

## Brief report of Hudood seminar

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ISLAMABAD: (Aug 28, 2006) Highlighting different lacunas and legal and procedural flaws in Hudood Ordinances (HO) from religious and human rights perspective, the speakers called its repeal in totality. Terming some of the proposed amendments as positive and progressive, some of the speakers expressed their doubts about the fate of the proposed amendments in discriminatory Hudood Laws.

While speaking at a seminar on “Hudood Ordinances: Time for Repeal” organized by Sustainable Development Policy Institute (SDPI) on Monday, Dr. Arfa Sayeda Zehra, National Commission on the Status of Women (NCSW); Nasreen Azhar, Women Action Forum, Islamabad; Dr. Farzana Bari, Centre of Excellence in Gender Studies, (QAU) Islamabad and Muhammad Saeed Alrai, ex-I. G. Police discussed different aspects of the of the subject.

Dr. Arfa Sayeda Zehra of National Commission on the Status of Women (NCSW), while sharing a very insightful perspective about the serious lacunas in the Hudood Ordinances, reiterated the stand of NCSW for the repeal of Hudood Ordinances instead of mere amendments. She cited the NCSW 2003 report in which after a genuine and consultative process, the learned members had concluded the repeal of these laws. However, she appreciated the present government’s initiative but questioned its sincerity because after such an extensive consultative process, the proposed amendments were forwarded to a Select Committee than forwarding it to standing committee of the National Assembly. While highlighting the inability of successive governments, she said for the first time in 27 years of enactment of Hudood Ordinances, there was a positive talk of amendment in these extremely discriminatory laws. She said that amid heavy and historic representation of Maulvis in the politics and Maulvi-Jagirdar powerful nexus, the present government initiative to amend the HO was a very positive step. She said that the NCSW has been opposing the HO because in its view amending a bad law usually gets more time.

Dr. Farzana Bari of Centre of Excellence in Gender Studies, (QAU) Islamabad besides demanding the repeal of Hudood Ordinances, said that the undemocratic, non-consultative, lacunas and faults in implementation and politically motivated Hudood Ordinances had been violating the human rights since their inception. She urged that it was a high time that state and religion should be separated from each other. She appreciated the initiative of the present govt. to introduce amendments in these laws but lamented that the initiative was nothing but a politically motivated step to achieve two political gains. She made it clear that the two intended political gains of the government were to proliferate its image as a women friendly government and more importantly to create a divide in the resistance and unity of the opposition. She was very critical of the role of political parties of the arena since according to her all of them were same when it came to the women’s rights. She said that irony of the fact is that one military dictator due to political compulsion introduced the HO while the other is amending it for political same political benefits; while in both cases the women remained at the center. She urged the civil society to actively play its role for the repeal of these discriminatory laws as the civil society was conceptually and intellectually clear but it failed to create popular support and public pressure.

Muhammad Saeed Alrai, ex-I.G. Police while giving an exemplary analysis of the situation, stressed the urgent need of reinterpretation of Islamic Laws and to an end to selective and partial

implementation of some of the Islamic Laws. He said that every Islamic Law has a dimension of reformable approach but unfortunately the Islamic laws have virtually never been interpreted in their true spirit and context. He opposed HO on two grounds as without an Islamic social welfare system in place no Islamic law in isolation can deliver justice and secondly an Islamic should be enforced in totality. He however said that the HO law had severe lacunas and needed to be amended. While quoting some examples from the Islamic history, he made it clear that Islam always stressed for the prevalence of reformative approaches instead of just giving punishments to offenders. He also suggested for the establishment of reconciliatory courts before lodging the issues to other courts.

Nasreen Azhar moderated the session and deplored that the government's intention to amend HO was not to win justice for the people but purely political motives. During the vibrant question-answer session, the participants of the seminar questioned the sincerity of the government and its intended political gains. They also feared that after the assassination of Akbar Bugti and emerging situation in Balochistan the government would now would not be able to withstand against the expected pressure of MMA and would possibly withdraw from its plan of introducing amendments in Hudood Laws.