

## **My Apologies:**

Mostly my published articles; so chapters may not be inter-related.

Each chapter is a different scenario.

**'Judges & Generals in Pakistan'** is a collection of essays, may be irritating for someones; explaining diverse scenarios. This book evaluates some varying news, editorials, opinions and criticisms on historical issues.

No misleading intelligence story, no distracting investigative report, no concocted interview and no feed from the 'concerned ones' yet everything seems innovative; no fiction in this book but simple narration of facts.

*'It is the collection of tragedies and misgivings which are deliberately buried in suspicious darkness since decades. I've simply dig them out, collated and placed together for those who want to keep a track of their past;'* I simply presume.

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

People are also living on that part of earth, known as Pakistan, where:

- An army General takes over the country; promises with the nation in a telecast to hold general elections within 90 days but continues to rule for eleven years in the name of Islam.
- A chief justice writes a landmark judgment, a light tower for all generations to come, setting guidelines for induction and promotion of judges in the superior judiciary but lacked courage to impose the same judgment on his own person.
- The Supreme Court has held two opposing judgments in 1993 & 1997 for two opposing Prime Ministers dismissed on the same charges under the same Article 58(2)(b) of the Constitution.
- The two judges (out of 17) of the Supreme Court suddenly pass a judgment commanding their own Chief Justice not to function as Chief Justice.
- The Supreme Court rejects a law of direct legalized corruption (NRO) by one political party but deliberately and continuously ignores indirect legalized corruption through 'eating up bank loans and mark ups' by another key political party.
- The civil dictators and monarchs rule the country on turn by turn basis, through family successions but fooling and cheating their people with loud slogans and high banners of democracy.
- The Constitution is democratic by objective but under the constitutional provisions there cannot be elections in the political parties at any level, at any stage or at any place.

- There are tens of parties vowing to bring Islamic Code of Governance but they do not possess any written document to implement the same in practice because they do not have consensus.
- The Federal *Shariat* Court had been used as a cave to accommodate the 'punished and disgruntled' judges of the higher judiciary.
- The Islamic *Hudood* Laws are in vogue since 1979 but not a single male partner of rape has ever been stoned till today. Female partners are many times stoned and flogged.

I've purposefully started the military details after late 1973 to avoid mention of some of our military heroes like Gen Yahya Khan and Gen Tiger Niazi of East Pakistan fame. For the former, his Second in Command Gen Abdul Hameed had instructed the staff that:

*'When boss conveys some orders after sun set, please recheck them all in the morning from me or his staff officer.'*

For the later, known facts have explicitly come on record that:

*'He did not hesitate to maltreat the young women even in his office during office hours.'*

So I considered better to start with later events.

In Pakistan, an evergreen topic is always found alive in debating forums: Army rule or civil way of governance; which is better. The intelligentsia holds that both were looters. A few families have plundered the national wealth through civil dictatorial rule whereas some army Generals, though made less fortunes for their own but provided extensive opportunities to their *'helping jageerdars, political Generals, politico-industrialists, peer Syeds and bureaucrats'*.

The tragedy has been that the superior judiciary was always found standing by them all, through their compromising attitudes or cowardice or ineptness or sometimes under duress; of course, never for financial gains but occasionally for political slots.

The interference of army in government affairs had even started in the Qaid e Azam days. Just after formation of Pakistan, one General Akbar once dared to know from Qaid e Azam that *'why you have posted that man at this place and why you have not posted this man at that place.'* The great Qaid immediately went furious and gave a polite bull-shit to the General saying that:

***'It is none of your business to bother about. It is civil government's domain.'***

In the developed nations, decisions about movements of the army for wars are invariably taken in Parliaments and Civil Secretariats. Sir Winston Churchill had once said that:

***'War is too serious a matter to be left with the Generals.'***

The same General Akbar was subsequently found involved in a revolt against the 1<sup>st</sup> Prime Minister of Pakistan Liaqat Ali Khan. Thus the tussle between army and civil governments could find its roots as early as in 1951 onwards.

The judiciary always supported the army coup in Pakistan. But surely, the judiciary alone cannot be made to bear the burden of all our evils. Judicial decisions are not given in a vacuum. Realism has an overwhelming influence on court behaviour.

Borrowing phrases from a famous superior judgment that the *'doctrine of necessity'* can be made a double-edge sword if courts wanted to. Court decisions are *'reflections of the time'* and attempts at *'defining what's real'*. Realism results in verdicts after what judges *'see right in front of their eyes'*; such verdicts have little or nothing to do with Article 6 or 209 or whatever else is in the Constitution.

**Tailpiece:** "If you are neutral in situations of injustice, you have chosen the side of the oppressor." **Bishop Desmond Tutu** (1931-) [Nobel Prize for Peace 1984.]

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