

FOCUS

TADA and After

Amrik Singh writes from New Delhi

The crucial issue, if one may say so, is not TADA. It was a bad law and has had to be dropped. What emerges in its place is yet to be seen. The basic issues is that the police all over the country is both corrupt and unashamedly political in its functioning. Unless it can be de-politicised, even the corruption part cannot be taken care of.

As widely anticipated, TADA has been allowed to lapse. Instead, amendments are being made in various other laws, mainly in the Criminal Procedure Code, to empower the police to take action which would perhaps not cause as much harassment to individuals as TADA caused. Some other safeguards are also being provided. It was the misuse of TADA which created such a strong reaction against the further extension of this law. By acting the way that has been done, the government has sidestepped the problem. The problem however is not only TADA, the problem is much deeper. All this controversy around TADA has obscured that problem. What is required is that we should understand why the police was so much in favour of TADA and the politicians were willing to go with them. It is only the weight of public opinion which has obliged the government to beat a retreat, if one may put it this way. The police found TADA very useful for a number of reasons. Anybody could be arrested and no questions could be asked. The detenu did not have to be produced before a court of law for a whole year. Bail etc. could be given only by the Supreme Court and not even by a High Court. No less important, a confession extracted out of somebody without the usual safeguards of law could be used against the individual in a court of law. To put it no more strongly, once a person was arrested under TADA, the chances of his being let off were almost zero. It suited the police therefore to do whatever it wanted to do. Whatever minimal safeguards provided in the Criminal Procedure Code in regard to human rights were set aside, at one stroke. In plain words, the police got unlimited powers and could use them in whatever way it wanted. If TADA was described as a lawless law, it was not without reason. The inevitable outcome of the enforcement of TADA was that human rights became an immediate casualty. The situation in Punjab was bad. The same was true in the North-east. Before long it went out of hand in J&K. In all these states, the police who were required to grapple with terrorism used TADA in

order to short-circuit the provisions for protection of human rights. Because of excesses committed by quite some terrorists, the excesses committed by the police got overlooked. Once however, terrorism was brought under control, what the police was doing was not overlooked any longer. That is why the situation during the last 3-4 years has developed in such a way that the lawless activities of the police came in for greater and greater scrutiny. The detention of Sanjay Dutta will know film star, dramatised the situation. What clinched the issue however was the adverse vote against the Congress Party in the Maharashtra and Gujarat elections. This upset quite some people in the Congress Party and several of them started talking against it. This development also led to a polarisation of views. The BJP chief ministers favoured its continuance whereas some of the ministers at the Centre opposed it vehemently. The problem has been resolved by allowing this law to lapse and some of the other laws would be amended minus a few of the more odious features of TADA. Till those amendments are carried out, one has to keep one's judgement in reserve. It is reasonable to believe however that the more objectionable features would be deleted and others would be retained. At this stage a question might be asked: why was the Central government

so anxious to keep the police in good humour? The Home Minister, despite considerable criticism by his colleagues, wanted to retain TADA at one stage. When further pressure was mounted, he modified his position somewhat. Several ex-police officers have spoken for TADA in no uncertain terms. They are most emphatically for it whereas the human rights organisations have been opposed to it. One has to understand this situation both in the historical and the contemporary context. Before 1947, the police was treated as subordinate to the civil service. Not many Indians were given senior ranks in the police. Till the day the British left, for example, the top intelligence officers at the Centre were invariably British and not Indian. It was also for this reason that during the British days it was the collector or the district magistrate who reviewed the working of the police. After 1947, this came to be resented by the police hierarchy. They did not regard themselves as inferior to the civil service. But so lazy and traditional were we in our outlook that we continued to adhere to the British steel frame model of the civil service. No wonder we never went into the question: what kind of police force should we have for the country? In all countries of the world which are quoted as models for India, the police is looked upon

as a friend by the average citizen. In our country, the police continued to have that colonial outlook which the British had cultivated. On top of it, corruption began to grow within the police force. Of course the source of that corruption was political in character. Once it began to corrode the police force from within, it became callous as also oppressive. As if that was not bad enough, the Congress party which has been in power for almost four decades began to misuse the police force in favour of its political purposes. The nexus between politicians and the police force is known to all of us. So deep has the rot gone that a large number of people find it difficult to visualise a different scenario. Even when some of the opposition parties came to power, fleetingly at the Centre and more often at the state level, they did not give evidence of a different mode of dealing with the police. In fact, they misused the police force as much as the Congress party had done. But the Janata government did something strikingly original half way through its tenure in the late 70's. It appointed a police Commission under Dharam Vira, a veteran administrator, and a good set of experienced members. This Commission reported after the Janta government went out of power. It is not without significance that the successive governments have refused to take any action on the recommendations made by that Commission. The most important rec-

ommendation made by that Commission was that every state should have a State Security Council. Apart from the government, the opposition should also have a role to play in that Council. This was calculated to save those in the force who wanted to act correctly. Today they cannot do so even if they wish to do so. The executive has too much of power and there is no way of being able to de-politicise the police. The crucial issue, if one may say so, is not TADA. It was a bad law and has had to be dropped. What emerges in its place is yet to be seen. The basic issues is that the police all over the country is both corrupt and unashamedly political in its functioning. Unless it can be de-politicised, even the corruption part cannot be taken care of. Then there are problems like giving it a different kind of training and image and making the police function like a friend of the citizens. But without this basic requirement to de-politicise the police force, we would not get anywhere. This is the core issue. The police loved the TADA because it gave them immunity against accountability and enabled them to do what they pleased. Once the laws are amended to some extent, they would feel unhappy and grumble about it. But all these are marginal issues. The basic issue is how do we de-politicise the police. Mr Amrik Singh is former Vice-Chancellor of Delhi University. The column is syndicated and distributed by Mandira Publication. Pvt. Ltd., New Delhi.

New Peak of Violence in Karachi's Heady Brew

Foreign intelligence agencies, drug barons, political terrorists — accusations about who is to blame for the violence in Pakistan's commercial capital are coming thick and fast. The number of allegations is as great as the number of political initiatives to tackle the situation is small.

Tariq Butt writes from Islamabad



SECTARIAN violence has hit a new peak in Pakistan's commercial capital, Karachi, and the government of Prime Minister Benazir Bhutto seems unable to control it. More than 700 people have died since the beginning of the year. Bhutto blames "insurgency sponsored by the Mohajir Qaumi Movement (MQM)." Mohajirs are Muslims who migrated from Hindu-majority India during the partition of the subcontinent in 1947. They are a major force in the urban, mostly Urdu-speaking, centres of Sindh province, particularly in Karachi. Bhutto herself has a big following in rural, Sindhi-speaking, areas of the province. From his London home, where he has lived for two years, MQM leader Altaf Hussain demands that Mohajirs should be given their rights, and discrimination against them should be stopped. He now says that "Mohajirs want a separate province. It has now become the voice of the people that until and unless we have our own province, we will not get our legitimate rights."

the Karachi situation. Says Prof IP Cheema of Quaid-e-Azam University: "Terrorism apart, we have to give representation to all political elements where they deserve and hence we can reduce the troubles of Karachi." The political stalemate resulted in a flare-up between 19 and 27 June, when an average of 20 people were killed every day. Several government buildings were burnt, the offices of a national newspaper were attacked and shots were fired at a military aircraft as it landed at a military base in Karachi. Terrorists attacked a passenger train, burning six carriages, and rockets were fired at the Karachi office of state-run Pakistan Television. Karachi Stock Exchange suspended share trading because of the violence, which was given an even more bitter edge by the alleged gang-rape of a 16-year old female MQM activist by ten people belonging to the ruling Pakistan People's Party. Bhutto immediately ordered a judicial inquiry into the incident. Security has been stepped up in the wake of the violence with more than 6,500 personnel trying to hold peace in the city of 10 million. The cost is high. Last year the federal and Sindh governments spent at least Rs750 million on intelligence agencies. Another Rs2 billion was spent on the police and Rs1.25 billion on the army for operations in Sindh. The potential economic damage is enormous. Karachi is Pakistan's biggest city, its main business and industrial centre, and the source of 70 per cent of the country's tax revenue. On 26 June, fax messages were sent to the offices of a number of Multinationals instructing them to join the anti-government protests by closing their offices. People remain indoors where possible. Firing continues throughout the night. GEMINI NEWS. TARIQ BUTT in on the staff of The News, Islamabad.

Two leading Pakistani agencies, Inter-Services Intelligence and Military Intelligence, claim that 1,000 trained militants belonging to the two factions of the MQM are playing into the hands of India's external intelligence agency, Research and Analysis Wing. A factor in the violence is the war for political supremacy between Altaf Hussain, charged with more than 70 cases of murder, kidnapping, torture and terrorism, and a splinter group supported by the government. Bhutto has avoided holding local council elections in Sindh for fear that the MQM will win a sweeping victory in Karachi and other major centres. Opposition leader and former Prime Minister Nawaz Sharif has added to her troubles by calling for an amnesty for Altaf Hussain and his colleagues "in order to improve

soring terrorism" in the city. Bhutto says she refuses to talk with terrorists and has asked the British government to stop Hussain's political activities. She has also accused "drug barons" of sponsoring turmoil "by providing rocket launchers and other weapons to those indulging in terrorism. They want the present government to go so that they can promote addiction among children." Many Pakistanis also see a foreign hand behind the troubles, pointing a finger at India. The intelligence community feels Indian secret services are stoking the fires. India denies it. Intelligence reports about alleged Indian involvement in the violence forced Bhutto to order closure of the Indian Consulate in Karachi last December, charging it with "fomenting trouble and spon-



Last year, this time around, Sanjay Dutta appearing in court. (Right) Recently, West Bengal MP Mamata Banerjee protesting against TADA — Photo Courtesy 'India Today'



— Photo Courtesy 'India Today'

Rainbow Curves to Cure Deaf Children

Tucked away at Mohakhali, close to the ICDQR, B Complex, beyond some cool shady mango trees, is the clean, neat spanking white National Centre for Hearing and Speech for Children (NCHSC) the founder director of which is Prof M N Amin, where Dr Prangopal Dutta, Samira Loganatha and their diligent and dedicated group of ENT specialists, speech therapy nurses to train about a 160 needy children to speak and catch up with the daily routine of life. This is done by a special TV screen-like machine, which records the pitch and volume of voices, along with various other means. Teachers with masters degrees conduct special classes. And so promising group of children are taught to speak by a method different from the sign language. It is hoped that a major portion of them will eventually be absorbed in the mainstream of normal living.

An Interview by Fayza Haq

DS: What are the particular tests that are held to locate deafness? Samira: The tests are all done here at the clinic, and these are basically audiometry tests, and it is the doctors who will decide from the tests, which is like a graph that comes out from the tests, by which they can tell us whether the loss is a mild, severe conductive or a sensory/neuro one. These are all technical terms: a mild loss for instance will have a certain degree of d. b. (decible — a measurement of sound intensity). The age of the children ranges from three to seven years. They are mostly from lower income families, and the education they receive here is free. There are some children of well-to-do families too. But most affluent children go to places like 'Hi-Care' in Dhanmandi. DS: How does the centre teach the children to talk when they cannot hear? Samira: It is very difficult to approach this as the children are ones with severe or profound hearing loss, and even with the most powerful of hearing aids, and with years of therapy, they do not end up talking naturally like you and me. To even expect that is putting severe pressure on the child. To say that they are trying to speak says a lot

about the teachers here: they put in a lot of work. The education here is to teach children to hear, speak and write. This is as opposed to the sign language approach, or total communication approach which is when you use gestures, signs and the mouth. Oral approach is something when you make the child as close to normal, for assimilation to regular society. We have to think that if the child is only learning how to make signs, he is not going to be accepted by society. DS: Are the children able to join normal schools? Samira: Right now, since the school opened, seven children have made it to the normal schools. However, they still need to be in these classes for two or three years more, until they are totally fit to be absorbed in a regular school. The children can hear the teachers partially, because of the hearing aid. Without the aid, of course, they would hear nothing. With the hearing aid they can make out somewhat, they lip read a lot and we are trying to emphasize the talking approach so that they can verbalize a little e.g. if they say a simple thing like kola, in case of a child who is learning to identify and say the name of different fruits, he may not learn it properly and might say ola.

For him, from saying nothing, to saying something is a big step at that point. We have to understand that these children cannot be prepared for the regular school. However, some are exceptional, and after a year and a half they may go to a regular school. DS: Do you think they will be able to go to the universities, have a job, get married and lead normal lives? Samira: Yes, I believe so. A lot depends on the acceptance by our society. But as regards going to the universities, if they go up to each level regularly, they might manage but most probably it will take them 20 years instead of 15, as in the case of the average child. DS: How exactly does the colour graph help the child learn to speak? Samira: The audiogramme is the most important test which tells us where is the loss and what is the degree of the loss. With the help of this the audiologist can say that an individual needs a particular brand or type of hearing aid. This decides what the intensity of the sound should be. There are different types of tests: one is the pure tone, a tone which does not really exist in normal society. The other is behaviour audiometry, in which case a child is sitting and you give him some toys. Next you introduce

er. The colour and the curve indicate this. When I said something like phal, my voice picture in colour and curve terms was on the screen. Next I told the child, 'you say it.' and until he got that colour scheme he kept repeating it. In order to help him sometimes I would say, 'Why don't you put one of your hands in front of my mouth and the other hand in front of yours?' He could feel the intensity of the breath with the "ph" sound. DS: What are the other lessons conducted to improve hearing at the centre? Samira: These are the individual therapy sessions. These do not exist for all the classes. As the name applies, the child will come individually and have a half an hour session depending on his need. There are about eight children in each class, where Bangla, Maths, drawing and various other subjects like Conversation are taught. I have introduced a system by which as soon as the student comes, he/she is introduced to half an hour of free conversation. The teacher sits on the carpet or chair. The table should be there to help and not to create a distance. Often, I have seen a table is really a hurdle. I have asked the teacher to get on the carpet, collect all the children

close to her and talk to the children about matters of every day importance to the children such as 'who dropped you off at school today' or 'what did you have from breakfast' or 'what did you do when you went back home' etc or 'oh, this is a new shirt that you are wearing — who gave this to you?' etc. and such apparently small every day matters of life. Another project that we wish to launch by next week is to have a free-play session a couple of times a week. Three and a half hours of concentrated work is too much for these little children. I walk into class and I feel the children are very tired. They are taken to an enormous hall room which is equipped with the best facilities. These are kept in a store-room and some of the toys here are that good that I have seldom seen this level of educational toys even in the States. They come from Germany and Andheri Hilfe supplies them. These are excellent for all ages and are not necessarily for hearing impaired children. For even the regular child they teaches a number of things. The German group Andheri Hilfe is the source of inspiration and financial backing of this panacea for the lower income group auditory handicapped young ones. Dr Dutta incidentally, provided in-depth technical details of the functioning of the experts at his centre which, space constriction could not all be contained in this article, like matching, cognitive aspects, what goes into a domino series. DS: What is the standard of formal education before they leave the IPSHC school? Samira: As this is still a new institution established in 1993 so that it is still in a fluid stage. They all know their numbers — at least upto 10 — even the young ones, colours, their own identity such as the answer to the question "what is your name?", "what is your father's name?". They can identify fruits vegetables, animals names of the parts of the body, traffic signals. There are drawing classes too. DS: Are all the students at your centre provided with hearing aids? Samira: Yes, and they do not have to pay for it. DS: Could you add to the information supplied by Ms Loganatha about your project's functioning? Dr Dutta: The NCHSC is a project of the Society for Assistance to hearing impaired children (SAHIC). SAHIC has got two other projects viz: Integrated preschool for Hearing Impaired Children (IPSHIC) and and Rural Ear Camps. We allow all the children below 15 years to get the ENT consultation and audiological tests free of cost. However, they have to be registered here with Tk 10. The adults who seek help from this centre have to be registered with Tk 20. The children are served on a priority basis, over the adults. All those tests, hearing aids, their fitting, maintenance, minor repairs are done free of cost for the children but adults are charged for the tests at the rate of Tk 50 or Tk 100 depending upon the nature of the tests. In some cases, if the adults want to get hearing aids from this centre, they have to pay for the hearing

aid and the aid costs Tk 1500 to Tk 2000. However, for the poor, with the placing of a security from a reputed person, a free aid can be obtained free of charge. DS: What are the various hearing improvements operations done? Dr Dutta: These operations are myringotomy, tympanoplasty and stapedial surgery. Incidentally, ear tests that cannot be done in other hospitals, are done here. There are five doctors, eleven teachers and eight assistant teachers working at the NCHSC & IPSHC centre. The school itself has eight classrooms, four individual therapy rooms, one play room, a teacher's room, a waiting room for the parents and a store. DS: Can you give some common causes of deafness? Dr Dutta: One of the commonest causes for deafness is marriage between first cousins (consanguinity marriage) when genetical mutation is hampered. This is common in Saudi Arabia, Pakistan and Africa. DS: What are the most common causes of loss of hearing? Dr Dutta: Maternal infection during the first three months of pregnancy with rubella (German measles), CMV infection and Toxoplasmosis, maternal drug therapy with Quinine and streptomycin, diuretic and amio-glycoside and in our country during birth prolonged labour, hypoxia, birth trauma and severe jaundice. In a developing country such as ours individuals with physical or mental disabilities are often shunned and seldom properly sympathised with. These are no special clubs and few highly scientific or properly organized schools for them. When a child is deaf, his speech and normal auto-coordinations, behavioral pattern, and learning abilities are hampered. The child can be an embarrassment for the family, friends, acquaintances and neighbourhood, if not properly schooled. There is a sign language school at Purana Paltan. Under the circumstances the NCHSC centre plays a vital role in helping to integrate deaf children in helping to face up to life — some what, if not entirely. It kindles a strong light at the end of the tunnel for them.

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