

The Living History of Pakistan Vol-V

**POLITICS**

**ARMY**

**JUDICIARY**

# **The Living History of Pakistan Volume - V**

**INAM R SEHRI**

**Contemporary History is NOT that what has  
been happening around –  
It is the statement of facts about what  
the people considered significant**

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Grosvenor House  
Publishing  
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The Living History of Pakistan Vol-V

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[All page with usual statements ending with]  
ISBN .....

**Other Books from**

**INAM R SEHRI**

**KHUDKUSHI**

(on Suicide) [in Urdu] (1983)

{Details of historical perspective of 'Suicide' in various societies; & investigation techniques differentiating in Murder & Suicides}

**WARDI KAY ANDAR AADMI**

(Man in uniform) [in Urdu] (1984)

{Collection of short stories keeping a sensitive policeman in focus}

**AURAT JARAIM KI DALDAL MEIN**

(on Female Criminality) [in Urdu] (1985)

{Describing various theories and cultural taboos concerning Female Criminal Behaviour}

**POLICE AWAM RABTAY**

(on Police Public relationship) [in Urdu] (1986)

{Essays describing importance of mutual relationships}

**DEHSHAT GARDI**

(on Terrorism) [in Urdu] (1987)

{Various theories and essays differentiating between Freedom Fighting & Terrorism in Middle Eastern perspective}

**QATL**

(on Murder) [in Urdu] (1988)

{The first book written for Police students & Lawyers to explain techniques of investigation of (difficult) Murder cases}

**SERVICE POLICING IN PAKISTAN**

[in English] (1990)

{A dissertation type book on which basis the PM Benazir Bhutto, in 1990, had okayed the Commissionerate System of Policing in Pakistan. Taking Karachi as the pilot project, later, it was levied for all major cities and still going on as such}

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**SHADI**

(on Marriages) [in Urdu] (1998)

{A detailed exposition of Marriage explained in various religions, cultures, countries and special groups; much applauded & commented upon on PTV in 1998-99}

All the above books were published by Pakistan's number one publisher

**SANG E MEEL PUBLICATIONS,**  
**25 - The Lower Mall LAHORE, Pakistan**

And are normally available with them in latest re-prints.

**Judges & Generals in Pakistan VOL-I**

[in English] (2012)

**Judges & Generals in Pakistan VOL-II**

[in English] (2012)

**Judges & Generals in Pakistan VOL-III**

[in English] (2013)

**Judges & Generals in Pakistan VOL-IV**

[in English] (2013)

**The Living History of Pakistan Vol-I**

[in English] (2015)

**The Living History of Pakistan Vol-II**

[in English] (2016)

**The Living History of Pakistan Vol-III**

[in English] (2017)

**The Living History of Pakistan Vol-IV**

[in English] (2017)

{Collection of essays mostly published; dealing with Pakistan's chequered history of massive financial & intellectual corruption, abortive rule by two political parties in succession with higher judiciary's gimmicks during 1971 onwards; Constitutional Amendments which made political parties as family businesses & apex court's nexus making the politicians more corrupt.}

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***It's me; my Lord!***

**Inam R Sehri**

- Born in Lyallpur (Pakistan) in April 1948
- First Degree from Government College Lyallpur (1969)
- Studied at Government College Lahore & got first Master's Degree from Punjab University Lahore (1971);
- Attachment with AJK Education Service (1973-1976)
- Central Superior Services (CSS) Exam passed (batch 1975)
- Civil Service Academy Lahore (joined 1976)
- National Police Academy Islamabad (joined 1977)
- LLB from BUZ University Multan (1981)
- Master's Degree from Exeter University of UK (1990)
- Regular Police Service: District Admin, Police College, National Police Academy, the Intelligence Bureau (IB), Federal Investigation Agency (FIA) [1977-1998] then migrated to the UK permanently.

A part-script copied from the earlier volumes:

Just spent a normal routine life; with hundreds of mentionable memoirs allegedly of bravery & glamour as every uniformed officer keeps, some times to smile at and next moment to repent upon but taking it just normal except one or two spills.

During my tenure at IB HQ Islamabad I got chance to peep into the elite civil and military leadership of Pakistan [then] existing in governmental dossiers and database.

During my stay at FIA I was assigned to conduct special enquiries & investigations into some acutely sensitive matters like Motorway Scandal, sudden expansion and build-up of Sharif family's industrial empire, Sharif's accounts in foreign countries; Alleged Financial Corruptions in Pakistan's Embassies in Far-Eastern Countries; Shahnawaz Bhutto's murder in Cannes (France); Land Scandals of CDA's Estate Directorate; Ittefaq Foundry's 'custom duty on scrap' scam, Hudaibya Engineering & Hudaibya Paper Mills enquiries, Bhindara's Murree Brewery and tens more cases like that.

*[Through these words I want to keep it on record that during the course of the above mentioned, (and also which cannot be mentioned due to space limits) investigations or enquiries, the then Prime Minister Benazir Bhutto, or [late] Gen Naseerullah Babar the then Federal Interior Minister, had never ever issued direct instructions or implicit directions or wished me to distort facts or to go malafide for orchestrating a political edge or other intangible gains or hidden benefits.]*

***Hats off to both of them!***

***Some top bureaucrats like Kh Zaheer, Afzal Kahoot and Saeed Mehdi twisted my arms in the name of Sharif's anger firstly sent me home then tried to imprison me – only the INTERPOL's investigations into my affairs could rescue me.***

In Ingall Hall of the Pakistan Military Academy [PMA], it is carved:

***"It is not what happens to you that matters but how you behave while it is happening".***

I should feel proud that veracity and truthfulness of none of my enquiry or investigation could be challenged or proved false in NAB or Special Courts; yes, most of them were used to avail political compromises by Gen Musharraf's government.

That's enough, my dear countrymen.

**Haile Selassie**, the former Emperor of Ethiopia, once said:

**We must become bigger than we have been: more courageous, greater in spirit, larger in outlook. We must become members of a new race, overcoming petty prejudice, owing our ultimate allegiance to .....  
the human community.**

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### **9<sup>TH</sup> HUMBLE SUBMISSION**

This volume is being opened with immortal words by **Arthur Schopenhauer** [taken from ***Essays and Aphorisms***]:

*"Every miserable fool who has nothing at all of which he can be proud, adopts as a last resource pride in the nation to which he belongs; he is ready and happy to defend all its faults and follies tooth and nail, thus reimbursing himself for his own inferiority."*

..... And I'm the same miserable fool – but not here to defend my faults and follies at all; I submit myself unconditionally – I surrender.

**9<sup>th</sup> volume** of book on **contemporary history of Pakistan** [since 1971] is in your hand. Each chapter is a different scenario but in continuity of the **'Judges & Generals in Pakistan' Vol I-IV** and travelling through **'The Living History of Pakistan' Vol I-IV** making this book a milestone of a sustained effort to keep the country's past in tact.

We are living in an age of developed media all around; very easy to cross check the truthfulness or the real value of information contained in the scripts in your hand. Now a day the notion prevails that:

***" Wars that are lost on the battlefield can be won on the TV screen.***

*Fake universities selling bogus credentials or fake surveying agencies that sell survey reports which say whatever you want them to say are some examples. Fake human rights organisations are nothing more than a website but give you a clean chit for your deeds on demand. None of it is real, but what difference does that make."*

[The **'DAWN'** dated **8<sup>th</sup> September 2016** is referred]

But my books, including this **'The Living History of Pakistan' Vol-V** are compilation of facts from the contemporary history, may be irritating for many because the truth is often bitter; explaining diverse state of affairs.

No fiction or fabrication as pointed out above. This book may be taken as reference based on authentic news, editorials, opinions and criticisms on issues connected with Pakistan – and with adequate sources.

The Living History of Pakistan Vol-V

No misleading intelligence story, no distracting investigative report, no concocted interview and no feed from the 'concerned ones' yet everything seems innovative; no fiction in this book but simple narration of facts. As I use to quote in the beginning of each volume:

*'It is the collection of tragedies and misgivings which are deliberately buried in suspicious darkness of political compromises and narration of lust, corruption, egoism, insensitivity and selfishness of ruling few whose families are settled abroad. They only go to Pakistan to rule when their turn ripens up.*

*'I've simply dig them out, collated and placed together for those who want to keep a track of their past.'*

You read your newspaper daily and regularly and many of you go through it thoroughly but you do not keep record of even important events. This book contains nothing but the true events and analysis on certain topics, of course, which have cogent references to your history, your representatives, your leaders, your ideal guides and not the least - your Pakistan.

**Now see if it is not too late:**

**On 30<sup>th</sup> January 2013;** the Chief Election Commissioner of Pakistan [CEC], Justice ® Fakhridin G Ibrahim, went to the office of National Database Registration Authority [NADRA] to discuss affairs relating with the then forthcoming elections. In NADRA, he saw another graceful army officer, dressed in his uniform. Just after a few formal exchanges of words, the CEC said;'

*"Officer; nice to see you. If you see your boss, the Army Chief some time, kindly convey him my gratitude and well wishes; my name is Fakhir."*

The army officer smiled for a while and said:

*'Mr Justice, I'm the Army Chief Ishfaq Kayani my self.'*

Next moment so many things appeared on mutual agenda regarding election arrangements; Dr Qadri's long march and his agenda also surfaced up during conversations. The CEC told the General that:

*'General Sahib, we'll be needing the army's practical help in the coming elections, to get the polls clean and transparent.'*

Gen Kayani warmly held the CEC's hands and, without any pause, offered army's full backing and support while saying:

*'Concentrate on elections Mr Justice; we are with you in holding of fair & firm elections; never mind what the **other** people say.'*

The election campaign started.

**On 8<sup>th</sup> March 2013**; while addressing a public gathering in Railway Ground Mardan, PML[N] President Nawaz Sharif announced one part of his party manifesto for the forthcoming general elections in May that year. He said that during five-year rule of PPP-led government hundreds of innocent people were killed in bloodshed in Karachi and Balochistan. He added:

- *'If we came into power we will **restore law and order** in the country, **eliminate load-shedding in two years** and end unemployment by creating new opportunities.*
- *It will not be just a compilation of hollow slogans; rather he would honour his words as his intention is fair and just.*
- *He would start **bullet train from Peshawar to Karachi**, turn Mardan into an industrial state, and establish a kidney and a burn centre in the district.*
- *He would develop better relations with Afghanistan and solve the issue of Kashmir.*
- *That Punjab government was providing free treatment to the poor kidney patients and giving houses to the poor, besides provision of free laptops to the students. We'll do the same here in Khyber PK.'*

After two years, the social analysts were disappointed to large extent because the energy crisis could not be overcome despite PML[N]'s tall plans. Just few months after winning the elections, the prime minister and his energy minister [Kh Asif] themselves admitted before the nation, through televised programs and press media, that PML[N] would not be able to overcome that energy crisis till ending 2017; during 2015 the PML[N] leadership extended their target to 2018.

### **DRUG MENACE:**

During the 1<sup>st</sup> week of November 2012; Canadian officials seized 22 kilograms of heroin worth \$8.8 million on a flight that originated from Pakistan. A month earlier, Indian Border Security Force officials found 105 kilograms of heroin concealed among bags of cement on a train from Pakistan, one of the largest-ever seizures of contraband in India.

Drug trafficking, like terrorism, has been devastating fallout for Pak-Afghan conflict since about two decades.

But see the other aspect: Referring to the '**Express Tribune**' dated **26<sup>th</sup> June 2011**; in 1980, there were only 50,000 drug users in Pakistan; by 2011 there were 8.1 million, according to official statistics, and many health experts and social workers think the number was much higher. One reason for the spike was that Pakistan became a major transit route in the 1980s, when drug trafficking was [perhaps officially] sanctioned by the Afghan government as a way to fund the anti-Soviet *mujahedeen*.

Till ending 2012, , drugs worth \$30 billion were smuggled out of Afghanistan via Pakistan every year; one-third of all drugs produced in Afghanistan passed through the coastal areas of the Pakistani province of Balochistan.

The Pakistani authorities conceded that drug trafficking has been a major problem for them. In 2010, they launched the ambitious Drug Control Master Plan, which identified ways to control trafficking, rehabilitate addicts and create public awareness about drug abuse. And officials from Pakistan, Afghanistan and Iran held several meetings to discuss ways to halt drug smuggling from Afghanistan but the extra measures made no difference.

Pakistan has been suffering economic and political consequences for playing host to drug traffickers. Finger-pointing over smuggling is putting pressure on its relations with Afghanistan and by extension, the United States, who were not at good terms because of such militant activities.

And then, of course, Pakistan's citizens suffered. Approximately 0.6 million Pakistanis became drug users every year. While many of them hailed from low-income areas, not all were destitute.

According to one estimate, one in 10 college students in Pakistan is now an addict. For people like them, Pakistan's role in global drug trafficking isn't just about geopolitics; it's about survival.

**Another aspect of our reputation:**

Referring to American top-read magazine the '**Foreign Policy**' of **3<sup>rd</sup> September 2013**:

*"Setting up the infrastructure for this [drug] trade was almost a matter of policy for military ruler Gen Ziaul-Haq, who created the **National Logistics Cell** — essentially a military trucking business — to transport heroin from the northwest to Karachi and bring weapons in the other direction.*

*Even by the standards of rogues and dictators, Gen Zia was unusually brazen and corrupt, with close associates implicated in drug trafficking and money laundering plots. Pakistan seemed on the verge of becoming a narco-state.*

*In 1980, on his way to the United Nations in New York, Gen Zia's diplomatic cargo was searched, and heroin was reportedly found stuffed into marble lamps.*

*[Full details are available in **EIR Volume 8, Number 39, 6<sup>th</sup> October 1981** titled as '**Gen Zia and his regime implicated in heroin traffic**' by Uma Zykovsky]*

*After the war with the Soviets and Gen Zia's mysterious death, that transport infrastructure was more or less privatized by Pakistani cartels and drug mafias, and it has lasted through the present day.*

*Today, as much as 40 percent of Afghanistan's heroin still transits through Karachi, according to the United Nations."*

Pakistanis knew that the Americans had simply played an arm-twisting game to malign the Pak-Army because it had facilitated the **Kahuta Research Laboratories of Dr A Q Khan** to 'manage' nuclear plant components from the world around.

But what the successive rulers of Pakistan did to wash away that allegedly rogue impressions from the US and the other enemy states.

**Little talk about our recent past:**

**On 8<sup>th</sup> August 2016**; a suicide bomb attack killed 72 people in Quetta, capital of Balochistan province in Pakistan. About 120 others were injured in the blast, which happened at the entrance to the emergency department of hospital where the body of a prominent lawyer shot dead few hours earlier was being brought and the mourners had gathered there.

The casualties included mostly of lawyers and journalists accompanying the body of Bilal Anwar Kasi, former President of the Balochistan Bar Association. Bilal Kasi was shot dead while he was on his way from home to the main court complex in Quetta. It seemed the two episodes in succession were pre-planned.

[In a live TV talk show of next day, an anchor asked a Quetta based lawyer that: *'what will happen to the courts – when the same would open....'*

A prompt reply in a tearful voice came that:

***'...what courts and what justice .... The whole generation of senior and mostly foreign qualified lawyers has been washed away.... Who will appear therein even if the courts open tomorrow.....'***]

In Pakistan, the Human Rights NGOs and the big Law Chambers always used to cry over such situations in the past. They only remained confined to warn the media and the sitting governments to *'improve the situation'* or to refrain from doing this or that – using cosmetic phrases. However, these NGOs or the successive Bar Associations of the superior courts never emphasized on a just solution or opted:

- *to suggest the successive governments that the 19<sup>th</sup> century's Evidence Act, PPC, CrPC and the Police Rules be re-written keeping in view the changing social needs and patterns of crime;*
- 
- *to apprise the superior courts that what court procedures are being practiced in other developed [Islamic, Democratic or Socialist] countries and what kinds of evidences are admissible in their courts – why not considered in Pakistan;*
- 
- *to inform the governments and the superior courts to adopt any model court system from any developed nation to IMPART QUICK JUSTICE to the people;*
- 
- *to suggest and help the Parliament to re-write the Police Act of 1861 & Police Rules of 1934; how can one expect speedy justice in this atomic age but relying on 85-160 years old testaments and demonstrations.*



The general populace has started voicing that '**.....till the intellects rise up with new enlightened laws, rules and procedures, let the military courts prevail instead of the paralysed civil judiciary.**'

The above lines were also the summary of the opening chapter of '**The History of Living Pakistan**' Vol-I titled '**Chehrey Nahin Nizam ko Badlo...**' [Change the system not faces]; over which the former Attorney General of Pakistan Irfan Qadir wrote his candid opinion which is placed here **verbatim**:

*"Inam Sehri Sahib,*

*I have carefully perused your email. I tend to agree with most of it. Evidence Act or **Qanun e Shahadat** of 1985, no where disregards any matter placed before the court having nexus to any relevant fact or a fact in issue. Most of these laws are working perfectly well in developed countries following Westminster model of government.*

*Law making in our country is certainly lagging behind but the real fault lies with the men who implement the laws through enforcement or prevention. To become a police officer in grade 17 or above one has to pass at-least the Central Superior Services [CSS] Examination. These officers mostly control and conduct the investigations.*

*Those who are unsuccessful have little choice but to enter the lower judiciary or as an alternate join the legal profession or prosecution to eventually find their way into the country's superior judiciary through use of influence, intercession or **sifarish** since induction therein is mostly without observance of proper selection procedure or pre-appointment competitive examination.*

*In the recent times one such **sifarishi** became Chief Justice of Pakistan and during his chief justice-ship, the judiciary of Pakistan suffered immensely as an institution and in the aftermath of his tenure, all this eventually paved way for certain constitutional amendments which led to the establishment of military courts in the country as judiciary failed to provide expeditious and inexpensive justice in terrorism related matters etc.*

*Besides, the legality of judgment of 31st of July 2009 by means of which majority of judges of the superior courts of the country were*

*removed by a small minority of 14 judges handpicked by Justice Iftikhar Chaudhry remains highly questionable.*

*Consequently, even more incompetent and inexperienced persons, than ever before, were inducted as judges to fill the vacancies created in the higher judiciary by this unprecedented judgment hitherto unknown to judicial history of our planet.*

*As such, **the judicial system [in Pakistan] has almost collapsed.** Many of the judgments being rendered by these judges apart from being substandard are often un-implementable. Excessive use of contempt power has thus become an order of the day for seeking implementation of these illegal verdicts.*

*Such is the unfortunate state of affairs in our land of the pure namely Pakistan.*

*Best regards,*

***Irfan Qadir** 8<sup>th</sup> January 2016*

***[former Attorney General of Pakistan]"***

Mr Qadir has correctly assessed the situation. The fault starts from the Police Act 1861 and the Police Rules of 1934. The most lot of police investigating staff exploit the loopholes, of course, for ulterior motives.

All we know that in 99.9% cases of raids, arrests and recoveries no genuine eye-witness is ever available. Police put the witnesses from lists in their pockets, 161 statements are concocted and recorded and then Police bargain the case because those witnesses have to stand in the court only once to 'innocently' negate the whole occurrence.

Mr Qadir is correct to point out role of judges here. For such situations, witnesses and judges are mostly in collision with the investigators – defence lawyers only there to participate the show – to fill the file. Here, if the judges want to do justice, and if capable and courageous – they can go for other circumstantial evidences like photos, videos and CCTV or documentary evidence as per **2012 SCMR 1258** – but our most trial judges only find way to let criminal go home safely.

Thus Pakistan's higher judiciary miserably failed to address the weakness of police and trial judges' nexus. They only tried to become big through 'contempt of court notices' NOT through actual inputs needed.

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I had started my writings on history of Pakistan from this curse of contempt; back in 2012, Scenario 1 of '**Judges & Generals in Pakistan' Vol-I** [available at inamsehri.com] is referred.

AG Irfan Qadir was kind enough to comprehend these extended lines promptly and added that:

*"Dear Inam Sehri Sahib,*

*It's very nice of you to include my words in your written history. Certainly I would welcome that.*

*Here I consider it necessary to sum up my tenure as Attorney General for Pakistan in one short episode. On my last day in office as I was leaving the Supreme Court, a journalist asked me "**What have you to say about your Attorney General-ship?**". To this my prompt and natural response was:*

***"Rahen na rahen hum meheka karenge - banke kali, banke sabaa baagh e wafa mein."** [ .... but we'll continue to deliver fragrance like jasmine and scented breeze in the garden of loyalty and conviction]*

*Best regards,  
Irfan Qadir"*

**Democracy [?] in Pakistan:**

The fact remains that the on-going system of government, **criminally labelled as democracy** in Pakistan, always required a large investment to get elected. And once elected, the expenses incurred during the exercise have to be recouped by a handsome return on investment.

Since 2008 these expectations were raised to '**no limits level**'; nothing falling under the definition of national interest thus nothing decent that could survive the so-called democracy. More so, this degeneration did not happen through a sudden fall – see Pakistan's history through past two decades at least.

This 'achievement' was equally earned by the politicians, the judiciary, the police, the bureaucracy, the businessman and less by some army high ups. Analyse the following factors highlighted by '**the London Post' dated 31<sup>st</sup> August 2015**, for instance:

- **Gen Musharraf's NRO**, the most shameful legal expedient, apparently to keep himself in power and thus gave both respectability and legitimacy to theft, and flooded the political playing field with white collared criminals all around in the country.
- 
- The **Charter of Democracy**, basically a declaration of criminal partnership amongst the politicians which guaranteed immunity against accountability of signatory two parties; PPP & PML[N]. This mutual benefit was strengthened with the concept of **friendly opposition** in Pakistani democracy.

In democracy, when the opposition becomes 'friendly' a very apt Punjabi quotation [**of thieves and police dogs working together**] comes true.

- Constitutional safeguard and then manipulation which emasculated the **Election Commission** as to facilitate the rigging of elections.
- 
- The **CJP Iftikhar Chaudhary's bench in judiciary**, hypocritical-ly activist, thoroughly corrupt, and blatantly biased against PPP and the Pak-Army, which himself authenticated army-rule twice, himself always got favours from army but gave ultimate immunity to the PML[N] politicians.

The cumulative effect of all of the above had been to take the country to the very edge of catastrophe – murder, torture, mayhem, extortion, plunder, and the complete breakdown of every institution of the country.

The Army was the only institution left standing - the people of Pakistan started looking towards the army again. Where ever both Nawaz Sharif and Gen Raheel Shareef were seen together in public, it was the General who dominated all the applause, while the PM was always seen sunk into embarrassment and indignity.

Looking through that scenario; agitating the minds of the people was whether the army would take war against the terrorists as well as the operation clean-up to its natural conclusion, or would it be abandoned midway? Stopping halfway was viewed as betrayal by the people of Pakistan who were standing firmly behind their army, and as firmly against the political elite which had thoroughly wrecked the country.

Two existential threats to the state of Pakistan, '**terrorism and mega corruption**' were to be seen as two pincers of the same assault on Paki-

stan starting with getting the 18th amendment nullified under which the political parties became the family business –

- As there cannot be elections within the political parties [constitutionally] – what sort of democracy it is.
- 
- As the PPP and the PML[N] both negated the Local Governments – what sort of democracy it is.
- 
- As Articles 62 & 63 were not applied to the members sitting in assemblies – what sort of democracy it is.
- 
- As there is no Accountability of politicians and senior bureaucrats for their financial corruptions – what sort of democracy it is.
- 
- As only the family members of rulers are nominated against women seats in assemblies – what sort of democracy it is.
- 
- As tickets for assemblies are sold for hefty amounts in the name of party fund – what sort of democracy it is.
- 
- As the members in assemblies are given state funds as their pocket money but in the name of 'Development Funds' – what sort of democracy it is.
- 
- As the leaders and the families of all big political parties reside abroad, only come to Pakistan to take their turn to rule – what sort of democracy it is.

There can be tens of above like questions to be added in the above list but of no avail – as the whole crowd of 200 million people is delighted to raise hands in favour of status quo. ***TAY pher hore choopo....***

**Inam R Sehri**  
Manchester  
21<sup>st</sup> March 2017

**PS:** See the governance pattern in our beloved country – just to recall some glorious *Ameerul Momineens* of our past.

Referring to the '**Daily Times**' dated **1<sup>st</sup> July 2016**: At a time when Pakistan was passing through acute energy crisis and the government was making promises to overcome electricity shortfall till December 2017, generators amounting to Rs:8.4 million were installed at the Sharif family's es-

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tates - at 96-H and 180-H Model Town LAHORE, the private properties of Punjab Chief Minister Shahbaz Sharif and his son MNA Hamza Shahbaz.

[CM Punjab Shahbaz Sharif had once reiterated that: ***"Mostly Punjab is suffering badly from the darkness while drama has been staged in the name of rental power project,"*** the CM's address at Harappa dated 19<sup>th</sup> April 2012 is referred.]

However, on 30<sup>th</sup> June 2016, PPP Chairman Bilawal Zardari said the same words that the PML[N] government had been using as prolonged load-shedding as a tool to victimise the people of Sindh – ***history repeats itself even in the statements on load-shedding issues.***

***"Democracy, good governance and modernity cannot be imported or imposed from outside a country."***

.....Emile Lahoud

## **Scenario 168**

### **JUDGES & POLITICS IN 2012-13 [I]**

#### **PAK- JUDICIARY;** **AT NO: 91 IN 97 COUNTRIES:**

Pakistan's judicial system was increasingly receiving notorious flack for [allegedly] overstepping its powers during the year 2012, too.

In early that year, the **International Commission of Jurists** [ICJ], a Geneva-based non governmental organization of judges and lawyers, criticized the Supreme Court of Pakistan [SC] for launching too many of its own investigations rather than responding to plaintiffs' cases. The apex court's activism risked destabilizing the balance of power between the judiciary and government, the commission said in its report.

**Human Rights Watch** [HRW], the US-based rights advocacy, criticized Pakistan's superior courts for using their powers to hush up media reports that were negative about the judicial system. It cited a number of cases in which Pakistani judges had ordered Pakistani media regulators to stop private TV channels from airing criticism of the judiciary.

Once, the Islamabad High Court [IHC] ordered the regulators not to air material aiming at defaming the CJP Iftikhar M Chaudhry or other judges. At another occasion, the court issued a contempt of court notice to the Chief Executive of ARY, a private TV channel, for broadcasting a show that criticized CJP Chaudhry. HRW held that:

*"No branch of government, including the courts, should be immune from public opinion in a democratic society. Pakistan's judges have demonstrated the independence to hold the government accountable.*

*But their credibility will be lost so long as they fight against scrutiny and accountability of the judiciary itself."*

The Supreme Court earlier that year [2012] ordered the dismissal of PM Gillani over his refusal to re-open graft investigations into Mr Zardari. The new prime minister followed the court's order to restart the corruption probe but it was too late till then. Zardari denied wrong-doing and his supporters claimed the judiciary had gone politicized. The court and its bar fellows said they were only fighting against widespread corruption in PPP command and its regime.

Another report – by the **World Justice Project** [WJP], another US based NGO also painted a negative picture of the rule of law in Pakistan. Its published report scored Pakistan among the lowest - ranked countries in the world for eight areas of the rule of law.

- ***Pakistan was ranked 91 out of 97 countries for the quality of its civil justice system and placed at no: 80 for its criminal justice system.***
- 
- ***The country came 90th on corruption and placed at 97<sup>th</sup> [the last] globally for order and security, largely due to the then ongoing Taliban insurgency.***

It was researched that:

*"Pakistan has shown weaknesses in most dimensions when compared to its regional and income group peers; low levels of government accountability are compounded by the prevalence of corruption, a weak justice system, and a poor security situation, particularly related to terrorism and crime."*

**On 2<sup>nd</sup> April 2012**, Zaid Hamid, a veteran reformer, filed a petition in the Supreme Court for trial of certain media warlords like Imtiaz Alam, Executive Director SAFMA; Sirmed Manzoor, Najam Sethi, Beena Sarwar, Nusrat Javeed, Khaled Ahmed, Marvi Sirmed, Ali Chishti, Hamid Mir, Hassan Nisar, and some others under 'high treason' clauses of the Pakistan's Constitution but with no cogent response from the SC. The said petition was drafted by Ahmed Raza Khan Qasuri on behalf of Zaid Hamid.

Reason: the media, Pakistani and Western, paper as well electronic, often orchestrated negatively since at least 2007 over the alleged role of ISI in politics. Z A Bhutto was said to have assigned some political work [*then mostly related to Balochistan affairs, it is believed*] to ISI but it was not a policy decision. Anyway, what one Prime Minister did, any of his successors could undo it if it was considered wrong but no one dared to do so.



The fact remained that every ruler found it convenient to use ISI in political manipulations for its own peculiar interests. So, the practice continued, despite a lot of noise over the years.

Who were the people in the media and politics who wanted ISI under the political control, or even its abolishment - mainly India and US; the petition openly said. Because the ISI stands mandated to keep a watch on them and neutralize their covert activities.

Why the US wanted ISI to go? Simply because the ISI might be knowing more about the South Asia affairs than the CIA. Also for that the ISI had played a major role in the defeat of Soviet Union in Afghanistan and later allegedly kept the US away from victory over that region mostly comprising of tribal groups spread in that whole country - Afghanistan.

**On 12<sup>th</sup> July 2012**, President Zardari signed a new bill, **Contempt of Court Bill 2012**, promulgated under Clause 3 of the Article 204 of the Constitution of Pakistan - but was thrown out by the SC's 5-member bench on 3<sup>rd</sup> August 2012.

[Its brief details are available in **Scenario 98-99 'PM Gilani Sent Home I & II'** of book '**The Living History of Pakistan**' Vol-I [2015] pps 1588-1618, GHP Surrey UK.]

**On 16<sup>th</sup> August 2012**, a meeting of Pakistan's Federal Cabinet decided that army Generals and Judges of the superior courts should also declare their assets annually at par with other government functionaries and political representatives. The Establishment Division was asked to prepare a report in this regard because of the culture of corruption was prevailing and propagating in all walks of civic life.

*[The fact remained that the annual declarations of politicians, submitted to the Election Commission of Pakistan [ECP], could not be taken as fruitful, as they never declared their foreign holdings - the favoured means of storing the proceeds of corruption.]*

The intelligentsia felt that the Generals and Judges both uniformly spend their working lives in state service, having joined it after their basic college education; so their assets accumulated during service must be scrutinised. There was seen a tint of revenge or competition in these declarations of assets but the Establishment Division never put up its report before the treasury benches; or if done, it never came to light at least in Pakistan – in fact how the corrupt or feudal politicians could dare to think so loud.

**On 7<sup>th</sup> September 2012**, the Supreme Court trashed the federal government's appeal against a high court verdict that overruled the parliamentary committee's decision not to recommend two judges in the Sindh High Court. Justices Anwar Zaheer Jamali, Sarmad Jalal Osmany, Amir Hani Muslim and Muhammad Athar Saeed heard Deputy Attorney General Ashikue Raza on the main reasons given by the parliamentary committee for not confirming the two judges.

The Parliamentary Committee [PC] on appointment of judges had accused Justice Ghulam Sarwar Korai of tax evasion while the name of Justice Irfan Saadat Khan was dropped on his "compromising attitude" while deciding cases of various nature.

The apex court bench asked whether any tax default notice was sent to Justice Korai. If not, how the committee reached that conclusion; *'this should not be made a reason for removing a judge unless he is proven guilty of tax evasion'*, the bench held.

Moreover, why the eight [intelligence] agencies were not consulted at the time of appointment; the bench resorted when the DAG attempted to hammer the importance of the reports on the judges' antecedents.

For Justice Irfan Saadat Khan, the Parliamentary Committee's report said that ***'...he may indulge in corruption later.'***

The SC bench declared the said reason 'untenable' saying that ***'there lies Article 209 in the Constitution if any judge violates the code of ethics after confirmation'***.

After hearing the arguments, the bench in its short order dismissed the appeal and gave the federal government a week to confirm the two judges from 17<sup>th</sup> September 2011, and to maintain their seniority. The SC bench directed:

***'...If the government fails to do so, the Sindh High Court's chief justice would still administer the oath to the two judges after seven days.'***

### **JUDICIAL DICTATORSHIP IN PERSPECTIVE:**

In Pakistan, the controversy between the Judiciary and Executive over the appointment of superior court judges was not a sudden development.

Earlier a disagreement had emerged when the Parliamentary Committee [PC] in the first week of February 2011 had declined to accept a recommendation of the Judicial Commission [JC] to extend the service tenures of four senior additional judges of the Lahore High Court and two of the Sindh High Court. Consequently, two petitions were filed in the Supreme Court — one by Advocate Munir Hussain Bhatti and the other by the Sindh High Court Bar Association.

**On 21<sup>st</sup> March 2011;** the apex court rejected the objections raised by the PC and ruled that the committee had overstepped the rightful jurisdiction of the JC while ignoring its constitutional boundaries. It ordered that the notification be issued immediately.

**On 7<sup>th</sup> December 2012;** the law ministry of Pakistan moved the Supreme Court with a presidential reference to resolve as to who among the Judicial Commission [JC], the Parliamentary Committee [PC] and Presidency was authorized to appoint judges at the Supreme Court and high courts on the basis of their seniority that was being determined by the judiciary itself.

***[The reference questioned the acts and constitution of the JC regarding the appointments of judges in the Islamabad High Court (IHC) after the changes made in the Constitution through 18th and 19th constitutional amendments.]***

The said presidential reference was signed by President Asif Ali Zardari, seeking advice of the apex court under Article 186 of the Constitution.

The issue started cropping up when **on 22<sup>nd</sup> October 2012;** the JC on Appointment of Judges had recommended IHC's additional judge Shaukat Aziz Siddiqui to be made permanent and also vowed for a six-month extension in the tenure of IHC's additional judge Noorul Haq N Qureshi.

Presided over by the CJP Iftikhar M Chaudhry, the JC rejected Justice Azeem Afridi whose name was also on the list for confirmation; his tenure as the additional judge was NOT extended as done for the earlier two judges. No cogent reason was cited to drop Mr Afridi – definitely, the bias, the whims of '**personal liking and disliking**', were seen at the highest level of CJP's Judicial forum – as all the three judges were appointed as additional judges on the same one date of **20<sup>th</sup> November 2011.**

Conspicuously Law Minister Farooq H Naek was absent from the meeting; the Attorney General Irfan Qadir and Pakistan Bar Council representative Dr Khalid Ranjha had raised objections and urged over the opposing considerations for the three judges - but of no avail.

**On 6<sup>th</sup> November 2012;** the PC for Appointment of Judges had to endorse the recommendations of the Judicial Commission but the Law Ministry did not issue a notification for extension in the tenure of these two judges as President Zardari had not given approval to the nominations, questioning the composition of the Judicial Commission that it was not valid because the 'most senior' judge of the IHC Justice Riaz Ahmad was not invited to attend the Commission's meeting of 22<sup>nd</sup> October. The fact remains that Justice Riaz Ahmed Khan was in Saudi Arabia for Haj when the J Commission had met.

**On 22<sup>nd</sup> November 2012;** the Attorney General of Pakistan Irfan Qadir informed the apex court that the government wanted to file a presidential reference over the issue which was filed **on 7<sup>th</sup> December 2012** then.

The presidential reference contained the following key questions:

- Whether the 11-members Judicial Commission acted on 5<sup>th</sup> November 2012 in accordance with the Constitution and conventions thereof in recommending a junior judge as chief justice of the IHC?

*[The JC had appointed Justice M Anwar Kasi as the Chief Justice of the Islamabad High Court in place of senior judge Justice Riaz Ahmed Khan]*

- Whether the commission was properly constituted as per provision of Article 175-A of the Constitution of Pakistan as Justice Kasi who participated in the meeting was not a member thereof and was a stranger to the proceedings?
- 
- Whether the president who is bound by oath of office to preserve, protect and defend the Constitution is obliged to make the appointments which are not in accordance with the provisions of the Constitution and what should be the manner, mode and criteria before the Judicial Commission with respect to the nomination of a person as a judge of high court, Supreme Court and Federal Shariat Court in terms of Clause (8) of Article 175-A of the Constitution of Islamic Republic of Pakistan. 1973?
-

- While seeking the opinion of the apex court, what is the proper role of the Judicial Commission and Parliamentary Committee under the Constitution of Pakistan with respect to appointment of judges of Supreme Court, high courts and Federal Shariat Court?
- 
- Whether in view of the decision by the chief justice of the IHC that Justice Riaz Ahmed was the senior most judge of the IHC [*which decision of the chief justice was also confirmed by the President of Pakistan*] Justice Kasi could be treated as most senior Judge of the IHC.
- 
- Whether Mr Justice Riaz had a legitimate expectancy to be appointed as chief justice of the IHC on the ground that he was the most senior judge of that court in the light of the judgment of the Supreme Court in the **Al-Jehad Case**?
- 
- What should be the criteria for elevating a judge/ chief justice of the high court to the Supreme Court? Is it their seniority inter-se as judge of the high court or their seniority inter-se as chief justice of the respective high court be the consideration for elevation to the Supreme Court?
- 
- Whether the government views that the constitution authorizes the president to have a role in appointments of judges, as the link between the JC and the PC as clarified by the 18th Amendment, was based on correct perceptions?
- 
- What is the true import and meaning of the word "confirm" and what is the effect of the proviso to Clause 12 of Article 175-A which reads as follows:  
  

*"...Provided further that if nomination is not confirmed, the Commission shall send another nomination."*
- Whether by not providing in camera proceeding for the Judicial Commission in Article 175-A of Constitution of Pakistan, the intention of the legislature is to ensure complete transparency and open scrutiny?

Including above, the Presidential reference posed 13 questions but seeking the judiciary's guidance mainly on who was constitutionally empowered to appoint judges in superior courts; the reference had also sought clarification on the role of JC and the PC in such appointments.

The reference brought controversy that arose when the JC decided to elevate the chief justice of the IHC, Justice Iqbal Hameed ur Rahman, to the Supreme Court and both the JC and the PC decided to elevate Justice M Anwar Kasi as the IHC's Chief Justice.

When the summary appeared before President Zardari for routine signing, it was found that Justice Riaz Ahmed Khan was senior to Justice Kasi and, therefore, qualified to be the new CJ of IHC. The new situation brewed the debate in the context as to whether the president should apply his mind on such appointments or sign on the dotted lines.

The Supreme Court constituted a 5-member Bench, headed by Justice Khilji Arif Hussain, and comprising Justice Tariq Parvez, Justice Ejaz Afzal Khan, Justice Gulzar Ahmed and Justice Sh Azmat Saeed, to hear the constitution petition [*filed by Nadeem Ahmed through his counsel M Akram Sheikh, senior advocate*] challenging the delay of appointment of judges in the IHC and presidential reference.

Meanwhile, Advocate Akram Sheikh had asked the **apex court to direct the president** to issue notifications of the judges and told the court that the president had no authority to hold the issuance of these notifications for more than six weeks. Mr Sheikh contended that:

*'The president's role is just clerical and there is no constitutional dispensation involved in the process.'*

Justice Ejaz Afzal Khan said that:

*'.....the premier has no reason to hold the approved names and not sending the same to the president and the president has no reason to stop the issuance of these notifications.'*

Subsequently, AG Irfan Qadir told the bench that:

*'..... the high functionaries of the government – of which the president was also a part – could disregard any unconstitutional and unlawful order of the Supreme Court.'*

On this Justice Asif Khosa had observed that:

*'Mr Attorney General, you are advancing to a very dangerous argument.'*

The reference stated that the 18th and 19th amendments of the Constitution made significant and important changes in the manner regarding appointment of the judges of the Supreme Court, High Courts and Federal Shariat Court. This was done by introducing a new Article 175-A in the Constitution and the new procedure envisages a three-stage process for the appointment of judges, including nomination of Judicial Commission [JC], confirmation by a Parliamentary Committee [PC] and appointment by the President of Pakistan.

The most uncharacteristic in the whole episode was the acquiescing role of the PC which was required to scrutinize the JC's recommendations. This eventually gave birth to dilemma for the Presidency within the meaning of the 18th and 19th Amendments.

The 19<sup>th</sup> Amendment to the Constitution was an apparent attempt to remove some deficiencies in the new mode for appointments in the superior judiciary, as they appeared in the Eighteenth Amendment, in the light of the Supreme Court order of 21<sup>st</sup> October 2010 – but in fact it was a conspiracy envisaged by the CJP Chaudhry to hold a monopoly position in the process of judges' selection through the JC.

*[It was in the **Al Jihad Trust case of 1996** that the Supreme Court elaborated the meaning of the word "consultation" as contained in Article 177 and 193 dealing with appointment of high court judges. The apex court had held that:*

***"....the consultation should be effective, meaningful, purposive, consensus oriented and leaving no room for complaint of arbitrariness or unfair play.***

***The opinion of the Chief Justice of Pakistan and the Chief Justice of a high court on to the suitability of a candidate for judgeship may, thus, be accepted only in the absence of sound reasons to be recorded by the president or the executive".]***

However, it was widely held by senior lawyers that the CJP Chaudhry had got passed the 19<sup>th</sup> Constitutional Amendment by threatening the PPP government – to gain total control in the JC while making the PC impotent. That was why in the later months the PC had declined to consider any recommendation of the PC declaring the whole exercise fruitless and wastage of time.

The players at the heart of that wholesome game were the three big heads: The judiciary, whose recommendations stood ignored, the Presidency, which was not keen to implement the recommendations, and the army, which, though not directly involved, was certainly a stakeholder in this latest situation. The later institution had actually no stake in the judges' selection game but the media had blown it

*[The two judges whose reappointment expired due to the delay in Presidency were, on 22<sup>nd</sup> November 2012, on the bench of a potentially explosive case – a petition against the government's decision to give a three-year extension to incumbent Chief of Army Staff Gen Ashfaq Parvez Kayani.]*

Both Justice Siddiqui and Justice Qureshi had taken oath on 21<sup>st</sup> November 2011, as additional judges for one year.

Legal experts believed that the situation was heading towards another judicial crisis. As per summary of the Law Ministry sent to the President, Justice Riaz and Justice Kasi though took oath the same day but Justice Riaz was senior by age.

There prevails a normal practice that if a judge is not confirmed, he cannot continue services after the expiry of his tenure. Thus as the president had not signed the summary of Justice Siddiqui, he was no longer a judge after 20<sup>th</sup> November 2012 and Justice Anwar Kasi was not able to assume charge as the Chief Justice of the IHC. Both the judges had relinquished their charge on that day as there was no effective notification in vogue to give effect to their continuation.

### **SC's ORDERS – THUSS.....:**

**On 16<sup>th</sup> December 2012 [Sunday]**, the Supreme Court of Pakistan issued written orders on the contempt notice to *Muttahida Qaumi Movement* [MQM] Chief Altaf Hussain on account of using improper language against the judges. The order was issued by a 3 members' bench headed by the CJP Iftikhar M Chaudhry, the other members being Justice Jawwad S Khwaja and Justice Anwar Zaheer Jamali.

According to the court order, issued under Article 204 of the Constitution and Section 3 of the Contempt of Court law, the words used by Altaf Hussain in his speech were equivalent to interference in court matters and



intimidation of the judges. No appeal was filed against the SC decision regarding the delimitation of constituencies' case of Karachi but the Supreme Court held that:

***'Altaf Hussain used threatening and humiliating language against the judges of the Supreme Court during his address at a public gathering and this act comes under the contempt of court category.'***

The contempt notice against Mr Hussain came on an office note put up by Supreme Court Registrar Dr Faqir Hussain who had invited the court's attention towards Mr Hussain's "uncalled-for aspersions on the judges".

The Supreme Court ordered Altaf Hussain to personally appear before the apex court on 7<sup>th</sup> January 2013. One court 'notice' was sent on the London address of the MQM Chief through the Foreign Secretary and the other through Deputy Convener of the MQM, Dr Farooq Sattar, on the address 494/8, Azizabad Karachi.

***[The MQM Chief had said in his telephonic address of 2<sup>nd</sup> December 2012 from London that 'certain judges of the Supreme Court are part of the process of eliminating the MQM'.***

*MQM Chief had also demanded an apology for using the word 'monopoly' in the order given by the Supreme Court over electoral constituencies in Karachi.*

*Altaf Hussain, in his speech, had also termed the judges "un-constitutional" and "un-democratic"; calling the Chief Justice, President Zardari and the federal government to take notice of the remarks, adding that constitutional action should be taken against those judges.]*

Mr Hussain was not the first politician to face the contempt notice. Former Prime Minister Yousuf Raza Gillani had lost his coveted office after he was sentenced by the apex court on 26<sup>th</sup> April 2012 for not writing a letter to the Swiss authorities and was eventually disqualified on 19<sup>th</sup> June.

PM Gillani's successor PM Raja Pervez Ashraf narrowly escaped the same charges when his administration agreed to write the letter. Interior Minister Rehman Malik, former law minister Babar Awan, PPP Senator Taj Haider and Sindh Information Minister Sharjeel Memon were already in row to face contempt charges on various counts.

**On 7<sup>th</sup> January 2013;** MQM's Senator Frogh Naseem appeared in the Supreme Court as Altaf Hussain's Counsel and submitted unconditional apology on behalf of his chairman. The apology was accepted and the contempt notice was filed.

**A Positive Note:** Referring to '*Harvard Law Review of April 2005*' Richard Fallon Jr had once argued under 'Legitimacy and the Constitution' that the legitimacy of judicial review should be classified as:

- **Moral Legitimacy:** justifiability of its institutional existence and actions in moral terms.
- 
- **Sociological Legitimacy:** public support for the institution and abidance by its rulings as a factual matter.
- 
- **Legal Legitimacy:** the acceptance of formal legal reasons given for decisions reached.

Talking of Pakistan's judiciary in perspective, barring a few instances, in most high-profile cases where the court has struck down executive actions for illegality or procedural impropriety, the legal reasoning advanced by it were not so weak & thin. Babar Sattar in '*the News*' dated **14<sup>th</sup> April 2012**, rightly pointed out that:

*'Be it the NRO matter, the promotions of civil servants, the NICL scandal or the Rental Power shame, the PPP-led regime had elected to attack the moral and sociological legitimacy of the judiciary and not the legal reasoning of its orders.'*

Earlier, the PPP leadership including its 'student Chairman' Bilawal Zardari had passed sarcastic remarks on **5<sup>th</sup> April 2012** molesting the sitting judiciary dragging it in its pre 2007 chequered past.

The second prong of this attack on the judiciary's moral legitimacy was continuing emphasis on the Zulfikar Ali Bhutto murder case. There has been a general consensus in Pakistan that the outcome in the matter wasn't a product of legal considerations.

The reality is that all courts make mistakes; in Pakistan and elsewhere in the whole world. Abual Kalam Azad had once given a historical statement before a court in Calcutta [India] that:

***"History stands witness that whenever the powerful rulers wanted to suppress the 'independent, self determining or truthful' public voices, they used their courts as 'the most effective' weapon."***

Every court has powers and those can be used either way; for justice and gross injustice both. For rightful governments, the courts were the source of extending help to the deserved and oppressed ones; but the same courts had exerted to take revenge and score balancing jobs for military dictators and on bad ruler's behalf. The truth remains that:

***"Most of the historical injustices have been done either in battle fields or in the courts."***

Since the early ages of Egyptian and Roman empires, the sentiments of judges have been the deciding factors; not the issues nor the facts of law. There is long list of persons which had been subjected to the injustices of the honourable courts of the past; history is still cursing those moments. For instance:

- Prophet Jesus Christ was once made to stand with thieves before the stranger courts.
- Socrates was the most truthful man of his times but a court order made him to drink poison.
- 
- Galileo of Florence had also gone through wrath of his time's court because he had denied shelving his knowledge and observations; then it was a crime to talk facts about nature in open.
- 
- Premier Z A Bhutto was hanged on the orders of some rascal judges because a military General wanted to rule Pakistan for ever [historians blame Henry Kissinger on nuclear issue, too].

In 1997-99, Justice Qayyum Malik's openly biased behaviour as judge of the Lahore High Court in the Benazir Bhutto & Zardari cases, sponsored and backed by Nawaz Sharif's government, will remain there as the black page of Pakistan's judicial history – and Justice Malik had to leave his seat and go home in 2001 in the most humiliating way.

In short, the dock in a court room is the most sacred place where the criminals, alleged culprits and the innocent angles stand alike and graded equal; their fate always depended on application of law and mood of the judges both; analyse the history in perspective.

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The PPP-led executive had cogently argued that the apex court's treatment meted out to the PML[N] leadership was preferential and that afforded to the PPP leadership was discriminatory. One can especially recall the SC's orders for throwing away the court sentences in 2007 which were passed against Nawaz Sharif in year 2000; under what powers it was done.

Condoning court sentences after seven years was not provided in Pakistani laws at least; the CJP Chaudhry did it 'gracefully enough'.

Repatriating Nawaz Sharif's all assets in ending 2011 by the then Chief Justice Chaudhry could also be analysed in this context; details are available in **Scenario 48** of the book '**Judges & Generals in Pakistan**' Vol-II [2012] pps 555-566, GHP Surrey UK.

Keeping Kh Sharif as the Chief Justice of the Lahore High Court was another case to be viewed – he was known pet-judge of the Sharifs.

The Prime Minister Gilani's contempt case is an opposing example; he was sent home for non compliance of the NRO ruling as required by the Supreme Court, but what about getting the judgment implemented in the Asghar Khan Case. Why not even a single time the SC asked the government or the FIA about the progress of its implementation?

The fact remains that the Sharifs were smart business tycoons; think who had made enormous expenditure on **16<sup>th</sup> March 2009's Long March** which ultimately brought the Chief Justice Iftikhar Chaudhry and his team back in their seats and saddles. The lawyers had never contributed even a single rupee for this cause, no evidence that who spent millions on that show; certainly they were Sharifs and their shrewd planning.

Pakistan's judicial history is full of such episodes of '**honourable Buys & Sales**'. One **Justice Zakiuddin Pal** was made member of 5-judges bench of Lahore High Court in October 1977 which had heard the famous Z A Bhutto's murder case because he was known for his anti-Bhutto views. The bench was headed by rogue justice **Molvi Mushtaq Hussain** who was not once approved for elevation by Mr Bhutto. All the five judges had unanimously agreed to sign the judgment against Mr Bhutto. As a reward perhaps, Justice Zakiuddin Pal was made Senator.

**Judges Afzal Lone and Rafiq Tarar** were given rewards by the PML[N] by taking them as Senators in March 1997 after their retirement. Rafiq Tarar was made president of Pakistan by the PML[N] being known as a rubber stamp. He remained in Presidency from Dec 1997 till June 2001 when he was kicked out by Gen Musharraf.

One Justice **Ghos Ali Shah** of Sindh High Court was made the Chief Minister of that province after asking him to join the PML[N] to which he gladly agreed. Till today Mr Shah is the President PML[N] of the Sindh and has earned a big name in politics.

Such rewards tempted so many Judges in the history of Pakistan and all their oaths & pledges to uphold law went straight into the waste baskets. In other countries, judges are routinely removed on complaints; in Pakistan there exists a **Supreme Judicial Council but it has still to remove a single judge since it had been institutionalized through the Pakistan Constitution in 1973.**

That is why we, as a nation, are at the lowest ebb in global hierarchy.

Notwithstanding the formal requirement of law that while deciding cases judges ought to be oblivious to extraneous considerations such as public opinion on the likely political consequences of a ruling, it is a fact that the effectiveness of the judiciary is intrinsically linked to the moral authority that emanates from non-partisanship of the courts and their judges.

Judicial independence requires that the judiciary not be brought into dispute, but the judges are expected to remain more careful in keeping the balance amongst various stake holders of the state, especially in charged political atmosphere.

See the NRO's issue, where one person, Asif Ali Zardari, was picked by the apex court to proceed against and **8042 others were never bothered about** – especially in Sindh province where about 8000 NROed persons, mostly belonging to the MQM, were given green chit in one local meeting and they were brought back on their original postings, too.

No score balancing in justice; recall Hazrat Ali [RA] who had let off a *Kafir* just because he had spitted on the face of Hazrat when he was to put his sword on *Kafir's* neck.

***'I do not want to mix my personal rage with Allah's Will'***,  
Hazrat Ali [RA] had said.

Lamar S. Smith once said:

***"Judicial abuse occurs when judges substitute their own political views for the law."***

## **Scenario 169**

### **JUDGES & POLITICS IN 2012-13 [II]**

#### **KAMRAN FAISAL [OF NAB] DEAD:**

**On 31<sup>st</sup> March 2012**, the **Supreme Court of Pakistan** directed the National Accountability Bureau [NAB] to proceed against all government functionaries involved, including the ministers for water and power during whose tenure the RPP were approved or set up, and the minister and finance secretary holding charge when down payment for RPP was increased from 7% to 14%.

Liaquat Jatoi and PM Raja Pervaiz Ashraf were water and power ministers in 2006 and 2008, respectively while Shaukat Tareen was the finance minister in 2008, when down payment was increased.

*"On 31<sup>st</sup> March 2012, all rental power project (RPP) deals were declared 'non-transparent, illegal and void ab initio' by the Supreme Court of Pakistan.*

*A two-member bench comprising Chief Justice Iftikhar M Chaudhry and J Khilji Arif Hussain heard the case on various dates. Authored by the chief justice, the 90-page verdict recommended initiation of legal proceedings against all those involved in these projects.*

*Federal Minister Faisal Saleh Hayat and PML[N]'s MNA Kh Asif had challenged the RPP projects, contending that these plants were producing a meagre amount of electricity, despite billions of rupees having been spent on them.*

*The government's attorney was unable to rebut the contention raised by the petitioners. The SC's verdict said that public-sector power companies and authorities, the federal government and the finance ministry were responsible for losses worth billions.*

*The court observed that the RPP policy was not defined on the basis of transparency and that the money should be recovered with*

*outstanding mark-up. Similarly, all functionaries of Pepco, Gencos and Nepra, along with sponsors who derived financial benefits from RPP contracts are, prima facie, involved in corruption and corrupt practices, the court said in its ruling. They were, therefore, liable both for civil and criminal action, it added.*

*Of the 19 RPP deals signed initially, only nine were allowed to function after a damning Asian Development Bank [ADB] evaluation report. Subsequently, six of those nine RPPs were discontinued. They had returned the advance payments in pursuance of orders passed by the apex said.*

*The three remaining were producing a meagre amount of electricity, despite being paid billions: Karkey was generating 48.33 MW against a capacity of 231 MW, Naudero-I was generating 9.16 MW against a capacity of 51 MW and Gulf was generating 50.1 MW against a capacity of 62 MW. Neither of those three had returned their advances. All RPPs were collectively generating 120 MW of electricity, the judgment said.*

*Citing an example of the excesses in the RPPs scandal, the verdict said that Pakistan Power Resources (Piranghaib, Multan) did not generate electricity at all although \$14.58 million was given in down payment, which has not been returned."*

The NAB's team, including Faisal Kamran, was investigating that case.

**On 15<sup>th</sup> January 2013**, the Supreme Court directed NAB to arrest all accused in the infamous RPPs case **including PM Raja Pervaiz Ashraf**. The court had also issued a contempt notice to Admiral Bokhari for non-compliance of its orders.

NAB's Chairman Admiral Bokhari, in a letter addressed to President Zardari, had referred the issue of high-profile cases, including the case of late NAB investigator Kamran Faisal, stating that this phenomenon was observable in the investigation of very senior politicians of the government where orders to even arrest them were issued on investigation reports of regional investigators that had yet to reach the executive board meeting.

NAB spokesperson Zaffar Iqbal Khan said: *"Concerns of the NAB chairman may be taken seriously in the light of pressure the bureau's staff is facing due to undue pressure."*

**On 18<sup>th</sup> January 2013**, an Assistant Director of National Accountability Bureau [NAB]'s investigative team inspecting the Rental Power Plants [RPP] cases was found dead in his room; he was residing in room no. 1 of Federal Lodges in Islamabad. He had allegedly committed suicide by hanging himself to the ceiling fan.

Immediately after the NAB Chairman Fasih Bokhari, IG Islamabad Police Bani Amin and other officials of NAB and police reached the Federal Lodges and declared it to be a case of suicide, based on initial investigations. To reach the final conclusion, however, they had to wait for the results of medico-legal examination and the post-mortem report.

Initial investigation and autopsy reports of Kamran Faisal ruled it as "suicide" – a conclusion that Faisal's family had refused to accept. Though the investigation was still under way, the Supreme Court took *suo motu* notice of Faisal's mysterious death and formed a 2-judge bench to hear the case.

Faisal was under pressure for some weeks because he and his Deputy Director Asghar Khan had been suspended by the NAB chairman when they forwarded their investigation report on RPPs to their higher ups. The NAB had also suspended Director General Lahore M Sadiq and attached him with NAB HQ in Islamabad – he was replaced by DG NAB Lahore Khursheed Anwar Bhinder.

The report was sent for approval to Chairman Bokhari for filing references against Prime Minister Raja Pervaiz Ashraf and 15 others named in the investigation before the Accountability Court in Rawalpindi.

The officials had been removed from the investigation of the RPP cases by Chairman Bokhari, saying that the Supreme Court was not happy with their performance in the case.

More than 20 officials of NAB from Punjab alleged that it was murder which was being framed as suicide, because the roof window of Faisal's room was partly open when the police went there for investigation.

**On 28<sup>th</sup> January 2013**; while hearing that case of unnatural death of NAB's investigator Kamran Faisal, the Supreme Court was told that NAB Chairman Fasih Bokhari had written a letter to President Asif Ali Zardari, stating his reservations over the Supreme Court's tight deadlines; stating more that the SC did not give sufficient time to NAB for implementation of the court's orders.



When the hearing started, NAB's prosecutor KK Agha conveyed NAB's concerns to the judicial bench headed by Justice Jawad S Khwaja. Agha told the Court that NAB was not satisfied with how the bench was proceeding with the case. Justice Khwaja observed that such concerns should be submitted to the court in writing. Justice Arif said that each member of the bench wants to unearth the facts in the case.

The NAB Chief did say in that letter to President that he would resign if the Supreme Court's alleged interference in NAB affairs was not stopped. The NAB Chairman had expressed serious concerns at the Supreme Court's position on the bureau's mandate defined in the National Accountability Ordinance (NAO) 1999; saying that:

*"I'm constrained to observe and bring to your [the president's] notice that the position of the honourable Supreme Court, on this issue, remains clouded by action that are bearing heavily on my mandate to strictly abide by the NAO in both letter and spirit."*

The government announced a one-man Commission comprising of Justice [Rtd] Javed Iqbal to probe into Kamran Faisal's mysterious death which was out rightly rejected by NAB investigators and Kamran Faisal's family as well as their demand for independent and transparent investigation carried justification. Could any Commission set up by the prime minister who himself was chief accused in Rental Power Projects [RPPs] scam be expected to remain impartial or deliver justice? Why Justice [R] Javed Iqbal was the only hot favourite to head any government sponsored Commission?

*[It is on record that Justice Javed Iqbal had taken 18 months to complete Abbottabad Operation inquiry and his 'missing persons' Commission continued [till ending 2012 at least] joyously since a half decade, there was little hope for a speedy and conclusive investigation in Kamran Faisal's case.*

*One could easily smell a rat in government's quick announcement of Justice Javed Iqbal Commission as well as Chairman NAB's decision to suspend further RPPs probe until conclusion of investigation into Kamran Faisal's death.]*

The indifferent attitude of NAB's top leadership in the immediate aftermath of the tragedy gave the impression of a planned cover-up, till NAB's internal 'revolt' and media's 'breaking' reports caused panic in NAB's hierarchy.

The general populace had expected that as Chairman NAB, Adml Bokhari, with his reputation of impeccable integrity, would rise against corruption

mafia and bring accountability in country back on track; but he surfaced as a **'scrawny, weedy & compromising'** Chairman. Instead of implementing the SC's directive to arrest the RPPs high-profile accused, the retired Admiral obstructed rule of law by laying down flat before invisible RPPs stakeholders. In displaying such weakness, he not only earned Supreme Court's wrath but failed to live up to the trust that goes with this sacred public position.

Adml Bokhari could have resigned after accepting responsibility for the **'rebellion' by his investigators in NAB?** Junior NAB officers were inclined to make certain arrests on Supreme Court's directives but the retired Admiral stood in their way; utter weakness on the part of Chairman.

Referring to **'the News of 28<sup>th</sup> January 2013'** it was on media's files that under the provisions of UN Convention Against Corruption [UNCAC], both Adml [R] Mansurul Haq of Augusta submarines kickbacks fame and ex-Bank of Punjab President Hamesh Khan were successfully extradited by NAB from US in recent past.

Adml Bokhari was labelled for committing 'wilful criminal negligence' to nab ex-OGRA Chief Tauqir Sadiq within country and later calling him from UAE, whereas the Dubai government had handed him over to the Pakistani Embassy after cancelling his stay there. The NAB Chairman never questioned those PPP high-ups who helped OGRA chief flee abroad?

NAB's collusion with ruling PPP was felt within Pakistan and equally in the world circles as well. Adml Bokhari was also responsible for numerous politically motivated inductions in NAB during his 16 months coalition with the PPP government.

A former PCO judge and controversial ex-DG Punjab NAB, whose extension period was declared illegal by the Lahore High Court in 2011 on petition lodged by NAB Punjab officers, was also inducted as NAB's Additional Prosecutor General.

DG Financial Crimes Investigation Wing [DG FCIW] in NAB HQ, a fast rising banker with suspected credentials applied pressure tactics on Kamran to change RPPs report in favour of RPP's named accused elite. Whether suicide or murder; the finger of suspicion in Kamran's death had pointed towards the evil nexus between the powerful RPPs influential and their cronies in NAB's higher echelons.

NAB's Director, Kausar Malik was also named in Kamran Faisal's Case because a few mobile messages of the deceased NAB investigator in the RPP

case, had shown his [Kausar Malik's] pressure on Kamran to sign a back-dated affidavit with regard to the corruption case involving PM Raja Pervaiz Ashraf and many others.

Following Kamran Faisal's mysterious death, the NAB's young officers observed an unprecedented pen-down strike and demanded the sacking of some of their superiors including Kausar Malik; who surfaced as a proven protector of the corrupt political elite.

The NAB chairman, who was already facing quite a few contempt cases, had already been charged by the apex court of protecting the corrupt.

**K Faisal's Post-Mortem Again:** A few days later, Kamran Faisal's body was exhumed in Khanewal, his home town, to check for torture marks as calls emerged to reinvestigate the forensic evidence from the alleged suicide of the anti-corruption official.

***During the first week of February 2013,*** the Islamabad administration gave the Punjab Forensic Science Agency the go-ahead to exhume the remains of the former NAB officer. The forensic agency sent its request to the Islamabad police chief amid doubts about the veracity of the initial post-mortem report written by five doctors, who had declared Faisal's death a suicide. The doctors said they did not find any torture marks on the body.

A police officer familiar with the development said that the forensic agency had also requested the police to hand over the clothes Faisal was wearing when he was found hanging from a ceiling fan in his hostel room on 18<sup>th</sup> January. The police officer from Punjab held that:

*"They will conduct DNA tests on any traces of hair or foreign objects to ascertain the possibility of the presence of a second person with Faisal at the time of his death,"*

Any findings would help investigators decide if it was a murder and if Faisal was first killed and then hanged to make it look like a suicide. If so, any suspects would have left traces like hair, mucus or blood on Faisal's clothes. Police and doctors said that it was difficult to tell if Faisal hanged himself or someone killed him before hanging him through a post mortem report alone.

The exhumation was conducted by a surgeon, physician, forensic expert, investigating police officer, duty magistrate and medical officer. Meanwhile,

the family had refused to accept condolence flowers from NAB Chairman Fasih Bokhari, saying that he had been rubbing salt into their wounds.

During the same week, the top court resumed hearing the case of Kamran Faisal's mysterious death. While hearing the case, Justice Jawwad said that till then no written reservations had been received from NAB authorities.

On the other side, manipulation and manoeuvring of whole system to hide facts about the death of Faisal Kamran and to prove him 'a psycho' remained at peak in media those days.

The Islamabad police, allegedly under immense pressure from the NAB and the PM House, sent fabricated pictures and evidence to the Punjab Forensic Science Agency. The agency was probing whether Kamran was murdered or he committed suicide but it appeared as if no one was cooperating with agencies performing re-investigation into the said case .

Connivance of authorities in the government, NAB, and police besides powerful people who mattered in RPPs was proved through many instances - evidences were blocked. The Punjab Forensic Science Agency, a subsidiary of Punjab's Home Department, had documented the fraud of Islamabad police in Kamran's death by writing on 30<sup>th</sup> January that the Islamabad police sent nine pictures of the dead body of the deceased which were fabricated as they were cut from the bottom.

The SHO in-charge of Secretariat Police Islamabad, was requested by PFSA to ensure that evidence including the clothing of the deceased should be sent to the agency. Earlier the Islamabad police were asked to provide the ligature [knot] rope sealed in a clean paper bag, without touching it with bare hands; photographs of the deceased in the hanging position, before the ligature was cut; photographs of the neck after the ligature was cut; photographs from all four sides i.e. front, back, right and left sides.

The Medico Legal Officer of the Polyclinic was asked by the PFSA to provide general photographs; close-up photographs of the deceased before and after undressing and all the photographs / videos before, after and during post-mortem. Serious doubts had arisen over the fairness and authenticity of the post-mortem report and police investigations under the federal authorities in Kamran's death case. Contrarily, Islamabad police expressed no confidence in PFSA.

Referring to **'the News' of 14<sup>th</sup> February 2013**, Punjab Forensic Science Agency [PFSA] told the media that:

***'The forensic report on the death of Kamran Faisal establishes unambiguously that the NAB investigating officer, who was probing the high profile RPP corruption case, was tortured before death.***

***Even the analysis of ligature mark (rope knot mark) on the neck of the deceased showed signs of pre-death and pre-hanging torture.***

***All these conclusions are inconsistent with a typical case of suicide by hanging. It appeared that before his death, Kamran Faisal was struggling to defend himself from torture and there was a possibility that he was hanged either after death or while he was unconscious.'***

The report also raised serious doubts about the veracity of the Islamabad Police claim that the deceased was a psychiatric patient and was taking anti-depressants as it concluded that no sign of drug or poison was found in his body during the examination.

Contrary to what the Islamabad medical board had concluded, ***the forensic report revealed that the Hyoid bone of the deceased was intact whereas in cases of suicide by hanging, it invariably gets fractured.*** It also confirmed the ante mortem [pre-death] fracture of right superior cornu of thyroid cartilage. Although, it was for the federal authorities to declare whether he was tortured, murdered / fainted and then hanged; the forensic report of the PFSA created serious doubts over the Islamabad Police and doctors' initial conclusions that it was a case of suicide.

The report also found the crime scene was totally compromised instead of having been protected and secured by the police authorities. ***The analysis of the rope [azaar band] had shown that it was not handled by one person.***

The report found partial DNA of some unknown source on the rope. The samples collected by the PFSA after 2<sup>nd</sup> February's exhumation of Kamran Faisal's body had shown multiple signs of torture on his body before death.

The report narrated signs of pre-death tortures on the left side of his neck right underneath the rope knot, right upper arm, lower part [just above wrist] of right forearm post-erolate side, right wrist anterior side, right wrist posterior side, forehead and left side of neck.

The report said when the PFSA experts approached the Islamabad Police to get the scene-related details; they were shown, among other documents, a letter addressed to the Chairman NAB in which a request was made by Kamran Faisal to change his wing.

A medical prescription was mentioned written by Dr Azra of Polyclinic Hospital, Islamabad Dated 18.10.2012 but not given to PFSA team saying: ***"it is secret and cannot be given."***

However, against Islamabad Police's claim that Kamran Faisal was taking anti-depressants, the forensic report revealed that blood, liver, spleen, kidney and stomach contain no drug / poison. A total of 51 drugs were tested but it was found by the forensic experts that Kamran Faisal was not taking any anti-depressant.

The Punjab Forensic Science Agency [PFSA] had told that the ligatures mark found on the wrist of Kamran Faisal was ***ante-mortem (before death) indicating that the hands of Kamran Faisal were tied first then his neck was strangulated – a clear-cut case of murder not of suicide.***

**On 22<sup>nd</sup> November 2013; Kamran Faisal, the NAB investigator's death was declared as 'murder' in the Supreme Court in the light of forensic report.**

Forensic report, which was placed before the apex court the same day, declared the NAB official's death as a murder despite the alleged suicide. Justice Jawwad S Khawaja was hearing the said case. SC issued notice to Inspector General Police [IGP] Islamabad Sikandar Hayat for consulting Attorney General in order to commence thorough investigation.

A media report of ***18<sup>th</sup> March 2015, appeared on pakinside.com*** commented:

*'..... Earlier police reports claimed that he committed suicide, but later probes proved it was a murder. Faisal was an honest officer who challenged the strong political mafia of Pakistan and refused to bend down. He was investigating the RPP Scam.*

*.....that then NAB Chief had called Faisal in his office, asked him to leave this case and handover it to another officer, but Faisal refused to do as he smelt something fishy.'*

Kamran Faisal had got certain important evidences regarding this scam and he was about to submit it in the Supreme Court in next hearing of RPP Case, but he could not live enough to expose the evil nexus of Mafias and Politicians. His friends and relatives told that he was a very lively, energetic and optimistic officer and there was no chance of his committing suicide.

Later, forensic reports proved that he was strangled. [True verdict in Urdu: *Gala Daba Kar Mara Gaya*]. No further progress heard after November 2013's SC verdict.

He was a poor guy, selected in NAB on merit; he had no political connections; he was not related to some big gun of Army or General or civil bureaucrat – the FIR originally registered with Islamabad Police on 25<sup>th</sup> January 2013, then closed after the death was declared 'suicide' – might be opened again on 22<sup>nd</sup> November 2013 after SC's orders – but again closed declaring it as 'untraced'.

In Pakistan, it is not the state responsibility to provide justice to the poor or 'connectionless' – law is definitely differently applied for poor and rich.

### **ATTACKS ON MINORITY COMMUNITIES:**

#### **Ahmadi's Graveyard Ransacked:**

**On 3rd December 2012;** a dozen masked gunmen said to be affiliated with the Taliban [TTP] and *Lashkar e Taiba* [LeT] broke into Ahmadi's graveyard in an elite neighbourhood of Lahore. They tied up the guard, a caretaker and about 20 visitors, and then vandalized 120 gravestones.

It was a graveyard for Ahmadis, a minority sect that identifies itself as Muslim but they are not under the Constitutional provisions in Pakistan. The vandals destroyed gravestones inscribed with Qura'nic verses; they frown on Ahmadis' using Muslim prayers. Height of intolerance prevailed in Pakistan those days.

In 2008, within 48 hours of a television broadcast featuring a popular televangelist and cleric who argued that Ahmadis should be killed, two members of the community were shot dead in separate incidents. In the most egregious attack to date, Pakistani Taliban simultaneously attacked two Ahmadis mosques in Lahore in 2010, killing 93 of their community.

Taking a signal from those violent incidents, many other Pakistanis were seen sidelining the minority. Earlier that year of 2012, the Lahore Bar Association banned the consumption of fruit juices produced by a so-called Ahmadis' owned company. Ahmadis in Rawalpindi were prevented from congregating during Eid.

Anti-Ahmadi sentiment has been so pervasive among Pakistanis that even members of the community who should be hailed as their national heroes were vilified. Extremists deleted the word "Muslim" from the gravestone of Abdus Salam, an Ahmadi and theoretical physicist whose work provided evidence of the Higgs boson's existence; his family had had it inscribed with "***the first Muslim Nobel laureate.***"

Dr Salam had been systematically shunned and eventually banned from lecturing at public universities in Pakistan because of his religious beliefs.

*[In 1974, the then Prime Minister Zulfikar Ali Bhutto managed an amendment to the Pakistani Constitution that declared Ahmadis to be non-Muslims; he was hoping to secure the support of religious political parties in the then upcoming elections. As the Pakistani state formally became more Islamic in the 1980s, it further curtailed the minority community's rights.]*

*Ahmadis are now prohibited by law from proselytizing, making the call to prayer, describing their houses of worship as mosques or even identifying as Muslims. In fact, in order to obtain a passport, all Pakistani citizens have to sign an oath declaring that Ahmadis are not Muslims.]*

After 3<sup>rd</sup> December 2012's graveyard attack in Lahore, local police filed a case against the unknown gunmen for trespassing, intimidation and wrongful restraint.

*[Earlier on **18<sup>th</sup> August 2012**; local police had to whitewash religious inscriptions from an Ahmadi graveyard in Hafizabad, a district of Punjab — all in the name of averting bloodshed: members of an extremist organization had threatened to attack Ahmadis if the gravestones were not razed.]*

**On 5<sup>th</sup> September 2012**; police officials cracked 23 gravestones in an Ahmadi graveyard in Faisalabad, 2<sup>nd</sup> most populous city of Punjab, at the direct instigation of local clerics.]



As they were gearing up for general elections in early 2013, Pakistani politicians refrained from speaking out against mounting discrimination against the Ahmadi community for fear of alienating conservative voters.

***Joseph Colony Lahore Burnt:***

**On 10<sup>th</sup> March 2013;** the Chief Justice of Pakistan Iftikhar M Chaudhry took *suo motu* notice of the Joseph Colony attack and summoned the Inspector General [IGP] Police of Punjab and Advocate General [AG] Punjab to come with a comprehensive report on the incident.

Shahid Imran, complainant in the FIR registered against one Sawan Masih, told media that Sawan used to utter blasphemous remarks against the Holy Prophet [pbuh] from time to time. When it happened again on that fateful day, he told his friend Shafiq, who took out a knife and went straight to Sawan's house. This visit bore no fruit. Then, next day, he incited other men to join him in punishing Sawan.

As per complainant, the situation went out of control when people reached the spot after offering prayers under Qari Saifullah. Countless people had joined the mob, chanting slogans and throwing stones at the houses. Qari Saifullah said that ***'if they find Sawan, they must cut him into pieces.'***

The background of that *suo moto* was that **on 9<sup>th</sup> March 2013;** about 178 homes of the Christian community were ransacked and set on fire in Joseph Colony, a residential region of Lahore, by an angry mob over alleged blasphemy committed by one Sawan Masih. Soon after, over 3000 people allegedly involved in the incident were arrested from different areas of Lahore. Meanwhile, protests were held across all Pakistan against that ransacking and burning homes belonging to the Christian community.

Ordering a judicial inquiry, Punjab Chief Minister Shahbaz Sharif said the arsonists would be tried in anti-terrorism courts for their 'barbaric' acts - SSP Sohail Sukhera and SP Multan Khan were immediately made OSDs, whereas the DSP and SHO of the area were suspended. Protests broke out, following the incident, in major cities like Lahore and Karachi.

In protest to the ransacking and burning of homes in Joseph Colony, ***the minority MPA Pervaiz Rafiq resigned*** from his seat in Punjab Assembly saying that the government had failed in providing security to minorities. Business tycoon, Malik Raiz, the former Bahria Town Chairman asked the Punjab government to give necessary approvals and permission to rebuild the homes of the Joseph Colony tragedy. The new homes were to be

rebuilt free of cost and the reconstruction process was aimed to be completed within 45 days.

The protesting community had refused to accept food offered by the provincial government and barred rescue workers from carrying out their activities, demanding the administration that the perpetrators be pushed behind the bars. The residents had not heard the Provincial Minister Rana Sanaullah and Hamza Shahbaz when the two visited them. The federal government announced Rs:500,000 as compensation for each affectee of Joseph Colony whose home was burnt.

**As per detailed report, 178 houses were plundered and burnt in that particular incident** [*police put the number of houses set aflame at 25*]. The inhabitants fled for their lives, their children in tow; windows were smashed and burnt, valuables were looted – not a single house in the colony was spared. The mob destroyed everything. ***'They [the mob] were laughing as they destroyed everything'***, one woman cried.

A few days after the tragic incident, the colony's rehabilitation work started. The houses were being re-built from scratch. The entire colony smelt of garbage, filth and burning wood and plastic. Tents were set up throughout the neighbourhood – a majority of which temporarily housed four to five family members, cramped in, sitting on broken furniture, humbly accepting whatever food and supplies were being distributed by individuals, aid organizations and members of the civil society.

However, Aftab Sultan, the Punjab Police Chief, had assured action against those officers for complete negligence and failure to protect Joseph Colony's residents. While the traumatized families of the colony struggled to get their lives back together following the harrowing incident, in a bizarre and unfortunate turn of events, ***many cheques issued to the victims by the Punjab government bounced*** as soon as they were issued; [*'the Pulse dated 5<sup>th</sup> April 2013* is referred].

More than 200 lives were lost during the past five years in Lahore alone during attacks on minority communities including the Ahmadis, Christians and Shias. Seven members of a Christian family were burnt alive in the Gojra incident in 2009 after violence erupted in the town over the alleged desecration of the Holy Quran.

*[Later; the desecration allegation did turn out to be false eventually but the provincial government took no concrete steps then to root out the problem. Some militants were apprehended but the cases*

*were later dropped after the counter FIR's were filed naming members of the affected community for rioting.]*

**Ten months later**, the attackers targeted an Ahmadi mosque in Garhi Shahu area of Lahore killing around 80 people belonging to that minority community. In December 2012 unknown gunmen desecrated Ahmadi graves in Lahore in an act of intimidation and hatred against the fraught community.

Later reports divulged that the local police had told the Christian residents of that small neighbourhood in Badami Bagh to evacuate because they feared an attack — the night before it actually occurred. However, the investigation officers of Police could not un-earth the real culprits behind that heinous crime though their fellow-men knew it.

A more important fact here: as also highlighted by the media in the wake of the Badami Bagh attack, no one could be held to account for the devastation wrought on another Christian community in Punjab several years ago, in *Shantinagar*.

*Shanti-nagar, Gojra* and then Joseph Town incidents; for mob violence to break out in Lahore in such modern age, when the provincial government was touting metro buses and laptop schemes and 'futuristic' solutions to the province's myriad problems, was a measure of just how misplaced the PML[N]'s priorities were.

The PML[N] termed it as a national malaise because in Dadu district of Sindh, ***a man was burnt to death by a mob after he was accused of blasphemy***; how unfortunate it was.

During the same days, another situation in Lahore could be seen where a group of right-wing activists was seen celebrating the conversion of a Hindu boy; the Punjab government had to use local political influence to defuse the situation to end the provocative demonstrations.

The fact remains that rioting, carnage and arson did not happen overnight. There was a build-up to it over several days during which an incitement campaign was in progress. The story of alleged blasphemy committed by Sawan Masih was doing the rounds for a few days. The matter reached the local police station, Sawan was apprehended and an FIR was registered. That should have been the end of the matter, leaving it to the law to take its course.

**[GOJRA INCIDENT:** *A similar blasphemy incident of alleged desecration of the Holy Quran was triggered in 2009 in Gojra, which later proved to be false. These resulted in the deaths of eight Christians including four women and a child and many houses were burnt down by charged mobs that could not be controlled by the ill-equipped, ill-trained and out-numbered police personnel.*

*The Gojra attacks came just three weeks after **a mob had attacked 100 houses belonging to Christians in Kasur District**, destroying many of them after a blasphemy charge. Nadeem Anthony, a member of the Human Rights Commission of Pakistan, believed that there had been a link between violence against Christians and the US-led war in Afghanistan; the Muslim mob in Gojra called Christians "America's dogs".*

*According to Minority Rights Group International, Pakistan was ranked the sixth most dangerous country for minorities in 2008; it was ranked after Somalia, Sudan, Afghanistan, Iraq and Burma.*

*Reportedly Mukhtar Maseeh, Talib Maseeh and his son Imran Maseeh had desecrated the papers inscribed with Qur'an verses at a wedding ceremony. A case was registered under section 295-B of the PPC against the three without any arrest.*

**On 1<sup>st</sup> August 2009;** *forty houses and a Church were set ablaze by a mob of youths who had their faces covered with veils. **The eight victims were all burnt alive** and 18 others were injured while the police stood aside when the mob went on the rampage.]*

Since then, around 14 other incidents of religious incitement of various magnitudes had been reported in several parts of the country till that Joseph Colony incident.

The hate campaign in Joseph Colony kept simmering and then exploded. The culprit was already behind bars and under investigation. Here again, like at Gojra, the police had stood aside helplessly as silent spectators.

Joseph Colony is situated on land owned by the Lahore Municipal Corporation' comprised of unplanned shanty houses constructed by homeless and poor people of the Christian community and living there over decades. It is located in the heart of an industrial area where the land is very valuable. Reportedly, the incident originated from a personal altercation between two people, one Muslim and the other Christian, which was transformed into blasphemy allegedly with ulterior motives.

The Punjab government established a field camp immediately; food and shelter were provided with a minimum of delay. Dozens of arrests were made of rioters, out of which **54 were identified from the video footings** awaiting further legal action. The focus stayed with the miseries of the displaced persons and the injustice meted out to the poor minority. The peaceful protests staged by the Christian community in several cities in sympathy with the victims raised voices for equal rights as citizens of Pakistan. The media played its part in creating the awareness.

**On 11<sup>th</sup> March 2013;** the Supreme Court of Pakistan rejected the Punjab government's report on Joseph Colony incident in Lahore's Badami Bagh.

A 3-member bench, headed by the CJ Iftikhar M Chaudhry, hearing the **suo moto case** rejected the report because it did not mention the reasons behind the incident or what action had been taken against the perpetrators. Justice Sh Azmat Saeed and Justice Gulzar Ahmed were the other two members. The initial report of the incident was presented by the Advocate General [AG] Punjab.

The question remained that why precautionary measures were not taken if there was information pertaining to the attack. The AG informed the court that it was not a land grabbing case; the mob attacked due to an alleged blasphemy.

The said matter, however, could not proceed further because allegedly the Punjab government was going to be the ultimate responsible for negligence. **As the CJP Chaudhry had special soft considerations for Sharifs so the issue was kept buried in the SC files.**

#### **DISCRETIONARY FUNDS CASE IN SC:**

**On 28<sup>th</sup> June 2013;** the Supreme Court of Pakistan [SC] summoned former Prime Minister Raja Pervaiz Ashraf on 16th of next month to explain his position in the alleged misuse of development funds in discretionary way. CJP Chaudhry headed a 3-member bench of the SC. During the course of hearing CJP remarked:

*".....as if the destiny of the country would never change and we would continue to pursue status quo. Those pleading truth should block all the ways of corruption. Law does not favour any one and*

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*it makes no distinction between rich and poor. Nothing is known about the schemes and money was distributed lavishly.*

*Former PM [Raja Ashraf] included passers by in his charity. Had it been known to us we would have sent some persons in jail. Releasing funds on the basis of acquaintance is discriminatory treatment.*

*Persons who were favoured in several programs were favoured again. Senators and public representatives reaped their share generously. Wherever we touch, springs of corruption sprout. As if fate of this country will never change and we continue to pursue rut. "*

[While passing those remarks on corruption, CJP Chaudhry had not peeped into his own home where Dr Arsalan Iftikhar was collecting a fortune of Rs:900 million by selling his father's name.

The CJP had also lost sight of undue favours he had extended to PML[N]'s politicians through his own person and via Kh Sharif, CJ of the Lahore High Court; **'Judges & Generals in Pakistan' Vol-I & Vol-II** are referred]

Justice Ejaz Chaudhry had remarked:

*".... Election Commission was sleeping that government continued spending and providing billion of rupees to its candidates. This is deceit with democracy.*

*Only one party was given benefit and loss was caused to all others. Money was provided to those who were to contest election and they even devoured the pension funds of the poor people".*

The concerned officers appeared before the court in the meantime. The CJP observed Khan Nawazish spent the money in his respective constituency; Javed Malik Islamabad and Ghulam Murtaza Satti spent Rs:30 million.

Justice Ejaz remarked this all was done **on 13<sup>th</sup> March 2013**. CJP remarked; *"tell us some standard; we will see its legal position. Law is enacted for such works. What course they are treading. Prime Minister orders should not come."*

Justice Ejaz remarked:

*"...two XENs defied court's orders. Case be sent to FIA. All wrong is done on one telephone call. If government does not want to save national wealth then you people should separate from it."*

CJP remarked that the bench would send the case to FIA and if it was proved then action would be initiated against all. The bench observed:

*"Corruption amounting to Rs:43 billion was committed in EOBI. They devoured the pension funds of the poor people. Notice is issued to former PM Raja Pervez Ashraf. As far as other persons are concerned they will be seen on next hearing. Notices be issued to all these people and copy of the decision be sent to them. Notice be also issued to Auditor General Pakistan office.*

*Court will issue orders in respect of those members of assembly who took advantage of prime minister discretionary funds, obtained money and spent it. Prior to it they and notables will be heard.*

*No amount will be released under Peoples Works Program No 2 in the meantime. Attorney General should make complete review of the whole matter in terms of its back ground and file reply with court within two weeks."*

**On 16<sup>th</sup> July 2013**, the 3-member bench of the SC, under the chair of CJP Chaudhry, again heard the above said case pertaining to use of discretionary funds and development schemes in Raja Pervez Ashraf's tenure as prime minister.

The court ordered action to be taken against those who approved the non-transparent development schemes after reviewing all the projects. The order also stated that all the development schemes be reviewed to ascertain whether rules were followed or not. The court ordered an evaluation of all the incomplete schemes to ascertain whether they were in public interest.

Despite all the pump and show from the apex court, no progress was ever heard in that that case – perhaps it also ended in ***tain...tain...phish***.

#### **SC ON LOCAL GOVT ELECTIONS:**

**On 24<sup>th</sup> September 2013**; the Supreme Court warned that if the provincial governments and the Islamabad Capital Territory [ICT] did not hold

local government elections, it would pass an order for the implementation of its directives.

A three-judge bench, headed by the CJP Iftikhar M Chaudhry [Justice Jawad S Khawaja and Justice Azmat Saeed were other members] hearing local bodies' elections case, directed the provincial governments and the ICT to submit reply for not holding LB polls so far despite clear orders of the apex court. The bench held:

*"When the provincial and ICT authorities can't implement the Constitution, no justification is left for them to remain in power. It is the obligation of the court to protect, preserve and defend the Constitution.*

*Article 5 (2) of the Constitution says that obedience to the Constitution and law is the inviolable obligation of every citizen wherever he may be and of every other person for the time being within Pakistan."*

The court posed a question as to whether the elected provincial governments and the ICT were not bound by the constitutional provisions, particularly articles 5, 32, 38 (a & b) and 140-A. The bench sought reply from the authorities of the provinces and the ICT regarding holding the local government elections, before the apex court passed a final order.

The court issued notice to the Election Commission of Pakistan [ECP] to explain its responsibility regarding holding of the LG polls under 140-A (2) of the Constitution. The attorneys appeared on behalf of the ICT and the provinces categorically admitted before the bench that non-implementation of Article 32 and 140-A was violation of the Constitution.

When the hearing resumed in that morning, the CJP remarked that the provincial governments would not get a date of their choice to hold local bodies' elections. The bench was surprised to know that the Punjab government had desired for the date of 14th December but no reason was being assigned to this proposal. During the proceedings, Justice Iftikhar Chaudhry, addressing Punjab AAG Mr Hanif Khatana, said that:

***'....even the military dictators, Ziaul Haq and Pervez Musharraf, also held local bodies' elections, adding if the government was not interested in holding the polls, the court would pass an order.'***



The SC bench expressed dismay over the KPK government for not giving a clear date about holding the local government elections. Justice Jawwad S Khawaja also observed there was an impression that the KPK government would be the first to hold the local bodies' elections in its province, but now there was no sign of such polls was coming up in KPK. The court had appreciated the Sindh government's efforts to hold the LB polls earliest but the actual plans could not be brought forward **even after two years** – the delay was explained on one pretext or the other.

Justice Jawad S Khawaja said the court would like to hear the names of those who were obstructing the elections. While Justice Khawaja reprimanded the Khyber PK government for not delivering on its promise to conduct elections within 100 days, the CJP Iftikhar M Chaudhry said that Sindh government was ahead among all the provinces for holding the LG elections; the on ground situation was, however, reverse.

Balochistan remained at the top where local bodies' elections were held on 7<sup>th</sup> December 2014 under the judgement of the Supreme Court; whereas the same elections in Punjab and Sindh could not be held till ending September 2015.

**On 1<sup>st</sup> October 2013;** a 3-member bench of the SC headed by the CJP Iftikhar M Chaudhry directed the provincial governments, Islamabad Capital Territory [ICT] and the Election Commission of Pakistan [ECP] to hold Local Government elections at the earliest in compliance with the Article 140A of the Constitution of Pakistan which says:

*"Each Province shall, by law, establish a local government system and devolve political, administrative and financial responsibility and authority to the elected representatives of the local governments."*

The apex court was told that the ECP had to give the dates for holding polls for each province while the provinces were on the way of completing the 'Delimitation Process' in their respective jurisdictions. **Despite the SC orders the local elections in Punjab and Sindh were not held till ending 2015 at least.**

**On 10<sup>th</sup> October 2013;** the Supreme Court issued a contempt notice to Pakistan's Defense Secretary Asif Yasin Malik for not holding the local government elections in the cantonment boards despite repeated instructions from the court; the 3-member bench of the SC, headed by the CJP Iftikhar M Chaudhry, was unusually blunt that day. The respective Advocates Generals of all the four provinces were asked to present their stance on 14<sup>th</sup>

October whereas Attorney General for Pakistan [AGP] Munir A Malik was directed to act as prosecutor general in Yasin's contempt case.

***[The general populace was laughing at the CJP Chaudhry's partisan approach. He had not emphasized over the general local body elections in the country since his stint in the chair in March 2009 because his most beloved party PML[N] had desired status quo – going without local body elections in Punjab.]***

The show cause notice was issued under Article 204 of the Constitution read with Contempt of Court Ordinance 2003. The fact remained that on 12<sup>th</sup> December 2012, the Local Government Act 1924 was replaced by the Local Government Ordinance 2002 but could not be implemented in the cantonment areas under the PM's directives. Secretary Defence had twice given undertaking to the apex court on affidavits for holding the said local elections but could not fulfill the same.

Earlier, the apex court was informed that the committee, constituted by the PM had approved the **Cantonment (Amendment) Ordinance 2013**, but was waiting for a response from GHQ though holding of LG elections in the Cantonment areas was never a security issue.

Already controversial, the local government election issue took another turn when lawmakers in the National Assembly unanimously passed a resolution seeking delay in the polls in Sindh, Punjab and Balochistan.

***[The two big parties PPP & PML[N] were making fool of the general populace by hands in glove – a clear violation of the constitutional provisions – astonishingly the resolution was moved by PTI's Shah Mahmood Qureshi.]***

The Supreme Court had earlier directed the ECP to conduct the elections by 27<sup>th</sup> November in Sindh and by 7<sup>th</sup> December in Punjab and Balochistan while rejecting the ECP's appeal for more time.

According to that Parliamentary resolution, the printing of ballot papers as defined by the law could only be carried out by the Printing Press of Pakistan, a state owned press, which had shown its inability to print the ballots within the election schedule given. Whereas the printing of ballot papers by any private printing press was not acceptable to the PPP as it would make the transparency of election process questionable.

The said resolution was signed by PM Awami Party's Mehmood Khan Achakzai, PML[N]'s Sheikh Aftab, Leader of Opposition in the NA Khursheed Shah of the PPP and MQM's Farooq Sattar.

To drive home its point, the resolution concluded on a strong note:

*"The sovereign political will of this House must prevail in a democratic process of elections which has to be transparent, free and fair.*

*We will not accept the polls if they are held using ballot papers printed by a private printing press - **insisting the court should refrain from interfering in such affairs.** There should be a limit for them [the courts]."*

PPP's Makhdoom Amin Fahim proposed amending the Constitution to make sure no body could interfere with the powers and authority of the Parliament and ECP. **"We [the political parties] stand united today in our stance that local body elections are not possible unless we forego required formalities."**

PTI's Shah Mehmood Qureshi held that:

**"Polls should not be held in haste... PTI will not accept any rigging in the local government elections. His party would hold protests if the process was not carried out in a transparent manner."**

Independent MNA Jamshed Ahmed Dasti urged that:

**"The polls are not possible without proper delimitation."**

MQM's Farooq Sattar said that:

**"We seek a bit more time to make the process fairer—LG polls are in the true spirit of basic democracy."**

Meanwhile, Railways Minister Kh Saad Rafique informed the House that the amended laws pertaining to local government elections in cantonments had been sent to the Prime Minister's Office for approval. The said laws also included that the elections must not be held under the supervision of station commanders.

**On 12<sup>th</sup> November 2013**, the ECP filed a review petition in the Supreme Court against its decision to reject the ECP's request seeking delay in the conduct of local government elections in Sindh and Punjab provinces. The petition was filed after the SC's Registrar declared the concise statement of the ECP not tenable on the grounds that the matter to the extent of LG elections in Constitutional Petition 77 / 2010 had already been disposed of on 5<sup>th</sup> November 2013.

A day before, the ECP through advocate Akram Sheikh had filed the concise statement seeking more time from the SC to hold LG elections in Punjab and Sindh provinces as the necessary arrangements were not complete for the polls in the given schedule. Thus the Sindh government's request for holding polls on 7<sup>th</sup> December 2013, instead of 27<sup>th</sup> November, would go impossible as the procurement of paper and printing of ballot papers were difficult even during the extended period.

In Punjab, in pursuance of the Lahore High Court's orders, elections were to be held on party basis, while the ECP had issued election schedule for that province on non-party basis, therefore, the nomination forms which were scheduled to be received by the ROs from 11<sup>th</sup> November 2013, needed amendment. Sindh province had also approached the SC for some days extension saying that:

*"No one will trust the process and results of polls if local government elections held in haste in the province; Muharram-ul-Haram was also ahead. The Sindh Assembly had passed a unanimous resolution to delay the LG elections which must be honoured as provincial legislature was the collective voice of 50 million people of the province."*

Though, the ECP was strictly conducting the LG elections on 7<sup>th</sup> December but the election activities were dull all around because the political parties were not in a mood to go in the polls in protest against the hastily process as well as *Muharram-ul-Haram*.

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### **JUDGES & POLITICS IN 2012-13 [III]:**

#### **OGRA CASE FIASCO:**

On 19<sup>th</sup> December 2012, the Supreme Court of Pakistan [SC] ordered arrest of the former ***OGRA Chairman Tauqir Sadiq. He was brother in law of the PPP's Secretary General [Late] Jehangir Badar;*** was wanted for the last few months but had successfully escaped to Dubai [by a sea launch] in early October that year.

The apex court was told by the NAB that Prime Minister Raja Pervez Ashraf had, as minister of water and power and chairman of the interview board, had forwarded documents about Sadiq's appointment to the then PM Yousuf Raza Gilani.

Tauqir Sadiq was appointed Chairman OGRA in a clear case of favouritism and despite criticism by the media over the suitability of the PPP's favourite as head of this important regulatory authority. ***His appointment was declared illegal by the Supreme Court on 25<sup>th</sup> November 2012.***

As per rules, for appointment as Chairman OGRA, the qualifications required for the post were ignored; the slot required 20 years of specialised experience as an impeccable professional in the field of law, business, engineering, finance or accounting. But being brother in law of Jehangir Badar of PPP, Tauqir Sadiq secured a relaxation in the rules and managed to get hold of the chairman's seat. The former PM Mr Gilani was facing charges of appointment of Tauqir Sadiq as Chairman ORGA and protecting him during the subsequent stints.

**Background of OGRA Case:** The National Accountability Bureau [NAB] submitted to Justice Bhagwandas Commission a report on the wrongdoings committed by the oil industry people in the pricing of petroleum products causing a loss of Rs:83 billion to the nation over a period of five years. This huge loss was caused through the fixing of oil prices by OGRA in connivance with various oil companies.

The NAB told that the report on petroleum pricing mechanism between June 2001 and June 2006 was originally submitted to the then president Gen Musharraf and PM Shaukat Aziz on 13<sup>th</sup> June 2006 by the then NAB chairman Lt Gen (rtd) Shahid Aziz. The report was never made public but the NAB chairman was removed unceremoniously shortly after the report was submitted to the presidency. The same report was then provided to the Justice Bhagwandas Commission.

As per finding of the then Deputy Chairman of NAB, Maj Gen Muhammad Siddique; the former Chairman OGRA and three other officials of OGRA – Mansoor Ali Muzaffar, Mir Kamal Farid Bijarani and Jawad Jamil – the senior management of “Pakistan State Oil Company Limited [PSO], in collusion with the Oil Companies Advisory Committee [OCAC] were involved in massive misappropriation & misuse of authority and forgery in the import of HSD [high speed diesel] and its subsequent sale in the country.

The above officers were accused of misusing authority, embezzling funds and causing the afore-mentioned losses to the national exchequer. Converting regular income of two public utilities — the Sui Northern Gas Pipelines and Sui Southern Gas Company - into virtually non-operating ones, relocating several CNG stations for financial and political considerations, making illegal appointments, etc were the additional charges on them.

In short, the NAB report told that Tauqir Sadiq in collaboration with above mentioned members of OGRA [Member Gas and Member Finance] had caused a loss of billions to the national exchequer in the form of gas development surcharge. Furthermore, under his stewardship:

- OGRA issued licenses for opening 306 new CNG stations in 2009-10 and 170 in 2010-11 in violation of a ban imposed by the government in 2008 because of severe gas shortages.
- 
- OGRA increased the benchmark of un-accounted for gas [UFG] from 4.5% to 7% against the global practices without explaining the basis and rationale for it which resulted in irrational and unjustified benefits to gas companies.
- 
- The NAB held that during that upward revision, the government suffered a loss of around Rs:44 billion. Moreover, the information was leaked to a select few people in the stock market, before making the decision public which led to increase in the share value of SNGPL in the market from Rs:15 to Rs:36, providing an opportunity to the dearest ones to obtain massive benefits.

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- OGRA suffered a loss of Rs:87.28 million caused by illegal stay orders in gas theft cases by Mansoor Ali, of which Rs:56.46 million was still recoverable.
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- OGRA suffered an estimated loss of Rs:22 billion because it increased well-head gas price from \$2.80 per mmbtu to \$3.9. In the said Sabsabil Gas Field, owned by Dewan Petroleum Limited, the price was increased in negation to the government policy and that too with retrospective effect from 2007; however the timely intervention by NAB authorities had saved a further loss of around Rs:36 billion to national exchequer.
- 
- OGRA paid Rs:13.27 million to lawyers and attorneys who were neither on the approved panel of lawyers for the authority, nor were they acting for the authority. Instead, these lawyers were given cases involving personal benefit or loss to Mr Sadiq, including one challenging his fake degrees.

*[Interestingly, Tauqir Sadiq had no lawyer to defend the charges framed against OGDC in the multi-billion rupees scam though as the OGRA Chairman he had appointed seven lawyers for his personal cases after 22<sup>nd</sup> July 2009.]*

- OGRA relocated 47 CNG stations illegally under the orders of Tauqir Sadiq and Kamal Marri.
- 
- Evidence regarding 'kickbacks / commissions' also surfaced for 'collections made by agents and front-men' working for Tauqir Sadiq, Kamal Marri and Mansoor Ali.
- 
- Mansoor Ali had misused his authority and illegally obtained vehicles from SSGCL and SNGPL for almost two years, causing a loss of Rs:3 million to the national exchequer in the form of fuel, driver and depreciation costs.
- 
- Illegal appointments were made in OGRA and according to records available, some 50 officers were appointed in sheer violation of the rules and criteria for such appointments.
- 
- A loss of another Rs:6 billion was caused to the government by 'illegal removal of 40% upper cap of profits' to the refineries.

The Federal Cabinet, in June 2001, had entrusted the role of oil price fixation to OCAC under monitoring by the DG but OCAC played Scot free. As a

result of faulty policies, the profits of Shell Pakistan, Caltex and PSO increased by 232%, 281% and 252% respectively between 2001 and 2004-05. Likewise, the profits of Attock Refinery, National Refinery, Pak Refinery and Parco jumped by multiplication of hundreds in percentage between 2001-02 and 2004-05.

Contrarily, a loss of over Rs:11 billion was caused to the exchequer because of a redundant oil pricing formula for petrol [motor spirit] while another Rs:34 billion loss was caused due to wrongful addition of premiums on the import parity prices of petrol and high speed diesel between July 2001 and April 2006. [Source: '**Dawn' dated 25<sup>th</sup> June 2009**]

Likewise, the Petroleum Ministry failed to cap the distribution margins of the Oil Marketing Companies [OMCs] and dealers when the petroleum prices touched the sky and provided a benefit of Rs:9 billion to the OMCs and dealers between December 2004 and May 2006.

The Petroleum ministry, despite having assured the ECC in the summary of capping the margins, failed to cap OMCs' & dealers' margins resulting in their exorbitant profit margins. It calculated a financial impact of more than Rs:18 billion that was '*erroneously*' earned by the OMCs and dealers in five years because the OCAC charged commissions even on government taxes, particularly on 15% GST that was clearly in violation of laws.

But what happened in the last; nothing. In Pakistan reports are there but no action; smile please and see that the NAB, and J Bhagwandas Commission could not fix responsibility on any. The Supreme Court simply kept silent because '*son of no big gun or politician*' was nominated in the said case to bring the SC and judges in highlight media.

**OGRA Case Investigations:** During investigation, Tauqir Sadiq insisted that he had completed his LLM degree from Quaid-e-Azam Law College, Lahore, and also got a degree from American University London [***by the way there is no American University at London***].

Once, the FIA had informed the apex court that wife and daughter of Tauqir Sadiq had also left for Kathmandu in a PIA flight PK-268 on 10<sup>th</sup> December. Sadiq's name was put on the ECL **on 25<sup>th</sup> January 2012**. He had returned to the country **on 27<sup>th</sup> March 2012** but as per FIA record he had not left the country after that BUT he had slipped abroad in fact.

**On 3<sup>rd</sup> January 2013**, the court was told that Tauqir Sadiq's passports had been cancelled but on 9<sup>th</sup> January 2013, after a long chase and overcoming massive 'hurdles' the NAB finally managed to bring OGRA's Tauqir



Sadiq back home from the UAE and probe into Rs:82 billion corruption scandal entered the final phase in full swing.

NAB had spent about Rs:5 million, mainly on travelling and lodging of the officers quite a few times, to make Tauqir Sadiq's come back effective. The UAE government had immediately agreed to send him back on the first request from NAB but **Pakistan's ambassador in UAE named Jamil Ahmed** did his best efforts to keep Sadiq there due to his close associations with PPP; Jehangir Badar was obliged though he had never stood by Tauqir Sadiq in open.

Tauqeer Sadiq was arrested by Abu Dhabi police on the intervention of Interpol in January 2013 but he could not be brought back to Pakistan earlier than 9<sup>th</sup> July due to gimmicks by Pakistan's embassy in UAE. The embassy only helped NAB in this case because the new regime [of PML(N)] had taken over in Islamabad.

*[Interestingly, while the NAB team was authorised to bring back the fugitive to Pakistan, some FIA officers [Adl Director Shuja Naveed and Usman Ahmed AD to be named exactly] also reached UAE on 2<sup>nd</sup> February 2013 to make parallel efforts against NAB's team on the directive of the then Interior Minister Rehman Malik to disrupt Tauqeer Sadiq's deportation process.]*

It is still available on SC's record that Pakistan ambassador in Dubai did not cooperate with the NAB team and used delaying tactics for completing formalities necessary for extradition of the accused to Pakistan.

Suddenly on 28<sup>th</sup> February 2013 it was revealed to the NAB team that Tauqir Sadiq had been taken to **Nayabbah** [Prosecution Department of the UAE] by the FIA & Embassy officials and his detention period had been extended for 10 more days. Thereafter, a meeting in Pakistan's Embassy had to be arranged between the visiting Interpol [FIA] team and NAB's officers to sort out the matter but with no progress.

The then NAB Chairman Adml (Rtd) Fasih Bokhari was apprised of the situation; he directed his I O Waqas Ahmed Khan to convey to the ambassador that he should make all-out efforts to help deport the accused otherwise the ambassador would be proceeded against under NAB laws.

Though Tauqir Sadiq's family members termed all allegations to be false and fabricated and the majority of assets linked to his 'supposedly' corrupt practices were explained away as either having belonged to his family members, or as joint property of the family falling to him as inheritance.

Professor Tanvir Sadiq, the elder brother of the accused Chairman urged that ***out of the 40 bank accounts some 23 were either operated by him*** or his close relatives and had nothing to do with Tauqir Sadiq.

NAB concentrated more on circumstances which led Tauqir Sadiq to be the Chairman OGRA, his handling of the affairs as authority, his escape to the UAE and finally his arrest and landing back in Pakistan.

*[Very few people know that following international practice and under pressure from donors, an independent regulator for oil and gas pricing and management was established in Pakistan through an ordinance of 2002 and named it OGRA. The decision was widely appreciated by the Asian Development Bank, the World Bank and others but OGRA could not function as per the spirit behind its creation.]*

*The founding Chairman of OGRA, Munir Ahmad, had to face tough opposition in initial years from the bureaucracy of its parent Ministry of Petroleum and Natural Resources, which was not mentally prepared to give away their control over the matters especially concerning financial interests.*

*That tug of war between OGRA and the ministry was in full swing, when in the fall of 2008 Tauqir Sadiq stepped into the shoes of Munir Ahmad, using his political clout in the PPP.]*

It is on record that Raja Pervaiz Ashraf, who was then the Chairman of the interview board being the Federal Minister for Water and Power, had forwarded the appointment documents of Tauqir Sadiq to the then PM Mr Gilani, who gave the final approval to Tauqir's appointment.

With strong political support, it was considered that Tauqir Sadiq would provide a steady base to this newly established authority, but contrarily he made the authority even more vulnerable. Unable to overcome bureaucratic hurdles, OGRA's new chief allowed more political interference and thus scores of irregularities to be recorded.

Tauqir Sadiq had managed to get the OGRA Ordinance 2002 amended in 2009, and secured control over CNG as well as petroleum products pricing, yet the M/O Petroleum refused to give up its bureaucratic control.

The oil lobby in the country was so strong that through Prime Minister's Advisor on M/O Petroleum Dr Asim Hussain, a close confidant of President Asif Ali Zardari, it made a strong move to get OGRA disbanded completely.

The attempt was quelled, as both PM Gilani and his deputy Ch Pervaiz Elahi opposed the move quoting the possible reaction from the ADB and World Bank supporting independent handling of various sectors. In fact Dr Asim had failed to follow the foot-prints of Federal Information Minister Qamar Zaman Kaira, who had managed to bring PEMRA under the direct control of M/O Information through a cabinet decision, otherwise an independent body to regulate electronic media channels.

Tauqir Sadiq could not engage a lawyer to defend him despite paying Rs:13.274 million to them during 2009-10. According to details, Akram Khawaja advocate received Rs:2.014 million, Tariq Aziz Rs:5.505 million and Khurram Saeed advocate received an amount of Rs:915,000, Advocate Shehzad Saleem Bhatti was paid Rs:640,000, M Saleem Lashari advocate got Rs:100,000, Naveed Rasool Mirza got Rs:1.1 million and Akram Sheikh advocate was paid Rs:3 million [*Mr Sheikh was a counsel for Tauqir Sadiq in the Supreme Court just to contest his appointment case*].

In July 2013, during his physical remand with NAB, Tauqir Sadiq started spilling the beans while disclosing a secret account in the UAE managed by a close relative and Benami (nameless) transactions in Pakistan.

A prominent businessman agreed to become an approver in the mega case and return an amount of Rs:162.5 million allegedly invested by Sadiq in his company. That secret account was kept in Mashreq Bank Dubai which was managed by his relative named Sajjad. It is estimated that Sadiq had deposited about AED 3.7 million [Rs:101.3 million], of course made through corruption, in that account alone.

NAB sent a formal request to the UAE government for the freezing of Tauqir Sadiq's account and recovery of the money looted through the illegal issuance of licences for CNG stations, stock market manipulations and other alike means. The cheques in the said A/C used to be received through his relative and associate Sajjad and one uncle named Abdul Ghafoor, a resident of Canada. Sajjad told the NAB in writing that Tauqir Sadiq had invested Rs:162.5 million with his company but he was unaware that the money was made through corruption adding that:

*"An amount of Rs:25 million has already been paid back to the accused Tauqir Sadiq and the remaining amount is still with him; he is willing to return the amount to NAB in instalments."*

A bank pay order worth Rs:12 million was given to NAB by Sajjad as a token of his sincerity. Sajjad used to pay the profits of Tauqir Sadiq's investment money to Abdul Ghafoor in Canada. Tauqir Sadiq used to look after Ghafoor's property in Pakistan and Dubai in return but the NAB held that Sadiq had been doing Benami transactions using the name of Ghafoor. Nab confiscated all the properties in Pakistan in the name of Ghafoor worth Rs:15 million.

**On 10<sup>th</sup> June 2013**, the former PM Raja Pervez Ashraf told NAB investigators that he was falsely accused of issuing 200 licenses to CNG stations as alleged in media reports - he had only approved 69 CNG stations' licenses which were already approved in 2010 by his predecessor. Raja Pervaiz Ashraf satisfied the NAB that he had not advised to open 69 CNG stations on 16<sup>th</sup> March 2013, the last day of his premiership, just only the policy guidelines were made by him.

It has become a normal practice in bureaucracy that in 99% cases, the officers in various lucrative positions do corruption by taking decisions at their own then put it on the shoulders of out going ministers urging that **'.....he had given the verbal orders.'** There is no relaxation in law or the regulations unless supported by other evidence in that regard.

According to the resources, the CNG stations were opened due to the verbal orders made by the ex Prime Minister Raja Pervaiz Ashraf.

Raja Ashraf admitted that he was Chairman of the interview board that approved the appointment of former OGRA Chairman Tauqir Sadiq, Jehangir Badar's brother-in-law. Yousuf Raza Gilani was prime minister at the time.

**On 24<sup>th</sup> January 2014**, NAB filed a reference, over the appointment of Tauqir Sadiq as OGRA Chief, against the two former prime ministers in an accountability court. A supplementary reference in the main case pertaining to Rs:82 billion corruption committed in OGRA was also placed before the court. Names of 9 known persons, booked in OGRA corruption scandal, were also included in the Exit Control List [ECL] rendering them unable to flee the country. The list included two former Managing Directors [MDs] of Sui Northern Gas Pipelines Limited [SNGPL] and Sui Southern Gas Pipelines Limited [SSGPL] too.

Aqeel Karim Dheedi, Deewan Zia-ur-Rehman, OGRA officer Jawad Jamil, Former President SNGPL MD Rashid Loan, MD SSGPL Zaheer Siddiqui, former MD Azeem Iqbal Siddiqui, GM [Finance] of SSGPL Syed Arsalan, Director SNGPL and SSGPL Mirza Mehmood, Deputy MD of SSGPL Yousaf Ansari included who were put on in ECL. Both the prime ministers were sum-

moned to attend the court on 18<sup>th</sup> February 2014. On the said day, both were there in the court and were given the copies of the references filed against them.

**On 21<sup>st</sup> August 2015**, the Supreme Court ordered the formation of a commission on the matter of escape of OGRA scandal's main suspect Tauqeer Sadiq. A 3-member bench headed by Chief Justice Jawwad S Khawaja was hearing the said case.

Astonishingly, after three years investigations, NAB's Prosecutor Waqas Qadeer Dar was telling the court that ***'no one has been proven guilty in the matter'***. It was on record that the scam was touching Rs:82 billion loss whereas millions were spent to bring Tauqir Sadiq back to the country – the CJP directed to form a commission regarding the matter. Tauqir Sadiq was the principal accused in the said case, and had fled to Abu Dhabi after the SC on 25<sup>th</sup> November 2012, declared his appointment as Chairman OGRA illegal and ordered his arrest for corruption.

Tauqeer Sadiq, according to an interim reference provided by NAB, had provided undue financial relief to firms and individuals and issued licenses for CNG stations on bogus documents.

Allegedly, the General Secretary of the PPP, Jehangir Badar, had played a major role in his escape from Pakistan despite cancellation of his passport and inclusion of his name in the Exit Control List [ECL]. Once he was brought back from Dubai to appear in the case but again fled the country.

### **ZIARAT RESIDENCY RANSACKED:**

**On 15<sup>th</sup> June 2013;** the historic Quaid e Azam Residency building in Ziarat [Balochistan] was burnt to ashes after hand grenade and rocket attacks by unidentified armed men were launched. Soon after the attack, the wooden building caught fire and burnt to ashes in hours. A policeman on guard duty on the premises was also killed by the culprits.

It took five hours to bring the blaze under control as Ziarat had no fire brigade. Local Police seized six unexploded explosive devices hours later after fire-fighters extinguished the fire.

Most of the old furniture and other objects inside the monument were destroyed in the fire, including historic photographs of the Quaid. The furni-

ture, used by the Quaid and being kept at its original place as national heritage since his death in September 1948, was all burnt.

The banned organisation, the Baloch Liberation Army [BLA], claimed responsibility for the attack through a phone call from one Merak Baloch, a spokesman for the BLA. Meanwhile, hundreds of people belonging to different shades of life, including political activists and students, staged a protest in Ziarat city.

This attack on the Quaid's Residency was a symbolic message at a time when a new beginning of reconciliation was being witnessed in Balochistan. The decades old structure was something meant to survive in history. The attack was a practical statement against Pakistan openly displaying that *'some elements within Pakistan are at war with it, with the very idea of what Pakistan is and why it is.'*

Daily **'the News'** dated **16<sup>th</sup> June 2013** noted with concern that:

*'Balochistan has long been an arena of conflict. It serves as an example of how rulers of a country can alienate an entire region and its people and fail to address their immortal longings for freedom and development.'*

*'The human rights situation in the vast province, so thinly populated, has been unbearable for years.'*

Just a week earlier, PM Nawaz Sharif had taken an appreciable decision to select *'a commoner'*, Dr Abdul Malik Baloch, as the Chief Minister of Balochistan. He knew that the challenges he was confronted with were monumental but Balochistan has been essentially a challenge for the rulers in Islamabad and the GHQ both. The former coalitions had totally betrayed their followers on this count and also indulged in disgracefully poor governance – weather army sponsored or of PPP or the JUI.

However, the intelligentsia divulged their doubts over PML[N]'s right-wing inclinations pointing towards their previous attitude towards religious militants, raising some questions about social justice in Pakistan's general populace and in particular for Balochis, rural Sindhis, Saraikis and deprived Pakhtuns weather belonging to Balochistan or otherwise.

On the other end, the Taliban and other non state actors operating in the tribal belt, have been pointing that the *'religious militancy has disfigured the face of the Pakistani society.'* Confronted with strategic implications of a

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complicated regional situation, many of Pakistani leaders in succession were unable to define the nature of the two decades old war that Pakistan has been fighting for its survival.

Pakistani rulers, hailing from military and democratic backgrounds both, in fact failed to prove that the [remaining] Pakistan, after the creation of Bangladesh, was viable and could survive as a progressive nation in which all its citizens from all its regions keep equal rights & privileges. Most of the population persistently suffered injustices and deprivations.

In his essay appeared in '**the News**' referred above, Ghazi Salahuddin had rightly pointed out that:

*'We have almost been hiding from history. We do not teach history in our institutes of higher education. A large number of our universities do not even have a department of history. We lack an intellectual environment in which we can rationally explore our recent or distant past and learn lessons.'*

Pakistan can only survive as a liberal and progressive polity; see the Article 3 of Pakistan's Constitution which states that:

***'...the state shall ensure the elimination of all forms of exploitation and the gradual fulfilment of the fundamental principle: from each according to his ability, to each according to his work'.***

The Balochistan Liberation Army [BLA], knowingly supported by the CIA & MI5, had not only claimed the attack on Quaid's Residency in Ziarat but replaced Pakistan flag with that of BLA there. The people of Pakistan were more hurt when BLA's leader, Herbyar Murree, said in Jasmin Manzoor's live TV talk show on 17<sup>th</sup> June 2013 that:

*'... then what if sixty years old residence of someone is burnt. Daily tens of houses of Balochi people are hit by your forces [pointing towards Pak-Army] but no one bothers.'*

Next days **attack on Bolan Medical Complex** by RAW supported *Lashkar e Jhangvi* [LeJ] killing 29 including 14 young girls, four soldiers of FC, one Captain, Deputy Commissioner of Quetta, one Lady Doctor, four nurses, two policemen and six pedestrians was another tragedy to be worried about. It was propagated that as some top PML[N] leaders were humiliated by Gen Musharraf [*albeit the PML[N] was created and patronised by the*

*military under Gen Ziaul Haq and the party had always been labelled to be pro-establishment]* so they tried to snub the Pakistan Army on the pretext of these events.

The attack on Quaid's Residency came within a week of the election of a Baloch nationalist – Dr Abdul Malik - as the Chief Minister of Balochistan. His Party, the National Party, had the smallest number of seats in the 3-party coalition in which Pashtun Nationalists [PKAMP] were given the Provincial Governor's slot but the largest partner in the coalition – PML[N] – preferred to be in the back set.

This 'generosity' was widely celebrated as auguring well for peace in Balochistan but the attacks in Quetta and Ziarat put a challenge for the trio set up in much disturbing way.

That media anchors like Hamid Mir, Kashif Abbasi, Javed Chaudhry and Jasmin Manzoor held live TV-talk shows where the majority of the analysts, including Gen Hamid Gul, raised fingers over the insensitivity and callousness of the security agencies, the ISI in particular, for the attacks.

An interview of Afghan President Hamid Karzai by Salim Safi broadcasted on GEO TV **on 16<sup>th</sup> June 2013** had clarified the things more. Mr Karzai repeatedly blamed the Pak-Army and ISI for all the trouble in Afghanistan. He openly accused the Pakistani 'establishment' to be interfering on the internal affairs of Afghanistan. He said that:

*'The Pakistan Army is supporting the Taliban insurgents who control large areas of Afghanistan and is giving refuge to them on Pakistani territory.'*

***If they [Taliban] will continue interference in Afghan affairs, Pakistan will also continue to suffer with losses of human lives & economy; will see the persistent bloodshed also – you have chosen the way.'***

The message was baseless but very clear.

**On 17<sup>th</sup> June 2013**, the leader of PKAMP Mahmud Achakzai repeated the same charges in the National Assembly's session. He confirmed that Pakistan was interfering in the internal affairs of Afghanistan and asked the Government to withdraw troops from FATA and negotiate with all representative factions of the Taliban.



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The bottom line of the stand was that Pakistan had nothing to do with alleged Indian plans in Afghanistan or to support or criticize any government in Afghanistan. Afghanistan's political scenario should be handled through normal diplomatic activity and NOT through ISI's guidance or taking side of Haqqanis or similar Afghan groups.

The defence of Pakistan is the 'statutory' role of the armed forces but Pak-Army had nothing to play role in government formation in neighbouring countries; as has been doing since two decades.

When Ch Nisar Ali, the Federal Interior Minister and Mahmood Achakzai roared on Parliament's floor questioning the role of Pak-Army in Afghanistan, a very special lobby of TV anchors, columnists of the print media and social net work specialists immediately jumped to defend two decades old but miserably failed policies of status quo. For instance an article on internet circulated **on 17<sup>th</sup> June 2013** said:

- *'As things stand today, if Pakistan compromised on its policy to have a friendly administration in Afghanistan after NATO troops leave, there would be civil war much more bloody and destructive than the one that followed the withdrawal of Soviet troops.*
- 
- *Pakistan would face another flood of refugees and the war would be fought primarily on the soil of Pakistan.*
- 
- *The Pakistan Army understands that the initiative is in the hands of the enemies of Pakistan - RAW and the CIA.*
- 
- *Afghanistan is the base of both for clandestine operations against Pakistan.'*

What could Pakistan do & what should have done?

The above premises were considered by veteran nationalists, no doubt, but the intelligentsia tended to disagree with the above presumptions on which Pakistan had continuously been suffering since two decades.

The new brigade of torch bearers on this path had very simple solutions for the above apprehensions that:

- Pakistan should immediately stop worrying about 'friendly administration' in Kabul. That should be their prerogative, their people's sweet will; so no further guidance – no interference please. If there will be civil war then what to Pakistan; let the big powers handle it.

- 
- Pakistan should otherwise keep vigilant to check the influx of the expected refugees from Afghanistan – as the other countries of the world do; as the European countries behave with Pakistani asylum seekers. Don't be sentimental, international law is very clear.
- 
- The hidden attacks and intrigues of CIA & RAW should be dealt with by the Pak-Army and ISI for which they exist. They should work out adequate measures while remaining in Pakistan's limits. To counter their initiatives, it is not valid that Pak-Army should try to establish its bases in a neighbouring country.
- 
- Lastly, that '*Afghanistan is the base of CIA & RAW for clandestine activities in Pakistan*' would not qualify for Pak-Army's armed interference in another sovereign country.

Elaborating the last point, one thing went clear that it was a direct admission of failure of successive Pakistani governments to think and saying so; their foreign policy and the capability of security forces. Foreign office should have taken the matter with India and America with evidences if Pakistan was right.

Secondly, Pakistan's security forces should have taken steps to formulate a cogent strategy to counter those clandestine activities; for which they are being heavily paid and funded from national exchequer.

The fact remained that Pakistani governments had always kept the best friendly relations with the two countries; India & America as sovereign countries – then why not with Afghanistan on the same pitch.

### **SUPREME COURT BETRAYED BY PPP:**

**On 26<sup>th</sup> June 2013**, Attorney General [AG] Munir A Malik informed the Supreme Court during proceedings of the NRO implementation case that a second letter signed by the then Federal Law Secretary Yasmin Abbasey was sent to Swiss authorities under explicit directions of the previous government without the apex court's knowledge. AG Malik told the bench that:

*"I received information about refusal of the Swiss authorities on the night of June 20, 2013, and was required to file an appeal by June*

*24. We have filed an appeal with the request to condone the few days' delay."*

The 3-judge bench of the Supreme Court and many others in the courtroom were astonished when the AG Mr Malik placed a copy of that letter before the court. The letter written by the then Federal Law Secretary Yasmin Abbasey, contained that:

*'The requests for mutual legal assistance made earlier in 1997 were illegal, having no legal effect, are hereby withdrawn by the government of Pakistan and may be treated as never written.*

*Further, that the orders regarding closure of the cases by former AG Abdul Qayyum on 25<sup>th</sup> May 2008, were final and could not be reopened under the Swiss laws.*

*AND that the steps taken on the orders of the SC were essentially political and in the eyes of the Republic of Pakistan, the criminal proceedings had been closed and could not be reopened.'*

Accordingly the Swiss lawyer conveyed the decision of Pakistani authorities to the Swiss government. The Swiss authorities had conveyed their approval to the government of Pakistan on 4<sup>th</sup> February 2013, but it was brought on the record on 14<sup>th</sup> June 2013, and that too after the incumbent government asked its ambassador in Geneva to start proceedings. The incumbent government could appeal against the decision of the Swiss authorities within 10 days.

The letter said that the government was not interested in reopening cases against President Asif Ali Zardari and sought a reply stating the closure of cases from Swiss authorities which were subsequently closed by Swiss authorities on 4<sup>th</sup> February. **The court was told that the ministry of law had also destroyed all the proof related to the second letter** till the PML[N] government had to procure its copy through Pakistan's Ambassador at Geneva on 14<sup>th</sup> June 2013.

Chief Justice Iftikhar M Chaudhry remarked that the then AG and Law Ministry kept the court in the dark.

Transparency, honesty and accountability do not matter in Pakistani politics – in fact it have never been there since decades.

A revelation that a letter was written **on 22<sup>nd</sup> November 2012** to the Swiss authorities, through Dr Nicholas Jaanding, their lawyer in Geneva, in secret and running counter to an earlier letter to them at the behest of the Supreme Court of Pakistan, really jolted the whole nation. Three leading figures of the last PPP government – the **Federal Law Minister Farooq Naek, PM Raja Pervaiz Ashraf and the Federal Law Secretary Yasmin Abbasey** – **had allegedly conspired together to deceive the judiciary** and by extension the whole nation.

*[While bowing their heads at last before the Supreme Court Bench hearing 'implementation of NRO judgment' in early days of November 2012, Farooq Naek had secretly visited Switzerland to settle the whole game.*

*After putting their cards in order there in Switzerland, the PPP's law minister, and the Attorney General had submitted to the bench that the long awaited letter would be sent to the Swiss authorities for re-opening of Zardari's cases. The said letter, approved by the SC, was then despatched **on 5<sup>th</sup> November 2012.***

The three legal godfathers urged the Swiss government to refrain from [possible] re-opening money-laundering cases against President Zardari, and had written that letter after seventeen days asking that the effects of a previous letter be annulled. The second letter contained that the government of Pakistan had closed all such cases against the President, and that the cases would remain closed and would never be re-opened.

The Swiss authorities acted on the contents of the secretly sent second letter [because it suited them and their economy] and withdrew all previous letters written by the government of Pakistan regarding the money-laundering cases whether moved by any government or the apex court.

It may not be out of place to mention that when the PPP government had taken reigns of the government in 2008, Justice (rtd) Qayyum Malik, who was the Attorney General of Pakistan [AG] in Gen Musharraf's times, was kept in tact with the same posting though PPP high ups were die-hard enemy of his person.

*[One can recall the judgments passed by J Qayyum Malik against Benazir Bhutto and Zardari in 1997 and the famous episode of J Qayyum's quit from judiciary in 2001 over Saifur Rehman's audio tapes row.]*

AG Qayyum Malik, **on 22<sup>nd</sup> May 2008**, had sent letter to the Swiss Authorities apprising them that Government of Pakistan had no intentions to pursue the said investigations and trial in \$60million money laundering cases connected with SGS and Cotecna involving Benazir Bhutto & Zardari AND that the cases could be treated as closed. AG Qayyum Malik was also sent to Switzerland to see the concerned Swiss officials to make sure that the investigations had been expeditiously ended.

In November 2009, when the PPP government had known that they had been betrayed and beaten in the National Assembly due to their internal intrigues and the NRO was not going to get accent by majority of the members on floor, they successfully managed to snatch and lift away the whole record of SGS and Cotecna cases from the Swiss Lawyer's offices through Wajid Shamsul Hassan and Rehman Malik.

***[One can recall the GEO TV's footage of those days in which Mr Hassan was found running away on a footpath of Geneva following with twelve hefty boxes of record; still that record is reported 'missing' from the courts, Law Ministry Islamabad and Pakistan's High Commission in London.]***

This stance violated the whole judgement of the Supreme Court passed on 16<sup>th</sup> December 2009 and a number of other subsequent judgements passed in the NRO implementation case, which were ordered for the executive authorities to seek the revival of the Swiss cases; the Court went upset. Meanwhile a 2-member enquiry team, comprising of Secretary Establishment and DG Intelligence Bureau was constituted to look into that latest state sponsored forgery. The nation was waiting what was at the tip of that iceberg – but again ***tain.....tain....phish*** as usual.

Attorney General Munir Malik informed the SC that the government would appeal the Swiss government decision; the matter was, however, adjourned. Whatever immunity President Zardari held and enjoyed by virtue of his position lapsed when he left the presidency on 8<sup>th</sup> September 2013 – and the justice was buried with surprises and smiles once more.

***Promotions Reversed by SC:*** PPP didn't behave well with the apex court because of certain reservations but the CJP Iftikhar M Chaudhry himself never left any chance to humiliate the PPP's leadership; see one more instance in that context.

***On 3<sup>rd</sup> October 2013;*** the Supreme Court [SC] ***declared the promotions of 80 grade 21 and 22 bureaucrats, made during former***

**Prime Minister Pervez Ashraf's tenure, as void.** The SC also ordered that a fresh board meeting be held to decide promotions on merit.

A 3-member bench of the SC presided over by the CJP Iftikhar M Chaudhry [the other members were Justice Sh Azmat Saeed and Justice Ejaz Chaudhry] had reserved the verdict on 12<sup>th</sup> July 2013 on the petition filed by Oria Maqbool Jan. It was held that the previous government had promoted these bureaucrats on political considerations while encroaching upon the rights of deserving officers.

Interestingly, the previous government had already admitted that the promotions of 23 officers were illegal and the decisions taken by the Central Selection Board [CSB] in connection with the promotion of these 80 bureaucrats were not transparent as then supervised by Secretary Establishment Azmat Usman.

***[ That whole drama of fake promotions was played to bring up Dr Fazlullah Pechuho, husband of Asif Ali Zardari's sister, as Chief Secretary Sindh and was given priority for the promotion despite being on 132<sup>nd</sup> position in the seniority list then held.]***

### **J MAQBOOL BAQIR ATTACKED:**

**On 26<sup>th</sup> June 2013;** some miscreants targeted a senior judge of Sindh High Court in Karachi killing at least nine people on a busy street during morning rush hour.

The attack happened as Justice Maqbool Baqar Rizvi drove past with his security detail on Burns Road on his way to the high court. The driver and one officer from the Rangers paramilitary force were among the dead, the later along with police were on security duty with Justice Baqar. Nine more were injured while the bomb was planted on a motorbike and was detonated by remote control.

Justice Baqar kept a reputation for honesty and had also served as a judge in Special Anti-Terrorism Courts [ATC] and was known to hand down quick judgments in terror cases. The *Tehreek e Taliban* Pakistan [TTP] claimed responsibility for the attack, urging that Justice Baqar was acting in 'un-Islamic' manner. ***"The Sindh High Court judge was our target. His***

**decisions were anti-shariah and he was ruling against the mujahideen,**”TTP spokesman Ihsanullah Ihsan told the *Newsweek*.

*[Karachi, a city of 22 million people, contributes 42 percent of Pakistan’s GDP but had been rife with murder and kidnappings since years; plagued by ethnic, sectarian and political violence. In year 2012, around 2,000 people were killed in violence linked to ethnic and political tensions, its deadliest toll in two decades.]*

**On 18<sup>th</sup> July 2013;** the suspect who had planned and attacked Justice Baqar was arrested along with his two companions after the Karachi Police raided their hideout in Surjani Town. The alleged mastermind frequently changed his identity and was known by names, such as Bashir Chandio and Masoom Leghari, however, he was associated with the **Asif Chotu group** of the outlawed LeJ allegedly operating from Waziristan. During initial interrogation, the suspect did reveal that the group spent Rs:2.2 million on monitoring the judge before they carried out the attack.

Next day, the suspect, then clearly known as Hafiz Baseer Leghari, died in the hospital due to his gun shot injuries during raid.

**On 20<sup>th</sup> September 2013;** Justice Baqar took oath as the SHC’s Chief Justice after surviving the above mentioned terrorist attack. The 56 year old judge became the 22nd chief justice of the SHC; he was elevated as an additional judge to the high court on 26<sup>th</sup> August 2002, and was confirmed on 26<sup>th</sup> August 2003.

Justice Baqar, along with outgoing Chief Justice Mushir Alam, were considered heroes of the lawyers movement as they had refused to take oath under the 3<sup>rd</sup> November 2007’s Provisional Constitutional Order [PCO], imposed by the then military ruler Gen Musharraf. Justice Baqar had again assumed the office in March 2009 after the restoration of the higher judiciary after Black Coat Revolution.

### **PRESIDENTIAL ELECTION [2013]:**

That the term of the then incumbent president, Asif Ali Zardari, was ending on 8<sup>th</sup> September 2013. **Article 41 (4) of the Constitution** says:

*"Election to the office of President shall be held not earlier than sixty days and not later than thirty days before the expiration of the term of President in office. . . ."*

As the two months of July and August had 31 days each so presidential election had to be held between 10<sup>th</sup> July and 8<sup>th</sup> August. Between these two dates the election process beginning with the submission of the nomination papers by candidates and ending with polling, counting of votes and announcement of result was to be completed.

In the first place, the Election Commission of Pakistan [ECP] did not announce the schedule of presidential election till 17<sup>th</sup> July apparently without any valid reason; that job could have been accomplished in the last week of June or first week of July.

Secondly, no political party, including the Pakistan Muslim League [Nawaz], requested the ECP to complete the election process at the earliest, if it apprehended that delay on the part of the ECP would lead to the holding of presidential election in the last 10 days of Ramazan.

**On 17<sup>th</sup> July 2013;** the ECP announced the schedule of presidential election under which the nominations had to be submitted by 24<sup>th</sup> July and the president was to be elected by secret ballots on 6<sup>th</sup> August. Probably at that stage the PML[N] realized that since *Eidul Fitr* was almost certain to fall on 9<sup>th</sup> August, a number of MNAs and MPAs who were expected to vote for the presidential candidate might not turn up, and the party would fail to get its nominee elected with its full strength. The PML[N] then decided to do something about it.

Since constitutionally it was not possible to delay the presidential election until after Eid, the PML[N] first tried to persuade the ECP to advance the date to 30<sup>th</sup> July. The ECP was not convinced that there existed any genuine reason to change the schedule of presidential election which had already been announced and declined to shift the date. Upon this the PML[N] decided to bring the matter before the Supreme Court.

Referring to ***Amicus' analysis of 4<sup>th</sup> August 2013 at pkhope.com:***

*"Under the Constitution, the only way available to the PML[N] to approach the Supreme Court was through the invoking of **Article 184 (3) - Without prejudice to the provisions of Article 199, the Supreme Court shall, if it considers that a question of public importance with reference to the enforcement of any of the Fundamental Rights conferred by Chapter 1 of***



***Part II is involved, have power to make an order of the nature mentioned in the said Article.***

*The language in which this article has been framed shows that it was intended to have a well-defined and limited scope. Normally, Article 199 was about the jurisdiction of the High Courts."*

The contents of the petition submitted to the Supreme Court by the leader of the house in Senate, PML[N]'s Senator Raja Zafarul Haq , **on July 24, 2013** made an interesting reading. Senator Haq contended that the polling for presidential election was to be held in the last 10 days of Ramazan during which a number of lawmakers planned to observe *aitkaf* or go for *umra* to Saudi Arabia. ....that 6<sup>th</sup> August would be close to *Eidul Fitr* and many lawmakers would like to proceed to their hometowns to celebrate Eid.

The holding of presidential poll on 6<sup>th</sup> August would infringe the fundamental rights of lawmakers because they would not be able to participate in the election due to their spiritual and religious engagements during the last 10 days of *Ramazan*. Senator Haq asserted that the election schedule violated the fundamental rights of lawmakers because if he and other parliamentarians opted to exercise their voting right they would have to give up their ***"spiritual and religious plans."***

In response to an application by Senator Haq, which called for early hearing of the petition, the Supreme Court took up the matter on the same day i.e. 24<sup>th</sup> July. Without going into the merit of the case as to why the ECP had rejected the pleadings of the PML[N] for changing the date of polling or hearing the viewpoints of other political parties and candidates, the Supreme Court only listened to the arguments of the petitioner.

The SC just enquired from the representative of the ECP if it was possible to advance the polling date to 30<sup>th</sup> July and, on receiving answer in "yes", issued its Order to shift the date of polling to 30<sup>th</sup> July.

The Supreme Court Order said that the holding of presidential election was one of the most important constitutional activities to be undertaken by the ECP. The Court observed:

***"....therefore, it is the duty of the ECP to facilitate all the voters and electors and enable them to exercise their right of franchise."***

Obviously the Supreme Court completed its proceedings in a hurry, and issued the Order the same day without fully taking into consideration its likely consequences and repercussions. The SC was facing criticism from different quarters on at least three grounds:

- It heard the submissions of only the PML[N].
- It encroached upon the domain of the ECP.
- Its Order was flawed and untenable in many respects.

The ECP was a constitutional entity and, as the SC had itself observed, it was the duty of the ECP to hold presidential election. The announcement of the election schedule was a procedural matter and not a substantial one. It was not appropriate for the SC to interfere with the working of the ECP even in a procedural matter. The ECP was an independent and reformed body after the Eighteenth Amendment to the Constitution with a well-defined domain of activities. The SC should have realized that every institution needed to respect the domain of others for the sake of harmony and to avoid unnecessary clash.

Due to the SC's Order of 24<sup>th</sup> July, the country lost Fakharuddin G Ibrahim, a man of principles and integrity, as Chief Election Commissioner. Reportedly Mr Fakharuddin G Ibrahim wanted to challenge or ignore the SC's said order but other members of the ECP were not of the same viewpoint. Had Mr Ibrahim decided to resign before the polling date, technical hurdles could have delayed the presidential election.

However, he could not endure the slur and aspersion cast against his person as a result of abdication of its authority by the ECP and when some of the political parties demanded resignation of the members of ECP, he was the first to oblige them forthwith.

The jurists held that as the SC Order had flaws thus was legally untenable. First the Article 184 (3) had a well-defined and limited scope. By including observance of *aitkaf*, *performance of umra* and leaving for hometown three days before *Eidul Fitr* in fundamental rights, the SC had imparted a new meaning and unlimited scope to this article.

Were these things mentioned as fundamental rights in the Constitution? In what respect they were ***matters of "public importance"***? From the general election of 1988 to general election of 2013, several hundred thousand people of different constituencies in Karachi had been deprived of their fundamental right to vote by a political party known to all. Had the SC taken cognizance of that disenfranchisement?

*Aitkaf and umra* are optional; they are not included in fundamental obligations of Islam. The federal and provincial secretariats, courts, corporations, business houses, educational institutions, in fact, except for a very small number of people, all individuals and institutions perform their duties as usual during the last 10 days of Ramadan.

To cast vote in presidential election was a constitutional and moral obligation of the lawmakers even if the polling date falls on 27th day of Ramazan, all the more so owing to the magnificence day following the Holiest Night *Shab e Qadr*. The SC Order had opened up a Pandora's Box and anyone can now claim leave from his or her duty on religious ground as a fundamental right because otherwise he or she would have to give up his or her "spiritual and religious plans".

Pakistani society was already suffering from hypocrisy of highest order. Honourable judges were requested to have a look at Quaid e Azam's address to the first Constituent Assembly of Pakistan in August 1947.

Surprisingly that in support of his contention that a number of lawmakers would not be available on 6<sup>th</sup> August to cast vote, Senator Haq did not produce any facts and figures or statistics from the past. He just presumed that others too wanted the change of polling date. He did not have any right to represent other lawmakers, in particular those belonging to parties other than the PML[N], in the matter. Despite this non-representative character of the petition, the SC accepted Senator Haq's submissions and passed the Order.

By advancing the date of polling, the SC deprived other candidates and opponents of PML[N] of their right to have sufficient time for canvassing. Agreed that the position of the PML[N]'s candidate was not so strong, but the very fact that the Constitution provides for secret ballot implies that the MsNA and MsPAs have the right to vote independent of party instructions and there always remains a possibility of upset in the result.

The PPP boycotted the presidential election in protest against the Supreme Court Order. Had MQM also boycotted the polls, Sindh would have been conspicuous by absence from the election process, as a disenfranchised federating Unit. Although the PPP claimed that its stand was based on principles, one could not forget that it had given legitimacy to the sham presidential election of September 2007 as *quid pro quo* for National Reconciliation Ordinance [NRO].

The PPP should have given precedence to interests of the federation and participated in the presidential election under protest. The credit was due to *Tehreek e Insaf* [PTI] which despite reservations, fielded its candidate.

The boycott of presidential election by the PPP, the *Awami* National Party [ANP] and the Balochistan National Party [BNP] as a protest against the Supreme Court Order to advance polling date from 6<sup>th</sup> August to 30<sup>th</sup> July 2013 followed by the resignation of the Chief Election Commissioner, Fakharuddin G Ibrahim had led to a controversy over the presidential election. Only with due care and alertness on the part of state institutions and political parties, the unpleasant situation could have avoided.

The acceptance of the PML[N]'s position in the matter had strengthened the impression that the SC under CJP Iftikhar Chaudhry had a tilt towards that party. One might refer to the matter in which ***Shahbaz Sharif's constitutional right to serve as the Chief Minister of Punjab was challenged but he completed his term after securing stay order.***

Since the SC had failed to give a constitutionally or legally sound reasoning, its Order in the matter under discussion was also being considered a political ruling by many jurists.

Also consider the SC's summary dismissal of Dr Tahirul Qadri's petition for reconstitution of the ECP. By all estimates, the public meeting organized by Dr Qadri at ***Minar e Pakistan Lahore*** had an attendance of between half and one million people and *dharna* in Islamabad had between fifty thousand to one hundred thousand participants, including women and children, who endured an extremely rough weather.

Dr Qadri represented those multitudes who were hopeful of a new dawn. What about their fundamental rights to have the ECP re-constituted if due mechanism was not followed in its constitution? These people thought that another ECP would strictly implement Articles 62 and 63 of the Constitution. How the SC insulted Dr Qadri, the representative of teeming millions? The SC had lost all sense of propriety, decorum and politeness while in blind love with the PML[N].

In any case the election of president is a closed transaction. Article 41 (6) of the Constitution says: ***"The validity of the election of the President shall not be called in question by or before any court or other authority."*** Nevertheless, it is important that somehow a larger bench of the SC could revisit the Order to have a proper interpretation of Article 184 (3) of the Constitution for future.

The detractors of CJP Iftikhar Chaudhry consistently complained that since his reinstatement in March 2009, the Chief Justice had often interfered in the domains of other state institutions, in particular the executive. He kept penchant to remain in limelight and engineered the occasions to do so.

***[A visible tendency was seen to acquire cheap publicity through: (a) issuing prompt suo motto notices of matters falling within the domains of other institutions and (b) passing populist remarks during judicial proceedings for the consumption of media.]***

The SC knew that as the interpreter and arbiter of the Constitution, no one is above the Constitution – the SC itself was required to function within the given parameters of the Constitution. The over-all scheme of the Constitution must not be violated, including Article 204, in letter and spirit it has to protect the Supreme Judiciary and other State Institution, from ridicule or disrepute, this was needed to be revisited.

The PML[N]'s jurists held that though the verdict was delivered after listening to just one party, and it encroached on ECP domain, but how come the decision was untenable and flawed?

### **DHA vs ETPB [EVACUE LANDS SCAM]:**

**On 2<sup>nd</sup> October 2013;** a 3-member bench of the Supreme Court headed by CJP Iftikhar M Chaudhry while deciding a *suo moto* case pertaining to the **Evacuee Trust Property Board [ETPB]** land worth billions of rupees selling for peanuts to the Defence Housing Authority [DHA], declared the agreement void and ordered criminal proceedings by the FIA against ETPB Chairman Asif Hashmi and others.

The *suo moto* action was taken on a letter sent by members of Sikh community stating therein that Asif Hashmi, Chairman ETPB, had been selling the evacuee property attached to their worship places. ETPB had planned for making investment of Rs:986 million contrary to the provisions of Section 4(2) of the ETPB Act 1975.

The court noticed that in the transactions entered into by ETPB with DHA Lahore and Islamabad, numerous illegalities and violations of financial instructions had been committed along with violation of the relevant laws.

The bench directed Secretary Ministry of Minorities Affairs to arrange forensic audit of the ETPB for the last five years.

The Chairman ETPB and its members in pursuance of the decision taken in 272nd meeting held on 16<sup>th</sup> April 2009 made investment of Rs:986 million but without settling the terms and conditions in that respect. The recovery of principal amount had already been made under an earlier order of the apex court but the parties were made bound to pay mark up on Rs:986 million from the date of its payment.

The court ruled that matter relating to acquisition of ETPB land situated in Mauza Lidhar, Mauza Mota Singh Wala and Mauza Dera Chahal Tehsil Cantt Lahore by the DHA Lahore, vide its above referred decision dated 16<sup>th</sup> April 2009 approving DHA's offer for exemption of 25% residential plots was unlawful; as the earlier decision dated 20<sup>th</sup> July 2007 by ETP Board in its 263rd meeting had given 33% exemption of residential plots [measuring 1-Kanal each] as a result whereof DHA had to provide 642 residential plots on acquiring 1946-Kanals of ETPB land, in addition to DHA's offer of 100 x commercial plots on payment.

The court, however, gave option to the DHA to accept within 30 days the ETP Board's decision taken in 263rd meeting dated 23<sup>rd</sup> July 2007 and handover the developed residential and commercial plots to the ETPB; failing which DHA would be bound to return the land owned by ETPB situated in above mentioned three villages.

The apex court also noted that DHA had acquired more land than agreed upon, therefore, Board of Revenue was directed to make arrangement for the demarcation of the properties owned by ETPB and ensure the restoration of the excess land.

The apex court ruled that DHA would not be entitled to recover any compensation, if it had paid to obtain the possession from the lessee or on the development of land. However, DHA could resort to the court of law to prove its claim by adducing evidence as per lines given in Joint Venture Agreement between CDA and Multi-Professional Cooperative Housing Society [**PLD 2011 SC 619**].

The court further held that the inquiry already initiated by FIA would be concluded at the earliest and compliance report be sent to the SC registrar for appropriate orders if needed.

## **Scenario 171**

### **PPP's FIVE YEARS GOVERNANCE**

Referring to *Nazish Brohi's* analysis in ***Dawn dated 27<sup>th</sup> October 2015;*** there stands a story of perpetual betrayals for the PPP:

*'.....that Asif Zardari betrayed Benazir Bhutto's PPP; .....that Benazir had betrayed Z.A. Bhutto's PPP; ..... that ZAB himself betrayed the party's original conception.....'*

But it's no coincidence that the PPP had managed comebacks. The fact remained that the party had always been voted into political power in the wake of ending military regimes, almost like the arsenal of the ***army's 'anti-incumbency vote'***.

The PPP surfaced during Gen Ayub's regime, first voted into power after Gen Yahya Khan's two years military rule, re-elected after Gen Zia's eleven years regime, and lastly after Gen Musharraf's nine-years rule. The exception was BB's second tenure but there too her previous dismissal was seen as victimisation allegedly by the army-backed establishment.

The PPP's institutional paralysis and collapse of governance in Sindh since 2008 till today be kept in sight. The party claimed pushing the democracy forward through unanimously passed 18th Amendment, but while settling some of the long standing issues between the Federation and four provinces, the PPP in criminal collaboration with the PMLs [N&Q], punched the basic spirit of the same democracy by saying that: ***'there would be no elections in the party'***.

The PPP felt pride in quoting that it re-invented a parliamentary democracy instead of the distorted semi-presidential system; for the first time, the country saw consensus for a prime minister; the first ever democratic transition and completion of the presidential tenure; a serving prime minister appeared before the Supreme Court and other alike changes in Pakistan's genetic code with long-term implications.

What benefits of such '**philosophical achievements**' for the general populace the party ruled for five years. What they got out of it.

In the contemporary world, the good governance is not measured on such gimmicks. The real performance is measured by the factors with difference which the people could compare with the outer world. The people judged the party's achievements in comparison with the earlier figures available on record whether left by the Army rule or of its Kings Party whatsoever.

The ruling political party's achievements are now a day judged by:

- *How much increase in GNP / GDP was recorded.*
- *How much new employments were created.*
- *How much foreign investments were attracted.*
- *How much new venues of oil, gas, natural minerals or coal and nuclear resources were tapped.*
- *How much electricity was added in the national grid.*
- *How many target killers and terrorists were hanged.*
- *How many laws improved [in terms of international standards] in the parliament.*
- *How much increase in the exports was registered.*
- *How much trade deficit was reduced.*
- *How much foreign debts were curtailed off or paid off.*
- *How much %age of literacy rate improved all over the country.*
- *How much crime, heinous and white collared, reduced.*
- *How many tourists' spots developed and how much foreigners were attracted and adequately catered for.*
- *How many new industries installed and opened in public and private sectors or joint-ventured.*
- *How much new schools opened; new hospitals installed; new canals were built and opened for irrigation; how many new roads were built on the national level and in provinces.*

PPP stalwarts could see that how much services or improvements they had delivered during their five years un-interrupted rule over Pakistan.

The PPP trumpeted high that they were '*successful*' to drive out military regimes and to lessen the future coups' probability – but that has never been the prime aim of any democracy in the world. In the countries where the political governments deliver seriously, the military remains confined to their barracks at their own. In Pakistani scenario, the politics of reconciliation with both the army and the PML[N] that made term completion possible did agitate the PPP voter, but the party lost its own existence.



It is not only PPP's bold and loud stories of corruption but it totally forgot its hall-mark manifesto of '*roti, kapra aur makaan*'. It also lost:

- *.... its ability to use the anti-establishment card.*
- 
- *....held criminally compromising approach towards BB murder probe.*
- 
- *....didn't even push through the one populist steroid in its arsenal — the retrial of ZAB to declare it a judicial murder.*
- 
- *....could not handle its commitment to bring the security apparatus under civilian control.*
- 
- *...as leader of opposition, the PPP supported the formation of military courts but did not bother to equip the civilian courts with similar powers & procedures through the parliamentary channel.*

During its 5 years regime, it could not make out new laws or amend the existing laws to deliver speedy justice by any tier of the civilian courts with the same like legal powers and regulatory provisions for which the people had developed their liking for the military courts.

Coming to Sindh, the average PPP voters stood in support for democracy because they thought it would immediately better their lives. It didn't.

***[ Five years after PPP's un-challenged rule and devolution, blame for Sindh's deteriorated condition could no longer be shifted to Punjab or the military establishment. ]***

Every department and tier of government remained a mess, proven curse of corruption and in-efficiency - thus needed a purge. Still the PPP's leadership was not ready to accept the blame. The PPP could rebuild on the fundamentals or it could sit back and pray for another military coup – but PML[N] or PTI might have travelled too far ahead till that wish comes true.

### **2013 - ELECTION GIMMICKS:**

**On 15<sup>th</sup> March 2013;** just a day before leaving the throne, the PPP government released Rs:140.1 billion under the **Public Sector**

**Development Programme** [PSDP] of 2012-13. It was further classified as Rs:74.8 billion for infrastructure sector, Rs:61 billion for social sector, Rs:1.5 billion for 'other' sectors and Rs:2.8 billion for Earthquake Reconstruction and Rehabilitation Authority.

The said releases were made for 1,113 various national developmental projects – **knowingly that not a single rupee would be spent**. It was done keeping in mind the forthcoming general elections on 11<sup>th</sup> May 2013.

The size of the federal PSDP 2012-13 was Rs:360 billion including Rs:100 billion as Foreign Exchange Component [FEC] and Rs:27 billion as special programme budget. The releases against special programmes were allocated to the Cabinet and Finance Divisions. The foreign aid disbursement amount was given to the Economic Affairs Division.

The Pak-currency component of power sector projects was arranged by Water and Power Development Authority [WAPDA] from its own resources. Therefore, the rupee component of power sector projects was not made part of the budget thus not released by Planning and Development Division except for a few projects.

Releases for some of the important projects were; National Programme for Family Planning and Primary Health Care Rs:7.602 billion, Population Welfare Programme Punjab (2010-15) Rs:1.116 billion, Population Welfare Program Sindh (2010-15) Rs:620 million, National Maternal, Neonatal and Child Health Programme (MNCH-UK) Rs:786 million, Safety Analysis Centre to provide Regulatory Support and for Indigenisation of NPP in Pakistan Rs:50.712 million, Establishment of National Dosimeters and Protection Level Calibration Laboratory Rs:42.272 million, Expo Centre Lahore Phase - II Rs:200 million, two 50 megawatts (MW) Power Plant from Syngas (IGCC - 2009) & Tharparkar Rs:900 million.

Out of the block allocation of Rs:9.547 billion for Azad Jammu and Kashmir, the government released Rs:6.205 billion immediately. Establishment of New Campus of Jalozai Khyber PK University of Engineering and Technology Peshawar Rs:645 million, Gilgit-Baltistan (Block Allocation) Rs:2.716 billion, Federal Programme under **Access to Justice Programme**, Islamabad Rs:722 million.

In Railways; Procurement of 150 DE Locos Rs:200 million, Procurement of 202 New Design Passenger Carriages from China (Revised) Rs:654.015 million, Replacement of Old and Obsolete Signal Gear from Lodhran - Khanewal - Shahdara Bagh Mainline Section of PR (IBD) Rs:1.230 billion, Rehabilitation of Railways Assets Damaged during Riots of 27<sup>th</sup> & 28<sup>th</sup>

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December 2007 Rs:600 million, Rehabilitation of 27 Number (HGMU - 30) Diesel Electric Locomotives Rs:938 million, Rehabilitation, Up-gradation and Conversion of 400 Coaches Rs:116.975 million, Replacement of Three Break Down and Rescue Cranes and Procurement of Five Sets relief train equipment Rs:550 million, Federally Administered Tribal Areas [FATA] Rs:10.04 billion.

Raising of Mangla Dam including resettlement Rs:3.850 billion, Extension of Right Bank Outfall Drain from Sehwan to Sea, Dadu and Thatta Districts Rs:960 million, Revamping and Rehabilitation of Irrigation and Drainage System of Sindh Rs:980 million, Construction of Small Storage Dams, Delay Action Dams, Retention Weirs and ISSO Barriers in Sindh Rs:833 million, Rehabilitation of Irrigation System in Khyber PK Rs:280 million, *Makhi Farash* Link Canal Project (Chotiari Phase-II) Sindh Rs:400 million and Construction of Fall Structure on Nara Canal, Resection of Rato Canal RD 0-72 and Strengthening of Jamro Canal, Sindh Rs:385.4 million.

The government released Rs:7.112 billion for Chashma Nuclear Power Project (C3 and C4). The government released Rs:3.114 billion for Construction of Diamer Bhasha Dam Project Land Acquisition. M-4 Motorway, 57 Km Package-IV (Including Rs:1 billion for LA) Rs:1.242 billion, and Dual-way of Mandra to Chakwal Road (64 kilometres) Rs:2.1bn.

Execution of **33 Miscellaneous Development Schemes in NA-51 in Various Union Councils of Gujjar Khan, electoral constituency of the PM Raja Pervaiz Ashraf**, the government released Rs:1.650 billion on immediate basis.

**TRADERS MOST FRUSTRATED:**

**On 16<sup>th</sup> March 2013;** the Pakistan Peoples Party [PPP]'s five years rule ended smoothly. The PPP trumpeted their success [?] in very high tone that a political party had completed its tenure first time in the history of Pakistan. The critics said that to earn that splendour and glory, the PPP had pushed the country at least two decades back.

The Pakistan Peoples Party [PPP] government took over from Gen Musharraf - what started with a great promise turned quickly into a major disappointment. Within months, the air leaked from the new government's balloon.

**[ While Gen Musharraf regime posted 6% to 8% economic growth rates, the Zardari government couldn't muster even 4% GDP growth in first three years whereas the last two years registered 2.5% and 2% growth respectively.]**

Democracy is all about the fulfilment of physical and spiritual needs of the people; and for Pakistanis, the democratic rule brought darkness, hunger, violence, poverty and bleak future.

**The traders termed PPP gov't's 5-year tenure as worst in history.**

The *All Pakistan Anjuman-e-Tajran* [APAT] executive committee declared that the ruling PPP during its five-year constitutional tenure fulfilled no promise it had made to the masses in its election manifesto of 2008 titled '**Towards Peace and Prosperity in Pakistan**'.

The 'broken promises' included sustainable high economic growth, sound macroeconomic policies, elimination of energy shortage, environmental protection, world class irrigation system; ridding Pakistan of violence, bigotry and terror; employment for youth and lowering inflation; provision of quality education; healthcare and clean potable water; bringing progress to the doorstep of workers, farmers and small businesses; supporting the disadvantaged; making Pakistan business-friendly; women empowerment; citizen-centric governance and good governance.

While comparing the price tags of certain items of daily usage, the economists noted that it was common man's class that suffered the agony of price hikes during the PPP's rule. Following was the statistics comparing the two indices from **MAY 2008 TO MARCH 2013** in Pakistani Currency - RUPEE:

	<b>MAY 2008</b>	<b>MARCH 2013</b>	<b>%age UP</b>
PETROL	56/Lit	106/Lit	89.26%
DIESEL	39/Lit	109/Lit	179.49%
CNG	30/cub m	89/cub m	196.67%
Bi-Cycle	35,000	65,000	85.71%
US \$ Rate	60	90	50%
FLOUR	13/kg	38/kg	192.31%
SUGAR	21/kg	60/kg	185.71%
MILK	25/Lit	70/Lit	180%
C'KING OIL	90/Lit	190/Lit	111.11%
UREA	1300/bag	4700/bag	261.54%
EL'TRIC	2.13/unit	9.39/unit	340.38%

LOADSHEDDING increased from 30% to 150%  
CALLS & SMS increased from 10% to 21%  
G SALES TAX increased from 15% to 20%

**EDUCATION FIRST:** When the PPP took over in early 2008, there were 256,088 educational institutions of all categories in Pakistan, with a total enrolment of 37,462,884 students.

There were 182,477 (71%) education institutions in the public sector and 73,611 (29%) in private sector. Enrolment wise, public sector had an enrolment of 25,213,894 (67%) in various categories of educational institutions whereas 12,248,990 (33%) enrolment was in the private sector. The total teaching staff was 1,363,501, out of which 0.756 million (56%) was in the public sector and 0.606 million (44%) in the private sector.

When the PPP left the throne in March 2013, **there was not a single addition in the state-run school numbers;** the number of total students registered an increase of 2.8% whereas the strength of teaching staff in the state-run schools increased by 6% because of the '**ghost enrolments**' on the political basis – mostly in rural Sindh areas.

Referring to the '**Dawn**' of 18<sup>th</sup> March 2013; Murtaza Haider rightly pointed out that:

*'If electoral democracy were a cake, Pakistanis would be coming off of a five-year binge. Instead, **the nation is poorer, hungrier, and more deprived today than it was in March 2008.***

*For the first time since independence in 1947, democratically elected legislatures completed their constitutionally mandated tenures in Pakistan without being summarily uprooted by a military regime or its civilian proxy.*

***The sorry state of the federation where law and order disappeared and corruption became omnipresent, and where economy and utilities faltered, would prompt the electorate to question the real value of electoral democracy.***

*Has electoral democracy delivered jobs to the un-employed, and food to the poor?'*

Hats off to the PPP's elected government; when it assumed power in 2008, the demand for Pakistani goods declined and investment flows dried up, thus starving Pakistani industries.

However, while the economic growth was dismal at best, the stock markets in Pakistan continued to touch new heights. Even with the worsening of law and order and a near complete collapse of the power sector that crippled the manufacturing sector, the KSE 100 index continued to grow, fuelled most likely by *'irrational exuberance.'*

It resulted in a sustained higher than usual unemployment rate that lasted throughout the five year democratic rule.

***[During the five years PPP rule from 2008-13, the per capita GDP grew by merely \$30 – that too through Rupee's unprecedented devaluation.]***

Further, the economic managers failed to arrest the sharp increase in consumer prices that grew by 80% in a short span of five years. The result was catastrophic for low to mid-income households who faced limited opportunities to earn a living, while the cost of living continued to shoot up.

Murtaza Haider reminded that good governance, amongst others, is as much a part of democracy as electioneering is. Governance has never been a core value for the political parties in Pakistan. This time, PPP's 5 years rule left the nation buried under a mountain of **foreign debt that ballooned from \$45 billion in 2008 to over \$65 billion in 2012.** Thus the PPP's rule left the nation poorer and hungrier.

A 2011 national survey revealed that widespread **malnutrition in Pakistan had caused 44% of the children fewer than 5 years of age to have stunted growth.** In Sindh, the power base of the Zardari government, three in four households were food insecure.

The traders, while reviewing the five-year performance of the PPP-led coalition government, observed that it was the worst-ever era in view of economy, as foreign debt escalated by unprecedented margin in their five years' rule.

Referring to a report published in **Daily Times** dated **17<sup>th</sup> March 2013,** the PPP had failed to respect the commitments the party had made to the masses. The report explained:

*"Pakistan was caught in debt trap and ratio of total loans reached 72% of the gross domestic product; **the rupee depreciated by almost 65%** against the greenback during this tenure. Foreign direct investment plunged to the lowest level during this era owing to energy crisis and alarming level of insecurity.*

*The misery remained that the **power tariff was raised in the range of 40 to 95% while circular debt escalated to Rs:872 billion from Rs:326 billion** during the five years.*

*The unannounced power load shedding and gas suspension halted the industrial production as well as agriculture growth leading to skewed economic growth between 1.7% to 3.5% while taxpayers subsidy of Rs:1,500 billion could not rescue the power sector.*

***Prices of petroleum and its products went up 80-160%** during that five years rule while the same index was up just by 3.29% in the global market.*

***Inflation index was registered as 15% up** during the PPP's five years and the consumer price index increased from 100 points to 173 points. In one year 2012 alone, Pakistan's ranking on the **Ease of Doing Business Survey** had fallen from 104 to 107.*

*Government writ was seen paralysed as terrorism, violence, target killing of traders and extortion hit the country hard during this black era of the PPP rule. **Around 57% resources were shifted to provinces under National Finance Commission Award but the provinces never shown surplus budget.***

*Quoting National Accountability Bureau [NAB]'s Director General, the oil mafia, agriculture cartel and tax evasion contributed to a **daily loss of Rs:5 billion to the national exchequer.**"*

According to Transparency International, Pakistan lost more than Rs:8.5 trillion in corruption, tax evasion and bad governance during four years tenure of PM Gilani's governance. More so, the mega scandals like Hajj scam, Pakistan Steel plunder, Railways corruption, Rental Power loot and others, neither the Federal Investigation Agency [FIA] nor the NAB probed the cases fairly because of involvement of their political masters.

**All Pakistan Business Forum** [APBF] also demonstrated the similar concerns and had asked all leading political parties to spell out their

priorities before going for general elections. Reviewing the five-year period of the PPP's rule, the forum unanimously observed that the overall business contracted primarily due to energy crisis coupled with law and order issues while deficit remained at an unbearable 6-7% of the gross domestic product [GDP].

Pakistan on average spent 7.5% of GDP on buying fuel due to soaring energy crisis but with zero result as the industrial sector continued to suffer for the whole span of five years. The tragedy remained that the PPP's federal government, which controlled the load management as well as power distribution system, continued to penalise those consumers, who paid their bills regularly, by imposing fuel adjustment surcharge.

#### **FOREIGN INVESTMENTS FLED AWAY:**

Through an analysis published in '***the News***' dated **18<sup>th</sup> March 2013**, distinguished economist **Dr Ashfaq A Khan** made a miserable note of Pakistan's economic state of affairs. The PPP government completed its five-year term but within and outside Pakistan, the consensus remained that the country's economy went weakened. Poor macro-economic policies, fiscal indiscipline, a weak and frivolous economic team and bad governance were the contributory factors in the destruction of the economy.

Prior to PPP's ascension to power in March 2008, Pakistan's economic performance was robust. International financial institutions and global investors were upbeat on growing economic fundamentals. ***Pakistan's economy was regarded as one of the fastest growing economies in the Asian region*** and Goldman Sachs, a global investment bank, included Pakistan in the elite group of emerging economies.

Fiscal year 2007-08 was a defining year in Pakistan's economic history. The descent into political instability in mid-2007, followed by sudden shocks such as skyrocketing oil and food prices, adverse security developments and global financial turmoil buffeted the economy of Pakistan. These shocks, combined with policy inaction during the political transition to the PPP in March 2008, made the economy crippled and then reverse.

The PPP took charge in March 2008 - and that year the food and fuel price shocks affected almost every country around the world and Pakistan was no exception. While other countries undertook corrective measures and overcame the crisis, the PPP government in Pakistan continued to lurch from one crisis to another having no sense of direction. Frequent changes



in the economic team characterized the government's modus operandi. As the ***economy was never given priority during the whole 5 years tenure***, the catastrophic results were the natural outcome.

Dr Ashfaq Khan despondently noted that:

***".....the PPP's five years marked its economic growth to about 3% per annum at average as compared to the almost 7%+ during Gen Musharraf's last five years; industrial growth stagnating at 0% as against the 12.4% per annum in the preceding five years.***

*Industrial growth started declining immediately after the PPP-led coalition government assumed power. It dropped to 4.1% in the first half of 2008.*

*In its first full year in power, large scale manufacturing (LSM) growth plummeted to minus 8.2% in 2008-09.*

*Productivity increased to 4.81% in 2009-10, but again declined to 1.14% in 2010-11, then to 1.02% in 2011-12 and the same trend in 2012-13."*

***In 2012-13, Pakistan's car production was about 30% lower than the high level achieved during the year 2007 of Gen Musharraf's rule.*** In most categories, textile production declined from previous levels. Cement production was at almost the same level as was in 2006-07 although the industry added over five million ton additional capacity; the expansion was planned, funded and started in Gen Mushaff's regime.

Talking of other sectors; Pakistani industries manufactured fewer refrigerators, television sets and split air conditioners than they were producing five years back. The fertiliser sector added a two million ton capacity, thanks again to planning that took place during Gen Musharraf's times but even then less urea was produced than in 2006-07.

***During PPP's regime [2008-13], many foreign investors left Pakistan***, selling their industries to local entrepreneurs at low prices.

- The ICI sold its interest in polyester yarn, soda ash and paints to different local parties.
-

- An American chemical company disinvested its share in a chemical plant to a Lahorite chemical manufacturer.
- 
- Some Japanese TV manufacturers had shut down their manufacturing facilities;
- 
- A Korean vehicle plant manufacturing closed its premises.

***Those entrepreneurs shifted their capital to Bangladesh, India and Sri Lanka.*** It was during the five-year rule of the PPP-led coalition government that Bangladesh surpassed Pakistan as the second largest exporter of textiles and clothing in the region, after India. Pakistan's knitwear and garment units closed down gradually.

During the last week of PPP's rule, in March 2013, the outgoing federal cabinet approved the ***new investment policy*** announced in 2012, hoped to pull more than \$5 billion in foreign investment in 2013-14. However, the policy came at a time Pakistan's growing political instability and weak security environment had already eroded foreign investment to an all-time low; from \$5.4 billion in 2007-08 to just \$813 million in 2011-12. Ihtasham ul Haq wrote:

*"The erosion of the Pak rupee, the critical law and order situation and worldwide recession deflected investment from Pakistani shores to nearby countries.*

*The road map for the much-needed foreign investment will be given by the next government, after taking into account current bottlenecks such as crumbling infrastructure, the serious shortage of energy and the high cost of doing business in Pakistan."*

Not only had the Board of Investment [BoI] failed to play its role in generating investment, agonizingly slow decision-making and cumbersome bureaucratic procedures also scared away the few who were interested.

Comparatively, places such as Dubai continued to thrive on the back of one-window operations, which provided potential investors with all infrastructural facilities, speedily and under one roof. While Pakistan kept meaning to amend the rules of business to this end, nothing happened.

Finally, tussles among the federal ministries – particularly, finance, commerce and petroleum and natural resources – caused FDI to drop and led to the flight of local capital to Sri Lanka, Bangladesh, the Middle East, Tur-

key and India. As a result, investment levels dropped to just 12.4 percent of GDP during the years 2008-13.

And then the severity of the global financial crisis and a sharp surge in investment disputes brought another issue regarding the BITs to the fore: the potential downside of investing in a country so tied up with various treaties with different colours in various shades.

***[The final indictment came at a conference in Brussels in 2012, when the US and European countries said they could neither trust Pakistan nor did the country have the investment climate required to attract foreigners.]***

But there were other issues too that needed urgent attention:

- *First, a downgrade in sovereign credit rating – particularly by the New York-based Moodys and Standard and Poor – eroded investor confidence. Since macro-economic instability had been a hallmark of successive governments, Pakistan was no stranger to such downgrades.*
- 
- *Second, serious security threats to foreign investors and concerns about Pakistan's political stability were a major deterrent.*
- 
- *Third, the recent past witnessed a host of protracted disputes between foreign investors in Pakistan and the federal government and this unpredictability scared off investors.*
- 
- *Finally, a low-grade intellectual property rights regime and arbitrary application of government regulations by federal and provincial bureaucracies didn't help much to inspire confidence.*

Most disturbing was the fact that the investment rate continued to decelerate during the PPP's five years and declined to a 50-year low at 12.5% of GDP from as high as 22.5% five years ago. About 2.5-3 million people were going jobless every year in addition to fresh crop of youth striving to get employment. During PPP regime, the pool of unemployed had grown over while most people slipped below the poverty line.

**Stock Market:** During the PPP's five-year term [2008-13], the economy had its share of ups and downs, with some of the highlights being:

- 1) Entry and exit from the International Monetary Fund (IMF) programme,

- 2) **Inflation** from single digit to the double plus digits,
- 3) Persistent decline in foreign investment,
- 4) Continued growth trajectory of home remittances,
- 5) No permanent solution envisaged for circular debt and
- 6) Sluggish industrial sector performance.

However, during this period, the equity market continued to track corporate earnings growth, with local investors being net buyers. Foreign investors had not really returned to Pakistani equities with full confidence, with the floor imposition in August 2008 being at the forefront of their worries.

The KSE-100 index lost more than half of its value during the first year of democracy, losing 60%. Since then the index provided four consecutive years of positive returns with 65% in the second year, 18% in the third year, 13% in the fourth year and 34% in the fifth year. The average daily trading volume did not reach the peak levels as was witnessed in 2007, averaging just 134 million shares per day during 2008-13.

Despite the last four years' compound annual growth rate of 32 percent, the equity market was unable to attract new investors, resulting in no increase in market depth. Only the change in CGT rules during 2012 resulted in average trading volume of 176 million shares per day during 2012-13. In fact, average daily volume in the third and fourth years stood at meagre 110 million shares and 100 million shares, respectively.

Foreign investors also shied away from Pakistan's equity market even though high returns were visible. There were niche investors, focusing mainly on: food and consumer goods, banking, oil and gas exploration, fertiliser and power generation sectors. On net basis, foreign portfolio investors ended up taking out money from Pakistani equities during 2009.

**Key-Point:** High gain in Stock Exchange Trading without sustainable industrial production is always more dangerous. Pakistan, in fact, got more shares trading because the industrialists could not feel comfortable in manufacturing due to various factors in play.

#### **FLAWED MONETARY POLICY:**

During the PPP's five [2008-13] years rule, Pakistan witnessed the removal of one prime minister [Yusuf Raza Gilani], four finance ministers [Ishaq Dar, Naveed Qamar, Shaukat Tarin and Dr Hafeez Shaikh], and change of

guards at the State Bank of Pakistan [Dr Shamshad Akhtar, Salim Raza and Dr Hafeez Kardar]. Despite all these changes, economic woes and the people's plight continued unabated.

These five years have been the worst for the economy where average growth stood at 1.5 percent to 3.5 percent and domestic debt surged to Rs:8.5 trillion as compared to June 2008 where it stood at Rs:3.2 trillion, while external debt witnessed a substantial rise of \$20 billion to \$65 billion.

According to government's released statistics, food inflation remained in double digits throughout the tenure of the people's government. In FY2007-08, it was recorded at 17.6 percent, while in the following year it climbed to 23.7 percent. During the government's first year in power, despite having adequate sugar stocks the end user suffered. The price of sugar once hiked to as much as Rs:120 per kg.

Furthermore, shortage of wheat was created artificially, resulting in price hike. In order to benefit growers – the backbone of the previous setup – and fetch unanimous support from this particular group, the PPP government enhanced the support price of wheat. ***The support price of wheat witnessed an unprecedented increase to Rs:1,200 per 40kg from Rs:650 per 40kg.*** This was the most hard-hitting factor for the government to tame inflation, thereby increasing pressure on the people.

Despite immense pressure from the business community to reduce the interest rate to a single digit, it took the SBP five years to do so. Reckless government borrowing and excessive note printing created hindrances in economic growth.

The central bank repeatedly cautioned the government on excessive borrowing and also advised it to amend the Fiscal Responsibility and Debt Limitation Act 2005, to incorporate appropriate provisions to restrict debt monetisation. Excessive borrowings from the central bank also resulted in an increase in floating debt; comprising short-term instruments like the treasury bills.

The budgeted fiscal deficit increased primarily due to shortfall in estimated Federal Board of Revenue [FBR] tax revenue collection by Rs:188 billion; non-realisation of fee from the auction of 3G licences amounting to Rs:79 billion; due amount of Rs:80 billion from ***Etisalat for privatisation of PTCL***; Rs:50 billion from floating of euro bond; increase in domestic interest liability due to higher fiscal deficit by Rs:100 billion; increase in defence expenditure by Rs:30 billion due to increase in salaries as a result of Cabinet's announcement at the time of budget 2012-13; reduction of anticipat-

ed surplus from provinces by Rs:30 billion; Rs:15 billion for providing power supply to agricultural tube-wells at a flat rate and increase in electricity subsidy by Rs:108 billion due to non-increase in electricity tariff. The fiscal deficit soared to hit Rs:2 trillion from the budgeted estimates of Rs:1.110 trillion.

In the absence of fiscal reforms and weak economic growth, despite tall claims made by the finance ministry [MoF] and FBR that growth was impressive, revenue collection had room to grow by at least Rs:800 billion per annum – the tax managers had gone glaringly corrupt.

The balance of payments recorded surplus on a couple of occasions due to the much talked about Coalition Support Fund [CSF] from America. Pakistan received \$2 billion to \$3 billion from the US under CSF, which helped heal wounds but the economy was still starving for foreign investment inflows, which went largely dried considerably in the five years of PPP's rule.

Fiscal indiscipline was the hallmark of the PPP government run by Zardaris. The fiscal deficit averaged 7% of GDP during years 2008-12 but reached as high as 8.5% in their last year [2012-13]. The persistence of a large fiscal deficit over their five years term along with sharp depreciation of exchange rate almost doubled the country's public debt.

The stock of public debt stood at Rs:4.8 trillion in June 2007 [at Rs:6 trillion in 2008] reached over Rs:13 trillion by December 2012; at Rs:14 trillion in 2013 – an addition of over Rs:8 trillion in five years.

The other debacles of the PPP's rule included the addition of over \$20 billion in external debt, the vanishing of foreign direct investment, 50% depreciation in the value of the rupee, foreign exchange reserves dipping to dangerously low levels of \$7.6 billion [*which normally provide import cover of two months only*] and inflation persisting at high double digit levels for more than 5 years in a row, creating enormous hardship for the poor and even middle class households.

During the PPP-led coalition government, the Pak rupee value continuously declined in the period 2008-13; by over 56 percent against the US dollar.

**On 25<sup>th</sup> March 2008**, when Yusuf Raza Gilani took over as prime minister, the rupee stood at Rs:62.61 against the dollar. The rupee depreciation continued till ending the PPP's tenure under the premiership of Raja Pervez Ashraf - the exchange rate reached Rs:97.98 by ***15<sup>th</sup> March 2013***.

Pakistan's foreign exchange reserves stood at \$12.807 billion by the week ended 1<sup>st</sup> March 2013 – once the same were hitting high of \$18.313 billion by the week ended 30<sup>th</sup> July 2011. The IMF portrayed Gen Musharraf's ending FY2007-08 scenario as:

*"...Adverse security developments, large exogenous price shocks, notably related to increase in oil and food import prices and global financial turmoil buffeted the economy.*

*These shocks, combined with policy inaction during the political transition to the new government and large central bank financing of the growing fiscal deficit, led to slower growth, higher inflation and a sharp deterioration of the external position."*

In early FY2008-09, the rupee fell sharply as the economic crisis deepened. In the first four months of FY09, the local currency declined by 18.69 per cent, from 68.83 by early July 2008 to 81.70 by end-October 2008. The consequent rapid depletion of the country's foreign exchange reserves severely dented confidence in the domestic currency.

From July 2010 to December 2011, the rupee either remained stable or declined at a slower pace over economic shocks, such as the devastating floods of 2010, and shifting of oil payments from the SBP to private commercial banks.

The floods of FY2009-10 were termed as biggest disaster in the history of Pakistan as large areas of the country were devastated, particularly agricultural lands causing significant damage to standing crops of cotton, rice and sugarcane and livestock. The economy also suffered extensive damage to infrastructure (bridges, road networks, gas / power plants, and industrial units), productivity losses from supply-disruptions, large-scale displacement of people, etc. ***According to estimates, up to 20 million people were displaced and lived without shelter, food, clean drinking water and basic health facilities.***

In these two years, the country managed to control the balance of payment position as the current account balance posted a deficit of \$3.94 billion in FY2009-10 and a surplus of \$214 million in FY2010-11. However, in the second half of FY2010-11, the rupee value started to fall at a faster pace due to scheduled repayments to the IMF starting from February 2012 and non-realisation of budgeted flows. Furthermore, large payments to the IMF during the second half of FY2010-11 deteriorated the rupee value and it plunged to Rs:94.53 by end-June 2012.

Pakistan's exports peaked at \$25 billion in FY2010-11, despite energy crisis, political uncertainty and deteriorating security situation. Export receipts in the following year followed a similar trend, despite adverse conditions. Similarly, remittances witnessed healthy growth during 2010-13 years as they crossed the \$13 billion mark for the first time in the country's history in FY2011-12.

**On 26<sup>th</sup> February 2013;** the SBP paid the 10th instalment of IMF's SBA programme amounting to \$391.8 million – making the total repayment of \$3.232 billion since July 2012, the SBP press statement is referred. The next instalment under the IMF's SBA facility was due at the end of May 2013, amounting to \$258.4 million.

The central bank is considered the most important economic and financial institution of countries around the world. During the PPP's five years rule - through frequent changes in its leadership, this institution was also weakened and reduced to functioning as the monetary wing of the ministry of finance. The Board of Directors of the State Bank of Pakistan [SBP] was weakened through the appointments of unqualified people there.

The fact remained that five years of economic mismanagement by the outgoing PPP regime had shattered the economy beyond recognition. The fiscal year 2012-13 could not sustain beyond '*business-as-usual scenario*' because that fiscal year had seen three governments at the helm of affairs – the PPP, the caretaker, and a post-election new government of PML[N].

The PPP government purposefully indulged in financial bungling by generating a financial tsunami during the last few days of its tenure. In the absence of significant capital inflows, foreign exchange reserves dwindled further and huge debt repayments during 2012-13 dragged the country closer to global default – thus getting it labelled as a 'failing state'.

### **INDUSTRY & POWER SECTORS:**

**Manufacturing:** The government's emphasis on promoting imports also played havoc with local production. Consider the example of tractors, instead of protecting their industries the PPP government encouraged the import of tractors in Pakistan making it zero rated. Even after this measure, demand for imported tractors remained low as Pakistani tractors were at least Rs:150K cheaper. The Zardari government then announced Rs:100k subsidy on imported tractors just to crush the local manufacturers and created more unemployment.



On top of it; the government suddenly imposed 16% sales tax on tractors, increasing their price by Rs:120K in one go. Tractor sales plummeted to 30,000 units from over 65,000 units in the previous year when there was no sales tax on tractors. The government subsequently reduced the sales tax on tractors to 5% but the sales could not improve.

***The manufacturing sector's performance suffered because of inflation, high bank mark up, poor law and order, energy shortages, inconsistent government policies, flawed regulations, an incompetent economic team, increased smuggling and rampant under invoicing.***

Employment in the industrial sector is directly linked to its productive output. As there was minimum industrial activity so unemployment soared up – giving rises to more crime in short.

In 2010, the government imposed a quota on yarn exports in response to a plea to support the local clothing industry. However, after four months the sales statistics showed that the local sales of yarn remained stagnant even during quota regime. The quota was lifted but Pakistan lost valuable yarn sales and the confidence of foreign buyers; many of whom shifted to India for yarn purchases.

Power shortage remained the key problem. Small and medium enterprises [SMEs] could not afford alternate energy production. Most SMEs were booted out of production due to their inability to generate power at their own. In year 2013, about 200,000 power looms in Faisalabad, Kasur and Multan were shut down and few were operating just one shift due to power shortages. Thousands of plastic moulding machines operated at home by small entrepreneurs were also closed down due to the energy shortage.

Pakistan's exports had shown robust growth during the last three years of Gen Musharraf's regime. Despite turmoil in the manufacturing sector in 2007-08, Pakistan's total exports were 33 percent more than those for the previous year. In 2008-09, exports declined by 19 percent; and went down to Rs:23.641 billion in 2011-12. In comparison with India and Bangladesh, in Pakistan, textile machinery imports were almost nil during 2010-13; data released by the International Textile Machinery Federation is referred.

Textiles account for about 50 percent of total exports from Pakistan. Official statistics revealed that from 2000-05, the growth in yarn exports averaged six percent a year, cotton cloth 10 percent a year, knitwear 20 percent per year, bed wear 16 percent per year, towels 27 percent per annum and

garments one percent per year. This was in line with the growth of textiles in China, India, Bangladesh and Vietnam.

During 2006-13, these regional economies maintained their growth rate while Pakistani textiles lost growth momentum in terms of quantity. This opportunity was lost mostly due to the country's business climate spoiled by the stooge policy makers of the PPP government. In 2007-08, textile exports were \$10.561 billion; rose in 2010-11 to \$13.788 billion but then declined to \$12.356 billion in 2011-12.

Karachi, being the major industrial city, had seen little power or gas shortages but the drawback was the extremely volatile law and order situation in the city. The extortion mafia in the city was so strong that it imposed a parallel tax on businesses. Punjab had no politically backed extortion gang but it faced acute shortages of power and gas. The problems faced by businesses in both, Karachi and Punjab, stem from bad governance that spanned the last five years.

**On 24<sup>th</sup> February 2013**, the whole country experienced total blackout; which took nearly a week to restore in most parts of the country – utter shameful and bad governance mark of a country living in the star-age of today – all due to PPP government's blemished management.

Early 2008 saw a power sector burdened with nearly Rs:231 billion of bank loans secured to generate more power; and nearly Rs:80 billion of unpaid FATA bills were seemingly lost in the air. There was also a gap of nearly 5,000 MW between demand and supply, and a difference of nearly Rs:2.5 per unit between the cost and the consumer end tariff, which had to be met by raising the power tariff by a comparable amount or through the provision of subsidies.

Against the supply side, the 425 MW Nandipur and 525 MW Chichoki-Malian Projects in the public domain and five rental power plants contracted by PEPCO were evident but all had eaten up the poor people's budget. The government brought 14 IPPs in the pipeline but, in the end, those Rental Power Plants [RPPs] met with sad demise, probably because the sponsors attracted by PEPCO and the PPIB could not deliver as planned.

This could be because most of them were politically sponsored companies - not private industrialists. The short-lived RPPs could only add 350 MW at best. Conservation and energy efficiency implemented by PEPCO from 2007-10 soon fizzled out because of the generalist approach from respective ministries - who were far from professional.

During five years of PPP regime, public sector enterprises [PSEs] continued to bleed profusely, consuming over Rs:300 billion annually of taxpayer money. ***Pakistan's important institutions such as Railways, PIA, Pakistan Steel, WAPDA and OGDC were systematically destroyed as the government treated them as employment bureaus.***

The financial health of these institutions was weak even earlier but the induction of thousands of workers on political considerations in PPP's five years had demolished all hopes of their revival as viable institutions.

### **UNEMPLOYMENT AT THE PEAK:**

**On 29<sup>th</sup> March 2008;** the then newly inducted Prime Minister, Yousaf Raza Gilani, announced PPP government's 100-day programme in the National Assembly. The programme called for the:

- i) setting up of an employment commission to facilitate creation of jobs;
- ii) a national employment scheme to provide employment to one member of every poor family from 50 percent of the districts in the country;
- iii) construction of one million housing units a year;
- iv) measures to enhance income from the livestock sector;
- v) developing a coordinated system of supplying milk from rural to urban areas;
- vi) raising the minimum wage of an unskilled worker from Rs:4600 to Rs:6000;
- vii) raising the pension of workers;
- viii) change of rules facilitating access of pensioners benefits to government employees having less than 10 years of experience and unable to continue work due to illness / accident;
- ix) restoration of trade unionism.

The PPP government was expected to be cognizant of employment, labour market issues and living conditions; and how to tackle them. The above given nine points of the first 100-day programme presented by the new government were well-received. The question was what measures were taken to embark upon the issues and how far were those measures sustainable in given scenario of Pakistan?

A **National Employment Commission** and a task force on employment were announced with the appointments of a Chairman and Director General – ***but it never became functional*** and the task force was wound up in

the first year in power. Hard luck also happened to the programme that was envisioned to provide employment to one member of every poor family from 50 percent of the districts. The government had lost its interest just after few months of their oath.

No wonder, in contrast to a sustained decline in unemployment rate in Gen Musharraf's regime, the PPP's rule witnessed a sustained rise in unemployment. Though the measures it took included: regularising hundreds of thousands of contract employees in various government departments, forcing public sector entities to employ more and reinstating employees sacked decades earlier; but these steps proved to be non-productive. There was an acute shortage of housing units in the country [about 10 million then], however, this programme was not implemented.

The minimum wage of an unskilled worker was first raised from Rs:4600 to Rs:6000 and then to Rs:8000; the Punjab government went ahead and announced Rs:9000. The salaries of government employees had seen significant increase during the PPP's five years; each successive budget announcing a rise of 15-20 percent – plus 'special' allowances.

The 18th amendment in the Constitution in 2010 was a turning point in the country's political history. It touched 98 articles and two schedules of the Constitution. It also abolished the concurrent list of 47 entries that also had six labour-related ones.

The concurrent list numbers 26, 27, 28, 30, 31 and 45 dealt with labour welfare, labour conditions, provident fund, employers' liability, workers' compensation, health insurance including invalidity pension, old age pension; trade unions – industrial and labour disputes; establishing and carrying out labour (employment) exchanges, employment information bureaus and training establishments; regulation of labour and safety in mines, factories and oil fields; unemployment insurance; and inquiries and statistics for any issue in this list – astonishingly ***all rights and welfare schemes vanished in one night.***

Reviewing this government's performance with respect to employment and workers' issues, the unsustainable schemes such as Benazir Income Support Programme, *Waseela-e-Rozgar*, Benazir Bhutto Shaheed Youth Development Programme – all became high class sources of political corruption as all the funding, generally up to Rs:96 billion, were diverted to the Faryal Talpur like respectable ladies accounts straightway.

**Agriculture:** Pakistan is known as an agrarian country but the agriculture growing at average 2.2% per annum – close to the country's population

growth – as compared to the 4.7% during the previous five years of so-called military rule - was an awesome aspect.

The average growth rate of the agriculture sector in the 80s was at 5.4 percent, which fell to 4.4 percent in the 90s. From 2000-07, the average growth rate stagnated at 4.7 percent. During the five-year term of the PPP-led coalition government, the sector's average growth rate nosedived to a miserable 2.8 percent. The 2013's four percent growth target was hardly equal to population growth rate, thereby signalling that the sector's net growth was stagnating.

Though the PPP's federal government took steps for increasing the prices of various types of farm produce, but it failed to contain the cost of production; the support price mechanism [subsidy] also went ineffective. Wheat support price had almost been doubled during the five-year term of the PPP government — from Rs:625 per 40kg to Rs:1,200 but didn't work.

In addition, Pakistan became increasingly non-competitive in the international wheat market due to abnormal price hikes. Resultantly, Pakistan continued to sit on a heap of grains years after years and there was literally no buyer. With respect to stagnation in the production of various crops due to short supply of water, Punjab was responsible for its continuously poor performance – a special reference by the way.

**On 16<sup>th</sup> March 2013**, the last day of PPP's regime, the Chairman FBR Abdullah Yousaf, while addressing Lahore Chamber of Commerce, himself admitted that:

***"Foreign Direct Investment [FDI] was \$8.5 billion in 2006 which had come down to \$500 million during PPP's five years indicating the poor health of Pakistan's economy.***

***The phenomenal increase in country's overall debts from Rs:6 trillion in 2008 to Rs:14 trillion in 2013 had also affected the economic activities to much extent."***

Heavy government borrowing and currency devaluation could be blamed for huge debt; it increased by more than Rs:63 billion whenever the dollar price up by Rs:1.

Chairman FBR Abdullah Yousaf further divulged that:

*'....out of total Rs:2 trillion government revenues, 58% goes to provinces under NFC award while out of remaining 42%, Rs:1 trillion is utilised for debt servicing, Rs:600 billion for defence and Rs:500 billion are spent on public sector enterprises including Pakistan Railways, Pakistan International Airlines [PIA], Pakistan Steel Mills and WAPDA.'*

It clearly reflected that the PPP government had no priority for energy sector that was why the industry doomed. It was irony of fate that **tax-to-GDP ratio of Pakistan remained lowest in the world, which was then at 9%** of the GDP.

*[As a principle, low-income countries normally have tax-to-GDP ratio between 15 – 18% of the GDP; middle-income countries have tax-to-GDP ratio ranging between 22 – 25% of the GDP and tax-to-GDP ratio in high-income countries is recorded at 40% of the GDP].*

The main point is that in Pakistan, repeated issuance of SROs by the FBR creates multiple problems for the business community and the culture of SROs gains strength in political governments.

One can also see the dark aspect of Pakistan's economy during political governments that all sectors could never be taxed sincerely. For instance, Agriculture having 20.1% share in GDP contributes only 1.2% to the national taxes. On the other hand, manufacturing sector has 25.5% share in GDP but contributes 62.2% in the national taxes. Services sector share is 54.4% in GDP while paying only one third of its share in the national taxes.

### **An Unforgettable Lesson:**

**During the World War-II**, when the Germans [*while in occupation of Paris*] felt that they have got defeated; they had lost the war, the German Commander In-charge addressed his soldiers; he told his soldiers about the hard fact of defeat and while concluding his address said:

*'Comrades; we've lost the war. We cannot stay in France – we will not be allowed to enter France in future – may be for decades.*

*So we'll go their world famous museums, loot every mentionable thing from there and gather all those in that train in which we'll be leaving Paris tomorrow.'*

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The German troops immediately attacked the known museums of Paris, collected all the collectables like Mona Lisa's portraits, the Last Supper, De-Vinci's paintings and valuable statues etc and loaded in the train.

Next day, the train left Paris. German Commander was happy that with such valuable treasure trove he'll be welcome in Hamburg – but the train's engine went faulty after ten kilometre journey. German army's engineer diagnosed the fault and put it right.

The train started but after fifteen kms again it stopped. The German engineer again set it right but took six hours to set it right.

The train started again but got another fault after some distance. But while the German soldiers cum engineers were looking into the fault, the French Army chased them and attacked. The German forces fled away in various directions leaving behind their stolen treasure and some of their own ammunition etc.

The French Army officer came to Train's driver and asked about the fault. A strange and proud reply with a sarcastic smile came:

*'No fault Sir, the engine is alright. I'll immediately lead the train back. I'm French driver and **nationalist. The German Commander should have made sure first that who would be driving and leading the train.'***

- **The Pakistani nation has been suffering since decades because they had mostly chosen wrong drivers for their country's train – often pseudo nationalists.**

## **Scenario 172**

### **PAK - FOREIGN DEBTS [2008-13]**

#### **FOREIGN DEBTS DILEMMA:**

**The Daily Telegraph** dated **26<sup>th</sup> September 2011** once held that cutting western funds was the only way to force Pakistan's government to face up to the challenge of balancing its budget and introducing long-awaited tax reform. ***"Aid is like using aspirin to treat cancer and the cancer is spreading,"*** Imran Khan was quoted. Mr Khan had warned that aid was propping up corrupt and incompetent elite in Pakistan.

Andrew Mitchell, International Development Secretary, ordered the doubling of aid to Pakistan, a country where 36m people were living below the poverty line. ***It was from £200m in 2010 to £446m in 2015 – one could look at the generosity of the donors*** and inert thinking level of rogue receivers. The fact prevailed that:

*"The rich don't pay taxes here so the entire burden falls on the common man and the difference is made up by aid. If any money goes to the Pakistan government it will not reach the people who need it."*

It mirrored a decades' old dilemma in Africa where development experts continued debating whether aid created a culture of dependence, allowing governments to avoid taking responsibility for their own policies.

The economists know that debts don't just disappear; also that bailouts have big consequences; also that printing mountains of money always ends in disaster. And, unlike most of the pundits on TV and in the mainstream press, Pakistan's analysts could foresee what was really going on; though muffled in compromises and concessions at all levels.

Of course, the most important part of this situation was inherited in Pakistani politics since decades ... all were prepared to welcome the resulting crisis; a national emergency, because most of Politician's moneys were lying in Geneva, London or Dubai. Not bothered if local banks would be una-



ble to return their savings. They won't know what to do if the stock exchange suspended trading; pension income of the poor people was already eaten up - media reports of EBOI are referred.

In recorded economic history, with debts as big as of Pakistan's – **every single country** – has suffered a devastating economic collapse. There were NO exceptions.

For instance; during the Great Depression – when thousands of ordinary people lost everything – America's total debt hit 252% of GDP. In any circumstances, that was bad. During the Japanese economic collapse – which triggered more than two decades of deflation and a 75% drop in the stock market – Japanese total debt hit 498% of GDP.

That's twice as bad as the level of debt seen in America during the Great Depression. In the end, it would be cheaper to decorate your home with bank notes rather than wallpaper.

Pakistan's external debt increased substantially in successive years; during 2007-12 Pakistan's external debt increased by around \$20 billion to \$59.6 billion - multi%age increase. It is evident from external debt stock, total reserves as a percentage of external debt, export growth, currency exchange rate and fiscal deficit that **since 1988 the only administration that improved Pakistan's finances was that of Gen Musharraf.**

In contrast, the successive PPP and PML[N] governments had taken Pakistan's finances towards an unsustainable path of external borrowing.

The PML[N] government made the external debt situation exceptionally worse by taking an extra \$10 billion as external loans during its first year in power since May 2013. Without any apparent resources to pay these loans back, zero growth in tax revenue and depressed currency, the external debt was likely to take Pakistan towards a financial crisis.

Pakistan's external debt had increased by around \$15.4 billion between 1988 and 1999 and by around \$20 billion during 2007-12. In contrast, the said debt declined during 1999-2006 by around \$3.4 billion.

During these years, Pakistan's ability to pay back its debt decreased significantly – during 2008-12, total reserves as a percentage of external debt decreased by 12.5%. With the continuing increase in debt obligations and reduction in foreign reserves, that ratio deteriorated further. In addition, Pakistan's export growth had also slowed down during 2008-12; **it went**

***down to -0.6%, as opposed to a staggering 10.2% annual growth level achieved during Gen Musharraf's administration.***

Pakistan's ability to pay back external debt further eroded by the devaluation of Pak-Rupee, which depreciated by around 67% during 2008-13; it was mainly because of macro-economic misconduct, lack of growth in exports and reduction in foreign direct investment. During 2001-07 the Pak-rupee remained stable, perhaps, due to American aid up to the tune of \$10.65 billion as against war on terror compensations.

As per World Bank data, average grace period of new Pakistan's external debt commitments since 2008 was 6.6 years. As the election cycle in Pakistan is five years, less than the average grace period for new debt, the PPP government did not show concern about paying back this debt during their respective tenure – leaving it for future governments and Pakistani citizens; known as '**moral hazard**' in economics.

In short, Pakistan's macro-economic fundamentals went gradually weakened substantially since early 2007. The next team of PPP's managers did not behave responsibly, thus Pakistan started moving towards an economic failure – leading to status of failing state dependent upon international donors and consortiums.

**On 18<sup>th</sup> January 2013;** in a luncheon meeting with journalists, Jeffrey Franks, adviser to the IMF for the Middle East and Central Asia, spoke at length on the grave economic situation for the country of Pakistan. He also shed light on the Fund's ongoing dialogue with the government, aimed at the course of a fresh bailout programme with hard tones.

IMF's Franks was accompanied by the new IMF Country Representative Mansoor Dailami. The IMF's prescription to Pakistan included a healthy measure of – not surprisingly – increasing taxes, cutting expenditures, withdrawing electricity subsidies and increasing interest rates to check inflation, which was expected to rebound soon and devalue the Pak-currency further. IMF's Advisor told that:

*"We have agreed with the government that the deficit eventually needs to come down to 3-3.5% of the GDP in three years, from the current level of over 7%. According to our one-month assessment, Pakistan's currency is overvalued by 5-10%.*

*Modest depreciation might yield positive results for the economy. The monetary policy also needs to be calibrated to bring down inflation to between 5-7%."*

[ '*The Express Tribune*' dated **19<sup>th</sup> January 2013** is referred.]

The IMF's local chief underscored the need for having "***broadest and deepest possible political support for any new programme.***" He observed that Pakistan's problems required long-term solutions, and that any new programme would not last less than three years.

Franks disclosed that, according to the IMF assessment:

*"...the year 2013's budget deficit will remain around 7-7.5% of the GDP. In absolute terms, the IMF projects a Rs:16.24 trillion deficit – a whopping Rs:516 billion or 2.3% higher than government estimates. Besides the significant shortfall in revenues, Pakistan also may not be able to complete the auction of the 3G telecom spectrum, causing another shortfall of around Rs:75 billion."*

To add icing to that unsavoury cake, the economy was estimated to grow just 3.5% that year, as against official projections of 4.3%. "***The number one bottleneck to growth was the energy sector, second was the energy sector, and the number three bottleneck is also probably the energy sector,***" Franks had sarcastically remarked.

Private sector credit growth was very weak; large scale manufacturing was positive, but very low; and there was no sign of robust export growth. While declining inflation was a good indicator, it was also worrisome because domestic demand continued to remain weak. The government's tax collection efforts were in shambles as usual - an indicative of utter weaknesses in the economic sector.

The IMF projected the then account deficit of a low 0.7% of GDP, but that low level was dangerous due to drying foreign inflows; thus any restructuring of IMF loans was not at all possible. In IMF's opinion certain tough actions could bring a temporary drop in growth, but insisted that they were necessary for achieving macro-economic stability. The major advice was:

***"...the State Bank of Pakistan should be made an independent part of plans for the new programme"***.

During IMF's that visit to Islamabad, the IMF's technical team also conveyed the message to the high-ups of the Ministry of Finance that there could be no assistance or standby arrangement provided the long-standing condition of ***implementing VAT in its original form was met.*** The IMF team argued that around 140 countries were strictly following VAT mode

then as to why Pakistan was failing to implement GST under its true form i.e. VAT particularly when it was faced with acute budget deficit.

Though Pakistan had imposed General Sales Tax [GST] in VAT mode but due to exemptions and zero rating of several industries, the supply chain could not be completed and this was causing huge leakage of revenue. The Fund was also seeking inclusion of other sectors such as retail business, transport sector and agriculture under the GST because these sectors were contributing substantially towards GDP of the country.

The Federal Board of Revenue [FBR] in the budget 2010 presented new GST scheme which removed all sorts of exemptions and also put all zero rated sectors under the ambit of sales tax to complete the supply chain. The GST bill after getting approval from the National Assembly Standing Committee on Finance was also passed by the Senate, but since then it remained lying before the Upper House.

The new bill also barred the FBR from issuing concessionary SROs and only the parliament was empowered to make changes in the GST rules. The FBR sources estimated that around Rs:200 billion could have been generated if the new GST scheme was implemented.

The IMF had been insisting for the removal of all sorts of subsidies including those given on energy, bringing to an end the special procedures and cancellation of a large number of concessionary SROs which were causing billions of rupees in revenue loss.

Question was being raised if Pakistan could avoid knocking at the doors of IMF and prevent recurrence of a balance of payments crisis threatening to pull down the economy - at least not until Pakistan put its own house order. While economist Hafiz Pasha held that:

*"The government can make it to the next budget without the Fund. It will be difficult to avoid another bailout in the first half of the next fiscal year as the government has to make hefty payments of about \$3.5bn to the creditors, which, in turn, will reduce the liquid foreign exchange reserves to import cover of one month or so.*

*The net liquid reserves with the State Bank are already down to under \$9bn and exchange rate inching to Rs:100 a dollar. The IMF's assessment that rupee is 'overvalued' isn't helping the currency either.*

But it was sure that the IMF was set to run the show and not Pakistan's policy makers once the bailout was negotiated. The figures released by the State Bank for the six months ending December 2012 had shown 'balance of payments' deficit reducing to \$541 million from \$1.8bn a year ago and current account posting a modest surplus of \$250 million or 0.2 % of GDP on transfer of US coalition support fund [CSF] then estimated at \$2bn. However, the state economic managers failed to deliver.

In fact no step was taken during PPP's five years rule to plug energy shortages, improve security conditions and build economic infrastructure. The government did not follow the right set of policies needed to push industrial and agricultural growth.

The traders' community and industrialists held that:

*"We can say goodbye to the IMF for good if we put our house in order: plug energy shortages, improve security, develop infrastructure, etc. The increase in the export of engineering goods to about \$1.8bn in few years from \$400-450mn shows that we have some non-conventional industries that can be used to substantially boost our exports."*

It remained a fact that the government and its departments like the Trade Development Authority of Pakistan did little to market the non-conventional exports. No research had ever been carried out to diversify exports or markets and promote several 'marginalised' industrial sectors with potential for huge export. The textile and clothing exports could be raised to \$20bn in two years had the government ensured uninterrupted supplies of gas and electricity to it and successfully negotiated its entry into GSP plus scheme of the European Union.

In 2013, Pakistan had capacities to the tune of \$4-5bn lying idle due to energy crunch — precisely the size of financial assistance being sought from the IMF. The provision of gas and electricity could revive that capacity and boost exports to \$18bn. The GSP+ status could generate another \$2bn in Pakistan's export revenues.

The financial experts were predicting a tougher economic adjustment programme given by the IMF. The IMF advisor himself had ruled out a new loan unless a broad and deep political consensus on broad-based financial and governance reforms was developed and **'prior actions taken to implement them'**.

BUT the crux remained that:

***".....bailout or no bailout; Pakistan needs to implement reforms if it want to grow and get out of the current morass. Until then it will be forced to look for rescue by multilateral creditors every now and then and accept their harsh conditions & dictations."***

Referring to the '**Express Tribune**' of **5<sup>th</sup> November 2013**: the national debt under PML[N] government piled up within three months of its rule to an unprecedented level adding Rs:980 billion in its debt stock, taking the total debt to Rs:14.98 trillion [*IMF had projected in January 2013 at Rs:16.24 trillion*]; till ending June 2013. As per State Bank of Pakistan [SBP]'s figures till ending September 2013, the PML[N] government made 7% increase in its foreign debts during first three months of its rule.

The increasing debt burden augmented the cost of the debt servicing, further thinning out the budgetary allocations. The debt servicing consumed the largest chunk of the budget followed by defence budget, both explicit and implicit.

As per SBP's report, the domestic debt increased from Rs:9.52 trillion to Rs:10.16 trillion in just three months, showing an increase of Rs:635 billion or 6.7%. Within the domestic debt, the short-term debt ballooned by Rs:611 billion or 11.7%. The debt under the market treasury bills for replacement of cash increased from Rs:2.27 trillion to Rs:3.1 trillion, depicting a net increase of Rs:750 billion or 33%.

About 7% devaluation of local currency against the US dollar was the main reason behind massive jump in the long-term foreign debt. The SBP had confirmed in its report that by ending June 2013 the US dollar was equal to Rs:99.20 that devalued by Rs:6.90 to Rs:106.1 a dollar by ending September – just in three months.

Till ending day of 2015, [**Bloomberg Report** appeared in **daily 'Dawn'** dated **16<sup>th</sup> February 2016** is referred]; despite improvement in the country's security situation and the economy growing at an eight-year high, Pakistan risked default as 42% of its foreign debt, around \$50 billion, was due in 2016.

Around \$30 billion was due between July and September 2016, of which \$8.3 billion was needed to be in foreign currency, depleting 40pc of the nation's \$21 billion in foreign-exchange holdings. But a major part of the debt due was in local currency, which left the government with room to introduce more short-term instruments to leverage its current liabilities. Mervyn Tang, lead analyst for Pakistan at Fitch Ratings Ltd told Bloomberg:

*"Pakistan's high level of public debt, with a large portion financed through short-term instruments, does make the sovereign's ability to meet their financing needs more sensitive to market conditions."*

In 2013, a \$6.6 billion loan from the IMF was used to make payments for previous outstanding loans and avoid a Greece-like crisis. Since then, the projected debt due by ending 2016 could be estimated grown by 79pc. At Rs:13 trillion [\$124 billion] total debt, **77pc of the budget was allocated for loan repayments this year.**

A concurrent challenge meeting IMF demands was to privatise state-owned concerns, but the strike at Pakistan International Airlines [PIA], which ended in February 2016 shackled the government. New taxes worth Rs:40 billion were already placed on the public shoulders in November 2015 to meet the fiscal deficit

In a statement ending January 2016, the Finance Ministry emphasised that Pakistan was committed to successfully implementing its IMF macro-economic stability program, while the IMF was equally confident. Despite the grim outlook, experts were optimistic because Chinese investment in the Economic Corridor Project had started flowing in.

However, the major risks were there; further capital flight and currency outflows, as well as devaluation of the rupee and fluctuations in the exchange rate. According to the IMF, the rupee was already overvalued at the current rate by as much as 20pc – and they had been constantly persuading the PPP & PML[N] governments to implement it; pressure on the rupee remained in place.

#### **PPP Government Conceded Fouls:**

**On 4<sup>th</sup> February 2013;** the PPP's government in Pakistan officially conceded ***that its total debt and liabilities were in excess of Rs:5 trillion***, also that it breached major limits imposed by the parliament under the Fiscal Responsibility and Debt Limitation Act 2005 [FDLRA] to check and bring down increasing debt levels deemed vulnerable to the nation's sovereignty by all means.

The two separate policy statements — Fiscal Policy Statement and Debt Policy Statement 2012-13 — released by the ministry of finance [MoF] said:

*".....that the three major requirements were violated during last financial year ending on 30<sup>th</sup> June 2012 owing to fiscal profligacy*

*arising out of higher subsidies, lower revenues, drying up of external program loans and currency devaluations.*

*.....that some of the requirements of the law continued to be violated every year consecutively since the current government came into power in 2008. Under the FDRLA- 2005, the government was required to submit annual reports to the parliament on debt and fiscal situation."*

The reports indicated the revenue deficit stood at 3.2% of GDP in 2008, declined to 1.2% in 2009, increased to 1.7% in 2010, jumped to 3.3% in 2011 and stood at 2.5% of GDP at the end of fiscal year 2012. The second most important condition to limit total public debt below 60% of GDP and then maintaining it at this limit every year could not be fulfilled, too.

The government consolidated Rs:391 billion or 1.9% into public debt in 2011-12 against outstanding previous years subsidies related to food and energy sectors due to which public debt to GDP stood at 61.3% of GDP at ending June 2012.

The third key milestone required reducing total public debt by 2.5% of GDP every year for 10 years — 2003 to 2013 — provided poverty alleviation related expenditures did not fall below 4.5% cent of GDP and doubling health and education related expenditures as percentage of GDP.

The policy statements, however, admit that reducing debt by 2.5 per cent every year remained a pipedream throughout the 10 year period including fiscal year 2011-12. The statements said total debt to GDP ratio stood at 59% in 2008, increasing to 60% in 2009 and 2010 and then dropping slightly to 59.3% in 2011 and finally increased again to 61.3% in 2011-12.

The PPP government also failed to double allocations for health and education throughout its five year tenure [2008-13] in compliance with its tall promises. The **allocations for education as percentage of GDP stood stagnant at or around 1.8% in four years and slightly increased to 2.1% in fiscal year 2011-12.**

Likewise, the **allocations for health also kept on fluctuation between 0.6 and 0.8% per cent of GDP in all five years.** Instead, the corrupt minds of the PPP exploited the public money in the name of social sector and poverty related expenditures at 9.3% in 2008, 6.7% and 6% in 2010 and 2011 respectively and then 8.2% in 2012.



The finance ministry said the composition of public debt witnessed major changes over the past few years with increasing reliance on domestic debt. Also, on an average, 66% of total increase in external debt was caused by the unfavourable movement of exchange rates since 2007-08.

The total public debt stood at Rs:12.667 trillion as on 30<sup>th</sup> June 2012, showing an increase of Rs:1.967 trillion or 18.4% higher than debt stock at the end of last fiscal year. This was mainly because of slippages in both revenues and expenditures that led to fiscal deficit at 6.6% of GDP excluding 1.9% of one-time debt consolidation. ***The interest servicing, security and subsidies constituted 60.9% of the revenue*** as expenditures were fairly rigid. The report concluded that:

*"The external debt component grew by Rs:345 billion or 7.4% per cent over the last fiscal year even though appreciation of US dollar against other major currencies caused the foreign currency component of public debt to decrease by \$1.74bn.*

*This was, however, subdued by depreciation of rupee against dollar by almost 10 per cent."*

The PPP government completed its five-year term on 16<sup>th</sup> March 2016 but the tenure proved to be a nuisance and curse for consumers as many of them, hit by cash crunch, literally reduced the practice of bulk purchases owing to other burgeoning expenses, like rising utility and transportation charges and education expenses of their children.

Coalition partners, like MQM, ANP and friendly opposition PML[N], hardly took out any rally or protest march against sky-rocketing prices of essential items, petroleum prices and utility bills.

Even civil society and consumer associations paid a lip-service to sensitive issues relating to food inflation. The government never bothered to check the profit margin of manufacturers who continued to push up prices, knowing that no authority would take any action. Traders and commodity investors played havoc with prices on demand and supply situation.

Providing any relief or taking any measures to control prices of food items, both at provincial and federal levels, remained an issue of least interest during the PPP coalition government. No one could deny the negative impact of rupee's losing strength against the dollar, high transportation charges on account of hike in diesel, CNG and LPG prices, changes in duties and taxes etc. The government literally gave a free hand to market players

and manufacturers who kept on increasing prices in the absence of any check or monitoring.

***The dollar was equal to Rs:62 in March 2008 which shoot up Rs:100 in March 2013***, thus making an adverse impact on import of finished products and raw material.

Even good wheat crop failed to lower flour prices as flour millers kept on pushing up prices owing to delay in getting wheat from provincial departments and hike in support price. When the PPP assumed power, 10kg flour bag, fine *atta*, *atta* no 25 and *chakki* flour were available at Rs:15, Rs:23, Rs:16 and Rs:24 per kg as compared to their rates of Rs:43, Rs:40, Rs:40 and Rs:44 per kg in March 2013 respectively.

Gram flour was available at Rs:45 per kg and in 2013 it quoted at Rs:100-115 per kg. Five kg cooking oil used to be sold at Rs:780 in February 2008 as compared to its rate at Rs:1,049 in March 2013. High quality Kernal Basmati Super was selling at Rs:90 per kg in March 2008 as against Rs:160 per kg in March 2008. Kernal Shaheen variety sold at Rs:135 as compared to Rs:80 per kg. Basmati 85 was priced at Rs:95 as compared to Rs:55 per kg; Irri 6's 03/2013 price was Rs:50 as compared to Rs:35 per kg in 2008.

In March 2013, fresh milk was selling at Rs:75 per litre as compared to Rs:40 in March 2008. Nido one kg pack carried a retail price of Rs:625 as compared to Rs:310, while Everyday tea whitener was available at Rs:560 as compared to Rs:285 in March 2008. One litre Tetra Milk was selling at Rs:144 in 2013 as compared to 2008's rate of Rs:90.

High quality mutton was selling at Rs:600-620 per kg in March 2013 as compared to Rs:300 per kg in 2008 while live poultry bird meat was Rs:170 per kg as compared to of Rs:112 per kg. Tapal tea pack of 200 gm was selling at Rs:125 as compared to Rs:63. Lipton Yellow tea pack was available at Rs:137 as compared to Rs:70 in March 2008.

In early 2008, when the PPP government came into power, petrol and diesel were carrying prices of Rs:62.81 and Rs:44.59 per litre as compared to Rs:103.70 and Rs:109.21 per litre when they left in March 2013. CNG and LPG were selling at Rs:37 and Rs:53 in 2008 as compared to rates of Rs:99 and Rs:120 per kg, respectively in March 2013. Sugar price more than doubled as it was being at Rs:55 as compared to Rs:25 per kg in 2007.

In pulses, high quality *masur* was available at Rs:90-100 per kg as compared to Rs:85 per kg in March 2008. Good quality *moong*, *mash*, *arhar* and gram pulse prices were Rs:110-120, Rs:95-105, Rs:145-160 and

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Rs:100-105 per kg in March 2013 as compared to Rs:50, Rs:62, Rs:82 and Rs:48 per kg in February 2008.

In soaps and detergents, Surf Excel and Ariel one kg pack was available at Rs:240 each in March 2013 as compared to Rs:150 in March 2008. Lux 125 gm soap was priced at Rs:55 as compared to Rs:24. Safeguard big size toilet soap was tagged at Rs:45 as compared to Rs:30. One Sufi detergent bar was Rs:20 in 2008 as compared to Rs:36 in March 2013.

Karachi Wholesale Grocers Association [KWGA] Chairman claimed that food prices had surged by at least 40% to 200% in the PPP's five years rule due to impact of currency devaluation and high petroleum prices.

In addition, the government raised water, gas and electricity charges and did not focus on making dams, power plants and tapping solar and wind energy resources. With no check on essential items prices, manufacturers of other items also exploited the situation and the state did not take any action against the producers.

**CADTM REPORT ON PAKISTAN 2013:**

**Committee for Abolition of Third World Debts [CADTM]'s Report on Pakistan** published in **December 2013** told that Pakistan's public debt grew over the last six years at a pace never witnessed in the country's history - at an average rate of 21.5pc per annum from 2008 to 2013 against an average rate of 6.6pc per annum during 2000-07.

Pakistan's foreign debt was \$65 billion in June 2013; the domestic debt even higher - more than \$75 billion. On the other hand average annual debt servicing was about \$6 billion – over 20% of export revenues, and more than half what Pakistan used to spend on health and education combined. Two Ds [Debt and Defense] consumed almost 70% of Pakistan resources, leaving peanuts for other expenditures.

The successive governments over the last 60 years accumulated Rs:6040 billion public debts while the previous PPP regime alone added Rs:8215 billion in just five years. Putting differently, every child born in 2007-08 carried a debt burden of Rs:36606. A child born in 2012-13 carried a debt of Rs:77896 – an increase of 112pc in just five years of the PPP rule during 2008-13; what a progress it was.

Within the public debt, it was domestic debt that had grown at a pace of 23.4pc per annum, faster than external debt, which stood at \$46.2 billion in ending June 2008 and rose to \$60 billion in ending June 2013. It could have gone much higher had the IMF not suspended its program in May 2010. Pakistan continued to service its external debt obligations out of its foreign exchange reserves.

Thus 2010's suspension of the IMF program was a blessing in disguise as it prevented Pakistan from further accumulating external debt to the extent of approximately \$10 billion by now.

Within the domestic debt, the composition of debt witnessed considerable changes during the years 2008-13. Medium and long term debt was converted into short term debt with serious consequences for government's debt management.

In December 2013, over 55pc of domestic debt [Rs:5.2 trillion] was of short maturity, which must be rolled over at least once a year. Even more worrisome was the fact that the bulk of short-term debt was shifted to the shortest end of the maturity; three to six months.

In nutshell, the debt situation was worse while looking at the figures of Pakistan's foreign debt, which was galloping with horrific speed. Apparently there was no way out for the successive governments to get rid of this vicious circle but to persistently borrow more loans to meet their previous debt obligations.

**History of Foreign Debt in Pakistan:** The figures released by the Economic Affairs Division [EAD] and the Ministry of Finance [MoF] at year 2012's briefing to Special Committee on Debt portrayed that in the last 28 years Pakistan economy relied on reckless borrowing, which could not solve the economic problems of the country.

During the period from 1985 to 2012, a total amount of \$72.261 billion loans and grants were received by Pakistan, including \$59.240 billion as loan and \$13.020 billion as grants. However, after repayment of total outstanding amount of foreign loans as of 31<sup>st</sup> July 2012, it remained \$46.4 billion while total amount of grants received till ending 2013 were \$13 bn.

During Gen Zia regime's last spill of 1985-88, the total foreign assistance received by the country was \$6.37 billion including \$4.6 billion as loans and grants of \$1.7 billion. During 1988-90, in Benazir Bhutto's first regime, \$4 billion as foreign loans and \$1.11 billion as grants were received by PPP.

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From 1990-93 during the first regime of Nawaz Sharif government, a total of \$7.5 billion as foreign assistance including \$6.1 billion as loans and \$1.4 billion as grants were received. From 1993-96, during the second tenure of Benazir Bhutto a total of \$8.1 billion foreign assistance including \$7.3 billion as loans and \$804 million as grants were received.

In Gen Musharraf's regime from 1999-2008, a total of \$23 billion loans and grants were received by the country that included \$17.9 billion as loans and \$5.06 billion as grants while in 2008-2013 the previous PPP government received the total foreign assistance of \$14 billion, including \$11.6 billion as loans and \$2.3 billion as grants.

Till ending 2013, Pakistan received a total foreign debt of \$72.261 billion; \$59.24 bn as LOAN and \$13.02 bn as GRANTS – accumulated in 28 years [1985-2013]. That is why 49.4pc of Pakistanis live in poverty while 25% live below poverty line of \$1 per day today.

Pakistan is perhaps among the best clients of international creditors. It never stopped its debt servicing even during worst human crisis in 2005, when about 89,000 of its people killed and millions rendered homeless by devastating earthquake. Again in 2010 super floods about 20 million people were severely hit, deprived of basic amenities, gone shelter-less and food-less, but Pakistan, like a good customer, did not seek any debt relief and continued debt servicing on its foreign debts.

In fact the successive regimes, instead of taking care of its people, had been continuously and shamelessly shifting the debt burden, under the dictations of IFIs, on the weak shoulders of poor populace. To be noted that Pakistan's 48.6pc of population does not have access to sufficient food.

**Reckless borrowing from banks:** During early 2013, the IMF program required the government of Pakistan to build \$4 billion of additional reserves during that fiscal year; it was desperate to buy foreign exchange from any where to build the reserves.

In September 2013, the govt reached an agreement with a consortium of seven domestic and international banks to borrow \$625 million to boost foreign exchange reserves. The list included; Bank of Tokyo, Al-falah Bank Limited, Credit Suisse, Standard Chartered Bank, National Bank of Pakistan, United Bank Ltd and Allied Bank Ltd.

More than half of the country's liquid reserves of over \$10.3 billion were then held by the commercial banks. The deal remained in vogue, the government debt stood there while the banks were enjoying the maximum.

The then prevailing economic scenario upheld the debt burden for further up as Pakistan sought financing from other sources: \$1.5 billion from the World Bank, \$1.6 billion from the Asian Development Bank [ADB] and \$2.4 billion from other 'friendly' countries.

**IMF RUINED PAKISTAN LIKE GREECE:**

International Monetary Fund [IMF] has been the most persistent lender to Pakistan and its loans have made Pakistan a more disastrous country.

In September 2013, IMF approved latest bailout loan of \$6.64 billion under Extended Fund Facility. In exchange, it demanded such strict austerity measures that were bound to devastate the living conditions of the poor.

A total of \$3 billion was repaid during the same financial year, including to the IMF. Once, Pakistan's dollar reserves stood at \$6 billion then—only enough for Pakistan to pay for six weeks of imports. The strict conditions attached to the three-year EFF program included:

- **Budget cuts** to lower the fiscal deficit from 8.8pc of *gross domestic product* [GDP] to 6.3pc.
- 
- **Subsidies cuts** - one immediate target of subsidy cuts was electricity. The government agreed to a 30pc increase in electricity prices for domestic users. Gas prices were also "rationalized," with a new levy.
- 
- **Currency depreciation** - the Pak Rupee was devalued through un-announced measures to reach average of Rs:110 to the US dollar. On account of which the volume of foreign debt increased in one go.
- 
- **Privatization** - speeding the restructuring and privatization of state-run enterprises. The government selected 30 public firms for privatization, beyond the 35 that had already been chosen. About 1.2 million jobs were to cut down as result of privatization plan.
- 
- **Increase in taxes** - the IMF also demanded a significant increase in tax revenues from current levels of 9.7pc of GDP to 15pc by mid 2018, the expected time for fresh General Elections.

***[In June 2013's PML[N] budget, sales tax on imported and domestic second-hand clothes, largely consumed by the poor, was more than doubled from 2% to 5%; and income tax on asset management firms was cut by 10%, a gradual reduction in the corporate tax rate was announced.]***

The under-taxation of the wealthy elite, including politically powerful rural landlords, was given priority. The country collected less in taxes as a percentage of its economy than almost any other country of its size. While Pakistan failed to meet many of the lenders' demands to increase its overall tax revenue, the government managed to find a way to push through sales tax with focus of indirect taxation on the poor class.

**Rouge Privatization:** On dictations of the IMF, the PML[N] government directed the Privatization Commission to immediately start the process for sale of 31 public sector entities [PSEs].

The companies cleared for divestment included the Oil and Gas Development Company Limited, Pakistan Petroleum Limited, Mari Gas, Pak Arab Refinery, Pakistan State Oil, Sui Southern Gas Company Limited, Sui Northern Gas Pipelines Limited, Pakistan International Airlines, PIA-Roosevelt Hotel New York, Pakistan Railways, Gujranwala Electric Power Company, Lahore Electric Supply Company, Islamabad Electric Supply Company, Faisalabad Electric Supply Company, Northern Electric Generation Company, Pakistan Steel Mills, National Power Construction Company and Pakistan National Shipping Corporation.

The financial sector entities selected for sale in the first phase included National Bank of Pakistan, First Women Bank, Small and Medium Enterprises Bank, National Investment Trust Limited, National Insurance Company Limited, Pakistan Reinsurance Company Limited, State Life Insurance Corporation and House Building Finance Corporation. The Civil Aviation Authority, Karachi Port Trust, Port Qasim Authority and National Highway Authority were also added in the list.

The Pakistan government also made a commitment with the IMF to announce a strategy for the sale of 30 firms as a benchmark for disbursement of second tranche of the IMF loan. Under the commitment, the government to announce privatization plans for remainder of total 65 entities by the end of 2013 but could not manage to implement it.

The overall impact of these IFIs-dictated moves proved as harsh blow to the living and social conditions of working class and the poor. Foreign loans

weakened the economy more, eroded the currency, decreased the buying power of the masses, and promoted the interests of the business and land-owner tycoons, manufacturers and politicians.

In 2008-13 years, Pakistan had no capacity and capability to meet many of the millennium development goals, including on hunger, education, gender equality, child and maternal mortality and access to basic sanitation. High debt payments, and cuts in government spending, made it more difficult for the state to provide decent quality public services such as healthcare and education; the most basic requirements.

It remained a fact that in IMF's 2013 program, ***the IMF intervention in Pakistan was similar to its program for Greece***—which had deepened the recession in that country, reducing working people's conditions to miserable levels, increasing unemployment, imposing deep wage cuts, and wiping out social programs at all levels.

This ever-increasing debt burden brought worst implications on the lives of the poverty-stricken people. Since Pakistan has to repay its debts at any cost, it was unable to resolve its pressing problems; like energy crisis.

Pakistan's educational institutes and universities, operation theatres in hospitals and industries had to suspend their work due to lack of power. The closure of industrial units on account of load shedding, caused unemployment. The textile sector of Faisalabad got devastated by chronic power crisis; coupled with water crisis at many places.

Under IMF pressure, many poor families were left with no choice but to withdraw children from schools, particularly girls. The state of public health was even worst; 157 children died due to measles outbreak in Punjab till June 2013. Earlier that year, more than 460 children died from measles in Sindh. The lives of about 200 people were claimed by Dengue in year 2012 year in Punjab province alone; it was due to lack of vaccination coverage.

Joblessness coupled with price hike left little option for many poor families but to commit suicide. As per media reports the Govt had to ban rat-killer pills as many people used these pills as easy and cheap way to end their lives due to poverty. Some years back jumping from *Minar-e-Pakistan* in Lahore became favourite place of suicide committers. Taking it as sheer embarrassment, Government had to stop the electric lift service of the *Minar* to check this suicidal trend.

**Debt and disasters** - Pakistan has been deluged by a series of catastrophes, including 2005's Kashmir earthquake, 2007's cyclone and the 2010's



super floods that displaced some 20 million people and destroyed infrastructure but through all these disasters, Pakistan could not get debt relief because **the country got hefty amounts as donations and charity from world over but all the cash received went to the personal accounts of the top rulers or their aides and NOT to the cause.**

It is available on record that response of the IFIs and donor countries during the above mentioned disasters in Pakistan has been disappointment in comparison with other countries alike.

*[For instance within 10 days of the Kashmir Earthquake in 2005, which left up to 3.5m people homeless, the donors provided Pakistan \$247million (plus \$45m pledges) – i.e. **\$70 per person.***

*On the other hand within 10 days of the Haiti Earthquake in Jan 2010, some \$742 million were provided and \$920 million pledged to assist 1.5 million people. This amounted to **\$495 per person.***

*Similarly, within 10 days of Cyclone Nargis striking Myanmar in 2008, affecting 2.4 million people, an amount of \$110 million was provided (\$109m pledged). This amounted to **\$46 per person.***

*On the other hand after 2010 Pakistan floods, when 20 million people were affected, less than \$45 million were provided (\$91m pledged), which amounted to **\$3.20 per person only.***

The natural disasters in the last one decade coincided with Pakistan's prolonged commitment to the US-led '**war on terror**', which cost the country more than \$67 billion financial loss besides killing of 47,000 people including army and security personnel.

Pakistani intelligentsia and civil society kept the view that under the prevailing conditions, instead of further borrowing, Pakistan must be able to check corruption, tax the rich and mobilize all available resources toward relief for the poor through introduction of social protection systems. Instead of spending billions on debt service, Pakistan could divert those resources to end energy crisis and creating jobs for the poor on urgent basis.

In Pakistan, the debt dilemma has been a sustained economic torture. **The debt on which these unjust loans were based kept this strategic nation exactly where world leaders wanted it – in absolute dependency.** Some highly honest leadership would rise for suspension of debt payments, order a full audit, and repudiation of debts regarded as

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illegitimate. The reckless borrowing by the successive governments made the rulers un-accountable to their people.

An audit of the public debt of Pakistan didn't just mean debt cancellation. The people could have decided which debts were legitimate, and which debts not, as a first step towards a more accountable society. A debt audit could force accountability of the governments to the people: Let Pakistan's people be in charge of their economy.

## **Scenario 173**

### **ENTRY OF NEW CUSTODIANS**

#### **GEN RAHEEL SHARIF TAKES OVER:**

**On 29<sup>th</sup> November 2013;** outgoing military chief Gen Ashfaq Kayani handed over the command of the army to the new Chief of Army Staff [COAS] Gen Raheel Sharif. He passed the baton of command to Gen Sharif at a ceremony held in the Army Hockey Stadium, close to the Pak-Army's General Headquarters [GHQ].

Two days earlier, the PML[N] government had announced career infantry officer Gen Raheel Sharif to succeed Gen Kayani. Gen Rashad Mehmood was named the Chairman of Joint Chiefs of Staff Committee the same day. Gen Sharif was also holding the *Hilal-i-Imtiaz* military award, and the younger brother of late Major Shabbir Sharif, who received the *Nishan-i-Haider* for his services in the 1971 war.

Gen Kayani's retirement from the post came after rules were relaxed to grant him an extension in July 2010 by the PPP government in what the then Prime Minister Yousuf Raza Gilani said was in the interest of the country at a time when the war on terror was continuing against elements who wanted to impose a system of their choice on Pakistan.

***Going into more details;*** during the ending week of November 2013 PM Nawaz Sharif considered a panel of names for a new army chief who could ensure peace and stability in a country which was devastated by the religious sectarianism and terror attacks from inside as well as across its borders. The stakes were not higher but last time PM Sharif chose an army chief; and he was toppled by the same Gen Musharraf, a year later.

America, which considered Pakistan Army's cooperation as vital to its strategy in neighbouring Afghanistan, was watching closely, hoping for continuity before most foreign troops pulled out of that country in ending 2014. Gen Mahmud Durrani, who served as Pakistan's National Security Adviser until 2008, opined that:

*"What is best for the country may not be the best option with PM Nawaz Sharif. He'll try to appoint someone who will do his bidding, not someone who is good for the army. And similarly, the new chief will be driven by the institution and not necessarily by a civilian political leader."*

The two senior Generals, Lt Gen Haroon Aslam and Lt Gen Rashad Mahmood, were seen as main contenders then. Gen Aslam was the most senior military officer after Gen Kayani, and thus his natural heir. Gen Mahmood was the most senior commander and was Gen Kayani's favourite.

One Gen Tariq Khan was also being named because of his position as an important interlocutor with the United States – but he did not touch the mark. Gen Khan was promoted to major general in 2006 and he commanded an armoured division in Multan and later an infantry division in South Waziristan leading *Operation Zalzala* against the militants.

On 9th December 2007, Gen Tariq Khan had received United States Legion of Merit for meritorious services as a liaison officer at CENTCOM during Operation Enduring Freedom.

Gen Kayani had won credit for reducing the military's public role in politics although the army retained huge influence behind the scenes, especially over security and foreign policy. Like every civilian leader, Nawaz Sharif was keen to limit that sway under a new commander. In that scenario, as the PM had trusted in Gen Kayani's democratic credentials, Gen Rashad Mahmood was an apparent choice but he [PM] was also aware that most senior army officers were not supporters of Gen Kayani's softer approach.

One of PM Nawaz Sharif's pledges in the run-up to his May 2013 election victory was to improve ties with old rival India but clashes between the two armies in the disputed Kashmir region erupted just weeks after the vote. Thus Nawaz Sharif needed to gain support of the new incumbent army chief to make progress on that front.

On the other side, the GHQ was cautious of another campaign promise of the PM to open talks with Pakistani Taliban militants, battling the state since 2007 to impose their Islamic vision of Caliphate through mass murders and suicidal bombings. ***Gen Kayani was being labelled as 'coward General' on that front.*** It was believed that Gen Kayani had been instrumental in pushing for negotiated settlements with insurgents on both sides of the Pak-Afghan border.

The think tanks, however, were sure that PM Nawaz Sharif would not be able to afford picking a wild card right then – but it was not a time for adventurism or any untamed experiments.

However, everyone was surprised when, **On 27<sup>th</sup> November 2013**, the PML[N] government approved Gen Raheel Shrif's appointment for the slot of Chief of Army Staff. Career infantry officer Lt Gen Raheel Sharif was appointed as the new COAS, while Lt Gen Rashad Mahmood was appointed as the Chairman Joint Chiefs of Staff Committee [CJCS].

Lt Gen Raheel was then serving as Inspector General Training and Evaluation whereas Lt Gen Mahmood was serving as Chief of General Staff. Both senior military officials met Prime Minister Nawaz Sharif earlier on 27<sup>th</sup> November 2013 where the premier conveyed them the decision. The PM sent to the President Mamnoon Hussain, the Chief Commander of the armed forces, a summary to promote the two Generals and approve their appointments. The summary was approved, following which the notification was issued by the Ministry of Defence.

Gen Raheel's selection as army chief implied that front runner and the senior most military officer Lt Gen Haroon Aslam, then serving as Chief of Logistic Staff, was ignored for the elevation. Gen Haroon Aslam had opted to go on retirement as per military traditions in vogue – perhaps he was superseded because of his role in the October 1999's military coup.

BBC held that Gen Raheel Sharif was selected due to his tactical acumen in counter-insurgency operations:

***"Those who know Gen Sharif say that during his last tenure as Inspector General Training & Evaluation, he reshaped nearly all the important training courses, bringing them in line with the challenges of internal terrorism."***

This aspect had driven PM Nawaz Sharif's decision to nominate the General for Pakistan's top military job but some alleged that cabinet politics led to the appointment. Gen (rtd) Qadir Baloch, a known senior of Raheel Sharif, was named to have pushed for Gen Raheel Sharif's appointment.

**On 29<sup>th</sup> November 2013**, Gen Raheel Sharif, a blue-blooded and down-to-earth soldier, assumed the command of Pakistan Army as the new Chief of the Army Staff [COAS] and took on his shoulders all the security challenges the country was confronting with. In the Hockey Stadium in front of the GHQ, the outgoing army chief Gen Kayani handed over the traditional Malaca Cane to the new COAS and addressed about 4,000 dignitaries say-

ing that **".....under Gen Raheel Sharif's leadership, the Pakistan Army will continue to enhance its professional capability."**

Gen Kayani, known as the **'quiet General of Pakistani politics,'** was given much credit for resisting the temptation to meddle in politics despite Pakistan's frequent security, economic, power and political crises.

Newly appointed Chairman Joint Chiefs of Staff Committee, Gen Rashad Mahmood, Chiefs of Air Staff and Chief of Naval Staff among senior in-service and retired officers of trio armed forces attended the change of command ceremony. Besides, Defence Minister, Kh Asif and a large number of politicians and journalists also witnessed the impressive change of command ceremony.

Media had rightly declared Gen Kayani as democracy's defender and champion, it would be remembered in the history that his years the ISI had been feeding stuff to the media hoping that President Zardari would just collapse – but he managed to survive. Direct approach to the White House by both pillars mattered much. Memo-gate was the last serious effort to get rid of Mr Zardari but had miserably failed.

However, due credit should be given to Gen Kayani; like restoring army morale and carrying out the Swat operation and the offensive in South Waziristan. Albeit; having earned his laurels and having done well by the army, Gen Kayani looked a slightly tired figure, going through the motions of command but with nothing really new to offer. That was why his extension was not appreciated by many nor condoned by the history.

**Profile of Gen Raheel Sharif;** Born in Quetta on 16<sup>th</sup> June 1956, the new Army Chief grew up steeped in the military tradition. Gen Raheel Sharif's elder brother, Shabbir Sharif, was a course-mate of Gen Musharraf, and was killed during the 1971 war with India and was awarded the ***Nishan-i-Haider***, Pakistan's highest military award. The new COAS got his formal education at Government College Lahore and later went to attend the Pakistan Military Academy.

After graduation, the COAS was commissioned in 1976 in renowned 6th battalion The Frontier Force Regiment in which his elder brother was also commissioned. As a young officer, he performed his duties in Gilgit in an infantry brigade and also served as adjutant of Pakistan Military Academy. As a brigadier, he had commanded two infantry brigades including an independent infantry brigade group. He has been the General Officer Commanding [GOC] of an infantry division and the Commandant of the prestigious Pakistan Military Academy.

In 2002, he was also appointed as Military Secretary by then Chief of Army Staff Gen Pervez Musharraf succeeding Gen Nadeem Taj, who later served as Director General ISI.

Meanwhile, he was assigned command of the 11th Infantry Division in Lahore by Gen Musharraf. After commanding the division for over 2 years, he was posted as Commandant of the Pakistan Military Academy Kakul. Following his promotion to Lieutenant General, Raheel Sharif served as corps commander Gujranwala for two years and then took over as Inspector General for Training and Evaluation in Pakistan Army.

Gen Raheel Sharif was also awarded the ***Hilal-i-Imtiaz***, the second highest civilian award, an honour that is given to both civilians and military officers of the Pakistan armed forces.

In Ayaz Amir's opinion in '**the News**' dated **29th November 2013**:

*'Gen Musharraf is about to be tried for treason. If there was any justice in the world he would be tried for the freedom he gave the Pakistani media, not that anyone in media would acknowledge this.*

*Gen Ziaul Haq didn't look coup material when he was chosen army chief by Mr Bhutto. Nor did Gen Musharraf's background was bothered about when a faction of intriguers whispered his name in Nawaz Sharif's ear.*

*No one is born a coup-maker. Circumstances make the man and the moment. Gen Musharraf's Kargil ..... but, and this is worth remembering, when the army command finally revealed all to a clueless PM [Nawaz Sharif] at a briefing in Ojhri Camp, Rawalpindi, all that came to the PM's mind was to praise the excellence of the sandwiches placed thoughtfully before him.*

*This much is certain, Gen Musharraf was asked no tough questions, much less put on the mat.'*

The history stands witness that Mr Z A Bhutto in early mid 1977 - during the anti-rigging agitations of the PNA, had started inviting army Generals to his cabinet meetings. The shrewd ones had sensed his weakness and started exchanging glances with each other [***Maulana Kausar Niazi's '.....Aur Line Kut Gaye'*** is referred].

There were problems all around and Pakistan needed not just a competent army chief but a vigorous one..... not just to the expectations of the PM Sharif, but that of the nation. War and peace, what to do about the Taliban threat, how to prepare for the American withdrawal from Afghanistan...on these and other issues it was the PM who had to issue the marching orders. Every Pakistani had felt that the political elite were not up to the task.

But there were certain things within the new army chief's vision; most leaders had their wealth abroad, but most senior Generals also owned half a dozen residential plots plus an obligatory fifty acres of agricultural land in Bahawalpur or elsewhere districts like that; thus the running in the vicious circles going on since decades. In the words of **Ayaz Amir** cited above:

*"..... We have troops located on the world's highest battlefield, the Siachen Glacier, serving with the utmost dedication. We have infantry units and other arms exposed to constant danger in the killing fields of FATA. Any army would be proud of this record.*

*And then we have the army dabbling in commercial real estate in the form of defence housing authorities. No other army does it, certainly not on this scale."*

Pakistan had suffered long on the premises of slogans like '**Good Taliban – Bad Taliban**' - the time for that was over; the '**jihadi**' era was a by-gone concept. The Pak-Army needed to turn over a new leaf. Many sectarian outfits had openly turned against the army and the state - but were still considered as some kind of assets by majority of politicians.

**Assets for what?** No one cared to explain that simple question. Gen Raheel Sharif had to break that bond – that myth. Gen Zia's motto – Faith, Uprightness, *Jihad* – had lost its wisdom when 47,000 dead bodies were brought home who had been killed by and for those '**Jihadis**'.

The Pak-Army was needed to being a strictly professional army dedicated to the defence not of the country's ideological frontiers; the defence of geographical borders and the safeguarding of internal security.

### **CJP IFTIKHAR CHAUDHRY RETIRES:**

**On 11<sup>th</sup> December 2013;** Chief Justice of Pakistan Iftikhar M Chaudhry returned home from his last day as head of country's top court, bringing



to end eight historic years in Pakistan's judicial history. During his last day, the CJP Chaudhry was part of the three-member bench that heard the contempt of court case regarding the Inspector General of the Frontier Corps [IGFC].

A full court reference in honour of the outgoing chief justice was also held that day, as he retired after serving in the apex court for more than one decade. The reference was held in Court Room No:1 and with all the judges of the apex court in attendance.

**[On 13<sup>th</sup> November 2013;** *the National Assembly had rejected a constitutional amendment, proposed by MNA Jamshed Dasti, seeking to increase the age limit of retirement for Chief Justice of Pakistan to 67 years by forwarding an amendment in the Constitution of Pakistan raising the current retirement age limit of 65.*

*However, the House rejected the proposed amendment with a majority vote. Chief Justice of Pakistan Iftikhar M Chaudhry was retiring next month.]*

CJP Chaudhry, whose tenure was grossly riddled with controversies, caused yet another controversy on his last day in office. Journalists of leading media groups protested because CJP Chaudhry granted preferential access to only one group, the **GEO TV and the 'Jang'** daily, to film and broadcast images from the full court reference when all other channels were locked out by the court administration. Journalists resorted to protesting outside the apex court on this visible preferential access while chanting derogatory remarks against the CJP by name.

**[On the same day of 11<sup>th</sup> December 2013;** *the Lahore High Court Bar Association [LHCBA] witnessed two diverse celebrations on the retirement of Chief Justice of Pakistan Iftikhar M Chaudhry.*

*The cabinet of the bar observed "**Youm e Nijat**" [Riddance Day] and distributed sweetmeat among bar members. On the other hand, a group of bar members observed "**Youm e Iftikhar**" [Honour Day] and held a cake-cutting ceremony to pay a tribute to the CJP on his retirement.*

*The LHCBA cabinet was being ruled by a group of lawyers, which believed that Justice Chaudhry did not serve the judicial system and rather crossed constitutional limits while deciding a number of cases during his tenure. Abid Saqi was president of the bar who belonged to Independent Group headed by Asma Jahangir.*

*The LHCBA welcomed new chief justice Tassaduq Husain Jilani and announced to organise a reception in the honour of the new CJP.*

*On the same day, the executive committee of the Supreme Court Bar Association [SCBA] suspended membership of its vice-president, Rana Naeem Sarwar, for organising a farewell dinner for outgoing Chief Justice Iftikhar M Chaudhry. Bar Secretary Asif Mahmood Cheema had issued a show-cause notice to Mr Sarwar for inviting the outgoing CJP to a farewell dinner on behalf of the executive body but without approval of SCBA body.*

*The plea taken in the notice was that the executive committee with majority of the members had already decided not to hold any farewell dinner / lunch for the outgoing CJP due to torture of lawyers outside the Supreme Court building in Islamabad.*

*The VP was asked to submit a written reply to the notice. The VP attended bar's executive committee meeting and defended his act of holding the dinner for CJP Chaudhry. Sarwar said he had arranged the dinner in his personal capacity, however, **the committee rejected the argument observing that the CJP was also given a souvenir on behalf of the SCBA which was not fair.***

*The SCBA's committee suspended basic membership of Mr Sarwar; resultantly he was no more vice president of the bar.]*

To generalize, the "bad" that the apex Court did under CJP Chaudhry was almost the grand, the macro, the great philosophical, political and moral questions; the Court got most of them wrong. The "good" that came was mostly the micro, the less glamorous, less adversarial, the human rights issues and the problem was that there was too little of that.

Although the balance was tilted heavily towards one side, in the interest of fairness and parting courtesy, here are some of the best and worst judgments of CJP Chaudhry's tenure.

**The PCO Judges Case:** the 31st July 2009 Judgment was one of the earliest judgments that gave an indication of things to come from the post restoration judiciary. The lawyers' movement was based on one seminal principle, namely, that Judges of the Superior Courts [High Courts and Supreme Court] cannot be sent home without the due process articulated in Article 209 of the constitution.

However, in the said PCO Judges' Case, the CJP and the court by sending more than one hundred judges home did exactly what their grievance was against Gen Musharraf.

**[On 28<sup>th</sup> November 2013;** Justice (rtd) Yasmin Abbasey lodged a writ petition / reference against the out-going CJP Justice Chaudhry while making six other judges of the Supreme Court respondents. Out of seven respondents she named, three judges had already been retired – they were *Justice (rtd) Rana Bhagwan Das*, *Justice (rtd) Jawed Iqbal* and *Justice (rtd) Ghulam Rabbani*.

The subject REFERENCE was filed under Article 209 of the Constitution of Pakistan against CJP Iftikhar M Chaudhry and his six other companion judges being deeply aggrieved and dissatisfied with the order dated 3<sup>rd</sup> November 2007 who had authored the judgment. Justice Abbasey was facing contempt proceedings for violating the 3<sup>rd</sup> November 2007 order of the SC by taking oath under the PCO.

Justice Abbasey's was the third application to the President of Pakistan in two months for filing of a reference against the CJP Iftikhar M Chaudhry. Earlier, Lahore High Court Bar Association had also moved a reference against the Chief Justice Chaudhry.

Addressing a press conference, justice Abbasey contended that the 3<sup>rd</sup> November 2007 restraining order was forged and she wanted to bring fore "true facts" regarding the court's decision. She urged:

*"The facts of forgery committed by CJP Iftikhar Chaudhry brought forward with sufficient evidence makes out at a case of gross misconduct and extreme form of corruption against him as stipulated in Article 209 of constitution of Pakistan, therefore, it is requested that till decision of this reference service and pensionary benefits of all the respondents be withheld, otherwise the very purpose of filing of this reference will be frustrated." ]*

**The NRO Judgment:** The question in the NRO judgment was simple strictly formal legal question that if the NRO was valid law or not. It was not the final verdict but the process was very problematic. The court not only struck down the NRO but also wrote around 290 pages, most of them dealt with morality, politics and the court's version of history.

Under that NRO judgment, only the politicians and officers allegedly belonging to the PPP were penalised. **The MQM's about 3000 cases and**

**PML[N]’s team members went Scott free.** It was an utter un-professional, immoral, dishonest, dissipated and morally wrong judgment by all standards of legal and judicial cannons.

**The Memo Commission:** This was an extraordinary and un-precedented exercise. The Court had no legal basis of holding the matter justifiable and judicious; it should not have admitted to hearing as it ostensibly pertained to foreign policy of Pakistan. The fact that it did so, was either a case of very poor judgment or else was not completely *bonafide*.

**Arslan Iftikhar Case:** This was again incredible in so far as the Chief Justice himself sat on the bench that took *suo motu* notice of the case; an egregious disregard of the code of conduct and the principle of not being a judge in own cause. And the subsequent handling, even after the CJ had apparently rescued himself, had major problems of neutrality, objectivity and most importantly that justice was not seen to being done.

***The judges sitting on the bench heard this case mischievously and dishonestly, had simply worked to give clean slate to a Chief Justice’s son*** – was an utter shame for the whole superior judiciary.

**The Disqualification of PM Gilani:** The PM Gilani contempt case and the NRO implementation proceedings were awkward and tricky at multiple levels. Legally, the issue was that the original seven member bench had not disqualified PM Gilani and a subsequent nine member bench did so as if the whole apex court had no other important file for hearing; the intelligentsia held that Gilani was resolutely saved from corruption charges.

Also, [most probably] the power to disqualify lay arguably with the Speaker National Assembly and the Election Commission of Pakistan, the court rendered both of them redundant in this case.

**The Asghar Khan Case:** This was the first time that the military establishment’s practice of influencing and manipulating the electoral process was formally recognized and people, both military and intelligence agencies along with the political beneficiaries, were named and acknowledged.

It was only an eye-wash judgment – just to gain cheap popularity and balancing his own personal score against the army due to Gen Musharraf’s alleged harsh treatment extended to his person in March 2007. Unlike the NRO, no implementation proceedings were started and the Court stopped short of actually holding individuals accountable. Most people held that implementation proceedings were not taken because CJP’s beloved Sharif brothers were to be saved.

**[On 26th September 2010**, Abdul Qayum Jatoi quits as Minister of Defence Production after claiming that the Pakistan Army was involved in political assassinations, including that of Benazir Bhutto.

Jatoi had alleged that Chief Justice Iftikhar Chaudhry belonged to Faisalabad but used a domicile of Balochistan to become a judge.

Jatoi had made the remarks in his personal capacity; he told a news conference in the city of Quetta. During the same news conference, Mr Jatoi suggested that:

*"..... the benefits of corruption should be made equally available to all; all groups; Sindhi, Pakhtun, Baloch, Seraiki and Punjabi - should get an equal share in corruption."*

The apex court remained silent on all above counts.

### **CJP TASSADUQ JILLANI TAKES OVER:**

Born on 6<sup>th</sup> July 1949, **Justice Tassaduq Hussain Jillani**, hailing from Multan, became the Chief Justice of Pakistan **on 12 December 2013**. He started practice at District Courts Multan in 1974; enrolled as an Advocate of the High Court in 1976; elected Member Punjab Bar Council in 1978; appointed as Assistant Advocate General Punjab in July 1979; enrolled as an Advocate of the Supreme Court in 1983; promoted as Additional Advocate General Punjab in 1988; then as Advocate General Punjab in 1993.

On 7<sup>th</sup> August 1994; he took oath as a judge of the Lahore High Court and was elevated as a judge of the Supreme Court of Pakistan on 31<sup>st</sup> July 2004 where he served till the imposition of the state of emergency on 3<sup>rd</sup> November 2007. As he refused to take a fresh oath in Gen Musharraf's PCO in November 2007, he was made dysfunctional. He participated in a number of international meetings, conferences seminars and dialogues.

**Justice Jillani** took oath as 21st Chief Justice of Pakistan, following retirement of Justice Iftikhar M Chaudhary; President Mamnoon Hussain administered the oath at the Presidency. He obtained his Masters in Political Science from Forman Christian College Lahore, LLB from the University of Punjab Lahore and a course in Constitutional Law from the University of London in the Institute of Advance Legal Studies.

As per *Reuters* report, Justice Jillani was "***an elegant lover of poetry, antiques and films.***" It further said: "***Justice Tassaduq Hussain Jilani is nicknamed "the gentleman judge"*** for his mild manners.

Once, the staff of a privatised bank challenged redundancies, Jillani ruled it was "***for the bank management to decide about the usefulness of the employees***" – an unusual ruling in a court known for its populist judgments.

After the resignation of Fakhruddin G Ebrahim as the Chief Election Commissioner [CEC] in July 2013, Justice Jillani was made the Acting CEC. However, following his swearing-in as Chief Justice on 12<sup>th</sup> December, he had to leave that office. For being related to Yusuf Raza Gilani, Justice Jilani had refused to be part of a nine-member bench of the Supreme Court which was constituted to hear an appeal against the order of seven-judges bench that had indicted Gilani for contempt of court.

Justice Jillani was awarded "***Key of the City of Detroit (Michigan)***" by the Mayor at a function on 12<sup>th</sup> October 2007, was conferred "***Honorary Doctorate in Humane Letters***" at a special Convocation held in Southern Virginia University, Washington; was conferred the Honorary Chair by the American Bar on its "***The World Justice Project***" — an Initiative to promote the rule of law the world over.

And in July 2008, he was invited by the American Bar Association to receive the '***2008 Rule of Law Award***' on behalf of those Judges of Pakistan who demonstrated courage in upholding the 'Rule of Law' in the country. He was Co-chair of the ***Hague Conference Mediation Committee*** in Family International Law.

A Full Court reference was held **on 12<sup>th</sup> December 2013** in the Supreme Court of Pakistan, Islamabad under the chairmanship of the Chief Justice of Pakistan Justice Tassaduq Hussain Jilani and was attended by all Hon'ble Justices on roll. The purpose of the meeting was to take stock of the performance of the Supreme Court and discuss ways and means to ensure inexpensive and expeditious dispensation of justice in line with the mandate of the Constitution and augment the disposal of cases for redresses of grievances of the litigants.

The Full Court discussed in quite some detail the institution and disposal of cases at the Principal seat and its Branch Registries and total pendency of different categories of cases – 20456 on that day.

The Full Court discussed in detail different strategies in order to address the issue of backlog and to provide relief to the litigant public and the emphasis was laid down on *'....heavy pendency of cases. The Hon'ble Judges on the suggestion of the CJP volunteered to forego the coming winter vacation and benches will be constituted at the Principal seat as well as Branch Registries for hearing of cases.'*

CJP Tassaduq H Jilani, had taken notice on a note of Registrar, Supreme Court of Pakistan, containing the details that:

***".....a certain Media Group was given access inside the Court Room No. 1 to have an exclusive footage of the proceedings of Full Court Reference on 11<sup>th</sup> December 2013.***

***It was alleged that the Supreme Court administration had been discriminatory in its treatment of journalists by favouring one Media Group as against others."***

In protest, the journalists, covering the Supreme Court, had announced a boycott of the subsequent functions held in the Court.

The report portrayed a somewhat ***negative perspective of Supreme Court*** even though it strictly followed the policy of absolute neutrality and impartiality. The CJP Jilani was requested to order a detailed inquiry into the alleged incident through a senior officer of the Court so as to determine the authenticity or otherwise of the allegation and take action against the delinquent(s), if found guilty.

Few days later, the LHCBA office bearers held an Annual Dinner in Lahore with the new CJP Justice Tasaduq Jilani, being the chief guest and many other sitting judges were also invited. Interestingly, the same lawyers holding the dinner, just a few months ago, had filed a reference against outgoing CJP Iftikhar M Chaudhry and two other sitting judges of the present Supreme Court, Justice Jawad S Khawaja and Justice Azmat Saeed Sheikh.

During the same days, the LHCBA President, Abid Saqi, filed a petition in the Supreme Court to restore the PCO judges who were sent packing by the Supreme Court's judgement announced on 31<sup>st</sup> July 2009.

It was not a good omen and had sent a definite odd message to all; but they had turned against the CJP Chaudhry's judiciary after its restoration because the later had immediately placed sword on the throats of the same

high court judges who had given success to the re-instatement of the judiciary in March 2009.

LHCBA President Abid Saqi had accused the former CJP Chaudhry and his associate judges of trampling the constitutional norms in various ways and wrongful use of contempt of court law.

The judges against whom reference was sent had used the laws for their own personal benefits, and the SC was no longer a court but had become a political field. The judges were also criticized for change in the date of polling of presidential election. In fact, the LHCBA President had filed a petition in the SC to rectify the conflicting judgements and the legal wrongs committed by it and the SC had the jurisdiction to do so.

**On 20<sup>th</sup> February 2014;** Chief Justice Tassaduq Hussain Jilani took a *suo motu* notice of the Pakistani Taliban's warning to ***Ismailis*** and the ***Kailash*** tribe of Chitral Valley to convert to Islam. *Tehreek e Taliban* Pakistan [TTP] on 2<sup>nd</sup> February 2014, had released a video announcing an armed '*jihad*' against the *Ismaili* Muslim sect and *Kailash* people. They were threatened to convert to Islam or face death.

The CJP issued summons to Attorney General of Pakistan [AGP] and Advocate General Khyber PK [AG KP]. The *suo motu* notice was taken on media reports regarding the threatening video. CJP Jilani remarked that:

***'Islam is a religion that preaches peace and tolerance; the threats by TTP to the groups contravenes with Article 9, 20 and 36 of the Pakistan's Constitution that ensures the security, freedom of religion and protection of minorities in Pakistan, respectively.'***

As per the apex court orders, the hearing of the *suo motu* notice was held along with the Peshawar church attack case on 24<sup>th</sup> February 2014.

### **CJP CHAUDHRY'S WISH LIST:**

Former CJP Iftikhar M Chaudhry had sought allocation of a costly and expensive residential plot in Islamabad days before his retirement, reversing a decision made to much acclaim in 2009 just to benefit his person.



A then-lapsed prime ministerial scheme had given approval for allotment of plots to bureaucrats and members of the superior judiciary. Dr Faqir Hussain, Registrar of the Supreme Court, wrote a letter to the Director General of Federal Government Employees Housing Foundation, on 28<sup>th</sup> November 2013 seeking allotment of a plot to the then chief justice. In the letter, the registrar said:

***"Mr Justice Iftikhar M Chaudhry, Honourable Chief Justice of Pakistan, is entitled to a residential plot. Therefore, you are requested to finalise the process of allotment under the prime minister's package at the earliest."***

**The SC registrar wanted allotment of plot No 45-D in Sector I-8/2,** measuring 600 square yards for his CJP. Justice Chaudhry had turned down the allotment of the same plot to him in 2009, and then of course, the plot had already been allotted to another applicant.

However, it added, if the government accepted the application of Justice Chaudhry, another plot could be allotted in D-12/2. In fact, ***plot No 114-A, Street No: 7 in D-12/2 Islamabad was marked for the former chief justice by the government as per CJP's choice.*** When a query was put to the SC's Registrar, it replied in writing:

*"Former Chief Justice of Pakistan may be contacted for the purpose, if one so desires."*

In August 2009, a number of judges, along with the CJP Chaudhry, were issued allotment letters. But in a surprising move, the foundation received another letter from the SC in which it was told that the chief justice had refused to accept the offer letter while saying that:

***"Since the chief justice had never asked for it, therefore, the said offer may be withdrawn immediately."***

The deputy registrar wrote in his letter to the Housing Foundation's Secretary – **what hypocrisy from a Chief Justice it was.**

*[The fact remains that the CJP Chaudhry didn't think it appropriate to get a plot from the PPP-led government as it had initially opposed his restoration. But later he felt 'pride' in requesting the Nawaz Sharif's government to allot him a plot of his choice.]*

Rejection of the plot, which had a market value of Rs:30 million at that time, was hailed in the media. Some termed the decision an end to "**politics of plots**" and even berated PCO judges, including former CJP Abdul Hameed Dogar, Justice (rtd) Nawaz Abbasi, Justice (rtd) Faqir Muhammad Khokhar, Justice (rtd) Javed Buttar and Justice (rtd) Saeed Ashad for accepting plots.

However, such was the lure of residential plots carrying fabulous price tags that even non-PCO judges, including successive CJP Tassaduq Hussain Gilani, and a close friend of the former CJ, Khalil-ur-Rehman Ramday, did not follow Justice Iftikhar Chaudhry's example and benefited from the generous scheme introduced by Prime Minister Shaukat Aziz of Gen Musharraf's era.

After the allotment made to CJP Chaudhry, PM Nawaz Sharif ordered discontinuation of allotment of plots to BPS-22 officers and judges.

**[On 25 December 2015; the former CJP Iftikhar M Chaudhry announced the formation of a new political party in Pakistan; it was named the Pakistan Justice Democratic Critic Party [PJDCP] headed by himself. Speaking at the launching ceremony in five stars Marriott Hotel in Islamabad, he said the PJDCP would welcome only non-corrupt people.**

*Pakistan's general populace gave a **big laugh** over the announcement as **his only son had accumulated Rs:945 million till then just by selling his CJP father's name** – but he could not be labelled as corrupt because of his dad's influence.*

*Mr Chaudhry, then 66, said his party would work on a 25-point agenda, including in the sectors of health and education and land reforms. Provision of justice to the common man was the basic manifesto of his party. The ceremony was attended by lawyers, civil society activists and others and the proclaimed **aim of the new party was told as to solve people's problems.***

*Iftikhar Chaudhry was appointed 18th chief justice of Pakistan by then then president Gen Musharraf on 30<sup>th</sup> June 2005. On 9<sup>th</sup> March 2007 Gen Musharraf asked CJP Iftikhar Chaudhry to resign, but he refused and the conflict between the two led to the latter's suspension on 3<sup>rd</sup> November 2007. He was reinstated on 22<sup>nd</sup> March 2009 and retired on 11<sup>th</sup> December 2013.*

*CJP Iftikhar Chaudhry was one of those whom Pakistan Tehreek e Insaf Chairman Imran Khan had accused of having played a key role in alleged **rigging in May 2013's general elections**.*

*Just next day's print and electronic media had given open opinions that former CJP Chaudhry's PJDCP was unlikely to become handful for the major political parties in the country. In their opinion, Justice Chaudhry had unveiled an expansive manifesto and made high promises about who could be eligible for induction into the new party. **In fact, no one, politician or voter, appeared to be interested in joining the Chaudhry's mission.***

*That was unsurprising, the former CJP's public appeal was rooted, firstly, in what was his willingness to stand up to a dictator and, secondly, the perception that he was fighting on the side of the common man against the politicians.*

*However, both those attributes were denied by CJP Chaudhry himself through his rogue, egoistic and partisan judgments as chief justice. Without his judicial robe, the former CJP was just an ordinary citizen, a little famous though.*

*Announcing a political party at news conference simply could not compare with the chief justice's gavel in Courtroom No 1 on Constitution Avenue. So while Pakistan had moved on — there were several chief justices after Mr Chaudhry — **it appeared that the former CJP was living in March 2007.***

*History is replete with such instances of what Mr Chaudhry tried to do — and each time history proved it to be an unwise rather embarrassing choice. Once, a retired **General Aslam Beg** thought he would win the public's affection and their vote but his **Awami Qiyadat Party** barely merits a footnote in history.*

*More recently, the deposed **Gen Musharraf** thought he knew the pulse of the people better than politicians but ultimately he was made to remain confined to his house, rushing between various courts to have shoes hurled upon him and for hospitals to manage false prescriptions, with even his famed Facebook supporters not agitating for his release.*

*Gen Musharraf's **All Pakistan Muslim League** has no discernible presence anywhere in the country.*

*At the last election, **Dr Abdul Qadeer Khan** felt that Pakistan had to be saved and so launched the **Tehreek e Tahaffuz e Pakistan** but could not attract even double figure supporters thus was quickly dissolved.*

*Former CJP Iftikhar Chaudhry's party had met even worse fate.]*

#### **CJP CHAUDHRY'S ARMOURED CAR:**

**On 15<sup>th</sup> January 2014;** a single-member bench, Justice Shaukat Aziz Siddiqui, of the Islamabad High Court [IHC] ordered the provision of the bullet-proof car to the retired CJP Mr Chaudhry; the IHC bench had issued the said order without hearing the ministry concerned. J Siddiqui ordered that:

*"...the former chief justice shall be provided foolproof security along with possession of the aforementioned bullet-proof car for his and his family's use without putting embargo of any time specification."*

Prime Minister Nawaz Sharif was also found personally interested to direct the compliance of the IHC's order and provided the bullet-proof car to Justice Chaudhry though he was retired on 11<sup>th</sup> December 2013. Initially Justice Chaudhry was provided an old bullet-proof vehicle but soon it was taken back and the CJP was provided a brand new one.

*[The matter of providing a bullet-proof car to CJP Chaudhry predated his retirement, when as the Chief Justice of Pakistan he had expressed the desire to retain his official bullet-proof vehicle through the PPP government's monetization scheme.*

*The scheme launched in 2011 allowed civil servants between BPS-20 till BPS-22 to buy the official vehicles in their use at a cost calculated at an annual depreciation of 15 percent.*

*Prior to Iftikhar Chaudhry's retirement, Dr Faqir Hussain, the Supreme Court Registrar had written to the cabinet division but received no reply.*

***Days before CJP's retirement, the SC's deputy registrar followed up on the request suggesting a new bullet-proof car be provided for the new Chief Justice Jilani. It was provid-***

***ed by the federal government but the new CJP returned it back to the Cabinet Division – he knew how to keep the grace of the highest rank of a CJP.]***

**On 25<sup>th</sup> December 2015;** the former CJP Chaudhry formally joined politics and launched his own party. After the former justice became a politician the Law Ministry approached the Attorney General to explore possibilities of getting relief from the court. The ministry was of the view that:

*"Since the former CJP had joined politics thus the use of official car and petrol by a politician under the coverage of the high court order has become a serious point of criticism of the government by the public as well as politicians."*

*After the launch of his political party the use of an official bullet-proof car by the former CJP had become a matter of concern for the government.*

***As per calculations of the law ministry, a total expenditure of Rs:4 million had incurred on the Mercedes Benz from January 2014 to Jan 2016, of which Rs:3.37 million were spent on the repair work and Rs:638,419 on fuel."***

The vehicle was provided to the former CJP for three months but look at the judicial gimmicks in Pakistan that till ending 2016 the vehicle remained with the former CJP on the expense of poor people of the country. Analysing the above figures of expenditure, the media sarcastically held that CJP Chaudhry's kitchen was lavishly running on that car.

The federal government lodged an intra-court appeal; it contended that the order of the single-member bench was arbitrary and not in accordance with the law. The appeal said in order to justify the possession of the bullet proof car Justice Chaudhry had relied upon those threat alerts which had been issued to him in 2009 when he was the CJ of Pakistan.

A senior government lawyer on the condition of anonymity told Dawn that the counsel from the ex-CJP side did not file such CMAs during the last couple of years. Filing of CMAs at a time when the IHC is hearing the case on a daily basis showed they wanted to drag the case, he added.

Senior lawyer Ahsanduddin Sheikh, on whose petition the IHC single-member bench provided the bullet-proof car to Justice Chaudhry, that filing of the CMAs was their legal right. His other companions in the BAR held

that ***'till such corrupt minded judges and lawyers are available in Pakistan – the country does not need India to attack.'***

**On 27<sup>th</sup> January 2016;** the Supreme Court asked the IHC to decide by the first week of February the federal government's intra-court appeal [ICA] for reclaiming the car.

The matter was fixed before the IHC on 4<sup>th</sup> February 2016 and was then adjourned. The IHC bench, comprising Justice Noorul Haq N. Qureshi and Justice Aamir Farooq, was hearing the matter on a day-to-day basis. Two lawyers of the former CJP Chaudhry filed five miscellaneous petitions [*on flimsy grounds*] with the court in about two weeks making it difficult for the IHC to decide the fate of bullet-proof car.

It was a general impression in the city that the shrewd litigants file CMAs to linger a case; referring to the filing of the five CMAs in less than a week, the DAG held this was to delay the concluding of the case.

In the CMAs, the lawyers sought relief for placing some additional information on the court record, constitution of a larger bench, summoning the Attorney General in person for interpretation of the law and comparative statistics of official security provided to dignitaries. The lawyers should have assisted the bench so the matter could be decided within the given timeframe but here the corrupt minded former CJP was guiding his lawyer with ultimate filth and muck.

**On 7<sup>th</sup> March 2016;** after concluding arguments from the federal government that former CJP Iftikhar M Chaudhry could not retain an official bullet-proof car on any constitutional, legal or moral ground, the IHC reserved its verdict. The IHC division bench comprised Justice Noorul Haq N. Qureshi and Justice Aamir Farooq.

Concluding arguments in the appeal, the Deputy Attorney General [DAG] Fazalur Rehman Niazi said:

*".....the issue was **'not related to independence of judiciary.** Supremacy of law requires following the rule and the constitutional and legal provisions according to which former CJP is neither eligible to retain the car for an indefinite period nor entitled to obtain fuel through the use of funds of Ministry of Law and Justice."*

**On 11<sup>th</sup> May 2016;** the above said division bench of the IHC set aside Justice Siddiqui's verdict ordering the government to provide a bullet-proof car and security to the former CJP.

But that bench of the IHC played the same gimmicks; while allowing the federal government's Intra-Court Appeal (ICA) to reclaim the bullet-proof car being used by the former CJP Chaudhry, the court remanded the case back to the single bench with directions to hear all parties and conclude the case. They should have penned down the order themselves.

***[Justice Shaukat Aziz Siddiqui had been known as a stooge front-man of former CJP Iftikhar Chaudhry while he remained in the office at Supreme Court of Pakistan.***

***A corrupt judge of the IHC, putting his guns of cowardice on the shoulders of two anti-nationalist lawyers of former corrupt CJP Chaudhry succeeded in lingering on the issue till at least ending 2016.]***

**On 4<sup>th</sup> October 2016;** the IHC issued notices to all concerned parties after it started proceedings afresh for that case of providing bullet-proof car to a mentally corrupt former CJP named Chaudhry.

Justice Shaukat Aziz Siddiqui, **[against whom three references of corrupt practices were already lying with the Supreme Judicial Council to be dealt with under Art 209 of the Constitution]** issued notices to the ministry of interior, ministry of law and justice division and the secretary cabinet division and directed them to submit their replies.

In fact, there was no precedent of providing a former top judge with bulletproof car. As the service had been allowed by another corrupt justice Siddiqui, it could not only open the door for all retired judges of the superior judiciary to seek the same facility but would also be discriminatory under Article 25 of the Constitution.

AAG Kundi had argued before the IHC that:

***"...it should not appear as if judges are favoured simply for being judges. With the whole country under threat, could everyone be granted the same security as Justice (retired) Chaudhry."***

**On 2<sup>nd</sup> December 2016;** however, Justice Siddiqui ordered that the former CJP should produce the vehicle before the court as case property on the next hearing on 8<sup>th</sup> December '*where it shall remain parked till the case has been decided*'.

Interestingly it was Justice Siddiqui who had issued the order in January 2014 to provide a bullet-proof vehicle to the former CJP Chaudhry. However, after a two-member bench set his January 2014 order aside, Justice Siddiqui himself had remarked that '*the vehicle should have been returned to the government*'.

**On 6<sup>th</sup> December 2016;** another intra-court appeal was filed before the IHC to 'set aside' an earlier order by the High Court for production of the same bullet-proof car. The appeal cited the same baseless grounds of "***great concern about the life and security of former CJP and his family.***"

The IHC's last order had [at last] asked the former CJP Chaudhry to produce and surrender the vehicle on 8<sup>th</sup> December 2016 without fail. Astonishingly, the appeal urged that the IHC Judge '***has dealt with the matter in haste and mechanical manner.***'

Whether the honourable court allows the former justice-turned-politician to retain the bullet-proof vehicle at the taxpayer's expense or surrender it before the court could not be decided till the last day of December 2016 at least – in Pakistan the standards of justice are known through such noble character of such few judges.

**On 7<sup>th</sup> December 2016;** a two-member division bench of the IHC temporarily allowed the former CJP Iftikhar M Chaudhry to keep the official bullet-proof car for a few more days. In January 2014, he was given the said car for three months and complete three years had passed with that possession. The people wondered that how many years could be consumed to define 'few days'.

It suspended the order of IHC's Justice Siddiqui as single-member bench which had asked the ex-CJP to surrender the car to the court by next day.

This time, another rogue judge named Noorul Haq N. Qureshi played the mischief; Justice Aamer Farooq was the other judge on the bench. On 11<sup>th</sup> May that year [2016], he had set aside the January 2014's order of the IHC but instead of deciding the fate of the vehicle or giving its possession to the federal government, it remanded the matter back to Justice Siddiqui with a



direction to decide the case after hearing all the parties concerned – total dishonesty it was termed by the lawyer community.

The division bench pointed out that the bullet-proof car had been provided to Justice Chaudhry without referring to any provision of the law. Secondly, there were no proper arrangements in the IHC for parking of the bullet-proof car. The main argument was that ***'the car had been provided to the former CJP by Prime Minister Nawaz Sharif and it may be taken as his property'***.

It is a ***'routine and minor corruption'*** in Pakistan – so relax.

## **Scenario 174**

### **DR A QADEER KHAN HUMILIATED**

#### **GEN MUSHARRAF WAS COWARD:**

**On 2<sup>nd</sup> February 2004;** the world media was stung to know that ***Pakistan's top nuclear scientist Dr A Qadeer Khan had admitted he leaked nuclear secrets to groups working for Iran, Libya and North Korea.*** Dr Khan had confessed to passing on information about nuclear technology in the 1980s and 1990s. He was also dismissed as an Adviser to the government on that day.

Dr Khan is regarded [***and would continue to be regarded***] as a national hero for making Pakistan a nuclear power.

A senior Pakistani official of Gen Musharraf's military regime told journalists at a two-hour briefing in Islamabad that:

*"Dr Qadeer [Khan] and four others have accepted that they were involved in leaking nuclear know-how outside Pakistan to groups working for Iran, Libya and North Korea."*

That official briefed the journalists that how Dr Khan had allegedly run a network that systematically smuggled nuclear equipment to third countries using chartered planes and shared secret designs for centrifuges capable of producing weapons-grade uranium. Dr Khan, it was alleged, also secretly travelled abroad to explain to Iranian, Libyan and North Korean scientists how to make nuclear bombs.

The 69-year-old 'nuclear father of the nation' was being made scapegoat for unknown reasons. Gen Musharraf's cronies wanted to prosecute him on the basis of his 'fabricated' confession but, as the BBC's Paul Anderson in Islamabad held, that was risky because of a possible domestic backlash.

A group of opposition parties had already launched a nationwide campaign against what it called the harassment and humiliation of Pakistan's nuclear

scientists by the military regime. They accused Gen Musharraf of bowing to American pressure over the move.

Dr Khan's supporters rightly held that if there was nuclear transference - it could not have happened without the knowledge of military intelligence. ***"The Pakistani people were correct to think that he [Dr Qadeer] was humiliated because of the American pressure."***

The inquiry started into Dr Khan's affairs two months ago after the UN gave Pakistan information it had gathered about Iran and Libya's nuclear programmes. About 15 people from the country's premier nuclear enrichment facility, Khan Research Laboratories [KRL], were questioned then and five scientists and officials remained in custody for weeks and months.

In fact the US and the western bloc had levelled the said allegations about illegal sales to make Pakistan's future bleak by declaring the country was behaving irresponsibly in nuclear power fields.

After February 2004's above telecast, in his first western media interview with ***'the guardian'***, [the paper dated **30<sup>th</sup> May 2008** is referred], Dr Khan said:

*".....the confession had been forced upon me by President Musharraf. It was not of my own free will. It was handed into my hand."*

More worryingly, Dr Khan swore never to cooperate with investigators from the International Atomic Energy Agency. He said:

***"Why should I talk to them? I am under no obligation. We are not a signatory to the NPT [nuclear non-proliferation treaty]. I have not violated international laws. [The alleged] clandestine nuclear supply network were my internal affair and my country's affair."***

Despite numerous requests from the IAEA and the US government, Pakistan had refused access to Mr Khan, who was ***still considered a national hero***. In reality, he was waiting for Gen Musharraf to be forced out from the political landscape.

Reports that nuclear technology was smuggled abroad were ***"western rubbish"***, once Dr Khan said; and unfavourable accounts of his life were ***"shit piles"***. He harshly dismissed nicknames such as ***"the Merchant of Menace"*** from a **Time magazine** cover.

Responding to the Western cries over nuclear supplies to Iran and North Korea etc, Dr Khan said:

*"... yesterday that nuclear technology was freely available in the west to Iran or North Korea. They were supplying to us, they were supplying to them ... [to] anyone who could pay."*

Supporters claimed he was made replacement for Pakistani Generals involved in nuclear trading. Dr Khan always refused to discuss the issue. **"I don't want to talk about it. Those things are to forget about."**

Gen Musharraf's rogue team had been spreading the dis-information that Dr AQ Khan had 43 houses in Islamabad, one hotel in Tumbukto [Mali] and that military Generals were in deals through his daughter Dina, based in London. Dr Khan denied speculation smilingly telling the media that **'go and get hold of those 43 houses – all yours'**.

In fact MI6 had once spoken to Dr Khan's daughter Dina in London, had also visited her house – but disappointed; no official papers were there. Dr Khan blamed this on the *"self-seekers and sycophants"* around Gen Musharraf, who had allowed Pakistan to become a **"banana republic"**.

Let us travel a few years up.

Referring to the **'New York Times'** dated **7<sup>th</sup> July 2011**: A letter purportedly written to Dr A Q Khan by a senior North Korean official 13 years ago apparently became the strongest evidence yet suggesting that Pakistan's top military officials were involved in the secret sale of equipment to the North Korea that had enabled it, years later, to begin enriching uranium.

The alleged letter was from Jon Byong Ho, a North Korean who American intelligence agencies had long believed to be at the centre of the country's trade in missile and nuclear technologies. It reported that the chief of the Pakistani army at the time, **Gen Jehangir Karamat**, had been paid \$3 million and asked **"the agreed documents, components, etc."** be placed on a North Korean plane that was returning to Pyongyang after taking missile parts to Pakistan.

In fact, the said letter 'made to appear' at an inopportune moment for the Pakistani military. Already discredited inside Pakistan for its failure to detect the American commando raid that killed Osama bin Laden on 1<sup>st</sup> May that year, the military had veered from crisis to crisis since then. The said letter was fabricated to rekindle questions about whether Pakistan's most re-

spected institution – Army had played a key role in the proliferation of nuclear weapons technology.

The fact also remains that Simon Henderson, who had reportedly passed the said letter, **un-authenticated**, to **The Washington Post** was not able to verify that the said letter, which was written in English, had actually come from Mr Jon [Jeon Byung-ho] of N Korea.

Pakistan government, however, had dismissed the letter as a fabrication, and Gen Karamat said that the tale of the \$3 million payment was untrue.

***[ There were reasons to be sceptical about the letter's origins. It was written in better English than most North Korean documents. It was NOT on letterhead. The date was written in Western form, not the peculiar dating system common in North Korea.***

*The letter was dated 15<sup>th</sup> July 1998, just a month and a half after Pakistan's first nuclear test, which was conducted in response to a test by India.*

*Mr Jon offered his "heartiest felicitations" on the success of that test, which led to American sanctions against both countries. North Korea conducted its own first nuclear test eight years later.]*

The only way to confirm its authenticity was a verdict from Mr Jon, who had since been pushed out of the hierarchy.

Another element of the letter referred to the killing, just weeks before, of the wife of a North Korean General, Kang Tae Yun, who was based in Pyongyang. In fact Gen Kang was the target and no doubt the CIA and South Korean intelligence agents were involved - as the letter stated.

The letter also reported that Gen Kang was to be replaced by Mr Yon, "*who had served in Iran, Egypt, Syria and Libya and is very competent.*" With the exception of Egypt, all of those countries ultimately bought nuclear equipment and designs from North Korea.

**Dr KHAN JUMPS IN POLITICS & QUILTS:**

**On 26<sup>th</sup> August 2012;** Dr Abdul Qadir Khan, the father of Pakistan's nuclear programme, announced to launch a nationwide campaign under the banner of ***Tehreek-e-Tahaffuz Pakistan***. The campaign was aimed at increasing political awareness amongst the youth in the country. Dr Khan told the media:

*"Tehrik wants to create political awareness amongst the youth regarding who to vote for and who not to vote for. I will consistently urge youth to elect honest persons in upcoming elections and stand for survival of the country."*

Noting the failure of traditional political parties in delivering on their promises, Dr Khan called a spade a spade by emphasising that his party's campaign would ask the youth not to vote for traditional parties such as Pakistan People's Party [PPP] and PML[N].

Established in July 2012, the *Tehrik* could gain little political ground among the masses. Political pundits had predicted it earlier that Dr Khan's party was unlikely to achieve any significant vote bank or public support. Prior to that Dr Khan had demonstrated his preference for Imran Khan's PTI. His campaign was aimed to advocate such platforms as an alternative political choice for the youth.

Perhaps, Dr Khan was inspired by the political rise of his Indian counterpart Dr APJ Abdul Kalam, who served as president of India. But the political analysts had suggested that the *Tehrik* would remain a small, insignificant political group such as the ***Awami Qiadat Party*** of former army chief Gen Mirza Aslam Beg. A political analyst Harris Khaliq observed:

*"Such initiatives are a product of political ambition and personal whims. It will be an addition to the many rightwing outfits which brood on a sense of glory only."*

In an attempt to start party organisation Dr Khan had held meetings with former army chief Gen Aslam Beg, former PM Azad Kashmir Sardar Attique Ahmed Khan, and former ministers Ghulam Sarwar Cheema and Malik Ameen Aslam.

The party, which had started its campaign through a Facebook page, could attract only 21 supporters in two months. To gain momentum among the populace, Dr Khan had planned to support the campaign through public appearances, columns, and TV programs – but there was no light seen at the end of the tunnel.

During Dr Khan's campaign times, he was interviewed [*via e-mail question answer session*] by Simon Henderson of the '*Foreign Policy*' magazine of America which appeared in the issue of **5<sup>th</sup> September 2012**; some glimpses here:

- ..... and, according to Washington officialdom, the architect of the greatest violation to the nuclear non-proliferation regime that the world has ever seen.
- 
- .....and, in this interview, he rejects criticism of his actions as an example of ***Western "double standards."***

**Foreign Policy: *Why are you launching this movement now?***

**Dr A Q Khan:** At the moment Pakistan is in an extremely precarious and dangerous condition - no law and order, widespread load shedding, a high crime rate, high unemployment, high inflation, target killing on religious, sectarian or provincial bases, extortions, kidnappings for ransom, etc.

In short, it has gone to the dogs thanks to our most incompetent and corrupt rulers and their Western patrons. When there was mortal danger to Pakistan's existence and sovereignty after the first Indian nuclear explosion in May 1974, our successful nuclear and missile programme provided the country with an impregnable defence.

At present we are in an even worse position than at that time. I can't simply sit back and see it destroyed. I feel that I must do something to try to save the situation, to make people aware of the importance and the sanctity of their votes and to use their vote judiciously and wisely in the next [national assembly] elections [due to take place in April 2013].

**FP: *What is the Tehrik e Tuhaffiz e Pakistan [TTP]'s platform?***

**AQK:** The aim of the Movement is to address the young generation (47% of the voters' bank), the educated, honest and competent government employees, businessmen (and women), lawyers, etc. in order to mobilize and prepare for the coming elections. They must be aware of the importance of selecting good, competent, qualified bureaucrats and technocrats to stand as independent candidates.

A team put together by me will go from city to city to interview and investigate the antecedents of aspiring candidates and select them for the coming

elections. We will then wholeheartedly support them. In the very short time of our existence, we already have more than two million volunteers.

**FP: *Do you have any particular prescription for Pakistan's economy and its energy shortages that can have an immediate impact?***

**AQK:** As a competent and experienced engineer and scientist, I have ways and means in mind to solve these problems. Writing reports and forming committees serves little purpose. I am a go-getter and have always done my best to deliver what I promise to do. I am confident that we can solve many of these problems within a reasonable span of time.

My own knowledge and capabilities and the trust the people have in my abilities are the greatest assets. They know I am a competent, honest Pakistani and that I can solve problems and help them out of some of their miseries.

**FP: *How do you define success for your movement?***

**AQK:** The people realize that things need to change and there is some change in their way of thinking already. If we manage to get a reasonable number of good people elected to Parliament, they can play a very important role.

Currently the MQM [*Muttahida Qaumi Movement*, based in Sind province] with 25 seats (out of 342), the JUI [*Jamiat Ulema-e-Islam*, an Islamist party] with 7 seats and the ANP [*Awami National Party*, supported by ethnic Pashtuns] with 17 seats are blackmailing and determining national policy.

We could play a restraining and positive role, blocking all anti-state policies and activities. If we can achieve this, and I am very hopeful of being able to do so, then it will be a big success.

**FP: *Isn't one of the problems of Pakistan the dominant role of the military in politics and public affairs? How can this change? What is your prescription for the Pakistan military?***

**AQK:** The army has been used by corrupt politicians, just as was happening in Turkey. If promotions were made purely on a seniority basis and personal likes and dislikes are not allowed to play a role, then they would never dare to indulge in politics. Right from the time of Ayub Khan [military ruler from 1958 to 1969] down to the present Chief [of Army Staff, General



Ashfaq Kayani], the principle of seniority has been ignored and the consequences have been disastrous.

**FP: *The acronym for your movement, TTP, is the same as that of the Pakistani Taliban. This is at best unfortunate or confusing. Was it intentional?***

**AQK:** This is sheer coincidence and only came to my notice later. I have never been interested in the activities of the Taliban. The best word to convey our message was "*Tahaffuz*", which means "*protection*" or "*safety*". So the name became "Movement for the Protection of Pakistan", thus "Tehreek Tahaffuze Pakistan".

**FP: *What are your own political ambitions? You are sometimes seen as a potential candidate as head of state (president) of Pakistan - would you take on this non-political role?***

**AQK:** None. The love and affection the whole nation has shown me during all my trials and tribulations has given me what no money can buy. I want to help the country out of this rut and for it to become a respected, moderate, peaceful welfare state having friendly relations with all, especially its immediate neighbours, and enmity with none. I do not want this country to play mercenary to foreign powers.

As far as the non-political role is concerned, if the majority of the people think I can help them in that way, I would not shrink from what I would consider as a duty to Pakistan. However, I do not aspire to the position and it would only be possible through overwhelming support and desire.

We are quite clear about my role. I am just a guide -- some sort of Lee Kwan [sic] Yew, the former PM of Singapore, Mahathir [of Malaysia] or, hopefully, Mandela. I will only advise on good governance.

**FP: *What does your wife and the rest of your family think about your current activities? Even if you are only partly successful, you are likely to face criticism from existing political parties or perhaps even threats.***

**AQK:** As far as criticism is concerned, I am not bothered by it (but my wife is) and have become used to it. I have never been a blue-eyed boy of the West like [present President Asif Ali] Zardari or [former military ruler and President Pervez] Musharraf, but that didn't bother me. I do care about what the ordinary people of Pakistan think of me.

**FP: *What restrictions are you currently under in terms of where you can go, who you can meet, and what you can say?***

**AQK:** Security issues do exist. I can go anywhere, meet anybody (except foreigners), can address meetings, functions, convocations, bar associations, etc. and can give phone interviews to TV and radio provided only that these are within the country and are not about secret nuclear issues.

**FP: *You recently accused Musharraf of treason for handing over uranium enrichment centrifuges to the United States. Please say more: how many, what type, to whom, why? Also, was this somehow related to Iran or North Korea, or both?***

**AQK:** Musharraf gave all our highly classified and secret information to the USA, the UK, Japan, the IAEA, etc. and sent invaluable centrifuge samples to the USA and the IAEA. He even gave them centrifuge drawings worth billions of dollars just to gain their patronage. For that he is a traitor.

**FP: *Following the recent terrorist attack on the Kamra air base and earlier attacks on the military HQ in Rawalpindi and the naval air base in Karachi, are Pakistan's nuclear weapons safe? How can the world be confident in Pakistan's claims on this point?***

**AQK:** Pakistan's nuclear assets are as safe as President Obama's black box. Nobody can even steal a screw from them. Gen Khalid Kidwai, DG SPD [Director-General Strategic Plans Division which controls Pakistan's nuclear arsenal], and Gen Muhammad Tahir, DG Security, are professional and competent officers and have established a very efficient security system.

A real danger can arise only if there is a spineless military dictator or a stooge Army Chief who can order them or their successors to override the system. The world should worry about its own problems, not about ours.

**FP: *Your international reputation is that you were a rogue agent when Pakistan supplied centrifuge technology to Libya, Iran, and North Korea. How do you respond to this label? How would you prefer to be remembered?***

**AQK:** I don't care what Western leaders think about me. To them a pirate like Francis Drake becomes Sir Francis; James Cook, who murdered innocent Polynesians, is a hero and those who murdered Iraqis, Afghans, Vietnamese, and Koreans now have chests full of ribbons and medals. [Former Israeli Prime Minister Menachem] Begin, [former President George W.]

Bush, [former British Prime Minister Tony] Blair, [former French President Nicolas] Sarkozy, etc. who all caused (ordered) the murder of hundreds of thousands of innocent people are highly respected.

Whatever I did, I did in good faith and upon instructions from authorities. Since then, many senior army officers and politicians have openly said in TV programmes that I did not do anything wrong and that, by taking sole blame, I had saved the country a second time by thwarting Security Council resolutions against our nuclear programme.

Nobody in Pakistan doubts my integrity, honesty, sincerity or patriotism. It is this that I care about. I am not going to live or die in their countries, hence I don't care. Pakistani historians will remember me by the nickname they have given me: "**Mohsin-e-Pakistan**" (Saviour of Pakistan).

**[NOTE:** *The quest for a Pakistani nuclear bomb was launched by then Prime Minister Zulfikar Ali Bhutto, in 1972. "You men here will make it for me and for Pakistan," he told a secret meeting of scientists and Generals.*

*Bhutto's motive was to counter India's more developed programme. His secret asset was metallurgist **Abdul Qadeer Khan** who, while working in a Dutch nuclear laboratory, sent his papers home. Dr Khan returned to head the programme in 1976. Pakistan exploded its first nuclear device in 1998.*

**On 4<sup>th</sup> February 2004;** *Dr A Q Khan was disgraced during the military regime of Gen Musharraf. Dr Khan was made to sign a confession while in military custody that he has been selling the nuclear armaments to various states as a state business concern. He was made to utter the same words of confession before the whole nation in a televised address.]*

**FP: Do you have any regrets about your role in the transfer of nuclear technology to these countries?**

**AQK:** I did not do anything wrong, hence no regrets. I simply did as I was asked to do. Does France have any regrets about surreptitiously supplying nuclear weapons technology to Israel? Does Russia regrets supplying that technology to China and North Korea? Do the British have regrets about stealing secrets from Los Alamos in the late forties or early fifties?

There are many double standards in the world. What is good for me may be bad for you. What is just for you may be a crime for me.

**FP: Any other points you want to make?**

**AQK:** My only hope is that my efforts to make people aware of the importance and sanctity of their vote, and to elect capable leaders, makes a difference in the next elections. I have noticed that Western countries are nervous about my movement, possibly suspecting that I might be a fundamentalist or a *jihadi*.

They forget that I studied in Europe, lived there for 15 years, have a foreign wife, have two daughters who studied in the UK and have two granddaughters studying abroad, one in the UK and one in the USA.

How can I then be an enemy of any Western country? I seek mutually respectful, friendly relations with all, sanctity of our sovereignty, non-participation in mercenary activities or allowing our country to be used for terrorism, either from within or from outside. This is my dream.

Referring to '**the News**' dated **15<sup>th</sup> September 2012**;

Dr Abdul Qadeer Khan said in an interview with '**the News**':

*"Benazir Bhutto had asked for the transfer of nuclear technology to two countries that she had named. The transfer of nuclear technology was not so easy that one could put it into his pocket and hand it over to another country.*

*At least 800 people are used to supervise the process. The-then Prime Minister Benazir Bhutto summoned me and named the two countries which were to be assisted and issued clear directions in this regard.*

*I was not independent but was bound to abide by the orders of the PM, hence I did take this step in compliance with her order."*

Dr A Q Khan further revealed a stunning fact:

***"Nawaz Sharif**, who now claims credit for the nuclear tests and tries to become a hero, **was absolutely not ready to conduct the nuclear tests and did not want to do so** because of the fear that the United States might be annoyed and his government*

*might be threatened. Through some of his aides, who were also his [Dr Qadeer's] friends, Nawaz Sharif tried to convince him to win international sympathy by staying silent in response to the Indian nuclear tests.*

*But I made it clear that if he did so, I shall put the facts before the media. After this, Mian Nawaz Sharif was compelled to conduct the nuclear tests."*

The noted nuclear scientist said the delay in the decision by Mian Nawaz Sharif had paved the way for international pressure on Pakistan. Had he [the PM] immediately decided to respond to India, there would have been no time to pressurise Pakistan whereas we had made it clear that we could conduct nuclear tests on a notice of half-an-hour.

In response to a question, Dr Khan said he had **many expectations from Imran Khan but was disappointed after a few meetings with him**, as his political thoughts were still immature and those pinning hopes on him would be let down. He opined that **'Imran Khan does cosmetics politics'**.

Although, years have passed since he achieved the feat of making the motherland the first nuclear power of the Islamic world, Dr Abdul Qadeer Khan is still the heartbeat of the living nation. His achievement was acknowledged not only in Pakistan but also throughout the world. All foreign dignitaries who met with Dr Abdul Qadeer Khan till 2000 mentioned him as a personality that made a great achievement for Pakistan and he earned immense acknowledgement and appreciation in the Muslim *Ummah* as the father of the nuclear bomb.

About the drone attacks in the tribal areas, Dr Khan said these were being carried out with the consent of the political leadership and the military. He argued that:

*"The political leadership is responsible for the drone attacks in the tribal areas while the military too cannot be absolved of the responsibility because it swears to protect the soil and frontiers of the country but it is not abiding by its oath by not stopping the drone attacks on the soil of the country."*

During this interview, Dr A Q Khan pointed out another cogent danger;

*"The US agenda regarding Pakistan is very clear. It wants to divide Pakistan and wants to limit the country merely to the Punjab. The*

*US wants to get a no-war pact signed with India after naming the Punjab as Pakistan whereas we should improve relations with and adopt a friendly attitude towards India, instead of signing a no-war pact with her."*

Dr Khan also said that:

*"Pakistan should promote friendly relations with India while sticking to its stance. He does not want to play a role in national politics but has launched the **Tehrik Tahaffuz-e-Pakistan** party to protect the country. He does not want to assume power; rather he wants to bring good and clean people in power.*

*President Asif Ali Zardari was even far ahead of Gen Ziaul Haq and had badly beaten Mian Nawaz Sharif in the political arena. A government, which has a democratic face and acts upon the dictates of the United States like the present government, is highly suitable to Washington.*

***The political ineptness, lack of strategy and wrong decisions on the part of Mian Nawaz Sharif had a major role in making President Asif Ali Zardari so strong."***

The above facts were confirmed when Nawaz cooperated with President Zardari in 2008 because he believed that the government of Asif Ali Zardari would last just a few months and then he would be the only successor. Because of the same confidence and misunderstanding, he did not even get his share for extending cooperation and did not demand the offices of the speaker-ship of the National Assembly or the office of the Senate chairman.

It was also wrong to assume that the Supreme Court *had closed all doors for the army to come into power was meaningless* because if the army wanted, it could assume power and then it could also create a justification for assuming power and constitutional protections. If the army wanted it could also hold elections on scheduled time.

Dr Khan turned another page of the history that:

*"When the aircraft of Gen Ziaul Haq met an accident, the COAS [Gen Aslam Beg] had decided to hold elections in the country without delay of even a moment. He reached Islamabad from Bahawalpur and decided to make Ghulam Ishaq Khan President of the country and directed the then Chief Election Commissioner [CEC],*

*Justice (rtd) Nusrat Mirza, by summoning him to the Army House the same night to make preparations for holding elections.*

*Some quarters had advised him to put off the elections, saying that in this way Benazir Bhutto may come into power. On this, Aslam Beg said that if the people wanted the rule of a woman in the country, then who we are to stop them."*

Gen Musharraf presented Dr A Q Khan before the masses as a criminal to turn him from hero to zero to please the United States. The military ruler had sent Ch Shujaat and S M Zafar, who took him to Gen Musharraf.

Gen Musharraf told him that the US wanted to clamp sanctions on Pakistan's nuclear programme and for the purpose, the US was making a justification of the alleged involvement of the Pakistan government in nuclear proliferation and it could get Pakistan declared a terrorist state by raising the issue in the UN Security Council. Dr Khan added that:

*"Gen Musharraf paid me glowing tributes, lauded my services for the nuclear programme **and requested me** that if you accept the responsibility of nuclear proliferation as a personal act, our nuclear programme may be saved and I did the same.*

*But in fact Gen Musharraf wanted to please the United States for prolonging his rule and the same happened."*

**On 27<sup>th</sup> November 2012;** the Election Commission of Pakistan confirmed that Dr Khan's *Tehrik* was among 19 new political parties whose registration was approved a day before for the up-coming elections in May 2013. *Tehrik's* Secretary General Khurshid Zaman told the media that Dr Khan had yet to decide whether to stand himself for election.

**On 14<sup>th</sup> September 2013,** however, Dr Khan dissolved his political party after it failed to win a single seat in the 11<sup>th</sup> May 2013's general elections. His party had fielded 111 candidates for different seats of the national and four provincial assemblies - failed to win a single seat for any house.

## **Scenario 175**

### **MILITANCY HIGH IN PAKISTAN**

During his nightly show on **GEO TV's** live program '**Aapis Ki Baat**' dated **18<sup>th</sup> February 2013**, Najam Sethi said that:

*"While acknowledging that the Pakistani Taliban, Afghan Taliban and ASWJ are all linked, the [then] on-going massacres of Shias in Balochistan are part of an **on-going 'Iran-Saudi' proxy war.**"*

It was discussed that if the genocide of more than 21000 Shiites of Pakistan was just the outcome of an Iran-Saudi proxy war, then why thousands of moderate Sunnis were killed in various attacks on Sufi shrines and ordinary mosques. Sunni scholars like Sarfaraz Naeemi were killed for issuing a fatwa condemning suicide attacks on civilians. Attacks on Maulana Fazlur Rehman and the threats to Javed Ghamdi were also on record.

During his show, Najam Sethi kept on focusing the blame on the *Awami* National Party [ANP]. However, some media persons believed that this party had suffered the most at the hands of the Taliban – in direct contrast to the Pro-Taliban and Pro-LeJ. But the responsibility of not taking action lied with the elected governments in succession.

Sethi also made little mention of PML[N] links with LeJ-ASWJ though in a vague way because he was part of the caretaker setup that had followed the ending of PPP's government once and labelled as '*turncoat politician*'. But it remains a fact that the PML[N] and other signatories to Nation Action Plan [NAP] did nothing significantly after signing the resolve following APS Peshawar episode.

The history would blame them for the erosion of their own civilian writ over the affairs of the state. The two year's space, as mentioned in the 21<sup>st</sup> Constitutional Amendment needed exceptional governance, including freeing the police from political pressures – but the time was wasted out through diverse kinds of political gimmicks. The scale of the challenge was evident from just a couple of examples. One could look at the published statement in court of the main accused (since executed) in the GHQ attack case:



***'The arms for the GHQ attack were brought from Jhang. The huge truck-bomb that all but destroyed the Islamabad Marriot Hotel in 2008 was also driven in from Jhang.'***

The threats came from FATA-based militants but their members were harboured for long by groups such as *Jaish e Mohammad* whose membership had always interlinked with *Lashkar e Jhangvi* & *Sipah e Sahaba Pakistan* in southern Punjab. Southern Punjab was readily identified for elements who had bought into the *takfiri* ideology.

[A **takfiri** (Arabic: تكفيري *takfir*) is a Muslim who accuses another Muslim (or an adherent of another Abrahamic faith) of apostasy. The accusation itself is called **takfir**, derived from the word *kafir* (unbeliever), and is described as when "one who is, or claims to be, a Muslim is declared impure."]

### **MALIK ISHAQ OF LeJ FREED:**

**On 22<sup>nd</sup> December 2014;** the provincial review board, comprising three judges of the Lahore High Court [LHC], rejected the Punjab government's plea to extend Malik Ishaq's detention for three months in the wake of the Peshawar school carnage by the TTP, many of whose commanders had been affiliated with the *Lashkar e Jhangvi* [LeJ] in the past.

Daily '**the News**' dated **24<sup>th</sup> December 2014** narrated in its Top Story:

*"...in fact, most of the major terrorist attacks suffered by Pakistan since 9/11 have a common grandmother — the **Lashkar-e-Jhangvi** or the Army of Jhangvi — which is one of the most popular groups of choice for hardcore militants who are adamant to pursue their ambitious Jihadi agenda.*

*Launched in 1996 as a Sunni sectarian group, the **Lashkar** today has deep links with al-Qaeda and the Taliban and is considered to be the most violent terrorist organisation which operates in Pakistan with the help of its lethal suicide squads.*

*As with most sectarian and militant groups, almost the entire LeJ leadership is made up of people who have fought in Afghanistan and trained by the Taliban-linked al-Qaeda elements."*

The judicial review board, comprising LHC's Justice Manzoor Ahmad Malik, Justice Farrukh Irfan Khan and Justice Abdul Sami Khan, held in-camera proceedings. The Punjab government's counsel requested to extend Ishaq's detention for further three months in the wake of the Peshawar school massacre [occurred just six days before], adding that his freedom could be a risk to law and order.

After arguments and counter arguments from both the sides, the provincial review board of the LHC observed that the Punjab government had failed to produce convincing evidence. The government subsequently opted to withdraw the appeal which was dismissed as withdrawn. Malik's detention for three months had started on 25<sup>th</sup> September 2014. The LHC's Review Board had declined to admit the confessions made by some recently arrested high profile target killers of LeJ.

The facts placed before the board were that in a major breakthrough in solving high-profile murder cases of religious figures and professionals, the Crime Investigation Agency [CIA] Punjab had busted in April 2014 a gang of killers which was working under Malik Ishaq's command and involved in target killings.

*[The gang members had already confessed to their involvement in the murders of advocates Shakir Ali Rizvi and Arshad Ali Shah, Dr Syed Ali Haider and his son Syed Murtaza Ali Haider, Khurram Raza Qadri of the Sunni Tehrik, and three more Shia leaders — Allama Nasir Abbas, Syed Ali Hussain Qazilbash and Syed Mubashir Hussain Naqvi.]*

In their confessional statements, the gang members claimed that all these people were killed on the instigation and instructions of Malik Ishaq. But Ishaq had strongly refuted his involvement in any of these killings when he was subsequently interrogated by the police.

Addressing a press conference at the Qila Gujjar Singh Police Lines in Lahore **on 20<sup>th</sup> April 2014**, Capital City Police Officer [CCPO] Ch Shafiq Ahmed said that the suspects identified as Abdul Rauf Gujjar, Mohammad Hashim and Mohammad Sabir alias Ikram Khan all three of Badami Bagh, Sheikh Farhan Rafique of Rehmanpura, Shafaqat Farooqi of Shahdara and Suleman Pathan of Bund Road, had admitted to their involvement in at least 18 murders and murder attempts on high-profile personalities, including writer Asghar Nadeem Syed and journalist Raza Rumi.

The CCPO said that the gang was linked to Malik Ishaq and was working under his command. According to the CCPO, the gang leader, Abdul Rauf

Gujjar, had launched his group with the approval of Malik Ishaq after holding several meetings with him at *Madrasah* Farooq Azam in Shahdara, Lahore, and was being instructed by Ishaq to target famous Shias. But Malik Ishaq had already refuted these allegations as a pack of lies.

Malik Ishaq had pointed out that despite keeping him behind bars for more than 12 years on terrorism charges, the police had failed to prove these allegations which were eventually dropped in July 2011 when the court had ordered his release.

But the police circles insisted that the court had to release Malik Ishaq due to witness intimidation. Among those who faced intimidation was Fida Hussain Ghalvi, a key witness in a murder case in which Ishaq was accused of killing 12 members of a family during a *Majlis* in 1997. When Ghalvi and three other men had identified Ishaq, he told them in front of civil judge and the DS Jail that "*dead men can't talk*".

Subsequently, five witnesses and three of their relatives were killed during the trial - thus Ishaq was acquitted because of "*lack of evidence*".

Daily '**the News**' dated **24<sup>th</sup> December 2014** continued to say:

*"..... that is just the tip of the iceberg. A more remarkable case was the bombing of an Iranian culture centre in Multan, in 1997. Eight people were killed. When the investigating officer, Ejaz Shafi, persuaded two witnesses to appear in court, his car was sprayed with bullets.*

*Anti-Terrorism Court judge Bashir Ahmed Bhatti convicted Malik Ishaq but the Supreme Court overturned the conviction in 2006 because of lack of evidence.*

*In March 2007, the same judge, scheduled to hear another case against Malik Ishaq, was on his way to the court when a remote-controlled bicycle bomb exploded near his car, killing his driver and two policemen.*

*Malik Ishaq was charged with planning the bombing. Two years later, the prosecution's witnesses suddenly turned hostile. Malik Ishaq was acquitted in April 2009, because of 'lack of evidence'."*

Even then, the fact remains that Ishaq was acquitted every time by the court. In an interview with an Urdu publication in October 1997, Malik Ishaq had admitted his involvement in the killing of over 100 Shiites.

According to Abdul Khaliq Hazara, Chairman of the Hazara Democratic Party [HDP] from Quetta:

*"Ishaq's detention hardly puts him out of business. The law agencies have credible evidence to prove that the leadership of the Quetta chapter of LeJ, especially Usman Saifullah Kurd and Shafiqur Rehman Kurd, is string-pulled by Malik Ishaq.*

*The agencies have already concluded that the explosive-laden water tanker which was used in the February 16, 2013 Quetta blast [that killed 111 Shia Hazaras] was assembled by the LeJ people in the Akbari Mandi area of Lahore.*

*Two of the four LeJ men who had been involved in the gory incident and killed in a shootout by the security forces a day after the Quetta carnage, belonged to Rahim Yar Khan — the native district of Malik Ishaq and Maulana Ahmed Ludhianvi, the president of the Ahle Sunnat Wal Jamaat [ASWJ]."*

Malik Ishaq's walk to freedom was not at all surprising keeping in view the clout he enjoyed in state's high circles - as he was once flown from a Lahore jail to Rawalpindi through a special plane to hold talks with ten TTP *fidayeen* attackers, led by Aqeel alias Dr Usman, who had stormed the GHQ building on 10<sup>th</sup> October 2009. Aqeel alias Dr Usman was hanged in mid 2014 for masterminding that GHQ attack.

### **LOFTY MILITANCY IN PUNJAB:**

Killing episodes of late 2014 in Gujranwala suggested that TTP was active in central Punjab too. If the number of Shiite killings in Karachi was an indicator, sectarian killers were active and well-organised in around Lahore and in Punjab too. The scale of the challenge could be gauged each Friday as semi-literate preachers send out hate messages from the holy places across the country. Most of them represented by outright adherents of the *takfiri* ideology still massacrating Shiites or Brelvi Sunnis or who used to call daily for the elimination of *Ahmadis*.

For the civilian leadership and the military hierarchy, the Peshawar school carnage was the red line, even if the mass murder of Hazara Shiite in Quetta or the lethal attack on praying Ahmadis in Lahore or the bombing of the church in Peshawar were not there; but the later events were equally important and could have invited the leadership's attention much earlier.

Dawn's above quoted essay of 27<sup>th</sup> December 2014 ended with:

*'Admittedly, my perspective is that of a beggar's. As it is; the task before those at the helm; is like changing the direction of the Titanic in the moments before it hit the iceberg. One lives in hope that the Sharif - Sharif combine will be able to do it.'*

Ayesha Siddiqa in her essay titled '**The Myth of Civilian Failure**' of January 2015 narrated a fact that:

*"..... Mourning, I argue, lies not in knee-jerk reactions and simply in calls for revenge through military courts ..... but [lies] in a commitment to systematically thinking through the roots of the violence that has ravaged our country. ....*

***[during] the last five or six years, political parties have links with militants and are too weak to deal with them, and the civilian judiciary has proven unwilling and incompetent in punishing them."***

J Iftikhar M Chaudhry, the former CJP, had released Malik Ishaq, the leader of *Lashkar e Jhangvi* (LeJ) in 2011. And, ***Ch Nisar Ali Khan, the interior minister, had admitted before media that 95 banned militant groups were operating in Punjab.***

The continued existence of militant groups, a growing number of spectacular and smaller attacks, and low conviction rates were the strongest indicator of the foot-dragging and incompetence of Pakistani civilian leaders. In fact, not long before Peshawar episode, PM Nawaz Sharif, who was asked about militancy in Punjab by a journalist Cyril Almeida, had vehemently refused to admit to the existence and growth of militancy in Punjab.

The new Army Chief, Gen Raheel Sharif, was more willing to fight the war and punish those who attacked the army unlike his predecessor Gen Ashfaq Kiyani; a visible realignment of ideology within the armed forces – foreign media had also noted. Ayesha Siddiqa quoted an old event:

*'A police officer in Bahawalpur that I spoke to and who was in charge of an operation against JeM, told me that he could not keep its members imprisoned despite the organization's vocal threats to **"flow rivers of blood through the city"**.*

*The police officer, posted in Bahawalpur in 2002, also told me that Masood Azhar, the leader and founder of JeM, told the government **"not to divert JeM's attention away from external jihad to events within the country by trying to arrest them"**.*

*Intriguingly, the matter was never given access to national media.'*

Three factors, which guided the army's approach towards Punjabi *jihadis*:

- *With these groups firmly based in Punjab, the rulers were afraid of a blow-back if they decided to react against those jihadis. Gen Kiyani resisted launching an operation in Punjab precisely because he feared that the situation would get out of control.*
- *The Punjab government had made efforts to bring the Sipah e Sahaba [SSP] & LeJ network into mainstream politics by involving them in elections and working closely with leaders like Maulana Ludhyanvi and Malik Ishaq.*
- *Most importantly, groups like JeM, Lashkar e Taiba [LeT], SSP, LeJ, etc.—operated as proxy militias for many. Some groups like JeM, had guaranteed security in the areas where they were based; assuring **'no attack on state infrastructure'**. However, they did not guarantee security of religious minorities.*
- *Despite JeM's split from Harkat ul Mujahideen headed by Fazlur Rehman Khalil in 2001—prompted by a decision not to target Shiites—but sectarian violence prevailed.*

In fact, some groups had joined the Afghan Taliban in the past. Malik Ishaq's group allegedly remained involved in sectarian violence all over the country including the killing of Hazara Shiites in Balochistan. One Shafiq Mengal was a key figure among Baloch separatists, who was responsible for atrocious abductions and killings of the student activists; mass graves discovered in Khuzdar in 2014 [details on some other pages] referred here.

A more comprehensive tackling of militancy means confronting it more than just a question of arresting and prosecuting *jihadis*. The Pakistani political leadership perhaps assumed that the militancy machine would come to halt

with a click of military court's sentence; forgetting they were dealing with hundreds of youngsters recruited in the name of *jihad*, mostly because they were jobless or unemployed.

Groups like LeT, LeJ and JeM had penetrated colleges and universities in Punjab where they made student wings and provided financial assistance to students, and thus gained access to fresh, young and educated crop of men and women. There were thousands of people trained in one form or another as militants. The LeT had been running an extensive program for years that even provided basic military training to women; varying from the fully trained to those who have done *Daura-e-A'ama* [basic training].

The JeM has been following a similar strategy. Its chief, Maulana Masood Azhar worked extensively to produce his *Fathul-Jawwad*, [details available at [www.fathuljawwad.com](http://www.fathuljawwad.com)] an exhaustive treatise on *jihad* as guided by the Holy Qur'an. The JeM members, who opted for *Daura-e-Khas* [special jihad training], were mostly the men who had qualified in *Daure-e-Tafseer* in which they spent 30 days understanding Maulana Azhar's book.

Were there an alternative and a method of re-integration for those *jihadists* in our civil society – OR was there any plan in NAP to tackle those groups? Certainly there was none.

***Just a few factors:*** the population of Punjab is in the region of 100 million; the province has a vast mosque - *madressah* network operated by multiple groups — some of them hold names, others unheard of outside the local regions; and virtually nothing had been done in over a decade to clamp down on extremist and militant outfits in the province.

**On 15<sup>th</sup> January 2015;** Interior Minister Nisar Ali Khan briefed PM Nawaz Sharif on steps taken under the National Action Plan [NAP] against militant groups and extremists operating in Punjab and even the scant details offered to the media were:

***"14,000 individuals hauled up for investigation, 780 of them were formally booked; 341 allegedly involved in hate speech; 1,100 warned for misuse of loudspeakers; and 41 shops closed for distributing hate material.***

***The number of banned organisations actively engaged in terrorism and extremism in Punjab alone had reached 95."***

The numbers surely represented only a fraction of the militancy and extremism in Punjab. Just in Islamabad the law-enforcement agencies had picked up 180 individuals and formally charged 48 of them. The ruling PML[N] faced the bitter truth about spiralling extremism in Punjab when Interior Minister Khan revealed the above facts to the media.

The official statement released after the meeting did not include the names of the banned organisations in question, the new figures were substantially greater than the number of organisations previously listed as banned in the national security policy document of early 2014. It indicated that the PML[N] government had failed to check the spread of such outfits, despite repeated reminders by the media about the militant presence festering in the province; meaning that:

***".....all these militant outfits were in Punjab since long, but instead of acting against them, the PML[N] preferred to cohabit with them".***

Fact remained that at that moment it was difficult to categorise the banned outfits then available on the state record. However, they did reveal that most of those groups were concentrated in the southern districts of the province. The fatal organisations had expanded their spheres of influence all across the province, which was quite a worrying scenario. One observation was that *"...this is quite a large jump, but the scope and types of these groups remain to be seen."*

In that meeting, the PM directed the Federal Board of Revenue [FBR] to ensure that funding to proscribed organisations was stopped and asked the IT ministry to take steps to ensure the blocking of websites and social media platforms that were being used by terrorist organisations. The federal government would facilitate provinces and provide them all the assistance they needed, but stressed that they had to be proactive in their approach towards terrorism and extremism.

PM Nawaz Sharif told that a state-of-the-art rapid response force was being formed to tackle terrorism, adding that ***"this properly equipped force would be trained on modern lines and given better pay packages"***.

*[Statistics are important, but should not be a substitute for meaningful details. To begin with, which groups comprised the proscribed 95? That number was well above the nationally proscribed 72 groups that the interior ministry itself had listed, so which were the additional groups active in Punjab?*



*Who were the leaders of these groups? Where did they operate and who funded them? Which madressahs, mosques or religious networks were they linked? What attacks had they carried out till then? And, perhaps most relevantly, what types of attacks were they suspected of planning?]*

Most important - that state functionaries, print and electronic media, the anchors and analysts always seen jumping with jubilees with the figures of raids on dens, arrests of culprits, seizure of piles of arms and taking custodial remands – but never with figures that how many of them were hanged, sentenced, fined and sent to jails. Figures could be shameful; Pakistanis do not see through disappointments.

Judges and courts were blamed as usual – never the parliamentarians and champions of democracy. With the given set of 170 years old laws and procedures what better you could expect from your court-rooms.

Who will formulate and make out laws & legal procedures required for 21<sup>st</sup> century's changed needs.... of course, the military courts are not for ever.

However, encouraging aspect was that the PML[N] was seen willing to acknowledge a militancy problem in Punjab - defeating the militant threats required more transparency and determination by the state. It was a hard luck or miss-management that after PML[N]'s recent resolve of National Action Plan [NAP], such terrorist activities got momentum – see the following paragraphs wherein three attacks are mentioned which took immediately after the launch of high trumpeted NAP just two weeks earlier.

Two out of three episodes though not occurred in Punjab but speak about the inept attitude and incompetence of PML[N]'s government.

**Attack on Shiites in Rawalpindi: On 9<sup>th</sup> January 2015**, a powerful blast rattled an *imambargah* in a densely populated area of Rawalpindi, killing eight people and injuring at least 16 others. The blast took place outside *Imambargah Aun Mohammad Rizvi* in Chitian Hatian area of Rawalpindi, also damaging the building. An *Eid Miladun Nabi* [PBUH] congregation was being observed at the *imambargah* at the time of the blast.

The authorities believed the bomber tried to go into the *imambargah*, when he was stopped at the entrance, he blew himself up outside. It was being considered a suicide attack but the Bomb Disposal Squad later ruled that explosive material was detonated outside the *imambargah* and it was not a 'suicide blast'.

the eye-witnesses held that there was a huge bang. The injured were being taken out of the mosque on carts because ambulances were unable to enter the narrow street. The Federal Interior Minister Ch Nisar Ali said that:

*"Every tenth madrassa is being used to promote terrorism and hatred against religious minorities. Today's attack indicates that terrorists are present everywhere in the country."*

### **MALIK ISHAQ KILLED:**

**On 29<sup>th</sup> July 2015;** leader of the banned Sunni extremist group, Malik Ishaq, alleged to have killed hundreds of Pakistani Shiites in tens of bombings, died in shootout after his supporters tried to get him freed from police custody.

Thirteen supporters of Malik Ishaq, the leader of *Lashkar e Jhangvi* [LeJ], were also killed in the clash early morning in Muzaffar Garh Town of the Punjab Province. Punjab's Home Minister, Mr Khanzada told the media that armed supporters attacked a police convoy that was transporting Mr Ishaq, his sons and three of his aides, all of whom had been arrested on suspicion of involvement in sectarian killings.

Malik Ishaq's two sons were also among the dead, Mr Khanzada said. Six police officers were wounded, and some of the attackers escaped, according to the police. LeJ had claimed responsibility for the deaths of hundreds of Shiites, including two bombings in the western city of Quetta in early 2013 that killed nearly 200 people. Additionally, Mr Ishaq was accused of having masterminded a 2009 attack on Sri Lanka's cricket team near Liberty Market in Lahore.

Rai Tahir, the head of Punjab's Counter-Terrorism Department, told:

*"Malik Ishaq had offered to take police to an arms dump after he was arrested five days earlier. A special team was organised to visit the area with him, his two sons and colleague Rasool to recover explosives from a house situated in Shah Wali near Muzaffargarh."*

*The moment the special team arrived at the place, some 20 militants attacked and tried to free Malik Ishaq and others. In a direct exchange of heavy fire, Malik Ishaq, his two sons and colleague Rasool were killed along with 11 others."*

*The haul of weapons recovered from the house included 40kg of explosives, suicide bomb vests and guns.”*

It might be a police story ostensibly implausible. But more likely was that, faced with a socio-legal paradigm where no witnesses would step forth to bear testimony against Malik Ishaq, no trial judge would have the protection to render a verdict against him, and no appellate Court would find a 'beyond reasonable doubt' case to convict him, the security agencies could have decided to eliminate this man who had proudly confessed to killing over 100 Shiites while releasing an interview to media and newspapers – without question of any fear or undue pressure.

In the circumstances, accepting the fact that the police stepped outside the gates of law in order to do what was 'necessary' and better for the state, for the nation and for the human beings, why not to amend laws or the Constitutional provisions to provide enforcement agencies enough space.

But the history would remember that successive parliaments during 2008-2016 were distinctly impotent.

Mr Ishaq was imprisoned from 1997 to 2011 and had been accused in more than 60 criminal cases till then, but he was never successfully prosecuted. Analysts called it a reflection of Pakistan's weak judicial system, in which militants were and still are able to intimidate judges and witnesses, as well as political leaders.

After that, Malik Ishaq was detained by Pakistan's police on 22<sup>nd</sup> February 2013. The detention of the leader, who was jailed on separate accusations of hate speech, represented the government's most prominent step yet against extremists responsible for escalating violence against minority Shiites. The two devastating bomb attacks that LeJ claimed responsibility for were targeted against minority Hazara Shiites in the western city of Quetta on 10<sup>th</sup> January & 16<sup>th</sup> February 2013 respectively.

The Punjab government's failure to stem the bloodshed could be analysed through the freedom of movement enjoyed by Malik Ishaq, who used to roam the country freely since being released from jail in July 2011, allegedly stirring hatred against Shiites.

### **Background Case:**

**On 14<sup>th</sup> July 2011;** the Supreme Court Lahore Registry granted bail to Malik Ishaq, allegedly the mastermind of a deadly March 2009's attack on

the Sri Lankan cricket team. He had been kept in jail since 1997 on a series of terrorism charges, and he was showered with rose petals by hundreds of waiting supporters as he left the Kot Lakhpat Jail in Lahore.

**"We will peacefully continue our mission,"** Malik Ishaq had told his hard-line *Lashkar e Jhangvi* [LeJ] members, and would continue to pursue its anti-Shiite struggle.

But the journey had taken start much earlier than that.

**In 1997**, Malik Ishaq was alleged to have killed one Fida Hussain Ghalvi's twelve family members in cold blood. Malik Ishaq and seven of his accomplices had attacked a Shiite gathering at his relative's village in village *Do Kota* in Mailsi Tehsil of Vehari. Ishaq has been in jail since 1997 on that count, in addition to being allegedly involved in killing 58 other people in various incidents of sectarian violence.

Referring to the '**Express Tribune**' dated **15<sup>th</sup> July 2011**;

*".....Ishaq, however, is no ordinary killer. He is one of the founders of the dreaded terrorist outfit Lashkar-e-Jhangvi (LeJ), key suspect in the attack on the Sri Lankan team in Lahore in 2009 and 43 other cases in which 70 people have been killed.*

*He was granted bail by the apex court after the prosecution failed to prove his involvement in the case of attack on Sri Lankan cricket team."*

Malik Ishaq was arrested from Faisalabad the same year [1997] and sent to Multan central jail. The complainant named Ghalvi and other witnesses were summoned to identify Ishaq. He was least disturbed when witnesses pointed him out. In the presence of a civil judge and jail Deputy Superintendent, Ishaq threatened the witnesses and said: **"Dead men don't talk."** Malik Ishaq's associates then unleashed a violent campaign against the witnesses and their families.

Malik Ishaq's followers had also threatened judges, policemen and prosecutors. The intimidation resulted in Ishaq being let off in 42 cases registered against him. He was granted bail in the 43rd case and only one case was left pending against him in July 2011.

During Ishaq's trial, eight more people linked to witnesses were killed while the complainant Ghalvi and other witnesses continued receiving

death threats from Malik Ishaq's men. But at the end poor investigation & prosecution, and disregard of evidence contributed to Ishaq's freedom. Fear also played a major role since Malik Ishaq's cohorts frightened everyone involved in or linked with the cases.

Malik Ishaq was acquitted in 34 out of 44 cases while in the remaining 10, including the attack on Sri Lankan cricket team, he had already been granted bail. The electronic media had then widely discussed the said bail event because the then sitting government Punjab government of PML[N] had extended all legal and administrative help through police and prosecution staff under the explicit instructions of their Law Minister Rana Sanaullah Khan.

The Punjab government faced accusations of being soft on extremists after its law minister, Rana Sanaullah, once shared a stage with activists from a sectarian group related to *Lashkar*.

**'The Express Tribune'** dated **15<sup>th</sup> July 2011** also confirmed that:

*'...the release comes after Maulana Ahmed Ludhianvi, chief of the defunct outfit Sipah-e-Sahaba Pakistan which is now known as Millat-e-Islamia / Ahl-e-Sunnat Wal Jamat, met with Ishaq for more than two hours at Kot Lakhpat Jail. Other prisoners were not allowed to meet their families during that period.'*

**On 11<sup>th</sup> November 2011;** the Supreme Court dismissed a review petition against bail granted to Malik Ishaq, former head of *Lashkar e Jhangvi*, accused of plotting the attack on the Sri Lankan cricket team in 2009.

A 2-member bench of the SC comprising Justice Tasadduq Hussain Jilani and Justice Asif Saeed Khosa held proceedings at the SC's Lahore registry on a petition filed by the Punjab government against the bail granted to Malik in July 2011 after spending 14 years in jail since 1997.

The bench held that the bail had been granted to the accused on merit and could not be withdrawn. Friday, the 11<sup>th</sup> November was the first date of hearing of the petition and it was dismissed without even a notice being issued to the respondent.

The Punjab government had urged in its Review Petition that the SC while granting bail to Malik Ishaq had observed that *'there is no admissible legal evidence which proved his involvement in the attack'*. The Review Petition said this observation of the SC would influence the trial against the

accused. It prayed the court to rectify its observation, the appropriate way for which was to cancel his bail.

However the apex court dismissed the petition and observed that the SC observations would not influence the trial court. The SC had accepted Malik Ishaq's bail petition after it was rejected by Lahore High Court. He was accused of plotting the attack on the Sri Lankan cricket team while he was in prison.

**Coming Back:** in recent years Malik Ishaq had been succeeded by a younger generation of militants. Albeit, his killing on 29<sup>th</sup> July 2015 indicated that the Pakistani state had gone serious about targeting sectarian militants. Admittedly, Pakistan had seen a substantial decline in sectarian attacks in the past year, since the Pak-Army began an offensive against militant hide-outs in the country's rugged tribal regions.

Some Pakistanis expressed scepticism about the official account of Malik Ishaq's killing. Omar Quraishi, an editor at **ARY News** noted that:

*'Pakistan, and Punjab Province in particular, has a history of extra-judicial killings of militants by the security forces. Malik Ishaq's killing in a suspect police encounter shows that the state itself does not seem to have faith in its own legal and justice system.'*

UK's newspaper daily '**the guardian**' dated **29<sup>th</sup> July 2015** commented:

*"Ishaq's killing proved that **Operation Zarb e Azb**, a major push against militant groups launched by the army last year [2014], was being conducted across the board.....the LeJ has long dodged government attempts to crack down on its activities.*

*Despite being the head of an organisation linked to al-Qaida and designated by the US in 2014 as a 'pecially designated global terrorist', Ishaq had never been successfully convicted by [the prevailing] court system in Pakistan where witnesses, judges and prosecutors are easily intimidated.*

***In one case in 2011, Ishaq made sure the trial judge was aware of the risk he was running by reading out the names of his children.***

*In a local newspaper interview in 1997, he even admitted to having been involved in the killing of more than 100 people. Instead, public order laws were used to hold him.... house arrest."*

However, the **BBC dated 29<sup>th</sup> July 2015** divulged totally a new angle of Malik Ishaq's event:

*".....his [Malik Ishaq's] death signifies an emerging need in the Pakistani establishment to control sectarian killings. The death comes as Pakistan is pushing for normalisation in Afghanistan and major Chinese funding for an economic corridor connecting China to the Arabian Sea.*

*He [Malik Ishaq] was wanted in hundreds of sectarian killings but government prosecutors always failed to bring sufficient evidence to get him convicted in a court.... Was facing over 70 charges of sectarian killings..... [but] walked free in December 2014 after a decision by Lahore High Court.*

*While still in jail, he had started consultations about becoming a member of parliament. ASWJ head Ahmed Ludhianvi persuaded him to shun violence and pursue his anti-Shia agenda through political means. Ishaq agreed and soon started taking part in the ASWJ's political activities. He had huge clout within the group and gained prominence within and outside the party in no time.*

*However, threatened by Malik's rise, Malik was expelled from the ASWJ, taking with him the more violent elements of the organisation. There were bloody clashes between the Ludhianvi and Ishaq groups and both leaders escaped assassination attempts.*

*Ultimately, Malik Ishaq was pushed back into Lashkar e Jhangvi and its militant agenda."*

The killing of Malik Ishaq, was perhaps the most substantial statement of intent by Pakistan's national security apparatus, with regards to the sectarian battle. For the first time, in Pakistan's fight against sectarian extremism, the state overtly expanded the arena of battle from 'anti-Pakistan' groups such as TTP, to the 'anti-sectarian' outfits of LeJ and SSP.

In fact, successive political and military leadership has been showing sympathetic stance towards the extremist groups that were militant within their own sect and more to the Shiites collectively.

Renowned Jurist Saad Rasool, referring to the '**Nation**' dated **2<sup>nd</sup> August 2015**, pointed out that:

*"Mandatory constitutional command of Article 256, which prohibits **'private organization capable of functioning as a military organization'** was surrendered at the altar of political expediency. Over time, a one-off target killing of Shia Muslims became indiscriminate firings at Imam Bargahs, and then finally mass massacres in the streets of Quetta and Shikarpur."*

Amidst clamour against a two-faced and deceitful policy that made insincere distinctions between good and bad militants, often supported by rogue elements in the intelligentsia, as well as immature politicians, Pak-Army finally decided to erase this inexcusable divide; the killing of Malik Ishaq, his sons and his companions, marked the announcement concretely.

For PML[N] government, which has been in bed with Sunni ideological outfits for the entire duration of their political existence, the killing of Malik Ishaq was apparently un-acceptable - especially with sympathizers like Rana Sanaullah enjoying powerful positions in the government.

The credit, in this regard, purely rested with the Pak-Army – totally opposed to the hypocritical legacy of Gen Kiyani. The killing of Malik Ishaq, even by police, could not have been done without the approval and support of Gen Raheel Sharif in person and his team.

There were questions thereafter; why organizations like *Lashkar e Tayyaba* [LeT] were not included within the fold of counter-militancy operations?

**[On 22<sup>nd</sup> January 2015; Pakistan banned the Jamaat ud Dawat [JuD], a sister organisation of the LeT, and the Haqqani network in the wake of objectives framed by the Pak-Army under National Action Plan [NAP] after Army Public School massacre of 16<sup>th</sup> December 2014. The said action was a practical manifestation against militant organisations without making a distinction between the good Taliban and the bad Taliban.**

*Apart from Haqqani network and JuD, the government of Pakistan had also banned Harkat-ul-Jihad Islami, Harkat-ul-Mujahidin, Falah-i-Insaniyat Foundation, Ummah Tameer-i-Nau, Haji Khairullah Hajji Sattar Money Exchange, Rahat Limited, Roshan Money Exchange, Al Akhtar Trust, and Al Rashid Trust. The concerned departments were directed to take immediate steps to freeze the assets of the banned outfits.]*



**ATTACKS ON SHIITES ALL OVER:**

Starting from a few months earlier;

**On 9<sup>th</sup> January 2015**, five people were killed and 10 others injured in a blast at a playground in Kadda Bazaar area of Kalaya, the agency HQ of the Lower Orakzai Agency. The blast occurred at Hussainia ground during a volleyball match. Political Tehsildar Khiasta Akbar said the blast appeared to be carried out through a planted device. There was a match going on between Mani Khel and Farangi Kalley teams at the time of the explosion.

Orakzai is one of Pakistan's seven semi-autonomous tribal regions in the northwest, where Pakistani Taliban and Al Qaeda-linked militants were said to have carved out strongholds. It was a key abode of former TTP Chief Hakimullah Mehsud before he was killed in a US drone strike in North Waziristan in 2013.

**Attack on Shiites in Shikarpur:** On 30<sup>th</sup> January 2015, at least 61 people were killed and about 60 injured in an explosion at a Shiite mosque in Shikarpur city of Pakistan; the attack took place just before Friday prayers started. The militant group *Jundallah*, which last year pledged support for the Islamic State [IS] group based in Syria and Iraq, had claimed responsibility for the attack through the group's spokesman Fahad Marwat.

During evening hours, the Civil Hospital Shikarpur issued a list of 49 victims out of whom 46 bodies had been identified whereas the identity of 3 others was yet to be confirmed – believed to be the suicide bombers; later the death toll reached 61. There were up to 400 people worshipping in the mosque when the blast struck. The *Majlis Wahdatul Muslimeen* [MWM] announced to observe a 'peaceful strike' across Sindh.

A number of victims were trapped under debris after the roof of the *imam-bargah* collapsed due to the intensity of the blast. Many of the casualties were shifted to hospitals in Sukkur and Larkana districts of Sindh. MWM had announced three days mourning, describing the incident a failure of the government. A huge contingent of police, rangers and ambulances arrived at the scene from the nearby towns in the aftermath of explosion.

Meanwhile 14 severely injured were shifted to a private hospital in Karachi for medical treatment. MWM also staged sit-ins at several spots, including MA Jinnah Road, in Karachi to protest against the Shikarpur tragedy. A

large number of people, including children, women and senior citizens participated in the sit-ins at Five Star *chawrang*i, Shahrah-e-Pakistan, Abbas Town, Star Gate Shahrah-e-Faisal and Malir 15 – the protests continued till the deceased were buried after funeral prayers.

It was the second major attack on an *imambargah* in the country since the beginning of 2015; the first being an attack on Rawalpindi's *Imambargah* Aun Mohammad Rizvi in the garrison city's *Chitian Hatian* area.

***Attack on Shiites in Peshawar: On 14<sup>th</sup> February 2015***; an attack on a Shiite mosque in Peshawar killed 21 people and left 50 injured. The TTP claimed responsibility for those killings, saying it was revenge for the militant known as Dr Usman — who was hanged in December after military court's verdict. It was a gun and bomb attack at an *imambargah* in Peshawar's Hayatabad area - the suicide attackers and gunmen were dressed in police uniforms; the worshippers were offering Friday prayers.

Heavy firing was also reported and the residents had seen thick cloud of smoke engulfed Hayatabad's Phase V area soon after the attack. Three explosions took place inside the *Imamia* mosque. Eyewitnesses claimed that three more attackers, in addition to the three suicide bombers, had entered the *imambargah* after scaling the neighbouring Allama Iqbal University's wall; they did not enter through the main gate as security personnel were deployed there.

Later, the local police confirmed that the three suicide bombers entered the mosque while only one was able to blow himself up. Another suicide bomber was killed by security forces while the third was arrested in injured condition. The worshippers tried to wrestle and snatch the weapons from one of the attackers. After the suicide blast the rest of the attackers started indiscriminate firing.

The police and army personnel conducted a joint operation and cordoned off the area after which bomb disposal squad searched the blast site and defused the suicide jackets and grenades recovered from the attackers. Hayatabad was under heavy surveillance as helicopters hovered over the area and dozens of FC troops took position to clear the vicinity.

*Majlis Wahdatul Muslimeen* [MWM], Shia Ulema Council, Jaffria Alliance and Imamia Rabita Council had announced to observe three-day country-wide mourning declaring that '*...these attacks will continue if they are not brought under control. They are enemies of the state and Islam.*'

The blast on Peshawar's *imambargah* came as Pakistan was attempting to implement the National Action Plan [NAP] to combat and root out terrorism from the country, an initiative that was set in motion after the 16<sup>th</sup> December 2014's attack at Peshawar's APS. At the same time, Pakistani security forces were engaged in the North Waziristan and Khyber tribal regions.

**Is 'War on Terror' over for Pakistan?**

**On 12<sup>th</sup> February 2015;** the leaders of the US House Committee on Foreign Affairs, California Republican Ed Royce and New York Democrat Eliot Engel, wrote a letter to John Kerry, urging the State Department to consider travel bans suspending assistance, and imposing sanctions on corrupt officials of his own country associated with Pakistan affairs:

*"...until Islamabad can regain the initiative against the Pakistani Taliban, Lashkar e Taiba, and the Haqqani network. We appreciate what you do ....yet it does not appear that this engagement has resulted in any real change in Pakistan's policies."*

In January 2015, Secretary of State John Kerry had paid a surprise visit to Islamabad to parley with PM Sharif, floating promises of emergency aid to fight militants – the said letter was written in the same back-drop.

Royce and Engel's concerns stemmed from Pakistan's muted response to the Taliban attack on Army School Peshawar on 16<sup>th</sup> December 2014 leaving about 153 dead.

**On 13<sup>th</sup> February 2015;** three Taliban assailants hurled grenades, exchanged gunfire with police, and detonated a suicide vest at another Shia mosque in Peshawar, leaving 20 dead.

The fundamentalists continued their attacks **on 17<sup>th</sup> February 2015,** when a suicide bomber blew himself up in a crowd of people in Lahore, killing five and injuring dozens more.

**In fact, those attacks had come at a critical time in Pakistan's fight against the militants through Operation Zarb e Azb started in June 2014** but got wracked with false starts and casualties. For the outer world, it was rhetoric. Pakistan claimed it killed more than 2,000 militants since the offensive began in June 2014, sustaining just 129 casualties of its own but no concrete effect was seen.

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The progress was, of course, visible. Pak-Army did bombings in the Datta Khel area and destroyed a terrorist hideout in January 2015, killing 35 insurgents. Those efforts were abetted by US drones strikes which claimed the lives of 27 militants in addition. In North Waziristan: the **Zarb e Azb** offensive was bolstered by a surge of 170,000 troops on the Afghan border, almost a third of Pakistan's entire military.

The American press had admitted that Pakistan sacrificed its 4,400+ troops since 2002 in that War on Terror, nearly twice the number of American casualties in Afghanistan; Jack Detsch's essay dated 24th February 2015 on American media is referred.

Then why doubts about Pakistan's commitment.

***All so-called American aids like from Congress funds, from the Kerry-Lugar-Berman act or Washington's cash pipeline to Islamabad for surgical operations, had already dried up for Pakistan.***

President Obama was keen towards Delhi as his chief partner in South Asia – why the US Congress did not ask India to send its troops in Kabul to tackle Taliban on trial.

#### **Jacobabad Attacked:**

**On 23<sup>rd</sup> October 2015;** Sindh Interior Minister Suhail Anwar Siyal said that the banned sectarian outfit *Lashkar e Jhangvi* [LeJ] had claimed responsibility for a day earlier's suicide bombing at a Muharram procession in Jacobabad city; adding that the *Indian intelligence agency Research and Analysis Wing (RAW)* was behind terrorist attacks in Pakistan and they were active across Sindh.

Meanwhile, Shiite organisations staged a sit-in in Jacobabad calling for the relevant security officials to be removed for their negligence in not preventing the deadly tragedy. The CM Sindh Qaim Ali Shah reached Jacobabad next day and announced a compensation of Rs:2 million for the family of each person who lost life as a result of the said suicide attack.

Also that those handicapped would get Rs:1 million along with a government job while lightly injured victims would get a sum of Rs:0.2 million as compensation. CM Sindh also added that the Deputy Superintendent Police [DSP] of the area stands suspended.

The said suicide blast ripped through a mourning procession killing 24 people, mostly children, and injuring more than 40 others; the procession was returning from Shershah Jo-Per to Quetta Road in *Lashari Muhalla*.

A day earlier, on **22<sup>nd</sup> October 2015**; in another incident of terrorism, a suicide attacker blew himself outside an Imam-bargah in Bolan district of Balochistan, killing at least 10 people and injuring 12 others. The attack was also claimed by the banned *Lashkar e Jhangvi* [LeJ].

United Nations [UN] Chief Ban Ki-Moon also condemned the two blasts and mourned the loss of lives in a statement released from his New York office next day. He also called upon the Pakistan government to bring the perpetrators of the terrorist attack to justice.

Pakistan has a history of attacks on religious processions in the Islamic holy month of Muharram, especially on 9th and 10th of the month, claimed by banned militant outfits targeting people belonging to Shiite sect of Islam.

**A month later**; during the first week of **November 2015**, posters hoisted aloft at a protest in Kabul against the stoning to death of a woman in Afghanistan reading **"Ignorant Taliban are the mercenaries of Pakistan and America"**; it indicated that more was wrong with US policy in Afghanistan than many Americans could appreciate.

While the US was rightly accused of many errors in Afghanistan in the war it has fought against the Afghan Taliban, it was troubling for American policymakers that they could not convince Afghan civil society that *'the US stands with them against the Taliban'*.

Perhaps the protest placard was a sign of fresh divisions in Afghan society after collapse of the post-Bonn Afghanistan of 2001 that blamed the US for its seemingly soft approach on the Taliban then; an utter lack of foresight in American policy concerning the new Afghan society in making.

In fact, it took long for the US to accept that a political settlement between the government and the Taliban was more viable option for stability. After fifteen years follies, the US came around to this point of view — when US political considerations made the continuation of a large-scale war effort in Afghanistan untenable — so fragile the American foreign policy was.

Pakistan, too, made more mistakes and there remained an ambiguity in state policy towards Afghanistan — till how long the US and Pakistan would go deceived making policies for other states at the cost of their own population's interests.

**On 27<sup>th</sup> August 2016;** four accused terrorists — three of whom were charged with involvement in the 2009 attack on the Sri Lankan cricket team — were killed; Punjab's Counter-Terrorism Department [CTD] claimed in its statement:

*"On Aug 27 at about 11pm, a CTD team was taking accused terrorists involved in the Moon Market Iqbal Town Lahore blast of 2008 for pointation of a house in the Lakho Dehr area... where they had prepared for the attack at that time.*

*The CTD team was attacked by 7-8 terrorists when they reached the East Service Road of Ring Road near the Mian Town bridge. The CTD team took precautions and returned fire in self defence. When the firing stopped, four accused terrorists were found dead by firing of the attacking terrorists.*

*Those killed were identified as Zubair alias Naik Muhammad, Abdul Wahab, Adnan Arshad and Ateequr Rehman. The first three terrorists were also involved in the attack on the Sri Lankan cricket team in March 2009, in which six police officials were killed... and cricketers were injured.*

*The attackers fled the scene under cover of darkness and that a large quantity of weapons was recovered from the site. An investigation is underway to arrest the fleeing terrorists."*

Earlier, Anti-Terrorism Court, **on 22<sup>nd</sup> June 2016**, had indicted six members of a banned outfit in that case of attack on the Sri Lankan cricket team. All the suspects pleaded not guilty and decided to contest the case during an in-camera hearing in Kot Lakhpat jail. The court had already declared two suspects — Mohsin Rasheed and Abdul Rehman — proclaimed offenders in the case.

*[Gulberg Lahore police had already registered a case against Malik Ishaq and others for their involvement in the attack on the Sri Lankan cricket team.*

*A bus carrying the Sri Lankan cricketers came under a gun and grenade attack at Liberty Chowk, near Qaddafi Stadium, **on 3<sup>rd</sup> March 2009**. Seven players and an assistant coach were wounded, while eight Pakistanis were killed in the attack.]*

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The suspects included Obaidullah, Javed Anwar, Ibrahim Khalil, Abdul Wahab, Zubair and Adnan Arshad. The first three suspects were on bail, while others were behind bars. All the suspects had pleaded not guilty and decided to contest the case during an in-camera hearing in Kot Lakhpat jail.

## **Scenario 176**

### **PAKISTAN AFFAIRS IN 2014**

#### **MASS FAMINE IN THAR [SINDH]:**

**On 7<sup>th</sup> March 2014**, the CJP Tasaduq Hussain Jilani took *suo motu* notice of the famine-like situation following severe drought in Tharparkar claiming lives of 41 children in the district. A 3-member bench of the SC, comprising the Chief Justice, Justice Khilji Arif Hussain and Justice Shiekh Azmat Saeed started hearing the case on 10<sup>th</sup> March instant. The concerned high ranking officials were summoned to the court.

Meanwhile, as the death toll of the children was more than hundred, the Pak-Army dispatched relief goods to the site a with its paramedical staff.

The PPP's provincial government eventually galvanized into action; the Chief Minister Sindh Syed Qaim Ali geared up relief works for affected Thar people and announced compensation of Rs: 2,00,000 each for the heir of victims. The Commissioner Mirpurkhas District, Health DG, Director Live-stock, Deputy Commissioner and Senior Superintendent Police [SSP] of Tharparkar district were removed from their posts for their 'negligence'; though no action was proposed against any of them.

Meanwhile, the local media had reported 125 deaths because of malnutrition in that calamity hit area, which solely depends on rainwater for drinking as well as irrigation purposes; but, the Sindh government's official figure claimed death of only 43 kids and that too mainly because of pneumonia and diarrhoea.

PPP Sindh's leader Sindh Taj Haider, later made Advisor to the CM Sindh too, confirmed that none of the children admitted in the Mithi hospital was suffering from malnutrition, adding they were suffering from pneumonia, meningitis, and diarrhoea. However, he admitted that general malnutrition among the children in the area did affect their immunity to such diseases.

Taj Haider in his report claimed that huge stock of qualitative wheat was made available by Sindh government and the work for supplying wheat and



provision of free of cost health facilities to the famine victims had been started. At least eight mobile medical teams were already working in the field and as many more doctors were being sent by SIUT Chief from Karachi, besides the doctors sent by the Pakistan Medical Association [PMA] to provide prompt medical treatment to the needy patients in Thar.

The Sindh government later decided to establish Medical Camp at each *Taluka* [sub-divisional unit] Hospital of Tharparkar for which doctors and Paramedics from Provincial Health Department were dispatched to the affected areas, besides sending out of medicines and nutrition supplements etc.

15 veterinary mobile vaccination teams of Livestock Department and 8 veterinary doctors from NGO Thar Deep were operating in drought affected areas, attending 50,000 animals per day, besides 500,000 more vaccine vials had been called to be reached there within a week. Besides, many truck loads of fodder were distributed in the affected areas – but all steps taken after the **SC's suo moto notice**.

Another report from the Mithi Taluka Hospital reflected that, in fact, 121 humans had died during that drought in Tharparkar in three months; 32 children died in February alone and it was due to malnutrition. The district has four other talukas, with over 2,000 villages spread across the largest desert region in the country. The effects of drought in these areas are normally not known to the administration and the media both.

38 children died of malnutrition in that taluka hospital in December 2013, and there were 42 deaths in January 2014; there were five deaths in March till then when the SC took notice. Local representatives of the World Health Organisation [WHO] were reluctant to share their findings and had refused to comment on the deaths.

The sudden visit of CM Sindh Syed Qaim Ali to take stock of the situation indicated its severity when he said that **"as per media reports; some 60 children died in the last two months – and no one told me."**

The provincial government usually declares a state of drought in Thar by September or October when there is low rainfall during and after the monsoon season. However, with moderate to low rainfall occurring until late September 2013, the Sindh government pushed the announcement forward and provision of relief was thus delayed.

The Deputy Commissioner Thar admitted that there was a problem to contend with, but deflected responsibility from his administration, saying:

*"...we have seen statistics in the past which show that such incidents happen during droughts. However, local administration and health officials described the situation as **'normal during drought.'**"*

The people expected that the CM would announce special package and compensation for families whose children had died but he did not even mention how the subsidized wheat distribution programme would go.

As many as 60,000 wheat bags, 25 kg each, were slated for distribution in the district. The process used to start in November or December each year to continue for at least three months until spring. Additionally, the government owed Rs:60 million to transporters responsible for ferrying wheat across the desert region. The locals pointed out that distribution was not done in 2012 due to those pending payments.

**"The quantity of wheat to be distributed is too little and too late,"** the locals added; the chief minister shook his head as token of receipt.

Locals had seen the numbers of cattle, camels and peacocks whittled down during that drought in year 2013-14. The chief minister suspended local livestock officials for their failure to control the situation; however, to the chagrin of the Tharis, CM Shah imposed ban on the sale of cattle from Thar to other districts for a period of 15 days in view of the deteriorating health of the animals.

The Thar district, which is otherwise famous for one of the largest coal deposits in the world, was in the grip of the worst food crisis since years. The victims of the starvation and resulting malnutrition were children ranging from the ages of two to 10. The PPP government and the CM Syed Qaim Ali, had been ruling the Sindh province since six years in continuation but had done nothing to alleviate the poverty of the people, particularly of Thar, one of the poorest regions in Sindh, where neither food nor water was available for them – the situation continues even till today.

When the food shortage crisis started in December 2013; the local media had been reporting on the painful situation regularly with pictures of malnourished children and their harassed mothers but the PPP's Sindh government, especially the bureaucracy, did not take notice of the grim situation in Thar while the death toll was rising alarmingly. The chief minister admitted that the fault lied with the local administration.

The CM Sindh though suspended some officers responsible for the negligence but these were all lame excuses and he wanted to save his own po-

situation. When the Supreme Court [SC] took *suo motu* notice about the situation, Malik Riaz, the real estate tycoon, released Rs:200 million for the relief of the poor and affected people of Thar immediately.

Some kind-hearted persons in Karachi also provided food and water to the affected families but the Sindh government, whose ministers mostly come from feudal backgrounds, were immune to the sufferings of Thar's people; they hardly bothered about the problems of their voters.

The said lot of feudal ministers, in a parallel move, advised young Bilawal Zardari to celebrate the Sindh Cultural Festival a month earlier while children were dying in large numbers in Thar because their parents had no food, water or other grains to save their lives. **Rs:250 million state funds PLUS huge donations were spent to commemorate the said Sindh Festival.**

It was all done with the aim to build a political image for Bilawal Zardari. Even the festival was not devoid of corruption and public money was spent lavishly with no tangible result – who cares for miserable deaths in Thar.

The situation in Thar, as it prevailed then and even till ending 2016, had never been adequately discussed on the parliamentary floors to condemn neglect on the part of the Sindh government; no one asked Qaim Ali Shah to resign as he himself was not able to make proper decisions.

PM Nawaz Sharif had taken notice of the starvation and deprivation level of Thar but could not get enforce the bare minimum standards of governance there to alleviate the sufferings of poor people. In the neighbouring India, whenever such a situation occurs, the government takes proper action by sending huge amounts of food grains to save the people from hunger and malnutrition but, in Pakistan, the government awakes only when the calamity has struck and people have died in large numbers.

There are MNAs, MPAs and mighty ministers from the area but only visit the poor people after five years with tall lists of promises – had they ever shown their responsibility to take care or plan for the development of their constituencies. Never; they are sitting in Karachi or Islamabad, taking development funds in their respective areas' name and celebrate their functions. In such famine situations, the suspension of low cadre officers are normally suspended and nothing beyond that.

The drought in Thar was not a new phenomenon — it occurs after two to three years due to climate change but in 2013-14 it was severe. Winter

rains did not take place while the winter season was also biting, affecting agricultural growth.

Since the Sindh government did not take any timely action, the situation became worse resulting in the deaths of a large number of children. This was how democracy worked in PPP regime especially in Sindh – though the PML[N] also remained indifferent through their tenures.

**On 21<sup>st</sup> December 2015;** the Supreme Court [SC] disposed of the said *suo motu* case when the provincial government claimed it had provided adequate medical facilities to the affected families.

A three-member bench, headed by Chief Justice Anwar Zaheer Jamali, had resumed hearing of *suo motu* proceedings seeking inquiry into those deaths. Former CJP Iftikhar Chaudhry had also written a letter to the SC, stating that the situation was tantamount to denial of fundamental rights of citizens of Tharparkar under Article 9 and 14 of the Constitution, as according to the media no adequate arrangements were made to save the lives of human beings as well as livestock.

The media reports pointed out that about 175,000 families were affected; thus the civil society urged the SC to initiate proceeding to enforce fundamental rights on that count.

During proceedings, the Special Health Secretary informed the judges that the situation in the drought-hit areas was completely under the control; the medicines were provided to the basic health centres. The Secretary maintained that over 12,000 patients had been attended and admitted to the government hospitals in the region affected by the drought during the previous eight months.

Taking the Health Secretary's report on record, the apex court's bench disposed of the *suo motu* case.

### **ON PRISONS IN PAKISTAN:**

Referring to the '**Dawn**' dated **7<sup>th</sup> September 2014:** Punjab's IG Prisons Mian Farooq Nazeer said that:

*"There are about 6,000 condemned prisoners in Punjab and the appeals of 60pc of these prisoners are pending with high courts,*

*while the cases of 30pc of them are going on in the Supreme Court while there are 400 to 500 prisoners whose appeals have been rejected by the president.*

*Such prisoners do develop psychological issues but most of them are not related to jails as they can't remain detached from the society and the problems that their families face."*

Most professionals in Criminal Justice Systems maintain that a life sentence is harsher punishment as compared to a death sentence. The countries which have abolished death sentence, like Turkey, have replaced it with life imprisonment, jailed till death, which is more severe form of torture. After about three year's time, the convicts started crying and urged the authorities to hang them if they had to remain in death cells till death.

In some countries where the death penalty stands abolished there the life imprisonment is limited to either 14 years or 25 years at the most. Remaining in jail till actual death is in-human by all means.

According to a research carried out by the International Centre of Prison Studies [ICPS] in 2012, Pakistan had 97 prisons and the combined prisoner population in them was 75,568. As per 2013's report of the Amnesty International, there were over 8,500 prisoners on death row in Pakistan, one of the largest death-row populations in the world, and the number was increasing by every day as the state had halted the process of executions.

Referring to Kamran Khan's TV talk show at '**Dunya News**' dated **25<sup>th</sup> November 2015**; till that day only 290 persons could be taken to gallows for hanging till death after December 2014's government withdrawal of '**executions halted.**' With that pace of progress it would require another twenty years to clear the backlog of the death convicts in Pakistani prisons.

Since 2013's DIK jailbreak, it became a routine practice to block the routes leading to the prison within a radius of around a kilometre and stop all vehicular movement during the night. Keeping the prison secure has been believed to be an uphill task since then as several of the localities in the outskirts turn into no-go areas after sunset.

Security arrangements in place for Khyber PK's three central prisons at Bannu, DI Khan and Haripur, known for housing the militants and other suspects charged under the Anti-Terrorism Act [ATA] had turned into a nightmare for the authorities after the two high profile jailbreaks at Bannu and DI Khan in April 2012 and July 2013, respectively.

Pakistan's existing jails are old and not meant for hardened militants. The country does not have any high security prison of international standards. The jailers have placed a three-layer security arrangement in their premises and keep closely coordinating with the army. Militants arrested in various cases were lodged in different prisons.

In Peshawar, only 35 suspects belonging to different outfits, such as TTP and religious factions were kept during whole 2014; around 15 prisoners were shifted from Bannu Jail. In 2013, an ATC awarded life imprisonment to a prison doctor and a police official for abetting in helping escape two prisoners – but it was one time punishment in decades.

The population in Pakistani prisons is almost five times more than the capacity with the prisoners in the barracks in the evenings at closing time not even being able to turn if they lie alongside each other in the tight space. So most just sit or squat on the floor until they can be let out in the morning. This goes against prison rule no 745, which states that each inmate must get at least 18 square metres in a barrack and 31 square metres in a cell, if placed there.

Overcrowding in prisons leads to other serious problems such as hygiene, sanitation and the spreading of contagious diseases such as tuberculosis, Hepatitis C, HIV and skin infections.

Of the 17 prisons visited by a Survey & Study group, seven had detained under trial prisoners [UTP]s and convicted ones in the same barracks; five of the prisons had not segregated juvenile prisoners from the adult prisoners; 12 prisons in Sindh had not segregated repeat offenders from UTPs and four prisons had not segregated civil prisoners from persons imprisoned for a criminal offence. Fifteen UTPs were not segregated from prisoners suffering from infectious diseases, too.

However, women prisons are under – populated in Pakistan. After doing six months in prison here, the women, according to an amendment in the criminal laws, shall be released on bail. Meanwhile, Youthful Offenders Industrial Schools (YOIS) are most often just a barrack built near the adult prisoners' barracks leaving them vulnerable to bullying.

District Badin's open jail, an idea conceived in 1958 for some 500 prisoners, was to be built without walls, locks, bars or gates on 2,800 acres of farmland. It was a place to allow sufficient space to the 'good behaviour' prisoners who had served one-third of their sentences there to prove to the authorities that they were capable of resisting temptations of running away and hence could be trusted.

The prisoners were provided various job-related skills such as farming, bee-keeping, fishery, poultry, gardening, etc, there under a stress-free environment. There was also an option of calling over family members of the prisoners to allow them to spend time with them to make up for the lost time between them while they were in jail.

After Badin, open jails were to be set up in Thatta, Haripur, Multan, Jhang and Faisalabad but the pilot project itself failed due to lack of funds.

There is an entire economy inside every big Jail; your happiness inside depends on how much money you have and whether you have any political association. ***"You want drugs? Alcohol? Women? No problem, if you have money. The jail staff can arrange everything."***

Not paying money is not an option. When an inmate is both poor and without political association, jail staff tend to intimidate and break them down. ***"There were people whose families took on loans, just so their loved ones would be spared from the harassment."*** All research studies lead to the same conclusion.

Then there are those who willingly return to a prison, because they end up doing booming business from within. ***Many inmates are hired for robbery or murder jobs, which they fulfil by greasing the guards' palms with a share of their earnings.***

A hard fact that there is greater advantage in committing crime this way: on paper, they are physically in prison and cannot possibly have committed the crime in question.

*"The entire jail knows what robbery or killing will be committed in the city the next day. Once, an inmate committed a robbery and returned back to the jail by evening. But a few weeks later, a newbie comes to the jail.*

*When he tells what he had been charged with, the inmates laugh: it happens to be the same robbery that their fellow inmate had committed earlier day. The newbie is framed by the police to declare that **robbery successfully investigated.**"*

Some inmates treat private hospitals as their jails. A former jailer [Razzak Zuberi] tells that:

*"A political leader was charged with murder in mid 2014 — apparently he was drunk, and he shot someone. He was brought to Karachi from Hyderabad.*

***But the man did not have to spend a night inside the prison.*** *His paperwork showed that he needed medical treatment, and he was shifted to a private hospital. Two rooms were booked, one for the prisoner and another for the jail staff that had come with him. At night, the accused would often leave the hospital premises, go home or even for dinner.*

*Then there were some gangsters of Kala Pul. When they were first brought to the prisons, they brought a four-wheel drive with them and gave it to the jailer. Almost every night, they were allowed to return home, party all night and be back before morning."*

Some jailers were notorious for their cruelty. One legend is that of **Zulm ka Baadshah** (King of Oppression). *"But this man suffered a bad end. He was hit by a trailer near Sohrab Goth in a road traffic accident. His body was not found in a single piece."*

Another jailer whose tales ring around Central Jail is **Jin Chacha**: a flamboyant man, he would drink like a mule and would go around screaming and assaulting all whom he laid his eyes on. His trademark move was to bite people. One account held:

*"Everything that is available outside the prison is available inside as well: drugs, alcohol, women, even betting. Everything is happening out in the open.*

*The sad part is that the police are themselves involved in all these trades. Everyone is doing the same thing inside the prison, but some people are being punished for it. There is something wrong with the law, it has double standards."*

Walking into the **Karachi Central Jail** one doesn't feel like it conforms to the stereotype image of what a jail is 'supposed' to look. Instead of plain white walls and bars, there are manicured lawns, murals painted on the walls, art studios, music rooms, a large mosque, a salon in the women's section, cells that resemble dormitories, inmates participating in recreational activities and a large open-air kitchen that served food that tastes better than that sold at most popular *dhabas*.



An officer named Nusrat Manghan, the Inspector General Prisons Sindh had introduced arts into the jail curriculum. There is a studio where inmates paint, while others teach, their work is often exhibited and sold as well.

The Karachi Central Jail also launched its own magazine, **The Prison Review**, in early 2014. They organised poetry recitals as well, in both Sindhi and Urdu. Then they were in the process of holding a drama for which rehearsals were underway; and they were also holding music lessons. The IG Prisons held that:

*"It's impossible to completely eliminate drugs from entering the prison. Their job is to bring them; our job is to catch them. It's an on-going process. The rate of confiscation is high but obviously it's not 100pc. That's not humanly possible."*

A major riot took place in Hyderabad's Central Jail in March 2011 resulting in death and injury to prisoners and prison staff. Inmates involved, who later appeared before a judicial commission, mentioned that drugs were sold to prisoners with the support of the prison authorities and prisoners claimed that cannabis was cultivated inside the prison. The main reason behind riots was mismanagement. If jailers keep everything properly managed, there would be no trouble.

In 2012, the Sindh Chief of *Lashkar e Jhangvi* [LeJ] Naeem Bukhari was caught with his companions. Hafiz Qasim Rasheed, who was also a high-profile target-killing suspect with over 100 murders to his credit, was arrested and a hand grenade, Kalashnikov, pistol and hit-list were recovered from his possession. The list contained names of police officers he had allegedly murdered because they created problems for his family when they came to visit him in jail during his incarceration. The IGP stated that:

*"We have lost many of our people this way. This happens everywhere. Prison officials and guards are always under threat — by the mafia, gangs, terrorists — especially by those who belong to habitual and professional gangs. The pressure on the staff regarding this insecurity is always there."*

### **TALIBAN – PML[N] TALKS FANTASY:**

During ending 2013, the situation in Pakistan started changing with respect to militant activities of the Pakistani Taliban. In Islamabad, the PML[N]

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government remained busy in negotiating moves along with Imran Khan and politico religious leadership on its right hands.

However, the America was not happy with such development, its first and foremost wish was that the Pakistan Army should immediate start operation against the militants in Northern Waziristan including the Haqqani net-work.

As the US was drifting into the disappointment day by day, they got matured its diplomacy on another front – totally unexpected and surprising for the whole world. The main message was for Pakistan that it may go alone in the region. See the following details appeared in UK's daily '**Independent**' dated **25<sup>th</sup> November 2013**:

An agreement in Geneva between Iranian President Hassan Rouhani and the so-called P5+1 – the permanent members of the UN Security Council along with Germany got finally signed. It also emerged that it was the fruit of secret diplomacy between Iranian officials and a senior Obama administration official, Deputy Secretary of State William Burns.

The said nuclear deal has already jolted strategic alliances in the Middle East region including unlikely bedfellows Israel and Saudi Arabia. The US and Iran had no diplomatic relations since the Iranian crisis of 1979 in which 52 Americans were kept hostages for 444 days [*and Iran had not bothered about US pressure*].

The agreement would run for six months while negotiations continue on a comprehensive final deal but both sides were able to declare victory. Foreign ministers from the five of the world's most powerful nations – most nuclear powers themselves – had flown to Geneva on 22<sup>nd</sup> November [2013] amid hopes and it took two more days to finally nail the accord.

The agreement provided for Iran to freeze its uranium enrichment programme would not go to the levels of 'weapons grade'; not beyond 5 per cent - which would provide reactor fuel for the six month period.

*[Iran had already mastered the critical technology of uranium enrichment up to 20% grade - to build a bomb, the uranium would have to be enriched to 90% plus.]*

Tehran also agreed to halt construction of its heavy water plutonium reactor at Arak which, on completion next year, could provide a second pathway towards a nuclear bomb. Iran, however, always insisted that its nuclear programme was purely civilian.

Iran also agreed to more intrusive inspections by the UN watchdog, the IAEA, some \$7bn in international sanctions are to be lifted, including on gold and precious metals and aviation spare parts.

However, US officials noted that this decision was "reversible", depending on Iran's compliance, and that sanctions imposed on the oil and banking sector would not be affected at this stage. The deal specifically addressed the central problem of mistrust between the West and Iran. Mr Obama said that:

*".....the burden is on Iran to prove that its nuclear programme will be exclusively for peaceful purposes."*

Mr Obama meanwhile faces internal criticism from Congress that he has given away too much too soon.]

PM Nawaz Sharif on **29<sup>th</sup> January 2014** set up a 4-member committee, with Irfan Siddiqui, Rahimullah Yusufzai, Rustam Shah Mohmand and Major Amir as its members, to oversee the peace parleys, quashing speculation of an imminent military operation against Taliban.

The TTP reiterated its offer of peace talks with Pakistan government, putting forward its charter of demands mainly concentrating upon **'implementation of Shariah'** but astonishingly **did not clarify whether it had dropped its condition for the government to withdraw its support to the United States.**

TTP spokesman Shahidullah Shahid, however, demanded that there should be a meaningful dialogue. **Earlier, on 13<sup>th</sup> November 2013, TTP Chief Mullah Fazlullah had categorically denied any possibility of peace talks with Pakistan government.**

*[From 2003 to 2007, splinter militant groups had killed 4,346 civilians and soldiers of the Pak-Army – the groups joined hands to become one entity and called Taliban. This emergence of the TTP took place in December 2007 after **Lal Mosque Operation** in July that year; initially consisting of 13 militant groups under the command of Baitullah Mehsud.*

*The TTP was outlawed by the PPP government on 25<sup>th</sup> August 2008 because earlier in that year Baitullah Mehsud had met the Al-Qaeda leader, Ayman al-Zawahiri, in South Waziristan to reach an accord to substantially increase the number of terrorist attacks.*

*After the Baitullah-Zawahiri meeting, there was an abrupt rise in the number of fatalities and, till ending 2013, more than 40,000 men, women and children were mercilessly slaughtered in Pak-Afghan territories.*

*Baitullah Mehsud was killed in a drone strike on 5<sup>th</sup> August 2009.*

*Baitullah's successor, Hakeemullah Mehsud, was also eliminated in a similar drone attack on 1<sup>st</sup> November 2013; more than 40 extremist outfits had joined the TTP till then.]*

The Pakistani Taliban nominated the names of five political and religious leaders to mediate peace talks with government negotiators. The names included PTI's Chief Imran Khan, Maulana Samiul Haq, former chief cleric of the *Lal Masjid* in Islamabad Maulana Abdul Aziz, Prof M Ibrahim of JI, and Mufti Kifayatullah, a former lawmaker of the JUI-F from Mansehra.

TTP affirmed more than once that the said five 'mediators' would facilitate peace talks between the government team and the TTP. The names were finalized after a meeting of TTP's central *shura* (council) held at an undisclosed location.

Prof Ibrahim and Maulana Abdul Aziz had confirmed that they were contacted by the TTP to act on their behalf. Meanwhile, PTI Chief Imran Khan sent a message from his official Twitter account that the **'TTP should select their own Taliban representatives for peace talks'**.

Later, Maulana Fazlur Rehman of the JUI had announced that Mufti Kafayatullah would not act on behalf of the Taliban. The TTP's high command, however, announced that **'the remaining three nominated members are enough to go ahead on their behalf.'**

**On 6<sup>th</sup> February 2014;** the dialogue finally got underway in government Guest House Islamabad and yielded a clumsily worded joint statement incorporating the points put across by the two sides. The government team insisted that the dialogue must be within the confines of the constitution and then thoughtlessly added that its scope would be **"limited to the insurgency affected areas."**

That treacherous formulation clearly signalled that Islamabad could eventually be willing to cede control of the tribal regions to the TTP as it did in Swat in 2009.

The suggestion was appreciated by the Taliban and they, after having 2-day meeting of their *Shura* under Deputy Amir, Sheikh Khalid Haqqani, floated their 15-point agenda for talks; ***nevertheless, the TTP had won the glory of political legitimacy.***

The TTP's demands included:

- (i) *the termination of drone strikes;*
- (ii) *the introduction of Shariah in the courts;*
- (iii) *Islamic education in public and private schools;*
- (iv) *the release of TTP and foreign Taliban prisoners;*
- (v) *reparation for property damage by drone attacks;*
- (vi) *handover control of the tribal areas to local forces;*
- (vii) *withdrawal of the army from the tribal agencies and the closure of check posts;*
- (viii) *criminal cases against the Taliban be ended;*
- (ix) *the release of government and TTP prisoners;*
- (x) *non-discriminatory rights between the rich and the poor;*
- (xi) *jobs for the victims of drone strikes;*
- (xii) *amnesty for Taliban commanders wanted by the government;*
- (xiii) *termination of relations with the US as well as support for its war against terrorism;*
- (xiv) *replacement of parliamentary democracy by an Islamic system and, finally;*
- (xv) *the abolition of interest (riba) in the banking system.*

The initial demands of the Taliban delegation were largely procedural. It wanted clarification of whether the government's negotiating team was empowered to make decisions. For the talks to succeed, the Taliban negotiators also needed access to Gen Rahil Sharif, Pakistan's Army Chief and the DG ISI.

The Taliban included numerous groups and factions which were increasingly splintered. There were signs of division even amongst members of the delegation. Maulana Abdul Aziz tried to depart on question of imposing Sharia law in Pakistan.

*[Maulana Abdul Aziz, the chief cleric of the Lal Masjid in Islamabad, had catapulted to fame in July 2007 when the then military government had decided to cleanse the mosque complex – which in-*

*cluded the Jamia Hafsa, the world's largest seminary for women – of Al-Qaeda inspired extremists who had terrorised the city. Maulana Aziz abandoned hundreds of his associates to their fate and fled the scene disguised as a burqa-clad woman.*

*On the very first day, Maulana Aziz addressed a press conference and ruled out any negotiations within the parameters of the constitution; only the Quran and the Sunnah could be the basic law. TTP's Shahidullah Shahid supported him and told the media on 7<sup>th</sup> February that:*

***"Maulana Aziz is not wrong in his stance. The war we are fighting is for the enforcement of Shariah ... and the talks with the government are for the same objective."***

PPP's senator Farhatullah Babar was found sceptical that the government was going to surrender its authority to the Taliban in tribal areas in exchange for the group ending attacks in urban centres like Lahore & Karachi.

The response of the TTP to the PML[N] government's softness was that it should be given control of the tribal agencies accompanied by the withdrawal of the army from FATA – of course, leading to the extension of its writ over the entire country. A week later, the TTP's political *shura* finally demanded a direct meeting with the government committee and the group of FOUR left for North Waziristan for further talks.

It is on record that from 29<sup>th</sup> January till 14<sup>th</sup> February 2014, there have been 35 terrorist attacks which resulted in 134 fatalities. The TTP claimed responsibility for 13<sup>th</sup> February's car bomb attack in Karachi that killed 13 policemen. A self-respecting government could have abandoned the dialogue but the PML[N] went more frightened; as Maulana Aziz had told Bloomberg News that ***'the TTP has 500 female suicide bombers waiting for further orders'***.

### **THE EARLIER ACCORDS FAILED:**

For most think tanks, the peace talks were bound to fail in all respects.

However, it was not the first time that Pakistani Taliban were going to grasp negotiations with the Pakistan government; previously there were numerous efforts in that regard. Even before the emergence of TTP, Islamabad entered into numerous peace deals with its main factions — both

written and unwritten. However, it remains a fact that invariably in all peace deals, the Taliban surfaced as more effective & strong militants and the deals could not last beyond a few months.

Violence flared up more and the Taliban then demanded even further concessions from the government. The only exception was of the Swat Deal, known as **Rah e Haq**, where an aggressive military operation against the Taliban was launched after the peace deal failed. In that case, the Mullah Fazlullah - led faction of Taliban left the Swat Valley.

**Going a little back;** When the US led coalition forces started operation in Pak-Afghan areas after Nine Eleven of 2001, Pakistan's military ruler Gen Musharraf took decision to deploy Pak-Army in the tribal areas to apprehend fleeing Al-Qaida elements, infiltrating into the tribal areas and onwards into Pakistan.

The movement of Pak army was seen as an extension of the US and NATO troop-plans. Within no time there was a complete breakdown of law and order, local tribesmen and armed forces were locked in deadly conflicts.

Since then there have been numerous peace accords in place between the Taliban and the successive Pakistan governments. However, all proved a blatant failure because, invariably through all accords, the Taliban gained time to reinforce themselves and then launching more fatal attacks on Pak-Army or the other state installations.

Apart from the three major peace agreements in Shakai, Srarogha and Swat, Pakistan entered into various unwritten peace deals with diverse militant groups in the tribal areas. One controversial agreement was with the North Waziristan-based commander Hafiz Gul Bahadar, who was mainly involved in cross-border attacks into Afghanistan.

The Pakistani government and Bahadar's faction had basically agreed that in exchange for not attacking Pakistani interests, Islamabad would not target Bahadur. Bahadur's fighters moved around freely in North Waziristan till much later.

A similar, but more covert deal was reportedly reached with another militant commander Faqir Muhammad in Bajaur Agency after Operation Sherdil in August 2008.

Authorities also entered into an unwritten agreement with *Lashkar e Islam* in Khyber Agency after **Operation Sirat e Mustaqeem** in June 2008.

Similar to the two agreements in Waziristan, Khyber authorities agreed to compensate the militants for property damage during the operation, as well as release several individuals held on charges of having ties to militants. Yet the agreement was quickly violated, and troops remained present in Khyber where they continued to conduct operations.

More details of such peace accords were:

#### **The Shakai Peace Agreement, April 2004:**

Shakai peace agreement was signed with Nek Muhammad Wazir in April 2004, after Gen Musharraf's government sustained heavy losses during the military operation launched in March the same year. Nek Muhammad was later killed in June 2004 by a US drone.

#### **Srarogha Peace Agreement, February 2005:**

In February 2005, Gen Musharraf's government signed a peace agreement **with Baitullah Mehsud** in Srarogha, South Waziristan Agency. The deal specified that government would not target Baitullah Mehsud or his supporters and would compensate militants for homes razed or damaged during military operations.

In return, the agreement warranted that Taliban would cease attacking Pakistani installations and personnel and refuse shelter to foreign militants. The Mehsud militants were not asked to lay down their weapons or surrender their foreign nationality companions.

#### **The North Waziristan Peace Agreement, 5<sup>th</sup> September 2006:**

The historic 16 clause North Waziristan Peace Accord was announced in Miranshah on 5th September 2006. It was an agreement between Gen Musharraf's government and tribal residents of Waziristan area to mutually cease hostilities in North Waziristan of FATA. The agreement went effective till the pro-Taliban militants suddenly killed 50 Pakistanis including soldiers and police. The attacks were believed to be retaliation for the Lal Masjid Islamabad attacks by Pakistan Army in July 2007.

Initial reports characterized the accord as an agreement with the Taliban. However, the Government of Pakistan had strenuously denied it. The North Waziristan Peace Accord consisted of 16 clauses and 4 sub-clauses. The major points included were:



- *The Government agrees to stop air and ground attacks against militants in Waziristan.*
- *Militants are to cease cross-border movement into and out of Afghanistan.*
- *Foreigners (understood to mean foreign Jihadists) in North Waziristan will have to leave Pakistan but **"those who cannot leave will be allowed to live peacefully, respecting the law of the land and the agreement"**.*
- *Area check-points and border patrols will be manned by a tribal force. Pakistan Army forces will withdraw from control points.*
- *No parallel administration will be established in the area. The law of the Government shall remain in force.*
- *The Government agrees to follow local customs and traditions in resolving issues.*
- *Tribal leaders will ensure that no one attacks law enforcement personnel or damages state property.*
- *Tribesmen will not carry heavy weapons. Small arms are allowed.*
- *Militants will not enter agencies adjacent to this agency (of North Waziristan).*
- *Both sides will return any captured weapons, vehicles, and communication devices.*
- *The Government will release captured militants and will not arrest them again.*
- *The Government will pay compensation for property damage and deaths of innocent civilians in the area.*

Gen Musharraf had said that *"...this treaty is not to deal with the Taliban. It is actually to fight the Taliban."*

While Imran Khan had stated that: *"Waziristan has been a disaster; there's a disgraceful withdrawal; the Pakistan Army has been defeated."*

Commenting immediately after the accord, Abdullah Farhad, the local Taliban spokesman, said there were no foreign fighters in the area, and if there were, the Government should have provided evidence of their existence. The western press with one editorial described it as *"...the humiliating terms of surrender by Pakistan to the Taliban and al Qaeda"*.

Another column termed it as an *"unconditional surrender of Waziristan by Pakistan; the deal is a boon to the terrorists and a humiliation for the Pakistani government."*

One newspaper quoted a retired Pakistani General as saying it was a ***"tactical retreat - since initiated, all of the deals have failed, precipitating a resurgence of Taliban hostilities."***

Some commentators had seen the Waziristan accord as giving de facto sovereignty to rebel factions in the region, or at least some form of autonomy or quasi-independence. This perspective, as well as actions taken by these organizations had led to the use of names such as the **"Islamic State of Waziristan"** to describe the rebel organizations that wielded power in Waziristan.

#### **The Swat Peace Agreement, 21<sup>st</sup> May 2008:**

After the ***Lal Masjid*** episode in Islamabad in July 2007 which had lasting effects on militancy in Pakistan, Fazlullah's struggle for the implementation of *Shariah* took a violent form in Swat Valley. On 21<sup>st</sup> May 2008, the Khyber PK government reached a 16-point peace agreement [*at par with the North Waziristan Accord of September 2006*] with the Swat Taliban to bring an end to violence in the valley.

#### **Malakand Accord of 15<sup>th</sup> February 2009:**

The Khyber PK's provincial government had agreed to allow for the implementation of *Sharia* law in the entire Malakand Division, a large region in the Province made up of the districts of Malakand, Swat, Shangla, Buner, Dir, and Chitral. The government agreed to end the military operation in Swat and participate in the *"rebuilding process."* Girls schools, which had been savaged by the Taliban and forced to close, were to be reopened.

Sufi Mohammed's Movement for the Implementation of *Sharia* Law was at the forefront of establishing a new political administration in Swat. Some other religious parties in Pakistan also advocated for the implementation of *Sharia*. Imran Khan called for the government to allow for *Sharia* law not just in the tribal areas and the northwest, but in the whole country.

The fact remained that none of the agreements with Taliban factions involved lasted for more than few months, and the breaking of each agreement resulted in severe bouts of violence including attacks on government installations, security forces and civilians.

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### **PML[N] – TALIBAN TALKS FAILED**

#### **An Apology:**

In Pakistan, there has been an opposite school of thought, abundantly available on media pages, which always kept the opinion, that the army should confine itself to their barracks and not beyond.

However unfortunately, the PPP's rule during 2008-13 and PML[N]'s first two years 2013-14, for instance, brought utter humiliations, disasters, uncounted killing of uniformed officials in military and police both and loss of economy, stalled development, zero foreign investment, frequent flight of capital and industries to Dubai, Bangladesh and Jakarta; utmost fear in social lives, mutilated generations and the worldly mistrust plus other vices.

Foreign policy ought to be formulated by the elected civilian government in consultation with properly trained specialists, professionals and academia but not by those political partners who sell their opinion and terror in the name of religion and sectarian hatreds.

The above statement is the core idea of democracy and its manifestations are profusely available in all democratic countries but NOT in Pakistan because two families, Zardari's and Sharif's, mostly run the countries like their family business concerns – BUT in the name of democracy.

In fact, one can see the worst form of **aristocracy, monarchy or 'bad-shahat'** – all in the name of religion, Islamic Republic and democracy.

Pakistan keeps a worst kind of aforementioned system of government coupled with hypocrisy at the highest level and of the highest order BUT the system is run in the name of Islam and democracy.

***[Pakistan is the only 'democratic country' where by constitution there cannot be elections within the political party. So the PML(N), PPP, PML(Q) and JUI etc will remain the business monarchs within their kins only.]***

***Pakistan's next PM would be Bilawal Zardari, Asifa Zardari, Maryam Sharif, Hamza Shahbaz, Moonus Elahi etc no one else from the party through merit or capability.]***

Here in Pakistan, all politicians will keep on threatening the whole nation, its superior courts, its army, and other institutions NOT to go beyond constitution but within themselves, who abides or fits in Articles 62 & 63 of the same constitution – NO ONE.

There have been no local body elections since 2008 till 2013 in the country except that in Khyber PK a year after – no political party wanted to pass on constitutional obligations downwards.

There were other constitutional requirements also; consider the whole set of fundamental rights of citizens – no government, civil or army, could seriously address even one single provision of the same constitution.

All 'uppers' would continue to build their empires through corruption and mal-practices; whole set of superior judiciary impotent but if some one talks about their sleaze in media - democracy comes in danger [***Jam-hooriat khatrey mein aa jati hai***].

#### **TALIBAN AS PAK-US PARTNERS:**

Pakistan's PM Nawaz Sharif, however, made it clear on parliament's floor that ***"terror attacks should be stopped. Terror and talks cannot go hand in hand together"***; further stating that all arms of government were on the same page to curb terrorism.

The PML[N] government had invited the TTP to talks but they did not heed their plea and continued to target security forces and civilians. The efforts, and of course hopes, had ended after a US drone strike killed their then-leader Hakimullah Mehsud in November 2013.

Later the Taliban contended that they would only talk ***'if the Pakistan army withdraws from the Pak-Afghan border areas and puts an end to US drone strikes'***. Responding to PM's speech, the PTI Chief Imran Khan reminded that the proposed peace talks should be open and transparent.

The fact remains that the Pakistan Army had already resolved to launch a forceful attack on Taliban hideouts in FATA but the high command was

waiting an appropriate moment to tell their political counterparts in black & white. Thus on 21<sup>st</sup> January 2014, when Pak-Army Chief Gen Raheel Sharif visited Combined Military Hospital [CMH] in Bannu to see his injured army personnel, the message was passed on to the PM in person.

Two days earlier, **on 19<sup>th</sup> January 2014** about 25 soldiers were martyred and more than 30 were injured when a suicide bomber collided with a military convoy in Bannu. The convoy was about to leave for Razmak town in North Waziristan when the tragedy struck as the blast occurred in one of the civilian vehicles hired for the movement of troops.

Next day, **on 20<sup>th</sup> January 2014**, about 17 people including six security personnel were killed and three school children were seriously injured in a suicide blast near R A Bazar, a market close to Pakistan's military headquarters [GHQ] in Rawalpindi. The said suicide bomb attack was triumphantly boasted by the TTP claiming *"to take revenge [after seven years?] for the Lal Masjid massacre and to continue struggle against the secular system."*

When the TTP felt that the Pak-Army had resolved to react sternly, they immediately floated a move to the PML[N] government, through its lieutenants in Pakistan's political streamline like Prof Munawwar Hasan of JI and Maulana Samiul Haq of JUI, to re-invent the peace-talks chapter to which PM Sharif immediately responded and agreed – thus the whole scenario of the Pak-Army's suffering turned into anger.

It is on media record that after Army Chief's visit to Bannu Hospital, the army didn't bother to listen the PM's plans for TTP-Talks. Gen Raheel immediately conveyed green signal for his troops to retaliate on immediate basis without waiting for PM Sharif's rhetoric passions.

The army started launching attacks where needed causing hefty losses to the Taliban. The attacks continued sometimes with the aid of Pakistan Air Force [PAF]'s air raids – and went up to 8<sup>th</sup> June 2014 when formal announcement of **Operation Zarb e Azb** was made.

The TTP answered the Pak-Army's those achievements with 16<sup>th</sup> December 2014's APS massacre slaughtering 153 students and teachers. That was the decisive moment for the Pakistani nation and the government.

**About a year later;** during the **3<sup>rd</sup> week of November 2015**, Pakistan's Army Chief Gen Raheel Sharif visited America to hold strategic talks on Afghan situation. Just days before his departure from Pakistan, Pentagon spokesman Captain Jeff Davis surprised the whole world by making an official confirmation that:

***"We view the Taliban as ...an important partner in a peaceful Afghan-led reconciliation process. We are not actively targeting the Taliban."***

Since about four years the US had been trying to hold negotiations with Taliban; once they were nearly close to sit on the table in Qatar where the US had made out an office also. The talks, however, could not be substantiated because the US administration could not manage to get release of a Taliban leader from Guantanamo Bay Detention Centre.

*[The Taliban had made it as a pre-condition to bring their old companion, a minister in Taliban's government over Afghanistan during end 1990s, on the table.]*

Now, after President Obama's hilarious loud voices of '**DO MORE**' urging Pakistan to crush Taliban, the American stance was suddenly changed.

Referring to '**the News**' dated **17<sup>th</sup> November 2015**; the Americans had been trying for peace talks with the Taliban since 2012. Recall President Bush had said in September 2004:

***"...as a result of the US military, the Taliban no longer is in existence. And the people of Afghanistan are now free."***

***"In Afghanistan, America and our allies, with a historically small force and a brilliant strategy, defeated the Taliban in just a few short weeks."***

After more than 14 years of defeat and humiliation at the hands of the same Taliban, the Americans were back to square one. The change in their position regarding the Taliban so drastically articulated that America had suffered the worst defeat in its history – more than Iraq and Vietnam. One never knows when the Americans would come out on streets with the demand of public hangings for Presidents Bush and Obama.

The quick response from the Pentagon appeared after the battle of Kunduz which led to the downfall of the city **on 28<sup>th</sup> September 2015**; though the city was re-taken by the joint venture of the US and Afghan forces after few days but the world media noted that to counter the Taliban force of 500, the Afghan government had to deploy more than 7,000 troops.

The question arises that if the Pentagon's above statement was based on serious thoughts then why were the Americans helping Afghan government

to take back Kunduz; Pakistan could get alert with such gimmicks. One could recall the US intervention in 2001; it was a disaster for Pakistan because it pushed the Taliban onto their side of the border.

Pakistan had sided with the Americans – the Taliban promptly declared war on Pakistan and quickly turned it into the world's biggest terrorist battlefield; forgetting their actual enemy, the America.

Till Gen Raheel Sharif's resolve the situation continued as such but the danger existed. Afghanistan was still unsettled and thus the Taliban continued to roar around. The Taliban fought the US invasion for 14 years so how could they surrender at the point of near victory – so no conciliation; no concession – they were aimed to take Kabul again. The US later accepted them as a party to negotiate settlement.

The history was on Afghan Taliban side then. They suffered but resisted – that was why they were taken seriously; the Afghan situation was going to settle according to its own dynamics. Pakistan was not able to afford taking either side in Afghanistan; it could amount to feeding more Afghan prejudices amongst the unruly groups there on the helm of affairs.

Initially, the US wanted permanent presence of American troops to have a strong grip over Eurasia region. But after the exceptional surge in militancy the plan changed and they included the Taliban as a small stakeholder in Afghanistan. For this the Americans allowed the Taliban to set up an official office in Qatar, took them off the list of terrorist organisations, released several high-profile prisoners and involved Pakistan for support.

But the Taliban were adamant for Americans to leave Afghanistan and for Hamid Karzai to be removed from power and the Taliban to be given control of the '**Afghan Emirate**' as was before Nine Eleven 2011. This was too much for the Americans to concede for obvious reasons.

The change in Kabul regime and in leadership of the Taliban were serious factors supporting the revised US plan. President Ashraf Ghani was more open to negotiations with the Taliban as compared to his predecessor Hamid Karzai. The Taliban's new leader Mullah Akhter Mansour had also shown more flexibility on the option of dialogue though several Taliban leaders were still challenging his leadership.

*[The Americans had to leave because their official combat mission had already ended **on 28<sup>th</sup> December 2014.**]*

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The situation was ripe for Taliban-Afghan-US negotiations. The fall of Kunduz consolidated the leadership of Mullah Mansour; it convinced many voices in the Afghan regime for additional compensations to the Taliban. The Kunduz incident was yet another harsh display of surge in militancy by the Taliban; though it provided strong justification for continued US presence in Afghanistan.

The result appeared soon; after the fall of Kunduz, President Obama announced that US forces would stay in Afghanistan till 2017. There was another important stakeholder in all this game – Pakistan; the three partners were not able to enter into negotiations without Pakistan. Even though Pakistan was not directly a party in negotiation process, it could lay influence over the Taliban through the tribal belt at Pak-Afghan borders.

It was fortunate for the US and the Kabul regime that Pakistan was actively pushing the Afghan Taliban for peace talks. Not only this, Pakistan had launched several military operations in its two Waziristan agencies. Pakistan had done all this even though this had caused serious repercussions at home, especially in Karachi city.

The things started moving in the right direction for the US and the key player was Mullah Mansour; he had apparently consolidated his control over the Taliban. Mullah was ready to accept power-sharing with Ashraf Ghani and the presence of some US troops and bases. Afghan journalist Raza Wazir rightly pointed out:

*"The key issue: the Taliban were maintaining the unity of their rank and file. For years, the ground fighters have waged war under the banner of jihad, which is why it is now difficult for them to talk with the puppet Afghan government."*

It required a fundamental shift in 14-year policy of war; that was a tough venture. The US could not succeed despite its best efforts through various corners. In the meantime, Qatar government asked the Taliban to shun their activities and their office was closed. After a few months, Mullah Akhtar Mansour was targeted in a drone attack in Pakistani Balochistan – that was a disastrous and tragic death of the whole movement; most things came to stand still.

**PAK-POLITICIANS IN INDIAN BASKET:**



See an article written by Dr Shahid Qureshi, titled as **'The Pakistani politicians in Indian Basket'** which appeared in **The London Post** dated **11<sup>th</sup> May 2015** – but it describes mostly the events of year 2014.

The article is placed below *verbatim* – with no cuts or comments.

"Pakistan is the only country in the world whose rulers have their businesses, assets, wealth, children and grandchildren outside Pakistan in the hands of people who can twist their arms and neck at any time to get what they want. A security analyst told me that:

*'Pakistani agencies have so much evidence of involvement of these politicians in anti-state activities and compromising national interests of Pakistan that they can be hanged within no time.'*

In greed of wealth and power these people have been reckless and have harmed national state. Why not?

Some leaders including ANP and Sindhi nationalist have been taking money from India allegedly to keep national importance project of 'Kala Bagh Dam' controversial. Others from MQM-A and PPP have caused losses of trillions to Pakistan by striking in Karachi, creating law and order situations for years and followed the Indian plan of **'keep Karachi and Pakistan bleeding'**.

The arrests of many MQM-A terrorists in Karachi and other places who admitted receiving terrorist trainings in Indian military camps left no doubts that politicians are complicit in this terrorism against Pakistan. MQM-A, Pervez Musharraf and Asif Zardari have killed thousands of Pakistanis in Karachi in the name of re-conciliation and NRO.

*'Pakistani security agencies have tons of evidence of wheeling and dealings of some important national politicians with India and other anti-Pakistan states'* said a security analyst.

Pakistani politicians not only believe but also prove with their actions that Pakistan Army is hurdle between friendships with India. Some reportedly ask Indians for assessment report on Pakistan army. For example audiotapes of conversations from China between Gen Pervez Musharraf, then Pakistan army chief in 1999, and Gen Aziz Khan was provided by the Indian High Commissioner in Pakistan to Prime Minister Nawaz Sahrif. After the Mumbai attacks it was Nawaz Sharif who confirmed the identity of Ajmal Kassar as Pakistani citizen.

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Up till now Zardari regime and current Nawaz Sharif government did not ask a single question to the Indians about the involvement of US agent David William Hadley aka Dawood Gillani in the Mumbai terrorist attacks whom USA refused access to the Indian Home Ministry for questioning.

After Mumbai terrorist attacks Prime Minister Gilani told Indian Prime Minister Manmohan Singh that he would be sending Pakistani ISI Chief Gen Shuja Pasha to India to assist in investigations. What kind of mindset it is?

Memo scandal fame president Asif Zardari said: "*Indian Air Force Jets entered in Pakistan air space due to technical fault.*"

[In fact] The plan was to bomb few sites in Azad Kashmir after the Mumbai attacks to cool down the India public. A Pakistan Air Force expert, however, told me that we could see Indian jets from 300 miles inside Indian air space and our fighter jets were ready to counter any breach into our air space. So much so PAF jets locked the missiles on Indian jets and showed the photos of locked Indian jets to the visiting US General to GHQ in Pakistan with the warning '**next time we will shoot them**'. Indians were trying to copy USA off course.

The recent speeches in India of Memo scandal character Hussain Haqqani advisor to President Asif Zardari leaves no doubts in any sane mind that **Pakistani politicians not only corrupt but also treacherous too**. Nawaz Sharif's government's defence minister Khawaja Asif maligned Pakistan Army in his speech in the Parliament.

Information minister Pervez Rashid fully supported malicious over 8 hours GEO TV campaign against ISI and its Chief General Zahir ul Islam, '**we support the people with argument and not the with guns**'. These toxic characters cannot survive in their positions with the full support of Nawaz Sharif and his mind-set.

His [PM Nawaz Sharif's] sons Hassan Nawaz and Hussain Nawaz were writing letters to George Fernandez the Indian Defence Minister for assistance after his removal in October 1999 by General Pervez Musharraf.

That is why when Altaf Hussain of MQM openly sought the assistance from notorious Indian Agency RAW (Research and Analysis Wing) against Pakistan, Nawaz Sharif government kept quiet. It means when politicians break the national laws they can forgive each other no matter how damaging it is to the state?

In his previous tenures Nawaz Sharif fancied Ambanis and this time his dealings with Indian business magnets Jindals and Mittals raising many questions. His finance minister Ishaq Dar, father in law of his daughter, is very instrumental in these deals.

A senior journalist in London Wajahat Ali Khan reported that:

***"....in May 2014 tour to UK Nawaz Sharif, his brother Shabaz Sharif and Ishaq Dar met with Indian business iron magnet Lakshmi Mittal late night while former Prime Minister Shaukat Aziz advisor to Mittal also present."***

Nawaz Shaif took his son to the official visit to India and also met with the Indian businessmen including Jindal's. He however refused to meet with Kashmiri leadership of Indian occupied Kashmir. Nawaz Sharif's photo below with Jindal family was published in Indian media in 2014.

[PHOTO]

**On 23rd May 2104**, Indian journalist Pravin Mishra wrote an interesting article - **This is why Modi has sent an invitation to Nawaz Sharif:**

*"After spewing continuous venom against Pakistan all these years and during the run up to the general elections 2014, Narendra Modi sent an invite to Pakistan PM for his swearing-in ceremony. The real reason is not peace, but Adani."*

Adani Power wants Narendra Modi Government's nod for export of electricity to Pakistan, reports Financial Express. Adani Power is planning to set up a 10,000-MW thermal power plant in the Kutch region and the bulk of the electricity to be produced from it is likely to be exported to Pakistan. The company, a part of the \$8.7-billion Adani Group, is country's leading private sector thermal power producer with a current capacity of 8,520 MW.

BJP's PM candidate Mr Modi made hate speeches against the Pak regime headed by PM Nawaz Sharif for the "biggest insult to India" quoting the "**dehati aurat**" remarks and had warned that:

*".....the country will not tolerate this. The Indian journalists who were eating sweets served by Nawaz Sharif while he was insulting our country's PM by using slangs, the country expected them to kick the sweets. They are answerable to my countrymen as country also has self-respect and dignity."*

Talking about his analysis of Narendra Modi's stand on Pakistan, after interviewing Modi, **Times Now** editor-in-chief Mr Arnab Goswami said:

*"On Pakistan, Narendra Modi was extremely clear. He has made an on-record statement that there shall be no talks if terror continues. In the past, there was talk that he was taking a middle path and could have been softening his stand.*

*However, in his interview with **Times Now**, he was extremely clear about his stand. As I said, it was an on-record statement and this according to me will be a significant departure from the UPA's stand on Pakistan."*

Criticizing the government for having talks with those who behead Indian soldiers, Modi in an interview with Arnab Goswami had stated, **"Bomb, bandook or pistol ki aawaz mein baatein sunai de sakti hai kya?"**

Now that Mr Modi has got majority in the elections, there's a complete u-turn in his stand and nobody is talking about the real reasons.

Adani Power has discussed the proposal of the Kutch project with the UPA-II government, but there was not much progress. The company hopes to implement the proposal during the incoming NDA regime as a coal-based project in phases beginning with 3,300 MW and ramp it up to 10,000 MW within the next five years, he said.

While the initial investment would be around Rs 13,000 crore, [*CRORE is equivalent to 10 million*] for ramping up the capacity to 10,000 MW a total of Rs 40,000 crore would be required, according to the source. The project is likely to be implemented by Kutch Power Generation Company Limited (KPGCL), a Adani Power subsidiary. The company is learnt to have acquired land at Bhadreswar in Kutch for the project.

Adani Power has reported a net profit of Rs 2,529 crore for the fourth quarter ended March 31, 2014, against a net loss of Rs 585.52 crore in the corresponding quarter in the previous fiscal. According to a company statement, its consolidated EBIDTA has risen to Rs 4859 crore in FY14, which is an increase of 322 per cent.

Last week the Directorate of Revenue Intelligence had slapped a Rs 5,500-crore show cause notice on the Adani Group for alleged over-valuation of capital equipment imports. Also last week the firm announced purchase of the Dhamra Port in Orissa.

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Everything Mr Modi says is to pamper the emotions of his vote bank. Everything Mr Modi does is to benefit the corporations and help them loot our nation's natural resources. No wonder, Mukesh Ambani has added \$6 billion to his fortune since September 13, 2013 when Narendra Modi was named BJP's PM candidate, reports Bloomberg.

The wealth of Gautam Adani quadrupled to \$7.6 billion, from \$1.9 billion in September 13. That's over \$25 million per day in a nation where some 800 million people live on less than \$2. True, good days have actually arrived for some. Nation's much hyped 'lost self-respect' may rest till the next elections. Read More At: <http://www.truthofgujarat.com>

The fact of the matter is Pakistan needs to put its house in order. The businesses, assets and wealth of Pakistani politicians and elite abroad have become a number one security threat. By hiding corruption money abroad Pakistani politicians have given their necks and hands into the hands of foreign states.

I told BBC world news that '**Pakistan's number one problem is TREACHERY**'.

(Dr Shahid Qureshi senior analyst of BBC and journalist based in London)

**ANOTHER BETRAYAL:**

Leaving the topic in between [*yeh kahani phir sahi...*] – let us move forward. After American attack on Salala check post on **26<sup>th</sup> November 2011**, there was uproar throughout the country.

The US Defence Department officially declared that Pakistan refused to be part of a joint investigation into that NATO attack on Pakistani check post of Mohmand Agency in tribal area. The decision was one of the several Pakistan's military and civil authorities taken in its protest against the said attack in which **24 army personnel including one major and one captain of the Pak-Army were killed.**

The Press Secretary US Defence, George Little, confirmed it in his 29<sup>th</sup> November 2011's briefing to the media. Pakistan's Director General Military Operations [DGMO] Maj Gen Ashfaq Nadeem had already ruled out the possibility of a joint probe, saying that earlier joint investigations carried out for similar attacks were unable to produce any results.

Meanwhile, the Pakistani parliament held a joint session to discuss the attack and the Senate passed a **unanimous resolution** to condemn the attacks. The cogent question was that would the Senate's resolution and the parliament's impending joint session be able to form a concrete strategy against such attacks in future? And if formed, would such a strategy be followed by the country's military and civil elites?

Referring to media reports of **14<sup>th</sup> April 2012**, a unanimous adoption of the revised recommendations of the **Parliamentary Committee on National Security** [PCNS] was a civilian approach to Pakistan's foreign policy but very little was different to what went before. Details were:

- The NATO convoys were allowed but without arms and ammunition; [*which was never there anyway – and even otherwise which Pakistan's security person would dare or be permitted to peep into the NATO containers*].
- 
- Pakistan would seek (note 'seek' and not 'demand') a cessation of the drone strikes. [*Hillary Clinton had made crystal clear just a week before that 'America will continue its drone strikes whether we seek their cessation or not'*].
- 
- There would be no foreign bases on Pakistani soil; [*though since the closure of the 'so called secret' Shamsi airbase in Balochistan the Americans never demanded any such facility*].
- 
- Contractors or operatives would not be allowed; [*meaning thereby that the Americans should go more careful about covert operatives not to repeat Raymond Davis episodes again*].
- 
- Strict monitoring of all goods in transit at entry and exit points would be launched for tax and transit fees [*but Pakistani tax collecting teams are known world over for their bargain skills*].
- 
- Pakistan would seek (but again not demand) an apology for the Salala incident which triggered this wave of tension; [*it was already settled that America would offer a regret to restore our national pride and dignity – but even that was not done*].
- 
- New protocols would be adopted [*but actually it was an update of then existing Standard Operating Procedures*].
- 
- Hot pursuit would not be permitted for Americans [*but on rare occasions would be tolerated or ignored as before*].

- 
- There would be no more unwritten and secret agreements, between Pakistan and America; [*it looks good on paper but could safely be ignored by either side at their convenience*].
- 
- The oil and gas pipeline projects with Iran and Turkmenistan would be actively pursued and we would continue a **results-oriented dialogue with India**. [*It was not at all related with American role in War on Terror.*]

The intelligentsia and media analysts concluded that: '**....it was an impressive wish-list and a cautious statement of intent, but hardly a policy document and the nature of our relationship with the US remains a work in progress.**'

#### **PM's PEACE TALKS WITH TALIBAN:**

May be just a coincidence; that after taking over the government by the PML[N] in May 2013, the Pak-Army could not move for military action in Waziristan because of an announcement of Taliban's office in Doha, Qatar; and the Americans welcoming that development.

It was not the case that the Pak-Army was about to launch any operation – no way; Gen Kayani was simply watching the videos of slaughtering by Talibans; losing more officers and men to Taliban ambushes, six of Pakistani soldiers were killed in an ambush **on 19<sup>th</sup> June 2013** but not moving a bit any corner – unbecoming attitude of a Pakistani General.

As the Americans engaged, however fruitlessly, with the Taliban in Doha, Gen Kayani got another excuse; no military action in North Waziristan, he conveyed the message. He played around with the status quo in that embattled region – Taliban availed more time thus more chances to hit the Pakistan and its army.

Pakistan's political elite and its Army - both confused; Taliban were able to muster virtual American diplomatic recognition via Doha. A triumph for Mullah Omar and could be a problem for Pakistan, because Mullah Omar's resurgent emirate, waiting patiently for the Americans to depart, was extending into Pakistan – Hakeemullah Mehsud was there as Mulla Omar's envoy and commander.

With the American invasion of Afghanistan, Pakistan's control over its tribal areas had gone weakened. History reversed itself; Pak-Army's geniuses under Gen Zia sought strategic depth in Afghanistan in 1980s; but later in post 2001, the Taliban and Al-Qaeda availed more drastic strategic depth in Pakistan, may not be admitted by some.

The Americans were opening talks with the Taliban not to get their arms laid down, **but as a face-saving exercise**. They wanted to exit Afghanistan with less humiliation; they were asking Taliban to make their departure easier - it was written on the wall. Hamid Karzai was smarter – he kept quiet and continued to receive Dollar bags as before.

Karzai knew the outcome of Doha talks well. Pakistan was used like tissue paper once again – the first time under Gen Zia, the second time through Gen Musharraf – still kept itself in claiming 'stakeholders' in the Afghan game. Though remained confined to the level of picking up its about 45000 dead bodies repeating the same time beaten slogan **'that the US is our ally'** – nothing beyond.

The new incumbent, PM Nawaz Sharif, was mad for talks with the Taliban. The new Interior Minister Ch Nisar Ali Khan started laughing at the intelligence agencies' reports in Balochistan and FATA but kept mum about the Taliban. The *Lashkar e Jhangvi* [LeJ] had openly claimed responsibility for murdering hundreds of Hazara Shiite but the interior minister was heading for a conference on Balochistan – no crackdown over the killers; what origin the actors belonged – LeJ, local terrorists or the TTP.

**Imran Khan was also the leading champion of talks with the Taliban.**

And as if all this was not enough, Mahmood Khan Achakzai, to great applause in the media, agitated the National Assembly that **'the army should get out of the tribal areas'**.

As things were, the Pak-Army itself had little appetite for an operation in North Waziristan. The foreign media had commented that **'...Gen Kayani is now a lame-duck, his extended term about to expire this autumn'** – painful for the whole Pakistani nation.

Referring to **Ayaz Amir's** essay in **'the News' dated 21<sup>st</sup> June 2013**:

*'...what was the nature of talks Pakistan's political elite was aiming at with Taliban.*



*The talks are either between the victor and the vanquished, in which case the victor lays down terms and the vanquished has little choice but to accept them; or talks are between equals (or near-equals), in which case there is give-and-take.*

*....what idea of talks is there in the minds of the peace lobby?  
.....Pakistan was not the victor in this conflict.*

*Pakistan was in no position to dictate terms; that Hakeemullah Mehsud was not about to come down from the hills and surrender; and the Taliban were not about to lay down their arms. So what then will we be discussing?'*

Hats off to such Pakistani patriots – so ingenuous and timely prophecy it was made which came true just within a year – the political and the then military elite had no acumen to see which was **'written on the wall'**.

At the end same like terrorism and suicide attacks rather more vigorously.... as had been before. Pakistan wanted to give the TTP time to consolidate their plans at the cost of its own sovereignty and more loss of lives. TTP wanted to implement their own Islamic notions – were the newly PML[N] government ready to accept that.

If not, then why a **panel of Imran Khan, Nisar Ali, Achakzai and Fazlur Rehman was made** for negotiations; the chance of passing the kick, and not taking responsibility. More fascinatingly, *PM Nawaz Sharif wanted the Taliban to make assessment of those leaders' real worth.* What calibre that leadership held; any culprit for Quetta killings or Karachi *bori-band* bodies or Shabqadr Police Station attacks or responsible for Bannu Jail breaking were held and hanged – no way.

Soon after the first austerity budget of June 2013, all 33 ministerial chambers in the Parliament were redecorated with new two-ton air conditioners, new LCD TV sets, fresh flooring, redone bathrooms, all on an emergency basis, an example of austerity the nation could be proud of – and Rs:39 million given as rewards to Ministry of Finance officials for their **'night awakenings to devise that nice budget'**.

About two months later, in his Eid greetings to the Afghan people, **Amirul Momineen Mullah Omar** desired his companions that:

*".....to respect the rights of others in Afghanistan, and creating an **inclusive government** after foreign troops withdraw next year.*

*The Taliban will keep fighting the forces of occupation but they are [the US] also ready to enter into peace talks.*

*Modern education is a fundamental need of every society in the present time."*

What the Taliban lacked was flexibility and the capacity for shrewd judgement; but then seen learning diplomacy and even statesmanship. Good for them and good for Afghanistan, but in Pakistan's Northwest Territories still it was an extension of the Afghan jihad.

*[The fact remained that Al-Qaeda and the Taliban were never one - the US attack brought them closer. However, there were Taliban leaders who were unhappy with the burden Bin Laden was placing on them and on Afghanistan.]*

Leave Mulla Omar aside; a new generation of young Taliban leaders cropped up in Afghanistan and Pakistan separately. Usman, an ex-medical orderly, who led the attack on GHQ Rawalpindi; Adnan Rasheed, the junior tech from the PAF, an explosives expert in the attempt on Gen Musharraf's life, then was freed from Bannu jail, and they lead the D I Khan jailbreak, to name only these two, represented a new dedicated cadre whose aim was the overthrow of the existing order in Pakistan – in what shape it was.

A cogent fact; that had Pakistan a vibrant and vigorous state through any government during the last decade, this phenomenon could have been curbed in the bud. Radical fringes in other societies had been taken care of through stern actions – the Baader-Meinhof gang, the Red Brigades, even wider insurgencies as in Algeria had been crushed by the military.

However, Pakistan was different. The Pakistani political elites were not only corrupt, they were also demoralised; coward enough to take hard decisions. See the past; GHQ, Kamra Aero-Complex and Karachi Naval Base under attacks, the Taliban holding wide swathes of FATA – Pakistan civil and military command went immensely impotent.

A large country with almost 200 million heads – one of the world's biggest armies, 7<sup>th</sup> nuclear power to boot, no end of tall talk, but no guts at all, not even the right words, how to meet the challenges on the horizon. Most leadership talked Islam but engendered top hypocrisy nothing beyond.

Some pseudo-political figures like Zardaris and Farooquis, real-estate tycoons like Malik Riaz, cement magnates and bank owners like Manshas, always kept the Pakistani governments in their pockets.

**OPEN LETTER TO HAKIMULLA MEHSUD:**

What were the short comings of the then political and military elite, can be judged better from an **open letter** addressed to the then TTP's Chief Hakimullah Mesud, written by a known contributor **Ayaz Amir**, published in the print media on **28<sup>th</sup> June 2013**. Every respectable Pakistani could feel the pinch and punches enumerated in soft words but pointing towards the '**compromised helplessness and cowardice**' of the then rulers. The verbatim version is here:

*"Respected Amir Sahib, we have no quarrel with you. The areas under your command, where the righteous flag of the Taliban flies, we ceded control of a long time ago, and we have learned to live with the outcome. Our watchword, as you would not have failed to notice, is peaceful coexistence...live and let live. So why should we be targeted? We don't want war – we only want to be left alone.*

*Consider the following: even though American drones hit targets in the areas under your control, where our sovereignty is little more than fiction, our molten anger is still directed at hated Americans.*

*The Lashkar-e-Jhangvi (your partners in strategy) may carry out daring strikes in Quetta and claim responsibility for the same; foreign trekkers may be gunned down in the shadow of the **Nanga Parbat in remote Baltistan** (putting paid to the notion of tourism in those parts); terror strikes may take place almost every day in KPK; a justice of the high court may be targeted in Karachi in day light, but do we ever, God forbid, take your name or (blasphemous thought) criticise the forces under your command fighting for the greater glory of Islam?*

*We continue to insist that drone strikes are the root cause of the problem. What further proof is needed of our friendly neutrality? Yet your anger is directed at us. **Do you have a greater sympathiser than Imran Khan? Yet two of his MPs in KPK were killed [and Khan remained silent].** This approach, Amir Sahib, needs to be reconsidered.*

*There can be no two opinions of your **superior strategy, sparing Punjab** while turning much of your wrath at the other provinces. This is the indirect approach at its best, hacking away at the limbs which are an easier target, and lulling Punjab, the country's heartland, into a false sense of security.*

*Your reach now extends up to Karachi where in Sohrab Goth and other localities on the northern fringes of the city your presence is by now formidable.*

*So things are moving your way as it is. And the Americans will have moved out of Afghanistan with bag and baggage, by next year except for a token presence for face-saving purposes. And look at the positive changes wrought in Pakistan, a Taliban friendly government in Peshawar, and a Taliban sympathetic government in Islamabad which may blow hot and cold on terrorism but you know, as much as we do, that it will keep speaking in a roundabout manner, a skill it has honed to perfection, without coming to the point.*

*After every hit from your side, **Imran Khan will stay say that it is all the fault of the drones; and Nawaz Sharif will say we must talk to the Taliban.** A situation more favourable to your cause would be hard to imagine. Doesn't this call for some reciprocity, a let-up in the attacks which have rocked the rest of the country, apart of course from the sacred land of the five rivers?*

*We are not asking for the moon, just for equal treatment. Shahbaz Sharif entered the storybooks with his celebrated remarks that since the **PML-N and the Taliban shared the same philosophy** – reverence for Islam – Punjab should not be targeted.*

*And for the last three years or more Punjab was spared, a factor that played no small part in the PML-N's sweeping Punjab victory in the recent polls. What if Lahore had been racked by violence the way, say, Peshawar was? The polls then might have had a different tale to tell. Be that as it may, with the strategic winds blowing in your favour, and the Pakistani state having lost whatever appetite it may have had for hard decisions, all we ask for is a respite.*

*In this respite, trust us, **we'll call an all-parties conference**, something at which we've become rather good over the years. When in doubt or beset by nameless fears, summon all the usual suspects, bearded and non-bearded, ghazis of the spoken*

*word...for some of the most energy-sapping exercises in rhetoric known to the planet.*

*We have learned some funny phrases along the way: **'we must all be on the same page'; 'all stakeholders must be taken into confidence'**. The comedy goes on and the 'stakeholders', God bless them, also go on and on, spinning more and more generalities, empty phrase - mongering with not much in it – **if the Americans can talk to the Taliban, why not us?...and more on the same lines**. The Americans are negotiating a withdrawal. Do we also want to negotiate a withdrawal?*

*So, mighty Amir Sahib, have no fear that we should be asking you to surrender or that before entering into talks you should be put to the necessity of laying down your arms. We are not foolhardy enough to insist on conditions we have no means of enforcing and you, as the entire history of your movement testifies, are not ones to fall for pious declarations.*

*Your aims are clear: the acceptance of your sovereignty over the areas under your control. And we would probably end up asking for – here it comes again – a respite: let us be...even as Pakistan's elite classes transfer their assets abroad, most of our leading politicians and businessmen having done so already, and the chattering classes go on doing what comes best to them, pulling long faces and dissecting the country's woes over their well-watered glasses.*

*We should be taking a closer look at history: Russia on the eve of revolution in 1917; Weimar Germany before Hitler's rise to power; the defeatist mood in France on the eve of the Second World War. Why go so far? Why not recall Dhaka prior to the army crackdown in March 1971? What was plain to others seemed not so to us.*

*Countries in adversity, countries caught up in war...there's nothing strange about that. But countries where spirit and resolve dissipate...that's a different thing. In which category does the Pakistani malaise fall? Danger written on the wall, etched across the skies, probably branded on our souls, but we refuse to acknowledge it.*

*No matter how the Taliban problem arose, no matter to what extent the Americans are responsible for aggravating it, these abstractions no longer matter. The challenge is ours to face, the United Nations or the Salvation Army not coming to our assistance. But we are lost in other things [sorry].*

*Respected Amir, be happy therefore at our sense of priorities. Even as you are clear about your aims, don't you marvel at the way we run about in different directions, sometimes after Musharraf and Article 6, sometimes after skeletons rattling in our ancient closets?*

*But then it is unreasonable to assume that you will help us attain clarity. **The more confused we are the easier your task.** But to ask a last favour, could you shed some light on the mixture of hope and fear lurking in our hearts?*

***Your sympathisers amongst us – Imran Khan, Chaudhry Nisar, maulanas of various ilks and brands – tell us that once the Americans are gone the threat you pose will automatically disappear.***

*Far-seeing Amir, on this crucial point will you enlighten a troubled nation?*

*Yours – Ayaz Amir*

## Scenario 178

### **OPERATION ZARB e AZB [2014]**

#### **NATIONAL SECURITY POLICY [2013]:**

Resolutions of joint sessions of the parliament and the decisions of All Parties Conferences [APCs] were abundantly available on books and office registers but never acted upon by any regime. The minutes were recorded for media discussions and just to make fool of the poor populace.

In the previous resolutions, the PML[N] was fully represented by its top leadership. Each time a consensus of the national leadership was achieved to deal with terrorism and drones. Nawaz Sharif had earlier re-marked, on PPP's APC on **29<sup>th</sup> September 2011** that:

*"We will have to implement the resolutions unanimously adopted by the parliament to effectively counter the menace of terrorism. Had the previous resolutions of joint sessions of parliament been honoured and implemented, no APC was needed at all."*

Albeit; another APC, with similar recommendations and resolve, was there to mince the same words by all political parties – another total betrayal for the nation. The salient points to be noted were:

- *The Federal government was asked to open [or continue] **dialogue with insurgents and terrorists and Taliban** in the Tribal Areas of Pakistan especially the North Waziristan.*
- 
- *The Balochistan government was asked to open dialogue with Baloch dissidents and rebellious factions even sitting abroad.*
- 
- *The government was asked to move the UN to bring an end to drone attacks – without taking the Pak-Army into confidence.*
- 
- ***No party leader suggested that to tackle the menace of terrorism, civil summary courts be raised with enhanced powers and amended court procedures.***
-

- ***Traditional criminal procedures and penal code [nearly 165 years old] regarding warrants, arrests, searches, police custody, confessions before the magistrates and of admissibility of evidence be changed in the Parliament which required only simple majority.***

Rather the September 2011's APC had an additional clause that 'a parliamentary committee will be constituted to oversee the implementation of earlier resolutions as well as the APC's resolution and progress on the same would be made public on a monthly basis'; but all ..... ***tain tain phish.***

***Then two years later,*** it was the morning hours of **9<sup>th</sup> September 2013**, when the leadership of various political parties attended All-Party Conference [APC] at Prime Minister's House Islamabad with the aim to devise a joint strategy for lasting peace to the country and tranquillity to the nation. The moot was primarily meant to approve the blueprint of National Security Policy and to seek inputs from all the stakeholders about holding dialogue with Taliban to bring an end to the menace of extremism.

Imran Khan, before entering the APC moot, told the media men that his party would be going in the conference with a four-point agenda. ***He was of the view that dialogue with Taliban was the only solution to peace in the troubled areas.***

All the major political parties were extended invitation to APC, some parties having one-man representation in the National Assembly were left out; Sh Rasheed of *Awami* Muslim League was mainly affected while PML[Zia] Chief Ejazul Haq was also ignored. PPP's top leader Makhdoom Amin Faheem was also ignored and PPP's parliamentary leader Khurshid Shah was invited to the conference.

Astonishingly, the heads of other groups that had one-man representation in the Parliament, such as Aftab Ahmad Khan Sherpao, Mahmood Khan Achakzai and Awami National Party, were extended the invitation. PML[Q]'s Chief Ch Shujaat Hussain attended the APC and had postponed his scheduled visit to Kabul.

Prime Minister Nawaz Sharif addressed the members – followed by a detailed briefing on terrorism and various options to deal with this curse that had acquired monstrous dimensions in Pakistan. Chief of the Army Staff, Gen Kayani and DG ISI Gen Zaheerul Islam also attended.

Chief of Army Staff Gen Kayani was the third keynote speaker. After that the floor was opened to the political leadership to express their views, float suggestions or put questions to the military leadership about the options to



deal with the then prevailing lawlessness. It had already been declared that it would be an in-camera moot to frame a joint resolution.

The APC discussed whether the government should opt for talks with the Taliban. A comprehensive debate was there over the question of dialogue with the Taliban and the option of targeted operation in Karachi. Comprehensive briefings by the ISI, Intelligence Bureau and other security agencies were also available to the participants - rigorous measures were needed across the board to restore stability and order.

The APC noted with concern that the situation had been continuously deteriorating over the last several years and past efforts to control terrorist and extremist elements could not yield the desired results. All members were perturbed to note the continued non-implementation of the important recommendations relating to national security contained in:

- *The Declaration of All-Parties Conference organized by the JUI(F) on 28<sup>th</sup> February 2013.*
- 
- *The Joint Declaration of the All Parties Conference for Peace convened by the ANP on 14<sup>th</sup> February 2013.*
- 
- *Resolution adapting the Guidelines framed by the PCNS passed by the Joint Sitting of Parliament on 12<sup>th</sup> April 2012.*
- 
- *The Resolution of the conference of the leaders of all political parties convened by PM Gilani on 29<sup>th</sup> September 2011.*
- 
- *The Resolution adopted by the Joint Sitting of Parliament in session on 14<sup>th</sup> May 2011.*
- 
- *The Consensus Resolution passed by the in-camera Joint Sitting of Parliament on 22<sup>nd</sup> October 2008 and recommendations of the Parliamentary Committee on National Security in April 2009.*

It was noted that all participants were fully conscious of their responsibility as chosen representatives of the people at that critical juncture. They all were also aware of the aspirations of the people of Pakistan for the fulfilment of the promises made by the nation's Founding Fathers for establishment of a sovereign state, secure in its boundaries and determined to promote "**friendship with all and enmity towards none**".

Having deliberated over the issues at length and in depth, they unanimously resolved [in fact repeated the same academic phrases with which they have been fooling the whole nation since five decades] that:

- *The sovereignty and territorial integrity of Pakistan are paramount and must be safe-guarded at all costs.*
- *We reaffirm our complete trust and confidence in our valiant Armed Forces and assure them of our full solidarity and support in overcoming any challenge to our national security or threat to our national interests;*
- *Thousands of precious lives of innocent men, women and children and defence & security personnel have been lost in the war and the illegal and immoral drone attacks and the blow-back from actions of NATO / ISAF forces in Afghanistan. There have also been colossal damages to social and physical infrastructure, huge financial losses and adverse effects on our economy.*
- *We call upon the Federal and Provincial Governments to provide all possible assistance for the rehabilitation of these families and other victims of terrorism, including internally displaced persons.*
- *We have noted with concern the continued use of drone attacks by the US; it is not only a continued violation of our territorial integrity but also detrimental to our resolve and efforts of eliminating extremism and terrorism from our country. The Federal Government should take the drone issue to the United Nation.*
- *We declare that we shall ourselves determine the means and mode of fighting this war in our national interest and shall not be guided by the US or any other country in this regard.*
- *In the APC of September 2011, it was declared that "**Give peace a chance**" would be the guiding central principle henceforth and that dialogue be initiated with our own people in the Tribal Areas. The APCs in February 2013 reiterated that attaining peace through dialogue should be the first priority.*
- *We have noted with grave concern the continued threat to life, property and business in the city of Karachi. While expressing our solidarity with the people of Karachi, we urge the Provincial and Federal Governments to make sustained and concerted efforts with*

*complete impartiality and dedication for bringing Karachi back to its assigned glory and lights.*

- 
- *We are cognizant of the troubled situation in the Province of Balochistan. This meeting authorizes the Provincial Government of Balochistan to initiate the dialogue with all estranged Baloch elements inside and outside of the country to bring them back to national mainstream.*
- 
- *We urge the Federal Government to make all efforts for bringing peace to Afghanistan by continuous and sustained engagement with the government and people of Afghanistan; and*
- 
- *We repose full confidence in efforts of the Prime Minister and call upon the Federal Government to initiate dialogue with all stakeholders forthwith. Guiding principles should include respect for local customs and traditions, values and religious beliefs and the creation of an environment which brings peace to the region.*

**On 19<sup>th</sup> December 2013;** Prime Minister of Pakistan Nawaz Sharif chaired a meeting over the implementation of the decisions made by the Cabinet Committee on National Security [CCNS]. The meeting was attended by the new Chief of Army Staff Gen Raheel Sharif also. Interior Minister Ch Nisar Ali Khan, CJCS Gen Rashad Mahmood and DG ISI Lt Gen Zaheerul Islam were also present.

The PML[N]'s spokesman had briefed to the media that PTI's Imran Khan, JI's Munawar Hasan and PML[N] had played a key role in changing a pro-US draft of the PPP's resolution, however, without implementing that draft, the PML[N] government moved ahead with another resolution.

Meanwhile, the IG Police Punjab confirmed that majority of the Taliban leadership operated from different cities of Punjab while trying to bring the armed forces face-to-face with the public on all fronts and in all areas. Interestingly, whenever armed forces acted against terrorists, as it was being done in Karachi those days, the same political figures came forward in support of terrorists by terming them '**their innocent workers**' and started lobbying against Pakistan at world forums terming the effective actions as '**US Dictates**'.

Amidst other things, talks with the Taliban and ensuring the execution of a security increase on the Pak-Afghan border, went hot on the agenda.

The Living History of Pakistan Vol-V

*Full details of the decisions taken in that meeting and the reactions shown by the Taliban are available in: **'The Living History of Pakistan' Vol-II** [2016], pp 2174-78, GHP Surrey UK.*

### **NEGOTIATIONS WITH TTP FAILED:**

The net-result: PML[N] government got what it wanted from the APC.

PTI's Imran Khan termed the resolution and other decisions in line with the PTI manifesto. He claimed that 40 percent of what had been adopted in the APC was part of PTI's manifesto and expressed full satisfaction over the outcome. JI leader Liaquat Baloch had fully endorsed the policy of dialogue. But how to implement the decisions – no one questioned nor was the government serious about it.

No one had bothered that in the whole game of terrorism management, the stakeholders were not only domestic like the government and the Taliban; the Pakistani military, Afghan and US governments were all important stakeholders. Much depended on how supportive they could be towards the initiative of the Pakistani government.

The process was so fragile that a drone attack could derail everything achieved with labour of months. Intelligentsia and many analysts were not very hopeful of evolving consensus as all such previous efforts had failed to yield any result.

The PML[N] government was depending a lot on the top leadership of the JUI, including Maulana Fazlur Rehman and Samiul Haq. The two leaders were in constant touch with various leaderships of the Taliban, but they were saving their own skin being in nearby districts of the FATA.

How effectively and swiftly the PML[N] government moved forward in dealing with the militants and achieving its objectives – it was a total failure; the history pages are there to tell the truth.

Pakistan's think gurus also placed Imran Khan in shades while observing:

*"Whatever happened to not politicking on terrorism Imran Khan? Let it be decided that your pressure led everyone to call for peace talks. If they too fail like the last 16 times, you should come to the*

*people and accept that the whole time; you had been misleading the public for your own political benefit.*

*The writing on wall is very clear, Talks with Taliban will fail and monster of terrorism will emerge bigger as ever. Will IK take responsibility for that failure?*

*My guess is he will not. Its going to be hard days for this government and for the nation, trapped between pseudo intellectuals and terrorists; Taliban & the LeJ."*

It was available on record that peace negotiations with the Taliban had earlier failed numerous times before even then the Pakistani PM Nawaz Sharif announced his desire to try that way again through approval of the APC dated 9<sup>th</sup> September 2013.

**On 17<sup>th</sup> February 2014;** negotiations should have been collapsed after the **slaughtering of 23 Pakistani Frontier Corps soldiers** by the Taliban which had been held by the insurgents since 2010 but, even then, the political pundits in Pakistan vowed to continue with the talks. Thus a month-long ceasefire was reached **on 1<sup>st</sup> March 2014**.

The first session of talks, between committees appointed by the Pakistani Government and the Taliban, was held **on 26<sup>th</sup> March 2014** at Khyber House in Islamabad. The Taliban did not name representatives from their ranks, instead nominating pro-Taliban religious figures to represent them.

As stated earlier, the Taliban called for the implementation of Sharia in Pakistan; the Government of Pakistan demanded the cessation of hostilities, insisting that talks be held within the framework of the Pakistani constitution. Besides the meetings at Khyber House, negotiations also involved helicopter travel by government representatives to the areas under militant control near the Pak-Afghan border.

**On 17<sup>th</sup> April 2014;** the TTP formally ended the ceasefire. Taliban infighting within their own factions since March 2014 had killed more than 90 militants. The strife, triggered by differences between the Mehsud group [led by Sheheryar Mehsud] and another TTP faction [led by Khan Said Sajna], impeded the negotiations.

The Pakistan army was ready for an operation but the sitting PML[N] government could not make a decision to convey a go ahead signal; PPP had

also wasted his five years tenure in the same like negotiations during which the TTP had gone monstrously strong.

**ZARB e AZB OPERATION LAUNCHED:**

**On 8<sup>th</sup> June 2014;** 10 militants armed with automatic weapons, a rocket launcher, suicide vests, and grenades attacked Jinnah International Airport Karachi, Pakistan. 36 people were killed, **including all 10 attackers**, and 18 others were wounded. The militant organisation Tehrik e Taliban Pakistan [TTP] initially claimed responsibility for the attack.

The attackers were foreigners of Uzbek origin who belonged to the Islamic Movement of Uzbekistan [IMU], an Al Qaeda-linked militant organisation working closely with TTP. The TTP later confirmed that the attack was a joint operation they executed with the IMU, who independently admitted to having supplied personnel for the attack.

The Karachi Airport Attack pushed the Pakistan's Army to advise halt the then on-going peace talks with militants on the backstage; though the Taliban had categorically declared the ending of any success hope in mid-April earlier.

While talking about details of **Investigations into Karachi Airport Attack**, the Director General [DG] of the Sindh Rangers, Gen Rizwan Akhtar, confirmed that the attackers were foreign nationals and appeared to be Uzbeks. This was already confirmed by the TTP on **11<sup>th</sup> June 2014**, while the Islamic Movement of Uzbekistan also accepted the involvement of its fighters behind the attack. Interior Minister Ch Nisar Ali Khan also confirmed that foreign elements in coordination with local elements were involved in the events.

The Afghan ambassador to Pakistan was summoned after the said attack; the Pakistani officials lodged a protest over anti-Pakistani militants finding sanctuary inside Afghanistan, from where they were launching those killing attacks. **Indian ammunition and Indian-made guns were recovered from the dead militants**, alluding to allegations of Indian involvement behind the attack.

**Geo TV Channel** firstly posted the Rangers Chief's statement on Twitter about Indian weapons recovered from the scene. The **Daily Times, The Nation** and **SAMAA TV** reported that several made-in-India **"Factor-8**

***injections***" were retrieved during the search operation. These injections were being used by the Indian Army in frontline combat to stop bleeding from injuries. The injections were not available in the world market.

The ***National Crisis Management Cell*** of the Ministry of Interior said weapons and explosives used in the attack were transported into the airport building before the militants stormed it, leading to questions over infiltration and flaws in security. A First Information Report [FIR] was filed in the airport police station on 11<sup>th</sup> June 2014 against the TTP, in which its top leadership including Fazlullah and Shahidullah Shahid were nominated.

**Karachi Airport Attack** sparked widespread reactions on social media in Pakistan, receiving condemnations from politicians and journalists. Pakistani media reacted strongly to the events, with major newspapers and news channels questioning the government's attempt at negotiations with militants, the failure of security apparatus in preventing such an attack, the safety of other sensitive installations, and with many commentators calling for renewed action against militants.

However, the attack was also condemned by the Indian Ministry of External Affairs, while Indian High Commissioner to Pakistan, TCA Raghavan, stated *"we strongly condemn the recent act of terrorism in Karachi that is a major setback to regional peace and stability."* Raghavan denied allegations of Indian involvement in the attack.

The Pak-Army planned to lead for an all-out military offensive in North Waziristan and surrounding tribal areas along the Afghan border. In retaliation to the Taliban's un-ending attacks on the security forces, the military had to launch air-strikes targeting terrorist hideouts in the areas bordering Afghanistan even before the formal announcement of an Operation.

**On 11<sup>th</sup> June 2014;** the Army decided to intensify air strikes on militant hideouts following a conference between top military commanders at the GHQ Rawalpindi. A joint military offensive was planned by the Pakistan Armed Forces against various militant groups, including the *Tehrik e Taliban* Pakistan [TTP], the Islamic Movement of Uzbekistan, the East Turkestan Islamic Movement, *Lashkar e Jhangvi* [JeJ], al-Qaeda, *Jundallah* and the Haqqani network. The said plan was named as **Zarb e Azb** Operation.

Pak-Army started its operation with aerial strikes in Tirah Valley of Khyber Agency of FATA near the Afghan border, during which nine militant hideouts were destroyed and about 25 militants were killed. The area was believed to be used as a shelter for several anti-state militant factions and foreign fighters from Central Asian states.

**On 12<sup>th</sup> June 2014;** the US conducted two successive drone strikes near Miranshah in North Waziristan, after nearly six-month break in US drone campaigns; 16 suspected militants were killed. The killed militants included four Uzbeks, a few key Afghan Taliban commanders and members, and two members of TTP Punjab.

**On 15<sup>th</sup> June 2014;** the Operation **Zarb e Azb** was extended to North Waziristan along the Pak-Afghan border as a renewed effort against militancy because the TTP and the IMU claimed responsibility for the fatal attack on the Karachi Airport. About 30,000 Pakistani soldiers were involved in **Zarb e Azb**, described as "comprehensive" to flush out all foreign and local militants hiding in North Waziristan.

That day, Pakistan Air Force [PAF] fighter jets bombed eight militant hideouts in North Waziristan, during which at least 150 militants were killed – mostly the Uzbek fighters and the dead included insurgents linked to the airport attack too. Abu Abdur Rehman Almani, a key Uzbek militant commander and a mastermind of the attack, was also killed. Some foreign militants from the **East Turkestan Islamic Movement**, and **Uyghur separatist group from western China**, were also among the dead.

The Pak-Army's combat troops had encircled militant bases in the towns of Mirali and Miranshah. The Afghan National Security Forces [ANSF] were asked to seal the border on their side so that militants do not escape. The operation involved the Air Force, Navy artillery, tanks and ground troops.

Inter-Services Public Relations [ISPR] spokesperson Maj Gen Asim Bajwa released a statement:

*"Using North Waziristan as a base, these terrorists had waged a war against the state of Pakistan and had been disrupting our national life in all its dimensions, stunting our economic growth and causing enormous loss of life and property.*

*Our valiant **armed forces have been tasked to eliminate these terrorists** regardless of hue and color, along with their sanctuaries - .... these enemies of the state will be denied space anywhere across the country."*

The **Operation Zarb e Azb**, however, soon received widespread support from the Pakistani political, defence and civilian sectors. As a consequence, the overall security situation improved and terrorist attacks in Pakistan dropped to a six-year low since 2008.



A week earlier to the **Operation Zarb e Azb**'s formal announcement, the US government passed a bill to provide military assistance to Pakistan in the next fiscal year, but the US administration was required to certify to Congress that Islamabad was conducting military operations in North Waziristan. It was called the ***Carl Levin National Defence Authorisation Act for fiscal year 2015***; the US administration was bound to submit, twice a year, a report on security cooperation with Pakistan.

One provision of this bill restricted the US Secretary of Defence from waiving the certification requirements for releasing \$300 million of the \$900 million Coalition Support Fund. The Secretary, however, could only issue a waiver by certifying that:

*"Pakistan has undertaken military operations in North Waziristan that have significantly disrupted the safe haven and freedom of movement of the Haqqani network."*

The US Secretary of Defence was also required to make available to the intelligence committees a copy of that six monthly report. The provision limited the total amount of Coalition Support Fund to \$1.2 billion that could be provided in fiscal year 2015. Of this amount, the amount of CSF that could be provided to Pakistan was limited to \$900 million. The provision also extended for one year certain notification and certification requirements relating to CSF payments.

### **ZARB E AZB ACHIEVEMENTS:**

Referring to '***the Washington Post***' dated **31<sup>st</sup> October 2015**:

A multi-day operation in southern Afghanistan in October 2015 involved 200 Special Operations forces and scores of American air-strikes targeted ***"probably the largest al-Qaeda training camp found in the 14-year Afghan war"***; the senior US Commander in Afghanistan Gen John F Campbell himself supervised the operation.

The camp was being used by AQIS, an acronym for al-Qaeda in the Indian Subcontinent; its formation was announced a year earlier by al-Qaeda leader Ayman al-Zawahiri, believed [*by the US*] to be based somewhere in Pakistan.

The said operation was announced by the US military on 11<sup>th</sup> October 2015, hit one training area that sprawled over 30 square miles and another small one that was about one square mile; whereas the Afghan troops were involved in the ground assault, with 63 air-strikes launched to cover them. Some 160 al-Qaeda fighters were reportedly killed. The training camps were found in Kandahar province's Shorabak district, a sparsely populated area along Afghanistan's southern border with Pakistan; the camp and its facilities were established there afresh – since a year only or less.

The US General held:

*"It's a place where you would probably think you wouldn't have AQ.....This was really AQIS, and probably the largest training camp-type facility that we have seen in 14 years of war.*

*This targeted camp was discovered after a raid this summer on another al-Qaeda facility in the Barmal district of Paktika province. That rugged, mountainous district borders North Waziristan of Pakistan's tribal areas. It was a very complex target set over several days.*

*Really analyzing it, the enemy continues to evolve **as Pakistan launches operations on its side of the border to root out insurgent fighters** and the Islamic State competes with al-Qaeda for global influence."*

Gen Campbell urged that the things changed with time; what was good here in 2010 or 2011 might not necessarily be good today. The training camps were hit just days before President Obama announced on 15<sup>th</sup> October 2015 that **'he will be keeping 9,800 troops in Afghanistan through most of 2016 and 5,500 into 2017, rather than reducing the force to about 1,000 service members by the end of 2016.'** Obama decided so after a months-long review and a bloody year in which insurgents had taken control of cities like Kunduz in the north and Musa Qala in Helmand province.

Michael Kugelman, a senior associate for South Asia at the Woodrow Wilson Centre in Washington added his comments that:

**"AQIS began migrating from North Waziristan to southern Afghanistan last year [2014] with other al-Qaeda-linked groups after Pakistan launched a military offensive in the region. Timing was everything. It would have been helpful to the governments in Kabul and Washington if Pakistan had done so a**

*few years earlier, when the US had more than 100,000 troops in Afghanistan."*

The Americans believed that Al Qaeda always kept a deep bench of militant allies, including fighters who were in the Afghan and Pakistani Taliban.

Brig Gen David Julazadeh, Commander of US Air Force Aviation in Afghanistan told that the 455th Expeditionary Air Wing that he commanded from Bagram Airfield North of Kabul was "intimately involved" in that Kandahar operation with a wing of F-16 fighter jets, along with armed MQ-1 Predator and MQ-9 Reaper Drones flying from Jalalabad Airfield and Kandahar Airfield, respectively.

**On 2<sup>nd</sup> September 2016;** the DG Inter-Services Public Relations [ISPR] Asim Bajwa gave an exhaustive rundown of progress made during Operation Zarb e Azb; while saying that:

*"In 2014, the security environment when Operation Zarb e Azb started was such that the country faced various instances of terrorism. There were 311 IED blasts, 74 attacks, and 26 suicide blasts in 2014.*

*The salient operational guidelines for Zarb e Azb were that it would be an indiscriminate operation, it would avoid collateral damage and it would be mindful of human rights."*

The ISPR issued written summary of progress made during Operation **Zarb e Azb:**

- War against terror had cost Pakistan \$107bn
- North Waziristan, Shawal, Khyber Agency cleared by the Army
- 900 terrorists killed during Operations Khyber I and Khyber II
- 66pc locals have returned to tribal areas
- Daesh designs in Pakistan 'foiled', 309 arrested
- Over 21,000 IBOs carried out across Pakistan, nearly 1,400 people arrested
- 536 soldiers killed, 2,272 injured during IBOs
- 3,500 terrorists killed in IBOs
- Afghan govt, Nato forces did not take adequate action against terrorists
- Poor deployment of armed forces along Afghan side of the border
- Gates to be built at all crossing points along Pak-Afghan border

DG ISPR also displayed a map showing the concentration of terrorists in North Waziristan. He held that no one could think of going to North Waziristan as it was the epicentre [of terrorism] and home to the largest communications infrastructure. He added that:

*"Before we started the operation, Pakistan had informed all stakeholders — political, diplomatic and military. The Afghan president, political govt, military leadership, Resolute Support Mission in Afghanistan were all informed of the operation and requested that if terrorists cross the border, they would have to catch them.*

*They are your [Afghani] people; you will have to take action against them. But that didn't happen."*

When the Operation **Zarb e Azb** was geared up, the terrorists went towards Khyber Agency, the Pak-Army relocated them and conducted operations Khyber I and Khyber II. The forces recovered weapons, ammunition, IEDs, explosives, communications equipment, hate literature and discovered tunnels. ***There was enough explosive material to carry out five IED blasts every day for 21 years. They could have caused 134,000 casualties with the amount of material we recovered.***

*[There are 18 major crossing points between Pakistan and Afghanistan along the 2,600 km long shared border. Pak-Army often suggested to seal those areas so that terrorists from across the border don't infiltrate and vice versa.]*

North Waziristan has very challenging terrain but despite that, Pak-Army went there and cleared all their hideouts, caves and tunnels. But Khyber was even more challenging because of its snowy mountains and was home to hideouts from the Afghan war and had a very high density of IEDs. The Army killed 900 terrorists during the Khyber operation and dismantled the network of terrorists that was threatening areas in the nearby settled areas like Peshawar, Charsadda and Mardan.

Lastly, the Pak-Army started operations in *Shawal*, where all the terrorists from North Waziristan had moved. It was their last stronghold and they had nowhere to go after that. The operation went well and the troops cleared every village, every house, every school and every mosque in Shawal. The said area is worldly known for its Pine nuts economy.

**'DAESH' IN PAKISTAN:**

The DG ISPR during the said briefing disclosed that **Daesh** — another name for the militant Islamic State group — had made their presence and visibility even in Islamabad [*due to utter weakness of the political hierarchy in Pakistan since 2008 obviously*].

The **Daesh** had organised themselves into two groups, the **Kutaiba Haris** [planning wing] and **Kutaiba Mubashir** [militant wing] and were trying to get local criminal and terrorist groups to join them. However, they were frustrated when the Pak-Army launched their Intelligence-based Operations [IBOs]. **Daesh's** core group had 20-25 people who had started their activities from attacks on the **Faisalabad 'Dunya'** TV, Lahore **'Din News'** office, **'Express News'** Sargodha office, and **'ARY News'** Islamabad office.

About 309 people who were part of **Daesh** organisation were arrested, including Afghans, people of Middle Eastern origin and about 157 facilitators. Even people who did wall-chalking and graffiti for **Daesh** in Pakistan for Rs:1,000 [£7 only] were also arrested.

The **Daesh** group had once planned to launch attacks in the capital's diplomatic enclave; particularly on the Ministry of Foreign Affairs and on foreign embassies and consulates including their employees. They had also planned to target Islamabad airport and prominent public figures.

To tackle Daesh group and their affiliates, the Pak-Army carried out '**Over 21,000 IBOs, special IBOs and combing operations**' across the country targeting terrorists, their facilitators, sleeper cells, financiers and abettors till ending August 2016.

**[Around 2,578 were carried out in Balochistan, 9,308 in Punjab, 5,878 in Sindh and 3,263 in Khyber PK. Special IBOs commenced the night the suicide blast at Lahore's Gulshan-i-Iqbal park earlier that year. Till then, 477 special IBOs had been carried out, with 1,399 people apprehended.]**

The DG ISPR told the media that about 66 per cent of locals had returned till then to areas badly affected by terrorism but it was not enough to take them back to their homes only. Reconstruction was mainly required to ensure that the areas were better off than before; to create opportunities for livelihood and revive the local economy.

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Infrastructural development projects in the region included a 70km road inside North and South Waziristan, a 75km road from Peshawar to Torkham, solar-powered water schemes and the Mirali hospital project. In addition, market complexes, mosques, schools and colleges were announced and planned to be built in these areas.

Meanwhile, the statistics from a comparative study of the US State Department's country reports on terrorism for 2014 and 2015 had shown a greater decrease in the number of people died and injured in terrorist attacks in Pakistan.

The comparative study, released during the same days of ending 2016 held that there were a total of 1,009 terrorist attacks in Pakistan in 2015, compared to 1,823 in 2014, which was a 45 percent decrease. The total deaths in the attacks — 1,081 in 2015 compared to 1,761 in 2014 — went down by 39pc.

The total number of people injured in terrorist attacks dropped by 53pc, from 2,836 in 2014 to 1,325 in 2015. Injuries per attack also decreased from 1.61 in 2014 to 1.36 in 2015.

The most noticeable improvement was in kidnapping and hostage-taking cases, which decreased to 269 in 2015 from 879 in 2014.

Astonishingly, as per referred US studies, in several countries, including Afghanistan, Bangladesh, Egypt, the Philippines, Syria and Turkey, terrorist attacks and total deaths had increased in 2015. Although terrorist attacks took place in 92 countries in 2015, more than 55pc of all attacks took place in five countries: Iraq, Afghanistan, Pakistan, India and Nigeria. And 74pc of all deaths due to terrorist attacks took place in five countries: Iraq, Afghanistan, Nigeria, Syria and Pakistan.

The said American sources, however, told that in addition to ***Boko Haram in West Africa***, the most active of these IS branches were located in Afghanistan, Pakistan, Egypt, Libya and Yemen; daily '***Dawn***' dated ***5<sup>th</sup> September 2016*** is referred.

## **Scenario 179**

### **MODEL TOWN KILLINGS**

#### **DR QADRI'S DHARNA [2013]:**

The Supreme Court of Pakistan once declared that Dr Tahirul Qadri, being a Canadian National, is not entitled and eligible to contest elections in Pakistan but his activities created quite a stir on the political landscape of the country; in December 2014 he had nearly derailed the whole rogue system.

**On 23<sup>rd</sup> December 2012;** Dr Tahirul Qadri returned from Canada after seven years with a proclaimed mission to have the corrupt system rolled up, and to ensure that the constitution should be implemented in its true spirit and the eligibility criteria prescribed in articles 62 and 63 of the Constitution for the members of the legislatures should be strictly implemented and practised in Pakistan.

**On 13<sup>th</sup> January 2013:** Dr Qadri started a long march from Lahore which eventually turned into a four-day sit-in at Islamabad during which the PPP government felt threatened because the deadlines for his [Dr Qadri's] demands were widely appreciated by the general populace.

However, the whole pump & show suddenly ended **on 17<sup>th</sup> January 2013** when the government signed an agreement with Dr Qadri, promising reforms in the Election Commission of Pakistan [ECP], a change in the electoral laws and allowing a 30-day period for pre-scrutiny of the candidates in conformity with the constitutional eligibility criteria. The government ostensibly did this to end the mêlée.

The Army no doubt had watched those developments closely. They were not in favour of stepping in directly, but given their intense dislike of the PPP or even a resurgent PML[N], an indirect controlling proxy through Caretakers authorised a longer stint than the constitutionally permitted 60-90 days, as was being demanded by Dr Qadri initially, could give rise to a palatable enough option.

However, the Army was aware that after Abbottabad episode, their Chief Gen Kyani did not enjoy public acclaim as adequate 'defender' of the nation; rather on the counter-terrorism front after the attacks on Mehran, Kamra, GHQ and Peshawar – Gen Kyani had proved himself defeated. Thus chances of military intervention were very remote.

Dr Qadri could be the kite flown to test the wind and ground, but in the said given circumstances, it was a mere propaganda of certain enemy forces against the Pak-Army nothing beyond. Dr Qadri had not cogent scheme to go further – as he himself was later beaten by the Supreme Court on his own qualification being a Pakistani voter.

**On 22<sup>nd</sup> January 2013; Dr Qadri declared that neither he nor any member of his family would contest the upcoming general elections.** He urged that:

*'...if PAT takes part in elections then he will separate it from MQI since he did not want to link his religious organisation with a political one.'*

Dr Qadri justified his decision of not taking part in the polls by portraying himself as role model *'who disowns and discourages dynasty in politics'*. Personally, he completely disassociated himself from the election process and even barred his family from contesting the polls.

The fact remained that had the PAT decided to participate in the upcoming elections, the party had to replace Dr Qadri with another chairman since he was a dual national and he did not want to surrender his Canadian nationality, come what may.

*[Dr Qadri's political party, **Pakistan Awami Tehreek (PAT)**, was founded in 1990 and contested the general election the same year but did not win any seat. In 2002 it managed to clinch only one seat — which was of his own person.*

*He then resigned mid-way through his term in November 2004 and left for Canada and was awarded citizenship there in 2005.]*

No one ever bothered about whether the number of participants in Dr Qadri's dharna was 40,000 or 4 million. What mattered most was the awe-inspiring spectacle of enthusiasm and resolution unrivalled by a diversified collection of men, women and children of all ages coming from all over the country - many of whom were not even members of **Minhajul Quran**.



They braved the biting cold and rain for three days and three nights. Despite this, their spirits were high and they remained determined to stay in Islamabad. No one pounced on the food that was distributed among the participants, as it is often seen in political gatherings especially of the PPP and the PML[N].

The people gathered there took their piece of bread, grams and a date when offered and never complained; they did not utter a word against their leader, who in sharp contrast was protected from the cold weather in his warm container, just because they knew that he had to be protected if their dreams were to materialise.

**Dr Qadri's Deal:** Following decisions were unanimously arrived at; having been taken on **17<sup>th</sup> January 2013**, in the meeting which was participated by coalition parties delegation led by Ch Shujaat Hussain including:

1. Makdoom Amin Fahim, PPP
2. Syed Khursheed Shah, PPP
3. Qamar Zaman Qaira, PPP
4. Farooq H Naik, PPP
5. Mushahid Hussain, PML[Q]
6. Dr Farooq Sattar, MQM
7. Babar Ghauri, MQM
8. Afrasiab Khattak, ANP
9. Senator Abbas Afridi, FATA

With the founding leader of **Minhajul Quran International** [MQI] and Chairman **Pakistan Awami Tehreek** [PAT], Dr Muhammad Tahirul Qadri.

**The Decisions** taken were:

1. *The National Assembly shall be dissolved at any time before March 16, 2013, (due date), so that the elections may take place within the 90 days. One month will be given for scrutiny of nomination paper for the purpose of pre-clearance of the candidates under article 62 and 63 of the Constitution so that the eligibility of the candidates is determined by the Elections Commission of Pakistan [ECP]. No candidate would be allowed to start the election campaign until pre-clearance on his / her eligibility is given by the ECP.*
2. *The treasury benches in complete consensus with PAT will propose names of two honest and impartial persons for appointment as Care-taker Prime Minister.*

3. *Issue of composition of the ECP will be discussed at the next meeting on Sunday, January 27, 2013, 12 noon at the Minhajul Quran Secretariat. Subsequent meetings if any in this regard will also be held at the Central Secretariat of Minhajul Quran in Lahore.*

4. *In pursuance to today's' decision, the Law Minister will convene a meeting of the following lawyers: S M Zafar, Waseem Sajjad, Aitizaz Ahsan, Farough Naseem, Latif Afridi, Dr Khalid Ranja and Hamayoun Ahsan, to discuss these issues. Prior to the meeting of January 27, the Law Minister, Mr Farooq H Naek, will report the results of this legal consultation to the January 27 meeting.*

5. *Electoral Reforms: It was agreed upon that the focus will be on the enforcement of electoral reforms prior to the polls on:*

- *Article 62, 63 and 218 (3) of the constitution*
- *Section 77 to 82 of the Representation of Peoples' Act 1976 and other relevant provisions relating to conducting free, fair, just and honest elections guarded against all corrupt practices.*
- *The Supreme Court Judgement of June 8, 2012 on constitutional petition of 2011 must be implemented in Toto and in true letter and spirit.*

5. *With the end of the long march and sit-in, all cases registered against each other shall be withdrawn immediately and there will be no acts of victimisation and vendetta against either party or the participants of the march.*

This declaration was adopted in a cordial ambience and reconciliatory spirit.

The signing of a resolution with Dr Qadri on 17<sup>th</sup> January 2013 defused a dangerous political impasse brought about after the 38 hours 'Long March' from Lahore to Islamabad and the follow up 3-day *dharna* [sit-in] with a gathering of millions from various parts of the Punjab province. Earlier on 23<sup>rd</sup> December 2012, Dr Qadri had announced an ambitious agenda from *Minar-e-Pakistan*, Lahore to cleanse the polity through electoral reforms and fresh elections under neutral Caretakers.

### **DR QADRI'S PETITION IN SC:**

**On 7<sup>th</sup> February 2013;** Dr Tahirul Qadri filed a constitutional petition under Article 184(3), praying to the Supreme Court to declare the appointment of the CEC and four members of the commission not in accordance with the provisions of articles 213 and 218 of the Constitution, hence all these appointments were void *ab-initio*. He also prayed to the apex court till the decision of his petition, the CEC and ECP members should be restrained from working to conduct the elections in a free and fair manner.

After going through the contents of the petition, the CJP ordered to fix the petition for regular hearing from **11<sup>th</sup> February 2013** and issued notices to the respondents and the Attorney General [AG] in terms of Order XXVII-A, Rule 1 of CPC.

**On 13<sup>th</sup> February 2013;** after hearing him for three days, the Supreme Court dismissed Dr Qadri's petition. A 3-members bench under the Chief Justice Iftikhar M Chaudhry with Justice Azmat Saeed and Justice Gulzar Ahmed heard the petition. In its short order, the apex court maintained that Dr Qadri failed in proving the eligibility of his petition.

During proceedings, the CJP asked Dr Qadri to prove that how his rights were being infringed upon; to prove the purity of his intentions since he has suddenly appeared on the national stage. Dr Qadri responded that his dual nationality was being subjected to a media trial, and his loyalty was being brought into question.

Dr Qadri pleaded the court that he be allowed to cite different court rulings in favour of points he raised in the petition, to which the Chief Justice remarked [before that Dr Qadri could argue his fundamental rights that were definitely infringed upon]:

*'.....the petition has been submitted in a personal capacity, and the petitioner is not eligible to contest elections, therefore he must prove his right to petition.'*

Dr Qadri said that:

*'For three days he is being put on trial, by asking such questions that the constitution does not even allow to be asked.'*

The chief justice had also questioned as to how he [Dr Qadri] had suddenly returned from Canada to question the Election Commission's organisation; also that when he acquired Canadian citizenship. The chief justice had later remarked that Qadri did not identify himself as a Pakistani when abroad.

During the hearing, the bench questioned Qadri's loyalty under Queen Elizabeth's oath. To this, Qadri addressed the chair saying that:

***'....if the CJ's loyalty cannot be termed suspicious for his PCO oath, then his oath under Queen Elizabeth cannot be questioned either.'***

Dr Qadri had waved a photo of the oath-taking ceremony of the sitting chief justice Chaudhry from former military ruler Gen Musharraf. **Dr Qadri dared to equate taking an oath from the Queen to one taken from former dictator Gen Musharraf.** In response to which, the bench had barred the TMQ Chief from continuing his arguments.

The Chief Justice Chaudhry got furious from inside and said:

***'....of course I took oath from Gen Musharraf, but he was the President then; what could I do.'***

While Dr Qadri's personal attack on the Supreme judiciary, and particularly referring to the CJP's chequered past, fell into ground for contempt charges being brought against him, the Supreme Court let him off with a warning.

The CJP had, in fact, defeated his own cause, his own stance. Reference was being made to SC's judgment of 31<sup>st</sup> July 2009 through which about one hundred judges working in various superior courts were sent home, including **those who were later inducted as new judges and had taken oath under the 1973 Constitution. They were sent home because they were appointed by Justice A Hameed Dogar, subsequently termed as unconstitutional CJP.**

Then the retired judges, the whole media and intelligentsia had tried to convince the CJP with the same argument that:

***'.....what the judges could do then, they did not know then that Justice Hameed Dogar would be declared unconstitutional some day. They had to take oath from him, though they had taken oath under 1973's Constitution.'***

But the CJP did not agree and sent them home; forgetting that twice he himself had taken oath firstly, under PCO and secondly, from Gen Musharraf who was purely and entirely unconstitutional on both moments.

The SC bench questioned the Attorney General regarding the eligibility of Qadri's petition. **The AG advised the bench to focus on the contents of the petition instead of his character** – but the CJP was blatantly adamant to let down Dr Qadri due to CJP Chaudhry's intimate associations with Sharif family against whom Qadri was launching his campaign.

Dr Qadri complained before the court [*and later in media also*] that the apex court kept questioning him about his dual nationality for three days of the hearing rather than focusing on the main petition. Dr Qadri urged while explaining his petition that:

*"This is on record. There was no hearing held for the appointment of ECP members. The court should have called the parliamentary committee members and asked for the minutes of their meeting. All of this would have proved that the constitution of the Election Commission was unconstitutional.*

*With due respect to the judiciary, I want to tell the people the truth. They did not even let me read out a single word from my petition. When I started reading it out yesterday, they did not listen to me and asked me about my dual nationality instead.*

*The court attacked all dual nationals. There are millions of Pakistanis who are loyal to Pakistan and are dual nationals. They add billions of rupees to Pak-economy... Their loyalty was questioned."*

The apex court held that Dr Qadri had failed to convince the bench over his petition and the intentions behind filing it. He had failed to show that the question that he was raising came under the ambit of Article 184(3) of the Constitution. A series of dialogues were exchanged between the bench and Dr Qadri and the chief justice had said the cleric had ridiculed the court, adding that the petitioner's intentions appeared to be *malafide*.

AG Irfan Qadir had argued that Qadri satisfied the requirements in terms of *locus standi*, adding that the petitioner's intentions could not be questioned in the absence of evidence to support the claim of insincerity. An argument had also ensued between the Attorney General and the chief justice over whether Qadri's plea to reconstitute the Election Commission months prior to the upcoming polls could be considered as sincere.

The SC's bench could not control its sentiments while passing judgment in Dr Qadri's petition saying that **'a dual nationality holder person cannot raise his voice so loud'**. The Pakistani jurists sitting in UK's Parliament

collectively and the overseas Pakistanis too, virtually cursed the SC for declaring them '**foreign element**' indirectly.

However, certain analysts explained that the CJP was no 'stupid' that it could not understand the petition; and why it had not dealt it on 'merits of the pray' made in the petition. The answer was obvious.

One could recall that on **15<sup>th</sup> January 2013**, on the first day of sitting-in [*Dharna*] of Mr Qadri at Islamabad, the SC had announced orders, in routine, for arrest of 16 persons in RPP case including the sitting prime Minister Raja Pervez Ashraf. The Supreme Court's judgement was in a case on corruption in award of the Rental Power Project tenders, added a new twist to the burgeoning political crisis; reinforcing perceptions of anti-PPP and anti-Zardari political activism on part of the CJP Iftikhar M Chaudhry. The reaction was immediate and hysterical.

The manner in which Dr Qadri reacted, when apprised of the verdict midway during his fiery & thunderous speech claiming 'victory' and fulfilment of 'half of his objectives', sustained suspicion amongst political analysts in Pakistan that this may be a 'put up job'.

Dr Qadri had suddenly cut off his speech; raised the slogans '**Supreme Court – Zinda abad (Long Live)**'. No doubt, the general populace and the whole media had gathered the impression that '**perhaps Allama Qadri had backing of the SC; the elections would be postponed.**'

*The SC had dispelled that impression in its own way – though not considered appropriate by any cannon of justice.*

A 'recurring loss' of this situation immediately surfaced that Nawaz Sharif and President Zardari once again joined hands to make out a joint policy for the next general elections; to loot and plunder Pakistan once again. One can [*Do not go after the All Parties Conference held at Raiwind next day; that was a show piece*] make search of intelligence reports that how many 'secret' messages were exchanged between the two giants during those five days.

Much hue & cry seen in the media world over. In the back-drop of this embarrassment, the CJP Chaudhry, **on 15<sup>th</sup> February 2013** decided two petitions directing the ECP to make arrangements for voting of overseas Pakistanis. The petitions were filed by PTI's Imran Khan, Ch Nasir Iqbal and others against federation of Pakistan in 2011. The court held that:

*"The NADRA and the Ministry of Overseas Pakistanis may cooperate with the ECP for registration of Overseas Citizens of Pakistan as voters and if need be NADRA may also issue to eligible Overseas Citizens, NICOP Cards, as completing this exercise would be helpful in registering their names as voters, if their names have not been entered in the Electoral Lists so far.*

*The possibility should also be explored for declaring Pakistani Diplomatic Missions (Embassies and Consulates, etc) as Polling Stations by the ECP where requisite information and data regarding Electoral Lists and Constituency-wise candidates could be made available electronically."*

Referring to daily '**the News**' dated **13<sup>th</sup> February 2013**; Senator Babar Awan, the former Federal Law Minister suggested that, keeping the *locus standi* of Dr Qadri aside, the SC should have taken *suo moto* notice of the important issues raised in his petition. In his opinion, since the chief law officer of the federation, the AG raised no objections to discussing the merit of the Qadri case, the apex court, should have converted Qadri's petition into a *suo moto* case.

It became evident that Dr Qadri's petition made the ECP a controversial body, which had not been created according to the laid down procedures and there were strong indications that political bargaining [used word *Muk-muka*] had been done to nominate its members. The entire electoral exercise would become controversial and could lead to turmoil after the elections, it was generally believed.

The SC should have handled the issue of dual nationality very carefully; it raised questions about many dual nationals in Pakistan's politics like Dr Asim Hussain, a Canadian citizen who had to resign as senator but later handled heads the ministry of petroleum as adviser. If dual nationals could sit in Parliament to amend the Constitution, it was interesting that they were not able to file constitutional petitions; what a judgment it was.

In nut shell, Dr Qadri's petition for reconstitution of the Election Commission of Pakistan was dismissed by the apex court due to his ineligibility for filing the petition being a foreign national. The court also held that he could not contest elections in Pakistan. ***The SC verdict clearly put a bar on his participation in Pakistani politics.*** Having failed to fulfil his declared mission, he returned to Canada next day.

**POLICE KILLED 14 ACTIVISTS [2014]:**

**On 16<sup>th</sup> June 2014;** the Pakistan *Awami Tehreek* [PAT] founder and Chief Dr Tahirul Qadri warned the government of "**serious consequences**" if anything happened to him on his return to Pakistan on 23<sup>rd</sup> June 2014. For some time, Dr Qadri had been amassing the support of political parties in the opposition to form a grand alliance against the incumbent PM Nawaz Sharif administration.

Dr Qadri had successfully rallied for and acquired the support of political stalwarts like PML[Q] president Ch Shujaat Hussain and *Awami* Muslim League chief Sheikh Rasheed in forming a "**grand alliance**" against the sitting PML[N] government.

There were serious concerns of the civil society in Pakistan that the whole plot was designed by some ex-military officials allegedly by one former DG ISI through Dr Qadri but his party denied these charges. The liberal political parties also insisted that the whole event was drafted in London sometimes referred by the media as '**Another London Plan**'.

**On 17<sup>th</sup> June 2014;** a violent clash ensued between the Punjab Police and Pakistan *Awami Tehreek* [PAT] activists resulting in several protesters being killed by the police gunfire. There was a gathering of PAT workers which lasted for almost 11 hours when the police Anti-encroachment Squad launched an operation to remove the barriers from the road leading to the *Minhajul Quran* [MQI] HQ cum residence of PAT founder Dr Tahirul Qadri in Model Town Lahore.

Upon gauging the violent reaction from the protesting crowds, the local police chiefs DCO M Usman and DIG Operations Rana Jabbar negotiated with PAT's leadership; Khurram Nawaz Gandapur and Altaf Shah. There were two rounds of negotiations between the party officials and the police in which the party workers were urged to remove the hurdles on their own but without any result.

When the negotiations failed to bring fruit, the police returned third time with a 100-men squad at 09:30 am to forcefully remove the barriers. They were again met with fierce retaliation. At 11:20 am, the police force was led in groups commanded by seven SPs where some put focus on firing directly into the crowd while others used various tactics to disperse the crowds using tear gas shells and batons both.



***With the straight police firing into the crowd, eight protesters [including two women] died at the spot while around eighty were injured seriously; later the death toll reached fourteen [14].***

Amidst all the chaos and police brutality, media cameras captured a known police tout and the **PML[N] activist named Gullu Butt** smashing the nearby parked cars. After smashing a few cars, Gullu Butt was seen and heard chanting slogans while leading the law enforcement officers with an iron bar in hand. While celebrating his accomplishment, the media footage had [***shown live on all TV channels***] carried clips wherein Model Town SP Tariq Aziz was seen chatting and hugging Gullu Butt.

*[Later, Dr Qadri claimed that the number of arrests was understated by the police as more than 200 of his party workers were missing and unaccounted for.*

***The anti-encroachment operation was in fact started at midnight [1am exactly – an unprecedented time for police raids or operations in Pakistan] by the Punjab Police to remove barriers outside the Minhaj HQ.***

Police officials were shown a High-Court order placing security barriers around *Minhaj* estate due to terrorism issue. Nevertheless, the police carried on with their operation to demolish the Jersey barriers with bulldozers prompting the PAT activists to resist the police efforts through protest.

After the initial protests, the police retreated for a while, only to return in greater numbers at 5am. In the meantime, PAT workers had also managed to amass a crowd of supporters and called in the local media. The whole incident was continuously broadcast live on various local news channels. In the live footage broadcast, the policemen were shown firing assault rifles and lobbing tear gas canisters at the protesting masses while the protesters threw stones at the police in defence.

The attack was strongly condemned by all political factions calling it the worst form of state terrorism. Dr Qadri vowed to avenge the deaths of his political workers by launching a '**revolution campaign**' to hasten the end of the Sharif Brother's rule. The political elite had the opinion that PML[N] government reacted disproportionately and aggressively while '*shooting itself in the foot*'.

After the incident, the Faisal Town Police registered a case against more than 3000 PAT workers under section 7 of the Anti-Terrorist Act [ATA] and sections 302, 324, 353, 148/149 of the Pakistan Penal Code [PPC] formally

nominating Hussain Mohiuddin, the son of Dr Qadri, as the principal accused and responsible for lawlessness.

Subsequently, the Punjab CM Shahbaz Sharif ordered a judicial inquiry into the events adding that he had already constituted a judicial commission to probe the incident. ***The Judicial Commission was immediately rejected by Dr Qadri through his TV interview from Canada.***

In a televised speech CM Shahbaz Sharif denied any knowledge of the police operation and claimed complete ignorance of the bloodshed. His opponents ridiculed him for not knowing about the incident despite the live broadcast that continuously covered that bloody episode for hours.

**On 19<sup>th</sup> June 2014**, it was widely reported in electronic media that some senior police officers went to hospital and got altered the medico-legal certificates of injured police officials to show 'fake bullet injuries' in order to justify their claim that PAT workers had shot at the police contingents first. Dr Qadri accused the provincial government of tampering with the evidence in the hospital records and denied that his party workers had any arms at all. The investigating police team was unable to produce the confiscated weapons before the media in order to prove their claim.

Later, while addressing a press conference **on 21<sup>st</sup> June 2014** via video-link from Canada, Dr Qadri urged for an investigation team comprising representatives of the ISI & MI and a judicial commission of three Supreme Court judges to probe the incident.

The then Punjab law minister Rana Sanaullah Khan told the press that:

*'.....the operation was done because the police were able to identify several armed men and weapons at the Minhaj-ul-Quran offices',*

The claim was never substantiated. When the operation ended, no police official was immediately held responsible for such grave criminal negligence involving eight killings of innocent citizens and severe injuries extended to tens of persons.

On the same day of **21<sup>st</sup> June 2014**, CM Shahbaz Sharif removed Rana Sanaullah Khan and Principal Secretary to the CM Dr Toqueer Shah from their posts to mellow down the rising criticism over his administration.

**On 22<sup>nd</sup> June 2014**; breaking news appeared on all media channels in Pakistan describing CM Shahbaz Sharif's statement that he had come to

know about the whole Model Town massacre through the next day's TV news. The opposition parties had up-roared that:

*'Shahbaz Sharif [Chief Minister Punjab] should have resigned from his office immediately accepting responsibility of mal-administration, if he was really ignorant.*

*The complicity of the chief minister in the Model Town action is evident from the hasty transfer of the Inspector General of Police Punjab just before the police action commenced.'*

**On 16<sup>th</sup> August 2014:** Sessions Court Lahore ordered police to register murder charges against 21 individuals – including PM Nawaz Sharif and CM Shahbaz Sharif on account of alleged ordering violence that took place in Model Town as detailed above. PAT workers had submitted the same application to police for a First Information Report [FIR] against a total of 21 people, though the police had not filed any charges till then.

Issuing its orders on the application, the court directed Station House Officer [SHO] Faisal Town to immediately register cases against the 21 nominees. The petition included names of the Interior Minister Nisar Ali Khan, former Punjab law minister Rana Sanaullah, Federal Minister for Railways Kh Saad Rafique, the Inspector General of Police Punjab and the CCPO Lahore, among others.

**On 28<sup>th</sup> August 2014;** a First Information Report [FIR] was registered by the local police against 21 persons, including the prime minister of Pakistan and Punjab chief minister. Sections 419, 148, 234, 302 and 109 of the Pakistan Penal Code [PPC], pertaining to murder, attempt of murder and terrorism, were included in the FIR.

*[The police claimed that the Minhajul Quran administration had deployed a private militia that was manning the barriers and had effectively converted the residential area into a no-go area.]*

Dr Qadri returned to Pakistan again **on 23<sup>rd</sup> June 2014**, a week after the sad firing incident at his residence in Model Town in which 14 people lost their lives and about 100 others sustained bullet wounds. He vowed that he would take revenge for the murders of his followers and launch a movement for the removal of the PML[N] government.

Meanwhile, Dr Qadri found an ally in Imran Khan who was agitating about the alleged rigging in Elections 2013 and had an avowed mission to get rid

of the government. The two leaders separately executed the 'Azadi' and 'Inqilab' marches on Islamabad beginning on 14<sup>th</sup> August 2014 and staged separate sit-ins at the capital. Imran Khan's *Dharna* lasted for 126 days, though Qadri had quit it in October and flew back to Canada.

Before embarking on their marches the PTI and PAT presented some demands to the government which included:

1. the prime minister should step down;
2. Parliament be dissolved;
3. the ECP be re-constituted;
4. interim government of technocrats be formed; and
5. fresh general elections be held.

The Lahore High Court, on a petition filed by a private citizen asking the marches be stopped, declared the above demands unconstitutional and also ordered the parties to refrain from their marches and sit-ins.

Both parties, the PTI and the PAT, mobilised their protesters to reach Islamabad but ultimately their plans failed to materialise because of the indifference of the PML[N] government. Dr Qadri declared that his movement was for 'Qisas' but the government did not buy even that idea. Media opined that his campaign was purely not for justice to the families of those killed in Model Town firing but more was being done for the political edge.

The fact remained that the police used excessive force in Model Town and overreacted to the obtaining situation; of course those who were responsible must be held accountable. The police alleged that the conduct of the PAT workers constituted defiance of the writ of the state but those were common excuses. Law-enforcement agencies all over the world react to such situations with varying degree of responses but not straight firing.

Dr Qadri was otherwise scheduled to visit Pakistan to form a grand alliance of the opposition parties against the incumbent Nawaz Sharif administration; thus he landed in Pakistan on **23<sup>rd</sup> June 2014**. Dr Qadri had successfully rallied for and acquired the support of certain political stalwarts like PML [Q]'s Chief Ch Shuja'at Hussain and one Sheikh Rashid terming it a '**grand alliance**' against the government.

The manner of Dr Qadri's arrival, rumours of red carpet escort from Chakla Airport and the enthusiasm were odd factors which the traditional political elite of Pakistan never expected. PML[Q] and the MQM made common cause with his demands initially, led to justifiable speculation that Dr Qadri had been put to this **agenda by the 'establishment'** to prevent any col-

lusion between the PPP and the PML[N] in establishing a Caretaker Government and holding elections.

Feeling enormous pressure that Qadri might steal his thunder especially in Punjab, Chairman PTI Imran Khan, had to announce that they agree with Dr Qadri's agenda but would not join hands in the '**Long March**'. Javed Hashmi and the other PTI high ups wanted to join Dr Qadri in his Long March but later changed mind that this might be interpreted as a move to destabilise the democratic process at the Army's behest.

#### **JUSTICE NAJFI COMMISSION:**

Immediately after the sad incident of 17<sup>th</sup> June 2014, a one man Judicial Commission was announced comprising of Justice Baqar Najfi of the Lahore High Court. On 20<sup>th</sup> June, the Commission started functioning with the attendance of the IGP Punjab and the other alleged police officers at the place of occurrence in Model Town. The Commission finalized its report within a month and submitted to the government.

**On 28<sup>th</sup> August 2014;** a four-member committee formed by the Punjab government started working on the recommendations in the **Model Town Judicial Commission** report. The committee had mandated to fix responsibility in relation to the bloodshed that transpired in clashes between police personnel and supporters of PAT's Chief Dr Tahirul Qadri.

The committee was comprised of Justice [rtd] Khalilur Rehman Ramday, the provincial interior and law secretaries and the Punjab's Advocate General. After the findings of the report of the Judicial Commission and the joint investigation team, the government committee's fundamental task was to identify the responsables for the Model Town tragedy in the light of audio & visual evidence.

**The report also said that the affidavits of Chief Minister Shahbaz Sharif and former law minister Rana Sanaullah contained contradictions** regarding the orders they reportedly issued to the police to disengage, and said what happened on the ground did not match such claims.

Contents of the report, which the government had held as secret, were first revealed by anchor of a private TV channel a day earlier. It said that decisions were taken at a meeting presided over by Rana Sanaullah, the Law Minister Punjab, before the incident led to the worst kind of bloodshed.

CM Shahbaz Sharif claimed in his affidavit that he had ordered police to disengage in Model Town. However, the chief minister did not mention this in the press conference he addressed after the fiasco. The media believed that the word '*disengagement*' was an afterthought to save the chief minister. However, the police were totally responsible for it.

The Punjab government held that report of the judicial tribunal was received and examined but observed that it required further analysis, as ***it was inconclusive***. It was said so because the report was based on some documents, statements and affidavits which were not provided with it.

The commission did not have the mandate to give findings or fix responsibility and its presiding officer, Justice Ali Baqar Najfi, mentioned this to media while handing over the report to the provincial home department.

It was on record that during the proceedings, the commission did not object to the affidavit of the chief minister in which he had said that he had asked police to disengage. His was the only affidavit which was not read out before the commission. Also, the chief minister was not cross-examined by the commission; thus the affidavit was considered as accepted.

The Commission had held that Rana Sanaullah ordered removal of the encroachments in front of Dr Tahirul Qadri's residence after receiving reports that they were illegal; he did not order action against anything legal.

It was also known to all that the findings of any judicial commission were not binding on the government - ***whereas in this case there were no findings***. Giving findings and fixing responsibility were the job of the government which were authorised to fix the responsibility only after examining the supporting affidavits and other documents being sought from the Commission.

Referring to daily '***Dawn***' dated ***27<sup>th</sup> August 2014***; Justice Najfi's Judicial Commission [JC] formed to probe into the Model Town killings concluded in its report that:

***"..... the decisions taken at a meeting presided over by Rana Sanaullah Khan, Punjab's Law Minister, before the incident led to the worst kind of bloodshed.***

***It seems the word 'disengagement' was an afterthought to save the chief minister. The action in Model Town was tak-***

***en under the orders of the government and the police were totally responsible for it.”***

The ***Justice Ali Baqar Najfi’s report***, however, maintained that CM Shahbaz Sharif’s was the only affidavit which was not read out before the commission; also, the chief minister was not cross-examined by anyone.

*[Under the law, the objections are highlighted during cross-examination of the provider of an affidavit and changes are shown to the deponent and his or her signatures are sought on it. If this is not done, the affidavit is considered to be accepted. And this is what happened with the chief minister’s affidavit.]*

The Punjab government held that the findings of any Judicial Commission were not binding on the government; AND in this case there were no findings whatsoever.

Next day; **on 28<sup>th</sup> August 2014**, in the light of JC’s Report, a formal First Information Report [FIR] was registered against 21 persons, as discussed in the earlier paragraphs. On the same day, a four-member committee under Justice (rtd) Khalilur Rehman Ramday was announced.

*[The vibrant media of Pakistan immediately reacted to this committee; they termed Justice Ramday a known stooge of the Sharifs even when he was on the sitting benches of the Supreme Court.*

*On the first day the intelligentsia in open TV forums declared that Justice Ramday was appointed to get clean chit for Sharifs – and **thus ‘justice prevailed as directed’.***

Earlier, the Punjab government had requested the judicial commission for audio / visual evidence in relation to the tragedy.

Justice Najfi’s Judicial Commission investigating the Model Town incident had held the Punjab government responsible for the tragedy, ***saying the police had acted on the administration’s orders which led to the bloodshed leaving 14 persons dead and 85 injured on that day.***

The JC’s report had said that the affidavits of Chief Minister Shahbaz Sharif and former law minister Rana Sanaullah contained contradictions regarding the orders they reportedly issued to the police to disengage, and said what happened on the ground did not match such claims.

As Justice Najfi's Report was against the Sharifs, the same was immediately discarded. **The said report was declared 'lost' both in the PM Secretariat and the CM's office.** The planning was so nice that not a single copy is available in any of the concerned offices.

**On 24<sup>th</sup> December 2014;** Advocate Syed Ali Zafar filed a petition in the Lahore High Court on behalf of Minhajul Quran, seeking a reply from the provincial government that why the judicial commission's report regarding probe into the Model Town killings had not been made public. He said the public had a right to such information under Article 19-A of the Constitution of Pakistan.

Advocate Zafar held that the commission had submitted its report **on 9<sup>th</sup> August 2014** but not yet published.

He referred to the UN General Assembly Resolution 59(1), Article 19 of the Universal Declaration of Human Rights adopted by the UN General Assembly in 1948, the International Covenant on Civil and Political Rights, Article 13 of the American Convention on Human Rights, Article 10 of the Council of Europe and the May 1999 Resolution of the Commonwealth Law Ministers, where it said that governments were duty-bound to impart information requested by citizens.

He asked the court to direct the government to submit an attested copy of the report. The court directed the Advocate General Punjab to reply on behalf of the government by 12<sup>th</sup> January 2015. The matter went through a routine activity but ultimately ..... **thus**.

#### **NEW JIT FORMED:**

In the meanwhile; **on 18<sup>th</sup> November 2014**, the Punjab government announced another JIT nominating their own civil officers. The PAT office bearers rejected that JIT on the pretext that they did not expect justice from any forum or investigation body which comprise of the Punjab Police officers as members. The new five-member JIT was headed by CCPO Quetta Abdul Razzaq Cheema, AIG Discipline at CPO Shehzad Akbar, DSP CIA Khalid Abubakar and one official each from the Inter Services Intelligence [ISI], Intelligence Bureau [IB].



**On 13<sup>th</sup> March 2015;** the Punjab's CM Shahbaz Sharif had reiterated his earlier statement and got it re-recorded before the JIT that ***'I found about it [the incident] the next morning on TV.'***

**On 20<sup>th</sup> May 2015;** the new joint investigation team [JIT] probing June 2014's deadly clashes between Punjab police and PAT workers held 10 police officers responsible, while giving a clean chit to the Sharif brothers; the sitting prime minister and Punjab's chief minister.

In nut shell, the new JIT's report categorically stated that PM Nawaz Sharif, Punjab's CM Shahbaz Sharif, the federal ministers and police officers of DIG and CCPO-level were not involved in the incident.

However, the JIT report declared that SP Security Salman Khan was present with his contingents at the time of the incident. When PAT workers pelted stones and [allegedly] threw patrol bombs on the police, it was SP Salman Khan who had ordered the firing ***AND had fired bullets himself as well.***

Besides the SP, those who were held responsible for the killings of PAT workers included SHO Amir Saleem, two sub-inspectors of the Elite Force and seven constables. Five of the officers were already under custody and facing trials.

**On 15<sup>th</sup> June 2016;** Pakistan *Awami Tehreek* [PAT] Chief Dr Qadri urged army Chief Gen Raheel Sharif to ensure justice for Model Town victims. While returning to Pakistan, Dr Qadri said:

*"The army chief, who has broken the backbone of militants, should ensure justice for the innocent people killed in Model Town Lahore incident of firing. All leaders responsible for the bloodshed in Model Town will meet their fate.*

*What happened in Model Town in 2014 was state terrorism."*

Blaming the government for being involved in the Model Town firing, the PAT chief announced a '**grand protest**' at Lahore's Mall Road on 17<sup>th</sup> June 2016, while urging:

*"It will be a protest as well as a sit in and I invite all political parties to join PAT on June 17 to raise their voice against the inability of the government to serve justice.*

*It has been two years since the incident, yet the JIT report has not been presented."*

As per announcement, the PAT workers launched their sit-in after *Iftar* on The Mall Lahore to mark the second anniversary of the Model Town incident. Almost all opposition parties, including the PTI, PML[Q], MQM, *Jamaat e Islami* and one man-Awami Muslim League [AML], assured the PAT of their support for the protest.

PAT activists, including a large number of women, began reaching the venue in the afternoon, while police had blocked The Mall and link roads for traffic since morning. Police also forced traders to close down their businesses in the area, warning that the administration had reports about the presence of anti-social elements among PAT activists who could plunder their shops.

The people, however, wondered how PAT activists were accepting dates and sorbet for *Iftar* from the police whom they had been declaring killers of their colleagues.

Close to the stage, some mock gallows were on display, depicting that the activists desired eye-for-an-eye revenge for their colleagues. Some placards carried by the protesters also called for avenging the killings. A separate stage was set up for the heirs of the 14 victims.

At the back of the main stage, capacious enough to accommodate around 200 people, the container that Dr Qadri had used in his two Islamabad sit-ins was parked, giving the impression that contrary to assurances given to the administration the Lahore protest could be longer than a day.

Giving credence to these fears, women participants, some accompanied by toddlers and children, said that they had brought bagfuls of their clothes to stay at the venue for as many days as their leader would say.

Meanwhile, Punjab Law Minister Rana Sanaullah held, while talking to the media before the sit-in began, that the protest was unjustified because the PAT was pursuing court proceedings in cases it had initiated and it could not claim that its voice was not being heard at any forum. The said incident case was sub judice and the PAT was urged to wait for the court verdict.

The Punjab's Law Minister held the PAT responsible for delay in adjudication of the case by not joining the inquiry of a joint investigation team set up two days after the incident.

## **Scenario 180**

### **IMRAN KHAN'S DHARNA [2014]**

#### **IK's CHARGES OF RIGGING IN ELECTIONS:**

There were massive allegations of rigging in the May 2013's general elections in Pakistan; the *Pakistan Tehreek e Insaaf* [PTI] had hesitantly accepted the election results demanding a probe into electoral rigging in at least four constituencies as a litmus test for the rest of the election process. PML[N] Government's inaction in this regard led the PTI to organise several protest demonstrations throughout Punjab province.

The PTI produced about 2100-page white paper showing evidence of rigging; despite this, no action was taken by Prime Minister Nawaz Sharif's government. Meanwhile, the evidence was presented and revelations made in media by one Afzal Khan, the former Additional Secretary of the Election Commission of Pakistan [ECP] played a mind-blowing role. The Supreme Court too, didn't take any action.

In PTI's formal petition in that regard, the Supreme Court sought for evidence to nullify all seats which were mentioned in the petition. The petitioner said he had no proof beyond the allegations which were levelled by ECP's Afzal Khan. The petition was dismissed as per the law of Pakistan which required proof beyond reasonable doubt. Imran Khan resorted to vigorous protests at various places throughout the country.

Throughout his protests, Imran Khan expressed his disappointment at the lack of initiative by the country's judicial system and the adverse behaviour of the ECP toward his cases against election rigging.

**On 22<sup>nd</sup> April 2014;** PTI officially announced the start of their anti-rigging movement against the sitting PML[N] government.

**On 11<sup>th</sup> May 2014;** when a year passed of 2013's general elections, the general populace from all over Pakistan gathered in Islamabad to support Imran Khan whereas Khan demanded investigation or probe in four

constituencies from the PML[N] government and decided to protest in-front of the ECP offices every Friday until his demands were addressed.

Then similar protests [*jalsa*] were held in Faisalabad, Sialkot and Bahawalpur. In Bahawalpur *jalsa* on **27<sup>th</sup> June 2014**, Khan managed to gather a massive crowd at the city's Stadium where he announced plans for the **Freedom March**.

On a separate front but on the same PTI's schedule, Dr Tahirul Qadri of Minhajul Quraan Trust, came out with his political gathering under the banner of ***Pakistan Awami Tehreek*** [PAT], mainly speaking against the faulty electoral system in Pakistan but specifically raising voice for fair judicial inquiry into the killings of his 14 workers in Model Town Lahore a few weeks earlier; on 17<sup>th</sup> June 2014.

Imran Khan and Dr Qadri both neither fully merged their protest marches nor fully rejected to support each other. However, on **10<sup>th</sup> August 2014**, Qadri formally announced that his party's political march, ***the Inqilab March, would proceed parallel with PTI's Freedom March***. Both marches were organised to take different routes, albeit closely mirroring each other in most respects.

Just next day, on **11<sup>th</sup> August 2014**, Dr Qadri and Khan both clarified media persons again that there would be two parallel marches, informally allied together for the dismissal of the PML[N] government, yet without any combined forward strategy.

Imran Khan had consistently presented proofs of electoral fraud in various constituencies. The PTI Chief had also named the caretaker Punjab Chief Minister Najam Sethi and former CJP Iftikhar M Chaudhry in facilitating fraud on the behest of PML[N] in the past elections – but of no avail. He said that he had "*knocked every door to find justice*" but in vain; he then warned if his ultimatum was not met within a month, a **million-march** would be launched.

When Imran Khan presented his demands, the PML[N] government further ridiculed him and showed no concern in this regard. This only forced Imran Khan to present the following ultimate demands alongside his earlier ones:

- *Resignations of PM Nawaz Sharif and his brother Chief Minister Shahbaz Sharif of Punjab.*
- 
- *Dissolution and abolition of the two Sharifs' governments, replaced with caretaker governments.*

- 
- *Call for snap general elections after a caretaker government has been set up.*

**AUGUST 2014's 'DHARNA' STARTS:**

**On 14<sup>th</sup> August 2014;** a **Freedom March**, also called **Tsunami March**, a kind of the public protest that held in Pakistan, started on the call of the Pakistan *Tehreek e Insaf* [PTI]'s Imran Khan against Prime Minister Nawaz Sharif, over the claims of systematic rigging by PML[N] in May 2013's general election. Imran Khan announced plans for that protest march travelling from Lahore to Islamabad in August that year with a massive crowd of his well wishers.

Imran Khan called this march the defining moment in his party's movement against electoral rigging in 2013' general elections also terming PM Sharif's government illegitimate.

During the same days, the known Islamic cleric Dr Tahirul Qadri's Pakistan *Awami Tehreek* [PAT] also announced a similar protest march. The PAT named their march "**Inqilab March**" [Revolutionary Protest] – thus speculations arose that the two marches might merge into one.

Nevertheless, Dr Qadri initially refused to join with Khan's protest and even considered changing the date and venue of his march, but later announced his march would proceed on the same day. It was another fact that the expected informal alliance and parallel marches imposed a much greater pressure on the PML[N] government to curtail the parties' aspirations.

The **Freedom March** took start from Zaman Park in Lahore on 14 August 2014 and finally reached D-Chowk Islamabad via Aabpara; then marched towards the Parliament House on the third day and then to local news channel offices during late hours of 30<sup>th</sup> August 2014. Geo alleged that the protesters had attacked their media outlet during the procession.

The PTI was also having similar claims of being attacked. While the protesting caravan of thousands was marching toward Islamabad via the Grand Trunk Road, the PML[N] workers pelted stones at the protesters in Gujranwala and Jelhem along with alleged instances of gunshots at some occasions; PTI leaders expressed concern over that unnecessary activity.

The PML[N] government allegedly used excessive force against some selective media outlets like ARY News, Samaa TV, Express News, and Dunya News, who were known to have sympathies with the opposition. At times, clashes lead to un-necessary violence from law enforcement agencies.

Violent clashes erupted in other cities also after Islamabad showdown, with as many as 13 protesters dead at the hands of local police, and several policemen injured – at various towns in the country.

Meanwhile, the Pak-army issued a statement, which called for restraints from the police force; three senior police officers and one senior lady police officer resigned from the Islamabad and Punjab police, alleging police brutality. After that, the protesters got closer to the PM house and built pressure on Sharifs after it appeared that ***the Islamabad police was openly rebelling, defying, and protesting against government orders.***

On the same day of 14<sup>th</sup> August 2014, when the Freedom March had taken start from Khan's residence at Zaman Park in Lahore towards Islamabad, Khyber PK Chief Minister Pervez Khattak left with a convoy of supporters from Peshawar.

During the way, CM Khattak's convoy joined by other PTI cavalcades from Nowshera, Swabi and Charsadda, on the motorway to Islamabad. Later reaching the interchange at Attock and eventually reaching Islamabad in the evening. Imran Khan's rally inched its way through the city of Lahore at a snail's pace, could manage to reach till Gujranwala at midnight.

As said earlier, the PTI convoy frequently suffered stoning attacks from the PML[N] workers at the Pindi Bypass outside Gujranwala. The party posted pictures, on its official Twitter account, of PML[N] workers standing atop a police van throwing stones thereby alleging that the Gujranwala police were part of the political party workers' malicious intents.

During the whole route, Imran Khan's convoy suffered pelting from the PML[N] workers generally after every mile and PTI workers also kept on halting to raise shouting and waiting for police to reach – some senior politician could have advised Imran Khan to avoid areas that were known PML[N] strongholds as a means of strategy at least.

**[A prologue; the astral success of Imran Khan's Pakistan Tehreek e Insaf [PTI] in the general elections of May 2013 was a pleasant surprise for the PTI leadership. Imran Khan and his political party were only accustomed to winning single seats; but PTI mustered 35 National Assembly seats and completely wiped off Khyber-PK's**

*Awami National Party [ANP] in 2013, forming a government with the PML[N]'s approval.*

*Suddenly, Imran Khan started insisting on the demand of prime minister's resignation; and when he was criticized for being unreasonable and causing disruption to the state's normal functioning, he immediately occupied the moral high-ground, drawing attention to the June 2014's Model Town tragedy in which 14 followers of Dr Tahirul Qadri's Awami Tehreek had lost their lives.*

*Some PTI stalwarts hinted during the course of 2014 protests they were open to a military takeover. So, if things had gotten out of hand during the street demonstrations and had the army chief taken over, exiling the Sharif family for another decade, the political arena would have been wide open for Imran Khan.*

*PTI could then have easily competed with the only other mainstream political party: Pakistan People's Party [PPP] with their 45 National Assembly seats in the Parliament.*

*In the essentially unprincipled real-politik of Pakistan, one could apprehend that actually they were disgruntled turncoats who had joined PTI in droves and created Pakistan's third nation-wide political force. Jahangir Tareen, Javed Hashmi, Khurshid Mehmood Qasuri and Shah Mehmood Qureshi were few of them.*

*During PTI's Dharna, Dr Qadri also remained there in Islamabad to seek justice for his 14 workers killed in the Model town tragedy - but the two leaders had not joined hands to further their designs.*

*The role of Imran Khan and PTI in that 'dharna' on the Constitution Avenue was only to legitimise their existence: the peaceful protesters, music concerts, democratic prejudices, revolutionary rhetoric, everything added up to creating excellent optics; but Dr Qadri didn't join Imran Khan; at least apparently.*

*In May 2013 elections, PTI had managed to win more than 90% of those seats in the Khyber-PK province, agitating a single issue: **Pakistan's partnership in the US-led war on terror [WOT]**, which bred resentment and reaction among the Pashtun tribesmen. KPK's electorate gave a sweeping mandate to the pro-peace PTI against the Pashtun nationalist party, ANP, which was completely wiped out in the elections.]*

Thus the whole march could enter Islamabad during early hours of **16<sup>th</sup> August 2014**, while it was raining too. At 3 am, in dark pitched night, **Sh Rashid offered a welcome address** to the *dharna* [sit-in protest] crowd. Later, Khyber PK's CM Pervez Khattak, former foreign minister Shah Mehmood Qureshi, Javed Hashmi and Imran Khan spoke at the occasion.

*[The role played by Sh Rashid during the mass demonstrations in Islamabad should not be underestimated. Whoever controls the constituencies of Rawalpindi and Islamabad could bring the capital of Pakistan to a standstill. PTI had won 6 out of 14 Punjab Assembly's constituencies in Rawalpindi, playing to its strength.]*

After his address, Imran Khan left for his Bani Gala residence because of ill health to rest for the night. Many PTI protesters took this stance of leaving them negatively. Soon after his departure, many PTI followers also made their way back to their homes and the number of protesters fell sharply till the next day's dawn.

The PML[N] government found an opportunity to capitalise on Khan's lack of concern for his workers **'toiling on streets faced by torrential rains all throughout the night'**.

*[Khyber PK's CM Pervez Khattak also abandoned his accompanying crowd there on open streets of Islamabad and had to rush back to his province where 18 people had died from incidents relating to heavy rains and downpour in Peshawar.]*

That whole day of **16<sup>th</sup> August 2014**, the PTI protesters awaited Imran Khan to make his scheduled speech, but instead, Khan chose to address the media from his residence at 6:30 pm. Khan demanded the immediate resignation of PM Nawaz Sharif and Shahbaz Sharif, the CM Punjab. In Khan's absence, Shah Mehmood Qureshi addressed the crowd at the rally venue, while Pervez Khattak had already left for Peshawar.

Imran Khan later arrived at the venue after evening hours and addressed the protesting crowd and promised the protesters that he would spend the night with them.

Khan's claim to gather a million protesters in Islamabad [*a figure greater than the total population of the city*] posed a threat to the security apparatus. The PML[N] government feared that such huge crowds in Islamabad could lead to severe conflicts and even terrorist attacks.



The PML[N] government instructed the Islamabad police to stop any protesters from entering the city of Islamabad. Khan expressed his concerns regarding government's plans, calling his party's protest march the "**final phase**" of the larger PTI anti-rigging movement and struggle, and a "**do or die situation**" for his party [*– but ultimately brought zero results*].

**On 17<sup>th</sup> August 2014;** Imran Khan delivered "*the defining speech of his [political] career*" asking his followers to "**kick off a Civil Disobedience Campaign**" and not pay taxes or utility bills. Khan gave the government a deadline of two days to fulfil his demands. PML[N] immediately retaliated by announcing that "*the law is clear and if people don't pay utility bills, they would not be provided with electricity – could be penalised also*".

Meanwhile, in a meeting of the senior leadership of the PML[N] summoned by Nawaz Sharif at the Prime Minister House, the party decided to reject Khan's demands calling them "**illegal and unconstitutional**". However, the government, decided to constitute two separate committees to negotiate with PTI and PAT.

**[On 17<sup>th</sup> August 2014;** *the media published official statistics of as many as 2,520 office-bearers and activists of PAT and PTI detained in 27 jails in Punjab under the Maintenance of Public Order Ordinance [PMO], 1960's section 3. The detainees were sent to jails for 30 days.*

*By 31<sup>st</sup> August 2014;* *the government claimed economic losses directly resulting from the sit in - between Rs:500-800 million. On 26<sup>th</sup> September 2014, an adviser to the PM claimed the losses had run up to \$6 billion (Rs:610 billion).*

*Educational institutions in Islamabad were due to start academic activities after summer holidays on 11<sup>th</sup> August 2014 but remained closed till 31<sup>st</sup> August 2014 to accommodate the ongoing protests.*

*Most of the government schools were in fact closed as 30,000 AJK and Punjab police were provided accommodation in public schools, amidst fears that they would be used for a crackdown against the sit-in participants.]*

**On 18<sup>th</sup> August 2014;** the Lahore High Court Bar Association [LHCBA] moved a petition in the Supreme Court against the twin marches and the PTI-led civil disobedience movement announced by Khan. On the other hand, opposition parties distanced themselves from Khan's civil disobedi-

ence movement while former president Asif Ali Zardari said "*Khan was using unconstitutional means to pursue his goals [to] threaten democracy*".

The same day, PTI's Shah M Qureshi addressed the media after a meeting of the PTI core committee and said that:

***'...all PTI lawmakers have decided to resign from the National Assembly and that the party has decided to withdraw its representatives from the Punjab and Sindh assemblies as well.***

***However, PTI lawmakers in the Khyber PK assembly would only resign after talks with the party's coalition members in the provincial assembly.'***

On the same day evening, Imran Khan announced to lead himself the march towards the '**Red Zone**' at 6pm the following day. [*The Red Zone in Islamabad houses the diplomatic enclave and embassies, parliament, government offices and the presidential and prime ministerial palaces.*] The numbers of protestors were in several hundred thousands then.

**On 19<sup>th</sup> August 2014;** PTI leader Shah M Qureshi announced that he had received the resignation of all PTI MsNA. Pakistan's other political leadership requested Imran Khan to reconsider his decision to enter the Red Zone. They feared his party's march towards the parliament could lead to "**confrontation and bloodshed**".

On the same day, in morning session of the Khyber PK assembly, opposition members decided to bring a no-confidence motion against the PTI's CM Pervez Khattak. The motion came after the opposition members feared the dissolution of the KP assembly even though CM Khattak had earlier ruled out the said possibility. Nevertheless, the motion was signed by 46 MsPA and submitted to the speaker of the KP assembly.

The PML[N] leadership had allowed PTI and PAT workers to protest "**on express conditions that the Red Zone will not be breached**" but the reservations were there. The opposition leaders tried to personally meet the Sit-In leadership but, after PTI's core committee meeting, the stalwarts of PTI decided "**not to partake in any dialogue and to continue marching to the Red Zone**".

**GHQ RESCUED PM NAWAZ SHARIF:**

In the evening of **19<sup>th</sup> August 2014**, Federal Interior Minister Ch Nisar Ali Khan addressed the nation and announced that the government was ready to recount votes of 20 constituencies cast in May 2013's general elections.

Ch Nisar, the federal Interior Minister, also explained the three tiers of security in the Red Zone – first, police; second, Rangers paramilitary forces; and finally, the armed forces; all they were ready to tackle the protesters in 'appropriate way'.

After the sun set that day, both the rallies of PTI and PAT started moving toward the Red Zone. PTI workers moved with cranes towards shipping containers placed at the edge of the barricaded zone. As the party workers removed blockades, the PML[N] government advised security forces not to engage with the protesters. Federal information minister Pervez Rashid said, "***We will not use force. They have brought ladies and innocent children with them.***"

**On 20<sup>th</sup> August 2014;** DG ISPR, Gen Asim Bajwa issued a press release from the GHQ saying that:

*"..... the buildings in the Red Zone are symbols of state and being protected by the army therefore [their] sanctity must be respected. The situation requires patience, wisdom and sagacity from all stakeholders to resolve prevailing impasse through meaningful dialogue in larger national and public interest."*

Around midnight, the lights of the Parliament House were turned off and the law ministry's control room was taken over by the Pakistan army. PTI protesters reached the Parliament House around 3:30 am where they were asked by the military-men on the gates to remain away as the building was under their formal control.

***[Imran Khan had opted to wait for the PM's resignation outside the parliament till evening of that day. How optimistic was he that perhaps the revolution was just few moments and thus few steps away.]***

At noon on that day, the PM Nawaz Sharif arrived in Islamabad to attend the National Assembly session in the Parliament House. As Dr Qadri had asked his supporters to block the exit to the building 'until PM Sharif resigns' so none of the lawmakers of PTI and PML[Q] attended the assembly

session. The prime minister did not address the house but members of opposition parties did have rallied their support behind Sharif's government.

On the other side, as protesters were also gathered outside the Supreme Court building, the judges were reportedly stuck inside the building.

Till **24<sup>th</sup> August 2014**; PTI protesters continued their sit-in protest while the second round of talks between government and PTI failed on the issue of PM's resignation. In an interview with **ARY News** that day, Muhammad Afzal Khan, former Additional Secretary of the ECP joined the protesters' chorus while alleging that:

*"...the 2013 general elections were rigged and the peoples' mandate was stolen. The prime minister Sharif did not win the elections in a free and fair manner and the CEC Fakhruddin G Ebrahim had shut his eyes on [issues of] rigging.*

*The judges were involved in fixing the vote and they deliberately delayed the hearing of voter-fraud cases. Amongst the judges who facilitated rigging were the CJP Iftikhar M Chaudhry and Tassaduq Hussain Jilani."*

Daily '**Dawn**' dated **24<sup>th</sup> August 2014** is referred in this regard.

Next day, Justice [rtd] Kayani, generally known as the stooge nominee member from PML[N] side in the ECP, rebutted allegations from Afzal Khan regarding rigging in general elections 2013; adding that Afzal Khan levelled false allegations because he was not given extension in his service tenure.

**On 28<sup>th</sup> August 2014**; PM Nawaz Sharif asked the COAS Gen Raheel Sharif to 'facilitate' and play his role to overcome the ongoing crisis. Gen Raheel Sharif invited Imran Khan & Dr Qadri in the GHQ for talks. They met Gen Sharif at GHQ Rawalpindi and repeated their demands despite knowing that '*Pakistani constitution does not have any provision where military can provide facilitation regarding a political crisis.*'

GHQ's gate record showed that Imran Khan could stay with the Army Chief for thirteen minutes only. He presented a list of eight demands in total; seven were regarding improvement in electoral process and re-constitution of the ECP. One major was for resignation of the PM Nawaz Sharif. Khan's all demands were agreed but PM's resignation was not granted at that time – so the talks ended abruptly; Imran Khan was sent back empty handed.

Dr Qadri stayed with Gen Raheel Sharif for 52 minutes and presented, more or less, the same list of demands. His all demands were agreed except the same one was not settled – PM's resignation. However, Qadri had not pressed over PM's resignation at that time showing enough wisdom urging that '*... the other points regarding improvements in the electoral process should take start immediately*'.

Dr Qadri's approach was appreciated but, as the two *dharnas* were to stay there without compromise till settlement of 14 deaths in Model Town episode, so his suggestions for reforming the ECP also remained in doldrums amidst the main demand; thus could not be chased on priority.

**On 30 August 2014;** clashes erupted as protesters tried to march toward the Prime Minister's house and tried to force their way in. Police stepped back initially but then resorted to throwing tear gas after some time. More than 500, including women, children and policemen, were injured. People also broke fence of the parliament house and entered there, but on the orders of Pakistan Army deployed there, the people behaved calmly.

Meanwhile, clashes exploded in other cities of Pakistan. In Lahore between PTI supporters and the Punjab Police; also the *Muttahida Qaumi Movement* [MQM] announced a day of mourning to be observed in Karachi. MQM Chief Altaf Hussain, however, had also asked PM Nawaz Sharif to step down as the situation was going tense all over the country.

Next day, the clashes continued between protestors and the police. The protestors entered Pakistan Secretariat and damaged some vehicles; had broken gates and entered the headquarters of Pakistan National Television [PTV] and ransacked it. PTV briefly went off air, although PTI denied its involvement in it.

**On 12<sup>th</sup> September 2014;** dozens of PTI and PAT workers were arrested in connection with attacks on the PTV and the Parliament. Next day, the courts sentenced more than 4100 PTI & PAT workers to jail on 14 days judicial remand amongst which 3187 were PTI workers.

**IK's PUBLIC SPEECHES ALL OVER:**

**On 14<sup>th</sup> September 2014;** Imran Khan announced the extension of protests to other cities for which Karachi was chosen as its first destination,

extending on to Lahore and Multan; hoping it to be successful to pressurize the PML[N] government.

**On 21<sup>st</sup> September 2014;** near *Mazar e Quaid* in **Karachi**, a historic crowd of about 200,000 people gathered to register their protest against PML[N] Government. This also showed the street power and massive support for PTI across Pakistan and resulted in increase of government confusion. Daily the '**Express Tribune**' tagged the crowd as record breaker.

**On 28<sup>th</sup> September 2014;** the PTI managed a huge *jalsa* in *Minar e Pakistan Lahore*. Media reported that the crowd was of about 250,000 people; this *Jalsa* gave PTI a big boost. Even the PML[N] cabinet admired the political power of PTI after this *Jalsa* and offered to begin the talks again.

**On 2<sup>nd</sup> October 2014;** PTI moved to **Mianwali**, hometown of Imran Khan, and organized a large gathering. After *Eidul Adha*, PTI's next stop was **Multan**. The crowd gathered in Multan to hear Imran Khan's speech was said to have exceeded 150,000. Due to the mismanagement, seven people were killed in the stampede that occurred after the speech of Mr Khan when all of the crowd and people rushed out of the gates.

**On 17<sup>th</sup> October 2014;** the PTI tsunami hit **Sargodha** after the victory of PTI backed candidate in Multan by-election. Learning from Multan incident, Sargodha *Jalsa* was managed in a more responsible way.

**On 24<sup>th</sup> October 2014,** the PTI organized rally in Zahoor Elahi Stadium in **Gujrat**. **On 9<sup>th</sup> November 2014,** PTI resumed its marathon of political rallies with **Rahim Yar Khan Jalsa**.

Suddenly, Imran Khan suggested the formation of a commission under the Supreme Court to investigate the alleged electoral fraud urging that members of ISI and MI be included in it. The demand for formation of commission and the sit-in in Islamabad continued. He threatened to gather around a mass of '**million people**' in the capital Islamabad on 30<sup>th</sup> November again if the commission was not established until then – but ***even his new ONE demand was never obliged.***

Then PTI organized three different rallies in one week in different cities of Punjab; on 12<sup>th</sup> November in **Nankana Sahib**, on 15<sup>th</sup> November in **Sahiwal** and on 16<sup>th</sup> November in **Jhelum** - in Jhelum rally, an incident of firing also occurred; eight workers of PTI were injured.

**On 21<sup>st</sup> November 2014;** PTI tsunami hit PPP strong hold **Larkana** city. This was the first time any political party had dared to organise a gathering

here; large number of people attended the rally proving that the people of Larkana wanted change. Imran Khan announced here that '**Kalabagh dam will not be built without the consent and willingness of the people of Sindh**'.

**On 30<sup>th</sup> November 2014;** PTI held its last rally in **Gujranwala's** Jinnah Stadium. Imran Khan announced to present the evidence of rigging in press conference next week.

#### **Coming back to Islamabad:**

The Freedom March was attended in massive numbers by popular Celebrities, film, TV and stage actors, singers and players etc. Cricket Legends Javed Miandad and Wasim Akram also praised Imran Khan and propped him up. Singers like Ali Zafar and Farhan Saeed also supported Khan and the Freedom March.

The Freedom March became notable for popularizing the slogan '**Go Nawaz Go**', which protesters chanted against PM Nawaz Sharif. Sharif and members of his party were greeted with this slogan in several cities including Sargodha, Muzaffarabad, Sialkot etc.

Upon Prime Minister's visit to US to attend 69<sup>th</sup> session of United Nation's General Assembly, a large number of PTI protesters gathered outside the UN office and chanted '*Go Nawaz Go*'. #GoNawazGo also became one of the most used hash-tags of the year on social media in Pakistan.

Amidst concerns that the democracy could be derailed, the PPP mostly sided with the PML[N] government. In the same way, government coalition parties, such as ANP, *Jamiat Ulema e Islam* [JUI-F] and Balochistan National Party [BNP] also vowed to side with PML[N] on issues pointed out by Imran Khan. In fact, *Jamaat e Islami* [JI], Khan's political allies in Khyber PK also remained neutral and presented their desire to defuse tensions between PML[N] and PTI.

Following many Anti-march stances, Arsalan Iftikhar, son of the former CJP Iftikhar M Chaudhry also built a case against Imran Khan. Arsalan Iftikhar appeared on public rostrum alleging that by not disclosing details of his love child Tyrian, Imran Khan violated articles 62 and 63 of Pakistan's constitution; thus liable for accountability.

**PTI's DHARNA ENDED UN-CEREMONIALLY:**

**On 17<sup>th</sup> December 2014;** the PTI ended its marathon sit-in in Islamabad with Imran Khan stressing the need for unity in the wake of 16<sup>th</sup> December 2014's Peshawar School massacre and urging the government to 'reciprocate'. Imran Khan, after offering funeral prayers in absentia for the victims of the sneaky terrorist attack, urged in his last address:

*"Pakistan cannot afford [our] opposition in these testing times... we have to end our sit-in. We have taken this decision for the sake of our country and want to see you [PM Nawaz Sharif] take the next step for the sake of democracy.*

*We expect you will set up a judicial commission; I ask you [Nawaz Sharif], will you do what the nation wants?"*

But there was no cogent applause from the **frustrated mob**.

Imran Khan vowed that his party would accept Nawaz as prime minister if he was cleared of any wrong doing in the 2013 polls but if the premier was found guilty of rigging, there would be no agreeable option other than re-election. Citing the factors that led to his decision to call off the Islamabad sit-in, Imran said:

*"The briefing by the Peshawar's Corps Commander revealed that external forces were behind this attack [on APS] and that there were future threats too. This led us to reconsider whether we should continue our protests under the given circumstances.*

*This, however, doesn't mean the PTI has given up its demands. It is my request that a judicial commission be set up as early as possible... We will come out on the streets again if justice is not served or PML[N] tried to fizzle out."*

Imran Khan was angry about what the government did to them over the last four months on sit-in; the PML[N] allegedly used excessive force against the PTI in Jhelum, Gujranwala and Islamabad; they brought tear-gas shells upon them even though peaceful demonstration or protest was their democratic right. [Though the admin thought it was no more peaceful when it started moving towards Red Zone.]

Bidding farewell to the participants of the sit-in, the PTI Chief put the party's movement in perspective for its supporters while saying that:



*"We woke up the nation over the last four months. Our movement has been spreading and we held the biggest rallies in the country's history, simply because the nation realises the elections were rigged.*

*I congratulate all my fellow protesters, particularly women and the youth for active participation."*

From the above given details, it is evident that **PM Sharif was tacitly supported by the Pak-Army**. It were Gen Raheel Sharif's instructions that the army troops did not allow the PTI's thousands of charged workers to enter the PM house or kept them away from breaking the Parliament's doors. It was only a game of moments had Imran Khan's mob gone nasty – the PM's staff, ministers and '**jaan-nisar**' bureaucrats had already packed up their luggage and boots.

After May 2013's general elections, Nawaz Sharif had successfully taken over the reins of power in Pakistan but till late 2014 the economy was struggling and he had hesitated to back the army as the later launched an antiterrorist campaign against the Pakistan Taliban. On 16<sup>th</sup> December 2014; however, every perspective changed when the Taliban attacked the Army Public School Peshawar killing 142 children and teachers at the spot; later the toll reached 153 plus humiliations.

That was the moment when Pakistanis united in disgust, revolt and revulsion against the so-called Islamists, politicians of JUI and JI including Dr Qadri and Imran Khan, once was labelled '**Taliban Khan**' for his militant sympathies. The whole nation backed their army and Gen Raheel Sharif, full of rage and anger, attacked the Taliban with renewed ferociousness.

PM Nawaz Sharif's government and all positive minded politicians had to stand by the nation, had to back the Pak-Army in their resolve, otherwise still PML[N]'s Rana Sanaullahs and Maulana Fazul Rehams were not agreeing to that move.

Imran Khan at last had to convince himself while urging that '**whatever happens now we've got to go after them.**'

It was one of those traumatic events in Pakistan that changed the country. The Peshawar massacre was so gruesome that made the whole Pakistan one voice – the people were sick of terrorism, violence and Taliban marked Islamic revolution.

Then with the aid of Pak-Army, the days came when PM Sharif started feeling secure; with the economy recovering and political violence abating — despite the assassination of Shuja Khanzada, Punjab Home Minister like singular events. Arif Nizami like critics declared that:

*"I think Nawaz Sharif will survive, with a bit of luck and some good politics. In the past one year, he's mended fences with the army . . . Pakistan is definitely more stable than a year ago."*

Nizami had further suggested that PM Sharif would only retain his position through balanced tolerance as for decades the Generals have been ruling Pakistan and controlled foreign and defence policy under civilian governments, and there was no sign of Gen Sharif loosening that military's grip.

Of course, the Pakistani military had helped the PML[N] government with security operations not only in the Taliban-dominated tribal areas but also in Karachi, where the paramilitary Rangers were being confronted with the private armies of the MQM and the PPP's gangsters in the robes of Karachi Administration and Lyari's *Amn* Committees.

Ahsan Iqbal, the Federal Planning Minister had once said:

*"What we are seeing is a good model of civil-military leadership working together. Today we have a political consensus in the country at the level of political parties, and at the level of the civil-military leadership."*

After August 2014's PTI *sonami* was over on 17<sup>th</sup> December 2014, liberals and left-wingers, suspicious of the main political parties as well as the army, were not convinced about the merits of that 'civil-military' accord and worried about the erosion of so-called Pakistani democracy. The Rangers and the military were found reinventing themselves as the defenders of Pakistan and there was applause and appreciation on all sides about how the changed set-up could be truly their saviour.

One of the more controversial aspects of the post-Peshawar National Action Plan [NAP] against terrorism was the establishment of military courts for terrorism cases, supported even by Imran Khan because judges and lawyers had been so intimidated that convictions through the normal justice system appeared almost impossible. The judges were just petrified and scared — more explicitly — had gone frightened or coward.

Gen ® Talat Masood, a political analyst also, opined that:

*"I would like the rule of law to take place, but the fact is that the judges are scared to die. It's not a true democratic system. That's been very fragile in Pakistan all along. The balance has always been in favour of the army.*

*The army is cohabiting with the civilian government and has recently become stronger but Gen Sharif understands he cannot take the final step of overtly seizing power."*

Referring to the most recent deliberations appeared on the TV channels; like daily the '**Pakistan**' dated **30<sup>th</sup> December 2016**;

Former PTI president Javed Hashmi revealed that during the *dharna* movement in 2014, Imran Khan had made a deal with the then Chief Justice to come into power.

The senior politician levelled these allegations during **Dunya TV** programme '**On the Front**' of a day before. Hashmi claimed that the PTI Chairman had made a deal with the then Chief Justice Nasirul Mulk. The elderly politician disclosed the details of the alleged deal, claiming that martial law would have been imposed for 90 days during which elections were to be held. And the elections would have been engineered in order to enable PTI to emerge as the victor.

Javed Hashmi said that this information had been disclosed to him by Imran Khan himself, who had told him all about the alleged deal in a one-on-one meeting.

Mr Hashmi had parted ways from PTI during the party's protest movement to topple the Nawaz-led government during the second half of 2014.

## **Scenario 181**

### **TALIBAN TURNED AGGRESSIVE**

#### **TALIBAN'S GRIP - A DECADE BACK:**

Peep into an era of early 2007 when the military rule of Gen Musharraf was mature enough.

The Taliban and al Qaeda were not satisfied with their un-humanly activities keeping confined to the tribal belt or the Khyber PK province of Pakistan. The pro-Taliban leadership in the country went emboldened by the weakness of Gen Musharraf's government and openly challenged the rule of law at ***Lal Masjid*** in Islamabad.

***Lal Masjid*** and its adjacent *Hafsa madrassa*, boasting over 7,000 ladies and gentlemen students, successfully managed to enforce the Taliban-style system of 'moral policing' in matters of 'vice and virtue'. Then their organised factions started visiting shops, threatening them with dire consequences if they didn't stop selling DVDs, CDs or music cassettes. People were also issued directives about dress codes and other 'moral and ethical' requirements as per Islamic injunctions.

During the last week of March 2007, the ***Lal Masjid*** militia picked up a woman, her daughter in law and her infant, and held them because they were allegedly running a brothel; Maulana Aziz gave a deadline of one week for implementation of Shariah Law. ***"If we find a woman with loose morals, we will prosecute her in Lal Masjid,"*** Maulana Aziz announced in Friday prayers.

**On 26<sup>th</sup> March 2007**, Gen Musharraf's government signed an uncertain Bajaur Accord, which ceded control of the region to the local Taliban under the guise of dealing with the local tribes.

#### **[Bajaur Accord:**

**On 17<sup>th</sup> March 2007;** *Gen Musharraf's military government came to an official verbal agreement with the Mohmand tribe; it was*

*with the Salarzai and Utmankhel tribes, as well as the 'local Taliban,' also known as the **Tehrik e Nifaz e Shariat e Mohammadi** [the **TNSM**, or Movement for the Implementation of Sharia Law of the holy Prophet Mohammad PBUH].*

On 26<sup>th</sup> March 2007; one Malik Abdul Aziz signed the agreement on behalf of the Taliban saying that:

*"The local Taliban organisation has authorised me to sign this agreement and they have assured that they will not take part in any subversive activity."*

*Under the provisions of this accord, the tribesmen and militants agreed not to give foreign militants safe haven in the area or allow 'subversive' activities, while the authorities pledged not to make arrests without consulting the elders.*

*The government agreed NOT to raid any place without any solid proof and to withdraw warrants of arrests issued against Agency's people on the basis of suspicion.*

*However, the Pakistani government had not agreed to withdraw military and security forces, unlike the Waziristan Accord.*

*The 'local Taliban' wasted no time in flexing its muscles. On the very same day the Bajaur Accord was signed, the 'local Taliban,' and TNSM, demanded the release of TNSM leader Sufi Mohammed saying that:*

*"If Sufi is not released, the TNSM will conduct a suicide campaign inside Pakistan; we have over 100 suicide bombers available to strike at targets inside the country."*

*The tribal militants were being led by Faqir Muhammad; a senior leader of the Movement for Enforcement of Islamic Laws, which provided the ideological inspiration to the Afghan Taliban in 1990s. Faqir's group sent over 10,000 fighters into Afghanistan to fight the US forces in October 2001. His two sons and two cousins were arrested by Pakistani authorities after returning from Afghanistan.*

*Faqir Muhammad was known as **"al-Zawahiri's Pakistani ally."** His home in the village of Damadola was targeted by a joint US air-strike in January 2006 after al Qaeda senior leader Ayman al-*

*Zawahiri was believed to have been there. Zawahiri and Faqir escaped death, but Abu Khabab al-Masri, the chief of al Qaeda's WMD program, and several other senior al Qaeda leaders were killed in the attack.*

*In October 2006, Faqir's madrassa in Chingai village of Bajaur, labelled as an al Qaeda and Taliban training camp, was hit by another US air-strike, killing 84 Taliban, including Faqir's deputy, Liaquat Hussain. Faqir had responded by attacking the Dargai military base with a suicide bomber killing tens of Pak-Army jawans.*

*Then Gen Musharraf's government was made to believe that those 'local Taliban' were "patriots" who could be entrusted to secure the peace inside Pakistan while preventing cross border attacks in Afghanistan. Meanwhile, the Northwest Frontier Province was falling into the hands of the Taliban and al Qaeda.]*

**On 27<sup>th</sup> March 2007**, Major Hamza, an ISI officer and Subedar Saeed were murdered in Bajaur along with two other security officials. It was a great blow to Pak-Army's peace cause. Later investigations revealed that the attack was an 'inside job' aided or carried out by certain rogue ISI officials sympathetic to al Qaeda.

In the settled district of Tank in Khyber PK, over 200 Taliban fighters attacked the town's police stations, looted and burnt two banks. The government claimed 25 Taliban and one police officer were killed, but it was not believed by the media.

The fighting in Tank began after the principal of a local high school asked police to prevent the Taliban from recruiting students for their brigades. A skirmish ensued, and the Taliban later returned and kidnapped the principal. Over 100 students were recruited by the Taliban in that single school till the attack; they kept holding positions outside the town for weeks.

After attack on Tank, the Taliban started enforcing Sharia **in Kohat**; they blew up two video shops and torched a cable operator's office in Kohat.

**In Bannu**, the Taliban kidnapped a female poll worker **on 30<sup>th</sup> March 2007**. The Taliban forced the local politicians to agree to nominate only male candidates in local and national elections and the militants also got them agreed that **women would not poll votes in any election**.

**On 5-6<sup>th</sup> April 2007;** *Jamia Hafsa* held a conference at **Lal Masjid**, where the Islamic leadership finalised a strategy against brothels and gambling dens and the drive was settled to be spread in adjacent districts also.

As the crisis in Islamabad city deepened, the Pakistani military was stuck by a suicide attack. Two recruits were killed and 8 wounded when a suicide bomber walked up to trainees outside a military base in **Kharian** [*the HQ of an army corps where mechanized infantry, armour and artillery were normally stationed*].

**On 14<sup>th</sup> April 2010;** as many as 736 prisoners undergoing jail terms in various prisons of the Punjab were freed while 3,238 convicts benefited from the special remission granted by President Zardari to celebrate the success of the 18th Amendment. In Rawalpindi region only, 215 convicts were freed while 610 were benefited, including Ahmad Riaz Sheikh, former Additional DG FIA - 167 prisoners were released from Adiala Jail.

The main provision for celebration of the passing of 18<sup>th</sup> Amendment for the Pakistan's Constitution was that ***'the political parties are not bound to hold elections within'***; meaning thereby that the future prime ministers in Pakistan would not go out of Zardaris, Sharifs, Chaudhrys of Gujrat and JUI's Rehman families, as discussed earlier in detail.

President Zardari was delighted more but it suited most of the party leaders in Pakistan AND was a gift for Taliban because most of their prisoners were facilitated through that noble remission.

Meanwhile, a petition was filed by one Azhar Siddique Advocate in the Lahore High Court [LHC] the same day against the Punjab government for non-implementation of presidential order regarding remission in sentences of convicted prisoners – but of no avail.

In Pakistan, amendments are made in the Constitution and rules are framed to benefit some families of upper political elite and their cronies – this is called ***'Pakistani democracy'***.

### **11 NANGA PARBAT TOURISTS KILLED:**

**On 22<sup>nd</sup> June 2013;** about 16 local Taliban disguised as Gilgit Scouts hiked into base camp on the Diamir side of Pakistan's 26,660 ft high Nanga Parbat, the ninth-tallest mountain on earth, shouting in English: ***"Taliban!"***

***Al Qaeda! Surrender!***". Some fifty climbers from many different countries were on the mountain at that time, and more than a dozen were hanging out at base. The intruders roused these mountaineers from their tents, tied them up, and forced them onto their knees at gunpoint. The attackers first demanded money. One person, the only survivor Pakistani guide told:

*"We know you can speak English. Ask them who has money in their tents ..... Everybody was scared. We all said, 'Yes, we have money.' The foreigners said, 'Yes, we have Euros. Yes, we have dollars.' And, one by one, they took climbers to their different tents and collected the money."*

The intruders took hold of all currency, passports, valuables, and then destroyed all their cell phones, satellite gadgets and two-way radios etc they could find.

*"Suddenly.... sound of shootin after that moment, the shooting started in bursts. Three times like that. Then the leader said, 'Now stop firing. Don't fire anybody.' **Then he came in between the dead bodies and he personally shot them one by one.**"*

Several of the climbers pleaded, "***I am not American! I am not American!***" but to no avail. Only one of the victims was Chinese-born American; two were Chinese, three were Ukrainians, two Slovaks, one Lithuanian, and one *Sherpa* from Nepal. The cook was a Pakistani. In all, 11 people were killed. One Chinese survivor was later recovered.

The ***BBC report dated 24<sup>th</sup> June 2013*** told that:

*'... this was at a height of 4,200m (13,779 ft) and the attackers would have had to travel for at least 18 hours by foot or by mule.*

*The attackers forced two local guides to take them to the base camp. Once they reached their destination, they rounded up the foreign climbers and staff, took passports and money, destroyed mobile phones, blindfolded them and forced them to kneel.*

*The gunmen separated and tied up the local Pakistani staff and told them not to attempt to raise the alarm until morning..... and stayed hidden on the mountain .....when a Pakistani cook came rushing down in tears saying everybody had been killed.'*



The climbers were staying at a first base camp in Buner *Nallah*, around 4,200 feet from **Nanga Parbat**, one of the highest mountains in the world, in the Diamer district of Gilgit - Baltistan. The area where the incident occurred was unmanned and at a distance of two days track from Chilas. Gunmen came and opened fire killing all of them. The Himalayas in northern Pakistan offer some of the most spectacular climbing in the world. Its peaks are a magnet for experienced mountaineers, often from Europe.

The *Tehreek e Taliban* Pakistan [TTP] claimed responsibility for the killings confirming that because of the killing of their front rank leader Waliur Rehman **on 30<sup>th</sup> May 2013** in US drone attack brought them to avenge and retaliate. Waliur Rehman was buried within hours after he was killed.

*[Later reports confirmed that the terrorists had planned to kidnap Chen Honglu, the dual Chinese-American citizen, to trade him for a Taliban commander in Afghanistan. As the attack unfolded in the Nanga Parbat base camp, Chen burst out of his tent and tackled one of the militants using martial arts techniques.*

*The militant, named Mujeeb, panicked and shot him, destroying the main purpose of the mission and infuriating the terrorist commanders. The remaining climbers were then tied up and shot. The attackers then walked for five hours to a remote village where they buried their uniforms and had breakfast before a walking on to another village and dispersing.]*

The TTP had, at the same time, withdrawn its offer for peace talks which were then under negotiation with newly saddled PML[N] government.

The Taliban also announced that it would take revenge of their leader's death by getting even with the government and military establishment key members. TTP spokesman Ehsanullah Ehsan said in a statement:

***"We announce an end to our peace overtures because we believe that the Pakistani government is equally involved in the drone attack. The death of Waliur Rehman, our deputy chief and our commander in-charge for South Waziristan, would not dampen our spirit but would add to our determination."***

The US attack had evoked a strong reaction all over Pakistan and Imran Khan, the Chief of the PTI, called incoming Prime Minister Nawaz Sharif to either get drone attacks stopped or decide to shoot them down.

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In the past, Nawaz Sharif had been advocating peace talks with the Taliban and he publicly criticised US drone strike that killed Taliban Deputy Waliur Rehman echoing that the US drone campaign violated national sovereignty.

While Gilgit-Baltistan had seen deadly sectarian violence targeting Shiite community, foreigners had never before been targeted in such a remote part of the region - inaccessible by road. Helicopters were dispatched to recover the bodies with police and paramilitary force. Remnants of horrific attacks were apparent as the media men drove through Chilas had also seen three burnt up buses abandoned on a road side.

Later it was revealed that the attackers were dressed up as Gilgit Scouts, a paramilitary police unit, and accessed the camp with the help of two guides whom they kidnapped. One guide was killed in the shoot-out.

Needless to say, this attack on the expedition team was purposefully launched to cause a significant setback for Pakistan's tourism industry. Trekking companies were reported cancellations from groups scheduled to arrive later in the season. Even after post-9/11 attacks, about 5,000 resilient adventurers continued to travel and mettle against the monstrous peaks in the Himalayan and Karakoram ranges including the K2, the second highest mountain in the world.

After that episode of brutal murders, local economy came to stand still. Immediately after, the government suspended all mountaineering expeditions on Nanga Parbat and around – another blow for the poor people. The government should have made plans to tackle the terror menace instead of cancellation of expeditions.

**On 26<sup>th</sup> June 2013;** sixteen terrorists involved in the said cold blooded murder of 10 foreign trekkers and their Pakistani guide were identified; Gilgit police Chief Usman Zakaria claimed. They were all locals... 10 of them were residents of Diamer Valley; three belonged to Mansehra and another three from Kohistan. It was a major breakthrough ... also telling that the assailants had received training in FATA and had links with some banned outfits. Four of them were arrested on 22<sup>nd</sup> July.

The development was achieved through Diamer jirga which had extended all possible help in identifying the accused; the attackers were then hiding somewhere in the valley.

**On 7<sup>th</sup> August 2013;** the new *Jandul Hafsa faction* of the outlawed TTP killed three security officials who were investigating the Nanga Parbat massacre. Gunmen opened fire on the officers' vehicle in Chilas in the Di-

amer district while it was on their way from the Deputy Commissioner House to their rest house. The officials who were killed included Superintendent of Police [SP] Hilal Ahmed, who was driving the vehicle, Capt Ashfaq Aziz and Col Ghulam Mustafa. The later two belonged to the Pakistan Army and were responsible for the internal security of the district.

*[But many questions remained unanswered. If the **Jundul Hafsa** had struck to avenge the American drone strikes, why did they so readily kill non-Americans, even Chinese? Some speculated that the killers intended to disrupt the political bond between Pakistan and China, jointly planning a major dam project in the Diamir region.*

*There were strong indications, too, that the **Jundul Hafsa**, or allied factions of the TTP, were responsible for two attacks on buses in the Gilgit region in February 2012, in which almost sixty Shia were systematically identified and executed.]*

The death of army officials prompted the Pakistan Army to enter the district for the first time since the incident. The army conducted a targeted operation in four places in Chilas while the entry and exit points to the town were sealed and Army Aviation helicopters hovered above. The operations lasted till late evening of 11<sup>th</sup> August 2013.

Till **19<sup>th</sup> August 2013**; all 20 of the men reportedly behind the Nanga Parbat attack were arrested which were subsequently released except FIVE till June 2014. According to one Bashir Qureshi, a member of the negotiating team assigned to bring the culprits out of hiding; there were many grey areas in the case. Qureshi opined that:

*"Nothing is clear, they have mixed up four different cases to give an impression that all the perpetrators have been arrested but the real perpetrators are still at large."*

The attackers had gained access to this remote location by abducting two guides; one Pakistani and one Nepalese named Sona Sherpa. The Nepalese guide was also killed during the shootout.

**On 27<sup>th</sup> February 2015**; four inmates made a successful attempt to escape the Gilgit district jail. Of the two who managed to flee, one was allegedly involved in the Nanga Parbat tourist shooting incident. Security agencies started an operation to capture the escapees but could not succeed.

**US-TTP TALKS IN DOHA FAILED:**

After nearly 12 years of death and destruction, the Taliban and the US were to hold talks on finding a political solution to end the war in Afghanistan. Referring to the American **FP magazine** dated **18<sup>th</sup> June 2013**:

*"The Obama administration was convinced that a Taliban office be opened in the Qatari capital of Doha – taking it as the first step towards ultimate US-Afghan goal of full Taliban renouncement of links with al Qaida. Formal meetings were scheduled to begin within days [of course, with flexible agenda]."*

The decision was a reversal of months of failed efforts to start peace talks while Taliban militants intensified a campaign targeting urban centres and government installations in the two countries, Afghanistan and Pakistan.

In academics, the Taliban group used to oppose the use of Afghan soil to threaten other countries and supported the negotiating process; posing on two key demands of both the US and Afghan governments before talks could begin. The deputy foreign minister of Qatar had confirmed that the Emir of the Gulf States had given the go ahead for the office to open.

The Taliban were willing to use all legal means to end what they called the **occupation of Afghanistan**. The US and Taliban representatives were going to hold bilateral meetings, and Afghan president Hamid Karzai's High Peace Council was expected to follow up with its own talks a few days later. Both the US and the Taliban acknowledged that the process would be **"complex, long and messy"** because of the then ongoing level of distrust between the parties.

Taliban had for years refused to speak to governments or the Peace Council, set up by Mr Karzai three years ago, because they considered them to be American puppets. Taliban representatives instead talked to American and other Western officials in Doha and other places, mostly in Europe.

The said announcements had come on the day that Afghan forces took the lead from the NATO coalition for security nationwide, opening the way for the full withdrawal of most foreign troops in 18 months; till December 2014 then. However, one US administration official said during a morning conference call with reporters. **"....So we're at the beginning of a difficult road... I wouldn't be looking for early results."**

The whole world, specifically the US and Afghanistan, were soon disappointed because just after three weeks, the said **Taliban Office in Doha was closed before formal talks could take start** – on the charges of **'broken promises'** from Taliban leadership.

Daily '**Al Jazeera**' dated **10<sup>th</sup> July 2013** informed the inside story to all.

The office opened on 18<sup>th</sup> June 2013 as the first move towards a possible peace deal after 12-years of fighting, but it enraged Afghan President Hamid Karzai who declared it as an **unofficial embassy for [Afghan Taliban] government-in-exile.**

A Pakistan-based Taliban official said:

*"We have temporarily closed the Qatar office due to broken promises. We are not happy with the Americans, the Kabul government and all parties who have not been honest with us."*

Karzai broke off bilateral talks with the Americans and threatened to boycott any peace process altogether after the Taliban opened the offices with a flag-raising ceremony for the **"Islamic Emirate of Afghanistan"** - the name of the country under Taliban rule.

The latest setback came as Afghan officials said a Taliban-planted bomb in the western province of Herat killed 17 civilians, the roadside bomb in Herat killed 12 women, four children and one man travelling in a three-wheel minivan; at least seven other passengers were wounded.

An Afghan soldier also shot dead a Slovakian soldier at Kandahar airfield. The Slovakian government confirmed that one Slovak soldier was killed and six were injured when an Afghan soldier opened fire in the latest **"insider attack"** to shake the NATO coalition.

Meanwhile, the US government was seriously considering speeding up the withdrawal of its forces because of frustration with Karzai. The US President, Barack Obama, was committed to ending the US military involvement in Afghanistan by the end of 2014, though his administration has been negotiating with Kabul about leaving behind a **'residual force'**.

**[In August 2015; head of the Taliban office in Qatar, Tayeb Agha, resigned citing "internal factional struggles to seize control of the leadership."** Indeed, he did so after learning that the Taliban leader Mullah Omar was no more alive; had passed

*away in 2013. Learning of the power vacuum that was created by Mullah Omar's death, Agha departed arguing that all sides of the Taliban should regulate their affairs from inside Afghanistan.*

**In March 2016;** *Taliban refused to engage in talks with Afghanistan, Pakistan, China, and the US; calling such discussions as futile.*

**In April 2016;** *members of Taliban in Qatar issued a statement denying media reports that the Taliban was exploring the possibility of peace talks with the Afghan government.*

*According to Taliban officials in Qatar, **the Taliban were not entertaining peace negotiations at this time.** Rather, the group was focused on the release of Taliban prisoners as well as issues along the border between Pakistan and Afghanistan.]*

Thus the matter stands dead since then & hopefully once for all.

### **PESHAWAR APS MASSACRE [2014]:**

**On 16<sup>th</sup> December 2014,** 153 people, more than 134 of them children, were killed in Peshawar when the Pakistani Taliban launched an attack at the Army Public School [APS]. Seven attackers, dressed in army uniform, mounted assault on the school at about 10.30am; hundreds were attending the school at that time. Many children escaped but some were held hostage hours after the initial assault.

The militants affiliated with *Tehrik e Taliban* [TTP], all of whom were foreign nationals, included one Chechen, three Arabs and two Afghans, entered the school and opened fire on school staff and children ranging between eight and eighteen years of age. A rescue operation was launched by the Pakistan Army's Special Services Group [SSG] which killed all the seven terrorists and rescued 960 people. About 130 people were also injured in the said attack. It was the deadliest terrorist attack ever to occur in the country after Karachi bombing of October 2007.

The later version told that the attackers were not seven rather many more.

*[Earlier, in the same city of Peshawar, **on 28<sup>th</sup> October 2009,** 137 people, mainly women and children, were slaughtered in Peshawar's Meena Bazaar in a brutal militant attack by the Taliban.*

**On 22<sup>nd</sup> September 2013;** *the militants linked to the Taliban had killed at least 80 people at a church in Peshawar, in one of the worst attacks on Christians.]*

The militants had entered the school building from the back through a cemetery after having scaled the boundary walls. Army Public School is located at Warsak Road near the Peshawar Cantonment area. Before entering the school, the gunmen set fire to the Suzuki van in which they had arrived there.

The terrorists, bearing automatic weapons, moved straight towards the auditorium located at the centre of the complex and opened fire indiscriminately on the children who were gathered there for First Aid training. They wanted to kill as many pupils as they could. As the terrorists opened fire, many of the pupils ran towards the two exits on the other side of the auditorium, but many of them were gunned down in the garden.

The students were forced to watch teachers, including Principal Tahira Qazi, to be killed in front of them. Within 15 minutes, the SSG teams reached there and entered the premises from two sides in their heavy armoured vehicles and trucks; engaged the terrorists, preventing them from chasing the remaining school staff and students. The gunmen moved to the administration block where one of them was shot by the military personnel while the other six managed to take hostage there.

Meanwhile units of the Army Medical Corps were rushed to the school in armoured vehicles whereas Army Corps of Military Police and the Peshawar civilian police cordoned off the school and blocked the potential escape routes for the armed militants.

A fresh contingent of the SSG commandos then reached there and surrounded the administration block where the terrorists were hiding inside with hostages. During the rescue operation there, three of the six attackers were killed by the army snipers from the windows and air vents, while the other three were killed when the commandos stormed the building at last. Seven SSG commandos, including two officers, were injured in the battle.

The terrorists were in contact with their handlers during the attack, but soon after the SSG had moved in, the security forces intercepted the terrorists' communications. The SSG team were able to identify that who they were and with whom they were in contact with but did not share the information with any due to security reasons.

The TTP claimed responsibility for the attack, describing it as revenge for Operation **Zarb e Azb**, the Pakistani military's offensive in North Waziristan that had taken start in June 2014 with full force. TTP spokesman Omar Khorasani told the media on phone that:

*'We targeted the school because the Army targets our families. We want them to feel our pain. We identified more than 50 sons of important army officers and killed them after.'*

The attacks were mainly coordinated by TTP leaders operating in Afghanistan. Early investigations revealed that the group was led by the terrorist, Abu Shamil who planned the attacks, accompanied by three Arabs and two Pashto speaking Afghans from Eastern Afghanistan.

**The BBC** dated **16<sup>th</sup> December 2014**, while describing the above sad incident rightly pointed out that:

*"This brutal attack may well be a watershed for country long accused by the world of treating terrorists as strategic assets.*

*Pakistan's policy-makers struggling to come to grips with various shades of militants have often cited a 'lack of consensus' and **'large pockets of sympathy' for religious militants** as a major stumbling-block.*

*That is why, for Gen Raheel Sharif's indiscriminate operation earlier in the year against militant groups in Pakistan, **the political response was lukewarm at best.***

*We will get them, was his message, be they Pakistani Taliban, Punjabi Taliban, al-Qaeda and affiliates, or most importantly, the dreaded Haqqani network. **But the country's political leadership chose to remain largely silent.**"*

During the month of November 2014, 35 attacks in Pakistan were carried out in total; out of which 32 were carried out by the Pakistan Taliban [TTP] killing 143 people; 13 were carried out in the Khyber PK province only.

**On 18<sup>th</sup> December 2014;** a video was released by TTP on their website showing one *Umar Mansour* revealing that he, in association with one Saddam Jan, was the mastermind behind the Peshawar School attack. He was instructed by Maulana Fazlullah, a perspective new Chief of the TTP having his bases in two provinces of Afghanistan; Kunar & Nuristan.



**On 26<sup>th</sup> December 2014;** Saddam Jan was hunted and killed by the Special Forces in Khyber Agency; six other high value targets were also gunned down with him. The Pakistani intelligence community conducted an investigation to determine the nationalities of the terrorists, whom the FIA determined were all foreign fighters. The identities of six gunmen were released:

- Abu Shamil (also known as Abdur Rehman) — Chechen fighter and thought to be the ringleader of the group.
- 
- Nouman Shah Helmand — an Afghan citizen from Helmand Province; the US had placed a \$500,000 bounty upon Shah.
- 
- Wazir Alam Herat — an Afghan citizen from Herat.
- 
- Khatib al-Zubaidi — an Arabic speaker and an Egyptian citizen.
- 
- Mohammad Zahedi — an Arabic speaker and a Moroccan citizen.
- 
- Jibran al-Saeedi — an Arab of unknown nationality.

The SIM card of the cell phone that was used by the terrorists was found to be registered to a woman belonging to the rural area of Hasilpur Punjab.

The attack sparked widespread reactions in Pakistan, receiving condemnations from public, government institutions, political and religious entities, journalists, and other members of Pakistani society. Pakistani media reacted strongly to the events, with major newspapers, news channels and many commentators calling for renewed and strong action against militants, especially against the exploiters of religion like TTP.

International reaction to the attack was also widespread, with many countries and international organizations condemning the attack and expressing their condolences to the families of the victims. Calling it a national tragedy the government announced a 3-day mourning period during which the National Flag remained at half mast.

Major Pakistani political entities denounced and heavily condemned the attack on innocent children, calling for a strong reaction against the militants. Nobel Peace Prize winner Malala Yousafzai condemned the attack, saying in a statement: *"I am heartbroken by this senseless and cold-blooded act of terror in Peshawar that is unfolding before us"*.

Even the terrorist organization *al-Qaeda's* spokesperson said that **"Our hearts are bursting with pain and that the soldiers should be targeted, not their children"**.

After the Peshawar event, Pakistani authorities immediately launched crackdowns on Afghan refugee settlements around Islamabad and Peshawar to apprehend illegal immigrants. During the period, at least 30,000 Afghans left for Afghanistan voluntarily; about 2000 were deported due to lack of legal documentation with them.

Many international media organisations referred to the attack as Pakistan's "9/11". The popular opinion was one of anger against the TTP soon after the attacks. Pakistan Government and its Armed Forces showed immediate reaction to the incident. The Iranian-American scholar, Vali Nasr opined:

*"The Taliban may be trying to slacken the resolve of the [Pakistan's] military by suggesting that there could be a tremendous human costs to the military offensive and create public pressure on the military to back off from this offensive [in North Waziristan], but it may actually ricochet on them."*

Protesters in Islamabad surrounded a pro-Taliban mosque, '**Lal Masjid**' and reclaimed the space. A series of candle vigils were held throughout Pakistan in solidarity with the victims. **"We want to reclaim our mosques, our communities, our cities, indeed our entire country from extremists,"** the mob held the promise.

Maulana Abdul Aziz, the head cleric of **Lal Masjid** [Red Mosque], refused to condemn the Peshawar massacre, calling it an understandable response to a six-month Pakistani military drive against armed groups associated with Taliban. In response, Pakistanis gathered protesting outside **Lal Masjid**, and held a candle-lit vigil for the victims and wrote the names of those killed on a white board while speaking against extremism – that:

*"Some people are acting like spokespersons for the enemy and openly telling the world that they support militancy and organizations like TTP & ISIL. We must stand up against them."*

The liberal political party *Muttahida Qaumi Movement* [MQM] lodged a police complaint against Maulana Aziz for his statement after protesters called him a Taliban apologist, Pakistani media had reported. However, two days later, Maulana Aziz gave into pressure and apologized for failing to unconditionally condemn the Peshawar attack by the TTP.

**On 30<sup>th</sup> December 2014**, Pakistani cricket star Younis Khan visited the Peshawar school to hand over cricket kits and a cheque sent by the New Zealand cricket team, as a good gesture for the students of the APS. ISPR released a song, ***bara dushman bana phirta hai jo bachon se larta hai***, [what kind of the enemy is who preferred to fight with the children], a special tribute to the innocent victims.

The APS Peshawar reopened on **12<sup>th</sup> January 2015** under the guard of Pakistan's security forces. To uplift the morale and spirit of the students and victims of school the Chief of Army Staff Gen Raheel Sharif himself attended the morning assembly of the school and confirmed them that no such incident would ever occur in Pakistan again and ***'they [the Pak-Army] will break the backbone of Taliban'***.

After two days of Peshawar attack, there was also a terrorist blast in Dera Ghazi Khan's school. But fortunately, no one was there. Hence, after that, all the Educational Institutions got closed for three weeks under the government instructions, just to recollect the morale of the kids and students.

### **BAN ON EXECUTIONS LIFTED:**

**On 17<sup>th</sup> December 2014**, Prime Minister Nawaz Sharif approved paperwork to remove the moratorium on the death penalty in terror-related cases after which one Mohammed Aqeel along with Arshad Mehmood, the convicted for a failed assassination attempt on the former President, Gen Musharraf, were executed on 19<sup>th</sup> December 2014.

Pakistan had a moratorium on executions since 2008. Till July 2013, there were about 8000 people on death row in Pakistan in terrorism related cases. The move came following the ***widely held perception that terrorists had never been brought to justice in Pakistan.***

Many times, the judges and witnesses were too scared to come forward and award due sentences to the terrorists. And even when the terrorists were convicted and sent to prison, there were seen jailbreaks, including the Bannu and Dera Ismail Khan jails, in which many high profile terrorists were got escaped by their fellow TTP members.

In 2008, when the PPP government had agreed to follow the EU convention to shun the practice of death penalty, it was the fifth highest executing country in the world; Pakistan ranked fifth [total cases] after the People's

Republic of China, Iran, Saudi Arabia and the United States. The moratorium expired on 30<sup>th</sup> June 2013 and the government announced it had no plan to extend it but despite the tall announcements, the decision was not implemented in fact.

The PML[N] government stated there would be no general amnesty for the convicts waiting for execution but remained confined to lip-service. After the APS massacre, the prime minister had to take immediate decision. The heavily funded NGOs concerning Human Rights in Pakistan and the Amnesty International opposed the decision, raising much hue and cry but the PML[N] government gave deaf ears to them.

**On 19<sup>th</sup> December 2014**; the Islamabad police stopped protesters from gathering at the Red Mosque at *Juma* prayer time and asked them to protest a short distance away, while activists of the banned anti-Shiite groups were allowed to rally in support of the mosque and its clerics. Across Karachi, mosques affiliated with *Jamaat-ud-Dawa* blamed India for the Peshawar massacre in their Friday sermons. It was considered to de-track the sentiments of the general populace only.

The tide of outrage encouraged progressive Pakistanis, increasingly marginalized for years, to speak up. Outside the Red Mosque after Friday prayers, protesters waved placards mocking Maulana Abdul Aziz: "**Run, burqa, run**" read one sign, in a reference to Maulana's attempt to slip through a military cordon in 2007 while disguised in a woman's concealing garments.

**"The Red Mosque has become a factory of terror and hatred,"** said Bushra Gohar of the Awami National Party [ANP].

Referring to the '**New York Times**' of **19<sup>th</sup> December 2015**:

*'The Red Mosque seemed a nearly untouchable bastion of Islamist extremism in Pakistan. On Friday evening, though, the tables were turned when hundreds of angry protesters stood at the mosque gates and howled insults at the chief cleric .....*

*But the debate on militancy in upper forums was dominated by bigoted and conspiracy-laden voices, like those of the clerics of the Red Mosque, [and of JUI(F) & JI leadership].'*

It was because the sitting government of the PML[N] and their allied politico - religious parties had still no serious intentions to initiate stern action

against the Talibans. Punjab's Law Minister Rana Sanaullah was openly criticised in media for allegedly patronizing the Taliban groups in the province.

This was the time when the Pakistanis united by grief, rage and political necessity, from across society raised their voice with unusual force and clarity about the militant threat that disfigured their society.

For the first time, religious parties and ultra-conservative politicians felt forced to publicly shun the Taliban movement by name. And the demonstrations against militancy touched several cities in Pakistan, including a gathering of students outside the school in Peshawar. Protest leaders believed that the public would support them.

**"This will become a protest movement against the Taliban,"** one organizer thundered into a microphone outside the Red Mosque. Though there was little doubt that the Peshawar massacre had galvanized Pakistani society, the question was whether it could become a real turning point for a society plagued by violent divisions and culture wars amongst them.

The country had suffered countless wrenching tragedies and political assassinations, as well as attacks on mosques, markets and churches — only for rage to fizzle into nothing. And after the Taliban attack on the teenage Malala Yousafzai, Western support for the cause made her the target of smears and vitriolic criticism.

In fact the whole Pakistani populace was standing by the government decision. Referring to **'the guardian'** dated **21<sup>st</sup> December 2014:**

*'There is a palpable sense of grief in Pakistan. There was an odd stillness on Wednesday morning, as the reality of what had happened in Peshawar began to sink in. Not since the assassination of the former Prime Minister Benazir Bhutto in 2007 has there been such a visible and widespread display of despair and anger.'*

*'In Karachi, the blare of the city and its 20 million citizens seemed to have been silenced by sadness; all shops and markets were shuttered down immediately after the news break.'*

'All supporters of the Taliban are bastards,' stated a banner strung up in Rahim Yar Khan. In Islamabad, the protests against the Red Mosque armed brigades were a powerful indication that Pakistanis were tired of tolerating those who refused to condemn militancy.

For foreign media, it was ridiculous that so huge protests were coming up only after years of assassinations, bombings and mass executions by the Taliban and militant groups such as the *Lashkar e Jhangvi* [LeJ]. For years, terrorist attacks had been justified by their perpetrators and their supporters, on the grounds that their targets were apostates or that they were justified to enact revenge; or over drone attacks or because they were America's allies.

***The scenes in Peshawar – bloodied classrooms, described as a 'crawl through a nightmare'; dozens of coffins had united Pakistani people to finish the menace once for all.***

***It was a turning point in Pakistan and called for a consensus on how to act against militants.***

The UK's leading newspaper '**the guardian**' referred above commented:

*'[Astonishingly]..... Pakistan with blinkers on, ignore[d] the fund-raising posters put up by groups such as the Hafiz Saeed-led Jamaat-ud-Dawa, believed to be a cover for Lashkar-e-Taiba.*

*Easier to ignore the neighbourhood cleric railing against religious minorities, or the sight of Shia protesters refusing to bury their dead, killed in mass executions at the hands of Lashkar-e-Jhangvi [in Quetta]. And, finally, easier to ignore .....the clerics who have helped shape irreversible divides in society.'*

The murder of 136 children plus 17 staff members forced many to take their blinkers off, mourned and cried for some days, then again resigned into putting them back on, because the Pakistan's political elite preferred to protect all hard-line clerics, mostly supported by JUIs and JIs.

### **21<sup>ST</sup> AMEND'T & NATIONAL ACTION PLAN:**

PM Nawaz Sharif had to feel the sense when he vowed that '**this time will be different**'. He rushed to Peshawar; as global scrutiny intensified, PM Sharif immediately declared, sworn and determined to eliminate the distinction between "**good and bad Taliban**".

[One could recall the visit of Hillary Clinton, the then US Foreign Secretary, to Islamabad in 2011 when she had said:

***"You can't keep snakes in your backyard and expect them only to bite your neighbours [and not your kids and family members.]"***

The army, for its part, had been buoyed by a wave of public sympathy, as many of the children killed at the Army Public School in Peshawar belonged to military families. And political forces, such as the MQM, blew their trumpets even higher because they wanted to balance their old scores in Karachi. ***"Crush Taliban to Save Pakistan,"*** the banners were openly seen in Karachi those days and the people had hailed them in general.

Even then, many were sceptical that the anger and tears of that week could make a sustained change in Pakistan. Civil society was still weak and disorganized; riven by fear of the Taliban and the harsh gaze of the sectarian factions. One foreign media guru based in Islamabad commented that:

***"I don't see a joining up of the dots across the country. There isn't the infrastructure, the will, the people with organization, ability and visibility to lead it."***

***"The wave of anti-Taliban sentiment is probably just a blip; quite honestly, give it a month and it will have faded."***

And the prophecy appeared up as a bitter truth.

To dispel many wrong and maliciously propagated American theories, mainly that the Pakistani military would not disband groups like *Lashkar e Taiba*, the political and military leadership in Pakistan joined hands to make out ***21<sup>st</sup> Amendment in the Constitution*** just within three weeks of the Peshawar episode. The Pak-Army had the statistics and intelligence reports about the underground ties between militant groups — which often shared ideas, fighters and weapons — and had undermined army efforts to dismantle the Pakistani Taliban.

The only worry then was that once anger was over; the Peshawar massacre dissipated, the debate over militancy would once again be clouded in confusion and obfuscation — some years back, offers to negotiate with Taliban had provided them opportunities to strike back more vigorously. However, hats off to the army team leader Gen Raheel Sharif that he did not let the politicians to waste that prospect.

In fact the calls to avenge Peshawar massacre were loud and could not be ignored. The Pakistani government lifted unofficial moratorium on the death penalty; coupled with this, they resolved to establish the summary trial / military courts to hang terrorists. Also determined that the process should be put on track immediately but through a political consensus – thus decided to call all parties conference on the subject.

Hanging terrorists was not going to atone for the fact that more than 143 children went to school one morning and came home in coffins that evening. For that, the Pakistani leadership had to go as brave as the students who went back to their bloodied school and resumed their education as usual – so a call for the All Parties Conference was announced and the office hands of the GHQ and PM House worked out the blue-prints of the National Action Plan [NAP].

Following up Abbas Nasir [*Dawn* dated **27<sup>th</sup> December 2014** is referred]; even if the resolve to finally tackle terrorism through NAP was military-led, that reason was not enough to doubt or reject it. Because for long, many believed that since this particular form of *jihad*, or for that matter the Taliban Doctrine, was originated allegedly in Saudi-funded laboratory jointly run by CIA-ISI, the genie could only be put back in the bottle by the Pak-Army more effectively.

More so because the international partners, who helped midwife this ideology, were lacking in desire because of their own regional interests. Lucky enough, Pakistan's army leadership emerged in 2013-14, did not appear plagued by regional compromises, thus the things started going towards pure nationalism.

Pakistani junta had heard the '**good Taliban - bad Taliban**' mantra for years. This scepticism was also in evidence at the meeting in the Parliamentary Committee that week at the PM's House where the army chief on hearing the narrative from the civilian leadership about the past duality of approach reportedly said '**bury the past, now it's different**'.

From most accounts of the meeting, the participants were clearly apprised with every assurance that each militant group would be dealt with even-handedly and the ban on outlawed groups be enforced and a mere name change won't enable such entities to operate as before. Thus, on a serious note NAP was a sensible document.

*[Under NAP and through 21<sup>st</sup> Amendment, the military courts would function for two years.*



***If this time could be used to initiate and complete a root and branch reform in the judiciary; passing of laws that allow judges to hear evidence from behind screens in terrorism cases and video-link testimonies etc then perhaps the respite won by speedy dispensation of justice via military courts would be worth mention in the contemporary history of Pakistan.]***

## **Scenario 182**

### **NATIONAL ACTION PLAN [2014]**

#### **PAK-ARMY RETALIATED FAST:**

**On 24<sup>th</sup> December 2014;** after a marathon meeting, the country's political leadership approved a comprehensive plan of action against terrorism in a move described by Prime Minister Nawaz Sharif as a 'defining moment' in the fight against terrorism.

The 20-point National Action Plan [NAP] that envisaged establishment of special courts for speedy trial of terror suspects and a crackdown on *ji-hadi* and sectarian outfits was announced by the prime minister in a late night televised address to the nation same day following a long meeting of the heads of all parliamentary parties at the Prime Minister House. The prime minister said that:

*'Over the 16<sup>th</sup> December's Peshawar school massacre, a line has been drawn. On one side are coward terrorists and on the other side stands the whole nation.*

*The Army Public School Peshawar atrocity has changed Pakistan. We need to eradicate the mindset of terrorism to defeat extremism and sectarianism.'*

Elaborating the 20-points' NAP, PM Sharif said that execution of convicted terrorists would continue. A week before the premier had revoked a six-year moratorium on the death penalty in terrorism-related cases. Six convicted terrorists were hanged immediately after lifting of the ban.

Special trial courts were to be set up across the country for two years in order to ensure speedy trial of terror suspects. A 5,000 strong dedicated counter-terrorism force was announced for deployment across the four provinces and FATA.

PM Nawaz Sharif said that no armed militias would be allowed to function in the country and funding of terrorists and terrorist organisations would be choked, while effective steps would be taken to ensure that proscribed organisations don't re-emerge under different names.

*Jihadi* organisations fighting in Indian-held Kashmir or elsewhere would be disarmed and a crackdown would be launched against them immediately. Leaders of those groups would be tried in the special courts. Their offices would be sealed and their charity works would be stopped.

Similarly, the NAP envisaged registration and regulation of all *Madaris* [religious schools]. Interestingly, during the meeting of the parliamentary parties, almost all participants agreed with JUI[F] Chief Maulana Fazlur Rehman that this issue should not be discussed as it would create uproar in the country.

***"First fight with terrorists, then focus on Madrassa reforms,"*** Maulana Fazlur Rehman said in the meeting. However, the meeting decided that *Madaris* established without an NOC or occupying illegal state lands should be banned.

It is on record that the action against terrorists in Balochistan and Karachi, and militancy in Punjab dominated the debate during the meeting. Under the NAP, it was decided that the Karachi operation would be taken to its logical conclusion, while there would be zero tolerance for militancy in Punjab. In Balochistan, the provincial government would be empowered to start political reconciliation with complete ownership by all stakeholders. The PM reiterated that:

***"This agreement is a defining moment for Pakistan. We will eliminate terrorists from this country.***

***We have backing of the nation. Our resolve to fight terror is a strong message for those who have been trying to destroy Pakistan.***

***Time for half-baked decisions is over. We agree that we have to implement the plan immediately."***

Army Chief Gen Raheel Sharif also briefed the participants about his meeting with the Afghan and ISAF commanders, who had assured him of their full support in fighting militants. The meeting was told that the Army

had already launched selective operations against terrorists and killed 2,100 terrorists during **Zarb e Azb** and **Khyber I** operations.

Following was the summary of the short-term National Action Plan [NAP] against terrorism announced by PM Nawaz Sharif in that televised address to the nation:

- 1- *'Execution of convicted terrorists will continue.*
- 2- *Establishment of special trial courts for two years for speedy trial of terror suspects.*
- 3- *A commitment to ensure that no armed militias be allowed to function in country.*
- 4- *Strengthening and activation of NACTA.*
- 5- *Countering hate speech and extremist material.*
- 6- *Choking financing for terrorists and terrorist organisations.*
- 7- *Ensuring against re-emergence of proscribed organisations.*
- 8- *Establishing and deploying a dedicated counter-terrorism force.*
- 9- *Taking effective steps against religious persecution.*
- 10- *Registration and regulation of madrassas.*
- 11- *Ban on glorification of terrorism and terrorist organisations through print and electronic media.*
- 12- *Administrative and development reforms in Fata with immediate focus on return of IDPs.*
- 13- *Dismantling communication networks of terrorist organisations.*
- 14- *Tangible measures against abuse of internet and social media for terrorism and sectarianism.*
- 15- *Zero tolerance for militancy in Punjab.*
- 16- *Taking the ongoing operation in Karachi to its logical conclusion.*
- 17- *Empowering Balochistan government for political reconciliation with complete ownership by all stakeholders.*
- 18- *Dealing firmly with sectarian terrorists.*
- 19- *Formulation of a comprehensive policy to deal with the issue of Afghan refugees, beginning with registration of all unregistered illegal refugees.*
- 20- *Revamping & reforming the criminal justice system, to strengthen counter-terrorism departments including granting of powers to the provincial CIDs to intercept terrorist communications.'*

#### **CONTITUTIONAL MILITARY COURTS:**

After the terrorists attack on the Army Public School Peshawar on 16<sup>th</sup> December 2014, the Pak-Army immediately decided to take terrorism relating

matters in their own hands. As ***the normal judicial machinery had to-tally failed since two decades due to various reasons and factors*** [to be explained in the next paragraphs], the Pak-Army asked the PM Nawaz Sharif to come forward with the aims, determined intentions and aspirations to make out military courts to bring speedy trials for the terrorists.

The political government of PML[N] had the reservations that some of their corrupt team members and certain key figures of other parties especially the PPP, MQM, ANP and PML[Q] could also suffer in the military courts due to their shady activities. A series of meetings amongst the PM and the Army Chief were held during the next two days to reach consensus on the blue-prints of the strategy to be shaped.

The PM Nawaz Sharif held a high powered meeting on **26<sup>th</sup> December 2014** to discuss implementation of the 20-point resolution on anti-terror measures. PM Sharif spent the whole earlier day in consultations with his political and legal advisers to find out how quickly the government could act upon the recommendations which he highlighted one by one in his speech late on 24<sup>th</sup> December's night.

During that marathon meeting of parliamentary parties, the MQM was the first to express its discomfort over the prospect of military courts. The PPP and ANP, too, opposed the proposal. Senator Aitzaz Ahsan of PPP argued that such courts had no place in a working constitutional democracy and the PPP had always opposed formation of such speedy courts.

It was Senator Mushahid Hussain of PML[Q] who took the dissenting parties head on. Mr Hussain's argument was that the late Z A Bhutto had assumed the charge of Chief Martial Law Administrator in December 1971 because it was a need of the hour. Senator Mushahid contended that:

***"We have un-precedented circumstances now which call for un-precedented measures. How and why the anti-terrorism courts were set up during the 90s.***

***.... and that the 2014's Pakistan Protection Act had failed to deliver because of the same out-dated judicial system and [1935's] Police Rules.***

***Therefore, we have to go for out-of-the-box solution .... Recalling that the US had also adopted similar measures after 9/11 episode of 2001."***

Senator Rehman Malik, the former interior minister, enthusiastically spoke for the military courts, and also played a key role in convincing Asif Ali Zardari over a telephone call about the need for drastic measures. Khurshid Shah of the PPP, the Leader of Opposition, was also in favour of the move.

Hasil Bizenjo said that setting up of the military courts was being done by a democratically elected government through a constitutional amendment, not through a military order, therefore, ***"we should be rest assured, and they will operate within given rules and regulations."*** Aftab Sherpao also supported the decision.

The PTI leaders initially adopted a wait and see attitude. Once they realised that majority of the participants were in favour of the idea, PTI Chairman Imran Khan came out in support of the proposal. However, Mr Khan suggested the government to take immediate measures to ban all armed groups across the country regardless of their party affiliations. Prime Minister ***Nawaz Sharif willingly accepted it but never acted upon.***

***"If we do not set up special trial courts supervised by military officers, chances of extrajudicial killings will increase manifold,"*** was one of the arguments which were presented during the 10-hour long session of the heads of parliamentary parties that eventually approved formation of military courts to try terror suspects.

Referring to the '**Dawn of 26<sup>th</sup> December 2014;** it was the MQM which throughout the meeting opposed the decision. The party's main concern was that since it had suffered in the past because of such measures, it couldn't support the suggestion.

The PM Nawaz Sharif, supported by the army chief, made several attempts to dispel MQM's apprehensions. Many telephone calls were made to MQM's Chief Altaf Hussain to bring him on board. Senator Ishaq Dar assured him the government would provide whatever guarantees he sought against the misuse of military courts.

The ANP, another party which didn't like the idea of military courts, wasted no time after the PM addressed Ghulam Ahmad Bilour in a serious tone:

***"If we failed this time; neither mine nor your children will forgive us. The ANP has suffered a lot at the hands of these terrorists. So let's bring them to book."***

Mr Bilour, along with his party senator Afrasiab Khattak, left the room and within no time took the consent of party Chief Asfandiyar Wali Khan, who was not present in the meeting, perhaps from Dubai he was speaking.

At the end of that day of 26<sup>th</sup> December 2014; finally an assurance by Army Chief Gen Raheel Sharif prevailed that only "**jet black terrorists**" [hardened criminals] who had committed violent crimes would be tried by the proposed special trial courts; thus reluctant parties like the MQM, ANP and PPP agreed to support the move.

Gen Raheel Sharif explained that the military had its own legal system with certain checks and balances which guard against misuse of authority by the officers. Moreover, **'the proposed military courts will only take the cases approved by the federal government'**.

*[Later it proved that this clause of 'Federal Government's Approval' played havoc in the implementation of NAP. Till ending 2016, the PML[N] government was sitting over 113 such files in which about 300 terrorists were sentenced to death by those special military courts – not permitted to go ahead.*

*PM Nawaz Sharif could not stand by his own words. Invariably, all the punished terrorists sent their **MERCY APPEALS** to the president of Pakistan. President was not able to decline or accept those mercy appeals without the approval from PM Secretariat.*

*The PM and its rogue team dishonestly devised a way to fizzle out their core responsibility by simply not allowing the President to decline those mercy petitions.*

*The 300 terrorists / death convicts were simply waiting for another jail-break – 'The Living History of Pakistan' Vol-II Scenario 129 titled as 'Jail-Breaks in Pakistan [2012-13] is referred.]*

The political and military leadership of the country, after an exhaustive meeting, had agreed over the formation of military courts to expedite terrorism related cases. The meeting unanimously resolved that the 20 points enunciated in the APC resolution of 24<sup>th</sup> December would be acted upon expeditiously.

The Multi-Party Conference, in fact the APC, had unanimously proposed the **National Action Plan** [NAP] and a draft of the amendment bill in this re-

gard was finalised to be tabled in the National Assembly on **3<sup>rd</sup> January 2015** – at last the crook politicians joined hands to tackle terrorism.

The Army Chief Gen Raheel Sharif, during the MPC had told that ***special courts were not desired by the Pakistan Army*** but they were needed due to extraordinary times. Chairing the conference at the PM House, PM had to hold that there had been adequate debate on the NAP for 15 days. ***"There is no room for further debate in the Parliament"***.

**On 3<sup>rd</sup> January 2015**, the PML[N] government's Minister for Information and Broadcasting Senator Pervaiz Rashid introduced '**The Constitution (21st Amendment) Bill 2015**' and '**The Pakistan Army Act, 1952 (Amendment) Bill 2015**' in presence of PM Nawaz Sharif and lawmakers from treasury and opposition benches. That day's proceeding lasted for only 10 minutes and was adjourned till next working day [Monday the 5<sup>th</sup> January 2015] soon after the introduction of two highly important bills.

The 21st Amendment to the Constitution was aimed to provide constitutional cover to trial of offences relating to terrorism by military courts while amendment to the Pakistan Army Act 1952 would extend the jurisdiction of military courts to try terrorists including civilians. The said amendment had to remain in force for two years from the date of its commencement which would cease to be part of the Constitution and would stand repealed on the expiration of the period.

The said amendment to the Constitution provided that the provisions of Article 175 would have no application to the trial of persons under any of the Pakistan Army Act 1952, the Pakistan Army Act 1953, the Pakistan Navy Act 1961 and the Protection of Pakistan Act, 2014. These special laws relating to forces were entered in the first schedule of the Constitution.

[The first schedule of Pakistan's Constitution contains laws which are exempted from operation of Article 8 (1) of the Constitution:

*"any law, or any custom or usage having the force of law, in so far as it is inconsistent with the rights conferred by this Chapter, shall, to the extent of such inconsistency, be void]* and (2) *[the state shall not make any law which takes away or abridges the rights so conferred and any law made in contravention of this clause shall, to the extent of such contravention, be void'*

These articles are part of Chapter 1 of the Constitution relating to the fundamental rights.]



As per amendment to the **Pakistan Army Act 1952**, a new sub-section (4) was added according to which the federal government would have powers to transfer any proceedings in respect of any person accused of falling under any offence in jurisdiction of the Pakistan Army Act pending with any court to the military court under this Act.

The new sub-section (5) in the **Pakistan Army Act 1952** said that any proceedings transferred under sub-section (4) would be deemed to have been instituted under this Act. The sub-section (6) said where a case would be transferred under sub-section (4), it would not be necessary for the military court to record evidence which had already been recorded.

The **Pakistan Army (Amendment) Act 2015** came into force at once, was to remain there in force for two years from the date of its commencement and would cease to form part of the Act and would stand repealed on the expiration of the said period ***unless extended by resolution passed by each house of Parliament.***

The objective statement said that *'apprehensions [continued to exist] of grave and unprecedented threat to the integrity of Pakistan by the raising of arms and insurgency using the name of religion and a sect by groups of foreign and locally funded elements including warriors using the name of the religion or a sect who are to be severely dealt with under the law'.*

***[Astonishingly, when the bills were tabled, the PTI leader Imran Khan and his legislators stayed away from the Parliament. Imran Khan had left the country for London that morning much before the commencement of the National Assembly session.]***

The bills were passed unanimously without debate from either side in the Parliament. The constitutional amendment bill required two-thirds majority of the total participants in both the 342-seat National Assembly and the 104-seat Senate; the Army Act required a simple majority. On the first day, there were only 218 members turned up in the NA, but next day the government could count 228 members while 69 were required in the Senate.

The two bills went unopposed after 247 Members of the National Assembly along with the Senate voted in favour of the laws aimed to set up constitutionally protected military courts to try civilian terrorism suspects.

Members of the National Assembly belonging to the ***PTI of Imran Khan, Jamaat e Islami (JI)*** and ***Jamiat Ulema e Islam [F] (JUI-F)*** abstained from voting. The Prime Minister Nawaz Sharif said:

*"This highly important bill was created with the help of everyone's common agreement.*

*The parties that were in disagreement of this law [the PTI, JI & JUI-F], we understood their point of view and tried our best to address their reservations and their point of view was also accommodated. Therefore if they could not vote for it at the National Assembly I would urge them to vote for it in the Senate.*

*Through this bill, we can overcome the last 60 years of unrest which should have ended years ago."*

Leader of Opposition in National Assembly, Syed Khurshid Shah of the PPP, delivered the opening speech of the session during which he said that:

*'We have not been in favour of military courts in the past but the Pakistani public's safety is our priority and it is the government's responsibility to keep the masses safe in this country.*

*The Parliament is going to vote to save Pakistan. The bitter pill of this new law is being swallowed for the security of Pakistan.*

*'Murdering one person is like killing all humanity. It doesn't matter if the person is from grammar school, Aitcheson or a government school – there will be no difference between any terrorist.'*

Around 150 parliamentarians from various political parties were attending the breakfast meeting called by the prime minister on that morning [Tuesday; **6<sup>th</sup> January 2015**]; JUI-F Chief Maulana Fazlur Rehman and Aftab Ahmad Khan Sherpao did not attend that breakfast and the subsequent meeting held in the Speaker's Lounge. The PM took the guest parliamentarians into confidence on bills empowering military courts and assured them that the law would not be misused.

The Pakistan Army (Amendment) added two key new sub-clauses in the existing act describing people or groups that could be punished under the new law. The sub-clauses (iii) and (iv), to be inserted in clause (d) of sub-section (1) of section 2, after sub-clause (ii) were:

*(iii) Any person who is or claims or is known to belong to any terrorist group or organisation using the name of religion or a sect and raises arms or wage war against Pakistan or attacks the armed forces of Pakistan and law enforcement agencies, or attacks any*

*civil or military installation in Pakistan or kidnaps any person for ransom or causes death of any person or injury, or is in possession, storage, fabrication or transport of explosives, firearms, instruments, articles, suicide jackets or vehicles designed to be used for terrorist acts, or receives or provides funding from any foreign or local sources for such illegal activities and acts or does any act to overawe the state or any section of the public or a sect or a religious minority or to create terror or insecurity in Pakistan or attempts to commit any of the said acts, within or outside Pakistan shall be punished under this act;*

*(iv): Any person who is or claims or is known to belong to any terrorist group or organisation using the name of religion or a sect, commits an offence mentioned at serial Nos. (i), (ii), (iii), (v), (vi), (vii), (viii)), (ix), (x), (xi) (xii), (xiii), (xv), (xvi), (xvii) and (xx) in the schedule to the Protection of Pakistan Act 2014 (X of 2014).*

However, according to an official press release, the law minister had sent a letter to the National Assembly Secretary giving notice of an amendment to his draft bill to insert in the above-mentioned sub-clause (iv) to include any person who ***"raises arms or wages war against Pakistan"*** among those to be punished.

The bill explained that the expression "**sect**" would mean a sect of religion and ***"does not include any political party registered under any law for the time being in force"***.

***Text of 21<sup>st</sup> Amendment:*** Whereas extraordinary situation and circumstances existed which demanded special measure for speedy trial of certain offences relating to terrorism, waging of war or insurrection against Pakistan and for prevention of acts threatening the security of Pakistan by the terror-in groups formed in the name of religion or a sect and also by the members of any private armies, armed groups, wings and militia;

And whereas there existed grave and unprecedented threat to the integrity of Pakistan by the raising of arms and insurgency in name of religion and sects, and foreign and locally funded anti-state elements including warriors in the name of the religion or sect;

And whereas it was expedient that the said terrorists groups including any such terrorists fighting in the name of religion or sect captured or to be captured in combat with the Armed Forces or otherwise should be tried by the courts established under the Acts mentioned hereinafter in section 2;

And whereas the people of Pakistan expressed their firm resolve through their chosen representatives in the all parties conference held in aftermath of the sad and terrible terrorist attack on the Army Public School at Peshawar on 16 December 2014 to permanently wipe out and eradicate terrorists from Pakistan it was expedient to provide constitutional protection to the necessary measures taken hereunder in the interest of security and integrity of Pakistan;

*It is now enacted as under:*

*Short title and commencement: — (1) This Act may be called the Constitution (Twenty First Amendment) Act, 2014.*

*(2) It shall come into force at once.*

*(3) It shall extend to the whole of Pakistan.*

*(4) The provisions of this Act shall remain in force for a period of two (2) years from the date of its enactment and shall cease to form part of the Constitution and shall stand repealed on the expiration of the said period.*

*Amendment of Article 175 of the Constitution: After Article 175(3) the following proviso shall be added namely:*

*"Provided that the provisions of this Article shall have no application to the trial of persons under any of the Acts mentioned at serial No.6, 7 & 8 of section 3 of this Act who claims or is known to belong to any terrorist group or organisation formed in the name of religion or sect.*

*Amendment in the First Schedule of the Constitution: In the First Schedule, In Part I (III), after entry 5, the following new entries shall be made:*

*The Pakistan Army Act 1952*

*The Pakistan Air Force Act 1953*

*The Pakistan Navy Ordinance 1961*

*The Protection of Pakistan Act, 2014*

*Overriding effect:- The provisions of this Act shall have effect, notwithstanding, anything contained In the Constitution, any law for the time being in force or any Judgment of a court including the Supreme Court.*

**STATUS QUO FORCES OPPOSED IT:**

Though the 21<sup>st</sup> Constitutional Amendment was passed unanimously in a meeting of Pakistan's parliamentary leadership but there were forces of status quo, mostly comprising of or sponsored by some retired judges or some lawyer's chambers, who never wanted to bring the country's 160 years old Pakistan Penal Code [PPC], Evidence Act & Criminal Procedure Code [CrPC] up to the standards of cotemporary laws of the other countries – because the sale at their law-shops could go down.

These status quo factions always opposed any other form of courts, whether military tribunals in Karachi or *Sharia Jirgas* in Swat, because the judges used the summary procedures and admitted all convincing evidences to reach the final conclusion as per their consciousness.

In the name of democracy and Human Rights these '***so called democrats & flag bearers of humanity***' had always chosen to stand by the killers and terrorists to provide them 'justice' [*like with the six killers in Peshawar Massacre of December 2014*] - but NEVER thought of giving justice to 153 families whose children and beloved family members were slaughtered and cut into pieces like sheep & goats.

Those 'Democrats & flag bearers of Human Rights' agitated the media saying that Pakistan's political leadership proved unable to defend the constitutional and democratic roots of the system.

They forgot that Generals were on right path when they planned providing justice to about 47000 families whose darlings had been killed in terrorist attacks since 2001 – where their puppet courts and coward judges let all the terrorists off, invariably in all cases, putting their guns on the shoulders of '*legal & procedural lacunas*' of which Pakistani Human Rights Expert Lawyers were the masters.

They never thought of sitting together and think – ***that how the killers and terrorists should be punished AND what changes in the laws should be suggested.***

Instead they always convened huge media conferences for –

- *that the culprits were picked by the police in WRONG WAY;*
- 
- *that they have not followed CORRECT procedures;*
- 
- *that they have not been interrogated in CORRECT way;*
- 
- *that they are not being treated as per requirements of Human Rights Manuals;*
- 
- *that they are not being given access to their lawyers;*
- 
- *that their confessions before police are not admissible in courts;*
- 
- *that police should bring EYE WITNESSES to that killing event;*
- 
- *that EYE WITNESS should recognise the killer in the court.*

Had the Parliamentarians, senior judges, eminent jurists and Human Rights Leaders suggested cogent answers to the above [and tens of more alike] questions to improve the judicial requirements to extend fruit of justice to the affected families of killed ones – the questions of MILITARY COURTS could automatically be subsided.

Ultimately, the above mentioned legal community itself suffered; tens of lawyers were burnt alive and target killed in Karachi during the last decade and 70 were torn into pieces in Quetta blast **on 8<sup>th</sup> August 2016**. Was their any conviction in any case – **NO**; because there was no eye-witness.

When 21<sup>st</sup> Amendment passed, the Human Rights NGOs trumpeted that:

*'The politicians have agreed to distort the principle of separation of powers, smash the edifice of rights upon which the Constitution is built and essentially give up on fixing frail state institutions.*

*We need a coherent strategy to fight militancy and political and military leaders to work together. But military courts are not the answer.'*

The Human Rights NGOs and the big Law Chambers always used to cry over such situations in the past, too. They only remained confined to warn the media and the sitting governments to '*improve the situation*' or to refrain from doing this or that – using cosmetic phrases. However, these

NGOs or the successive Bar Associations of the superior courts never passed a resolution:

- *to suggest the successive governments that the Evidence Act, PPC, CrPC and the Police Act of 1861 be re-written keeping in view the changing social needs and patterns of crime;*
- 
- *to apprise the superior courts that what court procedures are being practiced in other developed [Islamic, Democratic or Socialist] countries; what kinds of evidences are admissible in their courts;*
- 
- *to inform the governments and the superior courts to adopt any model court system from any developed nation to IMPART QUICK JUSTICE to the people;*
- 
- *to help the parliament to re-write the Police Act of 1861 & Police Rules of 1934; how can one expect speedy justice in this atomic age but relying on 85-160 years old testaments.*

Unless the above mentioned intellects rise up with new enlightened laws, rules and procedures, the necessity of military courts would prevail.

**On 5<sup>th</sup> January 2015;** when the said military courts were being suggested, the ISPR quoted Army Chief Gen Raheel Sharif as having told the Multi-Party Conference in Islamabad that:

***"The military courts are not the desire of the army but need of extraordinary times".***

During an earlier day's corps commanders' meeting, the military leadership had resolved for "*bold & meaningful decisions needed to ensure stern action against terrorists and their sympathisers*" and warned that the "***much wider political consensus should not be lost to smaller issues***".

It was a sad time for democracy gurus, senior judges and senior Bar Associations when an army chief was so openly directing the country's political process. Like living nations they should have pondered that:

***'.....how they could achieve those goals; and what improvements in their legal and procedural hierarchy were needed; and how could they prove themselves capable of holding the leadership – which the military commanders were aimed to accomplish.'***

In other words, the military commanders were doing the civil or political job indicating that their democratic leadership, parliamentary system and their members were all impotent.

Secondly; it was the Parliament's prerogative to amend the Constitution, but they remained dormant during the whole period of six years since 2008 because of tussle between parliament and the Iftikhar Chaudhry-led Supreme Court. It was never too late to inject the new blood of fresh legislation, only requiring the needed majority on the parliamentary floor, to bring the legal system at par with the developed nations. Military courts would have gone back in their barracks much earlier.

**On 6<sup>th</sup> January 2015**; a voice from one Mrs Haq appeared on the internet media saying that;

*'In Germany, military courts have a civilian structure. It is four tiered; the courts have jurisdiction over military disciplinary offences and complaints by the members of the Armed Forces are staffed by professional civilian judges and military lay judges. There are disciplinary attorneys, legal advisors as well as legal instructors for the military judicial system.*

*In United Kingdom, the military court is headed by a Judge Advocate General, who is a civilian with at least 10 years of experience as a barrister, advocate or a solicitor.*

*What is being done in Pakistan?'*

It was good food for thought but the writer could not explain [*might be due to shortage of space*] the background atmosphere of the judicial systems in the two countries. Firstly; that how those countries keep on improving their laws with the rise of emergencies around them.

In UK, only one terrorist event of **7<sup>th</sup> July 2005** [*in which 52 persons were killed and about 700 were injured in London Bombing*] had jolted the whole government machinery and Parliament, the police and judiciary.

All they joined their heads together, framed new legislation for Anti-Terrorism, improved old procedures, enhanced the police powers of search and arrest, enhanced magisterial powers of remanding the suspects up to 60 days, summary hearing procedures were introduced and the courts were made to sit and hear those cases on priority; sometimes day & night in shifts – so that the cause of justice is not lost.



Till today [**ending 2016**] no such event could be repeated in complete eleven years – because the suspects were promptly tried and sent to prisons for the rest of their lives.

Even otherwise, the police reports are admissible in the British and European courts as valid evidence. Police always appear as key-witness and their statements are believed though encountered and cross examined as usual – judges and police are equally respected, trusted and believed.

The British and European Courts release their hearing schedules of cases sixty to ninety days before; sending notices to police and all others. When the court is held, it hears the case on regular basis with no interruption or '**dates / tareekhs**' in between. The case once started in the court has to be finished within a day, 2 days, 3 days... it may take a month or so BUT no adjournment on any count whatsoever.

Unlike Pakistan, a case in the English or European courts cannot linger on for years and decades like Air Martial Asghar Khan Case which took 16 years to decide; sometimes due to non availability of witnesses; sometimes due to absence of one side lawyers; or over-burden of prosecutors; or due to Judges on leave; or that workers of PPP or PML[N] attacked the courts; or judges could not reach court premises due to PTI's Dharna in Islamabad; or road blocked by MQM activists in Karachi – in short No Gimmicks.

Mrs Haq's sentiments are understandable but Pakistan could also make out the system like that of UK or Germany that is what the people needed - NOT to be dealt with 1861's Police Act or 1934's Police Rules or 1878's CrPC or centuries old the ONLY requirement of Eye Witness to provide an excuse for coward judges.

Earlier; an editorial note of a leading newspaper daily dated **3<sup>rd</sup> January 2015** had rightly pointed out that:

*'.....nothing — absolutely nothing — has prevented the government or parliament from urgently strengthening the existing legal system and judicial process other than the government & parliament itself.*

*Had the same time and effort spent on winning consensus for military courts gone into urgent reforms and administrative steps to fix the criminal justice structure, the existing system could have been brought into some semblance of shape to deal with terrorism.*

*Sadly, the political leadership has abdicated its democratic responsibilities. Surrender perhaps comes easily.'*

**SC VERDICT ON CONST'L AMENDMENTS:**

**On 28<sup>th</sup> January 2015**, a 3-judge bench accepted pleas against 21st Constitutional amendment for regular hearing and sought concise statements from the federal and provincial governments.

Later, a **17-judge full court of the Supreme Court**, headed by CJP Nasirul Mulk, clubbed the 18th and 21st constitutional amendment cases and heard the arguments for several weeks. During lengthy legal battle, the SC examined petitions challenging the procedure of judge's appointment under the 18th Amendment and the establishment of military courts under the 21st Amendment.

**On 26<sup>th</sup> June 2015**, the full court reserved its ruling on the case. A total of 35 constitutional petitions were before the court of which 20 challenged the 18th Amendment and 15 challenged the 21st Amendment. The main three questions before the court were:

- whether the Constitution has a basic structure or not;
- 
- if it has a basic structure then whether a constitutional amendment can be struck down on the basis of it; and
- 
- whether the parliament has the power to alter the basic structure of the Constitution.

Military courts were empowered to try militant suspects until January 2017. The army announced the first verdicts and sentences from the new military courts in April 2015. Six militants were condemned to death and another jailed for life, all on terrorism charges. The top court **on 15<sup>th</sup> April 2015** ordered a stay on execution of those six militants, after a petition seeking a halt to the implementation of death sentences awarded by military courts was filed by the Supreme Court Bar Association [SCBA].

**On 5<sup>th</sup> August 2015**, in a landmark judgment, the Supreme Court of Pakistan dismissed all the 35 petitions individually filed, some against the 18<sup>th</sup> Amendment and some against establishment of the military courts through 21<sup>st</sup> Amendment. The Chief Justice Nasirul Mulk announced

the judgment laying foundations of balanced power structure amongst the three pillars of the state; Judiciary, the Parliament and Executive.

A 17-judge full bench dismissed petitions against the 18<sup>th</sup> Constitutional Amendment in a wide 14-3 decision. The apex court, in an 11-6 decision, also dismissed the petitions against the 21<sup>st</sup> Constitutional Amendment, wherein military courts were established to try militants but stated that all decisions of military courts would be subject to judicial review, if the higher courts moved.

***Reforming CJP Chaudhry's Legacy:*** The core issue was that whether or not the Supreme Court could sit in judgment over provisions of the Constitution itself. The apex court was also faced with the seemingly undefeated constitutional questions concerning defection clauses, which were introduced through 18<sup>th</sup> Amendment.

This Constitutional Amendment, enacted in 2010 by PPP's civilian government, in the aftermath of a decade-long military rule, inserted several key changes in the Constitution. Some of those changes, such as the constitutional command for local governments [Article 140A] was widely hailed and accepted. Others, however, were more controversial in nature.

CJP Iftikhar M Chaudhary's Court, after the judgment in *Sindh High Court Bar Association* Case, had '**illogically**' removed over 100 PCO judges, thus the parliamentarians unanimously decided to amend the process of judicial appointments through introduction of Article 175A, making the process more democratic in nature. Article 63A was also included:

*'Giving Party Chief the power to recommend disqualification of any member of the Parliamentary Party, in case such member resigns from the Party, or deviates from party line in matters concerning the election of PM / CM, voting of no-confidence motions, or passing of a Money Bill and Constitutional Amendments.'*

Article 63A was not liked by the general populace because it wrecked the basic purpose of the democracy, but over the judicial appointment process [Article 175A], the CJP Chaudhry's Court, interpreted and nearly stopped *in October 2010* the actually prescribed route declaring it against the *Basic Structure of Pakistan's Constitution* and the Parliament kept mum.

Definitely a sort of constitutional compromise, the Parliament enacted the 19<sup>th</sup> Constitutional Amendment, which increased representation of judges in the Judicial Commission, confirming their dominance over the appointment process – but virtually paralysing its own Parliamentary Committee.

The constitutional autonomy of Parliamentary Committee and the President, in the process of judicial appointments, was also cut to size through Munir Hussain Bhatti's case (**PLD 2011 SC 407**) and the **Presidential Reference No. 1 of 2012**, in fact undoing the entire paradigm of judicial appointments that was conceived by 18<sup>th</sup> Amendment.

Then the 21<sup>st</sup> Constitutional Amendment: in the wake of the unprecedented tragedy in Army Public School Peshawar on 16<sup>th</sup> December 2014, this package was designed to achieve two objectives:

- *Trying religious terrorists in military courts (through amendment of section 2 of the Army Act, which extends its jurisdiction to terrorists waging war 'using the name of religion or a sect'.*
- 
- *Lending constitutional protection to the establishment and proceedings of military courts through exempting military laws from the protection of Article 8 of the Constitution [Fundamental Rights], and exempting such proceedings from the bar of Article 175(3) [separation of powers].*

As a result of these enactments, military trials of religious terrorists could be held under the Army Act, outside the gates of fundamental rights, by serving Army officers, which would not be challenged on the basis of constitutional principle of due process or 'separation of powers'.

As a result, the legal perception in Pakistan encompassed three different forums for adjudication of similar or identical offences: firstly, the Sessions Courts for the trial of regular murder and connected offences; secondly, the Anti-Terrorist Courts for trial of all terrorism offences but not normally connected with religion; and thirdly, the Military Courts for trying terrorist suspects using **'the name of religion or a sect'** to justify their crimes.

Some jurists contested that through SC's this judgment, the existence of military courts and their constitutional protection, allowed **'doctrine of necessity'**, which was buried some years earlier amidst high trumpeted tunes, to be a legitimate constitutional excuse again. The eminent real danger was to expect its usage as a defence again, tomorrow, if some military adventurer decided to depose democracy in Pakistan.

The ruling appeared as a major turning point in the political history of Pakistan wherein the SC settled down some core issues once and for all; it determined answers to vital questions regarding powers of the three main organs of state detailed above. This exhaustive judgment – authored in

parts by 10 different judges, spanning over 900 pages – provided competing judicial philosophies of different members of SC's that Bench.

A candid opinion appeared in daily '**the Nation**' of **10<sup>th</sup> August 2015** on the first and the most important issue is worth mention here. It mentioned that Justice Saqib Nisar's opinion, while agreeing with the majority of the Bench, exhaustively traced the ambit and applicability of the **Basic Structure Doctrine**, in order to relentlessly answer a singular question:

Does the "constituent power" to amend the Constitution lie "***with an unelected judiciary, although certainly acting with the utmost good faith and in the national interest, OR with the chosen representatives of the people, even though they may not always come up to the just expectations?***"

Through a jurisprudential discourse, over a 160 pages long, Justice Saqib Nisar declared that, within our democratic paradigm and constitutional framework, "**the latter and not the former**" are the real custodians of supreme political and lawmaking power.

It should be kept in mind that the '**Basic Structure Doctrine**' is an elusive constitutional idea that deems certain principles to be so fundamental & supra-constitutional in nature that even a constitutional amendment, carried by the full force of a transparently elected Parliament, cannot change or amend the same. And that [an unelected] judiciary is the sole determinant and custodian of this Basic Structure.

Justice Saqib Nisar's opinion obliterated the idea of an un-amendable Basic Structure, chosen at the whim of un-elected judges like CJP Iftikhar Chaudhry, over and above the express provisions of the Constitution. Justice Nisar's opinion was, no doubt, a passionate cry in defence of democratic theory – hats off to his spirits and farsightedness.

Justice Nisar's written opinion through this judgment made no excuses for the elected representatives, and their track record of being "**corrupt and incompetent**". However, Mr Justice argued that:

***"....if the elected representatives do fail on this score that is most emphatically not an argument which justifies a dilution of the democratic principle."***

While accepting that decisions of the elected representatives have, in the past, defied our democratic ethos and public interest, Justice Nisar parted

with the past practice of defending a chequered judicial legacy, and asked **"Is the record of the judiciary that much better?"**

Saad Rasool, in the aforementioned citation, correctly identified that:

*'...the truth is that we live in the cusp of a defining moment in history. We are faced with a war from within, which threatens to shake the very foundations of our existence.*

*We are governed by forces of status quo; we have a broken electoral system, a sclerotic economy, and a pervious empire of law that lives in the shade of a corrupted religious philosophy.*

*During such times even, we should celebrate intrepid judges, like Justice Saqib Nisar, who are willing to constrict their own judicial authority, in order to expand and flourish the spirit of democracy.'*

**In fact,** with that marvellous judgment, the era of CJP Chaudhary's brand of justice had come to an end in Pakistan. And, in its wake, a new judicial philosophy had taken the helm of affairs; a philosophy that was neither insecure of, nor threatened by, other branches of the government.

Coming back to the main judgment; it appeared that two things had perhaps influenced the honourable judges: one that the military courts and the 21st amendment were only for two years. And that they were not under any individual's discretion but through a constitutional amendment which ensured they would cease to exist after two years.

This time-framed strategy for achievement of quick justice was enough to satisfy the judges as well as the fact that this amendment was passed unanimously by the Parliament.

The military, which initiated action against terrorists; Parliament, whose resolution created space for establishment of military courts, and then the Supreme Court's decision proved that the military, Parliament and Supreme Court were all on the same page regarding terrorism menace in Pakistan.

The said judgment of the SC was given by the full court of 17 judges; 11 judges agreed to the main context whereas the 6 judges added their dissenting notes based on different opinions. Major 25-page dissenting note was from the senior most justice Jawwad S Khawaja, who occupied the chair of Chief Justice of Pakistan on 17<sup>th</sup> August 2015 because of retirement of CJP Nasirul Mulk.

***[It was in fact a reflection of the true spirit of judicial independence within the apex court that each judge had come up with his own opinion and analysis.]***

A difference of opinion among judges is always present in such major legal cases in developed nations. A senior lawyer held:

*'If we want to make unanimous decisions like in former CJP Iftikhar M Chaudhry's era, then we will have to differentiate between a military unit and the Supreme Court. Our mindset, which does not tolerate difference of opinion, needs to be changed.'*

In fact, those closest to the Bench would vouch for the fact that during the initial challenge to 18<sup>th</sup> Constitutional Amendment, in 2010, CJP Chaudhary had stopped just shy of striking down the said Amendment, and declaring a Basic Structure for the Constitution, simply because a 17 – 0 consensus for such a judgment could not be reached on the Bench. As a result, a compromised interim order was delivered instead.

Through the SC's this latest judgment, the shackles of that bygone era finally melted away, making way for each judge to speak his mind, even while disagreeing with fellow members of the Bench. And the credit, in this regard, should be attributed to the CJP Nasirul-Mulk.

Legal experts held the opinion that the apex court's decision proved that ***'it cannot interfere in laws passed unanimously by elected representatives'***, whereas CJP Iftikhar M Chaudhry had passed few judgments portraying that the Parliament could make laws but subject to certain limitations and not beyond the given structure of the Constitution.

It meant that the Parliament should make laws which should have in-built approval of the apex court. Many fingers were raised over such decisions emanated through CJP Chaudhry's judiciary but the intelligentsia remained silent because of CJP's personal wishes – or from his terror of *'Contempt of Court proceedings'*.

However, during proceedings of the said case, visible division was witnessed among judges regarding the basic structure theory and powers of the Parliament and the Supreme Court; therefore, dissenting voices were expected in the ruling. Referring to the media interviews of the day, a senior lawyer Babar Sattar commented that:

*'When it has been written in the Constitution, then can a 17-judge bench second-guess the wisdom of an amendment passed unanimously by Parliament?*

*This was the decision that the Supreme Court had to take. And they have decided that if Parliament passes something by two-thirds majority then we cannot interfere in their decision.*

*And it is a positive sign that there was a divided opinion, because if all 17 judges give the same opinion then it may appear as if they were being dictated by someone - a welcome decision.'*

In detailed judgement, the CJP Nasirul Mulk declared that *'the superior judiciary has the authority to review any ruling of military courts on grounds of coram non judice* [being without jurisdiction or suffering from *malafide*]. The superior judiciary had the authority to review the government's selection of cases for trial under the Army Act 1952, however, any order passed, decision taken or sentence awarded was subject to judicial review.

### **APS CARNAGE HELPERS SENTENCED:**

After the SC's landmark decision of **5<sup>th</sup> August 2015**, putting their weight in favour of the military courts, the first decision appeared just a week after whereas the normal courts could not convict even a single person during the last fifteen years – hats off to the 160 years old laws of Evidence and Criminal Procedure Codes.

**On 13<sup>th</sup> August 2015**, Pakistan's military Chief Gen Raheel Sharif approved death sentences for six men convicted in last year's devastating attack on Army Public School [APS] Peshawar; while another man was sentenced to life in prison.

Pak-Army's Inter Services Public Relations [ISPR] issued a statement that a military court convicted the defendants in the case. The military statement listed the roles of the convicted men in militant attacks, saying that 'the convicts were given fair trial by following all the legal formalities and providing them legal aid and defence counsels.'

Six of the defendants belonged to a little known militant group, ***Toheed-wal Jihad Group***, while the seventh was a member of the outlawed Pakistani Taliban, an anti-government organization. The six defendants - civil-



ians convicted of aiding six gunmen who attacked the army school had confessed before the court.

The alleged mastermind of the attack, a Pakistani Taliban commander known as Khalifa Omer Mansour [who was later killed in a drone attack in Balochistan in 2016], was then at large and believed to be in Afghanistan.

*[As detailed in the previous chapter of this book, **Scenario 175**, the attack of 16<sup>th</sup> December 2014 on the Army Public School in Peshawar had left 153 people dead, including 125 students. The Pakistani Taliban (TTP) had claimed responsibility.]*

The general populace were extremely joyful all over the country and appreciated those convictions as it provided the families of killed children a little solace. They demanded that the masterminds should also be brought to book, tried and awarded exemplary punishment.

Following a legal challenge on parliament's decision in January 2015, Pakistan's Supreme Court ruled in July 2015 that closed military courts were legal and could pass death sentences on civilians if involved in terrorism related activities.

The **Los Angeles Times** of **13<sup>th</sup> August 2015** remarked:

*'The December School attack was seen as having hardened Pakistan's resolve to fight jihadist militants along its lawless border with Afghanistan. Pakistan, a nuclear-armed nation of 190 million, is plagued by a Taliban insurgency, sectarian violence and militancy.*

*Since January [2015], military courts have heard at least 100 militants' cases including this Peshawar School tragedy and the decision were kept pending due to Supreme Court's stay order in April this year.'*

Chief of *Awami National Party* Asfand Yar Wali, in December 2015, raised very valid points on the 'implementation & progress' of the NAP. Mr Wali contended that:

- *In mid 2015, the son of Hikmet Yar Gulbadin was seen in an open political gathering of Swabi – why action under NAP was not taken against him.*
-

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- *After NAP Accord, Afghanistan was made to believe that terrorists were equal enemies of Afghanistan & Pakistan. Afghanistan had sent about 70-80 dead bodies in November 2015, reportedly from Dir district; why the PML[N] government did not mention it to the media that how those persons went there and for what purpose.*
- 
- *Still in some mosques, some people are seen collecting money for 'Afghan Jihad' after the Friday prayer – why so.*

In fact, Mr Wali was correct to point out that unless the government close those *Madrassas* which take huge money from foreign governments allegedly like Saudia, Dubai, Qatar and Iran, the terrorism cannot be tackled. The factories of terror productions would continue to run if proper measures were not taken sincerely.

## Scenario 183

### **HATRED & KILLING CULTURE**

#### **SHAHEEN SEHBAI's ANALYSIS:**

This essay is sourced from **South Asia Tribune** [gone dead *since 17<sup>th</sup> October 2005*] an internet magazine compiled by **Shaheen Sehbai**, the veteran media editor of *'the News'* and *'GEO TV'*.

Though edited due to space constraints, the main theme is being placed here to keep the history in tact.

Hatred & killing culture has not been developed in Pakistan all of a sudden; it has decade's old history on its back. See a very **brief background** here.

Pakistan, a country of 90% Muslim population, is continuously pushed to force living into mutually hostile sectarian groups and to divert their attention from basic social and economic problems. It is on record of media and superior courts that once an army funding had also been used to bribe the religious candidates' in general national elections of 1990 at least.

As these religious candidates belonged to various sects and factions of Islam so, after gaining success, they developed and propagated sectarianism among their followers.

A little detail that how this mechanism worked in Pakistan.

**On 19<sup>th</sup> December 1990**; while an Iranian Diplomat named Sadique Ganji was leaving his hotel premises on Lahore's Mall Road, two assailants riding on a motorcycle emerged on the scene and shot him dead. A 23 year old *Lashkar e Jhangvi* [LeJ] activist named Riaz Basra, was the man who delivered this terror job. After accomplishing the task, he conveniently ran away as the police were nowhere near the crime scene.

[**On 18<sup>th</sup> August 1996**; Riaz Basra attacked on a Shiite mosque during which 15 people were slain and 50 wounded.

**On 19<sup>th</sup> February 1997;** Riaz Basra launched an attack on the Iranian Cultural Centre in Multan where an Iranian diplomat named Muhammad Ali Rahimi and six Pakistanis were killed.

**On 17<sup>th</sup> September 1997;** Riaz Basra assassinated five Iranian Pasdar officers when motorcyclists pulled up beside their van and sprayed them with gunfire as they were being driven through Rawalpindi to a training course; one Pasdar in the van survived.

From 1990 to 2003, 16 Iranians in Pakistan were gunned down, with *Lashkar e Jhangvi* [LeJ] suspected in many of the killings. Another radical Sunni group, *Sipah e Sahaba Pakistan* [SSP], was also implicated in a number of killings. The killings halted temporarily in 2003 perhaps due to the killing of Riaz Basra.]

Referring to a book '***Pakistan's Drift into Extremism: Allah, The Army, And America's War On Terror***, published by M.E. Sharpe; the author Hassan Abbas revealed that:

*'While Iranian Consul General Sadique Ganji was shot by Riaz Basra, the other person on the motorcycle with Basra conducting the Ganji murder operation was one Athar, allegedly a low-level official from the Pakistan's security forces.'*

Hassan Abbas did not mention his source of information; thus presumed that [might be] the said narration was simply a story fed to him by an enemy country to create rift between Iran and Pakistan.

*[...but it remains a truth that religious extremism had entered the Pak-Army's lines and files during Gen Ziaul Haq's eleven years rule – many say that he had planned to spoil the number 1 army of the world just to please his American bosses.]*

Basra was arrested **on 5<sup>th</sup> June 1992**, providing some breathing space for the political government, but he had influential 'friends' who wanted to see him in action rather than languishing in jail. They were powerful enough to ensure that they got what they wanted, thus launched a successful rescue operation to help Basra escape from police custody while he was being taken from the jail to a special court hearing **on 30<sup>th</sup> April 1994**.

In the above referred book, Hassan Abbas said that:

*'No credible information has come to light yet as to the exact identity of his "friends," but most probably they were the same on whose behalf he had eliminated the Iranian diplomat.]'*

During Gen Ziaul Haq's regime, while he was spending all his energies to impose Hanfi Islam (a branch of *Sunni* Sect), the Shia activism cropped up leading to a strong reaction to Sunni attempts. For this he focused on the hardliners among the Sunni religious groups in order to establish a front to squeeze the *Shias*.

It was in this context that Haq Nawaz Jhangvi was selected by Gen Zia's team to do the needful. After assuming power, Gen Ziaul Haq encouraged the formation of the Militant organizations against non-Muslims in order to scuttle the influence of the PPP and Zulfikar Ali Bhutto, who was a Shi'a politician prime minister of the Pakistan.

**Back Drop:** The faction *Sipah e Sihaba Pakistan* [SSP] was launched **on 6<sup>th</sup> September 1985** with the core mission of targeting Shi'as, whom the *Deobandi* and *Wahabi* groups believed as non-Muslims.

The Pakistani authorities were well aware that the SSP received considerable financial and logistical assistance from Saudi intelligence to get their standing. The SSP gradually built considerable influence on various political parties; *Jamaat e Islami* [JI] and the *Jamiat Ulema e Islam* [JUI] were the main political parties associated with SSP since long, may not be openly.

*Jamiat Ulema e Islam* [JUI]'s recommendations to Gen Ziaul Haq had also played the decisive part in that choice. The adherents of the Deobandi School of thought were already worried about the Shia activism for religious reasons, the state patronage came as an additional incentive and thus a new chapter of bloodshed was opened in Pakistan's history. How it exactly happened, lend me a minute or two.

In their efforts to maintain law and order in Pakistan and weaken nationalist & religious elements and political parties disliked by him, Gen Ziaul Haq followed a policy of divide and rule. After success of the Islamic Revolution in Iran in 1979, to keep the Shias of Pakistan under control, Gen Zia's some stooge politicians, in association with some clergymen, encouraged the formation of anti-Shia Sunni extremist organizations such as the SSP.

When the Shias of Gilgit rose in revolt in 1988, Maj Gen Pervaiz Musharraf, then in-charge Northern Military Command, had allegedly used *Mujahideen* and his tribal hordes from NWFP Province, later Khyber PK and the Federally-Administered Tribal Areas [FATA] to suppress them brutally.

While Shia activists were chasing these developing trends closely and making themselves ready to counter the SSP propaganda, the leader of *Tehreek Nafaz Fiqah Jafariya* [TNFJ], Arif Hussaini, was assassinated **on 5<sup>th</sup> August 1988** in Peshawar, serving a severe blow to the Shias. Arif Hussaini had lived in Iran for a while and had a close working relationship with the Iranian regime.

One serving army officer named Majid Raza Gillani knew the real culprits who had participated in this "operation" ***in the garb of Pakistan military personnel***. Then it was ***Haq Nawaz Jhangvi's turn***; he was murdered within a year of Hussaini's elimination.

**[It was 1979, the time of the Iranian Revolution; one Maulana Haq Nawaz Jhangvi started attacking the Islamic Republic of Iran, accusing it of exporting its revolution. He directed his attacks against Shiite beliefs and rituals, as well as against Iran's leadership. He received a lot of support from the then ruler Gen Ziaul Haq, in addition to the kingdom of Saudi Arabia kingdom, declaring Shiite Muslims as non Muslim and that they must be killed.**

*The first notable organisational structure with the militant ideology in the sectarian field appears to be Sipah e Sahaba Pakistan [SSP] which was founded in Jhang city of Punjab by Malik Ishaq and Haq Nawaz Jhangvi. Founded in 1985, it was a broken away part of the main Deobandi Sunni organisation Jamiatul Ulema-e-Islam [JUI] in Punjab.*

*The party was created by the Sheikh businessmen's group of the Jhang district against a Shiite Feudal lady politician and ex-ambassador to America, Syeda Abida Hussain, as she was considered unbeatable in the general elections; the Sheikh group, headed by one Sh Iqbal, was interested in creating space for their politics to win a seat in the legislative National or Provincial Assembly from the same constituency.*

*Maulana Jhangvi became popular and won the seat of the National Assembly from the Jhang district. However, **on 23rd February 1990**, Maulana Jhangvi was killed in a retaliatory bomb attack by a suspected Shiite militant; After Jhangvi's assassination, Maulana Ziaur Rehman Farooqi assumed leadership of the group.]*

Prospects of a financial bonanza attracted many other religious extremists to jump into this theatre and they contended for rewards. In the ensuing

competition among such 'humanity loving leaders', sectarian killings in Pakistan sharply increased in the 1990s.

Meanwhile, Iranian funding to Shia organizations also increased, **making Pakistan a battleground for Saudi Arabia and Iran to settle their scores.** The roots of these activities were controlled by the sponsors of religious teams secretly funded by the enemy's intelligence network [**RAW working in the name of ISI**], no effective measures could be taken by the then ruling political governments to halt this slide into chaos.

Realizing that sectarian outfits were untouchable entities, professional criminals hastened to join these groups and benefit from this open charity of opportunities. For instance, **when around 500 trained gunmen belonging to MQM were abandoned by their masters, they tentatively turned to the SSP in search of a 'job'.** They found it to be a promising career.

All they did was growing beards and learn a few anti-Shia lessons. The rest they were already accustomed to - butchering people. During the 1990s the SSP generated many splinter groups, *Lashkar e Jhangvi*, for example, being the most deadly and prominent one, whereas other small outfits were mainly **'personal mafias of influential feudal, led by local mullahs.'**

These organisations once practically went out of control of their protective agencies. Instead of attacking the PPP, the MQM and the Sindhi nationalists, they once tried to work out an idea of recruiting a large number of unemployed Sindhi rural youth to serve the Taliban cause. In Sindh, where the JI and the JUI, had been practically driven out of the province in the 1980s by the PPP, the MQM and the Sindhi nationalists, the said agencies provided them a new breath under Gen Musharraf's patronage.

[***Sipah e Muhammad Pakistan*** [SMP] was also a militant Shi'a organization whereas ***Tehrik fiqh e Jafaria*** [TFJ] was a main Shi'a politico-religious party.]

**Sunni-Fighting Within:** As a result of the [*state sponsored*] policy of divide and rule, the people observed for the first time sectarian violence inside the Sunni community between the Sunnis of the *Deobandi* faith belonging to the *Sipah e Sahaba* [SSP] & *Lashkar e Jhangvi* [LeJ] and the Sunnis of the more tolerant Barelvi faith belonging to the *Sunni Tehrik* [ST] formed in early 1990s to counter the growing *Wahabi* influence on Islam in Pakistan and the *Almi Tanzeem Ahle Sunnat* [ATAS] formed in 1998 by Pir Afzal Qadri of Mararian Sharif in Gujrat, to counter the activities of the *Deobandi* Army of Islam.

In later years, may be for a short term, the problem of sectarian killings went down because of Pakistan Army's heavy hand on foreign dissidents. Some senior officers had preferred to withdraw from frequent contacts with members of sectarian organizations except at low level individual links. It was a wise decision because the religiously charged sectarian groups had started burning each others mosques and killing innocent people while saying prayers therein.

Meanwhile, **in 1996**, another group had been raised under the leadership of Riaz Basra, Malik Ishaq and Akram Lahori under the title name *Lashkar e Jhangvi* [LeJ], after the name of Maulana Jhangvi, the founder of the SSP. Internally, blame was placed at Azam Tariq for deviating from the original program of Maulana Haq Nawaz Jhanvi.

**On 19<sup>th</sup> January 1997**; many of the leaders of the SSP, including ***Israrul Haq Qasmi and Ziaur Rahman Farooqi, were assassinated*** within the Lahore Session Court compound where at least 25 other people were also killed by extremists belonging to *Sipah e Mohammad*, a Shia militant outfit formed in 1994.

**By mid 1997**, *Lashkar e jhangvi* was ready for even bigger operations; Iranian cultural centres in Lahore and Multan were burnt down. Riaz Basra was rumoured as escaped to Afghanistan after those operations, when Ashraf Marth, the then Senior Superintendent of Police Gujranwala [SSP GRW], apprehended the other LeJ members involved in the crime.

SSP GRW Marth had the competence as well as political support to carry on his investigation. In a few months he was able to track the funding sources of LeJ and, through a secret hand of a military agency, evidence of foreign financing and records of fund-transfers through US banks were on the table of the then Prime Minister Nawaz Sharif.

One of the main accused was found with a credit card issued from New York. This was enough to cause the Prime Minister to jump in his seat. He immediately discussed the information with the then Army Chief, Gen Pervaiz Musharraf for further action.

Before any action could be taken on the information, **SSP GRW Ashraf Marth was assassinated** right in front of his official residence, in the morning hours when he was leaving his official residence's main gate for his office; the investigation against LeJ etc came to an abrupt closure.

Two famous victims of the sectarian Frankenstein let loose by Gen Musharraf in Sindh were Shaukat Mirza, the Managing Director of Pakistan State



Oil, and Syed Zafar Hussain Zaidi, a Director in the Research Laboratories of the Ministry of Defence located in Karachi, who were gunned down on 28<sup>th</sup> & 30<sup>th</sup> July 2001 respectively. The *Lashkar e Jhangvi* [LeJ] had claimed responsibility for both these assassinations.

Maulana Azam Tariq led the LeJ group until **6th October 2003**, when he was also killed in Islamabad in an attack widely attributed to the militant Shiite organisation *Sipah e Muhammad*, along with four others. He was an elected member of the National Assembly, too.

Allegedly, the LeJ had also been linked to Al Qaeda and the Taliban along with many Central Asian and Pakistani originated terrorist groups such as the **Jundallah**, a dangerous militant group operating mainly in Balochistan along the Iranian border.

LeJ's leader Malik Ishaq was detained a number of times but no one come forward to provide evidence against him. At most times he had threatened judges that ***'he knows them and members of their families very well and used to call their names openly in court'***. The US State had declared him as its most wanted terrorist.

Malik Ishaq was in detention but released in December 2014; he continued killing Shiites until he himself was killed in a police encounter **on 29th July 2015** with the Counter Terrorism Department [CTD].

### **PM NAWAZ SHARIF - SET AS TARGET:**

The foreign hands were visible and there was likelihood that international media could catch clues of clandestine funding into the whole plethora of sectarian killings in Pakistan since two decades. It was on record that:

*'.....Prime Minister Nawaz Sharif finally decided to target some sectarian groups, including Lashkar e Jhnagvi, through civilian law enforcement agencies, as he was not expecting much support from the military establishment.*

*'..... (on getting a report that Riaz Basra is in Kabul) Nawaz Sharif personally requested the ISI chief to get hold of him, knowing that they had close links with the Taliban. He was told not to worry and that Basra would be taken care of soon.*

*Ironically, instead of Riaz Basra being apprehended, Lashkar e Jhangvi stepped up its activities and attempted to assassinate the Prime Minister NS **on 3<sup>rd</sup> January 1999**. The plot failed because a remote control bomb, placed under a bridge that the prime minister had to pass over, detonated an hour earlier’.*

**[In 1998, the *Lashkar e Jhangvi* (LeJ), in a press release, had offered a reward of Rs:135 million for anyone who would undertake the killing of Nawaz Sharif, the then Prime Minister; Shahbaz Sharif, the then Chief Minister of Punjab; and Mushahid Hussein, the then Information Minister.]**

How the assassination plan was botched was indeed an interesting story. Gul Khan, Lashkar’s top bomb making expert, was hiding near the location with a remote control device, waiting for the Prime Minister’s vehicle to approach the ***bridge between Lahore and Raiwind***.

Due to lack of access to sophisticated equipment, he was using an ordinary cordless telephone as a gadget to send the signal. This telephone set was on a VHC frequency, and he was not aware that some police vehicles in the city were also using the same frequency for their wireless communications. Meanwhile, the driver of a police patrol vehicle surveying the prime minister’s travel route, by pure coincidence, parked very close to the point where the bomb was planted.

As soon as the vehicle’s wireless set received a call, the bomb detonator caught the signal too and the bomb exploded. Nawaz Sharif was lucky; Gul Khan’s planning was perfect but the technology he was using was outmoded. When he was arrested later, the interrogations led police to connect the dots.

The warning sent to Nawaz Sharif was a clear message that they [LeJ activists] were capable of eliminating him. In reaction, Punjab’s Chief Minister, Shahbaz Sharif, gave the go-ahead to the Punjab police to eliminate the *Lashkar’s* activists through all possible means, thus around three dozen operators belonging to the concerned religious groups were gunned down allegedly in staged police encounters.

Nawaz Sharif’s efforts to curb this menace during 1998–99 had failed because *Lashkar e jhangvi* [LeJ] activists were using Afghanistan as sanctuary through the Taliban, who were known to be hospitable to their guests.

Once, during Raiwind’s annual ***Tableeghi*** congregation [**3-6<sup>th</sup> November 2000**] Riaz Basra of *Lashkar e Jhangvi* [LeJ] was allowed to escape his

arrest. Riaz Basra was the No 1 wanted sectarian activist and the occasion was a great miss for the law enforcing agencies which spotted Riaz Basra attending the four-day congregation along with over two dozens accomplices equipped with lethal automatic weapons.

No sooner did the information of Riaz Basra attending the congregation was disclosed by the DIG Central Investigation Department [CID] Tariq Pervez, a high-level meeting of provincial administration and military authorities went into session at the Governor's House. The meeting extensively deliberated upon each and every aspect, with particular reference to conduct a risk-free operation.

However, they were unable to explore any feasible option as any action would have endangered the lives of thousands of the faithful attending that occasion. The military officials decided to skip over the operation since it was seemingly a difficult job to isolate Riaz Basra from a gathering of millions. Fearing massive bloodshed and the media headlines the world over, the arrest program was shunned.

Incidentally, on the same day the ISI had arrested one Zahid from Multan, who was carrying Rs:one million as head-money. During the interrogation, he confessed that Basra was present in the *Tableeghi* congregation along with 25 persons fully equipped with automatic weapons. The prominent among those who were present in the congregation along with Riaz Basra included Qari Asad, Tanveer Alias Tanni, Shabbir Fauji, Umar Taj, and Akram Lahori etc.

The hot chase, however, continued from both sides.

**[During 2001 and later];** having failed in his efforts to weaken the PPP by taking advantage of the exile of Ms Benazir Bhutto and faced with growing unity of action between Altaf Hussain's MQM and certain sections of Sindhi nationalist elements, Gen Musharraf, being the Army Chief and the Chief Executive, had constituted a secret task force in the ISI headed by Lt Gen Mahmud Ahmed, the then DG ISI, and consisting of Lt Gen (Rtd) Moinuddin Haider the Interior Minister, and Lt Gen Muzaffar Usmani, Deputy Chief of the Army Staff, to break the nexus between PPP, the MQM and the Sindhi nationalists.

The said task force had encouraged not only religious political organisations such as the *Jamaat e Islami* [JI] of Qazi Hussain Ahmed and the *Jamiat Ulema e Islam* [JUI] of Maulana Fazlur Rahman etc, but also sectarian organisations such as the *Sipah e Sahaba Pakistan* [SSP] and the *Lashkar e Jhangvi* [LeJ] of Riaz Basra, allegedly living under protection of the then

Taliban regime of Kandahar in Afghanistan, to extend their activities to Sindh and nearby areas.

The related operations were headed by Lt Gen Mohammed Aziz, the then Corps Commander Lahore. The ISI, which could not afford a direct confrontation with the *Barelvi* organisations, had been [allegedly] inciting the *Sipah e Sahaba* and the *Lashkar e Jhangvi* to counter their activities.

This had led to frequent armed clashes between rival Sunni groups in Sindh, the most sensational of the incidents being the gunning down of **Maulana Salim Qadri of the *Sunni Tehrik*** and five of his followers in Karachi **on 18<sup>th</sup> May 2001**, allegedly by the *Sipah e Sahaba*, which led to a major break-down of law and order in certain areas of Karachi then.

Gen Musharraf, in his anxiety to bring Sindh under control and to weaken the PPP, the MQM and the Sindhi nationalists, had caused creating new factions to give way leading to *Talibanisation* of Sindh, a province known for its *sufi* traditions of religious tolerance.

Gen Musharraf remained under pressure from sections of senior army officers concerned over these developments to suppress the *Sipah e Sahaba* and the *Lashkar e Jhangvi*. He and Lt Gen Haider ultimately worked out a solution to ban these religious factions despite the fact that these organisations were their own brain children.

During the same year of 2001 then, Gen Musharraf took some anti-terrorism measures, banning two groups involved in sectarian killings and barring extremist party leaders from obtaining political power. A national sedition law and section 16 of the Maintenance of Public Order Ordinance [MPO] were invoked to tackle extremist political rallies and to legitimise police raids on political demonstrations.

Even then, after a brief lull, clashes between Pakistan's Sunni and Shi'a Muslims had increased dramatically in October 2001, when at least 40 persons, mostly Shi'a, were murdered. The military government placed blame on the Taliban regime in neighbouring Afghanistan for allegedly training the perpetrators but actually they were members of the same 'banned groups'; the intelligence agencies knew them.

In the metropolitan city of Karachi, during the dark hours of **27<sup>th</sup> April 2002**, two politicians named Mustafa Kamal Rizvi and Nishat Malik were gunned down while coming back from dinner at the nearby *Tandoori Hut* restaurant in Rizvi's black Toyota Corolla. Police found it parked, with the engine off, about five minutes away from the crime scene.

The *shawarma* sandwich Rizvi had promised to bring home for his 45 years old wife, Firdaus, was still in the car. Apart from Rizvi's cell phone and a Rolex watch, nothing was stolen. Police took at least 15 minutes to reach the crime scene from the Gizri Police Station, just a minute's drive away, even though the heavy fire from two automatic pistols could be heard for blocks in the wealthy neighbourhood.

In an article captioned as '*Political Killings Hint at Pakistani Dirty War*' written by *Paul Watson*, Times Staff Writer published in '**The Los Angeles Times**' of **12<sup>th</sup> May 2002**, the event was analysed as follows:

*"The MQM and its splinter group since 1992; the two factions have been killing each other's supporters ever since, and a growing number of political and religious leaders charge that the government is reviving its divide-and-conquer strategy.*

*The party's backing for Gen Musharraf collapsed after the killings of Rizvi and Malik -- just one day before what was supposed to be Musharraf's triumphant, final rally in Karachi.*

*[Farooq] Sattar isn't alone in his suspicions. Maulana Fazlur Rehman, who heads one of Pakistan's largest religious parties, Jamiat Ulema-e-Islam (JUI), has added his influential voice to accusations that the government itself is trying to split various political parties and stir up sectarian violence in cities such as Karachi."*

In Pakistan, the Shi'a minority increased in numbers soon making about 20 per cent of the population. During 2000 and 2001, sectarian violence between Sunni and Shi'a extremists had dramatically increased.

*[In many historical paragraphs, the blame for the said bloodshed and killings from both sides were attributed towards army's Intelligence agencies especially the ISI.*

*It was a **cogent propaganda** by the Indian counterparts to create distance between the people and the successive governments. ISI came under Gen Musharraf only in October 1999 - but what the successive political governments had been doing from 1988 to 1999 and what was the job of the civilian IB then.*

*It was enemy's propaganda to malign ISI but the facts should also be kept in tact that Indian, Afghan and American intelligence agencies had been providing funds directly to various sects to cre-*

*ate law and order situation in Pakistan and throughout the past two decades.*

*The same strategy was, perhaps, implemented in Pakistan during post-9/11 era and then throughout PPP & PML[N]'s governments till ending 2016.]*

In all the above game, some religious *Madrassahs* played an equally important role. As per western media's estimation, *Madrassahs* run by [banned] sectarian and *jihadi* groups operated freely countrywide and continued to provide foot soldiers to radical Islamist organizations, for *jihad* in Afghanistan especially. Americans believe that poverty prevents many Pakistanis from purchasing school materials and books. They, as a last recourse, go to *madrassas* where they get meals and shelter too.

The religious proliferation in Pakistan can easily be illustrated by the number of established religious institutions.

- In the 1950s, besides a few belonging to Shi'a sect there were 137 traditional Sunni *madrassas* in Pakistan.
- By 1971 there were close to 900 *madrassas* with about 3000 teachers and more than 30,000 regular students.
- After 9/11 Afghan war the number of religious institutions in Pakistan increased to more than 17,500; many of them allegedly having pronounced sectarian orientation.

Several other factors like poverty, hunger, hatred, and illiteracy contributed to terrorist activities. According to the West what Muslims were doing was terrorism and according to the Muslims what West was engaged in was terrorism; in fact both are right but no side having the whole truth.

During Afghan-Iran-Iraq war, many Pakistani went to Afghanistan and Iraq to fight with the passion of brotherhood. The Afghan war in 1980s pushed three million Afghan refugees into Pakistan, and many of them, in dire poverty, had no alternative than to put their sons in care of the above mentioned *madrassahs*.

Having a journey through the history of 'sectarian divide' in Pakistan, one would understand that the ***foreign funds started pouring in to help the two 'Schools of Thought' through the above described madrassas.*** Pro government sects were funded by Saudi Arabia whereas the Shia Sect was getting finances from Iran. How these funds were floated and routed; see a media opinion dated **15<sup>th</sup> September 2004:**

*'It is not known whether American support for this scheme was readily available, but the ruling regime of Gen Musharraf knew well that the United States would be delighted to agree, given the rising US-Iran hostility.*

*However, some analysts believe that CIA funds were involved in the venture, too'.*

The US State Department's 2006 Country Report on Terrorism had called Pakistan 'a major source of Islamic extremism and a safe haven for top terrorist leaders'. It could be true but who provided arms, ammunition and modern communication gadgets to them, in aid and through deals; surely they were America and India, sometimes directly and sometimes through clandestine moves through their war companions.

From the above facts one can easily read in between the lines that how political and military governments failed to control the sectarian violence despite hundreds of ISI, IB and the Special Branch employees on roll.

All their attempts were foiled by the foreign funded missionaries upholding the banners of Islam in their hands, cutting each others' throats while posing themselves as ISI personnel in civics. Their planning remained superb including even an abortive attempt to assassinate former Prime Minister Nawaz Sharif when it was not suitable to their calculated interests.

### **RIAZ BASRA POLICE ENCOUNTERED:**

**On 14<sup>th</sup> May 2002;** Riaz Basra, the alleged mastermind behind hundreds of sectarian killings, was killed with three of his accomplices in an 'encounter' in Mailsi, district Vehari of the Punjab province. The 'shootout' took place at Dakota, about 65km from Vehari central; Basra had been targeted twice in the past but later proved as fabricated rumours.

Riaz Basra headed *Lashkar e Jhangvi* [LeJ] and was in the Faisalabad police custody since five months and was being interrogated for the activities of his network from where he managed to escape.

According to the police, four heavily armed outlaws came to Chak Kot Sher Mohammad Ghalvi at about 3.15am in a Toyota Corolla [DGA-9520] and stopped near the house of Ch Fida Hussain Ghalvi, the district Chief of the banned *Tehrik e Jaferia* Pakistan. Being on the hit-list of the *Lashkar e*

*Jhangvi* [LeJ] militants, villagers used to keep vigil round the clock and were helped by the police at night.

Mr Ghalvi was on guard on the rooftop of his house when the assailants arrived. When he shouted to question the purpose of their visit at the odd hours, they came out of the car and opened fire. Mr Ghalvi and other villagers returned the fire and informed the police control.

SP Syed Javed Shah of Vehari was patrolling the area with some police officials and thus arrived at the spot in no time. Known in police circles as encounter-friendly, SP Javed also joined the crossfire that lasted nearly an hour; resulting that the outlaws died. Two of them had beard and the other two, including one suspected as Basra, were clean-shaved.

The bodies were taken to the Vehari DHQ hospital for a post-mortem examination. A number printed on the assailants' car windscreen read BRE-944. Police had recovered some fake number-plates from the car and also got hold of a rocket-launcher, four rockets, four Kalashnikovs and a huge quantity of live rounds from the scene. The outlaws had hijacked the car at gunpoint from Multan's Gulgashat Colony a night before. Mr Ghalvi claimed that the assailants had come to kill him.

Earlier, *Lashkar e Jhangvi* [LeJ] was involved in three strikes in Dakota. **On 18<sup>th</sup> August 1996**, it killed 12 people at a *Majlis* [Shiites religious sitting] and **on 23<sup>rd</sup> July 1997**, it slew five people, including TJP leader Mukhtar Husain Ghalvi. **On 18<sup>th</sup> February 1999**, unknown assailants gunned down three more Shias near Bridge no:14 in the vicinity of Dakota.

It was later confirmed that one of the dead was Riaz Basra. SP Javed Shah said Riaz Basra's identity was established by one of his accomplices named Kashif, who was under detention for his alleged involvement in the killing of politician Siddiq Kanju [*a former MNA and the Minister of State*] in Keror Pakka area of Lodhran on **28<sup>th</sup> July 2001**.

Kashif was brought from Lahore in the afternoon hours. He identified two of the dead as Riaz Basra and Shakeel alias Hamza. Hamza was then facing the charge of killing DSP Tariq Kamboh in Lahore. Tariq Kamboh and his driver were gunned down in an ambush by two motorcyclists when his car [LOU-6347] was crossing a bridge at Canal Road near Johar Town on **17<sup>th</sup> December 2000** morning.

SP Javed Shah held that Basra carried a head-money of Rs:500,000. His body was also identified earlier by a police officer who had met him some years ago in Afghanistan but the doubts were there.



Referring to the '**Dawn**' dated **16<sup>th</sup> May 2002**:

*"Mr Nisar Memon, the then Federal Information Minister of Pakistan, said that Riaz Basra had been killed in a police encounter and his body had been identified by Punjab's IG of Police.*

*It was wrong to say that Riaz Basra was killed in a fake encounter, he added. He rejected the idea that there should be a judicial inquiry into the killing of Riaz Basra."*

But the same paper, the '**Dawn**' on **18<sup>th</sup> May 2002** claimed the opposing version that why '*in half-an-hour encounter, no policeman sustained injury...*' and how the police was able to reach '*Dokota from Vehari at one hour's journey, and 30 minutes from Mailsi.*'

However, Pakistan's then Information Minister Nisar Memon denied any foul-play. He categorically assured the media that ***Riaz Basra was killed by Shiite fighters seeking to take matters into their own hands after police incompetence.***

Another reliable account, however, held that Riaz Basra was arrested in January that year after the Faisalabad police captured Ajmal alias Sheikh Jamshaid of *Lashkar e Jhangvi* [LeJ]. Ajmal, a friend of Basra, helped the police arrest Liaquat Ali of Kehror Pucca, who was wanted for his alleged involvement in a triple murder case. After interrogating Liaquat, the police raided various locations around which finally led to the arrest of Riaz Basra.

But whether Riaz Basra managed to run away from Faisalabad police or some police officer under pressure or financial consideration released him, or the news of his arrest was all fake – still no clue has come up. Faisalabad police record of those days also remained silent on the issue for many days at least.

The doubts about his identification or being in police custody in Faisalabad developed because Sargodha police had already claimed to have killed him in 1999 and the Punjab police had also claimed to have killed him on six different occasions. ***BBC report dated 7<sup>th</sup> April 1999 is referred.***

The news of Riaz Basra's death was slow to sink in because the police had claimed to have killed him many times before, only to reveal later that they had shot the wrong man. In a typical expression of doubt, one newspaper carried a totally straight report of the fatal shootout under the head-line "***Basra Killed Again.***"

The villagers told the media that:

*"We have heard many times before that he is dead, but our hearts don't believe it yet. People say he was a real goon."*

However, a report titled '**For Militant, No Glorified End, but Death in the Dust**' compiled by HOWARD W. FRENCH, appeared in Western press on **19<sup>th</sup> May 2002** confirmed that it was an encounter amongst the police, villagers and about ten attackers in which Riaz Basra along with his three companions were left dead. Riaz Basra was finally identified on third day.

Howard French's report also told that:

*"Riaz basra's activities ranged from a bombing attack against former Prime Minister Nawaz Sharif three years ago [in 1999] and the murder of an Iranian diplomat [Sadiq Gangie] in 1990, to multiple jailbreaks and exile. He eventually gained the leadership of a terrorist training camp in Afghanistan, in alliance with the Taliban, and fought with the anti-Soviet mujahedeen.*

*In between, there were the killings of hundreds of doctors, policemen and lawyers from his country's Shiite Muslim minority, and a notorious Lahore cemetery massacre of 1998 in which 25 Shiite mourners were gunned down and 50 injured as they recited the Koran. He sprinkled his résumé with numerous bank robberies.*

*Like the Bandit Queen of India, Riaz Basra's career even included a run for political office, in 1989, when he sought election to the regional assembly of Lahore, but lost."*

### **HOME MINISTER PUNJAB KILLED:**

After serious considerations chalked out in the light of policy formulated under National Action Plan ensuing the brutal loss of 151 lives at the Army Public School Peshawar, the Punjab government received threat alerts for airports, prisons, schools and sensitive installations, besides targeted killing of known personalities and kidnap for ransom.

In turn, the Punjab government pledged to take action against the *madressahs* found involved in terrorism.

**On 15<sup>th</sup> January 2015;** Home Minister Punjab Col Shuja Khanzada told a press conference at the Chief Minister's Office that:

*"Security has been put on red alert after reports of terrorists' attacks on airports, prisons and other sensitive installations. Schools may be hit; there may be indiscriminate firing incidents, while target killing of prominent personalities and kidnap for ransom are also feared."*

Mr Khanzada told the media that threats continued and all security forces were put on high alert to counter the terrorists. Appealing to the masses to help the law-enforcers in pre-empting the nefarious designs of the terrorists, there was an extraordinary "do or die" like situation prevailing in the country that called for extraordinary measures and the citizens should share the responsibility of maintaining peace.

The Home Minister also said ***all the banned organisations had been stopped from operating*** and lists of NGOs and seminaries working against "national interests". Records of persons who delivered provocative speeches anywhere in Punjab were with him and action would be taken against them on scrutiny of "**solid evidence**".

Urging landlords, managers and proprietors of hostels and guest houses to provide details of the tenants or guests to police and take care while renting out their properties; Khanzada warned them that otherwise they could also face trouble.

New laws were being enacted and the existing ones were being amended to tighten noose around the extremists and anti-state elements in the backdrop of decisions taken in the National Action Plan [NAP] meetings.

Replying to a media question ***about the religious schools involved in extremism***, Home Minister Khanzada said ***that action would be taken against terrorists, their financiers and facilitators in the light of reports of secret agencies***. He confirmed that citizens were happy over the setting up of military courts which would soon start functioning. Punjab's IG Police Mushtaq Sukhera told the media that:

*"Police have registered cases against 650 people, recovered more than 8,000 weapons in the general hold-up and impounded over 25,000 vehicles."*

*A number of foreigners were among those arrested, most of them from Afghanistan and they also included terrorists."*

Daily '**Dawn**' of **16<sup>th</sup> January 2015** is referred.

Law Secretary Syed Abu'l Hasan Najmi said the government had issued five ordinances and the laws regarding tenancy, security of sensitive places, illegal weapons, wall-chalking and loudspeakers had been amended and their violation had been declared non-bailable offence; prison sentences and the amounts of fine were also increased.

**On 16 August 2015;** the loud voice of Punjab's Home Minister, Col Shuja Khanzada, was silenced. He was killed along with 14 others in a suicide attack on his political office in Shadi Khan village of District Attock. At least 23 people were injured in that attack and were sent to different hospitals in Rawalpindi and Islamabad.

Three injured in critical condition later passed away at DHQ Hospital Rawalpindi, raising the death toll from the attack to 17. The driver of home minister Khanzada was also among the dead.

There were two suicide bombers, one stood outside the boundary wall and the second one went inside and stood in front of the minister. The blast by the bomber standing outside ripped the wall which caused the roof to fall flat on the minister and people gathered there. It was not immediately clear if the attacker inside the building could detonate his bomb or not.

The impact of the explosion caused the roof of the building to collapse, and shattered windows in nearby houses. Almost 50-100 people were estimated to have been in attendance at jirga being held at Khanzada's political office. Many of them were buried underneath the wreckage as the entire structure had been razed to the ground by the explosion.

***Deputy Superintendent of Police Hazro Syed Shoukat Shah was amongst the dead recovered from the site.*** Ten other policemen got injuries as they were present at the scene when the blast occurred.

The interior ministry told that banned outfit *Lashkar e Jhangvi* [LeJ] had immediately claimed responsibility of the said suicide attack on Khanzada; he was under threat following the killing of LeJ Chief Malik Ishaq in July 2015 – just two weeks earlier. Later it was confirmed that the attack was a suicide blast.

Col (rtd) Shuja Khanzada was given charge of the home department as the Provincial Minister in October 2014; he had been actively involved in major operations against terror outfits. The provincial department he headed was responsible for the maintenance of law and order, and protection of life and property of citizens. He had previously held positions as an Advisor to the Chief Minister Punjab. The minister had also talked about tightening the noose against certain NGOs and seminaries working against the state.

### **SECTARIAN ATTACKS IN LAHORE:**

Lahore is the 2<sup>nd</sup> largest city of Pakistan – known as city of colleges and gardens, but its sanctity was ruined by the sectarian assaults and violence while the PML[N]'s government, being in saddles since 2008 at least, remained helpless; an utter disappointment.

Sectarian terrorism in Lahore started on **30<sup>th</sup> March 1987**, when a globally-acclaimed Sunni religious scholar Allama Ehsan Elahi Zaheer was fatally injured in a bomb blast. Shifted to Saudi Arabia for treatment, he had succumbed to his injuries after battling with death for 22 hours in a hospital at Riyadh, Saudi Arabia.

Chronology of terror incidents in Lahore city during last one decade is given below: A report published in '**the News**' of **28<sup>th</sup> March 2016** is referred.

-On **May 14, 2004**, six members of a Shia family were shot dead in city's Mughulpura locality.

-On **October 10, 2004**, an explosion by a suicide bomber at a Shia mosque had killed four people and had left eight injured.

-On **September 22, 2005**, at least six people, including a woman, were killed and 27 injured in two bomb blasts in Lahore city within an interval of one hour and a half.

-On **January 10, 2008**, at least 24 people were killed and 73 injured in a suicide attack when the cops posted outside the Lahore High Court were deliberately targeted just minutes before the commencement of the scheduled lawyers' protest against the government. This attack was first of its kind in Lahore since the start of the US-led War on Terror.

-On **March 4, 2008**, eight persons killed and 24 injured when two suicide bombers blew themselves up in the parking area of the Pakistan Navy War College on The Mall. This attack on War College was carried out by two suicide attackers, the first one to clear the way for the second one; and the second one to do the damage.

This was the first time a Pakistani Naval institution was targeted by the militants, although Army had been targeted at least eight times outside the war zone and Air Force was hit twice by then.

-On **March 11, 2008**, 24 people instantly killed and about 200 wounded in twin suicide bombings in Lahore. One of the attacks had ripped apart the FIA building killing 21, including 16 policemen.

-On **August 13, 2008**, eight people, including two policemen, were killed and over 20 [including 12 policemen] were injured after an alleged suicide bomber blew himself up near a police station in Lahore on the eve of Independence Day celebrations.

-On **November 22, 2008**, at least three people including a teenager were injured in a series of explosions near the Al-hamra Cultural Complex in Lahore, where the International World Performing Arts Festival was in progress.

-On **March 3, 2009**, a convoy carrying Sri Lankan cricketers and officials in two buses was fired upon near the Gaddafi Stadium in Lahore. Six members of the Sri Lankan cricket team were injured and over half a dozen Pakistani policemen and two civilians were killed at the spot.

-On **March 30, 2009**, at least eight police recruits and a civilian were killed when about 10 terrorists attacked the Manawan Police Training School with guns and grenades. Terrorists had taken over the main building during a morning parade when 750 unarmed police recruits were present on the compound's parade ground.

Security forces had regained control of the facility in an operation that lasted more than eight hours. About 93 cadets and civilians were injured in this event. Three of the attackers blew themselves up to avoid arrest while three others were taken into custody as they tried to escape in police uniforms.

-On **May 27, 2009**, suicide bombers had detonated a vehicle loaded with 100 kilograms of explosives near offices of the Capital City Police Officer [CCPO] and the Inter-Services Intelligence [ISI] on Queen's Road Lahore.

At least 27 people were killed instantly and 326 were wounded. The two-storey building of the Rescue 15 police service was also destroyed. This was the second attack on ISI since the start of the War on Terror. Some 40 vehicles were also destroyed.

-On **June 12, 2009**, a leading anti-Taliban Sunni cleric Sarfraz Ahmed Naeemi was among the seven assassinated, after a suicide attacker detonated himself at the *Jamia Naeemia madrassa* situated on the Allama Iqbal Road in city's Garhi Shahu area, shortly after Friday prayers.

-On **October 15, 2009**, 38 people, including 14 security officials, were killed and 20 injured in three separate attacks in Lahore. All nine attackers were later shot dead by security personnel. A large amount of ammunition and maps of sensitive installations were also recovered.

The attacks were carried out at the FIA building [again] on the Temple Road, the Manawan Police Training School and the Elite Police Academy at the Bedian Road.

-On **December 7, 2009**, terrorists struck the provincial headquarters Lahore three times. The highest casualty rate was seen when two powerful bomb blasts, 30 seconds apart, had ripped through the busy Moon Market in Lahore's Allama Iqbal Town, killing nearly 100 people. The blasts, which took place within a radius of 30 metres, had also caused a massive fire in a crowded shopping mall while knocking out the electricity supply.

-On **March 8, 2010**, a suicide bomb attack killed 13 people in Lahore and wounded more than 60 others. The bomber reportedly rammed his explosive-laden vehicle into a building that housed an anti-terrorist wing of the FIA. The explosion was so deadly that it had brought down the building that was targeted. A nearby religious school was also damaged in this bombing.

- On **March 12, 2010**, two suicide bomb attacks in Lahore had resulted in the deaths of at least 45 people, including at least nine soldiers, and had wounded 100 others. Both these bomb attacks

had reportedly targeted military vehicles, as they were passing through a crowded area. The blasts occurred within 15-20 seconds of each other; occurred very close to Lahore Cantonment's RA bazaar, which is in a busy residential and shopping area housing numerous Army facilities.

-On **May 28, 2010**, two Ahmedi worship places in city's Garhi Shahu and Model Town localities—15 kilometres apart— were attacked by terrorists. The two attacks were carried out almost simultaneously. About 100 people had lost lives in this incident.

-On **May 31, 2010**, at least 8 people were killed and up to 40 others were injured after three armed militants stormed into Lahore Hospital, and opened fire indiscriminately upon hospital guards and attendants on duty.

Reportedly the militants were dressed in police uniform. There was speculation in media that the militants intended to reach a captured militant who was detained by the authorities in the Ahmedi worship place attacks, which had occurred just three days earlier.

-On **June 3, 2010**, two low intensity bomb explosions had occurred in Lahore, injuring five people. A stampede had reportedly ensued after these blasts as a large numbers of people were present at the shrine of a local saint.

-On **July 1, 2010**, at least 50 people had lost lives and 200 others were hurt, after two suicide bombers had attacked the shrine of globally renowned saint **Hazrat Data Sahib** in Lahore.

The first suicide bomber had struck in the underground section of the Data Darbar Complex, while the second suicide bomber had reportedly chosen the upstairs area of the shrine to strike. Both the suicide bombers had used explosive devices packed with ball bearings, in order to maximise the impact of their suicide attacks.

-On **July 5, 2010**, Pakistani police arrested six men, members of the banned group "*Harkat-ul-Jihad al-Islami*," believed to be linked to the above attacks. The men were in possession of 18,000kg of explosives, 21 grenades, six AK-47 rifles, as well as bomb-making material. Four of the apprehended men had furnished logistical support for the twin attacks against the Ahmedi community.



-On **September 1, 2010**, at least 38 people were killed and more than 250 others were reportedly injured in a series of three bomb explosions targeting a Shia procession taken out to observe the martyrdom of Hazrat Ali bin Abi Talib [RA].

Following these three bomb blasts, angry members of the general public had vented their anger on local police authorities, torching a police station and a police truck. The first explosion had occurred in the Karbala Gamay Shah area at 6:50 pm local time.

This was followed by a second explosion about 25 minutes later in Bhatti Chowk and the third blast had rocked the Anarkali market about 10 minutes after the second explosion. Bodies of three suicide bombers were recovered.

- On **January 25, 2011**, at least 16 people were killed while 70 others were injured in a suicide bomb explosion in a mourning procession of Hazrat Imam Hussain near its concluding point at Karbala Gamay Shah at Lahore.

-On **April 24, 2012**, a five kilogram bomb was implanted at Lahore Railway Station platform, resulting in three deaths.

--On **July 5, 2012**, Major (rtd) Ma'az, the Security in-charge of Chief Minister Punjab, was injured after a bomb had exploded at his residence in Lahore. Some unidentified men had hurled a grenade inside the house, which had exploded within no time, injuring the security in-charge.

-On **July 12, 2012**, masked TTP gunmen had attacked a police academy in early morning hours, killing nine police cadets hailing from Khyber PK province.

-On **August 1, 2012**, two bomb explosions in Lahore's Badami Bagh Fruit Market area had killed two people.

-On **July 7, 2013**, a blast in the Anarkali Food Street had killed three people.

-On **October 10, 2013**, a blast had again occurred outside another Anarkali restaurant, killing one person and injuring 16 others.

--On **November 2, 2014**, an attack at the Wagah Border had killed more than 60 people, leaving more than 110 injured. Victims included 10 women and eight children. Eight people from one family were also killed in this blast.

Lahore's temporary calm and tranquillity were thus shattered after a break of 387 days by this incident.

--On **February 17, 2015**, the deadly suicide attack at the heavily-fortified Police Lines in Lahore's densely populated Qilla Gujjar Singh locality had killed eight people.

--On **March 15, 2015**, bombings at a Lahore church had killed at least 15 people. Two blasts had rocked the Roman Catholic Church and the Christ Church during Sunday service at Lahore's Youhana-bad locality.

--On **May 29, 2015**, a suicide bomber had blown himself up near Gaddafi Stadium Lahore where over 20,000 people were watching a Pakistan-Zimbabwe Cricket match. A few others were injured in this incident.

--On **June 29, 2015**, at least four terrorists were gunned down in a shootout during search operation in Lahore, but not before they had killed one police personnel.

--On **November 26, 2015**, three police constables had received bullet injuries as security agencies had successfully hunted down Haroon Bhatti, one of the founding members of the banned *Lashkar e Jhangvi* [LeJ] in Lahore's Badami Bagh area. Bhatti and three others were killed in this police encounter.

--On **27<sup>th</sup> March 2016**; Easter Sunday, more than 75 people were killed and over 340 injured in a suicide bombing that hit the main entrance of Gulshan-e-Iqbal Park Lahore, Pakistan.

The attack targeted Christians who were celebrating Easter. Of the 75 dead, 14 were identified as Christians and the rest (61) as Muslims. The majority of victims were women and children. *Jamaat-ul-Ahrar*, a group affiliated with the Pakistani Taliban, claimed responsibility for the attack. The attack led to worldwide condemnation and national mourning throughout Pakistan. Pakistan

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also launched a widespread counter-terrorism operation in South Punjab, arresting more than 200 people but with no cogent results.

Referring to **'the New York Times'** dated **29<sup>th</sup> March 2016**; more than 500 people were killed in terror attacks since 16<sup>th</sup> December 2014, when the Army Public School was stormed in Peshawar.

In its wake, the government lifted a six-year moratorium on executions. In a harsh crackdown, more than 300 prisoners were also hanged in the year 2015 through the military's judicial system comprising Military Courts.

But attacks – suicide bombers, planted bombs and raids by gunmen – continued gathering pace. An analysis of major terrorist attacks in Pakistan since the assault on the Peshawar school suggests that government officials, health workers and religious minorities continued to be frequent targets of attacks.

## **Scenario 184**

### **MUMTAZ QADRI's CASE**

#### **BACKGROUND FACTS:**

The facts traced back to the first day are given below.

**On 4<sup>th</sup> January 2011;** the Pakistan police commando, from the Elite Force, named Malik Mumtaz Qadri, one of Punjab Governor Salman Taseer's bodyguards, killed one of the country's known liberal politicians for urging reform of blasphemy laws. He was taken into custody at the spot by the local police with his used gun. Mumtaz Qadri had confessed before the trial court that he killed Salmaan Taseer for criticising the blasphemy law.

**On 10<sup>th</sup> January 2011;** Mumtaz Qadri, who was led away smiling on the eventful day of 4<sup>th</sup> January after gunning down his boss outside, appeared in court for a remand hearing following his official confession. He told the court he killed in the name of religion because Mr Governor wanted to reform the blasphemy laws. The police told the media:

*"He [Mumtaz Qadri] got recorded his confessional statement for the murder...in which he said that he killed Governor Salman Taseer on his own and there was no involvement of any religious or militant organisation."*

Questions were raised and discussed that why no policeman or guard apparently made an attempt to overpower the 26-year-old gunman. His appearance in the court for confession caused infuriation amongst defence lawyers who said they were not invited. But the police held they did not summon the defence lawyers because they did not feel the need; we presented him in the court according to law.

More than 50,000 people from religious groups had rallied in Karachi on a day before in support of Qadri, calling him a hero and demanding that any effort to reform the blasphemy law — [then recently] used to sentence a Christian woman to death — be dropped.

At his last court appearance, Qadri was showered with rose petals and a loud crowd of supporters at the courthouse forced the relocation of hearing to Islamabad. It was the most high-profile assassination in Pakistan since former premier Benazir Bhutto was killed on 27<sup>th</sup> December 2007.

Two weeks after Taseer was killed, the only Christian minister in the federal cabinet, Shahbaz Bhatti, was gunned down in Islamabad. He too was a critic of the blasphemy laws.

In August 2011, Taseer's son was kidnapped from his car in Lahore. Shahbaz Taseer's whereabouts remain untraced for weeks, months and years. *He was later recovered in 2016.*

**On 1<sup>st</sup> October 2011;** Mumtaz Qadri, the self-confessed assassin of Punjab governor Salman Taseer, was sentenced to death on two counts for murder and terrorism by an Anti-Terrorist Court [ATC].

Judge Syed Pervaiz Ali Shah of the ATC announced the verdict after an in-camera trial in Adiyala jail. He also imposed a fine of Rs:200,000 on the convict, who would have to undergo one-year imprisonment in case of failure to submit the fine.

The judge overruled a plea by Mumtaz Qadri that he had assassinated the governor because of his '*blasphemous statements*'. The judge said the accused had already confessed to his crime and the law did not entertain his defence arguments for killing the governor.

Police were deployed at the jail gate to prevent any break-in. The verdict came in spite of a relentless campaign by hard-line religious groups which invoked Islam to glorify the murder. Qadri, who was an official bodyguard of the Governor, gunned down Salman Taseer outside a restaurant at Islamabad's Koshar market.

In a 40-page statement submitted to the court, Qadri said Mr Taseer's statements in support of Asia Bibi, a Christian woman charged with blasphemy, had provoked him to kill the governor.

Mumtaz Qadri had cited in the statement verses from the Holy Quran, quotations from the life of the Holy Prophet [PBUH], four decisions of the Caliphs and views of *Hanafi, Shafai, Maliki, Hanbali* and *Jafria* schools of thought from Islamic jurisprudence about blasphemy under section 265-F (5) of the CrPC to justify his act.

On the day the ATC sentenced Qadri, and the judgment announced, more than 500 people rallied outside the prison in support of Qadri, and later blocked off a main road in the city by setting tires alight. Some of the stick-wielding protesters forced shops to close but later all dispersed peacefully.

Although the murder was chilling in itself, what followed jolted the nation with a sense of threatening: lawyers decorated Mumtaz Qadri with flowers, thousands took to the streets in his defence and mainstream politicians refrained from publicly condemning the cold-blooded killing.

Raja Shujaur Rehman, the counsel for Qadri, later told the media that the verdict was "*unexpected and unprecedented*" because the judge had announced the verdict in the absence of defence counsel and handed over its copy to the convict. "*The court informed us only after awarding death sentence to Mumtaz Qadri.*"

The conviction enraged supporters of Mumtaz Qadri. They burnt tyres on important roads in Rawalpindi and Lahore, smashed window panes of public and private vehicles, tore up portraits of government figures and vandalised the monument of Benazir Bhutto at Pindi's Liaquat Bagh. Police and law enforcement personnel did not try to control the enraged protesters. The *Sunni Ittehad Council* observed a wheel-jam strike and *Youm-i-Muzamat* (day of condemnation) on 7<sup>th</sup> October 2011.

**On 6<sup>th</sup> October 2011;** Qadri filed an appeal against his death sentence through Shuja-ur-Rehman, one of his lawyers. Mr Shuja told the media that "***...the anti-terrorism court was not the competent authority to sentence him; this decision is illegal and baseless.***"

Qadri had confessed to shooting Taseer dead outside the coffee shop in Islamabad's Kohsar Market, close to his residence. Governor Taseer had objected to the politician's calls to amend the blasphemy law, which mandates the death penalty for those convicted of defaming the Holy Prophet Mohammed [SAWS]. Mr Taseer had also supported a Christian mother of five sentenced to death in November 2010 for alleged blasphemy.

Mumtaz Qadri was viewed as a hero by many who thought Mr Taseer himself was a blasphemer by calling for the law's reform. Also that:

- ***Some lawyers threw rose petals at Qadri when he arrived in court days after the killing.***
- ***The judge who convicted Qadri was forced to flee the country after death threats.***

- ***Near Islamabad, immediately after the event, Qadri's admirers constructed a 500 sq metre mosque by his name.***

The ATC in Rawalpindi sentenced Mumtaz Qadri to death on two counts – under section 302 of the Pakistan Penal Code [PPC] and section 7 of the Anti-Terrorism Act [ATA]. Following the sentencing, Qadri's counsels had challenged the ATC's decision through two applications the same month; one petition demanded that Qadri's death sentence be quashed and the other asked for Section 7 of the ATA to be declared void.

**On 9<sup>th</sup> March 2015;** the Islamabad High Court [IHC] rejected Qadri's application against his death sentence under the PPC but accepted his petition to void ATA's Section 7. A two member bench comprising Justice Noorul Haq Qureshi and Justice Shaukat Aziz Siddiqui dismissed the appeal.

*[Qadri's counsels included former Lahore High Court **CJ Khawaja Sharif** and retired **Justice Mian Nazeer** who had just concluded their arguments on 11<sup>th</sup> February 2015.]*

Both the counsels for Qadri pleaded before the IHC to award lesser sentence to their client as he had no personal grudge against Salmaan Taseer. They further contended that in most of such murder cases, death sentence was not awarded by the courts.

The IHC division bench hearing Mumtaz Qadri's appeal against his conviction in the said murder case raised question whether a police constable could pronounce judgment or carry out the sentence against an individual, on the basis of his or her beliefs. Justice Siddiqui asked Qadri's defence team to explain to the court how a policeman could **"determine whether an individual was an apostate or not"**.

The team of two retired judges of the biggest high courts in Pakistan, one of whom had been the CJ, standing in the same like court as defence lawyers of Qadri, had no answer to that simple question - the irony with Pakistani poor nation that such people having zero legal acumen had been ruling them for years and decades. The defenders, the two rogue judges of their times had to go ashamed when Justice Qureshi remarked:

***'Overlooking this murder would give everyone a licence to kill in the name of religion.***

***In the presence of the blasphemy laws, how can we justify a person taking the law into his own hands.***

***If this state of affairs persists, tomorrow one can end up being punished for not reciting religious verses or wearing green turbans."***

The IHC also held that no person could be allowed to take the law into their own hands - proper forum was there to handle. The judge said there was a need for extra caution in such matters, recalling a [then recent] case where a cleric fabricated evidence against a minor Christian girl to implicate her in a blasphemy case. The life of a human being was more sacred than anything else, Justice Qureshi said, adding that the court had to examine whether the killing was an act of murder or not.

Kh Sharif, former CJ of the LHC, claimed that:

*'...the prosecution did not fulfil all legal formalities during Qadri's trial before an ATC..... that the investigating officer did not record the statement of Waqas Khan, a key witness who was Mr Taseer's host in Islamabad.*

*As per the crime scene map, Mr Khan was with Mr Taseer at the time of the attack..... that the shooting was not an act of terrorism and that Qadri had no criminal background.'*

The former LHC Chief Justice also declared that the men who stormed controversial French magazine Charlie Hebdo and killed 12 of its staff – including the editor – for publishing blasphemous cartoons, were his heroes.

The judges simply were not fully convinced with their former CJ's pleas. The IHC in a 64-page verdict ruled:

*"The conviction of appellant recorded by the trial court under Section 7(a) of the Anti-Terrorism Act is set aside, the appeal to this extent is allowed and appellant is acquitted from the said charge whereas conviction and sentence recorded under Section 302(b) PPC is upheld and appeal to this extent is dismissed.*

*It is amazing to note that the appellant Mumtaz Qadri took protections and rights guaranteed by the Constitution but deprived deceased Salmaan Taseer from all constitutional guarantees."*

***The ruling by IHC was a surprise to many who had expected the killer's sentence might be reduced amid growing threats to lawyers and judges hearing blasphemy-related cases.***



With the removal of Section 7 of ATA, Qadri had still to face the death sentence but was likely not being executed. It was because the government had, in December 2014, done away with the moratorium on capital punishment but the hangings since then had been those of terror convicts only. With the acceptance of Qadri's plea demanding the exclusion of anti-terror clauses, the case could go for a retrial in Sessions Court.

In light of that day's verdict, security around the IHC had been tightened and paths leading to the court were sealed off with barbed wires due to the sensitive nature of the case. Unauthorised personnel were also barred from entering the court. The killing highlighted a growing gulf between conservatives and more liberal elements in the Pakistani society.

Later, Mumtaz Qadri filed an appeal in the Supreme Court against the verdict of the IHC, upholding his death sentence. Similarly, having reservation on the findings of the IHC, the federal government had also challenged in the Supreme Court the verdict of the IHC removing terrorism charges against Mumtaz Qadri.

### ***J KHOSA REJECTED QADRI'S APPEAL:***

**On 14<sup>th</sup> May 2015;** the Supreme Court had admitted for regular hearing the appeals filed by both Mumtaz Qadri and the Federation against the verdict of the IHC, upholding the death sentence of Mumtaz Qadri.

**On 7<sup>th</sup> October 2015;** the Supreme Court upheld the death sentence awarded to Mumtaz Qadri, the self-confessed killer of former Punjab Governor Salmaan Taseer, and allowed the Federation's appeal seeking restoration of terrorism charges against the accused. A three-member bench of the apex court headed by Justice Asif Saeed Khosa and comprising Justice Mushir Alam and Justice Dost Muhammad Khan dismissed the said appeal.

The apex court restored the conviction and sentence awarded to the accused by Anti-Terrorist Court Rawalpindi [ATC], the trial court, and allowed the Federation's appeal, seeking restoration of terrorism charges against the accused earlier set aside by the IHC.

While no-one had ever been sent to the gallows under Pakistan's blasphemy law, activists said it was used to attack others out of personal enmity or because of business disputes. Since Governor Taseer's assassination, right-wing religious clerics had heaped praise on his killer. The PPP government

went silent during its tenure till March 2013 on the whole set of related issues and never indicated or planned to re-discuss the law.

In the darkness of Rawalpindi's Adiala Jail; barred and locked up representation of the country, a condemned man Mumtaz Qadri was king, judge, arbiter of right and wrong – the people around used to approach him to get 'Islamic & judicial' verdict on their tiny issues though informally.

Till his last day in the Adiala prison, from inside Mumtaz Qadri continued to dole out death sentences, of which he was still sole judge and jury. So complete appeared his control, so unquestioned his elevation to punisher rather than punished that he could use the prison guards to carry out the punishments he decided.

Through one Mohammad Yousuf, another member of the Elite Force, as guard who had been deployed to watch over Qadri became the latest tool with which the prison king wielded his wrath. In this case, it took just two weeks to wash over any qualms Yousuf may have had.

In the same jail, there were two blasphemy convicts named Mohammad Asghar and Pastor Zafar Bhatti – Qadri's appointed targets. Once inside, Yousuf shot Asghar, a 70-year-old man with paranoid schizophrenia.

Frail and in ill health, Asghar was the perfect victim, easily vanquished. It was Asghar's insanity that had landed him in prison; his senseless ramblings collected and provided as proof of blasphemy.

In a country like Pakistan, without compassion there is no room for insanity. One Shakeel Auj, the Dean of Islamic Studies at Karachi University, was gunned down by unknown assailants on the same allegations – allegedly condemned for his dissent against extremism.

In May 2014, Rashid Rehman, a lawyer who had represented blasphemy victims in court was also killed. Later gathered details indicated that between the lines of dead lawyers and scholars were the tales of property takings, business disagreements, vengeance and revenge – but who bothers in Pakistan.

Why the appeal of Mumtaz Qadri took about three years and a half to get heard in the IHC – see ***Babar Sattar's*** essay in the '**Dawn**' of **2<sup>nd</sup> February 2015**:

*"Mumtaz Qadri, defended by former chief justice of the Lahore High Court, Khawaja Sharif, former LHC judge Mian Nazir Akhtar, and hundreds of other lawyers, is being lionised by these professed defenders of law and justice in Pakistan.*

*The Attorney General's office has reportedly lost the case file and the state has yet to formally instruct a prosecutor to oppose the appeal of Salman Taseer's self-confessed killer....this the picture of just a broken state or a broken society as well."*

In Pakistan, there is no consensus over any rules of behaviour; no one even agree that life is sacred and murder wicked. The Salmaan Taseer murder case was the mirror that projected the reality of that Muslim state and society in all its ugliness. The governor of the largest province was not killed because he said derogatory things about the Prophet [PBUH].

Governor Taseer was killed because he stood up to even the odds for poor Christian woman charged with blasphemy in a society where criticism of the abuse of the blasphemy law has come to be equated with blasphemy itself.

Mumtaz Qadri, whose job was to secure Salmaan Taseer, chose to kill him instead and confessed that the murder was deliberate and pre-planned. One understands what Taseer was trying to do and what Qadri did. But ***what was it that former justices Sharif and Nazir Akhtar along with hundreds of lawyers were trying to do?***

The most disastrous scenario comes when one thinks that the said defenders had been the Justices [one as CJ too] of the biggest high court in the country – but so disillusioned with the judicial norms. They conveyed that it was OK to murder someone who in one's subjective opinion didn't have the right respect for his religion - OR that killing some one was justified so long as it claimed to have been done out of love for your religious thoughts.

Qadri's defence was neither insanity nor provocation. It was that his self-assumed moral obligation emerging from his personal justification for the murder. The two retired judges in fact pleaded that:

***'.....murder is no crime if it is committed to punish a perceived sinner. That one's moral obligation to one's faith ought to override one's legal obligation to the law.***

***And further that court should understand that killing in the name of religion ought to be celebrated and not punished'.***

Again, in the words of **Babar Sattar** cited above; it is pity with Pakistan's judicial standards that Qadri's defence judges did not want him to face the legal consequences of his violent actions in the name of religion. Saalat Mirza's defenders did not want him to face the legal consequences of his violent actions in the name of ethnic loyalty.

The reaction of the state in both cases was identical: it was willing to give up the writ of law and patronise perpetrators of violence in the name of convenience and suitability.

Rule of law is valuable for it defines the agreement within the society over concepts of right and wrong. In the said Qadri's case, the Pakistani society was not at all confused that Qadri was a wrong doer but it lacked courage to stand out.

What's worse — Qadris and Mirzas who claimed human lives out of misplaced loyalty to faith or ethnicity, or their defenders who projected vile criminals as patron saints – were all partners in crime while denting sense of basic justice and deliberately enhancing the gap between law and its performance.

**On 7<sup>th</sup> October 2015's** day carried enormous significance for Pakistan, for it marked the Supreme Court of Pakistan's landmark ruling of maintaining the capital punishment of Mumtaz Qadri, who continued to remain a hero for some and a cold-blooded murderer for others. Mumtaz Qadri's case held a mirror bearing clear reflection of a nation that has been miserably fragmented and still millions of miles far from being called a nation.

This ruling was to be marked 'high valued' for reason that:

***'...a man in uniform took the law into his own hands and murdered an unarmed fellow country man he was morally and legally bound to protect'.***

That was why the culprit was hated indiscriminately by all, regardless of his origin or belief. His religious beliefs, colour, cast, or creed would not have mattered at all. The chances of escaping capital punishment in his case were absolutely remote.

The SC ruling came as a pleasant surprise to some and at the same time as one big shock to a very large number of souls. The observations made by the learned judges during the course of hearing came as a breath of fresh

air, as it rekindled hope for shining future of coming generations in an underdeveloped country like Pakistan.

During the course of hearing, Justice Dost Muhammad Khan expressed his observations that should put to rest questions about whether or not blasphemy laws could be freely discussed by the people. He minced no words while saying that:

***".....blasphemy law is a man-made legislation which was passed by the parliament that was composed of public representatives. Therefore, any legislation made and okayed by the parliament is a man-made thing, thus, the nation has a right to criticize it.***

***The deceased governor only pointed at the flaws in the blasphemy law, which were sometimes exploited for achieving personal agenda."***

Justice Asif Saeed Khosa who headed the bench hearing the petitions said:

***"Will it not instil fear in the society if everybody starts taking the law in their own hands and dealing with sensitive matters such as blasphemy on their own rather than going to the courts."***

But Mumtaz Qadri was left with one more avenue to seek mercy from – the President of Pakistan. Could Mumtaz Qadri be punished - even at that stage no one was sure of his fate.

The fears came up true – Mumtaz Qadri, instead of going for mercy appeal before the President of Pakistan, managed to launch another re-review plea before the same Supreme Court requesting for yet another larger bench.

**On 14<sup>th</sup> December 2015;** a three judges bench of the Supreme Court of Pakistan [SC], headed by Justice Asif Saeed Khosa, once again rejected ***Mumtaz Qadri's review petition*** against his death sentence, which was first awarded in 2011 by an Anti-Terrorism Court, for gunning down the then Punjab governor Salman Taseer.

Rejecting Qadri's plea, the court said his lawyers had failed to ***"establish blasphemy"*** in the case and also rejected the formation of a larger bench to hear the arguments. The apex court held that:

*"Mumtaz Qadri has confessed to the killing at all stages and was arrested from the crime scene. It is our responsibility to safeguard the law and stand by our oaths."*

**On 22<sup>nd</sup> December 2015;** a 5-pages detailed judgment in the said case was released by the Supreme Court of Pakistan. The apex court had regretted that by raising arguments on the merit of the case and the sentence already confirmed, an attempt was made to re-argue the entire case through the review petition by Qadri's counsel. The SC held that:

*"A review is surely not a rehearing of the main case and all contentions have already been attended to in the Oct 7 judgment under review in some detail."*

The apex court in detailed judgment explained why its three-judge bench had [on 14<sup>th</sup> December 2015] rejected the review petition filed by Mumtaz Qadri through his counsel Justice (rtd) Nazir Akhtar.

**"No error patent on the face of the record was pointed out by Qadri's counsel against the Oct 7 judgment,"** said the verdict, authored by Justice Asif Saeed Khosa, who headed the bench which had dismissed the review petition.

The detailed judgment also said that since the main review petition had been dismissed by the apex court, the application seeking interim relief regarding suspension of execution of the petitioner's sentence of death had also lost its relevance.

The Supreme Court had, in its 7<sup>th</sup> October verdict, had refrained from going into the matter of interpretation of the injunctions of Islam, especially relating to blasphemy and its punishment, the judgment said. The same was expected of the Islamabad High Court and, therefore, observation made by the high court in its order of 9<sup>th</sup> March was treated as not legally binding as a precedent.

In the 7<sup>th</sup> October judgment, the order recalled, the apex court had already held that the petitioner had failed to prove through any legally admissible evidence that the victim [Salman Taseer] had committed blasphemy.

It was also held by the apex court in the main judgment that under Articles 203 G and 230 of the Constitution, interpretation of the injunctions of Islam as laid down in the Holy Quran and Sunnah of the Holy Prophet [PBUH] fell within the exclusive domain, power and jurisdiction of the Federal Shariat

Court, the Shariat appellate bench of the Supreme Court and the Council of Islamic Ideology. And SC bench's jurisdiction in such matters was only limited to application of the principles.

Referring to the arguments of Qadri's counsel that the apex court should be guided by the injunctions of Islam as laid down in the Holy Quran and Sunnah, the order explained that this contention overlooked the fact that in the considered opinion of the court, the counsel had failed to discharge the onus on him to prove through legally admissible evidence the alleged commission of blasphemy by Salman Taseer.

The apex court also regretted that in a separate application through the review petition, the counsel had pleaded for adjudication of some very important religious and legal questions, but no such questions were identified in the application. Thus the detailed judgment observed that the said ***'side application also stands dismissed'***.

**On 29<sup>th</sup> February 2016;** Mumtaz Qadri was executed at the Adiala Jail at around 4.30am. Qadri had shot Salman Taseer 28 times in broad daylight in Islamabad's Kohsar Market on 4<sup>th</sup> January 2011.

The body of Mumtaz Qadri was handed over to his family members and was moved from the jail under tight security cover.

## Scenario 185

### **METRO BUS SERVICE IN PAKISTAN**

#### **LAHORE METRO-BUS PROJECT:**

No doubt, it was a **remarkable decision by the Supreme Court of Pakistan** to take notice of the irregularities done in the Rental Power Projects. It was basically a *suo-moto* notice of the SC though, later, Makhdoom Faisal Saleh Hayat and Kh Asif had also presented them as parties of the said case to help the court. It was an uncontested failure of the PPP government, there were no two opinions.

The opponents of the PML[N] government were keen but wondered that **why CJP Iftikhar M Chaudhry had not taken notice of another alleged Mega Scam happened in Lahore**, the 27-kilometre long Rapid Bus Transport [Metro Bus Service] track, from Gajjumata to Shahdara in metropolis, commonly known as '*Jangla Bus Project*' while most side work was still under completion.

***[In a way it was good, given the Court-Kutchehry System in Pakistan – because no one was able to get stay order for the Metro Bus project at least.***

***In Pakistan, the stay orders are issued by the courts with utter malafide intentions which can easily be stretched for a decade or so.]***

Consider the following facts for a while:

The **Lahore Metro-Bus Service [MBS]** was a bus rapid transit [BRT] system in Lahore, which consisted of a 27km long route and 29 bus stations. It was opened by Turkey's Deputy Prime Minister Bekir Bozdağ and Punjab Chief Minister Shahbaz Sharif **on 11<sup>th</sup> February 2013**.

The route covered dozens of residential and commercial localities along the city's main artery — Ferozepur road, linking together Lytton road, Jain Mandar, MAO College, Lower Mall, Civil Secretariat, Aiwan-i-Adal, District



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Courts, Shrine of Hazrat Data Ganj Bakhsh, Ravi Road, and Shahdra town; an 8-kilometer section of the route is elevated.

The system used e-ticketing and Intelligent Transportation System [ITS]; managed by the Punjab Metrobus Authority [PMBA] with the IT part being carried out in coordination with Punjab IT Board.

Lahore Transport Company [LTC] was established in 1984 to ease the traffic conditions of Lahore and improve bus services. LTC got all the transport responsibilities of travelling in Lahore in December 2009. A BRTS fleet of 650 Buses was introduced and given name "Trans-Lahore". However, the BRTS did not have dedicated lanes and had to share roads with regular traffic with no right of way privileges.

Lahore Metro had first been proposed in 1991 but was abandoned in favour of a bus transit system, inspired by the successful Istanbul Metro-bus system. Plans were developed in the last quarter of 2011 by both local and Turkish experts.

Construction of the project was divided into different packages and was awarded to different contractors. Zahir Khan & Brothers [ZKB] in Joint venture with Reliable Engineering Services Limited [RESL] constructed the major part of the Flyover including two elevated rotaries for BRTS. Habib Construction Services constructed the down ramp to *Taxali Gate* of flyover. Construction started in March 2012 and the buses entered service **on 11<sup>th</sup> February 2013**.

The system was constructed by the Traffic Engineering and Planning Agency [TEPA], a subsidiary of the Lahore Development Authority [LDA] at a cost Rs:29.8 billion. The system was built on the build-operate-transfer [BOT] basis via the collaboration between the Punjab and the Turkish government; the federation was not involved in between.

The Mayor of Istanbul, Kadir Topbas, also announced a gift of 100 buses as it was Pakistan's first bus rapid transit system.

Lahore MBS started with a single 28.7 km long *Ferozpur Road* corridor with two other corridors planned and having an average speed of 26 km/h. Following the initiation ceremony, use of the system was free during the first month. However, following a week of chaos and overcrowding, a fare of Rs:20 [US\$0.2] was imposed irrespective of the destination.

According to the LTC, the daily ridership of the MBS exceeded 180,000 just within first year with the peak hourly ridership being 10,000 passengers per hour per direction. Studies conducted by the transport company claimed that this figure would increase by 222% to 20,000 in 2021. To keep the cost affordable for everyone Punjab Government continued paying Rs:40 as subsidy on each Rs:20 ticket.

The Lahore MBS has barrier-controlled, automated off-board fare collection, a service interval of less than 2 minutes during peak hours, stations with well-designed signage and information systems and a precision bus docking system. The terminal approach was given through escalators and underground, subway-styled approach tubes; stations were provided parking spaces for motorbikes and cycles while the two terminals provided car-parking facilities as well.

Besides the self-service Ticket Vending Machines [TVM], the MBS also issued Metro-bus Cards to be utilized for multiple journeys. These RFID-based cards were made credit-card sized and could be obtained for a refundable amount of Rs:130 [US\$1.33]. These cards could be recharged to a maximum balance of Rs:1000 [US\$10] at the TVMs. The Metro-bus cards removed the hassle of standing in a queue for a token and card-holders were able to proceed directly to the terminal.

In April 2015, the Punjab Government approved the expansion of Lahore Metro-bus; 15 km track was planned to be added on the current route. On Northern end it was to be extended 10 km from *Shahdara to Kala Shah Kaku* and on Southern end it was to be expanded 5 km from Gajjumata to LDA City near *Kahna*.

During late May 2013, the Metro buses started to develop an over-heating problem as the temperatures in the city crossed 45°C. The air-conditioners gave away and the engines started blowing fumes.

The authorities told the media that when the buses were imported the manufacturers, Sweden-based Volvo and China-based Sunwin, were told to provide buses that could remain operational in temperatures approaching 51 °C. When the operation error came to surface, the suppliers were fined and further import of buses from them was halted. To counter the problem, new air-conditioning units were fitted in the buses in late June 2013.

The Punjab Government, in the development program of 2013-14, proposed similar Metro-bus projects for Faisalabad and Multan also. Metrobus in Islamabad and Rawalpindi was inaugurated **on 4<sup>th</sup> June 2015** by the Prime Minister Nawaz Sharif; while Multan MBS was under construc-

tion. Karachi Metrobus and Faisalabad Metrobus were also planned and their construction was at hand.

The political opponents of Sharifs, especially the Pakistan Peoples Party [PPP], flooded a new gate of criticism in the name of 'Losses & Subsidy' – forgetting that their party PPP could not add even a single inch in the national highway structure or motorways in the country during their complete five years tenure.

No doubt, Lahore MBS caused a daily loss of Rs:5 million – but in the whole world the mass transit systems are subsidized by the sitting governments. While a passenger was paying Rs:20 for one-way travel, the government paid a subsidy of Rs:40 but the MBS was planned for the poor and white collared people not for the car owners.

On the positive side of the things, the MBS daily facilitates almost 140,000 commuters from *Gajjumatta to Shahdrah* area during the 5-day week. There were around 50 routes in Lahore with many even without any public transport facility. Millions of commuters used to travel in the City daily at Chingchi rickshaws, worn out vans and outdated buses and pay from Rs:15 to Rs:35 fare even at routes much smaller than that of metro bus.

Had passengers traveled on private bus or van from Gajjumatta to Shahdrah, they were to pay around Rs:60. The Punjab government generated Rs:2.8 million in revenue [2013-14] from fare collection as compared with per day expenditure of around Rs:8 million. The Punjab government in budget 2013-14 allocated Rs:2 billion for Metro Bus subsidy after clear refusal of Punjab CM Shahbaz Sharif to increase the fare.

The government had outsourced the all operational, maintenance, security and other expenditures to around 12 companies after start of the service. Critics questioned spending so much money on travellers of one particular route at the expense of the rest of the population of province. And the same argument was presented against the launch of similar projects in Rawalpindi, Multan and else where.

Lahore MBS started its service with 45 metro buses, with a capacity three times that of ordinary buses, run along 27km track; 19 buses added in September 2013. The buses used to stop at 27 stations that covered the entire route. When the service was launched, it was claimed that even those with personal cars would prefer to avail this facility and it suited some who had their jobs along the route.

Metro Bus Service [MBS] project was built at a cost of Rs:30 billion in record time of only eleven months. Due to metro bus service, the 27-kilometer long journey from *Gajjumata to Shahdara*, which normally used to consume two hours, was aimed to be covered in 55 minutes and with more comfort and less cost of travel for the people.

#### **RWP – ISL METRO-BUS SERVICE:**

It remains a fact that previously, all governments had miserably failed to provide a 'respectable' public transport to the residents of twin cities of Rawalpindi and Islamabad. Commuters of all age groups used to run after wagons, pickups and taxicabs to reach their destinations every day, particularly during office and school timings.

There was no organised inter-city public transport system in place, and wagons, pickups and auto-rickshaws run by private transporters were relied upon to fill the gap in this regard. The commuters particularly travelling between Rawalpindi and Islamabad used to face worst kind of humiliation every day.

The locals repeatedly complained about the highhandedness of transporters, particularly those plying vehicles on all routes regarding overloading and overcharging. A survey of 2012 revealed that as many as 21 passengers were normally cramped into one wagon that was originally meant and designed for 14 persons. Particularly for female passengers, the agony was all the more severe.

Meanwhile, in the absence of a suitable mode of public transport, people were felt helpless and forced to purchase their own vehicles – an increasing traffic burden on the road infrastructure of Rawalpindi and Islamabad. Statistics from the two Excise Offices had shown that during 2012, everyday 13 new private cars, 15 motorcycles and nine commercial vehicles were registered with the concerned departments.

**On 4<sup>th</sup> June 2015;** the second project of metro bus Service was inaugurated by Prime Minister Nawaz Sharif, aimed to provide better transportation to the residents of twin cities of Rawalpindi and Islamabad. The hierarchy of Rawalpindi administration was directed to ensure their presence at the Jinnah Convention Centre for the opening ceremony.

It was Rawalpindi-Islamabad Metro-bus, a 22.5 km BRT system aimed to serve the twin city metropolitan area in Pakistan; using dedicated bus lanes for its entire route covering 24 bus stations for transporting 150,000 people daily. The system used e-ticketing and Intelligent Transportation System; managed by the Punjab Metro-bus Authority [PMBA] with the IT part being carried out in coordination with Punjab IT Board.

**[Rawalpindi is the fourth largest and one of the fastest growing cities in the country; is the headquarters for the Armed Forces of Pakistan and with its amalgamation with Islamabad, the population of Rawalpindi increased rapidly over the past few decades.**

**Islamabad's population has grown from 100,000 in 1951 to 1.30 million in 2012 and continues to be the fastest growing large city of Pakistan. Since its foundation, Islamabad has attracted people from all over Pakistan, making it one of the most cosmopolitan and urbanized cities of Pakistan and centre of economic and service activities in diversified fields.**

*Rawalpindi / Islamabad Metropolitan Area is the third largest urban amalgamation in Pakistan with an estimated population of 4.5 million inhabitants. With present growth trends it is expected that the population would increase to 7.0 million in twenty years' time.]*

Murree Road in Rawalpindi has been one of the busiest and most preferred link between the twin cities due to its shorter length and direct approach. On this route, private transport, vans and small Suzuki carriers, have been the only means of mobility between two cities and the level of service offered by those minibuses was far below any acceptable standard.

Traffic volumes of over 210,000 vehicles used to ply on three major corridors connecting both the cities carrying around 525,000 passengers; an estimated public transport demand of around 153,000 passengers constantly remained there. Based on studies conducted by the Government of Punjab and Capital Development Authority [CDA] Islamabad, the Federal & Provincial governments both joined hands to launch a Metro Bus project to connect the twin cities and alleviate the traffic congestion on this corridor spreading in two cities.

**On 19 January 2014;** PM Nawaz Sharif and the CM Punjab decided that the project should be funded on 50:50 sharing basis by the Federal Government & Government of the Punjab and also that the Punjab Government would execute this project through Rawalpindi Development Authority [RDA], in coordination with the CDA, as the single executing agency for

both parts of the project. Punjab Metrobus Authority [PMA] was to control the operation & maintenance of the project after its completion.

**On 28 February 2014;** construction of the RWP-ISL Metro-bus began and was completed by June 2015, with 60 buses initially plying on the route; the project was completed with a cost of Rs:44.31 billion, shared by both the Federal and the government of Punjab.

The initial date of inauguration was 28<sup>th</sup> February 2015, which was delayed because of lack of planning for drainage of rainwater and slow rate of work leading to inevitable delays in the construction. Even after the launch of the metro bus service, the issues regarding the drainage of rainwater still remained unfinished resulting in the flooding of the underground bus stations during monsoon rains but eventually the project worked successfully.

The entire length of 8.6 km of Metro Bus corridor in Rawalpindi area is elevated structure whereas about 14 km in Islamabad is at ground level but made signal-free by constructing grade separations at various intersections. Ten halt stations in the Rawalpindi Part and fourteen in the Islamabad Part were provided along the corridor.

Functional elements at the stations comprised of ticketing booths, concourse level passenger transfer, escalators, platform screen, toilets, doors turnstiles for automatic fare collection and other amenities. A Central Information Technology System [ITS] control room was also included in the project to control the whole operation of Metro Bus system.

Initially the provision of a 10 lane Underpass, 2 Lanes for Metro Bus and 8 Lanes for mix traffic, along the 9th Avenue was proposed at Peshawar Mor intersection. Later on, in view of the traffic issues at Peshawar Mor intersection, ongoing Widening of Kashmir Highway & its link with new Islamabad Airport, it was decided to merge the Metro Bus corridor in the interchange already designed by CDA at the cost of Rs:6.75 Billion. The same was simultaneously executed with Metro Bus Project.

Initially, one line was made serviceable with future extension planned. This line connected the twin cities of Islamabad and Rawalpindi to Gandhara International Airport; a plan to build two more lines in future was in hand. The project was started with a fleet of 68 buses on route.

The Metro Bus Project was contracted to several companies over an initial budget of about Rs:44.5 billion [around \$500 million], and was divided into three main categories; the major chunks were given to ZKB, National Logistics Centre and Lemak Reliable Joint Venture; whereas Procurement, Oper-

ations and Maintenance of Buses was awarded to a Turkish company named Albayrak Holding.

**On 18<sup>th</sup> April 2016;** a media report appeared that the federal government continued heavily favouring Punjab during negotiations on the RWP-ISL metro bus. After absorbing a larger share of construction cost and accepting a smaller share of total revenue, it again agreed to pay a disproportionately large share of the subsidy of the service; apparently based on track length in the respective jurisdictions. This was despite the fact that construction costs were shared equally, even though the elevated track in Rawalpindi cost significantly much more.

Meanwhile, though revenue sharing was based on ridership in the respective limits, the subsidy per rider appeared disproportionate under the subsidy sharing formula. A ten-month dispute over subsidy sharing brought an additional cost of around Rs:2.5 billion annually under subsidy head.

In a meeting held at the Finance Ministry on 31<sup>st</sup> March 2016, Finance Minister Ishaq Dar was joined by the Punjab's finance minister, CDA Chairperson, and officials of the PMBA, where it was agreed that the total subsidy for the financial year 2015-16, would be shared on the basis of track length — Punjab's demand — rather than an even split, as was suggested by the federal government. CDA had to contribute Rs:1.52 billion for the said financial year.

The Rs:44.8 billion spent on the project was shared equally by both the governments, but a Rs:5 billion interchange at Peshawar Mor in Islamabad — required for the project — was completely financed by the federal government as it was curiously excluded from the original agreement.

An official rider-ship report for the first three-months indicated that an average of 100,558 passengers used the service every day, with average rider-ship in Rawalpindi at 58,559, and Islamabad at 41,999. Revenues earned through ticket sales were split on the basis of rider-ship, leaving Punjab with around 59pc of revenue.

However, as per analysis appeared in the '**Dawn**' dated **24<sup>th</sup> March 2016;** while citing a report from 1<sup>st</sup> July 2015 to 29<sup>th</sup> Feb 2016, the ridership was below the National Engineering Services Pakistan [NESPAC]'s estimated figure. NESPAC had estimated that there would be over 135,000 metro bus passengers per day but approximately 110,252 passengers commuted via the metro bus daily.

The metro bus authority compiled a daily report of service users based on the board of passengers from all 24 bus stations in the twin cities. A total of 26.46 million people used the facility during the said eight months. The authority collected Rs:529 million in revenue through ticket purchases. The total cost of operations was much higher than the collected revenue.

The report stated that Saddar Bus Terminal in Rawalpindi, which is the first station, remained the busiest throughout the eight months, with a total of 3,534,852 passengers boarding from there. Faizabad followed, with 2,530,793 passengers, and 1,558,041 passengers boarded the buses from Committee Chowk.

In Islamabad, the PIMS station was the busiest – with 1,277,424 boarding passengers, followed by Pak Secretariat Station with 1,172,817 passengers. As many as 969,027 people boarded at Stock Exchange Station.

***[ The fact remains that though actual ridership figures were lower than the estimated one but it was all success because in the whole world the projects take start like this.***

***The MBS project was not built for a year or two but it is for decades to come. In that sense, the overall response of commuters was very high.]***

The MBS Chief of the RWP-ISL authority told media that:

*"Out of the total 68 buses we had been running 35. Recently, after seeing the response of the people, we have added 18 more buses for two hours every day. With the addition of these buses, the upcoming report will show improvement.*

*The non-availability of feeder buses was another main*

*reason why the NESPAK estimate was not achieved. Once feeder buses start functioning we will easily exceed the estimate of the daily ride as people love to travel in metro buses."*

The introduction of feeder route network in the twin cities had faced delays. In November 2015, PMBA, after receiving higher bids than the reserve rate, scrapped the entire tendering process for the purchase and operation of 78 feeder buses on various routes in Rawalpindi. The CDA, which announced its plan to ply 22 feeder buses in Islamabad in ending 2015, had



also failed to take any practical steps. According to the initial plan four routes were selected for this purpose;

- *The first route commenced at Bhara Kahu up to Marghzar Zoo – covering Dhokri, Aabpara, Polyclinic and F-6.*
- *The second route from Rawat to Faisal Mosque.*
- *The third route will commence at Tarnol, up to F-9 Park and would cover G-13 and the areas between the G and F sectors, including Karachi Company.*
- *The fourth route will operate up to IJ Principal Road, and will commence at the Railway Carriage Factory.*

**On 5<sup>th</sup> April 2016;** an agitation by some political parties in Rawalpindi and Islamabad inflicted a loss of nearly Rs:30 million on the Punjab Mass-transit Authority [PMA]. The mob had attacked three metro bus stations; one of these was '**completely destroyed**'. They damaged steel fences in the corridor and some electrical and mechanical equipment; the authority had to suspend bus operations for four days to avoid further losses.

Nearly 120,000 people used to travel by RWP-ISL Metro Bus everyday. The suspension caused great inconvenience to the commuters as around 4,000 to 5,000 passengers board from every station daily.

In May 2016; some people approached the media offices with complaints against the MBS that despite an investment of Rs:44.8 billion and getting subsidy of Rs:2.5 billion per annum, it wasn't able to maintain itself even for one year, with its downfall starting after just 11 months of its inauguration on 4<sup>th</sup> June 2015. Despite the subsidy, there was little evidence of maintenance work being done for the Metro service.

*[Most Pakistanis do not understand that public transportation is subsidized all over the world, including in developed countries. It is a basic social measure giving working class and poorer people access to reliable transit while those with money and means will continue to drive in their own cars.*

*Unfortunately, most people have no real diversion in life other than to take a bus; so such ill-informed criticism shouldn't detract any government from providing low cost transport for poors.]*

Most Metro stations were facing technical issues. Many of the elevators, ticket machines, automatic gates and vocal alerts in buses were out of order. The roofs failed to provide relief from the rain and were in need of repair. The MBS employees were not satisfied; the amount of the salaries

they were getting and the irregular intervals between their salaries remained the major issues for months at least.

The 24-kilometre long RWP-ISL MBS, no doubt, was providing top class commuting services to the people of the twin cities but the absence of pedestrian bridges on metro tracks had created pronounced difficulties for walkers resulting in the loss of precious human lives. Hundreds of people cross the road in various areas for business activities but the hurtling traffic did not allow any pedestrian to cross the road unless there was a traffic signal, underpass or overhead pedestrian bridge to help them.

Pedestrian bridges were an absolute necessity at the busy roads in the twin cities. Due to the construction of metro terminals and the widening of roads, crossing the road went much hazardous.

Now see a traveller's account:

*"I am a frequent traveller of the metro bus and it has made my life a lot easier since i do not need to go through the tortuous vans or expensive cabs. As for the 2600 per trip claim, i am not so sure that 130 people travel on it from end to end. i am guessing that any given time, 80-100 people are on the bus and on major stops around a dozen people get on and get off, so the number is certainly off by 50-100 passengers.*

*It is also questionable as to how the trip costs Rs.9100? The trip one way is about 23-24 kms. The [critic] is suggesting that each kilometer is costing about RS:380. These are big buses no doubt but i am not so sure if that is an accurate idea. Even when taking into account the indirect expenses like staff pays at the stations and general maintenance.*

*Lastly, public transport like this is often subsidized. Though i wouldn't be expecting Rs:50 per person, some subsidy is to be expected."*

[The 'Express Tribune' dated 29<sup>th</sup> June 2015 is referred]

### **THE CRITICS' ARGUMENTS:**

A key question:

***Whether the Lahore [and RWP-ISL] Metro-bus project(s) were EFFECTIVE?***

To assess the project efficacy, the critics of the MBS compared the Metro-bus's rider-ship with overall vehicular trips in Lahore. With over 350,000 cars and 850,000 motorcycles on the city's roads, congestion, pollution and safety remained the key issues, the stated purpose of the MBS was to increase the share of public transport in Lahore, and accordingly to provide safe, reliable transport in a city of then nearly 7 million population.

A successfully designed public transport program should aim for at least 20 percent rider-ship, whilst the actual daily rider-ship for the Lahore MBS was 3.3 percent initially; the impact was therefore insufficient in reducing congestion in the city.

The main objections raised were:

- No overtaking provisions at stations eliminating the possibility to use multiple services on the same route, limiting the number of buses per direction.
- Bus stops are not big enough to accommodate several buses within the same stop.
- Insufficient investment in the bus fleet.
- Insufficient city-wide coverage to attract passengers, it is not a network but only one line.
- No provision of a feeder bus system to ferry passengers not living near the route.
- No linkages with the city's other modes of transport – bus, rail, air were provided.
- No provisions for transfer stations linking with future lines, as some stations are elevated.
- The Metro-bus should be an integral part of the overall city transport network and should inform the future development of the city, future public transport corridors should be part of the master plan for all new developments, including DHA, etc.

According to the American Public Transport Association BRT infrastructure should cost US \$2-18 million/km, the Lahore Metro-bus infrastructure capi-

tal cost was more expensive as compared to international benchmarks. As per published figures, the infrastructure costs per km (*all costs escalated to 2014*) for BRT for various cities were:

Infrastructure cost per km

<u>Xiamen</u>	<b>4.89 billion yuan per km</b>	2008 value. Baidu Baike. ~35km elevated (十二月-15)
<u>Kuala Lumpur</u>	<b>111 million MYR</b>	2015 value. US\$26 million (十一月-15)
<u>Brisbane</u>	<b>AU\$27.6 million</b>	2001 value. SE Busway - later corridors higher cost (value shown: 24) (八月-15)
<u>Islamabad</u>	<b>US\$20 million</b>	2015 value (十二月-15)
<u>Cali</u>	<b>US\$14.44 million</b>	2012 value. Source: IADB 2015 (七月-13)
<u>Los Angeles</u>	<b>US\$14.3 million</b>	2005 value. <b>\$35.8m</b> for Chatsworth extension in 2012 (七月-13)
<u>Amsterdam</u>	<b>US\$11m</b>	Source: bic.asn.au (七月-11)
<u>Lima</u>	<b>\$9.67 million</b>	2010 value. US\$262m for first corridor (七月-11)
<u>Bogota</u>	<b>US\$5.3m (phase 1), \$13.3m (phase 2)</b>	US\$5.3m (phase 1), \$13.3m (phase 2) (七月-13)
<u>Nantes</u>	<b>7.58m euros</b>	2006 value. <b>50m euros</b> for the 6.6km (七月-11)
<u>Istanbul</u>	<b>US\$8.8 million</b>	2007 value. Includes infrastructure & equipment (Source: IETT) (七月-12)
<u>Paris</u>	<b>6.43m euros</b>	Based on cost of 7km Marché international de Rungis to La Croix de Berny stations in 2005 (45m euros) (二月-16)
<u>Lanzhou</u>	<b>595m yuan for 12.3km</b>	2012 value (十月-15)
<u>Yichang</u>	<b>44.8m yuan</b>	2014 value. Not including some land acquisition
<u>Beijing</u>	<b>40m yuan</b>	1st corridor only. <b>US\$4.8m</b> at Jul-04 rate (六月-15)
<u>Guangzhou</u>	<b>30m yuan</b>	<b>US\$4.4m</b> , Jul-09 rate (九月-14)
<u>Changzhou</u>	<b>30m yuan</b>	1st corridor only <b>US\$4m</b> at Jul-07 rate (十一月-15)
<u>Yinchuan</u>	<b>420m yuan for 21km</b>	2012 value. Total cost source: Baidu Baike (十一月-15)
<u>Dalian</u>	<b>19.5m yuan</b>	US\$2.6m, Jul-07 rate (三月-14)
<u>Pune</u>	<b>13 crore INR</b>	2015 value (十二月-15)
<u>Zhongshan</u>	<b>110 m yuan for 12.9km</b>	2014 value (七月-15)
<u>Jakarta</u>	<b>US\$1 million</b>	2004 value (三月-13)
<u>Leon</u>	<b>US\$1m</b>	Source: bic.asn.au (六月-13)

[Source: [www.worldbrt.net](http://www.worldbrt.net) & [www.Chinabrt.org](http://www.Chinabrt.org)]

In another analysis, given exact comparison of facts and figures from our neighbouring country, the position came up as:

**Amritsar [India] Metro [2013]**

31 km long  
12 km Bridges included  
78 Buses Fleet  
Cement Rate PRs:480 per bag  
Steel Rate PRs:69,000 per Ton

**Cost Rs:290 m per km  
Cost Rs:9 bn for 31 kms**

**Lahore Metro [2013]**

27 km long  
8 km Bridges included  
64 Buses Fleet  
Cement Rate PRs:450 per bag  
Steel Rate PRs:67,000 per Ton

**Cost Rs:1110 m per km  
Cost Rs:30 bn for 27 kms**

***Given lower labour costs in Pakistan and averaging the above figures, a fair estimate for infrastructure costs should have been \$5-7m/km approximately. Therefore, at \$11m/km for the Lahore Metro-bus and \$20m/km for RWP-ISL metro-bus, the costs were substantially higher than the benchmark.***

According to the Punjab government's own statistics:

- ***Rs:30 billion were spent on the project – NO TENDERS CALLED EVER.***
- 
- ***Initially no development budget was allocated to this project; which was completed through enormous cuts in other departmental allocations including Health & Education.***
- 
- ***The project was never discussed in the provincial cabinet meeting nor brought over the assembly's floor to gain general consensus or at least a debate.***

The entire budget allocated for Punjab's infrastructure development was Rs:63 billion for that financial year; meaning thereby that 50% of the development budget of Punjab was spent on one project only. That excluded the cost of the numerous underpasses and overhead bridges that were built in Lahore through PWD's own allocations.

Comparing that Rs:30 billion to the Rs:16.5 billion allocated to the Health sector for the entire province of Punjab. Education was given even less than that. A state of the art hospital like the recently developed RWP Institute of Cardiology was built in Rs:2.8 billion, taking that as a benchmark,

Punjab could have built 10 such hospitals more with that money – however, the mass transit system was also badly needed for the poor Lahoriites.

The 'on ground' situation was quite confused till the end of government's tenure in March 2013. Out of the 45 Chinese buses — each being 18 metres long and having the capacity to carry 150 passengers — only 20 were set for the run in the beginning. The total cost of the buses was Rs:1.26 billion; a modern ticketing system on the 27-station route was later installed like other developed countries.

Initially, wardens of the City Traffic Police were scheduled to escort the bus service at different points in order to ensure a smooth flow of traffic moving along the metro buses or crossing intersections on the way. Work on the installation of elevators as well as the construction of bus stations on 8.6km long overhead bridge from *Ichhra* to *Taxali Gate* was built for that and that was the real state of the art planning work.

The project was an imitation of the existing BRT operations in Turkey and it had a Turkish consultancy contributed for completing its technical feasibility. Saeed Akhtar, Chief Engineer, TEPA [Traffic Engineering and Transport Planning Agency] Lahore told that:

*"We are trying to make the project as public friendly as possible. There will be eight to 10 points [or mini stations] on the route.*

*We intend to remove the steel bars and install traffic signals to give access for U-turns, the kind you see on the Naseerabad crossing on Ferozpur Road and the crowded Yadgar Chowk.*

*At some places, underpasses are being built, like the one at Kalma Chowk."*

Lahore Development Authority [LDA], TEPA and six other contractors — namely, National Logistics Cell [NLC], Makksons, Sarwar & Company and two joint ventures of SKB & Al-Bayrek and ZKB were scheduled to complete the project in time, but of course with no tendering process because of haste – but the PML[N] urged that it was to avoid the red-tapism in the government departments.

MBS boasted in the buses separate compartments for men and women, a timetable was framed in such a way that the new bus would be available at a given station every three minutes. The buses were expected to carry

8,000 passengers over an hour's time and, hence, were able to transport at least 100,000 persons in 14 working hours a day.

Overall, the project aimed at the construction of 32 overhead bridges, every one kilometre of the main carriageway for the pedestrians. The bridges were furnished with automatic staircases to facilitate the old-aged passengers, women and children also.

As many as eleven parking places were added to the MBS corridor to facilitate the parking of the public vehicles of the passengers who opt to reach the MBS station on their own vehicles. An additional two corridors for the MBS were scheduled on Multan Road and Canal Road.

The Punjab government's Planning & Development [P&D] department approved funds worth Rs:151.526 billion for development projects from July to Dec 2012, against the total annual development programme of Rs:210 billion which included Rs:84 billion for roads and transport development projects in some other areas of the CM's interest.

Referring to the ***daily 'Jang' dated 13<sup>th</sup> February 2013***, the Punjab government issued a notification that no construction work would be done within 150 sq kms of the Sharif Complex Raiwind because of security threats. No permission would be granted to any private or state housing around 'village *Jati Omra*'; why so. The political opponents roared that it was a planned move to snatch the lands within those 150 km around to widen the Sharif Complex's boundaries.

Rs:5 billion was spent on giving away laptops; a political stunt only under pick & choose policy mostly confined to five cities. Although the goodwill gesture behind the act remained, pragmatism was in severe dearth. Unfortunately, most schools in Pakistan lack basic infrastructure, sanitation and clean drinking water – laptops was a far off dream.

In the surroundings of bad performance of the PPP government, Punjab's PML[N] was apparently doing much better. The province's annual average growth rate remained 2.5% between 2007 and 2011 [*Lahore-based Institute of Public Policy (IPP) is referred*], of course, despite acute shortage of gas and power.

**But why Punjab had not installed its own power generation units to meet the short fall; it could have been the most valued priority for PML[N].**

**On 4<sup>th</sup> January 2016;** The government decided to extend the metro bus route from Shahdara to Rachna Town; the CM Punjab Shahbaz Sharif held that the extension of Metro Bus route by five kilometres would benefit a large number of people. He further directed that the project should be completed within stipulated period.

Frontier Works Organisation [FWO]'s Director General [DG] Maj Gen Muhammad Afzal, the Planning and Development Board Chairman, the Finance Secretary and the Lahore Development Authority [LDA]'s DG attended the meeting in which the above mini project was announced.

Referring to '**the Express Tribune**' dated **18<sup>th</sup> October 2016;** the Lahore MBS added 200 new buses which eased some of Lahore's transport woes; otherwise it reflected the public approval at large.

Since its launch, the metro bus system has been much criticised, and often very rightfully so, for its high expenditure and cost ineffective transport system, but the need for a mass transit system was, of course, undeniable. The metro bus offered not only an affordable and comfortable journey, but also a dignified one. The way in which people were forced to commute in Pakistan, hanging out from bus exits and sitting atop the roof was not only dangerous, gender-discriminatory and extremely inconvenient, but also causing with a major health cost.

The public transport crisis in Pakistan should have been addressed more seriously. The Punjab government needed to expand its focus from Lahore to other parts of Punjab. Other provincial governments, especially of Sindh, needed to provide an efficient transport system to Karachi's nearly 22 million residents. In fact, Karachi's bus network had been on the decline since decades. There were only 9,527 operational minibuses left in Karachi in mid 2016, as compared to the 22,313 it had in 2011.

In the past decade, the country's urban centres had seen rapid investments in road and bridge constructions. All this had been for those who could afford private motorised transport and even then, the traffic situation was not improved. In Lahore, despite huge investments, grave traffic problems remained; more vigorous planning needed.

For **RWP-ISL Project**, an analysis appeared in the '**Dawn**' dated **27<sup>th</sup> September March 2014** is worth consideration here.

The Rawalpindi Development Authority [RDA] started revising budget of the Metro Bus Project [MBS] as the estimated cost was '**likely to go up**' from Rs:44.21 billion to Rs:50 billion.



Some anomalies at the very beginning stage of the project were reported. To cite few of them; for land acquisition, Rs:1.2 billion were originally allocated, but within six months the cost increased to Rs:2 billion. The opposition's leadership argued that it was because one PML[N]'s Hanif Abbassi from Rawalpindi was made in-charge of the project to compensate his defeat in 2013's elections.

The government desk simply placed the onus on Imran Khan's *dharna* in Islamabad during August-December 2014 which didn't appeal the general populace whatsoever. The Commissioner Rawalpindi and Project Director MBS Zahid Saeed told the media that work was slow because of political unrest in Islamabad.

Moreover, a shrine on Murree Road was not falling on the route of the bus service but later that area was also included due to which the government had to acquire more land and compensate the custodian of the shrine.

A total of 27 kanals [*kanal is a unit of land measuring in Indo-Pakistan – equivalent to about 600 sq meters*], including 19 kanals of private land, was acquired for the construction of bus stations on Murree Road.

Work on IJ Principal Road and 9th Avenue remained at slow pace due to relocation of graveyard and acquisition of land for metro bus depot. Someone had approached the Islamabad High Court to stay relocation of the graveyard.

*[Globally 80 percent of commuters use trains, both over ground and underground, as the preferred means of travel; trains regularly reach speeds of 100 kph and carry up to 800 passengers per train, unlike buses that travel at 25 kph and carry 100 passengers.]*

At current growth rates, by 2035 Pindi-Islamabad would have a combined population of nearly five million, given that most of whom would not be able to afford living in Islamabad, and that the extended city would stretch from Hasanabdal, Fatehjang to Mandra, the transportation master plan could have taken cognizance of that fact in its design intent.

Going by costs, as stated above, the cost of the Pindi Metrobus should have been approximately \$6m/Km as compared to the actual estimated cost of Rs:50 billion for 24.5 km or \$20 million/km. It indicated the most glaring example of massive corruption in Pakistan by the political and bureaucratic heads of the said project.

Based on surveys in early 2014, about 200,000 vehicles / day travel from Rawalpindi to Islamabad or 550,000 (persons) trips take place daily be-

tween the two cities. Assuming at 50 percent capture for public transport then, the designed capacity of the Metro-bus should have been at least 300,000 trips / day as opposed to the designed stated capacity of 150,000.

The project would go disrupted after 10 years when the passengers would be at least ten times more – the project was not capable of handling the needs till ending the PML[N] government tenure in early 2018; what a foresightedness of project designers and the political elites at the helm of affairs; one could consider the factors involved.

No one would be able to find evidence of corruption in Pakistan as per prevailing practices ***but it was the most expensive metro-bus project in the whole world.***

In '***the News***' dated ***9<sup>th</sup> August 2015***, however, the government's spokesman tried to dispel the above impression by saying that:

*"In the execution of the Metro-bus System [MBS], the contracts were awarded after due tendering process strictly in accordance with PPRA rules. The said signal-free corridor for which 13 vehicular underpasses and two flyovers have been constructed, was approved at a total cost of Rs:44,840 million but was completed with Rs:42,810 million resulting in savings of over Rs:2 million."*

The government also mentioned that in BRTs worldwide, the adjusted cost of infrastructure based on average annual inflation rates for respective countries, extracted from the website of the World Bank, were as under:

- The Ahmedabad Janmarg [India] BRT system was commissioned in 2009 at \$2.4 million per kilometre. The average annual inflation rate since the time of commission was 6.84pc, ending in the adjusted cost becoming \$3.57 million per km.
- In China's Changzhou [commissioned in 2008; costing \$4 million per km], with average inflation at 4.01pc, the adjusted cost was \$5.27 million per km.
- 
- China's Beijing system [commissioned in 2004; cost: \$4.8 million per km], with average inflation at 1.38pc the adjusted cost was \$8.03 million per km.
- 
- Paris' First Line system [commissioned in 2005; cost: \$7 million per km], with average inflation at 4.01pc the adjusted cost was \$5.27 million per km.

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- Istanbul's system [commissioned in 2007; cost: \$8.8 million per km], with average inflation at 7.43pc the adjusted cost was \$15.61 million per km.
- 
- The Lahore MBS was commissioned in 2013 and cost \$11 million per km; with average inflation at 8pc the adjusted cost was \$12.83 million per km.

Then why the RWP-ISL Metro commissioned in 2015, its cost: \$20 million per kilometre; with average inflation at 8pc.

The PML[N] spokesman justified that the per km cost of RWP-ISL system was launched with major roadway improvements including a cloverleaf interchange at Peshawar Morr [Rs:4,940 million], new bridge on Nala Lai [Rs:352 million], rehabilitation of the existing road network and other additional works [Rs:2,705 million].

But even if the above expenditures are accepted without scrutiny [though the critics speak high about kick-backs gone in the coffers of PML[N]'s former local MNA], the cost appeared up to \$16.360 million per km – no cogent explanation given by the PML[N] government except that there were certain additional facilities with RWP-ISL Metro. The comparison appeared interesting:

*"The Ahmedabad system has no escalators, elevators and generators or passing lanes. It does have PSDs. In Changzhou China there are elevators and escalators but no generators and passing lanes. Beijing China has no such facilities. Paris' First Line system also has no such facilities, while in the Istanbul system too there are no escalators, elevators are less than 20 percent and no PSDs or passing lanes exist.*

*The RWP-ISL MBS, on the other hand, has escalators, PSDs, generators and passing lanes costing Rs:2,935 million."*

The PML[N] government held that one-on-one comparison of cost was not justifiable due to differences in geometric design [elevated, at-grade and trench sections] and various other BRT features provisioned for facilitation of passengers. For example, in the RWP-ISL Metro, 8.6 km was elevated and 4km was trench section which had a significant impact on cost whereas other BRTs were predominantly designed as at-grade facilities.

*[The Ahmedabad system has no elevation or trench, its at-grade is 39km and that was all. Changzhou too has no elevation or trench and its total is 54km. Beijing shows a similar situation (some trench sections present but insignificant) and its total length is 79km. Paris' First Line too has some trench section but insignificant, no elevation and its total is 19km. Istanbul has no elevation, no trench and a total of 51.7km.*

*The Lahore MBS has elevation of 8.3km, at-grade of 18.7km, no trench section and a total of 27km. The RWP-ISI MBS has elevation of 8.6, at-grade of 9.8, trench 4 and total of 22.4km.]*

Had the RWP-ISL MBS planned as an at-grade facility, its per kilometre cost could be worked out at \$10.780 million per km. This MBS was designed for a peak capacity of 24,480 passengers per hour per direction [pphpd] whereas the capacities of quoted BRT examples were far less, except the Istanbul Metro-bus. [**Source:** *BRT Planning Guide 2007*]

Parallel to this assertion, the Boston BRT, built at a price of \$53 million per km holds the record of being the most costly BRT in the world; followed by Nagoya with \$47 million per km; Pittsburgh West Busway at \$31.5 million per km and Brisbane – \$24 million per km.

### **MULTAN METRO-BUS SERVICE:**

**On 5<sup>th</sup> June 2014;** Punjab Chief Minister Shahbaz Sharif declared that the work on Multan Metro Bus project would begin in new financial year [2014-15 and Rs:32 billion was earmarked for 32-km long route. The project was to be accomplished within one year. The CM visited the route personally and approved it. Orders were issued for constitution of a four-member committee comprising two MPAs and as many MNAs for finalizing different proposals on the project.

The CM assured that the transparency and quality would be ensured in Metro Bus project. As per blue print of design, the Metro Bus route was to run on two routes connecting different areas of the city like *Bahauddin Zakariya University, Chowk Kumharanwala* and BCG Chowk [square]. The first route covered a distance of 19km and the citizens could be able to travel between Bahauddin Zakariya University and Gaddafi Chowk via *Gulgasht, Chungi No-6, Chungi No-9 and Khanewal Road*.

The other route was to run between Chungi No-9 and BCG Chowk covering another 9km in other direction. Over 20 modern stations were to be constructed for passengers on these two routes.

The Construction of the Multan MBS started in early May 2015 and was scheduled to be completed by December 2016 but a considerable development could be seen well ahead of May 2016, a re-settled deadline. About forty per cent [40%] work on the project was completed in three months; completed 85 percent of the pile work, 61 percent piers cap, 25 percent transoms, and 53 percent work on girders.

The Chief Engineer of the project Mr Sadozai hoped that they would be able to complete most of the remaining work ahead of the given deadline. The hurdle remained because only Rs:4 billion were released initially. Escalators and elevators used in the Metro Bus Project Stations were made in a European country while the stations were being built in view of weather conditions in Multan locally.

Isolated panels were to be used to make roofs of the stations leak proof; the decision had been taking following the unpleasant experience of metro bus stations in Rawalpindi and Islamabad. **"... there will be no compromise on quality,"** the Chief Engr Sadozai held.

**On 24<sup>th</sup> January 2017;** Prime Minister Nawaz Sharif inaugurated Multan Metro Bus project.

The project was completed at a cost of over Rs:28.88 billion. The route of metro bus service was from Bahauddin Zakariya University to *Chowk Kumharanwala*. There were 21 stations and one under pass on the route of bus service. Even the critics hailed the efficiency and transparency of the Project Director Sabir Sadozai because Multan Metro Bus project was better than Lahore and RWP-ISL projects.

Ninety seven thousand commuters were likely to avail the facility daily and it kicked off with 35 buses. The project included 21 bus stations spread over an 18.5km route. The government claimed that the project was technically faultless and as many as 2,600 jobs would be created over time due to the project.

The project had been divided into nine phases, and that Rs:356 million had been paid to various departments for the shifting of various services on the route. *"The project's life is 50 years, but if it is properly repaired and cared for, it can be useful for 100,"* the engineers claimed.

**FAISALABAD METRO BUS;**

**On 1<sup>st</sup> February 2014;** Punjab Cabinet formally approved the mass transit scheme in the city of Faisalabad; Pakistan's third largest city was selected to see the modern transport system within next two years positively. Chief Minister Punjab Shahbaz Sharif chaired the cabinet meeting held in CM's office at 7 Club Road Lahore.

**On 28<sup>th</sup> February 2014;** Punjab's Minister for Local Government and Law, Rana Sanaullah Khan told that the work had been started for the preparation of feasibility report with regard to launching of metro bus services in various cities including Faisalabad.

Earlier, MD Punjab Metro Bus Authority [PMBA], Sibtain Fazl-e-Haleem informed the participants of the meeting that work on data collection with regard to metro bus in Faisalabad was in hand to evolve final and viable model of metro bus service.

The MD PMBA had then vowed that metro bus project Faisalabad would be completed within ten months – but till ending 2016 there was nothing seen on ground.