

Fatwa-related crimes

Should be dealt with an iron hand

FROM Noorjahan in the 1990s to Hena just last month, hundreds of women who have fallen victim to fatwa-related violence have made headlines which have, since, died out. The crimes, however, have not -- despite the High Court's January 2001 ruling against fatwa as illegal. In as far later as in August 2009, in response to a public interest litigation filed by some human rights organisations, the Local Government, Rural Development and Cooperatives (LGRD), law-enforcing agencies and union parishads and pourashabhas were directed by the High Court to take immediate measures against extra-judicial penalties in salish (arbitration).

Yet the recent cases -- among the 503 documented between 2000 and 2011 -- are testament to the fact that fatwa-instigated violence continues. The numbers and severity of punishments have actually risen. The majority of victims are women, most of them among the rural poor. Their "crimes" are those of "immoral behaviour" (which includes being raped), determined by local influential leaders and rural mullahs who, setting aside the laws of the land, have taken upon themselves the responsibility of setting social and moral standards of behaviour, interpreting religion and meting out extra-judicial punishments which are a breach of fundamental rights.

Despite an apparent sanction of religion to fatwa purely as an interpretative medium for Islamic scholars, it has had nothing to do about faith but much about power relationships of class and gender, the enforce-ment of social conformity and the restriction of free-doms in our context. We urge the government to take strict action against the instigators, perpetrators and abettors of fatwa crimes in order to put an end to such barbaric practices. We also urge the media and other social groups to aid in the dissemination of information about human rights, including the right to legal remedy together with sensitisation of the fact that fatwa is not law.

In our efforts to establish grand notions such as those of liberation and democracy, incidents of fatwa-related violence call into question our very claim to being a civilised society.

Saving Dhaka's environs

Welcome intervention by JS body

THE Parliamentary Standing Committee on the environment and forest ministry has come up with strategies to save 20 percent of the extant water bodies with Dhaka City Corporation. In a report based on an analysis of the satellite images of the capital with assistance from the UNDP the JS committee has made some concrete recommendations. These are aimed at saving the critical mass of wetland we still have. It has spelt out 'sustainable strategies' to restore the rivers and other associated wetlands in and around Dhaka City.

The components of the suggested plan of action and vision sound impressive, and hopefully, these have been evaluated with due diligence by experts. If not, then that is a step awaited.

The present recommendations include declaring 360 square kilometers of rivers, canals and wetlands on the eastern side of the city 'ecologically critical area'; abatement of pollution through alternative sewerage channel to drain out the wastes of Hazaribagh tannery to Pagla lagoon, setting up central effluent treatment plant ETP at Demra and putting in place a bio-fertiliser plant at an appropriate junction.

In addition to reclaiming the rivers, canals and wetlands to their original fullness, the plan will help conserve at least 40 percent of the remaining 166 square kilometer of open space.

The JS committee is to be lauded for its initiative to save our vital natural and ecological resources. In the end, however, we would urge the JS committee to release its all three reports to the press in order to bring it up for public discourse and debate. This is all more required because the JS body wants the government and the citizens to work together for a time-bound fulfillment of the tasks it has set for the environment and forest ministry.

With due respect to them, a process has been well-begun by them and it must be taken forward in a meaningful way.

THIS DAY IN HISTORY

February 15

1898
The USS Maine explodes and sinks in Havana harbor in Cuba. The United States declares war on Spain.

1950
The Soviet Union and the People's Republic of China sign a mutual defense treaty.

1969
Sergeant Zahurul Haque, an accused in the so-called Agartala Conspiracy case, is shot dead by the Pakistan army inside Dhaka Cantonment. At the time, he was on trial along with 34 others, including Bangabandhu Sheikh Mujibur Rahman before a special tribunal constituted by the government of Field Marshall Ayub Khan.

1989
The last Soviet soldier leaves Afghanistan, marking the USSR's first military defeat since World War Two.

2005
YouTube, the Internet site on which videos may be shared and viewed by others, is launched in the United States.

Births

1564
Galileo Galilei, Italian astronomer and physicist.

1921
Radha Krishna Choudhary, Indian historian and writer.

Deaths

1869
Mirza Ghalib, Indian poet.

ENIGMATTERS

Lift the Cup, Tigers!



MOHAMMAD ALI SATTAR

IT'S a great feeling. The day after tomorrow is the curtain raiser for the ICC World Cup 2011 to be held in Dhaka -- a feeling that truly cannot be articulated in words. Once again, we have come to believe that we are a part of world cricket; we are a part of an international competition, not only as a participating team, but also as co-hosts of the popular event. Bangladesh cricket has matured ever since its graduation to ICC ranks.

Dhaka is a historical venue for cricket since the Pakistan time. For any tour, it used to be a venue for one test match, at least. The city was always a hub of cricket. Cricket is loved and patronised with passion in this small land. In the late '60s during our schooldays we watched the greats like Hanif Mohammad, Javed Burki, Saeed Ahmed, Mushtaq Mohammad, Asif Iqbal of Paksitan, Colin Cowdrey, Alan Knot, Fletcher, of England, Dowling and few others of New Zealand, play in the Dhaka stadium. We have seen our heroes like, Daulatuzzaman and Raqibul Hasan. Five-day affairs meant a lot to us. Daylong excitement knew no bounds.

I roamed the players' lounge and bothered them with the little autograph book that I treasured most. I would watch the players sitting by my side instead of watching the game. Lunch boxes were also another attraction, and of course the 'cold and mishiti pan' (betel leaf) that was sold outside in a little shop in the stadium market.

Little boys playing cricket in the streets and in yards is still a common sight all over the country. In rural areas, the enthusiasm is even more. They make the bat from a piece of wood and play with a plastic or a rubber ball. The boys have kept cricket, once the game of the lords,

alive in this land amidst confines and poverty. No wonder, today the sub-continental players stand tall in world cricket.

That Bangladesh plays an important role in today's cricket has been approved by the governing body itself. In no time our players found their places in world rankings. Most of all, our Shakib Al Hasan tops the ICC list of best ODI all-rounders. We have made our mark in this game, finally. Bangladesh is a force to reckon with. Nonetheless, its cricket, the uncertain cricket!

The world has watched with awe the tremendous love and support for cricket that Bangladesh has! No wonder we have been considered as a venue. Our playing grounds and logistics have been well taken care of. Our venues and facilities have got the pass mark by the giants who inspected the grounds and venue facilities over the last 12 months.

The excitement is glaring when we find the people of all ages are queuing up for tickets. These tickets seekers are fighting all odds, passing sleepless nights out in the open braving cold waves for a ticket! Only to be part of

the great event! By now the city wears a festive look! Dhaka by night never looked so beautiful! The world witnesses the love for the game we harbour!

Where does Bangladesh stand in this contest? We have the potential to beat any team on any day. We have a balanced side.

We need Tamim Iqbal to fire from the word go! We need Ashraful to click in the middle and in bowling the spinning trio of Shakib, Naeem and Shuvo should mesmerise any opponent. Wins against Canada and Ireland shouldn't be tough and beating any other team should not be impossible! I see Bangladesh in the quarters.

With other teams, Australia the current champs, are little out of shape. It had a bad season and a few good players have been dropped due to injuries. Ricky Ponting will find it hard to retain the title. Still the giants are well in the race. I find bowling not as strong as before, Bret Lee will be the lone strike bowler.

England is in good form and high spirits after the recent Ashes series. Mind you, they are the T20 champi-

ons! No surprises if they lift the ODI cup as well. South Africa also is in very good shape, the team has likes of Jacques Kallis, Graeme Smith, Hashim Amla and couple of speedsters in bowling department should get them the Cup this time. The team has been unlucky too many times!

Sri Lanka and India are powerful contenders as well. India is in the right nick with their batting, now considered the best in the world. I think India's bowling is far from satisfactory. Zaheer Khan is the lone pacer and Harbhajan the lone spinner -- how far they can deliver? Sri Lanka is a compact side with impressive performance in recent times. West Indies also can't be downplayed. They have Chris Gayle, Chanderpaul, Sarwan and Bravo. So watch out for WI as well.

Among the biggies Pakistan remains the most talked about side. Plagued with controversy, the team generates the maximum interest and is the most exciting. The tag of unpredictability makes it more thrilling. This poor team cannot play cricket at home, they are the "Palestinians of Cricket." Nevertheless it will create lots of ripples and might even romp home with the Cup!

The batting line is tremendous and bowling not too bad either. Afridi and Razzaque can tear down any attack, Misbah, Yunis and Akmal brothers are also brilliant. Shoaib Akhter, Umer Gul and Wahab Riaz make a competitive pace attack and spin has Saeed Ajmal, Hafeez, Afridi. Fingers crossed!

I don't care who wins (if it's not Bangladesh)! I want to see the event pass by gloriously. Let cricket be played with all its grandeur and glamour and let Bangladesh shine. Let us be proud witness of the great sporting event.

Lift the cup Tigers!

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BARE FACTS

Empowering parliamentary committees



M ABDUL LATIF MONDAL

THE Daily Star (DS) of February 9 carried a report which said that the law, justice and parliamentary affairs ministry had drafted a law to enhance the powers of the parliamentary committees and the heads of these committees are likely to sit together on February 15 to discuss the draft proposals and make necessary changes to strengthen the committee system.

The proposals in the draft law following a request from the parliamentary watchdog of that ministry include:

Empowering the parliamentary committees to force witness attendance at hearings, and production of documents;

Empowering the committees to punish witnesses or other individuals for refusal to respond to their summons and for failure to produce documents they want;

Recommendation by the committees to the authorities concerned to take punitive measures against individuals for their refusal to appear before them following summons, or failure to produce required documents;

Investigation by a committee into anything wrong in a ministry's or organisation's activities and sending its recommendations to the concerned ministry or organisation within 15 days of completing its investigation;

Implementing the committee's recommendations by the concerned ministry or organisation within 60 days from the date of receipt and notifying the committee about it; and

Informing the committee by the concerned ministry or organisation the reasons for its failure to comply with the committee's recommenda-

tions within the stipulated time.

What are the existing constitutional provisions on these issues?

As regards attendance of witnesses and production of documents, Article 76(3) of the Constitution says that Parliament may by law confer on committees powers for (a) enforcing the attendance of witnesses and examining them on oath, affirmation or otherwise; and (b) compelling the production of documents.

Regarding the powers and functions of a parliamentary committee on a ministry, Clause (2) of the same Article says that the committee may (a) examine draft bills and other legislative proposals; (b) review the enforcement of laws and propose

by the ex-chairman and incumbent commissioners of the Anti-Corruption Commission to appear before the current Parliament's standing committee on public undertakings challenging the committee's authority to summon them; (b) dilly-dallying in producing documents by the ministries and organisations, mostly at the instance of the ministers concerned, and declining production of certain documents by the ministries on the plea that their disclosure would be prejudicial to the safety or interest of the state; (c) reluctance by the ministries to implement the recommendations of the committees on the argument that implementation of such recommen-

three months.

In India, although the recommendations of parliamentary committees are not legally binding, the government has historically accepted most of them. Nearly three-fourths of the recommendations are generally accepted and implemented. The ministries in India submit action taken reports to committees, providing details of the progress of implementation of the recommendations they make, and explaining the reasons for delay or rejection, if any.

Enactment of a law conferring on parliamentary standing committees powers for enforcing attendance of witnesses and compelling the production of documents is a constitutional obligation. So, there cannot be two opinions about framing of such a law.

However, inclusion of provisions in the law making implementation of the committees' recommendations mandatory on the ministries and organisations needs a very close examination. This is because overseeing of activities by the parliamentary committees sometimes takes the form of intervention that hampers the working of the ministries and organisations.

We often come across reports in the newspapers regarding conflict between the chairmen of the parliamentary committees and the concerned ministers. The chairman of a parliamentary committee on a ministry wants to exercise powers over that ministry through implementation of the recommendations of his committee. But the minister does not like to see the committee as more than a recommending entity. So, there is need for striking a balance between the two.

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measures for such enforcement; (c) investigate or inquire into the activities or administration of the ministry and may require it to furnish, through an authorised representative, relevant information and to answer questions, orally or in writing.

The constitutional obligation to frame a law to empower the parliamentary committees to force witness attendance at hearings and production of documents has remained unfulfilled during 39 plus years of independence.

The circumstances that might have prompted initiation of measures for framing a comprehensive law on witness attendance at hearings, production of documents and implementation of committees' recommendations by the concerned ministries or organisations are: (a) refusal

dations are not legally binding.

Nizam Ahmed in his Limits of Parliamentary Control (2006) writes that most of the parliamentary democracies where one can find close government-committee co-operation have devised mechanisms for ensuring that government responds to committee recommendations within a certain time frame.

In Canada, under Standing Order 109, a standing or special committee may request that the government table comprehensive response to its report within 120 days of its presentation. The consequences for the government of missing the deadline are serious; this constitutes contempt for the orders of the House. In the UK, the time-limit for the government to respond to reports of committees is two months, while in Australia it is