

AMERICAN INSTITUTE OF PAKISTAN STUDIES

AIPS Grantee Final Report

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I. PROFESSIONAL ASPECTS OF GRANT EXPERIENCE.

As a learning experience and as a contribution to my professional development, my experience in Pakistan, and more specifically, in the district courts of Lahore, Sialkot, and Sargodha, was exceptionally rewarding, perhaps because it was, on occasion, so difficult.

The district court records of the Punjab are rarely visited by foreign scholars. This is understandable, given their state of decay and general disrepair. These factors notwithstanding, however, the *cachehri* in every district contains an amazing amount of valuable information (information that, so far, remains virtually untouched).

Fortunately, when it came to questions of access, I was provided with considerable and consistent support from the Lahore High Court, and more specifically, from a remarkable individual by the name of Syed Ijaz Qutb, the Additional Assistant Registrar. Without his help, I have no doubt that the Senior Civil Judges in each district would not have been so hospitable. Thanks to Qutb Sahib, however, they were extremely hospitable, and my impression of the judiciary, apart from a certain amount of corruption, was shaped by their generosity.

My impression of the executive, on the other hand, especially the office of the deputy commissioner, the assistant commissioner, and the *tehsildars*, was mixed. In Lahore, my interaction with the DC was limited to one extremely brief meeting. In Sargodha, the DC had been transferred, so I met with a very helpful divisional commissioner on special duty. In Sialkot, the DC was much, much less helpful. In fact, he was quite rude.

In the courts themselves, I was assisted in every district by an outstanding staff of record keepers. In Gujrat, the record room staff was less cooperative, but in Lahore, Sialkot, and Sargodha, the staff was exceptional.

Unfortunately, the clients who visited the record room were less welcoming. As a rule, and especially in Sargodha, they were very suspicious of my work. Typically, they were concerned that I would find evidence of fraud committed by various members of their local political faction, and it was not easy to convince them that I was looking at a random sample of simple property cases without any concern for the actions of a particular group or individual. Needless to say, I found plenty of evidence suggesting fraud, but none of it was related to pending cases. Even so, a few suspicious clients visited the homes of the record room staff, late at night, to inquire about my work. Naturally, the record room staff felt threatened,

although, interestingly enough, they also considered this sort of thing "routine," and they encouraged me to press on with my research.

All of this is merely to say that work in the district courts can be rewarding, but it is also something to be undertaken with a great deal of caution and protection. I have no doubt that studies of the work undertaken in the district courts can illuminate a great deal about the lives of ordinary citizens, especially in terms of their interaction with the postcolonial state, but at the same time, I am concerned about the extent to which the district courts threaten the safety of those who visit them. Visiting scholars have little to worry about, but those who work in the courts, including judges and staff members, may have more to fear.

Apart from the district courts, I gathered information from the Punjab Assembly Library (Lahore) and the Pakistan Academy for Rural Development (Peshawar). Both combined useful information with helpful staff members.

Unfortunately, my visit to the Punjab Secretariat Archives was not so successful, despite the fact that it has one of the most outstanding archival collections in the country. I was warned by several AIPS grantees that the leading staff member of the Archives was recalcitrant and unhelpful, but nothing could have prepared me for Mr. Abbas Chughtai. Initially, even apart from my NOC and my letters of introduction from Columbia University and AIPS, Mr. Abbas spent almost one week inventing new requirements for access to the secretariat collection, including a letter from the U.S. Consulate and a letter from the Chief Justice of the Lahore High Court. To be sure, after these letters were produced, Mr. Abbas made a limited number of records available (5 or 6 files per day), but unlike every other research library in the world, he refused to allow photocopies or computer transcriptions. This may seem like a minor issue, but when the volume of material that one must gather is vast (often 40 or 50 pages from each of 20 or 30 books), the thought of copying each page by hand becomes rather daunting. In the past, Mr. Abbas has been able to detain AIPS grantees with promises of photocopy privileges in the near future, and in one case he actually came through with one-third of the photocopies on the night of the grantee's departure. But in general, he simply hedges, allowing scholars to return, day after day, with nothing to show for their efforts but tiny amounts of handwritten notes. I spent three weeks running in circles created by Mr. Abbas before I finally decided to quit, knowing that I could always locate the same files in London. Without a doubt, Mr. Abbas Chughtai was the most unhelpful bureaucrat that I encountered in Pakistan.

Honestly speaking, my grant experience allowed me to meet an astonishing number of unsavory characters, far too many to recall, but it also provided me with an opportunity to meet a handful of truly extraordinary intellectuals and a small number of incredibly helpful people. The former may keep me away from the district courts and the Punjab Secretariat, but the latter will almost certainly draw me back to Pakistan.

II. DETAILS OF ACADEMIC ASSIGNMENT.

My academic assignment was completed with the help of four or five exceptional individuals, including Mr. Syed Ijaz Qutb and Mr. Salahuddin (Lahore), Mr. Kamran Mufti (Sialkot), and of course, the leader of my host institution, Mr. Humayoun Ihsan (Pakistan College of Law).

As a rule, grantees should know that, apart from urban areas and established libraries, printed materials are available in abundance, but they are extremely disorganized. In fact, grantees should be prepared to set aside some time for organizing the materials before reading them. Furthermore, as many have pointed out, access to some resources requires the proper *safarish*, or connections. Unfortunately, *safarish* is a double-edged sword. Sometimes, it opens locked doors, but other times, its use only creates resentment among lower-ranking staff members. In these cases, it may be better to do away with *safarish* altogether, because its use tends to close doors rather than open them.

Even in established libraries, scholars should be aware that many postcolonial documents are "declassified but unavailable." For example, the card catalogue in the National Documentation Centre provides a mouthwatering list of documents, almost all of which have been declassified. Unfortunately, the wheels of the bureaucracy turn slowly, and the officers responsible for making these declassified documents available have yet to do their job.

Fortunately, people like Mr. Humayoun Ihsan make every frustration seem worthwhile. On countless occasions, he provided invaluable criticism of my work. Several times, when I was drifting off course, he gently guided me back to more important issues. His institution remains the best choice for legal education in Pakistan, and I consider myself lucky to have been a part of it.

During the period of my grant, I gave two lectures at the Berkeley Urdu Language Program (BULPIP), both of which provided me with an opportunity to discuss the aspects of my research in Urdu. Apart from the fact that the BULPIP teaching staff continues to provide superior support to countless American students, I found the experience extremely helpful for my own work. Needless to say, it helped me to express the terms of my project more clearly, especially in the district courts.

In addition, I gave two lectures at Punjab University, one in the Law College and one in the Political Science Department. These lectures were well-attended by eager, outspoken students (many of whom asked why more visiting scholars did not present their ideas during their stay in Lahore). Clearly, most students at the university crave lectures by foreign scholars, and in the future, I think that more AIPS grantees should be encouraged, if not expected, to offer at least one public lecture regarding their research (or at least regarding some topic in their area of expertise).

III. ADMINISTRATIVE ASPECTS OF GRANT.

The administrative aspects of the grant were excellent. In particular, Nadeem made regular phone calls to Lahore, asking if he could help out in any way. He also coordinated a splendid get-together in Islamabad. In general, he is doing a superior job, and I am quite sure that future grantees will benefit from his delightful personality and his timely assistance.

Housing in Lahore is available, and it is reasonably priced. However, it may take some time to locate, and grantees should be provided with suggestions regarding accommodations immediately after their arrival. In particular, it may help to coordinate with Fulbright and BULPIP, encouraging AIPS grantees to stay with current students in these programs until the AIPS grantee is able to locate a proper house, flat, annexe, or portion. Additionally, grantees should be informed that it may be necessary to hire a few people to help with household maintenance (for example, a sweeper, a cook, and/or a *chowkidar*).

Transportation is a complicated issue. Following the advice of another AIPS grantee, I bought a new car, and it was the best decision that I ever made. In fact, I would say that, if grantees are planning to conduct their research over the course of at least twelve months, it is advisable to buy a new car. In my case, the expenses for my car, including purchase/resale and petrol, amounted to approximately \$95/month. This is a bargain, when one considers the alternative car/driver option. Of course, it is also possible to take vans, rickshaws, and taxis, but of course, in the case of rickshaws and taxis, this is hardly less expensive than owning a car, and the emotional strain of haggling with every rickshaw driver can drain valuable resources, resources that could be devoted to research.

Regarding food, incoming grantees should know that being a vegetarian in Lahore is extremely difficult, if not impossible. Apart from this, however, the food is generally outstanding.

22 August 2000

I. NOTE:

Regarding "personal safety in the district courts," I just received a note from Karen Khan, a faculty member at the Lahore School of Economics who is conducting research in the Lahore *kachehri*.

She informed me that, shortly before her arrival in the courts last week, there was an open firing, and several people were severely wounded. Karen estimated that the incident occurred 10 or 15 minutes before her arrival.

My own experiences suggest that this is not unusual. In fact, I would estimate that shots are fired in the district courts of Sialkot and Sargodha several times each year. When I was in Sialkot, for example, shots were fired on at least one occasion, and since then, *Dawn* has reported at least three more deaths.

I mention this because, increasingly, it may be worthwhile to steer clear of the courts (at least for research purposes). To be sure, random violence can strike anywhere, but in Pakistan (apart from Azad Kashmir), the chances may be greater in the subordinate courts.

While I do not want to sound like an alarmist, it does seem that future scholars should be informed about this type of thing.

II. NOTE:

Before I drop this report in the mail, I should say that, if you would like more detail regarding any of the topics that I mentioned, just let me know.