

# The Business

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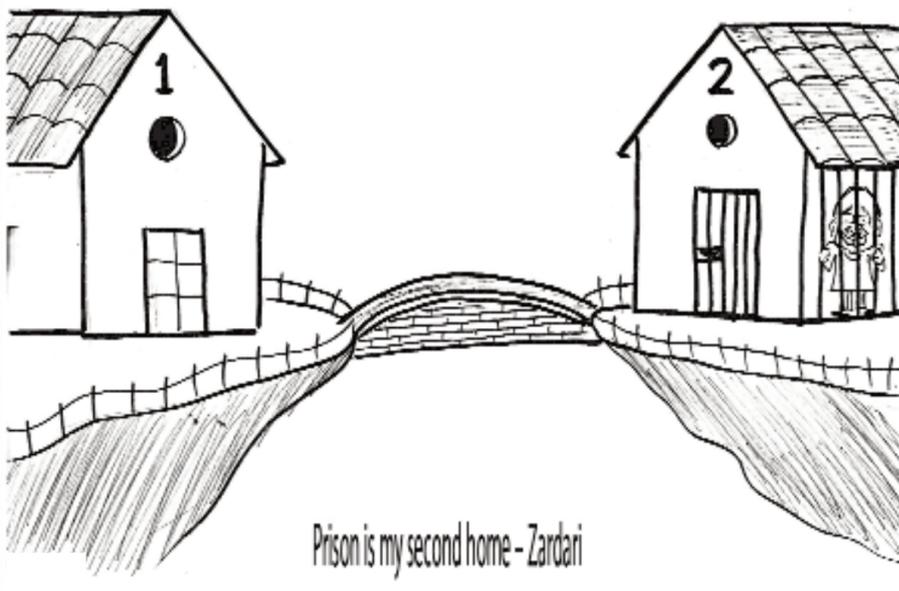
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## Welfare of small farmers

While giving the salient features of the Rs 82 billion plan for the agriculture sector, Mehboob Sultan, the Minister for NFSR, stated that the specified goals were achievable and the plan will be implemented within two to three years. In the area of crop yield, an investment of Rs 4 billion will be made for promoting mechanisation and a 50 percent subsidy will be given to small farmers on the purchase of crops-specific machinery; development of high yielding varieties and improved provision of certified seeds. An amount of Rs 4 billion was sanctioned for Pakistan Agriculture Research Council (PARC) to produce better seeds for farmers. Rs 8.6 billion has been allocated for the development of fisheries sector to promote shrimp farming, cage fish culture, and trout farming in northern areas. Water efficiency will be improved under the Rs 68.60 billion National Programme for Improvement of Water Courses by water course lining, enhancing command area of small and mini-dams in barani areas and water conservation in barani areas in KP. Laser-levelling will be provided to small farms on subsidised rates and the government will arrange 12,000 new lasers over the next two to three years.

The Rs 82 billion plan for the agriculture sector appears to be very ambitious, particularly when it has to be implemented within two to three years, but seems necessary in view of the fact that other countries in the region and elsewhere have increased their agricultural productivity immensely while we have not been able to make much progress in the area despite comparable quality of land and the hard work our farmers have been doing. Besides, it needs to be highlighted that agriculture sector in Pakistan plays a crucial role in the economy as it contributes about 19 percent to GDP and absorbs 42.3 percent of the labour force. It is also an important source of foreign exchange earnings and stimulates growth in other sectors like manufacturing and services.

This sector's performance has witnessed a moderate growth over the years but not to the extent as desired by the government or as per the requirement of the economy. One of the prime reasons for the slow growth in agriculture sector despite a number of initiatives could be the reluctance of small farmers to adopt new technologies. However, there is some difference between the present and previous approaches to agriculture boost. While these are good steps, it will need to be ensured that the funds earmarked for the purpose are optimally utilized and richer farmers with big land holdings are not allowed to pre-empt the resources meant for small farmers and reduction of poverty. The net result of these measures could, however, be assessed after a period of three years.



## No Pakistani left behind

YUMNA ZEHRARIZVI

In 2000, Zulfiqar Ali migrated from Pakistan in the pursuit of a better life. That dream quickly turned into a nightmare. He spent over 13 years on death row in Indonesia on false drug charges. In August 2016, he came close to being wrongfully executed by firing squad. Luckily, the then PM, Nawaz Sharif, and the Foreign Office intervened and he was spared. In January 2018, during his visit to Pakistan, Indonesian President Joko Widodo stated he would look into Zulfiqar's case on humanitarian grounds. Despite being reminded repeatedly by the civil society, the Ministry of Foreign Affairs (MoFA) failed to make forceful representations on his behalf. Zulfiqar never came back home. In 2018, he passed away in an ICU from stage four liver cancer. He was still a prisoner, and was buried in Indonesia.

In the hope of a brighter future, thousands of Pakistanis move abroad. This labour force provides an invaluable support to our economy. In 2017 alone, Pakistan received \$19.3bn in much needed remittances. But these labourers are at risk of being entrapped and forcibly engaged in narcotics smuggling by some Overseas Employment Promoters (OEPs) or people operating as them. OEPs are monitored and regulated by the Ministry of Overseas Pakistanis. Yet the sheer number of migrant workers on death row for narcotics offences have been drugged, tortured, kidnapped or held under duress, and are forced to ingest drug capsules before boarding their flight. They are instructed to handover these capsules to an unidentified individual once they reach their destination. But as soon as they reach their destination, they are apprehended.

At the mercy of local courts and without access to lawyers, impartial translators, or consular assistance from Pakistani diplomatic missions, they are subjected to human rights abuses, forced to undergo criminal trials that fall considerably short of international due process standards and executed by host governments. The government of Pakistan is obligated under international and domestic law to protect the fundamental rights of its citizens imprisoned around the world. But it has consistently failed to do so. The duty to protect its citizens is all the greater when the criminal justice system that the citizens are caught in fails to uphold the standards of fair trials and due

processes. Pakistan does not have a uniform consular protection policy. Rather, in 2010, under the directions of the Supreme Court of Pakistan, MoFA devised guidelines, that were formulated with the objective of securing the release and repatriation of Pakistani nationals arrested and serving sentences abroad. However, in March 2017 the Lahore High Court observed that these guidelines do not amount to a policy and directed MoFA to devise a 'policy for consular access'. A comparative analysis of similar policies of other countries concluded that the MoFA guidelines lack in providing adequate support and protection. For example, the Australian, American, British, and Dutch policies require that consular officers visit the individuals within 24 hours of their arrest. For most, it is compulsory for the consular officer to visit the detainee at least once a year. In Pakistani missions, visitation of prisoners abroad is not applied uniformly and, in some cases, completely abandoned. Additionally, these guidelines are not readily disseminated or made available for the public. Thus, there is a lack of understanding among officials and no awareness for prisoners about their rights. Furthermore, the inherent vagueness of procedure and categorisations such as "deserving Pakistanis" provide room for bureaucratic inaction. Implementing a uniform consular policy would ensure that every Pakistani mission abroad fulfils its duty of ensuring the safety and well-being of imprisoned Pakistanis through regular prison visits, proper recordkeeping and the provision of effective legal, administrative, and financial assistance. Prisoner Transfer Agreements (PTA) can also prove crucial in providing relief to Pakistanis imprisoned abroad.

The Transfer of Offenders Ordinance, 2002 allows Pakistan to devise PTAs and provides guidelines to be followed. Pakistan had PTAs with eight countries but in 2015 all were suspended. Since then, thousands of Pakistanis have been arrested and many executed. It is imperative that PTAs be signed with countries with a significant number of Pakistanis. Zulfiqar's life was spared the first time after a government intervention due to immense pressure from the media and civil society, but we lost him — all because there is no policy, therefore no obligation. Similar to Zulfiqar, there are an estimated 11,000 Pakistani migrants languishing in jails, the majority of them in the GCC, where they are often denied their most basic rights. Since 2014, close to 90 have been executed in Saudi Arabia alone. On International Migrants Day,

## Sugar cane crisis on repeat

MOHAMMAD HUSSAIN KHAN

For sugar cane producers, this year is no different from preceding years. Only six out of 38 sugar mills commenced crushing by Dec 11 as they said the price of Rs182 per 40 kilograms notified by the Sindh government was not viable.

Under Sugar Factories Control Act 1950, mills must start crushing no later than Nov 30. Sugar mills have once again challenged the price notification in the Sindh High Court (SHC). However, the court turned down their request to put the notification in abeyance.

The controversy over the sugar cane price is not new. It has been a regular feature of the crushing season for the last eight years. Until the early 2000s, no such controversy existed as sugar mills would abide by the price notification and start crushing by mid- or late October in line with the provisions of the 1950 Act.

The Act was amended in the last PPP government, which bound sugar mills to start crushing no later than Nov 30. Sugar factory owners follow the notification about neither the price nor the starting date for crushing. Over a dozen or so sugar mills are said to be owned by those in government. They exploit growers by buying their sugar cane at the lowest possible rate.

The sugar cane crop takes around 18 months to mature. It grows on around 320,000 hectares in the province, mostly in the lower Sindh region. But in the recent past, the sugar industry has flourished in upper Sindh as well. In Ghotki district alone, five sugar mills are operational, although it has otherwise been a rich cotton-growing area.

There used to be 32 sugar mills in Sindh about eight to nine years back. But their number has increased to 38 now. Even former president Asif Ali Zardari — whose name is bracketed with the Omni Group that owns around a dozen sugar mills in lower Sindh and is also facing money laundering cases — recently said that some sick units were revitalised to create employment opportunities in those

areas.

Not only the number of mills has increased in Sindh, but also the per-day crushing capacity of several units has increased to 10,000-12,000 tonnes from 4,000-5,000 tonnes over the last 10 years, according to Syed Mahmood Nawaz Shah, a progressive farmer.

Given such growth in the sugar industry — primarily supported by banks' financing — one can safely assume that the sugar business remains largely lucrative. Besides sugar cane, the crop produces a number of by-products. Some mills also produce electricity by burning bagasse.

Analysts say that if this industry was unprofitable, big industrialists like Jahangir Khan Tareen would not be expanding their businesses beyond Punjab and setting up mills in upper Sindh's Ghotki district. Mr Tareen is known for paying the notified price of Rs182 per 40kg for the last few years. The Sindh chapter of the Pakistan Sugar Mills Association (PSMA) should explain why Mr Tareen's mills comfortably pay growers the notified price in Sindh while other mills call the rate unaffordable.

Economist Dr Kaiser Bengali asserts that the sugar sector is structurally inefficient as it is quasi-monopsony, which refers to a market structure in which a single buyer substantially controls the market as the major purchaser of goods and services offered by many would-be sellers. According to Dr Bengali, 38 men decide at which price they will buy sugar cane from farmers.

He believes that this industry will remain in crisis forever and that it is better for Pakistan to start importing sugar.

"Being water-intensive, sugar cane is not Pakistan's crop. We can import sugar, which will be cost effective," Dr Bengali says, adding that sugar cane production is unviable for Sindh as much as apple production is unviable for Balochistan. He says that sugar prices remain on the lower side in the international market. "With surplus sugar in stock, sugar mills want to export them. They demand a subsidy, which also comes out of public

purse." Why millers delay crushing Sugar factory owners delay crushing for a number of factors that range from getting increased sucrose recovery to procuring the crop at an inadequate price from farmers. A delayed harvest of sugar cane increases sucrose content in the crop whereas farmers get the rate on the basis of crop weight. Belated harvesting always panics growers into selling their crop to mills or their middlemen. Growers have to use land under the sugar cane crop for the sowing of wheat for which the ideal time is November. Late sowing also leads to lower per-acre grain productivity.

According to Punjab-based Pakistan Agribusiness Forum representative Ibrahim Mughal, one per cent sucrose recovery in a maund translates into Rs18. "Sucrose recovery remains at 7.52pc in October, 9pc in November and 9-10.5pc in December. That's why sugar mills tend to delay crushing to December for maximum recovery," he says. He believes the government has declared sugar cane a 'political crop'. "We will still be better off if 20 or so sugar mills are closed. We are producing around 0.6-0.7 million tonnes over and above consumption needs," he says. Sugarcane is apparently the only crop that is under some regulatory cover because of the 1950 Act. Yet its enforcement remains weak in view of the so-called nexus between wealthy industrialists and those in government.

Farmers have calculated their cost of production at Rs198 per 40kg, inclusive of 10pc profit, whereas a research paper by the Sindh government also puts it at Rs180 per 40kg.

Mr Shah points out that factory owners have been able to achieve their goals for the last several years. "They have held down prices, procured the crop through brokers and denied the price as directed by courts on the one hand while winning federal and provincial subsidies on the other," he says.

Despite impressive sucrose recovery in Sindh — 10.46pc in the 2017-18 season — the sugar cane sector remains in crisis. It is time the government addressed the root cause of the

## Importance of law & its obedience



MUHAMMAD NADEEM BHATTI

The judiciary of Pakistan is a hierarchical system with two classes of courts: the superior (or higher) judiciary and the subordinate (or lower) judiciary. The superior judiciary is composed of the Supreme Court of Pakistan, the Federal Shariat Court and five high courts, with the Supreme Court at the apex. There is a high court for each of the four provinces as well as a High Court for the Islamabad Capital Territory. The Constitution

of Pakistan entrusts the superior judiciary with the obligation to preserve, protect and defend the constitution. Neither the Supreme Court nor a High Court may exercise jurisdiction in relation to Tribal Areas, except otherwise provided for. The disputed regions of Azad Kashmir and Gilgit-Baltistan have separate court systems. As the Supreme Court of Pakistan doesn't have jurisdiction over Gilgit-Baltistan, thus another form of APEX Court named Supreme Appellate Court for Gilgit-Baltistan has been introduced, with designated powers as that of Supreme Court of Pakistan. The subordinate judiciary consists of civil and criminal district courts, and numerous specialised courts covering banking, insurance, customs and excise, smuggling, drugs, terrorism, taxation, the environment, consumer protection, and corruption. The criminal courts were created under the Criminal Procedure Code 1898 and the civil courts were established by the West Pakistan Civil Court Ordinance 1964. There are also revenue courts that operate under the West Pakistan Land Revenue Act 1967. The government may also set up administrative courts and tribunals for exercising exclusive jurisdiction in specific matters. As of 2017, Pakistan's judiciary is suffering from a backlog of

two million cases, with lawsuits taking an average of nearly ten years to resolve. According to some estimates, 90 percent of civil cases involve land disputes, owing to Pakistan's lack of a proper land register. District courts exist in every district of each province, and have civil and criminal jurisdiction. In each district headquarters, there are numerous additional district & sessions judges who usually preside the courts. District & sessions judge has executive and judicial power all over the district under his jurisdiction. The Sessions court is also a trial court for heinous offences such as murder, rape, haraba offences (armed robbery where specific amount of gold and cash is involved), and is also appellate court for summary conviction offences and civil suits of lesser value. Each town and city now has a court of additional district & sessions judge, which possess the equal authority over, under its jurisdiction. When hearing criminal cases, it is called the Sessions Court, and when it hears civil cases, the District Court. Executive matters are brought before the relevant District & Sessions Judge. The High Court of each province has appellate jurisdiction over the lower courts. The Supreme Court has exclusive jurisdiction over disputes

between and among provincial governments, and appellate jurisdiction over High Court decisions. Court usually starts early in the morning, with the hearing of pre-arrest bail applications, followed by post-arrest bail applications and civil appeals from the orders of the Judicial Magistrates' Courts and civil Judges. Decisions are usually announced later in the day, once the Judge has had time to peruse the case files after the hearings. The rest of the day is allocated for the recording of the Evidence in session cases such as in offences murder, rape and robbery etc. Cases are usually allotted by administrative orders of District and Sessions Judges. The Court of the District & Sessions Judge usually hears administrative applications against lower courts orders. Advocates are very obedient for judiciary, but some of these are bad practitioners. According to a bad practice in Lahore the FIR has been launched on some advocates who don't understand the supremacy of judiciary and do according to their own. That's why the law n order of society not maintained and people feel themselves unsecured. There is a difference between request and protest. According to Act 1986 Session judge had rights to cancel any lawyer's license on misbehavior. But as

per new law they have no right to cancel any lawyer's license which is giving lawyers free hand to do whatever they want to. It's been observed in Faisalabad, Gujranwala and in surrounding cities advocates are on strikes upon their demand of high court bench in Faisalabad. The worthy judge Mr Yousaf Ojla played a vital role to manage a committee for meeting between Faisalabad bar and high court to meet their demand about high court bench from chief justice. A lot of cities remained on strike but could not achieve the achievement like Mr Ojla. In this regard consequently Achievement has done that the cases of High court will be filed in Faisalabad and will be heard by high court in Lahore. Although it's an advantage and half work of a case has been done which has given by the super services of Mr Yousaf Ojla Session judge Faisalabad and senior Civil Judge Administration Mr Farhan Nabi. But maybe some of strike holders are trying to get fame on this issue by making it political stunt. Advocates are not considering and following the decision of superb judges and they are still recalibrating that they need to fascinate the district with high court bench. Moreover it would be their rightful demand but way of their request

that could convert into a protest to ask these things to Lahore High Court or Supreme Court. It is not according to said standard which they deserve to ask to the supreme courts, session judge and other lower judge of Faisalabad whom are helpless to stop their activities. Which called strike to lock down their judicial rooms and they are helpless to perform their duties to spread justice to the suffering people. This system of strike no doubt causes the big kind of lose and drop the bad impression of judicial system. Moreover advocates are the part of judicial which are purely linked with them to help to get justice for their clients. Approximately it's about to be one month but advocates are on strike, judiciary is unable to get performance and December holidays are about to come. It would be a long gap to spread justice by the district judiciary of Faisalabad although the session judge is a competent man but unable to apply or perform his duty exceptionally due to strike. It's not only the loss of common man but all these people are damaging the assets of government which are actually their own assets.

The writer is Chairman Pakistan Columnist Council