

MAKING JUSTICE SPEEDY, THROUGH COMPUTER TECHNOLOGY

Barkat Ali Khan*

INTRODUCTION

Justice is the soul of the society. It is one of the fundamental duties of the state to administer justice. Pakistan is an Islamic state, and its Islamic character as well as constitution, attaches great importance to the administration of justice, emphasizing upon prompt delivery of justice. Justice must be free, fair and expeditious. Prompt delivery plays a great role for inhalation of aggrieved person. Free and fair justice but with delay is of no use because the justice delayed is justice denied.

PROBLEM

There is the problem of "Delay in Justice", in the administration of justice. Delays have been and continue to be a matter of deep concern for all the countries.¹ The same case is with the Islamic Republic of Pakistan. "Delay in Justice" has deep roots in the judicial system of Islamic Republic of Pakistan. The whole justice system is suffering for this chronic disease of "Delay in Justice". 5,91,400 in civil and session courts, 1,50,660 in High Courts and 6,353, cases in Supreme Court of Pakistan were at adjournment in 1999.²

*Lecturer Department of Law, The Islamia University of Bahawalpur.

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indebtedness and socio-economic problems of poverty and political instability. A number of Muslim countries are making strides in governance and in their economic and social development and many have a long way to go in this direction. In spite of all these resources, the total GNP (Gross National Product) of Islamic countries is only 4.7% of the world's GNP.²² OIC countries are producing 40% of the raw material of the world while their total industrial production is only 3.6% of the total production of industrial countries.²³ It is evident that these countries have the ability to become industrial nations but one may not expect this objective to be achieved in a short period of time. The economic development is a gigantic task requiring efforts at all levels. It is time for leaders and politicians of OIC member countries to join hands together with Islamic experts and scientists and start joint economic and trade ventures to build a better future for the coming generations. OIC countries have to move towards the fulfillment of its objectives with caution and patience and utilize all its resources and expand its abilities in a careful manner. If all the potential and resources possessed by these countries are utilized in a proper and sensible way this can return as a more powerful instrument for economic development of these countries. An economically strong Muslim world can pave the way to raise the Political status of OIC.

Primary objective of OIC. It will also contribute to the cause of global peace and security because it is seen that countries which are bound together in Regional economic ties also indirectly cater for their own security. European Union is the best example of this regional economic integration.

There has been much talk in the Muslim world about the formation of an Islamic Common Market, Islamic currency like Euro etc. but nothing concrete has so far emerged on the ground. OIC member countries have all the potential to be an economic block. These countries located in the Middle East, East and South Asia and North Africa have access to almost 1/5 of the total area of the world and accommodate 1.66 billion²⁰ of population which is 1/4 of the total world population. All these factors are indicative of existence of a vast potential market for the trade activities.

OIC member countries are also very rich in resources. Ten out of Eleven member countries of OPEC are Muslims. Presently they are producing over 50 percent of the world's oil reserves remaining for further exploration. Only Saudi Arabia sits on the top of the quarter of the total world's proven oil reserves. Moreover four of its neighbors including Iraq can claim about a tenth apiece. In contrast United States (which consumes a quarter of world oil production) controls mere 3% of the world's oil reserves.²¹

But despite all the resources, Muslim world today is going through a period of low economic growth, high

practical terms, it could not reach a unanimous decision. It has merely offered lip service to the issue of Gulf Crisis and Chechnya. Although the OIC has repeatedly declared that the security of each Muslim country is a collective responsibility of all the Muslim states but it has not been able to develop and Sense of collective security in member states. Even the OIC has also failed to resolve conflicts among its member states.

But despite all these weaknesses, the major achievement of OIC is that it has managed to survive in through the thirty-three years of existence in its original form.

It also has been noted that OIC has been more successful in fostering economic cooperation among its members than in dealing with political issues. The OIC has created infrastructure for establishing various economic institutions but in spite of all, in concrete term it could not achieve anything at all. Most of the OIC countries have become grossly indebted to World Bank, IMF and various developed countries. Islamic Development Bank owes its existence to the OIC but with its impressive charter of activities it has not so far been able to improve the economic state of affairs of Islamic World. So poverty remains the crucial problem of all the Muslim countries and it must be the primary concern of OIC. Regional economic co-operation is the only remedy to eradicate the poverty in Muslim world. It will not only solve the economic crisis but this economic integration would lead the Muslim countries towards political unity, which is the

various issues, the OIC expressed high goals but in reality, it has to go a long way to achieve its ideas. The reason is that as an international organization, it failed to recognize the transformed realities to world politics it is a sign of hope that its membership increased during these years but numerical strength is not a key to success.

It is regrettable that the OIC has failed to strike any major breakthrough in respect of Arab Israel Conflict. One of the declared objectives of the OIC is to co-ordinate efforts to safeguard the holy places and support the struggle of the people of Palestine and to help them regain their rights and liberate their land. Palestine issue has been on top of the agenda of every meeting of OIC but it could not accomplish the task of Muslim Unity in Political, economic and social sphere to liberate the Al-Quds. Its member countries confined their support to moral commitment for the right of self-determination of the Palestinian people.

OIC seems help less with the long outstanding Indo-Pak dispute on Kashmir. First time the issue of Kashmir was raised in the 9th foreign Minister's conference of OIC held at Dakar in Senegal.¹⁹ After 1990, this issue started to take place on the agenda of the meetings of OIC but organization failed to achieve concrete decision on Kashmir at all. Another major weakness of OIC was demonstrated in the case of Afghanistan issue. Although in its resolutions, the OIC expressed support for the struggle of Afghan people but in

The objectives of the OIC are as follows.

1. To Promote Islamic solidarity among member states.
2. To consolidate cooperation among Member states in the economic, social, cultural, scientific and other vital fields of activities, and to carry out consultations among Member states in International organization.
3. To endeavor to eliminate racial segregation, discrimination and to eradicate colonialism in all its forms.
4. To take necessary measures to support international peace and security founded on justice.
5. To co-ordinate efforts for the safeguard of the holy places and support the struggle of the people of the Palestine and help them to regain their rights and liberate their land.
6. To strengthen the struggle of all the Muslim countries with a view to safeguard their dignity, independence and national rights.
7. To create a suitable atmosphere for the promotion of cooperation and understanding among member states and other countries.¹⁸

Since its inception the OIC has been under criticism to its ability to achieve its goals. Critics thing that it never emerged as a political force to resolve Conflicts and promote unity among its member states. Even it could not achieve what its leaders envisaged at the time of its existence on

Ministers conference (IFMC) approved the charter of this new organization.¹⁴

OIC is the largest inter-governmental Organization of the Muslim world. It is an organization of 57 Muslim countries which have decided to pool their resources together to safeguard the interests and secure the progress of the people of the Muslim world.¹⁵ On the top level this organization has four Principal organs. Namely the conference of Heads of States and Governments, the Islamic conference of Ministers of Foreign Affairs, the General Secretariat and International Islamic Court of Justice.¹⁶ On second level there are some specialized committees like three standing committees (one each on economic co-operation, science and technology, cultural and information affairs respectively), Finance committee and Al-Quds committee etc. On the third level there are a number of specialized and subsidiary organs as Islamic Bank, Islamic News Agency, Islamic Educational, Scientific and Cultural Organization (ISESCO) etc. There are also some affiliated institution like Islamic Chamber of Commerce and Industry, Organization of Islamic Ship Owners Association and some others.¹⁷

The objectives of the OIC are listed in Article 2nd of its charter along with the principles based upon which these objectives are required to be achieved. These are seven in number. It is on the yardstick of these vowed objectives that the achievements and failings shall be overviewed.

Mota'amar-al-Alam-al-Islami was revived. The earliest Islamic conferences of Mota'amar were held in Karachi and Tehran.¹²

This process was going on and many other conferences were held under the banner of Mota'amar. There were several other attempts in the direction of Muslim Unity, which were quite independent of the Mota'amar activities. The first Islamic Economic conference was held in Karachi in Nov.1949.¹³ The idea behind the conference was to foster co-operation among Muslim countries in the fields of Trade, Economy and Finance. Second Economic Conference was held in Tehran in the following year. In spite of many difficulties in bringing the Muslims together at the official level the efforts continued and all these activities gave an impetus for the creation of the OIC.

A change in the situation occurred in 1967 when Arab countries were defeated by Israel there by annexing the city of Jerusalem and other parts of the Arab world. In August 1969-Al Aqsa Mosque caught fire, causing considerable damage to the holy place. It was a great set back for Muslim Ummah which was followed by worldwide protests among Muslims against Israel. The following month in Sep.1969, the heads of states and governments of 24 Muslim countries met in Rabat, Morrocco to formulate the strategy against Zionist assault. In that summit, they laid the foundations of OIC to co-ordinate their relations in future. But formally it was established in March 1972, when the 3rd Islamic Foreign

philosophical under tones of concepts such as Muslim Ummah and pan Islamism in their modern sense.

For centuries the caliphate remained the esteemed office representing the Muslim community on the whole. Abandonment of this institution and establishment of Jewish State was a cause of anguish for the Muslims, which intensified Muslim alienation and augmented their desire to build a platform representing their community. Early in the 20th century, the idea of pan Islamism found expression in the form of calls for Islamic conferences. The first such conferences were held in Cairo and Mekkah in May and June 1926 respectively. These conference are of great importance because the idea of a permanent Islamic organization was conceived and world Muslim congress was founded. Jerusalem was chosen as the headquarter of world Motaamar and it remained so till the beginning of 2nd world war when it became completely defunct. None of its decisions had any real impact and nothing could even be done during the war to defend Islamic cause and solidarity.¹¹

The decolonization process in the post world war II era catalyzed the efforts to form a closer association among the Muslim states and many attempts were made to bring the Muslim world closer on the basis of an Islamic frame work. Many started to talk about the existence of an Islamic block. One major step was taken towards Muslim Unity and

declaration of May 1950 to describe the concept of neo-functionalism.

Schuman declared then, "Europe will not be made all at once, or according to a single, general plan. It will be built through concrete achievements, which first create a defecto solidarity. The pooling of coal and steel production will immediately provide for the setting up of common bases for economic development as a first step in the formation of federation of Europe."¹⁰ This declaration clearly shows that common economic interests are foremost in bringing together the divergent groups.

Successful economic ventures create and maintain the integrative process. European Union is the best example of this functional integration.

The inception of OIC is a significant development in the history of pan-Islamism. It represents the culmination of efforts of Muslims since the end of the World War I to establish pan-Islamic organization to defend Islamic cause and promote relations among Muslim states. With the expansion of colonial empires specially in the 18th and the 19th century, the dark ages dawned upon the Muslims who were shackled more or less all over the globe. This subjugation at hands of the imperialists accentuated the need for unifying the Muslim Ummah in to a political force. It was then that reformers such as Jamal-ud-Din Afghani set the

power politics in international relations. Mitrany died in 1975, a few weeks after the publication of some old and new essays entitled "The Functional Theory of Politics".

Functionalism endeavors to overcome conflicts prevalent in interstate relations, including War, either by focusing on the economic and Social Welfare of the people of the world, and by-passing state boundaries or by establishing international organization devoted to the various activities and functions arising from the satisfaction of her Socio-economic needs. The functionalist peace plan emphasizes not only on immediate sources of national insecurity but transitional cooperation in technical areas, mainly social and economic, as a means to promote integration at international level.⁶

Functionalism is for the evolution of peace meal non political co-operation organizations which are set up most effectively in the economic- technical scientific, social and cultural sectors. It is easier to establish narrow-in-scope functional institutions than to try to develop grandiose political institutions. The gradual expansion of functional organizations to larger and larger areas of activity is expected to initiate a spill-over⁷ effect which paves the way for enhanced co-operation and ends with political unification.

Neo-functionalism was a direct result of the foundation of European Economic Community.⁸ Neo-functionalism is Mitrani's functionalism with strong elements of federalism. R.J. Harrison⁹ employs rather skillfully the Schuman

This environment introduces a variety of opportunities for medium and small range¹ states to take a more global approach in improving and enhancing their status in world politics. These states are now trying to protect their interests in regional Strategic, Economic Social and religious blocks. Regionalism has been recognized as a doctrine in the charter of United Nations. Article 52 of the charter² allows member states to enter regional arrangements for the maintenance of peace and security and promotion of co-operation among member states. It is viewed as a half way house between world government and the Sovereign States as a means where by states with interests in common that are less than Universal could work together. Theories of Regionalism have concentrated on integration through Functionalism.³

Functionalism is the oldest theory of international integration in International Relations. It would be appropriate to call it a precursor of Integration theory.⁴ It is different from Federalism as it lays emphasis not on creation of a world Federal Structure with all its constitutional structures, but rather on building "Peace by pieces" through transnational organization that concentrate on "Sharing of Sovereignty."

Important proponent and forerunner of Functionalism is David Mitrany. His classical Essay "A working Peace System,"⁵ the ideas of which were first published in the inter-war period, has had great influence over the years, since it is a cogent and powerful statement proposing an alternative to

FUNCTIONAL INTEGRATION, OIC AND FUTURE PROSPECTS

Mrs. Yasmin Roofi*
Syed Mussawar Hussain Bukhari**

This Article examines the theory of Functionalism and its implementation on Organization of Islamic Conference (OIC). Although the Islamic Conference was established with a political goal of Islamic solidarity as its primary objective, but the potential for economic co-operation among its members is also unlimited. This paper shares the classical theory of Functionalism and popular thought that economic integration and co-operation is the best strategy to enhance Muslim Unity in global politics. OIC being the largest Muslim organization has all the potential and resources to be an Islamic Economic Block, so it is the dire need of time to reconsider its objectives and enhance co-operation among its member countries.

The demise of the soviet Union and the end of cold war in many ways has effected the International system. Now Unipolarity has become the recognized phenomena. United Nations is by passed in recent Iraqi Crisis by USA and her allies. But still this process is far from complete.

* Assistant Professor Department of Political Science, I.U.B

**Assistant Professor Department of Political Science, I.U.B

Abu Huraira (Allah be pleased with him)

Reported that the Messenger of Allah (Peace and Blessings of Allah be upon him) said: He who believes in Allah and in the Last Day should honour his guest, and he who believes in Allah and in the Last Day should not harm his neighbor, and he who believes in Allah and in the Last Day should speak good else remain quite. *(Agreed upon)*

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