

**Exclusive Interview**  
**Chief Justice (R) Saeduzzaman Siddiqui**

January 2014

# SOUTHASIA

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# The Case for Judicial Activism

Did the judicial activism practised during the last six years achieve the desired results?



# Balochistan

The Sept 24, 2013 earthquake and its aftershocks ravaged Balochistan's Awaran and Kech districts, and left in its wake several hundred dead and injured. The survivors of this earthquake are counting on your help to rebuild their lives.



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EARTHQUAKE RELIEF FUND**

*Donations to this special fund can be made at any branch of the National Bank of Pakistan or at any scheduled bank. The Prime Minister has appealed to the nation to step forward and help the countrymen in need.*

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# The Revenge Question

According to the report of a Dhaka-based human rights group, 503 people were killed in political violence in Bangladesh during 2013. More than 30 nationwide strikes and numerous regional shutdowns brought the economy of this impoverished country to a grinding halt. While the violence was mostly election-related, its intensity increased after the execution of Abdul Quader Molla, a senior Jamaat-e-Islami leader, on December 12, 2013, for his alleged war crimes in the 1971 liberation war with Pakistan. Clashes between JI supporters, pro-government activists and the police force claimed many lives and private property worth millions was destroyed.

When the Awami League government of Sheikh Haseena formed the International Crimes Tribunal in 2009 to investigate the 1971 war crimes, the move was hailed both nationally and internationally. The need to investigate the heinous atrocities and to punish the culprits was welcomed by the Bangladesh Jamaat-e-Islami itself. But support for the Crimes Tribunal decreased gradually as trials began and questions started to emerge about their fairness. The Jamaat-e-Islami accused the trials to be politically motivated and the charge seemed to stick when telephonic conversations and emails exchanged between the former chairman of the Tribunal and a Brussels-based lawyer of Bangladeshi origin were leaked. It suggested that the tribunal chairman was under government pressure to decide the cases in a certain way. When the scandal broke out in 2012, the Bangladesh government did not disband the court and neither did it think of establishing a new court comprising international observers in order to put to rest the objections to its impartiality.

When Quader Molla was sentenced to life imprisonment in February 2013, he filed a review petition before the Supreme Court of Bangladesh. In an unprecedented decision, the SC reviewed the appeal and enhanced the sentence, changing it from life imprisonment to a death sentence. That a court changed the original sentence in a review petition is unheard of in South Asia. Subsequently, in a show of unwise haste, Quader Molla was executed on December 12, 2013, ignoring pleas for clemency by many world leaders. This gave further credence to the accusation that the government wanted to derive political mileage out of the trials ahead of the 2014 elections. It may be some time before the Awami League realizes that it has actually handed over a political martyr to the Jamaat-e-Islami which can now invoke the execution of Quader Molla for political gains.

The unrest that unfolded in the wake of Molla's execution claimed more than 30 lives in less than a month. People were killed in the most brutal manner. At least two were hacked to death. Among those who died was an 11-year old who was fatally burned as he sat inside his father's rickshaw that was set ablaze by an angry mob. The incidents were a frighteningly gory reminder of similar acts committed in the 1971 war. Instead of giving a sense of closure to the whole war crimes issue, the trial, sentence and execution of Quader Molla opened a new chapter of atrocities. In this backdrop, it was obvious that violence only begets violence. Perhaps a Truth and Reconciliation Commission, along the lines of the one set up in South Africa after the long fight against apartheid, would have seemed to be a saner option and would have served to enhance the image of Sheikh Haseena as someone who was committed to containing the violence rather than instigating it. Bangladesh would do better to forgive and move on rather than resurrecting its bloody past.



Syed Jawaid Iqbal

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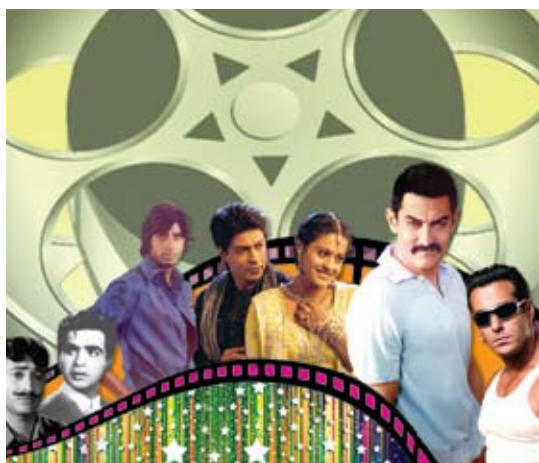
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CINEMA

## The Universal Appeal of Indian Films

Today, the Indian film is a global commodity.

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## FARMING Going Fishing – in Rice Paddies

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Dr. Ishtiaq's book analyzes historical records to show what actually ails this country.

## Dubai's meteoric rise

I must commend SouthAsia for printing highly informative articles on the UAE as part of its cover story.



The way some UAE states have progressed in a short span of time still surprises development experts around the world. Until a few decades ago, Dubai, for one, used to be a largely desert

land. If one sees the old pictures of Dubai, they wouldn't recognize the city which has completely changed over the years.

Today, some of the most remarkable buildings in Dubai – the Deira Twin Towers, Dubai Creek Tower, Sheraton Dubai Creek, the National Bank, and the Chamber of Commerce – are located along the sides of the Dubai Creek. The situation was completely different in the 1950s when the same port, from where much of Dubai's trade took place, housed only a few brick buildings. The emirate didn't have any traffic lights till the 1960s. It is said that the first traffic lights were installed in the late 1960s. Dubai's is surely a success story that continues to amaze people around the world. While its rise can be mainly attributed to petrodollars, it would be unjustified not to give credit to its rulers who introduced business-friendly policies and liberalized the economy to encourage foreign investment. However, there is one thing which was freely available for everyone in the Dubai of yore but has now been restricted to those who hold specific licenses: alcohol!

**Melville D'Souza**  
*Kandy, Sri Lanka*

## Fathers and sons

The writer made some good points in his article 'Dynasties and democracy'. Although the phenomenon of transferring political power from one generation to the next in order to retain family hold on power is not unique to our country, I am sure it is not practiced in any other country in the manner as it is done in Pakistan.

The tradition of involving one's offspring in official matters was perhaps introduced by Z. A. Bhutto. His daughter Benazir Bhutto accompanied him on his famous trip to India after the 1971 debacle to negotiate the matter of prisoners of war with then Indian Prime Minister, Indira Gandhi. Fast forward some three decades and we saw Benazir's son and daughters accompanying their father, the



president of Pakistan, to foreign tours. Bilawal Bhutto attended important government meetings even though he was not authorized to sit in those meetings. Do we see such things happening in any other civilized democracy?

**Sohail Gorchani**  
*Islamabad*

## Good for nothing parties

The writer of the article 'After the elections' expressed her concerns about the confusion prevailing in Bhutan's political parties after the elections. "Looking outwards to the rest of the world, there is a sense that they (Bhutan's political parties) are supposed to contribute to social discourse and also have some say in foreign and

economic policy," writes Ms Ali. I want to ask her how are political parties in South Asian countries (especially those which are out of power) contributing to 'social discourse' etc?

In Bangladesh, for instance, the political parties are entangled in a bloody fight – which has claimed several lives and caused much harm to the country's economy – just to get into power. The recent elections in Nepal were marked by incidents of violence and ugly fights among political parties.

Perhaps fanciful notions such as 'having some say in foreign and economic affairs' are not applicable to our part of the world where the sole aim of political parties seems to be getting into power by hook or by crook.



**Nirupma Thappar**  
*Thimphu, Bhutan*

## Unnecessary hype

Although I am an old reader and admirer of SouthAsia, I liked its December 2013 issue for one reason: it stayed away from the hype and mystery created around the appointment of the new army chief. While the magazine dedicated one of its past issues to this subject, but that was that! After that one issue, there were no lengthy articles analyzing the eating and smoking habits of potential candidates or exclusive pieces by know-it-all writers who, using their anonymous inside sources, tried to



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## Of UN resolutions

There is much jubilation in Pakistan over the United Nations' resolution against drone strikes. While it is true that civilian deaths have occurred as a result of drone strikes, it is also a fact that a majority of those killed in these attacks were terrorists. It has also been reported in the media that many times terrorists use innocent civilians as human shields. Whether the U.S. will discontinue the drone strikes after the resolution is yet to be seen. What we should not forget is that the UN has passed similar resolutions on the Kashmir conflict as well. The issue still remains unsolved even after the passage of more than 60 years.

**Shamshad Kassim**  
*Karachi, Pakistan*

establish who was most likely to get the coveted post and why. In Indian newspapers, the coverage of the retirement of an army chief and the appointment of a new one is restricted to one, or at the most two, front page stories. I wonder why we give so much importance to an issue which should be a routine matter.

**Mohsin Jalbani**  
*Hyderabad, Pakistan*

## Save the site

I was fascinated by the account given in the article 'An Ancient Cave City' as I never thought that the mountains of Balochistan would have such treasures hidden in them. If ever got a



chance, I would definitely visit the site. What I find deplorable, however, is that the ancient caves of Gondrani are not receiving the care and attention that they deserve.

Had they been in any other country, the government there would have converted them into a highly sought after tourist site by taking steps to preserve their historical value. The government of Pakistan can also do it. All it has to do is hire the services of archeological expert to preserve the site, build a few rest houses in the area and connect the caves to the

Karachi-Quetta Highway through a proper road. Responsibility also lies on the shoulders of the Balochistan government to ensure peace in the area. If these steps are taken, I am sure hundreds of tourists will visit the site every year.

**Nandita Arora**  
*New Delhi, India*

## Eradicating corruption

I remember Indian politician Lalu Prasad Yadav for his simple demeanor and witty remarks. When he visited Pakistan in 2012, this plainly-dressed, apparently simple-minded politician from India stood in sharp contrast with our local politicians. The other reason why I remember Lalu was his achievement of turning around the Indian Railways. My relatives and friends who have been to India and have travelled by train can't stop singing praises of the efficient system of the Indian Railways. Lalu has also done much for the Bihar state as its chief minister. But when he was found involved in corruption, he was duly charged and sentenced by the Indian courts.



Recently, the Indian Lok Sabha has passed the anti-corruption Lokpal Bill. I wonder when we will treat corruption

as a serious problem. I don't see much hope in this regard as the party that won elections on the basis of its anti-corruption stance, the PTI, is busy with other issues.

**Rahma Mahmood**  
*Lahore, Pakistan*

## Slow progress

The writer of the article 'Winds of Change' was hopeful that some order will prevail in Nepal after the elections and the nation will start moving on the road to democracy. The nation may be moving towards democracy but unfortunately at a dismally low speed. In fact, its journey is so slow that the country did not have any government even two months after the polls. The political parties in Nepal have taken a painfully long time in reaching a decision on the matter.



The elections were held to elect new members of Nepal's Constituent Assembly whose main task is to write a constitution for the country. But given the slow start, I wonder if the new assembly will be able to discharge its duty.

**Mani Koirala**  
*Janakpur, Nepal*



"We were drawn into arms race by India. If we had a choice, we could have diverted these expenditures to the social sector uplift and eradication of poverty."

**Mian Nawaz Sharif**  
*Pakistan's Prime Minister*

"Whatever I did, I did it for the country. It could be wrong but there was no bad intention in it. Even then, if someone thinks that I have committed a mistake, I seek forgiveness."

**Gen. Pervez Musharraf**  
*Former Pakistani President*



"All communities must come together in peace - not by hatred or malicious slander. Rather than looking for a solution from a foreign nation we can find our own solution."

**Mahinda Rajapaksa**  
*Sri Lankan President*

"President Karzai wants an absolute end to the military operations on Afghan homes and a meaningful start to the peace process, and we are certain that the Americans can practically do that within days or weeks."

**Aimal Faizi**  
*Afghan President's Spokesman*



"We should have only one religion — nation first. There should be only one religious text — our constitution."

**Narendra Modi**  
*Indian Politician*

"It is everyone's right to protest, but blocking the supply line through street power would earn a bad name for the nation."

**Pervaiz Rashid**  
*Pakistani Minister for Information and Law*



"The law and order situation has been improving at a very satisfactory pace. Communications between Dhaka and other districts have almost been restored."

**Amir Hossain Amu**  
*Bangladeshi Politician*

"Even we are aware that it is not necessary to include Islam in this, our constitution. Islam itself has given us a divine law to follow. As long as we are abiding by this divine law, there is in reality no need for it to be included in our man-made laws."

**Ahmed Amir**  
*Maldivian Member of Parliament*



"Maoist cannot run away from their own principles and agendas just because people have ousted them in the recent polls. It is equally the responsibility of other parties in the CA to convince the Maoists to join the constitution making process."

**Sher Bahadur Deuba**  
*Senior Nepali Congress leader*

"We will think about the refugee issue when the time comes."

**DN Dhungyel**  
*Bhutanese Minister*



"I hope we (India and Pakistan) become friends, we become friendlier, we become like a family and one together. I think people should forget (the past) and continue to be what we used to be."

**Shahrukh Khan**  
*Indian Film Actor*

"Our detractors say that Bilawal Bhutto Zardari does not speak the language of common people. They do not realize that the relationship between me and (party workers) transcends language."

**Bilawal Bhutto Zardari**  
*Patron-in-chief of the PPP*



PAKISTAN | Islamabad

## Narrow escape

Former president Pervez Musharraf escaped another attempt on his life when a five-kilogram bomb was recovered on his route to the special court. The former military ruler was due to appear before the court to face treason charges under Article 6 for suspending, subverting and abrogating

the constitution, imposing an emergency in the country in November 2007 and detaining judges of the superior courts.

Security personnel found two pistols, a five-meter detonator wire as well as 16 bullets near his farmhouse when they were clearing his route. The Bomb Disposal Squad arrived at the scene and



diffused the bomb which was found in a briefcase. **S**

PAKISTAN | Lahore

## Another first

The first meeting between the Director General Military Operations (DGMO) of Pakistan and India was held at the Wagah border. The object of the meeting was to devise a plan to prevent ceasefire violations at the Line of Control (LoC) in the disputed Himalayan territory of Kashmir.

Pakistan's DGMO Major General Amir Riaz had invited his Indian counterpart Lieutenant General Vinod

Bhatia for a meeting to "strengthen the mechanisms to ensure ceasefire on the LoC," read a statement issued by the foreign ministry.

This was the first time that the DGMOs from the two nuclear-armed neighbors held face-to-face talks. One brigadier from each side and three lieutenant colonels were also present at the meeting. "The meeting took place in a good atmosphere," said the Director General of Inter



Services Public Relations (DG-ISPR). Decision for the meeting of DGMOs was taken on a political level, he further added. **S**

PAKISTAN | FATA

## Operation cleanup

After months of speculations, the Pakistan Army finally launched a military offensive against terrorists in the North Waziristan Agency. What prompted the operation perhaps was the December 18 suicide bomb attack on a military checkpoint in North Waziristan in which three soldiers were killed.

While the military claimed that more than 30 militants, most of them ethnic Uzbeks, were killed in the operation, residents of the area claimed that many among the dead were civilians. North Waziristan has allegedly been a hotbed of terrorists, especially those who came from Central Asian countries to fight the



Afghan jihad and stayed in the tribal areas of Pakistan. **S**

INDIA | Delhi

## AAP *ki* government

After a long deadlock, the Aam Aadmi Party eventually decided to form the government in Delhi, with the party chairman Arvind Kejriwal taking

charge as the chief minister of the state. Since the AAP didn't have the required majority, Congress provided it with "outside support", much to the chagrin



of its own workers.

After the election, the party had decided that it would sit on the opposition benches. But it took the decision back after conducting a referendum in which people voted heavily in favor of an

AAP government in Delhi. How long this 'outside support' by the Congress continues is a question asked by political analysts, as rumors of dissent within the Congress emerged as soon as the announcement of its support for

the AAP came out. Another matter that concerns AAP supporters is that how this inexperienced party is going to balance its election campaign and the important task of running a state. **S**

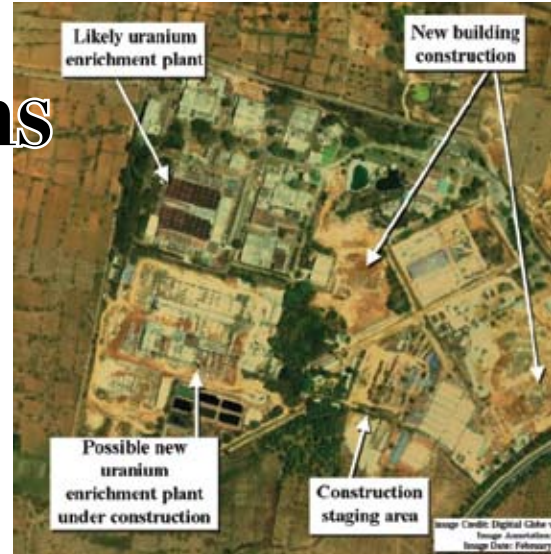
**INDIA | Mysore**

## New nuclear ambitions

India is expanding its uranium enrichment program which can double the size of its nuclear arsenal, the Washington-based Institute for Science and International Security (ISIS) has claimed. Based on satellite photographs, the American think tank said it believes India is stepping up its production of gas centrifuges to enrich uranium to nuclear weapon grade. The photographs, which were taken in April 2013, show that a building at its secret Rare Metals Plant near Mysore in Karnataka has been extended. "Commercial satellite imagery shows that the construction is finishing of what appears to be a second

gas centrifuge facility at the Rare Materials Plant (RMP), near Mysore," the report by David Albright and Serena Kelleher-Vergantini stated.

US researchers have based their claims on a comparison of satellite images from 2010 which appeared to show a new plant under construction to develop gas centrifuges and pictures from earlier this year which indicate that construction is now close to completion. The report said it was unclear, however, if the new plant marked an expansion of capacity or a replacement of an ageing facility. **S**



**BANGLADESH | Dhaka**

## Execution heightens tensions

Riots broke out after the execution of Jamaat-e-Islami leader Abdul Quader Mollah, who had been convicted by a government-constituted war crimes tribunal of killing a student, a family of 11 and helping Pakistani troops kill 369 others during the independence war. He was initially sentenced to life in prison, but the Supreme Court changed the sentence to death in September 2013.

Mollah's execution has heightened tensions in the impoverished, politically polarized South Asian country that has seen a rise in violence. While government supporters celebrated the execution in the streets of Dhaka, protest demonstrations by those who opposed the decision also gathered force. Since the execution, over 40 people have been killed in street violence and clashes with authorities. **S**



**BANGLADESH | Dhaka**

## Compensated, finally

The victims of the Rana Plaza disaster will get compensation after four global retailers, along with manufacturers and labor groups, agreed to set up a \$40 million compensation fund. Retailers Primark, El Corte Ingles, Loblaws and Bon Marche have pledged to contribute to the fund, following the

collapse of the garment factory complex, the world's worst industrial tragedy.

"A fund has been established to compensate the victims, injured workers and dependants of the deceased, of the Rana Plaza collapse," said Lejo Sibbel from the International Labour Organization, which helped broker the



agreement reached last month. “An estimated \$40 million will be required to compensate the victims and their

beneficiaries,” he said.

The agreement comes after talks between owners of clothing brands and

pressure groups on a compensation deal ended in failure in Geneva in September 2013. **S**

**SRI LANKA | Colombo**

# The telecom landscape

**B**harti Airtel has announced the launch of the initial phase of a comprehensive network expansion exercise across 250 plus sites in urban, suburban and rural pockets across all districts of Sri Lanka. The announcement came amid rumors that the company was close to selling its operations in Sri Lanka to the UAE-based Etisalat. The two companies have reportedly been negotiating for over five months. The officials of Bharti

Airtel have declined to comment on the news.

Bharti Airtel has been operating in Sri Lanka since 2009 and has invested over \$300 million to roll out its services. But the company continues to make losses, according to Sri Lankan newspaper Ceylon FT, which also reported that the company had been complaining about unfair regulations in Sri Lanka as new players were not allowed to be flexible with tariffs.



Airtel did not participate in the auction for the 4G spectrum, which fuelled rumors that it did not have long-term plans for the Lankan market. **S**

**AFGHANISTAN | Kabul**

# Garage sale

**A**head of its drawdown deadline, the American military in Afghanistan is “auctioning off millions of pounds of tankers, accommodation blocks, tents, generators and other ‘white goods’”. According to the brochure, “all property listed therein is offered for sale ‘as is’ and ‘where is’,” which means successful bidders will have to collect their lots from some of the most dangerous terrain in the world, the forward operating

bases used by U.S. troops in Afghanistan. The equipment includes water and sewage systems, laundry and kitchen facilities – from giant cooking ranges to water purification systems - as well as fortifications and barriers.

Once a deal is done, the buyer will have just to collect the items from wherever they might be within 96 hours. Possible buyers include private contractors who may be in great demand in services such as providing security, logistics support and training



to charities, embassies and the Afghan government once the foreign forces leave. **S**

**AFGHANISTAN | Kabul**

# Poverty drives migration

**T**he United Nations International Labour Organization has revealed that the migration of Afghans from the country has dramatically increased amid uncertainty, poverty and lack of security in Afghanistan. About five percent of the 5.7 million Afghans, who had repatriated to Afghanistan since 2002, have migrated out of the country.

The UN-ILO in its report termed the lack of employment opportunities as the main motive behind the migration of Afghans.

Commenting on the report, the head of the labor association, Maruf Qaderi said that the report of the UN-ILO is based on interviews conducted in peaceful provinces only and therefore it



does not represent the situation across the country. He suggested that an overall survey should be conducted in various provinces of Afghanistan to prepare a proper report regarding laborers across the country. **S**

# Gender imbalance

The quality of jobs for women is still an issue in Bhutan, despite the remarkable progress the country has made in female labor force participation by surpassing the East Asian and Pacific average. This has been revealed in the Gender Policy Note jointly prepared by the World Bank and Bhutan's National Commission for Women and Children. The report observes that women in Bhutan are generally employed in low-paying agricultural jobs, while those employed in the non-agricultural sector earn almost 25 percent less than men. However, there is little gender disparity in terms of overall employment, as indicated

by the 2011 Labor Force Survey, which states that about 72 percent males and 67 percent females are employed. Education, age, location and the type of jobs are the main factors that lead to the gap in earnings, the findings reveal.

The policy recommends that girls should be encouraged and supported to complete secondary and tertiary education. The report also urges that social norms about gender roles in households should be addressed. **S**



# Funds for climate change

The European Union will release an additional €4million to address climate change in the Maldives, bringing the organization's overall contribution to €38million over the past four years. With the grant of €6.5 million to the Climate Change Trust Fund in 2009, the EU became the first body to give funds to the scheme intended to assist the Maldives to become carbon neutral

by 2020. In a recent report titled 'Turn Down The Heat', the World Bank has reasserted the urgent need for concerted efforts to support the Maldives in adapting to climate change, due to a projected sea level rise of 115 centimeters by 2090.

The new EU funds will go towards replicating previous projects with a particular focus on the country's two southernmost atolls – Addu



and Fuvahmulah – which will also receive capacity-building assistance for local government structures. **S**

# Landlocked!

Nepal's Minister for Commerce and Supplies, Shanker Koirala highlighted the structural problems faced by Landlocked Developing Countries at the ninth Ministerial Conference of the World Trade Organization. He focused on the problems of the LLDCs such as lack of direct territorial access to the

sea, isolation from international markets and poor transport and transit infrastructure, resulting in a low share in global trade, lack of diversification of products and markets and marginalization.

Trade facilitation measures, in



particular those related to transit and transport, are important for growth and expansion of external trade of the LLDCs. As a landlocked nation, Nepal must develop this aspect much more aggressively. Referring to the Comprehensive 10-Year Review Conference,

Koirala stated that it can be an occasion for the international community to consider all the unique challenges that the LLDCs face. **S**



# The Case for Judicial Activism



# A People's Judge

**Justice Iftikhar Chaudhry is the symbol of a movement that was rooted in the rule of law.**

By Khwaja Ahmad Hosain

Pakistan's most famous Judge retired on December 11, 2013. One of his colleagues remarked that the Pakistan judiciary had lost its Tendulkar. A leading TV channel ran a prime-time campaign highlighting his achievements and congratulating him on having played a good innings. The reaction of the legal community was mixed. Bar associations defied tradition and failed to honour his departure. The Lahore High Court Bar Association had already filed a reference against him for exceeding his authority.

What is his legacy?

In November 2007, I was arrested in Lahore with 54 other individuals. We were attending a discussion arranged by the Human Rights Commission of Pakistan to consider the emergency that had been imposed by Musharraf. Even though no crime had been committed, the participants were incarcerated for more than 50 hours in various jails and sub-jails. The sessions judge who heard our initial bail application had been instructed by the government to refuse bail. In accordance with the inglorious tradition of the Pakistan judiciary, he complied with these instructions. We were only released on bail two days later when the government decided that a proper message had been sent to all those thinking of speaking against the emergency.

The 2007 emergency was different from past emergencies in two important respects. First, it was targeted primarily at the judiciary and did not remove the government. The problem Musharraf and his political government was facing was that of an independent bench taking decisions against the government. Second, 60 judges of the superior judiciary, including Chief Justice Iftikhar Chaudhry, either refused to take oath or were not invited to take oath under the new 'extra-constitutional' dispensation. This resulted in a judicial purge which removed a large number of able and independent judges. The battle to restore them came to be known as the lawyers' movement.

The image used to illustrate Justice Chaudhry's principled defiance is a picture of him seated next to a uniformed Musharraf at the Army House in March 2007. He had been summoned by the general with regard to a reference that had been sent by the prime minister alleging misconduct. The reference contained various allegations, including allegations relating to undue favors extended to his son, the prodigal Arsalan Iftikhar, and the misuse of official facilities. The aim was to intimidate the judge and to get him to resign. He refused and was suspended. The rest, as they say, is history.

The reference against him was quashed by his fellow judges in June 2007 on the basis that it was in bad faith. There was never any adjudication by the Supreme Judicial

Council, the relevant constitutional body. The Supreme Court through its order effectively bypassed the prescribed constitutional mechanism for deciding allegations against judges. The order was welcomed at the time. The unpopularity of Musharraf and his government was increasing and the composition of the Supreme Judicial Council was such that Justice Chaudhry was unlikely to get a fair hearing before this body.

The initial refusal to resign in the face of a general in March 2007 was a personal decision taken by the judge in his own interest. The heroic defiance that changed the course of history was the stand taken by him and 60 other judges in November 2007. They refused to violate the oath that they had sworn to and refused to swear allegiance to Musharraf's new legal order. As a consequence, they were removed from office and put under effective house arrest. At this stage their future was uncertain. Many of Justice Chaudhry's fellow judges continued to be counselled by practical individuals that they should abandon the discredited chief justice and take oath under the new legal order. The reasoning offered was standard. Do a legal wrong for the sake of the larger good. Sacrifice strict constitutional compliance for a while, because the country needs to be saved.

It was an argument that had resonated with Justice Chaudhry himself seven years earlier. Musharraf's martial law of 1999 had been sanctified by him and his brother judges using the infamous doctrine of necessity. They had even granted the general the authority to amend the constitution which apparently was not even requested by Musharraf's counsel.

But the environment in November 2007 was very different from that in October 1999. In 1999, people were sick of the government of Nawaz Sharif and were glad to see the back of him. In 2007, people were sick

of Musharraf and his cronies and wanted a change. Lawyers, members of civil society, the media and some politicians adopted the cause of the removed judges. After a momentous and passionate movement and a glorious long march, the judges were restored in March 2009.

On the evening of the restoration, I gathered together with a few hundred supporters outside the chief justice's residence in Islamabad. It was an emotional evening. Pakistani citizens of all walks of life, from different political parties and groups, were there to celebrate their citizenship. They were united and all were shouting one slogan: "Rule of Law".

It was Justice Chaudhry's finest hour. He was the symbol of a movement

The restored Chaudhry-led Supreme Court was independent. In spite of this independence, the court did not always behave or decide wisely or well. There was excessive playing to the gallery. Justice was selective.

that had at its heart a fundamental principle which is essential for a fair and prosperous society: the rule of law must take precedence over the rule of man.

The restored Chaudhry-led Supreme Court was independent. In spite of this independence, the court did not always behave or decide wisely or well. There was excessive playing to the gallery. Justice was selective. Unconsidered and unfair remarks were made during the course of arguments that were extensively reported. The Latin term "*suo moto*" became a part of the national lexicon. The price of sugar was reduced, a prime minister was removed, a few missing persons were recovered and the allegations against the prodigal son were held to have not tainted an apparently ignorant father.

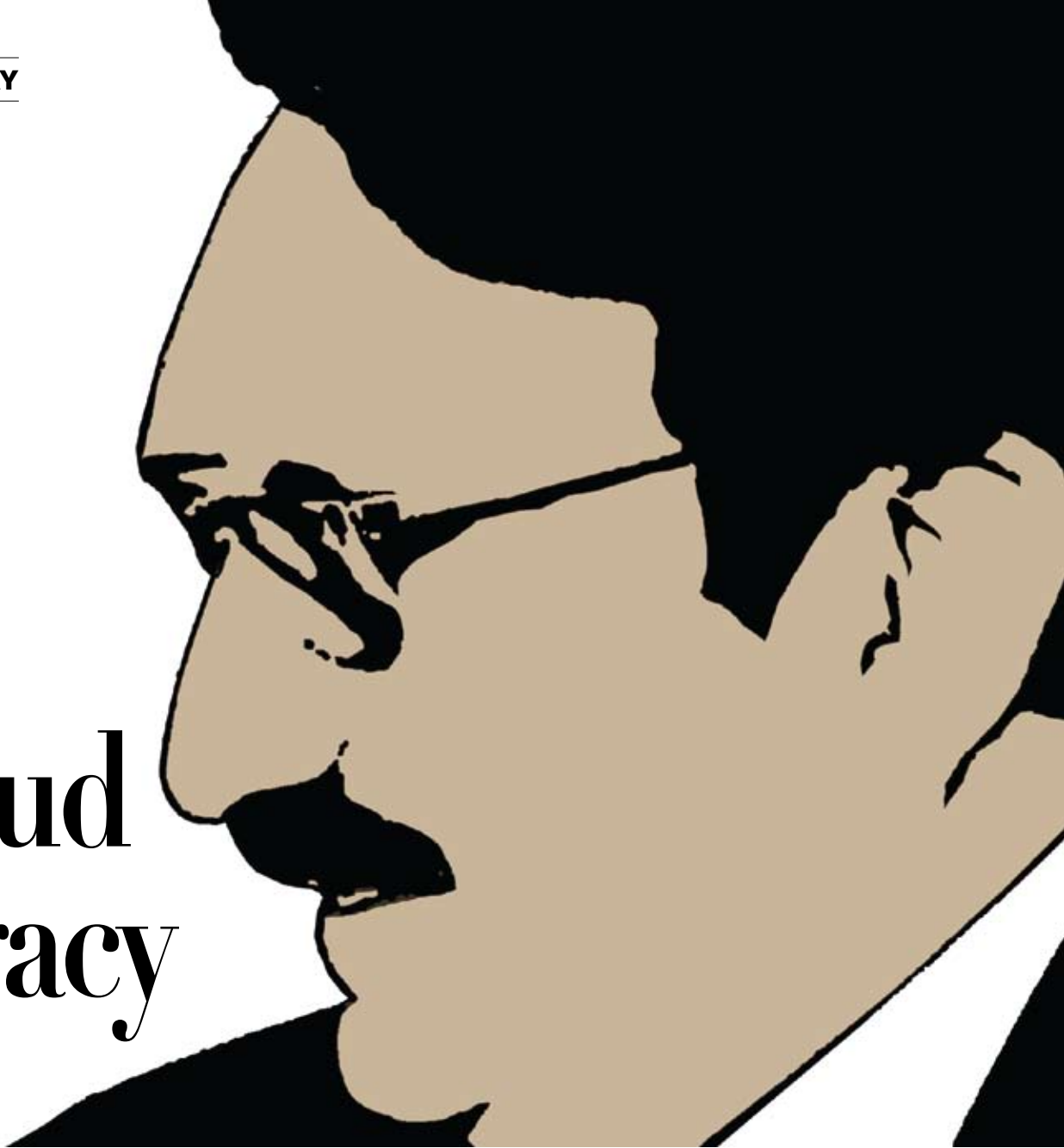
There was little jurisprudence of any worth. There was no dissent. There was more than a little self-righteousness. Since no other institution could be trusted, the Supreme Court adopted the role of investigator, prosecutor and adjudicator. As a result, several parties were effectively condemned unheard and due process and the right of appeal denied. While Justice Chaudhry basked in his reflected glory, the wheels of justice for the bulk of ordinary litigants continued to turn slowly. The condition of the lower judiciary and the delivery of justice to citizens had seen no improvement.

The most important contribution of Justice Chaudhry is that we now have an independent superior judiciary.

The significance of this cannot be overemphasized. The independence was achieved through a historic movement and through the restoration of judges who took a stand and faced hardship for their principles. As a result of this movement, Justice Chaudhry became a public figure. Through his subsequent populist interventions, his fame increased. Everyone knows his name. Politicians are meant to serve the people who elect them. Judges are meant to serve the rule of law. Yet Justice Chaudhry's epitaph will be that he was seen as the "People's Chief Justice". As a nation, let us hope we don't need another. **S**

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# A Proud Legacy



**The retiring chief justice has left indelible footprints on the legacy of the superior judiciary in Pakistan.**

By S.G. Jilane

**W**ith the retirement of Chief Justice Iftikhar Muhammad Chaudhry ended a glorious epoch in the annals of Pakistan's judiciary. Appointed on June 30, 2005 to the post, Chaudhry was not only the longest-serving chief justice of the Supreme Court but also the youngest and most colorful one.

Born on December 12, 1948, he

joined the bar in 1974. In 1976, he was enrolled as advocate of the high court and in 1985 as an advocate of the Supreme Court. In 1989 he was appointed advocate general of Balochistan, became additional judge of the Balochistan High Court in 1990 and became its chief justice in April 1999.

On February 4, 2000 he was

nominated as the justice of the Supreme Court of Pakistan. After the proclamation of the Provisional Constitutional Order (PCO) in January 2000, when four judges resigned after refusing to take oath under the PCO, President Musharraf appointed other judges, including Chaudhry, to the reorganized Supreme Court. This Supreme Court legitimized Musharraf's

extra-constitutional acts.

But after becoming chief justice in 2005, Chaudhry changed. He became independent and assertive. A conspiracy was therefore hatched to remove him to ensure a smooth sailing for Musharraf. Accordingly, complaints “for violating the norms of judicial propriety, corruption, seeking favors and misbehaving with senior lawyers,” with Advocate Naeem Bokhari in the vanguard, began to air against him, though none was filed before any competent authority.

On the basis of these complaints, Musharraf suspended Chaudhry on March 9, 2007 for misconduct, summoned him to the Army House and asked him to resign. But Chaudhry was no Munir. So, instead of kowtowing, he defied Musharraf and refused, whereupon Musharraf filed a reference to the Supreme Judicial Council (SJC) against Chaudhry.

Sensing that the judges of the SJC would follow Musharraf’s dictation, Chaudhry refused to have his case heard in the SJC. Instead, he challenged the allegations in the Supreme Court of Pakistan. On July 20, 2007, a thirteen-member bench of the Supreme Court vacated the order of his suspension and reinstated him to his position as chief justice.

On November 3, 2007, General Musharraf declared a state of emergency suspending the constitution and parliament. He put all the judges of the Supreme Court under house arrest, accusing them of violating Article 209 of the Constitution of 1973.

The house arrest was lifted on March 24, 2008 by the newly elected Prime Minister, Syed Yousuf Raza Gilani. But he did not restore Chaudhry as CJ until March 16, 2009 when the long march by the lawyers agitating for Chaudhry’s reinstatement entered Islamabad.

Back in the saddle, Iftikhar Chaudhry almost overhauled the “system” by relentless action against evil-doers. He used his *suo moto* powers as nobody had done before, principally, to curb corruption, violation of women’s rights

and human rights, besides offering relief to trade unions in some cases.

Just one *suo moto* action on the controversial rental power project case led to the return of several billion rupees to the national kitty. *Suo moto* notices of financial irregularities in the NICL and the EOBI and of corruption in the arrangements for Hajj brought some holy cows to book. A similar bold initiative enabled the Capital Development Authority (CDA) to recover thousands of canals of land worth billions of rupees from the illegal occupation of mafias.

Chaudhry relentlessly tried to rein in the executive and political leaders who ran amuck with power. For, example, when Waheeda Shah, a leader of Pakistan People’s Party (PPP), slapped a presiding officer during elections, he took *suo moto* notice of the event and disqualified Shah.

Among other famous cases in which he took *suo moto* notice were the recovery of liquor from TV actress Atiqah Odho at an airport, graft allegations against his son Arsalan Iftikhar, bringing the powerful murderers of Shahzeb and a Rangers’ soldier who killed Sarfaraz Shah in broad daylight in Karachi, before the court.

Chaudhry never allowed any extraneous consideration to cloud his judgment. He had no hesitation in sending Yousuf Raza Gilani packing when the latter defied the Supreme Court’s order to write to the Swiss authorities to reopen the investigation against Asif Zardari. He was also the first one to take even the army to task for transgressing its powers.

Among his historic actions were suspension of the privatization of the Pakistan Steel Mills (PSM) on the plea of the PSM workers’ union and nullifying the National Reconciliation Ordinance (NRO) that had sought to grant blanket amnesty to corrupt political leaders and bureaucrats.

A very sensitive issue that the CJ grappled with was the “missing persons’ case” relating to people picked up by the army. He pursued

the case so vigorously that the authorities concerned were forced to produce 30 of the missing persons. He even threatened the army officer commanding the Frontier Constabulary with contempt of court proceedings for failing to appear before the court, in connection with the case. Forcing the military to submit to the process of the common law was an unprecedented event in Pakistan’s judicial history. Again, it was Chaudhry’s *suo moto* notice of the target killings in Karachi that jolted the rulers into action.

But when even Nelson Mandela had his detractors, it should be no surprise that Chief Justice Chaudhry, who fearlessly trod on many a powerful toe, had critics. Some accused him of exercising jurisdiction “in a political and partisan manner,” particularly, when the CJ annulled the NRO and went after President Zardari.

But, on balance, there can be no question that Iftikhar Mohammad Chaudhry set a new trend in judicial activity. He exorcised the ghost of Justice Munir and blazed a new trail injecting a full dose of self-esteem in the judiciary so that no Supreme Court chief justice will ever again genuflect before a dictator. He has left his footprints on the sands of time.

Paying tribute to the departing chief justice at the full court reference, Attorney General, Munir A Malik said: “Justice Chaudhry has transformed himself, transformed his court, transformed the law and indeed transformed some of us as well. He has made his court – both ideologically and jurisprudentially – the most influential institution of contemporary history,” adding that “a common denominator in his decisions and indeed the legacy of his court will be remembered in history as the Iftikhar Court.” That about sums up the legacy of the departing chief justice. ■

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# ‘The Supreme Court provided relief to the people.’

**Saeeduzzaman Siddiqui, former Chief Justice of the Supreme Court of Pakistan, speaks to Javeria Shakil in this exclusive interview.**



**You refused to take oath under the PCO in 1999. Gen. Did you ever regret your decision?**

That was a very conscious decision. The judges of the superior court are bound by oath to protect and defend the constitution. After the October 1999 military takeover, Gen. Musharraf had given me two undertakings: first, he would not promulgate the PCO and would never force the judges to take oath under the PCO; and second, he would not ask for the powers to amend the constitution. He agreed and stuck to his commitment for four months. On January 25, 2000, however, he called me at the Prime Minister’s House. There he told me that he was going to promulgate the PCO the next day – on January 26. I reminded him of his commitment but he said that his advisers had asked him to promulgate the PCO if he wanted to stay in

power.

We had a very heated discussion and I told him I would not take oath under the PCO. He asked me to discuss the matter with his advisers, Mr. Sharifuddin Pirzada and Mr. Aziz A Munshi. The latter was also his law minister. Mr. Pirzada wanted a commitment from me in the Zafar Ali Shah case, which was scheduled for hearing the next day. He wanted the assurance that I would give Gen. Musharraf the power to amend the constitution. In support of his argument, he cited the examples of the Nusrat Bhutto case and the Dosso case (in which the Supreme Court had given similar powers to military rulers). But how could a chief justice give such an undertaking? I advised him that he should argue these points before the bench. If he convinced the majority of the judges that these powers could be given to a martial

law administrator, he would have a ruling in his favor.

I left the PM House after telling them that I would not take oath under the PCO. I also told them that the other judges could take the oath if they did not find it wrong. Later that day, three generals – Gen. Ehsan, Gen. Mahmood and Gen. Moinuddin Haider – and a colonel came to my house with Gen. Musharraf’s message. I told them that I had had a detailed discussion on the subject with Gen. Musharraf and his advisers earlier in the day and there was no point in discussing the matter any further. They remained at my residence for about two hours and tried to convince me that it was in the interest of the country and the nation that I take oath under the PCO. I told them I thought otherwise. If I took oath under the PCO, I’d violate the oath I had undertaken under the Constitution of Pakistan and that in

my opinion it would be destructive for the entire legal structure. They left my house at around 11pm, asking me to reconsider my decision and convey it to the gentleman accompanying them, Colonel Javed of the MI, who would come to my house the next morning.

When Colonel Javed came in the morning, I told him I had not changed my decision. He informed me that he had been instructed by the GHQ to keep me inside my house till the time the new chief justice of Pakistan took oath. My house was surrounded by military and police personnel. They did not allow anyone to enter or go out for several hours. Mr. Irshad Hasan Khan was sworn in as the new chief justice. The bench which I had constituted to hear the Zafar Ali Shah case was a 12-member bench. Out of them, six, including myself, refused to take oath under the PCO. So the case couldn't proceed on January 26 because the bench didn't have the required number of judges.

### **What is your view of the stand taken by CJ Iftikhar Chaudhry in March 2007?**

In October 1999, Iftikhar Chaudhry had taken oath under the PCO as chief justice of the Balochistan High Court and again took oath under the PCO in 2000 when he was elevated to the Supreme Court. He succeeded Chief Justice (R) Nazim Hussain Siddiqui in 2005. When he took oath as chief justice of Pakistan, he had not done so under the PCO but under the Constitution of 1973 which had since been restored.

Throughout this period, CJ Chaudhry continued to have a good working relationship with Gen. Musharraf. But in March 2007, Gen. Musharraf called him at the GHQ and asked him to resign. When CJ Chaudhry refused, Gen. Musharraf insulted him. Naturally, CJ Chaudhry was infuriated. He was kept there for many hours. A reference carrying a number of charges against him

was also shown to him. He was told that if he didn't resign, the reference would be sent to the Supreme Judicial Council. He refused to comply. When he finally left the GHQ, he was told that he was no more the chief justice.

An acting chief justice – Justice Javaid Iqbal – was appointed to replace him. The reference was duly filed before the SJC but it was challenged by CJ Chaudhry in the Supreme Court. The bench hearing his case termed the reference mala fide. In July 2007, CJ Chaudhry was reinstated. In order to remove him, Gen. Musharraf declared emergency in November 2007 and all the judges of the Supreme Court and high courts were sacked in one go. Then the lawyers' movement started. It was the result of this movement that CJ Chaudhry was reinstated. After his reinstatement, Iftikhar Chaudhry emerged as a changed man.

### **What forced him to change?**

It was the public (opinion) basically. He couldn't have been reinstated had the lawyers' movement not started. It has never happened in the history of the country before. It was public support which led to his restoration.

### **What forced him to say no to Gen. Musharraf in March 2007?**

I think he took that stand because of the insult meted out to him. It infuriated him and he was determined that he would fight it out. He was the chief justice of Pakistan and you can't tell the chief justice of a country 'sit here and do as we say'. In the March 2007 meeting, although Musharraf had left after some time, the generals who were still there, especially his Chief of Staff, Gen. Hamid Javaid, threatened Iftikhar Chaudhry. He said to CJ Chaudhry, "We will fix you right."

Having had a cordial working relationship with Gen. Musharraf, CJ Chaudhry was not expecting this kind of treatment and he reacted to it. This

reaction proved to be very substantial in terms of the image that he was able to build in the public. He was a changed man after that.

### **How would you compare the Iftikhar Chaudhry of 1999 and 2007?**

They are two entirely different people. Prior to his reinstatement, Iftikhar Chaudhry was party to all those decisions in which Gen. Musharraf was granted the mandate to remain in power for three years, amend the constitution and hold elections after three years. Not a single one of the twelve judges who had heard the Zafar Ali Shah case made a dissenting note. All of them unanimously adopted this position. Javaid Hashmi had been arrested for making some statements against the army. His bail application was heard and rejected by CJ Iftikhar Chaudhry.

But then when he was restored as chief justice of Pakistan, a change was witnessed in the Supreme Court. This new Supreme Court stood against the ruling class. Iftikhar Chaudhry took a very independent position. Right from the day it came into existence in 1949, the Supreme Court of Pakistan had had a very poor public image. It was perceived that the court never gives a decision against the government. This perception, and the Supreme Court's image, completely changed after CJ Chaudhry's restoration.

### **What relief did the Supreme Court provide to the people?**

The Pakistan Steel Mills case is the biggest example. The PSM was being privatized and the process couldn't have been stopped by any other national body.

### **Did the PSM case benefit the country?**

It is true that the PSM is a heavy burden on our economy and is still incurring losses but the way it was being privatized was objectionable. To this extent, CJ Chaudhry provided

relief to the general public and saved a national asset. His intervention was objected to by many people who believed that he was interfering in the executive's domain. But if the executive is not discharging its duty and is not following the law then I think such decisions could be made.

### **What is the genesis of judicial activism in Pakistan?**

It had started when the 1973 Constitution was promulgated. It was for the first time that a constitutional provision was made in the form of Article 184 that gave the Supreme Court direct access to cases. This special jurisdiction of the Supreme Court is also called the Original Jurisdiction. But there are limitations in this provision.

### **Do you think the option of *suo moto* should have been used by the CJ as frequently as it was done?**

Article 184(3) gives extraordinary power to the Supreme Court but this power is to be exercised very cautiously and with circumspection. This article is not meant for deciding individual cases. But during the Iftikhar era, many individual cases that were not subject to Article 184(3) – the rape cases and the abduction cases, for example – were taken up by the Supreme Court. These cases could not be undertaken under Article 184(3) because they had to be decided by the original courts. According to law, cases are to be proceeded in lower courts initially where a person has to be prosecuted. My objection has been that if the SC makes an observation in a case, which court in the country is going to ignore that observation? In the Asghar Khan case, for example, CJ Chaudhry made an observation that Gen. Mirza Aslam Beg and Gen. Durrani have violated the constitution and so the government should take appropriate action for their prosecution in accordance with the law.

Now which court will prosecute

them? Which court in Pakistan is going to go through the Supreme Court's observations in the Asghar Khan case about Gen. Aslam Beg and Gen. Durrani and say that these observations are not correct? That is why I say the Supreme Court cannot take up individual cases because that is the job of the trial court where the case has to proceed.

Activism is fine but the court should show restraint. In fact, Article 184(3) is a check on the powers of the SC. Otherwise it can do anything. It has fixed the sugar prices under the same article. What happened to that decision? It was never followed. Also, when you take up a case under this provision, there is no adversary. The court itself takes *suo moto* notice and decides a case. Where is the other side's view? In my opinion, there can be no adjudication under Article 184(3). It is not meant for adjudication. It is for laying down the policy of law which is to be followed by the government and its functionaries.

I may not agree with many of his decisions because he transgressed the limits and interfered in the executive's domain. But the way the government was functioning in those days, people had to go somewhere for obtaining relief. If you look in this context, then the SC provided relief to people. Those were extraordinary times and perhaps the CJ was acting under the pressure of public opinion because he was restored as a result of a public movement.

### **What are your views on the Arsalan Iftikhar case?**

I think CJ Chaudhry should have allowed the case to go through the normal course of law. Instead, he constituted the Suddle Commission which came out with a report but the case did not proceed. As this matter is related to the good name of the CJ, it should have been cleared in a transparent manner.

It would have been better if the

case had reached its ultimate end during Iftikhar Chaudhry's tenure as CJ. However, the case should be reopened. If his son has done anything wrong he should get punishment. It is in the interest of the judiciary and Iftikhar Chaudhry himself that his name must be cleared as otherwise people will keep on talking about it.

### **PPP leader Faisal Raza Abidi leveled a number of serious allegations against CJ Chaudhry and his son. Why wasn't he charged with contempt of court?**

This is a common complaint. In my opinion Abidi should have been tried for contempt. But perhaps the CJ did not want it. He didn't want to go into that controversy.

### **CJ Chaudhry enjoyed extra media attention. Do you agree?**

All judges sign a code of conduct when they enter the court. It prohibits them from making such remarks in a case from which people can conclude what is going to happen. It also says that the judges should not seek publicity in the press. This was not practiced. Every word uttered by the former chief justice was reported in the media, many times even out of context.

### **What did the outgoing CJ do for judicial reforms?**

Iftikhar Chaudhry did not carry out any judicial reforms because he was too busy with the *suo moto* cases. He had initiated so many cases that he did not get any time to focus on other issues. He himself had admitted that he was not able to improve the system of the lower courts, where judicial reforms are direly needed. If you really want to make the judicial system a responsive one, then you must address the issues afflicting the lower courts.

The Supreme Court has built its image and has established that it is an independent court. Now it should devote more time to judicial reforms. ■



# Pushing the Envelope

**Going against the might of the judges was too tall an order for any party, even the PPP. But for the very first time in history the executive thought twice.**

By Asad Rahim Khan

In his wonderful book on sharia law, Sadakat Kadri tells us about the Caliph al-Mansur's legal headaches as far back as the eighth century. Writes Mr. Kadri, 'Islam

simply lacked any settled traditions about how to judge according to the sharia...Many members of the ulama were not only reluctant to pronounce on a co-religionist's sinfulness; they

were manifestly terrified of doing so.'

Mr. Kadri made his point with 'the story of a North African scholar who was instructed to decide a case according to the sharia by the

governor of the Maghrib. He had to be escorted under armed guard to the mosque, and agreed to hear the litigants only after the governor's guards tied him up, took him to the roof and threatened to throw him off. Even then, he cried so much that the parties decided it would be better for all concerned if they took their quarrel elsewhere.'

Mr. Kadri thinks that a generation of jurists, having seen brother kill brother in Islam's civil wars, reacted by outsourcing as much 'judgment' as they could to the Resurrection. Whatever the case, it seems that the judiciary's role in society was being debated long before General Musharraf's very, very bad day in 2007. Of the thousands and thousands of state cogs the general could have sent home, he picked the one that wasn't about to budge - Chief Justice Iftikhar Muhammad Chaudhry.

And when the dust cleared, one thing was for certain: no al-Mansur could fault this judiciary for inaction (one wonders though, whether the old caliphs would have preferred their qazis' tearful restraint instead).

If through rose-tinted glasses, the last six years have shown us two unprecedented achievements - the rise and rise of an 'independent judiciary', and the liberal civil rights movement that led to its restoration.

The latter was the lawyers' movement, taken at its highest of course; a sea of black ties scrabbling against the state...with mixed results. Though its core creed, if overly ambitious, was to restore the rule of law, it had to make do with restoring dignity to the lawgiver instead, and then hoping to follow his cue.

And what a cue it was. Suo motus were taken, Swiss letters were written, and a prime minister sent home. And in some aspects, the rule of law bulldozed into areas where once angels feared to tread, moral and military. While 'judicial activism' gave us the targeting

of many an Atiqah Odho, it also declared Missing Persons - a phrase straight from Orwell's 1984 - illegal.

That's why a hundred years from now, history may just throw up this judiciary, irreverent and angry, on the plus side of things.

Not for any of its big acts perhaps: Swiss letters were forced through, but Asif Zardari still made it to the finish line. Yousuf Raza Gilani's dismissal was cheered by few (if mourned by none), and his replacement by Raja Pervaiz Ashraf sent out a business-as-usual vibe for the first time in Pakistan, often twisting and turning when previous PMs were flung out. Nothing came of contempt notices served on Imran and Altaf - though one apologized and one didn't - and the judicial interest that inflamed Memogate achieved little save for Husain Haqqani writing furious books from Boston. Headway was made in the Missing Persons' case, but the full story is yet to be written.

On paper, the record is patchy. But looking beyond the tally, judicial activism's greatest legacy is more idea than act: the rights of the citizen. Those rights, screamed the critics, were enforced via overreach; via the judges stepping into economics and politics and any branch of the state that was furthest removed from it. It gave us all manner of People's Party gents, from Babar Awan in sunglasses to Faisal Raza Abidis breathing hellfire, going toe-to-toe with the bench, before being thrown under a bus by the same party they defended. Going up against the might of the judges, it seemed, was too tall an order for any party, even the People's.

But it also meant that, for the very first time in history, the executive thought twice. And that's no small feat for any Pakistani institution to have pulled off.

No doubt the judiciary is 'politicized'. Perhaps the more urgent question should be, is it partisan too?

Yes, the bench goes gunning for some parties more gleefully than others, but that's a crease to be ironed out with time. Judiciaries maturer than ours have fallen prey to taking sides: Bush vs. Gore saw each blue justice pull for Gore (appointed as they were by Willy Clinton himself), only to be out-decided by Reagan and H.W.'s reds. The judiciary eventually will, at best, move beyond the baby biases it built up during the lawyers' movement, and institutionalize. At worst, with the poison pit that is incumbency, it will start hating everyone in office equally - the first step was hauling in Imran Khan, one of the movement's many stars, for contempt.

As for the cherry of depoliticization, the court has begun realizing it need not be political to be populist. Should the average Pakistani grasp that the men in robes are truly impartial, it will strengthen the courts' legitimacy in a land that has ignored it far too long.

It is, in any case, a clear improvement over the yes-men of yore, whose allegiance began the day one stepped into the Aiwan-i-Sadr, and ended the day they stepped out. No doubt there are a million cracks in the current judicial setup. But who in their right mind would prefer any of its predecessors?

That too is part of the never-before-seen-nature of what is happening - PCO after PCO after packed bench, the judges are finally getting their say. And it is tribute to all those dissenters - and there's not a few going out with a bang in our judicial history - that shouted from the rooftops, that were asked to sign all number of PCOs, rubber-stamp all manner of judgments, chase after all kinds of political opponents, and in the end sided with what was right. This is their bench, before anyone else's. ■

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# What the others say...

SouthAsia asked a number of people how Iftikhar Mohammad Chaudhry performed in office. Here are some responses:



**Malik Amin Aslam, Central Vice President, PTI**

After the historic restoration of the deposed judges, the renewed tenure of former Chief Justice Iftikhar Chaudhry started with euphoric expectations coming at the heels of a successful lawyers' movement. In hindsight, the CJ was quite successful in raising judicial activism to new heights, especially using the *suo moto* tool for addressing issues of public interest, such as rising inflation, escalation of utility prices, exposing and arresting white collar mega-corruption scandals and trying to solve the mystery behind "missing persons" in Pakistan.

However, this same public interest tool became controversial when its "selective" application came into play. The electoral fraud of 2013 was unveiled by NADRA checks and then blatantly endorsed by the ECP, which publicly acknowledged the failure of the vote-checking system. Unfortunately, the CJ's *carte blanche suo moto* powers failed to take legal cognizance and judicial action where it was most wanted. This was the "mother of all public interest cases" which the CJ chose to ignore and that will, undoubtedly, cast a shadow on his, otherwise, useful tenure.

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**Shahzad Chaudhry, Air Vice Marshal (R)**

The tenure of former Chief Justice Iftikhar Chaudhry will be remembered for the excessive use of the *suo moto* provision. He will also be remembered for having said no to a military government's desire that he step down. Iftikhar Chaudhry was a complex person and therefore ran a controversial term. He rebounded from an absolutely normal stature to a larger-than-life figure when the lawyers' community stood behind him and led a countrywide campaign to reinstate him after he was removed following his refusal to step down.

Some of his decisions were poor and interfered in the executive's functioning. One such decision was the halting of privatization of some PSEs. These have since gobbled billions as they remain irrecoverable and continue to perform badly. His intervention in fixing prices of some commodities indicated a poor understanding of market forces and the mechanics of administration.

He overtly sought recognition. He desired the best cars and a protocol where he would always be saluted by uniformed personnel. He betrayed a strange fetish for the uniform and was upset when a uniformed person would appear before him in civilian clothes. He seemed to have a similar fetish for power and continued to challenge those in authority as an implicit indication of his even greater power over them as a chief justice. He sent packing a prime minister, a NAB chairman and many more. He is also said to have a liking for the media and made observations and remarks when he knew they would make news.

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**Shamshad Ahmad, Former Foreign Secretary**

No matter what his detractors say, Iftikhar Chaudhry's tenure as Chief Justice was a high watermark in our checkered judicial history. It marked the dawn of an independent judiciary in Pakistan, where constitutions have been violated in letter and spirit with a 'custom-made' judiciary always available to sanctify military coups.

With its restoration, the newly independent judiciary was seen by the nation as a ray of hope and redemption, and since then it has indeed been repaying some of its old debts owed to the nation since the 1950s. It has buried the infamous "doctrine of necessity" forever, and now seeks

to uphold the rule of law and constitutional supremacy in the country.

But are our political leaders ready to reverse the galling tide of history? Do they now subscribe to any value system? Do they have the will or the capacity to function democratically and constitutionally? Have they learnt any lessons from their own failures that invariably led to successive political breakdowns and long spells of military rule? What our political gnomes today forget is that an independent judiciary is their strength, not weakness. They must respect its verdicts and enforce the rule of law, before it is too late.

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**Basil Nabi Malik, Attorney at Law**

The tenure of the former Chief Justice Iftikhar Chaudhry is punctuated by milestones but also marred by controversies. He played a pivotal role in establishing an independent judiciary, expanding the powers of the court, holding political and military officials to task and championing human rights.

However, the episode involving his son raises many unanswered questions. No significant efforts were made to better the lower judiciary or strengthen the tools holding judges accountable for their actions.

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**Saeed Khalid, Former Ambassador**

Chief Justice Chaudhry's great contribution was by way of challenging the arbitrariness of the executive branch. General Musharraf perceived this attitude as a direct threat to his authority. In suspending the CJ, Musharraf underestimated the adversary but also ignored another change that had come about: the explosion of private channels. Live TV coverage had greatly strengthened the exercise of freedom of expression in the country. Musharraf would pay for his errors, eventually leaving office. The CJ's return was one of the most important events in our history.

There is no doubt that through Chaudhry's reinstatement the judiciary's stature has gone up. However, that has not assured provision of justice to ordinary citizens. There are signs that the new

CJ would be more focused on dispensing *adal* to the people rather than making headlines by challenging the executive on a daily basis.

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**Dr. Ikramul Haq, Advocate, Supreme Court**

The emphatic 'NO' by Iftikhar Chaudhry to General Musharraf, a laudable act, changed the entire judicial landscape of our country. On November 3, 2007, Musharraf imposed a judiciary-specific martial law and for judges it became a matter of survival. The people's struggle from March 9, 2007 to July 20, 2007 and from November 3, 2007 to March 16, 2009, culminated in the second restitution of Iftikhar Muhammad Chaudhry as the Chief Justice of Pakistan in March 2009.

As March 2009 brought "justice" for Iftikhar Muhammad Chaudhry, the Supreme Court, as an institution, also conveyed a change in categorical terms – no longer a defender of military takeovers. Iftikhar Chaudhry soon became controversial for what many allege to be an "abuse" of *suo moto* powers that caused panic in many circles. The PPP government alleged transgression of constitutional limits whereas CJ Chaudhry was adamant that if people's rights were violated, the court had no option but to interfere. History will judge Iftikhar Muhammad Chaudhry, but the fact remains that as a chief justice he did little to implement the much-needed reform agenda that would remove snags in a judicial system that is hopelessly redundant, painfully unproductive and marred by inefficiency and inordinate delays.

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# UPCOMING B2B EVENTS ...



25-27 February 2014

Pak-China Friendship Centre, Islamabad  
10th International Safety & Security Exhibition  
Website: [www.safesecurepakistan.com](http://www.safesecurepakistan.com)  
E-mail: [info@safesecurepakistan.com](mailto:info@safesecurepakistan.com)



27 February 2014, Serena Hotel Islamabad

3rd International Multi-Modal Transportation,  
Logistics Conference

Website: [www.intertranspakistan.com](http://www.intertranspakistan.com)  
E-mail: [info@intertranspakistan.com](mailto:info@intertranspakistan.com)



**POGEE**

28 - 30 May 2014, Expo Centre Lahore

12th International Exhibition for the Energy Industry  
Website: [www.pogee.com.pk](http://www.pogee.com.pk)  
E-mail: [info@pogee.com.pk](mailto:info@pogee.com.pk)



27 - 29 March 2014, Expo Centre Lahore

12th Edition of the International Machinery  
Exhibition of Garment & Textile Technology  
Website: [www.megatechpakistan.com](http://www.megatechpakistan.com)  
E-mail: [info@megatechpakistan.com](mailto:info@megatechpakistan.com)



4-6 September 2014

Expo Centre Lahore

12th International Plastics & Packaging  
Industry Trade Fair

Website: [www.plastipac.com.pk](http://www.plastipac.com.pk)  
E-mail: [info@plastipac.com.pk](mailto:info@plastipac.com.pk)



4-6 September 2014

Expo Centre Lahore

11th Edition of the International Food, Beverage  
& Packaging Technology Trade Fair

Website: [www.foodtech.com.pk](http://www.foodtech.com.pk)  
E-mail: [info@foodtech.com.pk](mailto:info@foodtech.com.pk)



4-6 September 2014

Expo Centre Lahore

3rd International Food, Beverages &  
Hospitality Trade Fair

Website: [www.foodtech.com.pk](http://www.foodtech.com.pk)  
E-mail: [info@foodtech.com.pk](mailto:info@foodtech.com.pk)



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# Nelson Mandela

## — a Tribute

*"What counts in life is not the mere fact that we have lived. It is what difference we have made to the lives of others that will determine the significance of the life we lead."*

— Nelson Mandela

When some 4,500 people, including foreign dignitaries, attended the burial of Nelson Mandela on December 15 at Qunu, a small rural village in South Africa's Eastern Cape Province where Mandela grew up, they witnessed the burial of an icon who had given so much to humanity with his exemplary life.

Mandela died at his home in Johannesburg on 5 December, 2013, at the age of 95.

It was a state funeral the like of which South Africa had never seen. The venue was engulfed in a sombre mood as mourners chanted "*Lizalise idinga lakho*," meaning "Fulfill your promise, Lord." This was also one of Mandela's favourite church hymns.

Listening to the tributes at the funeral were Graca Machel, his widow, and his second wife, Winnie-Madikizela Mandela, who sat on either side of President Jacob Zuma.

African National Congress members, veterans of the fight against apartheid and foreign dignitaries, including several African presidents, Archbishop Desmond Tutu, the Prince of Wales and Oprah Winfrey were among the guests.

Nelson Rolihlahla Mandela was a South African anti-apartheid revolutionary, politician, and philanthropist who served as President of South Africa from 1994 to 1999.

He was South Africa's first black chief executive and the first person to be elected in South Africa through a fully representative democratic election. His life's struggle was directed at doing away with the evil of apartheid and he achieved his goal by relentlessly working against racism,

poverty and inequality and fostering racial reconciliation. He served as President of the African National Congress (ANC) from 1991 to 1997 and also as Secretary General of the Non-Aligned Movement from 1998 to 1999.

Mandela served over 27 years in prison, initially on Robben Island and later in Pollsmoor Prison and Victor Verster Prison. Following a hard-hitting international campaign that lobbied for his release, Mandela finally came out in 1990 and was invited by F. W. de Klerk, South Africa's white president, to join him in abolishing apartheid and to go for multiracial elections in 1994.

In these elections, Mandela led his ANC to victory and was asked to become South Africa's first black president.

He called his government the Government of National Unity and invited several other political parties to join the cabinet. He also created the well-known Truth and Reconciliation Commission to investigate past human rights abuses.

Mandela's administration also introduced measures to encourage land reform, combat poverty and expand healthcare services.

The Nobel Peace Prize for 1993 was awarded jointly to Nelson Mandela and Frederik Willem de Klerk for their work for the peaceful termination of the apartheid regime and for laying the foundations for a new and democratic South Africa;

In September 1998, Mandela was appointed Secretary-General of the Non-Aligned Movement, which held its annual conference in Durban. He used the event to criticize the "narrow, chauvinistic interests" of the Israeli government in stalling

negotiations to end the Israeli-Palestinian conflict and urged India and Pakistan to negotiate an end to the Kashmir conflict, for which he was criticized by both Israel and India.

Nelson Mandela stepped down in 1999 after one term as President. He continued to work with the Nelson Mandela Children's Fund he had set up in 1995 and established the Nelson Mandela Foundation and The Mandela Rhodes Foundation. Otherwise, he sought a quiet family life that was divided between Johannesburg and Qunu.

In the death of Nelson Mandela, the world has become all the poorer because we have lost an exceptional leader. Mandela's lifelong struggle for human rights has no parallel – it was an epic struggle against racism and discrimination. He was deeply dedicated to human dignity and bridged peace and dialogue by paying a heavy personal price for it with his struggle.

Nelson Mandela has left an ineffaceable legacy for the world and has engraved his life's struggles in the saga of world history for all times to come. **S**



# 'Hamba Kahle Tata Madiba'

*(Go well, Uncle Mandela)*

"He was a unifier from the moment he walked out of prison. He taught us how to come together and believe in ourselves. He inspired us to walk the path of forgiveness and reconciliation and so South Africa did not go up in flames. Thank you, God, for this wonderful gift who became a moral colossus, a global icon of forgiveness and reconciliation. May he rest in peace and rise in glory."

**Archbishop Desmond Tutu**  
*South African Social Rights Activist*

"He went to school barefoot yet he rose to be one of the greatest leaders of the world. Today we say goodbye to South Africa's most famous son."

**Cyril Ramaphosa**  
*African National Congress Leader*

"Farewell, my dear brother. My life is a vacuum. I don't know who to turn to."

**Ahman Kathrada**  
*Fellow Political Prisoner*

"There are too many leaders who claim solidarity with Madiba's struggle for freedom, but do not tolerate dissent from their own people. Nothing he achieved was inevitable. In the arc of his life, we see a man who earned his place in history through struggle and shrewdness, persistence and faith."

**Barack Obama**  
*U.S. President*

"That we are Madiba's compatriots and that we lived in Madiba's time is a reason for great celebration."

**Jacob Zuma**  
*South African President*

"One man united an entire world, one man changed an entire world, one man with a moral force has shown that he is stronger than all armies,

stronger than all forces. We shall remember him with love and appreciation and we shall not forget his personality because we need it to guide our lives in the future."

**Shimon Peres**  
*Israeli President*

"Mandela will not go down in history for the 27 years he spent behind bars...but because he was able to free his soul from the poison that such unjust punishment can cause."

**Raul Castro**  
*Cuban Leader*

"Mandela has done it again...We see leaders representing many points of view, and people from all walks of life. All here, united. He showed the awesome power of forgiveness and of connecting people with each other."

**Ban Ki-Moon**  
*United Nations Secretary-General*

"A giant among men has passed away. This is as much India's loss as South Africa's. He was a true Gandhian. His life and work will remain a source of eternal inspiration for generations to come. I join all those who are praying for his soul."

**Manmohan Singh**  
*Indian Prime Minister*

"He made us understand that we can change the world. We can change the world by changing attitudes, by changing perceptions. For this reason I would like to pay him tribute as a great human being who raised the standard of humanity."

**Aung San Suu Kyi**  
*Myanmar Opposition Leader*

"A great light has gone out in the world. Nelson Mandela was a hero of our time."

**David Cameron**  
*British Prime Minister*

**A**fter long years of hibernation, Begum Nasim Wali Khan, a former leader of the Awami National Party and the wife of the late Khan Wali Khan, has decided to rescue the party from the clutches of those who have, according to her, “nearly destroyed the legacy of Bacha Khan and Wali Khan”. In the statement that announced her comeback, she accused the current party leadership of gross incompetence, corruption and indifference to the cause that the party has stood for since the inception of Pakistan.

Whether, and to what extent, her return to active politics would change the orientation or policies of the ANP remains to be seen. The ANP, once a formidable force in the politics of Khyber Pakhtunkhwa, and at times, in Balochistan, has been reduced to a non-significant position following its humiliating defeat in the May 2013 elections. It could barely capture two seats in the National Assembly.

The woes of the party are deep-seated. The fundamental malaise that afflicts most political organizations in Pakistan is that leaders are tempted to transform their parties into family fiefdoms. Dynastic control of political parties robs them of their quintessential attributes of transparency and commitment to public welfare and casts doubts on their pledge to uphold the rule of law. This practice becomes even more ominous when the progeny down the line do not show the resolve, capacity or character that was the hallmark of their forefathers in managing and guiding parties.

The ANP also suffers from this malignant and debilitating malaise. When the baton was passed on to Asfandiyar Wali Khan, after Begum Wali was conveniently sidelined, it was immediately obvious that some ‘major’ forces were at play

in helping realign the party and making it compatible with the wider interests and agenda of the United States.

In 2007, the Chief of the party, Asfandiyar Khan and his close associate, Afrasiab Khattak were invited to the U.S. where they were allegedly briefed about U.S. goals in the region and were taken into

beginning of the emergence of a new cadre of ‘leaders’.

When the party came into power in KPK, and also won a few ministerial slots in the federal cabinet, most of its leaders faced unsavory charges of corruption. This annoyed many dedicated workers of the party. Moreover, the ANP was also seen to be toeing the U.S. line,

# The Second Coming

**Begum Nasim Wali’s entry into politics could accelerate the demise and disintegration of the ANP.**

**By Rustam Shah Mohmand**

‘confidence’ about the role ‘nationalist parties’ can play in restricting the influence of ‘religious’ parties that were in power in the frontier province at that time. Azam Hoti, the brother of Begum Wali, recently claimed at a press conference that the U.S. had given \$35 million to Asfandiyar Khan in return for the party’s support for its agenda against the Taliban and their supporters in Pakistan. That was the

which went against the dominant sentiment in the Pakhtoon areas. Workers were disillusioned and many of them became totally indifferent to a movement which they regarded, until then, as one that epitomized selfless service to the people and which was always willing to offer sacrifices to safeguard the interests of the Pakhtoons.

In such a dismal setting, with the

cadres having lost all hope of the ANP playing any decisive role for democracy or the protection of the rights of the people, what could be the role of the former leader of the party – Begum Nasim Wali Khan? Could her advent into the political arena be a game changer? Could she infuse a new dynamism into the party and its workers? Could she purge

against her carving out a space for herself in a reinvigorated political environment. There is no charisma in the octogenarian leader that would work for her. It may be too Herculean a task for her to undertake.

Many party activists were disappointed when she surrendered tamely to the lobby of Afrasiab and Asfandiyar when they conspired to

The party has lost its appeal to the people, more so to the electorate. Begum Wali cannot change all this in her final innings when she is no longer enjoying a robust health and does not have the energy or vitality to undertake the monumental task of reinventing a party that has lost its luster and failed miserably in coming up to the expectations of the people.

The five-year stint of the ANP in office – the first since Dr Khan Sahib's government in the frontier province was sacked by Mr. Jinnah on August 21, 1947, barely seven days into the creation of the country – was marked by sheer incompetence, corruption and nepotism and has deprived the party of its very *raison d'être*. In these circumstances, the re-entry of Begum Wali would not alter either the image of the party or the attitude of the people towards it.

What the party needs is a reassessment of its goals and objectives, a fundamental reorientation of its strategy, a new manifesto, a revolutionary socio-economic program and an untainted leadership which could inspire workers and attract educated people who could launch the party on a new trajectory. It needs a new leadership which could end the militarization of the province and the tribal areas. Begum Wali does not seem to possess the attributes that such a role would require.

Her entry into politics would thus change very little. As a matter of fact, this phenomenon will be transitory, not long-lasting. It will be a flicker that would fade out soon. It may, on the contrary, accelerate the demise and disintegration of a party which is fast becoming outdated and irrelevant in the current scheme of things. ■

*The writer is a former interior secretary and ambassador.*



the party of the elements that have disfigured it and are fundamentally incompatible intellectually with the policy that has been espoused by its founding fathers?

For one thing, the ageing wife of Wali Khan may not be able to either attract attention or evoke sympathy among the declining numbers of workers who constitute the core of the party. Her age would militate

end her domination over the party. Also, most party loyalists do not see any revolutionary change either in the policy or the manifesto of the party with her reemergence from oblivion after all these long years.

The ANP has very little to show for its achievements when it ruled the KPK from 2008 to 2013. To the common man, a change in the name of the province has not delivered anything.



# Droned Out!

**Few political forces have emphasized on what Pakistan should do to stop drone attacks.**

By **Yaqoob Khan Bangash**

The issue of drones has been an on-again off-again topic of discussion in Pakistan ever since the first drone strike hit the tribal belt in 2004. Until 2013, there had been over 369 strikes in Pakistan. The estimated number of suspected terrorists killed in these attacks was somewhere between 1600-2500 while there were over 300 confirmed civilian deaths and several hundred 'unknown' deaths, according to data collected by the Washington DC-based New America Foundation.

In a country beset with terrorism, sectarian violence, economic and political instability, the importance given to the 'drone issue' by political parties is indeed significant, especially since most people killed in these attacks are confirmed terrorists. The number of civilian casualties in drone attacks is quite low compared with deaths in Karachi in target killings and sectarian violence in a period of two months - not that there is any relativity in deaths, or that it is simply a numbers issue.

The recent 'dharna' by the Pakistan Tehrik-e-Insaf (PTI) against NATO supplies until drone strikes were

discontinued has brought the issue to the fore again. Several political parties have voiced their opposition to the strikes and the National Assembly has passed various resolutions - the latest one on December 11, 2013 - affirming unanimous opposition to the strikes and demanding immediate end to the attacks. But while there seems to be an almost across-the-board opposition in principle to drone strikes, several political parties seem to have a different view, though in small print.

The Pakistan Peoples Party (PPP), in power from 2008 to 2013, for example, only has a notional opposition to drone strikes. So, when a PPP MPA from Bannu, Fakhar Azam Khan Wazir, released advertisements in newspapers supporting the PTI dharna, the party immediately issued a show cause notice to him for causing 'confusion in the party about its policy line'. The notice, signed by Additional Secretary General Raza Rabbani, stated that 'the placement of these ads had led to a wholly erroneous impression that the call to block NATO supply routes comes from the party's leadership and is in accordance with the party

policy.' The PPP maintained that while it opposed drone strikes, stopping NATO supplies was a decision for the federal government alone.

In contrast, the PTI of Imran Khan sees blocking of NATO supplies as a legitimate strategy to end drone attacks. In fact, according to news reports, Imran Khan has even blamed the prevalence of terrorism on drone attacks. The dharna of the PTI and its allied parties continues in small doses but without the official participation of the Khyber Pakhtunkhwa government.

Religious parties, the Jamaat-e-Islami (JI) and the Jamiat-e-Ulema-e-Islam Fazlur Rahman (JUI-F), have also unequivocally opposed drone strikes. Maulana Fazlur Rahman has gone so far as to state that 'anyone killed by the U.S. is a martyr, even if it is a dog.' These parties have fully supported the sit-in of the PTI and have called for a complete end to drone attacks as well as any contacts with the U.S. administration.

On the government side, there is an agreement on the opposition to drone strikes, but a clear difference can be observed in tone among its members. The prime minister maintains his

condemnation of attacks and recently stated that he condemns 'these acts from the core of his heart', but there is a clear difference of emphasis among government ministers.

While the Prime Minister's Advisor on Foreign Affairs, Sartaj Aziz, cautiously noted their 'counterproductive effect and reiterated the call to the U.S. to review its policy which has a negative impact on the government's efforts to bring peace and stability in Pakistan and the region', Chaudhry Nisar Ali, the Interior Minister, noted after the Hangu attack, "The United States does not want peace in Pakistan... As the interior minister, I never trusted U.S. assurances as they have been telling me several stories of 'Alif Laila.' Now, the time has come that we'll have to choose between dollars and honour." Further, both the prime minister and the Information Minister, Pervez Rashid, have publically called the PTI sit-ins counterproductive, maintaining dialogue to be the 'only solution'. This apparent confusion amidst the ranks of the government has led the PTI to mock it several times.

Why do all major Pakistani political parties agree on their opposition to drone attacks but disagree on a strategy to deal with them?

Firstly, all political parties know that drone attacks do Pakistan's dirty work to a great extent. The report of the International Crisis Group succinctly described the attitude of Pakistan towards drones. It notes: "Pakistan's attitude towards drones borders on the schizophrenic. Rather than inherently opposing the strikes, its leadership, in particular its military, seeks greater control over target selection." Pakistani political parties, especially its military, know that a majority of those killed in drone strikes are the enemies of Pakistan and that their elimination in fact helps Pakistan tackle its terrorism problem.

Secondly, a close look reveals that the PPP and the PML-N primarily

oppose the 'effect' of drone strikes, and do not oppose their tactical use. The opposition whipped up by some parties and rightwing organizations and the impetus such attacks supposedly give to terrorists, are the effects these parties term as counterproductive. As they have been in government, they know the importance of drone attacks in eliminating Pakistan's enemies.

For the PTI, opposition to drone attacks is quite simply a tactic to move attention away from its abysmal performance in the only province where it rules. It needs a divergence, and the drone issue offers a very sound deviation strategy - just like the Kashmir issue did in the past. Jingoistic statements by the leaders of the PTI clearly show that sit-ins are merely for political mileage. For religious parties, fomenting anti-American sentiment is always the mainstay of their support and therefore fanning it only improves their influence and hold. In the past too, religious parties successfully used and channelled anti-American sentiment to come into power.

Both the current and previous governments have also voiced their opposition to drone strikes in the UN. As a result, the UN General Assembly passed a resolution on December 18, 2013, in response to the report of the UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism. The report states: "There is strong evidence to suggest that between June 2004 and June 2008 remotely piloted aircraft strikes in FATA were conducted with the active consent and approval of senior members of the Pakistani military... On 12 April 2012, however, both houses of the parliament unanimously adopted guidelines for revised terms of engagement with the U.S., NATO and ISAF... Since the May 2013 elections, the Special Rapporteur has been informed by the new Administration that it adopts

the same position as its predecessor: drone strikes are counterproductive, contrary to international law, a violation of Pakistani sovereignty and territorial integrity, and should cease immediately."

The Rapporteur, however, identified 'a number of legal questions on which there is currently no clear international consensus.' International laws relating to drones are unclear. Similarly, Pakistan's claim that 'it successfully coordinated with like-minded states to include references to the use of drones in the resolution,' is also self-congratulatory as the resolution does not state anything new and was bound to refer to them since the report was mainly about drone strikes. The excitement the resolution generated in Pakistan (mainly because of the Pakistani news media) was also misleading since it used terms which suggested that this resolution was more than the scores of well-meaning, yet non-enforceable, resolutions of the UN General Assembly.

Very few political forces have emphasized on what Pakistan should do to stem drone attacks in the long run. The International Crisis Group report recommended, rightly, that 'the core of any Pakistani counterterrorism strategy in this area should be to incorporate FATA into the country's legal and constitutional mainstream. This should be accompanied by a national counterterrorism policy that prioritizes the modernization of a failing criminal justice sector, thus enabling the state to bring violent extremists to justice.'

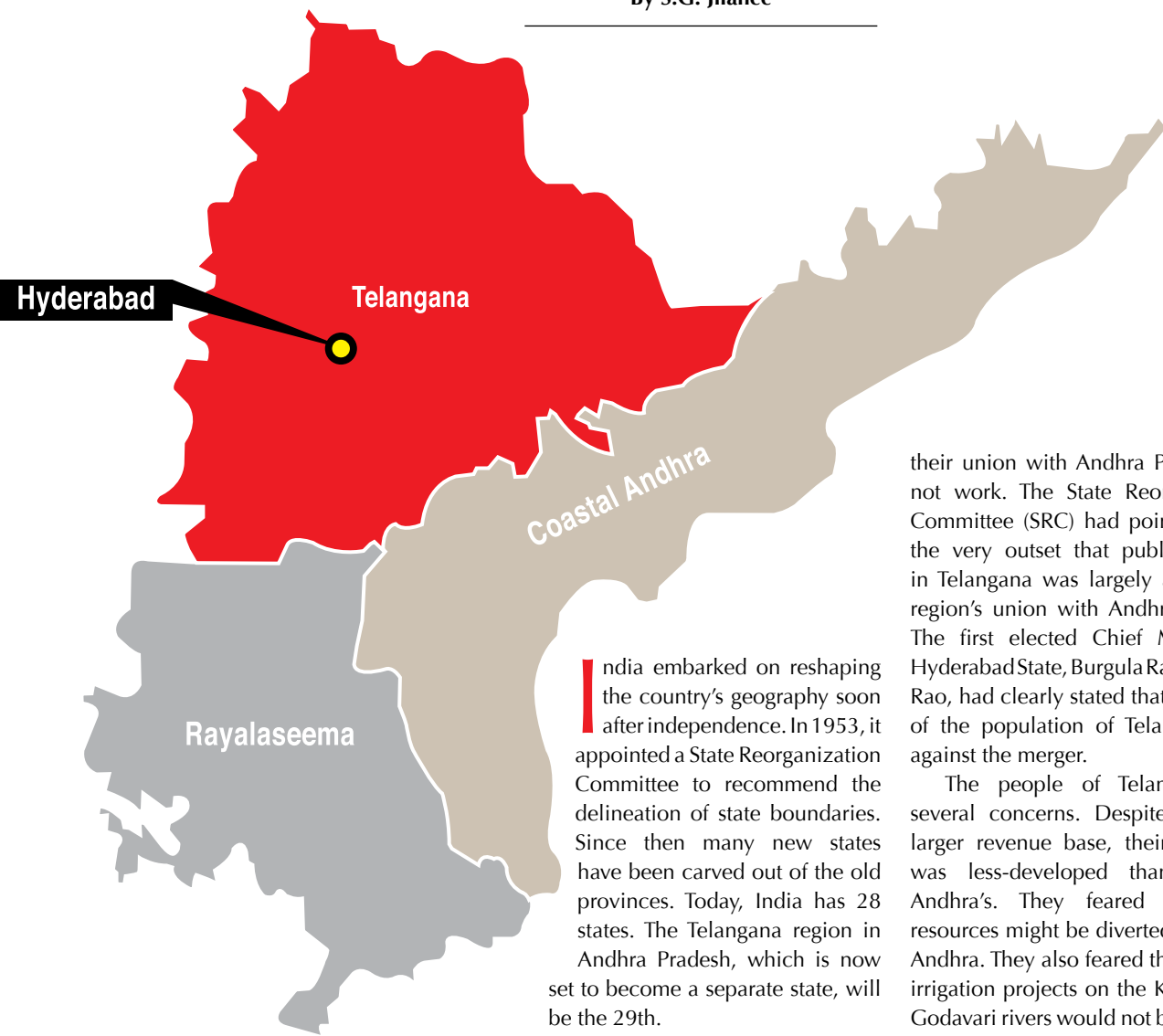
Unless actual conditions on the ground change for the people of FATA, support for extremist and terrorist groups will not end. Drones will continue to strike and political parties will keep using this issue for political point scoring. ■

*The writer is the chairperson of the Department of History, Forman Christian College, Lahore.*

# Another New State

While others may balk at such ideas, India goes ahead with creating new states.

By S.G. Jilanee



India embarked on reshaping the country's geography soon after independence. In 1953, it appointed a State Reorganization Committee to recommend the delineation of state boundaries. Since then many new states have been carved out of the old provinces. Today, India has 28 states. The Telangana region in Andhra Pradesh, which is now set to become a separate state, will be the 29th.

The decision is the result of a prolonged struggle by the Telanganese for separation since

their union with Andhra Pradesh did not work. The State Reorganization Committee (SRC) had pointed out at the very outset that public opinion in Telangana was largely against the region's union with Andhra Pradesh. The first elected Chief Minister of Hyderabad State, Burgula Ramakrishna Rao, had clearly stated that a majority of the population of Telangana was against the merger.

The people of Telangana had several concerns. Despite having a larger revenue base, their economy was less-developed than that of Andhra's. They feared that their resources might be diverted for use in Andhra. They also feared that planned irrigation projects on the Krishna and Godavari rivers would not benefit their region proportionately, even though it controlled the headwaters of the rivers. Another concern was that the

people of Andhra, who had access to quality education under British rule, would have an unfair advantage in government jobs.

The SRC, therefore, proposed that the Telangana region should be made a separate state. It also suggested a provision for unification with Andhra after the 1961 general elections if a resolution could be passed in the Telangana state assembly with a two-thirds majority favoring the move.

However, to allay the fears of the people of Telangana, the AP Assembly passed a resolution on November 25, 1955. The resolution promised “development of the area and reservations in services and educational institutions on the basis of population and irrigational development.”

Following the resolution, the leaders of Telangana and Andhra reached an agreement on February 20, 1956 to merge Telangana and Andhra with promises to safeguard Telangana's interests. A unified Andhra Pradesh was established on November 1, 1956.

But even the then Former Prime Minister, Jawaharlal Nehru was skeptical that merging Telangana with Andhra state would work. He compared the merger to a ‘matrimonial alliance having provisions for a divorce if the partners in the alliance cannot get on well’. And, as it turned out, they did not get on, leading to a protracted feud and, ultimately, a ‘divorce’.

Formerly a part of the Hyderabad state, the Telangana region is the largest of the three regions of Andhra Pradesh, covering 41.47 percent of its total area. It is inhabited by 40.54 percent of the state's population. Most of the revenue sources of Andhra Pradesh – 61.47 percent including 50 percent from Hyderabad – come from Telangana; 19.86 percent from the central government; 14.71 percent from Andhra and 3.90 percent from Rayalaseema.

Yet, the people of Telangana

complain that they were cheated by Andhra, which exploited their resources and never fulfilled the promises made to secure the merger. There have also been allegations of injustice in the distribution of water, budget and job allocations to Telangana. Within Andhra Pradesh, 68.5 percent of the catchment area of the Krishna River and 69 percent of the catchment area of the Godavari River are in the Telangana region. But with a 74.25 percent share, the Coastal Andhra region stands to gain most of the benefits of irrigation through the canal system under major irrigation projects, while the share of Telangana is only 18.20 percent. The remaining 7.55 percent goes to the Rayalaseema region.

Another allegation is that funds

Andhra Pradesh between November 2009 and February 2013 in pursuance of the demand for a Telangana state.

Ultimately, on July 30, 2013, the Congress Working Committee approved a motion for a separate Telangana state to the central government. A few months later, on October 3, 2013, the Union Cabinet approved the creation of a new state by dividing the existing state of Andhra Pradesh and on December 5, 2013, it approved the Telangana draft bill. On the contentious issue of Hyderabad, Home Minister, Sushil Kumar Shinde is on record as having said that it will be the joint capital of both states for 10 years and that an expert committee will be set up to decide the new capital for Andhra Pradesh.

With the winter session of the Lok

Former Prime Minister, Jawaharlal Nehru was skeptical that merging Telangana with Andhra state would work. He compared the merger to a ‘matrimonial alliance having provisions for a divorce if the partners in the alliance cannot get on well’. And, as it turned out, they did not get on, leading to a protracted feud and, ultimately, a ‘divorce’.

allocated for Telangana were never spent. According to sources, “Only 20 percent of the total government employees, less than 10 percent of employees in the secretariat, and less than 5 percent of department heads in the Andhra Pradesh government are from Telangana.” Moreover, Telangana held the position of the chief minister of Andhra Pradesh for hardly 11 years, while the Seema-Andhra region held it for 42 years.

Frustrated by continued exploitation and injustice, the Telanganese began to demand for separation from Andhra Pradesh. There have been 904 suicides in

Sabha coming to a close two days ahead of its scheduled time without any progress on the bill, it appears that the issue of the creation of a 29th state in the country will continue to drag.

Predictably, the decision has received a mixed reaction in Andhra Pradesh. While Telangana leaders are celebrating, Seema-Andhra leaders are roiled. The reason is plain. Telangana's gain will be Andhra-Seema's loss and the loss will be substantial. **S**

*The writer is a senior political analyst and former editor of SouthAsia Magazine.*



# Here comes the AAP!

**What is it that drives the Aam Aadmi Party and scares the daylight out of the Congress, the BJP and others?**

By Javeria Shakil

**T**hey came, they campaigned and they conquered New Delhi. Regardless of how worn-out this clichéd expression may sound, nothing fits the description better when the subject under discussion is the victory of the Aam Aadmi Party in the Delhi state elections. Out of the 70 assembly seats, it has won 28. Its rivals, the Bharatiya Janata Party and the Congress, have won 32 and 8 seats, respectively. Delhi has traditionally been a Congress stronghold and, in fact, Congress leader Sheila Dikshit was Delhi's chief minister for three consecutive terms.

Ruling the state for 15 years filled Dikshit with such confidence that she arrogantly made some remarks whose hollowness will haunt her for a long time. "Who is Arvind Kejriwal? What is AAP? Can you call it a party that can be compared to the Congress or the BJP?" Dikshit disdainfully asked reporters on polling day.

She got the answer within hours when the 'nonentity' chairman of the AAP, Arvind Kejriwal defeated her in her very own constituency with a margin of 25,000 votes. Some other Congress and BJP giants who were defeated by AAP's relatively unknown candidates were three-times Congress MLA and minister Raj Kumar Chauhan who was defeated by 25-year-old former journalist Rakhi Birla and Congress heavyweight Prem Singh who was defeated by Ashok Kumar Chauhan Singh had the distinction of never losing an election from

his constituency since 1958; Delhi's Health Minister, A K Walia who was defeated by AAP's Ashok Kumar Binny. These are just a few names from a long list of Congress veterans who bit the dust that day.

So what made the AAP a force to be reckoned with in such a short time, given that the party was formally registered by the Election Commission of India in March 2013? Its manifesto, for one. The AAP raised its voice against corruption at all levels of governance; its anti-graft stance struck a chord with the masses. With one-third of the legislators facing criminal cases, there couldn't have been a more opportune time to start a campaign against corruption.

AAP also espoused populist causes and took a firm stand on issues that affect the common man – inflated electricity and water bills, for example – to gain their sympathy and support in the process. Arvind Kejriwal sat with rickshaw driver for days as they protested against the government's decision of banning advertisements on rickshaws. The central theme of AAP's manifesto is to empower the common man. It believes in giving people the right to reject and replace public servants holding important posts if they are guilty of committing corruption. It wants legislation for decentralization of power.

The other reason given for AAP's unexpected victory is its candidates. When the party announced that it would participate in Delhi's state elections, it set an example by selecting candidates with unblemished records. From teachers to journalists to former public servants, it gave tickets to candidates many of whom did not have any previous experience of politics but had a clean professional and personal record and were sincere to the party's cause. The party also clicked with the masses because, in addition to a central manifesto, it announced a separate manifesto for each constituency that focused on its

peculiar set of problems.

But perhaps what appealed to the people the most was its slogan of change. This fascination with change is not limited to India and it seems to be the one idea that catches the imagination of the masses of the Indian subcontinent like no other. In Pakistan, the PTI, a relatively new entrant to the political field in comparison with the established parties, emerged as the second biggest party in terms of votes and the third-biggest party in terms of seats in the May 2013 elections. In Khyber Pakhtunkhwa, it almost whitewashed the ANP which had been ruling the province for the past five years.

Although comparisons are drawn

Whether AAP will manage to win the people's hearts and votes in other states will become clear in the coming weeks as political parties gear up for the general elections.

between the AAP and the PTI, what differentiates both parties is that the PTI has existed for over ten years and was able to make its presence felt in the power corridors after years of struggle. The rise of AAP, on the other hand, is a sudden phenomenon. And although it has succeeded in grabbing the second-largest number of seats in the state assembly, it initially refused to form a government. It is hard to say that the reason for its initial reluctance to take charge of this all-important state was its principled stance of not forming an alliance with its rivals – the BJP and the Congress – or the lack of confidence in its ability to undertake this huge responsibility.

Delhi was on the verge of a constitutional deadlock with AAP's refusal to sit on the treasury benches, and the inability of both the BJP and the Congress to form a government

because of lack of the required number of seats. After conducting a referendum, the AAP finally decided to take over the reins of Delhi with outside support from the Congress. Its performance in this all important state will determine its political future as the AAP has its eyes set on greater goals – the Lok Sabha polls.

To contest the general elections in 2014 may not be easy, as, apart from the performance factor, the dynamics of other states are completely different from those of a metro state like Delhi. Here, the AAP owed much of its success to the educated, urban middle class which is highly active on the social media – a tool extensively used by the AAP to run its election

campaign. The same is not the case in the majority of Indian states. In rural areas, for example, votes are mostly divided along caste and religious lines. What is in AAP's favor, however, is that it won 29 percent of the Dalit votes in Delhi albeit in the absence of the Bahujan Samaj Party.

Whether AAP will manage to win the people's hearts and votes in other states will become clear in the coming weeks as political parties gear up for the general elections. This party will face tough competition from traditional parties, especially the Congress, which must have taken stock of the situation. However, given the people's longing for change, the AAP just might do the unthinkable. ■

*The writer is assistant editor at SouthAsia. She focuses on issues of political and social interest.*

# Future Uncertain

**The list of presidential candidates announced by the Afghan Election Commission has generated a mixture of optimism and uncertainty about the outcome of the polls.**

By Taha Kehar

**A**fghanistan's history of war and insurgency has resulted in numerous challenges to good governance and stability. With the imminent withdrawal of the international forces, and mounting pressures of controlling a weak economy, there is a need for strong institutional and policy structures. The presidential elections in April 2014 serve as an opportunity for Afghanistan to climb out of the predicament of war and work towards democracy.

In July 2013, the Parliament of Afghanistan introduced a series of electoral laws to establish the groundwork for free and fair elections. An independent election commission has been set up to oversee the democratic process. In October 2013, the Election Commission received 27 nominations for the forthcoming elections.

After a controversial process of elimination, nearly 16 candidates were disqualified for insufficiency

of paperwork and their educational background. The decision was heavily criticized as the Commission only excluded 'soft targets' from the electoral process while the majority of the successful candidates were influential politicians. More significantly, Khadija Ghaznawi, the only female candidate, and Hashmat Ahmedzai, the leader of Afghanistan's nomad population were also disqualified. This raised serious questions about the representation of women and indigenous groups in the



political process.

In November 2013, the Election Commission announced the final ballot list for the presidential elections. The list has generated a mixture of optimism and uncertainty about the outcome of the polls.

Abdullah Abdullah's nomination comes as a beacon of hope. In the 2009 presidential elections, he contested as an independent candidate and managed to gain 30.5 percent of the total votes. However, Abdullah boycotted the runoff election as he was skeptical of Hamid Karzai's commitment towards change.

Determined to challenge Karzai's brand of democracy, Abdullah formed the Coalition for Change and Hope, which was subsequently renamed the National Coalition of Afghanistan. Over time, the forum has received an overwhelmingly positive response from Afghan political parties and members of parliament. Owing to his unflinching dedication to a humanitarian agenda and willingness to work towards the welfare of Afghanistan, Abdullah has been billed as an efficient and accountable leader.

The nomination of General Abdul Rahim Wardak has generated both expectations and doubts. Wardak's political profile is, at best, confusing. He had previously served as defense minister of Afghanistan and managed to strengthen diplomatic relations with Pakistan and alleviate tensions between ethnic groups in the country. However, his tendency to show excessive support for the United States has earned the ire of many Afghan politicians. In August 2012, Wardak received a vote of no confidence from the parliament for his pro-U.S. stance on political issues.

Despite the uncertainty and doubts, it has become evident over time that General Wardak is committed to combating terrorism and building a strong central government. His astute observations on the problems that

plague the region make him a suitable presidential candidate. But whether he will be able to find realistic solutions to these problems remains a moot-point.

Abdul Qayum Karzai is also among the potential candidates for the presidential elections. His nomination is largely controversial and could undermine the possibility for change. Abdul Qayum is the eldest brother of President Hamid Karzai and has a questionable reputation as a leader. While he has previously served as a parliamentarian in the Wolesi Jirga, he was frequently reprimanded for his poor attendance and lack of commitment. His alleged involvement in a clandestine deal to negotiate with the former Taliban government has further dented his credibility. Abdul Qayum's nomination has raised doubts about the transparency of the electoral process.

Gul Agha Sherzai's decision to contest the presidential elections also adds fuel to the fire. Sherzai has served as governor of two provinces. He had provided assistance to the American forces in seizing Kandahar from the Taliban in 2001. Sherzai was involved in a conspiracy to oust Mullah Naqib, the previous governor of Kandahar. He was sacked as governor of Kandahar because of his alleged involvement in opium trafficking. Since he is a trusted ally of Hamid Karzai, it is unlikely that he will bring any positive change to the status quo.

Despite the doom-and-gloom scenario, some candidates on the final ballot list provide hope for progress and economic stability. Hedayat Amin-Arsala's selection for the presidential elections is a cause for celebration. An accomplished economist and politician, Arsala has consistently worked towards improving the image of Afghanistan. He has previously served as finance minister, foreign minister, vice president and senior minister of the Islamic Republic of

Afghanistan. He was the first Afghan to join the World Bank where he worked for 18 years. He actively resisted the Soviet invasion of Afghanistan and organized a peace campaign which played a pivotal role in the political development of the region.

Arsala has led the Independent Administrative Reform and Civil Service Commission and chaired the Economic Coordination Council and the National Census Committee. He has, on numerous occasions, served as a member of the National Security Council, and even, acting president.

His contributions to the introduction of the first budget in Afghanistan strengthened his image as a strategist. He has also worked with the IMF to generate economic stability in the region. Arsala has drafted laws geared towards achieving economic development and has consistently tried to encourage bilateral trade agreements in Afghanistan. Owing to his expertise and innovation, Hedayat Amin Arsala stands out amid the glut of incompetent politicians.

After the withdrawal of NATO forces in 2014, Afghanistan will need to formulate a viable strategy towards democracy and stability. But positive change can only come with innovation, belief and hard work. The National Democratic Institution of International Affairs has expressed 'guarded optimism' about the forthcoming elections. The final ballot list by the Election Commission provides ample justification for the margin of doubt about the forthcoming elections. Only time will tell whether Afghanistan will benefit from positive change or continue to fall prey to the machinations of a corrupt leadership. ■

*The writer is a published poet and author and has previously worked for a media magazine. He is currently pursuing a degree in Law at the School of Oriental and African Studies.*

# An Industry Crawls Back

**Bangladesh's apparel exports exceed \$20 billion and, according to predictions, would triple by December 2020, despite the various roadblocks.**

By Majyd Aziz

“Now won't you give some bread to get the starving fed? We've got to relieve Bangladesh. Relieve the people of Bangladesh. We've got to relieve Bangladesh.” On August 01, 1971, ex-Beatle George Harrison along with the late sitar maestro Ravi Shankar organized two concerts for Bangladesh at the Madison Square Garden in New York City where Harrison sang for the first time his hymn titled Bangladesh. This lamentation galvanized the world and Bangladesh became a country that needed to be saved from an impending disaster. A bloody civil war, the rise of a secessionist movement, the clarion call for Bengali nationalism, whispers of conspiracies and plots, the rejection of the people's mandate, and the emergence of a strong leader culminated in the birth of Bangladesh on December 17, 1971.

Henry Kissinger, the former U.S. Secretary of State, presided over a high-level meeting in early December 1971 in the State Department to discuss the situation in the then East Pakistan. There were growing concerns about the possibility of a famine-like situation. It was in this meeting that Ural Alexis Johnson, a Foreign Service official, made the infamous comment that the new nation would be an “international basket case”, a quote that has been wrongly attributed to Kissinger.

This stirring background forms the basis for the narrative of how a nation that chronically suffers from natural disasters such as cyclones, that has a

huge populace living in abject poverty, that faced famine and hunger, that is enmeshed in political turmoil and instability, that suffered military coups, tolerates unrestrained corruption and copes with unrest among the people, surmounts all these negativities to emerge as a relatively successful nation by becoming the premier clothier to the world. Its apparel exports are in excess of \$20 billion and experts predict that Bangladesh, despite various roadblocks, would triple its exports figures by December 2020.

There must be some critical mass that has brought about this spectacular transformation from what Kissinger acerbically stated more than three decades ago that “Bangladesh is a bottomless basket” to the enviable position that Dhaka today enjoys in the global textile marketplace. Bangladeshi garment manufacturers were and are routinely chided for blatant employment of child labor, blamed for paying pathetically low wages and violating human rights and labor standards and are accused of shamelessly disregarding workplace safety and health measures.

Bangladesh's apparel manufacturers also suffer the ignominy of being callous with the lives of workers. In the last seven or eight years, more than 2200 workers have died in fire-related incidents in the garment industry. The eight-storey Rana Plaza, where factories had employed a large number of workers, collapsed on April 24, 2013, resulting in the death of 1126 workers.

Despite global condemnation from buyers, consumers and social activists, despite calls for boycott of Bangladeshi products and despite vociferous demands for new safety standards, the fact remains that the importance of apparel from Bangladesh has still not diminished.

Garment tycoons are active in national politics and have a strong voice and influence in major political parties. This is a prime reason why Bangladesh's garment industry has managed to keep wages low, has a lax attitude in assuring a decent workplace environment and has been successful in thwarting all efforts to introduce legislation that would have a negative impact on the industry. What is more astonishing is that major apparel importers and brands also neglect to take into account the gross violations and disregard of human rights.

The carefully planned strategy of Bangladeshi entrepreneurs since the last three decades or more has resulted in an inclusive growth in many sectors. The game plan was to take advantage of the prevailing universal sympathy for Bangladesh, especially in Europe and the United States, and set up a labor-intensive industrial sector that provided immediate employment to the marginalized women and, in the beginning, even children. Today, four million workers toil day and night to clothe the western world. Almost 80 percent of garment workers are women and five million slum dwellers of Dhaka are a ready supply of labor willing to stitch, sew and cut for a

meager wage. Factors such as allure of cheap labor, protection of the industry by the state and the obvious vulnerabilities of new entrepreneurs, have enabled major global brands and chains of stores to make Bangladesh their preferred choice. Moreover, the special consideration given to

the country has adopted the industry as their own. Political parties, labor federations, business organizations, media and policymakers, all have endeavored to protect, promote, and project the country's garment industry. This has worked superbly for the manufacturers and they have become

maintained at world-class standards and lucrative linkages have been established globally. The unwritten rule accepted by all is that export transports would not be blocked and protests and strikes would not affect production schedules or deliveries. This kind of national ownership has made the difference between Bangladesh and many regional apparel-supplying countries.

In fact, a time comes when activism shakes up the status quo. This happened after the Rana Plaza tragedy. The workers became violently agitated and demanded raise in basic emoluments from the despicably low \$40 a month to more than \$100. Internationally, the major brands and department stores also faced a backlash from their customers and this compelled them to prescribe safety codes and measures for factories. The downside has been further compounded by a steep decline in profit margins. Although demand for Bangladeshi products is remarkably rising, essentially due to shifting of American and European orders from China, the price of the average garment has fallen by 12 to fifteen percent in the past few years.

A message that South Asian exporters, especially those from Pakistan, must comprehend is that Bangladesh would be distinctly preferred over other countries. They should, therefore, endeavor to convince their people that success lies in national ownership of strategic assets, be they in the nuclear, historical, or private sectors. In the words of American spiritualist Dr Orison Swett Marden, "No employer today is independent of those about him. He cannot succeed alone, no matter how great his ability or capital. Business today is more than ever a question of cooperation." **S**

*The writer is a former president of the Karachi Chamber of Commerce and Industry.*

Bangladesh in the form of duty-free access by Europe and the U.S. has propelled the industry to grow exponentially.

The apparel sector is the mainstay of the export regime and everyone in

a strong and potent force, even often dictating national policy. Profits have been fabulously high and more than 5000 units have been set up in cities, towns and even in agriculture fields. The quality of apparel has been



# Building New Bridges

**China's growing presence in Sri Lanka could be perceived as a threat to India-Sri Lanka relations.**

By Kruthagna Nadini Perera

**R**elations between India and Sri Lanka have always been more than just cordial gestures of diplomacy. The decision of Indian Prime Minister Manmohan Singh not to attend the Commonwealth Heads of Government Meeting (CHOGM) hosted by Sri Lanka in September was conceivably the most overt stroke so far. Many analysts termed it as harmful for future relations between the two

countries.

According to a Chinese state-run think tank "in dealing with its relationship with Sri Lanka, India has adopted a new approach that may harm its relations with neighbors." The action was viewed as the setting of a new direction in India's foreign policy. The Sri Lankan media termed the boycott an attempt by the Indian government to placate its Tamil

population in the Tamil Nadu state in view of the next general elections.

Nonetheless, China seems to be exploiting the situation to its advantage to establish a strong bond with Sri Lanka, by taking a strategic approach.

In October last year, when the Tamil Nadu chief minister was hauling the central government over the coals for its failure to implement a resolution that called for economic sanctions



against Sri Lanka, the Sri Lankan government was making arrangements for a tie-up with China in the form of the Free Trade Agreement (FTA) - the 'biggest development' in Sino-Lanka cooperation since the 1952 Rubber-Rice Pact.

The Deputy International Trade Representative of the Commerce Ministry of China, Yu Jianhua, who recently visited Sri Lanka, was hopeful for a fast completion of the first phase of the FTA. He made it quite clear that Sri Lanka was a priority country for China. "The FTA will upgrade trade levels between Sri Lanka and China. It will also enhance trade skills of both countries. We will work diligently in our joint efforts," Jianhua said. He also hinted that the FTA would go beyond trade. "The FTA is not meant for trade only. It will institutionalize our strategic cooperation partnership as mandated by the leaders of both countries. We encourage Chinese firms to become involved in Sri Lanka's economic development."

Sri Lanka has had a Free Trade Agreement with India since 1996 that has benefitted Sri Lankan trade, which has increased from \$600 million in 2000 to \$5 billion in 2012. However, trade with China, even devoid of a FTA, has grown from \$658.4 million in 2005 to \$2676.13 million by 2012. Strengthened by a FTA, trade relations between Sri Lanka and China are likely to flourish further, affecting the growth and volume of India's trade with Sri Lanka.

Hosting the CHOGM, along with its five concurrent international events, was indeed an outstanding accomplishment for Sri Lanka. However, the same event was also used to send a message to India that it needs to be careful in its dealing with Sri Lanka.

Subsequently, the presence of China in a trade exhibition held parallel to the CHOGM was quite overriding. Of the 83 foreign

companies that participated in the event, 42 were Chinese. Conversely, only 21 companies represented India at the exhibition, although it still is Sri Lanka's largest trading partner. The Sri Lankan government has been encouraging the Chinese to invest in the country, offering lucrative incentives.

The unsettled border claim between China and India along with the latter's growing strategic ties with the U.S. and Japan, has added to China's worries. It views India's rise as a regional economic and military power with much concern although both countries have avoided a full-frontal confrontation ever since the 1962 Sino-India war.

China realizes that Sri Lanka has the potential to make a major impact on India's strategic security. This is the reason why Chinese presence seems to be ever increasing in this island nation. Projects such as the Colombo Container Terminal, Hambantota Port and Mattala airport along with heavy Chinese investment in the satellite and telecom sectors pronounce dire implications for India's national and maritime security.

Apart from Chinese entry into the real estate and manufacturing sectors of Sri Lanka, a significant number of Chinese language and cultural programs are also in the pipeline. This is seen as a possible effort to counter the long-established cultural links between India and Sri Lanka.

The Tamil problem has already caused severe damage to the India-Sri Lanka relationship. An increasing Chinese presence in the region could further amplify the tension, especially with the Sri Lankan government visibly favoring China probably with the aim to decrease its dependence on India. **S**

*The writer is a business journalist based in Sri Lanka. She focuses on issues pertaining to trade, health and fashion.*



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# The Day After

The newly elected Constituent Assembly of Nepal has to address many pressing issues such as framing a new Constitution and attending to other key problems.

By S. M. Hali

The Nepalese political miasma, described as murky at best, has experienced its second elections since the end of a 10-year-long Maoist revolt in 2006. The previous Constituent Assembly, elected in 2008 after the overthrow of the 240-year-old monarchy, was tasked with framing a new constitution but failed to do so. An interim government, formed early last year and led by the Chief Justice of the Supreme Court, Khilraj Regmi, has overseen the November 2013 elections.

On the eve of the vote, CJ Regmi condemned sporadic violence in different parts of the country, stating that the security forces would ensure a free and fair election. A group of opposition parties, led by a breakaway Maoist faction, had called for a nationwide disruption of the vote. It wanted a new government – with representation from all political parties – to conduct elections at a later date.

Apart from a few incidents of violence, elections took place peacefully, with officials claiming a 70 percent voters' turnout. Foreign observers, including former U.S. President, Jimmy Carter and the European Union, expressed satisfaction at the conduct of polling.

In the previous elections, the Maoists had won the largest number of votes. But they have failed to secure an outright majority in the latest elections. Pushpa Kamal Dahal, better known as Prachanda, the leader of Nepal's Maoist Party, had become the country's first post-war prime minister

in 2008, but resigned nine months later following a disagreement with the army.

Prior to the 2013 elections, Prachanda threatened that he would boycott the parliament if the vote counting in the "rigged" elections was not halted immediately. But the Election Commission of Nepal rejected his demand.

The formal result of the elections to the second Constituent Assembly was announced on December 3, 2013. The Nepali Congress led the results while the groups that were considered powerful were thrown to the bottom perhaps because of internal feuds which ruined their chances of success. Though no party gained an absolute majority, the combined strength of the Nepali Congress and the UML is more than 50 percent. However, they are still short of the majority required to effectively and decisively amend or pass major laws.

Despite the fact that the main challenge for the new government was to be the framing of a constitution, the issues focused by all the parties in their election campaigns were the economy, development, the role of government, social problems and the empowerment of marginalized communities instead of the type of constitution required for the country.

The main challenge for the new government, besides formulating and promulgating the constitution, would be to maintain law and order. As for the constitution, the UML leader, Madhav Nepal was quoted as saying

that his party does not mind reviewing the 1990 Constitution with some changes. This may not be acceptable to the Nepali Congress.

Let us briefly examine the post elections stance of the major political parties:

The Nepali Congress has managed



to gain the confidence of its voters and has emerged as the largest party in the assembly. This could lead to a temptation to disregard the views of other parties. It could also lead the party to believe that the people have given their verdict on its stand on the issue of division of states: that such divisions should be based on geographical realities and economic sustainability rather than on ethnicity and identity.

This approach could spell disaster. The top leadership of the Nepali Congress, comprising Sushil Koirala, Ram Chandra Paudel and Sher Bahadur Deuba, has had serious differences which make the party divisive. They have to either sink their differences or pass the baton on to

someone else.

The electoral performance of the UML has improved. It was expected to be marginalized by the rise of Maoists in the 2008 elections but the UML has shown that it can hold out on its own. In addition to Bamdev Gautham, all the three top leaders – Madhav Nepal, Jhala Nath Khanal and K.P. Oli – have won with substantial margins. Ideologically, both the Nepali Congress and the UML identify with each other. If they coordinate, they can bring about a long spell of stability and economic prosperity in Nepal.

The UCPN (Maoist) got routed because of its poor performance when it was in government. It behaved like a sore loser by boycotting the counting

of votes and alleging of conspiracies and vote rigging. The leadership of the party must regroup, swallow the bitter pill of defeat and work hard to further the party's agenda of federalism, republicanism, secularism, economic transformation and empowerment of the people.

The Madhesi groups also performed disastrously at the polls. This should not have been a surprise considering that most of the parties have split into many smaller factions that fight against each other instead of fighting as a united front.

The formation of the government will be a difficult task considering the obvious obstacles. The first issue that needs to be sorted out will be whether or not to allow the current President, Ram Baran Yadav to continue. Having remained in power for more than five years, the honorable thing would be if the President retired in a respectful manner rather than getting involved in an avoidable controversy.

Nepal's road to democracy is going to be a thorny one. In January 2013, the UN noted that high-level political stagnation was allowing the "slow but persistent deterioration of democratic institutions and effective governance". The other costs of the constitutional stalemate are also high. In the absence of a stable political environment, several pieces of legislation, including a Disaster Management Act and the establishment of a truth and reconciliation commission, have been on hold.

The failure to write a constitution and the subsequent legislative vacuum in Nepal has led to a steady and continued erosion of the rule of law in the country, stalling development and choking off access to justice for the ordinary Nepalese. The new government has its task cut-out to address these pressing issues. **S**

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# Faceless citizens

**The citizenship of almost 80,000 Lhotshampas, who are the Nepali-speaking people of southern Bhutan, has been revoked and these stateless citizens have been forced to take refuge in different countries around the world.**

By Fatima Siraj

There are approximately 80,000 Bhutanese refugees living in Denmark, Australia, Canada, the Netherlands, New Zealand, Norway and the United States – countries that have come together to form a Core Working Group (CWG) to encourage a solution to Bhutan's refugee crisis. The roots of the crisis date back to the late 1980s when the Lhotshampas – Bhutanese of Nepali origin from the southern region of the country – were regarded by the monarchs as a threat to the political order.

During the late nineteenth century, the then rulers of the kingdom invited a large number of Nepali-speaking people to settle in the uninhabited areas of southern Bhutan under a plan to use those areas for cultivation. Very soon, the region became the nation's main supplier of food, as a result of the hard work of the Nepalese who made this mountainous land arable. There were around 60,000 Nepalese in Bhutan by 1930. Continued immigration led to an increase in their population. It is a fact though that these migrants had very little security before the 1958 Citizenship Act that granted them full citizenship.

The economic importance of the south grew in 1961 when major hydro-electric power projects were established as part of nationwide development and modernization programs. However, the Lhotshampas did not own much land and did not

move up north beyond a certain latitude. As a result, there was minimal interaction between the people of northern and southern Bhutan. It was with the development of education and social services in the late twentieth century that some Lhotshampas rose up the social ladder and began occupying influential positions in the bureaucracy.

In the 1980s, the King of Bhutan and the ruling Druk Buddhist majority became wary of the fast-growing ethnic Nepalese population. In 1958 a new citizenship act was passed that required every member of the Lhotshampa community to provide documentary evidence of their legal residence in the country or else risk being stripped of their nationality. The authorities also embarked on a strict Bhutanization campaign, aimed at unifying the nation under the Druk language and culture.

In 1989, all citizens were required by law to dress in the traditional costume worn in the north and the Nepali language was removed from school curriculum. The Lhotshampas responded to this blatant repression by staging public demonstrations and were labeled as 'anti-nationals' by the government. Thousands of them were imprisoned for several months and over 2000 were tortured. Very few were formally charged or given a proper trial. Those who were eventually released found that their

homes had been destroyed and their families had fled from the kingdom to Nepal.

The government continued its repressive measures against the Lhotshampas during 1991 and 1992 and many were forced to sign 'voluntary migration' certificates. As the citizenship of more and more people was revoked, Nepal saw an influx of refugees at an alarming rate of up to 600 per day in the mid-1992. This prompted the government of Nepal to approach the United Nations High Commissioner for Refugees and the World Bank for help. By the mid-2000s more than 100,000 refugees were living in UNHCR camps set up in eastern Nepal. As refugees, they were not granted the right to work and were completely dependent on humanitarian assistance to meet their basic needs of food, clothing and shelter.

Over the last two decades, more than 15 rounds of talks have been held between the governments of Nepal and Bhutan but no comprehensive solution has been reached, with Bhutan resisting Nepal's calls for international engagement in the talks. However, in December 2000, the governments of both countries agreed on the terms of the verification process for refugees. Each side selected five representatives to form a Joint Verification Team (JVT), which would go over each refugee's claim to Bhutanese citizenship.

The verification of refugees in the Khudunabari camp ended in late 2001.

When the Joint Verification Team arrived at the camps, more than a year after the completion of the process to announce the results, the outcome was distressing. Only 2.4 percent of the refugees were listed in Category 1 (Forcefully Evicted) – the refugees Bhutan was willing to take back.

their homes, lands and livelihoods. As of June 2013, 80,000 refugees have been resettled, with many of them living in the United States in areas like Atlanta, New York City, San Francisco, and Washington D.C.

The refugees look forward to settling down and starting their lives afresh. "We spent more than 20 years in the camp but Bhutan didn't show any interest in repatriation so I think

to obtain a 'no-objection certificate' to state that neither they nor their relatives have any role in the democracy movement and other 'anti-national' activities. This certificate is very difficult to obtain, but is required in order to gain access to schools and other government services, as well as to work with the government or get a business license.



With the governments of Nepal and Bhutan unable to reach an agreement on the fate of the remaining refugees, the verification exercise came to a standstill.

Due to the lack of opportunities for repatriation of these refugees, the CWG and the government of Nepal collaborated in 2007 and agreed to provide third-party resettlement options to the refugees who had lost

resettlement is the best option," said Sher Bahadur Khadka, who moved to the United States in April 2013. "My wife and I will try to get jobs here. I would also like to study. I hope to manage time both for my work and education."

As for the Lhotshampas still living in Bhutan, they continue to face repression and even persecution. Since 1991, they have been required

Annual census activities in the south continue to reclassify the Southern Bhutanese into different categories, from F1 (full Bhutanese) to F7 (non-Bhutanese), including placing members of the same family in different categories. **S**

*The writer is currently pursuing a BBA degree. She focuses on marketing and social issues.*

# Deal Politics

The Geneva deal is likely to have a significant impact on Iran's future.

By Taj M. Khattak

The Geneva Accord between P5+1 (United States, Russia, United Kingdom, France, China plus Germany) and Iran is correctly seen as a success of global diplomacy in the international environment, largely vitiated by the last century's politics of might is right. Together with progress in the Syrian crisis, it is seen as a welcome change from America's

path of major military interventions like Iraq and Afghanistan, which have been costly both in terms of men and resources. The role played by Russia in diffusing these two crises has also heralded its return to the turbulent global arena that was increasingly becoming a uni-polar world.

At a glance, the Geneva Accord would appear to be unfavorable to Iran

which has agreed to enrich uranium to a level of only 5 percent – good enough for power generation but well short of an excess of 80 percent for nuclear weapons and 20 percent for isotopes used in medicine. It would allow regular access to UN inspectors to its top secret plants at Nantaz and Fordow, halt construction of a heavy water reactor at Arak which has a



potential to produce weapon-grade plutonium and provide its design for scrutiny. It will neither construct any new facilities nor develop next-generation centrifuges.

In return for these concessions, the West would release Iran's funds amounting to US\$ 7 billions which had been frozen due to U.S.-led sanctions imposed after this crisis erupted. However, most of the US\$ 100 billion stuck up since the beginning of the Iranian Revolution will remain unavailable. There will be easing of some sanctions, Iran's access to its gold and silver reserves, abroad again, permission to sell moderate quantities of oil in the international market and procurement of spares for its crumbling national airline – but no new aircraft yet. There can also be funding for Iranian students abroad.

It is, therefore, not surprising that a faction led by hardline former President, Ahmadinejad has compared the accord to the Treaty of Turkmenchay (1828) in which the Qajar king acceded to the Russian suzerainty vast stretches of what is present-day Armenia and Azerbaijan after General Ivan Paskievich threatened to overrun Tehran in five days.

The accord will be reviewed in six months with a view to hammering out a permanent treaty acceptable to all sides. In the meantime, the deal is likely to have a significant impact on the old global order where Israel, Saudi Arabia and the Gulf states had stood to gain from Iranian isolation since the 1979 Islamic Revolution. But that may be changing and the prospects of Iran playing a more assertive role in the region are causing anxiety in Middle Eastern capitals.

The most vocal critics of the deal have been Israel and Saudi Arabia which had the geo-political environments in their favor till about six months back. As major U.S. allies in the region, they felt safer as the U.S. spared no occasion to talk of 'all options'. But the U.S. is now seen

as retracting from that belligerent posture, leaving regional allies to fend for themselves against possible and emerging threats. Israel's Prime Minister, Benjamin Netanyahu has gone on record as having called the deal a 'historic mistake' and Saudi Arabia is quiet after declining the UN Security Council's seat as a result of its disenchantment with the U.S. over the Syrian crisis.

Saudi Arabia's regional political rivalry with Iran is also accentuated by their different understanding of the same historical narrative of the Islamic era in the immediate aftermath of the demise of Prophet Muhammad (PBUH). One side honors history the way it happened over 14 centuries ago while the other honors history the way it should have happened.

President Obama has warned the critics of the deal to keep their expectations in check since it is not an ideal world. He has put the chances of securing a permanent deal in 2014 at 50-50 at best. The U.S., it seems, would be quite content if Iran can undertake uranium enrichment of up to 5 percent under intense and intrusive international inspections. Different interpretations, however, are already surfacing with some Iranian officials describing the 5 percent ceiling as Iran's right while the U.S. thinks differently.

Israel has also raised the boogie of Saudi Arabia obtaining a nuclear warhead from Pakistan if Iran violates the accord and at some point breaks out towards weapon-grade uranium enrichment. Israel also alleges that payment for this purpose has already been made. Whatever the truth in this claim, it is hoped that Pakistan does not smear its face black anymore in nuclear proliferation than what has already happened.

Saudi Arabia and Israel had convergence of views against the prospect of a nuclear Iran. But the situation is changing as Israel now faces the dilemma of unsavory

choices between a near-nuclear Iran and a Saudi Arabia on the path to nuclear capability. Such a scenario would bring nuclear weapons even closer to its borders and is, therefore, nightmarish.

For Pakistan, the deal spells a reduction of further turmoil on its western border at a time when there is insufficient clarity about post-2014 Afghanistan. If the deal is affirmed later and a way is paved for lifting UN-sponsored 'terrorism'-related sanctions against Iran, then U.S. pressure on Pakistan for the Pak-Iran gas pipeline might reduce. It is probably with this prospect in mind that India has once again expressed its desire to participate in the project – more as a spoiler than as a genuine participant.

If the Saudi-Iranian rivalry heats up excessively, Pakistan will be placed in a testing situation where it has always made mistakes in the past – ignoring friendship of the neighbor in the hope of greater dividends from a friend far away. If Pakistan wants to avoid all-around encirclement by states either hostile or less than friendly, it will be its strategic compulsion not to antagonize Iran in dirty global politics.

Apart from Middle Eastern rulers, there is reasonable public support for the deal in the U.S. where the population has become weary of wars. As for Iran, there is hardly any public resentment against the deal for the time being, mainly because it offers some relief from biting sanctions.

Also, Khamenei has called it a 'heroic flexibility' and if the spirit of the 'fatwa' issued by him, wherein he declared nuclear weapons as 'haram', remains unchanged, there should be good prospects for a permanent accord in a few months. **S**

*The writer is a retired vice admiral and former vice chief of naval staff of the Pakistan Navy.*



# A Key South Asian Nation

By Mahrukh A. Mughal

In the South Asian context, Pakistan is the second largest country. It is a pity therefore that while other nations in the region are achieving goals of progress and development, Pakistan is fast becoming a country that can be likened to a patient afflicted by multiple diseases. The ogre of terrorism does not impact any other country in the region as seriously as Pakistan and the country's economy is a serious cause for concern.

In fact, Pakistan's progress has been brought to a naught and the country now faces serious problems concerning its future as it continues to face a worsening economic crisis – the mother of all problems. The country's forward momentum seems to have come to a complete halt due to the

lack of a stable economy and the various indicators emanating from it.

South Asia is home to well over one fifth of the world's population, making it one of the most populous geographical regions in the world. While Pakistan is the second biggest country in this region, it is also the one fraught with the most problems and it is still one of the poorest countries in the world with many of its citizens living in abject poverty.

Pakistan is, in fact, so prone to malfunction that it faces almost every problem that restricts its progress – law and order situation, energy crisis, economic woes, corruption, deteriorating educational and health system, inflation, bad governance, nepotism, etc.

Whenever a new political leadership comes into power in Pakistan, the first thing it does is go around begging for loans to the IMF and the World Bank and to other lending institutions. The crisis faced today is because of the fiscal indiscipline that has been practiced over the past years. Previous governments did not do what they had promised to do and, as a result, Pakistan continues to depend on foreign aid which increases the national debt and this severely aggravates the economic crisis. Today, Pakistan faces an internal loan of more than 14000 billion rupees and an external loan of more than 60 billion dollars.

Pakistan may be one of the richest countries in the world in terms of

natural resources such as coal, oil, gas, minerals, agriculture, labor, skilled manpower, energy, geography, etc. but it is also one of the poorest countries in terms of management of these resources. Efficient management of resources is vital to achieving national prosperity. The country's political leaders should learn how to use their resources so that the country may prosper and does not have to depend on heavy loans from the world's financial bodies.

Today, the country's economic development is stunted because foreign direct investment is discouraged from coming into the country due to the prevailing law and order situation and small businesses find it impossible to fend with the "start-up-cost" because of corruption. The importance of an infrastructure is imperative for sustained growth. It plays a pivotal role in development and is a major contributor to the growth of a country. Pakistan is ideally located and while it can use its infrastructure for its own growth, it can also help other countries in this and adjacent regions.

Investment is very important for any country's economic stability. But it is very unfortunate for both local and foreign investors that they find the infrastructure very poor in Pakistan. Besides the severe crisis in terms of prime inputs like electricity, gas and water, the justice system is bad in the country, corruption is rampant and there is no end to the worsening law and order situation. In these circumstances, local entrepreneurs are moving their businesses to various regional countries such as Bangladesh, China, Sri Lanka, etc. Similarly, foreign investors do not find a favorable environment to put their billions in the country. This reduction in infrastructure investment in turn causes more poverty and leads to economic instability.

Another factor that adds to the country's economic problems is that of foreign remittances from overseas Pakistanis which is a very important

source of capital for a developing economy. Unfortunately, the country provides hardly any or no incentive to remittance senders. Whatever incentives are given are misused by institutions and individuals which adds to the economic instability.

Tax is the backbone of any economy. While Pakistan is an agriculture-based country, there is no tax here on agricultural production. Seen in the economic backdrop, it is important to state here that the country has the lowest tax-to-GDP ratio in the world, with only 0.9% of the people paying taxes. The taxation system is characterized as being unjust and discriminatory and is unable to generate enough revenues to break free from the shackles of the IMF and other donors. The amount of tax evasion in the country as estimated by the NAB (National Accountability Bureau) as being Rs. 7 billion per day. The corruption figure comes at a heady Rs. 12 billion per day and is growing at an unchecked pace. The Federal Board of Revenue has miserably failed in its duty to deliver and it is really unfortunate that the country has such a corrupt, incompetent and incapable FBR with a weak tax collection machinery and its inability to collect taxes from agriculture.

This is a country of over 18 crores where only 27 lakh people actually pay income tax. According to the new taxation policies, only those earning Rs. 3 lakhs or more annually are taxed. Agriculture is the dominant sector and contributes 21.4 percent to the GDP, while it employs 45 percent of the country's labour force and contributes in the growth of other sectors of the economy but it is not taxed. In these circumstances, economic stability would not surely be a far cry.

The import and export sector too is adversely affecting the country's economic health. Pakistan needs to greatly increase its exports through utilization of all available resources. In fact, exporters are using legal channels for money laundering as

they receive money through formal banking channels against export orders of less worth and for tax exempted consignments. According to an official, this mafia is so strong and involves such influential personalities that the relevant departments and authorities are unable to enforce money laundering laws against them. The country is importing goods of high worth and paying the cost in dollars since these goods come under the exemption regime. As a result, Pakistan is facing a heavy trade loss of 20 billion dollars. The trade deficit only in July 2013 was PKR 172,754 million.

The factor of corruption is a complex one and though corruption is present in all other South Asia countries but in Pakistan it is an especially hurtful social, political and economic phenomenon that undermines democratic institutions, slows economic development and contributes to governmental instability. Many big loan defaulters exist in Pakistan who borrow billions from banks and then default. The Public Accounts Committee estimates that the number of loan defaulters has reached more than 1500. According to the Constitution of Pakistan, a financial dispute cannot be stayed by a court for more than six months. There are a large number of financial cases in Pakistan that have been stayed by the courts since the 1990s, pending decision.

Pakistan is a major South Asian country and a proud member of SAARC but it is also a country where corruption, terrorism, nepotism, injustice, robbery, murder and gambling are social evils with no answers. The country must find the right answers if it is to rise above its economic and social ills and move forward as a modern and progressive nation – something that it is completely capable of. **S**

*The writer appears regularly on TV talk shows. She writes on politics and economics in leading publications.*

# The Universal Appeal of Indian Films

Indian cinema is a global commodity today and appeals to almost every culture around the world

By Samina Wahid

One hundred years ago, on May 3, 1913, India released its first silent feature film *Raja Harischandra* – by Dadasaheb Phalke. The film revisited the legend of King Harischandra. Phalke was rightfully named the Father of Indian cinema. A century later, the Indian film industry has become a thriving activity, the largest in the world to be exact. In 2012 alone, nine films from Mumbai, the hub of mainstream Indian cinema, made more than one billion rupees each at the box office.

It is a fact that when the pioneer Indian filmmaker released his film, he had no idea that he was unleashing a mass entertainment medium like no other; one that would enthral rapt audiences for the next hundred years. The French might have introduced the concept of moving images, but they probably didn't think it would capture the imaginations of millions around the world in such a

big way.

Indian cinema has an identity that is unique and remains unparalleled. It may have come a long way from black and white silent films. Just recently the industry produced its first-ever 3D film – but one thing is for sure; the Indian cinema has the ability to keep the audience engaged despite the length – some three hours or so, that include colorful song-and-dance sequences – of an average movie. Even though internet downloads and television continue to eat into the revenues of Indian films, the lure of the 35mm is something else altogether.

Phalke introduced India to cinema at a time when working in films was a taboo but his efforts showed that the Indians craved for indigenous films just like the rest of the world. His film was hugely successful and inspired several filmmakers in Bombay and Madras to make silent feature films. In fact, by the mid-1920s, Madras became a center of all film-related activities. Cinema stalwarts such as Raghupathi Venkaiah Naidu, S.S. Vasan and A.V. Meiyappan established production houses in Madras to make Telugu and Tamil films.

Bollywood – the

name given to Indian cinema in the 1990s – is today a global commodity and appeals to almost every culture around the world. The industry's influential stars are followed by their die-hard fans. Certain celebrities such as Amitabh Bachchan are given an almost God-like status. For instance, when Bachchan starred in Manmohan Desai's *Coolie* (1983) and had a serious life-threatening accident on the sets, millions of devoted fans prayed for his recovery. Such is his appeal and, by association, that of many other stars.

The industry, quite like other film industries, has evolved over the decades and has had its own share of highs and lows. Seventeen years after the first silent film was released, India produced its first sound film – *Alam Ara* – in 1931. It was released at the Majestic Theatre in Bombay. Directed by Ardeshir Irani, *Alam Ara* established songs and dances as a staple of Indian cinema.

The 1940s saw the inception of the Prithvi Theatre in Bombay, the brainchild of renowned actor Prithviraj Kapoor. As a result, the Kapoor family today is credited with



being one of the largest film dynasties in Indian cinema, commanding influence and respect like no other family in the industry.

Though Indian cinema is and has been predominantly mainstream, filmmakers such as Satyajit Ray have defied the odds and created films that appeal to an international audience. Ray's 1955 film *Pathar Panchali* received major acclaim at Euro-American festivals and art house circuits, thus making Ray one of the first Indian filmmakers to get recognized in the West. The same decade also witnessed the release of Mehboob Khan's *Mother India* that went on to become the first film to be nominated in the Best Foreign Film category at the Academy Awards.

The following decade led to the production of the magnum opus *Mughal-e-Azam* that was, at that point, India's most expensive production. It featured Dilip Kumar, Madhubala and Prithvi Raj Kapoor. Soon after, the 1970s gave rise to the angry-young-man phenomenon. Raging against the political system, Amitabh Bachchan performed this role to perfection in the blockbuster hit *Sholay*. The 1970s also saw the mercurial rise of romance icons like Rajesh Khanna, known for his dapper good looks and his

ability to sweep any woman off her feet.

Unfortunately, the industry went into serious decline in the 1980s, mainly because of the video rental market. In addition, production standards also fell drastically as did the star power of Amitabh Bachchan. The situation was only exacerbated by lackluster scripts and the consequence was one of the worst phases of Indian cinema. It appeared that India had grown weary of action flicks that most producers thought was a formula for success.

It was Mansoor Khan's *Qayamat se Qayamat Tak* in 1988, a film that paid homage to teenage love, that introduced one of the biggest modern-day stars, Aamir Khan. It was the biggest hit of the year and breathed new life into an ailing film industry. Two years later, Salman Khan's debut hit *Maine Pyar Kiya* and Mahesh Bhatt's *Aashiqui* catalyzed the Indian film industry and highlighted the importance of songs in movies.

Meanwhile, Shahrukh Khan debuted in 1991 and became an overnight

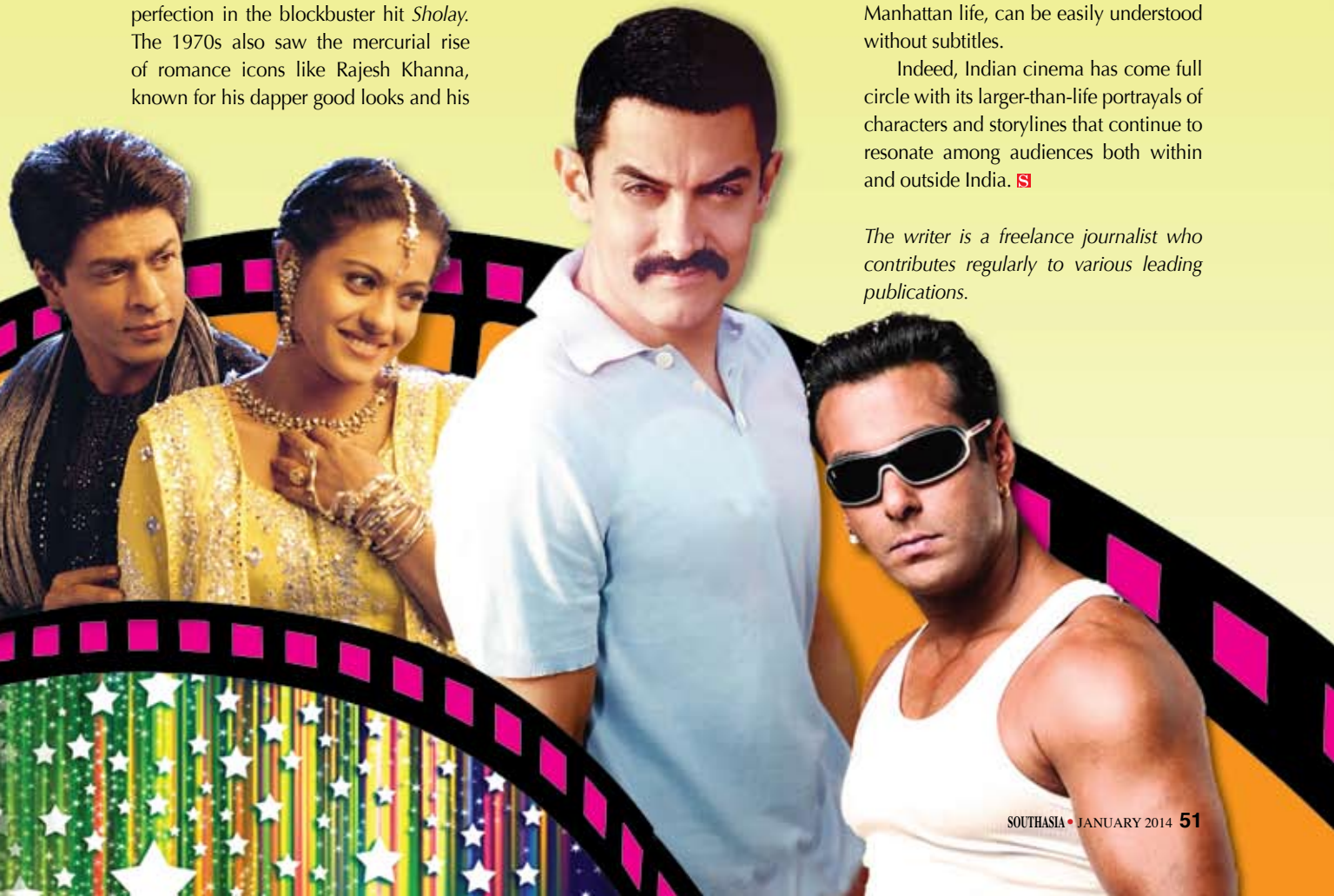
sensation with his portrayal of a cold-blooded killer in Abbas Mastan's *Baazigar* a year later. Today, Shahrukh Khan is considered the biggest star of Indian cinema although the fans of Salman and Aamir are likely to say the same for their idols. In any case, all three stars still rule the roost in the Indian film industry even though each of them is about to hit 50.

These stars also changed what was traditionally a conservative industry. Earlier, the portrayal of sex, violence and nudity was considered inappropriate and was completely omitted from Indian films. In fact, such portrayals often went under the censor board's knife and scenes were routinely cut out. Today, however, the situation is completely different with on-screen kisses, risqué outfits and erotic dance numbers fast becoming the norm.

Contemporary cinema is more accessible to the masses with shorter run times and more spoken English. Movies like *Zindagi Na Milegi Dobara* (2011), a coming-of-age film shot in Spain and *English Vinglish* (2012), in which an Indian housewife adapts to her Manhattan life, can be easily understood without subtitles.

Indeed, Indian cinema has come full circle with its larger-than-life portrayals of characters and storylines that continue to resonate among audiences both within and outside India. **S**

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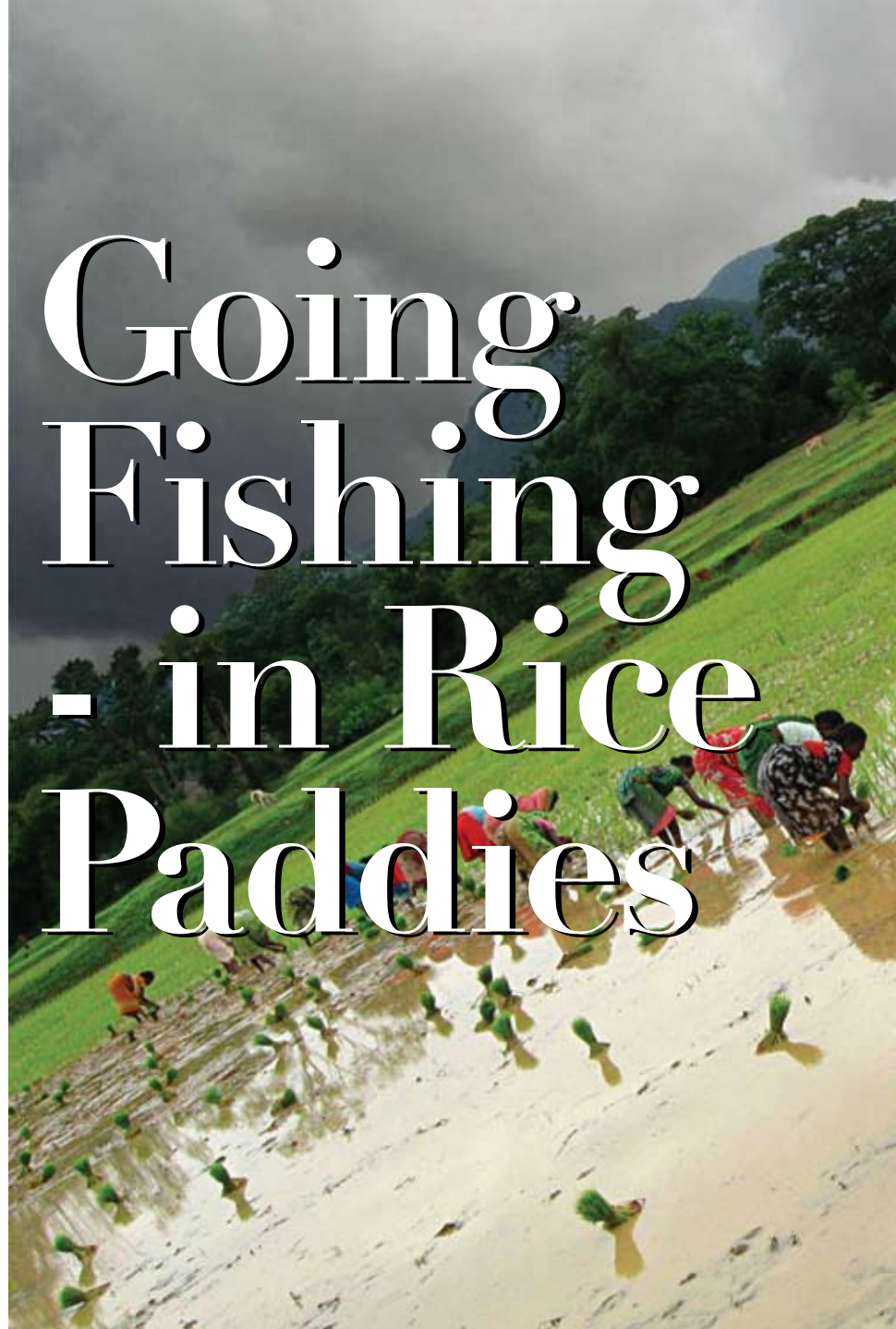
**B**eing a developing country, Bangladesh realizes the growing demand for food. It also understands the importance of adaptability to climate change and had been working on a number of options to ensure food security. One such option that the country's experts have been advocating is 'integrated fish farming'.

The term is used for the agricultural system that involves fish farming along with agricultural crops and can be broadly classified into agriculture-fish farming and livestock-fish farming. While both methods are used worldwide, Bangladesh has opted for the agriculture-fish system to harvest fish and rice at the same time.

Cultivating fish and rice in the same field has been a 2000-year-old concept in many Southeast Asian regions. It experienced a revival during the 1980s due to increasing concerns about the use of pesticides in agricultural practices. Since then it has been adopted by many farmers in Bangladesh.

Rice paddy fields and fish co-exist in a mutually beneficial relationship. Many times fish enter flooded rice fields and make them their home. Paddy fields provide a good habitat for fish which, in return, eat harmful insects and make the soil more fertile through their discharge. Other times, farmers intentionally introduce fish in paddy fields due to the agricultural and economic benefits of this method.

According to a study published in the 'Proceedings of the National Academy of Science', this farming technique can assist farmers financially and serve to reduce the impact of agricultural chemicals on the environment. The six-year study conducted in China shows 68 percent decrease in the use of pesticides and 24 percent decrease in the use of fertilizers to grow the same amount of grain as through traditional rice



**Fish farming in rice paddies could be beneficial for the extreme weather conditions of Bangladesh.**

**By Amber Anwar**

cultivation. Although the yield remains the same, the considerable reduction in the use of chemicals can have a positive effect on the environment and can also reduce production cost.

Chemical fertilizers and pesticides account for more than 60 percent of the total cost of production. Therefore, their decreased use can lower the total cost of production for farmers.



The study also suggests that the rice-fish culture is essential for areas with limited resources such as land and water for agricultural purposes. The technique, when combined with technology, can be highly beneficial. In Bangladesh, a study conducted by two researchers from the Charles Darwin University in Australia, noted that rice yield in integrated fish farming was 12 percent higher than that of the conventional rice monocultures.

Along with this, a significant decrease in the use of pesticides and fertilizers was also observed. Another research in Japan discovered a 5 to 11 percent increase in the revenue of rice fish farmers in comparison to rice monoculture farmers.


Farming systems specialists around the world could not agree more with the fact that in addition to rice production, an enhanced form of this centuries-old technique can help

reduce poverty and provide protein-rich fish. Experts say that farmers in Bangladesh should be trained in using rice paddies for fish farming. For this, Cereal Systems Initiative for South Asia (CSISA) has already trained farmers in fish farming and vegetable cultivation in paddy fields.

The numerous economic, social and environmental benefits of using paddy fields for fish farming cannot be ignored. Fish culture in paddy fields is a systematic and technical method that lowers the overall cost while generating the highest output. It is also an effective method for efficiently utilizing limited agricultural lands. Through this technique, farmers who own small pieces of land are able to increase their productivity.

The ecological and biological advantages of the unique rice-fish farming method leads to increased productivity of the soil, improved soil oxidation, control of weeds and pests and increased intensity for the use of soil nutrients and greenhouse scattering. Rice plants serve as shade for fish, keeping them active and the water remains cool even in summers.

Fish farming in rice paddies is a beneficial adaptation to deal with the increasing climate change crisis across the globe, specifically in a developing country like Bangladesh. It is the answer to the extreme weather conditions experienced in the country.

It is important for Bangladesh to understand that the existing agricultural system can be improved through the use of technology and research. Moreover, it is essential for farmers to realize the benefits of fish farming in paddy fields so that they are able to make their lives better in the years to come. 

*The writer holds a B.A. in marketing. She covers topics of relevant professional interest.*

# A Relationship of Trust

**The British Army hired Gurkha soldiers for its military because they promised more courage and perseverance.**

By Muhammad Omar Iftikhar

**T**he Gurkhas are the indigenous inhabitants of Nepal's western and eastern regions. Although they have been serving in the British Army for more than two centuries, the international community still refers to them as 'mercenaries' instead of regular soldiers. They meet all the requirements of Article 47 of Protocol I of the Geneva Conventions, regarding countries and militaries hiring mercenaries in the military. This gives the Gurkhas a military status similar to that of the French Foreign Legion, which was established in 1831 and comprised foreign nationals.

The Gurkha soldiers belong to the area of Nepal that was known as the Kingdom of Gurkha until the 1930s when it became a part of Nepal. The term 'Gurkha' is derived from the Hindu warrior and saint, Guru Gorakhnath, who lived in the 8th Century.

The history of the Gurkha-British Army relationship dates back to the Gurkha War of 1814 when the East India Company fought against Nepal's Gurkha Kingdom. Following the war, which lasted for two years, the East India Company signed the Treaty of Sugauli, giving the British Army the right to recruit Gurkha men on a contract basis. By 1815, there were almost five thousand Gurkhas serving in the British Army. The British still maintain a Gurkha military battalion.

The Gurkhas won the trust of the British during the Indian mutiny of

1857. For nearly three months, Gurkha soldiers held Raja Hindu Rao's house, which had a strategic position for the British Army. The Gurkhas later fought for the British Army in the Pindaree war (1817), Bharatpur (1826), and the first and second Anglo-Sikh Wars (1846 and 1848). Although their term

of contract ended in 1857, the British were highly impressed by their fighting style and decided to make them a permanent part of the British Indian Army during the Indian Rebellion of 1857.

The Gurkhas also rendered services in the World War I and



fought alongside the British in Afghanistan, India, Burma, Palestine, Persia, Egypt, and France. Until the early 1900s, there were 20 Gurkha battalions in the British Army. Nearly 200,000 Gurkha soldiers took part in the World War I.

At the time of partition, Gurkha regiments were split into two. One merged with the British Army and the other with the Indian military. This division occurred as per the Tripartite Agreement, with the British Army keeping four regiments and the Indian Army kept six. The decision to merge some Gurkha soldiers with the Indian Army was taken in view of the common cultural and regional features between Nepal and India.

Apart from serving the British Army, the Gurkhas are now also serving the Singapore Police Force as the Gurkha Contingent. Singapore

hired Nepalese officers to replace the Sikh force that was serving in the country before the Second World War. Similarly, the Gurkha Reserve Unit, comprising 2,000 officers, is serving in the Sultanate of Brunei. This is a second-career job for those retired Gurkha officers who have formerly worked for the British Army or the Singaporean Police. Gurkha soldiers also served in Afghanistan as part of the Royal Gurkha Rifles and played a key role fighting for the British troops, which are part of the International Security Assistance Force (ISAF).

Each year, nearly 28,000 to 30,000 Gurkha youth contend for 200 positions in the British Army although the number of Gurkha men applying for the posts seems to have slowed down following the 2007 abolition of the monarchy in Nepal. While the former king supported the involvement

of the Gurkhas in the British Army, the Communist Party of Nepal (Maoist) believes that the recruitment of Nepali Gurkhas as mercenaries is harming the image of Nepal and its people.

The qualification process in the British Army is considered one of the most stringent as the hopefuls must be able to do 75 bench jumps in a minute and 70 sit-ups in two minutes. They also take part in an exercise called *Doko*, in which they have to cover a five-kilometer steep hill in 55 minutes while carrying a bag of rocks weighing 25 kilograms.

A few years ago, the Gurkhas who returned to Nepal after serving in the British Army appealed to the U.K. government for the same post-retirement benefits as those of the British soldiers. The British government, therefore, increased pension of soldiers who retired after 1997 from £95 to £450 per month. Unfortunately, the living veteran Gurkha soldiers who served during the Second World War didn't receive any increment and are living on a meager £6 a month that they get from the Gurkha Welfare Charity.

The retired Gurkhas also asked the British government to grant them permission to live in the U.K. but their appeal was rejected on two grounds. One, that Nepal is not a member of the Commonwealth and two, the Gurkhas were never subjects of the British Crown. Moreover, the British government believes that permitting all former Gurkha soldiers to reside in the U.K. would increase the burden on the immigration service.

However, the British government should take good care of Gurkha men since they served in its military for so many years and experienced numerous casualties. It is yet to be seen if the British government will keep Gurkha soldiers in its army or will gradually decrease their numbers. **S**

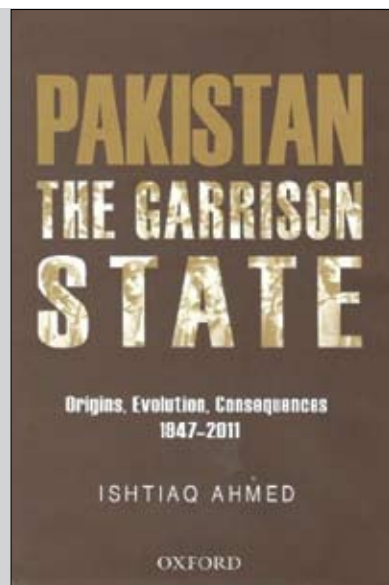
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# Perils of a 'Garrison State'

**Book Title:** Pakistan: The Garrison State: Origins, Evolution, Consequences 1947-2011  
**Author:** Dr. Ishtiaq Ahmed  
**Publisher:** Oxford University Press, Pakistan, 2013  
**Pages:** 508, Hardbound  
**Price:** Rs.1295  
**ISBN-13:** 978-0199066360

*Reviewed by Dr. Ikramul Haq*



The genesis and evolution of Pakistan remains an enigma for historians and political scientists. Voluminous work produced on the subject since the partition of the Indian Subcontinent in 1947 seeks to explain the interplay of two interwoven and interlinked factors behind the turbulent state – religion and militarism. The political use of ‘religion’ to demand a separate homeland for the Muslims and its later abuse by the military establishment with the help of the clergy, to capture power and establish a ‘Garrison State’ is, in a nutshell, the story of Pakistan, revealed by renowned political scientist, Dr. Ishtiaq Ahmed in his book *Pakistan: The Garrison State: Origins, Evolution, Consequences 1947-2011*.

The book presents and analyzes historical records – largely shrouded in mystery and distorted by vested interests – to show what actually ails this country, the sixth most populous in the world, having a geostrategic location that can’t be ignored by global and regional powers.

An impression, rather misconception, emanates from some published reviews that it is just

another work on the same pattern as produced by Dr. Ayesha Siddiqi in 2007, namely, *Military Inc*. It appears that the majority of the people haven’t read the book and are misled by its title alone. Unfortunately, the intelligentsia – if we really have any in Pakistan – has yet not initiated the debate and dialogue that this significant work deserves. This is the only rational and dependable study so far which traces the historical evolution of Pakistan and its pitfalls as ‘a fortress of Islam’, and also presents practicable solutions for making it a viable state.

The author, in this meticulously-researched and thematically focused work, has explored the evolution of Pakistan from a weak state to a self-proclaimed “fortress of Islam” – a concept that proved fallacious after its dismemberment in 1971, yet still insisted upon by many. Dr. Ishtiaq’s work is based on a conceptual and theoretical framework that combines the notion of a post-colonial state and Harold Lasswell’s concept of a Garrison State. In the very first chapter entitled, ‘The Fortress of Islam: A metaphor for a Garrison State’, the author has shown how a state famished at the time of its birth transformed

into a nuclear power despite facing multiple crises – political, economic, social and religious, etc.

This work is a sophisticated study that explains why Pakistan emerged as a garrison state during the Cold War. It goes far beyond the political economy of the military establishment about which Ayesha Siddiqi wrote. The theory has been elaborated in great detail by Dr. Ishtiaq. It talks about how the garrison state dominance over all other institutions is vested with the army. The military hierarchy, since the days of Ayub Khan, was, and still is, a “favorite” of the United States and its allies. Its rise to this level of power is propelled both by internal and external factors and historical reasons in which the military interests of the United States on the fall of the British Empire in this region played a vital role. Branding and marketing of Pakistan as a ‘frontline state’ by its founding fathers has been properly documented by the author and has created a furor in circles which never accept the truth.

The history of the garrison state, as narrated and analyzed by Dr. Ishtiaq, explodes many myths, unveils many facts, depicts the true events and


exposes many faces that ultimately rendered this “fortress of Islam” into a “CIA Headquarter” during the so-called Afghan Jihad, making it a “breeding ground of terrorism.” The allies and holy warriors of the past are now dangerously poised against the United States and its allies, neighbors and democratic societies, which are under threat from religious fanatics who ruthlessly resort to violent attacks.

In this comprehensive study, the author has skillfully presented the bizarre twists and turns of events in a straightforward manner and has successfully exposed the myth of this ‘fortress of Islam’. The lesson is very bitter: the perpetrators of terrorism have ultimately fallen victim to it. Dr. Ishtiaq has remarkably traced the journey of the garrison state that started from falling in the lap of the United States to armed conflicts with India, from martial laws to the birth of Bangladesh, from follies of political leaders to the brutal “Islamization” of Zia and from the corruption of elected governments to the proliferation of terrorism. This, he rightly judges is the path of self-deception and self-annihilation. He justifiably deplores the attitude of conspiracy-mongers who shift the blame to outsiders rather than admitting their own mistakes.

While succinctly highlighting future challenges after the exit of the international forces from Afghanistan, and the growing religious fanaticism and terrorism in and around Pakistan, Dr. Ishtiaq realistically conveys that nothing will change unless the garrison state paves the way for a secular and democratic state. It is an incontrovertible fact that in Pakistan, either directly or indirectly, political power has always been with the army. A handful of generals decide what is in the “best interest” of the country – Balochistan is a case in point. From the economic matrix to the foreign policy paradigm, they are the real decision-

makers. This is the real malady of being a garrison state. Dr. Ishtiaq has painstakingly traced the roots and causes of this malady in an objective and unbiased way. Unlike many other writers, he has not resorted to a blame game – fixing responsibility of the debacle on a particular institution or a political party or a class. However, in the final analysis, facts show that it is a collective failure. No doubt, the ruling classes – controlled by the custodians of the garrison state – committed blunder after blunder and are mainly responsible for the present pathetic state of affairs.

The tragedy of the garrison state is that its de facto rulers and the cronies working for them, do not care about the aspirations of the people and have done nothing worthwhile for the less privileged. This attitude leads to a suicidal path. To overcome this dilemma, the author has reached the conclusion: “It is, therefore, imperative that the stakeholders in the Pakistan power equation – especially the military – work out a long-term policy and strategy that can create stability, peace and prosperity within Pakistan as well as help normalize relations with its neighbors - provided they, too, nurture similar aspirations”.

No one would disagree with Dr. Ishtiaq. His work holds hope for Pakistan. What the country needs is that the forces that matter come out of their self-assumed notions like “custodians of ideological fronts” and “fortress of Islam”. This work should be an eye-opener for them. The stakeholders, especially the army, should initiate a meaningful dialogue for converting this garrison state into a modern, democratic country. As established by Dr. Ishtiaq, this is the only road to salvation. 

*The writer, a Supreme Court lawyer and well-known author, is adjunct faculty at Lahore University of Management Sciences (LUMS).*



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# Aam Aadmi Makes History in Delhi

By Anees Jillani

South Asian politics are one of the most interesting in the world. This may partly be due to the size of the electorate and in part attributable to peculiar personality traits. The rise of the Aam Aadmi Party (AAP) in India is a direct reflection of this phenomenon. Anna Hazare, 76, was not heard of before April 2011 when he started an indefinite hunger strike to get an anti-corruption law passed by the Indian parliament. A few other social activists joined his anti-corruption crusade, including Arvind Kejriwal, 45, a former civil servant. He then decided to enter politics, despite Anna's opposition, and launched his political party on his birthday, Nov 26, last year, later named as the Aam Aadmi Party. Its election symbol was a jharoo (broomstick).

Politicians made fun of him and the media did not take him seriously. But the common man on the streets noticed him and it came out as the second largest party in the Delhi State Assembly elections that were held on December 3. The elections experienced the largest turnout in the assembly elections since they started to be held in 1993 and the Congress, led by Sonia Gandhi, her son Rahul and PM Manmohan Singh, suffered its worst defeat in the Delhi elections. The AAP took a major chunk of votes from the Congress whose vote share decreased by 16 percent while that of the BJP decreased by 2 percent. This crystallized in AAP winning 28 seats, BJP 32, Congress only 8 and others gaining 2 seats in an Assembly of 70 members.

The results led to a hung assembly, with both the BJP and AAP asking each other to form the government. With AAP refusing to ally with BJP, it could not. Resultantly, the ball was in AAP's court. In this respect, Kejriwal announced on Dec 17 that AAP would seek the opinion of the citizens of Delhi on whether or not the party should form the next government in Delhi with Congress' support. In this regard, it prepared a letter addressed to the people detailing the circumstances and asking them to

vote for or against government formation. Two and a half million copies of the letter were distributed across Delhi. The development came a day after Lieutenant Governor Najeeb Jung recommended enforcement of president's rule in the state.

It was a predicament for the AAP as it detested allying with either the BJP or the Congress. But its refusal and failure to form the government was likely to result in re-polling which could have proved to be a gamble. It could have won a comfortable majority or lost its existing seats.

The people voted in favor of AAP forming government in Delhi. The AAP has made history and has done something that the Indian democratic system can genuinely be proud of. It has enabled people without any corruption record or criminal credentials to be elected to the assembly. The fact that the AAP was able to secure such a formidable victory within a year of its formation also goes to show that the system works and the same faces need not return to power again and again – a trend that has made many voters cynics, refusing to vote at all.

The elections, in Delhi as well as in the other four states the results of which were announced the same day, have shown one major problem with the system prevalent in most South Asian democracies. The successful candidates do not always reflect the most popular party voted by the people. In other words, lots of times, parties secure a huge number of votes in the entire state or the country but lose out in specific constituencies. This is a defect of the first-past-the-post system where a candidate with more votes than any other wins. This is something that the reformers must consider looking into. **S**

*Anees Jillani is an advocate of the Supreme Court of Pakistan and a member of the Washington, DC Bar. He has been writing for various publications for more than 20 years and has authored several books.*



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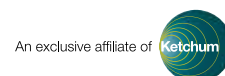
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