

Text of NSC Bill introduced in NA

ISLAMABAD: The National Assembly on Friday referred the National Security Council (NSC) Bill, 2004 to the concerned standing committee of the parliament.

The Bill for the establishment of NSC was introduced before the house by Law, Justice, Human Rights and Parliamentary Affairs Minister Muhammad Raza Hayat Hiraj.

The text of the Bill reads as:

"Whereas it is expedient to establish a National Security Council to serve as a forum for consultation on matters of national security including the sovereignty, integrity, defence, security of the State and crisis management; It is hereby enacted as follow:

(1) Short title, extent and commencement:

a) This Act may be called the National Security Council Act, 2004.

b) It extends to the whole of Pakistan.

c) It shall come into force at once.

(2) Definitions: In this Act, unless there is anything repugnant in the subject or context,

a) "Chairman" means the Chairman of the council.

b) "Council" means the National Security Council established under section 3.

c) "Government" means the federal government or a provincial government, as the case may be.

d) "President" means the President of the Islamic

Republic of Pakistan; and (e) "Rules" means the rules made under this Act.

(3) Establishment of National Security Council:

There shall be established a National Security Council to serve as a forum for consultation on matters of national security including the sovereignty, integrity, defence, security of the State and crisis management.

(4) Composition: The President shall be the Chairman of the Council and its other members shall be the Prime Minister, the Chairman of the Council and its other members shall be the Prime Minister, the Chairman of the Senate, the Speaker of the National Assembly, the Leader of the Opposition in the National Assembly, the Chief Ministers of the Provinces, the Chairman, Joint Chiefs of Staff Committee and the Chiefs of Staff of the Pakistan Army, Pakistan Navy and Pakistan Air Force.

(5) Functions of the Council:

(a) The Council shall serve as a forum for consultation to the President and the Government on matters of national security including the sovereignty, integrity, defence, security of the State and crisis management.

(b) The Council shall formulate and make recommendation to the President and the Government in accordance

with the consultations in terms of sub-section (1).

(6) Meetings:

(a) The meetings of the Council may be convened by the President either in his discretion or on the advice of the Prime Minister.

(b) A meeting of the Council may be called notwithstanding a vacancy in the office of one or more members of the Council.

(c) A meeting of the Council, once called, may to be postponed due to the absence of any one or more of its members.

(d) The Council may invite any person to attend any of its meetings, by special invitation.

(7) National Security Council Secretariat:

(1) There shall be a Secretary of the Council who shall be appointed by the Chairman on such terms and conditions as may be determined by the Chairman.

(2) The Secretary shall be the head of the Secretariat and shall have such other powers and functions as may be conferred on him by the Rules; Provided that till such time that the rules are made the Secretary may, with the approval of the Chairman.

(a) Exercise such powers and perform such functions as may be necessary for carrying out the purposes of this Act and the functioning of the Council; and

(b) Appoint officers and staff to be employed in connection with

the functions of the Council and determine their terms and conditions of employment.

(8) Power to make rules:

The Council may, by notification in the official Gazette, make rules for carrying out the purposes of this Act; Provided that till such time that the rules are made the Council may, with the approval of the Chairman, follow such procedure as it may deem fit.

(9) Repeal: The National Security Council Order, 2001 (Chief Executive's Order No 5 of 2001) is hereby repealed.

Statement of objects and reasons:

(1) The Bill seeks to establish a National Security Council to serve as a forum for consultation on matters of national security including the sovereignty, integrity, defence, security of the State and crisis management. The President shall be the Chairman of the Council and its other members shall be the Prime Minister, the Chairman of the Senate, the Speaker of the National Assembly, the Leader of the Opposition in the National Assembly, the Chief Ministers of the Provinces, the Chairman Joint Chiefs of Staff Committee, and the Chiefs of Staff of the Pakistan Army, Pakistan Navy and Pakistan Air Force.

(2) The Bill is designed to achieve the aforesaid objects. —APP

Hudood Ordinance

Farhatullah Babar

Last week General Pervez Musharraf once again called for a review of the Hudood laws saying, 'after all, these are man made laws and there is no harm in reviewing them'. It is yet to be seen whether the government will really do something to change the law.

The Hudood Ordinance was promulgated in from behind the back of the Parliament, without taking into account the views of the cross section of religious scholars and public opinion, and prescribes punishment which are not ordained by the Holy Qur'an and Islam.

The Ordinance has heaped shame and miseries on hapless women. Those opposing changes in it will be held accountable before both Allah and the bar of public opinion.

Besides many other lacunae, *rajam* or stoning to death for adultery as prescribed in the 1979 Hudood Ordinance, has nothing to do with Islam and the Holy Qur'an. It has only stolen the Islamic title of 'hadd' to make it appear as a law ordained by the Holy Qur'an.

There is not a single verse in the Holy Qur'an that prescribes the punishment of stoning to death for adultery.

Some people argue that *rajam* is sanctioned by what they claim to be the traditions and *Sunnah* of the Holy Prophet (SAW) and therefore, it

numerous verses of the Holy Qur'an, such as "the Book explaining all things" (16:89), "...it contains a detailed exposition of all things," (12:111), it "makes things clear" (27:1), "a book consistent with itself" (39:23), "free of crookedness" (18:1) and "discrepancy" (4:82).

Allah and Holy Prophet (SAW) are uncompromisingly intolerant of the admissibility of any other formulation, even in a subsidiary role as a source of Islam. "In what exposition will they believe after Allah and His signs (the word and work of Allah) (45:6).

Any human formulation, which fails to measure up to the letter and spirit of the Qur'an, is not acceptable in Islam. On the other hand, any thing that lies within the ambit of the Qur'an is truly Islamic, no

It is highly significant that the a man so meticulous in ensuring that Divine guidance be passed on correctly down to the last word, would ignore his personal sayings so completely, if in his view the same constituted, in any way, a separate, independent or a complementary source of Islam. He left behind not a single line in writing that could then or later be called his normative *Sunnah*.

The argument that *rajam* is part of *Sunnah*, and even if not ordained by the Qur'an, is Islamic, therefore, cannot be accepted.

The Hudood laws, authenticating *rajam* as Islamic, were rooted partly in General Zia's obsession with the so-called Islamisation, and partly in the devious scheme to co-opt the religious extremists to punish and banish democratic leaders.

Two separate commissions on the rights of women, each headed by, and including eminent jurists and religious scholars have held this view and demanded repeal of the Ordinance. They have not denied that Qur'an ordains *hadd* punishment for certain offences. But they do assert that the Ordinance made in the name of Islam and hudood by Zia has nothing to do with Islam, and must therefore be repealed.

The Hudood Ordinance punishes the victim even before an attempt is made to catch the real culprit. The women, even after proved to be innocent, have to live forever with the

How can the religious elements claim that those demanding a change in the law are guilty of the negating the Qur'anic injunctions? The enlightened elements within the religious parties must support this resolution. Also, the parliamentarians not belonging to the religious parties should prepare themselves for the

Holy Qur'an that prescribes the punishment of stoning to death for adultery.

Some people argue that *rajam* is sanctioned by what they claim to be the traditions and *Sunnah* of the Holy Prophet (SAW) and therefore, it is Islamic even if there was no mention of it in the Holy Qur'an. This amounts to asserting that even if an injunction has no basis in the Qur'an, it can still be enforced as Islamic just because in the view of some, it was in conformity with the *Sunnah* or some saying of the Prophet (SAW). If this argument is accepted, it would shake the very foundations of Islamic jurisprudence.

True, that it is obligatory for a Muslim to emulate and obey *Sunnah* of the Holy Prophet (SAW). However, there are huge differences on what constituted *Sunnah*. There are differences, not only between the *Sunni* and *Shia* accounts of *Sunnah* but also between the Qur'an, the Holy Prophet (SAW) and all his noble companions, on one side and the main body of the *ulema* of most of the sectarian varieties, on the other.

It is correct that the Qur'an prescribed punishment under the *hadd* for certain offences, but it is wrong to say that the punishment for adultery under the Hudood Ordinance 1979 was also Qur'anic.

A true believer is ordained to accept the Holy Qur'an by itself as a comprehensive and self-contained source of Islam, free of any ambiguity and inconsistency. This indeed is the command in

resolution. Also, the parliamentarians not belonging to the religious parties should prepare themselves for the debate and not abandon the field to those who claim sole monopoly of interpretation religious tenets

matter what its source or origin. Says the Qur'an, "If any do fail to judge by what *Allah* hath revealed, they are unbelievers" (5:47). And if any fail to judge by what *Allah* hath revealed, they are wrong-doers" (5:48).

The Qur'anic concept of *Sunnah*, the words and deeds of the Holy Prophet (SAW), therefore has no identity independent of the letter and spirit of the Qur'an. If it were so, the Holy Prophet (SAW) would not be commanded to say: "I hope that my Lord will guide me ever closer (even) than this to the right course" (18:24), or "ask forgiveness for thy faults" (40:55).

The contemporary Arab society was primarily oral. The Qur'an and the Holy Prophet (SAW), however, both uphold the superiority of the written over the oral word. That is why the Holy Prophet (SAW) dictated every revelation to a scribe for authentic record.

of Islam and Hudood by zia has nothing to do with Islam, and must therefore be repealed.

The Hudood Ordinance punishes the victim even before an attempt is made to catch the real culprit. The women, even after proved to be innocent, have to live forever with the shame of infamy. This is murder of equity and justice that cannot be the purpose of any Islamic law.

Those religious elements who claim that *rajam* is Islamic, assert an exclusive right to interpret Islamic teachings. But this is not correct. Islam does not ordain that interpretation of its tenets is the prerogative alone of those wearing green turbans or black robes.

A resolution has been submitted in the Senate that states: "This House expresses the opinion that whereas Islam prescribes *Hadd* punishments for certain offences, the punishments under The Offence of Zina (Enforcement of Hudood) Ordinance 1979 are un-Islamic"

How can the religious elements claim that those demanding a change in the law are guilty of the negating the Qur'anic injunctions? The enlightened elements within the religious parties must support this resolution. Also, the parliamentarians not belonging to the religious parties should prepare themselves for the debate and not abandon the field to those who claim sole monopoly of interpretation religious tenets.

The writer is a Senator