

Selection of Judiciary & Administration of Justice in Nahjul Balagha” (Peak Eloquence): Human Rights Perspective

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Abstract

The rules laid down by Ali (a.s) regarding Human rights appear to be better and more useful for the Muslim Ummah as compared with the declaration made by the United Nations on the subject.

We have to understand properly the views and ideas of Hazrat Ali in the light of his various testaments letters and orders sent by him to the Governors of his cabinet which are important, essential and gives us system of good governance and honesty in functioning of the rule. The Muslim ummah is seriously confront with the lot of Problems how to solve these problems? what is the way to solve these in whole world Although lot of Empires runing smoothie on basis of these instr uctions it will be proved more beneficial for us bater guidelines, if we are serious to adopt the foot step of Holy Prophet (P.u.h) and obey the instructions of the commander of believers titled by Holy Prophet as (Ali is a best Judge among yourselves)

The Personality of Hazrat Ali is well respected and authentication of his book Nahjul Balagha also unanimously not only agreed Muslims but Non-Muslims also believing that it is complete & full in favour of the Human rights and justice as Prophet p.u.h ranked him as best Justice as compare to other companions even lot of companions have

sought the help in their difficult decisions An important issue of this article.

Keywords: Nahjul Balagha, Judiciary, Administration, Justice, Selection, Human Rights

Introduction

It is also proud for all the Muslim communities that their leader’s idea and instructions regarding the subject matter are important than those institutions who are claiming for human rights in this regard we can read above book of Christian author George Jordac.

Let me to write that in this article I will focused the letter of Ali a.s which he sent to Malik s/o Haris Alashtar nakhae when he has been appointed by him as a Governor oh his Government for Egypt.

I think if our Kings, Rulers, jurists Intellectuals and thinkers deeply consider on these instructions and act upon it then our society and state become honest, modest and all kind of corruption and crime will remove from our all Departments.

As we know that our country is forward in corruption and crime as well that is why we are Muslims and believe on basic principles of Islam. i.e one ness and existence of Almighty Allah, and the day hereafter as well as we accept that almighty Allah will ask from us in the day of judgment and we are responsible to reply and justify.

Our Religion Islam also order us to be careful from human rights than it is our duty to know about the rights in the light of Islam that is way to solve our problem.

Human Rights

Christian’s writer George Jordac emphases laws of human rights and he after comparing with United Nations regulations proved that Ali is most careful from human rights as well as he given reasons as follow.

In his opinion the difference between the two set of rules is due to four reasons.

1. The charter of the United Nations was drafted by thousands of intellectuals belongs to almost all the countries of the world whereas the alavi rules were enunciated by only one person viz Ali s/o Abutalib.
2. Ali arrived in this world fourteen years ago.
3. Those that drafted the U.N Charter or in fact collected the requisite material for it indulged in too much extravagant talk and self praise and boasted that world was indebted to them on this account. On the contrary Ali showed humility before God and was modest before the People he did not seek greatness or superiority. He always prayed to God and also wished the People that his acts of commission and omission might be over looked.
4. The difference which is more important than three above is that many Nations, out of those which participated in the U.N Declaration of human rights and endorsed it, violated this declaration and started armed conflicts to nullify and destroy it, but wherever Ali placed his foot, and whenever he said anything, or unsheathed his sword, he did so to destroy tyranny and oppression and leveled the grounds to march forward on the faith of truth and justice so much so he met his martyrdom in defense of human rights although during his life time he had already been martyred thousands of times(I)

I like to quote here this instruction of Hazrat Ali as below

(Let me remind you once again that you are made responsible for guarding the rights of the poor people and for looking after their welfare. Take care that the conceit of your position and vanity of wealth may not deceive you to lose sight of such a grave and important responsibility. Yours is such an important post that you cannot claim immunity from the responsibility of even minor errors of commission or omission with an excuse that you were engrossed in the major problems of the State which you have solved diligently.

Therefore, be very careful of the welfare of the poor people. Do not be arrogant and vain against them. Remember that you have to take particular care of those who cannot reach you,

Whose poverty-stricken and disease-ridden sight may be hateful to you, and whom society treats with disgust, detestation and contempt. You should be a source of comfort, love and respect to them. Appoint a respectable, honest and pious person - a person who fears Allah and who can treat them honorably, order him to find out everything about them and to submit a report to you.

Then treat these poor people in such a way that on the Day of Judgment you can plead your case successfully before Allah because of all classes of your subjects this class deserves more of your attention, sympathy and fair-deal.

Though every one of these poor persons deserves your sympathy and you will have to do justice to His cause to achieve His favors, yet you should pay more attention to young orphans and old cripples. They neither have any support nor can they conveniently come out begging. They cannot reach you; therefore, you must reach them.

Remember that the fulfillment of this obligation and duty is considered as a tiresome burden by most of the rulers but to those who desire to achieve His Blessings and to enter into His Realm, even this work seems light and congenial. They bear it happily, dutifully and sincerely. They find pleasures in it and they believe in the promise made by Allah.

Out of your hours of work, fix a time for the complainants and for those who want to approach you with their grievances. During this time you should do no other work but hear them and pay attention to their complaints and grievances. For this purpose you must arrange public audience for them during this audience, for the sake of Allah, treat them with kindness,

Courtesy, and respect. Do not let your army and police be in the audience hall at such times so that those who have grievances against your regime may speak to you freely, unreservedly and without fear.

All this is a necessary factor of your rule because I have often heard the Holy Prophet (s) saying, "That nation or regime, where that rights of the depressed, destitute and suppressed are not guarded and where the mighty

and powerful persons are not forced to accede these rights, cannot achieve salvation". You must remember that in those audiences the most (2)

Selection Of Justice and Judiciary

Hazrat Ali the commander of believers in this regard had written letter to Malik Ashtar who was a famous companion of Imam Ali (a). He was the head of the Bani Nakha'i clan. He was a faithful disciple of Imam Ali (a). He was a brave warrior and had acted as a Commander-in-Chief of the armies of Imam Ali (a). His valour had earned him the title of "Fearless Tiger".

Imam Ali (a) had specially taught him the principles of administration and jurisprudence. He venerated and loved Imam Ali (a) sincerely and earned Mu'awiya's enmity on that account.

Mu'awiya had conspired against him and got him killed by his gang of hirelings.

His untimely death deeply grieved Imam Ali (a) who, expressing his grief said: "He was to me what I was to the Holy Prophet (s)". The following instructions in the form of a letter were written to him by Imam Ali (a) who appointed him as the Governor of Egypt in place of Muhammad bin Abi Bakr(.3).

Ali a.s wrote him instructions to select following qualities people as Justice (So far as dispensing of justice is concerned, you have to be very careful in selecting officers for the same. You must select people of excellent character and high caliber and with meritorious records. They must possess the following qualifications: Abundance of litigations and complexity of cases should not make them lose their temper.

When they realize that they have committed a mistake in judgment they should not insist on it by trying to justify it. When truth is made clear to them or when the right path opens up before them, they should not consider it below their dignity to correct the mistake)

Ishaque s/o Amir quoted from Imam Jaffer Sadique A.s that Ali a.s said to Chief Justice Shareeh (O shareeh ;you are sitting on the place which is reserved for holy Prophet either his successor or inappropriate)making judgment without justice is unfortunate and dishonesty . (4).

Either according to Islamic Traditions the meaning of Government is to decide being Justice or only controlling over there the attribute of it is to decide there is two reasons it.

First is most clear that because there is Prophet or his successor second is in appropriate and dishonest. Reference No 5.

Another news of suleman s/o khalid quoted from Imam Jaffer Sadiq a.s he said (be careful from Government because this is for those who are eligible to decide with justice between the Muslims in this meaning only Prophet or his successors appropriate for it Ref No.5.

It is quite clear that these traditions are prohibiting all except infallibles to be appoint as a justice no doubt those infallibles are used to send their advocates in different cities for that it is compulsory to accept them because decision is here right and hope or willing of people will not be seen but only these personalities are permissible to sit on that position.

Summery

It is not permissible for those to sit on the pulpit of the Justice without their prior permission it is responsibility of Jurist and Justice.

Sheikh Noman s/o Mufeed narrated in his book as under.

(the implementation on the punishments is the responsibility of Islamic Ruler who is from Almighty Allah these are only infallibles or whose appointed by them as Malik Ashter appointed by Ali a.s.

To be probe in to the matter that they have referred it to the Jurists and given authority to them in possible situation.

In the tradition which quoted by Hafaz s/o Gyas that I asked from Imam Jaffer Sadique a.s who will punished to mischief makers and sinners, king or Justice?

He replied those who are ruling or justice .Ref No.6.

It is quiet correct that for resolving of this matter government has frame a administrative committee among the Judiciary on the basis of Islamic Laws According to Islamic law Qazi or Chief Justice must have to possess the qualities which are available in the Jurist or a man who selected by him.

Due to that after revolution of Islamic Republic of Iran when Government functioned under the supremacy of Jurist supreme judicial council had been constituted consisting five members Who all are Diligent.

Functions Of Supreme Judiciary Council

This council is authorized to amend the ordinances, make correction in the laws and reform the judiciary according to Islamic principles.

Another function of this council is to appoint those people as judge who are fulfilling the criteria and all terms and conditions according to Islam.

The chief justice and the prosecutor General both are Members of this committee

Qualification of the members is they must be Diligent beside this they should plenty knowledge regarding jurisprudence and laws Supreme leader who is jurist with consultation of Justices will appoint them through them supreme leader will contact with Judiciary.

Likewise in Islamic Government Jurist through supreme National Security Council and Supreme Judicial Council contact with judiciary.

Through President contact with administration and control three essential powers of Government.

Establishment, Administration and Judiciary

This opinion is not correct that Government of Jurist is separate thing or which is not concerned with each other but through this lot of centers of Nature are become more power full and given existence.

Similarly Prime Minister after manifest his authority & responsibilities is not separate from President or other cabinet member likewise Jurist is patron of all powers because his responsibility is also clear he is not oppose other ranks but his authority and powers are superior than all ranks. (7).

In this regard we have remember our prophet s Government he used to control all the heads of states because he has Given by Almighty Allah rank of King

Selection Of Advisers Ministers, And Representatives

Hazrat Ali a.s written following instruction to malik ashtar accordingly.

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(Similarly do not allow cowards to act as your advisers because they will make you timid in enforcing your orders, will scare you from handling important affairs boldly and will make your enterprises and invasions timid and timorous attempts. At the same time avoid greedy and covetous persons who would aspire to the position of acting as your counselor because he will teach you how to exploit the community and how to oppress people to get their wealth.

Remember that miserliness; cowardice and greed appear to be different wicked

Qualities but they all arise from the same evil mentality of having no faith and no trust in Allah.

Your worst ministers will be the men who had been ministers to the despotic rulers before you and who had been a party to atrocities committed by them. Such persons should not be taken into your confidence and should not be trusted because they have aided sinners and have assisted tyrants and cruel rulers.

In their stead you can comfortably find persons who are equally wise and learned but who have not developed sinful and criminal mentalities, which have neither helped the tyrants in their tyrannies nor have they assisted them to carry on their sinful deeds. Such persons will prove the least troublesome to you. They will be the most helpful.

They will sincerely sympathize with you. If you take them in your confidence they will sever their connections with your opponents. Keep such people with you as your companions in your informal company as well as in official gatherings in audience. From amongst such honest and humane companions and ministers some would receive your fullest confidence and trust.

They are those who can always speak out the bitter truth to you and unreservedly and without fear of you may also appoint trustworthy and honest men to keep a watch over the activities of these officers. The knowledge that they are being watched secretly will keep them away from dishonesty, misrule, malpractice and tyrannizing the subjects. Protect your government from dishonest officers. If you find any of them dishonest and

your confidential intelligence service submits acceptable proofs of his dishonesty, then you must punish him.

This may be corporal punishment besides dismissal from service and taking back from him all which he has dishonestly collected. He must be humiliated and must be made to realize the infamy of his.

Limitations And Its Implementation

If you have intentionally murdered a man then no excuse shall be acceptable to Allah or to me because punishment of such a crime is necessary.

And if you kill a man by mistake without any intention or motive of killing or while delivering legal penalties, your whip, sword or hand unintentionally and inadvertently deals a fatal blow because even a forcefully delivered slap or box on the ear may cause death, then do

Not, on account of your prestige and position, refuse paying the compensation to the heirs.

Beware and do not develop the trait of self-admiration and self-appreciation. Do not get conceited of the good points that you find in your good character or good deeds that you have done. Do not let flattery and cajolery make you vain and egoist. Remember that of all the cunning ruses of the devil to undo good deeds of the pious people and to affect their piety,

Not show weakness. When you do not find a true way to do the thing on hand, then do not persist on the wrong way and when find a correct solution, then do not be lethargic in adopting it.

In short do everything at a proper time and in a proper way and keep everything in its proper place.

Do not reserve for yourself anything which is a common property of all and in which others have equal rights. Do not close your eyes from glaring malpractice of the officers, miscarriage of justice and misuse of rights because you will be held responsible for the wrong thus done to others. In the near future your wrong practices and maladministration will be exposed and you will be held responsible and punished for the wrong done to the helpless and oppressed People. Take care and keep control over you temper, your anger and your desire to be arrogant and vain.

Take care of your hands when you are out to deliver punishment and of the sharpness of your tongue when you are saying harsh things. The best way to achieve this is not to be hasty in making remarks and to delay in delivering punishment so that you may keep your temper under control and are not overexcited.

In this connection I have to quote here some verses of holy Quran.

“Oh ye who believe the law of equality is prescribed to you in cases of murder the free for the free the slave for the slave the woman for the woman but any remission is made by the brother of the slain then grand any reasonable demand and compensate .with handsome gratitude this is concession and mercy from your lord after it who exceeds the limits shall be punished with panalit”

In the law of equality there is saving of your life o ye the man of understanding that ye may restrain your slaves (.8)

Interpretation of above verses is it that through this terrorism will be gone from our society because criminals will be hesitate to commit any kind of crime if they done they will definitely punished resulting the life of human will be safe and secure.

Hazrat Ali a.s said its obligatory for Jurist to tress sinful scholar, Ignorant doctor and those poor who are residing in rental place.(.9)

Prophet p.u.h said the punishment which will be given for pleasure of Almighty Allah is batter than forty days rain and that comply on the earth is equal to sixty years worship with Piety. (10)

.Almighty never disconnect his blessings and sky rain which is mercy on his creatures then why He will disconnect the establishment of Government as well as His limitations in this way functioning. Re No.10

We know that these are implementing through the Leader ship of Jurist and the most important and primary pillar of Islam is willayat (real Government) (11)

Importance of this letter

This letter is a précis of the principles of administration and justice as dictated by Islam. It deals with the duties and obligations of rulers, their chief

responsibilities, priorities of rights and obligations, dispensation of justice, control over secretaries and subordinate staff; distribution of work and duties amongst the various branches of administration, their co-ordination with each other and their co-operation with the centre.

In it Imam Ali (a) advises Maalik to combat corruption and oppression amongst the officers, to control markets and imports and exports, to curb evils of profiteering, hoarding, and black marketing.

In it he has also explained stages of various classes in a society, the duties of the government towards the lowest class, how they are to be looked after and how their conditions are to be improved, the principle of equitable distribution of wealth and opportunities, orphans and their up-bringing, maintenance of the handicapped, crippled and Disabled persons and substitutes in lieu of homes for the aged and the disabled.

Then he (a) discusses the army, of whom it should consist of and how the ignorant, ruthless and corrupt mercenaries should not be allowed to join the army as their profession.

He lays great stress upon the honor and the nobility of volunteers who in time of need, offer their voluntary services to defend the Islamic State. Finally, he comments upon the rights of rulers over the ruled and of the ruled over the rulers.(12)

Conclusion

In the Nahjul balaga Collected by Syed Razi the Collection of Sermons letters and Gracious words of Hazrat Ali there is complete system of Government as well as its reformation and implementation if we deeply study these instructions we will found whole system of life.

Surely our Rulers and officers are ignorant from fruitful Instructions of Their leaders specifically Hazrat Ali Prophet ranked him as gateway of Knowledge Mostly Muslims leaving these essential instructions and follow UN Resolution although these are nothing more without induction of Imam Alis administrative and human right rules as Non-Muslims also agreed upon that Alavi rules are better than U.N Human right Charter, as per view point of Gerorge Gerdoc Author of Famous book "The Voice of Human Justice" The

UNO and other organizations of human rights also drafted the rules which already stated by Ali a.s but Ali delivered these instructions while before saying he adopted these in his Government, same statement is clearly mentioned in Nahjul balaga That I cannot Command before acting myself on these Command.

Selection of Judiciary and Adminstrationration of Govt is an essential task of Islamic Government which is tenet of Islam and base of Human right if we select proper person for specific Job then certainly run the Government with smooth method and purpose of Good governance will be sought through the human justice and Social justice as directed by Almighty Allah in His Prestigious Book Holy Qiraaran

We hope that this Article will prove more beneficial for readers they want to get great know- how Accordingly.

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