

The *fatwa* scourge

SYED MAQSUD JAMIL

THIS is a tragedy that the whole nation should mourn and protest. The national conscience was savagely traumatised. Hena Akhter is a victim of the gender discrimination that prevails in our country. It is an indictment of the poverty that the underprivileged of our country suffer, and the injustice and bigotry that hold them in thrall.

Much can be said about the law of the land, the uprightness of the judiciary and the vigilance of our non-government organisations. But the bestiality continues to prey on the underprivileged of the society. Only tragedies like that of Hena come to the light. We rise when a life in its bloom is lost.

It is a fact that Bangladesh is a predominantly Muslim country. But there are Muslim countries like Malaysia and Turkey that can pride themselves on their civilised societies. Our problem is that ours is an impoverished country with a large population caught in illiteracy. The rural society carries all the vestiges of feudal setup with lesser lords making the most of political power, money and religion. They strike down the weaker of the tribe. Darbesh Kha and his daughter Hena Akhter of Chamta village of Naria Upazilla belonged to this struggling lot. So, Hena was hunted down and the most sanctified among the weaponry, *fatwa*, was used.

Where religion is the arbiter, Bangladesh is yet to come out of the evil shadow of Pakistan. Hena Akhtar is in a way similar to Mukhtar Mai of Pakistan. The only difference is that Mukhtar Mai survived and Hena Akhter died. Mukhtar Mai of Meerwala, Muzaffargarh, was gang-raped (honour revenge) because her brother eloped and married the sister of one of the accused. The clan court ordered it. However, at last, Mukhtar Mai found justice, and the death sentence of the accused perpetrators has been upheld by Pakistan Supreme Court.

Maulana Fazlullah, known as FM Maulana for his FM band broadcasts, held

Swat Valley under his brutal control in the name of Sharia law under the cover of the organisation Tahrek-e-Nefaz-e-Sharit-e-Mohmmadi, banning women's education, women's voting rights and music shops, and opposing polio vaccine. Swat has been recovered from his control and he is reported to have been killed.

Lashkar-e-Tayyiba (LeT) and Jaishe Mohammadi are two other organisations of similar nature. LeT is reported to have links in Bangladesh and are infiltrating the country through their chosen madrassas. Bangladesh has to guard against the spread of this retrogressive influence of medieval times. Keep in mind the persecution of Ahmadiyya community in our country!

Islamic laws are debated in the western world. Much of their debate is unfounded. But it should be equally accepted that most of the Muslim societies are backward, and backward societies have a proclivity to languish in medieval thinking and practices.

Fatwa by half-baked *ulemas* in today's world tarnishes the image of Islam. It is always the poor who pay the price in backward societies like Bangladesh. When it was time for Hena Akhter to have dreams in her eyes, she became a victim of the ill-tutored *fatwa* of village clerics.

The punishment for crimes in Sharia law is called *Hudood* laws. The four *Hudood* laws for murder, theft, robbery, false accusation against a chaste woman and *zina* (rape, fornication and adultery) are indeed Quranic prescriptions. Our holy Prophet (Sm) and the sagacious Caliphs and learned imams were there to guide the Muslim society through an interpretation and application of Quranic prescriptions. Holy Quran says: "O you who believe, be maintainers of justice, bearers of witness for Allah, even though it be against your own self or your parents and your relatives -- whether rich or poor. Allah has a better right over them both."

The application of *Hudood* law has two aspects, situational context and norms and values that one can transcend with time. According to *Hudood* law, the punishment



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It is equally the duty of the government and civil society not to languish in passivity after enacting laws and recording the violations.

for adultery, for which Hena was wrongly accused, is stoning. For adjudging the adulterous couple as consenting partners one has to produce four eye witnesses. It was a punishment passed down from the Jewish time.

Even during holy Prophet's (Sm) time it was difficult to produce four witnesses. The only witness in Hena's case was Mahbub's wife. In reality, Hena was a victim of rape and the perpetrator of the crime was Mahbub. And he got away, as normally happens in male-dominated rural

Bangladesh. The village cleric in his bigoted judgement prescribed 100 lashes for Hena, to which she succumbed

Even the most learned *ulema* has to take into account the changing nature of the time as far as situational context and transcending norms and values are concerned. A village cleric is the most inappropriate judge in view of the fact that his intellectual standard is too low, and the cleric in question should have realised that Bangladesh is not an Islamic state.

Fatwa, according to Islamic jurispru-

Heeding the message

MOZAMMEL H. KHAN

IT is very unfortunate that although we achieved our independence through an armed struggle and the supreme sacrifice of three million of our heroic souls, one of our political streams is termed "pro-independence" while the other is termed the opposite. Any devotion to those infallible values is characterised as pro-AL, as was done by the leader of the opposition when she called a popular Bengali daily a pro-government one, although it is probably the strongest critic of government wrongdoings.

forward looking and seldom remember the occurrences of the past for long. Corruption is a fact of life, people live with it and it hardly creates any social stigma among them.

Resurrection of Muslim League, which we believed was buried once and for all in 1971, with another name only three and a half years after the glorious Liberation War simply testified that it is the present day lives of the people, not history, dark or bright, that influences their verdict.

The party has missed a grand opportunity to strengthen local government, which would

the party -- thereby showing that politics is not for enjoying the fruits of power -- is running without a full-time general secretary. The victories of rebel candidates in the municipal polls only testifies that the party's key office-bearers have little knowledge and control of the party at the grassroots level.

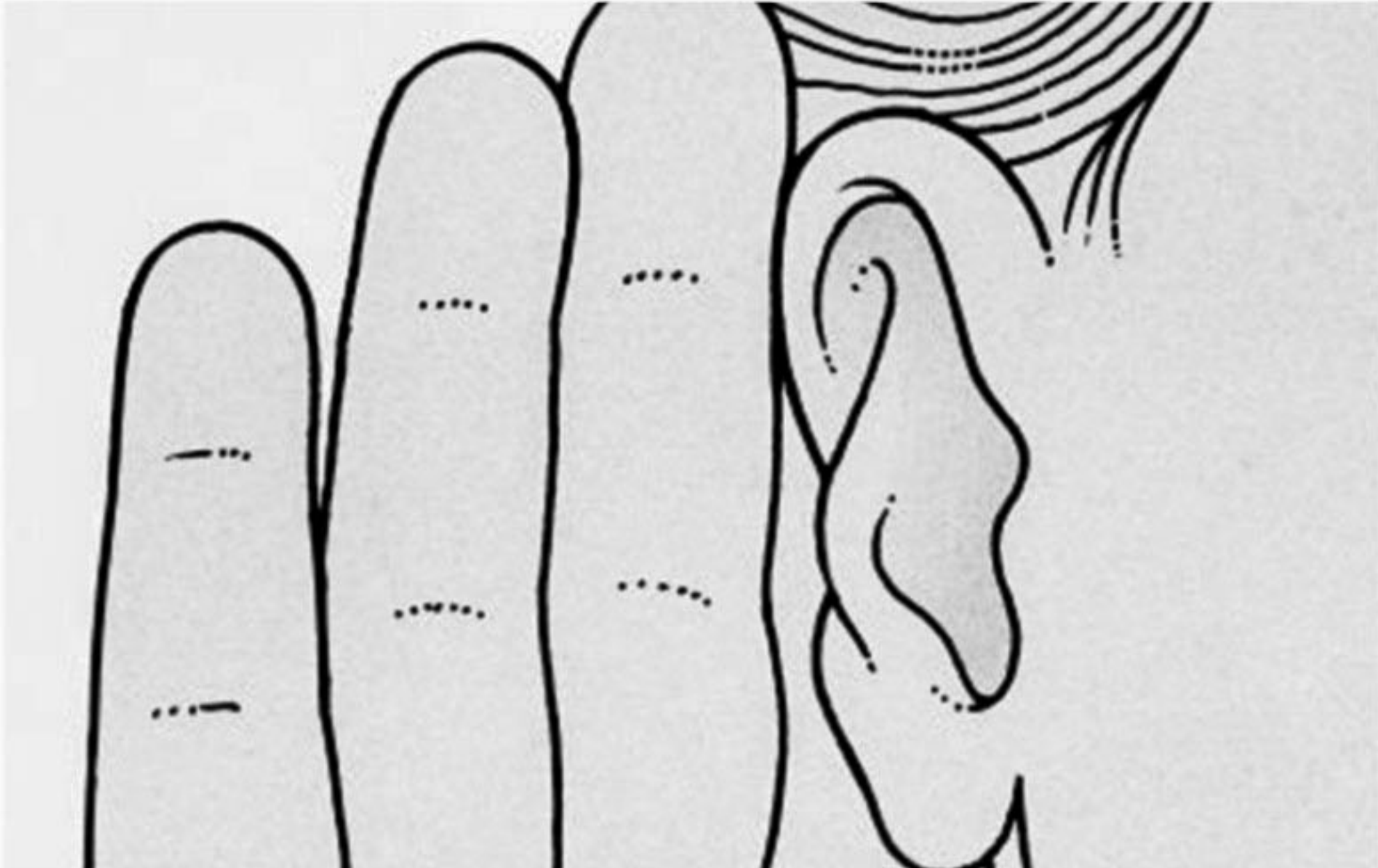
Many of the ministers and advisers do not subscribe to any trace of accountability or gratitude to their proven sympathisers whose efforts have greatly contributed to make them what they are today. They seem to believe that their authority is divine in nature, and no one's advice, no matter how relevant it is, is wanted.

If the government fails to take into cognisance the recently conveyed people's message the dream of a Bangladesh guided by the values and virtues of our great War of Liberation will remain elusive.

Although the government is called the *mahajote* government, it is virtually an AL-government. The leftist group that comprises the 14-party alliance is almost not-existent in the government. The numerical strength of their support base may not be a force to be reckoned with, but their moral strength can never be discounted. By keeping them out from the corridor of power, AL has not only failed to cash on the moral superiority they enjoy among the common masses, but also will fail to count them on its side to share the burden of its failure which, in the judgement of the people, far outweighs its successes at this time.

If the government fails to take into cognisance the recently conveyed people's message and does not initiate drastic steps to change the mode of governance in coming days in order to arrest its slide down the slope of popularity, the dream of a Bangladesh guided by the values and virtues of our great War of Liberation will remain elusive.

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AL's performance in the last two years has come under serious scrutiny after its dismal showing in the recently held local and mayoral elections. The attention was more focused to BNP's strong showing than AL's poor performance only two years after its (AL's) landslide victory in the general election.

It would be prudent to infer that it was a verdict against AL rather than any affirmation of the policies of BNP. So it is the time for soul-searching of the AL leaders to diagnose the reasons for which the people have turned their faces away from the party in such a short time.

The election results have also sent two fundamental messages: one for the party in power, and the other for the opposition party. For AL, the message is that status quo would only be a recipe for disaster, while for BNP, it is that its (BNP's) main focus should be on attaining a free and fair election, not on *hartial* or destructive activities. It will score points if it joins the parliament.

As the oldest political party of the country, AL should not be oblivious of the unique psyche of the people. Good or bad, they are more

have created a strong base for it at local level. The victory of the majority of the upazilla (UZ) chairmen and vice chairmen from AL has given a golden opportunity to the government to cash on that strength. However, the government has not only bungled that advantage but has also made the whole system ineffective, thereby depriving the elected representatives of the people the opportunity to carry out their constitutional responsibilities.

The chairmen and the vice-chairmen went on hunger strike to free *UZ parishads* from the control of the bureaucrats and MPs, and for it to be made autonomous. The government's imprudent policies acted as a double-edged sword for the party: on the one hand, it has faltered on its election promises -- portraying to the people that it does not believe on the basic tenet of democracy whereby one group never enjoys any dominance on another group of similarly elected representatives -- and on the other, failing to use them to create a solid base for the party's future electoral prospect.

The party, whose legendary general secretary once resigned from the cabinet to organise

READERS' REACTIONS

Fatwa-related crimes

As an ordinary citizen, I can understand what her family must be going through. Each time such a devastating incident occurs, the administration goes after the news regardless of the impact on the family. After a few days, they forget the incident and move on.

Where political parties call for a day long strike or road blockade for an issue of their party leaders' personal interest, it's a great shame that they fail to raise voices against *Fatwa* by declaring a strike as a tribute to the victim or providing financial assistance to the family. How safe are we in the midst of a community that has forgotten to react and become so selfish that it ignores a girl in distress? Are we so inhuman that we can't stop such unlawful acts by government and public leaders even after seeing many girls and woman pushed to death? Why didn't a single political leader react when s/he realised that something unusual had happened? Each one of us should feel shameful and responsible for the tragic incident. Shame on you and me because the young girl would have lived had we not forgotten to react and respond. Stringent action should be taken against the culprit as is done. Efforts should be made to increase protection so that such incidents do not recur.

Gopal Sengupta

I saw a very significant comment in *The Daily Star* that the *Fatawa* laws are mainly applied against women. If you list the restrictions imposed by religious laws, almost all are against women. But why? The women seemed to be targets of discrimination and seen as some thing behind human values. The society is changing but our outlook is unable to keep pace with the changes.

I already mentioned that the Fatwa laws are mainly applied against powerless poor and the rich can manipulate the law and get out of it. This is what a gentleman from the region of the country of origin told me.

Faqrul from US

We do not live in Egypt by Syed Badrul Ahsan

It is funny that how people and the so-called intellectuals generalise an event. A change in guard in Egypt is expected to be emulated in all Islamic and Arab world, as if all Arab or Islamic countries are the same and have the same social and political setup. Funnier still is that even the local media start speculating when at least they should have much deeper knowledge.

Virendra

Yes we are neither Iran nor Egypt and we have a democracy that is non-existent in any of the Arab world and in North Africa. We can be proud of that. But, we can still be better by not being corrupt after coming to power. Now our mission is not to establish democracy but to eradicate corruption. Unfortunately, we had an institution to fight corruption but we maligned it recently making it a stooge.

Rashid Ahmed