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Water Politics in South Asia

PROF. DR. SADIQ A. GILL

Water is an important source for life on earth. About 3/4 or 71 percent of the surface of the earth consists of water. 40 percent of the world population is directly dependent upon fresh water from rivers and about 2/3rd of these people live in developing countries. "Water for all", as a basic need can be defined as "a Public good and a human right". This target dominates the entire world as a global water challenge. The United Nations (UN) defines water as a "Public good". According to the economic definition, this scarce resource does not meet all the economic criteria of a public good. Accordingly no one should be excluded from its consumption.¹ In human right, the term "Public good" is an important resource, which should be accessible to everyone in sufficient quantity and quality (basic supply), since it is essential for human life and their health.

According to the United State government's global report of 2000 to the President, notes that "Water is an economic resource". It has always been an aid for social and economic development, but also a source of conflict, particularly amongst the developing nations. The water crisis has both qualitative and quantitative dimensions. The relative seriousness of which obviously varies from region to region depending on their demographic, agronomic and geo-hydrological conditions (arid or semi-arid). Water creates tension amongst the countries where the rivers cross the national boundaries of two or more countries and makes it a problem for policy makers to resolve their tension not only at inter-state but also at intra-state level.

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Water is a shared resource and common property, which is above territorial boundaries. The large quantities needed and the low user costs, contribute to the growing water shortage being felt in many parts of the world. The developing countries comprise nearly 4/5th of the world population needing a rapid development of their resources, particularly of water which is scarce due to its distribution in space and non-availability to a large percentage of population in adequate quantities. In such a context, to make elaborate analysis of the various options and a decision for the construction of dams is essential; but dams become a matter of dispute among nations, where rivers cross the national boundaries of two or more countries. Controversies are common among different countries over water sharing. Water disputes can be divided into three categories :

- (1) *International Disputes* – Where the rivers cross the national boundaries of two or more countries, as river Tigris between Turkey, Syria and Iraq. The use and misuse of water in upstream countries affects its quantity, quality and usage in the downstream countries. Riparian status can affect the upstream and downstream flow of waters by building large-scale dams.
- (2) *Regional Disputes* – Where the rivers cross the national boundaries of two countries, like Indus river between India and Pakistan.
- (3) *National Disputes* – Dispute on water sharing among different provinces of a country *i.e.* Kalabagh Dam in Pakistan.

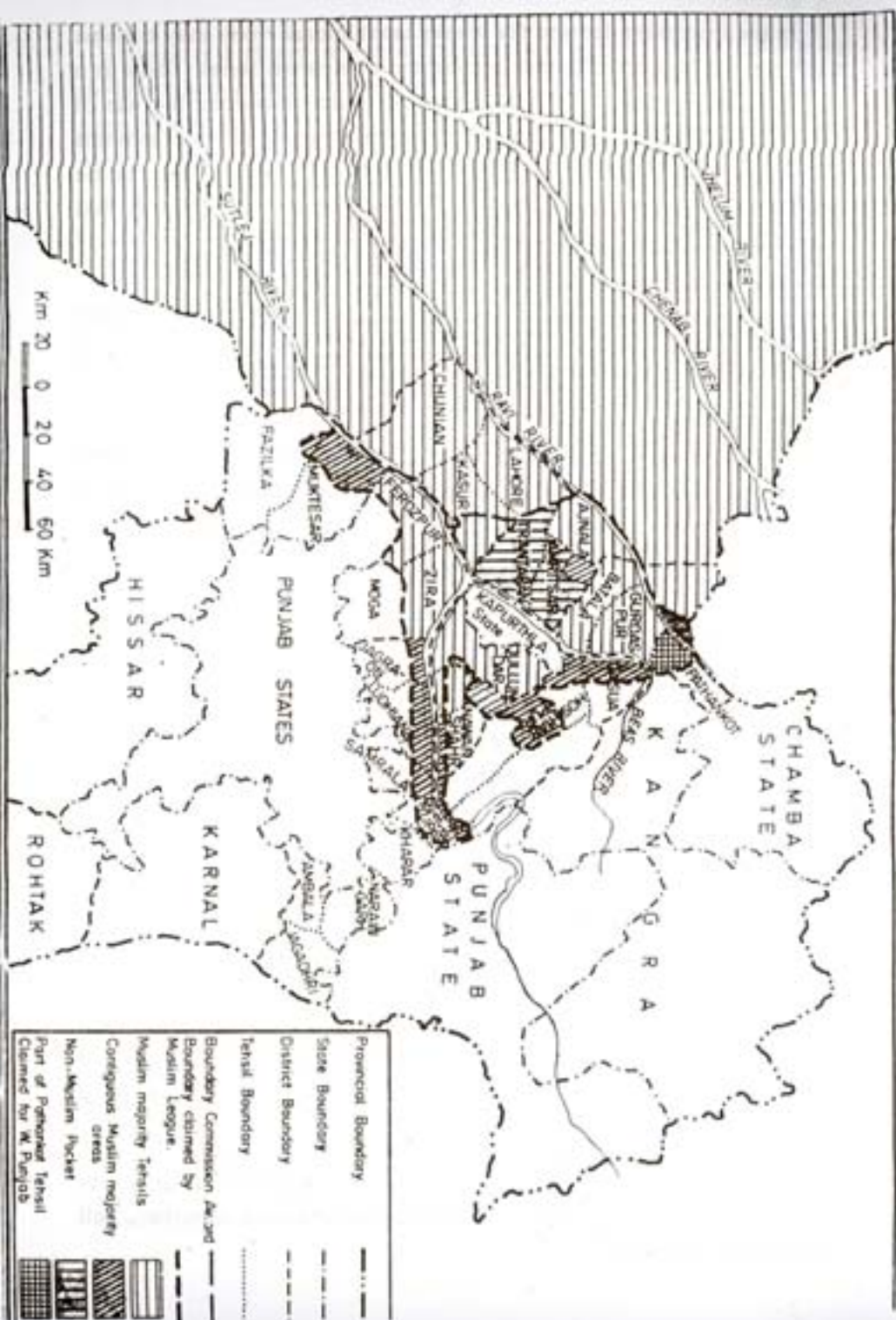
Out of the seven South Asian countries, three, namely Pakistan, Bangladesh and Nepal are involved in water sharing conflicts with India. The need for water is accentuated by the fact that these countries are mainly agrarian. These conflicts have hampered their economic development at the national level as well as in the region as a whole. Which hampers the total benefiting from the process of globalization.

In the increasing demand for waters international rivers may become a ground for breeding disputes among the co-riparian states. There is a long history of conflicts and tensions over water resources, the use of water systems as weapons during war, and the targeting of water systems during conflicts caused by other factors. Peter H. Gleick at the Pacific Institute for Studies in Development, Environment and Security has identified the following categories or types of conflicts :

- (1) *Control of Water Resources* – (state and non-state actors): Where water supplies or access to water is at the root of tensions.
- (2) *Military Tool* – (state actors): where water resources or water systems are used by a nation or state, as a weapon during a military action.
- (3) *Political Tool* – (state and non-state actors): Where water resources, or water systems themselves, are used by a nation, state or non-state actor for a political goal.
- (4) *Terrorism* – (non-state actors): Where water resources or water systems, are either targets or tools of violence or coercion.
- (5) *Military Target* – (state action): Where water resource systems are direct targets of military actions by nations or states.
- (6) *Development Disputes* – (state and non-state actions): Where water resources or water systems are a major bone of contention and dispute in the context of economic and social development.

However, a single event can fall into more than one category. As regards South Asia, the cases mentioned above except terrorism, fall under all the categories.

PUNJAB BOUNDARY COMMISSION AWARD



Therefore, the case of water disputes in South Asia, namely, the Indo-Pakistan dispute over the Baglihar Dam and Wuller Barrage (The Indus Water Treaty), Indo-Bangladesh water dispute over the Farakka Barrage (The Ganges Water Treaty) and the Indo-Nepal dispute over the Mahakali River Treaty, may be studied under the following two main questions :

- (i) What are the Indus and Ganges water disputes, and what arrangements are made to resolve them?
- (ii) What are the measures, which can be adopted to eliminate these water disputes, and what are their effects on relationships among concerned Countries?

In South Asian environment conflicts are mainly connected with water resources. Several instances of bilateral strains have arisen between states of the region based on water sharing. There are serious problems between India and her neighbours on matters relating to water resources like Wuller barrage in Pakistan. Farakka barrage between India and Bangladesh and Mahakali River disputes between India and Nepal.

Hydro-ecology of the high-land and low-land interactive complexity caused by the Himalayan Ganga System (Ganga, Brahmaputra and the Indus) are the crux of water as a commodity for India and its neighbours. It is the source of one of the major supplier of fresh water to the world. In 1980s the "International Drinking Water and Sanitation Decade Report", indicated, that the proportion of total population of South Asian Countries without access to water was 22%, while 70% of the population lack adequate sanitation facilities.

On August 14/15, 1947, the British Government Partitioned India into two independent states, Pakistan and Bharat. But, this freedom for Pakistan had a bad start. Economy was totally shattered, security was badly defied and the new boundary line between Punjab cut across all the important irrigation networks. India undertook top-secret project of

linking Pathankot with Jammu. The Indian operation in Kashmir was planned by British Chief of Indian Defence Services directed by Lord Mountbatten. India occupied Kashmir on October 27, 1947; thus the tragedy of Kashmir was created. Baglihar Dam, the hot subject of these days is the eye of the gathering storm.

The Pakistani nation is faced with a deadly threat or death warrant, if India gains control over the waters from Kashmir to Pakistan. India can hold water for days or months to turn Pakistan's agricultural land into desert and can also cause widespread, devastation by flooding Pakistan without notice.

On the other side, the Hindu India accepted Pakistan in the belief that partition would be a transitory phase and a problem-ridden Pakistan would rejoin India. The Congress working committee, in a resolution, soon after the announcement of partition said :

"Congress had consistently upheld that the unity of India must be maintained, geography, the mountains and the seas fashioned India as she is, and no human agency can change that shape, or come in the way of her final destiny".²

To keep Pakistan a weak state and to fulfill their aims of united India, it (India) asserted its hegemonic position to make Pakistan their subservient. British created Kashmir as a problem which derived much of its seriousness from its link with the canal water issue.

Agriculture which is the back-bone of the economy of Pakistan is dependent entirely upon irrigation by canals drawn from the Indus and its five tributaries. The three western rivers; the Indus, the Jhulum and the Chenab flow into Pakistan from the state of Jammu and Kashmir and the three eastern rivers, the Ravi, the Beas and the Sutlej enter into Pakistan from India. In reality, the Indus river is the source of life for Pakistan. More land is irrigated from the Indus river than from any other river system in the world. At the time of the partition of the subcontinent, little

consideration was given to the scope of the irrigation system. As a result of the Radcliffe Award, the Indus Basin was divided into two sectors of the 36,500,00 acres irrigated by the Indus irrigation system of which: (84.9%) 31,00,000 acres fell to Pakistan and (15.1%) 5,00,000 fell to India. Pakistan received 21 of the 23 canals, and 7 of the 8 non-perennial canals. In spite of the extensive canal system, there were still 44.1 million acres in Pakistan and 5.5 million acres in India that required irrigation facilities. Although the bulk of irrigation system lies in Pakistan but the important headworks of the Ravi and Sutlej (Ferozpur), were located in India, giving the latter a stranglehold on the irrigation system located in Pakistan. This partition of Punjab cut across the rivers and the canals of the Indus Basin irrigation system, making India the upper and Pakistan the lower riparian. Lord Radcliffe, while drawing the boundary line of divided Punjab, observed :

“The fixing of the boundary in this area was further complicated by the existence of canal system, so vital to the life of Punjab but developed only under the conception of a single administration. I think I am entitled to assume with confidence that any agreement.... As to sharing of water from these canals or otherwise will be respected by whatever government hereafter assumes jurisdiction over the headwork's concerned.”³

Later events proved Radcliffe's confidence to be misplaced. The arbitration tribunal set up to settle disputes over the partition of the Government's assets dealt with the compensation to be paid by West Pakistan for the development of canal colonies dependent on canal water. Both the Dominions agreed that there would be no interference whatsoever with the existing flow of water. A day after the termination of the tribunal, on March 31, 1948, the Indian Government suddenly cut off the water supply of every canal crossing into Pakistan. Pakistan was faced with an imminent crisis as one and a half million acres of irrigated land (5.5% of Pakistan irrigated area) was deprived of water during the summer irrigation season and put the tremendous strains on the new country.

This Indian attitude was contrary to the international law. In May 1948 India agreed to supply water from the Bari Doab System and the Dipalpur canals, but withheld water from the Bahawalpur state distributory, the tail reach of minor distributaries, and forty-one water courses taking off from the upper Bari Doab canal and extending into Pakistan. They have remained dry ever since. On September 1, 1948 the Indian Government announced that the arrangement of May 1948 was temporary, and would end on September 30, 1948. Pakistan protested and sought an assurance from Pandit Nehru that the supply would continue, pending final settlement. Pakistan then proposed to submit the dispute to the International Court of Justice which India rejected.

In May 1950, India registered the joint settlement of May 1948, with the United Nation as treaty No. 794, in an effort to get Pakistan to recognize India's legal right to the entire waters of Ravi, Beas and Sutlej. Pakistan claimed that it is a provisional arrangement pending further negotiations. Therefore India diminished the supply of Pakistan's share of canal water from time to time, causing immense damage to crops. The situation was further aggravated by the construction of the Bhakra Nangal project, which when completed, would divert the entire flow of the Sutlej to India at the peril of Pakistan's agriculture. It was an economic war which India imposed to weaken Pakistan and to fulfill her dream to merge Pakistan into India.

To determine the rights of various provinces and states to the water of Indus Basin in 1951, the government of India appointed a commission under the chairmanship of Sir, B.N. Rao, later judge of the International Court of Justice which governs the respective rights of the parties, "equitable apportionment." This principal was internationally recognized as regulating the rights of states having a common river basin which includes that "an upper riparian can not take action that will interfere with existing irrigation of the lower riparian".

India demanded the price of water, which Pakistan reluctantly paid, but even, India had warned Pakistan that the supply of water to it would be reduced gradually in 1951. David Lilienthal, former head of the

Tennessee Valley authority in the United States, visited both India and Pakistan and recorded his observation in an article that appeared in *collier's* magazine in August 1951 as :

....."With no water for irrigation (West Pakistan) would become a desert of 20,000,000 acres. It would dry up in weeks, tens of millions would starve, no army with bombs and fire power could devastate a land as thoroughly as Pakistan could be devastated by the simple expedience of India permanently shutting off the sources of water that keeps the fields and the people of Pakistan alive"⁴

He described the situation as "pure dynamite" and "Punjab as a powder keg" On David Lilienthal's suggestion the World Bank offered its good offices to mediate in September 1953, to which both countries agreed. After protracted negotiations the World Bank submitted a plan on February 5, 1954. According to which entire flow of three Western rivers (Indus, Jhelum and Chenab) would be available for the exclusive use of West Pakistan except for the small volume of water for Kashmir; and the entire flow of Eastern rivers (Ravi, Beas, Sutlej) will be available for the exclusive use of India. The period estimated was five years, when each country would construct dams and canals and pay for the works located in its territory. The cost was expected to a sum of Rs. 40 Crores.

Pakistan felt that the World Bank had departed from Lilienthal's proposal for developing the water resources of Indus basin as a single economic unit. Indian threat also remained to stop the flow of water even without further storage construction. Many representations were made to the Bank :

"That the flow of the Western rivers was totally inadequate to replace Pakistan's existing use of water from the Eastern sources. After long deliberations, the aid Memoire of May 21, 1956 made some adjustments concerning storage facilities, and to "assure Pakistan timely water, sufficient to eliminate the shortage referred to."⁵

In 1958 engineers from both countries worked out a scheme for the distribution of available water through the good offices of Mr. Eugene Black who was at that time the President of the World Bank, the two countries agreed to sign a treaty. After nine years of negotiations, the Indus Waters Treaty was finally signed on September 19, 1960, between the Indian Prime Minister, Jawahar Lal Nehru and President of Pakistan, Field Marshal Muhammad Ayub Khan at Karachi, with the cooperation of the World Bank.

Indus Basin Treaty between India and Pakistan :

The Main provisions of Indus Water Treaty are ⁶:

Article II (1,5,6,9)

(1) All waters of the Eastern rivers namely Ravi, Sutlej and Beas shall be available for the unrestricted use of India, except as otherwise, expressly provided in this article.

5. There shall be a transition period during which, to the extent specified in annexure H, India shall :

- (1) Limit its withdrawals for agricultural use
- (2) Limit abstractions for storages, and
- (3) Make deliveries for Pakistan from the Eastern rivers.

6. The transition period shall begin from the 1st April 1960 and shall end on 31st March 1970, or if extended, the provisions of part 8 of annexure H, on the date up to which it has been extended. In any event, whether or not the replacement referred to in article IV (1) has been accomplished; the transition period shall end not later than 31st March 1973.

7. During the transition period, Pakistan shall receive un-restricted use of the waters of the Eastern rivers which are to be released by India in accordance with the provisions of annexure H. After the end of the transition period, Pakistan shall have no claim or right to releases by India of any of the waters from the Eastern rivers.

Article III

Provisions regarding Western rivers.

1. Pakistan shall receive unrestricted use of all the waters of the three Western rivers namely Indus, Jhelum and Chenab, for which India is under obligation to let flow under the provisions of paragraph (2)

2. India shall be under an obligation to let flow all the waters of the Western rivers, and shall not permit any interference with these waters, except for the following restricted use (except as provided in item (c) (ii) of paragraph 5 of annexure (c) in the case of each of the river, the Indus, the Jhelum and the Chenab, to the drainage Basin thereof :

(a) Domestic use

(b) Non-consumptive use.

(c) Agricultural use, as set out in annexure C : and

(d) Generation of hydro-electric power as set out in annexure D.

3. Except as provided in D and E, India shall not store any water, or construct any storage works on the Western rivers. The generation of hydro-electric power is one of the uses allowed to India.

4. Pakistan to meet the requirements of its Eastern river canal from the Western rivers constructed replacement works.

*Article VII :***FUTURE PROSPECTS**

If either party plans to construct any engineering work which would cause interference with the water of any of the rivers and which, in its opinion, would effect the other party materially, it shall notify the other party of its plans and shall supply such data relating to the work as may be available and as would enable the other party to inform itself of the nature, magnitude and effect of the work :

- (1) Safeguards incorporated in the treaty to ensure unrestricted flow of waters in the Western rivers.
- (2) Both parties were to regularly exchange flow-data of rivers, canals and streams.
- (3) A permanent Indus Waters Commission was constituted to resolve the disputes between the parties. The Treaty sets out the procedure for settlement of the differences and disputes. It also provides for settlement of disputes through the International Court of Arbitration.

Thus, future prospects persuaded the two countries to agree to a partition of the Indus Basin waters. Both countries were expected to exploit their respective water shares with the help of an Indus Basin Development Fund to be administered by the World Bank.

INDUS WATER TREATY : THE CHALLENGES**The Salal Dam**

The first threat to the treaty came in 1960 with the construction of Salal dam by India. India proposed to construct a dam over river Chenab upstream of Raisi in the Jammu and Kashmir in 1970. Pakistan protested on the construction of a dam on the waters of river Chenab and objected on the design and storage capacity of the dam.

In order to resolve the matter peacefully both countries entered into a series of talks in 1976 at New Delhi and Islamabad. There were two round of talks held between India and Pakistan on the Salal dam issue. The agreement on Salal dam is a good example where India and Pakistan reached an understanding without the mediating help of any third party. The Salal dam agreement is a six articles agreement which provides the exact location, full bondage and dead storage level, storage capacity, improvable crust level of the spillway, spillway gate, level of power intakes and outlet works.

The Wuller Barrage

The second challenge to Indus Basin Treaty was posed by another decision of India in 1985 when India decided to construct a barrage on the Jhelum river just below the Wuller Lake. The Wuller Lake is supposed to be the widest lake in the Indian sub-continent. The Pakistan Government learnt through a tender notice in the Indian press about the development of a barrage by the name of Tulbul Navigational Project. The barrage was to be constructed by India on River Jhelum, below the Wuller Lake located near Sopore, 25 km north of Srinagar, where the river Jhelum flows into the Lake in the South and flows out of it from the West. For Pakistan the geo-strategic importance of the site lies in the fact that its possession and control provides India with the means to intimidate Pakistan. A Dam on that site has the potential to ruin the entire system of the triple canal project in Pakistan namely, the upper Jhelum Canal, upper Chenab Canal and the Lower Bari Doab Canal.

The Pakistan's Government objected to the project and requested details of the project and after sometime when details were made available on which Pakistan government raised objection, that the construction of dam was violation of Indus Basin Treaty because :

- (1) The strategic importance of the site of the project will provide India a portent to ruin the entire triple canal project

(upper Jhelum Canal, the upper Chenab Canal and the lower Bari Doab Canal)

- (2) After construction of the dam, India would be in a position of controlling the flow of water into river Jhelum creating drought and flood situation at will in both Azad Kashmir and in Pakistan
- (3) It will ruin Pakistan's agriculture
- (4) But despite regular meetings, the two sides have not been able to reach an understanding on Wuller barrage.

According to the Indian Government, the purpose of the Wuller Barrage was to construct a control structure, with a view to improving the navigation in the River Jhelum during winters, in order to connect Srinagar with Baramula for transportation of fruits and timber. India claimed that 90 percent of the Tulbul project would be beneficial to Pakistan, as it would regulate the supply to Mangla Dam, which would increase Pakistan's capacity of power generation at Mangla, as well as regulate the irrigation network in the Pakistani Punjab through the triple canal system. India further suggested that Pakistan should bear the greater share of constructing the Barrage, as it would be more beneficial to Pakistan, and would be especially effective in reducing the flow of water during the flood season.

BAGLIHAR DAM

The Indus Basin Treaty, restricted the use of Kashmir's river water for drinking and irrigation purposes, forbidding any dam making and storage. But the Indian Government propagated the ill effect of Treaty on the use of Kashmir's water. They analyzed the impact of treaty on the State of Jammu and Kashmir in three ways :

- (a) Low growth in agriculture production

(b) Low growth in industrialization

(c) The acute shortage of drinking water available to Jammu and Kashmir.

The Indian Government planned to construct Baglihar Hydro-Electric plant on the river Chenab near Ramban in occupied Jammu and Kashmir. The plant site is located about 147 Kilometer above Marala headwork's in Pakistan. According to the information supplied by India, the project envisages the construction of a 130 meter high and 317 meter long Dam. With the storage capacity of 321,000 Acre feet. Pakistan objected to the construction of Dam. It was first discussed at the meeting of Permanent Indus Commission in March 2003; but this sensitive issue is still unresolved and India also refused to agree on a neutral expert to tackle this issue under article I x (2) (a) of the Indus Basin Treaty.

The failure of the recent Pakistan-India talk on Baglihar Dam, have not only exposed the shortcomings of the 1960 Indus Basin Water Treaty; but also the impact on the whole agriculture of Pakistan once the Dam becomes operational.

The Indus Water Treaty is primarily a bilateral treaty with the World Bank being a signatory 'for the purposes specified in Articles V and X and Annexure F, G and H.⁷ Article V basically relates to the financial provisions of the Treaty while Article X, relates to Emergency Provision – relating to the completion of the water systems provided for in the Treaty under Articles UV (1) – is effectively now redundant. It related to Pakistan making a representation to the World Bank before March 31, 1965 that the works stipulated in Articles IV (1) would not be able to be completed before March 31, 1971 '*because of the outbreak of large-scale international hostilities arising out of causes beyond the control of Pakistan,*' which would prevent it from obtaining the necessary materials and equipment from abroad. Interestingly enough, it is just as well that war commenced between Pakistan and India before March 1965, so this Articles would then not have been applicable since it included the phrase, '*international hostilities arising out of causes beyond the control of Pakistan.*

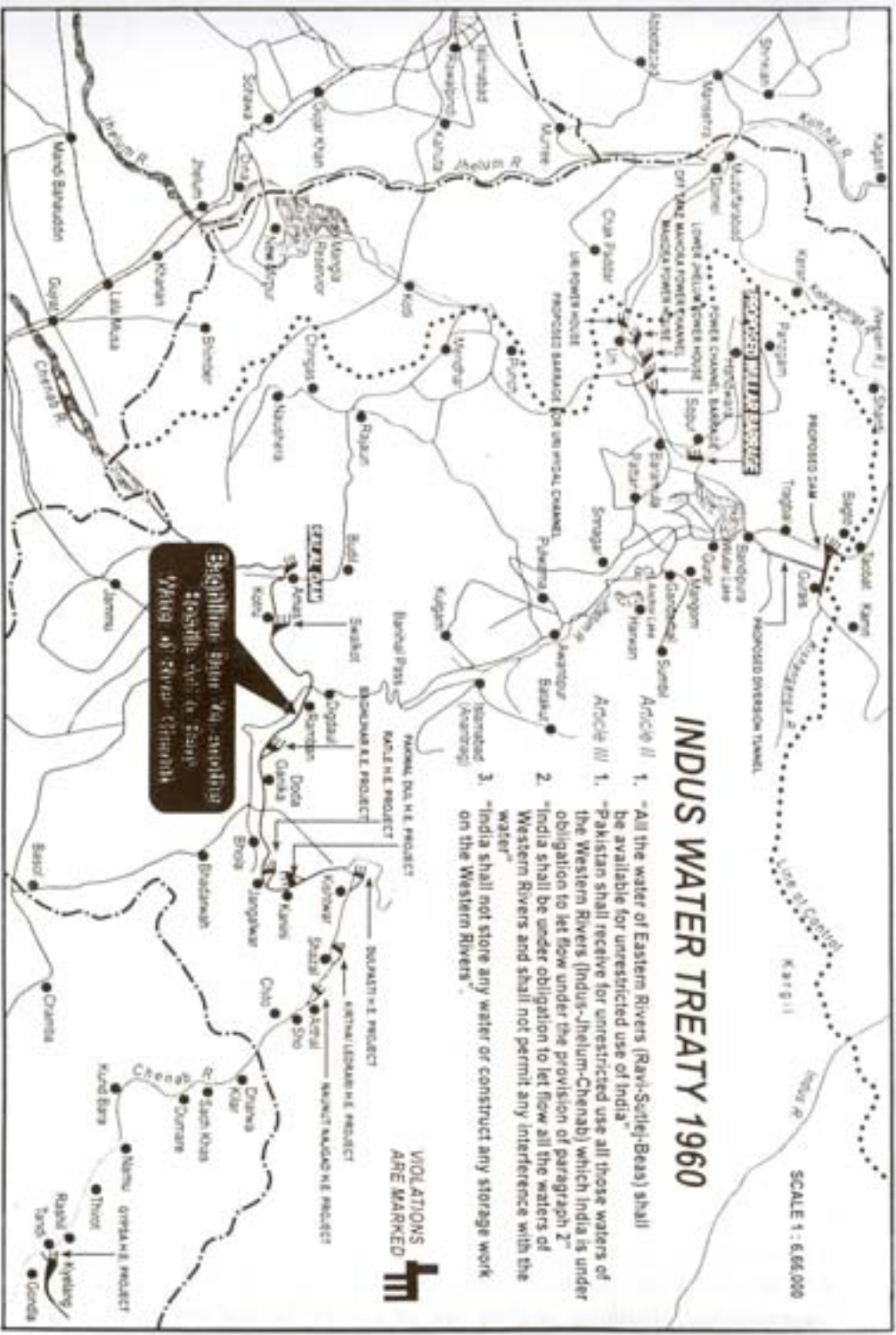
INDUS WATER TREATY 1960

SCALE 1 : 6,66,000

- Article II 1. "All the water of Eastern Rivers (Ravi-Sutlej-Beas) shall be available for unrestricted use of India"
- Article III 1. "Pakistan shall receive for unrestricted use all those waters of the Western Rivers (Indus-Jhelum-Chenab) which India is under obligation to let flow under the provision of paragraph 2"
2. "India shall be under obligation to let flow all the waters of Western Rivers and shall not permit any interference with the water"
3. "India shall not store any water or construct any storage work on the Western Rivers"

VIOLATIONS ARE MARKED

3rd Indian State 'Kashmir'
Hostile with to State's
Water of State's Rivers



While the World Bank, under the Treaty, does have an obligation to appoint a neutral expert, under Annexure, F, there is no legal mechanism whereby the findings of this expert can be implemented forcefully by the World Bank against the wishes of one of the Parties. Of course, the terms of the Treaty are binding on the signatories and, therefore, the decision of the neutral expert also falls in this category; but then India has violated the terms of the Treaty itself – so, who will ensure that it accepts the findings of the neutral expert?

Annexure G relates to the setting up of an Arbitration Court, with lists of members and Chairmen already identified within the Annexure. Annexure H basically focuses on transitional arrangements and has now lapsed. It seems that once the neutral expert decided that the issues in questions is not merely a technical issue but a dispute, then the arbitration procedure can be activated.

Obviously India had done its homework on the Indus Basin Water Treaty far better than Pakistan. By going for a neutral expert through the World Bank when the Baglihar Dam project is almost complete, Pakistan is not going to get much. Even if the expert rules in favour of Pakistan, who will make India undo the Dam physically? Certainly not the World Bank, which has quite correctly stated that it is not a guarantor of the Indus Basin Water Treaty of 1960³. So it is strange to find the sovereign state of Pakistan having surrendered the right to the use of its three Eastern rivers (Beas Sutlej, Ravi) in return for the right over the waters of the three Western rivers (Indus, Jhelum, Chenab), with no international guarantees to stop India from eventually seeking to deny Pakistan access to all its river waters.

Under these circumstances, if Pakistan had opted for the neutral expert much earlier, as soon as the construction had started on the Baglihar Dam and before it was almost complete, it could have sought international political leverage to pressurize India into abiding by the Treaty provisions. After all, there is nothing that prevents states from pursuing two parallel tracks on any one issue, so dialogue on the overall

issue would not have been foreclosed simply because a neutral expert was looking into the technical aspects of the Dam issue.

In fact, Pakistan had initially sought to use the neutral expert provision of the Treaty as early as 2003, but the Indians sought to delay this by asking Pakistan to hold technical level talks. When that failed India sought to continue to delay Pakistan's seeking the intervention of the neutral expert by suggesting bilateral meetings between the two countries of water and power secretaries. And throughout this period, the work on Baglihar continued. Clearly the Indian intent was to keep Pakistan engaged in a meaningless dialogue on the issue while the project neared completion so that Pakistan would eventually be presented with a *fait accompli*.

It seems highly unlikely that anyone would be able to compel India to undo the transgression of the Treaty by its construction of the Baglihar Dam. At best Pakistan may arrive at a moral victory and be forced to conclude a new agreement based on the new realities of the Dam. So much for the Indus Basin Water Treaty.

Hence the issue came to a head on 2003 with Pakistan demanding that India stop the illegal construction of the Dam. Pakistan has been raising the Baglihar issue with India since May 1992 when India first supplied it with information regarding the Dam. Pakistan raised objections in August 1992 and since then the issue has been raised at the various meetings of the Indus Basin Waters Commission (IWC) and through exchange of letters. But Indian attitude on this issue has resulted in the present near-conflict situation. India has also tried to enmesh the issue with the issue of Kashmiris getting access to sufficient electricity, whereas the two are not linked at all.

The Indus Basin Water Treaty allows India the right to hydroelectric power generation from the Western rivers but only by run-off river installations without affecting the volume and directions of water. What is clearly not allowed is building storage capacities on the Western rivers, which directly impede the flow of the waters (Article III (4)). In order to safeguard against interference with the flows of these rivers by

the upper riparian (India), the plant designs have to conform to criteria laid down in Annexure D of the Treaty.

At the last meeting between Pakistan and India to resolve the issue, Pakistan sought satisfaction on five major points of concern to it :

- (1) That the project design should be based on low-level weir since the run of the river projects do not require a 'high head' of 475 feet.
- (2) That the calculations of 'pondage' and 'firm power' in the design was inconsistent with the Indus Basin Water Treaty, while the level of 'intake' in the project design was low and contravened the Treaty.
- (3) According to the Treaty requirements, the design should be based on 'un-gated' spillways. The Indian design was contrary to the Treaty requirements. India had to ensure that the gates were at the level provided for in the Treaty.
- (4) The Treaty criteria need to be fulfilled for the provision of calculations and justification of 'free board'.
- (5) Arrangements needed to be made to monitor and inspect the site at the time of plugging of the low-level tunnel.

The Indians maintained their posture that the treaty did not restrict the construction of a high dam and that the 'pondage', 'firm power' and the level of intake and 'free board' being developed by India were based on sound techno-economic considerations. In fact India evaded the issue that all these points of concern raised by Pakistan were contrary to the Treaty, and refused to respond to Pakistani objection on the basic design. Pakistan's basic argument remains that the Treaty permitted construction of only a 'run of the river plant' on the Chenab and not a high dam of 475 feet.

In the light of the total lack of a satisfactory response from India on this crucial Baglihar Dam issue, Pakistan finally approached the World Bank to appoint a neutral expert, although many in Pakistan feel this is too late to do much good, since India has announced that it will continue to complete the project

Warsak Dam in Trouble

Indian Government is also interested in constructing a dam on river Kunar in Nangarhar province to divert the flow of water towards Ghambiri Desert in Afghanistan. River Kunar is a tributary of river Kabul on which Warsak dam has been constructed in Pakistan for the purpose of irrigation and Hydro-electric power for Peshawar and adjacent areas. In another project, Afghanistan Government also plans to expand the dam near Jalalabad.

It has also been revealed that the Indian agencies are also increasing their activities near Pak-Afghan border to fulfil their plans against Pakistan, because the construction of any other dam on river Kabul will destroy the Warsak dam in Pakistan.

INDIA AND BANGLADESH DISPUTE OVER THE GANGES RIVER

The Problem of an equitable distribution of river waters in the Eastern region of South Asia has strained relations between India and Bangladesh. The root of this problem goes back to 1947 when an arbitrary boundary line divided Bengal, and East Pakistan emerged as a territory comprising one of the largest deltas of the world, with several river networks criss-crossing its terrain. It is reckoned that as many as fifty-seven small and big rivers flow through this territory, some even forming the International border with India. Of these, the three largest are the Ganges, Brahmaputra and Meghna rivers. Their drainage Basins and tributaries cover over 80 percent of the total land area. The

headwork's of most of the (about fifty-four) rivers, including the three largest ones, are located upstream outside Bangladesh territory, which being lower-riparian has little control over them.

This situation has created differences and antagonism between the two Countries over issues such as equitable sharing of water, shifting courses of rivers, flood control, harnessing of Hydro-electric power and related ecological and developmental issues. These rivers are important to both countries for irrigation, drinking water, fisheries, forestry and navigational purposes.

A potentially difficult situation emerged in 1951, when disagreement surfaced over the stretch of the Ganges, which had been awarded to India after Radcliffe awards and which India wanted to use to divert water to the port of Calcutta. The Government of India claimed that there was a problem with the silting of the water channels leading to Calcutta port, which was then the largest centre of sea-borne trade in the Indian sub-continent. In 1961, India took a decision to construct a barrage at Farakka on the Ganges, just 18 kilometers upstream from the international border, to divert the flow of the river to Calcutta to flush silt from the lower reaches of the river to ensure the continued viability of the port. It created complex problems of water management, Pakistan protested; but India continued its plans of constructing the dam.

After the establishment of Bangladesh in 1971, various rounds of high-level talks were held which led to the formation of the Indo-Bangladesh Joint River Commission (JRC). Though it was dealt at the Summit level, India and Bangladesh could not bring about a permanent solution and to date it impacts deeply on the Indo-Bangladesh bilateral relations. The Farakka barrage became operational for a 40-days trial-period in 1975, following a short-term agreement signed by both countries in 1975. From January 1976 onwards, India began to divert water unilaterally at Farakka, prompting Bangladesh to raise the issue in various international forums. In 1977, the two countries signed a five years agreement to share the water at Farakka during dry seasons under a

water sharing formula. It was followed by two short-term agreements on dry season sharing in 1982 and 1985. After 1988, however, the two countries could not reach agreement due to the decreasing availability of water at Farakka, resulting from increased quantities of upstream withdrawals. After years of unsuccessful bilateral negotiation, Bangladesh raised the issue in several international forums in 1993, which led to a further deterioration in their bilateral relations.

In 1994, Bangladesh complained of receiving only 9,000 cusecs in the most acute dry-season periods, which indicated the lack of foresight as to what joint management, or formula, would be applied during periods of extreme droughts, when water availability was drastically reduced. The diversion of 40,000 cusecs through a canal at Farakka, and the increasing upstream withdrawal for irrigation purposes in the Indian states of Uttar Pradesh and Bihar was another factor. The change of governments, in both India and Bangladesh in 1996, ushered in the governments of H. D. Deve Gowda and Sheikh Hasina respectively, this led to the Ganges River Water-Sharing Agreement on December 12, 1996 for a thirty-years period.

INDIA-NEPAL DISPUTE SHARING THE MAHAKALI RIVER WATERS

Nepal is a small sovereign state in the North of India. Its water sharing disputes with India were largely contained with the pronouncement of common rivers. India and Nepal share many common rivers. Being an upper riparian Nepal enjoys certain rights over the water flowing into India. The two countries in 1996, were able to reach an agreement on the sharing of river waters but feelings of mistrust remain in the minds of many Nepalese.

The Mahakali Treaty signed between India and Nepal in 1996, is a complex set of agreements. The Treaty provides for the construction and use of a giant, multipurpose project on the Mahakali river. The project is called the Pancheshwar Project⁹

The Mahakali Treaty revised some agreements concluded between India and Nepal in the past. There were deep feelings of mistrust and betrayal among Nepalese politicians and people against India. Infact, the entire water problem between the two countries has a long history. Therefore, it is necessary to look into various historical events, which led to the conclusion of those agreements and ultimately resulted in the form of an historic treaty about the Mahakali river.

One of the earlier agreement concluded between India and Nepal was about the construction of a dam for the use of water of the Koshi river which is one of the biggest rivers in Nepal¹⁰. The Koshi agreement, signed in 1954, was essentially conceived by India 'to meet its requirements or to solve its problems', though it included some benefits for Nepal¹¹. It is said, that if the dam had been constructed north of the present site, it would have benefited Nepal more then the present location. Nearly 95 per cent of the water went to India and only 5 per cent to Nepal. 'these projects, though built on Nepalese territory gave Nepal few palpable benefits. Nepal had entered into these project agreements at a time when it was extremely ill-equipped in terms of its administrative set-up, technical expertise, international exposure, negotiating experience, and above all, awareness of the country's resources and their utility¹². The dam has also drastically changed the situation in Bihar, which was previously hit by flood; now instead, Nepal has to bear the problem of flood in some areas¹³. The project suffered from poor design, the maintenance and insufficient implementation. Due to Nepal's insistence, talks were held to revise the agreement. Nepal had demanded more water and electricity from the project, but India was unwilling to increase the Nepalese share¹⁴. Amendment was, however, made in 1966 to incorporate Nepal's concerns, but despite this a deep sense of grievance remained among the people of Nepal¹⁵. The Treaty did not specify any time limit to the arrangement made in the Treaty. It set the duration limit of 99 years.

The Koshi agreement had created a rift in Indo-Nepal relations. Nepalese politician, therefore, were very careful about concluding any new agreement with India.

The Mahakali river flows through the districts of Dandhula, Baitadi and Dadeldh, and reaches the plains of district Kanchapur where it turns into a border between India and Nepal. In 1920, when the British Indian government decided to build Sarada barrage to irrigate the United Provinces, it concluded with the Nepalese government of that time, a treaty under which it was agreed that Nepal would transfer 4,000 acres of the eastern banks of the Mahakali to India to build Sarada barrage. In exchange it would receive 4,000 acres of forested land in areas to the east as well as 50 thousand rupees. After a major flood in 1953 in the Mahakali area, India extended the left afflux bund of the Sarada barrage in mahakali area, India extended the left afflux bund of the Sarada barrage about 100 meters into Nepalese territory. No public declaration was issued from either side about India seeking permission from Nepal nor is there any record of protests by the Nepalese government. In 1971, Nepal, with World Bank assistance, began its Mahakali Irrigation Project to utilize its share of the waters of the river, which it was allowed under the 1920 Sarada agreement. Earlier, the World Bank had pulled out from the Project in 1955 because of criticism of excessive cost¹⁶

The Mahakali Treaty in January 1996 divided water and electricity between India and Nepal. The dams would provide electricity and water and the estimated cost of building it would be 12 billion dollars. The dams are to be built within ten years¹⁷ and the agreement covers power generation, flood management and irrigation aspects of the Mahakali river which flows through India and Nepal before flowing as Sarada river through Uttar Pradesh¹⁸. The preamble describes the river as a 'boundary river on major stretches between the two countries and the Treaty as a treaty on the basis of equal partnership. The Treaty covers the Sarada barrage, the Tanakpur barrage and the proposed Panacheshwar barrage.

Despite the Treaty obligation, not much progress has been made so far as its implementation is concerned. The finalization of DPR has been delayed due to a number of contentious issues between the two countries, like the location of re-regulation downstream structure of the dam. The DPR meeting failed on the most important points of the pancheshwar

project, the sharing of water. Before the meeting, India demanded additional water for its lower Sarada canal, which was built 160 km inside the Indian territory. Nepal did not agree to the Indian demand for an additional 201 causes of water from the Mahakali river for the low Sarada canal as 'prior use right'¹⁹

It has been discussed In historical analysis, how a water problem between India and Nepal was created and settled. The feelings of mistrust and betrayal against India were very high in Nepal. India had constructed the dam on Koshi river which strained the relations between the two countries. The location of the dam, its design and structure, all benefited India more then Nepal. Because of the Koshi agreement, no Nepalese leaders was willing to take the risk of concluding any future agreement with India. Another important development that had an adverse impact on their relations was the extension of Sarada barrage into Nepalese territory. Although in later year India gave a concession to Nepal, feelings of resentment led to the amendment in the constitution which limited the treaty making power of the government.

Water Treaties and Mutual Relations

The South Asian Region is a conflict oriented region since its inception. These conflicts are of many types, *i.e.* cultural, religious, social; but after they got independence from the British in 1947, these issues turned into Military and Non-Military conflicts. Among the Non-Military conflicts, most important is the water-sharing between different states. India is a giant country of this region and shares borders with Pakistan, Nepal, Bhutan and Bangladesh. The relation between India and Pakistan have been marred after partition by the Kashmir dispute. (Indus water dispute) Ganges water sharing accord are fanning hostilities and antagonism between the states. The boundary line which was demarcated in 1947 introduced a new dimension in South Asian Region "Hydro politics" or conflict over water. At that time, this conflict was political for India and economic for Pakistan; but now-a-days it is political as well

as economic issue for all states. It is a highly populated region where a large number of people live below the United Nations, poverty level.

For the economic development, rapid industrialization, domestic and agriculture, water is an important element for prosperity in this region. Before these issues turn into military crisis, it is necessary to develop friendly relationships among the concerned states and to seek security in the region, to settle these disputes on equal footing and with full appreciation of each others concerns and constraints. Here are some suggestions to overcome these constrains :

- (1) Although water is considered as a "state property" and people deal with this issue as "do or die" so a cooperative public opinion should be developed among people.
- (2) Media through propagation can play an important role to resolve these issues not on internal but also inter-state level.
- (3) Non-official meeting at government and Semi-Government level through NGOs could facilitate the process.
- (4) At government level where states fail to come to an amicable settlement, they should accept a neutral third party mediator.
- (5) All sides should develop an understanding and trust for each other and make efforts for settlement of the dispute.
- (6) All required material of any proposed project must be provided to the other side.
- (7) Policy makers revise their policies and reshape them in better management perspective.

CONCLUSION

Water being an important part of politics and economic development, creates hostile and antagonistic attitudes among South

Asian states. Although bilateral efforts have been made at different times in the past for conflict resolution, but these efforts at times became into the eye of storm. When India projects its programmes of major or minor nature, which can change the existing use of internal water courses and one of these measure include dam construction. In this way equitable balance between various uses of international watercourses are badly disturbed. So it is necessary that precautions should be taken and proper management strategies be adopted among nations. Water should be used as a collective means of collective security and development.

Additionally, India has also shown intransigence on other related water issues coming under the purview of the Indus Basin Water Treaty. For instance, the Indians are pursuing the Kishanganga hydroelectric power project, as well as maintaining the stalemate on the Wullar Barrage. The former project is nearing completion with a 22-km tunnel to divert the waters of the Neelum river to Wullar Lake. The Neelum is an integral part of the river Jhelum – one of the three Western rivers – and, therefore, the Kishanganga project also contravenes the Indus Basin Waters Treaty because it impacts the flow of the waters of the Western rivers to Pakistan. Not only will the flow of the water be affected but also Pakistan's prior rights for its proposed 969 mw Neelum-Jhelum hydropower project in Azad Kashmir.

Indian lack of concern over observing International Treaty commitments has surfaced once again with an announcement of three more dam projects in Occupied Kashmir²⁰. The new projects are again on the Western rivers – the Uri-II project is on the Jhelum river in Baramulla district, and Pakal Dual and Bursar, both on the Marusundear, tributary of the Chenab river on Doda district. The Indian Ministry of Power has already approved these projects and it seems apparent that India may well be headed towards reneging on the Indus Basin Water Treaty totally if Pakistan asserts its rights under the Treaty.

All in all, the Indus Waters issues not only highlight the real security dimension of the Kashmir issue for Pakistan but allow Indian efforts to

pit the Kashmiris against Pakistan on the false claims that Pakistan wishes to deny the former access to hydroelectricity from the waters that flow through Kashmir. Unless Pakistan exposes Indian designs and the absurdity of its claims to the Kashmiris, Pakistan will find itself not only moving towards desertification of the rich plains of the Punjab but also may find itself facing an increasingly hostile Kashmiri population across the LOC.

At its 52nd Conference at Helsinki in 1966, the International Law Association. A private organization of international lawyers, proposed the Helsinki Rules on the Use of Waters of International Rivers. These rules outlined the basic principle of equitable utilization of waters of an international drainage basin. It was agreed that each basin state was entitled to a reasonable and equitable share in the beneficial use of the waters.

The broad principles governing the rights and duties of riparian states are :

- (1) Where a river system drains the territorial area of more than one state, each state has the right to consider that river system as a whole and take into account its own interest along with the interests of other states.
- (2) In principle each state has an equal right of taking the maximum use of waters within its territory but in exercising of its rights, it must also respect the corresponding rights of other states.
- (3) In circumstances when one state's exercise of its rights conflicts with the water interests of another state, the principle to be applied is that each is entitled to the equitable apportionment of the benefits of the river system in proportion to their needs and in the light of the circumstances of the particular river system.

A state cannot make any change in the river system which may cause substantial deviation or damage the other states right, without the other states consent. The consent, however, may not be required if it offers a proportional share, or adequate compensation for the damage to the other state's utilization of waters.²¹

On June 14, 2002 at Delhi in a formal Indus Water Commission's Conference, Mr. Chakarwarty, the Indian Minister for Water and Power revealed the total picture of Indian mind :

"If we scrap IWT Pakistan will cry for drops of water"²²

India has achieved this demanding and commanding position in 58-years, to be able to negate the TWO NATION THEORY, and the Ideology of Pakistan. Raising the Baglihar Dam in contravention of the Indus Water Treaty, once again India proves its insincerity. Having known that India repeatedly plays dirty tricks on Pakistan, it is difficult to understand the logic of falling victim to delusions of its honest intent.

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Areal Patterns of Fertility in Pakistan : An Inter-District Analysis

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INTRODUCTION

Pakistan's current population is 148.72 million, almost 2.3% of the total world's population making it the 6th most populous country in the world. Each year, 3.2 million people are added to this number. Therefore, fertility is still higher and if this rate continues, Pakistan's population would reach 222 million by the years 2020. Such a high growth has been the main obstacle in the development efforts of all the governments in the country since independence. It has also contributed significantly to raising the proportion of population below poverty line.¹ Recent surveys suggest that fertility has started to follow a declining trend (NIPS, 1992; Hashmi *et. Al.*, 1994; Hakim *et. Al.*, 1998). Population growth rate has decelerated from 3.06 percent in 1981 to 1.9 percent in 2004. It took almost 23 years for population growth to decline by almost 1.2 percentage points. There are various reasons responsible for this declining trend. Among these most important are : increasing age at marriage, contraceptive use and prolonged breastfeeding. On the other hand, education has an inverse relationship with the number of children ever born. On the average, a woman with no education has more than 4 children (4.1) compared to a woman with 11 or more years of schooling (2.5).

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In urban areas, the mean number of children ever born for women with some college education is 2.6 compared to 4.0 for women with no schooling.² Thus Pakistan stands apart from its populous neighbors in South Asia, all of which except Nepal and Maldives have experienced substantial decrease in fertility prior to 1990s.

OBJECTIVES AND METHODOLOGY

The birth rate has great importance for the planners and its accuracy plays a vital role in the success of government plans to fulfill the needs of growing population. If birth statistics were based on the number of registered births than these enumerations would be underestimated and misleading. Actually, number of children enumerated in census could be more accurately reported than the births registered, unlike the birth rate, or any other measure based upon a count of the births, the general fertility ratio does not require data secured through registration system. Instead, the data needed for computing Child-Woman Ratio (C.W.R) are obtained by a population census. This circumstance makes it especially useful for measuring the fertility of population in any part of the world where birth registration systems are inadequate or lacking. C.W.R is therefore, considered as more accurate measure of fertility than the birth rate which takes into account child mortality. This ratio is also useful for obtaining fertility statistics for small areas. Moreover, CWR is best to compare the fertility performances of different sections of the same population over time and area. It has been observed that fertility varies from area to area with respect to socio - economic status and demographic characteristics. In population studies, nine different methods are used to find out fertility performance within a population over time. These can be computed from the data/statistics available through vital registration. Out of these, Child-Woman Ratio (CWR) has been selected to measure the fertility patterns which prevailed in the country during recent past.

CWR is defined as "the ratio between children under 5 years of age and the women of child bearing age". The child bearing age is sometime taken as women of age group 15-44 or 15-49 years; but the

age group 15-49 have been taken into account in present research. The child woman ratio is computed by the following formula.³

$$C.W.R = \frac{P_{0-4}}{f_{15-49}} \times k$$

Where

P_{0-4} denotes the number of children of both sexes less than 5 years of age.

f_{15-49} demotes the number of females (women) between ages 15-49 and K is constant, which is 1000.

Children woman ratio is also referred to as the "general fertility ratio" or the "ratio of children to women". The higher value of CWR indicates higher level of fertility in the area, while lower values indicate lower level of fertility. Anyhow, high rates of mortality among infants and children also lower the value of CWR, which is not within the scope of this research.

The present fertility situation in Pakistan calls for investigation into this population problem on a new pattern and with new and unusual methodology. Keeping in view the marked areal variations in the demographic situation, there is a strong need for such an investigation to be region-oriented. The need is to make a greater use of "distributive" approach rather than "aggregative" approach.⁴ It is in this perspective that the present research has been undertaken with the following two objectives to achieve.

- (1) To determine the patterns and levels of fertility in Pakistan as well as causes, responsible for its differential from district to district during the intercensal period 1981-98.
- (2) To find out various fertility's differentials at district level using 1998 census data.

DISCUSSION AND ANALYSIS

In order to obtain the clearer picture of fertility prevailing in Pakistan during the selected period i.e. 1981-98, it is essential to distinguish and discuss the regional variations among different districts of Pakistan. District level changes of CWR in Pakistan between 1981 and 1998 is evident from the Table and is clear that most of the districts show decrease in CWR between 1981 and 1998 with the exception of Rahim Yar Khan (+1), Nasirabad (+6), D.G. Khan (+8), D.I. Khan (+8) Muzaffargarh (+8), Abbottabad (+22), Zhob (+39), Bannu (+46), Tharparkar (+74), Kohistan (+78) and Chitral (+97). Among these Rahim Yar Khan, Nasirabad, D.G. Khan, D.I Khan and Muzaffargarh show very slight increase in fertility (CWR) while others show little more increase. There are 7 categories of the districts to elaborate "change in CWR" at district level during the period 1981-98 (Table). The first category consists of the districts with low negative change ranges from -1 to -25 (children per 1000 women) namely Kalat (-3), Panjgur (-6), Mardan (-6), Kharan (-12), Gujrat (-14), Pishin (-15), Jhang (-15), Kasur (-20), Shikarpur (-20), Mianwali (-21), Bahawalnagar (-21), Sargodha (-21), and Peshawar (-23). Most of these districts belong to Punjab. According to 1981 Census, Punjab already showed the lowest CWR as compared to other provinces. That's why these districts show the slight decrease in CWR. Two categories show moderate decrease/change in the fertility as compared to 1981 census, the category -26 to -50 stands for moderate low negative change while moderate high comprises of category -51 to -75 children per 1000 women. The former category comprised of 18 districts including Karachi West (-26), Lahore (-27), Larkana (-28), Swat (-28), Sheikhpura (-29), Faisalabad (-32), Bahawalpur (-33), Lasbeela (-35), Jhelum (-36), Malakand (-37), Sanghar (-41), Sialkot (-42), Badin (-42), Sahiwal (-44), Multan (-45), Khuzdar (-48), Attock (-50), Gujranwala (-51). While the later category includes Kohat (-50), Jacobabad (-52), Khairpur (-55), Sukkur (-56), Loralai (-58), Quetta (-60), Rawalpindi (-62), Karachi South (-74), Kohlu (-74) and Karachi East (-75). Literacy is the basic cause of this decrease in fertility during the study period 1981-98.

These districts show inverse relation between literacy and fertility. In these districts rapid increase in literacy (about 40 to 50%) brings remarkable decrease in fertility. Education makes people aware about different contraceptives to reduce fertility. Moreover literate people gave better health facilities to their children, which results in low infant mortality and ultimately effects fertility negatively. The fourth category of highest negative change constitutes the districts having change between -76 to -105 children per 1000 women namely Manshera (-79), Hyderabad (-88), Dadu (-92), Gwadar (-99), Thatta (-100), Nawabshah (-100), Chagai (-102) and Sibi (-104). This category except Hyderabad consists of those districts, in which CWR was very high in 1981 census. Now these districts show remarkable decrease in fertility and compete with the CWR or other districts. The fifth category comprises of the districts, which have recorded a high positive change i.e. below +76. This category includes only two districts that belong to NWFP, are Chitral (+97) and Kohistan (+78). The main reason behind this abnormal change is that the 100% population of Kohistan and 90.30% that of Chitral respectively lives in rural areas and marriage at early age is also common, which cause high fertility in these two district of Pakistan. Another factor is the media, as a source of information, which does not properly work in the remote areas of the country and people, do not take interest in watching T.V, listening to radio etc. about 3% and 5.1% of Chitral and Kohistan respectively have access to T.V, 4.7% people in Kohistan and 7.3% people in Chitral read newspaper while 35.54% in Kohistan and 51.7% people in Chitral listen radio. Due to the small proportion of population having access to media therefore they remained unaware about contraceptives and other modern health facilities, which results in high fertility. The sixth category of moderate positive change is +26 to +75 including Zhob (+39), Bannu (+46) and Tharmarkar (+74). The last category of low positive change ranges between +1 to +25 namely Rahim Yar Khan (+1), Nasirabad (+6), Muzaffargarh (+8), D.G. Khan (+8), D.I. Khan (+8) and Abbottabad (+22). The causes of slight increase in fertility in these areas include low literacy ratio and religious miyths. Moreover they themselves do not want to use any contraceptive to check the fertility and leave it to God. In areas, where climate remains hot, the

reproductive cycle of women are usually longer and they have ample period to have more children, which in turns results in high fertility.

Rural and urban population also has a profound effect on fertility. Usually rural areas show high fertility as compared to urban areas. To analyze the change in CWR in rural areas, we have made six categories. The first category with low positive change ranges from 1 to 25 consists of Jhang (1), Gujrat (1), Kasur (4), Sargodha (5), Faisalabad (5), Pishin (7), Kalat (10), Kharan (11), Shikarpur (11), Multan (11), Mianwali (11), Bahawalpur (13), Gujranwala (15), Jhelum (18), Swat (20), Sukkur (20), Vehari (21), Bahawalpur (22), Larkana (23) and Sialkot (25). These areas already experienced low fertility rate in 1981 as compared to other areas. Therefore, they show a little change during 1981 to 98 period. Moderate change consists of 2 categories. Moderate high (51 to 100). Areas including in moderate low category are Kohat (29), Rawalpindi (30), Sanghar (30), Sahiwal (32), Lasbela (33), Lahore (35), Malakand (37), Quetta (40), Attock (46), Gwadar (46), Khairpur (489), and Badin (94). While moderate high constitutes Jacobabad (52), Loralai (58), Khuzdar (58), Abbottabad (71), Hyderabad (74), Kohlu (77), Manshera (77), Karachi West (86), Dadu (94), Nawabshah (97) and Chagai (99). The third category shows a marginal increase of 101 to 140 namely Thatta (101), Sibi (128) and Karachi East (135). Rural area of Karachi East has lowest fertility in Sindh because it is developing rapidly. Moreover media is also modernized here as compared to other rural areas of Sindh. That's why it shows highest change in Sindh. The third category presents low negative change ranges between -1 to -50 Peshawar (-5), Nawabshah (-8), Rahim Yar Khan (-10), D.I. Khan (-16), Panjgur (-18) and Dera Ghazi Khan (-27) constitutes this category. The fourth category shows negative change, which means that CWR is becoming high ranges between -120 to -51. There are Bannu (-51), Zhob (-55), Kohistan (-78), Tharparkar (-82), and Chitral (-110). Most of these districts are less developed and show low literacy rate especially in case of female education, which is negligible. Therefore the fertility is very high in these districts.

TABLE
 Change in Child-Woman Ratio (Fertility) in Pakistan by Districts, 1981-98
 All Areas, Rural, Urban and Literacy Ratio

	All areas			Rural areas			Urban areas			Literacy Ratio
	1981	1998	change	1981	1998	change	1981	1998	change	
Districts										1998
Abbottabad	360	382	22	368	297	-71	309	216	-93	56.6
Attock	316	266	-50	321	275	-46	286	231	-55	49.3
Awaran*	-	367	-	-	367	-	-	-	-	14.8
Badin	398	356	-42	401	362	-39	367	325	-42	24.6
Bahawalnagar	337	316	-21	335	332	-3	348	299	-49	35.1
Bahawalpur	363	330	-33	369	347	-22	345	285	-60	35
Bannu	368	414	46	375	426	51	295	262	-33	21.2
Barkhan*	-	343	-	-	344	-	-	332	-	15.7
Batagram*	-	376	-	-	-	-	-	-	-	18.3
Bhakkar*	-	327	-	-	332	-	-	300	-	34.2
Boloan*	-	335	-	-	341	-	-	299	-	15.7
Buner*	-	408	-	-	408	-	-	-	-	22.6
Chagai	497	395	-102	499	400	-99	478	375	-103	27
Chakwal*	-	365	-	-	267	-	-	343	-	56.7
Charsadda*	-	370	-	-	380	-	-	325	-	31.1
Chitral	335	432	97	335	445	110	-	322	-	40.3

D.K. Khan	364	374	10	377	393	16	310	267	-43	31.3
D.G. Khan	412	420	8	417	444	27	376	298	-78	30.6
Dadu	423	331	-92	431	337	-94	374	308	-66	35.6
Dera Bugti	-	398	-	-	404	-	-	338	-	11.7
Faisalabad	319	287	-32	309	304	-5	343	264	-79	51.9
Ghotki*	-	383	-	-	389	-	-	355	-	29
Gujranwala	357	306	-51	354	339	-15	362	278	-84	56.6
Gujrat	300	281	-19	298	297	-1	312	241	-71	62.2
Gwadar	459	360	-99	452	406	-46	471	326	-145	25.5
Hafizabad*	-	289	-	-	296	-	-	265	-	50.5
Hangu*	-	392	-	-	408	-	-	326	-	30.5
Haripur*	-	281	-	-	290	-	-	214	-	53.7
Hyderabad	387	299	-88	427	353	-74	341	251	-90	44.2
Jacobabad	421	369	-52	432	380	-52	367	335	-32	23.6
Jafarabad*	-	357	-	-	358	-	-	352	-	18.5
Jhal Magsi*	-	349	-	-	348	-	-	362	-	12.3
Jhang	317	302	-15	312	311	-1	335	276	-59	37.1
Jhelum	303	267	-36	303	285	-18	302	226	-76	68.9
Karachi	345	-	-	346	-	-	325	-	-	-
Kalat	402	399	-3	409	399	-10	327	401	74	19.9

Karachi Central*	-	219	-	-	-	-	-	-	-	219	-	76
Karachi East	302	227	-75	362	227	-135	295	-	-	-	-	73.1
Karachi South	286	212	-74	-	-	-	286	212	-74	212	-74	67.6
Karachi West	307	281	-26	383	297	-86	306	279	-27	279	-27	56
Karak*	-	432	-	-	433	-	-	403	-	403	-	41.9
Kasur	371	351	-20	370	366	-4	374	297	-77	297	-77	36.2
Kech*	-	374	-	-	388	-	-	304	-	304	-	27.5
Khairpur	432	380	-52	443	394	-49	410	340	-70	340	-70	35.5
Khanewal*	-	312	-	-	319	-	-	283	-	283	-	39.9
Kharan	385	373	-12	382	371	-11	425	385	-40	385	-40	15
Khushab*	-	285	-	-	289	-	-	277	-	277	-	40.5
Khuzdar	417	369	-48	419	361	-58	393	386	-7	386	-7	17.4
Kohat	396	346	-50	409	380	-29	338	259	-79	259	-79	44.1
Kohistan	313	391	78	313	391	78	-	-	-	-	-	11.1
Kohlu	351	277	-74	351	274	-77	-	309	-	309	-	12.15
Lahore	323	296	-27	380	345	-35	314	237	-77	237	-77	64.7
Lakki Marwat*	-	440	-	-	449	-	-	349	-	349	-	29.7
Larkana	414	386	-28	427	404	-23	373	345	-28	345	-28	35
Lasbela	366	331	-35	365	332	-33	368	329	-39	329	-39	22.3
Lieah*	-	357	-	-	369	-	-	278	-	278	-	39.7

Lodhran*	-	355	-	-	-	360	-	-	339	-39	22.3
Loralai	369	311	-58	373	315	-58	304	275	-29	20.5	
Lower Dir*	-	448	-	-	448	-	-	417	-	24.2	
Malakand	449	412	-37	449	412	-37	-	408	-	39.5	
Malir*	-	290	-	-	298	-	-	286	-	53.5	
Mandi Baha-ud-Din*	-	290	-	-	296	-	-	257	-	47.4	
Mansehra	391	312	-79	392	315	-77	347	261	-86	32.1	
Mardan	371	365	-6	370	-	-	376	-	-	36.4	
Mastung*	-	357	-	-	363	-	-	324	-	27.6	
Mianwali	338	317	-21	342	331	-11	323	270	-53	42.8	
Mirpur Khas*	-	344	-	-	379	-	-	279	-	36	
Multan	355	310	-45	364	353	-11	333	260	-73	43.4	
Musakhel*	-	414	-	-	407	-	-	489	-	10.4	
Muzaffargarh	402	410	8	407	415	8	359	321	-38	28.4	
Nasirabad	343	349	6	339	341	2	386	392	6	12.7	
Narowal*	-	340	-	-	347	-	-	291	-	52.7	
Nausahroferoz*	-	357	-	-	363	-	-	330	-	39.1	
Nawab Shah	447	347	-100	460	363	-97	381	304	-77	34.1	
Nowshera	-	329	-	-	346	-	-	282	-	42.5	
Okara*	-	316	-	-	330	-	-	277	-	37.8	

Pakpattan*	-	316	-	-	-	324	-	-	273	-	34.7
Panjgur	511	505	-6	499	18	517	18	689	399	-290	31.3
Peshawar	369	346	-23	390	5	395	5	3340	299	-3041	41.8
Pishin	447	432	-15	446	-7	439	-7	449	342	-107	31.1
Qila Saifullah*	-	422	-	-	-	424	-	-	408	-	17.5
Qila Abdullah*	-	391	-	-	-	395	-	-	369	-	16.1
Queeta	354	294	-60	417	-40	377	-40	334	268	-66	57.1
Rahim Yar Khan	368	369	1	371	10	381	10	353	321	-32	33.1
Rajanpur*	-	442	-	-	-	435	-	-	357	-	20.7
Rawalpindi	306	244	-62	296	-30	266	-30	317	226	-91	70.4
Sahiwal	332	288	-44	330	-32	298	-32	342	342	-	43.9
Sanghar	394	353	-41	397	-30	367	-30	382	309	-73	30.9
Sargodha	312	291	-21	309	-5	304	-5	322	259	-63	46.3
Shangla*	-	392	-	-	-	392	-	-	-	-	14.7
Sheikhupura	359	330	-29	358	-19	339	-19	262	300	38	34.7
Shikarpur	385	365	-20	394	-11	383	-11	348	310	-38	32
Sialkot	343	301	-42	349	-25	324	-25	322	242	-80	58.9
Sibi	402	298	-104	420	-128	292	-128	342	311	-31	25.5
Sukkar	397	341	-56	417	-20	397	-20	351	291	-60	46.6
Swabi*	-	363	-	-	-	367	-	-	343	-	36

Swat	414	386	-28	413	393	-20	426	345	-81	28.7
T.T. Sing*	-	289	-	-	296	-	-	265	-	50.5
Tank*	-	410	-	-	417	-	-	368	-	26.3
Tharparkar	368	442	74	366	448	82	376	320	-56	18.3
Thatta	428	328	-100	435	334	-101	367	288	-79	22.1
Turbat	458	-	-	451	-	-	501	-	-	-
Umar Kot*	-	381	-	-	395	-	-	319	-	24.8
Upper Dir*	-	495	-	-	460	-	-	370	-	29.9
Vehari	344	317	-27	343	322	-21	352	290	-62	36.8
Zhob	410	449	39	410	465	55	415	374	-41	16.8
Ziarat*	-	361	-	-	363	-	-	220	-	34.4

After the 1981 census these districts were created as new from already existing districts of the respective provinces separate data for these pertaining to 1981 are, therefore not available for comparison.

Source : Computed from District Census Reports 1981 & 1998.

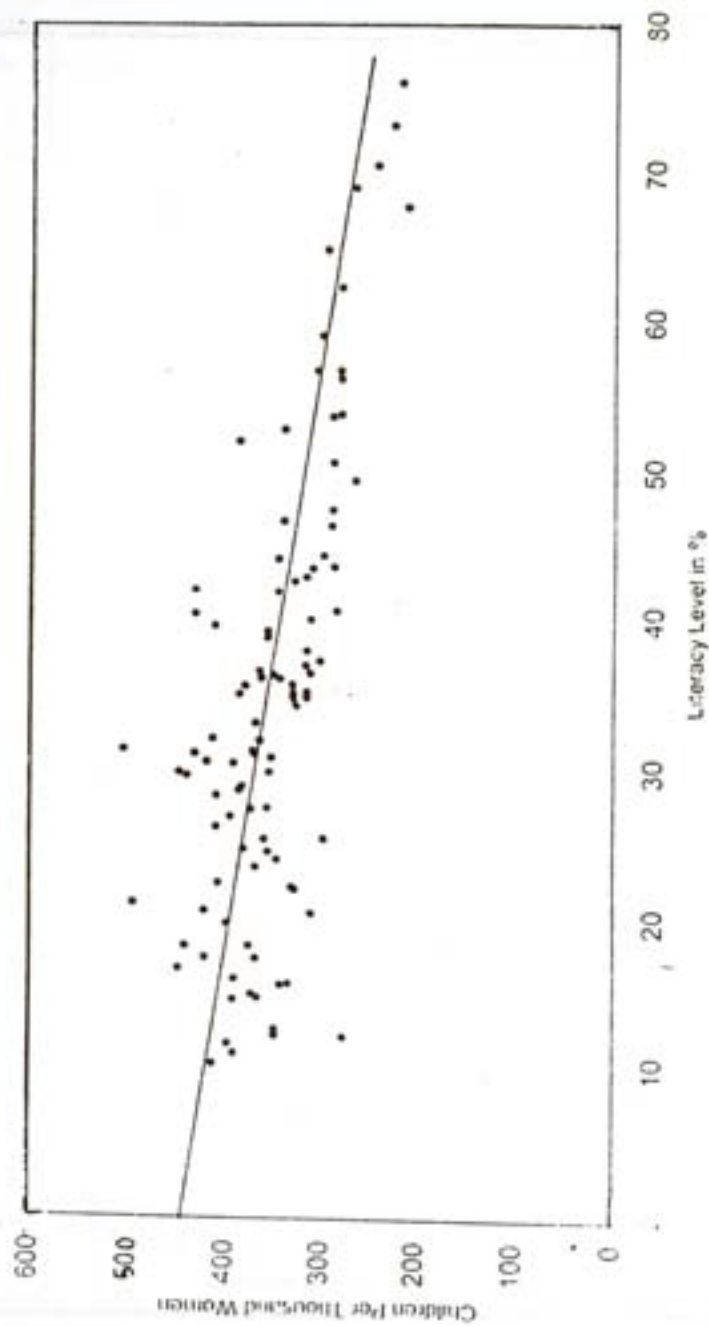
It has been seen that urban areas usually experience low fertility as compared to rural areas. There are many reasons of low fertility in urban areas, such as high literacy rate, modern media (as a source of information), high proportion of working ladies etc. Working women normally prefer small family size because they do not have enough time to fulfill the needs of large family. Moreover due to better and modern health facilities infant mortality is low which also cause low fertility in the cities. One of the most important factors of low fertility is that urban people adopt contraceptives more quickly than rural people. The urban people have more necessities of life as compared to the rural people. Therefore their expenses are high. This is also one of the reasons, why urban folk prefer to have fewer children. They cannot afford the expenses of too many children so they prefer small family with a better brought up.

On the basis of these factors, the change in CWR in urban areas during 1981-98 period, has been given in Table. The results have been elaborated into 5 categories. The first category consists of Khuzdar (-7), Karachi West (-27), Larkana (-28), Loralai (-29), Sibi (-31), Rahim Yar Khan (-32), Jacobabad (-32), and Bannu (-33) show low negative change i.e. below -35. The moderate low and moderate high constitutes the moderate negative category. The former includes Shikarpur (-38), Muzaffargarh (-38), Lasbela (-39), Kharan (-40), Zhob (-41), Peshawar (-41), Badin (-42), D.I. Khan (-43), Bahawalnagar (-49), Mianwali (-53), Attock (-55), Tharparkar (-56), Jhang (-59), Bahawalpur (-60), Sukkar (-60), Sheikhpura (-62), Vehari (-62), Sargodha (-63), Dadu (-66), Quetta (-66) and Khairpur (-70). The later category comprises of Gujarat (-71), Sanghar (-73), Multan (-73), Karachi South (-74), Jhelum (-76), Lahore (-77), Kasur (-77), Nawabshah (-77), D.G. Khan (-78), Thatta (-79), Kohat (-79), Faisalabad (-79), Sialkot (-80), Swat (-84), Gujranwala (-84), Manshera (-86), Hyderabad (-90), Rawalpindi (-91), Abbottabad (-93), Sahiwal (-100), Gwadar (-145). The category of highest negative change is -101 and above includes only three districts which belong to Balochistan, namely Chagai (-103), Pishin (-107) and Panjgur (-290). The only positive category that reveals an increase in fertility during the study period (fourth category) consists of two districts i.e.; Nasirabad (+6) and Kalat (+74).

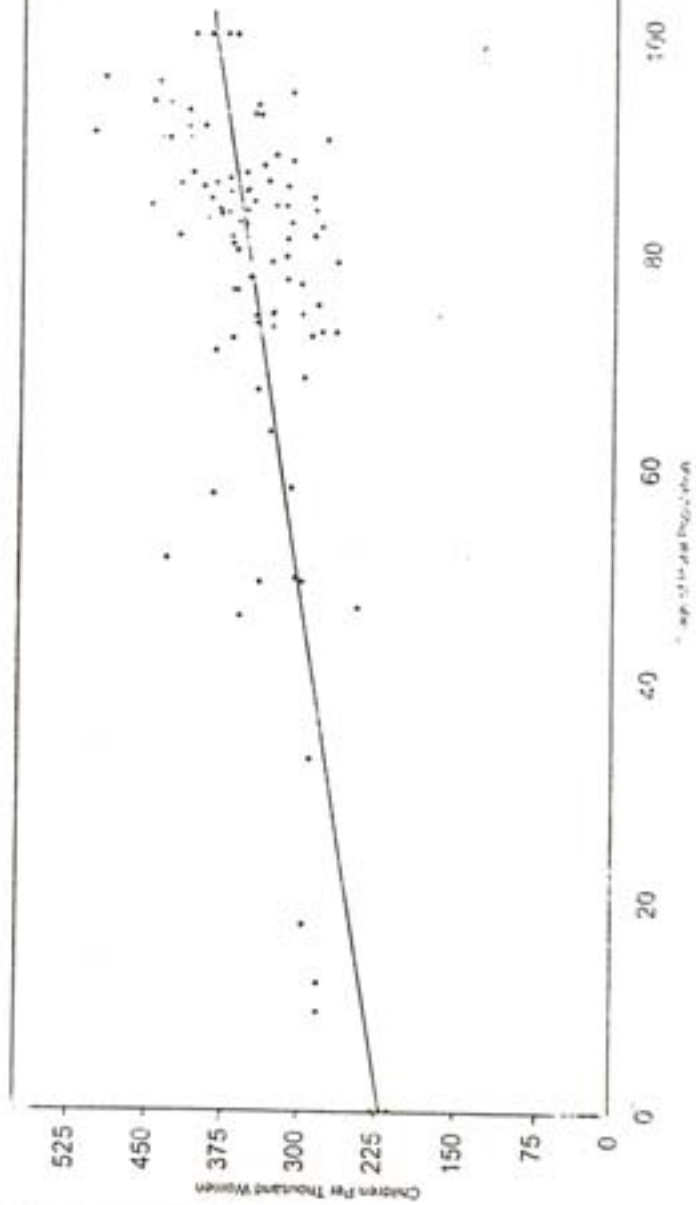
It is crystal clear from the Table that in 1998, there were marked variations regarding CWR between the urban and rural population of the districts. It is generally believed that fertility usually tends to be lower in urban population than rural. In fact there are certain demographic, social, economic, geographic, religious, biological and physiological factors, which singly or collectively determine the fertility levels in different districts of Pakistan. Following are the major factors that determine fertility difference in urban and rural areas :

- (1) The literacy ratio of urban areas is higher than rural areas and levels of fertility are strongly associated with levels of education. Illiterate people do not realize the need for birth control. Thus education is a favorable variable in reducing fertility, moreover, it influences the fertility by increasing the age at marriage for both sexes.
- (2) Due to high literacy and modernized media, urban people are aware of different contraceptives. They also have access and courage to use birth control measures, thus fertility is low in urban areas. While people in rural areas have many superstitions against birth control and abortion resulting in high fertility. Different surveys show that among currently married women, 32% of urban women use a method of contraception, compared to 11% in rural areas. Overall, 72% of couples questioned in 1995 never used a contraceptive method.⁵

CWR and Literacy Level in Pakistan, 1998.



CWR and Urban-Rural Population in Pakistan, 1998.



- (3) Among married rural couples, there is a strong preference for male children, as compared to urban married couple for socio-economic and cultural reasons. People in rural areas have strong belief that only sons can carry on the family name and provide security for aging parents. Among married women who are not pregnant but want another child, nearly half would prefer to have a boy and these parents look after the boys better than the girl. That's why death rates for one to four year old girls are 66% higher than those for boys of the same age.⁶
- (4) The better medical facility, maternal education level, maternal health and professional assistance at delivery provided in urban areas facilitates child survival rates results in low fertility while lack of these facilities enhance infant mortality in rural areas, results in high fertility.
- (5) Due to the increase in average age at marriage, the most rapid fertility declines have been among women aged 15-19. The mean age at marriage for females has risen from 16.7 to 21.7 years over the past 30 years. For males, it has increased from 22.3 to 26.5 years in the same period⁷, but still early age at marriage is preferred in rural areas that leads to high fertility in rural areas as compared to urban areas.
- (6) Life in urban areas is more expensive than rural areas so urban people prefer small number of children with better brought up. The spread of mass media in recent past has helped to raise the aspirations of parents for the lives of their children. Together these trends have led to a growing conviction that children are costly. At the same time, there has been a cultural shift during the 1990s from the bonds of extended family to the autonomy of the couple. In the past, kin had a voice in fertility decisions. But many couples have migrated from rural to urban areas, weakening these family ties and resulting in lower fertility.

- (7) The rural folk avoid adopting any contraceptive to check fertility. Their point of view is that every new born comes with his share in grain predefined. That's why they have large family size (fertility) as compared to urban population.

Despite the above-mentioned differentials of fertility, other factors such as economic status, climate, status of woman, the standard of living, conservatism, fatalism, sterility of men or women and occupation etc are note-worthy, while studying and analyzing the fertility trends in rural and urban areas of Pakistan. Although almost all urban areas show comparatively low fertility yet there is exceptional case in some districts, where CWR is higher in urban areas than rural areas. These are Kalat, Sibi, and Lasbeela. All these districts belong to Balochistan. The possible cause for this ambiguity in these districts may be the massive under enumeration of children and females at the time of census.

It is evident from the Table and Fig. 1 that fertility gradually decreases with increase in literacy level. The trend line explains that district with 20% literacy ratio shows the average of 400 children per thousand women, while 50% literacy level depicts 325 children per thousand women. The district with 70% literacy level has 280 children per thousand women. Thus it can easily be concluded that by increasing literacy ratio from 20% to 70%, we have decreased CWR from 400 to 280 children per thousand women.

The second independent variable is rural-urban residence. One of important demographic changes that occur during the growth process throughout South Asia is the high rate of urbanization or the higher rate of increase in urban population as compared to the rural population. The urban growth rate decelerated from 4.9 percent during 1951-61 to 4.7 during 1961-72 and to 4.4 during 1972-81. However, in the last 17 years, it has decreased to less than 3.5 and now stands at 3.4. This figure is under-estimated. The Universal trend among all developing countries is to have a much higher urban

growth rate than the rural growth rate. For Pakistan's urban growth rate to have declined so drastically is not understandable. The only factor in favour of slower urban growth is that, during this period, Karachi, the biggest city of Pakistan, which has about 1/5th of the total urban population, was very disturbed due to deteriorating law and order situation and there was not much job creation in this dynamic city. Also may be during this period the provincial government had not added new town committees to the list that existed in 1981. By any account, the urban population should have grown by at least 4 percent during the inter-censal period.

The level of urbanization in Pakistan, approximately 33 percent in 1998, is not high by global standard but it is highest in the SAARC countries. Though fertility is commonly linked with the rural-urban differential and the Table and Fig.2 explains that there is a direct relation between rural population and fertility in the country at district level. The high rural population refers to high fertility e.g. when rural population was 10%, in the respective districts the CWR was 380 children per thousand women, while with the decrease in rural population up to 50%, CWR has also decreased to 300.

POLICY RECOMMENDATIONS

The aim of the present paper is to find the levels and patterns of fertility in all districts of Pakistan during intercensal period 1981-98. We have selected CWR as a measure of fertility. It is clear from the analysis, that substantial decrease in CWR has been observed throughout the country during 1981-98 period but the situation is not applicable to all districts because some districts have shown increase in CWR. There are number of factors which contribute to the change in CWR. Among those rural-urban residence is the most important differential of fertility in Pakistan as elsewhere in South Asian countries because all other factors like literacy, age of marriage, son preference etc; are related to rural-urban residence. Other factors related to high fertility in Pakistan are low status of women, high

mortality, conservatism, fatalism and religious conservatism. These factors collectively affect the fertility.

Every woman has a unique reproductive life span. Furthermore, biological and societal factors establish the length of this duration. Theoretically, a woman's reproductive life span begins at menarche and terminates at sterility. However, there are mitigating aspects that can lengthen or shorten this span within this period. The beginning of women's reproductive career occurs at the point in which a woman marries or enters into a committed relationship and ends with its separation. In addition, there are factors within this desired family planning period such as breastfeeding, contraceptive use and induced abortion that may decrease a woman's total fertility rate. Moreover, there are factors that prolong the beginning of a woman's reproductive career, the connection between education and delayed marriage.

As for as female literacy is concerned, it is evident that an educated woman has better understanding of the compulsion of family planning. She also has better awareness of the contraceptive methods/services. However, considering the gender equations in our society, the fact is that without the cooperation of the men folk, family planning cannot succeed. They must also be convinced of its necessity and must share the responsibility equally. Unfortunately this is not the case as the wives are not desirous of bearing another child but are forced by their husband or his family to agree or face dire consequences such as a divorce or a second wife.

Nevertheless, it is a misconception that by simply teaching women how to read and write, they can be taught to space their children and adopt the small family norms. After more than three decades of a population programme Pakistan is at a stage where three elements are now decisive in its bid to slow down the demographic growth rate. One is the content of the education imparted not just to girls but also to boys. The second is the easy availability of contraceptive services to the people. The third factor is the status of

women in our society. Since some of these are interrelated and the successes of one can have a good impact on the other.

In conclusion, it is definite that population growth is a concern for many people in South Asia as well as in Pakistan. Therefore, the information available at present demonstrates that if Pakistanis to 'catch up' with its SAARC neighbours it must have a major departure from its previous and prevailing trends of low female schooling enrollments, low literacy, high infant mortality and weak autonomy of women in decision making regarding size of family. Therefore, women's education and access thereof, needs to be greater, Second, the availability and effectiveness of contraception has to be superior to the current standards. Until all of the factors that effect women's fertility rates are addressed and corrected, the population will continue to grow in Pakistan. Finally, it must be emphatically stated that no programme designed to slow down population growth can ever succeed if women are treated as inferior members of society.

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Socio-economic Conditions of Slum Dwellers : A Case Study in Chittagong, Bangladesh

MD. JAHANGIR ALAM &
MITU CHOWDHURY

INTRODUCTION

Due to a lack of affordable housing, millions of families in cities and towns of Third World countries are forced to live in what is commonly referred to as slum or squatter settlements. Squatter settlement is a generic term loosely used for a wide range of low-income settlements developed on vacant land by low-income families and informal sector entrepreneurs without the landowner and/or independently of the authorities charged with the external or institutional control of local building and planning (Turner, 1969). Because the occupation is unauthorized, security of land tenure is low and the squatters are reluctant to invest money in their housing. As a result, housing is of a low quality, because the squatters are unable to construct roads, drainage, sewerage and networks as the authorities consider the settlements illegal, unsanitary conditions often prevail.

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Accurate statistics on the size of the population of squatter settlements are difficult to obtain, because of problems of definition and inadequate methods of data collection. Even in many cases slums and squatter settlements are not even shown on official maps and no recognition is shown of the conditions in which poor people live. Moreover, authorities tend to underestimate the extent of inadequate housing, because they ignore communities outside the boundaries or do not enumerate them correctly. Even so, United Nations estimates indicate that in many cities of developing countries, 40 to 50 percent of the inhabitants are living in slums and informal settlements (UNCHS, 1987).

A similar picture exists in Bangladesh's. Urban population increased at a rate of 5.3 percent per annum in 1980-83 according to World Bank reading (EIU country profile, 1997-98). The increasing urban populations are mainly from rural poor, settling themselves among the slum and squatter settlements of principal urban center Dhaka and Chittagong. But these cities are already over burdened with high population. Local government is facing problem to meet the basic demand. Therefore, the low-income communities are the worst affected due to shortages of basic health services. The poor have very limited or no access to health care facilities, water, sanitation and education. This results in deteriorated environmental conditions and consequently increased difficulties in maintaining minimum standard of living.

Definition of Slum and Squatter

The general concept of slums and squatter settlements are not different types' of settlements; but in reality they are different in every aspect except the dwellers type. 'Slums are semi-permanent, semi-legally constructed structures on rental land with sub-standard housing condition, due to the refusal of the landowner to allow permanent structure construction and or the provision of better infrastructure. Where, the squatter settlements are the residential areas developed without legal claim to the land or permission from

the authorities to build: as a result of their legal or semi-legal status, infrastructure or services are usually inadequate' (Yap, 1997).

The people of slums look for the cheapest way for their living; as a result slums and squatter grows in the low-lying, low cost and on vulnerable lands that even offers inadequate basic services. The slum dwellers adjust themselves to survive in this poor condition. Since the health condition is sub-servient of a person, therefore it deteriorates the productivity, income and the living condition of the people.

Problem of the Slum Dwellers

The cities of Bangladesh face an overwhelming problem of population growth and extreme poverty. Urban poverty in Bangladesh must be viewed within the context of a predominantly agrarian economy characterized by extreme conditions of generally low living standards, low productivity and wide spread unemployment. The country is still mainly rural, with only 20 percent of its population living in urban areas (EIU Country profile, 1997-98). Estimates show that 60 percent of city migrant populations were driven to the major cities by their poverty at source region (Islam and Mahbub, 1991). The destitute condition of the poor in migration has led to mushrooming of slums and squatter settlement in the city.

The condition of overall population is not satisfactory. Moreover, the situation is worse in the slums and squatter settlements. At present urban people get their facilities through public and private sector, NGOs and charitable organizations. However, it cannot be sufficient for mass of the population, since there is shortage of resources.

Keeping this in mind, the study is carried out to uncover the socio-economic status and living environment enjoyed by slum dwellers in Bangladesh. This study was conducted on 120 households living in Agrbad Jamburi field Bastu hara Colony, slums, located in Chittagong, the second largest city in Bangladesh. There are about 500 households having nearly 5000 populations in the slum. The respondents have been asked to give their opinions regarding the

socio-economic aspects and their living environments with the help of a structured questionnaire. In this paper I have presented the socio-economic condition of the slum dwellers based on findings and finally a number of recommendations were made to improve the present conditions of the slum people.

Brief Slum Picture

'Urban Development center' is a center place from where 'Urban Basic Service Delivery Project' is conducted. It can be said as an office of the project and the center located within the slum area. The following data (Table.1) from 'Urban Development Centre' of Agrabad Bastu Hara Colony slum will give us brief overview regarding population and the condition of the slum dwellers :

TABLE 1
Urban Development Center Data

No.	Information of the slum	Number
1	Number of Household	392
2	Number of population	2257
3	Number of male population	1020
4	Number children (0-1 years old)	34
5	Number of children (6-10)	147
6	Number of eligible couple	311
7	Number of school going children	226
8	Immunization covered	90%
9	Polio vaccination covered	100%
10	Birth rate (for 1000)	10.5
11	Death rate (for 100)	1
12	Number of Family Planning user: Permanent Temporary	11 176
13	Number of NGOs	6

Source : Urban Development Centre, Chittagong

SOCIO-ECONOMIC ASPECT OF SLUM DWELLERS

Economic Condition

The overall economic conditions of slums are not good at all. People live here from low-income group to higher income group. Strikingly majority of the households' live under hard-core poverty, UNCHS in their report on 'Bangladesh Shelter Sector Review' in September 1993 mentioned that those who have an income of less than 2600 taka per month are under poverty (UNCHS, 1993). Accordingly the present household survey shows that 50% of the respondents earn below 2600 taka. Therefore, they are under poverty level. From that level even most people live by hand to mouth. This is because generally slum people's income is very limited and 73.3% of the households earn from a single source. 'This is because, almost 90 percent of the slum people, of whom 85 percent are women, waste their time sitting idle in their residence as they have nothing to do (AKM Ullah & *et al.*, 1997)', which is surely insufficient to meet their basic demand. The household survey found 500 taka as lowest earnings per month of two household members and taka 6600 as highest earnings per month of 8 household members. Following table will give us an overall economic structure of the slum dwellers.

TABLE.2
Economic condition of the slum

Level of income per month	Frequency (F)	Percentage
0-200	164	43.2
2001-3000	141	37.1
3001 & above	75	19.7
Total	380	100.0

Mean 2838.3 taka

Minimum 500 taka and maximum 6600 taka

Source : Field Survey March to April 1999, F= number of households

The above table shows that 43.2 percent of the respondents belong to (0-2000) income group. 37.1 percent respondents fall into the second income group (2001-3000) and 19.7 percent slum dwellers belong to the higher income group. Amount of income of any single group is not enough for them, because of the average family members of slum dwellers. With that amount of money, food supply can hardly be fulfilled. Their other basic needs, such as, education, health care and garments remain almost incomplete.

Age, Sex and Marital Status of the Respondents

TABLE 3
Age group of the respondents

Age group	Frequency (F)	Percentage
13-25	39	32.5
26-45	72	60.0
61 & above	1	0.8
Total	120	100.0

Mean age 31.9 Lowest age : 13

Highest age : 65

Source : Field Survey, March to April 1999, F= number of respondents

For analyzing the data, four types of age groups were made. Generally persons up to 25 years of age in our country are considered in young age, those between 26 to 45 as working age population. The age between 46 to 60 is considered as old age and those above 60 are considered as dependent population.

It is fairly good to have significant number of working age population in any community. If it is in slum area, then it is more significant. Because mostly they live by manual labor and always look for work. Survey found that age group between 13-25 cover 32.5 percent of total respondents and the highest percentage (60%) falls in the age group 26-45. This data obviously reflects that people of these first two groups are of working age. In the case of dependent

population survey found only one respondent above 60 years and 6.7 percent respondents belonged to age group 46-60.

To compare with the national average it can be mentioned here that, the average life expectancy is 58.9 years and the headship rate is maximum at age range between 45 and 60 years (BBS, 1997). The relatively younger age of the heads of the households in the study area establishes the fact that life is challenging in the study area due to the survival of the most of the households from informal economic activities which required courage and strength for stewarding survival.

In the case of sex ratio among them 44.2% of the respondents were male and 55.8% were female. This is because males are the source of earnings for the family and most of the time they remain out of the house during daytime. Therefore it was difficult to catch them for interview.

Regarding respondent's marital status, it has been found that from the survey 91.7% respondents were married, 3.3% were unmarried, 2.5% respondents had separated and 2.5% respondents were widows.

Education

The extent of illiteracy is very high among the slum dwellers. This is because most of the slum dwellers come here in a certain age with their family. At that time there is no scope for them to go for education without proper income. Even it is hardly possible for them to send their children to school. Because of high educational expenses they consider their child as a source for earnings. If they go for work they can earn something for them. As a result, most of the slum people remain illiterate year after year. One striking report says that 'urban illiterates have been increasing at a rate more than three times that in rural areas: this is a disturbing trend and reflects the extent of child labor, which was 2.5 million in 1992' (UNCHS 1993). Since at present nearly 50 percent of urban population of Bangladesh lives in slums and present survey data shows that their 72.5 percent slum dwellers are illiterate and only 16.7 percent have only primary

level of education. The urban population growth is still increasing very rapidly. The newly increased population in urban areas is mostly concentrating in slum and squatter settlements, hence they remain uneducated. Therefore, illiteracy in urban area is increasing three times higher than the rural area. Moreover, causes of increasing illiteracy in slum area, shows the study of two slums in Dhaka where researchers mentioned, 'the local people reported that almost all the days the school remained closed because the teacher was not a paid one. So the teachers come to the school whenever they like to (AKM Ullah & et al., 1997)'. Almost all slums do not have any school within the area. Following table will give us a brief picture regarding educational level of the respondents of the study area.

TABLE 4
Level of education of respondents

Level of education	Frequency (F)	Percent
Illiterate	87	72.5
Primary (1-5 years of schooling)	20	16.7
Secondary (1-10 years schooling)	10	8.3
Higher secondary (1-12 years of schooling)	1	0.8
Technical & vocational	2	1.7
Total	120	100.0

Source : Field Survey, March to April 1999. F= number of respondents

The survey confirmed that 72.5% of the respondents were totally illiterate. The second largest group had only primary education (1-5 years of schooling), which are only 16.7 percent. This is really quite insignificant for health-care consciousness. If we add percentage of primary education with percentage of illiteracy, then it becomes together 89.2 percent. Even with primary education a person can have only little knowledge for personal or family health care. The important matter is that I interviewed only the household guardians of the family. The situation is worst. Consequences on children and other family members regarding health and personal hygiene are

certainly at dangerous level. Survey also revealed that 8.3 percent of the respondents have only 1-10 years of schooling.

At present various NGOs such as BRAC Proshika, Local Rotary Club and UNICEF are launching primary education programs within the slums. There are primary schools within the slum area. Therefore children are being looked after very well as regards primary education. Also they are providing educational materials free of cost. On the other hand, some NGOs are carrying out adult education program, which certainly helps all the slum people as these are also providing health education regarding cleanliness, use of boiled water, nail cutting etc.

Household Size of the Respondents

The Table 5 shows that majority of the respondents of the slum has 4 to 5 members in their family and cumulatively it goes to 70% of the total respondents. The corresponding national figure for household size for urban area is 5.2% (BBS, 1993). But in the study area average household member is 4.85, which is below the national average. On the other hand considerable numbers of the respondents (17.5%) have more than 6 household members, which is above the national average. The following reasons can be identified for the higher household size in the study are :

- Low profile of family planning activities through Government and Non-Government Organization in the study area.
- High illiteracy rates of the respondents and lower level of health care awareness.
- More dependence on informal economic activities (Table 5.6) and dependence on child labor.

TABLE 5

Household member group

Number of household members	Frequency (F)	Percent
1-3	36	29.2
4-5	63	42.5
6 & above	21	28.3
Total	120	100.0

Mean: 4.85, Minimum household member : 2

Minimum household member: 12

Source : Field Survey, March to April 1999, F= number of respondents

Occupational Pattern of the Respondents

People from different job categories live in slums. Data on employment structure of respondents revealed the slum peoples' overall employment situation. In the job sector of poor people there is not much variation of works. Majority of the slum dwellers are engaged in informal activities of the urban area. The fact is that the manual labor is the only way to perform their duty. Data also reflects that all of them were working in low paid jobs. The type of jobs that the slum people are doing, even though they are skilled, offers very few chances to increase their earnings, such as garment workers. But on the other hand in other occupations, there is no raising to heighten their earnings by skill or experience, such as rickshaw pulling and maidservant. Another main point is that there is no job certainty. Their occupation can never change their social status can bring some hope for improvement.

TABLE 6

Job category of respondents

Types of job	Frequency	Percent
Service in govt./semi Govt./autonomous body	2	1.2
Business	7	5.8
Self employed (Electrician, daily laborer etc)	6	5.0
Garments worker	14	11.7
Rickshaw puller	25	20.8
Unemployed	6	5.0
Maid servant	10	8.33
Housewife	29	24.2
Other (Teacher, Tempo, Taxi and truck driver & Beggar)	21	17.5
Total	120	100.0

Source : Field Survey, March to April 1999, F= number of respondents

Survey shows that majority of respondents do daily income jobs and their common occupations are rickshaw pulling, garments worker, taxi drivers, and truck drivers and self-employed. Although the age structure shows the dominance of working age people but data indicates that 5 percent respondents are unemployed. Data found that 24.2 percent of respondents are women who stay at home as housewives. This is the highest percentage. The second highest engagement is found in rickshaw pulling, 20.8%, in taxi, tempo and truck driving cover 17.5%, garments worker 11.7%, therefore, it is obvious that the majority of the respondents are engaged in informal activities of the city.

The reason for such a high proportion of the respondents to be engaged in informal economic activities can be explained as:

Most of the respondents in the study area are either illiterate or have very low level of general education. Due to this low level of

education, they do not comply with the formal job conditions which require competition and training.

It is evident that all of the respondents of the study area, except 2, do not have any kind of technical education which hinders them to comply with any kind of formal technical job.

Since, most of them are in informal sector, therefore they have no chance to get any kind of health care support from their job. Those respondents who are engaged in semi-government sector receive the healthcare support from their employer. So, their nature of job hinders them from getting health facilities. On the other hands, most of the households do not have any fixed income, which leaves them no option to live in a permanent settlement with constant and high rent. Consequently, they become compelled to choose environmentally vulnerable sites, where they can live with a nominal rent and without fear of eviction. These environmentally vulnerable living conditions also create many health problems for those slum dwellers.

Source of Water

TABLE 7
Source of drinking water

Type of sources	Frequency (F)	Percent
Community tubewell	116	96.7
Individual tubewell	4	3.3
Total	120	100.0

Source : Field Survey, March to April 1999. F= number of respondents

Pure drinking water is the fundamental requirement for preventive health care, because many contagious diseases spread through water. Only 40% of urban populations get the water facility from public sources. Remaining 60% urban population depends on river, pond, hand pressure tubewell etc. Since, the slums have recently been upgraded, water problems is somewhat solved. It has been found from the field survey that, 96.7percent slum dwellers are

getting water from community tubewell. But overall condition of community tubewell user is not satisfactory. 20 families use one tube well and they have meet all their needs including bath, washing clothes and kitchen utensils in the same tiny place around the tubewell. Since, one tubewell is used by 100 people, therefore, most of them have to wait in long queues, wasting their time. Also, for large number of people the use of one tubewell for water purpose is not hygienic at all. However, only 3.3 percent have individual tubewells and they have better scope to maintain personal and family hygiene. In general, people living in urban fringe settlements and slums do not have access to clean water.

Existing Sanitation System

Good sanitation system is another preventive health care measure, by which they can lead safe life. Due to up-grading of the slums the sanitary system has also improved. One sanitary latrine is used by more than 50 persons however, it is better than using open place or hanging latrine for their defecation, which could affect their health.

TABLE 8

Existing sanitation system

Sanitation system	Frequency (F)	Percent
Community sanitary latrine	102	85.0
Pit latrine	2	1.7
Hanging latrine	2	1.7
Open place	10	8.3
Individual sanitary latrine	4	3.3
Total	120	100.0

Source : Field Survey, March to April 1999. F= number of respondents

Sanitation is an individual household responsibility and that is the only way cleanliness can be maintained. Data collected in present sanitation system, shows 85 percent use community sanitary latrine and only 3.3 percent have access to individual sanitary latrine, which could be considered as fairly hygienic sanitation. The remaining use

pit latrine, hanging latrine and 8.3 percent have no recognized latrines. They use open place for their defecation.

The important fact is, that an average of 250 persons use one toilet. The dependence of so many people on a single toilet leads to a long queue and wasting of time by the dwellers. Most of the respondents mentioned that it takes half an hour or even more in a queue, particularly in the morning time.

A UNCHS study of Bangladesh (UNCHS, 1993: p.30) shows that only 25% of urban population has access to what could be considered as hygienic sanitation. Remaining 75% rely on open place, fields, ditches, rivers, or bucket latrines serviced by sweepers. But present study on slum shows that sanitation system of the study area slum when compared to UNCHS study on Chittagong is much better than that. This indicates the presence of better preventive health facilities. Cumulatively 88% slum people use sanitary latrine together with individual sanitary latrine and community sanitary latrine for their defecation.

Existing Solid Waste Disposal System

TABLE 9
Existing solid waste disposal system

Type	Frequency (F)	Percent
Municipal bin	113	94.2
Community managed bin	5	4.2
Open dumping place	2	1.7
Total	120	100.0

Source : Field Survey, March to April 1999. F= number of respondents

The standard and level of garbage disposal in Bangladesh is poor. The City Corporation, municipal and pourshawas, which have the responsibility for collection and disposal of urban wastes, do not have the resources to deal with the situation. As a result, garbage from slum area almost always remains untreated. The situation is very unsatisfactory. Many inhabitants are condemned to live in a

polluted and environmental mess, virtually coexisting with refuse. Inside the slum there are few municipal bins. It is observed that these are not properly managed because the City Corporation garbage truck cannot reach inside the slum. However, there are 2 big garbage collection bins constructed on two sides of slum where 94.2 percent of slum dwellers dump their garbage. About 4.2 percent respondents mentioned that they use community bins and 1.7 percent of the respondents still dumped in open place or in drain. It is observed that from the field survey, garbage bins are there but still people's habits for using garbage bins not yet developed and when they have large shopping they dump their waste in the drain, most of the time.

Living Condition

The overall living condition in slums is not satisfactory. Size of average family members and density of population is very high. Serious problems are created at the time of cyclones or heavy rainfall. Though they have problems in living with non availability of basic services, yet 81.7 percent of the respondents said they were satisfied, only 18.3 percent opined that they were not satisfied. 81.7 percent of slum dwellers are living in a single room, where average family size is 5. This is 52.5% of the respondents. Only 12.5 percent have 2 rooms for their living. The area of the room is at best 7 square feet. Survey found that 73.3 percent respondent, lived as tenants. People found that 11.7 percent of those living in this slum are of 23 years and more and 15.8 percent are between 16-22 years of age. Cumulatively 63% of the respondent's have stayed here for more than 8 years.

The rooms they live in are generally very small, with only one door, and having no windows. Light is inadequate; some house light is required even at daytime. There is no good ventilation. The houses have become dark, damp and unhealthy. The condition deteriorates more during rainy season. All the family members within their single room carry out all major activities in a very congested atmosphere. The dilapidated living conditions are directly linked to the high incidence of diseases among these slum dwellers.

In fact the slum is located in the heart of the city, however there is no legal electricity supply into the slum. Therefore, 55 percent of slum population is using electricity illegally and 45 percent do not have access to the electric facility; they use lamp, which is not hygienic for health; also it gives polluted black smoke. Without electricity life become dull. The number of electricity users is quite significant without legal permission. It has been found from the informal discussion that a group of middlemen is active in this area, who collect money from the dwellers in exchange for supplying electricity by illegal connection from the main city. These people are influential and have a very good relationship with the higher authorities.

Since it is slum, the government does not allow the connection of gas supply. Other fuels for cooking are costly. For reason 98.3% of the slum people use bamboo and weed, which emits bad smoke, smell and pollute the slum area. The fact is that the money they spend for buying wood or bamboo could be easily used for buying the gas supply facility. Although they are willing to pay for that, but the compulsory condition is the situation of gas line within 3 meters of the slum.

The slum has drainage but this is poorly maintained and open garbage thrown there renders the systems ineffective. Also the slum drainages not properly connected with the main drain.

Most of the slum dwellers are faced with a multitude of collective needs and aspirations which families and households are often unable to meet at expected level on their own; water supply, good health care, electricity, gas supply, sanitation, access to education. The reasons are that these services are either not affordable by the individual household or not available at all. Therefore, urban development should incorporate the slum area within their development policy and should be adequately addressed.

CONCLUSION

It is apparent from the discussion that the provision of some basic service delivery facilities are highly inadequate as well as poor in the slum area. Therefore, the dwellers are compelled to live in a highly unhygienic and degraded environment. It is found by the study that slum communities are ill served by some of the preventive health facilities, especially water supply, sanitation, brick paved road inside the slum. It is evident that considerable investment and efforts have been made from the 'urban basic service delivery project' in providing preventive and some sorts of curative health facilities.

But most of the slum is generally unplanned and in unauthorized places which are not suitable for settlement purpose. But for the urban poor, mostly migrants living below poverty line with no alternative to live, have no choice. Even the most unsuitable place, with no facilities at all, is welcome to them as a temporary shelter. So, they are not supposed to think of their children's education, health or for any basic service delivery. But, still they are growing day by day within such an environment that ultimately they would be object of burden for the country. They are growing neither as healthy men nor literate citizens.

To make these people healthy and fit for nation's development, different sectors are involved with different programs. To make their program a success there should be a strong coordination among different branches.

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Quaid-i-Azam and the Question of Muslim Women's Politico-legal Empowerment in British India

DR. AZRA ASGHAR ALI

Regarding the legal and political status of women in British India, it is generally assumed that it was the essential result of those movements and changes, which were introduced to redefine the social role of Indian society in the changing circumstances. These developments and changes were also largely accommodated by the different social groups of Indian Muslims, according to their needs and desires and within their own cultural framework. Before coming to the topic, it is necessary to analyze the situation in which the legal and political role and status of Muslim women was redefined and reassessed both by the government and social reformers.

The nineteenth and twentieth centuries have witnessed far-reaching changes for Muslims of India. Faced with the assault of Western powers and values, many Indian Muslims found themselves grappling with the problems of whether or not, or how, to reform their own societies in order to strengthen themselves under these changing circumstances. With political power slowly but constantly, slipping out of their control, they turned their attention to the so-called private world as the focus for their reforming urges. Muslim women and their lives became crucial to this new process of reform.¹

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These changes led the Muslims of India to construct their own cultural identity popularly known, as '*Sharif Culture*'. The subject of women was central to this *sharif culture* as it was generally assumed that the position of women provided an excellent indicator of the health and progress of Muslim society in India.² The shift within *sharif culture* in the early twentieth century away from localized traditional norms to largely shared values, meant that it sought to expand its ideological discourse into the realm of the common middle class or new 'bourgeois class'.³

The demand for an enlightened woman was an important characteristic of bourgeois culture. As many of the men of this class themselves were the product of Western education and cultural influence, they therefore needed new women as their partners, women who would be presentable in colonial society. Yet their role remained primarily in the home as mother, wife, daughter and sister. Thus the concept of an enlightened woman had roles, which were divided into the private and public spheres. The former idea was based on the dignity and status of woman within the family through the redefinition of normative gender ideologies of traditional Muslim society in India as well as through legal prospects of marriage, divorce and property share. In this way, the concept of pure womanhood was not limited to women's traditional role but it also became part of her social awareness, a national role and above all, her personal belief and self image.⁴

As a result, the social reforms debate at the turn of twentieth century generated an awareness of women's issues and a call for legal and political changes in the status of women. A nascent women's movement in collaboration with national leaders like Gandhi and Jinnah sought to introduce legislation, favoring women. It was argued very often that as compared to Gandhi, the efforts of Jinnah for the upliftment of Muslim women mainly revolved around his political agenda rather than a manifesto of change in their social status. Minault has also observed in one of her writing :

"This is not to suggest that Jinnah's political career was mainly associated with the movement for Muslim women's reform, and

still less with the movement for scriptural reform. He was however, able to articulate issues raised by those interlocking movements within a political and legislative context."⁵

It is significant that his most successful efforts at coalition building among Muslims prior to the Pakistan Resolution of 1940 were those focused upon legal issues that linked women and family life to Islamic legal identity, and that further linked the concerns of urban and small town professionals and *ulema* at the expense of rural landed interests.⁶

In fact Jinnah had deep and continuous concern for the Muslim women. He wanted to educate them, emancipate them from the thrall of *pardah*, put them side by side with their menfolk and make them true comrades and companion in the battle of life. The nature of relationship between the Quaid-i-Azam and his sister Fatima Jinnah can be cited as a best example in this regard. The sister provided peaceful environment to her brother who devoted his energies to prepare Muslims of India for the struggle for Pakistan. Their relations were based on personal sacrifice, mature trust, fellow feelings and intellectual understanding that lasted till the last days of the Quid and even after his death kept alive by the sorrowful sister in all the circumstances.⁷ Fatima Jinnah used every available opportunity to propagate the message of her brother among the masses and classes of Pakistan.

As a husband too, Jinnah treated his wife Rati, very generously. Dwarkadas explain their love in the following words :

He found in her a great source of inspiration. His personal, political and social life was always with Ruttie. She was always with him, and though she was so much younger than he, she, without his realizing it, looked after him and made his life in all its aspects, pleasant, carefree and well worth living.⁸

In fact, Quaid wanted to make women good mothers, wives, daughters and sisters and above all, a good person by raising their social status. In one of his speeches he said :

"I believe that it is absolutely essential for us to give every opportunity to our women to participate in our great struggle of

life and death. They are shut up within the four walls of the house like prisoners and closely confined in the veil when out. The condition of our women is a crime against humanity".⁹

The efforts of Jinnah for the social uplift of women might be seen through his legal and political agenda, which he propagated, as a member of Legislative Assembly as well as an active leader of Muslim League.

Legal Empowerment

In Indian context, one can easily conclude that customary laws and social taboos have always dominated the scene. Whereas, the purpose of various legislative measures was however, to protect the rights and interest of women besides protecting them against social discrimination, and gender differentiation. Although, both the Hindu and Muslim social reformers had the similar discourse towards these social disabilities of women, yet they looked to different textual sources for their inspiration. For Muslims as argued by Minault "changes or challenges-whether external or internal had to be met by arguing for a relation to a pristine Islam as it secures all the social rights and legislations through which women would be able to spend their social life in a better way."¹⁰ As a result the introduction of legislative measures by the Government were mainly seen in the light of Islamic teachings and their far-reaching impact on Muslim society. There were three main pieces of social legislation through which the dynamic efforts of Quaid can be visualized. These were :

- (1) Child marriage Restraint Act of 1929.
- (2) Shariat Application Bill of 1937.
- (3) Dissolution of Muslim Marriage Act of 1939.

The campaign against Child Marriage was started as Bill for Hindus and then converted into one for all communities. The Bill was opposed by a significant section of the Muslim representatives of the Legislative Assembly. However, the more progressive representation including Shahnawaz and Muhammad Ali Jinnah not only supported the Bill but

also favored the social legislation to carry out social reforms. Jinnah also called it welcome change in the traditional policy of government. On September 11, 1929 the Legislative Assembly resumed consideration of the Bill as reported by the Select Committee. Speaking on the Bill, MA Jinnah said:

"Sir, the first and foremost question that I put to myself as a member of the Legislature is whether child marriage is an evil in this country or not; is it a crying evil or not? Is it inhuman that thousand and millions of girls should be married at a very tender age, which must sap their womanhood? Sir! I do not think whatever, may be the controversy on this point, on the plea of humanity that there is a single member in this house who can contemplate with quantity and would not deplore and condemn that evil and inhuman practices, which are daily taking place in this country, is it or is it not a fact? Sir! I entirely agree with my friend Shahnawaz. I was myself unaware of the extent and the degree of evil that existed among the Mussalmans."¹¹

Many evidences were also gathered from Muslims describing child marriage as an unmitigated evil destroying the health as well as the progress of the nation. That's why all the points raised on religious grounds were vigorously refuted by liberals and reformist minded individuals. Particularly, Muhammad Ali Jinnah noted "that to begin with, people always looked upon these semi-religious usages and practices as the very foundation of their society and any country like India, he suggested, where public opinion was not so developed, reforming agencies should not allow themselves to be influenced by public opinion which could resent social reform in the name of religion. On the other hand, he said, Muslims had to have the courage to say 'no' we are not going to be frightened that".¹²

In the same way Jinnah was also very active in the passing of the Shariat Act of 1937. It was the general consensus of Muslim leadership that the Shariat would improve the rights of women. The Shariat Bill as pointed by Dushka was not only an expression of the movement to improve the lot of women but also symbolized the movement for Islamic

revival amongst the Indian Muslims. In one of his speeches in Legislative Assembly Jinnah said as :

“Sir as I said, the principle underlying this bill is to secure to the female heirs their due share according to Muhammadan Law. According to the customs and usages that have prevailed, the position of female heirs has been a very precarious one. If a man dies, his widow is only entitled to maintenance. When the question arises as to what maintenance she is entitled to is always a very difficult question to decide because when a son or a male heir succeeds to a large estate, he tells the widow that Rs. 1000 is quite enough for her although, it may be an estate of ten or twenty or thirty lacks and then invariably litigation”.¹³

Political Empowerment

The campaign for Indian women's suffrage, which began after the enactment of the Montague-Chelmasford Reforms of 1919, sought to bring about radical changes in the role of women in public life. Central to this new development was the idea of sex-equality as symbolized by the vote. This in return, went on to influence their own perception of themselves, encouraging them to determine their personal arena, their national role, their interests and their activities. It also provided them with a platform from which they could influence both the Government as well as political parties to support their cause.¹⁴ moreover, it increasingly, led to the realization as the Report of Indian Statutory Commission in 1930 noted “that India could not reach the position to which it aspired in the world until its women played their due part as educated citizens”.¹⁵

Note should be taken that the growing awareness on the part of Indian women had a curious double-faced character of its own. Initially feminist groups sought to mobilize all women, without consideration of community, on the basis of common issues. However, growing communalism between Muslim and Hindus had critical consequences for the women's movement in the country. The fact that Muslims were in a minority in India went over, to mould the very character of the socio-political reforms that began to be introduced in the early twentieth century. Western educated Muslims were increasingly concerned about

the implication of this status for their political future and community interests. They stressed on the necessity of communal safeguards to protect them from the sheer numerical predominance of the Hindus.

The communalization of female political identity started after the Act of 1935. The hollowness of the Congress's claim to speak on behalf of the entire Indian people provided a space to Muslim League to show its political strength and the worth of its political claims as a representative organization of Indian Muslims. In this situation the only way of survival seemed to be the consolidation of community and its interest. Women magazines and newspapers also highlighted the growing interest of Muslim women in national and communal politics. For example, Shaista Ikramullah warned Muslim women in one of her articles that their continued ignorance about the changing political situation could destroy the whole struggle, which had been started for the safeguard of community interests.¹⁶ In the same way, Gohar Iqbal, a local poetess of Meerut called this struggle a *nagmaha-e-bedari* in one of her poems published in well-known women's journal *Ismat*. The role of women was called by her a light of early morning, which tears the darkness, and sorrows of the night.¹⁷

Under the dynamic leadership of Quaid, the Muslim League now began to organize and involve women in politics. In 1938 the League established an all India Muslim Women's Sub-Committee which aimed to co-opt Muslim women to organize them for its cause. In his presidential address of the meeting of Muslim League in 1938, Muhammad Ali Jinnah said :

"You may remember that we appointed a committee of ladies at the Patna Session. It is of very great importance to us, because I believe that it is absolutely essential for us to give every opportunity to our women to participate in our struggle of life and death. Women can do a great deal within their homes even in purda. We appointed a committee with a view to enable them to participate in the work of the League. The objects of this committee were (1) to organize provincial and district Muslim League, to enlist a large number of women to the membership of the Muslim League; (2) to carry on an intensive propaganda amongst Muslim women throughout India in order to create in

them a sense of a great political consciousness – because if political consciousness is awakened among our women, remember, your children will not have much to worry about; (3) to advise and guide them in all such matters as mainly rest on them for the uplift of Muslim society.”¹⁸

In 1940 when the League passed the Pakistan Resolution at Lahore one remarkable feature of the session was the unprecedented number of women who attended it. In 1941 another step to extend the activities of Muslims women was taken through the formation of the Muslim Girl Student Federation. Lady Abdul Qadir, Shaista Ikramullah, Fatima Begum and Miss. M. Qureshi launched the Federation under the patronage of League.

In 1942 Jinnah took direct interest in women's committees and during the course of his tours across the country, he addressed a large gathering of women. At that time the participation of women in Pakistan movement was in full swing. Women composed songs usually, along the lines of 'Pakistan is our birthright; 'we will pass through many storms'; and we will live or die for Pakistan.¹⁹ By acknowledging the great role of Quaid, Begum Salama Tasadduque says:

“It was Jinnah who took women out of seclusion of their homes and brought them to the forefront to tackle the hard realities of life. He invariably urged in his speeches that women should be made active participants in the struggle because they are the second arm of the nation. Life without them would be incomplete”.²⁰

The presence of the newly formed Women National Guard in 1943 further signified the acceptance of an entirely new role for Muslim Women. They were no longer bound to remain at home in isolation under any heavy protection. In wearing the uniform of white *pajama*, white *kurta* and green *dupatta*, the women of the National Guard collected funds, sold bags and propagated the idea of Pakistan. Their appearance in public and interaction with strangers was violation' of the unwritten but centuries old rule of *purdah* and confinement of Muslim Women.²¹

In the same way, the election of 1946 was important because they (women) were the test of Muslim League's claim of being truly a representative of Muslims. The women members of the League who toured the countryside relentlessly canvassing for the League also took up the challenge. In this way, women proved themselves as a powerful potential source of political activity. The Muslim League won all the major seats of the Central Assembly. Students from Aligarh to Lahore had shown great zeal, and the female students played major role.

In fact Quaid, acted as Duska has noted, in the tradition of a whole host of Muslim intellectuals and thinkers, who, before him had been calling for the education and emancipation of Muslim Women. However, he was the first to actively promote their participation in politics and the Muslim League. His message was loud and clear: women should come out of their seclusion and be equal partners in the social and political life of the country.²²

Muhammad Ali Jinnah was also of the view that it was the women who could form the character of their children. In case of ignorance and illiteracy it would not be possible for a nation to get rid of its evil customs and social prejudices. Begum Getiara Bashir, a political activist from Lahore and the daughter of Muhammad Shafi, once wrote a letter to Quaid-i-Azam in which she put the question about the future foundation of the Pakistan whether it would be a conservative a or progressive state. Quaid wrote to her.

"Tell your younger girls, I am a progressive Muslim leader and Pakistan will be a progressive country in the building of which women will be set working shoulder to shoulder with their men."²³

It is interesting to note that many leading Muslim Women took active part in politics under the leadership of Quaid-i-Azam. Prominent among them were : Lady Abdullah Haroon, Begum Jahanara Shah Nawaz, Lady Ghulam Hussain Hidayatullah, Begum Shaista Ikramullah and Begum Viqar-un-Nisa Noon. Above all, we cannot ignore the historical and splendid role of Fatima Jinnah, the great sister of great brother. She proved herself as a source of inspiration for those Muslim women who were seeking guidance and lines of direction from

Madar-i-Millat. They did work for the League under the great guidance and patronage of Fatima Jinnah. She used to easily manage the busy and tight schedules of Quaid. She chaired the female processions of League in different areas of Delhi and used to address her counterpart in Urdu.²⁴

In conclusion we can say, that it was the Quaid who came out to emancipate the Muslim Women from their old taboos and social prejudices. As a member of Legislative Assembly from Bombay Constituency, he raised his voice for the enforcement of those social measures, which were meant to introduce the removal of the social disabilities of women. The issue of women rights was increasingly seen by the Quaid as an inextricably linked with the prospects of the entire Muslim community in India. The social upliftment of women means as understood by Jinnah like the other contemporaries, was the betterment of society as a whole. In the same way political participation of women, in his view was the negation of all misinterpretation and misconceptions through which the picture of Muslim society was painted as a rigid and static entity. Under the leadership of Jinnah as pointed by Jalal opened a fresh chapter in the politics of Muslim India. The League's resounding success in the crucial 1945-46 election owed much to enthusiastic campaigning by its women wing and above all to those thousands of *burqa*-clad Muslim women who stepped out of the four walls for the first time in their lives to cast votes in the urban constituencies.²⁵

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Economic Empowerment through Effective Partnership: A Tripartite Model and its Application in Pakistan

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INTRODUCTION & BACKGROUND

Poverty today, is the most pressing challenge to the development practitioners all across the globe. It is a multi-faceted phenomena and its roots can be traced to a variety of economic, physical and social deprivations. In economic terms, it can be defined as the inability of the economy to provide gainful¹ employment to a large section of society. In South Asia, the number of those living below the poverty line has increased over the years, however, the number has not been as high as the population growth rate which suggests that the battle against poverty is beginning to be won, even if very slowly.

In case of Pakistan, with a population of 155 million, one third of the people are living below the poverty line. The figure has risen from 17 percent in 1981 to almost 34 percent in 2004. (ADB, 2004). Fortunately the economy of Pakistan is facing a renewed economic growth of 7 percent according to the report of The State Bank of Pakistan 2004.

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However, improvement in these economic indicators has remained unable to reap any benefits for the poor, as its effects have not trickled down at the grass root level. The poor continue to suffer as a result of government policies and programmes. While there are myriads of factors, contributing to poverty, the most obvious one is the insufficient household income. Highly limited access to efficient savings and credit facilities embarks the poor as the most deprived section of the society. It is widely recognized that if access to economic resource is channelized through a proper network, it would ultimately translate its benefits to reduce the vulnerability of the poor and enable them to achieve a better standard of living.

This access to economic resources can be provided through the provision of micro loans. The concept of micro loans is actually the basis for **Economic Empowerment** of the poor households. The term refers to minimum dependency in financial matters and the freedom to choose in earning and spending with sufficient income at disposal. This can help the poor households to manage their meager resources to acquire adequate food and other basic necessities of life. The concept of empowerment also includes the provision of technical skills and training facilities for the poor to lift them out of the vicious cycle of poverty. These broad implications of the concept of economic empowerment can be addressed through micro finance.

Discussion on Key Concepts

Micro finance schemes are globally offered as a tool to combat poverty. It is an important tool to reach the poor and has the ability to empower them to improve their lives. This can be used as an approach to alleviate poverty on self-help basis. The concept of **Micro-Finance** refers to the provision of financial services including credit, savings and insurance etc. to those sections of the economy not served by traditional formal financial institutions.

Micro finance is a buzzword for poverty experts in the 21st century. The successful application of the concept from the countries like Bangladesh, India and Indonesia has over emphasized the need to utilize

this concept as an effective strategy to tackle poverty in other parts of the globe. Evidence from these countries has shown that access to credit facilities enables the poor to stabilize their income and consumption patterns. They gradually acquire assets over the time and thus being able to protect themselves against risks and cope with economic shocks. This ultimately helps them to get a relief from poverty and enjoy a relatively better quality of life.

In Pakistan, the concept of micro-finance gained popularity during the last two decades. Having a population of 155 million, with 34 percent of people living on less than one US dollar per day, a bare subsistence level and 86 percent of people living on less than two US dollars per day, the demand for micro-finance is very high. In Pakistan micro finance services are provided on a highly limited scale. There exists a huge gap between demands and supply chains of micro finance services. Virtually speaking, sixty five million people require financial assistance and micro-finance services are serving only three percent of them. This is due to policies, legal gaps and lack of a supportive financial infrastructure.

In Pakistan micro-finance service are largely provided through 3rd Sector organizations. This sector has specialized delivery mechanism for the provision of micro loans actively addressing the demand side of micro-finance. Traditionally, commercial banks have numerous financial and organizational issues, restricting their active involvement in offering micro-credit facilities. Though NGOs seem more eager in addressing the micro-credit issue but mainly due to their unsustainable operations they are not able to make substantial increase in their outreach. The 3rd Sector Organizations that include all kinds of *NPOs* and *CBOs*, has huge potential to address the competing challenges of poverty alleviation. However, due to lack of having a strong information base, a supportive financial structure and a conducive policy framework this potential largely goes untapped.

The excessive demand for micro finance programmes is evident from the success of **Rural Support Programmes** in Pakistan. The rural support programmes such as PRSP (Punjab Rural Support Programme), AKRSP (Agha Khan Rural Support Programme), NRSP (National Rural Support Programme) and SRSP (Sarhad Rural Support Programme)

adopt holistic approach to target their micro-finance clients. These rural support programmes differ from 3rd Sector in terms of their basic approach and philosophy. Their approach to extend micro-credit facilities is based on community participation. While 3rd Sector Organizations offer micro-credit as a component of their large developmental projects, the Rural Support Programmes are established exclusively for the provision of this service to cater the needs of the poor. The Rural Support Organizations in the recent past, have shown an impressive 95 percent recovery rate which is a proof that poor are bankable and the idea can be carried forward.

TOWARDS 3RD APPROACH: AS A THEORETICAL FRAMEWORK FOR ECONOMIC EMPOWERMENT

There is a general impression that micro-finance cannot effectively address the issues of the most destitute poor due to multi-pronged problems related to poverty. Nevertheless, the argument is that it can be equally beneficial for every one provided the product design and delivery mechanism is improved. Broadly speaking, government of Pakistan, in the past had taken extensive measures to address the issue of poverty. Besides government, third sector organizations have also joined hands with government to serve the community on when needed basis. But private sector so far has been largely excluded from this whole discussion. The fact of the matter is that both Private and 3rd sectors have certain contextual and organizational problems that hinder them from addressing the issue directly. Therefore, there is an urgent need to introduce the concept of *3Ps* i.e. public, private and 3rd sector partnership for most effective utilization of best practices and expertise of all three sectors. In the following section an attempt has been made to discuss the 3Ps approach in detail.

3Ps Approach

During the past decade, rapidly changing economic and political scenario across the globe has created a dire need to explore new ways of efficient delivery of social services. As a result, therefore Public-Private

Partnerships concept emerged as a key to address the developmental challenges across the world during 1980s.

The concept was based on the notion that Public-Private Partnerships; can be a joint venture between government and corporate sector to pursue the skills, expertise and finances of both sectors to benefit the society at large.

It is predominantly based on the concept of mixed economy. Traditionally there have been two extreme models of development.

- (1) Communist Controlled Model
- (2) Market Economy oriented Model

In the communist model, government is mainly responsible for the delivery of social services and facilities. There is no concept of private sector and the government is considered to be the only provider for the economic goods. The examples of this can be seen in the economies of China and former USSR where Governments have the sole responsibility of the economy.

Where-as the market economy model is based on the concept of free market where competition and rivalry exist among competitors and every thing is provided by the private sector.

The problem with these two approaches is that none of these two sectors alone can actively engage in the efficient delivery of social services. In order to utilize the potential of both, a middle option, which is Public-Private Partnerships, emerged in 1980s. These Partnerships can be referred to a third model which pursues joint provision of social services by public and private sector.

The public-private partnerships commonly referred to as 3Ps approach has gained immense popularity in the developmental scenario of third world countries. These partnerships have a very strong link with the concept of sustainable development and are necessary not only to utilize economic opportunities but also to make private sector led growth sustainable. The working philosophy behind 3Ps approach is that both

public and private sectors jointly provide services to the society. There is a general impression that private sector is more dynamic and efficient in its delivery mechanism and responds more quickly to problems, while public sector is more concerned for providing support and facilities to people.

In Pakistan, so far public-private partnership has not been very successful due to a variety of reasons. There exists an inherent mistrust between public and private sectors. This mistrust restricts the working of private sector to join hands with public sector due to the fear of corruption, which is generally believed to be a common characteristic of public sector. In addition to this a bureaucratic working environment prevailing in public sector also restricts the efficiency of private sector. On the other hand, the typical thinking of public sector is that both 3rd sector and private sectors are interested in pursuing commercial objectives.

Considering the case of Pakistan, presently in our country public-private partnerships in micro-finance programmes are mainly the partnerships between government and civil society organizations while corporate sector is *as message missing from the scene*. The government is engaged only in verbal intensions of involving private sector; but the actual implementation of the concept has yet to be seen. There is also a great deal of reluctance on the part of government in entering partnership with 3rd Sector. This is mainly due to the negative image and misperception about the role of this sector in the society. There is an immediate need for 3rd Sector Organizations to improve their image and highlight the importance of their work for establishing a stronger civil society oriented partnership.

Nevertheless, the ultimate responsibility to promoting effective public private partnerships in the country rests with the government. There is a need to take a fresh start to actually realize the potential of such partnerships. It should be understood that each prospective partner has a unique set of reasons for participating in a partnership model. Now it is the responsibility of the government to safeguard the interest of each stakeholder involved directly or indirectly in the partnership.

While for every project, the partnership bases are different; this paper is specifically aimed at analyzing the application of the concepts in micro finance sector. The provision of micro loans to the poor is a very special case of public-private partnership. The first application of the concept was seen in August 2000, when Khushhali Bank was established to address the demand for micro loans. The main philosophy behind the working of the bank is to channelize public funds through community networks of 3rd Sector Organizations to reach the poor. The bank has extended its operations in all parts of the country and is working for poverty reduction through the provision of micro loans. Similarly, Rural Support Programmes are also a product of partnership between government and Civil Society Organizations. These RSPs have no money but have networks of Community Based Organization (CBOs). Therefore, public funds are delivered to the poor through these networks. Though at present there are no such examples of any partnership between public, private and 3rd Sector, recognizing the need for such partnership we have developed a **tripartite Model of Partnership** in the section below involving these three key players of the economy. This is a cultural specific model and has special relevance for micro finance sector in Pakistan.

A Tripartite Model of Partnership Based on 3Ps Approach

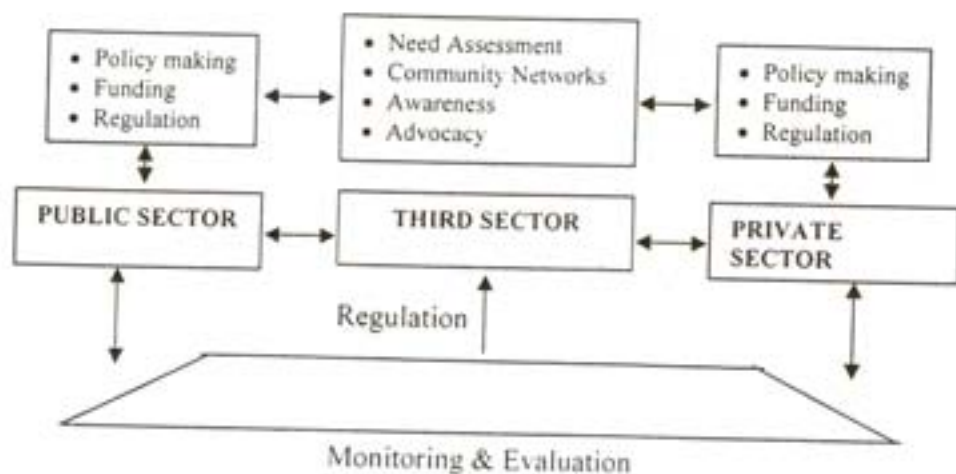
This model suggests that public-private partnership is not merely between governments and corporate sector as the term suggests rather it involves:

- (1) Public Sector / Government Agencies
- (2) Private / Corporate Sector
- (3) Third Sector

The basic premise of the model is that a sustainable partnership can be based only on the active involvement of all of the three sectors. The philosophy of this partnership approach is based on the fact that

none of the above sectors can actively address the need for effective and efficient delivery of social services alone. Each of these sectors has its own strengths and weaknesses and they can be best utilized in a partnership where each sector is meant to support the working of the other. Each of the partners has a unique set of roles and responsibilities as per potential. Figure 1.1 gives an overview of the suggested model.

Figure : 1.1 Tripartite Model of Partnership



Discussion and Application of the Model

The model suggests that Public Sector is the largest sector of the economy. There is a general impression that government is more eager to provide support and facilities for the poor and they are supposed to provide the resource base for public projects aimed at benefiting the society at large. But it is also known as the most laggard sector of the economy as it is not very efficient in the utilization of public funds.

Public sector due to its size, scope and association with government has the capacity to initiate any partnership base and involve other sectors to come forward. Therefore, it has to take a two pronged effort for the formulation of a regular policy framework to support the partnership and also to generate a conducive environment for its implementation.

Secondly, it has to provide the necessary financial resource base required for public projects. Besides the above, role of monitoring and evaluation also rests with public sector. It has to monitor the effective and efficient delivery of funds and also to ensure the effective and smooth working of partnership.

The model based on the general image of the Private Sector in terms of the efficient delivery of services suggests that private sector should be given the role of channelizing the sources of funds effectively to ensure their best utilization. It has to design the mechanism to reach money to the most deserving poor. This sector can help in cost cutting strategies by quickly responding to the problems relating to the issue and also by sharing the fixed cost of project. The idea is to establish an efficient network to reach the poor and ensure desired outcomes.

Our model presents Third Sector as a major partner of development. The Third sector includes all Non-Governmental Organizations (NGOs), Community Based Organizations (CBOs) and Community Service Organizations (CSOs) working voluntarily to benefit the community at large as the third partner. They have a direct contact with the community and therefore can be very helpful in assessing the need for micro finance. They can create awareness among the poor to utilize micro credit in a way that may help them to get rid of poverty. This sector has community based networks and COs in every village and town and these networks can be used to target the desired groups. In addition to this, third sector can also join hands with media to disseminate information regarding Tripartite Partnership. This will ultimately encourage other organizations in the three sectors to join hands to form such a partnership and work together to benefiting community.

In order to develop a tripartite model we need to understand the contextual factors in the country including the social, economic and most importantly political context. Keeping in view the above factors good relations between the three sectors are highly important. Therefore, the suggested changing role of government has taken the shape of a partner, catalyst and facilitator. The private sector is being accepted as a quick

and responsive partner. These partnerships have provided the necessary base to compete in the rapidly growing global world. The above model has developed complementary roles for each partner but there are no hard and fast rules for these roles and they can vary depending upon the situation and nature of their partnership.

CONCLUSION

The tripartite model has gone a long way to address the problems of poverty which is on rise in our country. The model emphasizes upon the provision of support and facilities to benefit the community at large especially the poor. The successful application of the model is based on effective and judicious use of public resources through various mechanisms. While taking the case of microfinance and using it as a tool for economic empowering of the poor households, it is expected that it can make significant strides to utilize the strengths of each sector of the economy in this tripartite approach. The gradual impact of microfinance system is efficiently and effectively addressing the problems of the poor reducing their vulnerability to economic shocks. While examining the socio cultural framework of Pakistan, effective partnerships can be framed only if following guidelines are followed:

Identification of clearly defined and mutually agreed goals

The goals and objectives for partnership should be very clear and obvious to every partner. These goals should be collectively identified to ensure the desired outcomes.

Incorporation of open channels of communications and clear mechanism for sharing of information.

The partners should have easy and timely access to information and should be able to communicate with each other in a friendly environment by sharing information back and forth and making the relevant documents available to each other.

Removal of pre-conceived notions and fears of the partners about each other

The misperceived notions about the inefficiency of public sector and negative perception regarding the images of 3rd sector organizations and private sectors should be removed by highlighting the positive role of each player in the partnership.

Trust, credibility and knowledge of competencies of other partners

For a partnership to be successful the strengths and weaknesses of all the partners have to be considered and responsibilities should be assigned accordingly. Trust is the basic element for any successful partnership and each partner should foster a comfortable working environment based on proper knowledge of each other's strengths and capabilities.

Mutual recognition of shared vision and goals

The goals should be strategic, vision based and mutually recognized. These goals should not be isolated and allows partners to jointly identify these goals keeping account of the problems of the concerned people i.e. the poor.

Development of mutual code of ethics

The code of conduct and norms should be established as a result of joint discussions and agreements reached among the partners. Proper implementation and follow-up of these rules must be ensured by all partners and maintained to bring sustainability in joint efforts.

Establishing a forum to debate and analyze issues in social development

A platform to make frequent dialogues and active follow-up to undertake policy reforms on social issues should be established.

Nevertheless, it has to be kept in mind that this partnership is not a panacea to alleviate poverty. Partnerships basically help to fill the gap between what the government can afford and what are the public needs,

thus, providing a relief to government from excessive responsibilities and financial burdens. Throughout Pakistan, government is putting in a concerted effort to the cause of poverty alleviation but the government alone cannot sufficiently address these issues. There exists a dire need to join hands by other two sectors and contribute collectively to eliminate this social evil. Therefore, a tripartite model of partnership if adopted with sincerity and commitment can help in reducing the severity of the problems relating to poverty and can bring a sense of economic empowerment in the poor community.

KEY TERMS

Micro Finance : Small scale financial services including credit, savings and insurance etc. provided to poor people.

Micro Loans : Referred to the credit service provided on small scale.

Economic Empowerment : Financial independence and freedom to choose between earning and spending.

Destitute Poor : Those who are unable to fulfill even their basic needs.

NGOs : Non-Government Organizations working voluntarily to benefit the community at large.

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Historical Development and Critical Analysis of the Law Relating to Strikes in Pakistan

IFTIKHAR AHMED TARAR

INTRODUCTION

Right to strike has been acknowledged almost all over the globe. This is the only weapon in the hands of the proletariat labour community which brings about parity in relations between the employer and employees. It has been considered to be "the most potent weapon possessed by labour to force its demands upon and employer"¹. Since the prevalence of industrial revolution the graph of industrial insurgence has soared up to an alarming scale. H. L. Kumar opined that "the demonstrations, sharmas, strikes, hunger strikes, sit in strikes, tool strikes, pen down strikes, picketing, gherao, go slow processions and work to rule etc. have become the order of the day. The workers resort to the coercive measure in order to compel the employer to accept their demand without having recourse to the machinery provided for by law and in wanton disregard of it. Sometimes the workers even go to the extent of barricading themselves inside the establishment and succeed in preventing the police and civil authorities from forcing their entry into the premises to rescue the executives of the organization"². Right to strike is, basically, acknowledgement of worker's status. Gone are the days when anti-combination laws were promulgated to discourage the promotion of trade unionism. However, all this does not mean that the workers have unbridled liberty to have a recourse to strike. If the strike is likely to effect the sate's national economy it will be prohibited notwithstanding its legality or illegality. In the case of progressive

Rubber Products Limited, Karachi vs Mazdoor Union³. It has been held that strike, although a legitimate and sometimes unavoidable weapon in hands of labour, still its hasty and indiscriminate use should be discouraged. Strike which is likely to result in loss of government revenue, taxes and depriving the government of foreign exchange for want of export of goods has been held to be prohibited because it involves national economy and interest."

In this paper, endeavor has been made to limelight the historical development of legal provisions pertaining to "strike" in Pakistan. At the same time, equal emphasis has been laid on the analysis of the statutory restrictions imposed on this legitimate right of the wage earners.

HISTORICAL BACKGROUND

Harmonious relationship between the employer and the employee is *sine qua non* for increased productivity. But, unfortunately, in our country, political atmosphere has not been conducive for the growth of healthy trade unionism. Successive replacement of rules as a result of massive strikes coupled with imposition of consecutive martial laws have been major factors for retarding the flourishing of trade unions in Pakistan. Consequent upon getting independence from colonial rule our high-ups maintained the *status quo* as far as labour legislation was concerned. There were two principal laws on the industrial horizon.

- (i) The Registration of Trade Unions Act, 1926
- (ii) The Industrial Disputes Act, 1947

The former provided the procedure for the formation and registration of trade unions, while the later laid down the provisions, *inter alia*, relating to settlement and adjudication of industrial disputes, observance of strike, prohibition of strike, procedural formalities to be observed by the strikers before embarking upon the strike and some penal provisions. Under the provision of the Industrial Disputes Act, 1947.

- (i) "No person employed in a public utility service shall go on strike in breach of contract :
- (a) Without giving to the employer notice of strike, as herein provided, within six weeks before striking; or
 - (b) With fourteen days of giving such notice; or
 - (c) Before the expiry of the date of strike specified in any such notice as aforesaid; or
 - (d) During the pending of any conciliation proceedings before a conciliation officer and seven days after the conclusion of such proceedings;⁴

The notice of lock-out or strike under this section shall not be necessary where there is already in existence a strike or, as the case may be, lock-out in the public utility service, but the employer shall send intimation of lock-out or strike on the day on which it is declared, to such authority as may be specified by the appropriate government either generally or for a particular area or for a particular class of public utility services⁵.

4. The notice of strike referred to in sub-sector (i) shall be given by such number of person to such person or persons and in such manner as may be prescribed⁶.

Section 23 of the said Act contained the provisions regarding general prohibition of strikes and lock out. According to this section :

"No workman who is employed in any industrial establishment shall go on strike in breach of contract and no employer of any such workman shall declare a lock-out.

- (a) During the pendency of conciliation proceeding before a Board and seven days after the conclusion of such proceedings :
- (b) During the pendency of proceedings before a Tribunal and two months after conclusion of such proceeding; or

- (c) During any period in which a settlement or award is in operation, in respect of any of the matters covered by the settlement or award"⁷.

Section 24 of the Act declared certain strikes and lock-outs to be illegal.⁸ Consequent upon getting independence from colonial rules, there started an era of industrialization in Pakistan, which not only strengthened the national economy but also paved the way for socio economic problems. The existing labour legislation was deemed to be inadequate to cope with the prevalent situation. So, the Industrial Disputes Act XIV of 1947 was amended and re-enacted in the form of the Industrial Disputes Ordinance, 1959. Section 18 of the Industrial Disputes Ordinance, 1959 contained the provisions relating to prohibition of strikes and lock-outs in public utility service. Only clause (d) of sub section one of sections 18 was amended.

- (i) "No person employed in public utility service shall go on strike in breach of contract.

- (d) During the pendency of any conciliation proceedings and, if no settlement is arrived at in the course of such proceedings, before an application for adjudication of the dispute has been made to the court under subsection (5) of section.⁹

Section 19 of the Industrial Disputes Ordinance pertained to "General prohibition of strikes and lock-outs. It was amended as under :

"No workman employed in any industrial establishment shall go on strike and no employer of any such workman shall declare a lock-out :

- (a) During the pendency of conciliation proceedings before a conciliation officer and seven days after the conclusion of such proceedings;
- (b) During the pendency of proceedings before a court; or
- (c) During any period in which a settlement or award is in operation, in respect of any matters covered by the settlement or award.¹⁰

Section 20 gave powers to the court to prohibit a strike or lock-out which had already commenced in connection with an industrial dispute and which had been brought before the court for adjudication.¹¹

The Industrial Disputes Ordinance, 1959 (LVI of 1959) in its application to the province of West Pakistan was repealed in 1968 and West Pakistan Industrial Disputes Ordinance, 1968 was enforced on 11th June 1968. In this Ordinance, the provisions relating to prohibition of strikes and lock-outs in public utility services were incorporated as such from the repealed Ordinance except sub-section four of section 20 which ordained that notice of strike referred to in subsection (1) would be given by a registered trade union... Section 25 thereof pertained to strikes and lockouts.¹²

Only clause (c) of that section was amended. Besides other areas of prohibition, observance of strike during the pendency of any appeal before the Labour Appellate Tribunal was also proscribed.¹³ Previously, the court could prohibit a strike or lock-out in pursuance of an industrial dispute which had already commenced and for whose adjudication application had been given to the court. But under section 26 of the Industrial Dispute Ordinance, 1968, the court was empowered to prohibit a strike even if the matter was referred to it by the government under section 11 (i) (b) for inquiry and adjudication.¹⁴ Another important but starting provision in new law was the addition of section 27. By virtue of that section the Government of West Pakistan was empowered to prohibit strike or lock-out as under :

“Notwithstanding anything contained elsewhere in this ordinance to the contrary, where a strike or lock-out, in pursuance of any industrial dispute, is apprehended or has already commenced and government is satisfied that it is necessary to prohibit such strike or lock-out in the public interest or for the maintenance for services of supplies essential to the community, government may, at any time, by any order published in the official Gazette, prohibit such strike or lock out at any time”.

“Provided that any order issued under this section shall remain in force for a period not exceeding three months at a time from the date of such order”.¹⁵

Section 28 of the said Ordinance declared strike and lock-out to be illegal if: ¹⁶

- (i) It was commenced or declared in contravention of section 24 or section 25; or
- (ii) It was continued in contravention of an order made under section 26; or
- (iii) It was commenced or continued in contravention of an order made under section 27.

Financial assistance to illegal strikes and lock-outs was totally proscribed under section 29 of the West Pakistan Industrial Disputes Ordinance, 1968.¹⁷

Moreover, under section 30 (1) of the Ordinance, commencement, continuation or acts in furtherance of an illegal strike were made punishable with imprisonment for a term upto six months or with fine of one hundred rupees or with both. Similarly, commencement, continuation or other acts in furtherance of an illegal lock-out were also made punishable with imprisonment for term upto six months, or with fine upto one thousand rupees or with both.¹⁸

The West Pakistan Industrial Disputes Ordinance, 1968 proved to be an *ad hoc* arrangement because it could last hardly for a year. The Industrial Relations Ordinance, 1969 was promulgated. Under the provisions of the Industrial Relations Ordinance, 1969, the procedure for having a resort to strike or lock-out was almost similar. According to Sec. 26 (3) of the Ordinance :

“Where a settlement is not reached between the employer and the collective bargaining agent or; if the views of the employer or collective bargaining agent have been communicated under sub-section (1) to the Works Council, there is failure of bilateral negotiations in the works council, the employer or the Collective Bargaining Agent may, within seven, days from the end of the period referred to in sub - section (2) serve on the other party to the dispute a notice of lock-out or strike, as the case may be, in accordance with the provisions of this ordinance”.¹⁹

According to the provisions of section 28 of the ordinance the period, after the expiry of which the lock-out or strike was to be observed, was fourteen days.²⁰ Under section 29 of the said Ordinance, one copy of the notice of strike or lock-out was to be delivered to the conciliator²¹ who had, under section 30 of the Ordinance, to convene a meeting of the parties as soon as possible.²² It was incumbent upon the conciliator to get the matter resolved within fourteen days or within an extended time as would be agreed upon by the parties.²³ However, the parties were prohibited to commence strike or lock-out during the pendency of the matter before the conciliator. They could do so only in case the negotiations were thwarted. In case of circumvention of conciliation, the conciliator under sec. 30 of the Industrial Relations Ordinance, 1969 would persuade the parties to refer the matter for arbitration.²⁴ In case of their willingness, the right to observe strike or lock-out would be advised during the pendulosity of the proceedings before the arbitrator.

Section 32 of the Industrial Relations Ordinance, 1969 stated that in case of failure of conciliation proceedings and parties' reluctance to refer the matter to arbitrator, the parties were entitled to have a recourse to strike or lock-out.²⁵ Moreover, according to section 30 (2) the Federal Government and the Provincial Government had the authority to interdict the strike or lock-out by an order in writing, if it lasted for more than thirty days.²⁶ However, the intervention could be made by the Federal Government and the Provincial Government (with the previous approval of the Federal Government) notwithstanding the expiry of thirty days provided the strike or lock-out created serious hardship to the community or its concatenation was deemed to be prejudicial to the national interest.²⁷

Section 33 of the said Ordinance equipped the Federal Government and the Provincial Governments to prohibit a strike or lock-out, before or after its commencement, intended to be observed in respect of an industrial dispute relating to public utility services or relating to an industrial dispute of national interest. Section 46 thereof declared certain strikes and lock-outs to be illegal.²⁸

In 2002 the Government announced Fifth Labour Policy, in which, *inter alia*, the Government pledged to revise the law relating to industrial

relations in Pakistan. In part-II section 33 of the Labour Policy 2002, it has been laid down :

“The law relating to industrial relations will be revised in the light of provisions of the constitution of Islamic Republic of Pakistan and International Labour Standards to make it fully consistent with the internationally recognized rights of labour.”²⁹

So, in 2002 the Industrial Relations Ordinance 1969 was replaced by the Industrial Relations Ordinance, 2002 (XCI of 2002). Under this Ordinance following six sections pertain to strike and lock-out.

- (1) Section 31 prescribes the observance and prohibition of strike and lock-out in general.³⁰
- (2) Section 32 lays down the provisions relating to strike and lock-out in respect of public utility services.³¹
- (3) Section 35 enumerates the provisions relating to prohibition of going on strike or declaring lock-out during the pendency of proceedings before the conciliator, board of conciliator, arbitrator or board of arbitrators, labour court or high court.³²
- (4) Section 37 speaks of the powers of the Labour Court and Appellate Court of Competent jurisdiction to prohibit strike or lock-out.³³
- (5) Section 38 renders certain strikes and lock-outs to be illegal³⁴, and
- (6) Section 39 ordains the procedure of inquiry to be conducted by an officer of the Labour Department in case of an illegal strike or lock-out.³⁵

Consequent upon the failure of negotiations in the works council, the party raising the industrial dispute may serve a notice of conciliation within fifteen days.³⁶ One copy of such notice shall also be delivered to the conciliator to be appointed by the Provincial Government or the Federal Government.³⁷ In case of fall through of conciliation proceedings, the conciliator shall strive to persuade the parties to refer the matter for arbitration.³⁸

However, in case of their aversion to have a recourse to arbitration, the workmen, subject to notice of seven days, may go on strike, or as the case may be, the employer may declare a lock-out on the expiry of the period of the notice under section 27 or upon a declaration by the conciliator or the Board that conciliation proceedings have failed, whichever is the later.³⁹

Under section 31 of the Industrial Relations Ordinance 2002, the Federal Government and the Provincial Government have the authority to obliterate the strike or lockout is as under :

“Where a strike or lock-out lasts for more than fifteen days the Federal Government, if it relates to a dispute which the Commission is competent to adjudicate and determine, and a Provincial Government, if it relates to any other dispute may, by order in writing prohibit the strike or look-out”.⁴⁰

Under the provision of two provisos adumbrated under section 31, the Federal Government and the Provincial Government may prohibit the strike or lock-out. Under first proviso, the Federal Government with respect to a strike or lock-out relating to an industrial dispute which the National Industrial Relations Commission is competent to adjudicate and determine and in other cases, the Provincial Government, with the previous approval of the Federal Government, may prohibit the strike or lock-out, by an order in writing, before the expiry of thirty days if it is causing serious hardship to community or is prejudicial to the national interest.⁴¹ By virtue of the second proviso, the Federal Government or the Provincial Government may prohibit even the commencement of a strike or lock-out if it, in the opinion of the concerned government, is detrimental to the interest of community at large.⁴²

STATUTORY RESTRICTIONS

In order to have a resort to strike, it is incumbent upon the strikers to issue a notice of their intention to the employer. Section 31 of the Industrial Relations Ordinance, 2002 says :

“If no settlement is arrived at during the course of conciliation proceedings and the parties to the dispute do not agree to refer it to

an arbitrator under Section 20, the workmen, subject to a seven days notice to the employer, may go on strike or, as the case may be, the employer may declare a lockout on the expiry of period of the notice under Section 27 or upon a declaration by the conciliator or the Board that conciliation proceedings have failed, which ever is the late".⁴³

The notice for intended strike should be issued after the expiry of seven days. Non-observance of this statutory requirement renders the strike illegal. In the case of *Khokhar Glass Works Karachi vs. Khokhar Glass Works Mazdoor Union*,⁴⁴ the strike resorted to on the basis of a notice issued before the expiry of seven days from the date of employer's receipt of charter of demand was held to be illegal. As far as issuance of notice of strike is concerned, no special occasion is required. It can be issued even during the pendency of proceedings. What is prohibited, is the observance of strike during the pendency of proceedings.⁴⁵ However, if the conciliation proceedings have already been started before the conciliation officer after receiving the intimation of strike, no further notice of strike was held to be necessary.⁴⁶ For the validity of notice of strike, law has laid down certain formalities. Any deviation from those formalities wates down the efficacy of notice. Under Rule 58 of the West Pakistan Industrial Rules, 1960 it is obligatory that the notice of the strike should be signed by the general secretary of the union.⁴⁷ In the case of *Fisherman Co-operative and Companies Employees Union vs. Shahsons Fishery Ltd. Karachi*,⁴⁸ the application and strike notice was held to be illegal because the same was not signed by the General Secretary of the trade union. However, the honorable court was pleased to change its view in the case of *M.L.C. Factory Employee's Union vs. Maple Leaf Cement Factory LTD. Islamabad*.⁴⁹ In this case, the notice of strike signed by the joint secretary in the absence of the General Secretary was held to be legal. Another statutory requirement of notice of strike is signing the notice of strike by five representatives who have been elected in a meeting of the workers called for this specific purpose.⁵⁰ This requirement, it is submitted, is put in force in respect of an establishment, in which there does not exist Collective Bargaining Agent. In such a case the notice of strike should be signed by five elected representative. However, consequent upon their signing the strike notice before its issuance, the dismissal of five elected representatives of the

workmen would not harm the legality of the notice.⁵¹ On the contrary, where a notice of strike was not signed by one of the five elected representatives, the notice and subsequent proceedings were held to be void *ab initio*.⁵² Added to this, is, that all the signatories to the notice of strike should be the persons who are actually in the employment of the employer.⁵³ The notice cannot be given by the outsiders.⁵⁴ As to mode of delivery of notice of strike is concerned, it is submitted, no specific mode has been prescribed under existing industrial legislation. The notice may be served either in person or through the agency of postal authorities. In the case of *Delhi Muslim Hostel vs. Delhi Muslim Hostel*. *Kormachari Union Dacca*, the employer had been avoiding the service of notice of strike and the service was made through postal services. The strike commenced before the expiry of statutory period of 21 days. It was held that the limitation of 21 days was optional. If all other procedures had been observed in *stricto sensu*, then slight departure from the prescribed procedure would not render the strike illegal.⁵⁵ It is also an added statutory requirement that notice of strike should be given within seven days of expiry of ten days. On this point two divergent views of the Sindh Labour Appellate Tribunal emerged in 1975 on industrial horizon. First, in the case of *Kaikabad Pastarjee Kahkalia Karachi vs. Employee's Union*.⁵⁶ In this case the notice of strike was given after the expiry of 10 days. It was held that even then the notice was not bad in law. Second, in the case of *M/s Universal Block Press Karachi vs. Sindh Labour Court No.*⁵⁷, it was held by the Sindh Labour Appellate Tribunal that the provision of section 26 of the Industrial Relations Ordinance, 1969, were mandatory. The said provisions conferred certain rights on the worker. It conferred the workers had no rights to go on strike. In order that the Union or C.B.A might resort to strike, it had also to conform with various ingredients laid down under Section 26 of the Ordinance. One of the ingredients was that if the Union desired to go on strike, it would have done so within seven days from the end of the period of ten days of the receipt of the communication of industrial dispute. In the instant case, the strike notice was given much after the expiry of seven days of the period of ten days for bilateral negotiations. The strike notice on this ground was also bad in law. Although in the case of *Employees Union vs Grindlays Bank Ltd. Rawalpindi*,⁵⁸ it has been held that nowhere is it laid down in the ordinance that if the time schedule is not followed in addressing a demand notice or a strike notice, then the entire process laid

down under Section 26 of the Industrial Relations Ordinance 1969 shall fall through, but in the case of Rafhan Maize Products. Co. Lyallpur vs Employee's Union,⁵⁹ the notice was served one day before the expiry of ten days. The Labour Appellate Tribunal held the notice to be invalid. Similarly, in the case of Mrs. Nazar Industries LTD. Karachi vs Employee's Union,⁶⁰ the notice of strike was dispatched before the expiry of period of ten days; but was received after the expiry of ten days. It was held by the Sindh Labour Appellate Tribunal that it was the date of the service of the notice which was relevant and not the date on which it was dispatched.

CONCLUSION

Since the dawn of independence, Industrial Relations Ordinance, 2002 is the 5th law on this topic. Prior to the promulgation of Industrial Relations Ordinance, 1969. The right to "strike" had not been conceived in Pakistan in its true sense. The statutory provisions pertaining to strike seemed to be the tools for narrowing down the scope of the term rather than broadening its horizons. The legislatures have been striving to keep the public sector establishments aloof from the shadows of strike by declaring them public utility services. In case of Public Utility Services, it is submitted, the right to strike has almost been wiped out and in case of an industrial dispute pertaining to public utility service, the Federal or Provincial Governments may prohibit the strike and refer it to Board of Arbitrators for Compulsory Arbitration. As far as the right of strike relating to non public utility services is concerned, that is meager and shabby that one is forced to believe it as non-existent. The respective governments (Federal or Provincial) have been equipped with unfathomable powers to intervene under the pretext that the strike is causing serious hardship to the community or its continuance is prejudicial to the national interest. Furthermore, the respective governments (Federal or Provincial) have been empowered to sabotage the strike even before its commencement, if it is, in the opinion of the concerned government, detrimental to the interest of the community at large. The restriction seems to be vague because it has not been laid down anywhere in the ordinance what constitutes national interest. A strike involving major docks, or railways can be quoted as examples of national interest; but it is not possible to calculate the interest of

community in abstract form. Moreover, whether a strike is causing serious hardship to the community or is prejudicial to the national interest or is detrimental to the interest of the community at large, it is decided by the respective government which again leaves ample room for doubts and apprehensions in the minds of workmen.

Political repression has been instrumental in eroding the rights of unions progressively. Systematically harassed and repressed collective bargaining is, undermined in Pakistan especially in public sector. Strikes and protests marches are commonly met with official repression and police brutalities. With this gloomy background following flamboyant suggestions may prove advantageous in minimizing (if not completely eradicating) the misconceptions, doubts and apprehensions in the minds of workers and employers and in making labour legislation in consonance with international labour standards.

- (a) The management should change its autocratic attitude / style.
- (b) Essential services legislation should be avoided because it is in breach of international labour organization's convention which ensures right to strike.
- (c) Collective bargaining and collective agreements should be promoted and their observance ensured instead of sharpening the tools of their repression.
- (d) Day to day monitoring principles to avoid an industrial action.
- (e) Role of supervisory staff should be redefined for averting the strike.
- (f) Intervention of the governments in prohibiting the strike should be minimized.

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Book Review

"The End of India"

by : **Khushwant Singh**, New Delhi : Penguin Books, 2003

Reviewed by : **Muhammad Siddique**

The End of India, is highly thought provoking and provocative new book by journalist, author, historian and former member of the Parliament Khushwant Singh. It is reflection of thoughts of an agonized, angry and depressed man, who perturbed at the rising phenomenon of Hindutva extremism and consequent plight of minorities in India. The cause is the emergent trend in religious chauvinism that is permeating the fabric of the entire Indian society. It is perhaps in this perspective that the book has been dedicated to "all those who love India". Consisting of 163 pages, the book is divided into five hard-hitting essays. Singh, a prolific writer even at the age of 89, is certainly one of those few vibrant, old minds that can write authoritatively about the pedigrees of the rich and the powerful and tell personal anecdotes from the early years of India's independence from British rule and its partition from Pakistan.

The book presents a thoroughly absorbing, forthright and objective analysis of the emergent religion-inspired political coercion and civic lawlessness in India and its ramifications for the Indian minorities. For many Indians, *The End of India*, has come up with nothing less than a shock, as it has managed to unsettle the Hindu right in a significant way. Singh has refused to share the so-called "feel good" factor that the Indian ruling elite, urban bourgeoisie and mainstream media have purportedly internalized and promoted to the rest of the nation and the world in the wake of the nation's (saffronized) economic liberalization.

On the face of it, *The End of India* provides a fearless, sometimes offensive, admission and realistic portrayal of the cumulative growth of Hindu extremism in India, especially through the past two decades. "India is going to the dogs," the author asserts, adding, "and unless a miracle saves us, the country will break up. It will not be Pakistan or any other foreign power that will destroy us; we will commit *hara-kiri*".

The second essay, "The Case of Gujarat," unequivocally validates Singh's claim that fascism has "dug its heels in India's courtyard. According to Singh, Gujarat massacre of Muslims was stage-managed. The Hindus went on a killing spree so "vicious and effective," it was reminiscent of Hitler's blitzkrieg. According to Singh, the whole pogrom was state-sponsored and "pre-planned". In fact the anti-Muslims massacre in Gujarat in 2002 has provided *raison d'être* for Singh's despondence and the politics that followed the riots. In the riots, Hindus mutilated and sexually tortured a great many Muslims in addition to massacring more than 3,000 of them, often with the support of the state. "The carnage in Gujarat... and the subsequent landslide victory of Narendra Modi in the elections will spell doom for our country," Singh warns throughout the rest of the book, however, he goes well beyond auditing the forces of Hindutva to give us a sketch of the evolution of the religious question through the regional history. As such, he attacks hypocrisy and political opportunism, both as a genuine nationalist and a liberal cosmopolitan.

In the next essay, Singh explains the evolution of Hindu nationalism. Conceived by a few philosophers and intellectuals during the country's freedom struggle, it began as a utopian idea, which visualized Hinduism and nationalism as siblings. In this regard, he has particularly criticized leading Hindutva ideologue, V D Savarkar for "propounding the two-nation theory, referring to the Hindus and Muslims as separate nations". He also questioned the role of the Congress party, especially under the leadership of Indira Gandhi, for disallowing Muslims "to flourish" and for fanning the Sikh militancy of the 1980s until it got completely out of hand and, ofcourse, the Sangh Parivar for making communal tension the order of the day by enforcing Hindutva in all aspects of Indian public life.

In his third essay, Singh admits that India's communal problem is as old as its three millennia of recorded history. However, after the country was partitioned on the basis of religion and freed in the midst of communal genocides, it opted to be a secular nation. For two decades, India's leaders attempted to promote secular ideals. Perhaps the only prominent figure that comes out unscathed in Singh's account is Jawharlal Nehru, whom Singh credits, on one hand, for taking "the wind out of the communists' sail by making India a socialist country" and, on the other, for providing a secular foundation for Indian polity. Even as Singh concedes the virtue of genuine spirituality, as practiced and advocated by Mahatma Gandhi, he deems it impossible to retrieve it in contemporary India. "Time has shown that as far as secularism is concerned, Nehru was right; Gandhi and Abul Kalam Azad were wrong," he concludes.

Apart from attacking country's theocratic polity, Singh has also rallied against simplistic or inaccurate positions taken by sections of liberals and other secularists. For example, he asserts that it is "wrong and counter-productive to pretend that communalism is something the Sangh Parivar invented in India". Instead, the "Sangh's genius was in creating a monster out of existing prejudices".

Khushwant Singh is of the opinion that the ruling party (BJP) has simply "perfected" what Indira Gandhi's so-called "secular" Congress party began. Now, the stirring up of religious sentiment is no longer a covert operation limited to electoral manipulations. In today's India, only the strict adherents of Hindutva are considered true custodians of India's culture and tradition, everyone else—Muslim, Christian, Sikh, communist, socialist, liberal Hindu, westernized Hindu—is suspect.

However, Singh's idea that Germany "succumbed to the most irrational sort of prejudice" despite being highly literate, and that India is contrarily more vulnerable to prejudice because of its low literacy rates holds little ground. There is enough evidence to suggest that literate education could be used as a vast apparatus for the propagation of a

particular type of dogma and world views, and that modernity may well be equally, if not more, vulnerable to systematic prejudice. In fact, the rise in the rate of literacy in India has been coterminous with the rise in Hindu extremism and the deterioration of the communal situation. The author reveals that "The instigation of religious violence Usually comes from the educated middle class of tradesmen of the BJP and politicians (except perhaps the communists); their instruments are Usually the educated-unemployed and the dispossessed who can be swayed by a dangerous cocktail of passionate rhetoric, attractive lies, and plain hard cash".

In the final chapter of his book, "Is There a Solution?," he proposes a rescue. He postulates changes in the administrative machinery, strengthening intelligence so that the policing of riots could be quick and definitive with punishments ranging from public flogging to shoot-at-sight verdicts. To stem the rise of religiosity, Singh unveils a new religion and motto for modern India. In this regard, Singh has floated an ironical suggestion of reducing the historical stature of prophets and saints to that of mere men, albeit great ones, and wants to give holy texts secondary importance to literary works by classical writers such as Kalidas, Shakespeare, Goethe, Tolstoy, Tagore and Iqbal. Religion, Singh says, is "for the salvation of the soul. Leave the soul of the nation to [the] Constitution and the law." In a country where mythology is a living, breathing entity and where, for the majority, religion is not merely an 'ism' but a way of life, such a suggestion seems highly unrealistic and impracticable.

Whatever its shortcomings, *The End of India* is a timely, thought provoking and lucid account of what is happening in India and what its ramifications might be from this perspective. *The End of India* is an important book, a grim warning for the Indian authorities and general public masses at large. Khushwant Singh hopes his book will arouse them enough to "shout their protest from the rooftops" against leaders who can kill a nation and its ideals by preaching "baseless hatred."

