

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 checked 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. Bail 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 Shari'a, 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 dissolved.

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 "militarist 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 in 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."

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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 titled '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 Sanjoy Ghosh was money and not any ideological difference.

In 1995, 222 violent inci-

dents, including 204 killings, were reported while in 1996, 492 incidents, including 366 deaths, have been recorded so far.

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 deeds in the infrastructure sector such as the development of energy sector, development of transport and communication systems, improvement of health and education, expansion of literacy 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,

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. It has enough water resources for hydro power, projects and enough natural gas, coal and petroleum for thermal power stations as well. Large amounts of natural resources, which can be utilised for generating power, are wasted regularly in the state.

For example, Assam burns 235 lakh cubic metres of natural gas, worth about Rs 40 lakh at Tenggakhat daily even as Reliance Industries have already shown keen interest in investing Rs 4,000 crore on the Assam gas cracker project.

There is a vast potential to set up hydro-power stations across the Brahmaputra and other tributaries of Assam. Unfortunately, the state has no

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 3,998 crore, constituting 70 per cent of the total. The per capita debt burden works 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 infrastruc-

ture, including investment in transport and communication, 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 Monggar, Dramtse 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."

—IANS

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 in 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 Ayaksh Samrakshana Samity 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 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 always snide remarks as to why "modern" women who are supposed to be on equal terms with men need "reserved" seats. Women point out that in the sardine-packed buses of Calcutta it is near to impossible to hold onto dear

life as bus drivers drive at breakneck speed. The most intense moments are often when two buses on the same route approaches another. As there are no rules on how many passengers can be packed in, the operators compete fiercely for passengers.

Even then, far too many women travel standing than sitting, they point out. These days most young men do not even offer seats to pregnant women.

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" tram in Calcutta was ridiculed and was harassed so much that he preferred to jump out from the running tram. It proved to be fatal.

—Gemini News

Sharif delivers less than promised

By Marlene Lewis

ISLAMABAD: Political observers in Pakistan have closely followed Prime Minister Nawaz Sharif's visit last week to the United States where his government says he has won important concessions from US President Bill Clinton, reports APB.

Clinton agreed on December 2 to waive some of these and renewed a pledge to settle a dispute over Islamabad's 658 million dollars purchase of 28 F-16 fighter jets, delivery of which was blocked in 1990 by US sanctions. The latest sanctions were imposed by Washington in May, on both India and Pakistan after the rivals' tit-for-tat nuclear tests.

But belying Sharif's hopes of a breakthrough, Clinton reiterated to the Pakistani premier that Washington would enter as a mediator only if "both parties wish the United States to be involved."

India has time and again stated it is against third-party intervention and has defended itself against charges of human rights abuses in Kashmir where security forces have clamped down on a separatist movement.

Ever since the rivalry between the two neighbours turned into an open nuclear race, Pakistan's government has sought to turn the international uproar in its favour on Kashmir.

Many believe the dispute could be the flashpoint for another war in the nuclearised region.

India and Pakistan have fought two wars over Kashmir in the last 50 years, the last in 1971, and regularly trade charges at international fora. A defensive India has also taken exception to comments by other countries, most recently by South Africa.

Sharif told Clinton he was destined to play a historic role in resolving the Kashmir issue and that he was morally obliged to play an active role, but that was not enough to persuade Clinton.

Washington had its own concerns. Primarily Clinton wanted Sharif to fix a deadline for signing the Comprehensive Test Ban Treaty (CTBT). Both India and Pakistan have indicated willingness to sign, but haven't gone beyond.

Sharif has failed to deliver on election promises and act on widening the tax net and calling in defaulters who owe banks billions in loans. Instead his government has introduced a controversial new legal system based on religion and clamped Governor's rule in the southern province of Sindh where he introduced military courts last month to tackle "terrorism".

The two-year-old government has few results to show.

—IPS

National Security Council finally comes into being in India

by Saumitra Mohan

The National Security Council (NSC) has finally come into being in India after more than a decade on the anvil. The three-tier NSC to be headed by the Prime Minister is supposed to undertake an array of complex tasks pertaining to national security management and linking it to the country's overall development process. But one wonders how effective it would be without full-time professional analysts to help it along.

It was Rajiv Gandhi who first experimented in 1985 with a variant of NSC, by setting up a committee named "Policy Planning Committee on National Security". A few ministers including two chief ministers, officials and non-officials were designated as members.

The chairman, Joint Intelligence Committee (JIC), was made the secretary. Headed by Arun Singh, then Minister of State for Defence, this predecessor of NSC which could have successfully performed the role of a think-tank, decision-maker, policy-arbitrator and performance-monitor died an early death since conventional channels of decision-making

like Cabinet Committee on Political Affairs (CCPA) and the Committee of Secretaries (CoS) were already available.

After that VP Singh government's NSC, which included a multi-member advisory group, did not take off since no one was clear on its functioning. As a compromise, the Narasimha Rao government set up a "Security Strategy Group" to include the service chiefs also, who were not part of the decision-making process earlier, but nothing like NSC came up more because of clamour from retired civil and military officials.

The NSC also featured in the present coalition government's national agenda for governance following which a task force to go into various aspects of an NSC was formed in April this year under the chairmanship of former defence minister K C Panigrahi.

The task force submitted a detailed report on June 26. The present NSC is based on its recommendations.

Headed by the Prime Minister, the high-powered panel will have the home minister, the defence minister, the external affairs minister and the deputy

chairman of the Planning Commission as its members. It will have a three-tier structure. Principal secretary to the PM will be the national security advisor and channel for servicing the council.

The Joint Intelligence Committee which is to be revamped to suit the demands of its new role. Satish Chandra, India's high commissioner to Pakistan has been appointed as its chairman.

The Strategic Policy Group will be strengthened and will provide inter-ministerial co-ordination and back-up for the council. It will comprise the cabinet secretary and the union secretaries from the departments concerned including external affairs, home, defence, finance, revenue and defence production besides three service chiefs, the Reserve Bank of India governor and the director, Intelligence Bureau.

The present structure combines the two posts of secretary to the Prime Minister and the National Security Advisor. Both are full time jobs and are quite taxing. Combining the two posts will result in either or both tasks not being managed

effectively. Since the secretaryship to the PM involves day-to-day running of the government, it is likely that the long-term planning in national security management is bound to suffer in the proposed dispensation.

The Strategic Policy Group is an expanded secretaries' committee. It can only make general comments on papers produced by others and can't by itself do any original work.

If it is to carry out a strategic defence review, then there must be a group of experts who should produce a draft on which the secretaries can make non-specialist observations. It is not quite clear which structure will do that basic work. This is not very different from the present procedure.

The government has fallen back on the eight-year-old proposal by the VP Singh government of converting the JIC into an NSC secretariat. This confuses that this government like all its predecessors can't appreciate that national security planning must start with a long-range intelligence assessment made by professionals.

By making JIC the secretariat, the long-term intelligence assessment is bound to be

neglected and the strategic defence review will not have any solid foundation on long-term assessments but will be a collection of ad hoc views of individuals. The government's attitude towards intelligence assessment is evident from the post of chairman, JIC being left vacant for nearly a year.

There is mention of a National Security Advisory Board comprising persons of eminence outside the government covering expertise in various fields. They are to meet once a month and more frequently as required. They are to provide long-term prognoses and analyses for NSC and recommend solutions and policy options. It is not clear whether they will be full-time or part-time functionaries.

Unless they are constituted into a single coherent body and made full-time staff, they will not be able to discharge their functions effectively. If that is done, the person who heads the board, will be the key person in national security planning. Such a person will have to be of the rank of secretary to the government and have adequate background in national security

affairs. One wonders whether in the set up proposed one could expect him to be independent and not tailor his views to align with those of his seniors who will advance his career.

As envisaged, the pioneering national security advisership is not the best way to initiate a modern and efficient national security management structure, however meritorious, competent, knowledgeable and dedicated the incumbent may be. A major blind spot of the official Indian mindset concerns the axiomatic truth that centralisation of authority degrades effective exercise of power.

Successive Indian leaderships have failed to nurture modern management concepts such as power-sharing and responsibility, delegation and team work for common goals and objectives.

The purpose of setting up the NSC was to purge the present system of ad hocism in decision-making and replace it with a collegiate, deliberative and information-based approach. This aim would be defeated by centralisation, generalist supremacy, rigid hierarchy and bureaucratic circum-

ambulation which are the basic defects of the proposed structure.

It is not known whether this decision was arrived at after an informed deliberation in the cabinet committee, or was taken by the Prime Minister alone.

The JIC was shifted from the jurisdiction of the chiefs of staff committee and made an autonomous assessment body in the cabinet secretariat in 1965, after it became clear that the 1962 debacle was the result of a failure to assess the regular inflow of data.

However, the tendency of intelligence agencies to withhold information from the committee, and the inability of the ministers and senior civil servants to appreciate that long-range intelligence assessments are essential inputs for policy making, combined to undermine the efficacy of the arrangement.

A cardinal principle in national security decision-making is not to mix up responsibilities for intelligence assessment and policy making; one process influencing the other to the detriment of optimal deci-

sion-making. The assessors must have access to all available intelligence and should be free to reach their own conclusions without any external pressures.

Most countries have highly equipped professional analysts continually on the job. Despite the dawn of the information age our politicians and bureaucrats have yet to realise the need for assessed intelligence. This refusal to learn is rooted in the endemic authoritarian style of official functioning, marked by an unwillingness to submit to the discipline of information, expertise and reasoned decision-making. All this is reflected in converting the JIC into a secretariat.

As the NSC and its supporting structure are being set up under an executive order, one can only hope that further improvements and amendments will be possible taking constructive suggestions into account.

—PTI Feature

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