



RESEARCH PAPER

Introduction to the Shariah System of the Former State of Chitral

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PAPER INFO	ABSTRACT
Received: February 28, 2022 Accepted: April 10, 2022 Online: April 15, 2022	Human life is of great value in Islam. That is why God has prescribed punishments. In which there is apparently death but in reality there is life in these punishments and sharia system. When we see this sharia system in Chitral, it has been in use for seven centuries. It is a fact that people in mountainous areas are naturally temperamental. But when we look at the people of Chitral, we find opposite to it. That these people, despite living in the rocky valleys of Terich Meir, K2 and Mount Hindu Kush, seem to have a very gentle temperament, a quiet temperament, far from fighting. Therefore, awareness of this fact is very important. What is the secret of this unique quality of the people Chitral, particularly in the country and generally in Asia.
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Introduction

It is the right of God Almighty to make the system of life, law life and code of conduct for human beings, reasons for which are as follows.

Human life here after is in fact an infinite and eternal life which is beyond his imagination and wisdom. The life in this world is only a short space of time. This is out of reach and a little bit wrong right he may think so compared to worldly life, so when winter necessities and useful things can be harmful in cold weather, is it not possible that man for worldly life can make laws useful at present, may be proved fatal periods of life.

All that man can think of is related to the body, the soul on which human well-being revolves is beyond human comprehension and experience due to being imperceptible, and to a large extent the needs and interests of soul and body are contradictory to one another. There is a strong fear that these two interests will not be able to reconcile.

Man's intellect about law is not totally pure and his emotions are more. Therefore, the law which man makes is not a mirror of his intellect but a mirror of his emotions. The power of government takes the form of global corruption.

Even if it is accepted for a while that human intellect makes laws in the light of pure intellect, then no matter how pure the human intellect may be, it cannot know its own benefits and harms, especially regarding the principle of life. The self-made laws of the human wisdom are constantly changing, but still the destination is not known, which clearly

shows that if the inner light of the eyes need an external and celestial light (sun) for the perception of feelings, The inner light of the intellect alone is not enough to grasp the imperceptible principle unless an imperceptible external light (divine revelation) is integrated with the intellect.

If the source of the law of life is not divine wisdom but human intellect, then man will be the victim of a general confusion against human intellect and as his wisdom is not controlled he will never have peace and contentment which is being experienced. He has tried all theories and is anxious for the heavenly light by following the law of Sharia and the system of Sharia, man, especially Muslims, should embrace his lost heritage (Afghani, 2011, p. 9).

This article examines the situation in the former state of Chitral with respect to the same Shariah system.

Literature Review

Before this, no satisfactory work has been done on the Shariah system and judicial decisions of the state of Chitral, Although many books have been written on the general history of Chitral. Such as Mirza Ghofran's "History of Chitral" in Persian language, Dr. Israr's book "Sir Nasir-Al-Mulk" and "Scattered Papers of History of Chitral" etc. However, on the basis of research, Dr. Younis Khalid obtained his PhD degree from Karachi University on the subject of "History and style of governance of Chitral State". Therefore, I wanted to work on the research basis on the Shariah system of Chitral, especially the Shariah court decisions. So I chose this for my research.

In this regard the work under review will be a breakthrough.

Advent of Islam in Chitral

Islam spread in Chitral in the fourteenth century AD during the reign of Shah Nadir Raees (first Raees). This was the time when Turkestan, called Kashgar, was ruled by the descendants of Chughtai, son of Genghis Khan. At that time Kashgar was an independent state. And this status remained until the seventeenth century AD. The family had converted to Islam in the 14th century and belonged to the Sunni school of thought. These rulers had sent Shah Nadir as their chief to Chitral. According to W. Bertholdt, in ancient Turkestan there was chieftain's office, one of the nobles of the family was appointed to this office, who ruled over a part of the empire. That is, the governor in the current term. When Shah Nadir Raees conquered Chitral and established a government here, it became a part of Kashgar Empire. And Chitral was known as Kashgar in the neighboring countries. It is mentioned in Tazkira-al-Abrar that on hearing the news of the movement of "Khan Kajo", Qazan Shah went to Kashgar. This country is located very close to Swat. The ruling class there consists of Turkish-speaking Sunni Muslims and infidel subjects" (Khalid, 2019, p. 50).

However, it is possible that Islam spread in the whole of Chitral, especially in the lower Chitral, in the fourteenth century, but in Upper Chitral, the process of spreading Islam had already started in the eleventh century. So Raees Shah Abdul Akbar went to Turkestan in 1037 and embraced Islam. He started preaching Islam in Upper Chitral, ruling Upper Chitral at that time.

On the other hand, the Arab invasion of Chitral in the 8th century AD is also mentioned in history books (Wahid, 2019, p. 9). In eighth century AD, when Islamic armies marched eastward with the intention of conquering China, trampling on Iranian, Afghan and Turk lands. Khaqans of China called on their allied rulers in the region to confront the

Muslims. The Islamic army swept away the opposing forces and continued to advance towards China. Meanwhile, a detachment of the army, including the Arab Soldiers, led by its commander, Amir Hamza Sistani, entered Chitral via Broughal. Here he defeated Kohistani's forces, demolished his fort and overthrew his government. But for unknown reasons, they withdrew without establishing an organized government. However, the pleasant effect of this attack was that Islam began to spread slowly in the region (Al-Mulk, 2015, p. 77).

This is clear that Islam had reached here in eighth century AD, Islam also reached the areas which were invaded by the Arabs.

Holzworth discusses the advent of Islam in Chitral and Gilgit with various references, and summarizes that the spreading of Islam began during the Chughtai rule in the valleys between Hindu Kush and Hindu raj. These sources do not give an idea of the extent of Kashgar's power, but its sub-centers were at Chitral (Bala) and Yasin, according to the Shagarnama, the people of Gilgit did not believe in any religion till 1660 AD. Khowar folk tales point to the same. These stories reveal the Chughtai rule over these areas. It is mentioned that from Yarkand Chitral was attacked and conquered by the Iranian army. And a king of pre-Islam era was defeated and many prisoners were taken to Yarkand and a chief was appointed here.

The Chughtai control of the area is further indicated by the fact that during the Chughtai rule (1889-90), people of Mughal descent lived between the areas of Chitral and Rhine (Torkhow) (Uddin, 2016, p. 20).

Munshi Aziz-Ud-Din, who came to Chitral in 1893 and wrote a book on various manuscripts such as Allama Sir's Draft and Mirza Ghaffar's History of Chitral Persian etc., writes that the religion of the people of this country is Islam. Although author of this book tried to find out when and through whom this religion spreaded in this country. But nothing is known. So this country has no history. Therefore, it seems impossible to find out the real facts about this matter. Traditions and imitations are popular among the people here. Some of them are completely contrary to speculation and no history testifies to their authenticity. Therefore, the idea of the people of Chitral is clearly against history that Hazrat Amir Hamza (may Allah be pleased with him) had spreaded Islam here. Similarly, this narration is also against the history that in 1339 AH Amir Timur came from Vern Valley and converted Kafiristan and the people of this region to Islam. Because in the days when Amir Timur invaded India. Here the Muslim kings of the Raeesa dynasty ruled and Islam was spreading all over the country. Yes, it is possible that this tradition is true that in the time of Hazrat Uthman (RA) when the Muslims raised the flag of Islam in Badakhshan. So their emir sent two of his chiefs, Sefnosh and Istatanosh, to Torikho (Torkhow, which is the region of Upper Chitral), which was the residence of King Bahman. They captured the king and took him to their emir. Where he converted to Islam and got back the kingdom of his country. He later revolted once but was soon defeated and the whole country slowly converted to Islam (Uddin, 2010, p. 22,23).

Shariah System in Chitral

Bahman Khostani / Kohistani founded the state here and laid the foundation stone of an organized government. He was a follower of Buddhism. 23 Kalash rulers passed away. In the last period of Ka Lash, Upper Chitral was ruled by a family of 100 countries, then Raees tribe came from West Turkestan and subjugated Chitral. He called upon preachers for preaching and appointed judges, setting up Shariah courts for resolving disputes (Khalid, 2019, p. 50). This series continued till 1954, but continued partially from 1954 to 1969, because in March 1954, Rana Farzand Ali Khan, Additional Political Agent, announced the

abolition of the State Bodyguard. But on February 29, 1969, the state of Chitral was completely dissolved and annexed to Pakistan (Wahid, 2019, p. 14,15). And the system of state judges and muftis was completely abolished and the system of DC and AC was implemented. In the same way, the seven hundred years old state sharia system also came to an end (Inna Lillah, Wa Inna Ilaihi Rajioon).

Launch of Shariah system and establishment of courts and Shariah

In the eighth century AD, when Islamic forces were advancing, conquering the Empire of Iran, Afghanistan, and Turkestan, defeating the Chinese army. So a detachment of Islamic army led by Amir Hamza Sistani entered Chitral via Brougal. Here Bahman Sistani defeated Bahman forces, demolished his fort and overthrew his government. But for unknown reasons, they withdrew without establishing an organized government. However, the pleasant effect of this attack was that Islam began to spread slowly in the region (Al-Mulk, 2015, p. 77).

Then in the fourteenth century AD, the first ruler, Nadir Raees, entered. This was the time when Turkestan, which was called Kashgar, was ruled by the descendants of Chughtai, son of Genghis Khan. At that time Kashgar was an independent state. And this status remained until the seventeenth century AD. The family had converted to Islam in the 14th century and belonged to the Sunni school of thought. These rulers had sent Shah Nadir as their chief to Chitral.

According to some narrations, in ancient Turkestan there was a post of chief, to which one of the nobles of this family was appointed, who used to rule over a part of the kingdom is the present designation for that Post is governor. When Shah Nadir Raees conquered Chitral and established a government here, it became a part of Kashgar Empire. And Chitral got the name of Kashgar in the neighboring countries. It is mentioned in Tazkira-Al-Abrar that on hearing the news of the movement of "Khan Kajo", Qazan Shah went to Kashgar. This country is located very close to Swat. The ruling class there consists of Turkish-speaking Sunni Muslims and infidel subjects." In the last period of Ka Lash, Upper Chitral was ruled by a family of 100 countries, then the Raees tribe came from West Turkistan and subjugated Chitral. He called upon preachers for preaching and appointed judges by setting up Shariah courts for resolving disputes (Khalid, 2019, p. 50). Then this series lasted till 1954. In March 1954, the Mehter era came to an end, then the judges of that era also remained nominal, and then on February 29, 1969, the state of Chitral came to a complete end. It is possible to disagree with many things of the last Mehter period, it cannot be denied that the atrocities that took place in that period were very horrible. But it is also not possible to deny that The structure of the Shariah system was definitely there, many times the culprits were awarded Qisas and Hudud punishments living a long life under the Shariah system, the people of Chitral still do not have bad habits like stealing, bloodshed, bad temper and betrayal. Otherwise, people in hilly areas, villages and hamlets The inhabitants and the inhabitants of the tribes are usually naturally hard tempered and hard hearted.

{ ... وَقِيلَ: لَأَنَّهُمْ أَقْسَى قَلْبًا وَأَجْفَى قَوْلًا وَأَعْلَظَ طَبْعًا وَأَبْعَدَ عَنْ سَمَاعِ التَّنْزِيلِ، } (Al-Qurtubi, 1964, vol. 8, p. 231 & Al-Nasafi, 1998, vol. 1, p. 703). Similarly, the Messenger of Allah (peace and blessings of Allah be upon him) said about rural peoples:

" عَنْ ابْنِ عَبَّاسٍ، عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: " مَنْ سَكَنَ النَّبَادِيَّةَ، جَفَا، وَمَنْ اتَّبَعَ الصَّيْدَ، غَفَلَ، وَمَنْ أَتَى " (Bin-Hanbal, 2001, vol. 3, p. 111). أَفْتَتَنَ السُّلْطَانَ،

Translation: It is narrated from Hazrat Abdullah bin Abbas (may Allah be pleased with him) that the Prophet (peace and blessings of Allah be upon him) said: Whosoever stays in the forest, his heart will be hardened, and who comes to the doors of the rulers will be grabbed by agonize, and who chase the prey he will ignore the religious obligations.

But in spite of all these, we find the best qualities in the people of Chitral, such as gentleness, loyalty, nobility, quietness, etc., which are appreciated by all, especially at the national and international level.

And all this is the result of the Shariah system which has been remained his practice for a long time. However, after merger we have never heard of a thief being punished or a murderer being hanged, In spite of his confession, it must be admitted that with all the shortcomings of these kings, whatever the structure of the Shariah was at that time but due to the implementation of "Shariah", These Kings must be praised.

Type of decisions of the Shariah Courts

The decisions of the state-era Shariah courts were of different nature. Therefore, the Diyat of some of them were decided, And in some cases diyat and fine both were implemented, and some of them were settled amicably, decided by mutual compromise. In some cases Convicts were released without punishment, And some of them were declared Slave. Other cases were either unknown or incomplete.

We can say that decisions were taken as following.

1. Qisas: The method of Qisas was that the killer was killed by one of the heirs of the victim, or a person used to be appointed by the state to avenge the victim.
2. Diyat / Fine
3. Imprisonment
4. Pardon, it was sometimes done by Mehter, and sometimes by the heirs of the slain. Article 45 of the Constitution, therefore, states that "the President may pardon, suspend and stopping for short period of time, by a court, tribunal or other competent authority, and reduce, suspend or change" (Pakistan, Article. 45, Section. 401-402A).
5. To release, There were three were different cases of this, (1) the killer was sometimes acquitted on the ground of murder, ie, according to the custom, for example, if a man kills someone for having an illicit affair with his wife, There was no punishment. (2) Due to lack of evidence, it means sometimes a case would be filed, but even if the guilt was not proved after investigation, the culprit would be acquitted. (3) Release on bail, the third case was release on bail, that sometimes the offender was released if bail was given by someone.
6. Making a child / slave for Mehter, that is, if Mehter wanted, in some cases the culprit would be made Khana-Zad for Mehter, who would become a servant for Mehter like a slave. The descendants were called Khana-Zad, even though they were originally free and of good lineage. As in the time of the previous tyrant kings, many of the forefathers of the Ummah, Salaf-e-Saliheen were mistreated, imprisoned and martyred due to unjust oppression and violence (Nomani, NA, p. 48).

In this regard, there are many families whose property was forcibly taken away from them due to the king's refusal to say yes or no. In the same way, they were also made servants after committing other crimes.

7. Confiscation of property and deportation, so one of them is the case of Syed Bulbul Shah of Ismaili religion of Mastuj Choinj whose property was confiscated due to revolt against Sir Shuja-Al-Mulk in 1917 and sent to Badakhshan including his family.

8. Incomplete, that is, sometimes Mehter was unable to give decision due to lack of confidence in the scrutiny of the sub-committees (Uddin, 2012, p. 19, & Khalid, 2019, p. 163).

9 Unknown, there are many cases whose verdict etc. are not known.

Conclusion

The Islamic system prevailed in the Chitral region for about seven centuries. The best effects of which are still present in Chitral society. Especially gentleness, silence etc. which are admirable attributes. These are all the effects of shariah. Therefore, in order to establish peace and order in the society, it is necessary to implement the Islamic system. In the Qur'an itself, Allah the Almighty said: ["وَلَكُمْ فِي الْقِصَاصِ حَيَاةٌ يَا أُولِي الْأَلْبَابِ لَعَلَّكُمْ تَتَّقُونَ"] (Al-Quran, Al-Baqarah, 2:179). O you who understands! Life for you is in Qisas you will hopefully save yourself (from its transgression).

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