

Scenario 160

KARACHI AFFAIRS IN 2015 - III

MQM CHIEF BANNED ON MEDIA:

After 11th March 2015 raid on MQM HQ in Karachi, its party Chief Altaf Hussain delivered a fiery speech against the Pakistan Rangers for their heavy handed operation. The Chief also extended threats to the Army Chief for dire consequences.

On 30th April 2015, Director General Inter-Services Public Relations [ISPR] Maj Gen Asim Bajwa told the media that earlier statements made by the MQM Chief regarding the Pakistan Army would be legally pursued.

On 13th July 2015; during his speech, Altaf Hussain called upon the army chief to take notice of the alleged violation of the army's code of conduct by DG Sindh Rangers and other officials and urged him to do justice in the matter. The MQM Chief had also accused Sindh Rangers of torturing and murdering party workers. While addressing a convention of party workers from London, he said:

"Are Rangers a security force or a political party? Does the code of conduct of the armed forces allow the army, its paramilitary forces like Rangers, etc, to issue a charge-sheet against a political party?"

"We are not against the army; we are against the rotten eggs in the institution... Chief of the Army Staff Gen Raheel Sharif should save Pakistan and throw out the rotten eggs who have embezzled billions of rupees like civilians."

MQM Chief's speech was an apparent response to media reports quoting Rangers as saying that the paramilitary force was going to release a fact sheet about the 11th March 2015 raid on MQM's Nine Zero HQ in Azizabad.

Mr Hussain roped in Rangers DG Maj Gen Bilal Akbar and his subordinates for *"committing atrocities against Mohajirs, and illegal arrests, torture and extrajudicial killings of MQM workers"*. Extending that no

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wanted person was arrested from the Nine Zero. Rangers had alleged that weapons stolen from NATO containers were recovered during the raid, but this was not mentioned in the FIRs registered against 26 MQM workers.

MQM Chief claimed that the weapons seized belonged to MQM's parliamentarians and were licensed and said that even Rangers had admitted that *"90 per cent of the weapons recovered from Nine Zero were legal"* but the paramilitary force had not returned the licensed weapons to the MQM parliamentarians.

MQM Chief Altaf Hussain also alleged that MQM worker Waqas Shah had been killed by Rangers but then placed it on shoulders of another MQM worker. Hussain added that:

"The Rangers presented before media the picture of Nooruddin Subhani, a cook of the Khurshid Begum Secretariat, as a wanted terrorist and target killer arrested from Nine Zero on 11th March, but they silently released him without offering any apology when they came to know about him.

Various incidents of extrajudicial killings of MQM workers are here. It is because of his teachings that people are still demonstrating patience. The city will turn into Somalia if I am no more."

Altaf Hussain appealed to the army chief to take action against those who were committing injustices to innocent citizens. He accused Interior Minister Ch Nisar of *"supporting injustices against the people of Karachi"*.

Mr Hussain asked the K-Electric management to end the menace of load-shedding and improve the power distribution system in a day or two otherwise *".....shift your office from Karachi."*

Senior London based MQM leader Mohammad Anwar was also removed on that day from the party's coordination committee slot because of *"his deteriorating health"*. As per MQM press release, Mr Anwar was not taking interest in the party's affairs for quite some time as he had to visit doctors for his treatment frequently.

However, Federal Interior Minister Ch Nisar Ali Khan immediately lashed out at Altaf Hussain for his *"derogatory speech inciting hate and provoking violence"*, saying that no country could allow an expatriate to pass provocative remarks against its security forces and integrity; also labelled

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his remarks as *"unacceptable and intolerable"*. In response to Ch Nisar's remarks, the MQM held a protest outside the Karachi Press Club.

On 14th & 15th July 2015; tens of First Information Reports [FIRs] in the police stations at various places of the country, the Sindh province registered the most, against Altaf Hussain for remarks made by him against the Chief of Rangers in Sindh and the paramilitary force in his speeches.

Altaf Hussain was also accused of involvement in cases of criminal conspiracy, waging or attempting or abetting the waging of war against Pakistan and committing acts of terrorism. The government had regarded the same as *inflammatory remarks against the military*.

At some places in interior Sindh, there were gatherings of local people shouting against the MQM Chief expressing that he had not only hurt the sentiments of patriotic Pakistanis but spoke against the armed forces of Pakistan, too. Some stated that through his speeches from London, Hussain was spreading hatred against the military and wanted to destabilise the country under a conspiracy. Badin Police told that the people demanded a complete ban on MQM for its alleged anti-state activities and the party chief's immediate arrest.

One FIR [218/2015] was registered in Badin, two more FIRs 167/2015 and 168/2015 were registered in Dadu, at least three FIRs were registered in Jacobabad, one FIR in Faiz Gunj Khairpur [137/2015], one FIR [197/2015] at Mirwah, in Larkana FIR no: 64/2015; one FIR registered at Golra PS in Islamabad also contained name of Farooq Sattar whereas most were only against Altaf Hussain. Some FIRs were registered in Kohat and Hangu areas of Khyber PK, too.

On 5th August 2015; the London based MQM supremo Altaf Hussain addressing an annual convention of the party:

".....demanded separate province for Mohajirs.

.....asked the party workers to stage protest demonstrations before the UN, White House and NATO Headquarters and asked them to send NATO troops to Karachi.

.....characterised India as a coward country saying had it some honour it would not have let further bloodshed of Mohajirs on Pakistani soil.

.....made disparaging remarks about the Army and security institutions."

Earlier, the MQM Secretariat in London also sent a letter to the UN Secretary General alleging that its workers were being maltreated during the security operation being conducted in Karachi and law enforcement agencies were unlawfully detaining their workers.

It particularly mentioned the raid on MQM HQ on the night of *17th June 2015* and the arrest of a member of the *Rabita Committee* at Karachi. But this was not the first time that Altaf Hussain had indulged in demeaning the state institutions, security establishment and the Rangers. He had been committing such indiscretions in the past and raising accusing fingers at them whenever criminals, target killers and extortionists having connection with the MQM were arrested or raids conducted to apprehend them.

The intensity, however, become more distinct and more frequent since the initiation of the targeted operation in Karachi, especially after the JIT report on Baldia Town fire incident, the revelations made by the criminals arrested from and around Nine Zero by the Rangers, recovery of unlicensed weapons from the Nine Zero and the confessions made by Saulat Mirza.

Though Altaf Hussain has been showing reaction in the same manner after each raid by the Rangers in Karachi, but this time, however, he had not restricted himself to castigating the institution of Army and the Rangers but had also sought military intervention by NATO forces in Karachi and taunted India for not protecting the Mohajirs in Pakistan.

Whichever way one could go through the contents of his speech, the unmistakable inference drawn from it was that it had exposed the sinister designs of Altaf Hussain for the creation of a separate province for Mohajirs, a permeating perception among the people and security establishment of Pakistan since the inception of the MQM, strengthened and reinforced by the culture of the militancy promoted by the party.

Legal minds in Pakistan had the opinion that Altaf Hussain's invitation for intervention by foreign forces in Pakistan and expecting India to protect *Mohajirs* was a clear manifestation to treason against the country.

The federal Interior Minister Ch Nisar Ali had remarked *that it was a declaration of war against the country* and that Altaf had crossed all the limits. Almost all the political forces in the country severely condemned Altaf's outburst against the state institutions and his act of treason and demanded appropriate action against him under the law of the land.

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MQM as a political entity always kept its political right to participate in the mainstream national politics; always remained an irrefutable reality and no person in his right mind could think of depriving it. The interior minister had also said that the party was a patriotic political outfit and loyalty of the supporters of the MQM to Pakistan was beyond any reproach. However, the MQM Chief and his London Secretariat was known for their anti-Pakistan stance and their immortal love for India.

The political analysts mostly believed that even the members of the *Rabita Committee* in Pakistan were not aware of the real agenda and motives of Altaf Hussain's associates at London. It was definitely a conspiracy to harm Pakistan, allegedly hatched by Altaf Hussain himself who has been using the ethnic card effectively and used the Urdu speaking community in furthering his anti-Pakistan designs – becoming allegedly a saleable commodity in the hands of RAW, MI6 and CIA.

Altaf Hussain had created a vortex of storms around him and his party, for which none else but only Altaf Hussain himself was responsible. Through that outburst, he indeed pushed the MQM into a blind alley from where it would find very difficult to emerge unscathed.

Altaf Hussain had probably left no avenue open for retracting from his indiscretions like in the past. It forced the MQM sympathisers to revisit the contours of party's political creed; to come out of the denial mode regarding its patronage of militants and criminals involved in target killings, extortion and acts of terrorism.

Even the Supreme Court in its decisions had held MQM as well as PPP and the ANP responsible for heinous crimes, due to a turf war between them. The party cadres instead of blindly following the confrontational politics and anti-Pakistan stance of Altaf Hussain started giving a serious thought to getting rid of the leaders who harboured sinister designs against Pakistan – astonishingly having its vote-bank in Karachi.

The targeted operation in Karachi was being carried out indiscriminately by the Rangers only against the criminals irrespective of their political affiliations and not against a particular party as Altaf Hussain and his companions were desperately trying to portray.

The Rangers were taking action against the criminals belonging to PPP, ANP, *Ahl-e-Sunnat Wal Jamaat* and others as well. It is pertinent to point out here that Rangers were called to undertake the targeted operation against criminal elements with the concurrence of all the political parties, including MQM in September 2013 – named as National Action Plan.

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The PPP had also expressed resentment over Rangers raids on Civic Centre and the Karachi Building Authority which prompted Zardari to vent his frustration through an outburst against the Pak-Army and its chief.

However, sanity soon returned and Zardari had no other option than to retract. Soon the tension between the Rangers and Sindh government was defused and Rangers were given tacit approval for go ahead. The above and more events like that forced the government to take action.

MPA JAVED NAGORI ATTACKED:

On 2nd May 2015; Member Sindh Assembly and Minister for *Kutchi Abadis* Javed Nagori escaped late night assassination attempt in Karachi's Lyari neighbourhood. Nagori was travelling through his native Lyari when his convoy came under a grenade and gun attack by unidentified assailants.

Nagori's brother, Akbar Nagori, who had been injured in the attack, succumbed to his injuries in hospital. Two police officers who were assigned to the minister's security detail along with four others were injured in the attack. PPP's minister had successfully escaped the attack in which multiple shots were fired at his car. Initially unhurt, the minister got injured when his car suffered an accident following the attack.

"The minister [Javed Nagori] was meeting people at his office at that time. Suddenly, two men on a motorcycle hurled a hand grenade at the office and sped off."

The facts behind the incident were that Javed Nagori, Sania Naz and Shahjahan Baloch were given their parliamentary tickets by Uzair Baloch, the Chief of the banned PAC. After the Rangers plus police operation, Shahjahan and Naz continued to support Uzair, but Nagori, being a diehard worker of the PPP, openly started opposing him. DSP Murtaza Mirani while speaking to the media told:

"Minister Nagori was asked by the Uzair Baloch group not to participate in the October 18th PPP rally. He, however, played a vital role in the organisation of the latest PPP rally held in Kakri Ground."

The Baba Ladla group could also be behind the incident as Nagori was a rival of Nabil Gabol, the former PPP MNA from Lyari."

Javed Nagori and another PPP MPA, Sania Naz, have been on the hit list of criminal groups. Naz has also escaped several attempts on her life, orchestrated by the Baba Ladla group."

LOCAL GOVT ELECTIONS 2015:

On 17th August 2015; the Election Commission of Pakistan [ECP] further delayed the Local Bodies Elections in Sindh and Punjab on the pre-text of '*law and order situation – no good*'. Thus it once more refuted orders of the Supreme Court of Pakistan.

The Supreme Court [SC] had ordered the ECP to hold LB polls in Punjab and Sindh by 26th September 2015; the two provinces citing security concerns and the upcoming month of Muharram sounded to be not ready to hold the polls even in November. The ECP had failed to issue the schedule for LB polls in Punjab till 28th July that year as per scheme they had promised before the apex court.

The Commission under Chief Election Commissioner [CEC] Justice (rtd) Sardar Raza Khan held a meeting with Chief Secretaries Punjab and Sindh to get their opinion in order to satisfy the apex court. Both Punjab and Sindh had earlier argued that the polls would not be held till 26th September due to the engagement of civil administration in relief and rehabilitation of flood victims.

In the ECP's meeting, Chief Secretary Sindh and Secretary Local Government Punjab came up with a new excuse to further delay the polls citing gruesome law and order situation in general and particularly in Muharram. The ECP was informed that the Hajj season was another reason for delaying the polls coupled with engagement of staff in relief activities. During the meeting, it was also pointed out that almost all official buildings including schools and hospitals were occupied by the flood affected people and could not be used as polling stations.

The Commission was also informed that more than 100 appeals had been filed in Punjab and Sindh High Courts regarding delimitations of constituencies which needed to be disposed of before the issuance of election schedule in both the provinces. The provinces also highlighted the risks in case the polls schedule was hurriedly announced arguing corrections, insertions and deletion in the Electoral Rolls could not be made immediately.

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A brief statement issued by ECP, quoting the administration of Punjab and Sindh, said that training of a huge number of staff and printing of electoral rolls would need a plenty of time for which further time would be required.

The Supreme Court had already rejected the revised schedule for LB polls in Punjab and Sindh giving stern directions to ECP to hold the exercise at the earliest but the ECP passed the buck to provinces complaining before the court that it could not hold the polls in the absence of prescribed rules that were to be formulated by Punjab and Sindh.

All such gimmicks were being played in the Sindh and Punjab provinces only because the ECP was comprised of their own stooge, irresponsible and corrupt retired judges who could see that the two provinces had not held the LB polls earlier through the whole PPP's tenure during 2008-13 and PML[N]'s 2013-15. The two provincial governments, of Shahbaz Sharif in Punjab and of Qaim Ali Shah in Sindh were ruling their provinces like 'emperors' through the corrupt bureaucrat officers raised on their teams.

The fact remained that if the roots of Karachi's woes were political, so were the keys to its success; sustainable peace in Karachi required political reform, capacity building of law enforcement agencies, and good governance.

An elected, legitimate, and *empowered municipal government* was an essential part of the political resolution to Karachi's systemic challenges. The Sindh provincial government led by the PPP had pushed continuous delay in municipal polls. Without a government of its own, the city of Karachi remained a political orphan—a mega-city ultimately spoiled by an incompetent chief minister, Mr Shah.

Local government elections could provide incentive for the MQM's non-militant leaders to step up and pull the party away from violence but the PPP's own interests prevailed. Karachi was no easy terrain to operate in. Hundreds of Karachi's police officers were killed in the line of duty in those years; many of them were individually targeted by the MQM, out of retribution for previous operations.

On 31st October 2015; the first phase of local government elections in Sindh and Punjab was the much awaited and essential next step in the process of the democratisation of Pakistan. That election took a long time coming, with the provincial governments in Karachi and Lahore did everything within their power to delay that basic grass-roots exercise - their reluctance was an admission of their shaking confidence in democracy; their parties were the show pieces only.

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The change must come and this was precisely why the LG election in the two biggest provinces of the country was something to be celebrated. There had been violence and there were well founded allegations that the provincial governments were trying to drastically influence the polls.

Eyebrows were also raised because of the participation of some people who didn't have immaculate reputations. Clannish tendencies were seen and money remained a huge factor; many of the less resourceful souls were seen complaining about how their campaign was overwhelmed by the sheer weight and glare of [ill-gotten] money.

There were issues where minorities and other marginalised groups such as women were denied due space to promote their aspirations and candidacy and prevented from playing an active role in running and improving the system of governance at the basic level. There were reports indicating that some work was needed to make the voting lists more comprehensive and error-free. There were challenges, complaints, accusations, systematic weaknesses, social fetishes and more.

Yet there was also an air of expectancy about these polls. The fact was that the LG exercise brought out popular ambition and that, with all its drawbacks, local politics engaged the common man in a visible spectrum. The local grass-roots ambition needed to be nurtured to boost the effort to install real, transparent, basic-level people's rule – it was a tough battle any way. The people aspired that it should be an irreversible process.

At last elections held. The Pakistan Muslim League Nawaz PML[N] and the Pakistan Peoples Party [PPP] emerged as the leading political groups in Punjab and Sindh respectively after results for elections to local bodies were compiled. The PML[N] had taken as many as 532 seats out of a total of 2,696 in Punjab; the Tehreek e Insaf [PTI] was a distant second with about 180 seats.

In Sindh, the PPP bagged 564 seats out of a total of 1,072 while the Muslim League-Functional [PML-F] got 50 seats. Voters tried to make the most of a much awaited opportunity to elect their representatives at the grassroots.

Although polling in most areas was by and large peaceful, Khairpur of Sindh saw deadly violence when supporters of PPP and PML[F] fought a gun battle which claimed 11 lives.

Talking about the process; the 18th Amendment was the greatest devolution of power from the centre to the provinces in the country's history. So many ministries devolved, such quantum of resources transferred, it was

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epic - big ministries devolved to the provinces were Health, Education, Labour, population welfare, women development, youth affairs and special initiatives. Most people probably only realised about the provincial Higher Education Commission [HEC] when Dr Asim Hussain was arrested.

Local Govt elections; were the biggest ever electoral exercise in Punjab and Sindh in October 2015; Balochistan had them a year ago and the Khyber KP in May 2015. The best case scenario, more democracy was on the way; might be a new class of politicians would rise to challenge the status quo. But the fact remains that systems respond to the incentives that helped create them — and that unintended consequences were rare.

One could recall that the guiding spirit behind 18th Amendment was three-fold and inter - connected: centralising power in the provinces; reversing or at least stopping the centre's expansion; and making military coups improbable. *The 18th Amendment was not aimed at good governance* – so it produced little impacts on the governance side. With the Charter of Democracy [still] in place between PPP and the PML[N], the real goal was to clean up the Constitution; making it un-usable by the military.

Ostensibly, by transferring mega resources to the provinces, stripping away sundry ministries from the centre and creating five nearly equal power centres; the four provinces and the capital; future army dictators were left to think twice before moving 111 Brigade towards Islamabad. *The politicians had not done so being sincere with the nation* – they did so because they knew tricks of leveraging power at the provincial levels best; thus they got it concentrated there.

That was why some media anchors raised voices that the said local polls would no more work for good governance because the politicians had already achieved what they thought it could.

The 18th Amendment exposed the big politicians of PPP & PML[N & Q] even more. Look at Sindh, for instance, where the PPP has been ruling for eight years, enormous problems cropped up due to bad governance, but they could not blame Islamabad - the PPP could not even argue that it struggled to deliver because practically they had carved a cut out.

In Punjab, the desperation by CM Shahbaz Sharif to control electricity could point out the havoc they collectively played through that amendment.

Referring to Cyril Almeida in the 'Dawn' of 31st October 2015:

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“Now, all of us will have local governments — the reason is not governance. Worse, we will have local governments because of the courts, not the public. Post-18th, the continuing decline of service delivery had created the possibility of public pressure on the political class.

....something never seen before: the gradual build-up of pressure at the grass roots to improve things - exactly the benefit of democratic continuity. Keep the system going, people start asking uncomfortable things, politicians will have to learn to adapt.”

Political parties themselves opted for a squeeze: they aggregated everything to themselves in the provinces, but then weren't able to turn around the provinces, making for an eventually restless public. Funds had already been consumed by the sitting CMs so if the local government system went confusing then who would be blamed. Some months would go for teething or structural problems? If structural problems, then was it just oversight or deliberate sabotage by the politicians to bring 18th Amendment?

Coming days' history was going to clarify these questions. Had the courts not intervened to force LG elections, anger at the 18th Amendment scheme of things could have led to real pressure for central change.

MQM's FAISAL SABZWARI LOST:

MQM's parliamentarian and senior leader Faisal Subzwari's sudden departure from the political scene stirred speculation whether the MQM's 'golden boy' had followed the footsteps of former leaders and left the party.

Subzwari had gone abroad with his wife and children, most likely to the United States; yes many were sure. He left Karachi towards the ending July 2015 telling the workers that he was abroad on vacation and would return within three weeks.

However, the insiders believed that Subzwari would not come back soon. In fact, the departure of so important legislator came at a time when rumours of a '*new MQM in the making*' were out; plans were backed by former leaders, Mustafa Kamal and Anis Qaimkhani etc.

A new MQM: Party chief Altaf Hussain, in his address, himself told that conspiracies were afoot in Islamabad to form a new MQM. Lashing out at

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some party leaders, he had also said that Rabita Committee members had left the country when the party needed them most, and were enjoying their lives abroad. However, the MQM Secretariat told that Faisal had informed the party before leaving in accordance with party rules. He was scheduled to return after a month but could not till mid 2016.

Subzwari had developed differences with the MQM in March 2015, when Altaf Hussain ordered him to resign from his seat from the assembly for not being present during his tele-address. Subzwari left his last message on Twitter on 17th July 2015 – it was an Eid greeting, surprisingly coinciding with Mustafa Kamal's last twitter message – also an Eid greeting.

MQM party and Altaf Hussain had also seen the absence of another vocal leader, Haider Abbas Rizvi; who was keeping a low profile to avoid being implicated by law enforcement agencies' in cases of sectarian killings.

It was not the first time that leaders had distanced themselves from the MQM's high leadership. After the 2013 general elections, when the then Rabita Committee and Karachi *Tanzeemi Committee* were suddenly dissolved by Altaf Hussain, several party leaders had initially sidelined themselves and some finally left.

In August 2013, *Karachi's former mayor and Senator Mustafa Kamal* quietly left the country, moving first to Tanzania and then settling in Dubai, informing party leaders through emails that he had left because of his wives' illness and personal problems.

Days later, a close aide of Kamal and another senior leader and former Rabita Committee's deputy convener, Anis Qaimkhani followed Kamal's footsteps to be in Dubai. He had left the party and the country after Altaf criticised and rebuked him over Kamal's departure.

Over the period of time, former minister of IT, Raza Haroon, also distanced himself from party politics and apparently got settled in UK. He initially worked in MQM's International Secretariat in London but gradually went inactive – finally left the party to join Mustafa Kamal's *Pak Sarzameen Party* [PSP] in 2016.

Waseem Aftab, an in-charge of the Karachi *Tanzeemi Committee* [KTC] and later elevated to become member of the *Rabita Committee*, also disappeared from party politics after the general elections of May 2013.

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Another KTC in charge, Hammad Siddiqui, fled to Dubai in May 2013, with the party terminating his membership. Siddiqui was wanted in cases of land grabbing, china cutting, and an attack on Sindhi activists – later, in 2016, was arrested in Baldia Town Inferno case.

On 31st August 2015, the Lahore High Court sought record of Altaf Hussain's speeches in the near past taking the matter seriously.

On 2nd September 2015; the Chief of the Army Staff [COAS], Gen Raheel Sharif, and PM Nawaz Sharif during a meeting at the PM House agreed that the Karachi operation would continue irrespective of any political expediency. The meeting was viewed as significant in the backdrop of developments with regard to the then on-going Operation *Zarb e Azb* to eliminate terrorism and heinous crimes.

Army Chief's that meeting lasted about three hours and covered several areas of national security. It was agreed that there would be no let-up in the operation in any part of the country including Karachi. No pressure would be accepted in this regard, it was decided.

Discussing the operation in Karachi, the two giants agreed that courts would decide the cases regardless of their background, political or otherwise. Implementation of the National Action Plan [NAP] in Punjab with special reference to the assassination of Punjab Home Minister Col [rtd] Shuja Khanzada was given a serious consideration in that meeting. The Punjab Rangers had already initiated action in that regard.

The PM and the COAS noticed that the *modus operandi* of sectarian outfits operating in Punjab was different from the Taliban; hence, a different approach had to be coined to deal with them. Those days were important in the turning history of Pakistan because of the 'guided' visits of US National Security Adviser [NSA]'s Dr Susan Rice and another US expert on South Asian Affairs Dr Peter Lavoy to Pakistan and their *policy* meetings with the high-ups here.

On 7th September 2015; the Lahore High Court [LHC] directed the Pakistan Electronic Media Regulatory Authority [PEMRA] to implement ban on the broadcast of images and speeches of MQM Chief Altaf Hussain across all electronic and print media till further orders. A three-judge LHC bench headed by Justice Syed Mazahar Akbar Naqvi and comprising Justice Mazhar Iqbal Sidhu and Justice Erum Sajjad Gull was hearing separate cases initiated by Advocate Aftab Virk, Abdullah Malik and others against the MQM leader.

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PEMRA had told the court that the print media did not fall under the jurisdiction of the regulatory body; therefore, the Additional Attorney General Naseer Ahmed Bhutta was directed to ensure implementation of the ban in the print media by conveying the court's order to the Chairman Press Council of Pakistan. Ordering a complete ban on the broadcast of images and speeches of the MQM Chief till the court announced its final verdict on treason allegations against Mr Hussain.

One other petition filed by advocates Abdullah Malik and others, called for a lifetime ban on the live telecast of Altaf Hussain's speeches, maintaining the MQM leader was in violation of Article 5 which asks for showing loyalty to the state and obedience to the constitution - thus a case of treason should be registered against Altaf Hussain under Article 6 of the Constitution including disqualification of his party's parliamentarians.

Subsequently the bench directed Additional Attorney General Naseer Ahmed Bhutta to ensure implementation of the ban in the print media by conveying the court's order to the Chairman Press Council of Pakistan.

The petitioners had argued that *Altaf Hussain was a British national and no foreign citizen could head a political party in Pakistan under the Political Parties Act*. He had no right to deliver speeches on television channels in Pakistan, the petitioners held.

However; it was on record that PEMRA had already banned the live telecast of Altaf Hussain's speeches since a week back. The petitioners argued that the MQM chief, by making speeches against the armed forces and Rangers, tried to ridicule the whole nation in the eyes of international community.

The MQM immediately announced that the party would stage a protest against the LHC order banning the broadcast of images and speeches of MQM chief Altaf Hussain in all electronic and print media – and they did. In a meeting held after the announcement of the court's directives, MQM's *Rabita Committee* pondered over the situation and decided to stage a protest outside Karachi Press Club the same day. The MQM also held an emergency press conference at the Press Club after the protest.

The reaction from the MQM appeared the very next day.

On 8th September 2015; a Geo satellite van came under fire along the Shaheed e Millat Road. Three armed motorcyclists opened fire on the vehicle, pumping bullets into the bodies of the driver and the satellite engineer accompanying him. The engineer identified as Arshad Ali Jaffery, later died while under treatment in hospital; the driver had luckily survived.

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Next day after the shooting at the Geo van, senior journalist Aftab Alam was shot dead outside his home in North Karachi once again by unknown terrorists.

Pakistan had been declared the most dangerous country for journalists by international watchdog bodies during 2008-15 and the things were not changing. It was unclear who was carrying out those attacks and why. The question, however, was if the media could survive an open war apparently being conducted against it. The purpose was hidden but desire remained clear to strike fear amongst the media personnel perhaps to push them into silence which was totally un-professional and never possible.

Significantly, despite the then ongoing large-scale operation in Karachi, security forces were unable to either protect media personnel or apprehend those carrying out the attacks. The situation needed to be dealt with on an urgent basis but no progress seen except tall claims on all sides. The massive intelligence network had all apparently failed. The media, of course, never had the capacity to defend itself against armed killers. Media professionals were especially vulnerable to gunmen or other assailants.

The two attacks on two consecutive days were no coincidence; were clearly thought out and planned – but not be discovered that who was responsible. Media owners or media channels could not pressurise the government to protect their workers and in turn prevent the citizens of Pakistan from being denied access to knowledge, information and news being their basic constitutional right by all means.

MURDERS DROPPED IN KARACHI [2015]:

Referring to *'the News' dated 25th September 2015*; the MQM released a list of 46 members who were allegedly killed by the Rangers in Karachi; first time a political party had accused the force of a *'campaign of extra-judicial killings'*. The list was handed over to the Prime Minister Nawaz Sharif, racketing up pressure on him to make the force, and the military more accountable – thus liable.

The MQM had also accused the military of illegally detaining their members but without any details. Neither the Rangers nor the armed forces responded to requests for comment on the list knowingly that Karachi operation was launched in late 2013 to tackle soaring crime rates and on repeated demands of the general populace; more from MQM and the ANP.

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Police spokesman Qamar Zaib Satti told the media that some cases of alleged extrajudicial killings were being investigated by a directorate set up by the Supreme Court. Federal Information Minister Pervez Rashid also denied if the MQM was being singled out and said that:

"...the Karachi Operation is only targeting criminals and not any particular party. The prime minister has formed a grievances redress committee to tackle the MQM's concerns. Their reservations are of political nature and they will be addressed politically."

While Karachi murder rates had dropped sharply and many local businesses welcomed the Rangers operation, allegations of brutal and illegal methods were mostly ignored because of impotent judicial system in Pakistan. The federal government also knew it that only the most wanted criminals of *bhatta* mafia and serial killers were being killed in 'police encounters' as they were never afraid of the courts – never punished.

Not a single person from all 46 cases was justified as innocent by the MQM whereas the police and Rangers had full details of their involvements in loots, arson, snatchings and killings. When senior MQM leader Nadeem Nusrat was asked about the past record of his listed members, he had no record of any.

The UN Working Group on Enforced or Involuntary Disappearances referred 35 cases of illegal abductions of MQM workers to the government in May and 20 in August, concluding a *"pattern of specific targeting"* of the political workers. However, for their part, law enforcement agencies and many Karachiites accused the MQM of racketeering, abduction, torture and murder of opponents and holding the city to ransom by calling mass strikes at will.

The MQM denied the charges and said it was being victimised; aimed to weaken the MQM to free space for some other party, more sympathetic perhaps. Despite the accusations, the Rangers had plenty of support in Karachi. For months, PM Nawaz Sharif himself praised the crackdown. A major textile business owner said: *"I say give Karachi to Rangers for 100 years at least - then we can sleep easy."*

The reality was that the federal or the provincial government did not own the Karachi operation and Zardari developed differences with Bilawal also over the action against MQM. The PPP feared becoming the next target after the MQM because the army had take action against every criminal.

The truth remained that the Karachi operation was being carried out with the support of the Centre and the Sindh government was being informed

about the details only when required. The army chief's fears were seemingly correct that *'the destabilisation was under a planned effort, meaning that something was going to happen'*.

Gen Raheel Sharif's statement might have been aimed at India because no party could work against national security without external help - evidences of linkages of the MQM with India were cropping up.

In fact, the army was carrying out the operation in Karachi on the basis of intelligence information but the political parties had political objectives. That was the reason the PPP had not owned the operation though it was started with the approval of both MQM and the PPP in government; rather *CM Qaim Ali Shah was officially made the 'captain' of the team*.

Till ending 2015, Sindh continued to be an arena of fight, with the Sindh government confronting both the federal government and the paramilitary Rangers, apparently overriding the objections of the province. As a result, a politico-constitutional crisis continued brewing that jeopardised the democratic dispensation in Sindh and beyond. Interestingly, all three contenders were justifying their respective stance on legal and constitutional grounds.

The Rangers claimed 'absolute powers' under the Anti-Terrorist Act [ATA] to arrest 'any person', including a public servant, who was suspected of involvement in offences related with terrorism. However, the *'assumed absolute powers'* were subject to due process of the law under Article 10-A of the Constitution.

Further, the Rangers' quest as an anti-terrorism agency to go against those who were prima facie involved in terrorism-related 'corrupt practices', could lead to double jeopardy for detainees. Dr Asim Hussain was grilled first by the Rangers under the ATA and then NAB authorities were investigating corruption charges against him.

Sindh government claimed that under Article 147 of the Constitution, it could make the requisition of federal agencies' services to certain conditions of an administrative nature. It could not override a statutory provision for the Rangers to discharge a duty. For instance, the provincial government cannot ask a police officer to seek permission before arresting a public servant if he has committed a 'cognisable' offence under the Code of Criminal Procedure [CrPC]. The Rangers were given policing powers in Sindh – so the CrPC was the domain of the Rangers too.

Federal government claimed under Article 148(3) of the Constitution, that it could directly appoint the Rangers in a province to exercise policing powers

and perhaps *the legal position is that 'the Rangers can otherwise act as an appendage to provincial police or administration.'*

[But a plain reading of Article 148 may not support this interpretation, as the article is rather declaratory in nature:

148(1): Federal laws must be complied with by a provincial government in exercise of its executive powers;

148(2): the federal executive authority is to be exercised in a province in the interests of that province;

148(3): the federation is bound to protect the provinces from external aggression and internal disturbances and to ensure that provincial governments are run in accordance with the Constitution.]

Thus, the said provision gives no explicit or implicit authority to the federal government under Article 148 to practically assume the policing power of a province through its forces (the Rangers) at their own. However, if conditions so arise, the centre may impose emergency or governor's rule in a province under Article 232 and 234.

Shahab Usto in daily '*Dawn dated 28th Dec 2015*' summarised it as:

".....thus in Sindh (of those days), all three contenders were stretching constitutional and legal provisions to the lengths of their respective political and institutional interests.

The need was of complementary and coordinated efforts to ensure peace and continuance of a constitutional order in Sindh. Instead of scoring points against each other, a dispassionate but deeper appreciation was required to understand the rationale behind the divergent views of the provincial government and the Rangers."

The Rangers' demand for more rational powers was justified on operational grounds. But, the provincial government could also be taken as justified in demanding a minimum threshold [permission] for arresting its functionaries in order to protect their fundamental rights.

[The intelligentsia were astray with the logic of 'Fundamental Rights' for some 'beloved functionaries' of the Sindh government whereas the same Sindh government

were not bothering, since EIGHT years, about providing drinking water, garbage removal, sewerage administration, local bodies elections, giving charge of the city to the elected Mayor, mega corruption through China Cutting and Land mafias etc – for 22 million people - where the fundamental and constitutional rights were taken care of.]

Hence, the issue was not strictly legal or constitutional; it was related to operational formulations. The viable solution could be to let Rangers act freely against private terrorists and political opponents, leaving the corruption and terrorism tainted public servants and 'acceptable' politicians to take refuge in the CM House Karachi.

It was, however, obligatory on the provincial government to overhaul its anti-corruption agency, making it truly independent and effective to stamp out malpractices that feed into terrorism – statistics speak that not a single case during eight years' PPP rule till then appeared to be concluded. That was why the federal agencies like FIA & NAB continued to intrude into domains of the PPP and CM Qaim Ali Shah.

It was also a truth that the general populace praised the Rangers' policy and actions keeping in view their performance in Karachi – a shame for the provincial government in the field of crime control.

During the year 2015; Pakistan Rangers Sindh arrested at least 4,074 suspected criminals during 2,410 raids and operations. Out of the 4,074 arrested, 2,198 were formally handed over to police for persecution – which included 887 terrorists, 268 target killers, 97 extortionists and 49 kidnapers; the official record of the Rangers also kept more details.

During the raids in 2015, at least 12 Rangers personnel were killed while 20 were injured through a total of 69 encounters with 'criminals' – while the paramilitary force killed 152 'hardened criminals' and 'terrorists' in those events.

During 2015, the Rangers held that at least 2,765 weapons including machine guns, light machine guns, sub-machine guns, rocket launchers, detonators, avan bombs and explosives were recovered; 1,92,944 rounds of ammunition of different calibre were also taken into custody. About 18 abducted individuals were got released during the year due to efforts of paramilitary force personnel.

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Assisting the police in Karachi since 1989, when the Pakistan Peoples Party [PPP] government was in saddles in Islamabad, Prime Minister Benazir Bhutto had called in the Rangers and the Frontier Constabulary to curb rising political violence in the metropolis. However, in the third stint of the PPP rule under President Zardari, the paramilitary forces were given limited policing powers though increasing number of killings on sectarian, political and ethnic grounds were noticed in Karachi.

NAP IMPLEMENTATION:

On 14th September 2015; admitting slow progress in some key areas of the National Action Plan [NAP] against terrorism, Prime Minister Nawaz Sharif ordered swift legislation to purge the country of illegal weapons. He told his cabinet colleagues during the apex committee's meeting held at his office:

"I want the whole country to be de-weaponised; the interior division will formulate a draft policy for de-weaponisation of the country.

There is no room for sectarianism in Pakistan. Such organisations will not be allowed to work in the country. The government has started taking action against them."

The premier's saying was quoted in the minutes of the cabinet meeting. All the relevant ministries and divisions were asked to suggest appropriate amendments in the laws for NAP's effective implementation, he ordered.

Poor execution of nine of the 20 areas of NAP had irked the prime minister, who directed Interior Minister Ch Nisar Ali Khan to take these points seriously. Listing the nine weak points were:

- *a lot was needed to be done as regards madrassas, its financial audit and curriculum*
- *the Pakistan Electronic Media Regulatory Authority [PEMRA]; formulation of sanctions over terror news flashes.*
- *terrorist financing; sources, ways to block money laundering, checks on drug transportation and its stocking, checks for weapon smuggling and selling*

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- *reforms in the Federally Administered Tribal Areas [FATA]; roads, schooling, employments, safe travelling etc – more to include the FATA in regularised provincial administration.*
- *Afghan refugees; their up to date listing and information, ways to send them back to Afghanistan.*
- *Making new laws and amendments; regarding madrassas, FATA area development etc*
- *the National Counter-Terrorism Authority [NACTA]; to make the department active through various administrative measures.*
- *religious persecution; measures that it could not be mis-used.*
- *Sectarianism; ways and methods to eliminate the curse, effective policing etc.*

The cabinet expressed satisfaction over progress in the remaining areas of the NAP: subscriber identity modules, executions, armed militias, speedy trial courts, hate speech, the Karachi operation, counter-terrorism forces, militancy in Punjab, glorification of terrorists, proscribed organisations and Balochistan.

Terming the Karachi operation a key part of the NAP, PM Nawaz urged the MQM to try to resolve their issues on the floor of the house instead of resigning from the assemblies. Senator Mushahid Hussain Syed, who was a member of the parliamentary committee that had formulated the 20 points of the action plan, said:

“The glass is half full, as far as the national resolve to curb, contain and crush terrorism is concerned.”

For this campaign to reach its logical conclusion, Mushahid listed three vital factors:

- *civil-military harmony is indispensable,*
- *the NAP should be a one-window operation run by an anti-terror tsar, and*
- *public opinion should be mobilised through a counter-narrative via the media.*

Senator Mushahid Syed added that:

“We should realise as a nation that it’s now or never, and we can’t allow any compulsions or constraints in this campaign. For too long our country has been hostage to self-imposed compulsions.

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Now the people are feeling a change for the better, and this factor is spawning cautious 'can-do' optimism that the country can reverse the wrongs of the past and move forward with clarity, cohesion and noble commitment."

All politicians had shown consensus that the military was playing a proactive role in executing the NAP. Listing various reasons of slow progress of the NAP, they agreed:

"As far as the first key point of de-radicalisation goes, un-addressed seminaries' reforms are needed. A separate department cell of the police has yet to be established to tackle sectarian violence. Major amendments in the criminal justice system have yet to be made; and that NACTA has yet to be strengthened."

A cogent suggestion was that the federal government needed to alert the provinces with louder instructions for executing the plan more aggressively. Moreover, need for scrutiny of hundreds of thousands of arms licences issued in the past years was welcomed.

"This remains one of the main causes behind free flow of weapons that fuels violence across the country."

On *madrassa* reforms, a joint board of ministries of the interior, religious affairs and education should have taken up the issue. *"Lack of coordination between the government and madrassas' representatives remains a major stumbling block to resolve this core issue since 2005,"* some one had quoted.

However, the orders of the prime minister were sucked in the air – *no action seen on any item till a year at least.*

SINDH PPP vs RANGERS & ARMY:

On 13th December 2015: Pakistan's Federal Interior Minister Ch Nisar Ali Khan told the media at Punjab House that Sindh government must not be under any illusion; Karachi operation was being made controversial for one individual; warned of releasing videos of Dr Asim if allegations did not stop; the federation mulled over other options - the federal government would not leave the Rangers alone.

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Fact remained that the Rangers as an institution was being ridiculed. The gangsters wanted the paramilitary force to leave Karachi; the Sindh government was damaging the Karachi operation, making it controversial amounting to undermine the services of the Rangers in ensuring peace in the metropolis.

In fact the Sindh government had turned a non-issue into a controversy and pursued delaying tactics in extending the Rangers' powers. All those efforts were to derail the ongoing operation and encouraging criminal plus terrorist elements in Karachi. It was evident that the CM Sindh Qaim Ali Shah wanted to save Dr Asim and it went to the last extent to support an individual. However, the federal government was determined to block all possible roads towards Mr Zardari and its allies in corruption.

On the side show the Sindh government pressurised the PML[N]'s government through the media. The Rangers, being a federal force, had been carrying out the Karachi operation since about two years with the consensus of all the political parties including the PPP's Sindh government - the federal government also had alternative legal and constitutional options.

The Interior Minister Ch Nisar threatened through the media that if the allegations against the Rangers continued then he would make the documented proof public, including the JIT report, the video recording of Dr Asim's statement and the related reports of the NAB and FIA. He urged that the Sindh government should endorse the action, particularly when the people of Karachi were supporting the Rangers' presence to eliminate miscreants from the city. The Interior Minister asked: "

To whom is the Sindh government trying to convey a message through this non-serious attitude?

It is a matter of record that it was the MQM's leadership which had first demanded deployment of the Army in Karachi on 28th August 2013.

The federal government, at that time, tasked the Rangers for the operation as it was not possible to deploy army personnel in Karachi amidst the war against terrorism in the country. Then the Rangers' deployment was made with the consent of all political parties with the Sindh Chief Minister Mr Shah was made captain of the entire operation.

PPP's Chief Asif Ali Zardari, during a meeting in 2013, had also endorsed the Karachi operation, which created a feel-good factor but astonishingly

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the Sindh government had referred the said powers issue to the Sindh Assembly for discussion in December 2015.

Commenting on allegations levelled against NAB and the FIA, Ch Nisar said that though NAB was established during Gen Musharraf regime but mostly the staff had been appointed and promoted during the PPP regime. The incumbent NAB Chairman was deputed with the consent of the PPP leadership, the PML[N] had not appointed even a single person in NAB, while the same was true for the FIA.

Referring the Sindh CM's complaint regarding the FIA over seizing files from the Karachi Building Control Authority's office, the interior minister had already instructed the Director FIA Karachi to address the reservations. The FIA was not expected to take instructions from the Sindh government; it never happened before nor was there any provision in the FIA Act 1974.

It was on record that Sindh government was not spending even a single penny on the Sindh Rangers; all the expenses of the Rangers were being borne by the federal government, which amounted to Rs:9 billion annually; that amount didn't cover the expenditures of intelligence agencies in Sindh, which were being paid by the Centre separately. The minister said that:

".....books could be written on 'actions' undertaken by corrupt elements in Sui Gas, PIA and other institutions. Those who have occupied Sindh's resources are the ones attacking it by devouring its resources like termite.

He [Ch Nisar] does not want to talk about one's character - on one hand, they criticise the government in the National Assembly and on other hand, they request for recruitments, transfers, extensions, perks and privileges and other benefits."

However, through the whole scenario, it was the Pak-Army and Rangers who got humiliated on various counts.

On 14th December 2015; when Sindh Assembly's session began after a four-month pause the members of the opposition parties expressed their concerns over the Sindh government's lack of interest in bringing a resolution to extend the policing powers of Rangers in the province. However, Speaker Mr Durrani refused their pleas on the ground that there was no resolution in place on the assembly's agenda for that day. The provincial government was at loggerheads with the Rangers.

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On the previous night, Prime Minister Nawaz Sharif stepped in to defuse the brewing controversy between the centre and Sindh over the extension of special powers to the Rangers. After returning from Turkmenistan, the PM called up CM Sindh to discuss the matter. CM Shah briefed the premier about his government's grievances vis-à-vis actions of the paramilitary force. He also complained to the premier about Saturday's statements of the federal interior minister, Ch Nisar Ali Khan.

On 16th December 2015; Sindh Provincial Assembly passed the above referred resolution with following conditions; It was resolved that:

- *Any person who is not directly involved in terrorism and is only suspected of aiding and abetting terrorists or by way of terror financing or facilitating terrorists shall not be placed under preventive detention under any law without prior written approval of the Sindh Chief Minister.*
-
- *In case a person is suspected of the above, cogent reasons with complete evidence justifying such preventive detention shall be provided to Government of Sindh, which will, based on the available evidence, approve or reject such proposal of detention.*
-
- *The resolution clearly indicated that powers of the Rangers regarding 90-day detention of the suspects were curtailed.*
-
- *The Pakistan Rangers (Sindh) shall not raid any office of the Government of Sindh or any other government authority without prior written approval of the Chief Secretary, Government of Sindh.*
-
- *That Pakistan Rangers (Sindh) shall not assist any other institution / organisation apart from Sindh Police in carrying out its actions.*
-
- *That it is further resolved that Government of Sindh whilst granting any powers to Pakistan Rangers (Sindh) and Sindh Police shall take into accounts all of the above conditions.*

The Sindh Assembly passed that resolution for giving special policing powers to the Rangers but limiting them with above conditions. The Rangers were given special policing powers following the start of a surgical operation in 2012. Their powers had expired on 6th December instant.

The MQM, PTI, PML[Q] and PML[F] all launched strong protests and the resolution was rejected by all of them collectively; the members of these parties tore apart the copies of the resolution and later walked out of the

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session. The resolution said that the Sindh government entrusted, for twelve months, certain functions to the Pakistan Rangers (Sindh) to assist the civil administration and police under the Article 147 of the Constitution making it mandatory for such decision of the Sindh government to be ratified by the provincial assembly within 60 days.

During May 2013's national elections, the MQM faced perhaps its strongest electoral challenge in Karachi since 1985. For 36 years, Altaf Hussain has been leading the party with an iron fist equally effective during 22 years abroad. However, during the last four years, MQM remained under tremendous pressure from various directions.

Local traders bristled whenever the party gave call for a strike; Altaf Hussain's health kept deteriorating; and the noose of Scotland Yard Police continued tightening around the party's major heads, on charges of money laundering and murder initially - but then money laundering investigations were finished in mid-2016.

Many warring factions within the MQM surfaced up, tearing it apart from inside - the party's exemplary discipline had started fading away. To exert more direct control over the party, in the summer of 2013, Altaf Hussain revamped MQM's entire central leadership. He also held a closed door session at the Azizabad Secretariat where he encouraged his supporters to humiliate some of the most well-known public faces of the party.

However, the above step proved to be all deception and illusionary. Without a succession plan, MQM appeared to pass through future hurdles without splitting into multiple factions; if it had to survive on the national scene.