

CA's concern for crime

Law enforcement agencies should act in concert

CHIEF Adviser Fakhruddin Ahmed has taken note of the spate of murders in the city, a clear indication of criminality taking an alarming course, and has ordered the law enforcement agencies to intensify their drive against crime. People in general might have begun to feel insecure due to the ghastliness of the crimes committed recently. It is good to see that the chief adviser has proved sensitive to newspaper reports.

Obviously, while the crimes committed by extortionists and musclemen have registered a sharp decline, murders and mugging remain a source of great worry to citizens. Over the past week, two government officials and a Supreme Court lawyer have been murdered in the city, let alone a high bank official in Dhamrai, which only point to relapsing into lawlessness, or the law enforcers failing to make their presence felt the way people would like them to. There was a kind of improvement in the crime situation immediately after the caretaker government took over which seems to be now tapering off.

The chief adviser has rightly emphasised the need for better coordination among the law enforcement agencies and also decided to form a "Coordination Committee" to reinforce the anti-crime operations.

There are vulnerable areas. For example, the security guards, often appointed under a package deal with a company, themselves are not always above suspicion. The appointment of such guards should be made only after a thorough scrutiny of their backgrounds and records. This is a vitally important job, but the issue has not yet drawn the kind of attention it ought to have. Uniform standards must be set for private security companies and those applied scrupulously.

Community participation in beefing up security at the local levels must have to be encouraged. Police patrol needs to be revved up. Alongside, public awareness campaigns will have to be undertaken so that people can stop falling prey to thugs, especially while travelling.

One would expect that the government's campaign against corruption should not distract law enforcement agencies from being focused on a firm handling of the crime situation.

The developing flood situation

How prepared are we to tackle it?

THE flood situation in the country is beginning to assume worrying proportions. Reports coming in, especially from the northern regions of Bangladesh, point to a clear and continuing rise in the level of rivers. In recent days, the Brahmaputra, Meghna and Jamuna have all risen, with the result that people now apprehend serious floods to occur this year. The persistent rainfall of the last one week or so has naturally worsened conditions. There is now the apprehension that floods might sooner or later affect the middle and perhaps the lower regions of the country and even the capital Dhaka might fall prey to it. Despite the fact that experts do not foresee a situation that could be alarming, there is every reason for the authorities to be careful and get prepared to meet any exigency.

In the present circumstances, with people in the north already affected through their homesteads and crops going under water, it becomes essential for the ministry of disaster preparedness and management to gear up its relief efforts. Food, clothes and water purification tablets are, as usual, in great demand in the flood-affected areas. To what extent the ministry and other relevant organisations of the government are ready to provide such emergency services must be made known. We understand that a committee on disaster management has had no meeting in a long time. If it has not, now is the time for it chart out a mitigation course. One must not ignore the fact that the floods have come at a time when citizens are already reeling under the weight of high prices. In such a dire situation, it is imperative that the authorities ensure that a social security net is in place.

A particular aspect related to floods or a rise in the level of rivers is information exchange between India and Bangladesh on the issue. With India being the upper riparian, it is expected that the two countries will continually and especially in the flood season be in communication regarding the situation. In such times as the present, such information exchange needs to be accelerated. Finally, a whole lot depends on how cogently our meteorological data are analysed and forecasts accurately made of the changing pattern of rainfall and the behaviour of our river system.

Dignity, defiance and Pakistan's Supreme Court



SYED BADRUL AHSAN

GROUND REALITIES

The Supreme Court of Pakistan has done everyone of us proud, here in South Asia and elsewhere. Its decision to repudiate General Pervez Musharraf through restoring Chief Justice Iftikhar Muhammad Chaudhry to his position should be seen as a simple message to anyone dreaming up plans of undermining people's dignity and the sanctity of democratic government anywhere: they cannot abuse the majesty of the state and expect to get away with it. Chaudhry's comeback is not just a reassertion of the integrity and dignity of Pakistan's judiciary. It is also, and more tellingly, an expression of the thought that even in states as unfortunate and as tenuous as Pakistan, there sometimes arise brave men not afraid to challenge the misdeeds of the likes of Pervez Musharraf.

walk away from office. When the president, in his military uniform and in the company of his friends, summoned Chaudhry to his office and leaned on him to quit, the chief justice did not bend. And, as events have subsequently shown, he has not broken.

What did happen was a swift erosion of support for the president and his supporters. The Muttahida Qaumi Mahaz, in a blatant demonstration of solidarity with Musharraf, gunned down more than two scores of individuals preparing to welcome Chaudhry to Karachi only weeks ago.

The police have manhandled the chief justice; and he was compelled to fly back to Lahore from Karachi without being able to get into the city. Despite such travails, Justice Iftikhar Muhammad Chaudhry has prevailed. Now the other judges of the Supreme Court, through their ringing endorsement of their embattled colleague, have sent out the warning that there are men and women in Pakistan ready and willing to bring their arrogant military rulers down a few notches. Rogues do not have to be indulged. That is the point they have made.

The judgement by the Pakistan Supreme Court evokes memories of individuals who in earlier times held themselves steady in the face of assaults from non-elected rulers. There was a time when Justice M.R. Kayani described the October 1958 coup d'état in Pakistan as a rare instance in history when an army occupied its own country.

Kayani was a spirited man, whose sense of humour combined with his courage to disturb the sleep of men not used to opposition. He shared a dais with Field Marshal Ayub Khan and exchanged, in cheerful manner, barbs with the military ruler. When Ayub made a snide reference to the court cases Kayani needed to deliver judgement on, the judge went on an all-Pakistan offensive against the dictator.

His goal was simple: inform the country that a dangerous man had arisen, one in whose hands the future of the country would break and then shatter. Kayani did not address mass rallies of simple citizens or electrifying gatherings of lawyers as Iftikhar Muhammad Chaudhry was to do decades down the line.

His audiences were selective, people who despite their elitism comprehended the risk posed to Pakistan by its army. Kayani's remarks on the regime were caustic. Ayub thought the man was always snapping at his heels. He did not elevate Kayani from the West Pakistan High Court to the Pakistani Supreme Court. Kayani was not surprised. Nor was anyone else.

There are other instances of unadulterated bravery working in men and women of the law and of human rights in Pakistan. In 1981, Justice Dorab Patel refused to take a fresh oath of office under the Provisional Constitution Order decreed by the regime of the country's third military ruler, General Ziaul Haq.

There were other judges who did, men who today stand either forgotten by Pakistanis or reviled by them. Of particular note is Moulvi Mohammad Mushtaq who, through 1978 and early 1979, presided over the trial of detained former prime minister Zulfikar Ali Bhutto, and eventually played an instrumental role in sending him to the gallows.

Mushtaq did all he could to humiliate Bhutto in court, mocked his manners and deprecated his

people who despite their elitism comprehended the risk posed to Pakistan by its army. Kayani's remarks on the regime were caustic. Ayub thought the man was always snapping at his heels. He did not elevate Kayani from the West Pakistan High Court to the Pakistani Supreme Court. Kayani was not surprised. Nor was anyone else.

There are other instances of unadulterated bravery working in men and women of the law and of human rights in Pakistan. In 1981, Justice Dorab Patel refused to take a fresh oath of office under the Provisional Constitution Order decreed by the regime of the country's third military ruler, General Ziaul Haq.

There were other judges who did, men who today stand either forgotten by Pakistanis or reviled by them. Of particular note is Moulvi Mohammad Mushtaq who, through 1978 and early 1979, presided over the trial of detained former prime minister Zulfikar Ali Bhutto, and eventually played an instrumental role in sending him to the gallows.

Mushtaq did all he could to humiliate Bhutto in court, mocked his manners and deprecated his

reputation. He, thereby, reduced the hearings into a kangaroo court and gave Pakistanis to understand that, with men like Mushtaq, the judiciary could not decline in esteem.

It was Dorab Patel who demonstrated, through his defiance of General Zia, that not everyone in the country was willing to genuflect before elements who come to power on the strength of unconstitutionality.

In our times, the strident, insistent, voice of Asma Jahangir in the defence of human rights in Pakistan has rallied people all across South Asia. She has consistently waged battle against men who have seen themselves as gods.

Jahangir has not let go of any opportunity to expose these presumptuous men as gods with feet of clay, in much the same way that I.A. Rehman, through a long career coming to the aid of individuals under assault by the state, has held up the hollowness of men having no claim to legitimacy.

Pakistani intelligence has always dogged Rehman and people who have shared his views. Asma Jahangir's is surely a name that arouses the ire of Pakistan's rulers. Her steadfastness of purpose, a legacy inherited from her father, has dignified Pakistan. For I.A. Rehman, no service to Pakistan could have been nobler than serving as its voice of conscience. He has done the job remarkably well.

It is a job that other Pakistanis could have done equally well, had they chosen to. Syed Sharifuddin Pirzada could have earned Pakistani's respect had he not made a career of consistently being in the camp of military rulers.

He served Ayub Khan loyalty, as attorney general and foreign

minister. In the Zia years, he was attorney general once more. He has now emerged as the man who advised Pervez Musharraf in the Iftikhar Chaudhry case.

In the old days, Justice Munir missed carving a niche in Pakistan's judicial history. Justice A.R. Cornelius' proximity to Ayub Khan and Yahya Khan quite did not go down well with men who had struggled long and hard for judicial supremacy in Pakistan.

The Bengali Justice Ibrahim did a most encouraging thing by opting out of the Ayub Khan martial law regime in 1962. He would have done a whole lot better had he not linked up with the military dispensation at all.

The reinstatement of Justice Iftikhar Muhammad Chaudhry should be seen as a warning to General Musharraf and people of his kind that the state cannot be a hostage to their ambitions. His assumption and retention of power, for all the constitutional measures employed to give it a measure of legality, do not stand historical scrutiny.

A coup is a most debilitating affair. It becomes unmitigated tragedy when, under its cover, a state goes through political mutilation. A coup is an overturning of morality, and once that comes to pass, it remains for men, such as those in the Pakistani Supreme Court, to speak up for the republic and reassure citizens that beyond the inky darkness lies a distant region of light.

The pusillanimity of ordinary men and women is a truth only brave men like Justice Iftikhar Muhammad Chaudhry can transform into vocal resistance, through exercising their own moral authority.

Syed Badrul Ahsan is Editor, Current Affairs, The Daily Star.

Unified command, or unified nation?

Musharraf's humiliation at the hands of the Supreme Court should be cause for him and his fellow army officers to review their fundamental approach to governance. The doctrine of unified command should be abandoned in favour of governance by national reconciliation and consensus.

HUSAIN HAQQANI

FOR more than five decades Pakistan's military rulers have depended on the country's judiciary to provide a fig leaf of legitimacy for their arbitrary decisions. Last week's judgment by the Supreme Court, to restore Iftikhar Muhammad Chaudhry as chief justice and to declare General Pervez Musharraf's decision to remove him from office as unlawful, brings to an end that arrangement between the courts and the military.

The Supreme Court ruling weakens an embattled Musharraf further and demonstrates the unwillingness of Pakistan's civilians to endlessly obey the military's commands. Musharraf now has two options. He could recognize the emerg-

ing reality and initiate a process of national reconciliation that allows civilian institutions -- from courts and the civil services to political parties and civil society organizations -- to function independently within their respective spheres.

Or he could persist with the doctrine of the military's supremacy, which has polarized Pakistan along several lines.

Musharraf recently told newspaper editors that he believed in "unified command," which indicates that he is yet to understand how he and his military predecessors have obstructed the emergence of a consensus system of governance that absorbs differences within society without widespread resort to violence and tearing apart of the country.

The notion of a single individual leading the nation to greatness has been embedded in the

Pakistan army's thinking ever since Field Marshal Ayub Khan introduced it as a substitute for national consensus, constitutional rule, and rule of law.

In his quest for unified command, Ayub Khan fragmented the Pakistani nation within the first few years of its creation. Pakistan was declared an ideological state and the military was identified as the guardian of both the ideology and the state.

The chief of the army became the final arbiter of national interest. Those disagreeing with this scheme of things were seen as anti-state elements.

The result of the Ayub Khan model was the alienation of Pakistan's erstwhile eastern wing. Pakistan's Bengali political leaders did not agree with Ayub Khan's undiluted hostility towards India, nor were they amenable to the

idea of a centralized state.

Ayub Khan lamented that he could not understand how Pakistan could become a nation if it were to retain several national languages or multiple cultures. He was clearly unfamiliar with the political experience of nations such as Switzerland (with four national languages) and unwilling to look towards India, where pluralism worked quite well, -as an example.

So deep-rooted was Ayub Khan's belief in the army as Pakistan's saviour that when he was forced to resign in 1969 amid massive street demonstrations, he chose not to transfer power to a civilian under the terms of the constitution he had himself ordained in 1962.

Ayub Khan transferred power to another general, Yahya Khan, who further polarized the nation by refusing to transfer power to elected politicians he considered unworthy, even after holding free and fair elections.

When the Pakistan army lost East Pakistan and surrendered to the joint forces of India and the

new republic of Bangladesh in 1971, every West Pakistani civilian knew that Yahya Khan's hold on power was untenable.

But Yahya Khan thought otherwise, and was preparing to announce a new constitution for the remainder of Pakistan when a revolt by junior army officers forced him to transfer power to elected civilians.

Musharraf's humiliation at the hands of the Supreme Court should be cause for him and his fellow army officers to review their fundamental approach to governance. The doctrine of unified command should be abandoned in favour of governance by national reconciliation and consensus.

The people must have the right to vote governments in and out. The politicians they elect must be able to govern according to the constitution until their term runs out. Judges should adjudicate disputes according to law and not as per the doctrine of necessity. The army should defend the country against enemies identified by the elected parliament, and army chiefs should have fixed terms.

Musharraf sees no contradiction in his assertion that Pakistan is in a state of war with Islamist extremists, and his desire to have his way on all issues big or small.

Nations must unite at times of war, but Musharraf has not done anything to overcome any of Pakistan's divisions to focus exclusively on fighting terrorists and militants.

Pakistan is polarized between rich and poor, Islamist and secularist, and pro-military and pro-civilian rule. Ethnic divisions not only persist, they seem to have been aggravated over the last eight years.

Democracies subsume disagreements and diversity by allowing the majority to have its way until the next election, while protecting the rights of the minority under law. Authoritarianism, or "unified command" as Musharraf describes it, simply hardens the divisions in society.

Husain Haqqani is Director of Boston University's Center for International Relations, and Co-Chair of the Islam and Democracy Project at Hudson Institute, Washington D.C. He is author of the book Pakistan between Mosque and Military.

Politics of fortune



Seeing these scenes, a sense of premonition creeps in -- what if these hideous looking and repulsive demonstrations re-emerge in future, exactly as they had before 1/11? What if the whole process of party reform is just eyewash? What if we are all mistaken in thinking that true reform is possible, that an existing corrupt political party (AL or BNP or JP) could metamorphose within a span of a few months into a party whose members are honest, erudite, noble and far-sighted? What if these parameters are inherently unachievable in the mind-set of our politicians and executives? I just hope these premonitions are ill founded.

S. I. ZAMAN

WHEN you have no basis for an argument, abuse the plaintiff," as stated by the Roman orator Cicero some nineteen hundred years ago. How uncannily it rings true in our contemporary society!

Consider this: you are a public figure -- you find yourself in a mess of your own making, you are knee-deep in a legal quagmire, frantically clutching arguments which don't hold water; so what do you do? You ridicule your opponent -- your friends launch a smear campaign against your opponent to trump up public support based on lies. This is what's been happening

after Hasina's arrest. Escaped with his head on.

Despite the state of emergency, the CG has been very lenient, considerate, and non-retaliatory towards dissenting voices. The very fact that the likes of Matia Chowdhury et al could voice their ill-founded scathing remarks against the government only helps to reaffirm that there is freedom of expression.

In matters of law, subjectivity and emotionalism certainly corrupt the process of justice. A corrupt justice system corrupts the socio-political system, which certainly corrupts government and its agencies -- thus decay in an existing profiteering and frail body politic is compounded by

and near-comical mass hysteria while Hasina was being led away after her arrest only serves to cement the fact that a culture of hero-worshipping is entrenched in Bangladeshi society. What was even more comical was the impetuous and defiant Chhatra League parading around the DU campus, chanting and screaming their outrage in fashion most reminiscent of the pre-1/11 dark days.

Also, the most bizarre display of irony and inconsistency has been the "black-badge" worn by some of the DU faculties (only the AL leaning followers) as a sign of protest against Hasina's arrest. There's no denying that DU has been a dissenting voice against all forms of injustice, nevertheless, this posture (taking position on behalf of a person whose name is linked with ineptitude, unilateralism and corruption) of the DU faculties only epitomises the depravity in that once august institution.

Seeing these scenes, a sense of premonition creeps in -- what if these hideous looking and repulsive demonstrations re-emerge in future, exactly as they had before 1/11? What if the whole process of party reform is just eyewash? What if we are all mistaken in thinking that true reform is possible, that an existing corrupt political party (AL or BNP or JP) could metamorphose within a span of a few months into a party whose members are honest, erudite, noble and far-sighted? What if these parameters are inherently unachievable in the mind-set of our politicians and executives? I just hope these premonitions are ill founded.

lower middle class, and that is one big dissatisfied class -- a populace seething under this condition makes an ideal capital for the opponents!

• Publish the details (within the permissibility of law and without any infringement of due process of law and of the defence of the accused) of the charges against the high-profile arrestees. This will certainly help the transparency and credibility of the administration.

• Clarify the apparent "double standard" with regard to the political parties. Indoor politics is banned, the BNP leader is perceived (by some quarters) to be under constant surveillance, and yet a new political party announces its birth publicly! Is the administration caught up in a dichotomy?

• If there are indeed cases (and not "red herrings") against the BNP leader then why this dilly-dally in charging her? You either charge her (and try her case), or lift the surveillance on her, as this borders on infringement of civil rights and is becoming counterproductive.