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By Nadeem Iqbal

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By Quddus Mirza

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It was Riaz Bibi herself who had filed the case, against a female gynaecologist, the Cantonment General Hospital and the Cantonment Board Rawalpindi. The complainant accused Dr Ghazala Sadiq of the hospital for showing sheer negligence while operating on her and forgetting to remove a sponge from her abdomen.



It took the court 91 hearings, spread over four years and five months, to decide in favour of Lal Zamir on December 13, 2005. Issuing a decree in favour of Riaz Bibi's husband and the couple's children, a civil court held the patient was treated with negligence. Furthermore, it ordered the doctor along with the hospital and the cantonment board to pay Zamir and family Rs 11,19,176 in compensation.

The judge announced that Rs 2,69,176 will be paid in compensation for the death of Riaz Bibi; Rs 50,000 for her funeral; Rs 100,000 damages in favour of Lal Zamir for the loss of association etc; Rs 500,000 as damages in favour of her children (two daughters and three sons) for the loss of education and comfort they would have enjoyed in the presence of their mother and Rs 200,000 to compensate for the expenses incurred on the treatment of Riaz Bibi. Lal Zamir had filed a case demanding compensation to the tune of of Rs 50 million.

According to details of the case, Riaz Bibi, 36, got seriously infected and gangrene spread to her entire body. She was



discharged from the hospital on June 11, 2001 despite the fact that she was consistently complaining of severe pain in her stomach.

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After being discharged from the hospital, the patient had an ultrasound test in a private clinic in Rawalpindi. The test results confirmed the presence of a big mass in the abdomen of the patient. The report of the ultrasound was shown to Dr Ghazala but she refused to attend the patient and forced her to leave. The patient was thereafter taken to Rawalpindi General Hospital and then Shifa International Hospital but none of the doctors present there offered her medical help. Finally, she was admitted to Pakistan Institute of Medical Sciences on June 14, 2001 where she breathed her last after remaining in a state of coma for a couple weeks.

The prosecution produced five witnesses in all who had treated Riaz Bibi, including Dr Waseem from Tayyab Poly Clinic Rawalpindi, Dr Shehnaz from Shehnaz Ultrasound Rawalpindi, Dr Saeeda Batool Mazhar from Pakistan Institute of Medical Sciences (PIMS), Dr Sher Shah Syed from Pakistan Medical Association, Karachi, and Lal Zamir, the plaintiff himself.

The defence council produced only one witness -- Dr Ghazala herself. She categorically denied the allegations of professional negligence levelled against her. She contended the surgery on Riaz Bibi was successful and the patient did not complaint of any unusual pain, and hence, was discharged from the hospital. Dr Ghazala had also expressed a suspicion that the case might have been mishandled at any of the clinics Riaz Bibi subsequently went to.

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The two other defendants also denied the allegations saying that though the presence of a mass in epigasteric area was confirmed by the ultra sound report, this area was never touched during the caesarean section. Instead they claimed the case had been mishandled by the staff at PIMS.

In his judgement, Amjad Iqbal Ranjha, Civil Judge Rawalpindi, stated that: "It has been maintained by the defence counsel that in view of the death of Riaz Bibi, the victim, the cause of action has ceased to exist as for personal wrong is not maintainable after the death of the wronged. I feel myself included to be in agreement. It is observed that death of the victim has extinguished the liability in tort and under the law of tort the death of a party wronged or wrongdoer discharges the liability in tort."

The judgement reads: "It is an undisputed fact that present plaintiffs are husband and children of Riaz Bibi deceased. Fatal Accident Act 1858 enacts an exception to the rule 'Actio Personalis Mortum Cum Persona'. Under this if the death of a person is caused by wrongful act, neglect or default which would have entitled him to maintain an action and recover damages in respect thereof, the parties causing injuries is liable to an action or suit for damages. Such action is to be for the benefit of the wife, husband, parents and children of the person whose death has been so caused."

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After the case was reported in the press, it was taken up by The Network for Consumer Protection, a consumer rights civil society organisation. Batish Mahmood Tipu, Lal Zamir's lawyer, tells TNS

that the case has set a precedent to be applied in future.

Tipu, who has filed some other cases of the similar nature, hopes that more cases of medical negligence will be concluded in the near future, wherever proven, in favour of the victims. "Such verdicts will not only create a sense of accountability among the medical service providers but will also be helpful in building confidence among those who are suffering at the hands of service providers," the lawyer hopes.

The Network Executive Coordinator Ayaz Kiyani says the case is one of the few examples of public interest litigation in the country. "It is a valuable experience on how to activate the judicial system to provide access to justice to citizens/consumers," he adds.

review

Craft for us



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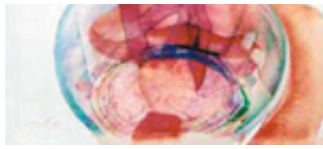


Thirteen individuals, all from the north of England, recently visited Karachi and Lahore. These were curators, art teachers and art officers, who came to meet Pakistani artists and to try to build links for common projects between UK and Pakistan. Although the group included a range of professionals with diverse experiences and backgrounds, almost everyone showed a keen interest in the local crafts, for personal collections as well as for possible future collaborations.

These foreigners are not the only ones who have shown an interest in the local crafts. For many visitors, samples of indigenous craft are fascinating as translations of the political divide between East and West into creative expression. So the West is identified with 'Art' and the East is associated with craft. However these are very broad demarcations, because the existence of craft was known throughout Europe; and Art -- both modern and contemporary -- is also being practiced in the Eastern countries.



This division is analogous to the partition of the world into rich industrialised states and raw-material producing areas. This divide of developed and underdeveloped is visible in the realm of art, too. The West is identified with high art and has influence in the realm of ideas, and developing nations are happy to export their crafts, which are occasionally 'discovered' by an outsider, and may be utilised and appropriated in



his artwork.

This phenomenon can be traced back to colonial times. Once British rule spread over India, various institutions were established where artisans and their offspring were trained in different skills. That emphasis on craft in connection with the subcontinent is still sometimes visible in the behaviour of people from the West. But, more than that, we ourselves have also acquired an identical attitude towards our creative outputs -- and about the local crafts. Once craft was appreciated as the embodiment of hard work and indigenous decorative aesthetics; now it is being elevated in the name of safeguarding history and tradition, and of challenging the hierarchy of art practices. These aims are commendable, but, on one level, they seem to be fulfilling a Western agenda: of still keeping us obsessed with the production of craft as the mark of our identity.

One example of how we perceive our local art and craft is miniature painting. Once it flourished as the court art, now it is revived for multiple purposes. One of these is to search for a vernacular visual vocabulary. But for a majority of miniature painters, the art of making small works has another significance. It has become a mixture of delicate imagery, vernacular patterns, intricate details and small, thus manageable size -- all the qualities which make it into a desirable item for collectors.



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This approach towards miniature was evident in a recent show, "Wassli", held at Ejaz Gallery in Lahore. With 75 works by nine artists, the exhibition illustrated the prospering practice of miniature painting, as well signs of a nearly exhausted phenomenon. The gallery was filled with works depicting historic figures, scenes of contemporary life, personal concerns and decorative motifs. If, on the one hand, the selection and display of the exhibit did not convey any sophistication in choice on the gallery's part, on the other the level of

skill in most paintings was not convincing. Most of the works lacked refined lines and precise rendering; and offered instances of typical modern miniatures.

In this group, the works by Attiya Shaukat and Asif Ahmed were different due to their simplicity and imaginative use of various pictorial elements and devices. These works did not serve as illustrations only, they embodied a variety of interpretations. These interesting compositions, with sections of the body and domestic articles, suggested Attiya's subject matter, yet they were enjoyed on many levels.

Asif's paintings portrayed his concerns with the institution of power and its disguises. The recognisable shape of a king overlapped with various textures; and a number of references from art history were employed to create a narrative of a political nature.

Waseem Ahmed, the most well known participant of this show, displayed a body of work which is now recognised as his trademark. The juxtaposition of Krishna figures with Western beauties was a success at the beginning of his career, but now in



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his latest pieces this appeared as a formula for forging popular items.

By and large, the works in this exhibition affirmed the prevalent notion of miniature painting: an art considered to be as indigenous and laborious as is craft. And much like craft, it is prepared and presented for a foreign eye.

Unknown music

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of selections by the three musicians Richard Mablauc, Gael Rassaert and Manual Schweizer, who have teamed up under the name of Trio Quark.

South Asian audiences were introduced to western classical music with the onset of colonial rule, and their knowledge and understanding has been limited to the era categorised as classicoromantic. Some of the greatest composers, like Mozart and Beethoven, lived in that period, seeing western classical music through its most accomplished phase. As sensibilities changed in subsequent periods many experiments took place, as a result of which music no longer aimed exclusively to please the ear with its romantic charm.

The music played in the concert was predominantly of the late nineteen and twentieth centuries, when the basis of the western classical tradition was being challenged by the leading composers of the era. Developments in other fields and changing political realities made musicians rethink their views on the principle of harmony and the centrality of the key. To us here, this phase of the classical tradition of Europe is not so well known, except among a few within the circle of practitioners and even fewer initiates.

The Trio played the music of Frantz Schubert, Debussy, Bela Bartok and Aram Khachaturian. Frantz Schubert can be considered one of the last composers to belong to the classicoromantic strain. Though he composed a number of operettas and six symphonies, he failed to make a popular breakthrough. The only symphony of his that he heard in his own lifetime was the



fifth, which he had devised for a small amateur ensemble that used to meet occasionally at his father's house. He was better known for his "lieder" compositions -- particularly for the art songs of the German Romantic movement from the late eighteenth century to the early twentieth century. These were not merely folksongs, attractive piano pieces or accompaniments, but compositions that endeavoured to unite the singer's words and tune with an instrumental part, usually with piano inputs of virtually equal importance. He wrote about six hundred songs, creating enchanting melodies and then shaping each of them into a musically perfect and utterly individual whole. Some are strophic and sound like unspoilt folksongs, some evolve into a narrative of mounting dramatic force. Without ever essaying programme music, he made a rippling brook as immediately real and as important in his scheme as a lamentation of a deserted lover.

Debussy and Bartok broke away consciously from the trends mentioned above. Debussy felt intuitively that musical themes should on their own suggest their only possible orchestral colouring, even if it involved breaking every academic rule. Rhythms too must arise spontaneously, as they could not be contained within bars. In striving to convey his meaning he sought simplicity and concentration of emotions and resources, rather than a self-indulgent sprawl. At the same time he was venturing into a symbolic impressionistic world, built around block chords and layers of sound which defied traditional theories, whose harmonic resonances he had assimilated as a pianist. He revived old modal scales, exploited the whole tonal scale, and dwelt lovingly on long sequences of interlinked dissonances instead of promptly resolving them, so that everything he wrote seemed to flow inexorably, enchantingly in its own translucent logic, tempting the ear rather than dictating to it.

Bela Bartok's interest in clashing dissonance arose as he pursued a growing interest in the reuse of the old modes to redefine the whole concept of key. He did not indulge in sweeping romantic melodies to charm the ear. His most impressive work was composed of the briefest of motifs, the basis for inventive, beautifully structured variations.

In many instances he adopted the 'arch' form, in which thematic material is shared by the first and third movement, while the central movement is an adagio-presto-adagio arch. His greatest legacy was the six string quartets -- from their fairly conventional beginnings to the knotty challenging atonalities and unorthodox counterpoints.

Aram Khachaturian made his name with larger orchestral works filled with invigorating, uncomplicated tunes and lush scoring. He turned to teaching and providing film music after he was denounced by the authorities in the Soviet Union in 1948, but was back in favour with his ballet "Spartacus". Since he was from Armenia his music, which was greatly inspired by folk music, retained the melodic input as it is understood in the East.

At times the real impact of the musical score could not be realised because the trio had to play movements actually meant for full orchestral pieces. Necessarily so, since the cost of inviting full orchestras is prohibitive. Otherwise the three musicians were quite accomplished, as could also be garnered from their record. Manuel Scheizer, the pianist and the leader of the Trio, has



studied under Andre Gorog in St Petersburg and won the first prize in piano at the Conservatoire National Superieur de Musique of Lyon. He has played in Portugal, Taiwan, India and Austria, and has also appeared on French Television. Gael Rassaert, the violinist started his career at the Nationale de Region de Lyon and obtained the Diplome National Etudes Superieures Musicales in 1955. He has toured India and Sri Lanka since joining the trio. Richard Mablan, clarinette player, has won the first prize for Clarinette from Musique de Chambre CNSM of Lyon. He takes his inspiration from Pascal Moragues and has performed in various orchestras.

Many classical and avante-garde jazz concerts have been held in the venue shared by the Allaince Francaise and the Anna Marie Schimmel Haus in Lahore this year, adding to the cultural life of the city by hosting music that is not the known face of popular trends in Europe.

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By Shamim Akhter

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About 20 pieces of sculpture at Zenaini Art Gallery introduce a new aspect of Tabinda's expression. She prefers to work with clay now, rather than with stone. While working with stone she realised that she was carving a form that already existed in it. But clay, a shapeless substance, allowed her more creativity.

Tabinda's experience of painting has been somewhat testing. After graduation, she joined the Central Institute of Arts and Crafts, Karachi. She continued with her studies when she got married -- but she could not continue painting. It was only after two decades of hibernation that she decided to take painting seriously. She went abroad to study at the Slade School of Arts, where she was admitted to a course for advanced students. When she came back to Pakistan enthusiastic about painting. Her paintings were put on display at Indus Gallery in April 1999. Her works were like a breath of fresh air -- different, bold, expressive, imaginative, and fearless to break norms. With freshness of

colours and ideas, they depicted a world of fantasy where cacti and tulips grew together. She saw with child-like boldness and vision what lay beyond a mountain and painted it on her canvas.

Although her first exhibition was held at Indus Gallery in October '97, Tabinda, at that time, was better known abroad, as she had been displaying her paintings in solo exhibitions there. In 1998 she held solo exhibitions in New York, Beirut and London. Her paintings were also auctioned at a charity show at Victoria and Albert Museum, London, in the same year. Within a year-and-a-half she stole the show at home and abroad.

The violation of laws of colour, drawing and line experienced in Tabinda's paintings present a female's version of what Paul Klee has been doing. Klee was captivated by the artless outpourings of children messing about with paint on paper. There was no mess of paints on Tabinda's canvases, but a childlike imagery expressed neatly, as in a miniature painting. This admirable childlike manner was natural in Tabinda. If it had not been, it would have continued until today. The child is no longer there on her latest canvases. These are the expressions of a grownup woman who understands her surroundings and adjusts accordingly.

The sudden burst of energy in the form of painting came to her as a result of self-recognition. She uses her brush as sarcasm against the class to which she belonged. Busts of women are depicted as pawns close to chequered boards and flowers in vases. Her profiles next to flower arrangements serve as pieces of still life.

Tabinda's canvases are rough as well as smooth because she mixes the media on her canvas. For different effects she uses oil and acrylic as well as water colour. Solid figures are in oil and acrylic but ponds and streams are in water colour. At the moment she is painting for a forthcoming group exhibition at Momart to help raise funds for earthquake victims. She will also participate in a group show organised by PNCA, Islamabad, for the same cause. To know more about her work, you can contact tabindachinoy@hotmail.com.

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