

Introduction of Shia Law – A Socio-Political consideration

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The introduction of Shia Law passed by the parliament and signed by the President has surprised many and shocked some. There were also protests by social and human right activists and gender sensitive people. There are reports flashed all around and it has become international news.

The law is looked from human rights, women's rights and gender-equality consideration. What is exactly in the law is not yet clear but it appears that it is quite anti-women, Shia women or Sunni women makes no difference. What is being discussed in various circles including academia indicates that the implication of this law will legitimise violence and sexual abuse on girls and women. In some way it also contradicts the provision made in the Constitution for example the marriageable age for girl is 16 and for boy it is 18 but this Law allows to marry girls at the age of 9 or/and puberty which approximately will be about 11-13 years of age. There are social studies and medical reports from across the world about socio-psycho and biological implication of a girl-child marriage on girls and society at large. One finds difficult to believe that people who have introduced the bill and those who have voted in favour of the bill are oblivious of these implications. They are legislators and the minimum a citizen expects is that those who are voted in power will safe guard the interest of the citizens, the public, and more so of those who are vulnerable in many aspects, the girl children and women.

But maybe there are other considerations at play here and why not? Election is round the corner? And after all politics as it is said is the art of the possible. Some media and critics have already suggested that the bill is to appease Islamic fundamentalists ahead of elections in August.

The Bill passed has come to be known as Shia law, a family law and applicable to a religious community of shia in Afghanistan. The community is small in number; some suggest that it is about 15 % of Afghanistan's population. It may be misleading to consider this religious community as a cohesive community; there are diverse groups and ethnic affiliations within the community and not all approve of this Law. This religious community smaller in number compare to Sunnis have felt and experienced neglect, marginalisation from various public sectors of Afghanistan such as education, health, etc. When a community feels and perceives itself being marginalised or being kept at the periphery in the governance and management system of a county there is bound to be some grievance, ill feeling and potential conflict. Some section of the community will in such a situation may exhibit stronger assertion to be recognised and acknowledged as a community at the centre seat of power. It is the responsibility of the State to examine and pay attention to and address such perceptions and grievances.

The introduction of the bill needs to be viewed from this socio-political angle along with other motives accompanying it. A few leaders from the community or those who want to be seen as friends of the community for political or other reasons may find introduction of this Law as a legitimate way of this community being recognised and included. But considering the implications of the law one wonders whether it is the good of the community that is at heart or there are other considerations at play here in introducing this law. If the parliamentarians want to be more inclusive of all the religious and ethnic communities in Afghanistan than there are many creative, meaningful, relevant and equitable ways of doing so. They could think of framing policies, programmes and budget allocation which further empower these communities in terms of their representation in parliament, including women from this community in the governance at various levels and providing opportunities to the community members in the public arena. Passing such a bill is not the only way of making this community feel included and acknowledged; on the contrary it may prove to be counterproductive.

Political ambitions and interest of a few or a party does not always match the interest of the larger population. Islam teaches inclusiveness, brotherhood and sisterhood. Divisive and petty politics may not help rebuild Afghanistan as a robust and vibrant

society where the women and men of all sections and communities enjoy the peace and prosperity Allah has blessed the human race with.

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