

Rule of law, regulation and accountability

RULE of law was clearly the principal theme last week.

Justice Jehangiri, then the chief justice of Pakistan, who spoke about it first, had had some touching warnings. Since the strength of a chain is the strength of its weakest link, he had dwelt for the most part on the weaknesses in the justice system, sparing nobody in his rather eminent audience.

Next, two people convicted by the Lahore High Court of perjury were finally arrested and sent to jail after the city police chief and a very influential brother of one of them were issued notices for contempt.

But, more people were kidnapped for ransom including some from the metropolis. More people were killed in shootouts with the police.

Speaking at a police *darbar*, President Gen Pervez Musharraf, explained the importance his government attached to the role of police. Describing policemen as his comrades and colleagues in arms and in uniform, he said, those serving in various forces were essentially the same. This was another first for the general. While all governments have relied on police to have their writ enforced, the images of a policeman and a soldier have always been quite distinct. This has been true even during a martial law when a large number of armed forces personnel routinely get deputed in civil departments, including the police. While exercising the coercive authority of the state in the area most

relevant to the common man, and routinely abusing it for personal gain, the police have never claimed the right to legislate. Their notorious trespass on the jurisdiction of the courts of law, too, has been less like a defiant squatter and more in the nature of a stealthy entry — always to be denied. The army, on the other hand, is the ultimate arbiter whenever it chooses. It can, former federal minister Chaudhry Shujaat Husain was reported last week to have agreed, decide who should head major political parties.

Can that change for the police? One shudders at the thought, but that is what the president's speech amounted to. At least that was what many policemen thought. No wonder the general got more than a polite applause.

More to the point, perhaps were his actions. The very next day, the president ordained an amendment in the anti-terrorism law abolishing the existing courts and providing for tribunals on which magistrates and army officers would sit with the judges. Next to trial by an investigating officer, there is perhaps nothing that would make the prosecution easier for the police and more hazardous for the accused.

Ironically, at least one pro-establishment newspaper, interpreted the CJ's speech as a foreword to the controversial amendment.

Predictably, the rights groups and the political opposition were neither reassured nor amused. The Lahore

Bar Association has already adopted a resolution announcing that none of its members would appear before the new tribunals. (Should the government persist, this probably means even more trouble for the suspects.) The nay-sayers insist they want the rule of law. *Lahore Dawn 3.2.02*

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REGULATION, too, remained an elusive concept. Speaking at a three-year performance review, Lt-Gen Zulfikar Ali Khan, the Wapda chairman, complained that the National Electric Power Regulatory Authority was creating more problems for Wapda than it was solving. He said he understood the need for regulating a competitive market but did not see any advantage in it as long as Wapda was the only beneficiary of its arbitrary tariff revisions. Even a beneficial delay in the notification of a tariff cut, which got mentioned at the briefing, failed to placate the general.

Earlier in the week, Wapda had campaigned against a Nepra ruling which would affect around 80,000 of its domestic consumers and benefit

nearly five million, on the ground that it was annoying to the affected consumers.

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THE city Nazim persisted in talking about his policies in riddles.

Speaking at a function in Township, he said his government was willing and ready to hand over the city's 1,500 public schools, including 300 secondary schools, to the private sector.

Characteristically, he invited, not the educationists or private schools, but the industrialists to take over.

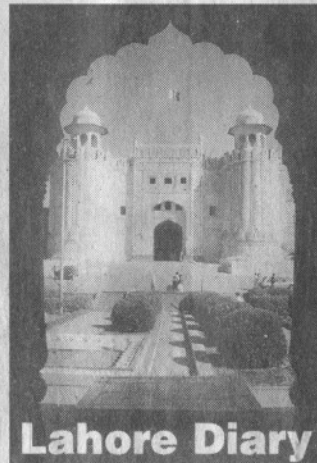
Coming from a Nazim whose election manifesto had promised affordable, quality schooling to the city's teeming millions, this sounded strange. Education has also been traditionally the biggest social sector charge on the provincial governments. Over the past 17 years, it has expanded like no

other department and while the federal ministry of education is notoriously unwanted, this is not true of the provincial governments. One of the significant powers the Nazims have under the new dispensation is control of public schools. Why should a dis-

trict Nazim want to abdicate such an empire?

Also, only recently had the Nazim been talking of reforming primary and secondary education, inspecting schools and claiming naively a historical first in advising teachers to plan their lessons. True, he ordered closure of certain schools, but didn't he also make the government school buildings available for the community participation schools? He had also talked of providing the opportunity to the underprivileged to study for and take British standard examinations. A list of 35 government schools, nominated to start English-medium instruction from the next academic year, has since been notified. To highlight the centrality of schools to his plans for progress, he has decided to set up schools even at the Nazim's office and at the district courts complex.

How does one reconcile what the Nazim says with what the Nazim says? It is claimed that despite his abundant interest in education, schools are no longer the Nazim's primary focus. The priority, it is said, now belongs to development of physical infrastructure, particularly housing and commercial centres. There is speculation even that the Nazim has been persuaded to hand over schools to the private sector by some people who are interested primarily, not in running schools, but in acquiring and developing their real estate assets for com-



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an commercial use. It is said only the schools having such assets would attract investors.

Many nationalized industrial units had been purchased during the early days of privatization by buyers who were interested in liquidating, rather than running them. The loss of jobs forced the government and the Privatization Commission later to incorporate safeguards on that account. As things are, only a fraction of schools in the city are centrally located and have purpose-built premises. Most of these would be threatened. This would be a catastrophe, ignoring even the automatic escalation of costs to the parents and even the possible displacement of teachers.



AN ACCOUNTABILITY court judge released Adml Mansoorul Haq in view of a pre-trial bargain with the National Accountability Bureau. Earlier, the admiral told the court he was not getting the treatment he deserved on account of his cooperation. The report said, the admiral could not leave the country until he had paid the \$1.2 million he still owed under the deal.

Earlier, former MNA Chaudhry Tajammul Husain had been released after a similar deal with the NAB, agreeing to pay Rs200 million. What both these reports did not say, however, was whether they remained eligible for public office. — **ONLOOKER**