

## Big Power Wave-length

Both in terms of symbolism and tangibles, Bill Clinton's historic China visit, first in nine years by any US President since the Tiananmen crackdown on pro-democracy dissidents, is proving to be a success. True to his vow that he would keep hammering the US human rights point of view throughout his nine-day long stay in China, Clinton has already pointed out that his state welcoming ceremony in Tiananmen Square evoked 'the ghosts of the events of nine years ago'. Indeed the joint press conference that followed his otherwise highly productive summit with Chinese President Jiang Zemin turned into an occasion for public debate on the subject. They agreed to disagree on democracy, freedom of speech and association and treatment of political dissidents.

That has been the symbolic part of the outcome with the tangible content of it reading more impressive than that. China and the USA have made a stride in their relationship based on the belief that they can and must do business with each other. It is in their mutual interest to do so. By hindsight, Washington had renewed the MFN status to China despite the unbridged differences with Beijing on the human rights question. So, the seed of rapprochement was there and this has now come to flower with the Sino-US pact. Apart from being a historic agreement on 47 key-points the pact stipulates that the USA and China would no longer target their nuclear weapons at each other.

They have spoken of "strategic alliance," and of being "partners and not adversaries." All these sound like an idiom born straight out of the nuclear turbulence scenario. Clinton has said as much — 'the pact is a counterweight to the recent Indian and Pakistani nuclear tests.'

As a matter of fact, both Jiang Zemin and Bill Clinton have spoken with one voice on South Asia. They have called upon India and Pakistan to stop further N-tests and sign CTBT without delay. We welcome the relevance of their worry over the new burst of nuclearisation but do not think it is a complete recipe by itself. We suggest they jointly assure India and Pakistan on their security concerns. India's threat perception revolves around Kashmir on the west and China on the east, China as a long-standing traditional ally of Pakistan has a clout with her. The USA can be persuasive with India and Pakistan both. If the vastly improved US-China relations is a common denominator between the conflicting sides then perhaps it needs to be harnessed in defusing the nuclear tension in South Asia. Let the Indian Ocean be 'a zone of peace' as a key element to global denuclearisation.

## Salaries-only Varsities

Soon after the national budget was out, with its 40 billion-plus allocation to education, we had lamented in this column that 80 per cent of this huge sum would go to salaries and some more to constructions and maintenance, leaving almost nothing to education and student support. Now we are not alone in our misgivings. From inside the education sector has come a report on the affairs of our universities which says salaries eat up 70 per cent of their budgets leaving very little for educational and research activities. We are happy that the observation comes from no less a body than the University Grants Commission — who hold the purse-string of the universities and yet maintain that universities have been spending their kitties on irregular payments on unacceptable post creations and promotions.

Why should we bemoan salaries to teachers? No, it's not quite that. Paying them is paying for what they give to the students, namely, education. Salaries shouldn't have been the pain that it is now precisely because nobody is convinced that the students get their money's value. Can education be meaningfully imparted without proper laboratories and equipment and sufficiently stocked libraries?

Mass literacy and primary education are, by their sheer number, unwieldy things. Even the wisest of policies takes time to show result here, such result as no one can predict for sure, National excellence in intellectual pursuit and in coming to grips with the universe and the more complicated man's world — depends very much on the universities. A nation's capacity is built there out of the capability born of its geography and history, culture and physical anthropology. Why shouldn't the universities, lending so eminently to good leadership because of the smallness of the constituency, be a study in excellence themselves? What's holding?

There should, of course, be more money to higher education. More than the present one per cent of GDP. But there must be universities in Bangladesh competing for students and for excellence — and many of today's problems will not be there.

## Where Pirates Rule

We don't hear of them much these days because the world in which they used to operate has shrunk beyond recognition. The rapid expansion and development in overland communication system has robbed the rivers of their importance, might and size. Rivers may have gone moribund but the pirates are alive and ruling with impunity. A report published yesterday in a leading Bangla daily mapped the river routes grovelling under the tyranny of pirates. Armed with firearms and hidden behind masks these pirates are ambushing passengers frequently. It looks as though a vast stretch of the Jamuna adjacent to Bera of Pabna, Shibhalaya of Manikganj and Daulatpur has gone under their control. The situation looks pretty serious because the plunderers are active even in daytime.

Unfortunately the gravity of the situation is not reflected by the attitude of police authorities. The correspondent who spoke to some of the victims and the local law enforcing agency found the latter blissfully ignorant of the whole thing. They seem to be through with their responsibility by saying that people do not lodge complaints. This is not acceptable. In Bangladesh people avoid police because they do not have confidence in them; seeking help from men in uniform is seldom a reassuring experience for the common man. 'Incidental expenses' are so heavy that more often than not steering clear of police seems a better option. Even now when the rivers are long past their peak navigability a considerable number of people rely on communication through river routes. Their safety must be ensured. We demand that the authorities look into the matter seriously and urgently and do whatever is needed to alleviate the problem.

# Missile Proliferation in South Asia: The Question of Complicity

EVER since the United States made its first atomic bomb in 1945 there was an element of inevitability in its proliferation. With no amount of safeguards the US could retain the monopoly of its secrets. After she had to share nuclear technology at least with all of her wartime allies — the resultant club of the white races did not want to see anymore finger on nuclear button. So, it was a shock when China exploded her device in 1964. A quickly conducted American survey revealed that in the mid-sixties almost two dozens of countries were on the threshold of going nuclear. Seized with a paranoid anxiety over this ominous development the club engaged itself in a grand bargain with non-nuclear weapons states (NINWS), particularly the new aspirants for nuclear status. An unusual diplomatic alacrity on the part of nuclear weapons states (NWS) produced non-proliferation treaty (NPT) in 1970.

The anxiety over proliferation however persisted as a defiant few including India and Pakistan, stayed away from the treaty. While the arch rivals of South Asia bristled ahead with their bomb-making programme the nuclear club and its allies adopted various measures to make the projects difficult. If they were not dissuaded from their nuclear adventure the nuclear weapons states (NWS) wanted to prevent them from establishing what they called a nuclear regime of which the delivery system was an important component. Given a sound economic base and certain technological capability the bombmaking these days is easier than before, but delivering it by long range missile remains an art mastered by a restricted inner circle. It is precisely this reason that the Missile Technology Control Regime (MTCR) was brought into being in 1987 to put a lid on the missiles' further proliferation.

The present system of control on the spread of ballistic missile technology through MTCR was however the product of an evolutionary process which started almost simultaneously with NPT negotiations

If Pakistan has been able to dent MTCR in obtaining much of her missile technology from outside sources, India is no less responsible for tampering with MTCR in boosting her 'indigenous' missile programme.

and continues till date. The MTCR was formally initiated by US department of defence in 1982 with negotiations starting with the regime's potential participants. When MTCR was made public in 1987 China and former Soviet Union were still not signatories to the agreement. The former Soviet Union, in spite of her anxiety over Israel's rapid progress on Jericho missiles which could reach outside what it saw as being instrument for ensuring western hegemony in technology exchange. She signed up MTCR only in 1995.

Although MTCR is a global concept at the core of which is international security, its thrust has been essentially directed against South Asia where India already exploded her nuclear bomb in 1974 and Pakistan was closely trailing behind with menacing posture of making her own nuclear device. It was expected that both the countries would soon look for delivery means for their devices. When India successfully launched its first satellite in 1980 Washington rightly anticipated that the days were not far off when India would have the ability to hurl nuclear device halfway across the world. Because it is impossible to distinguish space launch projects from ballistic missiles and the MTCR partners became genuinely hostile to space launch efforts. Spurred by this threat and similar space programmes in Israel and elsewhere the US administration decided to get a cap on such developments. For this to be assured the western exports on ballistic missile technology, it was felt, had to be rigorous and widely observed.

The MTCR was never intended to be a complete response to the problems of ballistic missile proliferation. Still, there were some successes as a result of the restrictions imposed by MTCR — at least in the initial stage. France cancelled a contract to sell liquid-fuel rocket engine manufacturing technology to Brazil. In 1989 the US Central Intelli-

gence Agency (CIA) foresaw 15-20 Third World countries building their own ballistic missiles by the year 2000. The pace of ballistic missile proliferation significantly slowed down since then. Contrary to what many expected only 3-5 Third World countries would now be capable of producing ballistic missiles in the early years of next century. Today only one regional power — Israel — is capable of building complete ballistic missile system and it is accepted in the west as a partial, albeit extremely controversial exception to the principles of MTCR. Only one other country — North Korea — continues to make un-checked progress. The Iraqi missile programme is in ruin for the moment. The programmes in Argentina, Brazil,



PERSPECTIVES  
by Brig (Rtd) M Abdul Hafiz

South Korea and Taiwan appear to be moribund. Other countries that were trying to develop ballistic missile of their own such as Iran, Syria and Libya — need massive foreign assistance to finish their projects. Only India's programmes, the most advanced in the Third World after Israel, is steadily going ahead in spite of financial and technical problems.

In spite of MTCR the missile programmes have hardly been affected in South Asia. Apart from other reasons the enormous loopholes that exist in export controls enable the aspirants in this region to go ahead with their programme. India's purchase of cryogenic engines from Russia has given a significant boost to her missile programme whereas Pakistan attempted to purchase prototype missiles falling outside the MTCR specification from the suppliers and there is already considerable amount of ballistic missile technology in that

country. Both these countries remain determined to forge ahead with their quest for an appropriate delivery system for their nuclear warhead. MTCR is entirely voluntary lacking a verification scheme or an enforcement procedure. The subcontinent's complex politico-security milieu makes the control regime difficult to work. China and North Korea — believed to be the missile technology suppliers to Pakistan — do not adhere to the principles of MTCR primarily because of the importance of arms export to their economy in general as well as to their industries and armed forces in particular. As a result there is little to prevent Chinese or North Korean missiles from reaching the clients such as Pakistan and Iran. This

to have credible response to India's surface-to-surface tactical missile 'Prithvi'. Now that India's IRBM 'Agni' lies in backburner for years after its inconclusive testing in 1994, the successful testing of Pakistan's 1500 km range 'Ghauri' missile in April last appears to have tilted the subcontinent's missile balance in favour of Pakistan — even if temporarily. Pakistan's hawkish foreign minister claimed that 'Ghauri' could hit anyone of Indian cities either with nuclear or conventional warhead. 'Ghauri' took by surprise the whole lot of Indians who were apparently upset by Pakistani achievement. Some observers even feel that India's nuclear explosion after a month could have been triggered by 'Ghauri' phobia. While the dusts raised by 'Ghauri' are yet to settle speculation abounds as regards its real potential, origin and motive.

According to Dr A Q Khan of Pakistan's nuclear Shangrila at Kahuta, the development of both 'Ghauri' and 'Ghaznavi' — the latter, a new missile, under development — are Pakistan's indigenous product. India, as before, points its finger to China. The strategic community in India insists that 'Ghauri' was certainly not indigenous but was obtained either from China or North Korea. It further insists on a possible US complicity in or acquiescence to Pakistan's acquisition of missile from China as the test case in the wake of Sino-US discussion in Beijing on arms control issues — particularly with regard to nuclear and missile collaboration of China with Pakistan. President Clinton, determined to make his visit to China a success, would perhaps deliberately look away from Chinese proliferation activities, even though Robert Einhorn, assistant secretary of state for non-proliferation told the Congress in February last that China was certainly supplying missile components, if not complete MTCR class missiles to Pakistan. The Indians

are unhappy with Washington because of the latter's unwillingness to reach a finding on the Chinese supplied M-11 missiles which arrived in Pakistan as far back as in 1993 and missile component like ring magnets were received by Pakistan in 1994.

If Pakistan has been able to dent MTCR in obtaining much of her missile technology from outside sources, India is no less responsible for tampering with MTCR in boosting her 'indigenous' missile programme. As a matter of fact the first Soviet attempt to commercialise her rocket engine technology with an agreement to sell cryogenic engines to India at the flag end of Gorbachev regime in 1991 substantially reduced MTCR's effect. The transfer of these engines gave India 15 or so years lead in its rocket programme to develop inter-continental ballistic missile. India's cryogenic engine deal with Russia, her ally during cold war period, had indeed been sleazy. She exploited an economically bankrupt Russia to obtain at least seven engines worth \$350 million in 1991. Even the US failed to prevent Russia, an earliest sponsor of MTCR, from shipping those strategic materials to India.

Even if the US convinced the governments of both Gorbachev and Yeltsin who made promises to dismantle the deal in return of Washington bringing Moscow into the Western space and rocket fraternity, the Russian rocket export establishment managed to manoeuvre its political masters in making the deal a reality. It is on record from a study conducted by International Institute of Strategic Studies (IISS) that Clinton administration, weary of a long series of fruitless negotiation with Moscow finally settled down against all the White House's earlier demands for Russia to give up its rocket programme to India. It would thus be seen that the US complex, and albeit a US-Russian collaboration in promoting India's missile programme was much more stark and direct than alleged obfuscation surrounding US policy in dealing with China supplying missile technology to Pakistan.

Despite the fact that the government has a lot of goodwill among the intelligentsia and the masses they tend to take counsel from an inner circle short on intelligence but long on flattery, an extremely dangerous combination, one that has got many a previous regime in deep trouble. Decisions have been taken hastily and then forced by public opinion to backtrack, making the issue politically sensitive.

What we need is sound crisis management based on correct evaluation of the available information, in each sector we need task-force oriented teams, with definite and achievable targets. We do not need to create fresh monsters, only to overcome the existing ones. We are frittering away our human and material resources in a wasteful exercise in mis-management without definite aims and objectives. When we should have harnessed the human potential of both friend and foe to cope with the situation, we further polarized the situation by exacerbating issues that were necessary but not of immediate importance relevant to the present situation.

Mian Nawaz Sharif will have to reach out of his inner circle if he is to truly build a national mandate or he will find that people will not reach out for him in the future as much as they do today. While he has been politically smart in avoiding the Budget from economically adding to the burdening of the masses, the public perception that he is increasingly removed from reality must be dispelled. That can only be done by a pragmatic display of good governance at its best, that is the essence of finding positive and lasting solutions to our immediate and long-term problems.

Whatsoever methodology one employs the fact remains that Pakistan is in serious economic trouble. Part of it is the inept performance of the government in the face of adversity despite the fact that Mian Nawaz Sharif has had a golden 30 days post-May 28. Where hard decision-making is necessary, the government tends to vacillate and to delay.

## Living Beyond Reality

Whatever methodology one employs the fact remains that Pakistan is in serious economic trouble. Part of it is the inept performance of the government in the face of adversity despite the fact that Mian Nawaz Sharif has had a golden 30 days post-May 28.

Malaysia and we may get some relief in the import of palm oil on deferred payments. There are enough rumours afloat to reasonably assume that Iran, among others, may agree to sell us oil on deferred payment basis.

With respect to CBR collections, there is enough evidence to suggest that these will certainly go up considerably and the government may in fact be able to achieve a target of Rs. 350 - 360 billion provided the government does not succumb to the machinations of 'special interest groups' that have previously derailed such previous efforts in Pakistan. The CBR has been re-vitalized within the straitjacket imposed upon them by the political government and it is becoming more difficult for tax-dodgers to escape official attention.

As for Pakistanis abroad, sending in money through official channels, one does not hold out much hope, despite the appeal to patriotism the increase will be marginal. The blue-collar worker strongly believes in the 'Hundi' system where he gets his money within hours without any hassles in comparison to banks which are inefficient, indolent and even downright rude to down-scale customers more often than not. Why should he change his tried and trusted route? Some will, for patriotic purposes, and after being mistreated and maltreated, will go back to the 'Hundi' route. As regards white collar workers, they are more likely to keep their funds abroad, invested in real estate or tangible securities. If they had any such inclination to send money to local foreign ac-

counts, after the empowerment of freezing of Foreign Currency Accounts, that intention has also got into a deep-freeze and new accounts are highly unlikely.

However, even in this some 'rotation' is likely i.e. withdrawal at Rs. 46 and re-deposit in fresh Foreign Currency Accounts. Nobody trusts our credibility, only Henry Wilson was able to sell the Eiffel Tower twice.

As such to expect much from the National Self Reliance Fund as well as inward remittances would be unrealistic. Unfortu-

nately this hits us at the point of our greatest weakness, our depleting foreign exchange reserves. With that comes also the crisis of meeting commitments of meeting debt repayments as well as keeping a balance of payments going. The trade policy announced by MNA Ishaq Dar, goes a long way to meeting a 'zero deficit' situation. In the circumstances, this was also surprisingly and refreshingly liberal and pragmatic. As a consummate team player, Ishaq Dar has come a long way. Given the extremely adverse economic situation many in the intelligentsia cannot understand why there are no blues in the budget. In fact the budget is very liberal by normal South Asia budgetary

standards. So the assumption is that our financial planners have either stayed too far out in the 'afternoon sun' or know something we do not.

In fact both may be somewhat true but the actual philosophy behind the soft budget is to not to further burden the citizen and to somehow stimulate the economy. You cannot burden a man carrying a 40 lb pack with more weight, this will only crush him forever. To get his limbs going one has to take off some of the weight and periodically give him life-sustaining nourishment.

Successive governments have woefully failed at intercepting smugglers of luxury goods and contraband items. The Baram markets are symbolic of our impotency to stop them. The lowering of custom duties makes the relative cost of smuggling uneconomical in the face of direct imports. We are guilty of helping Dubai become Dubai, at the cost of Pakistan. Keeping duties lower will encourage importers to adopt the official route rather than take unnecessary risks, this way government revenues will be enhanced.

Similarly the reduction of duties on higher cc cars is not Salfur Rahman-BMW specific as Ms Bhutto is claiming, smuggling of vehicles has become an unbearable burden on the national exchequer. Lowered duties would mean lesser smuggling as well as import of vehicles and by the official route. As such there is a definite method in the seeming Senator Sartaj-midsummer madness. Now it depends upon the CBR to perform, in a Catch-22 argument the CBR depends upon the government not to interfere with the process when they catch the really big fish.

Where hard decision-making is necessary, the government tends to vacillate and to delay.

## AS I SEE IT

Ikrum Sehgal writes from Karachi

ment. With additional taxes, the buying power would be further eroded and thereby sales and commensurately domestic production would go down. This vicious cycle would create further economic despondency. In effect, the government has to gamble, to take a calculated risk that by keeping taxes down, increasing the consumer's buying power would help fuel the economy. This is Reagan-vintage supply-sided economics at its bare bones, if it does not succeed then we are in real trouble. If CBR fails to get in revenues, we are dead!

Reducing duties for a wide range of so-called luxury goods is not so much to make them available for well-heeled consumers as to curb smuggling.

happening all over the country? It's the dirty politics — we know it and so do the politicians. Hence, why not try to build a country with passion and love rather than hatred and aggression.

Enough is enough! We have rained enough blood so far. Let's get together, irrespective of our personal argues for the sake of the motherland.

Hey, the youth of Bangladesh! Is that what you wanted to see, 'the atrocity'? Please stop the violence inside the universities and colleges. You do understand, learning politics in the universities are different than exposed to the dirty insurgency in the place of education.

I am wonder, why don't we understand a simple matter 'it's our country'. We shouldn't destroy it for the sake of power and aggressions. I strongly feel, we should encourage effort in building a prosperous Bangladesh rather using them blindly for the dirty political game.

Please feel in your heart, we have a bottomless economy. 95 per cent of our people are illiterate and living below the poverty line and we are so far surviving by the aids of foreign nations. And even we don't have enough resources to fulfill our basic needs i.e. electricity and

Please look around, what's

## To the Editor

### Fatwa: Use and abuse

Sir, It is true that we find many books of *Fatwa* by reputed scholars or groups of scholars such as *Fatwa-e-Alamgiri* (which was produced by about 300 *Alims* at the time of Emperor Aurangzeb in India), *Fatwa-e-Rashidia* (written by a major *Alim* of Dwbond), *Imdadul Fatwa* (*Fatwa* of Ashraf Ali Thanabi), etc.

What is the legal angle of *Fatwa*? I read some time back a good definition of *Fatwa* which states that '*Fatwa* is the non-binding legal opinion of *Alim*'. This is very true and can be accepted as a general definition. It differs from the judgement of the court which is called *Ray* or *decree*.

### The Pilgrim's Progress

Sir, Tiring Uncle Sam is relaxing his vice-like grip on 'truant' Iran and Iraq (these are the names of two Muslim countries famous for big historical images — the great Persian Empire at the beginning of modern civilization; and Baghdad, of Caliph and Alibaba fame, if not anything else). The pilgrim's next stop-over is a matter of great interest to planet Earth and the Space beyond.

The Americans are pragmatic people, and acutely dogmatic-wise. Trade first, politics later (or, maybe it is vice versa?). Lots of oil and gas (the 'energy' syndrome or synergy) have to be siphoned off for export out of the rich Muslim CIS region, and the vast Iranian territory is standing on the way, blocking the entry and exit to freer trade, WTO-wise or otherwise. The White House has seemingly bent rather awkwardly to the pressure of American big business, and started wooing the Iranians suddenly, and in an abnormal way. Perhaps Fate is also playing a small part: in the WC '98 Football the US football team is playing Iran (under neutral referee)! The goal is peace! It reminds us of the vernacular phrase '*duniya gol hat*' (the

Shah Abdul Hannan, Former Secretary, Ministry of Finance, Government of the People's Republic of Bangladesh

### Fatwa: Use and abuse

Sir, It is true that we find many books of *Fatwa* by reputed scholars or groups of scholars such as *Fatwa-e-Alamgiri* (which was produced by about 300 *Alims* at the time of Emperor Aurangzeb in India), *Fatwa-e-Rashidia* (written by a major *Alim* of Dwbond), *Imdadul Fatwa* (*Fatwa* of Ashraf Ali Thanabi), etc.

What is the legal angle of *Fatwa*? I read some time back a good definition of *Fatwa* which states that '*Fatwa* is the non-binding legal opinion of *Alim*'. This is very true and can be accepted as a general definition. It differs from the judgement of the court which is called *Ray* or *decree*.

The Ray is the decision of court which is binding but subject to appeals to higher courts; whereas *Fatwa* is non-binding legal opinion like the legal opinion of any modern lawyer or attorney. The non-binding *Fatwa* can be followed by individuals in their personal matters or even social matter as long as these do not involve application of force or do not fall in the area of public law. No punishment can be given by a *Fatwa*, punishments can law be given only by the court of law in the Islamic states. History of Islam says, punishments were not given by individual *Alim*

### Fatwa: Use and abuse

Sir, It is true that we find many books of *Fatwa* by reputed scholars or groups of scholars such as *Fatwa-e-Alamgiri* (which was produced by about 300 *Alims* at the time of Emperor Aurangzeb in India), *Fatwa-e-Rashidia* (written by a major *Alim* of Dwbond), *Imdadul Fatwa* (*Fatwa* of Ashraf Ali Thanabi), etc.

What is the legal angle of *Fatwa*? I read some time back a good definition of *Fatwa* which states that '*Fatwa* is the non-binding legal opinion of *Alim*'. This is very true and can be accepted as a general definition. It differs from the judgement of the court which is called *Ray* or *decree*.

The Ray is the decision of court which is binding but subject to appeals to higher courts; whereas *Fatwa* is non-binding legal opinion like the legal opinion of any modern lawyer or attorney. The non-binding *Fatwa* can be followed by individuals in their personal matters or even social matter as long as these do not involve application of force or do not fall in the area of public law. No punishment can be given by a *Fatwa*, punishments can law be given only by the court of law in the Islamic states. History of Islam says, punishments were not given by individual *Alim*

### Fatwa: Use and abuse

Sir, It is true that we find many books of *Fatwa* by reputed scholars or groups of scholars such as *Fatwa-e-Alamgiri* (which was produced by about 300 *Alims* at the time of Emperor Aurangzeb in India), *Fatwa-e-Rashidia* (written by a major *Alim* of Dwbond), *Imdadul Fatwa* (*Fatwa* of Ashraf Ali Thanabi), etc.

What is the legal angle of *Fatwa*? I read some time back a good definition of *Fatwa* which states that '*Fatwa* is the non-binding legal opinion of *Alim*'. This is very true and can be accepted as a general definition. It differs from the judgement of the court which is called *Ray* or *decree*.

The Ray is the decision of court which is binding but subject to appeals to higher courts; whereas *Fatwa* is non-binding legal opinion like the legal opinion of any modern lawyer or attorney. The non-binding *Fatwa* can be followed by individuals in their personal matters or even social matter as long as these do not involve application of force or do not fall in the area of public law. No punishment can be given by a *Fatwa*, punishments can law be given only by the court of law in the Islamic states. History of Islam says, punishments were not given by individual *Alim*

### Fatwa: Use and abuse

Sir, It is true that we find many books of *Fatwa* by reputed scholars or groups of scholars such as *Fatwa-e-Alamgiri* (which was produced by about 300 *Alims* at the time of Emperor Aurangzeb in India), *Fatwa-e-Rashidia* (written by a major *Alim* of Dwbond), *Imdadul Fatwa* (*Fatwa* of Ashraf Ali Thanabi), etc.

What is the legal angle of *Fatwa*? I read some time back a good definition of *Fatwa* which states that '*Fatwa* is the non-binding legal opinion of *Alim*'. This is very true and can be accepted as a general definition. It differs from the judgement of the court which is called *Ray* or *decree*.

The Ray is the decision of court which is binding but subject to appeals to higher courts; whereas *Fatwa* is non-binding legal opinion like the legal opinion of any modern lawyer or attorney. The non-binding *Fatwa* can be followed by individuals in their personal matters or even social matter as long as these do not involve application of force or do not fall in the area of public law. No punishment can be given by a *Fatwa*, punishments can law be given only by the court of law in the Islamic states. History of Islam says, punishments were not given by individual *Alim*