

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.

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?

The Health Minister must immediately focus his attention on this problem. Public confidence is shattered in the quality control capacity of the government.

Agents of the British SAS (commandos) 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 found to be speculation.

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.

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.

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.

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.

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

by Mahfuz Anam

LIVE editors -- Taob Khan of Janakantha, Matur Rahman of Bhorer Kagoj, Matur Rahman Chowdhury of Hanglabazar, Patrika, Moazem 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.

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 field.

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?"

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 field.



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.

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 if said in piece on Tuesday, a NON-NEGOTIABLE, as far Begum Zia was concerned.

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.

Very recently, the International Court of Justice (at the Hague) gave a verdict against the Gibraltar killing (far away from Northern Ireland) as grossly violating human rights, arousing reaction from the British Government and the public in support of the SAS action.

Since the British Government happens to be one of the original drafters of the Human Rights Convention (and usually very vocal about human rights in third countries), there is a surprising discrepancy between theory and reality. 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 terrorism.

No civilized society can afford to stand by and allow urban guerrilla warfare to be waged in its streets, the problem arises in the escalating 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 practice of nuclear detente.

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

India. Irrefutable proof exists about RAW's involvement, mainly from detailed confessions which have been independently corroborated.

There is fundamental difference between political activism, militancy and terrorism. When political activism reaches a point of frustration, elements that lose 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-

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 parameters, 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-

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.

When Gen Babar, the Federal Interior Minister, took over direct responsibility

yet 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 to create chaos against the BNP government."

As if singing the same song over and over again, we all reiterated the fact that there will have to be some move by her to break the stalemate. "If I invite them for talks, is there a

wedding party of her daughter where 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?"

At one point of our exchange of views the name of Prof. Yunus came up as a possible candidate for the caretaker/interim government during the 30 days that PM has already agreed to step down. Begum Zia

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.

There is a time and place for a hatchet man, in Karachi this requirement will cease in several weeks or even a few 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, interspersed with shows of strength by either side.

The focused 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.

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 relationship 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 comment.

AS I SEE IT

Ikram Sehgal writes from Karachi

When Gen Babar, the Federal Interior Minister, took over direct responsibility for the urban terrorism case, thus for every Feroz Dada shot dead many more potential Feroz Dadas were created.

When Gen Babar, the Federal Interior Minister, took over direct responsibility

for the urban terrorism case, thus for every Feroz Dada shot dead many more potential Feroz Dadas were created.

When Gen Babar, the Federal Interior Minister, took over direct responsibility

When Gen Babar, the Federal Interior Minister, took over direct responsibility

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.

Making Government Work

by Analyst

However, it seems abundantly clear that it is at the level of implementation that things get bogged down in developing countries like Bangladesh. To put it bluntly, if we could properly implement even half the laws we have legislated so far, we need not have worried too much about the rule of law in our country. So, in this write up, I would like to concentrate on reforms of the legal administration rather than the laws themselves.

Let us begin our analysis with the Ministry of Law and Parliamentary Affairs. There are several serious problems facing this Ministry. Firstly, this Ministry should have nothing to do with the land sale registration work which should be transferred to the Land Ministry where it rightfully belongs. This arrangement would allow it time and energy to concentrate on its real concern, namely law and justice. At the same time, it would provide the Land Ministry complete authority for coordinating all aspects of land management, including land registration. It is rumored that Deed Writers were instigated by Sub-Registrars to raise a hue and cry over this matter and in the process this idea was nipped in the bud. Secondly,

the legal examination work 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 delays in giving legal opinions and for wrong legal opinions given, particularly if these are motivated by malafide considerations.

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

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, 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 dream.

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.

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, 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 dream.

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 yet 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 relationship 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 comment.