

Implement the Verdict on Fatwa

THIS is a gigantic step forward we have taken in our society's modernising process by virtue of a single High Court verdict in a public interest litigation of monumental significance. In very unambiguous terms a Division Bench of the High Court has declared 'fatwa', the so-called legal opinion not delivered by any court, as 'unauthorised and illegal'. *Fatwa* has been the cause of many a woman's ruination. The far-reaching import of the HC ruling lies in the pronouncement of any *fatwa* including the instant one as unauthorised and illegal together with the suggestion that *fatwa* be made punishable "even if it is not executed."

It bears an ample testimony to the rising tide of benign judicial activism. For, the judgement came on a *suo moto* rule issued on District Magistrate and Deputy Commissioner, Naogaon taking cognizance of newspaper reports on the plight of *fatwa* victim Shafida. Then came the writ petition filed by Ait-o-Salish Kendra and feminist groups who were duly represented by Dr. Kamal Hossain in the court. Our kudos to the judges and civil society activists.

The type of *fatwa* we have seen recently in Bangladesh has essentially had nothing to do with the true spirit of religion. It has been conveniently used by the clerics as an instrument of power-play in cohorts with local influentials and a vehicle for assertion of bigoted religious authority over the community. It has taken hold on the rural folks whose general level of education is low. With limited knowledge of what the true religious tenets are all about they are easily bamboozled into accepting the edicts that the so-called men of religion dish out to them. Seminally, of course, there is the coterie interests to catalyse the chemistry.

Such an abuse of religion, repugnant as it has been to the civil society at large, has now been dealt a body-blow by the upholder of the Constitution, the highest judiciary of the country. It is for the government now to implement the verdict in full including the recipe for legislating a law through Parliament that will provide for deterrent punishment to those who dare deliver *fatwa* again, regardless of whether it is 'executed' or not.

A word of entreaty for our religious leaders: please welcome the verdict, spread the words of sanity in keeping with the true spirit of our religion and help the society out of the mire of tyrannical orthodoxy and obsolescence.

River Safety Brass-tacks

WE are shocked at the callous response from the Shipping Directorate *vis a vis* the tragic mishaps on our rivers. In the aftermath of last Thursday's launch tragedy on the river Meghna in which at least 85 passengers have been confirmed dead, and some 100 are still reported missing, the DG's comments left much to be desired. Brushing aside complaints, the DG has in fact admitted that many vessels are continuing to operate without proper documents but his argument is that the Directorate is doing its best and cannot be expected to patrol the rivers like road traffic police.

The DG's remarks only go to confirm our worst concerns, namely that the issue of safety of river-vessels is being taken simply too lightly by the government. As we have stated before, we are at a loss to understand how many deaths will have to be witnessed before the government and its regulatory body, the Bangladesh Inland Water Transport Authority (BIWTA) will take concrete action to eliminate the conditions that make the average river-plying vessel a death trap for the unsuspecting passenger.

The continued existence of highly unsafe and unworthy vessels on our waterways is no less than an open scandal. Although the law clearly requires the vessels to pass fitness tests every two years, some 80 per cent of launches ply without ever being inspected, a reprieve they get after bribing the relevant officials. Most vessels have potentially dangerous structural problems and some, like the Queen of Patuakhali, are allowed to ply even after being involved in major accidents. In addition to the structural defects, they are most often manned by personnel who are unqualified and unprepared to deal with emergency situations and are also prone to taking risks such as speeding and racing along the waterways.

A major aspect of the ongoing hazardous situation is, of course, the continual overloading of vessels, in spite of warnings and cautionary advice given to the contrary. In this respect, the owners of the vessels who wish to capitalise on seasonal demand that is evident during every long vacation, are to blame. But they are aided and abetted by the public officials of the relevant authorities, including the BIWTA, who can be persuaded through bribes and other means to turn a blind eye to the hazardous situation.

What is needed is obvious. We need honest public officials to monitor and enforce the law, supervise regular inspection of vessels, ensure higher vigilance during seasonal rush hours and impose punitive measures to prevent repeated offences. We stress in the strongest terms that it is the responsibility of the government to respond with action. There is no excuse for repeated loss of lives in situations that could have been averted. Let us not keep on passing the buck.

To the Editor ...

The powerful and the privileged

Sir, I would like to comment on a news article published on December 25th regarding one airline passenger who demanded at the ZIA that his extra fees for his extra luggage be waived because he is the brother-in-law of a minister of the country.

At first I found it very amusing, and thought this could be a very good joke. But more I thought about it, and more I try to analyse the psychology of this passenger and the minister, more I realised that this is by no means an isolated incident. As a matter of fact, there are probably thousands more like this passenger who feel like they belong to an exclusive privileged class just because they are related to high ranking civil servants. This is frightening to think that this kind of mentality has become socially accepted. People who belong to this exclusive class don't feel ashamed to show their 'power' and 'pride'. And people who don't belong to this class either wish they did, or

they just become too used to, and choose to ignore the whole thing. Unfortunately in today's Bangladesh, there is complete lack of respect for each other, and for rules of law. We think it is okay to push ahead our personal interests at the expense of others. Many a ministers think it is their duty to serve their relatives rather than their motherland. The powerful and the privileged think rules and laws are for others to obey, and for them to ignore. All these may seem very normal in everyday life in Bangladesh. But what at stake here are our nation, our democracy, and our very existence. Democracy only works when there are civility, tolerance, and respect for each other. If we allow ourselves to behave like senseless anarchist, we will only accelerate the process of self-destruction. What puzzled me is what has led us to this point. Why are we failing to educate ourselves? One does not need fancy degrees from prestigious institutions to have the very fundamental education in life. This begins with examining one's conscience,

PSA and AL's Election Strategy

A large number of cases have already been instituted under the PSA against opposition mid-ranking leaders and workers with the purpose of detaining them under the draconian non-bailable clauses of the PSA. The Awami League strategy, according to independent political advisers, is purported to detain a large section of opposition activists under the PSA in order to cripple their political movement and undermine their election campaign.

ing meetings and observing har-

ts. One may question, and naturally so, the need for a more stringent legislation than the existing Special Powers Act enacted by the first Awami League government of Sheikh Mujibur Rahman as early as in 1974. Perhaps the present Prime Minister thought this legislation insufficient to enable her to implement her party's policy of inflicting greater terror on the opposition. She had earlier reneged on her election pledge, as embodied in the Awami League manifesto, to repeal all black laws with a public statement that such an Act, which flagrantly violates human rights, was necessary for her to run the administration. She went further and passed a more severe Act to help fulfil her greater needs and to realize her political plan of action. It is true, on the other hand, the government of Begum Khaleda Zia also had taken no action to repeal the Special Powers Act and, in fact, enacted a stringent legislation for a limited period of two years. Begum Zia contends, that law was aimed at punishing notorious criminals and was rarely applied against political leaders and workers during her tenure of office. Be that what may, the present government should not make the

excuse of a past action, even if it

had been taken by her own party

two decades ago, in order to justi-

fy continuation of that nefarious

and undemocratic legislation.

It is known that many coun-

tries, specially in Europe, still

have ancient laws, which have

been outdated and not applied for

long. These have been put so

much to disuse that the govern-

ment concerned have not even

felt the need for its repeal. The

essence of a law lies in its use and

application. The very purpose of

its enactment is lost and may

even be counter-productive if it is

misused or applied discrimi-

natorily. The legislation then

turns into a veritable tool of

repression of an autocratic

regime and strikes at the very root

of democracy. This has unfortu-

nately happened in Bangladesh.

The institution of a case

against a prominent BNP leader

M Morshed Khan, who is a Mem-

ber of Parliament and a renowned

industrialist, and his son Faisal

Morshed Khan is a case in point.

This occurred as a result of a

trivial incident involving his son

stopping by a sweetmeat shop to

buy something and being man-

handled by local thugs following

altercations with a motorcycle

newly enacted Public Safety Act

2000. It is evident that the charge

under the PSA must have been

dictated by the ruling party high

command in order to detain him

unjustly under the false charges of

extortion of a paltry sum of Taka

45,000 and damaging some prop-

erty.

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The Leader of the Opposition,

Begum Khaleda Zia, is on record

for having declared that on

resumption of state authority

with a popular mandate received

in the ensuing election, she will

repeal this black law. On the

other hand, no statement has

been issued by Prime Minister

Sheikh Hasina to indicate any

limited duration of this legisla-

tion. This would logically lead the

general public to conclude that

with the resumption of state

power by the Awami League

following victory in the next

general election, the people will

remain saddled with this mons-

trous machine of public repres-

sion for another five years. What

a misfortune would that be for

the nation!

The author, a former Ambas-

sor, is a Member of BNP's Advi-

sory Council.

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