

The Tribune

ESTABLISHED IN 1881

AAP's 2019 strategy

Exorcising the demons within to achieve coherence

AAP convener Arvind Kejriwal's decision to stay away from the Varanasi constituency in this General Election appears to be the only coherent aspect of the Aam Aadmi Party's strategy. Its leader Gopal Rai has made a somersault on partnering with the Congress; from a yes-we-are-willing-to-save-the-country-from-dictatorship to fielding candidates 'with its full strength' on all seats across Delhi, Punjab and Haryana. In Punjab, Kejriwal is seeking to provide clarity of purpose to cadres with rallies planned for all the three regions, but the erosion in the base has been significant, again brought about by the Delhi high command and several in the Punjab unit not seeing eye-to-eye on several issues.

In Delhi, too, all is not well after some AAP MLAs sought to push through an Assembly resolution to withdraw Bharat Ratna conferred on former PM Rajiv Gandhi for his alleged role in the 1984 anti-Sikh riots. The AAP leadership realised its potential to permanently torpedo any move for an understanding with the Congress and distanced itself from the controversy. Clearly the earlier round of squeezing out leaders like Prashant Bhushan, Yogendra Yadav and Dharamvira Gandhi has still not yielded ideological uniformity and unity of purpose. Gopal Rai's volte-face over an alliance with the Congress, for instance, was catalysed by sharp comments from some of the leaders, bred on virulent anti-Congressism.

AAP's Punjab show is a pale shadow of the anticipation once generated by its purported evangelist zeal against drugs and corruption. In Delhi, AAP's impressive win in the Bawana Assembly bypoll does indicate a healthy vein of support but the washout in the Delhi municipal elections demonstrated the fragility of voter preferences. In the new Congress Delhi chief, Sheila Dikshit, AAP is up against a canny politician who has sensed the unease and won't be averse to weaning away Kejriwal's rank and file. On the other hand, the BJP will hope for a split in the opposition votes. AAP needs to exorcise its internal demons in order to avoid becoming a plaything for either of the two formations. That will be a far cry from its agenda-setting aspirations in 2014.

Extortion rings in prisons

Government must set over-discussed reforms in motion

ALL is not well in our jails. Other than the reality of custodial violence and jailbreaks, and the fact that they are packed to the gills, with 114 per cent occupancy as per the Prison Statistics, 2015, there are grave concerns that the premises are being used to run extortion rackets in connivance with the staff. A former superintendent of Patiala Central Jail and other jail employees are in hot water for allegedly extorting Rs 15 lakh from the prime accused in the Muzaffarpur shelter home sex scandal, shifted to Punjab on SC orders. Recently in UP, a gangster-turned-politician was shifted to a 'high-security' jail after a businessman reported that he was kidnapped and brought to a prison where the gangster was lodged to sign away property papers worth crores. In another case, a jailer and constables were thrashed when they seized phones from a Rae Bareilly jail barrack.

While UP jail inmates are notorious for extortion calls, prisons in Punjab are infamous for illegal activities, from the supply of drugs and liquor to phones and arms. Justice AN Mulla Committee Report, 1983, had recommended that the State subject of 'prisons' be moved to the Concurrent List. It also advocated a National Commission on Prisons, which would submit an annual report to Parliament. The All India Committee on Jail Reforms (1980-83) suggested that medals be instituted to recognise special services rendered by prison personnel. In September last year, taking cognisance of the issue, the Supreme Court directed the Centre to set up a committee to look into all aspects of jail reforms.

Like police reforms, prison practices have been over-discussed for decades. Any change that may have come is marginal and woefully insignificant to make a tangible difference in the 1,400 jails nationwide. Adequate, well-trained and committed staff should man these correctional facilities, the objective also being the reformation and reintegration of inmates into the mainstream. Discipline, security and management should be such that rogue elements dare not use cells as dens to carry on their illicit operations. It is a jail for a reason, and not a Vladnik carnival.

THOUGHT FOR THE DAY

The only thing that will redeem mankind is cooperation. — **Bertrand Russell**

ON THIS DAY...100 YEARS AGO

The Tribune.

LAHORE, TUESDAY, JANUARY 21, 1919

Our Opponents and Ourselves.

ONE has only to go through the leaderette of the *Pioneer* to see that one of the two things on which our opponents are building their hope is the possible presence of a number of deputations in England on behalf of India holding conflicting views. "The Congress, the Home rulers, and the moderate party," writes the journal, "are all looking forward to sending delegates and it seems probable that independent supporters of the reforms will proceed to England." The glee at the prospect of our cause being injured by this division in our camp is scarcely concealed in the concluding sentence. "In any event," it runs, "it looks as though the whole question of Indian constitutional changes will be thrashed out again by the Parliamentary Committee with the aid afforded by the evidence of witnesses holding widely divergent opinions." It is for us to make up our minds whether we are going to afford further food for this sort of merriment in our opponents' camp.

"New India" and the "Commonwealth"

NOT a day passes without one or other of the extremist Anglo-Indian journals presenting us with extracts from "New India" and the "Commonwealth," whose wisdom we are asked to admire. We put it to the Local Government that it is scarcely right that the people of this Province should have no first-hand knowledge of the articles from which these extracts are quoted and should be made to depend upon Anglo-Indian journals for a supply of the material from which their own judgment regarding matters of national importance is to be formed. Further if these Anglo-Indian journals are to be believed "New India" is now a far more moderate journal than some of those which rightly enjoy free circulation in this Province. With what plausibility, then, can its continued exclusion be justified?

The search for a tailwind

Jadhav case will test Pakistan's intentions for durable peace



VIVEK KATJU

EX-SECRETARY, MINISTRY OF EXTERNAL AFFAIRS

INDIA-Pakistan relations are in the doldrums. There are no tailwinds to propel them, howsoever briefly, in a positive direction; the Kartarpur Sahib corridor 'fizz' had the durability of a Navjot Sidhu quip in the larger context of bilateral ties. There is a danger of headwinds arising out of heightened tensions and intense exchanges of fire along the Line of Control (LoC) and the international border (IB) in Jammu and Kashmir but neither government would like these winds to gather momentum in the Lok Sabha election season. The Indian media, too, has presently no great appetite for India-Pakistan issues as political matters offer far more lucrative prospects for grabbing eyeballs, though the Kulbhushan Jadhav case hearing at the International Court of Justice (ICJ) on February 18-21 may be an exception.

These points made, the present stage of preparations for the Kartarpur Sahib corridor, the situation along the LoC and the IB in J&K and upcoming Kulbhushan Jadhav hearing merit serious attention. So do the verbal volleys hurled by Prime Minister Imran Khan against India and his Indian counterpart as does the sparring between the two foreign ministries on Afghanistan and Pakistan's Supreme Court's order on Gilgit-Baltistan.

Both governments will have to put in place the physical infrastructure to enable Indian pilgrims to visit Kartarpur Sahib. A Pakistani official told an Indian newspaper recently that 35 per cent of the work has been done. The first phase, expected to be completed by September, would enable the pilgrimage to commence. Union Minister for Urban Development Hardeep Singh Puri assured the



A STEPPING STONE: Both governments are bound to come up with infrastructure, but modalities for pilgrims will define the corridor's success.

The Kartarpur initiative sits uneasily with ceasefire violations and a bid to change Gilgit's status.

media recently that the main road to the international border and the specific corridor will be completed in a 'time-bound manner'. There is little doubt that neither government would like to give the other a handle for propaganda on account of incomplete physical works. Hence, infrastructure of some kind will come up.

The more problematic aspect would relate to working out the modalities of the pilgrimage. Indian officials would have to ensure that Pakistan does not misuse the pilgrimage for damaging India's security and promoting anti-India sentiment, especially by giving free play to Khalistani propaganda. Reports indicate that Pakistan has already given a draft agreement to India, limiting the number of daily pilgrims to 500 in groups of at least 15. The pilgrims would need passports but no visas for India would have to give advance lists of names for Pakistani vetting. Puri has correctly said these issues need to be discussed between the two sides, though according to a section of the media, PM Modi indicated that Indian pilgrims would be able to go to Kartarpur Sahib without visas. In this season of elections, the PM could also not resist implicitly

blaming the Congress for allowing Kartarpur for going to Pakistan in 1947, though Puri pointed a finger at an 'insensitive cartographer'.

India has blamed Pakistan for 2,936 ceasefire violations in 2018, the most since 2003 when both countries agreed to desist from such transgressions. On this New Year's Day, Pakistan lodged a formal protest against the 'ruthless' firing by Indian security forces which killed a woman. Pakistan also claimed 'ceasefire violations by India are a threat to regional peace and security and may lead to a strategic miscalculation'. India formally protested against Pakistani firing that led to the death of an Indian woman. It also said, 'We protest Pakistan's continued support to cross-border terrorist infiltration into India, including supporting cover fire provided by the Pakistani forces.' Both countries' statements are in keeping with their traditional positions on the issue.

During the first three weeks of this year, sniper and general firing as well as IEDs have caused fatalities, including those of a BSF Assistant Commandant and an Army Major, besides several civilian deaths. India's responses have led

to Pakistani deaths too. However, the situation, while regrettable, is not alarming and both countries will not allow it to go out of hand, though spikes may take place.

The Jadhav case hearing will be focused on the applicability to the Vienna Convention's provision of consular access to him in the context of Pakistani charges (clearly false) of espionage and terrorism against him. Pakistan will press the precedence of the bilateral consular agreement over the convention. The case will give India and Pakistani media an occasion to trade charges on terrorism and political actors in both countries will get involved in statements and counter-statements. Pakistan has desisted from publicly giving out the names of the 13 Indians it wants to interrogate in connection with this entire concoction. It is believed that National Security Adviser Ajit Doval and senior R&AW officers figure on the Pakistani list. Will Pakistan show prudence and avoid making the list public? This will be a test of its intentions.

Imran Khan's invective against the BJP and his uncalculated allusions against Modi have not been in consonance with his proclaimed desire for a serious dialogue to improve ties. He told a US newspaper that the BJP has 'an anti-Muslim and anti-Pakistan' approach. He was critical of India's treatment of its minorities. He also said the Indian elections prevented a dialogue. Modi has done well to reiterate that the resumption of the full dialogue process depends on Pakistan giving up terror.

In a far-reaching order, the Pakistan Supreme Court upheld that Gilgit-Baltistan can be given the status of a provisional province of Pakistan through a Presidential order and in so doing, Pakistan will not be in violation of UN resolutions. In reality this seeks to permanently change the area's status. India has correctly rejected the move and recalled that it is Indian territory in Pakistan's continued illegal occupation. The Pakistani step requires detailed attention.

Bottoms up to Teja punch!

COL. PS SANGHA (RETD)

IN the armed forces every unit has some traditions. Some are of historical nature while others get formed for specific occasions. When I joined the Gunner Regiment in 1965, we had some traditions in the officers' mess. Whenever an officer of the unit is dined out, he is the chief guest that day, irrespective of his rank or seniority. But the tradition I saw throughout was that the officer being dined out never got to eat his dinner. Before dinner, he was mostly carried out to his residence, totally out of his senses. The procedure-time varied with the drinking capacity of the

officer concerned, but it always ended in an identical manner. When I left the regiment, I was determined to beat the system, but failed due to some devious tricks adopted by the wine member.

Some 11 years later, I returned to my parent regiment in Nasirabad. The Commanding Officer (CO) had a big heart and loved the good things of life. Soon I became the Second in Command. We felt it was time to bring in some fresh traditions in mess functions. The dining-out procedure was already there, but we felt that the dining-in and the promotion procedure needed to be pepped up a bit. In most units, when an officer is promoted, there is a par-

ty in the mess. A beer tankard is brought up by the waiter and the new rank cloth epaulets are dipped in it before being put on the officer's shoulders by the CO. He then has to drink that beer in one go.

We decided to pep up that drink. I tasked the mess secretary, Capt Teja Singh Grewal, to suggest changes. He came up with the constituents of the new promotion drink. It was to consist of a large peg each of whisky, rum, brandy, gin and vodka. After getting his new rank, the officer had to drink this concoction; not an easy job even for a regular drinker. It was a Herculean task for a teetotaler! But a tradition had to be followed

by all. Although no one was encouraged to drink liquor, this was one time he had to do it. The same drink was to be taken by an officer being dined in. This drink was christened 'The Teja Punch' in deference to its creator.

During my tenure, I saw a lot of promotions and dining-in procedures. I myself drank it when I was promoted as CO. It tasted evil, but it was fun to watch the faces of others when they drank it. For the CO there was a concession though — on his dining-out, he was never carried out totally drunk. Everyone wanted to listen to his last speech before carrying him out on their shoulders, singing 'For, he is a jolly good fellow and so say all of us!'

LETTERS TO THE EDITOR

A chapter in history

Refer to 'Kartarpur's exclusion from India not Cong fault' (Jan 16); it has been stated that it was unfair that Radcliffe signed the award on August 12, demarcating 97 per cent non-Muslim Chittagong Hill Tract to East Pakistan, on the ground that its economic life depended on East Bengal. It may be added that the next day, a delegation of Chakma tribals met Sardar Patel and expressed fear that the tract was being given to Pakistan. He should have taken it seriously and met Radcliffe and the Viceroy, but he simply wrote a letter, and gave false assurance to the delegation. In 1971, the whole of East Pakistan was captured by our forces. Indira Gandhi should have freed or retained the tract, but she gave it to East Bengal. What did we gain after spending our huge resources and the sacrifices made by our armed forces? It would have been better if we had allowed Muslims of West Pakistan and East Bengal to continue to fight one another. Bangladesh now is no different from another Pakistan, and sending Hindus and Chakmas as refugee to truncated India; and West Pakistan, now called Pakistan, has no problem with East Pakistan, and has more time and energy to create problems for us.

ANAND PRAKASH, PANCHKULA

Matter of justice

The judiciary needs to do load-shedding of the self-acquired burden of those cases (about one-sixth of the total pendency in subordinate courts) in which the jurisdiction of civil courts is barred under the relevant enactments. Provisions for appeal/revision etc. exist in such enactments and in case of infringement of the Constitution, recourse is available to the original (writ) jurisdiction of high courts and the Supreme Court. To overlook this aspect of pendency while talking of an alternative dispute redress mechanism smacks of parochialism and compartmentalism, as it raises a presumption that providing justice is the monopoly of judicial officers only.

VISHWA MITRA, PANIPAT

And now the judiciary

Apropos 'Judiciary in a spot' (Jan 17), one must also review the Indian judiciary from people's perspective. It is certainly unfair that a fairly foggy and questionable elevation system for the judges is in place and possibly many deserving individuals have been superseded or treated unfairly. Several judgments involving the rich and celebrities have raised serious doubts regarding the impartiality of the justice system. Can an ordinary citizen approach the court and expect true

justice other than a new 'date'? The judiciary needs to introspect.

SAIKAT KUMAR BASU, CANADA

The other side's butchers

Refer to "The real butchers of Punjab" (Jan 16); the article has presented facts bravely. The killings of many innocent non-Sikhs by terrorists were never presented in the media and went forgotten. Only the anti-Sikh riot victims were highlighted. Gill restored the piousness of the Golden Temple by removing terrorists, portrayed by certain segments of Sikhs as saviours of the religion. They were raping and exploiting women of their own faith, in the sanctum sanctorum. Live coverage of Operation Black Thunder clearly showed 'prasad batatas' being misused. The role of the media is to present unbiased facts, so that the current and forthcoming generations can have the knowledge of wrongdoings committed by terrorists in the name of religion.

RUPINDER BHARGAVA, BY MAIL

Polls and promise spree

Politicians are on a promise-making spree in view of the upcoming elections ('Ahead of polls, MLAs to get Rs 5-crore grant each'; Jan 17). They are capable of lies and hurling accusations

at one another to grab power. The hard-earned money of the taxpayer is going down the drain by way of freebies and loan waivers. There are well-orchestrated plans to fool people. All parties are airing catchy slogans, unmindful of the ground realities of poverty, unemployment, drug abuse, pollution, poor education system and the burdened medical services. The Punjab CM has announced funds to each MLA under various schemes without bothering about the benefits reaching to the needy and the deserving. Likewise, the Centre is spending huge sums across the country on various projects instead of paying attention to the real issues.

RAJ KUMAR KAPOOR, ROPAR

A tenant's GST woes

At present, the rent received from a commercial building is considered a service and a landlord having Rs 20 lakh and more turnover in a year has to pay GST of 18 per cent. The tenant has to pay GST to the landlord and the landlord deposits GST collected with the government. The tenant claims the input tax credit. Why can't the tenant deposit GST directly to the government? The landlord is already paying several local taxes. If collecting rent is not considered a service, this tedious route can be simplified.

AASTHA KAPUR, SOLAN

Focus on development, not on growth alone



JAYSHREE SENGUPTA
SENIOR FELLOW, OBSERVER
RESEARCH FOUNDATION

HERE is little room for complacency when the World Bank announces this year that India shall be surpassing Britain's economy and become the fifth biggest economy in the world. The Indian economy is vastly different from the UK's. The latter is an advanced country where the per capita income (\$44,177 or around Rs 31 lakh) is much higher than ours (\$2,134 or about Rs 1.5 lakh). Besides, they have social security, which provides quality healthcare to every citizen. In school education, the standard is high in free state schools and the quality of teaching is not vastly different from that in private institutions. Housing for low-income groups is supplied by the government and council flats accommodate thousands living in British cities. The public transport system is also good and efficient, catering to the public's needs. On the whole, life in Britain is not comparable to India, where there are still pockets of stark poverty (22 per cent of the population or 27 crore people are poor) and huge disparity of income and wealth permeates the economy. India is one of the most unequal countries in the world.

India's rich can afford the lifestyle of the British rich, but for the average Briton, life is smoother, regular, more predictable and overseen by an efficient city government. The cities and

villages are relatively clean and the environment is safe.

Prime Minister Narendra Modi tried to address some of the problematic issues in a fast-growing emerging economy like India. He started Swachh Bharat to clean up India and wanted to stop open defecation. But there was much inefficiency in the programme execution. Though the outcome is quite impressive in terms of the number of new toilets built, it is not perfect in terms of making India completely free of open defecation. Cities and towns remain dirty. Solid waste disposal is a huge problem in urban areas. The menace of air and water pollution is unresolved, making various achievements look small and insignificant.

Regarding guaranteeing livelihood to workers, minimum wages have not been enforced universally and the progress has been scattered across states. In rural areas, there has been a decline in wages. With around Rs 8,059 (according to NABARD) being the average monthly income of a rural household, it is extremely difficult for families to make ends meet. They incur expenditure on food, education, health, farm inputs and pay off debts to the moneylenders from it.

The urban scene is different. The average informal sector worker earns Rs 10,000 to Rs 15,000 a month in a city like Delhi. But in the same city, some people wouldn't hesitate to spend Rs 10,000 for a family dinner. Private company executives get hefty salaries, especially the higher echelons. True, they are more qualified, speak better English and have the right connections, but it is not enough to justify this kind of inequality. In



FLAWED: Warts and all, India is set to become the fifth biggest economy in the world.

Despite our high rate of growth, unless we clean up our cities, have better quality of air and water and improve our education and healthcare system, it will take us many years to enter the ranks of advanced countries. A much more focused approach to address the micro needs of the people is required.

advanced countries such as the UK, there is not much difference between the blue-collared and white-collared workers. The basic necessities can more or less be met by all. The more egalitarian the country, the less are the differences between the rich and the poor.

Regarding jobs in the formal sector, the news has not been great. Most people in India seem to be self-employed, perhaps because jobs are difficult to get and retain. How these self-employed persons sustain themselves round the year is a moot point. There is alarming news from the Centre for Monitoring Indian Economy: last year, 1.1 crore people lost their jobs, mostly in rural areas. Women were the main losers as they are less educated or skilled and are a

soft target. In Britain, such people would be on dole and they can collect money from the State for being unemployed.

In India, unemployed women have to go back being non-earners and it weakens their position in the household. People stop looking for jobs after some time. That is why the participation in labour force is declining for both men and women. As a result, unemployment has been rising in India.

The World Bank's forecast that India's GDP growth for 2019 and 2020 will be at 7.5 per cent is also controversial. It believes that India's economy is robust and resilient and has the potential to deliver sustained growth. There are, however, many indicators that may translate into slower growth than 7.5 per cent. There are still prob-

lems in increasing private investment because of banks' reluctance to lend easily. Private consumption is also not going to be as high as predicted because of lower agricultural incomes among farmers and the rural population, which is likely to reduce rural demand. The fall in food prices and lower inflation at 2.19 per cent reflects continuing agricultural distress.

Government expenditure is going to be up for sure because of the various ways the government is trying to woo the voters; the fiscal deficit is unlikely to be met. The deficit (April-November) was Rs 7.17 trillion, breaching the target of Rs 6.24 trillion for the 2018-19 financial year.

There is good news on the fixed capital formation front, which rose to 12.5 per cent from 10 per cent in the April-June quarter, but it is unlikely to boost GDP growth right away. Industrial and manufacturing growth are supposed to be higher, but the Index of Industrial Production (IIP) for November 2018 has been only 2.19 per cent, which means it is substantially lower than the projected IIP growth. There is also a problem of demand in the service sector and it is likely to bear the brunt of a global slowdown this year.

Despite our high rate of growth, unless we clean up our cities, have better quality of air and water and improve our education and healthcare system, it will take us many years to enter the ranks of advanced countries which take pollution-free environment, clean drinking water and round-the-clock power supply for granted. Thus, a much more focused approach to address the micro needs of the people is required. The emphasis should be on development rather than on growth alone.

Chief Justice who took on Pak politicians



RK KAUSHIK
SECRETARY, PUNJAB GOVERNMENT

Justice Saqib Nisar challenged one of the foundational principles of democratic constitutional theory, according to which the judiciary's role in executive and legislative affairs is circumscribed. He used his suo motu powers expansively and initiated cases on issues that he considered to be of pressing concern.

HE was a protégé of Pakistan's establishment (Army and ISI) and did what was told to him by them. The 25th Chief Justice of Pakistan, Justice Mian Saqib Nisar, retired on January 17. The Judge played an important role in starting corruption investigations against former Prime Minister Nawaz Sharif, his brother and former Punjab Chief Minister Shahbaz Sharif, his daughter Maryam Nawaz, Pakistan People's Party leader and former President Asif Ali Zardari, Pakistan Tehreek-e-Insaf leader Jahangir Khan Tareen, former Defence and Foreign Minister Khwaza Asif, former Railway Minister Khwaja Saad Rafique and many others. He also heard cases against Imran Khan and his elder sister, Aleema Khan, and passed orders. Overstepping his jurisdiction, he oversaw the construction of the Diamer Basha and Mohammad dams and created a fund for the same. He also inspected hospitals and supervised social development programmes, including population growth policies.

Judicial 'overreach'

Justice Nisar challenged one of the foundational principles of democratic constitutional theory, according to which the judiciary's role in executive and legislative affairs is circumscribed. He used his suo motu powers expansively and ini-



ACTIVISM: Justice Nisar supervised social development programmes, including population growth policies.

ated cases on issues that he considered to be of pressing concern. He devised remedies too. The role played by human rights activists, civil society groups or the affected public was largely muted. The effect of Justice Nisar's court has been perceived as undermining political institutions either by assuming the role and responsibility of political branches or by openly displaying

contempt towards elected officials and bureaucrats. Justice Nisar's interference in executive and legislative affairs exposed what many would consider the questionable side of judicial activism and its threat to the evolution of democracy in Pakistan.

Nisar was born on January 18, 1954, at Lahore. His father, Mian Nisar, was an advocate who belonged to an Arain family of Lahore and later became a Judge of the Lahore High Court. Nisar was educated at the Cathedral High School there, from where he matriculated and enrolled at Government College in Lahore. He graduated with a BA degree in 1977 and went to Punjab University, where he completed LLB in 1980.

In 1982, he enrolled as an advocate of the Lahore High Court. In March 1997, he was appointed Law Secretary in the Ministry of Justice and Law, a chief bureaucratic position. His appointment as the Law Secretary of Pakistan was confirmed by Prime Minister Nawaz Sharif immediately after being elected in the General Election held in 1997. He became a Judge of the Supreme Court in February 2010 and the Chief Justice on December 31, 2016.

In 2010, his nomination for elevation as a Supreme Court Judge was initially rejected by then President Asif Ali Zardari in spite of a recommendation made by then Chief Justice Iftikhar Muhammad Chaudhry.

Zardari instead elevated Justice KM Sharif, superseding seniormost Justice Nisar for promotion, and appointed the latter as acting Chief Justice of the Lahore High Court. Chief Justice Chaudhry suspended the appointment order and marked such actions as 'unconstitutional', using his constitutional powers granted by the Judicial Commission.

The Pakistan Supreme Court's authority to review legislative and executive action to assess whether it is consistent with the Constitution is well-established, but in traditional democratic constitutions, the judiciary restrains itself from playing a prominent role in executive and legislative affairs. Judicial overreach that undercuts the democratic branches is not approved of.

In new and fragile democracies, however, courts tend to exercise more influence over other branches of the government, reflecting the recognition that these institutions may not have the capacity or willingness to enforce fundamental human rights and provide public services equitably and transparently. Articles 199 and 184(3) of the Constitution of Pakistan give superior judiciary the authority to make orders to enforce fundamental rights.

Dysfunctional governance

The expanded role of the judiciary is visible in Sri Lanka, South Africa, Brazil and Colombia. In these jurisdictions, the role played

by courts would, broadly speaking, not be countenanced in comparatively mature Western democracies. In the context of newer democracies, the challenge posed by dysfunctional governance is one of the central concerns of the judiciary.

This ethos is encapsulated in the words of a former Chief Justice of India: "The court has to innovate new methods and devise new strategies for the purpose of providing access to justice to large masses of people who are denied their basic human rights and to whom freedom and liberty have no meaning."

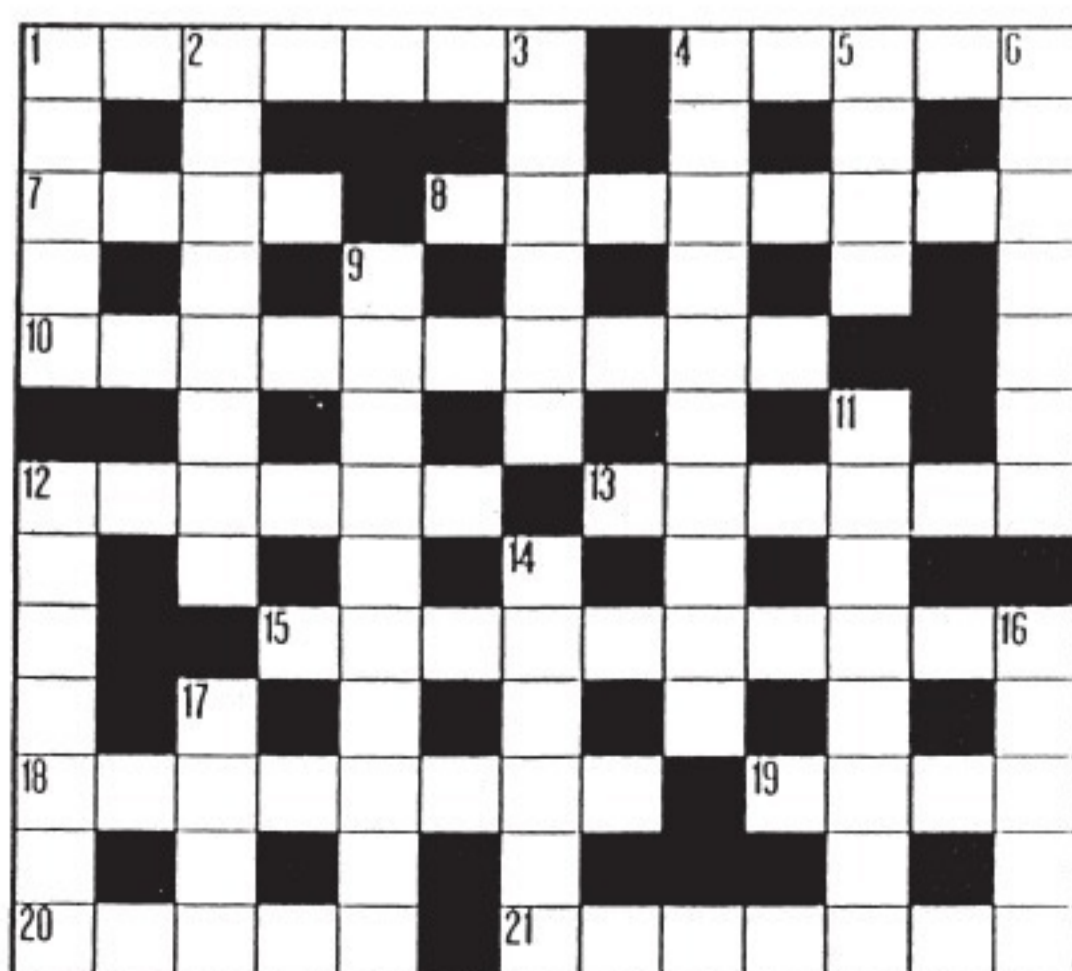
Fragile democracies

Where the judiciary positions itself as a replacement of political branches of the government, it runs the risk of stunting the growth of these institutions, and where the judiciary repeatedly shames the executive branch, it threatens to discredit democratic institutions.

Under such circumstances, judicial activism may actually serve to promote the backsliding of fragile democracies towards authoritarianism, which is arguably what was witnessed in Pakistan since the lead-up to the rigged elections of 2018.

Despite being a close ally of the establishment, Justice Nisar would still be remembered as somebody who confronted the corrupt politicians of his country and punished them mercilessly with the powerful Army's consent.

QUICK CROSSWORD



ACROSS

- Suffer mental breakdown (5,2)
- Greek fabulist (5)
- Make demand (4)
- Outsider (8)
- The full details (3,3,4)
- Catchword (6)
- Shakespeare tragedy (6)
- Grim (10)
- Lines spoken in play (8)
- Placid (4)
- Subsequent (5)
- Turn aside (7)

DOWN

- Spined desert plants (5)
- Indirect reference (8)
- Large constricting snake (6)
- Daring innovative (5-5)
- Wise (4)
- Occupation (7)
- Considered disreputable (2,3,5)
- Final (8)
- Disgraceful event (7)
- Ludicrous (6)
- Entire range (5)
- Manner of walking (4)

SATURDAY'S SOLUTION

Across: 1 Broad-minded, 9 Nagging, 10 Midge, 11 Open, 12 Runner-up, 14 Deploy, 16 Strewn, 18 Aperture, 19 Clay, 22 Tiara, 23 Farrago, 24 Play it by ear.
Down: 2 Rogue, 3 Arid, 4 Magnum, 5 Nominate, 6 Endorse, 7 In good taste, 8 Keep an eye on, 13 Contrary, 15 Prevail, 17 Profit, 20 Llama, 21 Fray.

SU DO KU

		5		8	7
8	7	4			6
6			3		
	8				6
4		1	6		3
6				1	
		3			4
4		1		2	5
7	9		8		

MEDIUM

CALENDAR

JANUARY 21, 2019 MONDAY

- Vikrami Samvat 2075
- Shaka Samvat 1940
- Magh Shaka 1
- Magh Parvishite 8
- Hijari 1440
- Shukla Paksh Tithi 15, up to 10.46 am
- Krishan Paksh Tithi 1, up to 6.05
- Vishku Yoga up to 10.33 am
- Priti Yoga up to 6.18 am
- Pushya Nakshatra 2.27 am
- Moon in Cancer sign
- Posh Purnima
- Gandmool start 2.27 am.

SATURDAY'S SOLUTION

1	7	9	5	3	2	8	6	4
6	2	4	1	7	8	3	5	9
5	3	8	6	9	4	1	7	2
9	4	1	3	8	6	7	2	5
2	6	3	9	5	7	4	8	1
8	5	7	4	2	1	6	9	3
7	1	6	2	4	5	9	3	8
3	8	5	7	1	9	2	4	6
4	9	2	8	6	3	5	1	7

FORECAST

SUNSET: MONDAY 17:48 HRS
SUNRISE: TUESDAY 07:19 HRS

City **MAX** **MIN**

Chandigarh 20 12
New Delhi 21 09

PUNJAB

Amritsar 17 10
Bathinda 17 11
Jalandhar 17 10
Ludhiana 20 12

HARYANA

Bhiwani 21 10
Hisar 21 10
Sirsar 18 11

HIMACHAL PRADESH

Dharamsala 14 05
Manali 09 -03
Shimla 10 01

JAMMU & KASHMIR

Jammu 12 08
Leh 03 -08
Srinagar 0 -01

UTTARAKHAND

Dehradun 24 10
Mussoorie 13 05

TEMPERATURE IN °C