

Improving human rights record

Dawn
9-10-55

By M.B. Naqvi

THERE is much unease over the way human rights are being observed by both the government and powerful individuals. International bodies, including the US State Department, have, from time to time, expressed concern over the situation in this country among various others. The need for doing something is commonly recognised.

Law enforcement in this country, by all accounts, leaves much to be desired, what with frequent custodial deaths and police encounters. There is growing increase in lawless behaviour all over Pakistan, though the position with regard to Karachi is particularly grave. The government is engaged in introducing police commissionerate system on an experimental basis in Karachi and, for good measure, it is setting up a human rights ministry in Islamabad.

Insofar as the political aspects of the problem in Sindh and Karachi are concerned, much is being said and written about them. This is outside the scope here, although it is very closely linked to law enforcement in the province.

Policing in Karachi is being seen in the light of various preconceptions: government is approaching the problem from the angle of suppressing terrorism first and talking later or regards the political approach to be subservient to the overriding task of fighting what is an insurgency. There are political elements that regard Mohajir rights to be the central issue; the MQM certainly does so. Many others regard the problem of the integrity of Sindh's provincial boundaries as the supreme objective that overrides minor matters of how law is enforced.

Liberals, democrats and humanists nevertheless consider human beings' safety and welfare first and foremost. They regard that as the supreme value that does not require any argument or proof.

Therefore any aim or objective that compromises human beings' safety, security and other citizenship rights is a dangerous delusion or otherwise unworthy goal. By now it should be accepted as axiomatic that any goal that requires grave violations of human rights is ipso facto undesirable and evil. It is possible to argue this point from ample experience of modern times. But it is best to regard it as proven: anti-humanistic methods have always distorted and rendered counterproductive all noble-sounding objectives because anything that begins with violating the supreme value cannot promote that value. This is an important and with which one should equip oneself for approaching the problems that are crowding in upon us.

It has established the fact that even day-to-day working of the police and other security agencies involves often grave violations of human rights. The court records provide another conclusive evidence. Then of course there are the media at home and abroad.

Finally human rights watchers abroad are more or less unanimous that policing methods in this country are much too rough and ready and have scant regard for human dignity or respect for the value of human life. Well may the government establish a ministry to ensure that its other agencies do not transgress! Every one will only hope that the purpose is not to whitewash the ugly reality but to tackle the problem.

As for Sindh, especially Karachi, although the government habitually denies everything that thousands witness every day, no one is

The human rights watchers abroad are more or less unanimous that policing methods in this country are much too rough and have scant regard for human dignity or respect for the value of human life. By setting up a ministry of human rights, let the government ensure that such methods are given up. One hopes that the purpose is not to whitewash the ugly reality but to tackle the problem.

taken in at home or abroad. The wide-scale siege and search operations earlier by soldiers and now by police and the Rangers resulting in hundreds of young men being picked up with maltreatment so common and so many disappearances and custodial deaths have created a mental climate among at least the dominant section of Karachi population. The latter now posits adversarial relationship between itself and the machinery of the state, may be state

pies a special, indeed unique, position. One had occasion to dub it as neither Sindh nor police. Even the President recognises the fact that its largely foreign provenance renders it as ineffective as it is seen to be an unfriendly visitation. It has indulged in so much crime off its own bat that various detailed reforms, often proposed, will simply not do.

During the last ten months it has had an astounding licence that no organised force can ever be given in regard to treating the suspected criminals in its custody. Everybody throughout Pakistan knows that most police encounters are usually fake; they have been so for ages. But those in Karachi are mostly cold-blooded murders in full knowledge that no questions shall be asked.

The police is to be regarded as an integral part of the complex and complicated problem of Karachi and cannot by any stretch of imagination be treated as a means of solving it or even being a help in the task of achieving peace.

This particular police force cannot be reformed, in fact should not be reformed. It should be disbanded and sent home in batches at three months intervals during which a new citizens' police force will have to be raised by and for local communities for law enforcement by those who are taught the law and proper methods for it to be respected by all.

Insofar as the experiment of the police commissionerate system is concerned, not all its details are known and that few Pakistanis have any real experience of it. All that is known is that law and order will be mainly looked after by one police officer in the city and he shall not be accountable to, or supervised by, either rest of the bureaucracy or the senior magistracy, though perhaps the High Court would retain overall authority — going by the Indian precedent.

The debate whether the district magistrate and deputy commissioner should be the supreme law enforcer or the superintendent of police is beside the point. The overall relationship between the police and the political authorities is the crucial factor.

If the police were to remain an instrument in the hands of political masters it would always be misused. And that is the supreme corruption by both the government and the police insofar as it is meant for enforcing law. In fact it is possible to argue that most of the corruption in this country issues from the government being able to make laws that are a mockery of natural justice and fair play and even when a perfectly good law exists, it has evolved practices to bend it. Which is why rule of law in this country has been badly mauled. We all know the colonial inheritance of bad laws and worst practices by bureaucracy.

ing in upon us.

The establishment of a human rights ministry, seen in abstract or isolation from the social and political context, can only be acceptable. Apart from the apprehension regarding the Parkinson's Law having something to do with it, the context is not very reassuring. The government is being attacked right and left for its human rights record and it wants to advance plausible explanations. There is also another point to be made in passing: what is truly important is not Pakistan's image abroad but what is the reality at home; what the foreigners say is not, per se, more important than what the people at home think and say. What are the people saying?

Given the well-known fact of the poor credibility of the government, people tend to believe the worst. Adequate documentation has been done by Human Rights Commission of Pakistan, a moderate body with considerably more credibility than Islamabad possess-

itself.

Many think that the process has gone so far as to have resulted in the alienation of this section, at any rate of its younger elements if not everyone. The looting and the extortion of so many by the security agencies in the house-to-house searches and for releasing the wrongly arrested boys is talk of the town. So much so that the President is reported to have himself admitted the fact. The question is what has to be done regarding law enforcement in Karachi?

The military has of its own accord withdrawn from the thankless and misconceived task. Rangers can certainly be withdrawn and would eventually be when PM Benazir Bhutto adjudges the task to have been accomplished. The police would of course remain. Although the police forces in this country are riddled with corruption and are known to be in habitual connivance with crime, Sindh Police occu-

The half a dozen constitutions that have been written in and for this country in the last 48 years raised only slightly differing superstructures on the solid substratum of the Government of India act 1935.

Apart from changing the number of Assembly members and the names and designations or adding fundamental rights' chapter, including Objective Resolutions, the shape of the state structure and its working has remained exactly what it was before 1947 — parts of it going back to Montague-Chamesford Reforms.

The overall purpose was centralisation and giving high officials privileges and perks that are unique and exempting them from democratic accountability. This is the fountainhead of all our corruption and which is how rule of law is distorted into no law for the rulers and bad law and worse enforcement for common people.