

## Protecting consumer rights Draft ordinance ought to be put before the public

THE consumers' rights need legal protection in a society where their rights are conspicuous by their absence. But the draft of the consumers' rights ordinance that has been prepared contains certain provisions which do not go far enough to underpin or protect consumer rights. It has been proposed that the affected consumers will have to lodge a complaint within 10 days of being aggrieved. Clearly, the consumer's interests are not sufficiently underpinned because in some cases it may take a longer time for the consumers to realise that they have been swindled. Secondly, the aggrieved consumers won't be allowed to file a case directly to the court. It has to be routed through a government agency to obtain the right to file a case in the court. In other words, the bureaucracy will practically decide the fate of the consumers' complaints. It is not at all clear why the consumers' right to seek legal aid all by themselves has not been recognised. After all, nothing can be more effective in protecting consumers' rights except through the law of the land. Like Artha Rin Adalats or loan courts we may have a separate legal setup for redressing grievances related to consumer rights.

The whole scheme shows a bias towards the producers, sellers and professionals or providers of different kinds of services. This is untenable in a market which has been known to be a sellers' one. The consumers or the vast majority of the people have had to accept whatever commodities and services they got, regardless of their quality, reliability and being shortchanged through defective weights or measures.

The government should attach due importance to the element of transparency in formulating any law to protect consumers' rights. The whole thing should be brought before the people through placing the draft on the website and inviting public suggestions like in the case of RTI draft ordinance. All the stakeholders should be involved to produce a comprehensive law that we have been shamefully without in the last 37 years since national independence.

## Possible salary hike for government servants

Measures to contain inflation should receive priority

HERE is surely a rationale behind the intention of the government to consider a salary hike for government servants, given the runaway nature of the prices of essential commodities in recent times. It is against such a backdrop that the finance advisor's remarks on a need for a salary increase for government servants can be observed.

That said, there are quite a few questions which come up with any move for a pay rise in the government sector. In the past, that is, as recently as three years ago, a rise in salary for government servants quickly and inexorably led to an inflationary trend in the market. Our collective experience suggests that salary hikes in the past were generally moves that were not clearly thought through by the powers that were, which is why those moves led to an abnormal rise in prices in the market. In other words, what the government servants were getting in one hand was quickly being lost through the other, in this case because of inflation and the propensity of traders ready to pounce on those coming home with their new salaries. Indeed, there are instances galore to show that every announcement of an intended hike in government salary led to an instant rise in prices even before the raise took effect. That makes one wonder: how wise is it for the authorities to reveal salary related plans long before the plans are actually put in place? In our bid to adjust salaries to the rate of inflation -- we cannot go the whole hog in a resource poor country -- what we do in the process fuel inflation the brunt of which is of course taken by the vast majority of people.

It is these factors that the government ought to bear in mind when it mulls over salary hike issues. In the present scenario, we should concentrate on rejuvenating the economy by adopting appropriate fiscal and monetary policies that will also help curb inflation. Thereupon, we put in place a logical enhancement of salaries and wages across the board, not just in one sector.

## Our freedom struggle and the enemy within

It is not my intention in these columns to lament, or to revive these acts to seek anew any retribution against the perpetrators, many of whom may have passed away. It is only a reminder for us that our enemies of 1971 did not always appear before us with bared fangs. There were many others who betrayed us from within, and survived well.

ZIAUDDIN CHOUDHURY

NEXT week we will observe the 37th anniversary of our independence, the day our freedom struggle began, the day blood-letting started with machine guns let loose on our innocent people by the Pakistan military junta. There will be much joy on this hard fought independence day of ours, but there will also be much sorrow remembering the millions who gave their lives for the happiness of the future generations.

Those of us who lived through the harrowing nine months of 1971 will remember with dismay that the enemy that descended on us was not alone. They came in two incarnations; those detectable to the eye, and those who were undetectable.

The Pakistan army embodied the visible enemy, and we could recognise them readily. Our people learnt how to evade them later in the course of our struggle: the bolder among us would even learn how to tackle them. It is the hidden ones that we could not confront, because we did not know who they actually were. They not only looked like us, they were among us. They did not carry any weapons, they even did not look like they could harm you. Yet, they committed the most heinous crimes that one could imagine in a war.

These were collaborators of the dark, who informed on their neighbours and laid traps for those they suspected of supporting the liberation war or simply speaking against the junta. These back-stabbers

masked their activities with an outward meekness and blended during the day with their fellow neighbours, but met their masters under cover of the night to help them in their next murderous operation.

Unfortunately for us all, most of these perpetrators escaped post-liberation retribution, as they never left any footprints behind. Most blended with the rest of us, and rehabilitated themselves with money and political support.

The motivation of these malevolent characters for turning against their own people differed. Some were obviously inspired by ideology (religion, Pakistan); others were driven by the opportunity to generate wealth and influence with closer proximity to authority, however brutal it was. And there were others who simply enjoyed their new found role as informers.

During the strife-torn nine months, when I happened to serve as a sub-divisional officer in two places, I came across a few such characters. One was a young businessman who had a family business of water and land transportation.

I came across him, or rather a Pakistani army commander who was my interrogator introduced him to me in Dhaka cantonment. In May 1971, the army command had asked me to report to Dhaka cantonment at the conclusion of its offensive in Munshiganj. I was lucky the army did not take me there in chains, I was only asked to present myself to the battalion commander and answer some questions. What I did not know was

that I would be required to face this weekly interrogation for one whole month.

At the end of the last interview, the battalion commander, a rather corpulent fellow with a fearsome moustache, said that he would like me to meet a very close friend of his. I expected another army officer who would assail me with more questions, but, instead, a meek looking young man came out from the back of his office. He was a Bengali, and the commander introduced him as Montu (not his real name). He commended the young man in front of me for having "saved the army" from starvation in March, when civilian barricades were stopping supplies to Dhaka cantonment during the famous non-cooperation movement launched by Sheikh Mujib.

The young man, I was told by the Lt. Colonel, sneaked supplies to the cantonment with his private trucks through back roads. I remembered instantly some news reports in March that had talked about some fifth-column activities during that period. What we did not know then was that these were acts of our own brethren. I realised in amazement and shock that right in front of me was one of the cronies of our foes, one fellow Bengali who did not care that his masters were perpetrating the most heinous crimes against his own people.

As I was trying to figure out the reasons why I was given this unique privilege of knowing the "army friend," the Lt. Colonel came out with the explanation. For his loyalty and devotion to Pakistan, the army wanted to show Montu some



gratitude. He had been already given some (what he did not explain), but Montu needed more. Montu wanted to have leave of the only cinema hall in Munshiganj, and as SDO of Munshiganj I should give it to him. The cinema hall was owned by a Hindu businessman who had fled the area after the army operation there, and was currently abandoned.

Obviously, Montu had done his intelligence work, and wanted the Lt. Colonel to twist my arm to hand over the cinema hall to him. I reflected on the situation. I could not say no to him sitting there right in the army bastion, particularly when I was still being viewed as a suspect (of being on the other side of the fence).

I also could not say yes since, as an SDO, I did not have governmental authority over any abandoned property, least of all lease it. When I muttered something to the effect that I did not have proper authority to decide on such business, the Lt.

Colonel would have none of it. He did not care who had the authority; I should see to it that his friend got what he wanted.

I could extricate myself that morning from the cantonment only by convincing the commander that it was my boss, the deputy commissioner, who had the authority to lease, and that I would follow it up with him.

I expected Montu to follow this up with me later, but he did not. In fact, I did not meet Montu after that day. The businessman that he was, he perhaps himself realised that having the lease of the cinema hall would take him to places that he did not want to visit. Or perhaps, he was amply rewarded with other businesses by a grateful master.

Liberation saw many collaborators summarily disposed off by angry mobs, and others put behind bars. But people like Montu simply blended with the rest of the population. He never had to face any trial, as he had left no footprints to

trace back to his crimes. Instead, his wealth grew silently.

I came to know about Montu's great material success long after liberation. He had succeeded further in business. His water transportation business reached its peak in the early seventies. In the dark days of 1971 he made his money acting as an agent of the forces of oppression. In the later days he made his money by filling the pockets of the new powers.

It is not my intention in these columns to lament or to revive these acts to seek anew any retribution against the perpetrators, many of whom may have passed away. It is only a reminder for us that our enemies of 1971 did not always appear before us with bared fangs. There were many others who betrayed us from within, and survived well.

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## No pardon for Musharraf

Suppose the Bush administration coerces the new Pakistani government to furnish a safe passage for Musharraf. In such a case, Pakistan's democracy must resist pressure, assert its sovereignty, and persuade the Bush administration that Musharraf's prosecution for high treason will support and not hurt US interests.

LIAQUAT ALI KHAN

PAKISTAN'S newly-elected parliament met on Monday, March 17, to form a new government. Monday was "democracy day," ending the eight years of military rule. Former army chief Pervez Musharraf, however, refuses to step down, and claims to be the nation's lawful president. Close to a two-thirds majority of the parliament, and an overwhelming majority of lawyers of Pakistan, see Musharraf as a usurper. Facing a hostile parliament and an uncompromising Bar, Musharraf would offer to make a deal. He would relinquish power if he could safely leave the country (and perhaps fly away to the United States).

This essay argues that Pakistan's parliament must not pardon Musharraf, openly or secretly. The people of Pakistan want their day in court.

### Musharraf's crimes

The lawyers of Pakistan see

Musharraf as a criminal who unlawfully occupies the nation's highest office. Musharraf has committed numerous crimes. Two, however, stand out. On November 3, 2007, Musharraf suspended the constitution, exercising the non-existent powers of the army chief. Neither the constitution and national laws, nor the Military Code, confers power on the army chief to proclaim emergency and suspend the constitution. Musharraf has presumably committed the constitutional crime of high treason, and his continuing occupation of the office of president is unlawful.

The constitution mandates that the parliament "by law provide for the punishment of persons found guilty of high treason." In exercising this power, however, the parliament must respect international standards and the national criminal justice system, that confer numerous rights on criminal defendants. Article 10 of the constitution,

which Musharraf suspended during the November 2007 Proclamation of Emergency, requires that the person in custody be "informed of the grounds for such arrest... and not be denied the right to consult and be defended by a legal practitioner of his choice."

In addition to perpetrating the crime of high treason, Musharraf committed the crime of massacre. In July, 2007, after prolonging a manufactured showdown with seminars in the Red Mosque in Islamabad, Musharraf ordered the killing of innocent men, women, and children trapped in the mosque. In asserting the rule of law, the Supreme Court ordered an investigation of the massacre. Compounding his crime, Musharraf charged the Supreme Court with supporting terrorism. And exercising the non-existent powers of the army chief, Musharraf fired and arrested numerous top judges of the high courts, including the chief justice who still has not

been freed. Musharraf's lawyers will have to explain to the trial court whether the army chief, in committing the crime of massacre, has the authority to openly subvert the integrity and dignity of the judiciary.

### Resisting foreign pressure

In prosecuting Musharraf for high treason and other crimes, the new Pakistani government might come under some foreign pressure to pardon Musharraf. Except for the United States, however, many nations would see Musharraf's criminal prosecution as Pakistan's internal matter. European nations will not support a despised dictator. China rarely caters to losers, and is unlikely to raise the issue with the new government. Saudi Arabia will not rescue a self-appointed reformer of Islam. India will only harm Musharraf if it supports him.

That leaves the United States alone in the field. The Bush administration may pressure Pakistan's new government to pardon Musharraf. Soon after the February elections, Bush encouraged Musharraf to stay as Pakistan's head of state. That commitment has now dramatically weakened, and rightfully so. The United States cannot risk alienating the people of Pakistan

and the new government for the sake of a former dictator who has lost his military uniform, popularity, and constitutional legitimacy. For pragmatic American policymakers, Musharraf has outlived his utility; and the time is ripe to ditch a useless operator.

As a possible favour to Musharraf, the Bush administration might ask the new government for his safe exit to the United States. Many in the Bush administration, however, will vote against pressuring the new government to do so because Musharraf has been a duplicitous ally, frequently caught running with the hare and hunting with the hounds. Certainly, Musharraf has killed Muslim militants in Pakistan, but not in sufficient numbers to have earned a White House medal of gratitude.

Suppose the Bush administration coerces the new Pakistani government to furnish a safe passage for Musharraf. In such a case, Pakistan's democracy must resist pressure, assert its sovereignty, and persuade the Bush administration that Musharraf's prosecution for high treason will support and not hurt US interests. If Musharraf is prosecuted for constitutional subversion without American interference,

the people of Pakistan will appreciate American commitment to democracy in the Muslim world. "If persuasion does not work, saying no to Bush is good for America and a matter of self-respect for Pakistan."

In sum, strong democracies punish constitutional subversions, but weak democracies do not. And by punishing constitutional subversions, democracies are further strengthened. Pakistan needs to make a strong decision. Fortunately, the usurper is positioned as a sitting duck. He has lost all the covers that shielded his raw powers. He is no longer the army chief, and cannot order the armed forces to stand behind him. The "King's Party" that propped his lawlessness for years cannot help, for it has been thoroughly defeated in the general elections. The constitution cannot guard Musharraf because Musharraf, as the president's oath requires, did not "preserve, protect, and defend the constitution of the Islamic Republic of Pakistan." The parliament must hold Musharraf accountable.

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## Anwar Ibrahim: 'It was a terrible time'

ANWAR Ibrahim is, for the for the time being, barred from holding office in Malaysia thanks to a politically criminal conviction dating from 1999. But in the general election on March 8, his People's Justice Party scored an unprecedented 31 seats in Malaysia's Parliament, and the broader coalition he is building nearly won a majority, ousting the party that has ruled the country for 50 years. Ibrahim was finance minister and then deputy to strongman Mahathir Mohamad before becoming Malaysia's best-known political prisoner; as such, he has gotten used to great reversals in his life. He spoke with Newsweek's Lorien Holland at his office in Kuala Lumpur about his comeback, the opposition's triumph and his own political ambitions.

LORIEN HOLLAND

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Newsweek's Lorien Holland at his office in Kuala Lumpur about his comeback, the opposition's triumph and his own political ambitions.

Holland: Did the election results come as a surprise to you?

Anwar: I was one of the small minority who believed we were doing well before the polls, so I was not that surprised. About three or four days before the election, (pro-government) newspapers were full of vicious personal attacks against me, so I knew things had to be going well, and that at that late stage the government was under siege.

What happened, exactly, on election day?

This was a defining moment for Malaysia. Nothing is going to be the same anymore. It is not unrealistic to imagine that we could actually have won a majority right then. If it were not for the (government's) cancellation of the indelible ink (for use on voters' fingers to prevent them from voting multiple times), we would have got 10 or 15 more seats.

You started your political life in the opposition. Then you joined the mainstream and rose to become deputy prime minister. But an acrimonious split with then Prime Minister Mahathir Mohamad eventually landed you in jail. Now, a decade later, you are back. Are you aiming to become

prime minister?

In terms of seats, we are very close to winning a majority in Parliament. Right now we have to build up consensus between the opposition parties. We have lots to build, lots of work ahead.

You are banned from holding office directly until April 15. What will you do after that?

I have said at many events that I will contest a by-election after April 15. We have 31 M.P.s now, so this will not be difficult. But right now, I am not focused on that. Things are moving so fast. We have to set up four state governments and forge a strong coalition. This is a democracy, but still we are in a panic about the swearing-in.

What is it like having your wife and daughter as M.P.s?

There was a press conference at the house and I was asking why, because I hadn't called a press conference. Then my daughter said: "Papa, this is not for you. This is my press conference." I was hoping to get the weekend off with (my wife) Azizah, but she has to go and visit her constituency.

Sometimes, I do wonder why we chose these things. We're not mad, but maybe a little crazy.

Do you still see yourself as an East-West fusion figure?

I have been playing that role for a long time. It is an important one. You just can't assume that people understand each other. In our party, you need to reassure both the Malays and the non-Malays. You need people working together, being more sensitive to each other. We had the three races (Malays, Chinese and Indians) going together and campaigning; we really are a multiracial party.

What about now, are you bridging the gap between the other two opposition parties?

I have had extensive discussions with both of them. We agree we have to work to build a more cohesive opposition. In the next few days, we are going to meet in private and set out the parameters of lasting cooperation. We have already fixed the date and time.

What are your feelings toward your mentor turned nemesis, ex-prime minister Mahathir

Mohamad?

You brought him up, not me. I have forgotten him. He is old, he is not well, and he is not an issue for me. I am not out to prove anything to him. In order to succeed, we have to look beyond him.

Has your time in prison altered any of your views?

No one enjoys prison. It was a terrible time for me and my family. But it was at least a time for reflection. I read Shakespeare's complete works four and a half times. I read the Qur'an, I read Chinese classics and the Hindu Ramayana, and many, many great novels. Except for days when I was at court, I was just reading from 8 in the morning until midnight.

What are the most pressing issues ahead?

I passionately believe in democracy and freedom, more than before. These are issues of human concern that transcend race and religion. Before the election I was at a rally in a majority Chinese constituency, Bukit Penang. At the end, I had to hurry to another appointment. But a Chinese lady came up to me and she said:



"Please, protect my children." As you can see, I am feeling quite sentimental. I do draw the line about politics being just a game.

People support you because you have principles.

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