

Can Mr. Sharif Make a Model of it?

by Naeela K. Sattar

ON May 28, 1991 Pakistan's 87 seat Senate passed a new bill. This bill makes the Holy Quran and the Sunna the supreme law of the land. Pakistan as an Islamic Republic previous to the enactment of the Sharia Act, as this new bill will be called, already had in enforcement several legislation in concordance with the Quranic injunctions. Enforcement of the Hudud Ordinance 1979 (offences against property and offence of Zina), Enforcement of Hadd Ordinance, 1979 (offence of Qazf) and the Execution of the Punishment of Whipping Ordinance 1979 etc. were already in force. By passing this bill, the country makes a solemn pledge to adhere to Islamic doctrines on all aspects of life — civil, political, economic and cultural and, of course, the legal system.

general. Whether these priorities can be achieved through complete absorption of the Islamic philosophy of life have never been thoroughly experimented. Whether this ought to be experimented at all or not creates a rift among two groups: the fundamentalists and the liberals.

The fundamentalists are those who take the inscriptions of the Quran to the word. There are no alternatives, no compensation. The imposition of Quranic justice at times take the form of fanaticism. Some opine that Iran during the rule of the late Ayatollah Khomeini appeared to assume these characteristics. The government shut itself into a cocoon

equally disgusted by the profile projected by some ill-informed or uneducated Mullas. Mostly they abhor the rigidity of Islamic punishment (Al-Haddood) which are to an extent, contradictory to modern concepts of human rights. The liberals also make a lot of ado about "hijab" associating it with the curtailment of women's lib and thus consider it discardable.

The new bill has been both congratulated and criticized. While some see it as a positive step for building an Islamic Welfare State as has been promised by the Prime

sects equally respected and so on. The Prime Minister also made it very clear that the Parliament would not lose its present status and would not be sub-ordinate to the Sharia Courts or Majlis.

On the other hand, this bill has also been criticized by liberals as being undemocratic and fundamentalist. Even while other countries like theocratic Iran and Islamised Sudan are trying to loosen their fundamentalist attitudes after experimenting with the extreme form, Pakistan's march toward fundamentalism is a show of exceptional determination.

extreme reformers are relying more on the letter of the law rather than the spirit of Islam. The midline approach has rarely been adopted and the extremists have failed to apply a basic component of Islam, that of compassion and of tolerance, and have deterred from giving vital importance to the doctrines of "jima" — the consensus of opinions among the learned, and that of "qiyas", analogical deductions, "ijtihad", coming to a logical conclusion using one's own reasoning and judgement within the Islamic philosophy, and "istisna", interpreting the Quran in public interest or welfare.

sphere for foreigners to work at case in a strict Islamic environment. Will it signify assuming double standards, one for the Pakistani citizens and the other for foreigners? Or will it mean the imposition of a standard code of behaviour for foreigners and citizens alike and in that case will the foreign investors co-operate? What will be Pakistan's stand on business transactions with countries whose business or trading practices are inconsistent with Islamic values?

However, Mr. Sharif's move is extremely bold and adventurous considering the present condition of his country.

Mr. Sharif's move is extremely bold and adventurous ... Twice before the coming of the modern age Islam successfully assimilated the concepts of other cultures without changing its own character. Often Islam is compared with the steering wheel which rotates while itself remains static. Can it be done again?

Adherence to the Islamic doctrines, particularly in countries which have a predominant Muslim population creates a segmentation in the present Muslim world. While most Muslims follow to some or all extent the rituals and moral strictures of Islam, there exists in general a controversy and even reluctance to adapt the Islamic doctrines at the State level, particularly where it involves relationships with other non-Muslim countries and Governments. Priority of the modern world demands improvement of the living conditions, health facilities, economic growth, saving the human race from the pangs of hunger and grips of poverty, preserving the environment so as to ensure the preservation of mankind in

shielding the country from all possible influence or interference. The extremists sometimes ignore the material changes around them and fail to acknowledge the vital achievements of other societies.

The liberals on the other hand are willing to make some exceptions. They comprise people who are influenced by Western philosophies of progress and advancement — mainly products of colonialism. While some have studied religious doctrines but renounced them as being old, obsolete and lacking to meet the demands of the time, others have only a superficial knowledge or no idea as to the contents of the religion. These people are often misguided by Western propaganda through media and

Minister, some fundamentalists have termed it as peeing a political move to pull wool over the clergy's eyes, the Act being loud on promise and vague on substance. Basically this law is expected to change very little of the present legal system based on the Anglo-Saxon pattern. This Act is merely a declaration of intention, the preliminary object being to Islamise the education system, which in turn would create a generation versed in Islamic philosophy so that the "Ulema" or scholar-legist lost to the modern world are revived. Another intention is to implant Islamic values with the view of eradicating corruption and bribery, break the logjam in the courts to ensure speedy trials, make both interpretations of the Shiite and Sunni

particularly at a time when she is facing a deficit of \$2.63 billion and critically needs international loans. On the question of fundamentalism Mr Sharif is reported to have made a very interesting comment denying the existence of fundamentalism in Islam.

This comment may be interpreted to introduce an altogether different concept of Islam. On speculation this could mean that Mr Sharif will try to open the "gate of individual interpretation" that has been closed by the 10th century Ulema. Pious creativity and invention as had been practised during the first 200 years of Islam has often been discarded in modern attempts at reformation. The trends of

The Prime Minister has also declared that he is not a fundamentalist who cannot move with the changes of the modern times. The price of foreign assistance is often paid by the abandonment of principle. To deter that, he has boldly declared his unwillingness to depend on foreign aid and already has formulated policies on economic reforms by massive industrialization accompanied by privatization, controlled government spending, deregulation and the lifting of controls to stimulate foreign investment and by encouraging trade. That means that while of shutting herself off from the world, the Government will encourage foreign investments guarding traditional Islamic banking practices, and create an atmo-

Twice (once between 622-820 AD and again in the 9th century) before the coming of the modern age Islam successfully assimilated the concepts of other cultures without changing its own character. Often Islam is compared with the steering wheel which rotates while itself remains static. Can it be done again? Can the shattered glass be moulded? Will Mr Sharif become the Messiah to a new social system which other Islamic countries can follow and prove that —

"In this ever-building world, wherein, These cups and glasses are moulded.

Everything can be replaced, all pockets can be filled." (Faiz Ahmad Faiz in "There is no Messiah for shattered glass")

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World Population Day

The irony of our civilization is that we are doing everything to prolong our life and at the same breadth we are destroying the conditions for us to be healthy and happy. On the one hand we are creating civic societies that are more humane and free — more sensitive to human rights issues — yet, on the other hand and at the same time the vast majority of our people are becoming poorer and more dependent.

It is in that irony filled times that we observed the second World Population Day in Bangladesh yesterday, as in most other developing countries. As was expected, speeches, marches and exhortations marked the day. The purpose of observing such 'Days' is to raise public awareness as to the problem and drive home the point of taking urgent actions — to do something about them. Population related problems have been with us for quite sometimes. Millions and millions of dollars worth of work has been done in this part of the world ever since the issue caught the attention of the leading powers and the multilateral bodies such as the UN and the World Bank.

The question that needs to be raised at this point is what have been the shortcomings of our population programmes of the last decades that have led to the present state of things. Without down playing some of the useful work that has gone into our own population programmes, it would perhaps not be an exaggeration to say that for the most part they have been ineffective. To the extent that the issue is now known to the people and that there is a certain amount of acceptability of the measures of population control we have been successful. But that has been the extent of it. In terms of effective impact on the rate of our population growth, we cannot claim to have made any headway at all.

This naturally brings forth the question as to why our population programmes have been so ineffective. The obvious answer is that the issue is not as simple as our planners or project directors may have thought it to be. Population control is a highly complex and multi-faceted problem which entwines within it issues of social and personal psychology, tradition, religious beliefs and such mundane factors as family productivity and output. As long as an additional child will mean an extra hand to work in the field, there will be many kids in the family. Then again so long as survival of a new born cannot be assured rural families will continue to go for numbers so that at least a few survive through the ravages of nature and diseases.

After so many years of population control programmes we have gathered sufficient experience to realise that our approaches have been both inadequate and half hearted. According to some there was a lack of seriousness on the part of the previous governments. Whatever may have been the underlying reasons for the lack of a strong and effective programme to control population, now is the time to put them behind us. The popular government of Begum Zia must take up population control programmes with earnestness and devote a major part of her energy in making it a success. For us population control lies at the very heart of the future development of our country.

Dr. Muhammad Shahidullah

This we write in fond remembrance of a high-achieving little man who was born this day 107 years ago at Peyara, a sleepy village tucked away in the district of 24-Parganas. His academic pre-eminence and his undiminished love of knowledge and untiring application that is demanded to keep that love true — earned him universal respect as long as he lived. Now that he is not among us we can see him in better perspective and come to appreciate in him qualities that would find newer relevance in our social and intellectual situation.

Lovingly called 'Sadananda' for his irrepressible cheerfulness — he never suffered from depression in his long life — Shahidullah was a devout Muslim from the very beginning. More than that — he would not miss a chance of joining in proselytizing missions till the very end of his life. The same man took up Sanskrit-language that couches all the Hindu scriptures — as a special subject of study in the schools and by his insistence on pursuing the same at the university level raised quite a storm among the conservative pundits of the day. That was quite in keeping with the whole man that took shape gradually but inexorably — religiously devout yet non-sectarian and non-communal. When the die had been cast for the partition of the subcontinent in the first months of 1947, it was Dr Muhammad Shahidullah who boldly wrote that the state language of the projected new Islamic state must perforce be Bengali — and nothing beside. And as long as he lived this scholar steeped particularly in Islamic learning in its original Arabic and Persian receptacles — and was never found to have been enthusiastic about theocraticising the state beyond the trappings that were there.

The walking encyclopedia as he was called did not leave behind heaps of works. But there was quality in whatever he did — and most of the times it was pioneering he was doing. Although a phonetician by recognition he was possibly more of a comparative philologist brought up in the Bopp-Grierson School and influenced by the overpowering presence of Suniti Kumar Chattopadhyaya. His voracious capacity as a linguist — he is believed to have acquired mastery over 18 languages, matching the performance of the legendary Harinath De — was part to good use by another healthful influence — that of Haraprasad Shastri. The two strands of pursuit — philology and Indology — combined in Shahidullah to produce certain very refreshing insights into the Caryas of Buddhist Siddhacaryas — the earliest written form of Bengali.

When he had long retired from formal academic involvement, he embarked on a groundbreaking work. This time in lexicography. His dictionary of regional Bengali will long remain a monument to his love of the Bengali language, the people who speak it and the land where it is spoken. Very late in his life he reformed the Bengali calendar. Although the Bengali speaking peoples of the world are now producing more and more linguists, we in Bangladesh feel the absence very much of a grammarian of Shahidullah's stature and authority. Let Shahidullah's remembrance refresh our awareness of the duties that we have failed in the matter of literacy, education and our Bengali language as a whole.

The timetable for constitutional change in South Africa is slipping and the sincerity of President FW de Klerk in moving the country to true majority rule is now being put seriously into question.

Optimism that most sanctions might be lifted by the end of this year is beginning to fade. Continuing township violence has stopped the 12-nation European Community in its tracks.

Its decision to lift sanctions has not been acted on because Denmark believes the time is not right and other member countries are re-thinking their position.

Although President George Bush was getting ready to ask the US Congress to lift sanctions, he also is delaying. And Commonwealth Secretary-General Emeka Anyaoku has written to governments saying that they should be prepared to halt their plans to relax sanctions until de Klerk takes firm new action to end the violence.

At its summit meeting in Abuja, Nigeria, the Organisation of African Unity (OAU) called for all sanctions to be kept in place until there were surer signs that apartheid was really on the way out.

At the same time it sounded a hopeful note, committing African leaders in due course "to review the question of sanctions with a view to re-admitting South Africa into the international community."

The OAU sought "to impress on the South African liberation movements the strategic importance of the unity of all anti-apartheid forces."

It became clear in Abuja that President Ibrahim Babangida of Nigeria, as the new OAU chairman, is likely to play an increasingly important role in the South African situation.

A sign of South African recognition of this fact came when de Klerk, following his breakthrough visit to Kenya, let it be known that he hoped soon to go to Nigeria.

Just How Sincere is De Klerk About the New South Africa?

by Derek Ingram

Hopes for an all-party constitutional conference is South Africa early in the second half of the year are fading. The violence in the townships and the military's suspect role in it have put in question President de Klerk's sincerity. The lifting of sanctions looks like being delayed. It becomes increasingly clear that a coalition between the white government and Chief Buthelezi's Inkatha Movement to keep the African National Congress from power is the real name of the game.

The internal political situation building up in South Africa is all too reminiscent of what happened before independence finally came to Zimbabwe, with divisions between Nelson Mandela's African National Congress (ANC) and Chief Buthelezi's Inkatha Movement being exacerbated by powerful white forces in Pretoria supported by right wing organisations in the West.

The game's the same. In Zimbabwe right up to the last weeks before independence the plan was to try to keep Robert Mugabe out of power by creating a co-called moderate coalition of Bishop Abel Muzorewa, Ian Smith and Joshua Nkomo.

In South Africa the idea is to keep the ANC from power by creating a coalition between de Klerk's white National government and Inkatha.

While the divisions between Inkatha and the ANC are being violently whipped up by the activities of the South African police much outside help is being given to strengthen Inkatha.

The sources are all too familiar from the Zimbabwe days — mainly right wing organisations in the United States, such as the Heritage Foundation, and industrialists in north America and Europe.



PRESIDENT F.W. DE KLERK
A coalition against the ANC?

Although the Cold War has ended, the bogey of communism is still being used as a means of keeping real power in the hands of the whites. The huge potential wealth of South Africa puts the stakes far higher than they were in the struggles over Zimbabwe, Namibia or Angola.

The South Africa situation is increasingly worrying more rational elements in the international community, which till recently have shown blind faith in the sincerity of de Klerk.

No one doubts that he means what he says when he

talks about having three years and four months left to transform the political situation into a non-apartheid one-person-one-vote South Africa.

That is the length of time his government can remain in power. He must have a new constitution in place by then, replacing the white parliament and with apartheid fully abolished.

The legalities are now being dealt with, but does de Klerk see himself holding on to power in a coalition against the ANC?

And is he therefore really condoning the debilitating black violence which the military under Defence Minister Magnus Malan is at worst stirring up and at best taking no action to stop?

Again the Zimbabwe parallel: right up to the end, military forces in a variety of guises controlled by the Muzorewa-Smith regime regularly engaged in dirty tricks that pinned the blame on the Mugabe forces for atrocities they themselves had committed.

Later there was another parallel: Namibia. In the last few weeks a string of revelations has been published in Southern Africa from Nico Basson, who at a young age swiftly rose to become right-hand man to General Jamie

Goldenshuys, head of the South African Defence Force (SADF). Basson left the army and was then called in by the SADF to run its communications strategy before the Namibia elections.

He is now spilling the beans. His motive is not clear, but he is telling newspapers in great detail how the military has been stoking up the violence in the black townships of South Africa.

What he says is consistent with what has happened in Angola and Mozambique over many years, where the South African military, aided by western interests, has supported rebel movements, wrecking the countries in the process.

If de Klerk is genuine in his oft-stated intention to create a truly democratic South Africa,

then his government is not in control of the military, and Defence Minister General Magnus Malan is ignoring his policy. That would be bad enough, but if he is actually supporting Malan then the situation is most serious.

Although Mandela and de Klerk would seem to be locked into a process towards an all-party conference leading to a new constitution, it is getting difficult to see how Inkatha, the ANC and others can sit down at the same table this year.

The lifting of sanctions will again become an international controversy and this will worry Britain, which has been in the forefront of the moves to drop them.

In October the next Commonwealth summit is to be held in Harare. It had been hoped that sanctions might then be well on the way out.

Britain does not want another Commonwealth showdown over South Africa, so an initiative by John Major involving a long-promised prime ministerial visit to Pretoria becomes a real possibility.

Meantime, a meeting of the committee of nine Commonwealth foreign ministers on southern Africa expected to be held at the end of July assumes new importance, as did the first full meeting for 31 years of the African National Congress held in Durban on July 2-6.

— GEMINI NEWS
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OPINION Independence of the Judiciary

It is an internationally accepted principle that the independence of the Judiciary is essential for the establishment of the Rule of Law. The 1972 Constitution of the People's Republic of Bangladesh contained some safety valves for the preservation of the independence of the Judiciary but those safety valves were totally destroyed by the amendment in 1975, during switch over to the Presidential form of Government. Two Bills have already been placed recently in the Parliament, one by the ruling party, another by the Awami League, describing various rights and obligations of the President and the Prime Minister aiming at establishing the Parliamentary form of Government. By the amendment in 1975, the President usurped the power of the Supreme Court and the Chief Justice, threatening Independence of Judiciary, but curiously enough, the above-mentioned bills have failed to touch those powers of the President which are very much vital to the independence of the Judiciary.

Under Provisions of Article 95 and 98 of the 1972 Constitution the President was empowered to appoint other judges (except Chief Justice) and additional judges of the Supreme Court in consultation with the Chief Justice. But after the amendment of 1975, the President has no obligation to consult the Chief Justice and the President can alone appoint any judge or additional judge of the Supreme Court.

The amendment omitted the provision for consultation with the Chief Justice. By the amendment of Article 115 in 1975, powers of the Supreme Court to advise and recommend for the appointment of judicial officers and judicial Magistrates had been taken away. These powers are now exercised by the President alone. By the amendment of Article 116 in 1975, absolute power of the Supreme Court over control (including the power of posting, promotion and grant of leave) and discipline of persons employed in the judicial service and magistrates exercising judicial powers had been taken away and now vest in the President.

Constitution amendment bills should contain provisions for restoring the powers and rights of the Chief Justice and the Supreme Court ensuring independence of the judiciary. Nobody will, perhaps, argue that the powers relating judiciary which are concentrated now in the hands of the President should, in the Parliamentary form, be concentrated again in the hands of the Prime Minister. The Judiciary must regain the tremendous area of lost ground. People should not be compelled to live in the age of mock-heroes. The sooner such mock-heroes are consistently avoided, the better for all.

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To the Editor...

Letters for publication in these columns should be addressed to the Editor and legibly written or typed with double space. For reasons of space, short letters are preferred, and all are subject to editing and cuts. Pseudonyms are accepted. However, all communications must bear the writer's real name, signature and address.

Bangladesh-Soviet relations

Sir, I would like to commend you on your thoughtful editorial of July 9 on Bangladesh-Soviet relations. The points raised are very valid and timely. In this connection I should like to point out one error in your editorial that it was Dr. Kamal Hossain who was the last Foreign Minister who visited Soviet Union in May 1974.

Zeaal Huq
Dhaka
Editor's Note: We had inadvertently mentioned in the editorial under question that the last Bangladesh Foreign Minister to visit Moscow was Mr Abdus Samad Azad. The error is regretted.

Development equally

Sir, The foreign minister was speaking in a rally on the eve of Eid-ul-Azha at Bagerhat that government is determined towards development equally of all regions of the country. Similar utterances continued to be heard during the past Awami - BNP - JP regimes but the districtwise, divisionwise or subdivision (now new district) wise investment vary quite widely.

A textile mill with own generation of electricity was in operation in Bagerhat in 1930-31 and after partition of India there was only a few mills in former East Pakistan. However, later BTMC established a number of textile mills but unfortunately, none in

Bagerhat while the old one had stopped operation long before. Let us do something now!

Sadik Alee,
Maghbazer, Dhaka

Drugs abuse human rights

Sir, One of the basics of advancing civilization is welfare of human beings. Since every human makes mistakes or commits crimes — ignorable or serious — some kind of measures are necessary to control or correct the (wrong) behaviour of social inhabitants for peace and prosperity for all.

Depending on the gravity of an offense, the correctional method, not punishment, needs to be applied in order to remedy the repetition of such misdeeds that disturb peaceful living; but the severity of such treatment should not be so much that naturally undermines the divine rights of a person.

However, self-consciousness in the present society is what is essential for a sound

social life. The International Day Against Drug Abuse and Illicit Trafficking has tremendously aroused such civic sense throughout the world. Universally, as of now, drug abuse has been identified as one of the most infectious causes of social disorder and degradation, and, therefore, drug trafficking has been awarded with harsh/capital punishment as per modern laws.

These man-made laws intended for civilized order of the habitat at times encounter queries over their justifications and are often faced with limitations resulting in undue sufferings to the innocents. One way to ensure national civility, in addition to administrative/legal bindings, may be a mandatory Drug Test for all irrespective of rank and status. Without skepticism, the enlightened members of the society have to intensify their efforts toward standardizing social attitude for an elegant society by virtue of human rights.

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