

The Business

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Biggest concern

According to an Ipsos survey that has been measuring Global Consumer Confidence Index (GCCCI), that rising unemployment and a higher cost of living are bigger threats for Pakistanis than the prospect of death from the coronavirus. Come to think of it, when one's livelihood is under attack, one does not really have the luxury of hiding behind a pandemic, does one? People's confidence in the economy, both in terms of its ability to absorb new shocks and direction, further declined in June compared to March this year, according to the survey. The GCCCI dipped to its lowest score of 22 in June in Pakistan compared with the global average of 45.1 and average of 42.5 for the Middle East and North Africa (MENA) region. This shows that a dilution or disruption of the take-home pay is most people's biggest concern, since that is what affects the ability to keep the bulbs on, keep children in school, etc. The survey findings also revealed that consumers had very low confidence and were very reluctant to make investment decisions. They were also not very optimistic about the future of the economy and their jobs. The fear of losing jobs has grown manifold compared to the survey three months ago.

The survey was conducted in June and an overwhelming number of respondents, 86 percent to be precise, said unemployment was the biggest concern. That means that for one out of every three people, unemployment is the number-one problem. And it's not too hard to understand. The longer the economy remains depressed the more the pressure on jobs and household expenditure, and the more the chances of getting the axe on the job one fine day and coming home to an untenable situation. Rising inflation was the second biggest concern for 83 percent of the respondents, according to the survey. Covid-19, which has crippled global and Pakistan's economy, was third in the list as 78 percent of the respondents said the virus was one of the worrying issues. However, the spread of coronavirus in Pakistan has slowed down in recent days and a significant majority of the affected people has recovered from the disease. This survey shows that unemployment and economic carnage are the biggest legacy of this coronavirus pandemic. When it came it was thought that its life-taking feature would stand out, and the world's entire population would be affected, but now it is clear that its biggest casualty has been people's jobs and the overall economic situation. For, an economy on the decline has been known to deliver the kiss of death far more quickly to far more people than an out of control virus. Surely, there are lessons in this for world governments. Next time when something like this happens they should not only line up to erect quarantine facilities but also make economic/financial breakwaters that can help withstand the economic impact of the virus.

Letters to the Editor

Careful restart

Finally, the government has decided to permit all businesses to function properly because the lockdown is about to end. As the cases of Covid-19 infections drop, the country is likely to reopen. Only 800 cases are being treated out of 280,000. No doubt, these results are the reflection of our government's continuous efforts along with the collaboration of the people. According to the federal government, tourist spots, hotels, restaurants, transportation and other businesses will be reopened after August 10. However, schools can be reopened by September 15, after a final meeting regarding the situation on September 7. This is good news, especially for the businesses of the northern areas because they work only three to four months in the whole year. Now they can earn some money after such great loss. Other countries also enforced lockdown instantly but after some period businesses were allowed to work. The decision to open marriage halls and other crowded places like shrines can be unsafe. As we know, on a daily basis around 300 cases were being reported in Punjab and most of them were from Lahore. Most of the countries in the world are facing the second wave of coronavirus and Pakistan can be one of them if we become relaxed. Another wave will put us in serious economic loss. Proper SOPs must be set up. We must take serious precautions like using a mask, social distancing so the virus will keep away.

Khalid Faruqi
KARACHI

Processing tomatoes

Tomatoes are a major crop for Khyber Pakhtunkhwa and Balochistan. Tomatoes are also heavily imported by Russia, China, Middle East and other developed nations. To help provide maximum benefits to tomato farmers and to reduce imports and increase exports, the governments of KP and Balochistan should help the private sector set up tomatoes processing units. Since long-term cold storage for tomatoes and other crops is one of the main requirements for the food industry, the government should create cold storages closer to new power plants. The government should also provide land, utility connections, export finance and running finances through a single window facility to investors willing to set up tomato processing and exporting plant in KP. With such measures, tomatoes will become a major export crop of Pakistan.

Shahryar Khan Baseer
PESHAWAR

Legal pressure

For many years, people have been lamenting the social evils and bad traditions in our society without this culminating in any positive change. A good leader's job does not finish simply by using rhetoric to change the behaviour of his/her subjects. One glaring example is how the rules of one dish serving and early winding up of marriages were strictly enforced by the previous government in Punjab. People will give up bad traditions when the laws are implemented in letter and spirit.

Dr Najeem A Khan
LONGMEADOW

No legal provisions of Indian annexation of Jammu and Kashmir

BRIG (RETD) M KHAN

Since its invasion of Jammu and Kashmir on October 27, 1947, India is pursuing an incorrect and illegal claim over this former Princely State. In 1947, India had only one plea that Maharaja of Kashmir had signed an instrument of accession with India. India referred Otis sole appeal to the United Nations, once it lodged its complaint on 1 January 1948. In order to maintain its occupation of the state, it introduced Article 370 of its Constitution which was a temporary, transitional and provisional arrangement to create the linkage between India and the State of Jammu and Kashmir.

On August 5, 2019 after passage of 72 years, India annexed the India-occupied Jammu and Kashmir with India while quoting the same plea. Two illustrious unbiased historians of the United Kingdom questioned the very existence of Instrument of Accession. Both view that 'no Instrument of Accession was signed between Maharaja Hari Singh and Indian Government till 0800 hours on October 27, 1947, once Indian Army landed at Srinagar Airport. Indeed, Maharaja Hari Singh did not ask for the accession of the State with Indian Union. Rather, he only asked for military assistance from India, fearing the military advances of Kashmiri irregular forces.

Pram Nath Boma, a Hindu Kashmiri politician, scholar and author, wrote in his book that Pandit Kok, the Hindu Prime Minister of Kashmir in 1947, advised Maharaja to accede to Pakistan. Indeed, 80 percent population of the State was Muslim and even non-Muslim population of the State too wanted to join Pakistan. Moreover, there were two bases fixed by Viceroy of India, Lord Mountbatten for the accession of the princely states; the will of the people and geographic contiguity. In the case of Princely State of Jammu and Kashmir both factors favoured Kash-

mir's accession to Pakistan.

Nevertheless, if there was an Instrument of Accession; its clauses did not allow its occupation by India. Clause V says, "The terms of this Instrument of Accession shall not be varied by any amendment of the Act or of the Indian Independence Act, 1947, unless such amendment is accepted by me."

Clause-VII says, "Nothing in this Instrument shall be deemed to commit me in any way to acceptance of any future constitution of India." Since Indian claim over the State of Jammu and Kashmir is only based on Instrument of Accession which itself is fake, therefore, the very basis of Indian claim are incorrect. How India continues occupying the State and now annexation without a legality. Besides, Article 370 was to remain valid until conduct of the plebiscite in the State as per UN resolutions. It got a provisional acceptance from the Constitutional Assembly of the India-occupied Jammu and Kashmir (IOJK) forcefully. After provisional approval of this Article, the Constitutional Assembly of loK was dissolved in 1956. Undoing the Article was to be done by the Constitutional Assembly or at least Legislative Assembly of IOJK without which it stands illegal and unconstitutional.

On August 5, 2019, Indian Government implemented its long-awaited agenda of illegal annexation of the State of Jammu and -Kashmir union territories under Jammu and Kashmir Reorganisation Act-2019. This illegal Act was implemented on October 31, 2019 without any consent of the people, the State Assembly and above all in violation of its own Constitution and the Constitution of the loK.

Through this Act, the State was relegated from the status, it traditionally enjoyed for centuries. By disintegrating the state into two parts and lowering its status. India has indeed, demeaned the entire Kashmiri nation. Grounds were

prepared for that through imposition of Presidential Rule, after the Governor Rule. Besides UN resolutions: 91 and 122, both prevent all parties to take any unilateral decision about the future of the State, except through UN administered plebiscite. On April 1, 2020, India introduced yet another law for the grant of Kashmiri citizenship to Indian nationals; a plan to make massive demographic changes in the IOJK. Article 49 of the Fourth (4th) Geneva Convention-1949 provides adequate protection to local civil population of any occupying territory with respect to the right over their land and security against making any demographic changes in the composition of the original population.

Article 49 (6) of the 4th Geneva Convention exclusively deal with the protection of civil population in the time of war. Since 1990, the occupied state of Jammu and Kashmir has been a war zone with an overwhelming military presence of over 900,000 Indian troops, Indian security forces have been involved in massive killing of Kashmiri masses with total impunity under repressive Indian laws. Indeed, IOJK has highest troops concentration level in the world with the status of an active war zone. Article 49 (6) of the 4th Geneva Convention prohibits the transfer by an occupying power of its own civilian population in the area it occupies or colonizes. The Article stipulates that the -Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies". By any definition, Indian occupied parts of Jammu and Kashmir became an occupied territory' on the day; Indian Army invaded it on October 27, 1947. India is a signatory state of the Geneva Convention-1909, therefore bound to observe and follow the Convention in its true essence.

Shifting its own population in occupied parts of the Jammu and Kashmir clearly aims at making the demographic

changes by India. Indeed, the Jammu and Kashmir Reorganization Act-2019 and Adaptation of State Laws Order-2020 are meant to make demographic changes in IOJK. By any definition, Kashmir is an international dispute with dozens of UN resolutions, demanding its solution through a free and fair plebiscite. How can India devise these strategies in occupied Jammu and Kashmir which is not part of it? Once Article 49(6) clearly prohibits any measure meant for demographic manipulation by any state or an occupying power, how India is manipulating all this in the occupied state of Jammu and Kashmir while degrading its centuries old status of a state. India had already manipulated the demographic changes in the Jammu Province of the occupied state and later through abrogation of Articles 370 and 35-A and after amendments in the domicile laws, it is undertaking changes in the Valley part of the occupied state by actively transferring its own population into the occupied state. From the perspective of international law, Geneva Convention, international covenants.

UN Charter and UN resolutions and other human rights laws, Indian occupation of IOJK and converting and annexing it into Indian Union is illegal and deliberate violation of international treaties. From the legal perspective, India cannot change the status of a state under its occupation and whose resolution is pending at the UN. Besides, it all has of the people of IOJK who are still under siege and curfew, imposed since August 5, 2019. The UN and world must realise their global responsibilities in the light of Responsibility to Protect (R2P) and Liberal Interventionist Approach of International Relations. Pakistan must approach United Nations, International Court of Justice and other international forums against the illegal acts of India in IOJK.

Damage control for PIA

After Pakistan International Airlines (PIA) hit rock bottom when the European Union Air Safety Agency (EASA) temporarily suspended PIA's authorisation to operate to the EU member states, the aviation authorities and the government are now set to increase damage control to ensure the suspension is reversed. Federal Minister for Aviation Ghulam Sarwar has announced that Pakistan will appeal against the restrictions of EASA, and expressed confidence that PIA flight will resume well before the six-month limit of the ban.

The aviation minister listed some of the initiatives that the aviation authorities were taking to mitigate the damage. Regarding the dubious credentials of the pilots, Sarwar said that 28 pilots had been sacked, while a total of 219 pilots had been grounded and 191 suspended. He also announced insurance for the family members of the passengers of the tragic A-320 PIA aircraft crash in Karachi, and concessions for passengers of flight operations during the pandemic.

Yet these measures and reassurances seem superficial and do not address the main contentions that the EASA has

with the PIA. EASA's suspension came about because of the aviation minister's own revelation that more than 260 licences of pilots issued by Pakistani authorities are fraudulent. Now, this claim is being undermined by the minister and CAA, making the government's approach towards this ambiguous. Pakistan Civil Aviation Authority (PCAA) Director General has clarified that all the Commercial Pilot Licence (CPL) and Air Transport Pilot Licence (ATPL) issued by the PCAA are genuine and validly issued, yet at the same time has admitted there were discrepancies pertaining to the computer-based examination.

If the government is serious about restoring PIA's reputation, it needs to decide what narrative it wants to adopt. Merely suspending pilots' licenses will not do—this is more than just a little hiccup. The regulatory framework has to be improved and the four-hour skill test and eight papers for the license have to be overhauled and recreated. The reforms taken by the government of Pakistan should be visible and there should be a hack-proof system in place or else the ban won't be lifted.

A 3-D model of governance

SYED MOHIBULLAH SHAH

If people really mattered, would wolves be allowed to lead the sheep? Or wolves in sheep's clothing not be recognized and removed before they eat away the herd?

This is a model of governance which insists that people matter, and neither democracy nor development have any meaning unless they are inclusive and deliver their benefits without discrimination to all citizens of the state.

Ironically, this was also the model of governance chosen for the new state of Pakistan by its founder, but which was abandoned by his feudal associates who revived their native model of special privileges and unequal treatment which had already been defeated in the Sub-continent.

But 18 years later, the same model of governance was picked up by the founder of another state whose associates did not abandon his vision and implemented this model in letter and spirit. This is a tale of two states that arrived at different destinations, depending upon where they stood on the scale of the 3-D model of governance. The founders of both had much in common, personally and in their vision for the new states they founded. Both Muhammad Ali Jinnah and Lee Kuan Yew came from middle class trading families. Neither had a feudal background nor were they dependent upon rentier incomes. Both were trained in the same discipline and earned their living by working and professional excellence. They both wanted an inclusive and non-discriminatory society and an egalitarian and accountable system of governance which would deliver benefits of independence and democracy to all citizens.

In his address to the Constituent Assembly on 11 August 1947, Quaid-e-Azam had outlined five features of

governance to guide the new state of Pakistan: inclusive governance, impartial government, rule of law, equal treatment and religious freedom. Instead of implementing these features of governance through laws and policies, his lieutenants snatched defeat from the jaws of victory soon after independence by abandoning the vision of their leader and reviving a discredited model of medieval governance, once they controlled the reins of power. Which raises the question: did the landed aristocracy of Muslims use the brilliance of barrister Jinnah and his credibility to secure their interests, and turned their back on his guiding principles of governance for the new state soon after he passed away?

On the other hand, detailed discussions were held by Lee Kuan Yew and his lieutenants on the features of the model of governance that would help achieve the vision of delivering benefits of democracy and development for all citizens of the state of Singapore. These discussions led to formalizing a 3-D model of governance. This model delivers the benefits of democracy and development to all – not just to the rulers – and is based upon three pillars: discipline (of rule of law), development and democracy. Its clarion call says that "without the discipline of rule of law", neither democracy nor development can have any meaning for the masses. The model is thus explained through five logical steps by Lee Kuan Yew, founder of the state of Singapore.

One, it is a hallmark of a civilized society to live under a government chosen by free and fair exercise of the will of the people, and democracy would always be our way of life. But, where people are severely handicapped by poverty, illiteracy, ignorance and prejudices and made vulnerable to insecurity, threats or temptations, it is hypocritical to think, they would exer-

cise their will freely and fairly. Two, removing vulnerabilities of poverty, illiteracy, insecurity which undermine the dignity and free and fair exercise of the will of the people, are priority claims upon the government. In other words, 'development of the people' is a priority for a genuine democracy to flourish.

Three, human nature being what it is, empowering leaders to rule over lives and livelihoods of people in the name of development or democracy, without subjecting them to the discipline of rule of law would amount to allowing wolves to lead the sheep. Four, abuse of power and self-dealing by wolves in sheep's clothing is prevented by applying rule of law first upon the trustees of the people (rulers). This is based upon the principle that while the rights of all are same, the obligations upon the rulers are greater than the ruled. Five, it is the non-discriminatory rule based society guided by fairness of rule of law that provides the best guarantee against abuse of power and unleashes energy and creativity that lifts a nation to achieve prosperity and power. This is the model of governance that lifted Singapore from a third world country to a first world nation within 30 years. It tells us that nation-building in modern democracies is dependent upon creating a rule based society protected by discipline of rule of law.

The same principle was in ascendance as the medieval world was being replaced by the modern. Since the Roman Empire days, Italy held a prominent position in Europe for centuries. Italian was the language of diplomacy before French replaced it. Long before the East India Company appeared, the trading empires of Genoa and Venice had spread far and wide. With the Pope and headquarters of Catholicism in the Vatican, education was more widespread in Italy than

elsewhere. And the University of Bologna (1088) was established before Oxford, Cambridge and Sorbonne. And Italy produced some of the most influential people of history including Marco Polo, Christopher Columbus, Galileo, Machiavelli, Michael Angelo, Leonardo Da Vinci to name only a few. And the Renaissance also took birth in Italy. And yet, despite all these advantages, the Industrial Revolution which created new sources of wealth and power did not start in Italy but in England. What explains that? One of the most important factors credited with this phenomenon is the Glorious Revolution of 1688-89 which abolished absolute monarchy in England, introduced a Bill of Rights, widened individual liberties and brought political reforms introducing rule of law. It is this environment that unleashed the energy and creativity of people who felt secure that the rewards of their labour would be protected by rule of law and not be usurped by the high and mighty.

Similar rule-based societies protected by strict enforcement of rule of law enable people from developing countries including Pakistan to grow big and more successful in the US, UK and even Dubai, although some Asian countries with improved rule of law are attracting their talent back to the homeland.

But we have been avoiding implementing a 3-D model of governance whose features were outlined by the father of the nation. In the meantime, other countries have been overtaking us. But the 3-D model is a spectrum and countries stand at different points. Singapore is generally credited with scoring 9 on a scale of 1-10 of this 3-D model of governance. Where Pakistan stands on it will determine how fast or slow it can realize its long de-

