

Problems of law and order

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THE promulgation of the new system of local government, from August 14, has caused temporary confusion as the transition takes place from the old system to the new one. The experience of effective county/district level government in many parts of the world was utilized in determining the contours of its local version.

That the previous version was a leftover of the colonial period is an historical fact. That our own traditions laid emphasis on the local or panchayat system is also incontrovertible. Therefore, patriotic citizens do not want to see the devolution system introduced by the Musharraf government to become another failed experiment.

Two major justifications were given for the introduction of the system of devolution. One was that the system of governance would be strengthened and reformed, so that law and order will prevail, and justice will be delivered to the citizen at his doorstep. The other was that elected representatives familiar with the local requirements and priorities would handle the nuts and bolts of economic development and poverty alleviation programmes.

It has so happened that evidence of failures in the maintenance of law and order has surfaced around the same time as the induction of the district government, so the problems the newly elected luminaries will face are being highlighted just as they assume their functions. Taking the country as a whole, the overall figures of registered crimes have mounted in the first seven months of this year, after registering a decline from 428,000 in 1998 to 388,000 in 2000. The shocking figure of 35 carjackings a day in

twenty years that have compounded the problems of law and order. The most important of these was the crisis in Afghanistan that erupted after the Soviet Union intervened militarily in that country towards the end of 1979. It was natural, almost inevitable, for Pakistan to support the people of Afghanistan in their struggle against the foreign invader.

The US, which had begun imposing sanctions on Pakistan over its nuclear programme, realized the potential of backing the Afghan jihad against Moscow and proceeded to extend all-out support to it through Pakistan. The decade of the Afghan struggle saw Pakistan play a leading role in supporting the Afghan struggle, serving as a conduit for the supply of enormous quantities of arms, and providing shelter to over three million Afghan refugees.

The effects of our role in Afghanistan have remained with us in many ways, largely to our detriment. A considerable portion of the weapons sent for the Afghan Mujahideen found their way into arms markets. So that the country is awash with automatic weapons. As the Afghan factions were encouraged to produce and sell heroin to finance their jihad, we have inherited what has been called a culture of heroin and kalashnikovs that has affected the law and order situation most adversely. An estimated five million Pakistanis are drug addicts today, while the number of automatic weapons all over the country may

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repression by India.

This sparked the rise of militant movements in both Azad Kashmir and Pakistan, with many volunteers making their way to Indian occupied Kashmir, to aid what was basically an indigenous uprising. India found it convenient to dub the Kashmiri freedom fighters as terrorists, and sought to forge a joint front against terrorism with the US, Russia (which was facing a revolt in Muslim Chechnya) and others. Tackling the activities of sectarian and jihadi groups became another challenge for Pakistan in the field of law and order.

The rise of the Taliban in Afghanistan, and the protection and sanctuary provided by them to Osama bin Laden, who is accused of masterminding terrorist attacks on the US embassies in East Africa in 1998, has led to the UN imposing sanctions against the Taliban government. The Islamic militia is also accused of fomenting religious extremism and terrorism in other countries of the region. As Pakistan has recognized the Taliban, who control over 90 per cent of Afghanistan, the impact of the sanctions against the Taliban is felt by this country which provides the principal route for humanitarian assistance to the drought-affected Afghan people.

As some of the jihadi groups in Pakistan, as well as religious organizations, maintain contact with Afghanistan, there is a tendency to accuse Pakistan of being associated with terrorist activity. However, as events

spread over several years suggest, Pakistan itself is a victim of terrorism, and has in fact adhered to most of the multilateral accords against terrorism. Nevertheless, India persists in ascribing the continued indigenous struggle in Kashmir to "cross-border terrorism".

All this makes for a formidable list of challenges in the field of maintaining law and order. The present government has displayed some firmness in addressing these challenges.

Karachi provides an indication of the pathetic state of the law and order system in the national hub of trade and industry.

The magnitude of problems confronting Pakistan in re-establishing a modicum of law and order is of staggering proportions. There are numerous aspects of this field that need to be recognized and then dealt with resolutely.

Foremost among the problems is that of reforming and revitalizing the police force. The institution of the police has deteriorated over the years to the point that people are scared of having any contact with its officials. Indeed, there is a general impression that far from protecting the citizens, the police are hand in glove with criminal elements, and share in the proceeds of crime in various ways.

This may be true only of some black sheep in the force, but over the years governments in power have damaged the credibility of the police force, notably in the rural areas, by using it to further their ends. The successful politicians found it expedient to have the support of the thanedars (SHOs) and the Patwaris (land revenue collectors who maintained the records of ownership of agricultural land) in their constituencies. In return for favours done to the politicians, these officials had a carte blanche to exploit and terrorize the largely illiterate peasantry. Corruption became the order of the day in nearly all dealings with the police.

The more ambitious politicians did not limit themselves to using the services of the police hierarchy. They used their power and authority to induct thousands of their supporters and henchmen, many of them bad characters and even criminals, into the police force.

The number of police officials of the ranks ranging from constable to deputy superintendent thus recruited in Punjab alone over the past fifteen years is estimated at over 20,000. The considerations of merit, or of proper training, were ignored so that the political bosses could count on the support of the so-called guardians of law and order. Any police reform worth its name must devote special efforts to weeding out the undesirable elements that have become an integral part of the police force.

Apart from this phenomenon of constant deterioration of the police force, there have been historical developments over the past

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exceed a million.

As over two million Afghan refugees have remained in Pakistan, owing to the continuing civil war there, they remain a constant source of law and order problems in many ways. With other conflicts in the region over the past two decades, and the movement of workers looking for employment, other aliens have found their way into Pakistan, notably from Iran, Sri Lanka and Bangladesh. The number of aliens in Karachi alone is estimated to be 2 million. Proper arrangements for the registration of aliens do not exist, and given a high level of corruption, many aliens have acquired Pakistani identity cards and citizenship.

A by-product of the US-backed Afghan jihad was the encouragement given to religious organizations, which could motivate the Afghan Mujahideen to fight the Soviet occupation forces. Osama bin Laden was a hero in the 1980s. Madrasses too were mobilized to supply recruits for the anti-Soviet struggle. Once the Soviets withdrew, the US not only lost interest in Afghanistan but began to regard the movement to revitalize Islam, led by resistance fighters, as a negative force and as the threat to regional stability.

Pakistan was left alone to face the consequences. As the US slapped sanctions on Pakistan after 1990 for its nuclear programme, and cut off economic aid, the resulting economic downturn and unemployment only added to the numbers of young people entering religious schools. In the meantime, religious radicals, many thrown up by the Afghan jihad, got drawn into sectarian schism, adding to the problem of violence and strife in the country.

The year that saw the Soviet withdrawal from Afghanistan, 1989 became known as the democracy year all over the world, when democratic movements emerged everywhere, and the Berlin Wall was torn down. This year also witnessed the launching of the movement for freedom by the Kashmiris, who had waited for four decades for a settlement of their demands for self-determination. The launching of the intifada by the Kashmiris produced genocidal

firmness in addressing these challenges.

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lowed up with measures to improve the functioning of the police, who should get better emoluments and facilities to reduce the scale of corruption among them. Accountability should be strengthened as well, and steps taken to increase interaction between the people and the police in the matter of crime control and to ensure resolving small disputes through conciliation committees as is being done in some thanas in Islamabad.

Some of the police officials are advocating greater reliance on private security guards, because they maintain that the strength of the police force has not kept pace with the increase in the population as well as in the range of responsibilities assigned to the police. The reform programme needs to ensure that the privatization of security does not go too far and impinge on the maintenance of law and order as a basic public responsibility.

Many steps taken by the government constitute a good beginning, but must be followed through vigorously. The surrender of weapons in response to the ban on illicit arms has had only limited success. The reform of the police system must be matched by measures to make investigation, prosecution and trial of cases expeditious and not subject to too many delays and interruptions. The number of judges and magistrates needs to be increased to ensure speedy disposal of cases.

Perhaps the greatest need of a truly democratic system is to establish a partnership between civil society and the machinery of law and order. The electronic and print media can be harnessed more effectively to enlist popular support for law enforcement, on the one hand, and to discourage negative tendencies such as sectarianism and intolerance.

With its large population of refugees and aliens, Pakistan needs to enforce the law effectively, rather than let these elements compound our problems on account of inefficient handling by the concerned agencies. The greatest test of the success of the government's reform programme will be in its handling of law and order.