

Can soldiers restore law and order in Sindh?

Pakistan's prime minister has followed up his imposition of central rule in the province of Sindh with a sweeping law giving the military power to administer justice. As Gemini News Service reports, the move has sparked a wave of anger, and has brought together usually disparate opposition groups in protest.

By Yousaf Rafiq

In the most crucial decision of his political career, Pakistan's prime Minister Nawaz Sharif has given sweeping powers to the armed forces to arrest, interrogate and summarily try alleged terrorists in the troubled province of Sindh.

Under the new law, which will last until mid-March, a military court comprising an officer of the Army, Navy or Air Force can try civilians for "civil commotion" and pass any sentence within three days.

These speedy trial courts will give exemplary punishments to law-breakers in accordance with the Islamic principles," Nawaz told a press conference in Karachi.

The law gives a sweeping definition of civil commotion: internal disturbances violating or intended to violate law, illegal strikes, go-slows, lockouts, vehicle snatching, damage to state or private property, random gunfire intended to create panic, criminal trespass, distributing, publishing or pasting a handbill or making graffiti intended to create unrest, fear, a threat to the security of law and order, or to incite the commission of an offence.

This is the second time in the checkered history of Pakistan that a civilian chief executive has established summary military courts.

It was prime minister Zulfikar Ali Bhutto, the father of another former prime minister, Benazir Bhutto, who called out the army in Lahore, Hyderabad and Karachi in April 1977 and imposed curfew in Karachi.

Bhutto's miniature martial law was challenged and the Lahore High Court held that the move was contrary to and beyond the scope of the constitution. It further declared that the constitution neither envisaged the imposition of martial law nor the exercise by the armed forces of any judicial functions.

But Sharif's new ordinance has set aside the jurisdiction of superior courts and any verdict passed by the military courts cannot be challenged in high court.

Appeals can only be filed in the court of appeal, which will have to dispose of each case within three working days and whose final decision cannot be questioned. Ball for any court



Pakistan's provocative PM

1997

Feb. Muslim League leader Mian Muhammad Nawaz Sharif wins a landslide election victory
April Sharif tables bill withdrawing president's power to dismiss government
Nov. Accuses the president and chief justice of undermining his authority



1998
May Announces Pakistan's nuclear tests and says they "settled the score" with India
August Introduces constitutional amendment to replace legal system with Sharif's, the Islamic law
Oct. Imposes Governor's Rule in Sindh province
Nov. Creates military courts for trying cases of alleged civil disturbance

has been scrapped, and the federal government can even transfer to the military courts any pending cases of offences that fit the terms of its ordinance.

The maximum punishment under the new law is seven years' imprisonment.

The ordinance is intended to shore up Governor's Rule in Sindh, imposed in October.

Sharif slapped central control on the province to force the opposition Muttahida Qaumi Movement (MQM) to surrender members of the provincial assembly who the government blamed for the murder of Hakim Said, a philanthropist and former governor of Sindh.

It is the first time since 1974 that the federal government has dismissed a provincial government.

The assembly, though, has yet to be suspended or dismissed.

Over the last ten years, confrontation with the MQM and unrest in Karachi have been key factors in the fall of all three civilian governments which have come to power since General Zia-ul Haq's death and the country's return to democracy in 1988.

The MQM pulled out from both the federal and provincial governments in September in protest against the killings of their activists. Ironically, the MQM returned to the Sindh provincial government just three days before the Prime Minister accused it of being involved in Hakim Said's murder.

Sharif's move to establish military courts came as a big surprise in both diplomatic and political circles of the federal capital, Islamabad, as the prime minister and chief of army staff had recently ruled out such a role for the military in Sindh. The chief of staff had categorically stated that law and order would be dealt with by the civilian authorities who, in his opinion, were doing quite well.

The decision has paradoxically managed to unite many strands of Pakistan's elite: lawyers, soldiers and human rights activists.

The act is tantamount to extra judicial killings and extra judicial detention," observed Abid Hasan Minto, president of the Supreme Court of Pakistan Bar Association.

Former Army Chief General

Mirza Aslam Beg described the government's move as a "mini-martial law" and a negation of democratic norms.

And Asma Jehangir, chairwoman of the Human Rights Commission of Pakistan, said events could spur communal hatred and harm the federation, noting that the army was dominated by officers from Sharif's home province of Punjab.

The opposition parties of Pakistan have, of course, vehemently rejected the government's decision, accusing Sharif of wanting to impose dictatorial rule.

This ordinance is an ordinance to impose dictatorship in the country, to seize the fundamental rights of the people of Sindh and to make the province of Sindh a colony of the centre," said MQM chief Altaf Hussain.

Altaf has lived in self-imposed exile in London since 1992, when Sharif — then his first stint as prime minister — launched a similar military operation in Sindh.

Former president Sardar Farooq Leghari said the army was being dragged into Sindh to camouflage Sharif's Muslim League's failures. The army would be forced to pronounce judgements on the basis of material provided by a system, the credibility of which, according to the government itself, was doubtful," he said.

Imran Khan, a legendary test cricketer and now head of the political grouping Tehrik-e-Insaf, said that Sharif had pitched the armed forces against the people in Karachi, which could spell disaster for the country.

"We consider Nawaz Sharif as a security risk and his removal as a prerequisite for the country's continuing existence," Khan said. "The army had been constructing roads, searching for ghost schools, tracing electricity thefts and now it was called upon to maintain law and order in Sindh, which is a clear proof that all civilian institutions have been destroyed."

About the Author: Yousaf Rafiq is a reporter for Pakistan's Frontier Post, and writes for the magazine Politics and Business.

In 1995, 222 violent incidents

Insurgency has its toll on Assam's economy

By Amar Krishna Paul

Recent trends in the economic development of Assam have triggered a lively debate among the intelligentsia. Some argue the state has been unable to sustain a rate of rapid growth as the fruits of long-term policies are being eaten up by opportunists and the needy are being deprived of them. But others dismiss this as sheer pessimism.

A stable law and order situation is vital for fostering both secular change and gradual growth; also for tapping the state's natural resources and endowments. But Assam lacks adequate entrepreneur-friendly atmosphere in the prevalence of terrorism.

Violence is chasing investors and businessmen away from Assam. The insurgent groups have shown a speedier mushrooming growth than that of industrialisation of the state economy. The union home ministry recently published a report 'Bleeding Assam' (The Role of ULFA) in an apparent bid to mobilise public opinion against the United Liberation Front of Assam (ULFA), giving a detailed account of the activities of the banned outfit.

Says the report, "Have people thrived where a militant section has taken to the gun? Apart from bringing death and destruction to the area, do such movements achieve anything? General climate of uncertainty in the region. The economy suffers. Investors become hesitant to plough back any money into the area; transports stop plying in the region; economic activity dwindles and people stop stirring out after sunset."

In a sense, the report also states that the activities of the ULFA were primarily responsible for the economic backwardness of the state as in this climate of violence the investors are scared of investing their money in the state and the existing industries are struggling to survive because of the extortions, killings, etc. The tea industry is also facing crisis as senior officials of the industry are abducted or brutally killed for ransom.

A major chunk of the funds earmarked for development works also go to the coffers of the rebels, the report says.

Similar is the plight of the banks and the oil industry.

The NGOs committed to the development of the state were also not spared by the militants and the main reason for the killing of the AVARD-NE general secretary Sanjay Ghosh was money and not any ideological difference.

Although the state has a vast potential for power generation, big hydel power station except three micro stations.

It has lagged behind the rest of the country in generation and consumption of power, mainly because of the dearth of investment in the energy sector following the tense insurgency activities here.

The government had failed to contain ethnic clashes in Kokrajhar district which were continuing for the past two and a half years despite the visit of a central team.

It is, indeed, difficult to bring back misguided youths into the mainstream. But they should be made to realise that the state economy is being adversely affected by their chosen field of activity.

An able administration and a stable political establishment are preconditions for the progress of any economy. History shows us that the growth of Britain, France, Germany, Japan and the US can be attributed to their political stability and strong administration since the 19th century.

Although the state has a vast potential for power generation, it has lagged behind the rest of the country in generation and consumption of power, mainly because of the dearth of investment in the energy sector following the tense insurgency activities here.

Nationally, Maharashtra, Tamil Nadu, Andhra Pradesh, Orissa, Rajasthan, Delhi and West Bengal could maintain their efficient administrative will and political stability in the post-independence era.

Such political stability stimulated entrepreneurs, who boosted economic development in conjunction with the necessary policy prescriptions, made by the governments over the last five decades or so.

Even today Assam is considered a backward state like Bihar in the economic sense despite its huge reserves of natural resources. It produces around 50 per cent tea products and petro-products of the country.

However, soaring pressure of extremism on the state stalls the developmental needs in the infrastructure sector such as the development of energy sector, development of transport and communication systems, improvement of health and medicare, expansion of education and literacy and empowerment of managerial skills that have remained a dream beyond the reach of Assam.

Although the state has a vast potential for power generation, big hydel power station except three micro stations.

Pointing out the causes of backwardness of power sector of the entire North East India Dr M R Srinivasan a member of planning commission (energy sector) after visiting the "seven sister states" last year opined that north north-east power sector was plagued by various problems like lack of power infrastructure and the different terrain which increase the production cost of power.

Assam tea industries are also fighting for survival. The tea barons have virtually ruled their estates through remote control.

Ever since Surendra Paul, owner of Assam Frontier Company and brother of Lord Swaraj Paul, was gunned down, very few have had the guts to visit their tea gardens.

Many economic analysts feel that the tea production is mounting in Assam and it is largely due to the local work force. Nonetheless, getting good managerial talent is quite difficult as no one is willing to come to Assam. Right now the families of executives working here live in a shadow of constant

threat from the ultras in Assam, especially in the Bodoland Autonomous Council areas. Destruction of bridges both by ravaging floods and insurgent units damages the road transport system carrying primary food articles to the state.

Owing to continuous threat from militants, many public sector units have stopped their projects in north east. For example, the Oil and Natural Gas Commission Ltd suspended its operations in Nagaland in April 1994. Till now, it has not been able to resume work there in the wake of threats from ultra units. Moreover, it has lost two rigs there.

The Assam government continues to reel under severe financial crunch. It has been running into huge over-draft of more than Rs 200 crore every month during the foregoing fiscal year 1997-98 leading to frequent suspension of all governmental payments by the Reserve Bank of India.

The outstanding debt burden of the state as on April 1, 1997 was Rs 5712 crore, out of which loan from the central government was Rs 3,996 crore, constituting 70 per cent of the total. The per capita debt burden works out to Rs 2,223.

As per data available, the outstanding debt burden as on April 1, 1998 is estimated at Rs 6,131 crore and per capita debt burden works out to Rs 2,340 this year.

In spite of grim economic situation following insurgency in Assam, few optimists even now claim there is a room to promote the growth process of the state on many fronts. First and the foremost among them being development of agriculture, which is the mainstay of Assam.

The large number of unemployed youth should employ themselves in cultivating unused arable land so as to promote productivity as well as raise output.

This should work, despite the shortage of working capital in Assam. There is a paucity of literate cultivators and the entry of at least some of the about 1.5 million educated unemployed youths should help modernise the agrarian sector.

Investment in infrastructure, including investment in transport and communications, power and energy, generation of savings, capital formation, free entry of foreign direct investment etc. are essential to boost Assam's economy.

— PTI

Human rights situation improving in Bhutan

Thimphu: Amnesty International has praised the democratic constitutional changes in Bhutan and suggested the need for encouraging the trend towards greater openness in the tiny Himalayan kingdom.

A visiting Amnesty team, which spent 11 days in the country at the invitation of the government, said it was pleased at being allowed to go to places it wanted to see and meet Bhutanese prisoners it was concerned about.

The three-member team of the international human rights watchdog said that although the situation in Bhutan was more complex since its last visit six years ago, it was encouraged by the new "openness" in the country, Bhutan's national newspaper Kuensel reported.

There is a clear system of greater openness and the policy of decentralisation and devolution that His Majesty has pursued is opening up many new currents within the society," Rory Mungoven, Director of Amnesty's Asia and Pacific programme, was quoted as saying.

He was referring to the steps by King Jigme Singye Wangchuck towards the democratisation of Bhutan's policy. "The challenge now is to find ways to channel these currents rather than trying to block or stop them. With the new dynamics emerging within the country... will come a need for further liberalisation and freedom of expression. Other

wise problems and pressures will build up within the system," he added. Mungoven said that his group was especially pleased to be allowed to meet some prisoners in Bhutanese jails Amnesty was worried about.

The team travelled to Mongar, Dramsite and Tashigang in the east where they met local government officials, police officials and Buddhist monks among others.

The Amnesty team called on the monarch and held talks with Foreign Minister Jigmi Thinley which included a consideration of how Bhutan could incorporate human rights provisions in the country's constitutional structure. Amnesty also discussed the issue of extremists from northeastern India taking refuge in Bhutan and advised the government to ensure that there was no danger to civilians in tackling the intruders from across the border.

Thinley told Kuensel that Amnesty was allowed to come and see things for itself. He said the government wanted to correct Amnesty's earlier views of Bhutan as expressed in some Amnesty reports which he described as "very ill-informed and based usually on single sources."

He said the Amnesty team was given "free and unlimited access to all the places and people they requested to visit and meet" and the government "listened to their views with broad and open minds."

Issue of women's seats in buses stirs hornet's nest in India

by Ranjita Biswas

"Romantic" young drivers try to show off to women passengers, most of them college girls, by driving dangerously in the stuntlike style of film heroes. The private buses reserve front seats near the driver's for women. During peak hours these are choc-a-bloc with young students.

What's romance got to do with it?

A pertinent question indeed, when the subject in question is road traffic accidents.

But the state government of Kerala, a southern state in India, is not hesitant about blaming this sentiment for a score of recent pileups on its roadways.

Indeed, a recent government inquiry committee concluded just that. The solution? A change is the seating arrangement for women in private buses.

According to the finding, "romantic" young drivers try to show off to women passengers, most of them college girls, by driving dangerously in the stuntlike style of film heroes. The private buses reserve front seats near the driver's for women. During peak hours these are choc-a-bloc with young students.

The transport department's would have seemed funny had they not involved fatal accidents. Recently, in one such accident, all but two of the dead were girls.

To provide drivers less diversion, and as a safety measure, it was suggested that reserved seats should be shifted to the rear.

With this good intention, the transport commissioner had the Motor Vehicle Act amended. The department, however, did not bargain for the fallout. The order was promptly defied at Kochi town, near Palai, the site of the accident that triggered off the inquiry.

Hard on the heels came a barrage of protests from women activists and a couple of court cases. Women activists of the Vanita Avakash Samrakshna Samiti of Kochi filed a public litigation case in the High Court against backseat travelling. Hundreds of women rang a weekly phone-in television programme protesting against the arrangement.

It was "torture" to travel in the rear seats, they complained, what with the roads full of potholes and buses poorly maintained. The back seats also have no supporting bar and on the stretches where the roads slope,

it is difficult to keep one's balance.

Faced with two petitions pending in the High Court, the transport ministry has now asked the transport commissioner to "Freeze" the order.

The provision of keeping reserved seats for women in Indian buses is hotly debated. Throughout the country, the issue of "reserved seats" for women has strong lobbies for and against.

In West Bengal, private buses have benches reserved for women passengers, which could at best can seat 14 to 15. The state transport buses have four to eight seats reserved for "old people and women". Children can share them too.

Meanwhile, minibuses and state buses have two seats reserved for the disabled.

But there are also extreme cases in the opposite direction. A male passenger who inadvertently boarded an "all-women" train in Calcutta was ridiculed and was harassed so much that he preferred to jump out from the running train. It proved to be fatal.

Recently, a young girl travelling in a Madras autorickshaw (the three-wheeler transport known in Thailand as a tuk-tuk) died when she tried to jump out, accosted by eye teasers.

But then there are also extreme cases in the opposite direction. A male passenger who inadvertently boarded an "all-women" train in Calcutta