

Pakistan: The wages of poverty

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IF by putting his little children up for sale, Shaukat Ali of Mian Channu, a Punjab town known for well-off farmers, had tried to shake the authority out of its slumber, and remind it of its foremost duty to guarantee each citizen's right to life, he does not seem to have succeeded. The matter has been treated as an individual grievance and the protester promised some relief, but there is no indication that the scale of citizens' plight caused by lack of gainful employment has been addressed, or even realised.

Amazingly, the government leaders appeared to have been surprised by Shaukat Ali's tale. Some of his fellow citizens have now realised that his audacity in offering his children for sale gave the country a bad name. That a good number of children are sold in Pakistan every year should be common knowledge. Perhaps the prime minister, who rushed to the aid of Shaukat Ali, is unaware of the auction of girls in the NWFP. Is it possible to describe the giving away of girls in marriage under the custom of vulvar (or in exchange for money under any other pretext) as anything other than sale of girls?

Last year a Peshawar court expressed its disgust and anger when it noted the sale of women by their fathers and brothers under the guise of marriage. The authorities are also perhaps aware of considerable trafficking of women and their sale in Pakistan cities, and not all of them are from Bangladesh or Burma. Many a brothel-keeper buys and sells women under the nose of custodians of law and order and not infrequently in connivance with them.

Likewise, bonded labourers, particularly those working on farms and brick-kilns, sell not only their labour but also their bodies and their freedoms. A new evil is the sale of parts of human body, mostly kidneys, that have been recognised as an important source of earning

foreign exchange. One has seen hospitals that advertise kidney-transplant services on the internet and have added floor after floor to their establishments. They are making huge gains by finding poor Pakistani sellers of their kidneys for sick people from India (women as well as men) or the Middle East (usually richly-robed men only).

The main cause of this large-scale trade in human body or its organs is poverty made unmanageable by lack of job opportunities. The number of Pakistani citizens caught in this vicious trade is legion. How many cheques for 100,000 rupees each can be signed by the prime minister and how many unemployed people can be offered and satisfied with low-wage jobs? Extending relief in individual cases is not the way to deal with so widespread a phenomenon as poverty of the unemployed hordes in Pakistan has become. From the point of view of the people this is the biggest and the most critical challenge Pakistan faces today.

Sale of labour, sale of organs, sale of children - these are not the only symptoms of the grinding poverty in which millions of Pakistanis live as a result of their failure to find adequately gainful employment or any employment at all. The nexus between poverty-unemployment and a rise in suicide cases is now fairly widely recognised. Many jobless young persons drift into a life of crime. Poverty impels a large number of citizens to abandon their children to quasi-religious seminaries in the hope that they will get something to eat and something to wear.

The poverty-stricken areas have also provided the militant organisations with their main recruiting grounds. Anybody who wishes to fight terror or militancy without mounting a meaningful assault on poverty does not know what he is talking about.

It will be grossly unfair to say that the government has not seen the need to combat poverty. Quite a few schemes have been launched under the label of poverty alleviation, and the government's belief in the trickle-down effect of development and the rich becoming richer has never been shaken. But all these schemes and ideas amount at best to ensuring that some of the poor do not become poorer than they are. What

Pakistan urgently needs, however, is a strategy to prevent the people from falling into the trap of poverty in the first instance, and that can be done only by recognising the right to work and the right to social security of all those who are permanently or temporarily unable to earn their living.

The basic issue then is the state's determination not to recognise the right to work. Pakistan came into being at a time when social and economic rights of the people had begun to be debated and a bare 16 months after its birth the United Nations adopted the Universal Declaration of Human Rights, which duly emphasises the right to work.

The governments of the day could not ignore their people's right to work but they were unsure of their capacity to concede it. They therefore sought ways to avoid mandatory guarantees in this regard. Thus we find the authors of the Indian constitution, adopted in 1950, inserting the following article in the chapter on the Directive Principles of State Policy:

"41. Right to work, to education and to public assistance in certain cases: The state shall, within the limits of its economic capacity and development, make effective provision for securing the right to work, to education and to public assistance in cases of unemployment, old age, sickness and disablement, and in other cases of undeserved want."

The language of this article makes it clear that the state does not deny its citizens' right to work and to public assistance of old, sick and unemployed citizens but makes practical realisation of these rights subject to availability of resources.

The authors of Pakistan's constitutions also were not unaware of the right to work and the obligation of the state to provide for the unemployed poor. But they have been consistently averse to using the expression 'right to work' and have avoided making a strong state commitment to helping the unemployed. The formula adopted in the chapter on the Directive Principles of State Policy in the 1956 constitution was:

"29. The State shall endeavour to:

(b) provide for all citizens, within the available resources of the country, facilities for work and adequate livelihood with reasonable rest and leisure;

(c) Provide for all persons in the service of Pakistan and private concerns social security by means of social insurance or otherwise;

(d) provide basic necessities of life, such as food, clothing, housing, education and medical relief, for all citizens, irrespective of caste, creed or race, as are permanently or temporarily unable to earn their livelihood on account of infirmity, sickness or unemployment."

After some editing of the foregoing article the Ayub government laid down the following articles in the chapter under the shortened title 'Principles of Policy';

"10. Opportunity to Gain Adequate Livelihood: All citizens should have the opportunity to work and earn an adequate livelihood, and also to enjoy reasonable rest and leisure.

"11. Social Security: All persons in the service of Pakistan or otherwise employed should be provided with social security by means of compulsory social insurance or otherwise.

"12. Provision of Basic Necessities: The basic necessities of life, such as food, clothing, housing, education and medical treatment should be provided for citizens who, irrespective of caste, creed or race, are permanently or temporarily unable to earn their livelihood on account of infirmity, disability, sickness or unemployment."

The 1973 Constitution incorporated the scheme and content of guarantees of the people's social and economic well-being contained in the 1956 and 1962 texts in Article 38 in the chapter on Principles of Policy with two changes. Firstly the 'should' in the 1962 document and the 'State shall endeavour to' in the 1956 text were discarded in favour of a firmer commitment by declaring that "the State shall secure"/ and "provide". And, secondly, the principle of

rejecting discrimination on the basis of sex was added to unacceptability of distinction on the basis of caste, creed or race.

Governments of Pakistan, however, have rarely paid due respect to the Principles of Policy. Since the facilities or opportunities promised to citizens and other persons in the Principles of Policy are not justiciable, no law or act of government can be challenged on the ground of its being in conflict with these principles. Further, each authority is competent to decide whether its actions are in accord with the principles of policy.

Thus, the president and the governors have consistently ignored their duty to present every year in the National Assembly / provincial assemblies "a report on the observance and implementation of the Principles of Policy." Members of the National and provincial assemblies also have made no attempt to provide for discussion on such reports by the assembly concerned.

Government spokespersons often claim that everything required to be done under the Principles of Policy, and that is subject to availability of resources, has been done and is being done. Such assertions can easily be challenged. The state is spending on its organs and its establishment much more than it should and is depriving the people of the employment opportunities and social security to a greater extent than anyone can fairly justify.

Besides, some of the most fundamental rights (to work, education, health and social security) have been kept out of the chapter on fundamental rights for over 50 years. For how many more years must the Pakistani people be fopped off with principles of policy that are not implemented in place of judicially enforceable rights?

A recognition of the right to work and extension of social security net to all citizens and persons alone will mark the beginning of a genuine effort to stop sale of children and provide relief to all the miserable Shaukats in Pakistan.

Since we are living in a period when

constitutional provisions and laws no longer offer the disadvantaged and the marginalised any comfort, the cynics are likely to refer to non-implementation of the laws and guarantees that are already there. A new constitutional guarantee for the people's right to work and their right to freedom from poverty and want will not immediately solve the problems of the poor and the helpless, but it will at least offer them a sound plank to fight on and take their fight from the closed chambers of authority to the no less closed councils of political parties.

P.S.

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