successes. What gets measured can be known to have failed or succeeded. How many jobs will the budget create? How many new roads, bridges, litres of water, megawatts of electricity shall we create through new budgetary investments?

3.4 QUALIFICATIONS OF BIDDERS

Participation in any event requires a minimum qualification. In respect of government commerce or public procurement, the following are required of bidders by section 16 (6)

of the Public Procurement Act (PPA).

(6) All bidders in addition to requirements contained in any solicitation documents shall:

(a) possess the necessary:

(i) professional and technical qualifications to carry out particular procurements;

(ii) financial capability;

(iii) equipment and other relevant infrastructure;

(iv) shall have adequate personnel to perform the obligation of the procurement contracts.

(b) possess the legal capacity to enter into the procurement contract;

(c) not be in receivership, the subject of any form of insolvency or bankruptcy proceedings or the subject of any form of winding up petition or proceedings;

(d) have fulfilled all its obligations to pay taxes, pensions and social security contributions;

(e) not have any director who has been convicted in any country for any criminal offence relating to fraud or financial impropriety or criminal misrepresentation or falsification of facts relating to any matter;

(f) accompany every bid with an affidavit disclosing whether or not any officer of the relevant committees of the procurement entity or Bureau is a former or present director, shareholder or has any pecuniary interest in the bidder and confirming that all information presented in its bid are true and correct in all particulars.

This regulation agrees with the verse of the Qur'ān which says:

“Verily, the best of men for you to hire is the strong, the trustworthy”.
(Qur'ān 28:26)

And the king said: ‘Bring him to me that I may attach him to my person.’ Then, when he spoke to him, he said: ‘Verily, this day, you are with us high in rank and fully trusted.’ (Yusuf) said: “Set me over the storehouses of the land; I will indeed guard them with full knowledge.” (Qur'ān 12:54&55)

Chapter Four

ACCOUNTABILITY AND TRANSPARENCY IN FISCAL TRANSACTIONS

4.1 ACCOUNTABILITY

Allah repeats the word *Ḥisāb* or ‘account’ as the root of accountability, more than eight times in different verses. To account, in its generic sense, relates to one’s obligation to ‘account’ to God in all matters pertaining to human endeavour, for which every Muslim is ‘accountable’. The basic similarity between *Ḥisāb* in Islam and account lies in the responsibility of every Muslim to carry out duties as described in the Holy Qur’an. Similarly, in a business enterprise, both management and the providers of capital are accountable for their actions both within and outside the firm.

Accountability in this context means accountability to the community or society at large. The stress on accountability is stated in various verses of the Qur’an, including:

God will not call you to account for thoughtlessness in your oaths, but for the intention in your hearts; and he is Oft-forgiving, Most-Forbearing. (Qur’an 2:225)

To God belongs all that is in the heaven and on earth. Whether you show what is in your minds or conceal it. God calls you to account for it. He forgives whom He pleases, and punishes whom he pleases, for God has power over all things” (Qur’an 2:284)

The above verses not only deal with personal accountability but apply to all organizations. This means that organizations should comply with all the applicable laws and ethical standards, adhere to the organization’s mission, be ethical and protect the rights of their members.

From the Islamic point of view, those in charge of public resources are required to present an account of the execution of their stewardship, irrespective of whether the transactions and resources in question are those of government, business or non-profit organizations. Prophet Muhammad (SAW) was reported as saying:

كُلُّكُمْ رَاعٍ وَكُلُّكُمْ مَسْئُولٌ عَنْ رَعِيَّتِهِ

Each one of you is a guardian and each guardian is accountable to everything under his care.

As far as Islam is concerned, the managers of either profit or non-profit organizations

should perform their duties with the objective of satisfying the needs of the stakeholders and in accordance with the law. Verses of the Qur'ān relevant here include the following:

Allah is the one who created you, then provided for you, then will cause you to die, and then will give you life. Are there any of your "partners" who does anything of that? Exalted is He and high above what they associate with Him (Quran 30:40)

And say 'Do deeds! Allah will see your deeds, and (so will) His Messenger and the believers. And you will be brought back to the All-Knower of the unseen and the seen. Then He will inform you of what you used to do. (Qur'ān 9:105)

4.2 DUTY TO REPORT ON BUDGET IMPLEMENTATION

There is a duty to report back to the people on budget implementation as stipulated in Section 30 of the FRA:

(1) The Minister of Finance, through the Budget Office of the Federation, shall monitor and evaluate the implementation of the Annual Budget, assess the attainment of fiscal targets and report thereon on a quarterly basis to the Fiscal Responsibility Commission and the Joint Finance Committee of the National Assembly.

(2) The Minister of Finance shall, cause the report prepared pursuant to subsection (1) of this section to be published in the mass and electronic media and on Ministry of Finance website, not later than 30 days after the end of each quarter.

The leader is a servant, as such, he should report to the people who are the masters. The Qur'ān says:

And when you release their property to them, take a witness in their presence; and Allah is All-Sufficient in taking account.(Qur'ān 3:6)

Believe in Allah and His Messenger, and spend of that whereof He has made you trustees. And such of you who believe and spend, theirs will be a great reward.(Q57:7)

4.3 VALUE FOR MONEY AND PRUDENCE IN SPENDING PUBLIC FUNDS

Financial Regulation 515 provides that:

The Federal Government requires all officers responsible for expenditure to exercise due economy. Money must not be spent merely because it was voted.

Prudence and proper management of public resources is a duty for those placed in charge of them. The Prophet is reported to have said:

حَاسِبُوا أَنْفُسَكُمْ قَبْلَ أَنْ تُحَاسَبُوا

Evaluate yourselves before you are evaluated

The three cardinal parameters of value for money and successful transactions are economy, efficiency and effectiveness. Economy implies that you get things done at the cheapest price. Efficiency means that you get things done in the manner that delivers more result from available resources and inputs. However, economy and efficiency must not compromise quality. Effectiveness implies achieving the goals and objectives of the transaction.

The Umayyads had turned the Caliphate into a family business. They lived like kings and princes in luxury and extravagance. They would use the wealth of the *Ummah* to satisfy their greedy desires. When Umar became *Khalifah*, he invited them to a banquet and kept them waiting for hours until they complained of hunger. He asked them to wait and that it would be worth it. However, after waiting further for hours, they complained again and said that they would eat anything that was ready. So, he brought to them the simplest food that was eaten by the common people and they all ate until they were satisfied. He asked them: "Are you satisfied?" They responded affirmatively. He told them: "If you are satisfied with something so simple, why then do you live such greedy and extravagant lives." They replied: "This is our fault when we allowed the blood of 'Umar Ibn Al-Khattaab to enter in to our lines."

Willingly or unwillingly, the Umayyads were compelled by Umar to return the wealth that they had taken without right and he worked vigorously to correct all of the injustices previously committed. Allah categorically condemns extravagance saying:

Verily, the spendthrifts (extravagant people) are brothers of the *Shayāṭīn* (devils), and the *Shayṭān* is ever ungrateful to his Lord. (Qur'ān 17:27).

The parable of those who spend their wealth in the way of Allah, is that of a grain (of corn); it grows seven ears, and each ear has a hundred grains. Allah gives manifold increase to whom He wills. And Allah is All-Sufficient for His creatures' needs, All-Knower. (Qur'ān 2:261)

4.4 THE LEADER MUST GIVE AN ACCOUNT OF HIS STEWARDSHIP

The duties of the Minister and Accounting Officer under the Financial Regulations are clearly spelt out by Section 110 of the Financial Regulations as follows:

The Political Head of a Ministry shall be the Minister while that of a Parastatal or extra Ministerial office and other arms of Government shall be the chairman of the Parastatal or Extra-ministerial office and other agencies of Government or as defined in the extant laws that govern their operations.

Section 112 (1) of the Financial Regulations stipulates:

It shall be the responsibility of the Political Head [Minister or Chairman] to supervise and control the activities of his Ministry, Agency or Parastatal.

By section 106 (1) of the Financial Regulations defines “Accounting Officer” thus:

The term “Accounting Officer” means the Permanent Secretary of a Ministry or the Head of an Extra-Ministerial office or other Arms of Government who is in full control of, and is responsible for human, material and financial resources which are critical inputs in the management of the organisation.

The leader is expected to lead by example and to show the way for others to follow.

The Messenger of Allah said:

ما من أحدٍ يُؤمَرُ على عشرة فصاعداً
لا يُقسِطُ فيهم إلا جاء يومَ القيامةِ في الأسفادِ
والأغلالِ

No one who is placed in leadership over 10 or more, then does not act justly between them, except that on the Day of Judgement he will be brought in shackles and chains.

4.5 THOSE IN AUTHORITY SHOULD CONSIDER OTHERS WHEN APPROPRIATING MONEY FOR THEMSELVES

Large and disproportionate funds voted for the National Assembly, the Presidency, Governors' Offices and other important offices simply because they are in charge of the appropriation process is not proper. Remember that you owe others a duty of care.

Upon his appointment, the Khalīfah's carriage was brought for him and he refused saying that his mule was sufficient for him. Al-Laith narrated: "When he became *Khalīfah*, he started with himself and family and then the people of his household and he took from them their possessions and counted their wealth as *Mazālim* (acts of injustice that needed to be restored). He moved out of the palace and built a small house with two rooms. He freed his slaves and returned any wealth and property that he had attained due to privileges to the *Baitul Māl*. He approached his wife Fatimah who had jewellery that was given to her by her father which no one had seen the like of and he said to her: 'Either you return this to the *Baitul Māl* or you permit me to separate from you because I cannot stand for you and me to be in the same house (whilst you have it).' He also explained to her that they would have no luxuries in their life and that they would live the simplest of lives and he gave her the choice to return to the palace and continue living in luxury or remain with him with only Allah and His Messenger. This daughter of a *Khalīfah* and sister to two former *Khalīfah* responded to his call, returned the jewels and accepted Allah and His Messenger, and she remained loyal to this throughout his *Khilāfah* and after his death, may Allah's mercy be upon her."

4.6 REMIT OPERATING SURPLUS TO THE GENERAL RESERVE FUND

Section 22 of the FRA states that:

(1) Notwithstanding the provisions of any written law governing the corporation, each corporation shall establish a general reserve fund and shall allocate thereto at the end of each financial year, one-fifth of its operating surplus for the year.

(2) The balance of the operating surplus shall be paid to the Consolidated Revenue Fund of the Federal Government, not later than one month following the statutory deadline for publishing each corporation's accounts.

Using unscrupulous means to deny government of due revenues is stealing and a crime. So ensure that due revenues are remitted to treasury and do not take what belongs to others. The Qur'ān says:

Verily, Allah commands that you should render back the trusts to those, to whom they are due; and that when you judge between men, you judge with justice. Verily, how excellent is the teaching which He (Allah) gives you! Truly, Allah is Ever All-Hearer, All-Seer. (Qur'ān 4:58)

4.7 THE AUTHORITIES SHOULD OBEY THE LAW AND SPEND ACCORDING TO APPROPRIATION

Section 27 (1) of the FRA states that:

The sums appropriated for a specific purpose shall be used solely for the purpose specified in the Appropriation Act.

The law is not a fancy or a toy and is meant to be obeyed. Law is the bedrock and foundation of society. A society built on laws is a decent society and is preferred to a society built of the whims and caprices of individuals.

Umar Ibn 'Abdul 'Aziz understood the true meaning of being a politician. He understood that politics meant taking care of the affairs of the subjects. This responsibility was what made him cry for hours on end and restrict himself to the simplest life that was filled with remembrance of Allah, death and the hereafter. He went to these great personal lengths so that he would be able to undertake the heavy burdens that his responsibilities demanded and he did not want *Shayṭān* to find any way in to tempt him. This signifies an approach that all those who have taken on the great responsibilities of Islam should make the sacrifices, dedication and preparation to maintain sincerity to Allah and His religion. In the case of Umar, it allowed him to take care of the affairs of the subjects based on the Qur'ān and the *Sunnah*. He made the Islamic belief the sole source of his ruling and the basis upon which the Islamic state functioned. He understood that ruling with justice can only be achieved by ruling according to the law and avoiding temptations to break the law.

4.8 OBEY THE LAW AND ESTABLISH THE NATIONAL COUNCIL ON PUBLIC PROCUREMENT

Section 1 of the Public Procurement Act (PPA) establishes the National Council on Public Procurement. Since 2007, the President has not constituted the Council after assenting to the bill to become law. Under Section 5 (1) of the 1999 Constitution, the President has a duty to execute all laws made by the National Assembly. A leader is supposed to take necessary steps to ensure the rule of law bearing in mind that he will give an account of his stewardship on the Day of Judgment. Obeying the laws is part of the accountability of the leadership to the led. A Hadīth says:

حاسبوا أنفسكم قبل أن تُحاسبوا

Evaluate yourselves before you are evaluated

4.9 IMPORTANCE OF TRANSPARENCY IN FISCAL TRANSACTIONS

Section 48 (1) and (2) of the FRA states that:

(1) *The Federal Government shall ensure that its fiscal and financial affairs are conducted in a transparent manner and accordingly ensure full and timely disclosure and wide publication of all transactions and decisions involving public revenues and expenditures and their implications for its finances.*

(2) *The National Assembly shall ensure transparency during the preparation and discussion of the Medium-Term Expenditure Framework, Annual Budget and the Appropriation Bill.*

Government is obliged to promote transparency and accountability in all its fiscal activities. No one lights a lamp and hides it under a bushel. Transparent actions are most likely to be in the public interest. Transparency is operating in such a way that it is easy for others to see what actions are performed. It has been defined simply as "the perceived quality of intentionally shared information from a sender". The right and the means to examine the process of decision making is called "transparency". In administration, transparency is used as a means of holding public officials accountable and fighting corruption. When government's meetings are open to the press and the public, its budgets may be reviewed by anyone, and its laws and decisions are open to discussion; it is seen as transparent, and there is less opportunity for the authorities to abuse the system for their own interests.

The Qur'ān demands fair, open and ethical behavior in all business transactions. As one example, verse 2:282 requires that financial transactions be made in the presence of witnesses and in writing.

Transparency is important for the following reasons: Transparency provides the feedback for informed debates on fiscal issues and policies. Transparent fiscal transactions can be held accountable and adherence to transparency increases faith in the government. Transparency provides the feedback for informed debates on fiscal issues and policies. Indeed, it is a prerequisite for public debate, which can lead to better programmes and more efficient use of state resources by government officials. For example, if fiscal information is not available, it is difficult to discuss it. It facilitates the identification of questionable activities, thus facilitating the adoption of good and fit

practices in fiscal management.

During a tour conducted by Khalifah Umar (RA) to Hams, the people complained about their governor on some attitudinal problems. As a leader who was governed by the rule of law, he responded to all their complaints satisfactorily.

Transparent fiscal transactions can be held accountable; Nigerians will be able to hold elected leaders accountable if they have information on public income and expenditure. Public officers will also be more likely to follow the law if their acts and omissions are open to public scrutiny. Holding public officers accountable can provide a check on corruption. Adherence to transparency increases faith in the government. Support can come from the public who can better understand what the government is doing, and thus have more confidence in the administration. Transparency contributes to fiscal and political stability as it prevents the buildup of a crisis in secret, bringing about adjustments as appropriate.

Khalifah Umar Bn Khattāb (RA) distributed garments to his people equally with him. One day, he was delivering a sermon and urged the people to listen and obey. In response, a man said 'no listening and no obedience because you wore a cloth more than what you shared to us' The Khalifah called his son AbdulLah Bn Umar to explain before the congregation. The son responded by saying 'I gave my share to Khalifah because of the size of his body as his share may not be sufficient for him. The man instantly responded and there was listening and obedience.

The whole gamut of the Freedom of Information Act gives every Nigeria the right of access to information on virtually all aspects of public life except the exceptions listed in the body of the Act. Access to information promotes transparency which in turn facilitates accountability. It provides information to the citizens so that they can engage governance meaningfully.

4.10 CIVIL SOCIETY AND PROFESSIONALS INVOLVEMENT IN OBSERVING BID OPENING SESSIONS

To ensure transparency and openness, the Public Procurement Act allows civil society organisations and professionals to observe bid opening sessions. They should be in a position after the observation to state whether the law has been violated or observed.

And help you one another in Al-Birr and Al -Taqwa (virtue, righteousness and piety, (but do not help one another in sin and transgression). And fear Allah. Verily, Allah is severe in punishment. (Qur'ān 5:2)

4.11 OPEN COMPETITIVE BIDDING IS THE NORM IN PUBLIC PROCUREMENT

The Public Procurement Act in section 24 states that:

- (1) *Except as provided by this Act, all procurements of goods and works by all procuring entities shall be conducted by open competitive bidding.*
- (2) *Any reference to open competitive bidding in this Act means the process by which a procuring entity based on previously defined criteria, effects public procurements by offering to every interested bidder, equal simultaneous information and opportunity to offer the goods and works needed.*

The concept of open competitive bidding is based on the peremptory norm of non discrimination and the principle of equality before the law, equal protection of the law and equality of opportunities, rights and obligations of natural and artificial persons. Essentially, open competitive bidding is the procurement method preferred by the PPA. Other methods are to be employed as an exception to the general rule, in which case, there must be adequate reasons and grounds for deviating from the general rule of open competitive bidding.

Verily, Allah enjoins justice...” (16:90) ...and that when you judge between people, you judge with justice (Qur’an 4:58)

And whoever does righteous good deeds, male or female, and is a true believer, such will enter Paradise and not the least injustice, even to the size of a speck, will be done to them (Qur’an 4:124)

4.12 LOWEST EVALUATED RESPONSIVE BID IS THE WINNER IN PUBLIC PROCUREMENT

By section 24 (3) of the PPA:

- (3) *The winning bid shall be that which is the lowest evaluated responsive bid which has been responsive to the bid with regards to work specification and standard.*

The “lowest evaluated responsive bid” is the lowest price bid amongst the bids that meets all the technical requirements and standards as contained in the tender document.

4.13 POWER OF THE AUDITOR GENERAL TO AUDIT PUBLIC ACCOUNTS

Sections 85 to 87 of the 1999 Constitution empower the Auditor-General of the

Federation to audit public accounts and report to the Public Accounts Committee of the National Assembly. Thus, every actor must give an account of his actions and a review follows activities to determine their conformity with the law. This is a review after the conclusion of the authorised events. The Hadīth quoted earlier is still relevant here. It goes thus:

حاسبوا أنفسكم قبل أن تُحاسبوا

Evaluate yourselves before you are evaluated

4.14 LEGISLATIVE OVERSIGHT POWERS

In sections 88-89 of the Constitution, the elected representatives of the people in the legislature exercise powers of oversight over the execution and administration of laws and the disbursement and administration of public funds. This is crucial for checks and balances in governance. One agency acts as a check on the powers of another. This is in agreement with the teaching of a verse of the Qur'ān which says, inter alia:

...Had Allah not checked one set of people by means of another, there would surely have been pulled down monasteries, churches, synagogues, and mosques, in which the name of Allah is commemorated in abundant measure. Allah will certainly aid those who aid His (cause);- for verily Allah is full of strength, Exalted In Might, (able to enforce His Will). (Qur'ān 22:40)

4.15 SEPARATION OF POWERS

The executive initiates the budget while the legislature approves; implementation is for the executive while the legislature exercises oversight. This is essential to avoid abuse of powers. No single person or group of people can do everything. Prophet Mūsā realised his limitations and deficiencies. That is why he made a humble request to Allah thus:

And appoint for me a helper from my family, Harun, my brother.
(Qur'ān 20:29-30)

This was also a request from Musa concerning something not pertaining to himself. That was his request for the assistance of his brother, Harun.

...And Musa said to his brother Harun: 'Replace me among my people, act in the right way and follow not the way of the mischief-makers.' (Qur'ān 7: 142)

...And consult them in the affairs. Then when you have taken a decision, put

your trust in Allah (Qur'ān 3:159)

The Messenger of Allah used to ask his Companions for advice about various matters, to carry them along. As such, they actively implemented the decision reached. The Qur'ān says:

... And who (conduct) their affairs by mutual consultation, and who spend of what We have bestowed on them. (Qur'ān 42:38)

Chapter Five

INVESTMENTS, SAVING AND BORROWING IN PUBLIC FINANCE MANAGEMENT

5.1 MAKE GOOD PROVISIONS FOR CAPITAL EXPENDITURE

Cut down recurrent expenditure and the cost of governance and increase investment in regenerating capital expenditure. The Nigerian government targets 60% and 40% for recurrent and capital expenditure respectively in the medium term. It is an aphorism that as a man sows shall he reap. It is therefore imperative to invest in the life of citizens for a greater nation and reduce wasteful, frivolous and unnecessary expenditure.

5.2 SAVING FOR THE RAINY DAY

Whether it is in the Excess Crude Account, the Sovereign Wealth Fund or a bank account, every reasonable man, woman, family or nation puts something aside from his income for the rainy day. If the Obasanjo administration did not put anything aside before the 2008 financial crisis, Nigerian would have gone through a terrible financial shock. The Nigerian national therefore has a moral imperative to save in a bid to rake care of exigencies when they arise.

5.3 RESTRICTION OF BORROWING

By section 41 of the FRA:

(1) The framework for debt management during the financial year shall be based on the following rules-

(a) Government at all tiers shall only borrow for capital expenditure and human development, provided that such borrowing shall be on concessional terms with low interest rate and with a reasonably long amortization period subject to the approval of the appropriate legislative body where necessary; and

(b) Government shall ensure that the level of public debt as a proportion of national income is held at a sustainable level as prescribed by the National Assembly from time to time on the advice of the Minister.

By section 44 of the FRA:

(1) Any Government in the Federation or its agencies and corporations

desirous of borrowing shall, specify the purpose for which the borrowing is intended and present a cost-benefit analysis, detailing the economic and social benefits of the purpose to which the intended borrowing is to be applied.

(2) Without prejudice to subsection (1) of this section, each borrowing shall comply with the following conditions-

- (a) the existence of prior authorisation in the Appropriation or other Act or Law for the purpose for which the borrowing is to be utilised; and*
- (b) the proceeds of such borrowing shall solely be applied towards long-term capital expenditures.*

Borrowing must be sustainable and channeled at improving the human condition. Qur'an 2:282 stated:

O you who believe! When you contract a debt for a fixed period, write it down. Let a scribe write it down in justice between you. Let not the scribe refuse to write, as Allah has taught him, so let him write. Let him (the debtor) who incurs the liability dictate, and he must have Taqwa of Allah, his Lord, and diminish not anything of what he owes. But if the debtor is of poor understanding, or weak, or is unable to dictate for himself, then let his guardian dictate in justice. And get two witnesses out of your own men. And if there are not two men (available), then a man and two women, such as you agree for witnesses, so that if one of them (two women) errs, the other can remind her. And the witnesses should not refuse when they are called (for evidence). You should not become weary to write it (your contract), whether it be small or big, for its fixed term, that is more just with Allah; more solid as evidence, and more convenient to prevent doubts among yourselves, save when it is a present trade which you carry out on the spot among yourselves, then there is no sin on you if you do not write it down. But take witnesses whenever you make a commercial contract. Let neither scribe nor witness suffer any harm, but if you do (such harm), it would be wickedness in you. So have Taqwa of Allah; and Allah teaches you. And Allah is the All-Knower of everything.” (Qur’ān 2:282)

The regulations on borrowing in the above verse show how the Islamic system discourages borrowing.

5.4 PLAN FOR YOUR DEBTS AND HOW TO REPAY THEM

Section 11 (3) (d) of the FRA provides as part of the MTEF for:

(a) Consolidated Debt Statement setting out and describing the fiscal significance of the debt liability of the Federal Government and measures to reduce any such liability;

Borrowing should be planned and sustainable. The plans should be made to reduce debt liability.

.....And get two witnesses out of your own men. And if there are not two men (available), then a man and two women, such as you agree for witnesses, so that if one of them (two women) errs, the other can remind her. And the witnesses should not refuse when they are called (for evidence).....”
(Qur’ān 2:282)

5.5 INCURRING DEBTS SHOULD HAVE A LIMITATION

Debts should be limited and no government should borrow without a limit. Section 42 (1) of the FRA provides that:

(1) The President shall within 90 days from the commencement of this Act and with advice from Minister of Finance subject to approval of National Assembly, set overall limits for the amounts of consolidated debt of the Federal, State and Local Governments pursuant to the provisions of items 7 and 50 of Part I of the Second Schedule to the Constitution and the limits and conditions approved by the National Assembly, shall be consistent with the rules set in this Act and with the fiscal policy objectives in the Medium-Term Fiscal Framework.

The Glorious Qur’ān states that: ...“*You should not become weary to write it (your contract), whether it be small or big, for its fixed term, that is more just with Allah; more solid as evidence.*” (Qur’ān 2:282)

5.6 DO NOT TAKE ANYTHING FOR GRANTED, PLAN FOR EVENTUALITIES BEFORE THEY ACTUALISE

Section 11 (3) (e) of the FRA provides as part of the MTEF for:

(e) a statement describing the nature and fiscal significance of contingent liabilities and quasi-fiscal activities and measures to offset the crystallization of such liabilities.

Contingent liabilities are liabilities which will crystallise upon the happening of a designated future event and there is the need to take steps to ensure that those designated events do not happen so as to reduce liability. The Glorious Qur'ān states:

“O you who believe! Have Taqwa of Allah and let every person look to what he has sent forth for tomorrow, and fear Allah. Verily, Allah is All-Aware of what you do.”
(Q59:19)

Chapter Six

ABOLITION OF CORRUPTION IN FISCAL GOVERNANCE

6.1 DUTY OF THE STATE TO ABOLISH BUDGETARY CORRUPTION

Section 15 (5) of the Constitution provides that the State shall abolish all corrupt practices and abuse of power. Corruption takes away resources needed for development: Corruption can lead to loss of lives, poverty and disease. Corruption enthrones wrong moral values.

... That if anyone killed a person not in retaliation of murder, or (and) to spread mischief in the land - it would be as if he killed all mankind, and if anyone saved a life, it would be as if he saved the life of all mankind (Qur'ān 5:32)

6.2 IT IS ILLEGAL AND IMMORAL TO INFLATE AND OVER-INVOICE CONTRACTS

The Public Procurement Act creates offences related to inflation of contracts and abuse of the procurement process.

And We shall set up Balances of Justice on the Day of Resurrection, then none will be dealt with unjustly in anything. And if there be the weight of a mustard seed, We will bring it. And sufficient are We to take account. (Q21:47)

6.3 CODE OF CONDUCT FOR PUBLIC PROCUREMENT

Government uses public procurement to implement the budget and to acquire goods and services for public use. Procurement is bound by some rules and regulations in terms of acceptable conduct of all parties in its proceedings. Some of the rules in the Code of Conduct are reviewed below from section 57 of the Public Procurement Act 2007.

(1) The Bureau shall, with the approval of the Council, stipulate a Code of Conduct for all public officers, suppliers, contractors and service providers with regards to the standards of conduct acceptable in matters involving the procurement and disposal of public assets.

(2) The conduct of all persons involved with public procurement, whether as official of the Bureau, a procuring entity, supplier, contractor or service provider shall at all times be governed by principles of honesty, accountability, transparency, fairness and equity.

(3) All officers of the Bureau, members of Tenders Boards and other persons that may come to act regarding the conduct of public procurements shall subscribe to an oath as approved by Council.

(4) All persons in whose hands public funds may be entrusted for whatever purpose should bear in mind that its utilization should be judicious.

(5) Where a transaction involves the disposal of assets, principles of honesty, accountability, transparency, fairness and equity shall continue to apply to the same extent as where it involves procurement.

(6) These principles shall apply at all times, particularly when:

(a) making requisition for or planning of procurements;

(b) preparing solicitation documents;

(c) receiving offers in response to any form of solicitation towards a procurement or disposal;

(d) evaluating and comparing offers confidentially and in complete neutrality;

(e) protecting the interest of all parties without fear or favor; and

(f) obviating all situation likely to render an officer vulnerable to embarrassment or undue influence.

(7) All public officers shall handle public procurement and disposal of assets by:

(a) ensuring adequate time for preparing offers;

(b) complying with this Act and all derivative regulations; and

(c) maintaining strict confidentiality until completion of a contract.

(8) All public officers involved in public procurement and disposal of assets shall maintain the highest standards of ethics in their relationships with persons real or corporate who seek government commerce whether as a bidder, supplier, contractor or service provider by developing transparent, honest and professional relationships with such persons.

(9) Every public officer involved directly or indirectly in matters of public procurement and disposal of assets shall:

(a) divest himself of any interest or relationships which are actually or potentially inimical or detrimental to the best interest of government and the underlining principles of this Act; and

(b) not engage or participate in any commercial transaction involving the federal government, its ministries, extra-ministerial departments, corporations where his capacity as public officer is likely to confer any unfair advantage – pecuniary or otherwise on him or any person directly related to him.

(10) Any person engaged in the public procurement and disposal of assets who has assumed, or is about to assume, a financial or other business outside business relationship that might involve a conflict of interest, must immediately declare to the authorities any actual or potential interest.

(11) Such a declaration shall be given such consideration at the relevant level as is necessary so that, where it is seen that remedial action is taken, a conflict of interest is present.

(12) A conflict of interest exists where a person:

(a) possesses an interest outside his official duties that materially encroaches on the time or attention which should otherwise be devoted to affairs of government;

(b) possesses a direct or indirect interest in or relationship with a bidder, supplier, contractor or service provider that is inherently unethical or that may be implied or constructed to be, or make possible personal gain due to the person's ability to influence dealings;

(c) entertains relationships which are unethical, rendering his attitude partial toward the outsider for personal reasons or otherwise inhibit the impartiality of the person's business judgments;

(d) places by acts or omissions the procuring entity he represents or the Government in an equivocal, embarrassing or ethically questionable position;

(e) entertains relationships compromising the reputation or integrity of the procuring entity he represents or the Government;

(f) receives benefits by taking personal advantage of an opportunity that properly belongs to the procuring entity he represents or the Government;

(g) creates a source of personal revenue or advantage by using public property which comes into his hands either in course of his work or otherwise; and

(h) discloses confidential information being either the property of his procuring entity, the Government or to a supplier, contractor or service provider to unauthorized persons.

(13) A person involved in the disposal of assets, shall not either by a third party or by himself be interested in any manner in buying directly or indirectly these assets and shall not have or obtain any type of advantage or revenue from the disposal for a period of three years after the disposal.

6.4 OFFENCES, SANCTIONS AND FISCAL GOVERNANCE

Penalties have been stated in the law for violation of fiscal governance rules. These are contained in various laws including the Criminal and Penal Codes, the Public Procurement Act, Economic and Financial Crimes Commission Act, etc. The prohibited activities include fraud, stealing, obtaining by false pretences, uttering, use of fake documents for procurement, collusion and undue influence, etc. Every crime attracts a sanction.

6.5 EXAMPLES OF OFFENCES

By section 58 (4) of the PPA:

(4) The following shall also constitute offences under this Act:

(a) entering or attempting to enter into a collusive agreement, whether enforceable or not, with a supplier, contractor or consultant where the prices quoted in their respective tenders, proposals or quotations are or would be higher than would have been the case had there not been collusion between the persons concerned;

(b) conducting or attempting to conduct procurement fraud by means of fraudulent and corrupt acts, unlawful influence, undue interest, favor, agreement, bribery or corruption;

(c) directly, indirectly or attempting to influence in any manner the procurement process to obtain an unfair advantage in the award of a procurement contract;

This is about collusion to cheat the government and to get paid an unearned income over and above what is due to the person.

Because of that, We ordained for the Children of Israel that if anyone killed a person not in retaliation of murder, or (and) to spread mischief in the land - it would be as if he killed all mankind, and if anyone saved a life, it would be as if he saved the life of all mankind. And indeed, there came to them Our Messengers with Al-Bayyinah, even then after that many of them continued to exceed the limits in the land!) (33. The recompense of those who wage war against Allah and His Messenger and do mischief in the land is only that they shall be killed or crucified, or their hands and their feet be cut off on opposite sides, or be exiled from the land. That is their disgrace in this world, and a great torment is theirs in the Hereafter.) (34. Except for those who (having fled away and then) came back (as Muslims) with repentance before they fall into your power; in that case, know that Allah is Oft-Forgiving, Most Merciful.) (Qur'ān 5: 33-34).

And (as for) the male thief and the female thief, cut off their hands as a recompense for that which both committed, a punishment by way of example from Allah. And Allah is All-Powerful, All-Wise. But whosoever repents after his crime and does righteous good deeds, then verily, Allah will pardon him. Verily, Allah is Oft-Forgiving, Most Merciful. Know you not that to Allah (Alone) belongs the dominion of the heavens and the earth! He forgives whom He wills and He punishes whom He wills. And Allah is able to do all things. (Qur'ān:5:38-40)

This is about fraud and undue influence in procurement proceedings.

(4) The following shall also constitute offences under this Act:

- (d) splitting of tenders to enable the evasion of monetary thresholds set;
- (e) bid-rigging;
- (f) altering any procurement document with intent to influence the outcome of a tender proceeding;
- (g) uttering or using fake documents or encouraging their use; and
- (h) willful refusal to allow the Bureau or its officers to have access to any procurement records.

This is about using fake documents, manipulating bids and preventing lawful authority

from exercising its functions.

6.6 ROLE OF IMAMS AND RELIGIOUS LEADERS IN PROMOTING GOOD PUBLIC FINANCIAL MANAGEMENT

Imams and other religious leaders have vital roles to play in the promotion of effective financial management. This may be summarised as follows:

- a. Organising of workshops.
- b. Daily *Ta'lim* between *Maghrib* and *Isha'* Prayers.
- c. Advocacy.
- d. Use of *Minbar* during Friday Sermons.
- e. Visitation of public sector institutions Mosques and presenting the manuals during various religious meetings.
- f. Inter-faith discussions and meetings.
- g. Using of the Religious-based School Teachers in addressing various issues of mis-management of public funds in Nigeria and its implications for the future of the Nigerian child.
- H. Monitoring and evaluation of public projects to ensure quality and timely completion as specified in contract documents.
- I. Training members of Muslim Students' Society of Nigeria on sound Public Finance Management practices.