Founder-Editor: Late S. M. Ali

# Mind Your Language, Please!

One of the principal victims of the political culture fostered over the past 25 years appears to have been etiquette. That might not have been so bad, had it not also claimed another, far more illustrious victim: the credibility of political leaders themselves. The loss of etiquette has created such a carefree political environment that leaders feel they can make any allegations and couch them in whatever language, and still get away with it. In recent days the invectives have been getting shriller. Leaders of the major parties are now engaged in a routine exercise, calling each other "liars", "conspirators", terrorists", "thieves", "fascists", "traitors", "killers" and what not. What these leaders do not seem to realise is that they are also jeopardising the prospect of the growth of healthy politics in the country.

Since the top leaders of the two largest parties the incumbent prime minister and a former prime minister — are leading this verbal charge, it raises a serious question. If both of them are correct, then what are we to deduce? If both are correct about each other, then both would be "guilty" of the most unspeakable conduct. But if both are incorrect, then both could be accused of wilfully misleading the public, or even committing malicious slander. Either way, the credibility of both the parties and their leaders is demolished, not by allegations from the other, but by their own indiscretion.

Can there be a worse tragedy than the destruction of political culture by people who are pledgebound to uphold its values? And what of the future? What would children and teenagers growing up today make of the political culture they see before them? Would they regard "honesty", "dedication", "patriotism" as values associated with politics? Would they not feel that they are growing up in a country where politics is devoid of values? Is this the legacy our illustrious leaders wish to leave behind? If not, then it surely is time our leaders began to mind their language, and show some respect for the intelligence of the men and women in the street.

## Focus on the Constitution

If the birth of Bangladesh in December, 1971 marked the culmination of our struggle for political emancipation the adoption of Constitution on November 4 the following year flagged off our tryst with destiny in real terms. The crystallised aspirations of the new-born nation for a qualitative transformation in its collective lot were encapsulated in the four state principles of democracy, nationalism, socialism and secularism as enshrined in the 1972 Constitution. Produced in record time political scientists were effusive about its rich contents and unreservedly greeted it as an ideal corpus of statutes drawn up in the best traditions of constitution-making known to democracies around the world.

The Declaration of American Independence, constitutions of countries wedded to a unitary system of government, the whole lot of unwritten, yet transparent constitutional conventions of Britain, including Westminster tradition and the Indian constitution were closely studied to benefit by as we fashioned the constitution after our own aspirations and in keeping with our national genius.

The 1972 Constitution in many ways remains an ideal that is yet to be realised. Although we have returned to parliamentary democracy after years of forced detour via a presidential form of government and the black ordinance that indemnified the killers of Bangabandhu has been struck out of the statutes book to make their trial possible the constitutional emphasis on egalitarianism is yet to be lived up to. And, the principle of secularism stood diluted. The charter of liberties that the Constitution envisaged in terms of a whole range of fundamental rights - the rights of women and children and the rights of all citizens to employment and work - has to this day remained basically unrealised. Equitable distribution of wealth and equality of opportunities still sound like distant dreams.

We cannot let the most refined and enlightened part of our national legacy gather dusts in the bookshelves of our national libraries. It must be treated as a living document — a pole-star, as it were, whereby we should constantly monitor the direction of our national efforts in various fields. It ought to be the centre-piece of our national thought-process and activities.

# Pests and Punishment

The floods came when the Aus had already been harvested. Unfortunately the newly sown Aman fields were all deluged and nothing of that planting survived. From the first day of the recession of water farmers engaged the fields anew and in only a month's time Aman seedlings presented a vista at once eye and soulfilling.

Unlucky is a misplaced euphemism for what has happened before harvesting can begin. Standing Aman crop has been attacked by various pests over at least one lakh hectare. Fatalism comes easy to our peasants. The pests could be fought off and timely precaution could even have prevented the attack. It was the job of the agricultural extension personnel to motivate the peasants into this and help them with the wherewithal to resist the onslaught. The avoidable pest attack was made possible through human failing.

We are gratified to know that Agriculture Minister Motia Chowdhury saw through it all. She wonders why there should have been any pest attack anywhere at all. The agri-extension personnel were given 26 power-sprayers, 508 hand sprayers, 10,000 pest catching nets, 1,000 hurricane lamps and 500 petromax lights exclusively to fight the pests. Besides, there were cash money with them which they would use in the fight against pests. And, in many places, they did nothing and pests are having a field day there.

And she has talked of punishing those that have failed the peasants on this score. This sounds new and good. The lesson that pests are preventable and that some quarters must be responsible if these are not prevented, is one that should be emulated in all spheres of our national life. Epidemics are preventable and so is, in the last analysis, our kind of poverty or, courtesy Amartya Sen, disentitlement. These are no more to be treated as godsend and the people responsible must be identified and duly dealt with.

Dhaka, Thursday, November 5, 1998

# The State of Civil Society in Bangladesh

Though the institutions of civil society in Bangladesh may be fragile but they are steadily growing in

scope thanks to the nature of inherent quality of our ordinary people. Citizens'

action groups have proliferated in the country.

participation has now be-Come a global phenomenon. It is being considered to be extremely important in creating and sustaining a democratic society both in the developed and developing world. In the industrialized North there is greater emphasis on it due to the apprehensions of steady decline of participatory democracy in the context of peoples' apathy to take part through the traditional forms of political participation as voting, party affiliation, and labour union membership. Whereas factors like malaise of state prompted development and the struggle to disseminate the fruits of democracy to the citizens in economic and political spheres are compelling the developing countries of the South to take a

fresh look at the concept of

civic participation.

TRENGTHENING of civic

rich and the poor.

The notion of civil society is

not something new. Even the

early thinkers like Hobbes and

Machiavelli, who propagated

authoritarianism, left room for

the germination of seeds for as-

sociational life. Later it was

pointed out by numerous

thinkers like Toqueville that

the associational life instills

civility in conducting interac-

tion among the citizens. Fur-

ther, they stated that increas-

ing activism of civil society and

its interaction with the politi-

cal process help bring the

marginalized groups into the

mainstream of the society. As-

sociational life, therefore, is

considered to be the building

block of democracy. And if the

state wants to foster the growth

a healthy associational life it

must define its role and rela-

tions with the society and help

develop proper political institu-

tions. In this context let us re-

view the state of civil society in

existence of civil society and its

importance in making our

newly gained democracy func-

tion has been in circulation

only since late 1980s. It was in

the late 1980s that the emer-

gence of civil society was taking

place at the global level coincid-

ing the winds of democracy

blowing all over the world, es-

pecially in Eastern Europe.

Bangladesh joined this world

wide democracy movement and

established political democracy

with the establishment of the

said political order, as if by a

magic, the people as a whole

would start getting the benefits of this egalitarian system, and

the oppressed, the poor, the un-

in 1991. We all expected that,

In Bangladesh, however, the

Bangladesh.

In both cases the movement is directed towards making the state to respond to ordinary citizens' demands through the activism of organized citizens' groups. There is a growing realization that having a democratic order does not necessarily guarantee accruing of democracy's benefits. On the contrary it is being recognized that in order to have an effective democracy function there is a need for an organized and responsible citizenry. The political and civic competence of the citizens is almost a sine qua non for a truly functioning democracy so that the political order can disseminate equity. social justice and maintain rule of law. A responsible and active citizenry is not only required to check the unbridled power of the state but also needed to ensure the accountability of the private sector. Otherwise unbridled market forces (a postcold war phenomenon) would only exacerberate the fragmentation of the society rather than closing the gaps between the

derprivileged, the women, the neglected would be integrated into the mainstream of the so-

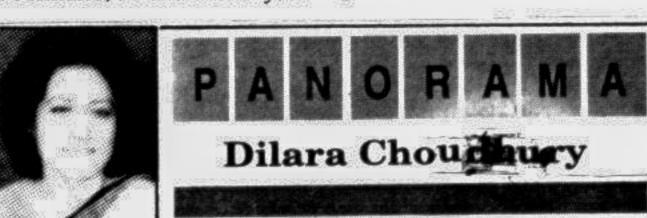
ciety. Those expectations

proved not only wrong but also

elusive. By most indicators fate of democracy is at peril in Bangladesh. Truism is that since 1991 we have had regular elections both at the national as well as local levels. The political institutions like parliament, judiciary, somewhat free media and others are there. There is also a functioning party-system but underneath the veneer of all these trappings there remains, in the country, a

on the government can make the difference. Besides the public funding the political parties play a vital role in strengthening of civil society.

Because with it emerges the modern interests group politics and the political parties begin to solicit their support by conceiting their demands. These two-way channels of interaction are important in ensuring a democratic society. Since most of the civic organizations are donor funded and there are hardly any public funded civic organizations which work outside the purview of the state power the state of civil society



dysfunctional political system. Unless and until this dyfunctionalism is corrected, we as a nation, must face its consequences in not too distant future. Already the endemic systemic problems have injected so much inertia that it would probably work like lethal poison and erode our very soul and spirit. Democracy's major goal is to foster mechanism through which equity, social justice and rule of law can be instilled. But the very notion is still missing. What has happened more and more people are realizing that having a democratic order does not automatically ensure a democratic society. For that there is need for a vibrant associational life whose demands

in our country in many ways depend on the interaction between the political party process and existing civic organizations.

When we come to the actual state of civil society we feel dismayed. The reasons will be explained later. Before that a brief review of the history of our civil society would be illuminating. Historically, the interactions between the political party process and the civil society had been healthy. Unlike today the party leadership was motivated by moral authority and were imbued with higher ideals from which the civil society took its cues in vital learning - attitude, temperament, and values. These were

reflected in the spontaneous tole played by the civil society during our language movement, anti-authoritarian movement, and mass upsurge of 1969 culminating into our war of liberation of 1971. Sadly though that momentum could not be kept going in post-liberation period. The negative effect of party politics started to have its impact

on our political system.

Despite this deterioration and negative twist of turns in political party process the civil society in Bangladesh thrived and tried to bring its bearing on the arbitrary powers of the state. Time and again the civil society, through its various spontaneous movements established in principle that popular sentiments as expressed by and through organizations should be acknowledged by those who govern. During the democracy movement of 1990, it was the APSU which forced the Awami League and the Bangladesh Nationalist Party to join together to sign the Joint Declaration of 1990. Thus the civil society could regulate the course of action of the political parties in the past and make demands on

the government. Unfortunately, such is not the state of civil society in the present context. There has been a reversal due to the impacts of instable and dysfunctional party system in the country. The impacts of politicization by the political parties have been horrendous. Politicization of most of the organizations of present civil society including students' fronts, teachers' associations, NGOs and other trade unions, who are vehement supporters of either AL or BNP, has curtailed their autonomy con-

tributing to their inefficacy to act independently.

The recent incidents at Jahangirnagar University are a case in point. The activism generated by the incidents of rape of female students by the cadre of the student front of a particular political party. which attracted nationwide attention, could neither create the momentum nor set the course of action for parties and miserably failed to bring bearing on the government. Another example is the erection of "Janatar Mancha" during the pre-1996 election agitational days by the then opposition when the senior civil servants were encouraged to take part in the agitational movement. The repercussions of "Mancha" are now being felt in our political system like an avalanche.

There are, however, glimmers of hope. Though the institutions of civil society in Bangladesh may be fragile but they are steadily growing in scope thanks to the nature of inherent quality of our ordinary people. Citizens' action groups have proliferated in the country. Thousands of NGOs at the grassroots level are organizing the poor, the deprived and the oppressed and giving them a sense of purpose and direction, which are enabling people to act together. Forums are being provided to discuss issues of public policy. Growth of women's groups for their causes and the growth of large number of small groups in the microcredit programmes are showing increasing signs of assertiveness, which the state, in due course, will have to take into consideration. This is where the hope lies. The fate of a participatory democracy is very much dependent on to what extent these groups can act together and independently without being constrained by both external and internal forces.

# OPINION

# **MUSLIM LAW**

# Maintenance of a Divorced Woman

N 9.1.95 I sitting with Justice Syed Amirul Islam held in the case of Hefzur Rahman — versus — Shamsun Nahar as hereunder:

"A person after divorcing his wife is bound to maintain her on a reasonable scale beyond the period of iddat for an indefinite period, that is to say, till she loses the status of a divorcee by remarrying another person."

This judgment has been reported in (1995) 47 DLR and (1996) 15 BLD (HCD) 34. Our judgement is based on Verse No 241 of second Sura Bagara of the Quran and it reads as fol-

Walil-mootalla Kate mataaoon bil-maroof." "For divorced women main-

tenance (should be provided) on a reasonable scale. This is the duty on the righteous." (The Holy Quran: Text, Translation Commentary: Abdullah Yousuf Ali, Third Edition,

I understand that three objections are now raised against our judgement.

They are — number one: The said Verse does not direct giving maintenance for an indefinite period, but for the period of iddat which is three months. Number two: The meaning of

word 'mataa' in the said Verse is not 'maintenance', but 'gift'.

Number three: Shariah Law

as laid down by the earlier juriconsults did not say so and so that Courts have now no authority to say so. Answer to objection number

Objections of number one, I am afraid, one will be surprised to learn that Quran also directs

giving maintenance even to a divorcee who is not required to observe iddat. Here are the Verses of the Quran: 33.49 — "O ye who believe.

when ye marry believing women and then divorce them before ye have touched them, no period of 'Iddat' have ye to count in respect of them: So give them maintenance (mataa), and set them free honourably.

2.236 — "It is not sin for you if ye divorce women while as yet you have not touched them or not appointed any marriageportion (i. e. dower) for them. vet give them maintenance (mataa), the wealthy according to his means and the needy man, of a reasonable amount. This is the duty on the good-doers (muhsinin).

Answer to objection number

However, other commentators of Quran did not say that the Verse 2:241 provided maintenance only for the period of iddat. They translated the word 'mataa' in Verses 2:241,23:49 and 2:236 as 'gift' obviously beby Justice Mohammad Gholam Rabbani

ing surprised and unable to concede to the idea of giving such maintenance. In my very recently published book. "A Way to Islam'. I have given seven rules to understand the words of Quran. Rule nos 4 and 5 read as follows:

"Rule 4: Words of Quran cannot be explained according to personal opinion. The Prophet forbade it.

"Jundub reported: Apostle of God as saying: if anyone interprets the Book of God in the light of his opinion even if he is right, he has erred." Sunan Abu Dawud, Bk XIX, Ch. 1373, No.

"Rule 5: Quran itself is its best commentary. Meaning of word in a verse of the Quran is to be understood comparing the said word used in other verses."

In illustration — 2 to said Rule 5, I have quoted eleven Verses of the Quran containing the word 'mataa' besides the three Verses i. e. 2:241, 33:49 and 2:236. In all the eleven Verses the word 'mataa' means 'livelihood, enjoyment, anything connected with meal. conveniences, goods and chattels, provision'. Therefore, the meaning of the word 'mataa' in the other Verses cannot be but

provision or maintenance. Answer to objection number

This answer I propose to give by quoting from an essay of Sir Mohammad Iqbal and from a decision of the Lahore High

"Supposing the Companions have unanimously decided a certain point, the further question is whether later generations are bound by their decision. Shoukani has fully discussed this point, and cited the views held by writers belonging to different schools. I think it is necessary in this connection to discriminate between a decision relating to a question of fact and the one relating to a question of law. In the former case, as for instance, when the question arose whether the two small suras known as 'Muavazatain' (i. e. Sura Falaq and Sura Nas) formed part of the Quran or not, and the Companions unanimously decided that they did, we are bound by their decision obviously because the Companions alone were in a position to know the fact. In the latter case the question is one of interpretation only, and I venture to think, on the authority of Karkhi, that latter generations are not bound by the decision of the Companions. Says Karkhi: 'The binding in matters which cannot be cleared up by Qiyas, but it is not so in matters which can be established by Quyas'.

"The closing of the door of litihad is pure fiction suggested partly by the crystallization of legal thought in Islam, and partly by that intellectual laziness which especially in the period of spiritual decay, turns great thinkers into idols. If some of the later doctors have upheld that fiction, modern Islam is not bound by this voluntary surrender of intellectual independence. Sarkashi writing in the tenth century of the Hidira rightly observed: If the upholders of this fiction mean that the pervious writers had more facilities, while the later writers had more difficulties in their way, it is nonsense; for it does not require much understanding to see that Ijtihad for later doctors is easier than for the earlier doctors. Indeed the commentaries on the Quran and Sunnah have been compiled and multiplied to such an extent that the Mujtahid of today has more material for interpretation then he needs. (The Reconstruction of Religious Thought in Islam. Sir

Mohammad Iqbal). "Thus it is quite clear that reading and understanding the

right of one individual or two. It is revealed in easy and understandable language so that all Muslims if they try may be able to understand and act upon it. It is thus a privilege granted to every Muslim which cannot be taken away from him by anybody, however highly placed or learned he may be to read and interpret the Quran. In understanding the Quran one can derive valuable assistance from the commentaries written by different learned people of yore, but then that is all. Those commentaries cannot be said to be the last word on the subject Reading and understanding the Quran implies the interpretation of it and the interpretation in its turn includes the application of it which must be in the light of the existing circumstance and the changing needs of the world ... if the interpretation of the Holy Quran by the commentators who lived thirteen or twelve hundred years ago is considered as the last word on the subject, then the whole Islamic society will be shut up in an iron cage and not allowed to develop along with the time. It will then cease to be a universal religion and will remain a religion confined to the time and place when and where it was revealed ....

Quran is not the privilege or the

(PLD 1960 Lah. 1142)

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.

# Save the Muniyas,

please Sir, In my childhood I used to have pet Muniyas, so I was reading with interest the news about the 8.600 rescued Muniyas and their fate in a Bengali daily recently. Apparently these birds were being trafficked abroad and authorities found them at the cargo shed at the Airport. It was sad, but that they were rescued was a welcome news. But the follow-up stories saddened me further. They were first crammed into one cage in our national zoo. Later, they were put in eight cages, but that was not even enough for them. So, many of them are dying due to the discomfort and many more may

The wildlife experts and bird lovers visited them and suggested to release them near Savar as soon as possible. What was astonishing is that authorities and the ministry officials concerned where avoiding the media. What were they embarrassed about ? The public do have a right to know what the authorities are doing about these birds.

If they cannot handle the situation. I am sure there are a lot of bird lovers, environmentalists and wild life experts within the civil society who can decide and take care of these birds, before most of them die. What a shame would that be!

Asif Munier 1-H, Farm View Apartments 51 Station Road, Tejgaon, Dhaka.

Solar electricity in cyclone shelters Sir. Now that some financial

assistance is being injected into

the new projects on the construction of modified shelters against natural calamities, it is hoped that the provision for solar power at emergency level will be included in the project. Besides lights and pumps, the electricity can provide some refrigerated space for life-saving medical aid.

A Zabr

#### Let's learn to appreciate

Sir. Recently we have faced one of the most disastrous floods ever occurred Bangladesh. And I really felt like a beggar when we asked for relief from the developed countries. But we were helpless as we haven't yet prepared ourselves to face such calamities.

No one likes to criticise the government, but it has come to such an extent when we should speak up and say — shedding tears for the Father of the Nation will not take the flood away. We all respect and remember in our hearts that Bangabandhu was and is the Father of the Nation and struggled all through his life to make this country independent. But now the time has come to make his dream come true by working hard and helping the poor and not by naming everything after

him. In this context, I remember the 1988 flood, when Ershad did his best to meet the calamity. Even today the poor appreciate what he did at that time and realise the value of the ex-president who ruled the country for almost a decade. Ershad in 1988 with his boots on helped the flood victims and went to the spots where houses and crops went under water. We, the

Bangladeshis, are so narrow minded that the only thing we think of President Ershad is how bad he was, how much money he stole and especially we talk too much about his personal affairs. This is not

We should try our best to develop this poor country of ours and not destroy it by corruption and dirty politics.

Annamika Rahman Bangla Motor, Dhaka

America, for God's sake!

## Tale of a kidney operation

Sir. At the government Dhaka Medical College Hospital an operation had been performed on a woman where reportedly her kidney had been removed. The doctors on duty had given their versions regarding the operation along with a report that after the removal of the kidney it was found that the woman had been living with one kidney only and supposedly her other kidney had not developed and was not operating. A committee had been formed in this regard. Even the PM reportedly had instructed the authorities concerned about her proper treatment. But due to the unprecedented flood her news and her condition were simply

swept away. We would like it very much that our newspapers focus upon this woman and also pray the authorities concerned give a clear picture of what has happened to this patient.

Mujibul Haque Mirpur Road Dhaka

## 'Deculture' some cultures

Sir, Poor Pakistan is in a desperate position, judging from the analyses of the two , goods. columnists on DS Oct. 26, one local and one Pakistani. India's position economically and politically is not that strong.

Bangladesh is passing through a critical period, and so should learn from the woes of Pakistan. Our local analysts may enlighten the public on the

implications.

Sunnah of the Companions is

The CHT situation looks fishy. Who are behind the game, besides local vested interests and the neighbour? Watch the western powers' antics and somersaults - they get what they want by hook or by crook (see the recorded history). Why they are interested in CHT is not a secret. It is more than the fuel natural resources. Our politicians are too preoccupied with mud-slinging and mutual admiration. Now less framed photos are being seen officially; a good sign of return to the lower level of sanity. There are other manias to expose and straighten up. People should not be afraid of the sarker unless it the fear of the terrorists of the julum of the police (the latter confirmed time and

again) Some cultures are better decultured, in national interest

A Worried Citizen Dhaka

#### Polythene bag menace

Sir. Almost all of us are aware of the adverse effect of polythene bags. However in practical field the policies, activities and the statements of some of our government ministers and political leaders on use and misuse of polythene bags are quite embarrassing, discomposed and self-contradictory. On the one hand, they speak against the use of polythene bags, launch publicity and cleanliness campaign against polythene bags, collect polythene bags from dirty drains, ponds and public roads and on the other hand they freely and indiscriminately handover thousands of polythene bags to the flood affected people while distributing relief

The need for use of thin and cheap jute bags and coneshaped containers made of paper and old newspapers for our day to day use cannot be overemphasised.

We once again urge our government to ban use, production, import and sale of polythene bags. Instead, manufacture of jute bags and cone-shaped paper

containers may be encouraged. Would our Environment Minister and Minister of Trade and Commerce kindly take some positive and practical steps to end and eradicate the polythene bag menace from the country for good?

O.H. Kabir 6, Hare Street, Wari, Dhaka-1203

#### Withdraw new taxes Sir, The government suddenly imposed taxes on some

sectors which took people unawares and made them very unhappy and resentful. The government declared that for post-flood rehabilitation and reconstruction these were necessary.

People from all walks of life had helped the flood victims as much as they could, many helping hands are still extended, helps from other countries in cash and kind have arrived and are still arriving, therefore we don't understand why the government decided to burden people with these additional taxes.

Telephone is not a luxury item, not-very-well off persons also try to keep a telephone as itis very essential. So, it is very unjust to compel to pay five per cent taxes on telephone bills.

Taxes imposed on the interests of fixed deposits and saving certificates are another blow to the people who are solely dependent on this income. A great number of people will be affected by this decision. Retired persons, widows, divorcees and persons who are sick will suffer terribly, with commodities becoming dear day by day it would be very hard for them to live with the cut from the interest. If the government really

cares for the people, it would not plunge them in despair and try other ways to help the flood victims. There are many rich persons

who are bank loan defaulters, a

19 W Monipur

huge amount of money could be obtained if the government compels them to pay it back and help the flood victims with it.

The government also should

cut down expenses in government functions and other affairs and savings from these could be an immense help for the destitute. So, we earnestly request the government to withdraw taxes

at least from telephones and interests on savings and we sincerely hope that the government will be kind enough to do

Nur Jahan East Nasirabad Chittagong

### Martial art learners Sir, Martial art learners

here in our country have to pay twice for their learning. A student has to take admission directly to Bangladesh Judo and Karate Federation which is teaching at only one venue - that is the Mirpur Indoor Stadium. So, the arena of its training facility is obviously

very limited. On the other hand, innumerable martial art organisations throughout the country teaching the art and their collective activities cover the whole country. We know that only a few of them are affiliated to the Judo and Karate Federa-

In the later case a student has to take admission in any of these organisations, registered or unregistered. But when one goes to take part in any national or international competitions the learner is bound to get registered with the federation also. That means the learner is paying twice for learning martial art. This matter may not be a

matter at all for the members of

tion.

well-to-do families. But it matters for the common people. And this is an obstacle to quick expansion of this prestigious game in our country.

M U Ahmed Mirpur, Dhaka-1216