

A life lived on the legal landscape

Farida Shaikh enjoys the memoirs of a judge

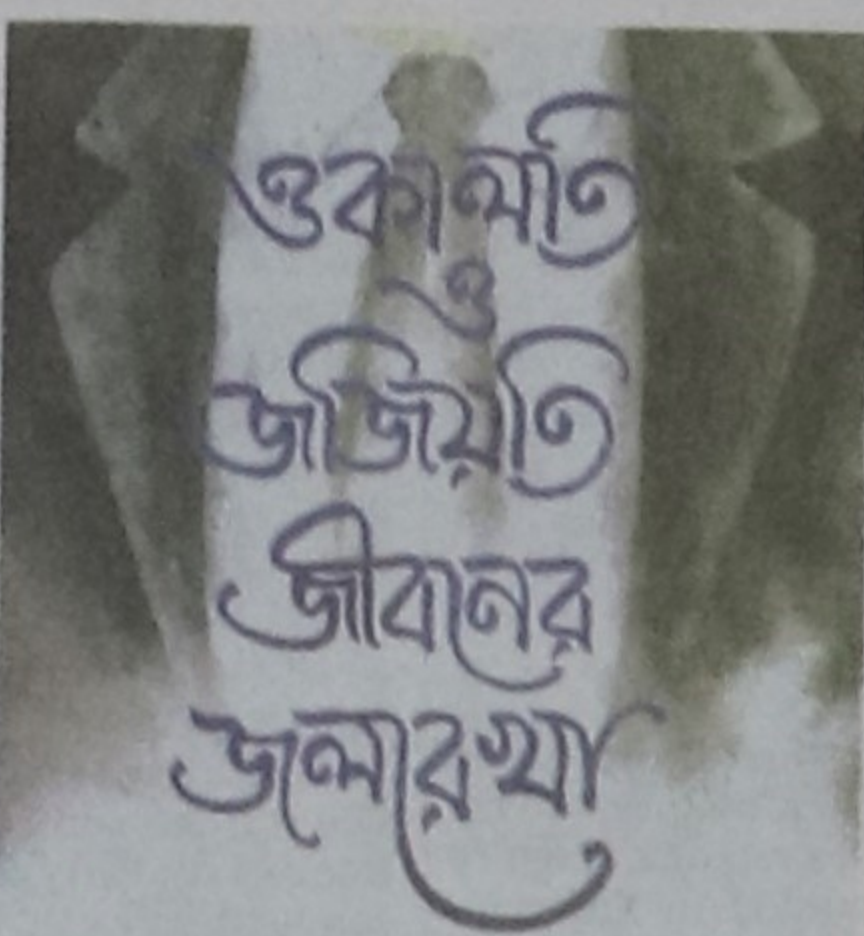
THE book is dedicated to the late Mirza Ghulam Hafiz, who inspired the writer into joining the legal profession. The contents of the book include an introduction and nine chapters, references and index.

A quotation by Alexander Herzen has been added: "The world will not know liberty until all that is religious and political is transformed into something simple and human." The book is a sincere gesture towards this objective. The subject matter of legal issues and judicial framework has been made friendly and simple for the easy-going reader.

The rather poetic title of the book is commendable, a truthful narration on the writer's four decades of judicial life. It is a memoir of the retired Justice M. Ghulam Rabbani who realizes that he is unable to recall all that he has lived through during the professional period of his life; so some of the names have had to be replaced by fictional names, some small details dressed up, maybe. The experience of reflection and remembering is like a linear watermark, a waterline perhaps, and yet not quite the same, for life's alignment disappears before it has even appeared!

It was in Rajshahi in December 1960 that the writer joined the legal profession. Nine years later he joined the High Court in Dhaka. In 1971 he was an advocate in the Pakistan Supreme Court and in 1986 he became a senior advocate in the Appellate Division of the Supreme Court in Dhaka. Six years later in 1992 he became a justice in the High Court Division and in 2002 he retired from service.

As a young lawyer beginning his career in the district court in Rajshahi, Rabbani found that the zamindari system had already been abolished. The land records were being recast. There were many errors in the various land plots and the corresponding *khatian* numbers. The correction



মোহাম্মদ গোলাম রাব্বানী

Okaloti O Jajiyoti Jiboner Jolorekh
Mohammad Ghulam Rabbani
Adorn Publication

of these records led to many court cases. These were: the case of Kalu Sheikh, a poor peasant, civil case of Isrial Mondol and others. Rabbani was the lawyer of the criminal case relating to Kalim who got back his land under the Criminal Procedure Code, section 342. When his land was being occupied by the lathials, hired by his opponents, Kalim having no other option, had opened fire causing death to one of the lathials; the others ran away. On the basis of this incident a case was filed in the district sessions court. Kalim was sentenced to rigorous imprisonment.

With respect to criminal cases, Rabbani in principle would accept only such cases which upon a reading of the brief of the case indicated an infringement of legal provisions and therefore had scope to prove the defendant innocent.

Published in Legal Decision vol.15, p.34 and Dhaka Law Report vol.47, p. 54 are the proceedings of the case of Hefzur Rahman vs. Shamsun Nahar. The subject matter of the case was dowry and maintenance. Justice Rabbani's judgment in the case was quoted in a similar case before the Lahore High Court. It also found place in the organizational publication, *Women Living under the Muslim Laws*, with head office in Paris. The judgment was esteemed highly as being clear in direction, more than the judgment in the Shah Bano case in the Supreme Court of India. It was also highlighted in *The Statesman* of India.

This judgment was rejected by the Appellate Division, Dhaka. However during the hearing of the case, Rabbani made an in-depth analysis of the term *matan*, the only meaning of which is *financial maintenance* and nothing else. The write up on the subject was also published in *The Daily Star*. There was also some criticism of this explanation of the subject. Later on, in the University Press Limited publication *Journey within Islam*, the argument on *matan* was included under chapter 7.

In 1992 as Justice Rabbani exercised the right of *jithnah*, the method of deducing new laws in light of Quranic principles and prophetic traditions, recognized as one of the sources of law in Islam in one of the judgments published in Bangladesh Legal Decision vol.17 p.57.

Based on this judgment the prevailing law on will was abolished. The judge gave examples from *Surah Baqarah* vv.180-182 further in his judgments on cases concerning *Romena Afrin vs. Ashrafuddin, Jasmin Sultana vs. Mohammad Illias and Noor*

Akhtar vs. Abdul Mahbud Chowdhury. The authenticity of *fiqh in Islamic Family Law* was discussed and examined and the details published in Bangladesh Legal Decision vol.16 p.487, vol.17 p.4 and vol.16 p.396.

In the Supreme Court, Rabbani recommended amendments and enactment of the Penal Code. With reference to a suicide case within Penal Code section 309 and 306 it was pointed out that the law did not provide protection to women against domestic violence. The case is mentioned in Bangladesh Legal Decision vol.16, p.525-533.

As a judge on the criminal bench of the High Court Division dealing with a case on anticipatory bail, Rabbani noted three criteria on the subject. These are:

-Whether there is a possibility for the applicant to be arrested.

-Whether there are reasonable grounds to believe that the applicant is guilty.

-Whether the applicant bears any possibility of being involved with the incident or occurrence.

Reference was also made to the judgment on the subject published in *Calcutta Weekly Notes* vol.10, p.1093. These were published in Bangladesh Legal Decision vol.18, p.680.

Chapter nine is on the sad incident involving two staff members belonging to the Appellate Division and the Supreme Court Staff Association. The proceedings of the two cases were reasonable. Even so, justice was not done to the aggrieved.

Farida Shaikh is a reviewer and member of The Reading Circle.

(Correction: In the review 'A lock of hair and a brittle cup', published on November 29, the name 'Sudhin Das' was printed in place of 'Sudhin Dutta'. The error is deeply regretted.)

AT A GLANCE

Srijonshil Gonotontre Akankhaye
Muhammad Habibur Rahman
Adorn Publication

As always, Justice Muhammad Habibur Rahman gives us all new gems of thought in this collection of essays. There is profundity in them, and with them come all the reasons that have for generations enriched the Bengali nation with a diversity of culture. It is serious reading. And you will love reading it from one end to the other.

Terrorism in the 21st Century
Perspectives from Bangladesh
Ed. Imtiaz Ahmed
The University Press Limited

With everything that has lately happened in Mumbai, this compendium of articles on terrorism is an apt commentary on the state of the world as it happens to be. Well edited by Imtiaz Ahmed, the work is a good insight into the causes of terror and their ramifications and, of course, on what governments and societies could do about all that.



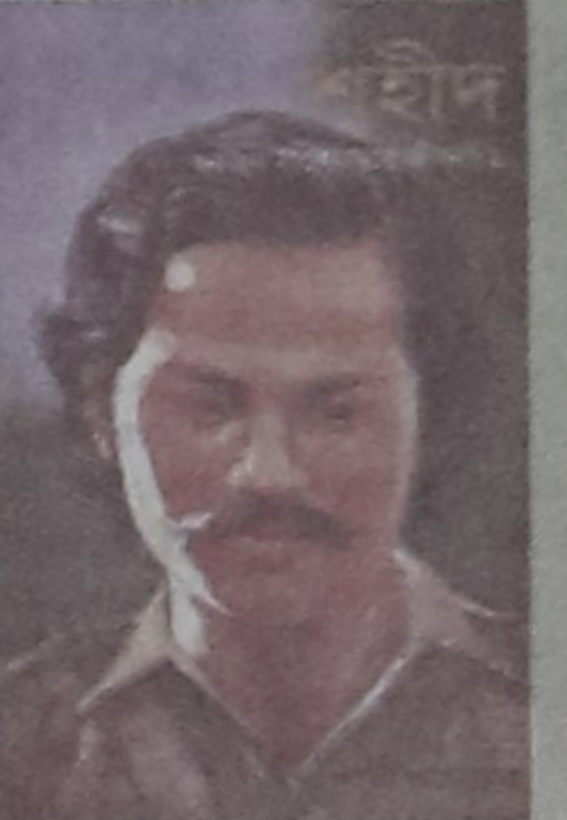
Czech Republic
Land History and Culture: A Profile
S.M. Mizanur Rahman
Banglaproakash



The work is essentially an introduction to a country that with Slovakia was once known as Czechoslovakia. Rahman focuses on the tourism aspects of the country and does a good job of it. Geography apart, the book is a detailed study of Czech history and its socio-cultural aspects. Travellers will be enthused by it.

Shahid
Ekjon Muktijoddhar Jibonchitro
Saqi Anwar
Adhuna Prokash

In the month of Bengali victory, this is one book that could be read with pleasure. It is the tale of a hero, one who like millions of others went off to wage war against the Pakistan occupation army in 1971. The hero later went on to be a dedicated diplomat for Bangladesh. The book is a labour of love. And you will love it too.



Dowry --- and women as sacrificial lambs

A sad novel leaves Z.A.M. Khairuzzaman worried

SOKHINAR BOLI. A tale of atrocities perpetrated on women offers a powerful testimony to different types of gender-based violence experienced by women and girls throughout their lives.

Violence against women is a pandemic, one that transcends the bounds of race, culture, class and religion. It touches virtually every community, in virtually every corner of the country. Too often sanctified by customs and reinforced by institutions, it thrives on widespread impunity for perpetrators in what remains a patriarchal world that is reluctant to grant women equal rights and protection from gender-based violence.

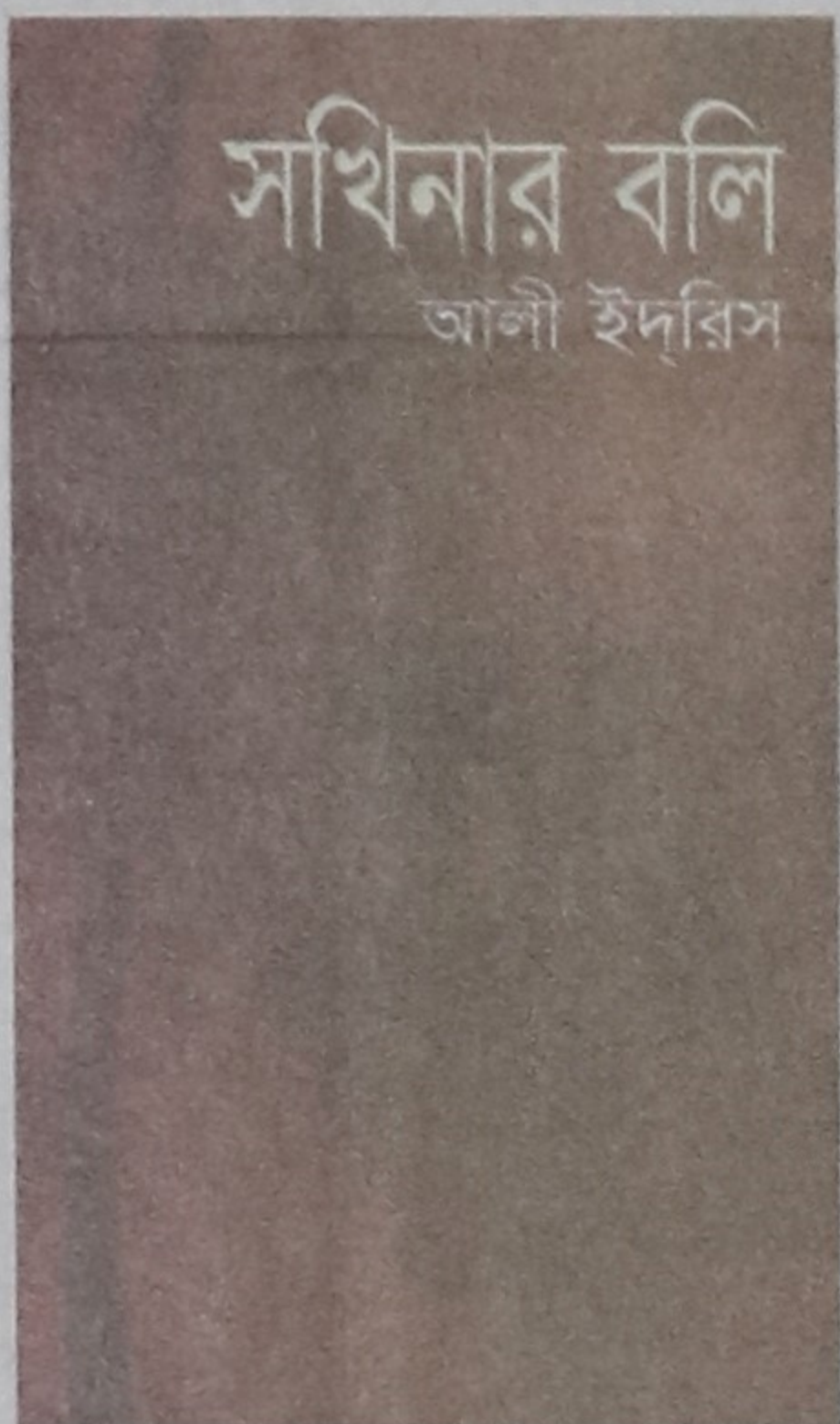
Domestic violence against women, especially violence perpetrated by husbands for dowry, is a serious problem in Bangladesh. For many, home is not a haven but a place of pain and humiliation, where violence is an integral part of everyday life hidden behind closed doors.

The publication is a noble endeavour of the author who is very much sensitive to touchy issues like violence against women. Such realities are recognised as serious human rights violations. By raising the issue in the novel, the writer has clearly wanted to highlight the issues of violence against women.

The book serves to raise awareness and provoke action in addressing the causes of gender-based violence, as well as assisting and defending hundreds of women targeted by violence. These women are our sisters, our mothers, our daughters.

The author's initiative is the first ever undertaken in our country. Idris has dedicated his novel to his beloved spouse Lina.

Sokhinar Boli is more a fictionalising of facts than a novel. What can be the magnitude of atrocity, oppression and humiliation on a village girl who is forced to marry a



Sokhinar Boli
Ali Idris
Ekushey Bangla Prokashona

peasant twice her age? That is the question raised in the work. Accumulated woes of oppression, insult and humiliation inflicted on the body and mind of Sokhina drive her into attempting suicide. She has wanted to free herself of the inhuman torture inflicted on her by her husband but has failed. The poor woman is rescued by passersby along the river where her unconscious floating body has been found stuck beside a bridge over the river.

The story in brief is that Sokhina, a teen aged girl of class eight and daughter of a poor father, is married to an illiterate, aged and stubborn man who is poor but greedy. He has always wanted to fetch dowry from his poor father-in-law. He creates continuous pressure on her to bring dowry for him from her parents. Her mother-in-law also joins him in the inhuman act. She too begins to insult, scold and even beat her in a bid to recover the promised dowry from her.

In such a situation, Sokhina's mother dies. At this stage, she is sent to her father's house, ostensibly to look after her father. Her greedy husband then begins going there off and on. He presses her to give him all her family property as a gift in legal form. Naturally, she does not agree to the suggestion.

Consequently, she falls prey to inhuman physical and mental torture at the hands of the husband. Finding no other way out, the poor woman decides to commit suicide but she is saved through the love and care of her kind-hearted classmate Yasmin, who eventually arranges her friend's divorce and subsequent remarriage. It is her former fiancé Ishaq whom Sokhina marries and so

comes by a new lease of life. The happiness does not last, though. It ends when Sokhina's former husband kills Ishaq.

Ali Idris, in his first novel, has depicted a pen picture of an underaged rural girl. Many such girls are compelled to marry early and undergo unspeakable atrocity, oppression, torture and humiliation by their husbands and in-laws for dowry, which remains a silent scourge in society. Ultimately, their marriages end in tragedy. Life could otherwise have been happy ones. In the book, the writer narrates the agonies that attend the married lives of rural women. He paints a vivid picture of his vast experience of rural life --- full of astounding stories of poverty, agony, ills and superstitions.

Though a chartered accountant by profession, literature is a passion with Ali Idris. He was born in Habiganj in January 1948. He began writing in the 1970s. Within a short span of time, he wrote a good number of short stories, novels, travelogue and ballads which won acclaim at home and abroad. His other published books are *Khoai Nodir Bake, Shakhinar Boli, Purbo Africae Aek Jug, Markin Haoa and Geetidhara*. He is also a regular columnist in newspapers.

In recognition of his contributions to literature, Idris was awarded the Atish Dipankar Gold Medal in 2003 and honoured by many other organisations including Bangladesh Writers' Foundation in folk literature in 2005.

Z A M Khairuzzaman is a working journalist at The Daily Star.

A weaving and interweaving of relationships

A tale of love and marriage keeps Tulip Chowdhury spellbound

THE Wedding is a richly imagined novel in which emotions of men and women branch out in extraordinary ways. Nicholas Sparks has the gift of sketching out human relationships with luscious blends of love and lust. There is Noah who seems to be living with his long dead wife Allie. There seems to be no love lost between the living and the dead. There is this belief in him that Allie comes to him as a swan that visits him in their pond everyday. Noah and the swan give a spiritual touch to the story. There is Jane, Noah's daughter, who after thirty years of marriage to Wilson finds that there is still much to be discovered about the relationship. And there is Ann, Jane's daughter, who loves Keith in her wild, romantic ways. Their love story is yet another rich chapter of the book. The story whips up with trouble brewing in the marriage of Wilson and Jane. The family suddenly finds itself on fragile grounds, grounds that seemed to be giving away beneath love that is suddenly lost in confusion. The neighbors too are caught up with the family's gains and pitfalls. However, each of the characters is shadowed by the other and we find a touching story of love and kindness coming out of momentary dark shadows.

Marriages are like sacred temples. In it the relationship between a husband and a wife is supposed to be a life long bonding that is based on mutual love and respect. Wilson Lewis, an attorney, is suddenly faced with a crumbling marriage. He is vexed when he finds that he and his wife Jane are lost for words in each other's company. It is a midlife crisis, an alarming situation. Jane seems to think that she wants a way out of the marriage, the very marriage that has been a cherished dream for both of them. Wilson realizes that he

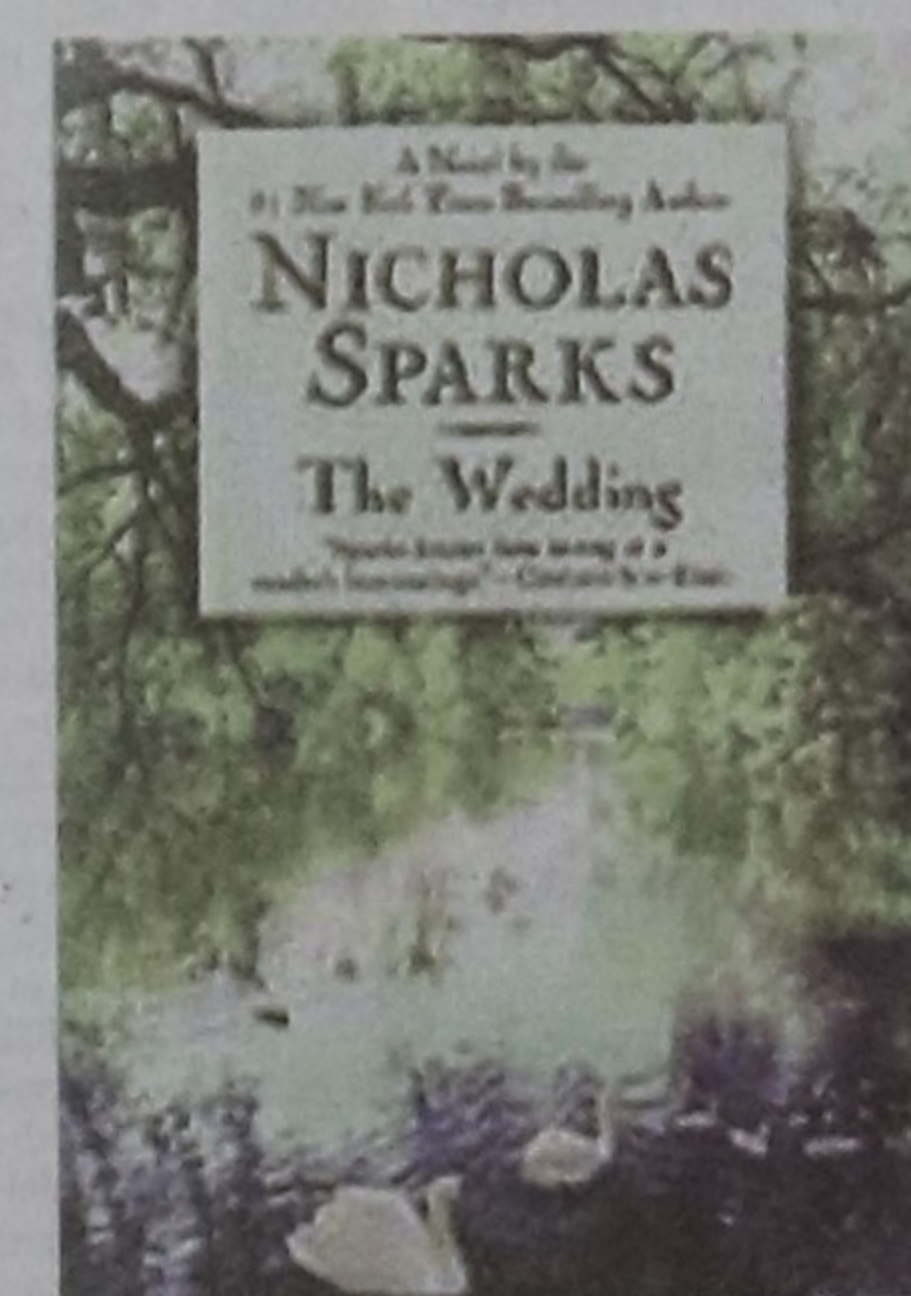
has spent too little time at home and too much at work. No wonder his wife has been falling out of love. But Wilson is all the more in love with Jane especially when he realizes how he has left her alone. He regrets the past years and vows to win back Jane's heart, even if it means courting her back as he had thirty years back, a time when they had settled in North Carolina.

Wilson forgets their twenty-ninth marriage anniversary. Jane is pained and decides to spend a few days with their son Joseph in New York. Putting the distance between them makes Wilson realize how Jane has been coiling away from him. He takes a break from his office just so that he can be beside Jane, hoping that Jane does return home. He thanks his stars when she decides to come back. From then on Wilson starts planning each and every day spent with Jane to be a special one. From here unfolds a heart-rending tale of love of a husband for his wife. Wilson starts giving little surprises to his wife, remembering all her likes and dislikes. They have three children whom he had been keeping at arm's length because of his work. In fact, for the last few years it has been Jane who has been looking after the children. Now Wilson makes it a point to talk about the children, to drive out to them with Jane. Time is said to be the best healer and after sometime Jane begins to sense the change in her husband. But she is afraid of the change and asks him if he is having an affair. Wilson is baffled at the turn of things and feels all the more adamant to make his plans work.

Anne comes home one day announcing that she wants to get married within a week. Jane and Wilson suddenly find themselves totally absorbed with Anne's wedding. There are hundreds of things to be organized. The caterer, the venue, the wedding

dress, the guests to be invited; all these leave the husband and the wife totally wrapped up with the wedding plans. Anne is particular about having everything in ways that suit Jane. Jane is touched by how much her daughter wants things to be right for her mother.

In the meantime, Noah has a fall and her condition takes a turn for the worse. As Noah goes to the hospital things become uncertain about Anne's wedding. However, it is Noah who says that he has to see the wedding for it may be his last. The day of the



The Wedding
Nicholas Sparks
Warner Books

wedding comes closer. Jane is driven into a frenzy with preparations for the wedding. Finally the great day comes. All the guests are there, the wedding cake is there and Wilson has even called in the best musician of the town. Just then Anne and her fiancé arrive. Jane hastens to remind her daughter that the bridegroom is not supposed to see the bride in her wedding gown before the happy bells ring. Anne smiles and says it is not her wedding at all.

Whose wedding is it then? Jane is dumbfounded. The story reaches its pulsing climax with this question. The astonished reader too seems to fall to earth. And for Jane, this wedding happens to be the greatest surprise of her lifetime. The turn of events makes Jane the happiest woman alive. She is once more sure that she married the right man and will marry him again if she has to go back thirty years to the days of their first courtship. But there are so many other surprises for her before she can tell Wilson about how happy she is. She hopes that she is not too late to tell him that!

The Wedding comes with a tale of how love can nurture relationships, how life can thrive when there is love. The author certainly knows how to interweave lives. The relationships among his amazing characters are perfectly articulated. They find their way in the tableaux and as the novel tumbles to its climax Sparks manages to pull all his irons out of the fire. This is the tale of a moving family drama. The characters are so real that they seem to be breathing with the reader long after the book ends. The reader is led by the hand into the lives and events that take place and when the book ends there is a contented sigh and a smile on the face of the reader.

Tulip Chowdhury writes fiction and is a teacher.

Scoundrel in our midst

Charles R. Larson journeys through India, again

THIS year's Man Booker Prize was lavished on Aravind Adiga for his first novel, *The White Tiger*, which beat out novels by two other distinguished Indian novelists: Salman Rushdie and Amitav Ghose. The award created a kind of brouhaha in literary circles because of the novel's protagonist: a con man and a murderer, who relates the story of his rise from lowly driver (for a rich Indian couple) to successful entrepreneur in Bangalore narrated in a kind of tongue-in-cheek tone, though smirk may be more appropriate. Even the author himself has spoken of his novel, "It's not a book that's meant to ingratiate itself with anyone."

Western literature is replete with scoundrels of any number of ilk, though the antecedents in Adiga's own national literature are more difficult to locate. For myself, I couldn't help thinking of any number of protagonists in the novels of the late R. K. Narayan, though Narayan never presented such a maligned underbelly of his society. The protagonist of Kamala Markandaya's *Bombay Tiger* is a more likely twin to Adiga's main character, Balram Halwai, a servant, eventually transformed into business tycoon, like Markandaya's hero. All that said, *The White Tiger* is still going to give many readers pause, since evil is not destroyed but still very much alive at the conclusion of this mostly engaging novel.

I say "mostly" because to me the pacing is the major obstacle of the story, not the ethical issue. Intentionally avoiding the publisher's description, I had the pleasure at least initially of believing I was reading a comic novel, back in Narayan or even early V.S. Naipaul country. Consider, for example, this early passage, on the second page of the novel: "(O)ur nation, though it has no drinking water, electricity, sewage system, public transportation, sense of hygiene, discipline, courtesy, or punctuality, does have entrepreneurs. Thousands and thousands of them. Especially in the field of technology. And these entrepreneurs we have set up all these outsourcing companies that virtually run America now."

Hence the setting in Bangalore. Or this equally cutting remark: "Out of respect for the love of liberty shown by the Chinese people, and also in the belief that the future of the world lies with the yellow man and the brown man now that our erstwhile white master, the white-skinned man, has wasted himself through buggery, cell phone usage, and drug abuse, I offer to tell you, free of charge, the truth about Bangalore."

There are dozens of other rather

dazzling remarks that Balram makes as he chronicles his adventures in mayhem and deception: "Indians take to technology like ducks to water." "In 1947 the British left, but only a moron would think that we became free then." Or this far revealing comment actually about himself: "The trustworthiness of servants is the basis of the entire Indian economy." That latter remark is, in fact, the springboard for the protagonist's shift from subservient driver for a rich Indian businessman to daring thief/murderer who concludes that his life has no possibility of upward mobility unless he does something drastic. And vile.

Adiga tries to convince his readers that the transformation that Balram makes in his life is a kind of existential liberation from his fate. He calls this the "Great Indian Rooster Coop," the conditioning that keeps people, especially the lower classes, subservient, never



The White Tiger Aravind
Adiga Atlantic

rebellious. "A handful of men in this country have trained the remaining 99.9 percent as strong, as talented, as intelligent in every way to exist in perpetual servitude; a servitude so strong that you can put the key to his emancipation in a man's hands and he will throw it back at you with a curse." And he adds, "Every day millions wake up at dawn stand in dirty, crowded buses get off at their masters' posh houses and then clean the floors, wash the dishes, weed the garden, feed their children, press their feet all for a pittance."

Well, there you have it, at least the implications of what Balram decides he must do in order to change his life forever assuming, of course, that he never gets caught, which might be the subject of Adiga's next novel.

Charles R. Larson is Professor of Literature at American University, in Washington, DC.