

Chapter – 44

Mediator

(حکم / ثالث)

❖ وَإِنْ خِفْتُمْ شِقَاقَ بَيْنِهِمَا فَابْعَثُوا حَكَمًا مِّنْ أَهْلِهِ وَحَكَمًا مِّنْ أَهْلِهَا إِنْ يُرِيدَا إِصْلَاحًا يُوَفِّقِ اللَّهُ بَيْنَهُمَا إِنَّ اللَّهَ كَانَ عَلِيمًا خَبِيرًا .

And if you fear a dispute between husband and wife, send an arbitrator from the man's family and an arbitrator from the woman's family; if these two wish conciliation, Allah will unit them; indeed Allah is all knowing, well aware. (04:35)

Dear People! In our opinion when any serious conflict starts between husband and wife, immediately call few respectable persons from both the families and bring to an end the dispute. One thing which is very important and need proper attention that the decision makers must be sensible and should be aware of the entire situation. They must be aware of traditions as well. Simultaneously they can appropriately evaluate the status of both the families. After that one can have more expectations for justice.

Look! With these efforts its one fallout is that, such affairs can be settled by **پنچایت** (council of elders) and there will be no need to refer to the courts. Such stage would not come that any case is filed in the formal court and spend money. The second outcome is that it suggests that judges should be local and belong to the same place, because such person would have some sympathies. ---- For Muslims, it is not good to destroy themselves by lawsuits. This is a matter of disgrace that we have the 'Local Jury System'. People listen to them and all accept their decisions as well. But very sad! Who are busy in fighting each other and are far apart from settlements? They are Muslims ---!

Look! In the beginning days of Islam, Justices were appointed in the cities for judgments, and they were called Qazi (قاضی). Now governments have assigned this job to Civil Judges and Lawyers. Presently these Qazi were provided with a piece of nontransferable agricultural land as compensations and made them out of work. As a result, for Qazi, it became difficult to maintain their status.

What Qazi do these days ---? They just became Marriage Registrar and are limited to this job only. They do not even properly participate in the decisions of religious affairs.

One thing requires attention that mediator or arbitrator should not be restricted to give simple advises only. But if he gives any decision and if the government gives its approval as well then it should be as effective as the decision of court. On the paper of the decision of Qazi if husband and wife post their signatures then the decision and the paper should be considered as 'Legal'. Even if it relates to the matter of divorce (طلاق) or dismissal (خلع) it should be taken as 'Lawful'. After that any court would not be liable to reject it.

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