

The message of Eid-ul-Azha

Eid-ul-Azha is the system of denying ourselves the greater part of the food derived from the sacrificed cattle for the sake of our poor brethren; our symbolic act finds practical expression in benevolence and in fraternity and fellow-feeling, in sacrifice and solicitude for the indigents and have-nots.

SYED ASHRAF ALI

EID-ul-Azha brings for the Muslims divine blessing, an occasion to not only enjoy but also to receive Allah's Mercy and reward through sacrifice and benevolence, patience and constancy. Celebrated concurrently with the slaughtering of the animals in Mina by the hajis and the days of Tashriq in the auspicious month of Dhul-Hijja, Eid-ul-Azha is popularly known in this subcontinent as bakrid. Eid-ul-Azha is celebrated on the tenth of Dhul-Hijja through sacrifices and prayers in memory of the sacrifice of the Prophets Ibrahim Khalilullah and Ismail Zabihullah (peace be upon them). It does not simply commemorate the unique sacrifice made by them, it also testifies eloquently to the way in which both father and son cheerfully offered to suffer any self-sacrifice, however painful or difficult it might be, in order to obey the command of Allah, the Cherisher and Sustainer of the Worlds. Although the word Eid in Arabic means "joy," Eid-ul-Azha is certainly not an occasion for unbridled fun and frolic, not an opportunity for immoderate gluttony. It is a solemn, sacred festival which enables a

person to enjoy, in the right spirit of Islam, through Azha, sacrifice and surrender, resignation and renunciation, selflessness and total submission to the Will of God. Sacrifice has been in vogue from time immemorial. It has always played a significant role in the history of mankind. Sacrifices -- including human sacrifices -- have been made to get rid of natural calamities like flood and cyclone and earthquake, to evade famine, to solicit rain, to stop volcanic eruptions, to win wars, to allay tyranny, and to appease or eulogise gods and goddesses. The glorious attempt of Hazrat Ibrahim to slaughter his son Hazrat Ismail (peace be upon them) as a sacrifice in obedience to God's Command, however, stands unique in the annals of history. Never, never indeed, has any other father tried unhesitatingly to slaughter his own son with his own hands, and in full senses, simply to obey the Master's Command. Never in history has any other son submitted himself wholeheartedly to his father to be sacrificed only to appease God. It was indeed a great and momentous occasion when two men, with concerted will, "ranged themselves in the ranks of



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Eid-ul-Azha is about sharing, not only enjoyment.

those to whom self-sacrifice in the service of Allah was the supreme thing in life." The unparalleled incident, which took place in Mina in Arabia 3800 years ago, commenced a new era in religious history. It teaches us that the keys of life and death, and the mysteries of everything around us, are in Allah's Hands, that our honesty, determination and upright conduct are not matters of policy or convenience, that all our life in this world must be lived as in the presence of Benign Providence, that no task or responsibility is greater than what we can bear. It teaches us, in the words of the Holy Quran, that "short is the enjoyment of this world: the Hereafter is

the best for those who do right." It teaches us that a Muslim does not live with his body, but with his spirit. It teaches us not to love life overmuch, seeing that we must one day part with it. It teaches us to face death with resignation. The glorious incident in the valley of Mina put an end to the horrible system of human sacrifice, which was common among most ancient people. Prophet Ibrahim's (pbuh) seeing in a vision that he, too, was sacrificing his son, his preparation to fulfill it literally, and the Divine Commandment to sacrifice an animal in his stead, indeed marked the abolition of the

savage custom of human sacrifice. Hundreds and thousands of sheep, cows, goats and camels are sacrificed in the name of Allah on this auspicious day. Unfortunately, however, very few of us celebrate this auspicious occasion in a befitting way, in the true spirit of Islam. Very few realise that Rabbul Alameen does not need the flesh and blood of the animals. What he asks for is the taqwa (which has been mentioned 211 times in the Holy Quran) and not lives in a physical sense. Sura al-Hajj declares very clearly: "It is not their meat nor their blood that reaches God: it is your piety that reaches Him. He has thus made them subject to you, that ye may glorify God for His guidance to you. And proclaim the good news to all who do right." It is very clear that what Allah, in His infinite Mercy, desires from the bandos on this sacred occasion is giving of our whole being to Him. It is by the mention of Allah's sacred name that an animal is sacrificed. The utterance of the Quranic verses affirms and asserts over and again: "Truly my prayer, and my sacrifice, my life and death, are all for God, the Cherisher and Sustainer of the Worlds." It is not an empty mention of a word that Moslems make, the hearts of the Momen's tremble at the mention of the Holy Name. Each and every Muslim sacrificing an animal should bear in mind if he can sacrifice an animal over which he has full control for a particular period of time, how much more necessary it is that he should lay down his life in the Way of Allah, who is not only his Master but also his Creator and Sustainer. It will indeed be a sin if we forget the

supreme sacrifice made by the Prophets Ibrahim and Ismail (peace be upon them), buy an animal from the market, slaughter it just for the sake of fun and gourmandism, and celebrate this auspicious day through mere pleasure and gaiety, extravagance and dissipation, unbridled merry-making and uncouth entertainment. No Muslim, nay no human being, has any right to humble the unparalleled sacrifice of the Prophets Ibrahim and Ismail (peace be upon them) by equating it with the mere slaughtering of an animal with no taqwa behind it. We will certainly insult those salts of the earth if we celebrate Eid-ul-Azha only through expensive cattle and clothes and delicious dishes, and not through prayers and penance, sacrifice and benevolence. Allah has very kindly given us power over His creation and permitted us to eat their meat, but only if we pronounce His Holy Name during the solemn act of taking the animal's life. Through this solemn invocation, without which we are apt to forget the sacredness of life, we are reminded that wanton cruelty is not in our thoughts and is never permitted in Islam. Eid-ul-Azha is the system of denying ourselves the greater part of the food derived from the sacrificed cattle for the sake of our poor brethren; our symbolic act finds practical expression in benevolence and in fraternity and fellow-feeling, in sacrifice and solicitude for the indigents and have-nots. That exactly is the sublime message conveyed by Eid-ul-Azha.

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Taking a meaningful stand against torture

I believe that within such a matrix, transparency, with regards to rights of the accused to be informed of the charges that have been levied against him can directly impact on the process. This will contribute towards accountability of those in charge of his incarceration and can improve implementation of expected behaviour.

MUHAMMAD ZAMIR

THE world, in recent years, has witnessed many complex situations that evolved because of intolerance, inequity and disregard for the principles of fundamental rights. Activists and jurists have analysed such scenarios and have identified torture and the use of torture as a catalytic factor in this regard. They have done so because state actors appear to have used it as a means to restrict or influence the due process of law. Torture of any form, at any time, particularly while in custody or interment is reprehensible. Carrying out such an action, through deliberate choice, must never be tolerated or encouraged. It affects the rights of the accused and his dignity of person. It is this expectation that has driven conscious citizens of our region, over the past two decades, to stress on the importance of established rules and procedures and to seek the abolition of torture as an instrument for obtaining information. In Bangladesh, after the revival of democracy earlier this year, we have watched the anger and the many accusations that have been made against the law enforcement agencies and personnel by formerly interned politicians. These politicians have pointedly remarked that torture was used to forcibly extract confessional statements. They have also demanded that suitable investigations be carried out in this regard and those found

guilty be punished. The print media has in the past months also highlighted cases of several deaths while in custody. Odhikar, a human rights activists' organisation, has also released several reports of alleged extra-judicial deaths where law enforcement agencies have been implicated. The term "crossfire" has gained notoriety and has become the symbol of misapplied justice. One really does not know if all the allegations being made are in fact true. However, the consistent nature of deaths while in judicial custody and the habit of "crossfire" does reflect the possibility that some of our responsible institutions are not being consistent with different constitutional provisions. That needs to be avoided because it creates a credibility gap within the judicial process. I refer in this regard to Article 35(5) of the Constitution that states: "No person shall be subjected to torture or to cruel, inhuman, or degrading punishment or treatment." There are also the Fundamental Principles of State Policy in Part II of the Constitution (not enforceable by the judicial process) that include reference to democracy, human rights, freedom and respect for human dignity and worth of the human person (Article 11). There is also specific constitutional reference whereby all will enjoy equality before the law (Article 27) and protection of law and trial "in accordance with law." There are also constitu-

tional provisions pertaining to safeguard from arbitrary arrest and detention. Articles 31 and 32 also refer to right to protection of law and protection of right to life and personal liberty. Nevertheless, successive governments in Bangladesh have not always been able to abide by all these constitutional provisions. It has not always been easy, not always black and white -- particularly during periods of emergency. This has been so despite public expression of political will by different leaderships. This incongruity has permitted gray zones to creep in, Ambiguity in certain provisions in the Code of Criminal Procedure has also not helped. I refer in this regard to the infamous Section 54, which, over the years, has often been used for political ends. Fortunately, it is generally agreed that our High Court has always tried to provide positive interpretations by tending to disregard information obtained through torture, and has questioned its legal validity as evidence within the scope of law. Today, torture and the use of torture have not only drawn the attention of the international community but also of our domestic activists. Many of us have protested about lack of judicial process and rule of law with regard to the Guantanamo facility. This has led to efforts to bring about a degree of accountability in the procedure for interment there. This spirit of awareness partially emerged because of Bangladesh's commitment for human rights. This was seen as being consistent with our stand and determination that encouraged us not only to sign but also later ratify (on 3 October, 1998) the Convention against Torture. We did so because we believe in Article 3 of the Universal Declaration of Human Rights, which observes that "everyone has the right to life, liberty and security of person." We are also a signatory to the International Covenant on Civil and

Political Rights. Articles 6, 7 and 14 of this Covenant underline the right to life, abhorrence of inhuman and degrading punishment and equality before the law -- which in turn are consistent with our constitutional provisions. The above being true, we need to effectively focus on meaningfully observing all aspects expected of us as a responsible signatory. We have to understand in this context that there has to be suitable implementation of existing domestic laws and available constitutional provisions. We also have to be consistent with our obligations under international legislation. That should include the prospect of providing victims with "effective remedies." This will then, in turn, assure the possibility of victims being assured reparations for injuries suffered. Unfortunately, this inter-connectivity between suffering (both physical and mental), injury and redress has not always been upheld. The question of application of torture, if one may say so, is sometimes referred to as being a matter of attitude. Accordingly, the impunity with which state institutions participate in such exercise is often dependent on the kind of governance practiced within its paradigm. I believe that within such a matrix, transparency, with regards to rights of the accused to be informed of the charges that have been levied against him can directly impact on the process. This will contribute towards accountability of those in charge of his incarceration and can improve implementation of expected behaviour. Bangladesh has been elected for a second term to the UN Human Rights Council in 2009. This is international recognition of our commitment. This has also raised the moral threshold of our responsibilities. Consequently, we have to be more aware of the expecta-



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Man's inhumanity towards man.

tions of others in us. In this context, our government should seriously examine all the denotations and connotations pertaining to the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment as contained in UN General Assembly Resolution A/RES/57/199 adopted on December 18, 2002. A review could also be undertaken to identify how we can strengthen the capacity and the mandate of the national preventive mechanisms for the prevention of torture. This would be consistent with Article 11 of Part III of the Optional Protocol. The provisions in Article 14 of the

Optional Protocol related to the permitting of opportunities "to have private interviews with the persons deprived of their liberty without witnesses, either personally or with a translator if deemed necessary" could also be examined. There will be those who will advise on the need to exercise caution. They will point out that this issue is complex and can have ramifications for state security and strategic interests. My response to them is that torture under any pretext, is not an acceptable answer to any problem.

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Politics of Babri Masjid

Why should political parties make its publication an issue instead of discussing how to punish those who conspired to pull down the mosque? Significantly, all secular parties came to the rescue of the BJP when the question of the report's leakage was raised.

KULDIP NAYAR

LET the temple come up." This was the remark by Atal Behari Vajpayee when I asked for his reaction to the destruction of the Babri Masjid one day after the incident. I was surprised by his comment because I considered him a liberal force in the Bhartiya Janata Party (BJP). Yet, I did not attach much importance to his remark. Now that the one-man commission on the demolition, headed by Justice Manmohan Singh Liberhan, has named Vajpayee as one of the collaborators in the pulling down of the mosque, his remark falls into the slot. How could he have reacted differently when he was a party to the "meticulously planned" scheme to demolish the mosque? That L.K. Advani and Murli Manohar

Joshi, the other two BJP leaders, were co-conspirators was known on December 6, 1992, itself. The surprising name for me is that of Vajpayee. I would have been indulgent towards him if I had not seen a clip of his speech. A television network showed it on the day a Delhi paper had published the leaked report. Vajpayee said on December 5, one day before the demolition of the masjid, at Lucknow that the ground would be "levelled" and a yangya (religious celebration) held at that place. The commission has said that the destruction of the masjid was "preventable." Advani could have done it. But all of them, "pseudo-moderates" as the commission has described them, knew about what was happening and were "not innocent of wrongdoing." The indictment has exposed our polity because all the three came to occupy top

positions in the country. Vajpayee became the prime minister, Advani the home minister and Joshi, the human resources development minister. If all the three were collaborators in the demolition of the Babri Masjid, they were dishonest in taking the oath of office which demanded that the oath taker would work for the country's unity and uphold the constitution, which mentions secularism in the preamble. The Liberhan Commission has said that they were among the 68 who were "culpable" in taking the country to the brink of "communal discord." Not only that. The three leaders acted against the Supreme Court's order "not to disturb the status quo." In other words, they made a mockery of the country's judiciary and the constitution to which they swore before assuming power. And they ruled for six years without a tug of conscience. The question is not only legal but also moral and political. How can the planned demolition be squared up with the holding of office by Vajpayee, Advani and Joshi? This is a matter that the nation must debate to find an answer, at least for the future. Those who have no clean hands should not be allowed to defile the temple of Parliament. And if they do so, what should be the punishment when facts come to light? True, the

BJP came to power through the Lok Sabha election. Would the party have won so many seats if the commission had submitted its report before 1999, when the BJP led the coalition? It is unthinkable that the commission should say that the centre could not have interfered in the affairs of Uttar Pradesh until the state governor had asked it to do so. This is an alibi. My experience is that the governor adjusts his power to suit the convenience of whichever party is at the helm of affairs in New Delhi. The governor was bound to report according to the wishes of Prime Minister P.V. Narasimha Rao, whom he personally knew because both belonged to Andhra Pradesh. Even otherwise, the centre has an overall responsibility to protect the constitution. Rao could have easily acted before the demolition took place. The proclamation to impose president's rule was ready a fortnight earlier. It was awaiting the cabinet approval. The prime minister did not convene the meeting. This means his connivance, although in his book Rao mentions the pressure of his party men that did not allow him to react in time. When the demolition began, there were frantic calls to the Prime Minister's Office. He was said to be at puja (prayer) and continued to be at it till

the demolition was over. What should one make out of this? Even if the Congress were to deny the allegation against Rao, the party should explain how a small temple was built overnight at the site where the Babri Masjid stood a few hours earlier. The centre was then in full control because UP had been put under president's rule after dismissal of the state government. In any case, the Babri Masjid-Ram Janmabhoomi dispute had transcended the state borders and the centre was following the developments every day. The commission's silence on Rao's behaviour is meant to cover up his complicity and that of the Congress party. One thing that Justice Liberhan has not explained in his 900-page report is the span of 17 years between his appointment and the submission of his findings. Though he has blamed it on the commission's counsel for the delay, it is still difficult to understand that the probe should have taken such a long time. A sum of Rs.8 crore was spent on the commission and people have commented that he was prolonging his job. I expected the government's Action Taken Report to be precise and meaningful. But it is too general and too vague. And it is shocking that the government should say that there wouldn't be punitive action

against anybody. Some of the guilty are saying openly that they are not repentant over what they have done. It would be tragic if those who demolished the mosque went scot-free. They are also responsible for the killing of 2000 people in the wake of the masjid's destruction. The danger of communal discord confronts the nation in one form or another. The Liberhan Commission has rightly underlined it: the basic difference between those who want a pluralistic society and those who are obsessed with Hindutva. The ideology of the BJP, or more so of its mentor, the RSS, is clear. But those who are playing politics over the demolition are doing the greatest disservice to the country. The report parked at the home ministry a few months ago was waiting to be scooped. It is the prerogative of journalists to do so. Why should political parties make its publication an issue instead of discussing how to punish those who conspired to pull down the mosque? Significantly, all secular parties came to the rescue of the BJP when the question of the report's leakage was raised. It was sought to be made a privilege issue. This is one way to evade the real problem.

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