

Rules & Regulations Qadha'a Board USA, Dispute Resolution & Jama'at Involvement

(Mubarik Ahmad Malik, *Nazim Qadha'a Board Jama'at-e-Ahmadiyya USA*)

- **General:**

Information in this section is provided for the members to strictly adhere to these guidelines before approaching the *Qadha'a*. The information details the process to be followed by the members at Local and National Headquarter (NHQ) level:

1. If the parties involved cannot resolve the dispute among themselves, an effort (as applicable) must be made to resolve it at the Local Level, i.e. by parties' elders, by Jama'at President/Secretary *Umoor Amma*/Secretary *Tarbiyyat* etc.
2. If there is no dispute resolution at the Local Level, the dispute must be sent for arbitration/resolution at the National Level for this purpose. Complete written correspondence must be sent to the attention of respected Ameer Sahib at 15,000 Good Hope Road, Silver Spring MD 20905, Fax 301-879-0115.
3. Every appropriate effort will be made at the National Level for an amicable resolution, and/or arbitration, through the Secretary *Umoor Amma*/Secretary *Tarbiyyat* or other available means as decided by respected Ameer Sahib.

- **Hazrat Khalifatul Masih V^{aba}'s Directive:**

1. *Hazrat Khalifatul Masih V^{aba}* has totally restricted Ahmadis to take any dispute of a routine nature before a worldly court. If there is a hindrance in bringing a dispute to the *Nizam-i-Jama'at*, and respected Ameer Sahib USA's written permission has been obtained in advance, only then can a dispute be taken to a worldly court.
2. If a party takes a dispute to a worldly court without respected Ameer Sahib USA's written permission, a disciplinary action will be taken against the party. In this case, the *Jama'at* will not hear that dispute, regardless of dispute to be dealt by the *Umoor Amma* or the *Qadha'a*.
3. Based on this directive of *Hazur^{aba}*, the Presidents of *Jama'ats* are the eyes and ears of the *Nizam-i-Jama'at*. They are required to report to respected Ameer Sahib USA such cases after full scrutiny. A lack of action or overlook by a President in such cases can create severe problems.

- **Cases which cannot be heard by the Qadha'a:**

1. If any of the parties refuse to sign the "The Qadha'a Board USA Arbitration Agreement", *Qadha'a* cannot accept that case.
2. If any of the parties have taken their dispute to a worldly court, the *Qadha'a* cannot hear that case.
3. If a dispute has reached the level of police intervention, the *Qadha'a* cannot hear that dispute.

- **Qadha'a Disputes:**

1. Matrimonial disputes such as *khula/talaq* (divorce), domestic disputes, financial disputes etc. of a routine nature are some of the examples that can be requested for a *Qadha'a* decision.
2. Any complaint/correspondence pertaining to *Qadha'a* issues should be sent directly to the Nazim *Qadha'a* Board at the following address:

Mubarik Ahmad Malik

3056 Queensberry Drive

Huntingtown, MD 20639

Phone: 410-414-5118

Fax: 410-535-2364

Email: mubarik1976@gmail.com

- **Processing of Complaint:**

After the receipt of dispute complaint/correspondence from a member (the plaintiff), the Nazim *Qadha'a* Board will send that complaint/correspondence to the other party (defendant) for written response (*jawab daawa*) within a reasonable time frame. The response (*jawab daawa*) from the defendant will be shared with the plaintiff. The Nazim *Qadha'a* Board will also send "The *Qadha'a* Board USA Arbitration Agreement" to both parties for signature. Both parties will also be provided with a copy of "Rules & Regulations *Qadha'a* Board USA, Dispute Resolution & Jama'at Involvement".

1. After the receipt of information in 1 above, the Nazim *Qadha'a* Board will then appoint a *Qadhi Awwal* (judge) as appropriate from among the pool of *Qadhis* approved by *Hazur^{aba}* to hear the dispute.
2. The appointed *Qadhi Awwal* will set up an appropriate date and location for a hearing of the case to take place at the earliest convenient time. Disputing parties will be allowed to bring any witness(es) to the hearing as they wish. The parties must submit names of all such witness(es) to the *Qadhi Awwal* in advance of the hearing date and get their approval.
3. The *Qadhi Awwal* shall inform the parties in writing (email/postal mail) regarding hearing date of the case. A gap of at least 3-4 weeks for the parties, who have to travel by air to attend the hearing and at least one week otherwise, shall be given between the notice of hearing and its actual occurrence.
4. After receipt of the case from the Nazim *Qadha'a* Board, the *Qadhi Awwal* shall inform parties about his plan for processing the case.
5. If a party cannot attend the hearing based on a reasonable excuse (only decided by the *Qadhi Awwal*), the party can send a representative/*Wakeel* (attorney)/*Wali*

(guardian) to attend the hearing. *Wakeel* (attorney)/*Wali* (guardian) can also accompany the parties at the hearing if the parties choose to bring them along at the hearing. The parties must submit names of all such persons [representative/*Wakeel* (attorney)/*Wali* (guardian)] to the *Qadhi Awwal* in advance of the hearing date and get their approval.

6. In matters of *khula/talaq*, no *Wakeel* (attorney) is allowed to represent either party to plead their case. According to *Hadhrat Khalifatul Masih II^{ra}*, it is the duty of *Qadhi Awwal* that he should try to resolve the matter as a father to both parties. He should consider husband of the girl as his son and the girl as his daughter. Just as father admonishes his children, similarly *Qadhi Awwal* should exhort the parties to adhere to moral values. Every effort should be made by the *Qadhi Awwal* that the parents of either party do not interfere in the case.
 7. The *Qadhi Awwal* will render his decision in the most reasonable time frame and provide the decision to the Nazim *Qadha'a* Board who will then inform the disputing parties.
 8. For necessary facilitation in reaching a decision to the case, it must be understood that if any of the disputing parties choose not to provide any written response (*jawab daawa*) or response to the correspondence sent by the Nazim *Qadha'a* Board or appointed *Qadhi Awwal*, or does not attend any of the hearing(s) without a reasonable excuse (only decided by the *Qadhi Awwal*), an *ex parte* (one sided) decision is very likely.
- **Appeal Process:**
 1. The *Qadhi Awwal's* decision can be appealed by informing the Nazim *Qadha'a* Board within 30 days of receipt of the decision (within USA) and 45 days (outside USA).
 2. In case of an appeal, parties shall be advised that the appellate hearing is not a retrial. Therefore, the only testimony that will be heard is which is relevant to the items being appealed. The appealing party will have to clearly point out the items in the decision being appealed and the logic behind each item being appealed.
 3. Again, in case of an appeal, none of the parties are entitled to introduce any new material except in a case where the new material was not available earlier, or, if it is considered by the Appellate Board that it is necessary to enter the new material in the case file in order to meet the demands of justice.
 4. The parties shall not be allowed to repeat testimony already presented before the *Qadhi Awwal* since the appellate board has already read the original testimonies.
 5. A copy of the appeal will be provided to the other party in all Appellate Board cases.

6. In the case of an appeal against the decision of *Qadhi Awwal*, the case will be referred to First Appellate Board called “*Muraafi’a Oula*”, consisting of 2/3 members of the *Qadha’a* Board as appointed by the Chairman *Qadha’a* Board.
7. After receipt of the case from the Nazim *Qadha’a* Board, the Chairman Appellate Board shall inform parties about his plan for processing the case.
8. An appeal to the decision made by the First Appellate Board (“*Muraafi’a Oula*”) can also be lodged within 45 days of receipt of the decision, by informing the Nazim *Qadha’a* Board.
9. The “*Muraafi’a Oula*” decision can be appealed to the Highest Appellate Board called “*Muraafi’a Aaliya*” with the Nazim *Darul Qadha’a, Sadar Anjuman Ahmadiyya* Pakistan, Rabwah. The time frame of the appeal against “*Muraafi’a Oula*” decision is within 45 days of receipt of the decision, by informing Nazim *Qadha’a* Board. If the decision of this board is unanimous, then that decision will be final and cannot be appealed. If the decision of the board is not unanimous, then the verdict of the majority will be the final decision but an appeal/review against the decision may be lodged with *Hazrat Khalifatul Masih^{aba}*.
10. According to *Hazrat Khalifatul Masih^{aba}*’s latest directive, any appeal against the decision of the *Qadhi Awwal* in case of a *khula/talaq* (divorce) issue, must be sent directly to the Highest Appellate Board “*Muraafi’a Aaliya*” with the Nazim *Darul Qadha’a, Sadar Anjuman Ahmadiyya Pakistan*, Rabwah, thus bypassing the Appellate Board within the country.

- **Implementation of *Qadha’a* Decisions:**

1. The *Qadha’a* office does not deal with implementation of a decision after the verdict has been issued.
2. Implementation of the decision is the responsibility of the National *Umoor Amma* department. If the National *Umoor Umma* department feels there is any vagueness in the decision, the National *Umoor Amma* department can get clarification from the Nazim *Qadha’a* Board.

- **Non-implementation of *Qadha’a* Decisions:**

1. Any disputing party who does not abide by the decision of the *Qadha’a*, goes against the *Nizam-i-Jama’at*.
2. If any of the disputing party does not comply with the *decision of the Qadha’a*, that party’s name will be provided to *Hazur^{aba}* for information and any disciplinary action that *Hazur^{aba}* may deem appropriate.

- **Miscellaneous:**

1. If the disputing parties belong to different states of residence, their cases may be heard at the NHQ.

2. If the disputing parties belong to the same state, normally their cases will be heard by a Regional *Qadhi* residing in the same state. Cases may also be heard at the NHQ based on circumstances of the parties and the case, as decided by the *Qadha'a* Office.
3. None of the parties or their representative/*Wakeel/Wali* will be reimbursed by the *Qadha'a* Board for any expenditure incurred, or compensated for the time spent to attend the *Qadha'a* hearing.
4. The *Qadha'a* Board, Jama'at-e-Ahmadiyya USA ensures to be just, fair, honest and diligent in a quest for a quick resolution of the dispute and requests full cooperation from *Jama'at* members in all aspects of the dispute.