Founder-Editor: Late S. M. Ali

Dhaka, Thursday, October 5, 1995 What a Shame

We would like to thank Dr Mostafizur Rahman, a senior scientist of the Institute of Public Health (IPH) for being so bold, honest and forthright in revealing to The Daily Star the fact that 45 per cent of 5.621 food products tested in 1994 were found to be adulterated. This fact should have been revealed by the Health Ministry on its own, as a matter of public safety. Its publication should not have awaited our making a scoop of it. We hope Dr Rahman is not harassed by the higher-ups for doing something which every conscientious government servant should, and must, do.

Our question is, can there be any stronger indictment of the inefficiency of the Health Ministry than the fact that 45 per cent of all the food products that are sold everyday, and the general public actually pay their hard earned money for, are found to be adulterated, and that they have so far done nothing about it? When food items that directly affect our wellbeing, can be subject to such a dangerous malpractice, one can easily imagine as to what is going on with non-food consumer items where the impact is not so direct or devastating. As an official of the IPH said "It is only the tip of the iceberg."

The Health Minister must immediately focus his attention on this problem. Public confidence is shattered in the quality control capacity of the government. Before it takes the form of an outburst, the Health Ministry must move to prevent this practice. We suggest the formation of a special squad of inspectors, backed by the IPH scientific facilities, and facilities of other bodies like ICDDR,B, Atomic Energy Commission, Dhaka University, etc which should be empowered to pick up products from the market and examine their quality. When found to be impure, or adulterated, order should be issued to immediately withdraw the product from the market, and that notice should be published in newspapers. This paper ran a series on adulteration of food items, pointing out serious health hazards in items such as edible oil, ghee, jam, etc. Nothing was done by the authorities, even when we revealed the locations of factories producing such items.

Inaction, corruption and collusion of the authorities have brought the situation to the present pass. If the Health Ministry is to restore even a semblance of its credibility, then it should act immediately and decisively.

A Closed University

For over a decade, some structures inside the walls of what used to be called the university ground and opposite the Doel Chattar, have been intriguing tens of thousands using the roads of that important area.

To believe a Daily Star report, these were parts of an almost wholly completed modern swimming and diving pool done to international standards. And the informed ones would recall the facility was even formally inaugurated - back in 1985. But unfortunately never commissioned. What happened? And why is the whole thing standing there like a stupendous fool, having no use? Well, this is only the spectacular part of an astounding bungle — the DU sport complex designed by an Australian world leader on the subject.

Originally budgeted at 2.5 crore Taka, the aborted complex has already eaten up Tk 11 crore. Still the VC is certain it wouldn't be finished and become operational unless government took an interest in it.

Something else beats this story of incredible absurdity. The university administration stonewalled all queries about the ugly scandal. The way they did it made it very plain that the university suffers from at least three delusions. One, that people's right to information does not extend to the affairs of the university. Two, public scrutiny is an anathema to that administration. Three, the DU is a state within a state a special state treating every bit of its work-

ing as an inviolable secret. Our state administration is diseased primarily for want of transparency. Our university

administration appears to prize exactly that. Pakistan's Sane Move

Benazir Bhutto government has our plaudits for the forward-looking initiative it has taken to strike out flogging from Pakistan's Statute Book. Although the draft bill approved by her cabinet on the subject needs to be ratified by the National Assembly, annulment of this harsh penalty is all but in place; for it is likely to get a smooth parliamentary sailing. The clinching thing is a reprieve it promises to the ordinary convicts who have hitherto been subjected to the vividly brutal whiplashes in public.

This extra-judicial form of punishment has evidently been an imposition on and an anathema to Pakistan's traditional penal justice system. The adverse publicity she has been receiving overseas on account of this was being an image liability for her. She could ill-afford that reincarnated mediaeval state brutality on the eve of the Twenty first century. More so because whatever may have been a quantum leap in the fanatical urges these have only run parallel to the formidable longings for a normal and liberal society in Pakistan.

It takes a good deal of boldness to step back from something which appealed to the zealotry of not a few people in Pakistan. In that particular sense, we feel like cheering the Bhutto government all the more for having taken this meaningful step towards a free, open and dignified society.

Understanding PM's Mind

IVE editors -- Taob Khan of Janakantha, Matiur Rahman of Bhorer Kagoi. Matiur Rahman Chewdhury of Banglabazar Patrika, Moazzem Hossain of Financial Express, and myself -- spent nearly two hours with Begum Zia last Sunday Normally a meeting between the editors of national dailies and the PM would cover many issues - both national and international But in our case it almost totally and exclusively dealt with the present political crisis.

She began by saying that she wanted to listen to us, rather than talk herself. Our reply was that we write what we have to say. So she will have to do the talking and tell us what is going on in the political

She began by recounting the steps she took, the concessions that her government made, and how flexible her party has been. "But how can we make progress unless they agree to sit down and talk If they say that they will talk only after we agree to their demands, then what is the purpose of talking?" Almost to a voice we all said, that things cannot go on as it is, and that people expect her to show the way As the Prime Minister, she will have to be the one to take an initiative she will have to make a move "What sort of move?" she asked. We said "Like inviting the opposition to a discussion". "That we have done publicly many times". Yes, but never officially, and never by you

GENTS of the British

killed 3 suspected

IRA gunmen in the streets of

Gibraltar in 1988. The

reasons given by the British

Govt for this "elimination

with extreme prejudice" was

the apprehension that the

trio were about to set off an

explosive-laden car, later

International Court of Justice

(at the Hague) gave a verdict

against the Gibraltar killing

(far away from Northern

Ireland) as grossly violating

tion from the British

Government and the public

Government happens to be

one of the original draftees of

the Human Rights

Convention (and usually very

vocal about human rights in

third countries), there is a

surprising discrepancy be-

tween theory and real-

ity. Therefore Northern

Ireland example is a good

role model to understand

why even holier-than-thou

countries, acutely sensitive to

human rights, rarely seem to

practice at home what they

preach to the world at large

when society as they perceive

it is endangered by terror-

afford to stand by and allow

urban guerrilla warfare to be

waged in its streets, the

problem arises in the escalat-

ing level of response that is

considered enough to contain

the terrorism. A friend of

mine in the LEAs maintains

that the only way to counter

terror is by terror. The

Superpowers followed the

same balancing act in a far

different canvas in the prac-

tice of nuclear detente.

Destruction" or MAD. In

combatting urban terrorism,

psychological warfare is used

to alienate the population

from terrorists but this is a

double edged weapon that

HE rule of law is the

very basis of both de-

mocracy and market-

Assured

Since the British

in support of the SAS action.

human rights, arousing reac-

Very recently, the

found to be speculation.

(commandos)

we continued. " Well if a letter from me is all that is needed, then I will write one tomorrow" Begum Zia said. But is it too late for just an open letter of invitation for talks Your letter will have to contain some specific proposals about the talks, we ventured to suggest. "What sort of proposals ?" she asked Well, you have already agreed to step down 30 days before the elections So you could propose to discuss how the country is to be run during those 30 days." She thought for a while and said "But that will have to be within the framework of the Constitution "

The point we were trying to drive home was that just an invitation for talks without any mention of the agenda will not get the opposition to This view was expressed by the editors present, and Begum Zia appeared to take it to

by Mahfuz Anam

Throughout the talks the Prime Minister's firm resolve not to go beyond the present constitution was crystal clear. She repeated herself several times on this point. It is, as I said in piece on Tuesday, a NON-NEGOTIABLE, as far Begum Zia was concerned

About the proposal of the opposition to hold the elections with the Chief Justice as the head of the caretaker government, the PM's view was that it would politicize the judiciary, "It will spoil that institution, by getting it involved in politics. The post of the Chief itself will controversial"

Does she accept the principle of a caretaker government to run the next elections' "In every democracy in the world, the sitting government continues in power when election is

court, or even to the election tribunal and complain. The issue would have been decided legally? But without going through the legal process the opposition is creating chaos and confusion in the country

There is another aspect of the

caretaker demand that appears to upset the Prime Minister She not without justification, that it equates her government with that of Ershad's "That was an illegal government They came to power through a military coup, by ousting an elected government. So why should similar demand he raised under a democratic government" she asked Without mentioning the name of the Awami League she said that they autocrats Together BNP and AL

guarantee that they will co ensure that" We obviously said no But if the invitation contained an outline of the talks which included the discussion on the nature of the government during the elections and for the period prior to that, then may he the opposition will come we said. At least we can write in our newspapers and create pressure on the opposition But you have to make the first move, we urged the

in reply Begum Zia recounted how many times she made attempts break the deadlock many time she was rebuffed According to her, the Al. chief humiliated her even during the antiautocracy struggle, when lew encounters took placebetween the two of them. The PM appeared particularly bitter about Sheikh lasina behaviour during

became clear that the idea of Prof. Yunus coming into the scene did not attract her very much. Neither did she reject it outright. We kept on repeating that the present political crisis demanded that she forgets everything of the past and makes a move to break the deadlock. To our question as to what will happen if the stalemate continues. Begum Zia repeated her

said "Then Prof. Yunus should join

politics. Unless one is in politics.

government?" From her reply it

well known position that "We will move ahead according to the law of Begum Zia was quite relaxed as she talked with us. She was prompt and spontaneous in all her answers. It was obvious that the questions we were putting to her, she already knew the answers to She was emphatic in most of her replies to

the point that made some of us feel

if the was perhaps closed to any

The impression that we came back with, at least I did, was that our Prime Minister was not at all perturbed at the political stalemate. and that she was not willing to move outside the purview of the Constitution However, 1 personally came back with the impression that the options are within the institution, then Begum Zia would speaking purely from

Well if a letter from me is all that is needed, then I will write one tomorrow" Begum Zia said. But is it too late for just an open letter of invitation for talks.

brought an end to autocratic rule

held. So why not in ours? I did not come to power through the back door I was duly elected So why shouldn't my government be in power during the next elections After all it is the Election Commission that will conduct the election, and not my government."

But the opposition does not have faith in your government, we said After Magura bye-election they are "Why didn't the opposition go to "If I invite them for talks, is there a lagreed to step down. Begum / in than she has been.

vet they have forgotten all that now Today they have allied themselves with the enemies of democracy and all those who have looted the country during the nine years of Ershad's rule. "What for? Just create chaos against the BNP

As if singing the same song over an over again, we all reiterated the fact that there will have to be some Begum Zia went. "Can you imagine some one insulting you after inviting you to her own house, and that also on the occasion of her daughter's

wedding party of her daughter where

At one point of our exchange of views the name of Prof. Yunus came up as a possible candidate for the carctaker/interim government during move by her to break the stalemate the 30 days that PM has already

Combatting Urban Terrorism

While almost all the political parties had armed militants in Karachi, immersed in activities that not only bordered on the criminal but went way beyond that fail-safe line, MQM's militants were affected more than others because Operation Clean Up targeted them solely in urban areas while going after dacoits of all ilk in rural areas.

may well backfire if not accompanied by socio-economic measures.

In Northern Ireland. British SAS undercover agents instilled a balance of terror among the urban population rivalling that of IRA gunmen, safe havens among the urban population therefore became that much scarce. The British Government always followed a two track "carrot and stick" policy, containing social, political and economic initiatives for the people of Northern Ireland. While the Sinn Fein represents the Vast majority of the voting Catholic populace, the IRA gunmen have been reduced over the last decade or so to a hard core of less than 100 terrorists, who nevertheless have been successful in keeping the peace process in Northern Ireland hostage.

The only reason that the Irish are now sitting at the negotiating table is because the LEAs have maintained their tough attitude, the hardcore terrorists have been decimated to the stage that they have had to give way to No civilized society can the politicians to settle the matter through peaceful negotiations.

Like in Northern Ireland, where IRA gunmen had logistical supply and moral support from their kindred brethren in USA and countries of Europe as well as (for different reasons), former COMECON countries, Libya, etc urban terrorists in Karachi have had material support from outside Karachi, within and outside Pakistan, mainly from India's RAW which is intent on destabilizing Karachi to take the pressure off Kashmir. When the MQM militants went underground, a number of them crossed over into

with the Ministry of Law and

India, Irrefutable proof exists about RAW's involvement, mainly from detailed confessions which have been inde-

pendently corroborated. There is fundamental difference between political activism, militancy and terrorism. When political activism reaches a point of frustration. elements that loss patience turn to violent protest that disrupts civil life and thus stable government. Unfortunately while reserving for themselves their democratic right to protest, street mobs tend to violently op-

litical will. While almost all the political parties had armed militants in Karachi. immersed in activities that not only bordered on the criminal but went way beyond that fail-safe line, MQM's militants were affected more than others because Operation Clean Up targeted them solely in urban areas while going after dacoits of all ilk in rural areas.

At the same time, by arming, training and unleashing the dissident MQM (H) faction, the government of the day, Mian Nawaz Sharif's,

ASISEEIT

Ikram Sehgal writes from Karachi

pose the democratic right of others not to protest, a classic case of double standards. When peaceful protest turns violent to obtain objectives democracy's principles are violated in the name of upholding the principles. At the same time, one cannot condone the extraordinary use of force by the Administration that may by itself provoke violent protest. even punishment for murder is scaled down if it takes place due to grave provocation. While not really a norm of a civilized and democratic society, political militancy that forsakes the use of weapons to enforce its aim and objectives remains within acceptable parame-

ters, as in Bangladesh. The next stage of political militancy is urban terrorism graduating into full scale urban guerrilla warfare leading to anarchy. This level of escalation involves streetpower using weapons to enforce po-

themselves became culpable of fomenting urban terrorism While MQM's initial reaction was discreetly to go to ground, a full-scale war developed in the nether world that laid the foundations of the urban guerrilla warfare that is destroying Karachi.

As the MQM's militants went underground, some of them crossed over into India where they were quickly taken over by RAW. By coincidence the return of these trained cadres owing loyalties to a different master coincided with the withdrawal of the Army on Nov 30, 1994. i.e the winding down of Operation Clean Up, the result was a well coordinated classic urban guerrilla campaign that had no relation to politics because in contrast its aims and objectives were singularly to foment anarchy.

When Gen Babar, the Federal Interior Minister, took over direct responsibil-

ity for Sindh's law enforcement, the various agencies were involved in a confused. un-coordinated response to terrorism that clearly lacked resolve and application. Moreover, the large scale encirclement operations became a PR disaster.

When the Rangers handed over those who had been cleared to the police for release, despite their innocence heavy "ransoms" were taken by the police for their freedom. For every criminal militant that was nabbed. frustrated reaction claimed more recruits to the urban terrorism cause, thus for every Faroog Dada shot dead many more potential Farooq Dadas were created.

In early July 1995, the Federal Govt went into a major level of escalation in their campaign to root out urban guerrilla warfare. The first step was to completely ban the use of cellular telephones in Karachi and the use of radios by certain civic agencies which had been infiltrated.

This completely disrupted the communications infrastructure of the urban guerrillas and forced them to move more often (thus exposing their whereabouts) with almost no coordination. The rest is history in the making as the government has had spectacular success in the virtual decimation of the urban guerrilla hard-core. Given that even the British Government and its much vaunted SAS took over two decades to beat the militant IRA to the peace table, Gen Babar's success in disrupting the terrorist network in so short a time deserves praise.

While the methods used may be debatable, i.e restoring the balance of terror by a well planned psychological warfare (psy-war) that was

meant as such, the end justifies the means. Needless to say. Gen Babar has become a much vilified figure among the Mohajir majority in Karachi who are loath to even hear his name. On the other hand, having no political ambition himself but resolved to perform a thankless task as the hatchet-man of this Administration, the Federal Interior Minister has many admirers in the great silent majority all over Pakistan. Posterity will credit him with rooting out urban terrorism in Karachi when all analysts had decreed that it had spun out of control.

There is a time and place for a hatchet man, in Karachi this requirement will cease in several weeks or even a lew months. The initiative then passes to Ms Benazir who, much more than the other politicians in Pakistan. has the capacity to make such political compromises as may be necessary to deal with the vast peaceful majority within the Mohajir Community.

The Mohajirs must be brought back into the political mainstream. What is needed is a comprehensive social, political and economic package. Ultimately there has to be a balanced arrangement in the urban areas of Sindh represented mainly by the MQM and the rural areas which is the domain of the PPP. Some give and take has been visible over 10 rounds of talks between the PPP and MQM negotiating teams. interspread with shows of

strength by either side.

The focussed campaign against urban terrorism has freed the MQM majority from becoming hostages to the blackmail of their own criminal militants. Gradually, over the months, the strikes have changed back to the tack of political militancy as opposed to urban guerrilla warfare. That makes for a situation tailor-made for political statesmanship on either side.

Reforms in Legal Administration

The government has so far failed to increase the number of High Court and Supreme Court judges. This should be looked into on a priority basis, and necessary action should be forthcoming. Otherwise, the backlog of cases will go on piling up.

based economy. Without the rule of law, there would be democracy in form but However, it seems abundantly political anarchy in subclear that it is at the level of stance. Similarly, free ecoimplementation that things nomic competition, in the get bogged down in developabsence of an effective legal ng countries system, would soon degenerate into a free-for-all, with no Bangladesh. To put it bluntly, if we could properly implesafety net for the poor, the ment even half the laws we innocent and the weak. have legislated so far, we Indeed, the recent happenneed not have worried too ings in some of the transimuch about the rule of law in tional economies of East our country. So, in this write Europe would amply demonup, I would like to concenstrate this point. As such, the trate on reforms of the legal importance of strengthening administration rather than the rule of law in a new the laws themselves. democracy and a growing Let us begin our analysis market economy like

Parliamentary Affairs. There underscored. are several serious problems There are two aspects of facing this Ministry. Firstly, the rule of law, namely legal this Ministry should have reforms and improvements nothing to do with the land in the implementation of the sale registration work which law of the land. I am not should be transferred to the arguing that Bangladesh does Land Ministry where it not require legal reforms. Far rightfully belongs. This arfrom it. Surely, a considerrangement would allow it able number of laws are outtime and energy to concendated and cannot match the trate on its real concern, changing demands of time. In namely law and justice. At the the recent past, revolutionary same time, it would provide strides in science, technolthe Land Ministry complete ogy, international relations, governance and economic authority for coordinating all aspects of land management. management, together with including land registration. It heightened awareness of is rumored that Deed Writers women's rights, the enviwere instigated by Subronment, population, Registrars to raise a hue and poverty, etc. have produced cry over this matter and in unprecedented challenges the process this idea was which can only be tackled by new innovative legislation. nipped in the bud. Secondly,

Bangladesh need hardly be

the legal examination work

ally a bird of passage, mostly and institutional memory.

Secretary (rather than somealso give him ample opporof its principal responsibilities. Inordinate delay, superficial and perfunctory exami

carried out by junior officers, lack of basic knowledge of the work of other ministries, etc. are some of the constraints one can easily notice in this regard. But it would not be fair to blame this Ministry on these accounts without pinpointing the underlying causes. Manpower is really in short supply in this ministry. There is, therefore, a need to expand it considerably. Its officers should also be exposed to the work of other Ministries through short term attachments and visits. Refresher training. with a high dose of case studies related to practical problem solving, should also be made compulsory for judicial officers every time they come to work in the Ministry. Finally, Law Ministry officers must be held responsible for

nation, frequent reversal of opinion, poor supervision of

by moving the Defence Ministry from the old High Court buildings. This is no doubt a welcome step. But the government has so far failed to increase the number of High Court and Supreme Court judges. This should be looked into on a priority basis, and necessary action should be forthcoming. Otherwise, the backlog of cases will go on piling up, vacation benches will always be far too few in comparison with the need, inspection of lower courts will constantly suffer and ultimately the rule of law will remain a mere

The training of judicial officers has long been far from satisfactory. The law degree from our colleges and universities is simply not enough, and on-the-job training has meant acquiring practical knowledge only of the traditional variety. But meanwhile the world has changed tremendously. bringing new challenges and complexities to grapple with. Particularly our young judicial officers must be exposed to the new knowledge in the legal field through organized training abroad and at home. The decision to set up a training academy for judicial officers, though belated, is a step in the right direction.

The Law Ministry has not as vet responded to the World Bank proposal for computerisation of civil court records.

Minimisation of manipulation of "Peshkars" in the courts through use of computers could bring about a salutary change in judicial administration. This project should, therefore, be started immediately on a pilot scale, to begin with.

Finally, the existing rela-

tionship between the Attorney-General's office and the Law Ministry should be examined with a view to making the former more effective and efficient. In this office, the perquisites and emoluments are grossly inadequate, the library is poorly stocked, the staff is insufficient and the Attorney General hardly enjoys any operational autonomy. Unless the government ensures definite improvements in these areas, the prosecution arm of the government at the highest level will always operate at less than an optimal level. Indeed this post is such that the government should think many times before appointing someone there. But once he is in place, the government in general and the Law Ministry in particular, should lend him total support and not engage in nit-picking The record of the last four years more than justifies this

Making Government Work

the Law Secretary is genergoing out as a Judge of the High Court. As a result, the Law Ministry perennially suffers from a lack of continuity

But this problem can easily be solved by making a High Court Judge the one aspiring to be a High Court Judge) for a term of at least three years. This would tunity to push through reforms which he always wanted the Law Secretary to do while he was a High Court Judge. Most importantly, he would also go back to the bench with a deeper understanding of the executive branch of the government. Thirdly, hardly anything is right in the manner in which the Ministry of Law is providing legal opinion to other delays in giving legal opinions Ministries and government and for wrong legal opinions bodies, which is indeed one given, particularly if these are motivated by malafide con-

> siderations. The government has been able to provide some more space to the Supreme Court