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PAKISTAN SINCE INDEPENDENCE:

The Political Role of the *‘Ulamā’*

(2 Volumes)

Volume 2

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PART TWO

to them. Although, in 1951, the *muhājir* element constituted only 11.2 per cent of the total population of Sind,⁴ large numbers of *muhājirs* arrived after 1951. In 1970, after nearly 20 years, *muhājirs* were estimated to amount to nearly 50 per cent of the total population of Sind.⁵ In East Pakistan, 1.3 million *muhājirs*,⁶ mainly of Bihari origin, settled in Dacca and Chittagong as well as in the northern districts of the Province.

The *muhājirs* (excluding those from East Punjab) were largely from the Urdu-speaking regions of India (i.e., U.P., Hyderabad and Bihar). They had a sense of acute cultural superiority over the local population, steeped as they were in the tradition of political supremacy of North India under the Mughal rulers (1526-1857). As a result, the *muhājirs* have shown a marked unwillingness to become a part of the local population.

Apart from these wide-ranging cleavages in Pakistan's social structure, there are also *barādarīs*⁷ (kinship groups), religious sects among the Muslims, and considerable variations in the character and levels of education of different segments of society, ranging from the modern educated to the *ūlamā*'

The role played by the *ūlamā*' in Pakistan's politics is the subject of this study. But it cannot be properly understood without keeping in view the socio-economic, political and state institutions which influenced the course of politics in Pakistan.

3.1 The Socio-Economic Structure of Pakistani Society

At the time of its inception, Pakistan's economy was predominantly agricultural in character and a majority of its population was rural. Even though it has since independence, been in the throes of urbanisation, 71.7 per cent of the total population still lives in villages.⁸ The dominance of rural society is even greater in NWFP (84.9 per cent) and Baluchistan (84.4 per cent). 52.73 per cent of the total population, according to the 1982-83 figures, was employed in the agricultural sector; whilst the figure for the proportion of the rural population employed in the agricultural sector was even higher (67.69 per cent).⁹

The rural population, on the basis of occupational status, can be broadly classified into four major groups:

- (1) *zamīndārs* who own land and sublet it to the tenants, either on the basis of contract for fixed periods for fixed amounts, or on the basis of share-cropping;
- (2) tenants and agricultural labourers;
- (3) craftsmen who either assist the agriculturalists with their skills (e.g. blacksmithy and carpentry), or provide services to the villagers-at-large (e.g., goldsmiths, shoemakers and weavers) - this group is often named *kammīs* (workers);

- (4) those who provide services but are not included in the category of craftsmen (e.g., barbers, village watchmen and the *imām* of the mosque).

Classification on occupational grounds is but one facet of social stratification. These groups are further divided on the basis of *barādarī* linkages. The concept of *barādarī* is based either on a common ancestor (real or legendary) or on a common profession. Thus, *sayyids* constitute a *barādarī*, being the descendants of a single ancestor, namely the Prophet, whereas the blacksmiths constitute a *barādarī* due to their common profession. Furthermore, some of the *barādarīs* are considered socially superior to others. *Sayyids*, *Shaykhs* (descendants of the *Quraysh*, the Prophet's clan), *Mughals* and *Pathāns* (descendants of the Muslim rulers in India) enjoy the superior status of *ashrāf* (noble men). The descendants of the indigenous converts to Islam are deemed to be socially inferior. Therefore, despite interaction among different *barādarīs*, intermarriage between high Muslims and low Muslims almost never occurs.

The occupational division and social status of certain groups, sometimes do not coincide. Thus, an *ʿālim* is occupationally at the lowest rung of stratification. His education and personal piety help him to gain respect in society; but, if he is *ashrāf* by birth, then he may even challenge the landowners, who form the foremost occupational group.

At the time of independence, *zamīndārs*, by virtue of their hold on land, were dominant in the rural life of both wings

of Pakistan. But they were relatively more powerful in West Pakistan.

In East Pakistan, the Permanent Settlement, 1793 had created a class of *zamīndārs* who had previously been revenue collectors; the actual tillers of the land were classified as the tenants of *zamīndārs*. The rights of the tenants were recognised in the Bengal Tenancy Act, 1885 as amended from time to time. Though the Act, which guaranteed the rights of tenants, 'was seldom implemented rigorously on behalf of weaker sections of the cultivating peasantry' ¹⁰ a majority of these *zamīndārs* were Hindus who possessed 75 per cent of the total agricultural land in East Pakistan. On account of the popularity of the nationalist and socialist movements in Bengal,¹¹ the peasantry was politically conscious. The Muslim peasants saw in the struggle of AIML not only the realisation of an 'Islamic State', but also liberty from the grip of Hindu *zamīndārs*. In 1947, the majority of these *zamīndārs* migrated to India.

The East Pakistan government, with the support of the middle classes, promulgated the East Bengal Acquisition and Tenancy Act, 1950 which, at a stroke, replaced the Bengal Tenancy Act, 1885 and the Permanent Settlement. It imposed a ceiling of 33 acres on the amount of land that could be retained by a *zamīndār*. Some 80 appeals against the passage of the Act, 1950 were filed in the higher courts of the country. The courts upheld the Act; and 'East Pakistan, by 1956-57, came to be free from the feudal grip'.¹²

Despite demands for land reform, the provincial governments in West Pakistan failed to introduce land reform of any substance. According to data collected in 1958-59, about 6,000 landowners, representing 0.1 per cent of the total landowners, owned 7.5 million acres of land in estates of 500 acres or more. 2.2 million persons, constituting 64.5 per cent of the landowning population engaged in agriculture owned an average of five acres or less per head;¹³ whilst another 2.5 million peasants owned no land at all.¹⁴

The long-awaited reform was adopted first in January 1959 and then in March 1972. Neither set of reform contained radical elements. Neither the principle of 'land to the tiller', nor of fixation of ceiling close to the average holding was followed. In the former case, tenants would have become the owners of the land that they tilled, and the system of landowning would have disappeared. In the latter case, the system would not have been eliminated completely, but the economic and political power of the *zamīndārs* could have been curtailed.

Land reform was seen more as a means of 'economic growth' than as a step in the task of creating an egalitarian society. The Land Reforms Commission for West Pakistan (1959) suggested 500 acres of irrigated and 1000 acres of unirrigated land, as the ceiling for individual holding (with numerous exceptions!). The aim of the Commission was to promote farming as a 'sufficiently lucrative' profession which could 'attract and engage suitable talent on a whole-time basis'.¹⁵

biggest landowners continue to maintain a dominant position in the control of economic resources as well as political power.¹⁸

Since the 1959 reform, *zamīndār* families transferred land (often only for the sake of records) in anticipation of future reform. Consequently, the 1972 reform did not lead to the opening of new vistas of economic betterment for tillers of the soil.¹⁹

The influence of *zamīndārs* on Pakistan politics can be gauged from their strength in CAP/National Assembly. Table 3.1 shows their numbers in National Assembly from 1947 to 1969.

3.2 Political Parties

During the Pakistan movement (1940-1947), all other political parties in the regions that were assigned to Pakistan, were completely overshadowed by AIML. During the post-1947 period, it was expected that there would be defections from AIML since AIML proved to be an umbrella for different shades of political opinion. At the same time, the highly seasoned workers of anti-AIML parties were not going to surrender easily to their erstwhile opponents. They would hope to play an oppositional role in the new state with their political stands altered to suit new conditions.

With its ethnic, linguistic, religious and cultural diversity, Pakistan was bound to be a multi-party state. Within a few years (1947-1956), it proved to be so. A brief account of the important parties - formed anew or as a result of splits, defections and mergers involving existing political organisations,

Table 3.1

The Number of *Zamīndārs* in CAP/National Assembly,
Elected from West Pakistan

| Tenure of Assembly | Total Number of West Pakistan members (MNAs) | Number of <i>Zamīndārs</i> | Percentage ratio of <i>Zamīndārs</i> to MNAs |
|--------------------|--|----------------------------|--|
| 1947-1954 | 35 | 27 | 77 |
| 1955-1958 | 40 | 28 | 70 |
| 1962-1965 | 75 | 58 | 77 |
| 1965-1969 | 75 | 34 | 45 |

[Source: Ahmad, Mushtaq, Government and Politics in Pakistan (Karachi: Space Publishers, 1970), p.89, p.106, p.,236 and p.247.]

Suhrawardī's stand on the membership issue alienated him from the PML high command. He lost his seat in CAP on the grounds that he was not a citizen of Pakistan. Finally, on his return to Pakistan in March 1949, he found the door of PML completely closed.

PML was faced with the task of constructing a programme capable of solving the basic problems of the masses, of maintaining contact with them, and of organising the party from grass-roots level. But, in the event, the party could offer no such programme. The party machinery, accustomed to the pre-1947 ways of agitational politics, did not devote itself to the task of organising the party through patient efforts aimed at educating the rank and file and mobilising the masses. The 'Council' of the party was supposed to be the principal policy-making and controlling organ. It was expected the 'council' would meet at least twice a year; but, in fact, its sessions were less frequent. Only seven sessions had been convened during the interval between 1948 and 1956.²⁴ PML soon became a 'pocket organisation of the people in power'.²⁵

In spite of its deplorable condition as a political party organisation, PML claimed the exclusive right to build the new state. This attitude was reflected in the speeches and statements of Nawābzādah Liyāqat 'Alī Khān, the first Prime Minister of Pakistan and PML's second President (8 October 1950 - 16 October 1951).²⁶

It is the duty of everyone of us to make Pakistan strong and this can be done only by making the Muslim League strong; for, a strong league means strong Pakistan ... Damage to the League is damage to the nation...the existence of Pakistan depends on this [PML].²⁷

He vehemently denounced the critics of PML as '*Abū Lahabs*',²⁸ 'traitors, liars and hypocrites', and 'dogs of India'.

How legitimate was it for a political party in an ostensibly democratic state to claim that membership of it or loyalty to its leaders should serve as the standard for judging the patriotism of the citizens; especially when that party 'represented only a section of the opinion, on which the government, not the state, subsisted'.²⁹

A brief description of the parties which emerged as a result of defections from PML is pertinent, since these parties set the pace of politics during the early years of Pakistan's existence.

3.2.1(a) Áwāmī (People's) Muslim League (AML)

Pīr Mānkī Sharīf (1923-1960) was the first Muslim League leader to leave the old party (June 1948) in order to organise a new one. He emphasised the new party's role by naming it *Áwāmī* (People's) Muslim League (as opposed to the government party, PML). The *Áwāmī* Muslim League's influence was limited to NWFP, and the personal following of Pīr Mānkī Sharīf, its founder.

3.2.1(b) Āzād (Independent) Pakistan Party (APP)

Miyān Iftikhār-ud-dīn (1907-1962) was a Punjabi Muslim Leaguer who leaned to the left side of the political spectrum. He was a founder-member of the Congress Socialist Party (1934). He left INC in 1945 after belonging to it for 19 years, in order to

join AIML. The 1946 election manifesto of the Punjab Muslim League (written by Danyāl Latīfī, a communist lawyer) bore the mark of Iftikhār-ud-dīn's influence.

Miyan Iftikhār-ud-dīn formed APP (November 1950) incorporating lofty left-wing objectives in its lengthy manifesto.³⁰ The party revolved round the personality of its founder.

3.2.1(c) Jinnāh Muslim League (JML)

Miyan Mumtāz Muḥammad Khān Dawltānah and Nawāb Iftikhār Ḥusayn Khān of Mamdot (1905-1969) were engaged in a personal feud over who should control the Punjab Muslim League. In April 1948, Jinnāh summoned both of them (who were big *zamīndārs*) to Karachi to sort out the tangle but 'even he threw up his hands in disgust'.³¹ The conflict ended with Mamdot leaving PML in order to form JML (1950) as the true inheritor of the political legacy of Muḥammad 'Alī Jinnāh.

3.2.1(d) Muslim League (*Khilāfat-i-Pakistān* Group)

'Abdus Sattār Khān Niyāzī (1915-) was a Muslim League leader who was religiously inspired. At a meeting of AIML Council (Delhi, 1944), he moved a resolution urging members to practise *Sharī'ah* in their individual lives and to prepare themselves for its complete enforcement. He called a meeting of like-minded persons, including the '*ulamā'*, to discuss the question of endowing the Pakistan state with an Islamic character when it would be formed

of Suhrawardī's friends from West Pakistan, under the leadership of Mawlānā Niyāzī, disagreed with the proposed merger and left the party.

EPAML merged with APJAML in December 1957. The fusion of these splinter groups, with divergent interests and aspirations, did not betoken any unity of programme or action. Even members elected to the Punjab Assembly on APJAML tickets did not hesitate to join PML. A component of the APJAML (Mamdot group) returned to the PML fold in November 1953. After Mamdot's departure APJAML dropped the word 'Jinnāh' from its name. It once again reverted to its original appellation of APAML.

APAML professed to be more people-oriented than PML but in 'structure [it] was not fundamentally different'³⁸ as it too had membership restricted to Muslims only. It became markedly different from PML as well as some religious parties when its Council amended the Constitution to open membership to non-Muslims as well (23 October 1955). The amendment was reportedly supported by 600 councillors (with only five against). The word 'Muslim' was fully deleted from the name. After October 1955, the party came to be known as the All Pakistan *Āwāmī* League (APAL).

Before taking into account the developments that took place within APAL, it would be appropriate to consider some aspects of the politics of the so-called Left in Pakistan, because of the divisive role that it came to play within APAL.

3.2.2 Left-Wing Parties

With the development of consciousness among the working classes in India, and the revolutionaries' activities abroad during the early years of the 20th century, socialist ideas came into vogue in India. In 1912, two biographies of Karl Marx (perhaps the earliest to be brought out in India) were published. One was in English, written by Hardayāl, a respected revolutionary; it was published as an article in Modern Review (Calcutta), the most influential monthly of the period, under the title of 'Karl Marx: A Modern *Rishi*'. Hardayāl did not accept the basic ideas of Marx, but was very much impressed by the example of his dedication to the revolutionary cause. He hailed Marx as a 'Modern *Rishi*' (sage), 'a saint and seer....'. The other biography, in Malayalam, was written by Ramakrishna Pillai.³⁹

After the success of the Bolshevik revolution, communism attracted the following of a section of the Indian people. Communist ideology became a subject matter of vernacular literature. Manabendrā Nāth Roy played an important role in establishing links between the Indian communists and the world communist movement.⁴⁰ The first Communist Party outside Russia was organised by him in Mexico (1919). He subsequently went to Russia at Lenin's invitation. He remained active in Russia as editor of the journal, Vanguard and the Masses. Roy's journal and other publications such as India in Transition, and Aftermath of Non-Co-operation were circulated in India.

The other stream which contributed to the early stage of the Indian communist movement was the *Hijrat* movement. The Indian

muhājirs who went to Russia after being disappointed with the Afghan authorities, were the first to form the Communist Party of India (Tashkent: October 1920).⁴¹ On Indian soil in 1925, the Communist Party was formed and a constitution was adopted.

The nascent communist movement was faced with suppression from the moment it made its appearance on the political scene. Several cases against communist workers were framed. The Kanpur Communist Conspiracy Case (1924) and the Meerut Communist Conspiracy Case (1929-1932) were given great publicity.

After experiencing many vicissitudes, Roy returned to India in 1930, and joined INC. The communist element of INC organised itself as a part of the 'Congress Socialist Party' within the nationalist movement (1934).

The Communist Party of India (CPI) and the Congress Socialist Party (CSP; subsequently Socialist Party of India, SPI), apart from a number of front organisations, were the two main left parties in India prior to 1947. Bengal was the stronghold of these parties. This region proved to be relatively more receptive to socialist ideology for various reasons. First, Bengal had a more prolonged and bitter experience of colonial suppression than other regions. Second, the area, thickly populated and open to natural disasters, was subject to the severe problems of famine, poverty and ill-health to an even greater extent than other regions of India. Third, the communists made the region their especial target, because the conditions prevailing there were congenial to the spread of communist following. Even today, Bengal continues to be a bastion of leftist ideology. In West Bengal, the Communist

1948), a decision was taken to organise the party in Pakistan on an independent basis. Sajjād Z̄ahīr, a member of the Central Committee of CPI, was nominated as the first Secretary-General of the Communist Party of Pakistan (CPP). He went to Pakistan where he set himself to the task of organising the party.

CPP adopted a policy of carrying out a revolution in East Pakistan forthwith. In December 1948, the districts of Rangpur, Dinajpur, Mymensingh and Jessore witnessed revolutionary struggle. CPP was, however, not strong enough for such a struggle. It was easily suppressed.

The membership of the party remained limited. According to Tariq Ali, it 'had never been higher than two hundred ... or probably a great deal less'.⁴²

CPP was charged with involvement in the Rawalpindi Conspiracy (March 1951) aimed at assassinating leading government figures and at establishing military rule in Pakistan. All the important members of the CPP Central Committee were arrested and sentenced to imprisonment. Sajjād Z̄ahīr, the Secretary-General, however, was released before the expiry of the sentence and sent back to India. CPP suffered a serious setback. When the East Pakistan government banned it (July 1954), CPP was in disarray. The federal government also imposed a ban on it soon afterwards.

3.2.2(c) Ganātantrī Dal (Democratic Party) (GD)

Ganātantrī Dal was formed (19 January 1953) by Ḥājī Muḥammad Dānish, a legendary *kisān* (peasant) leader, who had been a

member of CPI. It was a left front organisation.

3.2.2(d) Minor Parties close to the Parties of the Left

Some of the politicians, who had opposed AIML in its struggle for Pakistan, decided to continue their political activities after the creation of Pakistan. They tried to set up new parties, which either disappeared with the passage of time or played a limited role. Even though they joined new parties, these politicians continued to be identified by their old organisational affiliations. This was partly because they had a strong commitment to their past of which they were in no way ashamed; and also partly due to PML's persistent propaganda against them as opponents and ill-wishers of Pakistan.

Among Muslim politicians, prior to 1947, Khān Ābdul Ghaffār Khān (the leader of the *Khudā'ī Khidmatgār* Party), Ābdus Ṣamad Achakzeī of *Anjuman-i-Waṭan*, and G.M. Sayyid shared a common antipathy towards AIML. Their influence was, however, limited to NWFP, Baluchistan and Sind respectively. At a convention of political workers (Karachi: 8 May 1948), they announced the establishment of the Pakistan People's Party (PPP). Khān Ābdul Ghaffār Khān was elected President of the new party, and G.M. Sayyid the General Secretary. Membership was open to all Pakistanis, irrespective of faith. It stood for complete autonomy of 'linguistic groups', the realisation of Pakistan as a union of socialist republics, and the establishment of cultural relations with neighbouring states, particularly India.

Within a month of PPP's launch, Khān 'Abdul Ghaffār Khān was arrested. . He remained in jail until January 1954. The party soon disappeared.

Khān 'Abdul Ghaffār Khān's associates did not like to abandon the organisation of the *Khudāī Khidmatgār* Party which, in the new order of things, was expected to fulfil the role of a volunteer corps for the new party without losing its identity. In July 1948, the NWFP government banned it.

'Abdus Şamad Achakzeī founded a new party known as '*Wrore Pashtūn*' (Pashtun Brotherhood). It advocated the readjustment of provincial boundaries along linguistic lines, and the creation of a distinct unit of Pashto-speaking people to be known as 'Pashtunistan'.

G.M. Sayyid, the General Secretary of the disbanded PPP, organised the '*Sind 'Āwāmī Maḥāz*' (Sind People's Front) (SAM), which was composed of nationalist and socialist elements in Sind. The *Sind Hāri* (peasant) Committee, a front organisation of CPI, also formed part of SAM.

SAM emphasised the distinct national character of Sind; it asserted that provinces should be demarcated along linguistic lines; it advocated maximum autonomy for the provinces, leaving only defence, foreign affairs and currency to the Central Government.

In East Pakistan, A.K. Fazl-ul-Haq continued to enjoy considerable influence among the middle classes. He had moved the

Lahore Resolution (1940) of AIML and supported AIML in its movement for Pakistan for some time. Subsequently, he defied the AIML leadership for which he was expelled from the party. He formed the *Krishak Srāmik* (peasants and labourers) Party (KSP) (27 July 1953). In accordance with its name, KSP was supposed to work for the interests of the working classes (i.e., peasants and labourers), in fact however, it was but a replica of the *Krishak Projā* Party of the pre-independence period, and continued to represent the interests of the middle classes.

KSP demanded maximum regional autonomy for East Pakistan, on the basis of the Lahore Resolution, within a federal framework which would give the Centre control over defence, foreign affairs and currency.

KSP's greatest asset was the influence wielded by A.K. Faḏl-ul-Ḥaq over the middle classes. It was essentially a regional party even though a branch of the party was opened in West Pakistan in 1955.

3.2.2(e) The National 'Awāmi (People's) Party (NAP)

APAL had four groups within its fold. The first consisted of middle-class lawyers and was similar to its PML counterpart in its aim and outlook. It had defected from PML in search of new political pastures. The second group also catered for the interests of the middle class, and it demanded maximum regional autonomy for East Pakistan, with an eye to better prospects for jobs in the services. The third group aligned itself with the lower middle class and the poor; it was under the

The JUI leadership remained in the hands of the *Deobandīs*. Mawlānā Abul Ḥasanāt Qādirī (1896-1961), a renowned *Barelwī ālim*, joined JUI. After a short while, he left it to head a rival organisation. Mawlānā Dāwūd Ghaznawī (1895-1963) co-operated with the JUI leadership from the *Ahl-i-Ḥadīḡ*.

After Shabbīr Aḥmad 'Uṣmānī's death (13 December 1949), JUI split into two factions. Ṣāfar Aḥmad 'Uṣmānī (1890-1974), the new President, announced the reorganisation of JUI. His claim was not accepted by Iḥtishām-ul-Ḥaq Ṭhānwī (1915-1980), the most vocal personality among the JUI 'ulamā', who led a faction. When the conflict between Ṣāfar Aḥmad and Iḥtishām-ul-Ḥaq was in progress, Sayyid Sulaymān Nadwī (1884-1953) came to Pakistan (14 June 1950) at the invitation of the Pakistan Government.

Sayyid Sulaymān Nadwī was Shiblī Nūmānī's academic successor. He was an exponent of pan-Islamism, and had been articulate in *Khilāfat* and in the Non-Co-operation movement. He had presided over JUI annual session (11-14 March 1926). Though he was not a *Deobandī*, his attachment to Mawlānā Ashraf 'Alī Ṭhānwī as a disciple gave him respectability in the eyes of *Deobandīs* of the Ṭhānwī group.

Sayyid Sulaymān Nadwī took charge of JUI as President (1952), but died soon afterwards (22 November 1953). Upon Nadwī's death, a split occurred in JUI once again. A number of factions surfaced mainly due to lack of party discipline and the absence of a stalwart leader to succeed men of the stature of Shabbīr Aḥmad 'Uṣmani or Sayyid Sulaymān Nadwī. After much wrangling, Muftī

Muḥammad Ḥasan (1880-1961) was elected President (18 February 1955).

As a matter of fact, JUI lost its influence after the death of Sayyid Sulaymān Nadwī; the party had hardly any organisation.⁶³ Some of its prominent leaders [e.g., Mufti Muhammad Shafī' (1897-1976) and Zafar Aḥmad 'Usmānī] devoted their energies to administering and teaching in *madrasahs*.

3.2.3(d) *Nizam-i-Islam* (The Order of Islam) Party (NIP)

In March 1953, a faction of East Pakistan JUI defected from the main body and organised itself under the new name of *Nizām-i-Islām* Party (NIP). Mawlānā Aṭhar 'Alī (1891-1976), the former *amīr* of East Pakistan JUI, became the President of the new party. Its objectives included making Pakistan 'a progressive, democratic, welfare state', based on Islamic principles 'as enunciated in the Holy *Qurān* and *Sunnah*'.⁶⁴

NIP was basically an East Pakistan party. Its influence extended to West Pakistan when Chawdharī Muḥammad 'Alī joined it (May 1958). Chawdharī Muḥammad 'Alī had resigned as Prime Minister as well as his membership of PML, and criticized the economic policies for which he had been responsible (initially as Finance Minister, and later as Prime Minister). In December 1957, he formed a group known as *Tahrīk-i-Istihkām-i-Pakistān* (Movement for the stability of Pakistan) which was merged with NIP soon afterwards.

3.2.3(e) Jamīyat-ul-ʿUlamā-i-Pakistān (Association of the ‘Ulamā’ of Pakistan) (JUP)

Jamīyat-ul-ʿUlamā-i-Pakistan (JUP) emerged from the sectarian rivalry between the *Barelwīs* and the *Deobandīs*. After 1947, JUI tried to obtain the support of the *Barelwīs* and the *Ahl-i-Ḥadīṣ*. But the diehard *Barelwī ʿulamā* were averse to a merger with the *Deobandīs*. Sayyid Aḥmad Saʿīd Kāzīmī (1913-1985) wrote to Abul Ḥasanāt Muḥammad Aḥmad Qādirī as follows:

When they [the *Deobandī ʿulamā*] became sure that Pakistan would definitely come into existence, they surprisingly joined the Muslim League. They acquired such a great influence that their leader [Shabbīr Aḥmad ʿUsmānī] exercised complete sway over the [Constituent] Assembly of Pakistan ...

Now they [*Deobandī ʿulamā*] are receiving tribute and applause from the public with their demand for the enforcement of *Shariʿah*. Although the demand is quite commendable in itself, in this garb it stems from motives which are not only against the interests of *Ahl-i-Sunnat* but also detrimental to our very existence ... We are facing a deplorable situation. We command no distinction and respect from the Government of Pakistan which emerged as a result of our sacrifices. It is all due to our disorganisation.⁶⁵

Against such a background, a conference of the *Barelwī ʿulamā* was called (Multan: 26-28 March 1948), at which JUP was formed with Abul Ḥasanāt Qādirī as President and Aḥmad Saʿīd Kāzīmī as General Secretary. The *pīrs* supporting JUP established the *Jamīyat-ul-Mashāʾikh* (7 May 1948). JUP could not spread its organisation to cover the entire country. Its organisation remained sketchy even in its founding province of the Punjab.

3.2.3(f) Markazī Jamīyat-i-Ahl-i-Ḥadīṣ Maḡhribī Pakistān (West Pakistan Central Association of Ahl-i-Ḥadīs) (MJAHP)

If the *Deobandīs* and the *Barelwīs* could organise themselves separately, so could the *Ahl-i-Ḥadīs*. The latter formed Markazī Jamīyat-i-Ahl-i-Ḥadīṣ Maḡhribī Pakistān (1955), with the ostensible aim of propagating a religious mission.

3.2.4 Parties of Religious Minorities

The All India Congress Committee adopted a new Constitution (April 1948) for the party restricting INC activities within the territorial boundaries of India after partition. The Hindu members of CAP elected on the ticket of INC, were no longer attached to INC. With the collaboration of the left-oriented element in Pakistan, some of them formed the *Pakistan Ganā Samitī* (Pakistan People's Committee) (July 1948). A majority of the Hindu members of INC, however, preferred to retain their memories of INC. They organised The Pakistan National Congress (PNC) (August 1948). PNC stood for the establishment of a Democratic Socialist Republic in Pakistan. It remained the official opposition within CAP until 1954. It was opposed to Islam as a political ideology.

PNC claimed to represent the minorities' interests, but in fact, its influence was largely confined to the Caste Hindu community of East Pakistan. Nonetheless, it had the support of the Scheduled Castes as well. The other organisation of the Hindu community in East Pakistan was the Scheduled Castes Federation (SCF). It was exclusively confined to the Scheduled Castes, but not the sole representative of the Scheduled Castes. The Buddhists

had several organisations; among them the Buddhist *Kristī Prāchār Sanghā* (Buddhist Cultural Publicity Organisation) enjoyed substantial support. The Christians, mainly concentrated in West Pakistan, had a number of organisations. The All Pakistan Christian League was considered to be representative in character, though it was fraught with factionalism, mainly on the basis of denominational tussles between Protestants and Catholics.

3.2.5 Political Parties in Pakistan - An Overall View

The political parties of Pakistan which are discussed above fall into the following four major categories:

- 1) PML and the parties formed as a consequence of splits and mergers involving it;
- 2) Parties of the Left and 'close to the left';
- 3) Parties of the 'ulamā'; and
- 4) Parties of the religious minorities.

This categorisation helps to demonstrate how the parties emerged over a period of time. But they overlap in respect of the ideological principles motivating them. If Islam versus Secularism were taken as a criterion for the classification of parties, then PML and its factions would stand close to the parties of the 'ulamā'. The parties adopting a truly secularist approach were CPP, PSP and those representing the religious minorities. NAP, the party of the so-called left, could not detach itself from Islam; at certain times, it even emphasised its economic programme as having an Islamic character. But, how far can the parties advocating Islam be placed in a single group, when their specific approaches to

Islam in fact separate them. PML is Islam-oriented and led by those with their eyes fixed on Western models of society. PML's understanding of Islam is quite different from that of the *'ulamā'*; at the same time, the *'ulamā's* viewpoint on the nature of Islamic economy was in conflict with that of PML. The former, taking a radical stand on land reform and the taxation system, were not far from the parties of the left.

Apart from their division on the basis of ideological principle, the parties were and are not different in the class of people to which their main appeal was directed. All the parties in Pakistan were and continue to be rooted in the middle classes. The party leadership generally remained in the hands of big *zamīndārs* and *barādarī* leaders, because West Pakistan (and after 1971, Pakistan) is dominated by this class. Exceptions to such class leadership are provided by the parties of the *'ulamā'* and of the religious minorities. All the parties were regional in character, confined to one or the other region of the country. After the first provincial election (1954) in East Pakistan, there was not a single party which was in control of the legislatures of both East and West Pakistan; and, the election to CAP (1955) showed the inability of a single party to form a cabinet at the centre.

None of the parties, with the possible exception of the strictly doctrine-based parties (CPP, PSP and JIP), was interested in the organisational aspect of its development, whilst the doctrine-based parties showed little interest in enlisting the support of the masses, let alone mobilising them for political struggles. Party offices were located in major cities. They were usually inert and inactive. The activities of the party leaders

were restricted either to taking part in debates in the legislatures or to issuing statements in the press.

General elections, which are usually thought to contribute towards a strengthening of the party system, were never held during the period 1947-1958; though provincial elections were held, they were no more than 'a farce, a mockery and a fraud upon the electorate'.⁶⁶

3.3 The Civil Administration

The (British) Indian Civil Service (ICS), the so-called steel frame, was designed to perpetuate colonial rule. It was vested with absolute powers for the maintenance of law and order, to collect taxes, and to render the will of colonial rulers effective. The upper echelons of the Service hierarchy always were dominated by British personnel. On the eve of independence, more than 50 per cent of the ICS officers (608 out of 1157) were still British.⁶⁷ By virtue of their orientation, the civil administrators were 'servants' of the British Crown and patrons of 'uncivilized' masses.

Out of 101 Muslim ICS officers, 83 opted to serve the Government of Pakistan.⁶⁸ None of them had reached the rank of secretary. Only one had been a joint-secretary, and five or seven were deputy secretaries⁶⁹ before independence. The ICS officers opting to Pakistan constituted the backbone of the Civil Service of Pakistan (CSP). Of the 83 officers opting for Pakistan, only one was from East Bengal.⁷⁰ About one third of them were Punjabis (mainly from East Punjab), the remainder being from the Muslim

minority provinces of (British) India (notably the U.P.). Due to a paucity of high ranking officers to head various departments of the Federal Government and the four provincial governments, junior officers were rapidly promoted. A number of British officers were also retained in the belief that their experience would be of help to the administration.

The PML leadership had very little experience of administering democratic institutions. During its pre-independence phase, AIML was not able to accumulate any experience. Its failure to win the 1937 election meant that it could not take power even in a single province. The AIML political leadership's only experience was derived from its brief participation in the Interim Government (October 1946 - August 1947) and in the provincial government of Bengal (1946-1947). Against such a background, three British ICS officers were appointed as Governors of three out of four provinces in Pakistan at independence.⁷¹ The overall lack of experience which AIML suffered was evident from the fact that

of 116 leaders who served as ministers in the Central and provincial governments during the period 1947-58, only 31 had had previous experience as ministers; of 900 persons who served in various provincial and national legislatures during that period, approximately 180 (about 20 per cent) had had previous experience as legislators.⁷²

Without a sound infrastructure of the ruling party and 'committed colleagues',⁷³ Governor-General Jinnāh and Prime Minister Liyāqat 'Alī Khān relied 'very heavily on the civil servants',⁷⁴ especially those from the upper echelons of the Accounts and Audit Service.⁷⁵ Their heavy reliance on civil administrators was partly due to Jinnāh's poor opinion of his party

men; he even directed the Governors and the civil administrators to keep the activities of the politicians under some sort of surveillance.⁷⁶

The upper echelons of the administrative hierarchy consisting of CSP officers, continued to enjoy absolute power free from popular control. Their aloofness 'from the public was even more acute than the British rulers'.⁷⁷ They developed a strong sense of their administrative competence which they regarded as their exclusive preserve. This was partly justified on account of the crucial role that they played in Pakistan's political life during the initial years of its formation when the federal government at the centre as well as the provincial government of East Pakistan had to be built from scratch.

The PML politicians, who were men of no particular distinction, were unable to keep the civil administration under control. Vital decisions were usually made by the administrators because the ministers were, by and large, incompetent. The absence of any coherent policy of the ruling party, PML, did not help either. The CSP officers, who had enjoyed unchecked political power in the garb of being public 'servants of Pakistan',⁷⁸ effectively became the leaders of the ruling party.

The domination of the civil administrators over the PML leadership found its echo in CAP.⁷⁹ The PML cabinet was described as early as March 1950 as 'one of the most official-ridden cabinets of the world'.⁸⁰ After the assassination of Liyāqat 'Alī Khān, profound changes occurred in the relations between PML and the civil servants in the federal government (with Ghulām Muhammad as

Governor-General). The politicians became completely subservient to civil administrators-turned-politicians. Ghulām Muḥammad was replaced by Major-General Iskandar Mirzā, who had been a civil administrator for 28 years before assuming the office of Interior Minister (October 1954) under his predecessor. Mirzā chose Chawdhari Muḥammad Ali, another fellow civil administrator, as his first Prime Minister. These developments prompted members of CAP to coin the phrase 'officerocracy'⁸¹ to describe the political system of Pakistan.

Under the Government of India Act, 1935 (which was adopted as the provisional Constitution for Pakistan at independence), the federal government was endowed with the power to control the provinces. The Governor-General exercised control over the selection and dismissal of the provincial governments. Through the newly inserted Section 92-A, the Governor-General was empowered to place any provincial administration under the Governor's authority. These powers of the Governor-General were, of course, meant to be exercised only in exceptional circumstances. But Governor's Rule was frequently declared in one or other of the provinces;⁸² and Governor's Rule undoubtedly meant rule by civil administrators, unchecked by democratic institutions.

With the *coup d'état* led by Muḥammad Ayūb Khān (October 1958), democratic institutions were liquidated, and the power of the civil administrators reached its apogee. The Martial Law authorities had no option but to depend on the civil administration.⁸³

The Martial Law authorities, posing as eradicators of corruption, set up screening committees (1959) to look into the past conduct of the civil administrators. The long process of investigation ended in the dismissal or compulsory retirement of a number of junior officials. Only 13 of the top cadre officials were affected.⁸⁴ It was, by and large, an eyewash operation which left the original bureaucratic power structure intact. The civil administrators acquired even greater powers under the Martial Law, for the reason that public reaction, if any, would be directed against the military and not against the civil administration. According to a survey conducted in Peshawar District (1962):⁸⁵

[i]t has not yet reached the stage where the officers have overcome the bureaucratic tendencies and have begun to reckon themselves as public servants ... Collectively they act in much the same way today as they did during the British days.

3.4 The Armed Forces

The British Indian Army, like the Indian Civil Service, was trained to promote colonial interests including the maintenance of internal security. The officer ranks were manned by British personnel until three decades before the end of the Raj. With the onset of World War I, the need to recruit 'natives' became somewhat acute. As a result, a few Indians mostly belonging to the privileged landed class, were recruited to the officer ranks. The overall policy of recruitment to the British Indian Army was based on the myth of the martial races. The colonial government excluded those belonging to provinces where nationalist feelings ran strong

(e.g., Bengal, Sind and large parts of the U.P.) under the pretext that they belonged to non-martial races.

The Pakistan Army resulted from the division of the British Indian Army. Although reliable statistical figures on the ethnic composition of the army are not available, it can be safely assumed that approximately 70 per cent of its ranks were recruited from the Punjab (and especially from the districts of Attock, Rawalpindi, Jehlam, Chakwal, Gujrat, Mianwali and Sargadha). At the time of independence, a majority of the officers were either British or non-Muslims, and thus were unavailable for service in Pakistan. According to Khālid B. Sayeed, only 100 Muslim officers of the rank of captain and above in the British Indian Army opted to move to Pakistan, and none of them was above the rank of Colonel.⁸⁶ In order to manage the Pakistan Army, 464 British officers were retained,⁸⁷ two of whom served as successive Commanders-in-Chief. By January 1951, the officer ranks were completely nationalised. Officers holding senior positions had initially been trained at Sandhurst and other similar military academies in the sub-continent. General Muḥammad Ayūb Khān became the first Pakistani Commander-in-Chief.

Even though the Pakistan Army inherited the tradition of keeping aloof from politics, it soon indulged in the political game because of

- 1) its involvement in government decisions; and
- 2) the personal ambition of the Commander-in-Chief.

In 1950, when Muḥammad Ayūb Khān was still Deputy Commander-in-Chief and an aspirant of the position of Commander-in-Chief, he believed that the army had a much more important role to play than was generally appreciated. In his view, the Commander-in-Chief was, in the political situation then prevailing in Pakistan, far more important than the Prime Minister.⁸⁸ In 1954, he wrote a memorandum⁸⁹ on the problems facing Pakistan which was circulated among senior army personnel. He had played a part in the governmental decision-making process by being 'associated closely with the government since 1951'.⁹⁰ The dissolution of the CAP by Ghulām Muḥammad could not have taken place without the unequivocal support of Muḥammad Ayūb Khān. The army was also centrally involved in Pakistan's decision to accept US military aid and to join the South East Asian Treaty Organisation (SEATO) and the Baghdad Pact (later Central Treaty Organisation - CENTO). As early as 1951, Muḥammad Ayūb Khān had become convinced that Pakistan must have 'a strong and reliable friend'⁹¹ in order that its defence might be strengthened. Muḥammad Ayūb Khān took part in the negotiations that led to the signing of these regional collective security treaties.

Such an involvement on the part of the armed forces in the decision-making process culminated in the seizure of state power by the military (October 1958).

3.5 Conclusion

The demand for Pakistan was won by AIML, an umbrella organisation which mobilised Muslims in India under the banner of Indian Muslim nationalism. During the years of the Pakistan

movement, appeal to a common religion overshadowed the ethnic, linguistic and cultural differences that prevailed among the Muslim masses. The demand for a separate homeland for Indian Muslims, namely Pakistan, was made solely on the basis of Islam, without spelling out political, economic and social system that would be established in the new nation. The call of Islam was sufficiently strong to rally a majority of ordinary Muslims. Soon after the birth of Pakistan, AIML (which became PML in the new environment) split into factions, firstly on the basis of personality clashes between its leaders at the provincial level in the Punjab and NWFP, and subsequently on the all important question of the role of Islam in politics.

In the changed political milieu after 1947, political parties which had not supported AIML in its struggle for Pakistan or had been in opposition to it reorganised themselves. Whilst the '*ulamā'* belonging to APMAI and JUI supported PML in its post-1947 politics, JIP gradually emerged as the most articulate voice of organised '*ulamā'*. The phenomenon of new parties coming into existence and merging together and splitting among themselves constituted an indication of a lack of connection between the various parties in Pakistan and the masses. In the provincial elections in West Pakistan, however, parties enjoying the support of big *zamīndārs* and *barādārī* leaders were able to perform relatively well. Election of candidates to legislatures in West Pakistan was dependent more on their personal influence, and less on their affiliation to a specific party. At the same time, the parties remained unorganised, whether in power or in opposition within or outside the legislatures.

The inherent weakness of the political parties in general and the PML leadership's habitual distrust of its own lower echelons gradually resulted in the politicisation of the civil administration. In the event, civil servants-turned-politicians replaced the old guard of PML. Civil servants took pride in the fact that they were more accomplished in the art of wielding power than their erstwhile political masters. They soon became 'public servants' in name but the principal force in political government in fact. The dismissal of Khawājah Nazim-ud-dīn's cabinet and the dissolution of CAP by Ghulām Muḥammad, the Governor-General, in the early '50s, represented a serious setback to the political process. Muḥammad Ayūb Khān, the Commander-in-Chief of the Army, thus became directly involved in political affairs. Ghulām Muḥammad was succeeded by Major-General Iskandar Mirzā, another civil servant, who invited the politically ambitious Commander-in-Chief to lead the 1958 *coup d'état*.

The political leadership of the country, in power and in opposition alike, was generally drawn from the big *zamīndārs* and *barādarī* leaders, who established close links with the civil administration in order to obtain favours. They became willing tools in the hands of the civil administration. Thus, the power-structure in Pakistan was constituted by the big *zamīndārs*, the civil administration and the military.

The 'ulamā' were organised in political parties which were essentially sectarian in character. They, however, enjoyed a greater degree of direct contact with ordinary people than other parties. But, the parties of the 'ulamā' failed in their efforts to enlist the support of the big *zamīndārs* and *barādarī* leaders. In

spite of the effectiveness of their appeal, their chances of mustering a considerable number of seats through the election process in the legislatures (in the *baradari*-ridden and *zamindar*-dominated society of West Pakistan) were slim.

16. Bhutto, Z.A., Speeches and Statements: April 1, 1972 - June 30, 1972 (Karachi: Department of Films and Publications, 1972), p.157.
17. Joshi, P.C., 'Land Reform and Agrarian Change in India and Pakistan since 1947', The Journal of Peasant Studies, 1 (1974): 3, p.344.
18. Alavi, Hamza, 'The Rural Elite and Agricultural Development in Pakistan' in Karamat Ali (ed.), Pakistan: The Political Economy of Rural Development (Lahore: Vanguard Publications, 1982), p.55.
19. Esposito, Bruce J., 'The Politics of Agrarian Reform in Pakistan', Asian Survey, 14 (1974): 4, pp.429-438; Herring, Ronald J., 'Zulfikar Ali Bhutto and the Eradication of Feudalism in Pakistan', Comparative Study of Society and History, 21 (1979): 4, pp.519-557.
20. Sayeed, Khalid B., Pakistan: The Formative Phase (London: Oxford University Press, 1968), pp.184-196.
21. 'Whatever powers it claimed on paper, the League's High Command was not in fact able to play the role of arbiter, and on the few occasions it reluctantly was forced to take a hand in the Muslim provinces, its interventions had the habit of backfiring'.
- [Jalal, Ayesha, The Sole Spokesman: Jinnah, the Muslim League and the Demand for Pakistan (Cambridge: Cambridge University Press, 1985), p.119.]
22. Pirzada, Sharifuddin (ed.), Foundations of Pakistan, All India Muslim League Documents: 1906-1947 (Karachi: National Publishing House, 1970), Vol. II, pp.569-576.
23. Afzal, M. Rafique, Political Parties in Pakistan: 1947-1958 (Islamabad: National Commission on Historical and Cultural Research, 1976), pp.61-62.
24. Chaudhari, Muzaffar Ahmad, Government and Politics in Pakistan (Dacca: Puthigar Ltd., 1968), p.375.
25. Ahmad, Akhtaruddin, Nationalism or Islam: Indo-Pakistan Episode (New York: Vantage Press, 1982), p.38.
26. In early 1950, at Liyāqat 'Alī Khān's instance, the Council of PML revoked the article (in the 1948 Rules) which barred cabinet members from holding office in the Party.
27. Afzal, M. Rafique (ed.), Speeches and Statements of Quaid-i-Millat Liaquat Ali Khan: 1941-51 (Lahore: Research Society of Pakistan, University of the Punjab, 1975), p.208 and p.547.

28. *Ibid.*, p.484, p.454, and p.476.
Abū Lahab was one of the most inveterate enemies of the Prophet and the early Islam.
29. Beg, Aziz, Battle of Ballot or War of Attrition (Islamabad: Babar and Amer Publications, 1978), p.86.
30. Convening Committee of the Āzād Pakistan Party, The Āzād Pakistan Party: Statement on Policy, Aims and Objects (Lahore: Pakistan Times Press, 1952).
31. Ali, Chaudhri Muhammad, The Emergence of Pakistan (New York: Columbia University Press, 1967), p.367.
32. Babri, Hakim Mohammad Anwar, Preface to Niazi, Abdus Sattar, Draft Islamic Constitution for Pakistan (Lahore: *Mujlis-i-Tāmīr-i- Millat*, 1971), p.VI.
33. For a discussion of the Draft Manifesto of the Bengal Muslim League, see Sen, Shila, Muslim Politics in Bengal: 1937-1947 (New Delhi: Impex India, 1976), pp.184-185; Jalal, Ayesha, *op.cit.*, pp.105-107.
34. Jalal, Ayesha, *op.cit.*, pp.98-101 and pp.154-163.
35. Rashiduzzaman, M., 'The Awami League in the Political Development of Pakistan', Asian Survey, 10 (1970): 7, p.575.
36. For Bhāshānī's role in peasant agitation in Assam, see Ali, Mahmud, Resurgent Assam (Dacca: New Belal Publications, 1967), *passim*.
37. Bhāshānī derived his name from Bhāshān, a silt islet, in Assam where he lived for some time.
38. Rashiduzzaman, M., *op.cit.*, p.575.
39. For the text of Hardayāl's article and English translation of Pillai's Malayalam booklet, see Joshi, P.C. and Damodaren, K., Marx Comes to India (Delhi: Manohar Book Service, 1975), pp.47-123.
40. For the life and works of M.N. Roy, see Haithcox, J.P., Communism and Nationalism in India: M.N. Roy and Comintern Policy (Princeton: Princeton University Press, 1971); Ray, Sibnarayan, M.N. Roy: Philosopher Revolutionary (Calcutta: Renaissance Publishers, 1959).
41. Adhikari, G., Documents of the History of the Communist Party of India (New Delhi: People's Publishing House, 1971), Vol. I, p.36.
42. Ali, Tariq, *op.cit.*, p.43.
43. RP consisted essentially of a group of defectors from PML. Its establishment arose out of the expediency for which the One-unit Scheme provided the occasion. The 'One-unit Scheme' refers to the consolidation of four

provinces and a number of princely states in the west wing of the country into a single province, namely West Pakistan. The One-unit Scheme was bitterly criticised by the leaders of the smaller provinces which were more or less forcibly amalgamated into West Pakistan. The proponents of the scheme considered Dr. Khān Ṣāhib (1882-1958) suitable for appointment as Chief Minister of the newly formed province of West Pakistan. He had the advantage of belonging to NWFP, a small province. At the same time, Khān Ḃdul Ghaffār Khān, his brother, was among the staunch critics of the scheme. The appointment of Dr. Khān Ṣāhib as Chief Minister of West Pakistan, resulted in a deepening of intra-regional political conflict.

Before partition, Dr. Khān Ṣāhib had been Chief Minister of NWFP (1937-1939) and then (1945-1947) under INC. Like his brother, Ḃdul Ghaffār Khān, he too was interned after Pakistan became independent. but after his release from internment, he followed a political career which sharply contrasted with that of his brother. He accepted a Ministership in the Central Government (1954-1955).

Members of the West Pakistan Assembly belonging to PML refused to accept as their leader Khān Ṣāhib, an erstwhile opponent of Pakistan scheme. They had the sympathies of Sardār Ḃdur Rab Nishtar, the PML President who was himself a *Paṭhan* and a traditional rival of the Khān Brothers in NWFP politics.

Dr. Khān Ṣāhib's efforts to form RP (September 1956) should be viewed against the perspective outlined above. The origin and rise of RP was a concrete testimony of the grip exercised by civil administrators-turned-politicians over Pakistan politics. Dr. Khān Ṣāhib was by no means the sole initiator of the idea behind the formation of RP. President Iskandar Mirzā played a crucial behind-the-scenes role in its establishment. The party functioned within the four walls of the central and provincial legislatures. It held power until October 1958 in West Pakistan. Ideologically as well as in its composition, RP was hardly distinguishable from the parent body (PML).

[For a detailed account of the Republican Party, see Afzal, M. Rafique, *op.cit.*; Ahmad, Mushtaq, Government and Politics in Pakistan (Karachi: Space Publishers, 1970), pp.142-145; Aziz, K.K., Party Politics in Pakistan: 1947-1958 (Islamabad: National Commission on Historical and Cultural Research, 1976), pp.105-110.]

44. Rashiduzzaman, M., 'The National *Awami* Party of Pakistan: Leftist Politics in Crisis', Pacific Affairs, 42 (1970): 3, p.395.
45. Ali, Tariq, *op.cit.*, p.81.
46. Author's translation.
Tanzim Ahl-i-Sunnat, 13 January 1948.

78. Muhammad Ali Jinnah advised the civil administrators to discharge their duty as 'servants of Pakistan'. Jinnah, Mahomed Ali, Speeches as Governor-General of Pakistan, 1947-1948 (Karachi: Feroz Sons Limited, 1963), pp.94-96.
79. From 1947 to 1958, at least 32 motions involving the cabinet were moved, where the influence of the administration was discussed in some detail.
- Harun, Shamsul Huda, Parliamentary Behavior in A Multinational State, 1947-1958: The Bangladesh Experience (Dhaka: Asiatic society of Bangladesh, 1984), p.205.
80. Constituent Assembly of Pakistan, Debates, 22 March 1950, Vol. I, p.286.
81. *Ibid.*, Debates, Speech of Abul Mansūr, Vol. I, 22 March 1956, p.345.
82. The Punjab remained under Governor's Rule from January 1949 to March 1951; Sind from December 1951 to May 1953; East Pakistan from May 1954 to June 1955. After the One-unit Scheme was put into effect. West Pakistan was placed under Governor's Rule from March 1957 to July 1957.
83. Āzīz Ahmad, the Secretary-General, of the Government of Pakistan, was appointed Deputy Chief Martial Law Administrator, next to Ayub Khān himself. Ayūb Khān was assisted by an advisory council, consisting of civil officials.
- The influential position occupied by administrators was reflected in the fact that nearly 60 per cent of the membership of the 33 commissions constituted under the Martial Law regulations, was provided by the civil administration.
- Braibanti, Ralph, Research on the Bureaucracy of Pakistan (Durham N.C.: Duke University Press, 1966), p.311.
84. Sayeed, Khalid B., The Political System of Pakistan, *op.cit.*, p.94.
85. Kiani, Aquila, 'People's Image of Bureaucracy' in Inayatullah (ed.), Bureaucracy and Development in Pakistan (Peshwar: Pakistan Academy for Rural Development, 1962), p.398.
- The findings of Henry Goodnow, an expert in the field of administrative science, are quite similar. His research showed that the top administrators exercised power 'better adapted to meet the problems of a previous era than the problems which confront Pakistan today'.
- Goodnow, Henry F., The Civil Service of Pakistan: Bureaucracy in a New Nation (New Haven: Yale University Press, 1964), p.239.

86. Sayeed, Khalid B., The Political System of Pakistan, *op.cit.*, p.305.
87. Maniruzzaman, Talukdar, Group Interests and Political Change, *op.cit.*, p.78.
88. Pataudi, Sher Ali, The Story of Soldiering and Politics in India and Pakistan (Lahore: *Al-Kitāb*, 1983), p.132.
89. See the text of 'A Memorandum written by General Mohammad Ayub Khan' in von Vorys, Karl, Political Development in Pakistan (Princeton: Princeton University Press, 1965), pp.299-306. Khan, Mohammad Ayub, Friends Not Masters, *op.cit.*, pp.186-191.
- According to Pataudī, this memorandum was circulated within the highest echelons of the army hierarchy for discussion and comments, *op.cit.*, p.148.
90. Khan, Mohammad Ayub, *op.cit.*, p.28.
91. Khan, Fazal Mugeem, The Story of the Pakistan Army (Karachi: Oxford University Press, 1963), p.154.

CHAPTER 4

THE PROCESS OF CONSTITUTION-MAKING

The sections of the 'ulamā' which supported AIML in its struggle for Pakistan were motivated by religious zeal. The leaders of AIML (later of PML) consistently laid stress on religion as the basis of the new state. Nawābzādah Liyāqat 'Alī Khān's statement quoted below, is but one of numerous examples of the justifications given for the establishment of Pakistan.

Pakistan was founded because the Muslims of this subcontinent wanted to build up their lives in accordance with the teaching and traditions of Islam, because they wanted to demonstrate to the world that Islam provides a panacea to the many diseases which have crept into the life of humanity today.¹

From such a generally accepted perspective, the basic questions confronting CAP were:

- 1) What would be the role of Islam in a modern state?
- 2) Who would exercise the authority to interpret the injunctions of Islam in a given concrete situation?
- 3) What are the principles on which interpretations of Islamic injunctions would be made?

Differences of opinion between the 'ulamā' and the modern-educated section of society on these questions were naturally to be expected under the circumstances that prevailed upon the formation of the new state. It was the modern-educated section which controlled the ruling political parties, the civil administration, the military and, of course, CAP.² Though the

voice of the 'ulamā' was very feeble in these institutions, it was much stronger on public platforms, since

the ordinary man felt that the sacrifices he had made in 1947 were for the faith, and consequently that his efforts would have been in vain if Islam were not enshrined in the fabric of the new Constitution'.³

By and large, the modern-educated section of society was bound to view Pakistan as a state moulded according to Islamic teachings, but in harmony with Western concepts. The 'ulamā', in contrast, stood for the practice of *Shari'ah*, in which they saw the blessings of God in worldly life and in the life hereafter.

The conflict between the two sides persisted throughout the period during which the constitution was discussed (1947-1956). The 'ulamā' proved to be a formidable force with which the modern-educated rulers of Pakistan were confronted.

In this chapter we shall examine the dynamics of this conflict which was eventually followed by a convergence of contrasting views as reflected in the form assumed by the 1956 Constitution.

4.1 PML versus the 'Ulamā'

PML was a party based on religious identification which was controlled by Muslims with modern education. Only Muslims could belong to it. It persistently invoked the Islamic idiom. There was no place in PML for those advocated a secular approach. PML stood for the moulding of Pakistan's policy in accordance with Islamic teachings. But its approach towards Islam significantly

differed from that of the *‘ulamā’*. The PML leadership was steeped in Western education. It had inherited the legacy of Sir Sayyid Aḥmad Khān, and was committed to a 'modernist' interpretation of Islam. The *‘ulamā’*, from the lifetime of Sayyid Aḥmad Khān to the present day, resisted the 'modernist' approach. At the time of independence, they found themselves pitted against the 'modernist' forces which were in control of political power.

The PML leadership was, however, inclined to show respect to the *‘ulamā’* without sharing power. At an official ceremony held in Karachi (14 August 1947) on the eve of independence, Mawlānā Shabbīr Aḥmad ‘Uṣmānī unfurled the Pakistan flag. Another *‘ālim*, Mawlānā Zafar Aḥmad ‘Uṣmānī, performed a similar ceremony in Dacca. Shabbīr Aḥmad ‘Uṣmānī was elected as a member of CAP for the Sylhet constituency with PML's support.

On 13 January 1948, JUI demanded, through a resolution, the appointment of a leading *‘ālim* as the *Shaykh-ul-Islām* with appropriate ministerial powers. His role would be to regulate the judicial system throughout the country in accordance with Islamic traditions.⁴ The PML government soon accepted the first part of the demand; Mawlānā Shabbīr Aḥmad ‘Uṣmānī was declared the *Shaykh-ul-Islām* - the first and the last in Pakistan's history. It was a purely nominal office, carrying no political weight. No heed was paid to the second part of the demand. By its refusal to give the *Shaykh-ul-Islām* an effective role, PML alienated the *‘ulamā’*. A clash soon emerged on the issue of *Sharī‘ah* and its exposition.

In the meantime, the Muslim Personal Law (Sharī‘ah) Application Bill (originally introduced in 1937) was revived in the

Punjab Assembly. It would have had the effect of bestowing upon Muslim women the right to inherit agricultural land. The Punjab Government under PML declared its intention to enforce *Shariáh*. The Lahore branch of JUI held a public meeting (18 January 1948) to put forward the *'ulamā's* viewpoint. It was attended by *'ulamā'* drawn from the *Deobandī*, *Barelwī* and *Ahl-i-Ḥadīṣ* schools.⁵ They made the following declaration:

This [Bill] is drafted by people who have no knowledge whatsoever of Islamic *Shariáh*, and their ignorance is clear in each and every article of the Bill. It is not a '*Shariáh* Bill' as such, but constitutes a mere signal to Muslims to act upon their personal law. Such 'important [Islamic] enactment' of laws had already taken place in some of the provinces during the colonial period, before any Muslim government came to power.⁶

It was resolved that Islam in its totality must be enforced.⁷

The Muslim Personal Law (*Shariáh*) Application Bill was enacted (29 January 1948). But the *ulama* were not appeased. They stepped up their activities aimed at making Pakistan a *Shariáh* (Islamic) state.

4.2 What is *Shariáh*?

The word *Shariáh*, *Shariát* or *Shara'* literally means 'the road to the watering place', the clear path to be followed.⁸

Technically it stands for

the detailed code of conduct or the canons comprising ways and modes of worship, standards of morals and life and laws that allow and proscribe, that judge between right and wrong.⁹

The *Qurān* and the *Hadīs* together provide the subject matter of *Shariāh*. The *Qurān* is divine revelation while the *Hadīs* is a record of the Prophet's *Sunnah* (conduct and behaviour). The authority of the Prophet's conduct flows from several verses in the *Qurān* which are explicit on the subject.¹⁰

4.2.1 *Fiqh* and its Principles

As Muslim society expanded, the need for rulings according to the *Shariāh* intensified. During the first half of the second century A.H./eighth century A.D., systematic efforts were directed towards the laying of the foundations of a science of the *fiqh*, Islamic jurisprudence.

The term *fiqh* refers to the human understanding of *Shariāh* in any given situation. It is

a process rather than a consolidate body of knowledge and it was personal, free and somewhat subjective rather than an objective discipline.¹¹

Among the mainstream Muslims (i.e. the *Sunnīs*), several juristic schools of thought emerged. Four of these became popular and well established.¹²

Muslim jurists worked out a number of principles on the basis of which *fiqh* met the changing needs of each generation, polity and geographical region.

1. *Tā'wīl* (Interpretation)

Many of the injunctions found in the *Qurān* and the *Hadīs*

are open to different valid interpretations; therefore, probing the intent of these injunctions became the first and foremost principle of *fiqh*. Interpretation (*Tā'wīl*) also enables the determination of the extent of applicability or otherwise of a certain injunction in a specific case.

2. *Qiyās* (Analogical Reasoning)

The principle of *qiyās* would be applied to problems relating to which no specific injunctions could be found in *Shari'ah*. '*Qiyās*' literally means 'measuring and comparing'. According to Muslim jurists, it refers to the application, to a new problem, of a principle embodied in a precedent of *Shari'ah*.

3. *Ijtihād* (Juristic Judgment)

Problems which cannot be resolved by the application of the principle of *qiyās* because no suitable precedent is available, would be subject to resolution by the application of *ijtihād* (by Muslim Jurists). *Ijtihād* literally means 'striving hard'. As a technical term it means 'to exert maximum effort with a view to forming an independent judgment on a legal issue, within the framework of broad principles laid down in the *Shari'ah*'.

4. *Istihsān* ('Preference for the better')

Istihsān means 'to prefer' or 'to consider a thing commendable'. This principle applies to the formation of rules in respect of matters not prohibited by the *Shari'ah*. In applying *istihsān*, some authorities admitted

the use of notions of *al-Maṣlahah* (public interest) and '*urf* or '*ādah* (customs and usages) as the genuine sources of *fiqh*.

The concept of *Ijmā'* (consensus) took root from the principles of *fiqh* outlined above. If the majority of the jurists had agreed to a certain *tāwīl* of injunction, *qiyās* or *ijtihād*, then it is *ijmā'* which would be binding for the community. In general, the jurists accepted the authority of *ijmā'*. They, however, differed over the matter concerning whether a particular issue was supported by *ijmā'*.

4.2.2 The Stalemate in Juristic Activity

After the crystallization of the four classical schools of *fiqh*, independent inquiry among Muslim jurists gradually declined. A doctrine of *taqlīd* (strict or rigid adherence) prevailed among classical jurists. It was contrary to the attitude of the founders of these juristic schools of thought. This trend, which became apparent from about the fifth century A.H./eleventh century A.D., was partly due to a fear of analytic thought, lest it should jeopardise the solidarity of the community. It was further reinforced by the large-scale destruction and political instability that swept through the Muslim lands during the following two centuries.

Consequently, the compendia and manuals, embodying the decisions of the classical jurists were compiled. These were used by the judiciary in arriving at decisions on concrete issues. Islamic jurisprudence became static. It did not develop in accordance with the needs of the times. Some stray attempts were,

however, made by stalwarts such as Ibn-i-Taymiyyah (1263-1328) who rebelled against the stalemate to which the doctrine of *taqlīd* had given rise. They tended to re-assert *ijtihād*. Their efforts fell far short of their aim of re-orientating juristic activity in accordance with changing social conditions.

In the context of more recent developments in South Asia, however, some attempts were made to reconstruct Islamic jurisprudence. A controversy, intellectual in character, was being carried on for some time prior to the creation of Pakistan. The establishment of an Islamic state gave fresh impetus to the issue of reconstruction of Islamic jurisprudence.

4.3. The *Shari'ah* (Islamic) State

Islam is religious-political in structure. During the last ten years of his life, the Prophet headed a state which was brought into being on his immigration to Madinah. It was the result of a contract (commonly known as the Constitution of Madinah)¹³ between him and the people of Madinah. As a Head of State, the Prophet took decisions of a political nature, instructed subordinates in day-to-day matters of the state, led the army into battle, experienced victory (at Badr, 623 A.D.), as well as defeat (at 'Uḥad, 624 A.D.), and signed a peace treaty (at Ḥudaybiyah, 630 A.D.).

The origins of the basic principles of the Islamic polity go back to the lifetime of the Prophet. They came into being either through revelation or through traditions and practices *imprimatur* of the Prophet. These principles were general in nature.

The details of their application in practice have been left to the *ummah* to formulate. In carrying out this task, the *ummah* was expected to take into consideration the concrete social conditions prevailing at a given time in a particular place without compromising the five basic principles.

1) Sovereignty of God

The most important principle which differentiates the Islamic state from others is the concept of sovereignty. According to the teachings of Islam, God is the Creator of the Universe, including all the people and the things they use in their life. There is no one in the Universe except the Creator who should be obeyed. He is omniscient, omnipotent and omnipresent. In this perspective, God is the sovereign. Through his messengers (the Prophets), God has instructed human beings as to how they shall live in the Universe. Muḥammad is the last of the Prophets, and the message conveyed through him is embodied in *Shari'ah*.

By accepting the sovereignty of God, the human being is no longer sovereign himself. The human being is the vicegerent of God, and he is bound to exercise his powers within the limits prescribed by God.

2) *Shūrā* (Consultation)

Shūrā is a principle governing the life of a Muslim community whether it lives as a group within a non-Islamic state or an established Islamic state. Muslims who conducted their affairs by mutual

consultation were praised (even before the establishment of Islamic state in Madinah).¹⁴ Another verse of the *Qurān*¹⁵ makes mutual consultation mandatory, even for the Prophet.

There are many examples of the Prophet counselling with his companions. On a number of occasions he accepted the dominant opinion against his own view - for instance, on the question of whether Muslims should stay inside Madinah or whether they should combat the invading forces at 'Uḥad, the Prophet acquiesced in the opinion of his companions. There are repeated instances recorded in the *ḥadīṣ* literature of the companions of the Prophet politely asking him to clarify whether he was giving a certain opinion in his personal capacity or as a directive in his capacity as Prophet and leader of the *ummah*.

3) Justice

Many verses of the *Qurān* enjoin justice upon the Muslims in all human affairs - as individuals or as members of a community. Justice is so important that it should be imposed upon people even by force where necessary.

Indeed, We sent Our Messengers with the clear signs, and We sent down with them the Book and the Balance so that men might uphold justice.¹⁶

Oppression is condemned and forbidden. 'A painful chastisement' awaits 'those who do wrong to the people, and are insolent in earth wrongfully'.¹⁷ In a number of

places, the *Qurān* deals with the question of the ultimate fate of oppressors in this world and in the world hereafter. The Prophet warned against all forms of oppression when he said, 'Stay clear of oppression, for oppression is darkness on the Day of Judgment'.¹⁸

4) Equality

All individuals, irrespective of their origin, language, race or colour, comprising the *ummah*, are equal in rights and liberties. There is no special group or family with special rights above others.

5) Accountability of the ruler

Obedience to the ruler is emphasised.

O believers, obey God and obey the Messenger and those in authority among you.¹⁹

At the same time, it is also emphasised that people may have different and conflicting opinions from the rulers; and differences of opinion must be settled in accordance with the *Qurān* and the *Sunnah*.

In a number of his sayings, the Prophet stipulated that it was permissible to call the head of state to account for acts, performed in the course of his duties, that do not conform to Islamic injunctions. In observance of this spirit, Abū Bakr, the first *Khalīfah*, is reported to have said, after taking charge of the *Khilāfah*:

I have been given authority over you, but I am not the best amongst you. If I do right, help me, and if I do wrong, then put me right.

4.3.1 Characteristics of the Islamic State

From a perspective of the basic principles of the Islamic state adumbrated above, it would appear that Islam envisages a government representative and responsive in character. There is no place in Islam for a hereditary monarchical or dynastic system such as that prevailing in Muslim history for several centuries. The concept of *shūrā* endows the people with the right to choose their ruler. During the *Khilāfat-i-Rāshidah*, the ideal period of the Islamic state, *shūrā* was practised even though no systematic method of conducting it was devised. *Khulāfā-i-Rāshidīn* were installed with the consent of the people, but no standard procedure was evolved for the election of the *Khalīfah*. Thus, the four *Khalīfahs* were chosen by different methods.

In short, the people have the right to elect persons responsible for running the government. The persons elected are accountable to the people for their conduct. It was understood that the Muslim community had the right to recall a ruler who defied the injunctions of *Shari'ah*.

The representative and responsive character of the Islamic state gives it a democratic aspect, but, the basic difference between the Islamic state and a democratic state lies in the interpretation of the concept of sovereignty. In a democracy, the will of the people, reflected through parliament, is sovereign. Parliament has the authority to legislate on behalf of the people.

Sovereignty in the Islamic state is vested in God. The injunctions of the *Qurān* and the *Sunnah* are final, as they constitute the will of the sovereign.

Shūrā is not applicable to questions on which the *Qurān* and the *Sunnah* have clear-cut injunctions that are binding on the Muslim community. In this sense, the Islamic state is theocratic rather than democratic. At the same time, it must be noted that the Islamic state is not theocratic as understood in the West. Islam does not recognise a class of priests responsible for running the government. In short, the Islamic state is unique in character. It is neither thoroughly democratic nor totally theocratic. It partakes of certain qualities of both kinds of state. Mawlānā Mawdūdī coined the phrase 'theo-democracy' for the Islamic state.²⁰

The 'Islamicity' of the state rests in its obedience to all aspects of the injunctions of the *Qurān* and the *Sunnah*. The public as well as private life of the people must be moulded in accordance with *Shari'āh*. Therefore, the Islamic state is a *Shari'āh* state by definition.

4.3.2 The Conflict between the Modernists and the 'Ulamā' over the Nature of the Islamic State

There is no serious conflict between the 'ulamā' and the modernists concerning the broad basic principles that should guide an Islamic polity.²¹ Conflicts of opinion arise when concrete situations arise which require the application of the *Qurān* and the *Sunnah*. The 'ulamā' insist on a literal implementation of the

injunctions of *Shari'ah*, but this goes against the grain of the modernists' approach. For instance, on the punishment to be meted out to thieves the *Qur'an* categorically enjoins that: 'And the thief, male and female: cut off the hands of both, as a recompense for what they have earned'.²² The 'ulamā' and the modernists also differ over issues relating to the status of women, the legality or otherwise of bank interest, and the punishment of flogging for fornication and stoning to death for adultery.

From the outset, the crux of the issue of enforcement of *Shari'ah* in the case of Pakistan lay in the matter concerning whose exposition of *Shari'ah* should be regarded as valid. The 'ulamā' claimed the exclusive right to interpret *Shari'ah* on the basis of the argument that they had acquired the requisite proficiency by going through a long process of religious education in *madrasahs*. On the other hand, the modernists, fully in line with the political leadership of the country which had access to modern secular education in Western institutions of higher learning, believed that the 'ulamā' were ignorant, narrow-minded and unaware of the needs of the age. The political leaders of Pakistan argued that the priesthood had no place in Islam, and that every Muslim had the right to interpret the sources of *Shari'ah*.

Both the 'ulamā' and the modernists agreed upon the necessity of *ijtihad*, but they perceived the scope of *ijtihad* differently. As far as the 'ulamā' were concerned, no independent judgment can be formed where an explicit injunction of *Shari'ah* existed. Moreover, they interpreted the injunctions of *Shari'ah* literally as these had been taken by the companions of the Prophet. An examination of the juristic writings of the 'ulamā' under imperial

rule (1857-1947) would point to the fact that the 'ulamā' often felt uncomfortable in carrying out the task of practising *ijtihād*. In spite of their acceptance of the principle of *ijtihād*, the dynamic Deobandī 'ulamā' dared not undertake a critical study of Islamic jurisprudence. Even though they made *ḥadīṣ* a part of the religious curriculum, and wrote commentaries on the texts embodying *ḥadīṣ*, their main intention in doing so was to gain further support for the practices of *Hanafī Sunnīs*. The *Ahl-i-Ḥadīṣ* 'ulamā' did not adhere to the *Ḥanafī* juristic school of thought. They ignored social issues and committed their energies to polemical discussions relating to the form of daily obligatory prayers. Such was the attitude of even the comparatively progressive 'ulamā'. The conservative *Barelwīs* simply did not bother about *ijtihād*. For them, law was there to be mechanically implemented.²³

At the beginning of his academic career, Mawlānā Mawḍūdī raised his voice boldly against the stagnation of Islamic jurisprudence. He vigorously suggested the exercise of *ijtihād*. In his earlier writings he often deviated from the established rulings of the jurists on several questions. But this zeal evaporated as political expediency drove him into the arms of fellow 'ulamā'. Mawḍūdī's transformation into a politician led him to abandon his independent academic interest in Islamic jurisprudence.²⁴

From this perspective, the 'ulamā' merely paid lip service to *ijtihād*. They were content to interpret *Shari'ah* without paying any attention to changed political, economic, cultural, social and international conditions.

Lahore (1945) to draft a constitution for Pakistan, the would-be Islamic state.³² Mawlanā Shabbir Aḥmad 'Uṣmānī agreed to be its patron, but nothing is known about its achievements.

AIML raised the battle cry during the Pakistan movement that the Indian Muslims formed a nation, and that they needed a homeland where they would rule according to the requirements of their culture, traditions and of the Islamic laws.³³ After Pakistan was created, those who never really believed AIML's Islamic pronouncements, started to highlight the viewpoint according to which the party should put itself to the only test that would prove its *bona fides* by making Pakistan an Islamic state.³⁴

While the '*ulamā*' expected Pakistan as a state to exercise *Shari'ah*, Jinnāh, in his inaugural address to CAP (11 August 1947), enunciated the concept of a 'Pakistani nation' based on secularism. He urged the 'Pakistanis' to

... work together in a spirit that every one of you, no matter to what community he belongs ... no matter what is his colour, caste or creed, is first, second and last a citizen of this state with equal rights, privileges and obligations ... I cannot emphasise it too much. We should begin to work in that spirit and in course of time all these angularities of the majority and minority communities ... will vanish ... You may belong to any religion or caste or creed - that has nothing to do with the business of the State ... We are starting with this fundamental principle that we are all citizens, and equal citizens of one State ... You will find that in course of time Hindus would cease to be Hindus and Muslims would cease to be Muslims; not in the religious sense, because that is the personal faith of each individual; but in the political sense as citizens of the State.³⁵

Jinnah's concept of a national secular state was not in conformity with his own as well as his party's pre-partition posture;³⁶ it was quite unpalatable to the *úlamā'*, though there was a small section of intelligentsia which dared to support a complete separation between religion and politics. The idea of 'secularism' in the early days of Pakistan was so unpopular among the masses that PML did not like to voice Jinnāh's view on the subject; and, Jinnāh himself never reiterated it again. At the same time, he never failed to mention Islamic values whenever he spoke about the Constitution of Pakistan.³⁷ In an explicit statement, Jinnāh redefined his position on the Constitution:

I cannot understand why this feeling of nervousness that future constitution of Pakistan is going to be in conflict with *Shari'at* laws. There is one section of the people who keep on impressing on everybody that the future constitution of the Pakistan should be based on the *Shari'at*. The other section deliberately wants to create mischief and agitate that the *shari'at* laws must be implemented.³⁸

4.5 The Demand for the Enforcement of *Shari'ah*

JIP spearheaded the struggle to make Pakistan a *Shari'ah* (Islamic) state. Mawlānā Mawdūdī delivered a speech on 'The Islamic Law' (Law College, Lahore: 6 January 1948) in which he delineated the nature of Islamic law - its objectives, spirit and structure. In his view the introduction of Islamic law and an Islamic Constitution was the logical goal for the new state of Pakistan.

If instead of Islamic, a secular and Godless Constitution was to be introduced, and if instead of the Islamic *Shari'ah*, the British

Civil and Criminal Procedure Codes had to be enforced, what was the sense in all this struggle for a separate Muslim homeland? We could have had them without that.³⁹

In a second lecture (19 February 1948), Mawdūdī elaborated on how Islamic law should be introduced in Pakistan. According to him, the enforcement of *Shari'ah* would not be possible in a single stroke. The Prophet, whose life is an example to all Muslims, advocated gradual social change. To begin with, he inculcated faith in the people. Those who accepted the faith were trained in the Islamic way of life. Subsequently, an Islamic state was established with the object of making a gradual and systematic but all-out change in society.

More recently, British rule in South Asia also constituted an example of gradual change. The colonial power did not seek to replace *Shari'ah* in an abrupt manner with a legal code imported from abroad. It took them nearly a century to bring their own code of law into force.

In the situation prevailing in colonial India, with the entire mode of living of the people de-Islamised, and *Shari'ah* not having been in force for a century or so, there was a need for strenuous efforts to Islamise the entire system of life in the newly emergent Pakistan, to reorientate education, and to bring Islamic law to such a level that it could be expected to meet the challenge of the modern age. All this would need a well thought-out plan that could be gradually put into effect.

As a first step in the introduction of *Shari'ah*, CAP ought to declare unequivocally

- 1) that the sovereignty of Pakistan belongs to God Almighty alone and that the Government of Pakistan would bind itself to administer the country as his agent;
- 2) that the basic law of the land would be the Islamic *Shari'ah* which has come to the people through our Prophet Muḥammad (peace be upon him);
- 3) that all the existing laws which might be in conflict with the *Shari'ah* would in due course be repealed or brought into conformity with the basic law; and, that no law which may be in any way repugnant to *Shari'ah* would be enacted in the future; and
- 4) that the state, in exercising its powers, would have no competence whatsoever to transgress the limits laid down by Islam.⁴⁰

Mawḏūḏī got the chance to present his views to the public at large when he was invited to give a series of five talks on Radio Pakistan (Lahore: January-March 1948).⁴¹

CAP was in session from March 1948 onwards. JIP workers met CAP members to present their viewpoint, but the attitude of the latter was so cold that the former had to turn to the public. Mawḏūḏī and his colleagues toured the country with the aim of building up public pressure in favour of JIP's demands. He categorically stated the reasons for approaching the public directly.

... the persons to whom we had handed over the reins of power ... had been talking in

contradictory terms for a long time... They do not accept anything unless there is [public] pressure behind it.⁴²

In its 'campaign for the demand of Islamic Order' (March-May 1948), JIP further requested CAP to declare the objectives of the state at the very beginning of its deliberations on the Constitution. He cited the example of the Constituent Assembly of India which declared the objectives of the Indian state at the very beginning of its constitutional debate.⁴³

4.6 Jinnah's Death

JIP's campaign attracted much public attention in the press and on public platforms on questions relating to the characteristics of an Islamic state. The issue of a *Shari'ah*-based state was widely debated when Jinnāh, the first Governor-General of Pakistan, President of CAP and the founder of Pakistan died (11 September 1948). He was a legal and constitutional expert of the Western tradition but 'he left no accepted declaration of political faith'.⁴⁴

Khawājah Nazim-ud-dīn, the then Chief Minister of East Pakistan whose party had 'a precarious majority of four in the [provincial] Assembly'⁴⁵ resigned his post in order to become the second Governor-General.

The political changes following Jinnāh's death proved detrimental to JIP's fortunes. Along with two of his senior colleagues, Mawlānā Amīn Aḥsan Iṣlāhī and Miyaṇ Ṭufayl Muḥammad, Mawdūdī was interned under the Punjab Public Safety Act (4 October

1948). The ostensible reason for the detention was his stand on the participation of Pakistan in the Kashmir Conflict (1948).⁴⁶ A ban was imposed on the publication of JIP's two papers, Tasnīm and Kawsar.

The detention of Mawdūdī was a setback to JIP's campaign for an Islamic Constitution. Mawlānā Shabbīr Ahmad 'Uṣmānī, the JUI leader, criticised the government's action against the JIP leadership. In the course of a tour of East Pakistan in February 1949, 'Uṣmānī deplored PML's attitude towards the promulgation of an Islamic constitution in Pakistan. A two-day conference was organised at the end of his tour (9-10 February 1949) at which a resolution was passed supporting the 'early establishment of an Islamic state in Pakistan, and the introduction of Quranic principles for administrative purposes and the adoption of a Constitution based strictly on *Shari'āt* laws'.⁴⁷ In his presidential address, Mawlānā 'Uṣmānī urged the '*ulamā*' to work hand in hand for the good of Islam and for the Muslim world.

4.7 The Objectives Resolution (12 March 1949)

The campaign unleashed by JIP and JUI was so successful that the PML government could no longer postpone a decision on issues related to *Shari'ah* and an Islamic Constitution for Pakistan, without risking isolation from popular aspirations. On 6 March 1949, Nawābzādah Liyāqat 'Alī Khān moved the Objectives Resolution, 'embodying the main principles on which the Constitution of Pakistan was to be based'.⁴⁸ The outline of the Objectives Resolution was drafted by Shabbīr Ahmad 'Uṣmānī and his trusted colleague Muftī Muḥammad Shafī'.⁴⁹ It was sent to Mawdūdī in his

prison cell. Mawdūdī suggested some changes and gave his approval.⁵⁰ I.H. Qurayshī gave the resolution its final shape before it was moved in CAP.⁵¹ The Objectives Resolution was unanimously passed by CAP (12 March 1949) after a debate lasting six days during which Hindu members boycotted the session.

Among the Muslim members of CAP, a group consisting of Fīroz Khān Nūn, Miyaṅ Mumtāz Muḥammad Khān Dawltānah, and Begum Jahanara Shāh Nawāz, were critical of the Resolution, but they followed party discipline and kept silent.⁵² Of them, Dawltānah did say openly that the Resolution was intended to please Mawlānā Shabbīr Aḥman Ūsmāni.⁵³

The Objectives Resolution represented a complete negation of a secular state. It reaffirmed the concept of God's sovereignty over the entire universe, and laid down that the authority bestowed by Him on the people of Pakistan should only be exercised within the limits prescribed by Him. It also stressed the objectives of democracy - freedom, equality, tolerance and social justice - as enunciated by Islam. It expressed the resolve to enable Muslims to practise Islamic teachings, while permitting complete freedom to religious minorities to profess their religions and develop their own cultures.

The ūlamā' gave the Objectives Resolution high sounding acclamation. Mawlānā Aḥmad Ālī viewed it as the 'voice from his heart'.⁵⁴ Mawlānā Aḥmad Saīd Kāzimī, a JUP leader, considered it a further confirmation of the pledge that PML had made with the people from the very first day of Pakistan's creation.⁵⁵ The

Advisory Council of JIP welcomed the Resolution in the following words:

In this [Objectives] Resolution, our Constituent Assembly has fulfilled the minimum requirements of an Islamic state.

JIP further suggested that

such 'ulamā' and thinkers as possess the capability to apply Islamic injunctions according to the needs of the age and deep religious insight must be taken on committee or committees constituted for the purpose of the framing of the Constitution.⁵⁶

The Objectives Resolution, considered to be the first major step towards Constitution-making, represented a compromise between the 'ulamā' and the Western-educated PML leadership. The principles underlying the 'four point' demand of JIP and the resolution of the Dacca Conference of JUI (February 1949) were incorporated in it, but the modernist approach was by no means abandoned. The Resolution stated that the state would 'enable', not compel the Muslims to order their lives in accordance with the *Qurān* and the *Sunnah*. On the whole, it strengthened the position of the 'ulamā', but the real issue of the precise character the state of Pakistan ought to assume was yet to be discussed.

4.8 The Basic Principles Committee (BPC)

After the passage of the Objectives Resolution, CAP immediately constituted a 'Basic Principles Committee' (BPC). Its remit was to recommend 'Basic Principles' of the Constitution in consonance with the declared objectives of the state. BPC, with a membership of 25 (or about one third of the total strength of CAP)

was empowered to co-opt up to a maximum of 10 persons who were not required to be members of CAP. Tamiz-ud-dīn, the President of CAP, headed BPC.

BPC met for the first time in April 1949.

... after a prolonged discussion it was decided ... to set up a Board of experts consisting of reputed scholars well versed in *Ta'limat-i-Islamia* to advise on matters arising out of the Objectives Resolution and on such other matters as may be referred to them.⁵⁷

4.8.1 The Board of *Talimāt-i-Islāmiyyah* (BTI)

The Board of *Talimāt-i-Islāmiyyah* (BTI) was formed in response to the demand of the 'ulamā'. It was not endowed with any real power. It was advisory in character and its remit was derived solely from matters which might be referred to it. The following members of the 'ulamā' were nominated as members of BTI:

1. Sayyid Sulaymān Nadwī (President);
2. Shabbir Aḥmad 'Uṣmānī;
3. Muftī Muḥammad Shafī';
4. Dr. Muḥammad Ḥamīdullāh;
5. Muftī Ja'far Ḥusayn;
6. Professor 'Abdul Khāliq; and
7. Zafar Aḥmad Anṣārī (Secretary).

It is interesting to note that BTI was headed by Sayyid Sulaymān Nadwī, instead of Shabbir Aḥmad 'Uṣmānī, Pakistan's own *Shaykh-ul-Islām*. Though the latter's inclusion in BTI as a mere member rather than as President was explained on the grounds of his failing health, the real reason would appear to have stemmed from

‘Uṣmānī's public criticism of the ruling party. Sayyid Sulaymān Nadwī was not a *Deobandī* by orientation, but was an outstanding *murīd* (disciple in sufism) of Mawlānā Ashraf ‘Alī Thānwī, and was therefore close to JUI's *Deobandīs*.

Five out of the seven members of BTI were renowned ‘*ulamā*’. Four of them (i.e. Sayyid Sulaymān Nadwī, Shabbīr Aḥmad ‘Uṣmānī, Muftī Muḥammad Shafī’ and Dr. Muḥammad Hamīdullāh) were *Sunnīs*. The fifth, Muftī Jafar Ḥusayn, was a *Shī‘ah mujtahid*, who represented his sect on constitutional and legal issues.

Professor ‘Abdul Khāliq was an independent member of the East Pakistan Legislative Assembly, but not an ‘*ālim*. He was appointed to give representation to the East wing of the country. Zafar Aḥmad Anṣārī was a lawyer by profession and had held the post of office secretary to AIML. He had worked in ‘*ulamā*’ circles on behalf of AIML during the pre-1947 period. He happened to be the most appropriate person who could be entrusted with the task of liaising between the ruling PML and the ‘*ulamā*’. His political background and educational orientation suited such a delicate task. He was nominated as the secretary of BTI.

4.8.2. BPC's Interim Report

With the appointment of BPC, the Constitution of Pakistan was naturally expected to be ready at a reasonably early opportunity. By the end of 1949 India had already passed its Constitution which took effect in January 1950. This development in fact acted as a stimulus to BPC which presented an Interim Report (7 September 1950) to CAP. The BPC members were too busy

with their governmental activities to find the time needed to settle problems of a constitutional nature.

The Interim Report, produced in 18 months, was not comprehensive enough to cover all the constitutional aspects. Thus, it was silent about the distribution of seats in the lower house of Central Legislature. The 'ulamā' were under the impression that BPC would draft its Report along the lines recommended in the Objectives Resolution. Nawābzādah Liyāqat 'Alī Khān, the Prime Minister, constantly repeated that the Constitution 'would be based on Islamic principles and traditions'.⁵⁸

In the event, however, the Interim Report came as a shock to the 'ulamā'. Few of the provisions contained in it could be said to be particularly Islamic in character. The Report and its authors were severely attacked by the 'ulamā'. The Government tried to defend itself on the grounds that the Report followed the recommendations of BTI.⁵⁹ The outspoken 'ulamā', for their part, did not spare even their own representatives on BTI in their critical wrath.⁶⁰

Muftī Muḥammad Shafī', one of the members of BTI, expressed the view that the final Report had nothing to do with the recommendations of BTI. He demanded that BTI's recommendations should be published so that the public could make up its own mind about the extent to which the Report was in conformity with them.⁶¹

In many public meetings held in the country, the 'ulamā' condemned the Report as un-Islamic in character and called for its

rejection. The President of BTI resigned; and, Dr. Muḥammad Ḥamidullāh, a member, refused to work on BTI.

4.9 The Basic Principles of an Islamic State

Nawābzādah Liyāqat 'Alī Khān was forced to surrender in the face of strong criticism. BPC's Interim Report was postponed in order to allow members of the public to come forward with suggestions. Liyāqat 'Alī Khān stated that

It is an invitation and an opportunity to those people [who criticise the Report] to make concrete and definite suggestions with regard to the Report as to which of its provisions are not in conformity with the Objectives Resolution and what are the reasons for their saying so.⁶²

From this standpoint Mawlānā Iḥtishām-ul-Ḥaq convened a conference of the 'ulamā' (21-24 January 1951) with the aim of laying down the basic principles of an Islamic state. 31 'ulamā', representing all schools of thought in Pakistan, formulated 22 points as the basic principles of an Islamic state. Of these, six belonged to East Pakistan, 10 to Sind, nine to the Punjab, two to the NWFP, two to Baluchistan, one to Bahawalpur, and one to Khairpur. All of them were invited in their individual capacity; therefore, their affiliation to specific political parties/groups was not mentioned. Nevertheless, some of them who held offices in certain organisations, preferred to identify themselves as such. The 'ulamā', active in JIP, JUI, JUP, MJAHP and APMAI, were represented at the conference. The conference was representative of the different schools of thought among the 'ulamā'. Two of them were *Shī'ah mujtahids*. The remaining 29 *Sunnīs* divided into three

Ahl-i-Ḥadīṣ, 19 *Deobandīs*, three *Barelwīs* and four who were not strictly affiliated to any of the three mainstream sub-sects.⁶³

4.9.1 BTI's Views on the Islamic State

It is appropriate to consider the 'views' presented by BTI⁶⁴ to BPC for two main reasons. First, Mawlānā Sayyid Sulaymān Nadwī, the BTI President, took the chair at the 31-*ulama* conference. Second, five out of the seven members of BTI were present at the conference [Mawlānā Shabbīr Aḥmad Ḥusmānī having died; and Dr. Muḥammad Ḥamidullah having gone to Paris].

BTI defined the Islamic state as

a state ruled in accordance with the tenets of Islam, or, more correctly, a state where the Divine Order, as contained in the Holy *Qurān* and *Sunnah*, reigns supreme and the entire government business in its various spheres is conducted with a view to executing the will of *Allāh* as laid down in *Shariāt*.

The functions of the state included

the consolidation and glory of Islam, implementation of its scheme of life in all its fullness, eradication of vices, propagation of virtues, creation and maintenance of healthy moral atmosphere, ensuring procurement of necessities of life and dispensation of full justice to all the people inhabiting the territory irrespective of their religion, race or colour, etc., preservation of human dignity as enunciated by Islam, diffusion of knowledge and learning, maintenance of peace and order inside the territory, enforcement of punishments and penalties prescribed by *Shariāt*, control and disbursement of public money in an equitable manner as laid down by Islam, maintenance and consolidation of armed forces to avoid and meet all possible danger from any quarter whatsoever, protection, as a Divine trust, of the legitimate interests of non-Muslims living within the territory and the

general well-being and prosperity of the masses.

In an Islamic state

all the places wherefrom the policies of the government emanate must necessarily be in the charge of such persons only as not only believe in the fundamental principles underlying that particular ideology but also conform to the minimum standard of conduct necessary to ensure sincere execution of the code promulgated under that particular ideology...The Musalmāns elect the wisest and most God-fearing person from amongst themselves as their Head...without any specification of the form of his office.

Nevertheless, the head of state could be removed from office 'in accordance with the principles of the *Shari'āt*' by 'the very body which is entitled to elect the Head of the State'. The federal legislature, including the 'Federal Committee of Experts on *Shari'āh*' ought to be vested with the power to elect the Head of the State.

The Head of State would discharge his responsibilities 'in consultation with pious and sagacious members of the *Millat* (Muslim community) enjoying their confidence'. The Head of State would exercise executive powers with the assistance of a number of advisory councils - e.g., the Legislative Council, the Executive Council, the Cultural Council, and the Judicial Council.

In an Islamic state, legislation would be a limited activity, as the primary duty of the state is 'to execute whatever has been ordained by *Allāh*'. But, the 'legislation which does not militate against the injunctions and requirements of Islam and is not detrimental or prejudicial to the aims and objects of an

Islamic state is permissible'. The legislators are required to be 'thoroughly conversant with the injunctions and requirements of Islam'. Non-Muslims can be taken into the Legislature not only to put forward and represent the interests and feelings of their community, but also to give their opinion in regard to problems of general interest to the country'. 'Women who have attained the age of 50 years and observe *purdah* [covering of head and face from all men with whom marriage is permissible] are eligible for membership of the Legislature'.

The 'Committee of Experts of *Shari'at*' would decide

whether or not a particular law or bill or ordinance or a section thereof militates against the requirements of *Shari'at*; and members of the Committee of Experts on *Shari'at* would be *ex-officio* members of the Upper House of a bi-cameral legislature.

BTI did not hold the Parliamentary system of the government altogether unacceptable, but it did suggest a system that seemed to be similar to the Presidential form of Government. In BTI's view, throughout the history of Islam

it has always been an individual and not a group of persons who has held the reins of ultimate authority and has been considered as accountable before the *Millat* and such [an] individual has always enjoyed effective power.

4.9.2 The Basic Principles of an Islamic State: An Overall View

The 22 basic principles of an Islamic state,⁶⁵ suggested by the conference of the '*ulamā*', incorporated the views of BTI and

those contained in the Objectives Resolution. Point 9 and Points 19-21 were included in addition to the views expressed earlier.

Point 9 runs as follows:

The recognised Muslim schools of thought shall have, within the limits of the law, complete religious freedom. They shall have the right to impart religious instruction to their adherents and the freedom to propagate their views. Matters coming under the purview of Personal Law shall be administered in accordance with their respective codes of jurisprudence (*fiqh*), and, it will be desirable to make provision for the administration of such matters by judges belonging to their respective schools of thought.

Under Point 9, the *Shi'āh mujtahids* were able to exercise freedom to propagate their religious beliefs, and to practise their own personal law. Points 19-21 - emphasising the separation of the judiciary from the executive, prohibition of 'views and ideologies' undermining the ideals of the Islamic State, and belittling ethnic and linguistic differences - were added on under the influence of Mawlānā Mawdūdī.

4.10 From BPC's Interim Report to its Final Report

A special sub-committee, under the Chairmanship of Sardār 'Abdur Rab Nishtar (1899-1958), was appointed to deal with suggestions from the public. 'Abdur Rab Nishtar's nomination as Chairman of the Suggestions Sub-committee was in itself calculated to satisfy the 'ulamā', because he happened to be a PML leader who was on the same wavelength as the 'ulamā'. Consequently, the sub-committee of BPC received suggestions, and even 'proposed constitutions' from different quarters.

The general tenor of the suggestions was quite clear. It was unequivocally urged, though in slightly varying terms, that the Constitution should be made more explicitly Islamic. In the mood that prevailed, BPC felt that it would be appropriate to co-opt Mawlānā Sayyid Sulaymān Nadwī as a full member of the Suggestions Sub-committee. As President of the conference of the 'ulamā' (21-24 January 1951), he had come to be regarded as the undisputed spokesman of the 'ulamā'.

Whilst the Suggestions Sub-Committee was receiving the views of the public, Prime Minister Nawābzādah Liyāqat Ālī Khān was assassinated (16 October 1951). Khawājah Nazim-ud-dīn stepped down from the titular post of Governor-General to become the Prime Minister of Pakistan in succession to the Nawābzādah; and, Ghulām Muḥammad, the Finance Minister, became Governor-General. In these shuffles, neither the Working Committee of PML was called, nor the PML Assembly Party was consulted.⁶⁶ Democratic processes were deliberately neglected with a view to preventing Sardār Ābdur Rab Nishtar assuming a politically important post. He 'was considered to be the legitimate heir of Liaquat by most of the Muslim Leaguers'.⁶⁷ Had Ābdur Rab Nishtar succeeded Nawābzādah Liyāqat Ālī Khān, the interests of Ghulām Muḥammad would have suffered. If Ābdur Rab Nishtar had become Prime Minister, Nāẓim-ud-dīn could not have left the office of Governor-General in order to enable Ghulām Muḥammad to become the Head of State. Apart from such personal considerations, Ābdur Rab Nishtar's appointment as Prime Minister would have resulted in a strengthening of the 'ulamā'.

Though the 'ulamā' could not see a person like Ābdur Rab Nishtar as Prime Minister, even Nāẓim-ud-dīn was preferable to

Liyāqat 'Alī Khān from a religious point of view.

The Suggestions Sub-committee had a series of sittings with BTI. Its report was completed in July 1952. After thorough deliberation, BPC introduced the revised and final version of its Report in CAP (22 December 1952).⁶⁸

JIP continued a pamphleteering campaign following the presentation of the Interim Report. It observed a 'Constitution Week' throughout the country (November 1952), during which demands were raised for the adoption of a Constitution based on the 22 points of the 'ulamā'.

The final Report did not 'receive much better welcome' than the previous one. Now, it was not so much the exclusion of Islamic provisions but rather the 'awkwardness of their insertion into the Constitution that aroused criticism'.⁶⁹ It was accepted that the Head of State would be a Muslim; and he as well as Muslim members of the Legislatures and heads of the federating units of the country would be required to take an oath that they would observe in their personal and public life the obligations and duties enjoined by the *Qurān* and the *Sunnah*. The role of the 'ulamā' was recognised in institutional terms with the formation of a 'Board of 'Ulamā' which was entrusted with the authority to review all Legislative Bills under consideration in various legislatures in the light of the *Qurān* and the *Sunnah*, in order that all legislation repugnant to the *Qurān* and the *Sunnah* could be prevented from entering the statute book.

Evidently, the Report contained concessions to the 'ulamā' with which they were not entirely satisfied. The 'ulamā' who had formulated the 22 basic principles of the Islamic state, met again (Karachi: 11-18 January 1953) and reviewed the Report, clause by clause. The 'ulamā' demanded the revision of the Report in the light of their 'amendments', in order that it might be given a genuinely Islamic character.⁷⁰

The 'ulamā' thus successfully increased their influence on the politics surrounding the framing of the Constitution. It is somewhat surprising that, in spite of their theological differences and mutual animosities, the 'ulamā' as a whole were willing to accommodate one another and to reach agreement on a large number of constitutional issues sometimes dramatic in opposition to the 'modernist' national leadership.

4.11 The Qādiyānī [Ahmadī] Question

The 'ulamā' suggested a significant amendment to the Report according to which one out of the 88 seats in the Lower House of the Central Legislature, reserved for Muslims from the Punjab, should go to the Qādiyānīs. A Qādiyānī was defined as a 'person who professes [belief] in Mirzā Ghulām Ahmad of Qadian as his religious leader'.⁷¹ The 'ulamā asserted as under:

This is a very important amendment upon which we insist with all the emphasis at our command. It is in no manner proper for the constitution-makers of our country to be oblivious of the peculiar conditions obtaining in the country and the social problems of a peculiar nature confronting us ... they must not be unaware of how delicate and tense the situation has become in areas where a considerable number of Qadianis are living

along with Muslims. They should not behave like our erstwhile rulers who did not care to take cognizance of the Hindu-Muslim problem until the four corners of undivided India had become blood-stained on account of the Hindu-Muslim disturbances. For our constitution makers, ... it would be a tragic blunder that they should refuse to realise the existence of a *Qadiani*-Muslim problem which needs an urgent solution until such time as they find it has grown into a wild fire ... the remedy even today lies in declaring them a minority altogether separate from the Muslims as had been proposed by the late Allama Iqbal twenty years back.⁷²

Mirzā Ghulām Aḥmad (1836-1908) of Qadian (District Gurdaspur, Punjab) was the founder of this sect. He named his followers '*Aḥmadīs*', but the majority of Muslims used the terms '*Qādiyānis*' and '*Mirzāīs*' in a pejorative manner to refer to the town to which their leader belonged and to Ghulam Ahmad's caste name (i.e., '*Mirzā*').

Mirzā Ghulām Aḥmad belonged to a notable family with good connections - first, with Sikh rulers of the Punjab; and, afterwards, with the newly established colonial British administration. He started his career in the office of Deputy Commissioner of Sialkot, on a humble salary. He developed a keen interest in religious polemics and resigned from the job after four years of service (1868) in order to pursue his religious activities.

The last quarter of the 19th century was a period marred by religious polemics. Christian missionaries and *Āryā Samāj* leaders severely criticised Islam. Muslim writers, who took on the challenges of the critics were treated with considerable respect by those belonging to Muslim religious circles. In 1879, Mirzā Ghulām

Aḥmad started to write his first well-known book *Brāhīn-i-Aḥmadiyyah* (The Proofs of Ahmad). His aim was to prove that no other religion could equal Islam. He undertook correspondence with learned Muslim contemporaries. He requested them to provide him with written statements containing their views which would form the basis of his book. Mawlawī Chirāgh 'Alī, a noted author and 'modernist' colleague of Sir Sayyid Ahmad Khan, assisted him in the writing of the book. The first two parts of the book, published in 1880, were received favourably by Muslims.

In the third part, published in 1882, the author claimed to have been appointed by God as a great reformer of Islam in the 14th century A.H. The fourth part of the book was published in 1885. In 1889, Ghulām Aḥmad announced that he would accept as personal followers all those who would like to accept him as the leader. This was the beginning of the *Aḥmadī* sect. The fifth and the last part of *Barāhīn-i-Aḥmadiyyah* saw the light of day in 1905, almost 20 years after the publication of the previous part.

This voluminous book is so highly esteemed by the *Aḥmadīs* that, according to Bashīr-ud-dīn Mahmūd Aḥmad, the third head of the *Aḥmadīs*, its 'like is not to be found in any other human publication'.⁷³ Though it is not elegantly written, many were 'impressed by [its] author's prolificity, perseverance and diligence'.⁷⁴ This book brought its author 'out of anonymity and put him on the stage of public renown and appreciation, and countless eyes were turned towards him'.⁷⁵

He continued to write polemics against *Āryā Samāj* and Christianity. On the Muslim side, he began to drift from one

divinely directed claim to another. In 1891, he laid claim to being *maṣīl-i-Masīḥ* (Replica of Jesus) and *Masīḥ-i-Maw'ūd* (The Promised Jesus). The return of Jesus, before the day of resurrection is an article of the Islamic creed. As Mirzā Ghulām Aḥmad could not, by any stretch of the imagination, pass for the son of Mary the Virgin, he tried to prove that Jesus died in Kashmir after leading a normal life,⁷⁶ and that the person whose reappearance the Muslims awaited would not be Jesus in *propria persona* but rather a replica of Jesus. In 1901, he proclaimed his prophethood, claiming that he had experienced revelation through the grace of Muḥammad. This was the year when the census was due to be taken. He instructed his followers to have themselves recorded in the census as '*Aḥmadī Mussalmans*'.⁷⁷

Mirzā Ghulām Aḥmad looked upon the (British) Indian government as the protector of his followers and of himself. He was opposed to the concept of armed struggle against the British. He was aggressive and unscrupulous in his condemnation of his ideological and theological opponents and even employed foul language against them.⁷⁸

Mirzā Ghulām Aḥmad's claims were generally unacceptable to Muslims. Muḥammad is believed to be the last of the Prophets; therefore, it was not surprising that Mirzā Ghulām Aḥmad was sharply criticised by the *ʿulamāʾ*, who declared him *kāfir* as early as 1890.⁷⁹ The hostility and antagonism directed against the '*Aḥmadīs*' by Muslims turned them into a tightly-knit group.

After the demise of the founder of the sect, Ḥakīm Nūr-ud-dīn (d.1914) became its leader. As the closest friend of

the founder and the most learned person in the community, Nūr-ud-dīn commanded complete authority among the *Aḥmadī* community. At his death, the community split into two groups. The major group, with its headquarters at Qadian, was led by Bashīr-ud-dīn Maḥmūd Aḥmad⁸⁰ (1889-1965), the son of the founder. It firmly adhered to the doctrines of the sect. A dissident group repudiated the concept of the founder's prophethood, and sought to highlight his 'revivalist' character. It made Lahore its headquarters, and was led by Muḥammad 'Alī,⁸¹ the well-known translator of the *Qurān* into the English language.

In a memorandum to the Punjab Boundary Commission (appointed to demarcate the boundary between West and East Punjab), at the time of partition, the Qadian group pleaded that Qadian should be included in West Punjab (Pakistan). Having failed to win this demand, the Qadian group shifted its headquarters to Rabwa (Punjab) in Pakistan. In 1947, the *Aḥmadīs* constituted a 'very small community', but 'more than two hundred *Aḥmadīs* [had] attained the King's Commission'⁸² in the armed forces. The *Aḥmadīs* who were relatively more educated than any other Muslim group were represented out of proportion to their numbers in the civil administration as well.

The *Aḥmadīs* displayed a great propensity to propagate their faith at home and abroad. In order to run an effective organisation and to carry on missionary work, the head of the community imposes heavy taxes on the followers. Every adult member with a job is expected to donate at least one tenth of his or her monthly income. Ardent followers are persuaded to endow one third

of their property for the benefit of the *Aḥmadī* community and for the propagation of missionary activity.

Muslims use a set of terms to refer to those who were linked to Muḥammad, the Prophet. For instance, *umm-ul-mo'minīn* (mother of the Muslims) is the term used to refer to any of the Prophet's wives; and the term *ṣaḥābah* (the companions) refers to those who witnessed the Prophet. *Aḥmadīs* use these terms to refer to those who they believe were similarly linked to Mirzā Ghulām Aḥmad.

In spite of the proclamation of prophethood, Mirzā Ghulām Aḥmad did not initiate any changes in the daily religious life of *Aḥmadīs* as distinct from the *Sunnīs* of South Asia. *Aḥmadīs* follow jurisprudence as embodied in the work of the *Ḥanafī* jurists. But for their belief in the prophethood of Mirzā Ghulām Aḥmad, *Aḥmadīs* are indistinguishable from *Sunnī* Muslims. But, sociologically speaking, *Aḥmadīs* constitute an exclusive social group living within a Muslim society. They do not intermarry with Muslims; they do not join the Muslims in their daily obligatory prayers; and, they even abstain from joining Muslim funerals. An acute sense of exclusiveness is thus cultivated by the *Aḥmadīs*. Their group identity is so strong, that *Aḥmadīs* would far rather help one another than those belonging to other groups.

Their aggressive propagation of the *Aḥmadī* faith, their social exclusiveness, and their readiness to pursue the interests of their own community at the expense of the larger interest of Muslims as a whole, lay at the root of the antagonism which the Muslim people felt towards the *Aḥmadīs*.

MAI⁸³ was a bitter critic of the *Aḥmadī* faith. Before 1947, it had contributed a considerable amount of polemic literature to the denunciation of Mirzā Ghulām Ahmad's claims. The government proscribed some of the polemical publications of MAI in the larger interests of society.⁸⁴ After independence, *Aḥmadīs* believed that Pakistan might prove to be a more fertile ground for missionary work. The PML leadership was not hostile towards them. Muḥammad Zafarullāh Khān (1893-1985), a staunch *Aḥmadī*, had been the AIML President for the year 1931. He was appointed the first Foreign Minister of Pakistan in December 1947.

APMAI (as MAI re-Christened itself after Pakistan was established) decided to confine its activities to religious matters, of which the 'most attractive', in the light of its past career, was the *Aḥmadī* issue. APMIAI publicly demanded (14 January 1949) that *Aḥmadīs* should be declared a non-Muslim minority.

The social antagonism against *Aḥmadīs* already felt among the Muslim public enabled APMIAI to tap public support for its propaganda. *Aḥmadīs*, on the other hand, felt confident of their future on the strength of their powerful presence in the upper echelons of the PML government, as well as the armed forces and the civil administration of the country.

APMAI continued its powerfully motivated campaign against *Aḥmadīs* which received fresh impetus when the latter held a public meeting (Karachi: 18 May 1952) addressed by Muḥammad Zafarullāh Khān. The meeting signalled the resolve of the *Aḥmadīs* not to be intimidated by the campaign against them by APMIAI and the sections of the *ūlamā'* allied to it; the *Aḥmadīs* were determined to propagate

their beliefs, and to this effect they were prepared to exercise their democratic right of religious freedom. At an All-Pakistan Muslim Parties Convention (2 June 1952) called by the 'ulamā' and presided over by Mawlānā Sayyid Sulaymān Nadwī, the following demands were raised:

1. *Aḥmadīs* must be declared a non-Muslim minority; and
2. Muḥammad Z̄afarullāh Khān be removed from his position in the cabinet along with all other *Aḥmadīs* occupying important posts.

JIP, which was in complete agreement with the 'ulamā' on the question of the status of the *Aḥmadīs*, was in favour of postponing a sustained campaign on the issue, and concentrating instead on 'getting an Islamic constitution'.⁸⁵ Mawdūdī, however, wrote in a pamphlet entitled The Qadiani Problem that the 'constitution-makers should appreciate the weight of the logic behind [the] demand'.⁸⁶

The majority of the *Aḥmadī* population (as well as its headquarters) was in the Punjab. The intensity of the anti-*Aḥmadī* agitation was therefore the greatest in the Punjab. The PML Punjab government, under Miyaṅ Mumtāz Muḥammad Khān Dawltānah, encouraged the agitation with the aim of embarrassing the Central Government under Khawājah Naẓim-ud-dīn and thus scoring points in the factional rifts in which PML abounded.

For its part, JIP was more interested in CAP's proclamation declaring the supremacy of *Shari'ah*. Reconciling this with the specific demands of the 'ulamā', JIP included the demand (13

August 1952), that *Aḥmadīs* be declared non-Muslims, in the constitutional campaign in which it took part.⁸⁷

The anti-*Aḥmadī* agitation gathered pace from May 1952 onwards. The PML government, however, did not publish its reasons for not accepting the demands of the 'ulamā'. The final version of BPC's Report completely ignored the issue. The 'ulamā' met to consider it (Karachi: 11-18 January 1953). JUP and APMAI also held a convention (15-17 January 1953) to coincide with the meeting of the 'ulamā', at which a Central Committee of Action (CCA) was constituted with the aim of evolving a programme for the resolution of the *Aḥmadī* issue. This CCA fell into the hands of APMAI 'ulamā'. The 'ulamā', throughout the country and especially in the Punjab, continued to use agitational tactics in order to put pressure on the government. This eventually resulted in the outbreak of disturbances, especially in the Punjab.

In the light of his own religious convictions, Khawājah Nāẓim-ud-dīn was prepared to accept some of the demands of the 'ulamā' that were contained in the BPC Report. He was against a policy of ruthless suppression of the 'ulamā', but the civil administration's thinking was clear from the letter written by Iskandar Mirzā (then the Secretary to the Ministry of Defence) to the 'Hon'ble Alḥāj Khawāja Nāẓim-ud-dīn'. In it, he asserted that:

[t]he problems created by your personal enemies including *mullahs*, if not dealt with firmly and now will destroy the administration and the country...

Though I am not a very religious man, I have the greatest respect for your religious beliefs and realise your hesitation and dislike for vigorous action against those persons who are working against you in the garb of religion.

But is it religion to destroy the very foundation of the administration of the premier Muslim State.

... Don't think for a moment that you have no friends. There are people who will stand by you till the last. I guarantee the Armed Forces will carry out any directive you may choose to give. For God's sake become a courageous leader and take decisive action. Once you do this, the whole country with the exception of rascals will rally round you and the prestige of Pakistan will go up. The country will be saved.⁸⁸

This suggestion was heeded to, and Martial Law was declared in Lahore (6 March 1953). The agitation of the 'ulamā' was quelled in a ruthless manner.

4.11.1 The Aftermath of the Anti-*Aḥmadī* Agitation

The imposition of Martial Law was intended to impress upon the public that Islam should not be played up too much because it tended to aggravate intolerance and fanaticism. Hundreds of the 'ulamā' and their affiliates were tried in courts. A large number of them were sentenced to imprisonment. Mawlānā Mawdūdī, the most outstanding figure responsible for mobilising the masses for an Islamic state, was sentenced to death (11 May 1953) on the charge that he 'promoted feelings of enmity or hatred between different classes in Pakistan'⁸⁹ by writing a pamphlet entitled 'Qadiani Masalah' (The Qadiani Problem). The death sentence was, however, commuted to a sentence of 14 years' imprisonment.⁹⁰

The anti-*Aḥmadī* agitation gave the government the opportunity to persuade the general public that the 'ulamā' constituted an undesirable political element in Pakistan.

According to a report published by JIP, a group of writers was hired 'whose services were liberally paid for out of the public revenues'.⁹¹

A special Court of Inquiry was set up (19 June 1953) to enquire into

1. the circumstances leading to the declaration of Martial Law in Lahore on 6 March, 1953;
2. the question of fixing responsibility for the disturbances; and
3. the adequacy or otherwise of the measures taken by the provincial civil authorities to prevent, and subsequently to deal with, the disturbances.

The Court of Inquiry was presided over by Mr. Justice Muḥammad Munīr, the then Chief Justice of the Lahore High Court. The other member of the Court was Mr. Justice M.R. Kayanī, then a puisne judge of the Lahore High Court.

After eight months (July 1953 - February 1954), the Court of Enquiry produced a 387-page Report⁹² (known as the Munir Report) which was made public on 23 April 1954. The Court of Enquiry conducted its proceedings in a broader perspective than that strictly covered by the terms of reference; apart from analysing the causes of the disturbances, it also dealt with the concept of an Islamic State in Pakistan. The Report ridiculed the 'ulamā⁹³ who were presented as a body of narrow-minded and ignorant fanatics. According to the Munir Report, they were so incompetent and

internally split that they could not even agree on the definition of a Muslim.⁹⁴

The Report in effect presented the case for Pakistan as a secular state. It constituted the first attempt in Pakistan's history to present the secular point of view with zeal and fervour. 'Prior to this nobody had dared to express these ideas'⁹⁵ in such an elegant manner. The Report attracted a mixed response. It was regarded as a 'mine of valuable and accurately stated information'⁹⁶ by a number of persons both within the country and outside. On the other hand, both the modernists and the 'ulamā' criticised it from different standpoints. In one of its analyses, JIP characterised it as 'deceptive, misleading and mischievous'.⁹⁷ According to Javed Iqbāl, son of Dr. Muḥammad Iqbāl and a modernist

[t]he judges of our courts of law are trained in the British legal system and they have no knowledge of, and are obviously unconcerned with the intricacies and refinements of Islamic theology and jurisprudence. They therefore never claimed to hold an inquiry in the capacity of [q]azis and [m]uftis and yet felt obliged to express opinion on matters of Islamic theology and jurisprudence over which they had no jurisdiction.⁹⁸

Ghulām Muḥammad, the Governor-General, had been dissatisfied with the Islamic overtones of the final version of the BPC Report which made concessions to the 'ulamā'. He had been equally critical of Khawājah Nāẓim-ud-dīn's attitude towards the 'ulamā' during the anti-*Aḥmadi* agitation. Taking advantage of the food crisis then prevailing and of the poor economy of the country,⁹⁹ he dismissed Nāẓim-ud-dīn's ministry (18 April 1953). Muḥammad 'Alī Bogra, an East Pakistani and Pakistan's Ambassador to the USA. was invited to form a new government.

4.12 The Proposal for an Interim Constitution

Muhammad 'Alī Bogra turned to the task of Constitution-making; by mid-1953 it leaked to the press that an Interim Constitution, then under preparation, would be placed before CAP. In the midst of the campaign against the 'ulamā', following the failure of anti-*Aḥmadī* agitation, Muhammad 'Alī abolished BTI. The contents of the Interim Constitution which he wished to present to CAP were not disclosed, but anti-'ulamā' views expressed by those who belonged to the ruling group were sufficient to alert the 'ulamā'.

JUI took the lead by opposing the idea of an Interim Constitution which would almost certainly be devoid of an Islamic character. In a joint statement, the President of JUI, the *amīr* of JIP, and ex-members of BTI, expressed the view that the idea of an Interim Constitution represented a 'clear deviation from the Islamic Constitution'. At a meeting organised by JUI, a proper Constitution based on the *Qurān* and the *Sunnah* was demanded.

The idea of the Interim Constitution was eventually dropped in the face of the stiff opposition mounted by the *ulama*.

4.13 The Dissolution of CAP

A Constituent Assembly, envisaged in the Cabinet Mission Plan (May 1944), was indirectly elected by the Provincial Legislatures of the (British) Indian Provinces (1947). It was given the task of framing a constitution for a free and united India. After partition was accepted, however, two separate Constituent Assemblies had to be set up - one for Pakistan, and the

other for India. In actual fact the Constituent Assembly which was already in existence at the time of partition was split into two.

CAP which was thoroughly dominated by PML assumed a dual capacity - as the Federal Legislature of independent Pakistan, and as the Constituent Assembly of the new nation. The Act of Independence, 1947 did not specify a time limit within which CAP would be required to complete its job before being dissolved. Nobody questioned its representative character in the beginning. It was the constitutional principles and reports that CAP propounded that provoked individuals and parties to raise the question of its representative character.

When the Objectives Resolution was under discussion, PSP, which was committed to scientific socialism, demanded the dissolution of CAP.¹⁰⁰ JIP asserted that the sitting members of CAP represented a political left-over from the colonial period. Persons who had the qualities needed to frame a Constitution for Pakistan on Islamic grounds could only be brought together through fresh elections to CAP.¹⁰¹ The dissidents within PML eventually joined forces with those demanding a newly elected CAP. PML, the ruling party, paid no heed to such demands. The provincial elections in the provinces of West Pakistan (1951-1953) gave PML a substantial margin of victory, thus indicating that were new elections to CAP to take place, PML would in all probability re-emerge as a victorious political force. In fact, however, the crushing defeat suffered by PML in the East Pakistan election (March 1954)¹⁰² really provided the basis for the demand that CAP should be dissolved and a new CAP should be constituted through election.

Muhammad 'Alī Bogra set himself the task of Constitution-making against such a developing political background. The campaign for an Islamic Constitution outside CAP continued. On 2 August 1954, JIP's daily 'Tasnīm' (Lahore) brought out a special issue on the Constitution. Its struggle and the importance of an Islamic Constitution for the religious and cultural life of the Pakistani Muslims were highlighted. The editor received messages from the 'ulamā' and pro-'ulamā' members of CAP. Tamīz-ud-dīn Khān, the President of CAP, told the paper that

[t]he Constituent Assembly is struggling hard to complete its long drawn task and the end is now clearly in sight.

He further added that

the state, envisaged under the coming constitution, will be an Islamic state and at the same time a fully democratic state of the federal and republican type ...¹⁰³

The BPC Report was adopted (21 September 1954) with amendments. A federal formula aimed at giving representation in the Central Legislature to all the federal units and princely states was duly agreed. Under it, parity between the two wings of the country was secured in a joint session of the two houses of the Central Legislature. East Pakistan was given 165 seats out of a total of 300 in the lower house of Pakistan's bicameral Central Legislature. A draft Constitution was ready to be presented to CAP on 27 October 1954.

As the tangled issue of the Constitution progressed towards a solution, Muhammad 'Alī set in motion measures to curtail the powers of the Governor-General.¹⁰⁴ CAP repealed the Public and

Representative Offices (Disqualification) Act, 1949 (PRODA) on the grounds that it lent itself to use as a political weapon for debarring from office politicians who were unwilling to toe the line of the ruling groups. On 20 September 1954, a bill to amend Sections 9 and 10 of the Government of India Act, 1935 was brought before CAP. Its aim was to do away with the power of the Governor-General to dismiss a ministry while it continued to enjoy the confidence of the Legislature.

The 'ulamā' were pleased that most of their demands had been incorporated in the Draft Constitution. Muḥammad Ālī, the Prime Minister, was hopeful that the Constitution would be formally proclaimed on 25 December 1954, the birthday of *Qā'id-i-Azam* Muḥammad Ālī Jinnāh.

Ghulām Muḥammad, the politically ambitious Governor-General, was secularist in his general orientation. He was opposed not only to the Islamic character of the Draft Constitution, but also to the reduced status of the Governor-General. He enlisted the support of Ḥusayn Shahīd Suhrawardī, the secular-minded leader of APAL, who had been demanding the dissolution of CAP. Z.A. Sulerī, an unofficial emissary of the Governor-General, obtained a statement from Suhrawardī on his sick-bed in Zurich in which the latter urged the Governor-General to dissolve CAP, and replace it with a new body elected through the existing Provincial Legislatures (6 October 1954).

The 'ulamā' belonging to JUI and JIP opposed the move to dissolve CAP which they described as 'mischievous', 'condemnable'

and an 'ingenious device to destroy the Islamic character of the proposed constitution to whatever extent it is'; it was an 'attempt to play with the future of Pakistan' and 'to keep the country under the yoke of the Government of India Act, 1935'. In the view of the 'ulamā', the

direct consequences of dissolution would be confusion, chaos and disruption which might either undo partition or pave the way for a secular and communist way of life.¹⁰⁵

The 'Islamic Constitution Day' was observed (22 October) in response to a call issued by Muftī Muḥammad Shafī', the JUI leader. Meetings were held in big cities in which demands were raised for the enforcement of the Constitution with immediate effect.

In the event, the efforts made by JUI, JIP and a number of PML politicians to prevent the dissolution of CAP proved to be ineffective. The Governor-General dissolved CAP (24 October 1954) under the pretext that it had 'lost the confidence of the people' and could 'no longer function'.¹⁰⁶ Thus, it was not a failure on its part to produce a Constitution, but its failure to produce a Constitution acceptable to the secularist civil administrator-turned-politicians that led to the dissolution of CAP.

Tamīz-ud-dīn Khān, the President of CAP, stated that the Governor-General did not have the power to dissolve CAP. He led a number of CAP members into the Assembly Building (Karachi) in order to convene a meeting according to schedule (27 October 1954). The CAP members were forcibly prevented from holding it. Tamīz-ud-dīn Khān subsequently challenged the proclamation of the

Governor-General in the Sind Chief Court (8 November 1954). Tamīz-ud-dīn Khān was helped morally and financially by JIP in the ensuing litigation.¹⁰⁷

The Full Bench of the Sind Chief Court upheld the position adopted by Tamīz-ud-dīn Khan. The Federal Government appealed to the Federal Court, which (except for one dissenting voice - Mr. Justice J. Cornelius) struck out the Chief Court's judgment without calling upon counsel for the appellant to reply to the arguments of the respondent. The former Chief Justice Muḥammad Munīr (author of the Report of the Court of Inquiry ... to Enquire into the Punjab Disturbances of 1953) later admitted that 'he was constrained to uphold' the dissolution of CAP, 'though he felt it was unconstitutional'.¹⁰⁸

4.14 The Second CAP

With the dissolution of CAP, the first chapter of the exercise of Constitution-framing was brought to an end, and the whole process had to begin anew in the changed political circumstances that then prevailed. Muḥammad 'Alī Bogrā was again invited to form a new cabinet. In the re-constituted cabinet, commonly known as the 'cabinet of talents', the civil administration and the armed forces were on the political ascendent. Major-General Iskandar Mirzā, Chawdhari Muḥammad 'Alī (formerly aides to the Government), and Muḥammad Ayūb Khān, Commander-in-Chief of the Army, were powerful members of the Cabinet. They held the portfolios of Interior, Finance and Defence respectively.

Ghulām Muḥammad was in no mood to allow the framing a Constitution through a duly elected body. He became involved in the preparation of a draft Constitution which he hoped would be approved by a Constituent Convention assembled for the purpose. The Constituent Convention was to be composed of nominees from the existing Provincial Assemblies. It was summoned to meet on 10 May 1955. The Governor-General issued a proclamation, under which he assumed such powers as were necessary to validate and enforce the laws that would be necessary for the smooth functioning of the government (16 April 1955).

The arbitrary power assumed by a Governor-General openly committed to secularist ideas would result in frustrating the dream of an Islamic Constitution harboured by the *ʿulamā*. In a joint statement, the religious parties - JUI, JIP, JUP and MPJAH - condemned those who had sabotaged the efforts that had been made for the framing of an Islamic Constitution. The confusion resulting from the dissolution of CAP gave the Governor-General the opportunity to act in an arbitrary manner. But, he did make a special reference to the Federal Court of Pakistan, ostensibly to seek its advice and in the hope of securing its *imprimatur* for his actions. The Federal Court, however, ruled that the Constitution should be framed through CAP; and that the Governor-General was duty-bound to bring such a representative body into existence.¹⁰⁹

The second CAP, like its predecessor, was indirectly elected by the members of the provincial legislatures. It was inaugurated in July 1955. The members of the second CAP belonged to eight political parties, none of which enjoyed an absolute

majority. Nevertheless, PML continued to be the largest party in the new CAP.

4.15 Towards the 1956 Constitution

In August 1955, Ghulām Muḥammad gave up all his official duties on account of a long illness. Iskandar Mirzā rose to the position of acting Governor-General. Muḥammad 'Alī Bogrā, the Prime Minister, resigned after losing the support of the PML parliamentary party. Chawḍharī Muḥammad 'Alī was selected to succeed Muḥammad 'Alī Bogrā. He formed a new government in August 1955.

4.15.1 The Promulgation of the One-Unit Scheme

The first CAP had decided that there should be parity in representation between the two wings of Pakistan. To that effect, it had chalked out a formula in the draft Constitution of 1954. The second CAP dealt with the same issue in a different way. It consolidated the four provinces and some princely states of West Pakistan into a single Province, with one executive and a legislature exercising authority over the entire area (3 October 1955). The decision to unify the various territories into 'One-Unit' (i.e. West Pakistan) was put into practice in the face of strong opposition from the former provinces of Sind, NWFP and Baluchistan. The issue of 'One-Unit' scheme remained controversial until its abolition in November 1969.

4.16 The 1956 Constitution

Profiting from the work of the first CAP, the Prime Minister presented a draft Constitution (January 1956) to the second CAP, which was finally adopted on 29 February 1956. With the assent of the Governor-General, it came into force on the 23 March 1956. The 1956 Constitution represented a viable compromise between the 'ulamā' and the modernists.

The 'The Islamic Republic of Pakistan' was thus brought into existence. The Objectives Resolution, with minor changes, was included as the preamble. It lays down the ideological position of the state as follows:

Whereas sovereignty over the entire universe belongs to *Allah* Almighty alone, and the authority to be exercised by the people of Pakistan within the limits prescribed by Him is a sacred trust; whereas the Founder of Pakistan, *Quaid-i-Azam* Mahomed Ali Jinnah, declared that Pakistan would be a democratic State based on Islamic principles of social justice;

... Wherein the principles of democracy, freedom, equality, tolerance and social justice as enunciated by Islam, should be fully observed;

Wherein the Muslims of Pakistan should be enabled individually and collectively to order their lives in accordance with the teachings and requirements of Islam, as set out in the Holy *Quran* and *Sunnah* ...¹¹⁰

The Directive Principles of State Policy (Articles 23-31) make particular mention of the obligation of the state to implement the Islamic injunctions. The pledge in the Preamble that 'the Muslims of Pakistan should be enabled ...' was elaborated in the following manner:

The State shall endeavour, as respects the Muslims of Pakistan -

(a) to provide facilities whereby they may be enabled to understand the meaning of life according to the Holy *Quran* and *Sunnah*;

(b) to make the teaching of the Holy *Quran* compulsory;

(c) to promote unity and the observance of Islamic moral standards; and

(d) to secure the proper organisation of *zakat*, *wakfs* and mosques.¹¹¹

The prohibition of prostitution, gambling, and consumption of alcoholic drinks by Muslims was considered the responsibility of the state. On the economic question, the concentration of wealth and of the means of production in the hands of a few was seen as detrimental to the interests of the common man. The concept of social security was emphasised, an early elimination of *ribā* (commercial interest) was promised. The Constitution contained a pledge to bring about an equitable adjustment of rights between *zamīndārs* and tenants.

Under Article 32(2) of the Constitution, no person shall 'be qualified for election as President unless he is a Muslim'.¹¹²

Apart from the Preamble and the Directive Principles of State Policy, Articles 197-198 are presented under the caption of 'Islamic Provisions'.¹¹³ Under Article 197, the President was given the task of establishing an organisation for the promotion of

Islamic research and instruction in advanced studies to assist in the reconstruction of Muslim society on a truly Islamic basis.

The Federal Legislature was given the right to enact legislation under which a special tax would be imposed 'upon Muslims for defraying expenses of the organisation'.

Article 198 provided that

no law shall be enacted which is repugnant to the Injunctions of Islam as laid down in the Holy *Quran* and the *Sunnah*.

Existing laws would be brought into alignment with the Holy *Qurān* and *Sunnah*. Under one of its provisions, a Commission would be appointed by the President (within one year of the proclamation of the Constitution) which would be given the task of making recommendations in respect of

1. measures for bringing existing laws into conformity with the Injunctions of Islam;
2. the stages through which these measures should be put into effect;
3. the compilation of those Injunctions of Islam, in a suitable form for the guidance of Federal and Provincial Legislatures, as be given legislative effect.

The Commission was given a time limit of five years for the submission of its final report which would be placed before the Federal Legislature (National Assembly) for legislative action.

Provisions referring to Islamic principles were phrased in such general terms (e.g. democracy, equality and freedom) that they would be susceptible to different interpretations by the

'ulamā', modernists and secularists. For the 'ulamā', democracy was synonymous with *shūrā*. To modernists, it stood for the ultimate authority of the Legislature, elected through direct adult franchise. The 'ulamā' were satisfied with the incorporation of the condition that the Head of State should be a Muslim; but the secularists tried to satisfy non-Muslim minorities by suggesting that the Head of State would be a nominal and symbolic head, with real power being vested in the Cabinet to which non-Muslims could in theory be appointed.¹¹⁴

Articles 197-198, ('Islamic Provisions') were no more than promises. It was not certain who would control the proposed research organisation and the Commission for the Islamisation of Law. Whether these institutions would be in a position to contribute something positive remained a matter for speculation. Much would depend upon those entrusted with the task of working the Constitution.

4.17 The 'Ulamā' and Their Parties on the 1956 Constitution

The 1956 Constitution was accepted by the 'ulamā' and their parties, albeit with certain reservations. The 'ulamā' were generally happy that, after a long struggle lasting nearly a decade, they had succeeded in securing a Constitution which paid heed to the Islamic aspirations of the people. They pointed out the *lacunae* in the Constitution, their intention being to render it more Islamic. A few of them went so far as to say that the Constitution was 'Islamic'.¹¹⁵

In a statement, ¹¹⁶ JIP commented that 'the struggle between the Islamic and anti-Islamic trends' had been 'finally and unequivocally settled' in favour of the former.

After nearly 200 years of domination of 'Kufr' (infidelity) this is the first time that the sovereignty of Almighty God and the legal supremacy of High Faith (*Din*) has been acknowledged in our Constitution...since the reign of *Khulafa-i-Rashidin* ended in 561 A.D., it is the first time ... that the governmental authority of an Islamic State has passed into the hands of the common people instead of royal families.

JIP, however, deplored that the methods available to enforce the Islamic provisions of the Constitution were 'not commensurate with their grandeur'. JIP leaders strongly believed that such features of the Constitution as preventive detention, complete suspension of basic rights during an emergency, unlimited powers of the President to promulgate Martial Law, and absolute powers of the President to grant pardon were objectionable. Under the provisions of the Constitution, a person would be disqualified from being a candidate in the election of the legislative bodies for a period of five years if he had been sentenced to a term of imprisonment of two years or more. The period of five years was to be counted from the date of release. JIP objected to the clause as several of its supporters were prevented from contesting the election that was due to take place, even though they were imprisoned on political charges, arising out of the anti-*Ahmadi* riots.

The JIP statement, however, emphasised that

[a]ll these and other defects cannot constitute sufficient or valid grounds for rejecting the

Constitution especially as the method provided for amending the Constitution is quite easy.

At the same time, it was made clear to the general public that

the Constitution would produce no useful results unless and until our entire social set-up, with all its various components, is morally prepared to see that the Constitution does work as a successful Islamic Constitution and unless our masses develop the ability to elect the right type of persons translating it into action.

A schism among the *Deobandī 'ulamā'* followed the adoption of the 1956 Constitution. The *Deobandī 'ulamā'* of JUI could not absorb the politically effective and strong element of the *Deobandīs* which had been previously affiliated to JUH. Now that the election was due in the near future, 200 *'ulamā'* of JUH orientation held a 'West Pakistan *'Ulamā'* Convention' (Multan: 7-9 October 1956) to chalk out their political programme. The letter of invitation, signed by Mawlānā Aḥmad 'Alī Lahori and Muftī Maḥmūd, referred to the 1956 Constitution in the following manner:

The Constituent Assembly of Pakistan, due to the praiseworthy efforts of the Muslim masses in general and of the *'ulamā'* in particular, has decided that no legislative body will have the authority to enact a law repugnant to the *Qurān* and the *Sunnah*. It is a great victory, achieved by the religious section of society, combating the enormous influence of *mulḥidīn* (the unreligious).¹¹⁷

The convenors of the 'West Pakistan *'Ulamā'* Convention' held the view that the modernist and secularist rulers of Pakistan were determined to enforce secularism in the name of the *Qurān* and the *Sunnah*. The coming election would be crucial for determining

whether Pakistani society was going to be reformed on the basis of the principles of Islam or on the Western pattern.

A new *Deobandī* political party '*Markazī Jamīyat-ul-'Ulamā-i-Islām Maghrabī Pakistān*' (MJUIMP) was formed at the 'West Pakistan *'Ulama* Convention'. The newly formed MJUIMP drew attention to the un-Islamic aspects of the 1956 Constitution.

In the Constitution, the non-Muslim and the apostate have been given the right to occupy all key posts including the post of Prime Minister. The right of every non-Muslim or apostate to appointment to important offices in the judicial system - from sub-judge to the Chief Justice - is enshrined in the Constitution. Every Pakistani Muslim has been permitted to be an apostate as well as to induce others to become apostates. It is not explicitly stated that a *Qādiyānī* could not become President.¹¹⁸

4.18 The 1956 Constitution in Practice

With the promulgation of the Constitution, Iskandar Mirzā, the Governor-General, was supposed to act as the 'constitutional' President of the Islamic Republic of Pakistan. But this change did not affect his style of government. The National Assembly (with the promulgation of the Constitution, the existing CAP was named as such) consisted of a medley of parties, none of which enjoyed an absolute majority. Coalition governments, between such parties which shared no common ideological programme, were expected to be feeble and short-lived. During the lifetime of the 1956 Constitution (March 1956 - October 1958), four Prime Ministers headed coalition governments. One of the ministries, led by I.I. Chundrigar, lasted only 55 days. Such an unstable

political situation strengthened the hand of Iskandar Mirza who was in a position to make and unmake ministries.

After the promulgation of the Constitution, the *'ulamā* set their sights on the forthcoming election. The West Pakistan *'Ulamā'* Convention (Multan: 7-9 October 1956) was motivated by the single aim of chalking out a programme for the election. JIP and NIP were similarly negotiating with a view to forming an election alliance. But the immediate interest of the *'ulamā'* lay in getting the Law Commission (envisaged in the Constitution) established, and to campaign for the enactment of a system of separate electorate based on the principle of communal representation.

4.18.1 The Law Commission

No concrete measures were initiated for more than a year to bring into being the Law Commission as envisaged in the 1956 Constitution. JIP demanded that the Commission should be appointed without delay and expressed some apprehension that the right persons would be chosen. It appealed to the parties of the *'ulamā'* that they should take the initiative by appointing such a body independent of the government. It would be expected to recommend reform of the existing laws and to compile an authentic collection of Islamic provisions in order to facilitate legislation in the future.¹¹⁹

Even though JIP's appeal bore no fruit, the pressure generated by it led to the appointment of an 11-member Law Commission (17 August 1957). Its members included Mawlānā Zafar

Aḥmad Ūsmānī, Mawlānā Rāghib Ahsan, Mawlānā Ghulām Murshid, Mawlānā Amīn Aḥsan Iṣlāhī, and Ghulām Aḥmad Parvez.

The Government appeared to make some effort to appoint members of the 'ulamā' as well as modernists to the Law Commission. But, in fact, it took scrupulous care to select from among the 'ulamā' those who were not bitter critics of the government, the only exception being Mawlānā Amīn Aḥsan Iṣlāhī. Though he was second only to Mawlānā Mawdūdī in the organisation of JIP, he had parted company with JIP (February 1957) because of his conviction that it should not involve itself in political activities. From this perspective, even Mawlānā Iṣlāhī could not be considered as inimical to the government.

Both JIP and the newly formed MJUIMP were none too happy with the composition of the Commission. How could a unanimous report be expected from a body made up of a heterogeneous group of 'ulamā' and modernists of varying shades? No one from the ranks of JIP, NIP and MJUIMP was appointed to the Commission. The representation of the 'ulamā', four out of 11, was also considered insufficient. Moreover, the inclusion of Ghulām Aḥmad Parvez was deemed to be detrimental to the interest of Islamic laws. MJUIMP put Mawlānā Iṣlāhī on a par with Ghulām Aḥmad Parvez.¹²⁰

Ghulām Aḥmad Parvez was a civil servant with AIML leanings. Before partition, he worked for the ideals of AIML through the journal Tulū'ī-Islām (Delhi). Upon his retirement in 1955, he devoted his energies almost entirely to scholarly pursuits. After experiencing various vicissitudes, he developed a unique modernist approach to Islam which emphasised the importance

of enforcing Quranic teachings whilst at the same time discarding the *Sunnah* of the Prophet. He was close to the ruling élite, and especially to the Ghulām Muḥammad, the Governor-General. His liberal approach to Islam was appreciated in a limited circle of modern-educated people, but bitterly criticised by the 'ulamā'. Ghulām Aḥmad Parvez was a prolific writer but his approach did not manifest itself in a movement of any importance at the level of the mass of the people.

4.18.2 The Issue of Separate Electorate

The other issue which absorbed the attention of the 'ulamā' was the issue of electorate. The electorate issue had been a subject of controversy since long before independence. From the very day of its inception, AIML stood for a separate electorate for the Muslims; this was the main tool with which AIML was able to forge Pakistan. Except during a brief spell, INC was always opposed to the system of a separate electorate for the Muslims, but it was compelled to reconcile itself to the constitutional reforms enacted in 1909, 1919 and 1935. All these Acts envisaged a separate electorate for the Muslims.¹²¹

The electorate issue remained unsolved even with the partition of India. The non-Muslim minorities in Pakistan made up 14.1 per cent of the total population. In West Pakistan, the non-Muslim minority consisted of only 2.9 per cent [1.3 per cent Christians and 1.6 per cent Hindus (0.5 per cent Caste Hindus and 1.1 per cent Scheduled Castes)]. In East Pakistan, non-Muslim minorities constituted a sizeable segment [23.2 per cent of the population, 22 per cent Hindus (10 per cent Caste Hindus and 12 per

cent Scheduled Castes), and the remaining 1.2 per cent included Christians, Buddhists and others].¹²²

The system of separate electorate was brought into being in Pakistan under the 1935 Act which was adopted as the Constitution pending the promulgation of a new Constitution. PNC demanded a joint electorate in conformity with the pre-independence policy of INC. This demand was built on a foundation of a single undivided territorial (Pakistani) nationhood; but it cut no ice in Pakistan because SCF favoured a separate electorate.¹²³ In April 1952, CAP adopted an electoral law under which a fresh election in East Pakistan could take place on the basis of separate electorate. In a similar vein, the Final Report of BPC confirmed the existing system. Nevertheless, during the provincial election in East Pakistan, some parties (*viz.*, GD and EPAL) echoed the views of PNC. SAM of West Pakistan, was most vocal in voicing a demand for a joint electorate.¹²⁴ The issue became a subject of major public debate.

PML and the parties of the '*ulamā'* (*viz.*, JIP, NIP, JUI and JUP) favoured a separate electorate for Muslims. PML maintained its pre-independence stand, based on the two-nation theory. Its representatives maintained loudly within CAP as well as on the public platform the view that

[w]hatever the Muslims had asked for themselves when they were in minority, they should give to the minorities when they are in power themselves.¹²⁵

Apart from the press statements made by the '*ulamā'*, Mawlānā Mawdūdī expressed himself in a well-argued article entitled

*Makhlūṭ Intikhāb*¹²⁶ ('Joint Electorate'). He fiercely criticised those proponents of a joint electorate who had once worked under Jinnah's leadership.

... The protagonists of joint electorate can say ... that the system of joint electorate was wrong and unacceptable to Muslims in undivided India because they were a minority *vis-à-vis* the Hindus who were in an overwhelming majority, and thus they were bound to suffer if the system of joint electorate was introduced. But now Muslims are in a majority in Pakistan and the non-Muslims are a minority and thus the system of joint electorate will be to the advantage of the Muslims.

The protagonists of the joint electorate cannot defend it on any other basis. This means that they hold sheer expediency as the criterion of right and wrong.

A thing was wrong yesterday merely because it was detrimental to Muslim interests, just because it was inexpedient. But today they are prepared, nay, they insist, on adopting it because it is consistent with their alleged national interests!¹²⁷

In Mawdūdī's view, the fundamental factor that separated various sections of Pakistani society was religion, which was responsible for the partition of India; and, it was religion alone which brought East and West Pakistan within the boundaries of a single country even though they were widely separated from one another in a geographical sense. The adoption of a joint electorate system would weaken the religious spirit and foment the intensification of Bengali nationalism in East Pakistan. The electorate issue was to him, therefore, not a matter of choosing between two systems of election but 'a matter of life and death for the State of Pakistan'.¹²⁸

During the period when the 1956 Constitution was being drafted, the Centre was ruled by a coalition of PML and United

Front under Chawdhari Muhammad Ali, the Prime Minister.¹²⁹ Whilst the United Front depended on the support of the Hindu members of East Pakistan Assembly in order to maintain itself in power in East Pakistan, PML was committed to a separate electorate even though EPAL (a component of the United Front) was opposed to it. That was why the electoral issue was avoided, and it was left to the National Assembly to decide on it 'after ascertaining the views of Provincial Assemblies'.¹³⁰

Mawdudi published another article¹³¹ which was a continuation of his earlier essay. His analysis suggested that the joint electorate system would result in a setback to the ideological integrity of the state. The parties of the Muslim majority in East Pakistan were divided, each of them bent on acquiring power with the support of Hindu members. PNC and SCF were unanimous in their opposition to the idea of an Islamic state. Furthermore, a joint electorate would help 'irreligious' Muslims to enter the assemblies.

The Muslims who are irreligious and who have no character or conscience, but whose Muslim names can easily deceive the people, and who can be trusted to serve the cause of Hindus more efficiently than the Hindus themselves. Obviously under the system of separate electorate such like Muslims can never dream of being elected from Muslim constituencies. But under the system of joint electorate if even a limited number of votes could be purchased the remaining deficiency may be very easily filled up by the Hindu votes, and then after being elected to the assemblies through this method, they would display such boldness in uprooting the very foundations of Islam and Pakistan that the Muslims would be horror stricken.¹³²

Two years later JIP issued a White Paper on the Problem of Electorates¹³³ which tried to prove that under a joint

electorate system Hindus would get 142 seats out of 310 in East Pakistan 'either for themselves or for their nominees', as a result of the way they were demographically distributed in the province. The separate electorate system, by contrast, would give them only 70 seats according to their ratio in the total population.

The Provincial Assemblies of both East and West Pakistan debated the electorate issue, as stipulated in the Constitution. The West Pakistan Assembly recommended a separate electorate (4 August 1956). PML and Republican party voted for the resolution (122 votes), with SAM and the Hindu members voting against it (10 votes). The decision of the East Pakistan Assembly was in contrast to that of the West Pakistan Assembly. 159 members voted in favour of joint electorate against a single vote for the opposite side, with 84 abstentions (1 October 1956)!

It was left to the National Assembly to enact a law. H.S. Suhrawardī had become Prime Minister (12 September 1956) of a coalition between APAL and the Republican Party. A compromise formula, endorsing the recommendations of both the West and East Pakistan Assemblies - i.e., separate electorate for West Pakistan and joint electorate for East Pakistan - was finally evolved and accepted by the National Assembly by 48 votes to 19 (12 October 1956).

The 'ulamā' criticised the decision of the National Assembly. JIP demanded a referendum. After a few months, H.S. Suhrawardī succeeded in persuading the Republican Party, his partner in power, to change its position on a separate electorate

for West Pakistan. Finally, the system of a joint electorate was brought into force in both wings of Pakistan.

4.19 Conclusion

In spite of internal theological differences, the 'ulamā' behaved as one body *vis-à-vis* the modernists and secularists in power throughout the process of Constitution-making. The scene was dominated by the *Sunnī 'ulamā'*, and among them by the *Deobandīs* in general and Mawlānā Mawdūdī of JIP in particular. There is no doubt that the *Barelwī* and *Ahl-i-Ḥadīṣ 'ulamā'* did take part, but their role remained insignificant. The participation of the *Shī'āh 'ulamā'* was marginal even though they stood by the *Sunnī 'ulamā'* in supporting the basic principles of an Islamic state. Their passivity is understandable first, due to their meagre strength in population; and, second, due to their commitment to the traditionally established notion of *Shī'āh* theology according to which the true Islamic state would be possible only when the *Imām-i-Ghāib* reappeared.

The *Sunnī Deobandī* concept of *Sharī'ah* was basically legal in character, and this concept had its roots deep in the Muslim rule in South Asia in the past. Whenever an opportunity presented itself for enforcing *Sharī'ah*, the 'ulamā' were primarily concerned to have the application of personal law according to the practice prescribed under *Sharī'ah*. They did not challenge the rules on which the power structure of the country functioned. There is no mention of 'ulamā's activities in the historical annals, nor is there any specific reference to any role they may have played in the effective enforcement of *shūrā*, or the reform of the feudal

structure of the land tenure system, or the economic welfare of the impoverished tenants, or an overall moral reformation of society. Their concept of *Shari'ah* was so detached from the power structure at the top that JUH, in 1920, put forward a scheme for the enforcement of *Shari'ah* within [British] India, a secular state. The crux of the scheme consisted of the selection by JUH of a person, named as *Amir-i-Shari'at*, from the '*ulamā*'. And, the *Amir-i-Shari'at* was to

enforce the mandates of *Shari'ah*, to establish courts under *qazis* (Muslim judges) and to enjoy powers of appointment and dismissal over the officers, to appoint superintendents to manage pious endowments (*awqāf*).¹³⁴

JUI's demand for the creation of a Ministry of Religious Affairs under the *Shaykh-ul-Islām* was no more than an echo of the scheme adumbrated by JUH.

It was Mawlānā Mawdūdī who favoured the concept of *Shari'ah*, as a comprehensive model and as a way of life. He had contributed ideas on issues such as the political, economic and social structure of Islam prior to partition. With the help of JIP's well-knit organisation, Mawlānā Mawdūdī was able to propagate his views so skilfully that the '*ulamā*', irrespective of their attitude to him as a person, were influenced. The entire gamut of the constitutional schemes and responses of the '*ulamā*' bear the unmistakable imprint of Mawdūdī's thinking.

In a sense, the '*ulamā*' were not directly involved in the process of Constitution-making, for the simple reason that the task of framing the Constitution was not entrusted to them. By dint of their learning and scholarship in Islamics, they claimed their

right not to be neglected. During the period of Constitution-making (1947-56), the influence that they exercised over the Constitution-makers, CAP and the political leadership, had its ups and downs. During the period 1947-54 the 'ulamā' were considerably more influential than during the subsequent two years. These were the seven years when PML exercised complete political control at the Centre. Under its regime, the 'ulamā' of JUI who had been its allies during the struggle for Pakistan enjoyed considerable respect even though PML's attitude towards an Islamic state had a distinctively cosmetic side to it. The adoption of the Objectives Resolution, 1949, the formation of BTI, the postponement of the Interim Report of BPC, and the draft Constitution of 1954, represented aspects of Pakistan politics that bore the influence of the 'ulamā'. The direct involvement of the civil administration and the military in the 'Cabinet of Talents' marked the beginning of the decline of the 'ulamā's influence. The secularist voice had become powerful, even though the balance continued to remain in the hands of the modernists who were largely drawn from the leadership of PML. The 1956 Constitution, which largely embodied the modernist approach, carried due acknowledgement of the aspirations of the 'ulamā'.

The 1956 Constitution would, inevitably, be put to its final real test in the general election that was expected to follow its promulgation. It severely limited the powers of the President, the Head of State. This was not to the liking of Iskandar Mirzā, the then President. The election, due to take place under the new Constitution was, in the event, repeatedly postponed mainly because the President was not confident that he would continue to remain in power after a general election. Iskandar Mirzā, therefore,

invented a new form of democracy, which he termed a 'controlled democracy', under the rule of 'one good strong man'.¹³⁵

The antagonism between the rival political parties provided the excuse that Iskandar Mirzā needed to wind up the constitutional structure. On 7 October 1958, he declared Martial Law. Whatever had been achieved by the 'ulamā' in the form of the 1956 Constitution was thus wrecked by a single stroke of the pen of the secularist administrator-turned-politician who was the Head of State of Pakistan at a crucial juncture in its history.

NOTES

1. Constituent Assembly of Pakistan, Debates, Vol. V, p.3.
2. In the first CAP (1947-1954), there were only two 'ulamā'-viz., Mawlānā Shabbīr Aḥmad Ḥusaynī and Mawlānā Muḥammad Akram Khān. The former died in December 1949, leaving only one 'ālim in the Assembly. In the second CAP (1955-1958), Mawlānā Aḥmad Ḥusaynī and Mawlānā 'Abdur Rashīd Takabāgish were the only ones drawn from the 'ulamā'. It is interesting to note that all four of them were elected from East Pakistan.
3. Rehman, Inamur, Public Opinion and Political Development in Pakistan: 1947-1958 (Karachi: Oxford University Press, 1982), pp.3-4.
4. Dawn, 14 January 1948.
5. Among the prominent figures who attended the meeting were Mawlānā Dāwūd Ghaznawī (*Ahl-i-Ḥadīṣ*), Sayyid Abul Hasanāt Muḥammad Aḥmad (*Barelwī*), Mawlānā Aḥmad 'Alī (*Deobandī*) and 'Alā-ud-dīn Siddiqī (*Deobandī*).
6. Author's translation.
Kawṣar, 25 January, 1948, p.2.
7. *Ibid.*, p.2.
8. Gibb, H.A.R. and Kramers, J.H., Shorter Encyclopaedia of Islam (Leiden: E.J. Brill, 1974), p.524.
9. Mawdudi, Abul Ala, Towards Understanding Islam (Leicester: The Islamic Foundation, 1985), p.95.
10. Arberry, A.J., The Koran Interpreted (London: Oxford University Press, 1964), p. 82, p.84, pp.89-90, and p.574.
11. Rahman, Fazlur, Islam (New York: Holt, Rinehart and Winston, 1966), p.102.
12. See Chapter 1 of this work, pp.29-30.
13. The text of the 'Constitution of Madinah' is given by almost all the authentic biographers of the Prophet. See, for instance, Hamidullah, Muhammad, The First Written Constitution of the World (Lahore: Sh. Muhammad Ashraf, 1981).
14. Arberry, A.J., *op.cit.*, p.502.
15. *Ibid.*, p.65.
16. *Ibid.*, p.567.
17. *Ibid.*, p.503.

18. Quoted by El-Awa, Muhamed S., On the Political System of the Islamic State (Indianapolis: American Trust, 1980), p.100.
19. Arberry, A.J., *op.cit.*, p.81.
20. Maududi, S. Abul Ala, The Islamic Law and Constitution (Lahore: Islamic Publications Ltd., 1983), p.139; Aziz Ahmad, commenting on the term 'theo-democracy', has written that

although Mawdudi gave currency to this expression, the term was probably first used by a conservative-minded modernist Umar Hayat Malik, as early as 1949.

['Islam and Democracy in the Indo-Pakistan Sub-Continent' in Robert F. Spencer (ed.), Religion and Change in Contemporary Asia (Minneapolis: University of Minnesota Press, 1971), p.138.

As a matter of fact, the credit for coining the term 'theo-democracy' should go to Mawdūdī (1939). 'Umar Hayāt Malik was under the spell of Mawdūdī and used to adopt the phraseology of Mawdudi. See 'Umar Hayāt Malik's interview, *Jasārat*, 25 June 1982.

21. On the 'ulamā's concept of the Islamic State, see, for example, Mawdūdī, *op.cit.*, pp.123-272; Shafī', Muhammad, Dastūr-i-Qurānī (Karachi: Dār-ul-'ulūm, 1953).

On the modernists' viewpoint, see, Hakim, Khalifa Abdul Islamic Ideology (Lahore: Publishers United, 1951), pp.189-242; Qureshi, Ishtiaq Husain, Pakistan: An Islamic Democracy (Lahore: Institute of Islamic Culture, n.d.), pp.1-27.

22. Arberry, A.J., *op.cit.*, p.106.
23. Kazimi, Sayyid Ahmad Sa'īd, Maqālāt-i-Kāzīmī (Sahiwal: Maktabah-i-Farīdiyyah, 1978), Vol. II, pp.457-461.
24. 'Usmānī, Qamar Ahmad, Hamārī Mazhabī Jama'aton Kā Fikrī Jā'izah (Karachi: Matbu'āt-i-Mashriq, 1962), pp.178-217.
25. For a detailed study of the concept of *ijmā'* in the context of South Asian Muslim thinking, see Ahmad, Aziz, Islamic Modernism in India and Pakistan: 1857-1964 (London: Oxford University Press, 1967), p.54, p.60, p.70, p.96, and pp.154-155.

26. لا تجمعوا امتي على الضلالة

27. Iqbal, Sir Mohammad, The Reconstruction of Religious Thought in Islam (Lahore: Shaikh Muhammad Ashraf, 1951), pp.173-174.

28. *Ibid.*, p.176.

29. *Ibid.*, p.156.
30. Muhammad Ali Jinnah's address to AIML session (Delhi April 1943), in Sharifuddin Firzada ed Foundations of Pakistan, All India Muslim League Documents Karachi National Publishing House, 1970 Vol. II p.425.
31. For a list of these books and tracts see Anjuman-i Tarrāqī-yi-Urdu Pakistan Caṁs-ul-Kutub Karachi Anjuman-i-Tarrīqī-yi-Urdu Pakistan 1961 Vol I pp.629-640.
32. Sherkotī, Anwār-ul-Ḥasan Anwār-i-Usmānī (Karachi Maktabah-i-Islāmiyyah, 1966), pp.189-190.
33. See Chapter 2 of this work, p.158 pp.163-164.
34. Shāh, Mīr Hazrat, Muslim League Kā Imtīhān Shurūʿul-Giyā (Campbellpur: The Author, n.d.).
35. Allana, G. (ed.), Pakistan Movement: Historic Documents (Lahore: Islamic Book Service, 1977) pp.545-546.
36. Reportedly, 'several leading members' of the civil administration attempted to have passages of the speech expressing secular ideas blacked out before publication but the speech was published unedited because of the strong stand taken by the editor of Dawn. See Niazī Zamir, Press in Chains (Karachi: Karachi Press Club 1986), pp.35-37.
- Niyāzī failed to identify the 'several leading' administrators; neither has he probed the motives underlying their abortive efforts. Were they interested in saving Jinnāh from inconsistency over the objectives of Pakistan? Or, were they opposed to a secular Pakistan State?
37. Jinnah, Mahomed Ali, Speeches as Governor-General of Pakistan, 1947-1948 (Karachi: Feroz Sons Limited, 1963), pp.14-15, p.56.
38. Dawn, 26 January 1948.
39. Maududi, Sayyid Abul Ali, The Islamic Law and Constitution, *op.cit.*, p.43.
40. *Ibid.*, p.101.
41. For an English rendering of the talks, see Mawdūdī, Sayyid Abul Ala, The Islamic Way of Life (Leicester: The Islamic Foundation, 1986), pp.21-58.
42. Mawdudi, Sayyid Abul Ala, Mutālbah-i-Nizām i-Islāmī (Lahore: Markazī Maktabah-i-Jamāāt-i-Islāmī, 1948), pp.12-14.
43. *Ibid.*, p.8.

44. Tinker, Hugh, 'Tradition and Experiment in Forms of Government' in C.H. Philips (ed.), Politics and Society in India (London: George Allen and Unwin, 1963), p.161.

Jahanara Shahnawaz has reported that Jinnah had been working on the Constitution for 14 months prior to March 1948. [Father and Daughter: A Political Biography (Lahore: *Nigārshāt*, 1971), p.246] Similarly, Ian Stephen, once editor of The Statesman (Calcutta), referring to 'some authorities' (perhaps, such as Jahanara Shahnawaz), wrote that

His [Jinnah's] mind was already sorting out the problems most perplexing ...

[Pakistan (London: Ernest Benn, 1964), p.232]

In actual fact, however, Jinnah himself said nothing about his work on the Constitution, and his personal papers contain no reference to it.

45. Khan, Mohammad Ayub, Friends not Masters (London: Oxford University Press, 1967), p.28.

46. Not long after the partition of India, a clash occurred between India and Pakistan over the territory of Kashmir which rapidly developed into an armed conflict between the two neighbouring states. Even though the Government of Pakistan did not declare that its forces were formally engaged in a military conflict, fighters belonging to tribal areas joined the armed conflict on the side of Muslims in Kashmir. Mawdūdī objected to this situation. If an Islamic state claimed to have friendly relations with a neighbouring state, its people had no right to fight against the latter; if they did, the ensuing struggle could not be regarded as *jihād*.

[Jamā'at-i-Islāmī Pakistān, Mawlānā Mawdūdī Kī Nazarbandī Kiyūn? (Lahore: *Jamā'at-i-Islāmī Pakistān*, 1949)]

47. Dawn, 12 February, 1949.

48. Afzal, M. Rafique (ed.), Speeches and Statements of Quaid-i-Millat Liaquat Ali Khan (Lahore: Research Society of Pakistan, 1975), p.228.

49. An outline of the objectives of an Islamic state in Shabbīr Aḥmad 'Uṣmānī's own handwriting can be found among Muftī' Muḥammad Shafī's papers.

50. Farūq, 'Abdul Ghānī, Kārwān-i-Āzīmat (Lahore: *Idārah-i-Ma'ārif-i-Islāmī*, 1986), p.181.

51. Ziring, Lawrence, The Ayub Khan Era: Politics in Pakistan, 1958-1969 (New York: Syracuse University Press, 1971), p.ix.

52. Shahnawaz, Jahanara, *op.cit.*, p.247.

53. Iqbal, Afzal, Islamization of Pakistan Delhi: Idarah i Adabiyat-i-Delli 1984 p.41.
54. 'Alī, Ahmad, Istikām-i-Pakistan (Lahore: Anjuman Khuddam ud dīn, 1959), p.4.
55. Kazimi, *op.cit.*, p.474.
56. Author's translation.
Jahān-i-Naw, 10 April, 1949, p.8.
57. Minutes of the Meetings of the Basic Principles Committee, 14 April 1949, p.4 quoted in Leonard Binder (ed.), Religion and Politics in Pakistan (Berkeley: University of California Press, 1963), pp.155-156.
58. Afzal, M. Rafique (ed.), Speeches and Statements of Quaid-i-Millat Liaquat Ali Khan, *op.cit.*, p.289.
59. Dawn, 29 October, 1950.
60. See the statements of Zafar Ahmad Usmani and Ihtishām-ul-Ḥaq, in Jamā'at-i-Islāmī Pakistan, Dastūrī Safārishāt Awr Un Par Tanqidiḥ Tabsīrah (Lahore: Jamā'at-i-Islāmī Pakistan, n.d.), pp.55-58.
61. *Ibid.*, p.14.
62. Afzal, M. Rafique (ed.), *op.cit.*, p.510.
63. Binder's analysis of regional as well as religious representation at the Conference is erroneous. He has relied on the list of the names published by the organiser of the Conference. According to his calculation 'five *ulama* were from East Bengal' (Binder, *op.cit.*, p.213). He did not include Professor 'Abdul Khāliq among them because 'East Bengal' was not written against his name. Binder has included two of the *ūlama* among the *Ahl-i-Ḥadīs* (the office bearers of MPJAH), but Rāghib Ahsan was also an *Ahl-i-Ḥadīs*. Binder has not said anything about the *Deobandīs*' representation because of the paucity of biographical information about the participating *ūlamā*'.
64. 'Views of the Board of *Talimat-i-Islamia* on Certain Items Referred to Them by the Sub-Committee on Federal and Provincial Constitutions and Distribution of Powers' published as Appendix I of the Report of the Sub-Committee on Federal and Provincial Constitutions and Distribution of Powers (Karachi: Government of Pakistan, 1950); reproduced in Binder, *op.cit.*, pp.383-429.
65. See Appendix I.
66. Shahnawaz, Jahanara, *op.cit.*, p.279.
67. Yusuf, Hamid, Pakistan in Search of Democracy: 1947-1971 (Lahore: Afrasia Publications, 1980), p.40.

68. Government of Pakistan, Report of the Basic Principles Committee (Karachi: The Manager of Publications 1952).
69. Callard, Keith, Pakistan: A Political Study London: Allan and Unwin, 1957), pp.96-97.
70. Jamā'at-i-Islāmī Pakistan, Ulama's Amendments to the Basic Principles Committee's Report Karachi. Jama'at-i Islāmī Pakistan, 1953).
71. *Ibid.*, p.28.
72. *Ibid.*, pp.28-29.
73. Ahmad, Bashir-ud-din Mahmud, Ahmad: The Messenger of the Later Days (Madras: Addison Press, 1924), p.26.
74. Nadwi, S. Abul Hasan, Qadianism: A Critical Study (Lahore: Sh. Muhammad Ashraf, 1974), p.29.
75. *Ibid.*, p.33.
76. From the time of Mirzā Ghulām Ahmad to the present, *Ahmadīs* have produced a large number of books in an attempt to prove the death due to natural causes of Jesus in Sirinagar (Kashmir). A book written for Western consumption is worth mentioning. Ahmad, Khawaja Nazir Jesus in Heaven on Earth (Woking: Woking Muslim Mission and Literary Trust, 1952).
77. Ahmad, Bashir-ud-din Mahmud, *op.cit.*, p.58.
78. For some specimens of his foul language, see Nadwi, S. Abul Hasan, *op.cit.*, pp.84-87.
79. Batālawī, Muḥammad Husayn, 'Fatwā Ulamā-i-Punjab-w-Hindustān Baḥaq-i-Mirzā Ghulām Ahmad Sākin Qadian Ishā'at-us-sunnah Vol. 13 (1890): 4-12.
80. Binder called 'Mirza Bashir Ahmad' 'the second *Khalifa* of the *Ahmediyya*' (*op.cit.*, p.262). It is not correct. Mirzā Ghulām Ahmad had five sons. Two, Sulṭān Ahmad and Fazal Ahmad, were from the first wife who was divorced in 1891 on account of her refusal to accept Mirzā's claim to be a prophet. Three sons from the second wife were: Mirzā Bashir-ud-dīn Mahmūd Ahmad, Mirzā Bashir Ahmad and Mirzā Sharīf Ahmad. Mirzā Bashir-ud-dīn Mahmūd Ahmad, not Bashir Ahmad, became the third head of the *Ahmadīs*.
81. Muḥammad Ālī Lahorī was not the same as Muḥammad Ālī of the *Khilāfat* and Non-Co-operation movements, even though sometimes these two different persons are mistaken for one another.
82. Memorandum of the *Ahmediyya* Community presented to the Punjab Boundary Commission, in Mian Muhammad Sadullah (ed.), The Partition of the Punjab 1947: A Compilation of Official Documents (Lahore: National Documentation Centre, 1983), Vol.I, p.444.

83. See Chapter 2 of this work, pp.140-143.
84. Barrier, N.G., Banned; Controversial Literature and Political Control in British India: 1907-1947 (Columbia: University of Missouri Press, 1974), pp.172-175.
85. *Jama'at-i-Islami*, Trial of Maududi (Karachi: *Jama'at-i-Islami Pakistan*), p.10.
86. Mawdudi. S. Abul Ali, The Qadiani Problem (Lahore: Islamic Publications Limited, n.d.), p.7.
87. *Jama'at-i-Islami Pakistan*, Some Constitutional Proposals for the Consideration of Constituent Assembly of Pakistan (Lahore: *Jamaat-i-Islami Pakistan*, 1952), p.16.
88. Harun, Shamsul Huda, Parliamentary Behavior in a Multinational State, 1947-1958: Bangladesh Experience (Dhaka: Asiatic Society of Bangladesh, 1984), pp.272-273.
89. 'Charge sheet from the prosecutor to Mawlana Mawdūdi', dated 3 May 1953, in Trial of Maududi, *op.cit.*, p.20.
90. After serving rigorous imprisonment for a period of two years and a month. Mawdūdi was released on 28 April 1955 (under a decision of the Supreme Court of Pakistan).
91. *Jama'at-i-Islami-Pakistan*, Trial of Maududi, *op.cit.*, p.10.
92. Government of the Punjab, Report of the Court of Inquiry Constituted under Punjab Act II of 1954 to Enquire into the Punjab disturbances of 1953 (Lahore: Government Printing Press, 1954).
93. *Ibid.*, p.282, p.291, and p.302.
94. *Ibid.*, p.218.
95. Ahmad, Khurshid, An Analysis of the Munir Report (Karachi: *Jama'at-i-Islami Publications*, 1956), p.138.
96. Fedlman, Herbert, A Constitution for Pakistan (Karachi: Oxford University Press, 1955), p.55.
97. Ahmad, Khurshid, An Analysis of the Munir Report, *op.cit.*, p.1.
98. Iqbal, Javed, Ideology of Pakistan (Lahore: Feroz Sons, 1971), p.107.
99. The economy of Pakistan was collapsing, following the artificial boom caused by the Korean War (1950). A food shortage, partly due to bad harvests and partly due to cultivators' preference for cash crops, prevailed.
100. Rehman, Inamur, *op.cit.*, p.155.

101. *Jama'at-i-Islami Pakistan, Qarārdād-i-Maqāsīd Ke Bād* (Lahore: *Jamā'at-i-Islāmī Pakistan*, 1949), p.22.
102. In the East Pakistan election four parties - EPAML, KSP, NIP and GD - formed an alliance (United Front). There were 237 Muslim seats and 72 minorities seats. 223 Muslim seats were captured by the United Front, which secured 64 per cent of the total vote. PML won only ten seats, securing only 2.5 per cent of total number of votes polled.
103. *Tasnīm*, 2 August, 1954.
104. The powers under which he had dismissed the cabinet of Khawājah Nāẓim-ud-dīn.
105. Rehman, Inamur, *op.cit.*, p.150.
106. *Dawn*, 25 October, 1954.
107. Muḥammad, Miyaṅ Ṭufayl, *Jamā'at-i-Islāmī Awr Qawmī Siyāsāt Aek Naẓar Men* (Lahore: *Maktabah-i-Mansūrah*, 1984), p.14.
108. Newman, K.J., 'The Constitutional Evolution of Pakistan', *International Affairs*, 38 (1962): 3, p.357.
109. Jennings, Sir Ivor, *Constitutional Problems in Pakistan* (Cambridge: Cambridge University Press, 1956), pp.257-349.
110. Government of Pakistan, *The Constitution of the Islamic Republic of Pakistan* (Karachi: The Manager of Publications, 1956), pp.1-2.
111. *Ibid.*, pp.17-18.
112. *Ibid.*, p.21.
113. *Ibid.*, pp.143-144.
114. Choudhury, G.W., 'Religious Minorities in Pakistan', *The Muslim World*, 46 (1956): 4, p.319.
115. Rānā, Jamīl Aḥmad, 'Jab 1956 Kā Āīn Nāfiẓ Hūā', *Āīn* 15 July 1969, pp.6-10.
116. Maududi, S. Abul Ala, *The Islamic Law and Constitution*, *op.cit.*, pp.383-384.
117. Author's translation.
Invitation letter for 'West Pakistan Ūlamā' Convention', reproduced in *Zindqī*, 22 September 1969, p.27.
118. Author's translation.
Markazī Jamīyat-ul-Ūlamā-i-Islam Maghrabī Pakistān, Intikhābī Manshūr (Lahore: *Makazī Jamīyat-ul-Ūlamā-i-Islām*, 1957), p.4.

119. Jamā'at-i-Islāmī Pakistan, Kul Pakistān Ijtimā'-i-Arkān [17-27 February 1957, Machhagoth, Sādīqābād] Men Pāshudah Qarārdāden (Lahore: Jamā'at-i-Islāmī Pakistan, 1957), p.28.
120. Tarjumān-i-Islām, 28 October 1957.
121. See Chapter 2 of this work, pp.94-95, p.111.
122. Slade, E.H., Census of Pakistan, 1951 (Karachi: Manager of Publications, Government of Pakistan, 1951), Vol.I, Table 6, p.6-2.
123. Chowdury, Najma, The Legislative Process in Bangladesh: Politics and Functioning of the East Bengal Legislature, 1947-58 (Dacca: the University of Dacca, 1980), pp.130-131.
124. SAM published a 40-page pamphlet in which it pleaded the case for a joint-electorate.
125. Fazluddin, Joshua, Separate Electorates: The Life-Blood of Pakistan (Lahore: Punjābī Darbar Publishing House, 1956), p.59, Abdus Sattar Pirzada's speech.
126. English translation, Joint Electorate: An Objective Evaluation (Lahore: Jama'at-i-Islami Pakistan, n.d.), reproduced in Maududi, The Islamic Law and Constitution, *op.cit.*, pp.201-311.
127. Maududi, The Islamic Law and Constitution, *op.cit.*, p.303.
128. *Ibid.*, p.309.
129. See note 102 above.
130. Government of Pakistan, The Constitution of Islamic Republic of Pakistan, *op.cit.*, p.100.
131. First published in Dawn, 3, 4, 5 July 1956, it later became a part of Joshua Fazluddin's book, *op.cit.*, pp.125-153. The revised version was published by JIP under the title of Joint Electorate: Why and Why Not? (Lahore: Jamā'at-i-Islāmī, n.d.).
132. Mawdoodi, Sayed Abul Ala, Joint Electorate: Why and Why Not, *op.cit.*, p.13.
133. Maududi, The Islamic Law and Constitution, *op.cit.*, pp.389-404.
134. On the scheme of the Amīr-i-Sharī'āt, see Rozīnah, Parwīn, Jamīyat-ul-'Ulamā-i-Hind (Islamabad: National Institute for Historical and Cultural Research, 1980), Vol. I, pp.471-479; Hardy, P., Partners in Freedom and True Muslims: the Political Thought of some Muslim Scholars in British India, 1912-1947 (Lund: *Student Litteratur*, 1971), pp.32-35.

135. Elliott, F. and Summerskill, M. (eds.), A Dictionary of Politics (London: Penguin Books, 1966), p.256.

CHAPTER 5

THE ROLE OF ISLAMIC MODERNISM

General Muḥammad Ayūb Khān¹ seized power through a *coup d'état*, much publicised as a revolution, and ruled Pakistan for little more than ten years. The general approach to politics of Muḥammad Ayūb Khān's authoritarian paternalistic regime differed markedly from those of the preceding 11 years of parliamentary rule (1947-1958). The regime seemed to be mainly concerned with the maintenance of political stability which was deemed to be essential for economic growth and for the realisation of its ideology. Elections to the legislatures on the basis of adult franchise were discontinued. Muḥammad Ayūb Khān obtained a vote of confidence from an easily manoeuvrable electoral college under the Martial Law. A Constitution embodying a presidential form of government was brought into force in 1962. Political stability was constitutionally assured in the person of the President, who was to be elected by an electoral college for a fixed term. With his enormous powers, the President was now in a position to rule as he deemed fit, invoking his commitment to the uplift of the nation.

The *coup d'état* was justified on the grounds that the political condition of the country had reached its nadir under the previous regime. Iskandar Mirzā justified the proclamation of Martial Law in order to end the

ruthless struggle for power, corruption and shameful exploitation of ... masses, the lack of decorum and the prostitution of Islam for political ends²

by the politicians, who, in the eyes of the Chief Martial Law Administrator (CMLA) were 'self-seekers' bent upon 'barter[ing]' the country away for their 'personal gains'.³

Muhammad Ayub Khan had developed a dislike for politicians during his attachment in an advisory capacity to the Punjab Boundary Force (1-29 August 1947) on behalf of Pakistan.⁴ He could not satisfy the politicians, some of whom even went so far as to demand his removal or dismissal.⁵

Muhammad Ayub Khan also disliked those among the 'ulamā' 'who were openly engaged in politics'. He firmly believed that the role of the 'ulamā' was to 'serve the community by teaching the *Qurān* and propagating the message of Islam in a selfless, humble and devoted manner'.⁶ Muhammad Ayub Khan's understanding of the message of Islam was reflected in his speeches and statements. Addressing the convocation ceremony of *Dār-ul-'Ulūm-ul-Islāmiyyah* (Tando Allah Yar, Sind: 3 May 1959), which was well attended by the leading *Deobandī* 'ulamā',⁷ he stated that Islam was originally 'a dynamic and progressive movement' which reshaped the entire pattern of life. But

with the passage of time, the Muslims at large sought to concentrate more on the dogmatic aspects of Islam and less on its inherent greatness as a movement ... Gradually those who looked forward to progress and advancement came to be regarded as disbelievers and those who looked backward were considered devout Muslims ... It is a great injustice to both life and religion to impose on twentieth-century man the condition that he must go back several centuries in order to prove his *bonafides* as a true Muslim.⁸

The views expressed by Sayyid Ahmad Khān's spiritual disciple contained an indication of what the state had in store for the 'ulamā' under the new regime. Throughout his address, Muḥammad Ayūb Khān spoke about the ideals of Islam without mentioning the words *Qurān* and *Sunnah*!

Muḥammad Ayūb Khān's regime attempted to enforce a form of Islam in conformity with his cherished ideals. This was clearly in conflict with the 'ulamā's understanding of Islam. The 'ulamā' persistently attacked the regime from their vantage point as traditional clergy. The regime responded with measures calculated to curtail their power base and influence on the masses.

Apart from the contrast in approach between the regime and the 'ulamā' on a general level, the specific issues dividing the two sides which surfaced during Muḥammad Ayūb Khān's regime constitute the subject matter of this chapter.

5.1 Pre-emptive Strike Against Politicians and the 'Ulamā'

Muḥammad Ayūb Khān adopted a policy of keeping politicians and the 'ulamā' out of the political arena. Under the Public Offices (Disqualification) Order (PODO) and the Elected Bodies (Disqualification) Order (EBDO), promulgated in March and August 1959 respectively, all the prominent politicians of the parliamentary era, with a few exceptions, were thrown out of political arena.⁹

Unlike the politicians, the 'ulamā' had never held public offices nor had they been members of elected bodies. Their power

rested in the religious institutions - mosques, *madrasahs* and shrines. The 'ulamā' from West Pakistan were more articulate than their counterparts in East Pakistan; they were thus in a stronger position to air their views against the political establishment during the parliamentary era. The Martial Law regime issued the West Pakistan Waqf Properties Ordinance, 1959 with the aim of undercutting the political influence of the *pīrs* and the 'ulamā'. Under the provision of the Ordinance, the government took over the control and management of mosques, shrines and other properties whose original endowment had been exclusively in the cause of religion. The underlying motives of the Ordinance can be gauged from the book Ideology of Pakistan.¹⁰ Muhammad Ayub Khan contributed a Preface to the book. The author suggested the establishment of a Ministry of *Awqāf* (Endowments) as

the remedy for the paralysing influence of the *Mulla* and the *Pir* over the rural and urban masses of Islam. Unless and until the *Mulla* and the *Pir* are excluded from our religious life, there is no likelihood of the successful dissemination of enlightenment, liberalism and a meaningful and vital faith among the people of Pakistan.¹¹

The West Pakistan Waqf Properties Ordinance, 1959 was then superseded by a similar Ordinance in 1961 under which the *Awqāf* Department of the West Pakistan Government became more effective. The resources of the *Awqāf* Department were channelled into propagating the image of Muḥammad Ayūb Khān as the great servant of Islam. A special academy was established with the aim of training the 'ulamā' who were affiliated to the mosques under the management of the *Awqāf* Department. The 'Ulamā' Academy (Lahore) was given the remit of modernising the outlook of the 'ulamā' so that they could become effective propagandists of the government's

religious policies. *Jāmiāh ‘Abbāsīyyah* (Bahawalpur , a religious seminary, was converted into *Jāmiāh Islāmiyyah* (9 October 1963 and placed under the *Awqāf* Department. Its objective was to train scholars of Islam who could

prove the everlasting and true principles of Islam, as such, by applying them to the needs and requirements of the present day.¹²

Other than the *‘Ulamā’* Academy and *Jāmiāh Islāmiyyah* 499 shrines, mosques and other properties were managed by the *A wqāf* Department as at 1968.¹³

5.2 *Nizām-ul-‘Ulamā’* (Order of the *‘Ulamā’*) (NU)

Political parties were banned under the Martial Law. Nevertheless, the *ulama* organised themselves under the cover of purely religious organisations. They continued to use their religious institutions in the usual manner. The *Deobandī ‘ulamā’* of MJUIMP established the *Nizām-ul-‘Ulamā’* (Multan: May 1959) with Mawlānā Ahmad ‘Alī as its *amīr*. NU soon started to raise demands for the enforcement of *Shari‘ah*.¹⁴

The *Deobandī ‘ulamā’* formed a federation of *Deobandī madrasahs* in order to counter the threat of their *madrasahs* being absorbed in the *Awqāf* Department. Though such a threat did persist, the *Awqāf* Department was in no position to manage hundreds of *madrasahs* all over the country. In spite of the tempting stipends that it provided and the recognition that its degree enjoyed [i.e., equivalent to MA] *Jāmiāh Islāmiyyah* (Bahawalpur) could not rival the topmost *madrasahs* of Karachi.

power; they should elect and change their representatives as they like; and the elected representatives of the people should run the governmental machinery. In Pakistan the power ... has not till this day reached the people of the country. Neither have they ever been allowed to elect their representatives for the exercise of such power, nor have they even for a single day had the opportunity ... to make and change a government of their own free will.

The General Elections which were going to be held in February 1959, must take place, in a free and impartial manner ... The task of making a Constitution, if considered necessary, should be left to the elected representatives of the people.

...Both the presidential form of the government and the parliamentary pattern are lawful in Islam. The question as to which form out of the two we should adopt depends on which one of them is more suitable to our circumstances.

...Whatever political training our people have had, has been in accordance with ... the parliamentary pattern of the government. On the other hand, the presidential form of democracy is entirely new to this country.

For the stability of a democratic system of government in this country, three things are necessary: firstly, free and impartial elections; secondly, democracy being given a chance of free development by experience; and thirdly the Services fully realising that neither is this nation a minor nor have they been appointed its guardians.

Of all possible forms of suffrage, comparatively the best one with minimum defects is the adult suffrage ... the method of indirect elections and electoral colleges is the worst possible method under conditions prevailing in our country; the reason being that it is much easier to win over a limited number of votes by bribery, undue influence or intimidation as compared with thousands of votes spread over a large constituency.

The principle of joint electorates is in conflict with the fundamental ideology of Pakistan and has the effect of poison for the country.

The Preamble and Directive Principles incorporated in the late Constitution are extremely necessary. No change therein can be accepted.

5.4.2 Rift among the 'Ulamā

The dissociation of NU from the 19 'ulamā' represented a significant development. It had been caused mainly by the hostility of the *Deobandī* faction towards JIP, under the influence of Mawlānā Ḥusayn Aḥmad Madanī. Dozens of books and tracts of a polemical nature were published by the *Deobandī* 'ulamā' refuting Mawdūdī's theological thought.

The 19 'ulamā' were clear in their response to the questionnaire of the Constitution Commission. They pleaded for the continuation of the parliamentary form of government; they insisted that the Islamic provisions, incorporated into the 1956 Constitution in response to their demands, should be retained. By contrast, NU's response was not strictly confined to the issues raised by the Constitution Commission. Under the garb of a rhetoric in favour of a pure Islamic form of government, NU advocated what was in effect a presidential form. NU, representing as it did the religious concerns of the *Sunnīs*, demanded restrictions on the observance of 'āshūrah by the *Shī'āhs*, and a ban on the activities of Christian missionaries.

5.5 The Muslim Family Laws Ordinance (MFLO)

Whilst the Constitution was still in the process of being formulated, an important development took place which brought the 'ulamā' into direct confrontation with the regime, viz., the Muslim Family Laws Ordinance (MFLO) (announced on 2 March 1961), followed by its promulgation on 15 July 1961.

MFLO was based on the recommendations of a Commission on Marriage and Family Laws, appointed during the regime of Prime Minister Muḥammad 'Alī Bogrā (4 August 1955) in response to an agitation launched by the All-Pakistan Women's Association (APWA)²⁷ against his second marriage in the presence of his first wife.

5.5.1 The 'Report of the Commission on Marriage and Family Laws'

The Commission on Marriage and Family Laws consisted of six modern educated members and one 'ālim (Mawlānā Iḥtishām-ul-Ḥaq). Its terms of reference were as follows:

Do the existing laws governing marriage, divorce, maintenance and other ancillary matters among Muslims require modification in order to give women their proper place in society according to the fundamentals of Islam?²⁸

After long deliberation, the Commission recommended certain measures aimed at discouraging polygamy, tightening up the divorce procedure, acknowledging the wife's right to divorce, registering all the marriages and divorces with local government institutions, and fixing the girl's age of consent at a minimum of 16 years.

These recommendations, however solid, did not rest upon the injunctions of the *Qurān* and the *Sunnah*. The Report of the Commission appeared to be a summing up of the modernist approach to a vital aspect of Islam. The compilers of the Report were no different from general modernists who, in Fazl-ur-Rahmān's view,

concocted 'novel interpretations of the *Qurān* which often conflict with both history and Arabic grammar'.²⁹

Mawlānā Iḥtishām-ul-Ḥaq wrote a note of dissent. According to him, the selection of the members of the Commission was

most disappointing and surprising ... [They had] neither the detailed knowledge of Islamic teachings and injunctions nor [were] they versed in the interpretation and application of those laws.³⁰

But with such poor background, each member of the Commission with the sole exception of the Mawlānā himself, 'assumed the position of an expert authority on *Shari'ah*'.³¹

Mawlānā Iḥtishām-ul-Ḥaq dismissed the Report's interpretation of injunctions of Islam as 'childish and ridiculous'. After discussing the whole report, point by point, he concluded that

[t]his Report,... from every point of view, religious or intellectual, deserves complete rejection.³²

When the Report was finally published, it was strongly condemned by the '*ulamā*' belonging to all schools of thought in Pakistan.³³ The government was compelled to shelve it.

APWA believed that Muḥammad Ayūb Khān was a modernist under whom laws which could not be passed due to religious affront could be enacted. No resistance to any law, unacceptable to the '*ulamā*', was expected as long as Martial Law prevailed.

5.5.2 MFLO: Its Political Impact

MFLO contained four major provisions: succession compulsory registration of marriages; restriction on polygamy and regulation of divorce procedures.

MFLO provided a share for orphan grandchildr n from the inheritance of their grandfather, equal to the share their father or mother would have received if he had been alive.³⁴ It was against the *ijmā'* of *Shiāh* and *Sunnī* jurists alike. According to them, if a grandfather dies, the inheritance will be distributed among his living sons and daughters; the children of any of his deceased ons or daughters will have nothing from his inheritanc . According to the basic principle on which the inheritance law is based,

A nearer in kinship excludes the remoter from the inheritance.³⁵

The registration of marriages, solemnised under Islamic practice, was made compulsory under MFLO. Whoever contrav ned the provision was liable to punishment.

A lengthy procedure for a second polygamous marriage was laid down. A man wishing to undergo a second marriage was supposed to submit an application to this effect to the Chairman of the Union Council/Union Committee.³⁶ In it he was expected to state the reason for the second marriage. After receiving such an application, the Chairman of the Union Council/Union Committee would ask the present wife or each of the present wives to nominate her/their representative(s). The Chairman of the Union Council/

Union Committee would then be the Chairman of an Arbitration Council consisting of the representative(s) of the present wife/wives and the applicant. The Arbitration Council had the powers to decide whether the proposed marriage was just and necessary; and it would record the reasons for arriving at its decision. Either of the parties, i.e. the applicant or present wife/wives, had the right to appeal against the decision of the Arbitration Council to the Collector.

The *ʿulamā'* held that MFLO envisaged polygamy as something obnoxious in itself, which could be allowed only in exceptional cases. Islam does not accept this notion which is totally alien to it. Islam allows polygamy and it has been practised since the lifetime of the Prophet. There are no grounds in the *Qurān* and the *Sunnah* to support the procedure prescribed in MFLO. It is up to the individual to decide whether polygamous marriage is a necessity for him or not.

MFLO regulated the procedure of divorce. A person who wanted to divorce his wife must, as early as possible after the pronouncement of *ṭalāq* (divorce), give the Chairman of his Union Council/Union Committee notice in writing of his having done so. The *ṭalāq* would not be effective until the expiry of 90 days from the day on which notice of it was delivered to the Chairman of the Union Council/Union Committee. The Chairman, upon receipt of the notice, would constitute an Arbitration Council aimed at bringing about a reconciliation between the parties. If a reconciliation was effected, the pronouncement of *talaq* by the husband would automatically become ineffective.

The process of *ṭalāq* was prescribed in view of the practice that divorce was unilaterally exercised by the man in Muslim society. Its aim was to minimise the number of broken families.

The '*ulamā'* held that the procedure supported by MFLO regarding *ṭalāq* was repugnant to the *Qurān* and the *Sunnah*.

MFLO was promptly attacked by the '*ulamā'*. A day after its announcement, Mawlānā Mawdūdī was asked, at the end of one of his religious talks at a public meeting, to give his views on the Islamicity of MFLO. The questioner reminded him of the saying of the Prophet that 'the greatest form of *jihād* is to express truth before a tyrant ruler'.

Mawlānā Mawdūdī told the gathering that

power sometimes makes people corrupt. A person who has usurped power may consider himself an authority on each and everything. He may assume himself to be a *mujtahid*. MFLO constitutes an open refutation of the Islamic injunctions. Some people may think that Martial Law is the best time to implement such Ordinances, since no one would dare to speak against it. I assure you that I would raise my voice and use all the resources at my disposal against it.³⁷

Mawlānā Mawdūdī's pen was his major weapon of attack. He wrote a critique of MFLO which he invited the '*ulamā'* to discuss. 50 '*ulamā'* from East and West Pakistan met (Lahore: 13 March 1961) and approved Mawdūdī's critique of MFLO with minor amendments. Similar critiques were issued by a total of another 209 '*ulamā'*³⁸

NU in a separate meeting (Lahore: 24-25 April 1961) also declared MFLO against *Shari'ah*.³⁹ Similarly Mufti Muhammad Shafi' requested Muhammad Ayub Khan not to promulgate MFLO due to its repugnance to the injunctions of *Shari'ah*.⁴⁰

In spite of the *'ulamā's* concerted opposition, Muhammad Ayub Khān promulgated MFLO. Undoubtedly, he took a bold step in a crusading spirit. He had a sense of pride when he replied to Mufti Muhammad Shafi' that previous governments could not take action on the Report of the Commission on Marriage and Family Laws 'on account of narrow political expediencies', but

so far as I am concerned, I do not place temporary expediencies over and above the needs of basic reforms.⁴¹

Due to the criticism of the *'ulamā'*, the effectiveness of MFLO in the countryside is patchy. People know that though defying it may constitute a breach of the law of the land, it is not a sin.

5.6 The 1962 Constitution

Muhammad Ayub Khān had strong views on specific aspects of the Constitution. He was eager to put them into practice. Apart from his 1954 memorandum to which reference has already been made, he also issued a Presidential Directive to the governors of the provinces and ministers entitled Outline of Our Future Constitution (15 March 1959).⁴² He was frankly opposed to a future Constitution advocating the parliamentary system of government.

Against a background of Muhammad Ayub Khān's preference for a presidential system, a debate ensued on the virtues of the

American political and constitutional system in which former politicians and the ūlamā' alike advocated a parliamentary system for the reason that it was comparatively 'easily understandable simple and less expensive'.⁴³

The Constitution Commission, however, suggested a presidential form of government, with an appropriate system of checks and balances to safeguard the executive against autocratic abuse of power. Not all the different points of the Report of the Constitution Commission were equally acceptable to Muhammad Ayūb Khān. He appointed two special committees - one chaired by N.A. Farūqī, the Cabinet Secretary, and the other by Manzūr Qādir, the Foreign Minister. Muhammad Ayūb Khān made detailed comments on the Report for the 'guidance of the committee(s)'.⁴⁴ He claimed that

if there is anyone who should have an overall view of the conditions and problems of Pakistan it was me.⁴⁵

The deliberations of neither committee were made public though they contributed to the final shaping of the Constitution. What emerged from this process was widely at variance with the spirit underlying the Report of the Constitution Commission.⁴⁶

The Constitution which was promulgated with effect from 1 March 1962, bore the stamp of Muhammad Ayūb Khān's personal views. He referred to the 1962 Constitution as 'his' constitution, based on his

wide study, deep and prolonged thought and a burning desire to help the people in building the country into a sound, vigorous, progressive and a powerful state.⁴⁷

The 1962 Constitution was neither presidential nor parliamentary in form, and neither federal nor unitary in character. It projected a President who was all-powerful, a one-house National Assembly rather weak and without any political party being present in it, and a Supreme Court with its powers severely curtailed. Chawdhari Muhammad 'Alī described the government enshrined in the 1962 Constitution as 'a government of the President, by the President, and for the President'.⁴⁸

The Islamic provisions of the 1962 Constitution were included in the form of a preamble setting out the Objectives Resolution (1949) with but slight changes. A set of 21 Policy Principles was laid down. It was expected that 'each organ and authority of the State' and 'each person performing functions on behalf of an organ or authority of the State'⁴⁹ should follow the Policy Principles. However, any law in force, not in keeping with these principles, was not open to question.⁵⁰

The first Policy Principle ran thus:

The Muslims of Pakistan should be enabled, individually and collectively, to order their lives in accordance with the fundamental principles and basic concepts of Islam, and should be provided with facilities whereby they may be enabled to understand the meaning of life according to those principles and concepts.⁵¹

The strengthening and preservation of bonds of unity with Muslim countries, the elimination of *ribā* from the economy, and the discouragement of the consumption of alcohol were guaranteed.

The 1962 Constitution envisaged the establishment of two Islamic institutions, viz., the Advisory Council of Islamic Ideology (ACII) and the Islamic Research Institute (IRI).

ACII's remit was to

make recommendations to the Central Government and the Provincial Governments as to means of enabling and encouraging the Muslims of Pakistan to order their lives in all respects in accordance with the principles and concepts of Islam.⁵²

IRI's remit was to

undertake Islamic Research and instruction in Islam for the purpose of assisting in the reconstruction of Muslim society on a truly Islamic basis.⁵³

The official name of the country was changed from 'The Islamic Republic of Pakistan' (as suggested in the 1956 Constitution) to the 'Republic of Pakistan'. In another deviation from the 1956 Constitution, the Repugnancy Clause was reworded.⁵⁴ The 1962 Constitution simply provided that

[n]o law should be repugnant to Islam.⁵⁵

5.6.1 Criticism of the 1962 Constitution by the 'Ulamā'

The 'ulamā' described the 1962 Constitution as disappointing and unsatisfactory from the standpoint of democracy and Islam.⁵⁶ The exclusion of fundamental rights from the operative section of the 1962 Constitution, the concentration of power in the hands of the President, the provisions relating to the indirect election of the President and the legislatures, the system

of joint electorate, and the non-permissibility of political parties were singled out as the main objectionable features of the Constitution.

With reference to provisions of a specially Islamic nature, the change in the official name of the State and the wording of the Islamic clauses, were criticised. The qualifying phrase of Islam (i.e. the *Qurān* and the *Sunnah*) was no longer a part of the Repugnancy Clause. In the view of the *‘ulamā’*, the legal authority of the *Sunnah* would be adversely affected and the modernists' *ijtihād*, neglecting the *Sunnah*, would shatter the established form of *Shari‘ah*.

The 1956 Constitution had provided that gambling, consumption of alcohol, and prostitution would be forbidden or 'prevented'. But in the 1962 Constitution, the word 'prevent' was replaced by the much less strong word 'discourage'. Similarly in the Repugnancy Clause, 'shall' was replaced by 'should', which lacked force.

The *‘ulamā’* believed that the usefulness of ACII was in direct proportion to the extent to which the correct method of selection of members was followed. They expressed the view that reputed *‘ulamā’* should be taken on ACII.

When the *‘ulamā’* raised their voice against the undemocratic and un-Islamic character of the 1962 Constitution, the regime carried out propaganda to the effect that people from all walks of life, including the *‘ulamā’*, had warmly accepted the 1962 Constitution. A deputation of the *‘ulamā’* stage-managed a visit to

the President. This came a cropper with Mawlānā Ghulāmullāh Khān the outstanding *‘alim* of the deputation, saying a few days later at an *‘īd* Congregation (8 March 1962) that in fact he had not congratulated the President on his Constitution, which in his opinion was not up to the mark from an Islamic point of view.⁵⁷

5.7 The Revival of Political Parties

The promulgation of the 1962 Constitution was followed by election to National and Provincial Assemblies (April-May 1962). Though the election was held in the absence of political parties, the composition of the National Assembly was not very different from that of CAPs of the parliamentary era. Important *zamīndārs* occupied 70 seats in a house of 156. Their relative strength was even greater in the West Pakistan Provincial Assembly (76 out of a total of 155 members). The ban on political activity had, in a way, helped the important *zamīndārs* to appeal to BDs on the basis of *barādari* linkages; and, of course, money also figured prominently in the winning of election.

Soon after the election, groups began to emerge among the members of the National Assembly (MNAs). On 8 June 1962 the National Assembly met; the Martial Law was lifted. Muḥammad Ayūb Khān, the President, in a speech to the National Assembly, expressed his dislike of political parties; but, he desired to have a 'group of determined and patriotic men' inspired by his 'aims and ideas', in the National Assembly. And he did not face disappointment. The overwhelming majority of MNAs readily accepted him as their political guide.

5.7.1 Passage of The Political Parties Act (PPA) 1962

Members of the National Assembly who had been elected under the scheme of basic democracies convinced Muhammad Ayūb Khān that he should change his views on the role of political parties. They argued that they would be able to support him more effectively if they formally belonged to a party led by him. It was in such a perspective that the Political Parties Act (PPA) was enacted (15 July 1962).

5.7.2 Reorganisation of Political Parties

With the passage of PPA, the political parties of the pre-1958 *coup d'état* era resumed their activities. JIP was the first among these to reorganise itself (17 July 1962). Its organisation or leadership had not suffered during the period of Martial Law (8 October 1958 - 8 June 1962). An announcement by Mawlānā Mawdūdī, its *amīr*, set the party on its path to fully-fledged activity.

NIP was revived (6 August 1962) soon after JIP resumed its political existence. It held an All-Pakistan Convention (Dacca: 12-13 January 1963) at which Chawdhari Muhammad Alī was elected President and Farīd Aḥmad, the former General Secretary was confirmed in the same office.

The *Deobandī ūlamā'* had had two organisations - JUI and MJUIMP - prior to the 1958 *coup d'état*. The leaders of the former did not reorganise. MJUIMP, however, resumed its political life (4 August 1962) under the chairmanship of Mawlānā ʿAbdullāh Dārkhā ztī

Mawlānā Aḥmad 'Alī, the erstwhile *amīr*, had died before PPA was enacted. Mawlānā Ghulām Ghawṣ Hazārwī continued to function as the General Secretary of the party.

MJUIMP resolved to extend its activities to East Pakistan. The party was accordingly renamed [from *Markazī Jamīyat-ul-'Ulamā-i-Islam Maghribī Pakistān* (MJUIMP) to *Jamīyat-ul-'Ulama-i-Islām Pakistān* (JUIP)].⁵⁸

JUP had been inactive even before the 1958 *coup d'état*. The death of Mawlānā Sayyid Abul Ḥasanat, its *amīr* (1961), came as an additional blow to its activities. Mawlānā 'Abdul Ḥāmid Badāyunī, its other prominent figure, joined ACII as a salaried member. After the passage of PPA, JUP was revived; but, it continued to be on the periphery of political activity.

RP, PML, APAL and NAP were the parties which had come together in short-lived coalition governments during the parliamentary era. RP, which had been formed on the initiative of Iskandar Mirzā who was subsequently removed from the political scene, simply faded away. PML split into two factions. The supporters of Muḥammad Ayūb Khān in the legislatures were generally affiliated to PML, and wished to make it the ruling party. The constitution of PML, in force prior to the *coup d'état*, was explicit on the matter of the 'Council' of the party being the only authoritative organ responsible for making policy decisions. A piquant situation developed in the aftermath of the election when the supporters of Muḥammad Ayūb Khān in the National Assembly made unsuccessful overtures to the members of the Council of PML (which had passed into temporary legal oblivion under the Martial Law) to

bring the party as a whole under the leadership of Muḥammad Ayūb Khān. Subsequently the supporters of Muḥammad Ayūb Khān held a convention of Muslim League workers (Karachi: 4-5 September 1962). Though the convention was 'not representative' of PML opinion, a number of speeches were made at it and a new constitution of PML was passed. The party was thus given artificial political respiration.

The opponents of the Karachi convention held a meeting of the party's councillors (Dacca: 27 October 1962). Measured in terms of the persons who attended, this convention was more representative of PML opinion than the Karachi convention, at the conclusion of which the party was revived with Khawājah Nāẓim-ud-dīn as its President. Between the Karachi convention and the Dacca convention, two PLMs emerged - the new-fangled PML (Convention) and the resurgent PML (Councillors).

Both factions claimed to be the legitimate successors of the League which had once been led in its undivided form by *Qā'id-i-Aẓam* Muḥammad Ālī Jinnāh. The social composition of the two factions was practically identical.

Contrary to his statements, Muḥammad Ayūb Khān joined PML as a 'two-ānnā member' and accepted the invitation to become the head of the party (24 December 1963).

Ḥusayn Shahīd Suhrawardī, the leader of APAL, was against the idea of reorganising the party. He was interested in enlisting broader support of individuals and parties for the democratisation of the 1962 Constitution. He formed the National Democratic Front

(NDF) (4 October 1962). Some of the PML old guards (East Pakistan) led by Nūr-ul-Amīn, joined NDF. Eminent politicians of West Pakistan such as Mawlānā Mawdūdī, Miyaṅ Mumtāz Muḥammad Khān Dawltānah, Sardār Bahādur Khān and many others supported NDF. During the lifetime of Suhrawardī (d. 5 December 1963), NDF constituted a real force in East Pakistan.

Suhrawardī's death was followed by a change in the political attitude of his lieutenants. The erstwhile Working Committee of the West Pakistan 'Awāmī League favoured the revival of the party. Its leaders in East Pakistan were, however, divided. 'Atāur Raḥmān, the former East Pakistan Chief Minister, stuck to NDF's position, while Shaykh Mujibur Rahman, the former Secretary of APAL, announced its reorganisation (25 January 1965).

Mawlānā 'Abdul Ḥamīd Khān Bhashānī, the chief of NAP, joined NDF and worked with Suhrawardī to mobilise support for the democratisation of the 1962 Constitution. After Suhrawardī's death, Bhashānī preferred to revive NAP (29 February 1964).

5.7.3 Party Position in the National Assembly after the Enactment of PPA

With the enactment of PPA and the reorganisation of the political parties, MNAs joined the parties of their choice. The overwhelming majority of them went to PML (Convention). 49 of them (39 from East Pakistan and ten from West Pakistan) chose to sit on the opposition benches. They were grouped as under:

Pakistan People's Group: 25 led by Farīd Aḥmad of NIP;
Pakistan Muslim League (Councillors): 10;
Islamic Democratic Front: 6 led by Qamar-ul-Aḥsan from
East Pakistan;
Independent Group: 2; and
Independents: 6.

The parties of the *ʿulamā'* did not enjoy much support in the National Assembly; but, they voiced their views through their affiliates. Muftī Maḥmūd was JUIP's spokesperson; Akhtar-ud-dīn Aḥmad (from East Pakistan) was an associate of JIP; and Farīd Aḥmad, the Secretary-General of NIP, was the leader of the Pakistan People's Group.

5.8 The First Two Amendments to the 1962 Constitution

All the reorganised parties, with the exception of PML (Convention), were dissatisfied with the 1962 Constitution. NDF, secular in character, was opposed to it mainly because of its undemocratic provisions. But the religious-political parties - JIP, NIP, and JUIP - wanted to make it not only democratic but also Islamic. PML (Councillors) was also in line with the latter parties.

Muftī Maḥmūd, as an MNA, vowed to have the 1962 Constitution amended, when he took the oath in the National Assembly in conformity with the *Qurān* and the *Sunnah*, and the democratic traditions embodied therein.⁵⁹

The Constitution (First Amendment) Act, 1963 (originally placed before the National Assembly in November 1962), restored not

only the name of the State to 'Islamic Republic of Pakistan' but also all the Islamic features of the 1956 Constitution. The amendment was considered by the 'ulamā' as an achievement to their credit. But, PML (Convention) regarded it as no more than an act of expediency. For it prevented the 'ulamā' forging a plank for agitation.

The regime felt a desperate need for the Constitution (Second Amendment) Act, 1964. The tenure of the sitting legislatures was due to end in 1965 after the completion of three years. The term of office of the President was similarly due to come to an end two months after the expiry of the term of the legislatures. This meant that the election to the legislatures would be held in advance of the presidential election.

Under the 1962 Constitution, the sitting President (in this case, Muḥammad Ayūb Khān) was required to vacate his office in favour of the Speaker of the National Assembly four months prior to the election.

Both these provisions were considered to be opposed to the interests of the regime. The Constitution (Second Amendment) Act, 1964 was meant to concentrate all power in the hands of the executive. This amendment resulted in the incorporation of Article 173, as well as in the subsequent alterations to the ten Articles. The passage of the amendment immensely strengthened the hands of Muḥammad Ayūb Khān.

- 1) The sitting President, notwithstanding the expiration of his term, would hold office until his

successor was elected;

- 2) The election of President would be held prior to the election to the legislatures;
- 3) The date of election would be advanced by limiting the term of the First President (under the 1962 Constitution) that would expire on 22 March 1965.

A 2/3rds majority of the total number of MNAs was needed to push any constitutional amendment through. Nine MNAs from the Opposition benches defected to vote with PML (Convention), the ruling party. Two of them - Muftī Maḥmūd and Muḥammad Afzal Chīmāh - were vocal on the Islamic Democratic Front; and their defection 'at least displayed greatest want of good faith'.⁶⁰ Their defection constituted a heavy blow to the Opposition in general, and to the Islamic Democratic Front in particular. Both were subsequently expelled from the Islamic Democratic Front.⁶¹

Muftī Maḥmūd's vote in favour of the regime rendered the gulf between JUIP and the other parties of the Opposition unbridgeable. Muftī Maḥmūd acted upon the advice of JUIP, which justified its stand from the standpoint of religious commitment. The Speaker of the National Assembly, unlike the President, was not required to be a Muslim. Therefore, an amendment was favoured which closed the way for the Speaker to act as president prior to the presidential election.⁶² But this plea did not satisfy the other Opposition parties because the Speaker was not totally debarred from assuming the position of acting President. The amendment was specifically for the period during which the presidential election was under way.

It would appear that persons like Mawlānā Ghulām Ghaws Hazārwi, who were sympathetic to Muḥammad Ayūb Khān, prevailed. Mawlānā Hazārwi belonged to the same district (Hazara) as the President and had good relations with him. He was not totally opposed to the political philosophy of Muḥammad Ayūb Khān. He had in fact supported the Basic Democracies and their political functions.⁶³

5.9 JIP versus the Regime: A Trial of Strength

JIP started out in opposition to the undemocratic Constitution and the allegedly un-Islamic policies of the regime; it extended wholehearted support to NDF. Two leaders of JIP - Miyaṅ Ṭufayl Muḥammad and Chawdhari Ghulām Muḥammad - were among the ten politicians who were arrested on sedition charges at the NDF convention (Karachi: 28 January 1963) which had met to agree a joint strategy for the restoration of democracy in Pakistan.⁶⁴

JIP workers incurred the wrath of the regime of which they were critical. Although they experienced intimidation at the hands of the government all over Pakistan, the most deplorable situation prevailed in the princely state of Swat. In a public speech (Rawalpindi: 28 June 1962), Mawlānā Mawdūdī demanded the merger of Swat and other princely states such as Dir and Chitral with West Pakistan in the same manner in which the princely states of Bahawalpur, Qalat and Khairpur had been integrated in 1955.⁶⁵

By-elections to the National Assembly were held in September-October 1963 in Hyderabad and Rawalpindi. JIP gave strong support to Opposition candidates who won both seats. The

circles of the ruling party, PML (Convention), became increasingly uneasy as the criticism levelled by JIP against it increased in intensity. Mawlānā Mawdūdī went so far as to say that JIP would support even a poor candidate of the Opposition against even the most righteous PML (Convention) candidate. Even an angel, put up by PML (Convention), would not receive JIP support in the election that was due to take place.⁶⁶ Mawlānā Mawdūdī was approached on behalf of the regime to withdraw his remarks but he refused.⁶⁷

It was in such an atmosphere of political hostility that JIP decided to hold an All-Pakistan Conference. Wary of JIP's criticism, the regime, however, placed obstacles in the way of JIP with the aim of preventing it demonstrating the true extent of its popular appeal through the conference. First, the government refused to allow JIP to convene its conference in a venue of its choice. Second, the use of loudspeakers in the Conference was not allowed, even though thousands of people were expected to attend.

A disparaging campaign against JIP in general and Mawlānā Mawdūdī in particular was mounted in the press. Ḥabībullah Khān, the Home Minister of Pakistan, made the accusation that the activities of JIP were inspired and financed by foreign agencies. JIP refuted the charges and challenged the Home Minister to institute legal proceedings against it if he had any proof in support of his charges.

On the first day of the Conference (Lahore: 25-27 October 1963), ten minutes after Mawlānā Mawdūdī began to read his inaugural speech, shots were fired from a revolver, killing a JIP worker (Allāh Bakhsh from Gojra).

Mawlānā Mawdūdī publicly expressed the view that the government had dispatched *agents provocateurs* to disrupt the convention and cause commotion. He also said that

even though we have the necessary evidence, we believe that a demand for a public enquiry will be useless. Where the hedge itself is eating the crop, it is no use requesting the hedge to protect the crop.⁶⁸

JIP resolved to hold another conference in East Pakistan (Dacca, 28-29 February, 1 March 1964). A country-wide signature campaign was launched, demanding direct elections on the basis of adult franchise and the restoration of fundamental rights under judicial scrutiny. A nine-mile long scroll of signatures was submitted to the National Assembly as a first instalment; by the end of December 1963, the scroll had lengthened to about 15 miles.⁶⁹

The response of the regime to JIP activities consisted of a campaign of vilification and defamation⁷⁰ which reached its climax on 6 January 1964 when the provincial governments of East and West Pakistan declared JIP an unlawful organisation under the Criminal Law Amendment Act, 1908 (as amended by Ordinance XXXI, 1960). Mawlānā Mawdūdī and 61 other leaders belonging to JIP were arrested. JIP's party funds were frozen and its offices throughout the country were sealed.

The charges against JIP were as follows:

In undivided India it demonstrated open hostility to the concept of Pakistan. Even after the establishment of Pakistan the attitude of the *Jamaat* did not undergo any radical change. It started a vicious propaganda against Government and preached

disaffection and disloyalty to it alleging that the country was not being ruled according to the *Shariat* ... The activities of the party pose a threat to peace and tranquillity. Infiltration into the services and disruption of the administrative machinery from within are being continuously attempted.⁷¹

The ban on JIP was challenged in the High Courts of both West and East Pakistan. JIP lost the case in the West Pakistan High Court, but won in the East Pakistan High Court (July 1964). Eventually, two sets of appeals were taken to the Supreme Court - one by JIP against the decision of the West Pakistan High Court, and the other by the East Pakistan Government against the East Pakistan High Court's decision. Both appeals were disposed of by the Supreme Court in favour of JIP (25 September 1964), and JIP was allowed to function as a lawful organisation.

5.10 The Presidential Election (1965)

The Constitution (Second Amendment) Act, 1964 represented a victory for the regime. Influential *zamīndārs* had joined PML (Convention). The civil administration was quite happy with the policies of the regime which had bestowed much importance on it. The emerging class of 'robber barons' saw their future in the economic policies of the regime. As a candidate of this three-part alliance, Muḥammad Ayūb Khān entered the election ring. At the same time, no opposition party in Pakistan was in a position to contest the presidential election singly, on its own financial as well as organisational resources.

5.10.1 Combined Opposition Parties (COP)

Khawājah Nāzim-ud-dīn, the chief of PML (Councillors), took the initiative to forge a common platform embracing various opposition parties. Representatives of five parties - viz., PML (Councillors), APAL, NAP, NIP and JIP - met at Khawājah Nāzim-ud-dīn's residence (Dacca: 21-24 July 1964). After four days of deliberation, the Combined Opposition Parties (COP), an opposition alliance, was formed. Even though JIP had been banned by the regime, its ideology continued to enjoy popular support, and its representatives were invited to COP's foundation meeting.

COP issued a nine-point manifesto, couched in general terms. The secular parties, APAL and NAP, had to accept the Islamic provisions of the manifesto, which promised the

[i]mplementation of Islamic provisions of the Constitution and establishment of a true Islamic society. Amendment of the Family Laws Ordinance so as to bring it in accord with *Shariāt*.⁷²

The religious political parties, NIP and JIP, had to make an alliance with the secular parties.

5.10.2 Miss Fatimah Jinnah, the COP Candidate

COP chose *Qā'id-i-Aẓam* Muḥammad Ālī Jinnāḥ's sister as its presidential candidate. Even though she had been a critic of the regime and commanded the respect of the masses, her candidature was flawed in some fundamental respects. According to a saying of the Prophet

are not required to shoulder a double responsibility by entering this domain as well. I have stated this principle on many occasions⁷⁶ and I am still a firm believer in it. But, at the moment, the issues involved are not that much simple, and the *Shariah* itself requires that we apply our minds and see things in their proper perspective. We are confronted with a given situation and the *Shariah* wants us to keep our eyes wide open. Just see what is actually happening:

- The country is groaning under the yoke of merciless tyranny and totalitarianism, posing a real threat to our basic moral and cultural values, our cherished religious concepts and ethical standards, our entire socio-economic and political life.

- We are presented with the God-sent opportunity in the shape of these elections, to get out of this quagmire and, through peaceful and constitutional means, set up a new order of which we have long been dreaming.

- There is no personality in the country whatsoever, except that of *Mohtarama* [respected] Fatimah Jinnah, who commands such immense love and respect of all sections of the people and who ... can rescue the country from the forces of corruption and chaos, of cruelty and tyranny.

... To oppose Fatimah Jinnah or to remain neutral from the great struggle the country has plunged itself into, will go to strengthen the hands of Mr. Ayub Khan and will result in the perpetuation of his unholy despotic rule.

This being the situation the real issue involved at the moment is whether the leadership of a woman in *Shariah* is so undesirable that in comparison to it we should prefer the continuation of the present much abhorred - rather, extremely hated regime. I think whoever possessed even little erudition in the Islamic *Shariah* can never say that of the above stated alternatives the leadership of woman will be rejected and despotic rule will be preferred.⁷⁷

Mufti Muhammad Shafi, a leading *Deobandī* 'ālim, also favoured Miss Fatimah Jinnah's candidature.⁷⁸ But the *Barelwī* 'ulamā', by and large, supported Muḥammad Ayūb Khān. They held an All-Pakistan *Sunnī* Conference (Lahore: December 1964) at which 650

'ulamā' declared the candidature of Miss Fāṭimah Jinnāḥ for election to the office of Head of State as contravention of the injunctions of *Shariāh*.

The *Pīr Ṣāhib* of Dewāl Sharīf reorganised *Jamīyat-ul-Mashāikh* to muster support for Muḥammad Ayūb Khān. Several posters and tracts were issued favouring the candidature of Muḥammad Ayūb Khān by the *Barelwī 'ulamā'* and *pīrs*.

Even though JUIP had hoped to put up Mawlānā 'Ubaydullāh Anwar as its presidential candidate, in the event it failed to submit the nomination papers within the prescribed time limit. COP, however, did not go out of its way to enlist JUIP's support. It could not forget the defection of Muftī Maḥmūd from the Opposition benches at the time of the passage of the Constitution (Second Amendment) Act 1964. The mutual antagonism of JUIP and JIP towards each other was another factor that inhibited COP approaching the former for support. For its part, JUIP was opposed to a woman becoming the head of an Islamic state; its supporters were urged to vote for Muḥammad Ayūb Khān.

5.10.4 The Result of the Presidential Election

Miss Jinnāḥ was, in a sense, a national figure of far greater stature than Muḥammad Ayūb Khān. She attracted big crowds wherever she went. Her speeches exposed the nature of Muḥammad Ayūb Khān's authoritarian rule. But it was not up to the masses to elect the President! This right was vested in BDs, who were largely under the thumb of the civil administration.

Muhammad Ayub Khan's most persuasive argument with BDs rested on the grounds that COP's commitment to direct elections would undermine their own future if Miss Jinnah was elected President.

The results of the election (2 January 1965) were 49,951 (63.31 per cent) votes in favour of Muhammad Ayub Khan, against Miss Jinnah's 28,691 (36.36 per cent).⁷⁹ Though Muhammad Ayub Khan won, Miss Jinnah's impact, even on the BDs, had proved to be considerable. 18,434 (almost 47 per cent) in East Pakistan voted for her; and, even in West Pakistan, the home of the influential *zamindars*, 10,257 (26.07 per cent) votes were cast in her favour.

Many people, including Miss Jinnah, accused Muhammad Ayub Khan of winning the election with the help of the governmental apparatus;⁸⁰ he dismissed these allegations with the remark that 'the country had chosen stability against chaos, security against disintegration, progress against stagnation'.⁸¹

5.11 Election to National and Provincial Assemblies and the Fate of COP

After the presidential election the BDs again went to the polls to elect the National and Provincial Assemblies. Not surprisingly the President's party [i.e. PML (Convention)] won a landslide victory. It secured 120 general seats in the National Assembly out of a total of 150. COP won only ten seats, the remaining 20 going to NDF (5) and the Independents (15). This result so disturbed COP that it decided not to contest the election to the Provincial Assemblies.

Among the members of the newly elected National Assembly, there was not a single 'ālim. The 'ulamā' who contested either on COP tickets or as independents could not turn to the National Assembly. Whatever influence the 'ulamā' enjoyed was among the masses; they were of no account in an administration-controlled BDs.

COP was an alliance formed with the sole aim of defeating Muḥammad Ayūb Khān in the presidential election. After the election, it rapidly disintegrated. The process of disintegration was exacerbated by the outbreak of armed clashes between India and Pakistan in the Rann of Kutch (April 1965) which was followed by an all-out war (September 1965). All political parties backed the regime during the Indo-Pakistan War.

5.12 The September 1965 War and its Aftermath

Despite his election victory over Miss Fāṭimah Jinnāh, Muḥammad Ayūb Khān's image was considerably undermined. Pakistan's better performance in the Rann of Kutch,⁸² the analysis of the Indian situation put forward by Zulfīqār Ālī Bhutto, the then foreign Minister, convinced Muḥammad Ayūb Khān that Pakistan ought to revive the Kashmir issue and declare all-out war against India.⁸³ Pakistan's victory in such a war could then be presented as a spectacular achievement, which would enhance Muḥammad Ayūb Khān's image as a great leader.

The September war ended, at best, in a stalemate. Pakistan failed to liberate Kashmir and India failed to subdue Pakistan. Both sides claimed victory.

The stalemate was broken when both India and Pakistan agreed to the Soviet offer of good offices to mediate between the two protagonists. Muhammad Ayūb Khān and Lāl Bahādur Shāstrī, the Indian Prime Minister, met at Tashkent (January 1966), where a nine-point declaration was signed. Under the Tashkent Declaration, the two countries agreed

- 1) to withdraw their armies to their former positions;
- 2) to restore diplomatic relations and consider measures for economic and trade relations;
- 3) to stop propoganda against each other; and
- 4) to try to settle their disputes through negotiation.

The Pakistan regime believed that the Tashkent Declaration represented the best outcome in view of the fact that 'its army was in no position to dislodge the Indians from the areas they had occupied inside Pakistan'.⁸⁴

Muhammad Ayūb Khān's main interest lay in restoring the *status quo* after the end of the September War. But the attention of the general public was focused on the Tashkent negotiations as a platform for the resolution of the Kashmir dispute. In actual fact, however, the declaration, which stipulated that disputes should be settled through peaceful means, confined itself to requiring 'each of the sides to set forth its respective position'⁸⁵ on the Kashmir issue.

The Tashkent Declaration was not welcomed in West Pakistan. Spontaneous demonstrations were arranged against it in major cities; but, the biggest demonstrations which turned into

violent disturbances took place in Lahore. Students were in the forefront. More than 200 of them were arrested. The regime suppressed the agitation in a ruthless manner.

Mawlānā Ghulām Murshid, once the leader of JUI, sent a long telegram to Muḥammad Ayūb Khān, protesting against the Tashkent Declaration and the coercive policy of the regime against the demonstrators. Mawlānā Ghulām Murshid had not been active in the political arena since independence and was a salaried *khaṭīb* of the government-managed historical Shahi mosque of Lahore. Although he was dismissed⁸⁶ from service after he sent the telegram, the courageous step that it represented added impetus to the demonstrations.

5.12.1 The All-Pakistan National Conference (APNC)

The 'ulamā' and their parties took opposing stands on the Tashkent Declaration. JIP, in collaboration with three other parties - namely NIP, PML (Councillors) and APAL - convened the All-Pakistan National Conference (APNC) (Lahore: 5-6 February 1966). APNC denounced the Tashkent Declaration. The resolutions passed by APNC were ignored by the press which was under the tight control of the regime. But, APNC did make the headlines on account of the Six-Point formula advanced on the occasion by Shaykh Muḥibūr Rahmān.

JUIP did not participate in APNC. Radio Pakistan, however, broadcast a statement purported to be from the JUIP leadership in praise of Tashkent Declaration. The JUIP leaders promptly disowned it.⁸⁷

APNC was called into meeting on 6 February 1966. On the following day, the advisory council of JUIP met at Lahore and passed a few resolutions on the religious and political situation⁸⁸ prevailing in Pakistan. It analysed the reasons underlying public unrest over the Tashkent Declaration. However it refrained from condemning the accord outright. In a separate resolution, JUIP paid tribute to the armed forces for their valour and sacrifice in defence of the country.

A resolution condemning Mawlānā Mawdūdī's critical analysis of the role played by 'Uṣmān B. 'Affān, Mu'āwiyah, 'Amar B. al'Āṣ and Muḡhīrah (all of whom were the Prophet's companions) in Islamic history.⁸⁹

That the JUIP leadership was sympathetic to the regime was further corroborated by the fact that the four organisations - viz., JUIP, APMAI, *Tanzīm-i-Ahl-i-Sunnat*, and *Anjuman-i-Taḥaffuz-i-Pakistān* (Society for Safeguard of Pakistan) - joined together to form an alliance, *Mutahiddah Islāmi Maḥāz* (United Islamic Front) (MIM).

After the 1953 anti-*Aḥmadī* disturbances, APMAI was virtually in a state of oblivion. *Tanzīm-i-Ahl-i-Sunnat* was a purely religious organisation propagating *Sunnī* doctrines in opposition to the work of *Shī'āh* missionaries. *Anjuman-i-Taḥaffuz-i-Pakistān* was practically a one-man show spawned by Kawṣar Niyāzi after he left JIP. JUIP was the only organisation in MIM which carried any real political clout. Mawlānā Ghulām Ghawṣ Hazārwī, the Secretary-General of JUIP, was also the General Secretary of MIM.

The MIM leaders congratulated Muḥammad Ayūb Khān on his heroic role in the September War (1965).⁹⁰ As if to minimise the impact of the criticism levelled against the regime by JIP, they praised his achievement as a command performance.

5.13 Shaykh Mujībūr Raḥmān's Six-Point Formula

APNC, which was attended by 746 delegates, had an 'All-Pakistan' character. 21 delegates, representing East Pakistan, were led by Shaykh Mujībūr Raḥmān.

Shaykh Mujībūr Raḥmān appeared more concerned with the issue of autonomy for East Pakistan than with the Tashkent Declaration as such. His proposals for East Pakistan's autonomy, as envisaged in a Six-Point Formula, were waved aside on the weak ground that the sole purpose of APNC was to review the repercussions of the Tashkent Declaration. As a matter of fact, APNC deviated from this 'sole purpose' when it passed a resolution on the need to democratise the 1962 Constitution.⁹¹

Shaykh Mujībūr Raḥmān, sensing the indifference of APNC to East Pakistan's autonomy, withdrew from it and rushed back to East Pakistan where he publicly announced his support for the Tashkent Declaration. His stand was mainly based on the reason that Kashmir ought to be regarded as affecting West Pakistan and was far too remote from the eastern wing of the country for it to become too exercised.

Mujībūr Raḥmān's Six-Point Formula read as follows:

1. The Constitution should provide for a Federation of Pakistan in the true sense on the basis of the Lahore Resolution, and for a parliamentary form of government based on the supremacy of a directly elected Legislature on the basis of universal adult franchise.
2. The Federal Government shall deal with only two subjects - defence and foreign affairs with all residuary subjects vested in the federating states.
3. There shall be either two separate freely convertible currencies for the two wings or one currency with two separate reserve banks to prevent inter-wing flight of capital.
4. The power of taxation and revenue collection shall be vested in the federating units. The Federal government will receive a share to meet its financial obligations.
5. Economic disparities between the two wings shall disappear through a series of economic, fiscal and legal reforms.
6. A militia or paramilitary force must be created in East Pakistan which at present has no defence of its own.⁹²

Shaykh Mujībūr Raḥmān claimed that the Six-Point Formula provided the 'basic principles of a firm solution of the country's inter-wing political and economic problems' and 'truly reflected the mind and correctly represented the demands of fifty five million East Pakistanis of their right to live'.⁹³ But the constituents of APNC - viz., JIP, NIP, PML (Councillors), as well as a faction of APAL led by Nawābzādah Nasrullāh Khān - held the view that the Six-Point Formula had been given to Shaykh Mujībūr Raḥmān by the Ayūb Khān regime⁹⁴ with the aim of driving a wedge into the rank and file of the Opposition parties. This could well have been the real reason for APNC's unwillingness to discuss the East Pakistan leader's formula.

The Six-Point Formula remained an issue of heated debate from the time it was first announced to the moment of declaration of Bangladesh as an independent state by Shaykh Mujībur Raḥmān (March 1971).

5.14 The Pakistan Democratic Movement (PDM)

APNC ended its deliberation with the resolution calling for the launching of a country-wide campaign against Muḥammad Ayūb Khān's autocracy. Some sort of alliance of like-minded parties such as APNC was a *sine qua non* for successful translation of the resolution into action. But Shaykh Mujībur Raḥmān's challenge to APNC was another immediate pressing factor in the formation of an alliance.

On his return from Lahore, Shaykh Mujībur Raḥmān called a meeting of the council of the provincial branch of APAL to consider his Six-Point Formula. The Formula was duly approved and he was elected President of APAL, later to be known as APAL (Mujīb group). Nawābzādah Nasrullāh Khān, the erstwhile APAL chief, completely lost the support of East Pakistan which he had enjoyed in the past by courtesy of Shaykh Mujībur Raḥmān. Even so, a weak faction of APAL continued to exist under Nawābzādah Nasrullāh Khān's leadership.

Within APNC, Nawābzādah Nasrullāh Khān felt particularly embarrassed by the fact that it was his party's erstwhile General Secretary who had challenged the West Pakistan leadership in general and himself in particular. In the aftermath of such an unforeseen development, he was anxious to enlist greater support

from East Pakistan for any future alliance. Nūr-ul-Amin, the NDF leader, was persuaded to join such an alliance.

At a meeting of their leaders (Dacca: 30 April 1967), APNC's four partners struck an alliance with NDF under the banner of the Pakistan Democratic Movement (PDM).

PDM adopted an eight-point programme which included the re-introduction of parliamentary democracy; full regional autonomy; the restriction of central subjects to defence, foreign affairs, currency, and inter-wing communication and trade; the achievement of parity in services between the two wings; the removal of economic disparity between East and West Pakistan; the establishment of a military academy and ordinance factories in East Pakistan; and, the shift of naval headquarters from Karachi to Dacca.⁹⁵ On the whole, PDM tried to provide an alternative to the 1962 Constitution on the one hand and to the increasingly popular Six-Point Formula of Shaykh Mujibur Raḥmān on the other.

The constituent parties of PDM pledged that the alliance would be run on 'well-known democratic lines' and would not resort to 'methods repugnant to the Holy *Qurān* and the *Sunnah*'.⁹⁶

In its resolutions, PDM demanded the restoration of the 1956 Constitution, the withdrawal of the emergency (imposed during the September War of 1965), the release of political detainees, the adoption of nonaligned foreign policy, and free and fair election on the basis of adult franchise.⁹⁷

5.15 The Response of the Regime to the Six-Point Formula

The Six-Point Formula proposed a confederation between East and West Pakistan, rather than a federation. This was unacceptable both to PDM and to the ruling party [PML (Convention)]. PDM sought to provide an alternative in its eight-point programme. Each individual party within PDM condemned the Six-Point Formula within its own organisation. At the same time, all the members of PDM joined together to condemn it under the combined auspices of the coalition.

While PDM and its constituent parties were committed to countering the Six-Point Formula on a political level, the regime responded to the challenge by unleashing the forces of intimidation. Shaykh Mujībur Raḥmān was arrested (April 1966) on the basis of an allegation that he had given a speech that was prejudicial to national security. Several cases were filed against him under various pretexts. Finally, Shaykh Mujībur Raḥmān was implicated in the Agartala Conspiracy Case (December 1971), and accused of plotting with some ex-army officers and two CSP officials to detach East Pakistan from the federation of Pakistan.

5.16 The Pakistan People's Party (PPP)

The formation of the Pakistan People's Party (PPP) constituted a development of considerable political significance. Affiliations to the new party were woven round the personality of Zulfīqār 'Alī Bhutto.

Bhutto entered the political arena as a nominated minister in the first cabinet to be appointed after the 1958 *coup d'état*. Iskandar Mirzā [whose wife was a relative of Nuṣrut Bhutto, Bhutto's second wife] had inducted Bhutto into political life. At the same time, it is also worth noting that Mirzā was a *Shī'āh* and preferred a *Shī'āh* like Bhutto to any other *Sindhī* in the cabinet.

In the power conflict that ensued between Muḥammad Ayūb Khān and Iskandar Mirzā, the latter had to quit. But, Bhutto was the 'only minister' in the previous cabinet to be taken into Muḥammad Ayūb Khān's government. Articulate and intelligent, Berkeley and Oxford-educated, Bhutto showed such loyalty to Muḥammad Ayūb Khān⁹⁸ that the latter 'treated him like a family member'.⁹⁹ He was not only an important minister in his cabinet, but also a leading figure in his own right as General Secretary of PML (Convention). After a few years, the two men diverged on the ostensible grounds that they disagreed on the 'secret clauses' in the Tashkent Declaration. In reality, however, the reason for their split lay in Bhutto's personal involvement in the decision to adopt a strategy of commando operations inside Kashmir. The stalemate in which the September War (1965) ended was sufficient to bring about his downfall. Soon after the ceasefire between India and Pakistan was signed, Zulfiqār 'Alī Bhutto told S.M. Zafar, his fellow cabinet member, that 'he could not continue to stay in the government'.¹⁰⁰ In any case, he chose an appropriate moment to quit the government when popular unrest against Muḥammad Ayūb Khān started to gather momentum.

During the September War, Zulfiqar 'Alī Bhutto did acquire a certain measure of popularity mainly due to his fiery speeches. After leaving the government, he stayed silent for some time. As dissatisfaction with the policies of the regime intensified, he launched the PPP with the aim of crystallising political support for his leadership on a national scale. The convention (Lahore: 30 November, 1 December 1967) inaugurating PPP was attended by about 200 political workers from West Pakistan. East Pakistan remained completely unrepresented.¹⁰¹ During a two-day business session, ten party documents (including the constitution) were given formal approval. PPP's launch was formally announced. Zulfiqar 'Alī Bhutto was elected unopposed as Chairman of the new party.

Apart from Bhutto's fellow travellers in PML (Convention), socialists and Marxists of various tints remained dominant at the inaugural convention of PPP. The party documents were mainly written by J.A. Raḥīm, a Marxist, who became the first General Secretary of PPP. PPP's general outlook was adumbrated in the following language:

The ideology of Pakistan is indisputably rooted in the religion of Islam ...

The aim of the party is the transformation of Pakistan into a socialist society in conformity with the aspirations of the people.

The party takes as Guiding Principles for its policy and activities:

- (a) egalitarianism, democracy, that is classless society, and
- (b) the application of socialist ideas to realise economic and social justice.¹⁰²

The party documents were couched in Marxist language with a smattering of Islam thrown in here and there. But the intellectual framework guiding the new party's functioning was shallow and unconvincing. The question of how a semi-capitalist society could be transformed into a classless society remained unanswered. PPP's ethos was summed up in the following terms:

Islam is our faith;
Democracy is our polity;
Socialism is our economy;
All power to the people.

Considerable doubt was widely expressed about the credibility of a *Sindhī zamīndār's* scion [Zulfiqār 'Alī Bhutto] as a socialist leader. Labour leaders as well as those who had genuine socialist convictions refrained from joining PPP. But, comparatively younger socialist activists (e.g., Mirāj Muḥammad Khān and Aḥmad Raḥā Qasūrī), disillusioned with the leadership of the Left; and Muslim Leaguers belonging to the Forward Bloc who failed to get absorbed in the parties of the Left, rallied to PPP in the hope that it might hold the key to the realisation of their goals.

5.17 The JUIP Conference

With the formation of PDM and PPP, the major activity at the level of political parties centred round the All-Pakistan Conference of JUIP (Lahore: 3-5 May 1968). This was attended by more than 5,000 'ulamā' and *madrasah* students. The Conference roundly condemned the Ayūb Khān regime for its allegedly

anti-Islamic policies. MFLO, the modernist pronouncements of IRI, the anomalies in *Awqāf* Department, and the propagation of music and dance in the name of culture, were but a few of the myriad anti-Islamic activities of the regime that were enumerated in the Conference.¹⁰³

Demands were made for the restoration of fundamental rights, the lifting of the emergency, and the holding of elections on the basis of adult franchise.

At this Conference, Muftī Maḥmūd was elected General Secretary of JUIP in the place of Mawlānā Ghulām Ghawṣ Hazārwi.

5.18 'A Decade of Development and Reform' [1958-1968]

Muḥammad Ayūb Khān's position rapidly weakened in the aftermath of the Tashkent Declaration. This, however, did not prevent his advisors planning the presidential election which was due in the autumn of 1969. A year-long publicity campaign was mounted under the rubric of 'Decade of Development and Reform' (27 October 1967 - 26 October 1968). Opposition parties, secular and religious alike, demanded direct elections on the basis of adult franchise. They were completely ignored and the number of BDs was increased from 80,000 to 1,20,000.

Alṭāf Gawhar, reputed to be the originator of the idea of Decade of Development celebrations, eulogised the regime for three achievements, viz., economic growth, a 'realistic foreign policy', and a rational understanding of Islam.¹⁰⁴

5.18.1. Economic Growth at the Expense of the Poor

There is enough evidence to show that Pakistan did experience economic growth under the aegis of an unbridled system of capitalism brought into play within a tightly controlled democracy (1958-1968). Pakistan's GNP in real terms increased during Ayūb Khān's regime, at an average rate of 5.5 per cent per annum. As a crude figure this compares favourably with the average growth rate of 2.3 per cent per annum for the decade 1949/50-1958/59. *Per capita* income had increased by 28.5 per cent during the interval between 1958-59 and 1967-68 against a nil increase during the preceding decade.¹⁰⁵

However, these glittering figures concealed gross inequalities in the pattern of distribution of wealth. The increase in GNP and *per capita* income tell nothing about the benefits accruing to the ordinary citizen. As a matter of fact the living standard of the vast majority remained static or even suffered a further decline.

In this saga of economic growth, foreign assistance in general and the Harvard University Development Advisory Service played a significant role. Foreign credits and loans financed about 35 per cent of total development expenditure and 48 per cent of total imports during the decade between 1959-60 and 1967-68.¹⁰⁶ The Harvard advisers, through the Planning Commission of Pakistan, formulated a policy of providing encouragement to 'Private Enterprise'. The consequent concentration of wealth in the hands of a small number of business houses¹⁰⁷ was justified on the basis of the philosophy of 'social utility of greed'.

The problem of inequality exists, but its importance must be put in perspective. First of all, the inequality in income contribute to the growth of the economy, which makes possible a real improvement for the lower income groups. The concentration of income in industry facilitates the high savings which finance development ... In turn growth of the economy means cheaper cloth, cheaper food, and more adequate supplies for the bulk of the population. Great inequalities were necessary in order to create industry and industrialists, but to maintain industrial growth after the first five to ten years does not require the same high rate of profit and therefore does not imply the same inequities.¹⁰⁸

The first phase of the establishment of 'industries and industrialists' was over, but the second phase of equity was a will o' the wisp, beyond the ken of the mass of the people who were forced to bear the awful burden of foreign debts.

5.19 The 'Ulamā' and the so-called 'Rational Understanding of Islam'

Muḥammad Ayūb Khān's regime was committed to modernisation, but it failed to win the support of the 'ulamā' for its approach to Islam. It sought to resolve the hiatus in the relationship between the 'ulamā' and the state by establishing a Central Institute of Islamic Research (CIIR) (10 March 1960). It was expected that this institute would impart legitimacy to the regime and its policies from the Islamic point of view. The declared objectives of the institute included, among others,

- 1) to define Islam in terms of its fundamentals in a rational and liberal manner and to emphasise, among others, the basic Islamic ideals of universal brotherhood, tolerance and social justice; and

- 2) to interpret the teachings of Islam in such a way as to bring out its dynamic character in the context of the intellectual and scientific progress of the modern world.¹⁰⁹

5.19.1 The Islamic Research Institute (IRI)

Under the 1962 Constitution, CIIR was renamed Islamic Research Institute (IRI).¹¹⁰ Dr. Ishtiaq Ḥusayn Qurayshī was appointed its first Director. He took some initial steps to organise the body. But IRI really started to function under Dr. Faḥlur Raḥmān (1919-1988), its second Director, who was appointed to the post in 1962.

Dr. Faḥlur Raḥmān, a known modernist, obtained his doctorate in Islamics from Oxford. He had once been on the staff of the University of Durham and subsequently at the Institute of Islamic Studies, McGill University Montreal.

Dr. Raḥmān published a paper in favour of commercial interest. Thereupon he became a target of criticism of the 'ulamā' who adamantly held the view that all forms of interest were illegal and went against the explicit injunctions of *Sharī'ah*.

Dr. Raḥmān tried to appease the 'ulamā' by inviting them to address IRI scholars and to participate in IRI's academic projects. Mawlānā Muḥammad Yūsuf Binnawrī, a leading *Deobandī ālim*, visited IRI to exchange views with its director and scholars. The staff which IRI had recruited was wholly unsatisfactory from the

viewpoint of the 'ulamā'. They regarded the scholars of IRI including the Director mainly as products of Western education.

Against the background of such a perspective, Mawlānā Muḥammad Yūsuf Binnawrī floated the idea that the 'ulamā' should seek their own solution of the newly arisen juristic problems, and that they should consult amongst themselves within a proper institutional framework before disclosing their viewpoint to the public. He believed that the existing literature on Islamic jurisprudence was of such a high quality that new problems could be answered by drawing upon its riches; and that the 'ulamā' would not need to practice *ijtihād*. And if there was any need of *ijtihād*, it would only be on some problems of a peripheral nature.

Mawlānā Muḥammad Yūsuf Binnawrī deplored the government's feckless policy of spending vast quantities of money on institutions such as IRI which contained not even a single *alim* or specialist in Islamics. Instead of contributing something good, the research activities of the IRI scholars had proved to be a severe menace to the Islamic faith.¹¹¹

The idea floated by Mawlānā Binnawrī, was put into practice (1965) with the establishment of *Majlis-i-Dāwat-w-Iṣlāḥ* (Council for Preaching and Reform) under the direction of Muftī Muḥammad Shafī'. The main object of the *majlis* was to put forward the well thought-out consensus of the 'ulamā' on the main juristic issues facing the *ummah*.¹¹² The *Majlis-i-Dāwat-w-Iṣlāḥ* was in a way meant to counter the modernist viewpoint of IRI.

While the *'ulamā'* were busy refuting Dr. Raḥmān's views on banking interest, he came out with another idea, equally repulsive to them, to the effect that the rate of *zakāt* (obligatory alms or tax) should be increased to meet the expenditure of government development projects.¹¹³ He was critical of the *'ulamā'* for not taking the compulsions of the modern age into account and mechanically sticking to the view that the rate of *zakāt* was for ever to be as two and a half per cent in accordance with the injunctions of the Prophet during his lifetime.

It was not the first time that changes were suggested by Dr. Raḥmān in the system of *zakāt*, as elaborated in juristic manuals. The modernists had already voiced similar ideas on numerous occasions. For instance, the *Sunnī* jurists exempted jewels, diamonds and precious metals other than gold and silver, from *zakāt*. The modernists suggested that *zakāt* be imposed on diamonds and jewellery in the same way as it was already being levied on gold and silver.¹¹⁴ But the *'ulamā'* were provoked by Dr. Raḥmān's more radical suggestions.

The *'ulamā'* held that payment of *zakāt* was an act of worship sanctioned by explicit instructions contained in the *Sunnah*. No *ijtihād* was permissible which interfered with the fixation of the rate of *zakāt*.

The *'ulamā'* were so furious that they denounced Dr. Faḥlur Raḥmān in strongly-worded statements and demanded his dismissal from the Directorship of IRI. Some of the *'ulamā'* went to the extreme of saying that Dr. Raḥmān should be prosecuted for his sacrilegious ideas.¹¹⁵

On every occasion when the 'ulamā' criticised him, Dr. Fazlur Raḥmān defended himself by saying that he was only expressing a personal view, and that what he said did not reflect IRI's official policy. Moreover, he pointed out that the 'ulamā' were free to present their views through IRI, if they so chose. They readily accepted IRI's invitation to present research papers at an International Islamic Conference (Rawalpindi: February 1968), held under IRI's auspices. After presentation of a few papers, the proceedings of the Conference turned into a running dialogue between the modernists and the 'ulamā' in which the latter ridiculed the scholars of modern Islam as being incapable of even reading the *Qurān* properly. Within a few years of its creation, the final act in the prolonged *contretemps* between the 'ulamā' and the regime had to await the publication of Dr. Fazlur Raḥmān's book entitled Islam, even though IRI had been completely discredited.

Mawlawī Farīd Aḥmad, General Secretary of NIP, had been a member of the National Assembly (1962-1969). He used to call on the *Pīr Ṣāḥib* of Golra Sharīf whenever he happened to visit Islamabad, in connection with the sessions of the National Assembly. On one such visit, the *Pīr Ṣāḥib* of Golra Sharīf asked Mawlawī Farīd Aḥmad whether he could raise a question in the Assembly on the book Islam, wherein the author, Dr. Fazlur Raḥmān, had cast doubt on the basic beliefs of Islam.¹¹⁶ The *Pīr Ṣāḥib* of Golra Sharīf provided him with a copy of the book. Mawlawī Farīd Aḥmad did raise the matter in the National Assembly (June 1968) in accordance with the *Pīr Ṣāḥib's* wishes.

Dr. Fazlur Raḥmān's book in question was one of the volumes in a 'History of Religion Series', under the general

editorship of E.O. James. It appeared in 1966. In it, Dr. Raḥmān refuted the commonly accepted Muslim understanding of *Waḥī* (Revelation), *Mirāj* (Ascension of the Prophet) and the number of obligatory daily prayers. These concepts were understood by the 'ulamā' in the light of the *ḥadīṡ* literature which had been challenged by the modernists from the time of Sayyid Aḥmad Khān onwards.

Dr. Rahman espoused the view that the true nature of Revelation should be gleaned from a perspective focusing on the inner self of the Prophet and which contradicted the externality of the Angel.

A great deal of *Hadith* ... came into existence portraying the Prophet talking to the Angel in public and graphically describing the appearance of the latter. Despite the fact it is contradicted by the *Quran* ...¹¹⁷

On *mirāj* he commented that

The doctrine of a locomotive *miraj* or 'Ascension' developed by the orthodox (chiefly on the pattern of the Ascension of Jesus) and backed by *Hadith* is no more than a historical fiction whose materials come from various sources.¹¹⁸

In response to the question, 'What was the number of daily obligatory prayers?', Dr. Raḥmān made the following assertion:

The five daily prayers are not all mentioned in the *Quran*, but must be taken to represent the later usage of the Prophet himself, since it would be historically impossible to support the view that the Muslims themselves added two new prayers to the three mentioned in the *Quran*. In the *Quran* itself the two morning and evening prayers are mentioned, and later on at Madina the middle prayer at noon was added. But it appears that during the later part of the Prophet's life the prayer from the declension of the sun unto the thick darkness of the night

(XVII,78) was split into two and similarly the noon prayer and thus the number five was reached. •

The fact, however, that the prayers were fundamentally three is evidenced by the fact that the Prophet is reported to have combined these four prayers into two, even without there being any reason.¹¹⁹

The question raised in the National Assembly on this book gave rise to a series of protests throughout the country. Resolutions were passed, and *religious political journals demanded* the dismissal of Dr. Raḥmān in their editorial columns. Mosques became centres of agitation against Dr. Raḥmān, and indirectly against the regime which had brought Dr. Raḥmān in with a remit to 'modernise' Islam. The agitation was taken by the religious political parties [*viz.*, JIP, NIP and JUIP] into the political arena.

NIP launched a movement against the anti-Islamic activities of the regime, focusing its rhetoric on the dangers posed by the book Islam to the faith. Mawlawī Farīd Ahmad alone addressed dozens of meetings of Bar Associations, religious gatherings in mosques and *madrasahs* in East Pakistan (July-September 1968).¹²⁰

The regime tried in vain to dissociate itself from the book on the blatantly flimsy grounds that it was written by Dr. Raḥmān 'when he was not the Director of IRI'.¹²¹ The title of the book, as the *ūlamā'* rightly pointed out, clearly referred to its author as 'Director Islamic Research Institute, Karachi'. And, in the preface, the author acknowledged the 'valuable suggestions and

criticism' which his colleagues at Karachi and McGill had provided.¹²²

The agitation against the book reached uncontrollable proportions in August 1968. The regime was compelled to demand Dr. Raḥmān's resignation (5 September 1968). Fearing that outspoken Friday sermons from the pulpits would incite popular fury, the regime made sure that the 'ulamā' were informed of Dr. Raḥmān's resignation before daybreak on the following day. The inhabitants of the twin cities of Islamabad and Rawalpindi heard the announcement of Dr. Raḥmān's resignation on loudspeakers fitted to taxis.¹²³

The resignation of Dr. Raḥmān represented a significant achievement of the 'ulamā' in their protracted struggle against a 'modernist' regime.

5.20 The Downfall of Muḥammad Ayūb Khān

A month after the resignation of Dr. Fazlur Raḥmān, a clash took place (7 November 1968) between customs officials and a few students of Gordon College, Rawalpindi, who were returning from Landi Kotal (a town near the Pakistan-Afghanistan border), the fountainhead of smuggled foreign goods.

The aggrieved students took out a procession in protest against the harsh behaviour of the customs officials. They were able to mobilise support for their demonstration from the students of the other colleges in the city through a network of students'

organisations. In one of the demonstrations, one student was mortally injured as a result of police firing.

The death of a student brought the whole of the Punjab to simmering point. In a matter of weeks the students, who constitute a large proportion of the intelligentsia in Pakistan [as in any other country of the 'Third World'], were on the streets.

It would be reasonable to ask whether such an isolated episode could constitute the sole reason for a country-wide upsurge? The answer must be in the negative because the youth was angered by what they witnessed happening in the society of which they were an integral part.

The *ʿulamāʿ* characterised the regime of Muḥammad Ayūb Khān as the 'black era in Pakistan's history'. A *Deobandī* journal, commenting on the agitation, wrote as follows:

The era, much publicised as the golden epoch of development and stability, can rightly be named as the worst possible black era, in view of the destruction of Islamic culture and its values.¹²⁴

On *Jumʿat-ul-widāʿ* (the last Friday in the month of fasting, 20 December 1968), JUIP decided to join the mounting protest that was spreading throughout the country. The police baton-charged the procession in Lahore. A banner with the inscription of *Kalimah-i-Ṭayyibah* (Muslim attestation of faith in the oneness of God and in Muhammad's prophethood) fell down and was trampled upon by the police while dispersing the crowd. Mawlānā ʿUbaydullāh Anwar was reported to have received serious injuries on being beaten by the Superintendent of Police.

JUIP appealed to the people to offer the congregational prayer on the following Friday at the place where Mawlānā 'Ubaydullāh Anwar was beaten. The 'ulamā', the leaders of PDM, and adherents of JUIP, attended the prayer. A special procession was taken out to protest against the mishap on the previous Friday.¹²⁵

Muḥammad Ayūb Khān took serious notice of the 'ulamā's processions. He called upon the 'ulamā' to draft a detailed blueprint of Islamic laws, acceptable to all Muslim sects. He promised that he would take pride in endorsing a legislation embodying it and in piloting it through the National Assembly.¹²⁶ He mentioned the 'ulamā's procession once again in his first-of-the-month broadcast (1 January 1969). He apologised for the incident relating to the trampling of the banner which had 'hurt the feelings of the 'ulamā'. He also gave the assurance that

[t]he government holds every religious scholar in esteem and respects his sentiments. The traditional relations based upon mutual respect will be re-established between the government and the *ulama*.¹²⁷

For the first time, JUIP stood in a face-to-face confrontation against Muḥammad Ayūb Khān. In the past, although it had raised its voice against MFLO and the modernist views of Dr. Faḥlur Raḥmān, in conjunction with the 'ulamā' as a whole, its main energies were devoted to opposing JIP. The change in JUIP's attitude was in part due to the removal of Mawlānā Ghulām Ghaws Hazārī from the office of General Secretary.

JUIP refused to be taken in by the President's vague promises. In his attacks against the regime, Muftī Maḥmūd demanded to know why a regime which claimed to be loyal to the stand of the

'ulamā' failed to take the 22 points of Islamic state (as proposed by the 'ulamā) into account at the time of the framing of the Constitution of Pakistan. He reminded the regime that the unanimous report of a sub-committee of the National Assembly embodying amendments to MFLO had been shelved. The promises made by the President during the 1965 election campaign to enforce Islamic order, had remained unfulfilled.

As the agitation intensified, JUP's executive body decided to sack Mawlānā 'Abdul Ḥamid Badāyūnī (January 1969). The new leadership, under Mawlānā 'Abdul Ghafūr Hazārwī decided that on 10 January JUP would formally unite its voice with that of the 'ulamā' belonging to JUIP. Its affiliates demanded the adoption of Islamic laws, the repeal of un-Islamic ones, and the winding up the *Awqāf* Department which had failed to serve the purpose of promoting the cause of religion.¹²⁸

5.20.1 The Formation of the Democratic Action Committee (DAC)

Even though JUIP remained outside of the fold of PDM, the sympathy shown by PDM leaders after the baton-charge of its procession brought the two sides closer together. JUIP's *majlis-i-shūrā* (Advisory Council) resolved (Dacca: 4-5 January 1969) to co-operate with the other parties of the Opposition in the struggle against the autocratic regime of Muḥammad Ayūb Khān provided that such co-operation did not overshadow its basic aims.

Eager to gather all the opposition parties together under a single banner of resistance to the regime, PDM invited the JUIP leaders [along with NAP (Walī Khān group)¹²⁹ and APAL (Mujīb

group)] to attend its meeting (Dacca: 7 January 1969). A meeting of eight parties resulted in a larger alliance which was given the name of 'Democratic Action Committee' (DAC); its basic objective being the demand for full and complete democracy. No specific interests of the component parties were embodied in its manifesto, nor was anything said about the ideological stand of any of the members. DAC gathered almost all the important political parties, except PPP and NAP (Bhashānī group), under its umbrella.

5.20.2 The Round Table Conference (RTC)

Violent demonstrations were staged from 8 November 1968 onwards. Continuous use of police/armed force had failed to quell the agitation. The Opposition parties appeared to become more integrated than ever before.

Muhammad Ayūb Khān decided to enter a dialogue with DAC. Nawābzādah Nasrullāh Khān, the convener of DAC, was formally invited to a meeting. DAC expressed its willingness to come to the conference table on certain conditions. The state of emergency should be lifted, the Defence of Pakistan Rules should be repealed, Political detainees ought to be released, Section 144 of the Criminal Procedure Code should be lifted. The Press and Publications Ordinance, 1960 must be withdrawn. Baton-charging of students by the police should be discontinued.

Even though DAC accepted Muhammad Ayūb Khān's invitation to negotiate, it also continued to build up pressure. It called a country-wide strike (14 February 1969) which turned out to be 'completely spontaneous, nothing like it before'.¹³⁰

The regime did accept some of DAC's demands. The state of emergency was lifted. Z.A. Bhutto and Khān 'Abdul Walī Khān were released. The Agartala Conspiracy Case was eventually withdrawn, and Shaykh Mujībur Raḥmān (with 34 others) was set free (22 February 1969).

A Round Table Conference (RTC) was arranged by the regime with DAC leaders and some of the independent politicians (26 February; 10-13 March 1969). Nawābzādah Nasrullāh Khān, the convenor of DAC, presented two major demands which had been agreed amongst all the different constituents. They were:

- 1) The restoration of the federal parliamentary form of government with appropriate regional autonomy; and
- 2) Election on the basis of adult franchise.

Nevertheless, DAC did not confine itself to these two demands. Its representation spoke on issues which carried appeal in their constituencies, perhaps in anticipation of public criticism in the event of their failure to raise important issues at such a high level RTC.¹³¹

Muḥammad Ayūb Khān, who had already unilaterally announced that he would not seek re-election (21 February 1969), agreed to DAC's two basic demands. All the other issues would be left to the new National Assembly to settle. A special two-man Committee consisting of Manzūr Qādir (who had been a most articulate voice in the drafting of the 1962 Constitution), and Akhtar-ud-dīn Aḥmad [who had joined PML (Convention)] was formed to recast the 1962 Constitution in the light of DAC's demands.

On the concluding day of RTC, DAC broke up with the completion of its role; each of its constituents desired to contest the election on its own strength. Nevertheless, PDM, an alliance of five parties, continued in existence for some time.

5.20.3 The Failure of the 'Institutions' to Support the Regime

Muhammad Ayūb Khān was given very high marks by scholars such as Huntington and Karl von Vorys for his institution-building efforts.¹³² The most talked-about of Muhammad Ayūb Khān's institutions was the Basic Democracies, which were later woven into Pakistan's constitutional set-up. The 1962 Constitution represented another attempt to evolve the 'required' political climate. But, unfortunately, both the Basic Democracies and the 1962 Constitution did not stand the test of time.

The Basic Democracies utterly failed to satisfy the aspirations of the masses. Most 'basic democrats', particularly in West Pakistan, lacked formal education and political experience. Consequently, they could not discharge their functions. Furthermore, the hold exercised by the civil administration over the Basic Democracies was so strong that the resulting ineffectiveness of BDs gave rise to the pun '*Bekas* (helpless) Democracies'. BDs failed to deliver a popular base to the regime. During the 1969 agitation, they became very unpopular, and the very term 'BD' was used as a synonym for ridicule in common parlance. BDs, themselves, were hardly in a position to endure this situation. A large number of 'basic democrats' (particularly in East Pakistan) simply resigned in response to appeals from the Opposition parties.

The 1962 Constitution, which provided no space for political parties, had been predoomed to failure without drastic amendment. Muḥammad Ayūb Khān was compelled to accept the leadership of a political party. The National Assembly, under the 1962 Constitution, largely proved to be ineffective due to insufficient financial powers and to the domination of the ruling party. The President himself preferred to broadcast his government's policies at large rather than submit them for discussion in the National Assembly.

The spirit necessary for running the administration in accordance with the provisions of the Constitution was lacking within the ruling party. The Speaker of the National Assembly was not allowed to act as President during the early months of 1968 when Muhammad Ayub Khan was too ill to work.

The institutions of 'conscious political thinking' were overshadowed by the institution adopted by way of expediency - viz., the political party led by the President. PML (Convention) proved to be so helpless that it could not organise a single public meeting or even a procession counter to the agitation against its President.

There were a number of reasons for the incapacity of PML (Convention). Z.A. Sulerī, a journalist close to Muḥammad Ayūb Khān, commented that PML (Convention) was a 'fissiparous body' and 'most of its adherents' were 'rank opportunists' who had 'a lifetime habit of becoming hangers-on of the powers that be'.¹³³

People with such a background could not be expected to organise themselves into a disciplined political party. Important organs of the party, such as the Working Committee, the Finance Committee and the Central Parliamentary Board, were filled by nominations made by the President.¹³⁴ Lists of party members, running into millions were proved to be bogus, even though membership fees were deposited into the accounts of the party; and, the money involved was extracted from the pockets of the beneficiaries of the regime's economic policies.

Muhammad Ayub Khan could not completely set aside his deep dislike of politicians. He preferred to rule the country with the help of civil administrators and did not relish the thought of reposing trust in party politicians. As a result, the 'party was nowhere to be seen'¹³⁵ during a period critical to the survival of the regime.

5.20.4 The Final Step

Except for the fact that the 1962 Constitution acted as a convenient fig leaf, Muhammad Ayub Khan maintained his links with the military even after his retirement, and hung on to his rank as Field Marshal. He persistently cultivated the image of a soldier in preference to that of a politician. The generals in the armed forces knew that he relied on them. When he fell seriously ill, General Muhammad Yahya Khan, the Commander-in-Chief of the army, set up a command post in the President's House in order to stay in touch with day-to-day developments. Under his instructions, all contacts between the ailing President and his civilian aides were terminated.¹³⁶

Muhammad Ayub Khan unexpectedly recovered from his illness and the Commander-in-Chief had to return to the barracks. Even though the Commander-in-Chief of the armed forces was not supposed to assume a political mantle, in practice this principle was breached.¹³⁷ Shaykh Mujibur Rahman was involved in the so-called Agartala Conspiracy Case at the insistence of General Muhammad Yahya Khan though preliminary investigation did not show any clue to his involvement. The generals in the military were unhappy with Muhammad Ayub Khan's decision to withdraw the Agartala Conspiracy Case. All the accused were in military custody and the evidence of the prosecution in respect of the case was largely collected by military intelligence agencies.

The exaggerated reports of disorder in East Pakistan, especially in the Western media, enabled the military to exert pressure on Muhammad Ayub Khan to wind up his political scheme and step down from office. Subsequently, the 1962 Constitution was abrogated and Martial Law was imposed (25 March 1969).

5.21 Conclusion

The imposition of Martial Law by Muhammad Yahya Khan brought the chapter of committed modernism in the history of Pakistan to an end. Muhammad Ayub Khan was well aware of the influence of the 'ulamā' and the pīrs on the Muslim masses in general, and on some highly placed persons in particular. His own personal experience was no less impressive. He was due to retire from the army in 1958. Ayub Khuro, the Defence Minister, was not happy with him. But Muhammad Ayub Khan was interested in having his service extended.

Prime Minister Feroz Khan Nūn's family revered the *Pīr Ṣāhib* of Dewal Sharīf who interceded with the Prime Minister on his behalf. The latter issued an announcement (9 June 1959) extending Muḥammad Ayūb Khān's tenure as Commander-in-Chief.¹³⁸

Muḥammad Ayūb Khān became a *murīd* of the *Pīr Ṣāhib* of Dewal Sharīf against his view that *sufism* was responsible for promotion of 'an escapist mentality' and the confinement of 'life to the premises of tombs and monasteries'.¹³⁹ The *Pīr Ṣāhib* of Dewal Sharīf was satisfied to see one of his *murīds* as President of Pakistan, irrespective of the policies which he pursued. The *pīr-murīd* relationship served the interests of both sides. Muḥammad Ayūb Khān got the support of the *Barelwī pīrs* and the 'ulamā' through the *Pīr Ṣāhib* of Dewal Sharīf; and, by the same token, the *Pīr Ṣāhib* enjoyed access to the upper echelons of government.

Under the able guidance of Mawlānā Mawdūdī, JIP had emerged as a force capable of exerting influence not only on the 'ulamā' but also on Pakistan's constitution-makers during the parliamentary era (1947-1958). The secularists and Islamic modernists alike experienced in their minds a fundamental conflict between the idea of a modern state on the one hand, and on the other, the political ideology propagated by Mawlānā Mawdūdī and generally accepted by almost all sections of the 'ulamā'. It was within the parameters signified by such a perspective that Muḥammad Ayūb Khān's regime came to regard JIP as its main enemy and sought to curtail its influence.

The cleavage between JUIP and JIP brought them into conflict with each other. The regime gave tacit support to JUIP in the hope that the latter would be able to keep JIP at bay. At the same time, its opposition to socialism made JIP also a target of the left forces. Ironically, an undercurrent of collaboration between the autocratic regime and the left elements developed even though the policies of Muḥammad Ayūb Khān's regime were injurious to the interests of the leftist forces.

During much of Muḥammad Ayūb Khān's regime, the different tendencies among the 'ulamā' proved incapable of coming together on a single platform, even though there was an unanimity of view among them on such issues as MFLO, and the role of such organisations as ACII and IRI.

The efforts of the regime to modernise society from above completely failed. In contrast to the religious approach of the 'ulamā', the government's policies failed to win popular support. The mosques and the *madrasahs* were the centres of popular agitation against the regime. The *Awqāf* Department of West Pakistan managed only one per cent of the total number of mosques in the province,¹⁴⁰ and could not even discipline its 'salaried' *khaṭībs*. The 'ulamā' played a vital role in discrediting the regime in the eyes of the masses. Most of the interviewees in a survey, conducted by Kalīm Siddiqī during the turbulent days of the regime stated that the 'ulamā's role was an important factor in turning the people against the regime,¹⁴¹ and that the whispering campaign against the President and his family's corruption drew mounting public anger upon them.

Muhammad Ayūb Khān's downfall had the effect of making the 'ulamā' feel overconfident. Each group claimed exclusive credit for bringing down the regime. The divisions among the 'ulamā' resurfaced with a vengeance.

The major internal contradiction of Pakistani politics consisted of the fact that while the ruling class, committed to Islamic modernism, systematically discredited itself in the eyes of the masses, paradoxically, it was also able to retain power in its hands by simply changing its external manifestation. In other words, the political achievement of the 'ulamā' was confined to the dismantling of Ayūb Khān's regime. The 'ulamā' had to their credit no positive contribution of a political nature because Ayūb Khān's regime was replaced by another identical in character led by Muhammad Yahyā Khān.

24. The 19 'ulamā' consisted of six *Deobandīs*, four *Barelwīs*, five *Ahl-i-Ḥadīṣ*, whilst the remaining four were JIP affiliates.
25. Answers to [the] Constitution Commission's Questionnaire (Lahore: Mawlana Sayyid Muhammad Daud Ghazanavi, 1960), pp.10-31.
26. Tarjumān-i-Islām, 27 May 1960, pp.3-10.
27. APWA (formed on 22 February 1949) is officially a non-government organisation. But it is financed and sponsored by the government. APWA, under the leadership of Begum Raḥā Liyāqat 'Alī Khān, is heavily dominated from top to bottom by the wives of the civil administrators who have assumed the self-appointed role performed in the colonial period by the wives of British administrators. APWA is known for organising *mīnābāzārs* (fun fairs), fashion shows, and sports and cultural parties. It runs girls' schools, health centres and industrial homes (where dress making and sewing- affiliated skills are imparted) in a few large urban centres such as Karachi, Lahore and Peshawar. APWA, in its general orientation and through its activities, has strengthened solidarity along the class structure of the society. It has no place in its activities for rural uneducated peasant women. It represents the interests of urban women of the upper strata of society.
28. The Gazette of Pakistan (Extraordinary), 20 June 1956.
29. Rahman, Fazlur, 'The controversy over the Muslim Family Laws' in Donald E. Smith (ed.), South Asian Politics and Religion (Princeton: Princeton University Press, 1961), p.421.
30. The Gazette of Pakistan (Extraordinary), 30 August 1956, pp.1561-1562.
31. *Ibid.*, p.1562.
32. *Ibid.*, p.1604.
33. For a critical appraisal of the Report of the Commission on Marriage and Family Laws by some of the 'ulamā', see Ahmad, Khurshid (ed.), Studies in the Family Law of Islam (Karachi: *Charagh-i-Rah* Publications, 1961), *passim*.
34. The Muslim Family Laws Ordinance 1961 in Awan, Muhammad Akbar, Muslim Family Laws (Lahore: Lahore Law Times Publications, 1984), p.11.
35. Rahman, Fazlur, *op.cit.*, p.424.
36. The basic tier of the scheme of Basic Democracies which was named Union Council in rural areas and Union Committee in urban areas.
37. Author's translation from cassette transcript.

work had run into 17 editions as at June 1982, 46,000 copies of which were sold.

90. Qurayshi, Nūr-ul-Haḡ, Swānih Hayāt Qāzī Ihsān Ahmad Shujahabadi (Multan: Maktabah-i-Ihsān, n.d.), pp.512-513.
91. Ā'in, 21 February 1966.
92. Kashyap, Dr. Subhash C., Bangla Desh (Delhi: The Institute of Constitutional and Parliamentary Studies, 1971), pp.157-158.
- The Six Point Formula, according to one report, had originally contained only four points. The language of the first four points was slightly changed and points five and six were added subsequently. [Feldman, Herbert, *op.cit.*, p.179.]
93. Rahman, Sheikh Mujibur, '6-Point Formula - Our Right to Live', in Bangla Desh Documents (Delhi: Ministry of External Affairs, n.d.), p.23.
94. Zafar, S.M., Through the Crisis (Lahore: Book Centre, 1970), p.35.
95. Pakistan Democratic Movement (Lahore: National Headquarters PDM, 1967), pp.3-4.
96. *Ibid.*, p.5.
97. Pakistan Democratic Movement: Resolutions of the National Executive, (from May 1967 to February 1969) (Dacca: PDM, 1968).
98. Bhutto's affection for Muḡammad Ayūb Khān is reflected in the following tribute which he paid the latter in 1961:

This man [Muhammad Ayub Khan] is more than a Lincoln to us, for he has bound the nation together by eliminating the fissiparous tendencies without violence; more than a Lenin, because he has set the country's economy and social objectives on a high and glorious pedestal without coercion. He is our Atatürk, for, like the Great Turkish leader, he has restored the nation's dignity and self-respect in the comity of nations, and, above all a Salahuddin, for, like that great *Ghazi* of Islam, this heir to the noble heritage has regained a hundred million people's pride and confidence, the highest attribute of life, without which a people are soulless.

[Pakistan Annual 1961, quoted in Mukerjee, Zulfiqar Ali Bhutto: Quest for Power (Delhi: Vikas Publishing House, 1972), pp.36-37.]

137. He was one of Muḥammad Ayūb Khān's close associates in the 1958 *coup d'état*. According to certain reports such highly placed people as A.R. Khān (the Minister for the Interior), and N.A. Rizwī (Director of Intelligence) were his confidants. Āghā Muḥammad Ālī, his elder brother, was Additional Inspector General of Police (Special Branch).
138. Zindgī, 8 December 1969.
139. Khan, Mohammad Ayub, Statements and Speeches., *op.cit.*, Vol.I, p.111.
140. No scientific survey of the mosques is available, but Kalim Siddiqui has estimated their number at 40,000 in West Pakistan alone during the 1960s. Siddiqui, Kalim, Functions of International Conflict: A Socio-Economic Study of Pakistan (Karachi: Royal Book Company, 1975), p.154.
141. *Ibid.*, p.152.

CHAPTER 6

THE 1970 ELECTION: A WATERSHED IN PAKISTAN'S HISTORY

Muhammad Yahyà Khān and his military advisors knew that the people had experienced autocratic military rule and that they had had to struggle hard to get rid of it. The probability that popular resentment might well raise its head again could not be ruled out if the impression were to gain ground that the new Martial Law administration merely represented a continuation of the previous regime. In this context, Muḥammad Yahyà Khān spelled out his intentions as follows:

I wish to make it absolutely clear to you that I have no ambition other than the creation of conditions conducive to the establishment of a constitutional government. It is my firm belief that a sound, clean and honest administration is a pre-requisite for sane and constructive political life and for smooth transfer of power to the representatives of the people elected freely and impartially on the basis of adult franchise. It will be the task of these elected representatives to give the country a workable constitution and find a solution of all other political, economic and social problems that have been agitating the minds of the people.¹

Political parties were not banned (though their activities were subject to restriction). The new government put itself forward as a caretaker administration bent on handing over power to the elected representatives of the people without delay. As soon as restrictions on their political activities were removed, political parties vigorously debated the issues facing the country, and staked their respective claims to the people's votes in the election that was due to take place.

In this chapter, we shall consider the issues on which the 'ulamā' based their campaign, their achievement in the polls, and the role that they played on the national political scene in the aftermath of the 1970 election.

6.1 Election Issues

The two main issues which dominated the political debate were:

- 1) The choice of economic system;
- 2) The steps that would have to be taken to remove the economic disparity between East and West Pakistan.

Both these issues directly stemmed from the economic policies that had been pursued by successive governments since 1947. Enormous differences between the rich and the poor led to more and more demands for economic justice. The growing disparity between East and West Pakistan aggravated feelings of East Pakistani nationalism and separatism.

In the sphere of economic policy, the debate in Pakistan revolved round the three economic models of Islam, socialism and Islamic socialism respectively. In his Six-Point Formula, Shaykh Mujībūr Raḥmām focused on the economic disparity between East and West Pakistan.

6.1.1. Islam, Socialism and Islamic Socialism

Before entering into a discussion of Socialism and Islamic Socialism within the context of intellectual development in

contemporary South Asia, it would be appropriate for us to turn our attention to the basic teachings of Islam in respect of economic activity.

Islam, as a religion, does not encourage a retreat from worldly occupations. Neither celibacy, nor a glorification of physical suffering or of vows of poverty, has a distinctive place in the social framework of Islam. The Prophet, Muḥammad, had himself been connected with commercial activity. The cradle of Islam, Makkah, during and before the Prophet's lifetime, was a centre of trade as well as a religious focus for the Arabs. Muslims are permitted to seek their livelihood in legitimate trading in the course of Ḥajj² (pilgrimage to Makkah). Muslims are likewise enjoined to hasten to their Friday prayer before going back to their business activities.³ With such an emphasis on economic activity, the *Qurān* has explicitly stipulated a set of basic principles for the regulation of the economy of any Islamic state and society. These principles are further elaborated in the *Sunnah* of the Prophet. They are as follows:

1. *Māl* (wealth) in all its forms is created by God, and therefore is His property.⁴ People hold wealth as a gift from God.⁵
2. Man has a right to private property.⁶ But this right is not absolute or unconditional. Ownership of private property without restraint is bound to cause *fasād fil arḍ* (i.e., disorder on the earth).
3. Wealth should not be concentrated in the hands of a few people.⁷ Its circulation, at the widest possible range, is assured through a system of *zakāt*

and *'ushr*,⁸ laws of inheritance and general exhortations to spend money on the poor and the needy, and for the collective welfare of the *ummah*.⁹

4. Interest in all its forms is forbidden.¹⁰ Similarly, risk-taking and speculative enterprises such as gambling and marketing of crops, before harvesting, are prohibited.

Contrary to the spirit of these teachings, a feudal system continued to prevail in the Muslim world when the Russian Revolution (October 1917) posed an ideological challenge to the world.

The early South Asian Muslims who became acquainted with socialist theory saw something close to Islam in it. Thus, for example, Mushīr Ḥusayn Qidwāī, attempted to prove, in his own words,

I have taken the quotations from authentic Muslim books and the holy *Quran* itself ... I thought that by citing original authorities I might succeed in conveying to my readers the fact that the idea of Socialism in Islam is no less than thirteen centuries old and cannot be attributed to European influence.¹¹

Along with this modern educated Muslim, Mawlana 'Ubaydullāh Sindhī, a *Deobandī 'ālim*, also advocated a socialist economy for India's plural society.¹² Barkatullāh Bhopālī (1859-1927), another *'ālim* who came into contact with the Soviet leaders in 1917, saw in the October Revolution 'the dawn of human freedom ... with Lenin as the shining sun'. He appealed to the

Muslims of the world to 'understand the noble principles of Russian socialism and to embrace it seriously and enthusiastically'.¹³

All the three aforementioned persons denied being socialists.¹⁴ They claimed that they were earnest followers of the tenets of Islam. To them, whatever was commendable in socialism also formed part of Islamic teachings (i.e., eradication of social injustices and cruelties from society).

Muhammad Iqbal was the most outstanding among the South Asian Muslim intellectuals who forthrightly admired the October Revolution. In his poems 'God's Command to the Angels' and 'Lenin before God',¹⁵ he praised the Russian Revolution. He described Karl Marx in the following couplet:

*Wuh Kalīm-i-be-Tajjallī, Wuh Masīḥ-i-be-Şalīb,
Nīst Payghambar Wlekan Dar Baghal Dārad Kitāb.*

(He, the unenlightened Moses, He, the uncrucified Christ, though he was not the messenger of God yet had a book in his clasp.)

Because of his admiration for the October Revolution, he was widely regarded as a socialist; but, he promptly repudiated Bolshevism as *kufr* because it was based solely on materialism.¹⁶

Since both Mawlānā 'Ubaydullāh Sindhī and Iqbal admired the October Revolution and socialism for their similarities with the egalitarian concept of Islam, they sowed the seeds of a kind of socialism - Islamic socialism - in their writings. Mawlānā 'Ubaydullāh Sindhī was widely believed to be a 'radical religious leader' who 'developed radical theories of Islamic socialism'.¹⁷ The two poems of Iqbal cited above were considered to 'represent

the beginning of the modern Indo-Muslim theory of Islamic socialism'.¹⁸

As a matter of fact, however, neither Mawlānā Sindhī nor Iqbāl can be said to have offered a theory of Islamic socialism. Their writings and speeches echoed the need for social reform, but these were not elaborated in any systematic manner. It is noteworthy that they did not use the term 'Islamic Socialism' in their writings. They simply emphasised some of the positive aspects of socialism as they saw them, whilst playing down their objections to its philosophical basis, opposition to religion, and belief in class struggle.

After independence was achieved, the political leadership of Pakistan had to grapple with the question of which pattern of economy should be adopted. The term 'Islamic Socialism' had already gained wide currency in Muslim countries prior to 1947.¹⁹ Nawābzādah Liyāqat Ālī Khān, mentioned 'the principles of Islam', 'Islamic Socialism' and 'Islamism' on three separate occasions,²⁰ when he addressed the question of economic policy. His 'Islamic Socialism' was no more than 'the economic programme drawn up 1,350 years back' which he held up before the public as 'the best economic programme' for Pakistan.

On an intellectual level, Dr. Khalīfah Ābdul Ḥakīm took up the issue of 'Islamic Socialism' in his work Islam and Communism (1951). He rejected both capitalism and communism as representing two extremes, and elaborated the Islamic pattern of economy as a middle way between them. He suggested that Muslim countries stood in need of 'socialistic reforms' in the framework of 'socialism of

the Islamic pattern with a background of spiritual values'.²¹ Ḥakīm's book left the reader with the impression that he was issuing a veiled warning to Pakistan's rulers to the effect that a failure on their part to introduce essential economic reform could well drive the Muslim masses to experiment with communism as a remedy for social injustices. Dr. Khalīfah Ábdul Ḥakīm was among the first modernist intellectuals in Pakistan to write extensively on the socialist aspects of the Islamic economy.

After a spell of about 25 years since the inception of Pakistan, Muḥammad Ayūb Khān, in his introduction to the Third Five-Year Plan, announced that 'Islamic Socialism' was the goal he had set himself.²²

Can the economic policies pursued from the time of Liyāqat Álī Khān to that of Muḥammad Ayūb Khān be characterised as 'Islamic Socialist' or as stemming from socialist aspects of Islamic teachings? The answer must be a resounding 'No'. The model of economic development remained essentially capitalistic in character. Free enterprise, unchecked under Muḥammad Ayūb Khān's regime, however, had the effect of pushing the political parties further and further into opposition against the policies of the regime, and in favour of socialisation and nationalisation of large industries, banks and insurance companies.

Muḥammad Ayūb Khān's exposition of 'Islamic Socialism' can be gleaned from Pakistan's Third Five-Year Plan. In its content and spirit, the Third Five-Year Plan was no different from the previous plans. Islamic Socialism was no more than a term of political rhetoric, but it did provide an opportunity for political

activists with socialist leanings to propagate the need for social justice.

The term 'Islamic Socialism' soon became a controversial subject. A.K. Sumār, an industrialist and vocal supporter of the regime of Muḥammad Ayūb Khān, said in the National Assembly that

[t]he concept and thinking of Islamic Socialism is a dangerous concept in itself and is a fraud with Islam.²³

Sumār's remarks provoked Muḥammad Ḥanīf Rāme to put the case in favour of Islamic Socialism.²⁴ A large number of articles appeared in the press which either praised 'Islamic Socialism' as the embodiment of economic teachings of Islam, or denounced it as a meaningless and absurd contradiction.

It is interesting to note that the term 'Islamic Socialism' also provoked strong opposition from the Marxists in Pakistan as well as abroad.²⁵ They denounced the term because, in their view, Islam is a capitalistic doctrine which gives the right to individuals to own the means of production, even though it may contain certain elements of primitive socialism.

Even though the debate over 'Islamic Socialism' continued for more than five years, the subject was carried no further forward than the stage which it had already reached in the writings of Dr. Khalīfah 'Abdul Ḥakīm. The so-called 'Islamic Socialists' seemed to have been presenting 'Islamic Socialism' as an alternative to Marxism, while the opponents of 'Islamic Socialism' perceived it as a scarcely veiled camouflage for what was essentially Marxism.

6.1.1(a) The 'Ulamā's Response to the Debate on 'Socialism' and 'Islamic Socialism'

JIP was the most articulate among the parties of the 'ulamā' in its denunciation of socialism. It saw nothing compatible between Islam and socialism. According to its spokesperson

- 1) Socialism is a complete ideology of society and culture. All of its parts are integrated. It does not permit partial reform.
- 2) Socialism is based on materialism and indifference to religion, rather than on opposition to religion. It is an alternative to religion and cannot co-exist with religion.²⁶

JIP condemned the term 'Islamic Socialism' with the same force that it brought to its condemnation of socialism in general. The *Barelwī 'ulamā'*, by and large, were in line with JIP in their denunciation of socialism. The difference of opinion among the 'ulamā' stemmed from the stand as opted for by the *Deobandīs*. The JUIP leadership had a tradition of radicalism. Mawlānā 'Ubaydullāh Sindhī was a highly revered figure among the JUIP 'ulamā'. *Islām Kā Iqtisādī Nizām* (The Economic System of Islam), written by Mawlānā Hifzur Raḥmān Siyuhārwi was, for a long time, regarded as the most authentic exposition of Islam as an economic system. After comparing Islam and socialism, the author concluded as follows:

I dare to say, without any fear of public accusation, that at present the former (Islamic) concept cannot be put into practice, while the latter (socialist) concept is practicable.²⁷

Mawlānā Ahmad 'Alī was the *amīr* of JUIP during its early phase. He was a reputed disciple of Mawlānā 'Ubaydullāh Sindhī with whom he had familial links. It was Mawlānā Ahmad 'Alī who spoke for

the uplift of the peasants as early as 1949. Addressing a public meeting he asserted that

zamīndars have inflicted such a disgrace on the impoverished tenants as Pharaoh had done to the *Banī Isrā'il*. There are innumerable places where chastity of tenant's wife, daughter or sister is not secure. The *zamīndār* sends for anyone's wife, daughter or sister for sexual enjoyment. No-one is there to listen to the complaint of the oppressed. If a tenant refuses to bow to the will of a *zamīndār*, he is immediately evicted and no other *zamīndār* lets him live in the village.²⁸

Mawlānā Aḥmad 'Alī suggested the following remedy for relieving their distress:

Only that amount of land must be retained by *zamindars* which they can cultivate by their own hands for livelihood, and the remaining land be taken from them and be distributed among landless peasants.²⁹

The JUIP leadership supported the policies of Jamāl 'Abdun Nāṣir of Egypt who was responsible for declaring socialism as the guiding principle of the newly-established United Arab Republic (UAR).³⁰ The JUIP leaders from Pakistan used to be among the prominent dignitaries who were present at conferences on Islamic subjects held under the auspices of UAR government.

JUIP did not regard socialism as inimical to Islam. According to it, the 'socialist concept of economic equality is nearer to the Islamic idea of human equality' and

'socialism is neither a code of life nor a social system; it is merely an economic formula which signified the demise of capitalist dominance'.³¹

Aḥmad Ḥusayn Kamāl, the editor of Tarjumān-i-Islām, JUIP's weekly, had worked closely with political organisations, committed to the aim of removing colonialism from South Asia, as well as from other parts of the world.³² He gave importance to news items relating to such organisations and their leaders. The news of the death of Dr. Ho Chi Minh (1892-1969), the Vietnamese leader, was captioned as the 'greatest loss for the freedom lovers of South East Asia'.³³ Likewise, too, the assumption of power by Colonel Qazzāfī in Libya after the overthrow of the pro-American regime led by Shāh Idrīs was highly applauded.

JUIP unequivocally sided with the Pakistani parties of the left - viz., NAP and PPP. It concluded an election alliance with the Pakistan Labour Party (14 July 1969) which was founded by Bashīr Bakhtiyār, a trade unionist who had once belonged to CPI, and enjoyed a not insignificant following among industrial workers in large cities in West Pakistan.

6.1.1(b) The Markazī Jamīyat-ul-'Ulamā-i-Islām (MJUI)

The *Deobandī 'ulamā'* of JUI, once active during the parliamentary era (1947-1958), criticised their fellow '*ulamā'* of JUIP for the support that the latter gave to socialism and socialist organisations. The JUI '*ulamā'* set up a parallel political organisation under the name of Markazī Jamīyat-ul-'Ulamā-i-Islām (MJUI) (Karachi: 22 August 1969). In order to differentiate the newly established MJUI from JUIP, both parties were identified by reference to the prominent figures belonging to them. MJUI thus became *Deobandīs'* Thānwī group (after Mawlānā Iḥtishām-ul-Ḥaq, the

organiser); and JUIP came to be known as the Hazārwi group (named after Mawlānā Ghulām Ghawṣ Hazārwi, its strident leader).

6.1.1(c) The Failure of JUIP and MJUI to Reconcile Their Differences

The friction among the *Deobandī ūlamā'* in West Pakistan resulted in a division of the movement into pro- and anti-socialist segments, with a small number of moderates who were, characteristically, more interested in *madrasah* activities than in day-to-day politics. Besides these moderates, the *ūlamā'* from East Pakistan (e.g., Mawlānā Aṭhar Āli) suggested a reconciliation between the two groups. A five-member committee³⁴ was set up to effect a reconciliation between the two groups (Karachi: 1 September 1969). After listening to the views of both groups, Mawlānā Muḥammad Yūsuf Binnawri, a member of the committee, noted as follows:

One group is of the opinion that socialism is the biggest curse of the world and it is the forerunner of the annihilation of Islam. Therefore, the larger part of this group's energies are being used for the denunciation of socialism. This group also considers western capitalism to be a curse; but its expression of hatred for capitalism is not of the same intensity as its condemnation of socialism. Capitalism is not being denounced in the same manner.

The other group, however, considers capitalism to be a curse and thinks that socialism has no special attraction of its own because it is, in fact, a reaction to capitalism. Socialism will die a natural death once the problems created by capitalism are solved in the light of Islamic principles. This group utilises its energies mainly in the condemnation of capitalism and not socialism.³⁵

He also noted that Tarjumān-i-Islām's (the official organ of JUIP) advocacy of socialism had damaged JUIP's image.

The efforts to reconcile the two antagonistic groups made no headway. Each went its own way.

6.1.2. The Six-Point Formula

The second issue which dominated the scene was Shaykh Mujībūr Raḥmān's Six-Point Formula. In the beginning, this Formula became the voice of the middle classes of East Pakistan, which had been deprived of their due share of power by their counterparts in West Pakistan. With the passage of time, political developments favoured the adoption of the Six-Point Formula as a 'Freedom Charter' for the mass of the people of East Pakistan in their struggle against the Federal Government of Pakistan.

During the pre-1947 days, AIML had stood for greater provincial autonomy. Paradoxically the independent homeland won by AIML was placed under the political control of a strong Federal Government. The root cause of East Pakistan's grievances lay in the tight grip exercised by the Centre. Underrepresentation of East Pakistanis in the provincial and federal administrations³⁶ aggravated the feelings of deprivation among the middle classes of East Pakistan. The role of West Pakistani administrators, appointed to serve in East Pakistan became so objectionable that grumblings of discontent could be heard in CAP even as early as February 1948. Begum Shā'istah Ikrāmullāh said that

a feeling is growing among the East Pakistanis that East Pakistan is being neglected and

treated merely as a colony of West Pakistan.³⁷

The Federal Government of Pakistan was so insensitive to the popular aspirations of East Pakistan that it did not give due importance to the demand that the Bengali language, along with Urdu, should be given the status of a national language. This demand was accepted only after rioting and bloodshed (1952).³⁸

The economic disparity between East and West Pakistan constituted the main factor which gave an edge to all other (e.g., cultural and political) grievances. The East Pakistanis came to believe that the West Pakistan-dominated Federal Government of Pakistan deliberately pursued policies which resulted in the economic disparity between the two halves of the country. The disparity was linked to a polarisation of interests between the ruling and dominated classes. Economists from West Pakistan attributed the disparity between it and East Pakistan to the latter's economic backwardness at the time of independence and continuous political unrest. Needless to say, East Pakistani economists were far from satisfied with such arguments.³⁹

The 8-point programme of PDM has been discussed in chapter 5. JIP, which had some stake in East Pakistan, became the religious-political party most vocal in its denunciation of the Six-Point Formula. JIP held the view that

East Pakistan's problems are a part of the overall problems of Pakistan; and there are two basic causes for these problems. First, the people of Pakistan, from the very day of its emergence until now, have not been given the right to elect freely their representatives for running the government. Second, no God-fearing, pious and pro-people leadership has come to power [which would have tried to

solve the problems]. The power has been a plaything in hands of opportunists and self-seekers.

The Six-Point Formula was condemned on the basis that:

- 1) it divides Pakistan into two independent states;
- 2) it suggests a separate fiscal system for East Pakistan but does not provide a remedy for the injustices, already done to East Pakistan, and it closes the door to the use of the resources of Pakistan as a whole for the removal of disparities.⁴⁰

JIP leaders made comparisons with the past and the existing economic growth of East Pakistan, but they could not make the point that aspiring East Pakistanis were no longer satisfied with the absolute rate at which the province had been developing before and since 1947; they were more concerned with the relative figures showing the contrasts between the opportunities available for East and West Pakistanis after twenty years of independence.

6.2 The Fatwà of the 113 'Ulamā'

Against a perspective of the two major issues referred to above, the political parties could be said to fall into four categories:

- 1) Those upholding the Islamic ideology in letter and in spirit;
- 2) Those opposing the Islamic ideology and propagating alien ideologies such as socialism;
- 3) Those propagating secularism and regional nationalism; and

- 4) Those upholding Islam but supporting the socialists and regional nationalists.

A *fatwā* from 113 *'ulamā'* appeared in the press (26 February 1970).⁴¹ It was originally drafted by the *Deobandī 'ulamā'* who had organised MJUI, after which the signatures of the *Barelwī, Ahl-i-Hadīṣ* and *Shī'āh 'ulamā'* were secured.

According to the *fatwā*, socialism was *kufr*, and co-operation with socialists would constitute an act of favouring *kufr*, which was therefore absolutely forbidden. Similarly, secularism and regional nationalism went against Islamic ideology. The *fatwā* advised the laity to support the parties of the first category, but not those belonging to the other three categories.

The *fatwā* did not name the parties to be supported or to be opposed, but it tacitly argued in favour of parties such as JIP and MJUI, and various factions of PML. Parties of the left, i.e., factions of NAP and PPP, nationalist secularist parties such as APAL (Mujib group) and parties with socialists sympathies such as JUIP, were denounced.

6.3 The New Political Forces

The onset of election fever was marked by mergers, splits and realignments among the political parties. It would be appropriate at this stage to review the role played by the new political parties in the events leading up to and following the election of 1970.

The second line leadership of NIP was not in favour of a merger with secular parties (namely NDF and the APAL-Nasrullāh Khān group). The new party's membership was open to all Pakistanis, irrespective of their religious affiliations. Though Chawdhari Muḥammad Ālī, the former president of NIP, was among those who supported the merger, a substantial following of NIP did not join the new party. Disappointed by his failure to carry a majority with him into the new party, Chawdhari Muḥammad Ālī decided to retire from public life.⁴⁴ Subsequently, the religious element of NIP joined the main religious political parties - viz., MJUI in East Pakistan and JIP in West Pakistan.

6.3.2 The *Tahrīk-i-Istīqlāl* (Movement for Consolidation)

During the period of PDP's gestation, Air Marshal (retired) Aṣghar Khān (who had already written the manifesto of JP) was made Chairman of its Manifesto Committee. However, he failed to obtain the post of President or General Secretary of PDP. He was elected as 'Junior Vice-president'. Aṣghar Khān's suggestion that the new party should adopt the name of Justice Party was rejected by the leadership which preferred to retain the identity of the alliance intact by calling it PDP. Nūr-ul-Amīn, the aged East Pakistani politician, was named President of PDP, and Nasīm Ḥassan, a not so prominent West Pakistani, became General Secretary. Aṣghar Khān thus became dissatisfied with PDP's seasoned politicians, signalled his retirement from active politics, and sought refuge in a new party by the name of *Tahrīk-i-Istīqlāl* (TI).

6.3.3 The Pakistan Muslim League [PML (Qayyum group)]

Towards the end of Muḥammad Ayūb Khān's regime, Khān 'Abdul Qayyum Khān, a prominent politician, re-entered politics after an absence of almost a decade. He had been President of PML at the time of the 1958 *coup d'état*. He had been imprisoned by the Martial Law authorities though he was released soon afterwards after he agreed to retire from active political life.

Khān 'Abdul Qayyūm Khān announced at a press conference (Peshawar: 20 March 1969) that he was about to form a new party. He denounced both factions of PML [*viz.*, PML (Councillors) and PML (Convention)]. In his view, PML (Councillors) had lost all contact with the masses and practically ceased to exist. PML (Convention), discredited under Muḥammad Ayūb Khān, had forfeited its right to be the inheritor of the *Qā'id-i-A'zam* Muḥammad 'Alī Jinnāh's political legacy in the form of the Muslim League. Khān 'Abdul Qayyūm Khān claimed that the new party would be entirely based on *Qā'id-i-A'zam's* political principles and would thus acquire unquestioned legitimacy. He suggested the name of the party as the *Qā'id-i-A'zam* Muslim League.⁴⁵

Ṣāhibzādāh Ḥasan Maḥmūd, who was known for his *penchant* for changing party platforms, was nominated chief organiser of the party. He had once in the past shifted his loyalties from PML to RP when the former was in opposition. He had been an advisor behind the scenes when PML (Convention) was formed. Though disqualified under EBD0, he was given the responsibility of running Muḥammad Ayūb Khān's presidential campaign (1965).⁴⁶

Khān 'Abdul Qayyūm Khān had the support of politicians who did not feel confident of their future either in PML (Councillors) or in PML (Convention). A factional group of PML (Convention) led by Aslam Jalwānā merged with *Qā'id-i-Āzam* Muslim League. The new party took the name of Pakistan Muslim League (PML), of which Khān 'Abdul Qayyūm Khān and 'Abdus Ṣabūr Khān, an East Pakistani and former member of Muḥammad Ayūb Khān's cabinet, became President and General Secretary respectively.

6.4 Towards the General Election (1970)

Muḥammad Yaḥyā Khān made three promises when he took power in the *coup d'état* that led to Ayūb Khān's removal:

- 1) Transfer of power to the elected representatives;
- 2) these representatives would be elected on the basis of adult franchise; and,
- 3) a new constitution would be framed by the representatives thus elected.

But, he insisted that the prerequisite to fulfilment of these promises would have to be a 'sane and constructive political life'.⁴⁷ It was therefore difficult to guess the time-scale that Muḥammad Yaḥyā Khān had in mind when he made his threefold promise.

After assuming office as President (31 March 1969), Muḥammad Yaḥyā Khān issued the Provisional Constitution Order (4 April 1969) under which the country was to be governed as nearly as possible in accordance with the 1962 Constitution, pending the framing of a new Constitution.

A federal government consisting of a ten-member civilian Council of Ministers was sworn in, albeit under the shadow of the military.⁴⁸ The new regime was, however, keen to appease the most politicised urban elements (namely industrial workers and students). It announced a new labour policy giving workers a better deal. The University Ordinance, 1962 was also amended. In an attempt to please the 'ulamā' as a whole, as well as the various religious political parties, the new regime was keen to put itself forward as the upholder of Islamic ideology. At the same time, Muḥammad Yahyā Khān sought to defuse Bengali nationalism in the east by repeatedly declaring that East Pakistan's grievances against the Federal Government of Pakistan were genuine and ought to be dealt with in a proper manner. The Harvard Advisory Group (HAG) had been bitterly attacked by East Pakistani political leaders who blamed it for the dismal record of the Planning Commission in the sphere of distribution of resources. HAG was forced to leave Pakistan (30 June 1970).⁴⁹ The Fourth Five-Year Plan (1970-1975),⁵⁰ contained the following commitment:

The development strategy of the 1970s has to change fundamentally. While essentially protecting the growth rate already achieved a greater regional and social balance is being attempted in its composition.⁵¹

52.5 per cent of the total amount of investment and development expenditure envisaged in the Fourth Five Year Plan, was to be allocated to East Pakistan.

The first step towards carrying out the promise of general election was taken (28 July 1969) when an Election Commission was constituted under the chairmanship of Justice A. Sattār, an East Pakistani judge of the Supreme Court of Pakistan.

Table 6.1

The Number of Seats in the National Assembly,
as Laid down in LFO (1970)

| Province | Seats | | |
|--|---------|-------|-------|
| | General | Women | Total |
| East Pakistan | 162 | 7 | 169 |
| The Punjab | 82 | 3 | 85 |
| Sind | 27 | 1 | 28 |
| Baluchistan | 4 | 1 | 5 |
| NWFP | 18 | 1 | 19 |
| Federal Administered Tribal Agencies (FATA) | 7 | - | 7 |
| | 300 | 13 | 313 |

[Source: 'The Legal Framework Order (1970)', in White Paper on the Crisis in East Pakistan (Islamabad: Ministry of Information and National Affairs, 1971), pp.18-35]

background. MJUI and JUIP had their base of support among the 'ulamā' and the lower strata of society. MJUI was based in East Pakistan whilst JUIP was based in NWFP and in the Pushtu-speaking region of Baluchistan. JUP, the fourth party led by the 'ulamā', enjoyed the support of the *Barelwī* section of the lower strata of the population of the Punjab which were under the powerful influence of the *pīrs*. It was also supported in Sind by the corresponding strata belonging to the *muhājir* community.

With the exception of PPP, all the political parties were led by politicians drawn from the parliamentary era (1947-1958). The highest echelons of the leadership of PPP, PML (Councillors), PML (Qayyūm group), NAP (Walī Khān group) and PDP belonging to West Pakistan were *zamīndārs* and owners of large property. The leadership of these parties in East Pakistan as well as of parties which were exclusively East Pakistani in character [e.g., APAL and NAP (*Bhāshānī* group)] belonged to the middle classes. The social background of the religious-political parties in both wings followed a similar pattern.

6.5.2 The Manifestos of the Political Parties

Irrespective of their orientation, all parties seemed to agree on the importance of Islam, the uplift of the impoverished masses, and the elimination of economic disparities between the two wings of the country.

Even though it was the so-called '*Islām pasand*' (Islam loving) parties (*viz.*, the three factions of PML, PDP and the religious-political parties) that were expected to be vociferous in

putting forward the claim of Islam as state ideology, apparently socialist (viz., PPP) parties were not far behind in their protestations of the commitment to Islam. Thus, PPP claimed that

[t]he substance and spirit of the Party's programme, demands, and activities obey the teachings of Islam. The Party will countenance no laws repugnant to Islam and the *Qurān*.⁵⁶

For its part, APAL declared that

Islam is the deeply cherished faith of the overwhelming majority of the people ... a clear guarantee shall be embodied in the Constitution to the effect that no law repugnant to the injunctions of Islam as laid down in the Holy *Qurān* and *Sunnah* shall be enacted or enforced in Pakistan.⁵⁷

NAP (*Bhāshānī* group) did not issue a manifesto, but in his speeches Mawlānā *Bhāshānī* clearly preferred a kind of socialism which would be compatible with Islam.⁵⁸

All the political parties agreed that in the situation prevailing in Pakistan there was hardly any room for social or economic justice. Wealth had been concentrated in the hands of a few people. All the political parties were in agreement that heavy industries, banks and insurance companies ought to be nationalised. Even JIP reluctantly conceded that under the concrete circumstances prevailing in Pakistan a degree of nationalisation of the commanding heights of the economy was needed.

We are opposed to the adoption of Nationalisation as a general principle and basis of economy. But we are not opposed to the running of those industries under the government management, which are of basic importance and occupy a key position in the national economy or the working where of under private control is detrimental to the public interest.⁵⁹

The religious-political parties favoured changes in the banking system that would lead to the elimination of interest (usury).

There was no dispute among APAL, PPP, the three factions of PML, PDP, JIP, JUIP and NAP, over the abolition of the *zamīndārī* system, over the introduction of a ceiling on land holding, and over the distribution of land to landless peasants. The question of the fixation of a ceiling for landholding had aroused some controversy among the 'ulamā' in the past, and their differences were reflected in the manifestos of JIP, JUIP, JUP and MJUI. The latter two parties did not recommend a ceiling. JUP gave a categorical assurance that it would be opposed to the confiscation of any property under the lawful ownership of an individual.⁶⁰

JIP, however, expressed the general view that

the appropriate use of capital and land would be to provide prosperity and progress for mankind. We are not prepared to tolerate such a system which continuously makes a few rich people grow richer, and keeps innumerable people deprived of basic human necessities.⁶¹

Even so, JIP failed to suggest a ceiling for land holding during the campaign leading to provincial election of the Punjab Assembly (1951). After nearly two decades, JIP felt compelled to review its earlier stand. It came forward with a suggestion that the land ceiling should be fixed at a quantum of 100 to 200 acres, and attempted to justify its stand by involving Islamic principles.

In abnormal circumstances, extraordinary measures, not in conflict with the principles of Islam can be adopted to restore normalcy.⁶²

JUP, JIP and MJUI suggested the regulation of share cropping and of the relations between *zamīndārs* and the tenants, strictly in accordance with the *Sunnī Hanafī* school of jurisprudence. In proposing a complete ban on share cropping, JUIP showed itself a follower of the *Sunnī Mālikī* and *Shāfī* schools of jurisprudence, according to which the land owner was bound either to cultivate the land himself or to give it on contract to someone who would cultivate.⁶³

All the political parties, without exception, declared themselves in favour of better conditions and handsome wages for industrial labour. Free housing, medical facilities and free education for workers' children were also proposed.

The question of regional autonomy for the provinces became a subject of heated controversy. On this question, the parties divided into three broad categories. The two factions of NAP as well as the minor parties confined to East Pakistan, believed that the Federal Government should be concerned only with defence, foreign affairs and currency. APAL envisaged in its Six-Point Formula a weak Centre. The religious-political parties and the so-called *Islām pasand* parties stood for a reasonably strong Federal Government. JIP and PDP favoured a return to the 1956 Constitution. PPP was the only party which did not take a clear and unambiguous stand on the issue.

6.5.3 The Campaign

The religious-political parties and their leaders (the *ūlamā*) relied heavily on religious appeal and condemned other

parties for betraying the religious cause. But, as a matter of fact, all political parties claimed that they were committed to the importance of Islam in the concrete context of Pakistani politics. No party could afford to propound a complete separation between religion and politics; and, it was partly due to the pressure exerted by the 'ulamā' and their parties from 1947 onwards, that Islam continued to remain in the forefront of politics in Pakistan.

In West Pakistan, PPP was the major target of JIP, JUP and MJUI. These parties had been busy denouncing socialism since the inception of PPP. But PPP put itself forward as a political party second-to-none in its loyalty to Islam. Z.A. Bhutto, the Chairman of PPP, propagated the view that Islam itself had 'given birth to the principles and concepts of socialism'.⁶⁴ From the start of the election campaign, he put forward the thesis that socialism was nothing but an English word for '*musāwāt*' (equality). Referring to PPP's political ethos, he declared as follows:

Our first and foremost principle for which we will fight be Islam ... if there was any conflict between Islam and socialism, I swear that we would have rejected socialism.⁶⁵

During the election campaign, PPP's socialism was transmuted into the slogans '*musāwāt-i-Muḥammadī*' (equality as preached by the Prophet Muhammad) and Islamic Socialism. In his election broadcast (18 November 1970), Bhutto referred to the term Islamic Socialism in eight places, treating it as synonymous with the idea of social equity that was thought to have prevailed under *Khalīfah* Umar.

There was a time in the history of Islam when the great Omar declared that if along the banks of Euphrates a dog should die of starvation,

the *Khalifa* of Islam would be answerable before the Almighty *Allah*. Here in Pakistan - in the largest Islamic State - men and women die of starvation by the thousand. Our children sleep on the streets without shelter. Our toiling masses live an appalling life. This has to be changed.⁶⁶

APAL countered the attacks of the '*ulamā*' in a similar vein. Shaykh Mujībūr Raḥmān repeatedly held out the assurance that Islam would not be in danger on 'the sacred soil of Pakistan'.⁶⁷ The cry of 'Islam in Danger', according to him was no more than a 'mere political stunt'. JIP and PDP were the only parties with any potential for speaking effectively against APAL's Six-Point Formula; therefore, both parties, (and JIP in particular) became targets of APAL's political oratory.

APAL in East Pakistan and PPP in West Pakistan projected themselves as militant political parties. Their workers broke up meetings of rival parties whose offices were raided by their followers. Shaykh Mujībūr Raḥmān and Bhutto thundered their way through the campaign with militant declamations about the political future in store for Pakistan under the aegis of their parties.

PPP's election campaign was better organised and more skilfully conducted than that of any other party in West Pakistan.⁶⁸ Z.A. Bhutto, the energetic leader of the party, travelled throughout the length and breadth of West Pakistan, addressing dozens of public meetings each day. The party attracted devoted groups of workers from among socialists and *Aḥmadīs*. Despite their bitter criticism of socialism,⁶⁹ the latter flocked to PPP because their position in relation to religious-political parties such as JIP was vulnerable.⁷⁰ APAL's election campaign was

more effective than that of any other party in East Pakistan.

6.5.4 The Election Result

The election confounded forecasters and analyses. The results bore no relation to the expectations of defeated and winning parties alike. On the national level, 14 parties out of a total of 24 were eliminated. Not even a single candidate on their tickets was returned to the National Assembly. Five out of these 14 parties hardly captured one or two seats in one or other of the provincial assemblies. (See Table 6.2.)

APAL and PPP emerged as the two major parties, one belonging to East Pakistan and the other to West Pakistan. Neither of them planned to be 'national' parties. PPP did not put up a single candidate in East Pakistan. APAL did put up eight candidates outside East Pakistan (three in the Punjab, two in Sind, two in NWFP, and one in Baluchistan) but failed to secure even one of these seats. APAL candidates obtained a mere 21,937 valid votes (.14 per cent of the total votes polled in West Pakistan).

APAL won all but two of the National Assembly seats from East Pakistan. The two non-APAL winners were Nūr-ul-Amīn, PDP's President and Rājā Trideve Roy, a tribal leader of the Buddhist community.

APAL fought the election on the basis of the Six-Point Formula. Shaykh Mujībūr Raḥmān personified the grievances of East Pakistanis and their demand for regional autonomy. His consistent stand on the Six-Point Formula and the persecution he suffered at

the hands of the central government made him the hero of the Bengali masses. NAP (Bhashani group) was APAL's only potential rival, but its internal factionalism and its leader's support for the regime led by Muḥammad Ayūb Khān had rendered it ineffective.

PPP was the largest political party in West Pakistan, though its victory was less striking than that of APAL in East Pakistan. It captured 81 out of 138 seats, and its percentage of West Pakistan votes was 38.89, as against APAL's share of 75.11 per cent of East Pakistan votes. PPP emerged as the strongest party in the Punjab and Sind. PPP members of the National Assembly from the Punjab and Sind represented two different social classes. The majority of the Punjabi MNAs came from the (mainly professional) middle classes, since PPP failed to attract the big *zamīndārs* (with the exception of a few such as the Qurayshīs and the Khākwānīs of the Multan, the Khars of Muzaffargarh and a branch of the Nūn family of Sargodha). But, in Sind PPP relied heavily on the big *zamīndārs* to deliver the predominantly rural votes.⁷¹ In the process, PPP was forced to sacrifice five out of seven Karachi seats and one out of the two Hyderabad seats where *zamīndārs* did not have a base in view of the fact that Urdu-speaking *muhājirs* constituted a large proportion of the population. In the Punjab, PPP was able to gain many votes among the working class, the tenantry and the poor in the name of social justice.

The result in the Punjab was proof positive of the electorate's rejection of old parties and personalities. Between them, the three factions of PML secured only 18 seats. The majority of the big *zamīndārs* and influential *barādarī* leaders were linked with one or other of the different PML factions. PML's

strategy of fighting the election on the basis of *barādarī* networks and of the *zamīndārs'* hold over the tenants proved to be abortive. By winning convincingly in the Punjab, PPP demonstrated that the voter could be approached over the heads of traditional leaders. Even so, ten big *zamīndārs*⁷² from the Punjab did find their way into the National Assembly.

The religious-political parties also received a serious setback. Between them, JIP, JUIP, and JUP won a total of 18 seats. 'Islam in danger' did not work as a slogan intended to rally the voters around the *ʿulamā'*. By repeatedly averring their devotion to Islam, APAL and PPP were able to wean the electorate away from religious-political parties. They emphasised that Islam could not be in danger in a country in which 90 per cent of the population were believers of the Islamic faith and almost all candidates were Muslims. In actual fact, however, Islam, as political coinage, had been subjected to such gross misuse under successive regimes that the electorate was persuaded that not only parties such as (the different factions of) PML and PDP (whose leaders had been in power), but also the *ʿulamā'* represented forces intent on maintaining the *status quo* at any cost.

The reverence shown to Islam by all political parties, and the divisions among the religious-political parties on the basis of sectarianism were the root causes for the *ʿulamā'*s failure to make Islam the sole issue in the 1970 election. The religious parties were so much at loggerheads that not only did they bitterly criticise one another, but split the vote hopelessly in a number of constituencies by putting up rival candidates. The urban constituency of Multan, where Z.A. Bhutto himself stood as the

Like other religious-political parties, JIP had little experience of electioneering. It had previously contested elections for the Punjab Provincial Assembly (1951) as well as the Bahawalpur State Assembly (1951). It had secured 4.4 per cent of the votes polled, winning one seat in the former. It did better in Bahawalpur where it won two out of a total of four seats.

JIP focused its election campaign in 1970 on clarifying its role in the Pakistan movement, on denouncing socialism, and on irrelevant debates concerning academic constitutional theories. Its denunciation of socialism by implication was widely interpreted as a defence of the *status quo*, against which the masses had shown their resentment during the agitation of 1968-1969 against the Ayūb Khān regime. The mass of the people ignored the scholarly lectures of the JIP candidates on the finer points of parliamentary democracy and on the appropriateness of the 1956 Constitution which were beyond ordinary comprehension. The burning questions of the eradication of poverty and of the application of social and economic justice did not receive primary attention in the JIP campaign.

JIP was condemned by successive PML regimes - from Nawābzādah Liyāqat Ālī Khān to Muḥammad Ayūb Khān - for its policy of non-co-operation with AIML during the Pakistan Movement. JIP's propaganda attempted to portray Mawlānā Mawdūdī, its leader, as one of the propagators of the two-nation theory, and even exaggerated his role to the point of proclaiming him as one of the leaders who struggled to liberate the Muslim community of undivided India. JIP's attempt to portray Mawlānā Mawdūdī in such a light was unsuccessful. It raised more questions without removing any of the

original suspicions about JIP's role in general and Mawlānā Mawdūdī's own political ideas on Pakistan in particular.

Like all the other parties JIP was, from the outset, a party which reflected the aspirations of the middle classes. It regarded the educated middle class as the backbone of society, responsible for shaping public opinion. The masses in general were not given prominence in JIP's scheme of things. Mawlana Mawdudi, JIP's founder and chief ideologue, believed that the masses were 'national Muslims', and also 'ignorant'.⁷³ For propagation of its message, JIP relied mainly on its printed literature, written in a language beyond the grasp of semi-literate people. The votes polled by JIP candidates were therefore drawn mainly from the middle classes in urban areas, and from the poor and lower-middle classes in rural areas. In a policy speech delivered after JIP's electoral defeat, Mawlānā Mawdūdī revised his view of the masses, and evolved a new line incorporating the lesson he had learnt about the power of the masses.

In addition to keeping up our work among the literate class, we ought to make contact with the illiterate, impoverished and grief-stricken masses in the villages and the slums. The written word will not be of much use there. Verbal communication, personal relationship, practical sympathies and devoted service would be needed.⁷⁴

The percentage of votes secured by different parties in the National Assembly election are shown in Table 6.4. The three religious-political parties, led by the *'ulamā'*, polled 14 per cent of the total votes throughout Pakistan. But, their representation in the National Assembly extended only to a total of six per cent. If we took the votes of East and West Pakistan separately, the

The *Yūsufzāīs* benefited rather more from modern education because they were favoured by the colonial power and also had a long history of settled existence around Peshawar where modern education was readily available. Therefore, they are socially more modern and advanced than their *Kirlānī* brethren. The latter have always been more religiously inclined.

The NAP (Walī Khān group) was generally identified with the *Pathāns*, but in fact its following was derived mainly from the *Yūsufzāīs*, of whom Khān Ābdul Walī Khān himself was one. The *Kirlānīs* preferred the 'ulamā' to NAP. The National Assembly seats won by NAP were all from *Yūsufzāī* areas. The defeat of NAP in the *Yūsufzāī* district of Dir stemmed from the role that it had played in the politics of the area when Dir was a princely state. Whilst inhabitants of the princely state of Dir favoured its integration with NWFP as a means of getting rid of the unjust rule of its ruler (*nawāb*), NAP took the side of the latter, ignoring popular aspirations. Ṣāhibzādah Ṣafiullāh, a person of holy descent with a religious background, easily won this seat.

The economic factor ought not to be overlooked. The NAP and PML (Qayyūm group) candidates were, by and large, from the *zamīndārī* class. Among the *khāns* and *sardārs* of NAP and PML, the *mawlawīs* of JUIP were somewhat closer to the mass of the people. During the election campaign, the *khāns* and the *sardārs* ridiculed the 'ulamā' for daring to challenge their authority and dismissed the parliamentary aspirations of the *mawlawīs* of *masjids* whose survival depended on the charity of the *zamīndārī* class. The answer, in the view of the *khāns* and the *sardārs*, was direct and simple: 'to make whole Pakistan a *masjid*' (mosque).

JUP's success in the districts of Jhang and Muzaffargarh can be traced to the religious influence of its *amīr*, who hailed from Jhang. The district of Jhang has a mixed population of *Sunnīs* and *Shīāhs*, the latter being in a minority. The '*ulamā*' of JUP made the conflict between the two sects into an election issue; and a *Shīah* candidate in one constituency could not even save his security deposit. The other factor entering JUP's success in these districts was the unanimous support given by the '*ulamā*' to the JUP candidates. These were among a few constituencies where votes for religious-political parties were not split.

Since long before the 1970 election, the *muhājir* population had been generally identified as JIP supporters. JIP did well in *muhājir*-populated pockets in Sind. JUP's *muhājir* leadership became JIP's rival, and the seats in Karachi were divided between the two parties. PPP won two seats (out of a total of seven) along Karachi's periphery, mainly inhabited by *Sindhī*-speaking population. The *muhājir* community voted in the name of Islam because it sacrificed a great deal for the cause of Pakistan, which it believed would safeguard and perpetrate the practice of *Shariāh*.

6.6 The Aftermath of the 1970 Election

Muhammad Yahya Khān and his military team were sure that the outcome of the 1970 election would be a fragmented National Assembly which would be fair game for wreckers of any ensuing coalition government. But their dreams were shattered due to APAL's 'unexpected' victory.⁷⁶

It became clear that the future of the Federation of Pakistan, in whatever form, would be in the hands of the APAL leadership which had won the election entirely on the basis of the Six-Point Formula. The situation was naturally disturbing for Muḥammad Yaḥyâ Khān, and the West Pakistan establishment. The impression prevailed that APAL's rule would mean the rapid promotion of Bengali officials and accelerated recruitment from East Pakistan into the military and civil administration in order to give the eastern wing its due share of power and offices on the basis of population, or at least on a principle of parity. The scene was equally gloomy for the politically ambitious Z̤ulfiqār Ālī Bḥutto because such a development would condemn him to the Opposition benches for the entire duration of the newly elected National Assembly.

He came out with the theory of 'two majority parties' (APAL from East Pakistan and PPP from West Pakistan), and suggested a 'grand coalition' between them in view of what he regarded as the 'historical and geographical peculiarities of Pakistan'.⁷⁷ Bḥutto emphasised the need for a power-sharing scheme involving PPP and APAL even before the new National Assembly was formally convened. His objection to letting APAL take power unhindered was in line with the thinking of the military and civil administration under Muḥammad Yaḥyâ Khān.

Shaykh Mujībūr Raḥmān realised that he would have to make his stand on the Six-Point Formula more flexible, but not to an extent that would begin to erode APAL's popularity in East Pakistan. He also realised that any constitution unacceptable to West Pakistan would be unworkable. He believed that the dilemma

facing APAL would have to be solved within the National Assembly. Otherwise, any flexibility shown by APAL in respect of its general stand, outside the National Assembly would attract hostile criticism from its own supporters. Shaykh Mujībur Raḥmān was therefore extremely anxious that the National Assembly should be convened without delay.

A series of bilateral talks was held (January 1971) - between Muḥammad Yaḥyā Khān and Shaykh Mujībur Raḥmān; between Z.A. Bhutto and Muḥammad Yaḥyā Khān; and, between Shaykh Mujībur Raḥmān and Z.A. Bhutto. What was exchanged during these various talks was not made public, but the subsequent events clearly showed that Shaykh Mujībur Raḥmān rejected Bhutto's theory of 'two majority parties' and his demand for a 'grand coalition'.

PPP started criticising the Six-Point Formula as a prelude to the separation of East Pakistan from the Federation, even though it had kept silent on that particular issue throughout the year during which the election campaign progressed to its conclusion.

Against this background, Muḥammad Yaḥyā Khān, who gave the impression that he was anxious to secure a smooth passage to civilian rule, announced (13 February 1971) that the National Assembly would meet at Dacca (3 March 1971). Claiming to be the sole spokesman of West Pakistan, Z.A. Bhutto ridiculed the other parties as the 'defeated elements'. At the same time, he also realised that PPP had virtually no influence in the two strategically important provinces of NWFP and Baluchistan. This

meant that he had perforce to maintain contacts with the leaderships of NAP (Walī Khān group) and JUIP.

Knowing how Muḥammad Yaḥyà Khān's mind worked, Z.A. Bhutto set out to sabotage the projected National Assembly session even before its date was announced. He met Muftī Maḥmūd, the JUIP leader (Peshawar: 12 February 1971) to whom he suggested that it would be in his party's interest for him to refuse to attend the session of the National Assembly because APAL had already drafted a Constitution on the basis of the Six-Point Formula that would certainly lead to the disintegration of Pakistan. But Muftī Maḥmūd did not agree with this reading of the prevailing situation; he expressed the view that the resolution of the political tensions should be sought within the National Assembly.⁷⁸ Bhutto, for his part, put forward his position categorically (Peshawar: 15 February 1971) to the effect that PPP would not attend the proposed session of the National Assembly unless he received an assurance from Shaykh Mujībūr Raḥmān that due consideration would be given to its reasonable demands.⁷⁹

In West Pakistan, those in favour of the National Assembly convening according to schedule included JUIP, JIP, JUP, NAP, PML (Councillors), PML (Convention) and some Independent MNAs. This meant that at least 33 MNAs from West Pakistan would be present at the opening session of the National Assembly. Two provinces (East Pakistan and Baluchistan) would be fully represented; NWFP's representation would have been more than 50 per cent; and the Punjab and Sind would only have been represented in a token manner.

This was not at all acceptable to Z.A. Bhutto, who vociferously demanded that the proposed National Assembly session should be postponed. He threatened to launch a mass movement if the session of the National Assembly was held without PPP attending. Criticising politicians of West Pakistan who were in favour of taking part in the session (some of whom had already reached Dacca by then), Bhutto stated that

PPP expected the people of Pakistan to take revenge from the people who had chosen to attend the Assembly session, on their return from Dacca. If the people failed to take revenge, then PPP itself would take action against them ... If any member of his party attended the session the party workers would liquidate him.⁸⁰

Yielding to Z.A. Bhutto's threat, Muḥammad Yaḥyā Khān postponed the National Assembly session scheduled for 3 March 1971 under the pretext that the largest party of West Pakistan had categorically declared that it would not attend the session (1 March 1971). Vice-Admiral S.M. Aḥsan, the military governor of East Pakistan, was removed from office since he had tendered advice to the effect that postponing the proposed session would precipitate a crisis. Apart from Muḥammad Yaḥyā Khān, Z.A. Bhutto saw in Ahsan 'always ... a pliable tool in the hands of the *Āwāmī* League'.⁸¹

6.6.1 Bullet against Ballot

As was to be expected, the postponement of the scheduled National Assembly session gave rise to a serious political storm in East Pakistan. APAL responded to the postponement by calling a province-wide strike which was successful to the extent that even

government and semi-government offices remained completely closed. APAL's hard core, which had regarded the party's landslide victory on the basis of the Six-Point Formula as sufficient justification for demanding political autonomy for East Pakistan beyond the bounds of 'provincial autonomy', started to attack the lives and property of West Pakistanis and Biharis⁸² (i.e., Urdu-speaking settlers who came to live in East Pakistan after 1947).

From 2 March 1971 onwards, the concept of a united Pakistan stood in imminent danger of disruption. The writ of the Federal Government ceased to run in East Pakistan; Shaykh Mujībūr Raḥmān, as the APAL leader, became virtually the *de facto* ruler of East Pakistan. The East Pakistan judiciary refused to swear in Lt. General Tikkā Khān as the Military Governor in succession to Vice-Admiral Aḥsan.

Facing severe resentment in East Pakistan, Muḥammad Yahyā Khān retreated (6 March 1971) from his new position by announcing that the National Assembly would in fact meet on 25 March 1971. He simultaneously drew attention to the role that the armed forces would continue to play 'no matter what happens, [to] ensure the complete and absolute integrity of Pakistan'.⁸³

On the following day, Shaykh Mujībūr Raḥmān addressed a mass meeting at which he threatened to boycott the newly scheduled session unless the following four demands were accepted by the regime:

- 1) the immediate withdrawal of Martial Law;
- 2) the return of troops to the barracks;

- 3) the establishment of a commission of enquiry into the atrocities committed by the armed forces in East Pakistan during the week of 1-7 March 1971; and
- 4) the immediate transfer of power to the elected representatives of the people.

He also signalled that APAL would be ready to engage in further discussion on matters of a constitutional nature.⁸⁴

The *‘ulamā’* and the parties which had favoured attending the session of the National Assembly, once again made public their stand on the deteriorating political situation. The leaders of JIP, JUP, JUIP, PML (Councillors) and PML (Convention) endorsed, at a joint meeting, APAL's four demands, and deplored the undemocratic tactics employed to deprive the majority party (*viz.*, APAL) of its due rights.⁸⁵ The leaders of these parties were unanimous in their condemnation of Z.A. Bhutto, whom they regarded as being primarily responsible for the crisis.

Muhammad Yahyà Khān resumed talks with Shaykh Mujībūr Rahmān (16 March 1971). He was joined later by other politicians from West Pakistan, including Z.A. Bhutto. These talks continued for ten days, but on no occasion were the leaders of all the different parties brought together round the same table. APAL rejected both the proposal that Muhammad Yahyà Khān should continue to remain in effective control of the state and that it should agree to take control of state power in a coalition with PPP. The law and order situation rapidly deteriorated. Muhammad Yahyà Khān made it an excuse to 'shoot his way through'.⁸⁶ He ordered the army to put down what he described as an 'armed rebellion'⁸⁷ in

East Pakistan (25 March 1971), but what in APAL's widely and repeatedly publicised view was its rightful attempt to struggle in order to achieve the political power with which a majority of the people had endowed it.

APAL was outlawed, and a number of its leaders including Shaykh Mujībūr Raḥmān were arrested. All political activity was banned. Z.A. Bhutto thanked God that 'Pakistan has at least been saved'⁸⁸ presumably from the rule of APAL.

6.6.2 Towards a Fragmented National Assembly

With the army crackdown, APAL's demand for autonomy within the framework of a United Pakistan was abandoned in favour of a demand for complete independence. A message, attributed to Shaykh Mujībūr Raḥmān, embodying the Declaration of Independence, was transmitted by Chittagong Radio, shortly before his arrest (26 March 1971). General Tikkā Khān's ruthless action made hundreds of thousands of people,⁸⁹ particularly those belonging to the Hindu community, flee to adjacent West Bengal in India, where a Provisional Government of Bangladesh was formed (10 April 1971). The situation in East Pakistan provided India with an opportunity to weaken its traditional enemy by supporting the cause of the secessionists.

By June 1971, open resistance of APAL within East Pakistan had been largely quelled. Departing from LFO (1970), Muḥammad Yaḥyā Khān announced a new plan for constitution-making and for the future political set-up in Pakistan (28 June 1971).⁹⁰ He made three points. According to it, the members of the National

and Provincial Assemblies of East Pakistan, elected on the ticket of the newly-defunct APAL, would retain their status in their individual capacities, but those who indulged in anti-state activities would be disqualified from membership of these assemblies. Secondly, a draft Constitution would be prepared by a 'group of experts' which would take into consideration its own reading of the 'aspirations of the people of various regions of Pakistan'. Once the draft Constitution was ready, a session of the National Assembly would be convened for approving it. Muhammad Yahya Khan indicated that the session would be held within four months and envisaged that the by-elections would be completed during the interval. Thirdly, he implored the citizens of Pakistan who had crossed the border and had gone over to India, to return to their homes and hearths.

After the announcement of this new policy, 79 out of 160 APAL members of the National Assembly and 194 out of its 288 members of the East Pakistan Provincial Assembly were disqualified. In each case, the aim of the regime was to bring in a sufficient number of members from different parties with the deliberate intent of changing the complexion of the National Assembly as well as the East Pakistan Provincial Assembly.

The parties of the left in East Pakistan (*viz.*, the two factions of NAP) joined the all-party consultative committee of Provisional Government of Bangladesh. PDP and factions of PML, as well as the *ʿulamā'* belonging to MJUI and JIP, gave their support to the administration led by Muḥammad Yahyā Khān. To them, Shaykh Mujībūr Raḥmān was a 'traitor' to *Dār-ul-Islām* (abode of Islam) and it was their religious duty to stand by the army against the

secessionists who enjoyed India's backing. That is why these parties, and particularly JIP, were instrumental in manning the volunteer corps (*viz.*, *al-Shams* and *al-Badr*) with the express purpose of providing assistance to the military.⁹¹

Mawlānā Mawdūdī (of JIP) welcomed the new plan of Muḥammad Yaḥyā Khān in the matter concerning constitution-making.⁹² JIP in particular and the *ʿulamā'* in East Pakistan were keen that the task of drafting a Constitution should be entrusted to experts who could be expected to adhere to Islamic political ideals. Ironically the person who was assigned this job was not an *ʿālim*, nor for that matter even a Muslim, but one Mr. A.R. Cornelius, a Roman Catholic who happened to be the Chief Justice of Pakistan. The *ʿulamā'* did not object to the choice because Mr. A.R. Cornelius had been outspoken in his acceptance of the doctrine of *Shariʿah* in relation to Pakistan's legal system.

Lt. General Tikkā Khān, the Governor of East Pakistan, was replaced by Dr. A.M. Mālik, a civilian (17 September 1971), partly in order to gain some support from the Bengali people and partly in response to international pressure. A civilian government was formed consisting of ministers drawn from JIP, MJUI, KSP, defunct APAL, PDP and PML (Convention). But, as a matter of fact, Major-General Rao Farmān ʿAlī, the Military Adviser to the Governor, played a prominent role behind the scenes. Thus, when the issue of by-elections came to a head, it was Rao Farmān ʿAlī who got the parties opposed to PPP (*viz.*, JIP, MJUI, PDP and the factions of PML) to agree among themselves not to contest against one another.⁹³ Members were returned unopposed to 58 out of a

total of 79 seats in the by-elections. 52 of these went to JIP, MJUI, PDP and factions of PML; only six went PPP.

The seat which had been won by Shaykh Mujībūr Raḥmān in the 1970 election was held in abeyance pending the outcome of his trial on charges of treason. The remaining 20 seats were expected to go to the same group of opposition parties in the polling that had been scheduled for 23 December. However, these did not include PPP which already enjoyed a validly elected majority in West Pakistan.

Throughout the staging of this drama of by-elections, NAP (Walī Khān group) and JUIP were conspicuous by their absence. Muḥaffar Aḥmad, the General Secretary of NAP (Walī Khān group), had endorsed the Provisional Government of Bangladesh, whilst Khān 'Abdul Walī Khān himself had become a strong critic of Muḥammad Yaḥyā Khān's policies. JUIP shared the views of NAP (Walī Khān group). Not surprisingly, NAP (Walī Khān group) was also banned (26 November 1971).

The government's scheme of creating a fragmented National Assembly was deliberately pursued. The newly-concocted National Assembly contained a large number of 'Independents' who were susceptible to the government's manoeuvres. Now Muhammad Yahya Khan was in a position to manipulate the government at will.

6.7 The Break-up of Pakistan

Whilst Muḥammad Yaḥyā Khān was busy moulding the National Assembly according to his own political ends, the law and order

situation in East Pakistan was fast deteriorating. The personnel of East Pakistan Rifles, Bengali regular soldiers, and Bengali policemen who had deserted during the army crackdown of March-April 1971, organised themselves into a liberation army (*Muktī Bāhinī*). *Muktī Bāhinī*, with India's complete support in men and material, started guerrilla warfare within East Pakistan.

The Indian troops made a major incursion into East Pakistan on 17 November 1971; on the following day Muḥammad Yaḥyà Khān declared a State of Emergency throughout the country. The 'ulamā' belonging to JIP, JUP and JUIP, irrespective of their view of Muḥammad Yaḥyà Khān, extended full support to the Emergency, declaring that war against Indian forces was tantamount to *jihād*.⁹⁴

On 3 December 1971, full-scale war broke out between India and Pakistan on both fronts. At the moment of crisis, a civilian government was formed with Nūr-ul-Amīn as Prime Minister (7 December 1971). India, with its superior navy, blockaded East Pakistan. The Pakistan Army, without any air cover, fought the Indian forces and the *Muktī Bāhinī* in East Pakistan. By 15 December 1971, Indian forces had entered Dacca, and, on the following day, the Pakistan army made a formal surrender in East Pakistan. The 147th state belonging to the community of nations, was thus given birth with the appearance of Bangladesh. The moment of its birth was also the moment at which the career of Muḥammad Yaḥyà Khān's administration was brought to an abrupt end.

6.8 Conclusion

Muhammad Yahya Khan's regime was no more than an extension of the previous regime under Muhammad Ayub Khan's leadership. The economic policies pursued during the decade of 1958-1968, and the highly centralised style of rule of the government had alienated East Pakistanis to such an extent that nationalist feelings had taken root amongst the population of East Pakistan. APAL's success in the 1970 election was indicative of this trend. Muhammad Yahya Khan's greed for power on the one hand, and Zulfikar Ali Bhutto's uncontainable ambition to share power on the other, led to obstructions placed in the way of democratic rule from both sides. The net result of not handing over power to the majority party of the National Assembly took the form of civil strife in East Pakistan that led to the creation of Bangladesh with India's help.

The dismemberment of Pakistan clearly demonstrated that inequity and inegalitarianism could not be justified indefinitely on the basis of Islam. The fact that both halves of the country were united by a common faith was by no means sufficient to guarantee their political integration so long as social injustices became intensified. This did not mean that the 'Islam factor' disappeared from the politics of either Pakistan or Bangladesh after the events of 1971. Initially, however, Bangladesh declared itself a secular state, and the religious-orientated political parties were thrown out of politics partly on ideological grounds and partly for the reason that they had collaborated with Pakistani armed forces in the past.

The 1970 election completely failed to resolve the Islam issue. All the political parties, including PPP, the majority party of West Pakistan (and Pakistan, after the establishment of Bangladesh) were committed to Islam, as a distinguishing feature of Pakistan's politics. The *‘ulamā’* and their religious-political parties did not exercise a strong voice in the National Assembly, but their strength among the masses was by no means negligible. These parties had secured 21.5 per cent of the total votes polled. And, if the votes polled by the different factions of PML and PDP could be included in the 'Islam factor', the percentage of support for this political tendency would be much greater (45.8 per cent). Though not totally ineffective, the *barādarī* affiliations received a setback in the Punjab. At the same time, it might well have been the case that the appeal of religious-political parties such as JIP, which failed to attract the chiefs of *barādarīs*, augmented the general appeal of religion in politics.

The lesson of the 1970 election for the *‘ulamā’* was clear. Only integration and unity among them could lead to a substantial victory. They had to reconsider their policies and generate a balance between long-cherished religious issues on the one hand, and purely economic, political and social questions on the other. They needed to persuade the mass of the people that within their ranks there were experts on problems of foreign policy, economy and defence.

PPP, the majority party of Pakistan, did well, but it was over-represented in the National Assembly. It had 58.6 per cent of seats in the National Assembly against a mere 38.9 per cent of the popular vote that it was able to poll.

- Sathyamurthy, T.V., Nationalism in the Contemporary World: Political and Sociological Perspectives (London: Frances Pinter, 1983), pp.167-188.
39. The West Pakistani side of the case is presented in many official and non-official studies, e.g., Ali, Kifait, Pakistan vs. Bangladesh: An Exposition of Pakistan's Case (Lahore: The Author, 1971), pp.12-24; Qureshi, Anwar Iqbal, Mr. Mujib's Six Points: An Economic Appraisal (Lahore: Haniah Publishing House, 1970); William, L. Rushbrook, The East Pakistan Tragedy (London: Tom Stacey, 1972), pp.21-23, pp.106-116.
- On East Pakistan's side, see, for example, Raunaq Jahan's Pakistan: Failure in National Integration (New York: Columbia University Press, 1972).
40. Author's translation.
Jamāat-i-Islāmī Mashriqī Pakistan, Mashriqī Pakistān Ke liye Rāh-i-Nijāt? (Dacca: Jamāat-i-Islāmī Mashriqī Pakistan, 1966), pp.4-17.
41. See Appendix II.
42. Nawābzādah Naṣrullah Khān's Interview, Akhbār-i-Jahān, 26 March 1969.
43. Justice Party, Draft Manifesto of the Justice Party (Lahore: Mian Manzar Bashir, 1969), p.3.
44. Zindgī, 17 November 1969, pp.1-2.
45. Dawn, 21 March 1969.
46. Mahmūd, Makhdumzādah Sayyid Hasan, Mera Siyāsī Safar (Lahore: Jang Publications, 1986), pp.239-241, and p.256.
47. See p.460 of this work.
48. G.W. Chawdhari, one of the ministers who had served under Muḥammad Yaḥyā Khān, wrote that the cabinet enjoyed no real powers. It used to discuss only peripheral matters. Matters of vital importance such as defence, foreign affairs, finance, administrative or political policies and programmes were never discussed in the so-called cabinet. Choudhury, G.W., The Last Days of United Pakistan (London: C. Hurst and Company, 1974), pp.56-57.
49. Rozen, George, Western Economists and Eastern Societies: Agents of Change in South Asia, 1950-1970 (Baltimore: Johns Hopkins University Press, 1985), p.193.
50. The Fourth Five Year Plan was launched on 1 July 1970.
51. Government of Pakistan, The Fourth Five - Year Plan, 1970-75 (Karachi: Planning Commission, 1970), p.12.

[Shariati, Ali, On the Sociology of Islam (Berkeley: Mizan Press, 1979), p.49.]

74. Author's translation.
Zindqi, 25-31 January 1971, p.41.
75. Barth, Fredrik, 'The System of Social Stratification in Swat, North Pakistan' in E.R. Leach (ed.), Aspects of Caste in South India, Ceylon and North-West Pakistan (Cambridge: Cambridge University Press, 1969), p.115.
76. Muḥammad Yahyā Khān told Altāf Hasan Qurayshi, a journalist, that Mujibur Raḥmān would take a maximum of 55 per cent of East Pakistan seats, since there were other political forces such as NAP (Bhāshānī group).
Urdu Digest, February 1972, pp.27-28.
77. Bhutto, Z.A., The Great Tragedy (Karachi: Pakistan People's Party, 1976), p.18.
78. Āsī, Naīm, Mawlānā Mufti Maḥmūd (Sialkot: Muslim Academy, 1977), p.123.
79. Bhutto, Z.A., The Great Tragedy, *op.cit.*, p.28.
80. Dawn, 1 March 1971.
81. Bhutto, Z.A., The Great Tragedy, *op.cit.*, p.30.
82. *Banglādesh Ke 25 Din* (Interview with Fayyaz-ud-dīn, ex-manager of daily Sangram, Dacca), Zindqi, 19-25 April 1971, pp.7-10.
83. Dawn, 7 March 1971.
84. *Ibid.*, 8 March 1971.
85. *Ibid.*, 14 March 1971.
86. Muḥammad Yahyā Khān used this phrase in his talks with Khan Ābul Walī Khan, Zindqi, 28 February, 1972, p.10.
Kahānī, 21 May - 6 June 1972, p.19.
87. Dawn, 26 March 1971.
88. Bhutto, Z.A., The Great Tragedy, *op.cit.*, p.51.
89. The figures for the refugees were a subject of controversy. The Indian authorities gave a figure of ten million, whilst the Pakistani authorities insisted that it was only 2.5 million. However as at 11 June 1971, Robert La Porte Jr. estimated that 5.5 million refugees, of whom approximately 90 per cent were Hindus, had fled into India. La Porte Jr., Robert, Power and Privilege: Influence and Decision Making in Pakistan (Berkeley: University of California Press, 1975), pp.85-86.

The migration continued until the emergence of Bangladesh as an independent State, and even afterwards.

90. 'The President's Address to the Nation (June 28, 1971)', in Pakistan Yearbook 1971 (Karachi: National Publishing House, 1971), pp.703-713.
91. The JIP leadership is proud of its commitment to defend Pakistan against foreign aggression, and its student-wing gives its role in this matter heroic proportions. See Khālid, Salim Mansūr, al-Badr (Lahore: Mutbuāt-i-Ṭalabah, 1986). According to Miyān Ṭufayl Muhammad, the ex-amir of JIP, 10,000 to 12,000 JIP supporters were killed, and a similar number was taken prisoner. Muhammad, Tufail, Jamāāt-i-Islami Pakistan: An Introduction (Lahore: Jamāāt-i-Islāmi, n.d.), p.7.
92. Aeshiya, 26 September 1971, p.7.
93. Ahmad, Akhtaruddin, Nationalism or Islam: Indo-Pakistan Eposide (New York: Vantage Press, 1982), p.72.
94. Āsī, Nāim, Mawlānā Muftī Mahmūd, *op.cit.*, p.151.

CHAPTER 7

THE CONFLICT BETWEEN THE 'ULAMĀ' AND BHUTTO, THE 'ISLAMIC SOCIALIST'

The events of 1971, resulting in the creation of Bangladesh, left Muḥammad Yaḥyà Khān and his close military associates completely discredited in the eyes of the middle classes of Pakistani society. The middle-ranking officials in the military felt uneasy with Muḥammad Yaḥyà Khān, sharing the pervading mood of the segments of society to which they owed their origin. Under mounting pressure from his 'constituency' (i.e. the military), Muḥammad Yaḥyà Khān was compelled to hand over power to Zulfikār Ālī Bhutto (the leader of West Pakistan's majority party in the National Assembly) (20 December 1971). Bhutto thus became Chief Martial Law Administrator (CMLA) and President of Pakistan.

Bhutto was the first head of government and state since 1947 to reach the highest political office in the country through an election based on adult franchise. He had a solid support of 81 members in a single house National Assembly of 148. He hoped to augment this support by making political concessions to like-minded parties and individuals in the Assembly.¹ Bhutto thus enjoyed the power needed to implement the PPP manifesto.

Bhutto had presented himself as a socialist,² and PPP categorically included 'the attainment of a classless society', 'possible only through socialism'³ among its objectives. PPP, however, took care to justify its socialism as a part of the political and social ethics of Islam. Faced with harsh criticism from the 'ulamā' and such religious-political parties as JIP and JUP,

Bhutto shifted his ideological ground away from 'socialism' in the direction of 'Islamic Socialism' and *Musāwāt-i-Muḥammadī*.⁴ Even this change of direction was not enough to please Mawlāna Mawūdī, the leader of JIP. The latter said that

they [the socialists] found out that here socialism cannot dance naked ... After realising this they started calling socialism 'Islamic' ... If it is really based on the *Qurān* and the *Sunnah* then what is the need for calling it socialism? ... Now when they can see that this too does not work they have started calling it Islamic equality (*musāwāt*) and *Muḥammadī musāwāt*. The object is the same pure socialism.⁵

Bhutto claimed that his version of 'socialism' was entirely in conformity with Islam.

The range of socialism is as wide as conceivable ... The socialism applicable to Pakistan would be in conformity with its ideology and remain democratic in nature ... If there can be a Scandinavian form of socialism, there is no reason why there cannot be a Pakistani form of socialism, suitable to our genius.⁶

Though Bhutto did not spell out clearly what such socialism meant, he did discard communism outright.⁷ Presumably, his conception of socialism would become clear only after his government's policies took effect. JIP, however, believed that Bhutto's 'Islamic socialism' was inspired by socialism as practised in China. JUP thought similarly. Mawlānā Shāh Aḥmad Nūrānī, its leader, was one of the *ūlamā*' who had signed the *fatwā* of the 113 *ūlamā*'. JUIP was the only religious-political party which did not oppose Bhutto. Even though it could not evolve any working alliance with PPP during the 1970 election, Bhutto made successful overtures to NAP and JUIP as early as January 1970 by declaring that PPP was committed to a working alliance with them.⁸

In spite of Bhutto's loud claims that he was serving the Islamic cause, it is well known that he was not a devout Muslim in his own personal life. His orientation and outlook were thoroughly secular. Shāh Waliullāh, Muḥammad B. ʿAbdul Wahhāb or Jamāl-ud-dīn Afghānī did not count among his heroes. Napoleon Bonaparte occupied a central place as a political role model in Bhutto's life.

Napoleon was a giant. There was no man more complete than him. His military brilliancy was only one facet of his many-sided genius. His Napoleonic Code remains the basic law of many countries. Napoleon was an outstanding administrator, a scholar and a romanticist ...⁹

Napoleon was the hero from whom Bhutto had 'imbibed the politics of power'.¹⁰

Among Muslim stalwarts, Bhutto's political hero was Kamāl Atātürk, who had attempted to secularise and westernise Turkey. Bhutto was also close to the Shāh of Iran who had embarked on a mission of developing Iran on the basis of secular political ideas.

In such a perspective, it is not surprising that the 'ulamā' feared that Bhutto was in reality committed to the ideals of secularism and socialism. They expected him to enforce his policies on the strength of the popular mandate that he had received and the support that he enjoyed among socialist elements. The future for the 'ulamā' and their parties appeared to be filled with gloom. At the same time, Bhutto decided to ignore the parties that had suffered defeat in the 1970 election. Some of his speeches and statements, made before coming to power or during his regime, reflect his inclination to regard Islam as a dynamic force,

a factor in the pace of bringing salvation, enlightenment to the peasants, and ending feudalism, allowing the forces of egalitarianism to spread ...¹¹

The expression of such sentiments did not stem the tide of the general feeling prevalent among many that he did not attach any special importance to Islam with special reference to Pakistan, and that Islam would fare no better there than in the other Muslim countries.¹²

In the midst of a pervading sense of humiliation which gripped Pakistan after the emergence of Bangladesh, the 'ulamā' emerged with fresh vigour. Why did the tragedy happen?, they asked. The 'ulamā's answer to this question was simple and clear. According to them, there was nothing in common between the two wings of Pakistan except religion (i.e. Islam). Religion was never applied in practice to the political and economic problems faced by the two parts of the country. The mere fact of the people sharing a common religion on a personal level was by no means a sufficient guarantee that the two ethnically and linguistically different parts of the country could be held together. The situation in the Pakistan of the '70s was similar to that which prevailed in undivided Pakistan. Islam was the only factor which bound the four provinces of Pakistan together.¹³ The application of *Shari'ah* in its entirety would remove the grievances; otherwise, the natural differences (e.g., ethnicity, language and local culture) between the different parts of the country could well lead to a further dismemberment of it.¹⁴

The personal character of Bhutto's predecessors (especially Muḥammad Yaḥyà Khān) came under attack.¹⁵ Referring to

his drunkenness, and applying it to the successors as well, a verse from the *Qurān* was repeatedly quoted at Friday sermons and public meetings. It underlined the root cause of the defeat suffered by Saul at the hands of his enemies who drank water from the stream they had to cross in defiance of God's commandment.¹⁶ If even the drinking of plain water resulted in weakness, the deleterious effects of wine, which is absolutely prohibited, can only be left to the imagination.

The interaction between the *'ulamā'* and Bhutto took place in this perspective. It went through three stages - first conflict; then compromise; and, finally, open confrontation between the two sides. The issues which emerged during Bhutto's rule lasting five and a half years, included the vexed questions of the Islamic Constitution and the status of *Aḥmadīs* in Pakistan. There was also the issue relating to the recognition of Bangladesh.

In this chapter we shall discuss these issues against the backdrop of Bhutto's method of approach to the *'ulamā'*. We shall conclude the chapter with an account of the 1977 election and its aftermath which brought the brief spell of 'democratic' rule to an abrupt end.

7.1 JUIP's Privileged Position

In the National Assembly, the three religious-political parties (i.e. JIP, JUIP and JUP) had, between them only 18 seats. But, in one respect, it was significant that this tiny group of *'ulamā'* had a stronger voice in the Assembly than ever before.

In the two smaller provinces of NWFP and Baluchistan, PPP enjoyed very little support both inside and outside the National Assembly as well as the respective Provincial Assemblies. JUIP enjoyed a privileged position in both Provincial Assemblies because of the way seats had been distributed between different political parties. Table 7.1 shows the position of the various parties in the Provincial Assemblies of NWFP and Baluchistan (as at 1970). In the NWFP Assembly, NAP and PML (Qayyūm group) were in a position to form a government with the support of minor parties (especially JUIP) and independent members. In the Baluchistan Assembly, JUIP enjoyed an even more privileged position. Aware of JUIP's strategic position in the Assembly, Muftī Maḥmūd (JUIP's General Secretary) offered a formula for coalition with *either of the parties* [i.e. NAP and PML (Qayyūm group)] which would accept it. It contained two points.¹⁷

- 1) The coalescing party would support JUIP in its stand on the process of constitution-framing; and
- 2) the provincial governments would abide by the injunctions of the *Sharīāh*, to the extent permitted by the limitations under which they functioned.

Both parties accepted the formula. PML (Qayyūm group) was closer to JUIP in respect of the Islamic ideology of Pakistan. But JUIP chose to support NAP, perhaps for the following reasons:

- 1) Coalition with PML (Qayyūm group) would guarantee sharing power only in NWFP, as there was no possibility of PML (Qayyūm group) forming a government in Baluchistan; and

Table 7.1

The Position of Different Political Parties in the Provincial Assemblies of NWFP and Baluchistan, Elected in 1970

| Parties | NWFP Assembly Total number of seats=40 | Baluchistan Assembly Total Number of seats=20 |
|-----------------------------|---|--|
| NAP | 13 | 8 |
| PML (Qayyūm group) | 10 | 2 |
| JUIP | 4 | 3 |
| PPP | 3 | - |
| PML (Convention) | 2 | - |
| JIP | 1 | - |
| PML (Councillors) | 1 | - |
| Independents | 6 | 6 |
| Baluchistan United Front | - | 1 |

[Source: Election Commission, Report on General Elections, Pakistan 1970-71 (Karachi: Manager of Publications, 1972), Vol. II, pp.316-355]

- 2) the NAP leadership was considered to be politically more reliable than the PML (Qayyūm group) leadership because of its long history of consistent political struggle.

7.2 NAP and JUIP versus Bhutto

NAP and PPP were closer to each other than either of them was to any other party in the National Assembly. Both parties had employed socialist rhetoric in their manifestos and election campaign, and co-operated with each other on seat adjustment in certain constituencies against their adversaries. NAP did not perform well in its stronghold (i.e. NWFP) where it was able to secure only three out of a total of 18 National Assembly seats for the NWFP. Khān Ābdul Walī Khān, the NAP leader, made the following observation soon after the announcement of the election results:

The election results have made it clear that the people's inclination is towards the right in NWFP. The parties of the left should make an alliance in order to change the prevailing mood. I will welcome such an alliance of progressive forces.¹⁸

Bhutto lifted the ban on NAP that had been imposed by Muḥammad Yaḥyà Khān. His intention in doing so was to start 'with a clean slate'.¹⁹ But Bhutto took this step not just out of a desire to make a clean start. It was also a step to seek the support of a socialist ally in Pakistani politics.

Bhutto wasted no time in appointing his cabinet (24 December 1971) and selecting Governors of the four provinces. Ḥayāt Muḥammad Khān Sherpāo and Ghawṣ Bakhsh Ra'īsānī were

respectively nominated as Governors of NWFP and Baluchistan. Sherpāo had been elected to the Provincial Assembly of NWFP, against Khān ‘Abdul Qayyūm Khan on a PPP ticket,²⁰ but his victory was largely due to NAP's support. The first concerted action of the Provincial Assemblies was expected to be the election of women members. Two seats were reserved for women in the NWFP assembly and one in the Baluchistan Assembly. NAP and JUIP were in a position to get their women candidates elected. The Governors of the provinces not only campaigned for the women candidates nominated by PPP, but also tried to persuade NAP and JUIP members of the Assemblies to violate party discipline and vote for the candidates of the Governor's choice. Although PPP was unable to secure any of the women's seats, the incident left an unpleasant impression on the minds of NAP and JUIP leaders, erasing some of the earlier gestures of goodwill.

NAP and JUIP jointly asserted that they should be consulted on the appointment of the Governors of NWFP and Baluchistan. Bhutto did not like to give way to such demands. NAP and JUIP, however, had a powerful card up their sleeves. They made a vehement demand for the withdrawal of Martial Law and for the restoration of democracy. Bhutto, who himself had been a veteran opponent of Martial Law for some time, was vulnerable to such vociferous demands. Bhutto struck an accord with NAP and JUIP (6 March 1972),²¹ lest other parties of the Opposition should decoy these parties away from him. According to a tripartite accord between NAP, JUIP and PPP

- 1) an Interim Constitution, based on the Government of India Act, 1935, would be framed.

- 2) Martial Law would continue to be in force until 14 August 1972.

- 3) The Governors of NWFP and Baluchistan would be nominated in consultation with NAP and JUIP.

- 4) NAP and JUIP would be entitled to form governments in the provinces of NWFP and Baluchistan.

7.3 The Interim Constitution

The Interim Constitution, consisting of 290 clauses and seven schedules, was approved by the National Assembly (21 April 1972). It combined a presidential system of government at the centre and a parliamentary system at the provincial level. Bhutto was accepted as President of Pakistan and as the President of the National Assembly. He was given the same absolute powers as he had been enjoying as CMLA since assuming power. All this was done, in Bhutto's words,

to keep the driver's seat firmly in my hand and it was easier in that way.²²

The 'ulamā' and their parties criticised the Interim Constitution as being devoid of Islamic spirit. The Opposition was faced with a dilemma. The withdrawal of Martial Law was entailed in the approval of the Interim Constitution. It was therefore imperative that a highly centralised Constitution should be passed, for otherwise, Martial Law would continue to prevail. But it was equally difficult to support the Interim Constitution in view of the fact that it ran contrary to the cherished ideal of an Islamic

Constitution which the 'ulamā' had entertained from the inception of Pakistan. 'Ulamā' such as Muftī Maḥmūd and Shāh Aḥmad Nūrānī, who were the parliamentary leaders of their parties in the National Assembly, condemned the Interim Constitution as un-Islamic. The religious-political parties with like-minded MNAs abstained from voting on the Interim Constitution. But, in the event, however, it had a smooth passage through the National Assembly.

7.4 NAP-JUIP Coalition Governments in NWFP and Baluchistan (29 April 1972 - 14 February 1973)

Under the provisions of the tripartite accord (between NAP, JUIP and PPP), Pakistan was to be under Martial Law until 14 August 1972. PPP was insistent that NAP and JUIP should honour the accord and not join forces with other opposition parties, which demanded an immediate end to Martial Law. Conflict of interpretation between the signatories of the accord in respect of the article specifically relating to this point led to a rapid deterioration of the relations between the leaders of the three parties. Khān 'Abdul Walī Khān's statement that Governors appointed after the conclusion of the accord would review all the decisions taken by their predecessors exacerbated tensions even further.

Although Bhutto did withdraw Martial Law before the date stipulated in the accord (14 April 1972), he sought to contain the influence of NAP and JUIP by striking an alliance with PML (Qayyūm group). This alliance was ideologically quite untenable, but practically useful to PPP. Despite his ideological affinity to NAP, Bhutto favoured a strong centre, unlike the latter (and JUIP) which advocated provincial autonomy within a loose framework of

Centre-Province relationship. On this particular issue, PML (Qayyūm group) and PPP shared the same approach. Khān Ābdul Qayyūm Khān was taken into the cabinet as Minister for Home and Kashmir Affairs (18 April 1972).

The deadlock that ensued over the formation of provincial governments in NWFP and Baluchistan ended with fresh tripartite negotiations between PPP, NAP and JUIP (22 April 1972). A week later, Arbāb Sikandar Khān Khalīl and Ghawṣ Bukhsh Bazinjo were nominated Governors of NWFP and Baluchistan respectively (29 April 1972). The stage was thus set for NAP-JUIP coalition governments in both provinces. Ātāullāh Khān Mengal in Baluchistan and Muftī Maḥmūd in NWFP formed the provincial governments.

The NAP-JUIP coalition governments lasted until 14 February 1973. The Government of Baluchistan was dismissed by the central government on the grounds that it had failed to work according to the conditions set out by the latter at the time of its installation.²⁴ The dismissal of a provincial government which commanded the solid support of the majority in the Provincial Assembly was seen by many as an undemocratic act on the part of the central government and blatant interference in provincial affairs, reminiscent of similar dismissals during the '50s. The NWFP Government under Muftī Maḥmūd resigned in protest against the arbitrary dismissal of the Baluchistan Government.²⁵

7.4.1 Muftī Maḥmūd and the Application of Shari'ah

In its election manifesto, JUIP gave a pledge that it would rule according to *Shari'ah*. Muftī Maḥmūd did take some

practical steps in this direction. A ban on liquor consumption and gambling was imposed. An ordinance was issued under which reverence for the month of *Ramāzān* was enjoined on commercial establishments. Hotels and restaurants were ordered to close during the daytime throughout the month of *Ramāzān*. The NWFP Assembly recommended to the National Assembly that Friday should be made the weekly holiday instead of Sunday. An ordinance was issued with the aim of curbing social problems caused by the highly entrenched dowry system.²⁶ It placed restrictions on the expenditure incurred in the marriage ceremony, and totally prohibited the display of the dowry. The spirit of this ordinance moved the central government to enact a comprehensive Dowry and Bridal Gifts (Restriction) Act, 1976.

In order to spread public awareness of Islamic teachings, the Muftī administration introduced a prerequisite for Muslims wishing to enrol in a degree college or university. They should demonstrate competence in the reading of the *Qurān* and their knowledge of the meanings of the *ṣalāt*²⁷ in their mother tongue.

In the economic sphere, the NWFP Government issued an ordinance relating to acquisition of property or means of production in the public interest. In their election manifestos, NAP and JUIP had suggested radical changes in the economy. JUIP reacted sharply to the ordinance when it was made public (September 1972). The *majlis-i-shūrā* of the party organisation in NWFP resolved that the ordinance should be withdrawn for the reason that Islam gave the State no right to take over any property without compensation. The ordinance had to be withdrawn.²⁸

The steps taken by the NAP-JUIP coalition government in NWFP were not sufficiently radical to bring about visible changes in society. Even so, the ban on the consumption of liquor was a fairly important step, and it came in useful as an item of political rhetoric. It was often said that by passing the anti-liquor ordinance, Muftī Maḥmūd had effectively prevented Bhutto's entry into NWFP! The Muftī Maḥmūd government's attempt to restrict dowry represented another important step but it was clear that it was an unenforceable ordinance. When the issue of the acquisition of means of production actually came to the surface, JUIP's attitude was no different from that of the other religious parties. Nothing 'radical' happened.

Another significant change in government offices was the use of traditional dress and of the Urdu language. As nationalists, Khan 'Abdul Walī Khān and Arbāb Sikandar Khān Khalīl (the Governor of NWFP), always wore traditional dress. So did Muftī Maḥmūd and his fellow 'ulamā'. The latter did not understand the English language. The fact that political power was in the hands of such leaders compelled the bureaucracy to shift emphasis from English to Urdu in the NWFP and Baluchistan.

7.5 The United Democratic Front (UDF)

The poor showing of the so-called *Islām pasand* (Islam loving) parties in the 1970 election caused turmoil within the rank and file of these parties. There was a strong feeling that the two main reasons for their defeat were factionalism and the lack of dynamism among the leaders of the parties. In the aftermath of the election, the different factions of PML made attempts to merge into

a single political form. In October 1972, a merger took place between the Sind branches of PML (Qayyūm group) and PML (Councillors). PML (Convention) united with PML (Councillors) on the All-Pakistan level. A new PML emerged under the leadership of Pīr Mardān Shāh (who was popularly known as Pīr Pagāra), the hereditary chief of Ḥurs of Sind. Under his father's leadership Ḥurs had fought against the British during the early '40s.²⁹ The present Pīr Pagāra is a big landowner in Sind and enjoys a position of importance in Sind politics.

Leadership changed hands in JIP also. Mawlānā Mawdūdī retired from the active leadership of the party on account of failing health (31 October 1972). Miyān Tufayl Muḥammad 'an obviously well-meaning lawyer but without any pretensions whatsoever to Islamic scholarship',³⁰ was his successor.

The JUP leadership also underwent a change. Pīr Qamar-ud-dīn Siyālwī, its aged *amīr*, resigned from the leadership. Shāh Aḥmad Nūrānī, the parliamentary leader of the party in the National Assembly, was nominated as acting *amīr* before being confirmed in the same post (Khanewal: 26-27 May 1973). With the resignation of Pīr Qamar-ud-dīn Siyālwī, a faction of JUP (under Ṣāhibzādah Fayz-ul-Hasan's leadership) defected from the main body. This resulted in the division of the JUP parliamentary party as well. The Ṣāhibzādah Fayz-ul-Hasan faction gave its support to PPP.

Similar divisions within JUIP also began to take shape. Mawlānā Ghulām Ghawg Hazārwi was inclined to forge closer links with PPP than with NAP.

Opposition parties in the National Assembly spoke with many voices. But events - such as the killing of Nazīr Aḥmad (June 1972), an outspoken MNA belonging to JIP, and Khawājah Muḥammad Rafīq (20 December 1972), another prominent figure in the Punjab politics; the arrest and alleged torture of Miyān Tufayl Muḥammad (19 February 1973), the new *amīr* of JIP; and, the regime's banning of JIP's daily newspaper (Jasārat), as well as its attack against the main body of the party itself - enabled the different Opposition tendencies to come together, thus rendering it very difficult for Bhutto to assert his control over the National Assembly as a whole.

JIP realised that in order to survive politically, it would have to forge links with other parties in opposition to PPP. It stepped up its activity in the direction of uniting different opposition parties both inside and outside the National Assembly. Bhutto's iron hand treatment of PPP's erstwhile allies, and the relentless campaign of insinuation to which they were subjected, resulted in NAP and JUIP drawing closer to JIP.

A meeting (Islamabad: 12 March 1973) between representatives of seven parties [*viz.*, PML (Pagārā group), NAP, JUIP, PDP, JIP, *Khāksār Taḥrīk* (KT),³¹ All Jammu and Kashmir Muslim Conference (AJKMC)³²] and a few independent MNAs, resulted in the formation of the United Democratic Front (UDF). Pīr Mardān Shāh of PML was elected as President of the alliance, and Professor ʿAbdul Ghafūr Aḥmad of JIP as Secretary-General. UDF issued a 12-point declaration covering a wide range of matters. It emphasised the need for a joint struggle for a truly Islamic democratic and parliamentary Constitution; the protection of basic rights and

regional autonomy within the context of national integrity; the restoration of the rights of students, workers and intellectuals; and, resistance to fascism.³³

The formation of UDF represented an important development in post-1971 Pakistan. But, in its vagueness, UDF's Inaugural Declaration was no different from similar documents produced in the past (e.g., the declaration of UF in 1954, and of COP in 1965). Its chief aim seemed to appeal to different shades of opinion. The different parties constituting UDF did not see eye to eye on basic socio-economic issues. The role of Islam was thus not something on which NAP and JIP were in agreement.

UDF gathered under its umbrella the parties at the extremes of the political spectrum, NAP and JIP. At the same time, JUIP and JIP established links of mutual co-operation. Mawlānā Ghulām Ghawṣ Hazārī, who was not totally identified with the JUIP leadership on the issue of coalition with NAP, was further alienated by the formation of UDF. He was not happy with the JUIP leadership which accepted JIP as an ally. Muftī Maḥmūd tried to clarify his position in the following words:

We have a political alliance with *Jamāʿat-i-Islāmī*, but it does not affect our beliefs. We have the same opinion about Mawḏūdī and his view as we had ever before. There is no change in our opinion ... Co-operation is limited to the extent of achieving the common objectives. We belong to the *Deobandī ūlamā*.³⁴

But such clarifications did not satisfy Mawlānā Ghulām Ghawṣ Hazārī who gradually drifted away from the main body of the party. In the end, he formed a party parallel to JUIP, known by his name.

7.6 Recognition of Bangladesh

Amidst other issues, the nature of the relations that should prevail between Pakistan and Bangladesh was the subject of heated controversy. From the very day he came to power, Bhutto was in no doubt that Bangladesh was a sovereign state like Pakistan; but he did not like to concede this political reality for some time for the following reasons:

- 1) His most important task was one of consolidating his power and instilling a sense of confidence in the people.
- 2) A considerable section of the intelligentsia and parties opposed to Bhutto had accused him of playing a dubious role in the East Pakistan crisis (1971), because they believed that he stood no chance of getting into power without the secession of East Pakistan.³⁵
- 3) The solution of problems created by the 1971 war between India and Pakistan was contingent upon the recognition of Bangladesh. The pressing problems related to this included the withdrawal of Indian forces from occupied territories in Pakistan, the repatriation of 91,498 prisoners of war (POWs),³⁶ the guarantee of peace with India in the future, and, of course, conciliation between Bangladesh and Pakistan on the issues relating to assets and liabilities.

The only two non-*Āwāmī* Leaguers, elected from East Pakistan to the National Assembly (1970), were included in the government. The aim was to derive political benefit from their peculiar position. One of them (*Nūr-ul-Amīn*) was appointed Vice-President of Pakistan and the other (*Rājā Trideve Roy*) was given a place (Ministry of Minorities Affairs) in the central cabinet.

Bhutto released Shaykh Mujībur Raḥmān (8 January 1972), who had been in Pakistan's custody since his arrest during the crisis engulfing East Pakistan. Bhutto's decision had the backing of the hands that were raised at a public meeting which he addressed in Karachi. He justified the release of Shaykh Mujībur Raḥmān on the rather specious grounds that 'whatever Karachi thinks, the entire nation thinks'.³⁷

Bhutto expected to have a meeting with Shaykh Mujībur Raḥmān after the latter established himself in Bangladesh.³⁸ Bhutto was anxious to enter into a dialogue with Shaykh Mujībur Raḥmān, by-passing India. He made a gesture to this effect in the form of an offer of 122,000 tons of rice to meet the food shortage in Bangladesh (29 February 1972). Bhutto also invoked the Islamic bond that united Pakistan and Bangladesh.

Mujībur Raḥmān is our brother. We are Muslims.
We have lived in the same continent.³⁹

Again

They [the People of East Pakistan] are the majority of our land and I am fully convinced that they want to remain with us. I appeal to them not to forget us but to forgive us.

Muslim Bengal will always be a part of Pakistan. Muslim Bengal suffered more than any other [part of the sub- continent] under Hindu domination. Muslim Bengal's character will always remain [Muslim] and we will see to it that Muslim Bengal remains a part of Pakistan.

To rectify and make amends for our mistakes, I seek an opportunity to meet the leaders of Bengal ... We may arrive at a settlement [as] between two brothers who have always lived together and under certain conditions will continue to live together for all times. It can be a very loose arrangement but it must be within the concept of Pakistan.⁴⁰

Bangladesh was a political reality and countries all over the world had begun to recognise it. Pakistan's initial response was to break off diplomatic relations with those countries which extended recognition to the new state of Bangladesh. But this policy soon proved abortive. When the Soviet Union extended its official recognition to Bangladesh, Bhutto plainly said that he could not break off diplomatic ties with Moscow, and diplomatic relations were resumed with all other countries that had already recognised Bangladesh.

The Interim Constitution upheld the unity of East and West Pakistan.⁴¹ The pressing problems created by the war could not be left unattended for long. After preliminary negotiations at the ministerial level, Bhutto left for Simla (June 1972) for talks with the Indian Prime Minister. He would have liked to take advantage of the occasion to announce Pakistan's formal recognition of the sovereign state of Bangladesh. Bhutto tried to use the same instant populist plebiscitary card which he had effectively played at the time of Shaykh Mujibur Raḥmān's release. He asked the gathering, present at the Lahore airport to give him a send-off, whether the state of Bangladesh should be formally recognised. The

Punjabi crowd's response could not have been more different to that of the crowd at Karachi in 1971. The Punjab had been severely affected by the war. The Punjabi soldiery had borne the brunt of the war and Punjabis had suffered loss of property. A loud 'no' from the crowd gathered at the airport compelled Bhutto to promise that he would not ever talk about the question of recognition of Bangladesh when he was on Indian soil.

Pakistan and India signed the Simla Agreement (2 July 1972) which contained no reference to the recognition of Bangladesh. But the Indian press was full of speculation based on the impression given by Bhutto that Pakistan would recognise Bangladesh before August (1972).⁴² On his return from Simla, Bhutto persistently denied that he was contemplating the recognition of Bangladesh,⁴³ even though the subject was given great importance in the speeches of the ministers and PPP leaders. In the course of the debate in the National Assembly on the Simla Agreement, this question was raised in the House, though nothing concrete was said about it. The religious-political parties (i.e. JIP, JUP and JUIP) and other like-minded parties made known their opposition to the recognition of Bangladesh.

In the meantime, Bangladesh applied for membership of the United Nations. It would prove embarrassing to Pakistan if Bangladesh were to succeed in gaining admission into the United Nations before Pakistan's formal recognition of the new state. The resolution calling for UN membership for Bangladesh was vetoed by the People's Republic of China (25 August 1972), a close ally of Pakistan.

JIP and JUP were most vocal in opposing the recognition. Bhutto met Mawlānā Mawdūdī (Lahore: 5 September 1972) to whom he complained that JIP's stand on the recognition of Bangladesh was very rigid.⁴⁴ He could not convert Mawlānā Mawdūdī to his view, and the anti-recognition campaign was intensified.

JIP and other right-wing parties had co-operated with the military during the crisis of 1971, welcomed the ban on APAL, participated in by-elections, and gave support to the military through volunteer organisations [*viz.*, *al-Badr* and *al-Shams*], recruited mostly from the student wing of JIP. JIP and other supporters of the military establishment believed that the recognition of Bangladesh would be the ultimate blow to their prestige. Their voice in the National Assembly being muted by their low numbers, these parties resorted to the streets with their student wings organising voluble protest rallies in the big cities.

Bhutto and his supporters advocated the recognition of Bangladesh on the following grounds:

- 1) The solution of immediate problems (e.g., the repatriation of POWs, the settlement of foreign debts, and the resumption of trade with Bangladesh) was contingent upon it.
- 2) The pro-Pakistan element in Bangladesh would feel confident and hopeful if diplomatic ties were restored between the two countries.

- 3) Any prospect of Bangladesh becoming reunited with Pakistan would be jeopardised as long as the former was under India's influence. Any delay on Pakistan's part in the restoration of normal diplomatic ties with Bangladesh would provide India with an opportunity to increase its influence on the latter.
- 4) Bangladesh was a *fait accompli*. It had already been recognised by a number of countries, including the super-powers.
- 5) Pakistan lacked the military might that would be needed to force Bangladesh to become reunited with it.

The anti-recognition lobby's arguments were best presented by Mawlānā Mawdūdī in his speeches, statements and interviews with the press. They were:⁴⁵

- 1) Pakistan's recognition of Bangladesh would legitimise India's aggression against Pakistan.
- 2) Other states (such as Israel, East Germany and Taiwan), which were no less real than Bangladesh, were not recognised by the states from which they had seceded.
- 3) The recognition of Bangladesh would result in Pakistan engaging in political relations with its

pro-India secular rulers and not with their 'East Pakistani brothers'.

- 4) India's 25-year agreement of friendship with Bangladesh had minimised the prospects of trade between Pakistan and Bangladesh. Raw material needed by India would never find its way to Pakistan; and the products which India could provide, would never be imported from Pakistan.
- 5) Recognition would discourage the pro-Pakistan elements in Bangladesh, aspiring for its reunion with Pakistan.

The protest rallies in the Punjab and the anti-recognition campaign based on emotional appeals prevented Bhutto making any progress in the matter of Pakistan's formal recognition of the state of Bangladesh. The anti-recognition mood was so strong that Bhutto was compelled to shout, along with the audience, the slogan of '*Bangladesh - Nā-manṡūr*' ('Bangladesh: No recognition') at public meetings.⁴⁶ On the one hand, he failed to take the people with him over the recognition issue, and, on the other, pressure from the families of POWs in favour of a rapid settlement of outstanding issues was mounting. The delay in the repatriation of POWs was blamed on Bhutto's vacillation. Caught in a tangle of opposing political forces, Bhutto pursued a policy which appeared to be contradictory - appearing in totally different guises within and outside Pakistan. At home he took the line that recognition would facilitate the release of POWs. Abroad, he made

vigorous diplomatic efforts to divorce the question of POWs from the recognition issue.

Under the Simla Agreement, the withdrawal of troops was completed (20 December 1972). A week later, Pakistan unilaterally announced the release of all the 700 Indian POWs held in Pakistan. India responded to this gesture by releasing Pakistani POWs captured on the western sector. As regards POWs captured in erstwhile East Pakistan, the Indian authorities held that as they had surrendered to a joint command of the Indian forces and *Mukti Bahini*, their release could not be effected without Bangladesh's prior consent.

Meanwhile, the permanent Constitution of Pakistan was on the anvil. Bangladesh's recognition was one of the issues that had to be settled in the process of writing Pakistan's new Constitution. Article 1(3) of the 1973 Constitution provided that appropriate amendments would be made in order to

enable the people of the Province of East Pakistan, as and when foreign aggression in that Province and its effects are eliminated, to be represented in the affairs of the Federation.⁴⁷

On the question of POWs, humanitarian factors were involved and pressure was brought to bear on India from different parts of the world. India's attitude to POWs was modified during the talks that were held between the Foreign Ministers of India and Bangladesh. A joint declaration issued by the two sides (17 April 1973), included a provision under which Pakistani POWs might be released (with the exception of those required by Bangladesh for trial on criminal charges) simultaneously with the release of

Bengalis stranded in Pakistan. Although this new development held out some hope for the release of thousands of POWs, Pakistan did not like the idea of any of its POWs facing trial in Bangladesh. Accordingly, it warned Bangladesh that the 'point of no return'⁴⁸ would be reached if any of the POWs were tried, and that a number of Bengalis, detained in Pakistan, would be tried on charges of high treason. Pakistan also filed a petition with the International Court of Justice (11 May 1973) requesting it to issue an order forbidding India from handing over to Bangladesh 195 Pakistani POWs required for trial on alleged charges of war crimes.

Abandoning his campaign of convincing the mass of the Pakistani people, Bhutto came out with a proposal that the National Assembly should pass a resolution empowering the Prime Minister (with the promulgation of the 1973 Constitution, Bhutto had assumed the office of Prime Minister) to recognise Bangladesh formally, when recognition was, in the government's judgment, in the best interests of the nation.

The anti-recognition lobby objected on the grounds that the National Assembly had no right to discard a part of the country.⁴⁹ In order to counter the likely opposition of the '*ulamā*' and their parties, Bhutto referred the matter to the Supreme Court of Pakistan. The Court was of the opinion that there was no 'legal bar to the National Assembly considering or adopting a resolution'⁵⁰ as required by circumstances. This came as a setback to the anti-recognition lobby and took the wind out of its sails. Speaking against the opinion of the Supreme Court of Pakistan was liable to be treated as contempt of court. JIP, as the strongest

voice of the anti-recognition lobby, was a well-known upholder of the sanctity of the courts, because it owed its political resuscitation to a judicial decision passed against the order of the government banning it (1964).

The National Assembly passed a resolution (10 July 1973) recognising Bangladesh. JIP, JUP, JUIP and like-minded parties and individuals boycotted the proceedings of the National Assembly. NAP, once fully in line with PPP on the issue of recognition, had changed its position on this occasion and stood by JIP and others. The change in NAP's stand was due to its animosity towards PPP following the dissolution of the Provincial Governments of NWFP and Baluchistan. Furthermore, NAP felt itself bound to obey the overall policy of UDF, of which it was a part.

Bhutto's tactics had a crippling effect on the anti-recognition lobby in Pakistan. They also resulted in the decisions of India and Bangladesh to suspend the trial of 195 Pakistani POWs. His pro-Islam diplomacy prevented most of the Middle Eastern countries (including Saudi Arabia, Jordan, Kuwait, Syria, Iraq and the Arab Emirates) from recognising *Bangladesh*. Bangladesh failed to get enthusiastic support from the Muslim world as a whole. At the Islamic Summit Conference (Lahore: 22-24 February 1974), in which Shaykh Mujībūr Raḥmān took part, the way was cleared for the recognition of Bangladesh, and for the subsequent repatriation of POWs. Article 1(3) of the 1973 Constitution was duly deleted by an amendment (23 April 1974).

7.7 The 1973 Constitution

Alongside the controversy over the question of the recognition of Bangladesh, the debate on the Constitution was revived. Soon after the promulgation of the Interim Constitution (21 April 1972), a committee of the National Assembly consisting of the parliamentary leaders of all political parties, was constituted with a mandate to submit a draft Constitution before 1 August 1972.

The task of framing a Constitution true to the principles of Islam, socialism and democracy must have come as a formidable political challenge to PPP. There seemed to be a consensus among all political parties that Pakistan should establish a parliamentary form of government. Indeed, this was one of the two demands which they were able to extract at the Round Table Conference with Muhammad Ayūb Khān (March 1969).⁵¹ PPP had not participated in these discussions, but it was committed to 'parliamentary government' under a 'progressive constitution',⁵² despite Bhutto's personal preference for a presidential form of government.⁵³

Disagreement within the leadership of PPP over the question of the form of government emerged when Maḥmūd Ālī Qasūrī, the Minister of Law and Parliamentary Affairs, openly declared that Pakistan's new Constitution would revolve round a popularly elected President who would be responsible to the lower house of a bi-cameral legislature.⁵⁴ This flew in the face of PPP's Election Manifesto. Bhutto himself drew attention (15 September 1972) to the need for a powerful head of state.

We cannot have the model of the British Parliament. In any case, the British Parliamentary model is deteriorating with the passage of time ... It should be Parliamentary system appropriate to our conditions, a system with which we can live, with which we can go ahead successfully.⁵⁵

The disagreements within PPP slowed down progress in the preparation of the draft Constitution. At the same time, there were also differences between members of the committee belonging to other parties and those belonging to PPP. In the meantime, Mahmūd 'Alī Qasūrī, in spite of his earlier statement in favour of a presidential form of government, resigned (August 1972) after accusing Bhutto of seeking dictatorial powers under the pretext of favouring a democratic form of government. The resignation of Mahmūd 'Alī Qasūrī precipitated a minor crisis. Bhutto hurriedly reached an agreement with the parliamentary leaders of the parties in the National Assembly (20 October 1972) favouring the establishment of a parliamentary form of government.

A draft Constitution was prepared by the committee to which nearly all the opposition parties, including the religious ones (i.e. JIP, JUP and JUIP) appended notes of dissent. It was submitted to the National Assembly (31 December 1972); and its reading was scheduled from 17 February 1973 onwards.

The *majlis-i-shūrā* of JIP put forward proposals for incorporation in the Constitution. These were in line with the changes argued for in the notes of dissent to the draft Constitution produced by JIP, JUP and JUIP. The proposals put forward by JIP were as follows:

- 1) The *Qurān* and the *Sunnah* will be the first and foremost source of the country's law. Any law, repugnant to the *Qurān* and the *Sunnah* will be considered null and void; and all others will be changed in conformity with the *Qurān* and the *Sunnah*.
- 2) The consumption of intoxicants, gambling, prostitution and *ribā* etc. will be prohibited; and it will be the responsibility of the State to enable Muslim citizens to live individually and socially in accordance with the tenets of Islam.
- 3) All the provinces and [tribal] areas including East Pakistan shall be declared integral parts of Pakistan ...
- 4) ... Basic human rights shall be guaranteed without exception. In Islamic teachings no one has the right to deprive a person of his basic rights without lodging a specific charge and giving the accused a chance to defend himself in a court of law.
- 5) The State shall be responsible for providing the basic necessities (i.e. food, clothing, lodging, medical facilities and education) for all its citizens.
- 6) ... the judicial system ... shall be separated from the executive and it shall be completely independent.
- 7) The federal parliamentary form of government shall be effective in the Centre as well as in the provinces.
- 8) Wealth and property acquired through illegal and impermissible ways shall be confiscated. The income and expenditure [of the people] shall be regularised according to the *Shari'ah*; and arrangements shall be made for the equitable distribution of wealth.
- 9) A system of separate electorate shall be introduced in which every non-Muslim minority shall be given representation [in Assemblies] in proportion to its strength in the population or through a system of proportional representation ...
- 10) Muḥammad Yaḥyà Khān ... and his close associates shall be tried on charges of illegal usurpation of power and of creating the East Pakistan debacle; and those found guilty shall be punished under the law.
- 11) Civil servants will enjoy security of service.

- 12) The party in power shall not use government machinery and resources for its own publicity.
- 13) Upon the dissolution of the National Assembly, a national government consisting of parties represented in the National Assembly shall be formed for the purpose of conducting a general election.
- 14) No Assembly (National/Provincial) shall be dissolved during the period when a resolution of no confidence against either the President, Prime Minister or Chief Minister is under consideration.
- 15) A general election shall be held at the time of the promulgation of the Constitution.⁵⁶

PPP rejected all proposals directed at curtailing the executive powers of the state. The *ūlamā'* and their parties, within UDF or outside, did not enjoy sufficient strength in the National Assembly to exert pressure on PPP. Opposition parties protested against the government's coercive policy by boycotting the session of the National Assembly at which the draft Constitution was to be debated.

PPP was in a position to get the Constitution passed by brute majority. Ironically, however, the circumstances surrounding the adoption of the 1973 Constitution differed little, at this stage, from those under which the 1962 Constitution was passed. On both occasions, the views of the Opposition were left out of account. A Constitution passed with the entire Opposition boycotting the Assembly did not represent a happy augury even to the 'all powerful' Bhutto. He, therefore, attempted a last minute 'damage limitation' exercise by meeting the leaders of the opposition parties (4 April 1973). This effort on his part did not bear fruit.

In an effort to break the deadlock in the National Assembly, Mawlānā Zafar Aḥmad Anṣārī offered his services as a mediator between the opposition parties and Bhutto.⁵⁷ The Opposition (and especially the religious parties) was able to extract a few concessions as a prelude to joining the proceedings of the National Assembly (10 April 1973).

The Islamic provisions of the Constitutions of 1956 and 1962 were written into the 1973 Constitution. The Objectiv s Resolution became its preamble as usual. An Islamic Council, similar to the Advisory Council of Islamic Ideology (ACII) under the 1962 Constitution was envisaged in this Constitution. Its principles of policy were more or less identical with those enshrined in the 1956 and 1962 documents.

Under Article I, the country was declared to be the Islamic Republic of Pakistan. Under Article 41(2), only a Muslim could be the President of Pakistan. Article 91(2) provided that

[a]fter the election of the Speaker and the Deputy Speaker, the National Assembly shall, to the exclusion of any other business, proceed to elect without debate one of its Muslim members to be the Prime Minister.⁵⁸

At the insistence of the 'ulamā', the details of the faith of a Muslim were spelled out in the text of the oaths of the President and the Prime Minister. The relevant text of the oath, runs as follows:

I am a Muslim and believe in the Unity and Oneness of Almighty Allah, the Books of Allah, the Holy Quran being the last of them, the Prophethood of Muhammad (Peace be upon him) as the last of the Prophets and that there can be no Prophet after him, the Day of Judgment and

all the requirements and teachings of the Holy *Quran* and *Sunnah*.⁵⁹

The details concerning a Muslim's belief were meant to prevent an *Ahmadi* becoming President or Prime Minister. It represented an eloquent refutation of the oft-quoted statement of Justice Muhammad Munir to the effect that no two '*ulamā*' were in agreement on the definition of a Muslim.⁶⁰ The definition of a Muslim's belief was given in the National Assembly by Mawlānā *Abdul Haq* of Akora Khattak (17 April 1973),⁶¹ a *Deobandi* *ʿālim*. He was duly supported by the *Barelwi* '*ulamā*' of JUP. Outside the National Assembly, *Ahl-i-Hadīs* gave its approval.⁶²

Article 227 of the Constitution (cf. Article 198 of the 1962 Constitution) laid down that

[a]ll existing laws shall be brought in conformity with the injunctions of Islam as laid down in the Holy *Quran* and *Sunnah* ... and no law shall be enacted which is repugnant to injunctions of Islam.⁶³

Under Article 31(2), the State declared its intention to make the teaching of the Holy *Qurān* and Islamic studies compulsory for Muslim pupils at school level, and to encourage and facilitate the learning of Arabic (the language of the *Qurān* and of Muslims' daily obligatory prayers). Correct and exact printing and publishing of the *Qurān* would be ensured. Although this latter undertaking entailed no more than the elimination of mistakes in proof-reading, it was subsequently publicised as one of the great services of PPP to Islam.

Under the 1973 Constitution Islam was made 'The State religion of Pakistan'.⁶⁴ None of the previous Constitutions or

draft documents included such a provision.

Despite the emphasis laid by PPP on 'Islamic Socialism' during its election campaign in 1970, the term itself did not find a place in the Constitution as it was adopted by the National Assembly. It was dropped in order to appease the religious sentiments of JIP, JUP and other like-minded organisations. The left wing of PPP was satisfied with the following assurance contained in the Constitution.

The State shall ensure the elimination of all forms of exploitation and the gradual fulfilment of the fundamental principle, from each according to his ability, to each according to his work.⁶⁵

The 1973 Constitution, as a whole, represented an adaptation of the 1956 Constitution with the exception of a few provisions. So far as its Islamic provisions were concerned, all the 'promises' of the 1956 and 1962 Constitutions were incorporated in the new Constitution. The most notable characteristic of the 1973 Constitution, however, was its approval by a consensus of the National Assembly.⁶⁶

The 1973 Constitution provided for a parliamentary system in which the Prime Minister was to be in complete control of the Executive. Article 48 of the 1973 Constitution stipulated that the President would be bound by the advice of the Prime Minister, and every ordinance promulgated by the President must be countersigned by the Prime Minister, otherwise presidential ordinances would have no legal sanction.

Apart from making the Prime Minister 'all-powerful', special care had been taken to keep the procedure for amending the Constitution simple. Constitutional amendments would require a two-thirds majority of the total membership of the National Assembly, and a simple majority of the members of the Senate.

7.8 The Question of the Status of the *Ahmadīs*

The *Ahmadīs* had a feeling, albeit highly inflated, that PPP owed its victory in the 1970 election mainly to their support.⁶⁷ They were more confident than they had ever been before, but their close relationship with the ruling party was resented even by those *ūlamā'* who had not been actively engaged in politics.⁶⁸ The *Ahmadīs* received their first blow from the Assembly of Āzād Jammu and Kashmir, which resolved that they should be declared a non-Muslim community, and that a ban should be imposed on the preaching of 'Ahmadism' in Āzād Jammu and Kashmir (25 April 1973).⁶⁹

The echo of this resolution was heard in the National Assembly of Pakistan and the Provincial Assemblies. Mawlana Ābdul Ḥaḡ of Akora Khattak served notice on the Speaker of the National Assembly that he was going to present a similar resolution in the House. The Speaker turned his notice down under the pretext that it was not in accordance with the procedural rules of the House.⁷⁰ Notices of similar resolutions were rejected in the Provincial Assemblies of the Punjab and Sind.⁷¹

The *Ahmadīs* regarded the resolution of the Assembly of Āzād Jammu and Kashmir as a threat to their position. But they

expressed their confidence in the 'wisdom of the President' [of Pakistan] along with several others who were 'nice, gentle, kind-hearted and justice-loving'.⁷²

The *‘ulamā’* intensified their campaign against the *Aḥmadī*s not only in Pakistan but also in the Arab countries. They approached thier counterparts in Saudi Arabia and obtained *fatwās* declaring that the *Aḥmadī*s should be regarded as non-Muslims. Such *fatwās* were widely circulated through the media and organisations such as the Muslim World League.⁷³ As far as the Arab Muslims were concerned, *Aḥmadī*s were non-Muslims; and, worse still, they were regarded as agents of Israel. They had run a mission in Haifa. Once the *Aḥmadī*s had reported, while highlighting the activities of the Haifa mission, as follows:

Another small incident which would give readers some idea of the position our mission in Israel occupies, is that in 1956 when our missionary, Chaudhry Muhammad Sharif returned to the Headquarters of the movement in Pakistan, the President of Israel sent word that he [our missionary] should see him before embarking on the journey back.⁷⁴

The *‘ulamā’* revived the anti-*Aḥmadī* spirit among the masses by drawing attention to the beliefs and activities of the *Aḥmadī* community. Tension was thus aggravated and a chain of events rendered the situation volatile. It was disclosed that *Aḥmadī*s had manoeuvred to get some residential plots, adjacent to one another in a development scheme, close to the Pakistan Military Academy (Kakul, Abbotabad). How could it be that all the plots in a particular area went to the persons belonging to the same community which had no roots in that area? When the presence of *Aḥmadī*s in the area became a point of tussle between the local population and

the authorities, the NWFP government intervened to stop the construction work on the site.⁷⁵ After Muftī Maḥmūd resigned as Chief Minister of NWFP, the *Aḥmadīs* were able to get the previous order annulled. The 'ulamā', defeated in the legal game, appealed to the masses not to 'let the agents of colonialism and enemies of the Prophet [i.e. *Qadiyānīs*]'⁷⁶ succeed in their designs.

In such a tense situation, a group of students from Nishtar Medical College Multan, on their way to Peshawar on a recreation trip, came across *Aḥmadī* workers at Rabwa railway station. After an exchange between the two sides, the students shouted slogans against the *Aḥmadīs*. Contrary to their claim of being tolerant or forbearing under provocation, the *Aḥmadīs* planned to teach the students a lesson. On their return journey, the students were dragged from their compartment at Rabwa and severely beaten (29 May 1974). The news of the mishap had reached Lyallpur before the train approached the station. The leaders of *Majlis-i-Taḥaffuẓ-i-Khatm-i-Nabuwwat* were present at the railway station. On the following day there was a complete strike in Lyallpur. This incident heralded a new phase of anti-*Aḥmadī* agitation.

A number of 'ulamā' representing different schools of thought met (Lahore: 30 May 1974) to chalk out a plan to continue the anti-*Aḥmadī* campaign. The first step in this direction was to seek a broader alliance of religious political organisations. A larger and more representative meeting was called (Rawalpindi: 3 June 1974). While the 'ulamā' were busy pooling their strength, the government took the view that it was merely a problem of law and order. An enquiry commission, under the chairmanship of Mr.

Justice K.M.A. Ṣamdānī, the Chief Justice of the Punjab High Court, was appointed to probe into matters relating to the Rabwa incident. The purpose of the government in appointing the commission seemed to be to pacify the masses.

Remembering the experience of the abortive anti-*Aḥmadi* agitation of 1953, the 'ulamā' were particularly keen to keep the movement within constitutional limits. Public oratory was meant to mobilise the masses, but not to incite them to kill their opponents or to set fire to their property. Incidents of arson and murder were not as widespread as they were in 1953. The religious organisations presented their case to the enquiry commission and also took it to the National Assembly.

At a joint meeting of eight religious-political parties (i.e. JIP, JUIP, JUP, JAH, APMAI, KT, PDP and PML) and a newly-formed organisation, the *Qadiyānī Muhāsbah* Committee (Exposition of Qadiyanism Committee) the government was criticised for ignoring the aspirations of the mass of the people. At the joint meeting (Rawalpindi: 3 June 1974) the following demands were raised:

- 1) The leader of the *Qadiyānī* community, Mirzā Nāsir Aḥmad, should be arrested, because he was responsible for the disorder.
- 2) *Qadiyanīs* should be declared non-Muslims.
- 3) All the organisations of *Qadiyanīs* (e.g., *Furqān Force*, *Khuddām-ul-Aḥmadiyyah*, etc.) should be declared illegal. Their headquarters must be searched and the arms belonging to these organisations must be confiscated by the state.
- 4) *Qadiyānīs* should be removed from key posts of the government.

- 5) Rabwa should be made an open city. Non-*Qadiyānīs* should also enjoy the right to settle there; and government officials in Rabwa should all be Muslims.
- 6) Press censorship should be withdrawn in order that people might be better informed.
- 7) Those belonging to the anti-*Aḥmadī* movement who had been detained should be released forthwith.⁷⁷

A *majlis-i-ʿamal* (working committee) consisting of the parties and organisations engaged in the anti-*Aḥmadī* agitation was formed under the Chairmanship of Mawlānā Muḥammad Yūsuf Binnawrī (9 June 1974). A country-wide strike was observed in response to an appeal from the *majlis-i-ʿamal* (14 June 1974). In an address to the nation, *Bhutto* announced his categorical personal belief in the finality of the prophethood of Muḥammad, while remaining silent on the Rabwa mishap which had fanned an otherwise smouldering controversy into a conflagration.

By means of public meetings, processions and demonstrations, the *ʿulamā'* were able to keep up the tempo of the agitation. A resolution was moved by 37 MNAs of the opposition parties in the National Assembly (30 June 1974), demanding the excommunication of the *Aḥmadīs* (i.e., the followers of Mirzā Ghulām Aḥmad of Qadian). The sponsors of the resolution also suggested that the leaders of the *Aḥmadī* community should be invited to present their viewpoint before the National Assembly. The *ʿulamā'* were confident that the presence of the *Aḥmadī* leaders in the National Assembly would not harm their interests. Subsequently the *Aḥmadīs* and the *ʿulamā'* presented their different viewpoints before the National Assembly.⁷⁸ The *Aḥmadī* viewpoint was theologically not as persuasive as the *ʿulamā''s* point of view. They accused the

'ulamā' of intolerance and unscrupulous behaviour because they were prepared to brand a section of the Muslim community as 'kāfir'. A long list of such *fatwās* was produced, *Sunnīs* calling *Shi'āhs* non-Muslims and vice versa. Similar accusations were also prevalent among the sub-sects of *Sunnīs* as well as *Shi'āhs*.

Apart from their theological stance, the 'ulamā' also historically traced the role played by the *Aḥmadīs* as agents of the colonial power. They developed themselves into a community parallel to the Muslims. Muslim intellectuals in South Asia had been demanding for a long time that these 'traitors to Islam'⁷⁹ should be declared non-Muslims. The *Aḥmadī* leaders were interrogated at a special session of the National Assembly.

After a campaign lasting 100 days (29 May 1974 - 7 September 1974), the 'ulamā' and their religious organisations won a victory in the National Assembly which passed the Second Amendment in the 1973 Constitution under which a new clause was added to Article 260.

A person who does not believe in the absolute and unqualified finality of the Prophethood of Muhammad (peace be upon him) the last of the Prophets or claims to be a prophet, in any sense of the word or of any description whatsoever, after Muhammad (peace be upon him), or recognises such a claimant as a Prophet or a religious reformer, is not a Muslim for the purposes of the Constitution or law.⁸⁰

Subsequently, Article 106 which pertained to the representation of non-Muslim minorities in Provincial Assemblies, was also suitably amended.

It is interesting to note that whilst the 'ulamā' had failed in their anti-*Aḥmadī* campaign when the government was headed by a devout Muslim (Khawājah Nāzim-ud-dīn), they were successful during the regime of Bhutto, a head of government more secular in his political approach than any of his predecessors. This was probably due to the following factors:

- 1) The 'ulamā' succeeded in keeping the issue alive to the degree that enabled an accident to spark off country-wide agitation.
- 2) The 'ulamā' had a stronger voice in the National Assembly in 1974 than in 1953.
- 3) Despite a personal aversion to such religiosity and his awareness of the *Aḥmadīs'* support to PPP in the 1970 election, Bhutto was after all an elected leader who was dependent on the people for a renewal of his mandate to govern. He could foresee the results of a future election if his actions flew in the face of popular sentiments.
- 4) Bhutto was the master of his own house. He had no bureaucrat at his elbow (as Nāzim-ud-dīn had Iskandar Mirzā) who was in a position to suggest that he should curb popular agitation by force. Moreover, unlike Nāzim-ud-dīn, Bhutto was not a weak person and fully believed that politicians should control administration and must never allow the latter to control the form.

7.9 Changes in the Political Character of PPP

From the outset, PPP consisted of a conglomeration of conflicting interests. Within the short period of three years, it had emerged as the largest party from West Pakistan in the National Assembly. Its apparent left-wing sympathies in the 1970 election was largely due to the influence of socialists within the leadership. They saw in Bhutto a person with a tremendous mass appeal, and believed that his charisma could act as a springboard for progressive elements to capture positions of power. Democratic elements, with their origins in the middle (i.e. professional) classes - were satisfied with Bhutto's paternalistic attitude during the early stages (1967-71). They hoped that PPP would be democratically organised after the political agitations of the '60s ebbed away. The big *zamīndārs* did not feel threatened by socialist slogans because they knew that Bhutto himself was a powerful member of their class.⁸¹

When his rule began, Bhutto was keen to strike a balance between the left-oriented elements within the party and the more conservative element which favoured the *status quo*. Both views were represented in his first cabinet (formed on 24 December 1971). In the Punjab and Sind where PPP was in a majority in the Provincial Assemblies, the balance between the right- and left-wing elements did have an air of reality. Ghulām Muṣṭafā Khar, a big *zamīndār*, was appointed as Governor of the Punjab, whilst Hanīf Rāme, an ideologue of 'Islamic Socialism', was nominated as Chief Minister. In Sind, the office of Governor went to Rasūl Bakhsh Tālpur, a *zamīndār* of socialist leanings, and the office of Chief Minister went to Mumtāz Bhutto, Bhutto's 'talented cousin'.⁸² But

real power rested in the hands of *zamīndārs*. Thus, whilst in the Punjab, the Governor was the real power, in Sind it was the Chief Minister who wielded real authority.

Some steps were taken to bring about economic change. The tycoons who had 'taken Pakistan's blood from this poor country'⁸³ were under some threat. Labour leaders, detained for their trade union activities by previous regimes, were released. The government took over the management of 32 large private firms (January 1972). A new labour policy, giving fresh privileges and benefits to workers was announced (10 February 1972); and, labour laws were duly amended (12 October - 4 November 1972). Land reform was also introduced (1 March 1972).⁸⁴

All these steps were taken in order to fulfil election promises and keep the left within PPP happy. But these reforms fell far short of the expectations that had been raised by election rhetoric. As the government's policy towards business magnates adversely affected industrial production, restrictions had to be withdrawn, and the business community was given assurances that its interests would not be jeopardised.⁸⁵

The much publicised nationalisation of industries did not in fact amount to 'nationalisation' in its true sense, because the ownership of the industries taken over was left intact whilst only their management changed hands. Furthermore, only 18 per cent of the total industrial capital of the country was thus taken over.⁸⁶ The left elements soon became disillusioned with the PPP government's policy of half-hearted 'nationalisation'. Moreover, the government resorted to the use of brute force to curb the

labour unrest that had erupted in Karachi (October-November 1972). Over 40 of the striking workers were shot dead; hundreds were wounded; and several hundred were jailed in the name of restoring industrial peace. Bhutto blamed the communists for misleading the workers.⁸⁷ Labour unrest continued throughout 1973 and 1974. Several trade unionists, including 'Abdur Raḥmān, a well-known labour leader of Lahore, were killed.

The socialist elements within PPP were alienated by the government's role in relation to labour, Bhutto's role in the process of constitution-making (i.e., his political efforts to maximise his personal power), his readiness to sacrifice the principle of 'Islamic Socialism' in favour of Islamic provisions which had the backing of the *ūlamā*, and the *zamīndār*-dominated politics of the Punjab and Sind governments. At the same time, rightists within PPP became more and more openly anti-left in their political utterances and demands. A new cabinet was sworn in (October 1974). A number of leftists were removed from key positions in government. This development marked the end of 'management by the PPP-left'.⁸⁸

The policies of PPP were now tilted in favour of the maintenance of *status quo*. Not only did Bhutto rely on the rightist section of the party, but he also tried to use the religious parties against the socialists. He met Mawlānā Mawdūdī of JIP and other *ūlamā*' before whom he pleaded that the communists were pressing him hard to adopt an extreme path, and that JIP's anti-communist stand would help him overcome political obstacles. Bhutto was unable to win Mawlānā Mawdūdī over because the latter did not believe that he was sincere. However, Mawlānā

Iḥtishām-ul-Ḥaḡ Thānwī, another renowned 'ālim and a bitter critic of PPP's socialist stand in 1970, was won over by Bhutto.

In 1974, all of a sudden I was called by the Prime Minister (Bhutto) in Islamabad. ... He told me: 'I am not a socialist, not a communist. I just want to make the living conditions of the workers and peasants better. I want to get rid of these people (the socialists) who are dragging me towards irreligiosity'.⁸⁹

Mawlānā Thānwī became a member of the Council of Islamic Ideology (CII), and campaigned against socialism once again.

7.10 Bhutto: 'The Servant of Islam'

The formation of a Ministry of Religious Affairs under Mawlānā Kawṣar Niyāzī, a leading right winger, represented a significant political development. Though the scholarly credentials of Mawlānā Kawṣar Niyāzī were never accepted by the 'ulamā', he was well known in religious circles. The politically activated 'ulamā' responded to his appointment by condemning the establishment of a special ministry for religious affairs. Their objection was based on the contention that as the whole of the life of the Muslim people was governed by Islam, there was no need for a special ministry of religious affairs. There was no division between the sacred and the secular in Islam. Each and every ministry was bound to regulate state activities in accordance with the principles of Islam.⁹⁰ This criticism was also inspired by the fear that the government might take over the management of the *madrasahs* from the 'ulamā',⁹¹ in spite of clear assurances to the contrary dating back to 1972.

The fear of the 'ulamā' was, however, not entirely without foundation. Their timely resentment did have the effect of preventing the government taking any steps in that direction. The Ministry of Religious Affairs regulated only some of the religious activities. *Imāms* of Holy Ka'abah and *Masjid-i-Nabawī* were invited to visit Pakistan (1976). They toured the country, led congregational prayers and addressed large gatherings. They spoke on Islamic themes in general, and on the Islamic character of the relations between Saudi Arabia and Pakistan in particular. The Ministry of Religious Affairs widely circulated copies of the *Qurān*, in particular, it placed copies of the *Qurān* in 'all first-class hotels in the country'.⁹²

The Ministry of Religious Affairs became a channel for making contact with the 'ulamā' and for involving them in government-sponsored activities of various kinds. *Sīrat* Conferences were convened annually to celebrate the birthday of the Prophet. An International *Sīrat* Congress (3-15 March 1976) was attended by about 150 prominent Islamic scholars from all over the world. The Congress held its sessions in six big cities (*viz.*, Islamabad, Karachi, Lahore, Peshawar, Quetta and Mirpur).

Apart from the central Ministry of Religious Affairs, the *Awqāf* Departments of Sind and the Punjab governments also took part in religious activities. Golden doors were installed at the shrines of Lal Shāh - baz Qalandar and Dātā Ṣāhib two highly venerated *ṣūfīs*.

These activities were expected to generate goodwill for the government both among the 'ulamā' and the masses at large. But

the government embarrassed itself by mismanaging some of the programmes. For instance, on the occasion of the International *Sīrat* Congress, overseas delegates expressed a desire to meet religious scholars of JIP and JUIP such as Mawlānā Mawdūdī. But this was not in the interest of the government which virtually prevented them from visiting the Mawlānā. Some of them, however, did get their own way.

The 'ulamā' and their parties were, on the whole, dissatisfied with the activities of the Ministry of Religious Affairs. They stood for the complete application of *Shariah* in all spheres of society. As usual, JIP campaigned through public meetings, posters and the press. Mass meetings were continuously reminded that nothing had been achieved in respect of the transformation of existing laws in conformity with the *Qurān* and the *Sunnah*; and, they maintained that this was beyond the government's power to achieve when the rulers themselves were not practising *Shari'ah* in their daily lives.⁹³

7.11 Bhutto's Style of Government

Bhutto was generally regarded as 'a man of vast ambition, acute personal sensitivity, great pride, even vanity'.⁹⁴ At the same time, he was also thought of as a highly skilled politician.⁹⁵ The philosophy of his ruling style was best reflected in his interview with Oriana Fallaci when he talked about the art of politics. Oriana Fallaci recorded his view:

... Look, you don't go into politics just for the fun of it. You go into it to take power in your hands and keep it. Anyone who says the opposite is a liar. Politicians are always

trying to make you believe that they are good, moral, consistent. Don't ever fall in their trap. There is no such thing as a good, moral, consistent politician... Have you ever seen a bird sitting on the eggs in the nest? Well, a politician must have fairly light, fairly flexible fingers, to insinuate them under the bird and take away the eggs. One by one. Without the bird realising it.⁹⁶

During his years in government, Bhutto remained so absorbed in the pursuit of power that his rule almost became 'personalised' and ceased to be democratic. Underlying his insatiable desire for power was his feudal orientation (which was reinforced by the experience that he had gained as a member of Muḥammad Ayūb Khān's cabinet). On the other hand, the fact that he belonged to Sind raised as a matter for conjecture how long the Punjab-dominated civil administration and military would continue to support him.

In his pursuit of power, he was conscious of the need to put himself forward as a 'great' leader. He was labelled '*Qā'id-i-Āwām*' (Leader of the People), a title strongly reminiscent of the '*Qā'id-i-Āzam*'. Bhutto visited India with a view to seeking a settlement of the issues to which the 1971 war had given rise. The venue of the negotiations was shifted from Delhi to Simla in order to please him. This move was calculated to equate him with Jinnāḥ, whose role in the Simla Conference (1945) had paved the way to the realisation of Pakistan. Bhutto's role in 1972, was likewise presumed to be one of breathing new life into Pakistan after a successful meeting at Simla (1972). On the occasion of the centenary of Pakistan's founder, books, pamphlets and articles were produced in 1976 which presented Jinnāḥ and Bhutto as Pakistan's two great benefactors.

By temperament, Bhutto was averse to sharing power with others, within the ruling party as well as in the state machinery. When democrats (e.g. Rāo Khurshīd 'Alī Khān, 'Abdul Ḥamīd Jatoī, 'Abdul Khāliq Khān, and Mahmūd 'Alī Qasurī) within PPP spoke out in favour of organising the party democratically, rough treatment was meted out to them. No elections took place within PPP during Bhutto's rule. From the Secretary-General down to the district level, all the office bearers were nominated. Bhutto ran PPP with an iron fist and did not tolerate opposition. The undemocratic manner of running the party led to bitter and violent personal fights, but it was not checked because all the warring factions in the party were loud in expressing their loyalty to Bhutto. Bhutto remained the 'unchallenged' leader within PPP, but PPP itself as a political organisation was emasculated in the eyes of the masses.

At the level of the provincial government, NAP and JUIP (in spite of the fact that they enjoyed majority support in the provincial assemblies of Baluchistan and NWFP), could not continue to govern because of federal political intervention. NAP was declared illegal,⁹⁷ and its top leadership was tried on charges of treason. The opposition parties were subjected to coercion, intimidation and repression.⁹⁸ Even though Martial Law was lifted in April 1972, the state of emergency imposed by Muḥammad Yaḥyā Khān during the 1971 war with India continued to remain in force. The Federal Security Force (FSF) was freely used to disrupt public meetings called by opposition parties and to eliminate the critics of the regime. The press was gagged,⁹⁹ and television and radio remained under the thumb of the ruling party as in the past.

The 1973 Constitution envisaged a Prime Minister who could neither be controlled by the President nor be seriously challenged by the National Assembly. But it would appear that Bhutto was not satisfied with the powers of the Prime Minister even under such a dispensation. He tried to augment the power of the executive by curtailing the judicial power of the courts by means of amendments to the Constitution. Within three years of the promulgation of the Constitution, five amendments were passed. All but one (regarding the status of the *Ahmadīs*) were introduced into parliament in the teeth of bitter criticism from the opposition parties. Legislation by ordinance became the order of the day. As many as 219 ordinances were enacted during the five and a half years of Bhutto's rule - an average of one ordinance every ten days.¹⁰⁰

7.12 Bhutto and the Civil Administration

The civil administration of Pakistan developed essentially along the pattern evolved during the colonial period. In the administrative structure of Pakistan two distinct cadres constituted the superior services of the central government:

- 1) All-Pakistan services which served both the federal and provincial governments; and
- 2) The federal functional services (such as Audit and Accounts Service, Taxation Service and Customs and Excise Service, etc.) which were related only to the Federal Government.

The CSP and Police Service of Pakistan (PSP) were the two All-Pakistan services. CSP officers were generally entrusted with administrative posts in the federal secretariat or in the administrative districts and divisions where they acted as representatives of governmental authority. It was 'the pivotal service around which the entire administrative edifice, central and provincial, is [was] organised'.¹⁰¹

The provincial services function exclusively under the control of the respective provincial governments and were (and indeed are) quite separate from the Central Superior Services.

Since 1953, the reconstruction of the civil administration had been the subject of frequent scrutiny by social scientists as well as government-appointed commissions and committees. The most debated among these was the Report of the Pay and Services Commission, 1959-1962. The Ayūb Khān regime under the strong influence of the CSP, simply shelved it.

The recommendations contained in the various reports released to the public were almost identical. They advocated that the near-monopoly of the top cadre of the civil administration ought to be curtailed. The reports were thus bound not to be well received by CSP. Thus, for example, the two CSP members of the Pay and Services Commission filed a note of dissent to the majority report. Defending the CSP, they noted that

... [t]he present system, which has stood the test of time, not only during the British regime but also during the tumultuous and important years since independence, should be permitted to continue with such change as experience has shown to be necessary.¹⁰²

It was not surprising, therefore, that the recommendations contained in this and various other reports were shelved. Successive governments relied heavily on the civil administrators; therefore, the power to implement or reject the recommendations lay in the hands of the very people whose special position was endangered by these reports. The Constitutions of 1956 and 1962 contained provisions guaranteeing security of service to the members of the civil administration.¹⁰³

The civil administrators enjoyed complete autonomy during the Ayūb Khān regime (1958-1969), but they could not save Muḥammad Ayūb Khān from fall. During the agitation against the Ayūb Khān regime, the role played by the civil administrators became a target of criticism.

After taking power from Muḥammad Ayūb Khān, Muḥammad Yaḥyā Khān moved against the civil administration by suspending 303 Class I officers (later their number rose to 311) on charges of misuse of office. Muḥammad Yaḥyā Khān's action was partly intended to legitimise his own rule. The Report of the Pay and Services Commission, once confidential, was published, and a Services Reorganisation Committee was formed.

The CSP officers, apparently faced with a crisis, organised an Association of their own in order to put their case to the government as well as to the public at large. Their point of view was thoroughly represented in a Memorandum Submitted to the Service Reorganisation Committee by the CSP Association. They suggested that the solution to the problems of responsiveness, accountability, and responsibility did not lie in a 'weakening of

the bureaucratic system but in the intensification and strengthening of the representative institutions'.¹⁰⁴

The conflict between the two sides continued for some time, but there was no viable scheme of reorganisation of services that Muḥammad Yaḥyà Khān could put into effect. It was left to Z̤ulfiqār Ālī Bhutto to take concrete steps in this direction. He was able to tell the civil administrators, who were 'still working in the traditions and concepts of the British' that they must be 'at the service of the people'.¹⁰⁵ More than 1300 government servants were prematurely retired (12 March 1972) and a scheme of reforms was introduced (August 1972).

The old structure was changed. All the federal services and cadres were integrated into a single unified service and divided into functional groups (e.g., the Foreign Service Group, Federal Revenues, Commerce, etc.). Provisions were made for lateral entry, with the ostensible aim of attracting talented and qualified individuals from the private sector. Bhutto's aim was to hold the administration responsible for implementing the policies of the ruling party. He was determined to dissociate the civil service completely from the making of policy. Under the 1973 Constitution, the civil administrators no longer enjoyed constitutional guarantees. The Civil Services Act, 1973 ensured that civil servants could hold office only at the pleasure of the President.

Although Bhutto's reforms were coloured by his own political ambitions to a certain degree, they were received well

both within the country and abroad. Satīsh Kumār, an Indian observer, made the following comment:

By a stroke of the pen he [Bhutto] brought about a revolutionary change by unifying into one cadre, a multitude of services, cadres, classes and grades, which constituted the administrative structure of Pakistan ... [The reforms] revolutionised the administrative structure overnight, in a manner in which no country in the subcontinent had been able to.¹⁰⁶

Bhutto's administrative shake-up 'changed the structure but not the men holding strategic positions'. The élite cadres of CSP and PSP were 'renamed the All-Pakistan Unified Grade while the others services were renamed the Federal Unified Grades'.¹⁰⁷

7.13 Bhutto and the Armed Forces

Bhutto regarded the armed forces as a potential rival to his civilian regime. On account of the role played by the armed forces during the '50s and '60s, and for the reason that armed forces dominated by Punjabi's might not be loyal to a President (later Prime Minister) who was a Sindhi, Bhutto was anxious to establish control over them. In order to contain the political ambitions of the generals Bhutto employed a policy which combined striking a blow against the army when it was vulnerable and rewarding loyalty. On the day of his assumption of office, he sacked seven senior generals, and appointed Lt. General Gul Hassan and Air Marshal Raḥīm Khān the Commander-in-Chief of the Army and Chief of the Pakistan Air Force (PAF) respectively. Though they were as responsible for the sad events of 1971 as their colleagues, they were apparently rewarded for their role in facilitating the transfer of power from Muḥammad Yaḥyà Khān to Bhutto. Within three

months of their elevation, they were summarily replaced in the 'interest of the country and in the interest of Armed Forces of Pakistan',¹⁰⁸ because 'their behaviour pattern was unfortunately too conditioned by the past'.¹⁰⁹ Along with these two 'Chiefs', Bhutto also dismissed six other ranking officers in order 'to prevent the professional soldiers from becoming professional politicians'.

With a view to curtailing the power of the generals, the position of the all-powerful Commander-in-Chief of the armed forces was dispensed with, and the posts of 'Chiefs of Staff' for the three wings of the armed forces were placed on a fixed tenure basis. The Head of State became the Commander-in-Chief of the Armed forces. Not only did Bhutto introduce checks and balances in the structure of power with a view to limiting the power of the armed forces, but he also undermined and discredited the armed forces by repeatedly harping on the theme that they should take the entire blame for the East Pakistan debacle.¹¹⁰

Bhutto was keen to choose for the posts of Chiefs of Staff (especially for the Army and Air Force) persons on whom he thought he could rely for support. The Army, and to a lesser degree the Air Force, played a crucial role in political changes that took place in 1971. The Navy, being confined to Karachi which was far away from the capital, did not become involved in politics in any big way. Furthermore, the nomination of the Commander-in-Chief was a prerogative which the army jealously monopolised. General Gul Hassan was replaced by General Tikkā Khān (best known for his suppression of the Baluch revolt during Muḥammad Ayūb Khān's regime and for his ruthless campaign against

the Bangladesh nationalist struggle in 1971). It turned out to be an inept choice in view of the fact that Tikkā Khān was bound to become a thorn in Bhutto's side in the latter's negotiations with India over the repatriation of POWs and the return of the Indian Forces from Pakistani-occupied areas during the 1971 war. In Bhutto's astute calculation, however, the disadvantage on the negotiating table with India was offset by the impact that the appointment of Tikkā Khān as the new Chief of Staff would have on the army scene.

Tikka Khan was a soldier doing a soldier's job. He went to East Pakistan with precise orders and came back by precise orders. He did what he was ordered to do, though he was not always in agreement, and I picked him because I know he'll follow my orders with the same discipline. And he won't try to stick his nose in politics.¹¹¹

By the same token, Air Marshal Raḥīm Khān was replaced by Z̤afar A. Chawdhari, an officer belonging to the minority sect of the *Aḥmadīs*.

In the succession to General Tikkā Khān, Bhutto chose Lieutenant General Muḥammad Z̤iyā-ul-Ḥaq, who was a relatively junior officer. Z̤iyā-ul-Ḥaq was made Chief of Staff of the Army, superseding about six generals with greater seniority. Why did Bhutto choose Z̤iyā-ul-Ḥaq? It was surmised that his promotion was a reward for the role he had played as the Presiding Officer of the Court in the trial of the officers involved in the Attock Conspiracy Case (March 1973). It is ironic that the Chief of Staff of the Army personally chosen by Bhutto was also the person who subsequently overthrew his regime.

Article 6 of the 1973 Constitution was strengthened specifically with the aim of discouraging generals entering politics. According to it, attempts to abrogate or 'subvert the Constitution by use of force or by other unconstitutional means' or 'aiding and abetting' the same would constitute an offence of 'high treason'.¹¹²

Bhutto also knew the art of using the 'carrot' to win support from influential segments of Pakistani society. His land reform scheme thus included a provision specifically exempting members of the armed forces (who were described as 'defenders of the soil') from the structure that land over and above an area of 100 acres acquired by a government servant (whether during the tenure of his office or after retirement) would stand 'confiscated to the state'.¹¹³

At the same time it should be indicated that the defence budget under Bhutto was never drastically curtailed.

7.14 The General Election of 1977

In the political atmosphere described above, Bhutto decided to call an election, almost 18 months before it was due (i.e., 14 August 1978) under the Constitution.

From April 1976 onwards, Bhutto had already started to take steps with a fresh general election in view. His first aim was to mobilise the administration at the district level as the main electoral instrument of the ruling party.¹¹⁴ Starting from 1 October 1976, a series of much publicised celebrations of workers,

peasants, women and youth were observed over a period of one week. The achievements of the PPP government and its forthcoming policies were highlighted. In December 1976, there was a dramatic disclosure of rich oil deposits in the Punjab; this was presented as an achievement resulting from PPP's extraordinary leadership.¹¹⁵

In January 1977, some more land reforms were announced. The ceilings, fixed in 1972, were further reduced and the peasants were asked to believe that a new era was about to dawn in Pakistan's land system. Along with the land reform, there were also proposals to increase the pensions of retired government servants. Friday was declared the official weekly holiday instead of Sunday (with effect from the fiscal year starting 1 July 1977). A White Paper, cataloguing Bhutto's consistent stand on the Kashmir dispute and his struggle for the self-determination of Kashmiris, was issued.

After taking such steps, Bhutto requested Chawdhari Fazal Ilahi, the President, to dissolve the National Assembly and Provincial Assemblies, and announce the dates for general election. Subsequently 7 March and 10 March 1977 were fixed as polling dates for the National and Provincial Assemblies respectively.

7.14.1 The Pakistan National Alliance (PNA)

Seven parties of the Opposition had already forged a working alliance in the form of UDF. JIP was the most articulate anti-PPP and anti-secular constituent of UDF. The humiliating defeat of JIP in the 1970 election was still fresh in the memory of its leaders. They were eager to include other parties within UDF's

fold with the aim of defeating PPP in the polls. Outside UDF, JUP was expected to emerge as a formidable force in the *muhājir* constituencies of Sind. The *muhājir* leadership of JIP from Sind was particularly concerned to strike an alliance with JUP, because the former realised that in a direct confrontation with the latter, their chances of being returned to the Assemblies would indeed be bleak, and PPP would be the net beneficiary of three-cornered struggles in *muhājir* constituencies. But JUP was linked to TI, of which Air Marshal Aṣghar Khān was the leader. 'Abdul Ghafūr Aḥmad, the Secretary-General of UDF (who had also been the JIP parliamentary leader), met the leaders of JUP and TI whom he was able to convince that it was essential that an alliance even broader than UDF should be brought together. JUP and TI were given promises of a sufficient number of election tickets; and JUP was also given an assurance to the effect that its nominee would be given the post of Secretary-General of the new alliance.

The seven constituents of UDF (i.e. JIP, JUIP, PML, PDP, KT, AJKML and NDP¹¹⁶) and the two newcomers (JUP and TI) struck an alliance (11 January 1977) - the Pakistan National Alliance (PNA). Mawlānā Muftī Maḥmūd, the leader of JUIP, was elected as head of PNA, whilst Rafīq Aḥmad Bājwah, the JUP nominee, was made Secretary-General. PNA announced that it would contest the election under a joint manifesto with the plough as a common symbol. With the formation of PNA, the Opposition had 'seemingly achieved the impossible: unity'.¹¹⁷

Among the nine constituents of PNA, three (i.e. JIP, JUIP and JUP) were religious parties which stood for the enforcement of *Shari'ah*. PML and PDP were Islamist modernists. NDP's rank and

file was secular and inclined to socialism. KT¹¹⁸ and AJKMC fell somewhere between the religious parties and the Islamist modernist elements. TI was a secular party for all practical purposes.

On the basis of the results of the 1970 election as an indicator of the relative popularity of different parties, PDP and KT were practically wiped out of existence in West Pakistan as it then was. Even though TI did not take part in the 1970 election as a party, its chief (Aşghar Khān) had been badly defeated in Rawalpindi city by a much less well-known PPP candidate. AJKMC carried very little popular appeal in Pakistan. The parties which really mattered, i.e. which commanded support either in specific regions or across the country as a whole, were JIP, JUIP, JUP, PML and NDP. Each of these had its own identity and approach to socio-economic issues. As a matter of fact, they were bound together by their common opposition to the ruling PPP rather than by shared ideology. Bhutto sarcastically commented that PNA was a 'heterogeneous band of political gypsies'.¹¹⁹

7.14.2 Contesting Parties in the 1977 Election

PPP and PNA were the main contestants in the election. There were also, in addition, PML (Qayyūm group), the group under Mawlānā Ghulām Ghawṣ Hazārwi's leadership that had defected from the mainstream JUIP, and six other parties with very little following, in the field. PML (Qayyūm group) had enjoyed a working relationship with PPP for five years which broke down because the two parties differed on how the seats should be divided between them in NWFP which was Khān 'Abdul Qayyūm Khān's electoral

stronghold. Table 7.2 shows the number of National Assembly candidates fielded by the different parties by province.

Out of the ten parties, seven contested a total of only 21 seats, three of these being merely 'personal'.¹²⁰ PML (Qayyūm group) fielded 37 candidates. Apart from 'Independents', the election consisted of a straight fight between PPP and PNA in three provinces (i.e. Punjab, Sind and NWFP); PNA boycotted the election in Baluchistan on the grounds that it was opposed to the military action against the Baluch tribal insurgency which had erupted after the NAP-JUIP provincial government was undemocratically dismissed by the federal government.

7.14.3 The Social Background of PPP and PNA Candidates

Most of the PPP candidates were drawn from among *zamīndārs*, chiefs of *barādarīs*, and well-to-do families. In the province of Sind the strategy adopted during the 1970 elections was repeated, but the selection of candidates from the Punjab was based on criteria that differed substantially from those used in 1970. After 1974, PPP and the old *zamīndār* families in the Punjab reached a general accommodation accord. Many of those who had been opposed to PPP were well accommodated. Muḥammad Ḥayāt Khān Tamman, a 'cultivated experienced'¹²¹ *zamīndār*, became a political advisor to Bhutto. 19 of the PPP candidates for the National Assembly from the Punjab had contested in the 1970 election against the PPP! Ten of these had won, whilst the remaining nine had been defeated by less well-known candidates of lower-middle-class origin. Why did PPP rely so heavily on the *zamīndārs* and *barādarī* chiefs in the Punjab? 'A good note'¹²² on 'Election Prospects in the Punjab',

Table 7.2

The Number of Candidates for the National Assembly
Election (1977) by Province and by Party

| Parties | Number of Seats | | | | |
|--|-----------------|--------|---------------|-------------|-------|
| | Punjab | Sind | NWFP/ FATA | Baluchistan | Total |
| | 116 | 43 | 28 + 8 | 7 | 200 |
| PPP | 116 | 28+15* | 25 | 3+4* | 191 |
| PNA | 115 | 27 | 26 | - | 168 |
| PML (Qayyūm group) | 17 | 1 | 17 | 2 | 37 |
| NAP (<i>Pakhtūn khāh</i>) | - | - | - | 3 | 3 |
| JUIP (Hazārwi group) | 4 | 2 | 2 | 1 | 9 |
| Pakistan Workers Party | 1 | 2 | - | - | 3 |
| Pakistan <i>Inqilābī Maḥāz</i> ¹ | 3 | - | - | - | 3 |
| Pakistan Socialist Party | 1 | - | - | - | 1 |
| <i>Taḥaffuz-i- Islām</i> Party ² | 1 | - | - | - | 1 |
| <i>Jam'iyat-i- Āliyah Mujāhidīn</i> ³ | 1 | - | - | - | 1 |
| Independents | 133 | 33 | 155 | 3 | 324 |
| Total | 392 | 108 | 225 | 16 | 741 |

* Elected unopposed

¹ Pakistan Revolutionary Front

² Defence of Islam Party

³ Supreme Association of the Holy Warriors

[Source: al-Mujahid, Sharif, 'The 1977 Elections', in Manzooruddin Ahmad (ed.), *Contemporary Pakistan: Politics, Economy and Society* (Karachi: Royal Book Company, 1982), p.73]

submitted by the Special Secretary to the Prime Minister (4 May 1976), throws some light on the situation. The following quotation from it is self-explanatory:

- a) At the last election, the PPP revolutionary programme caught like prairie fire. In the Punjab it all but obliterated the traditional *Baradari* system. It has to be admitted that the magic of the PPP programme has been considerably diluted and therefore the *Baradari* loyalties would reassert themselves in the elections.

- b) The PPP slogan of 'roti, Kapra and makan [food, clothing and lodging] cut across all traditional loyalties to families and personages who had been winning successive elections in their areas of influence. The electorate voted for the PPP programme. The candidates in most cases, were unknown quantities, and no-one made too much fuss about their individual merit. This has all changed, primarily because the conduct of PPP MNAs and MPAs has been generally poor, especially their moneymaking spree. Merit of the individual candidate shall be material consideration this time.¹²³ (emphasis as in text)

In his marginal comments on the note, Bhutto expressed complete agreement with the Special Secretary.¹²⁴ He noted that there had been a 'reversal of the political process to the old pattern'¹²⁵ since 1970 when PPP had shown itself to be capable of curtailing drastically the influence of the *zamīndārs* in the Punjab. There was an irreconcilable divergence between the practice of giving tickets to *zamīndārs* and the rhetoric of PPP:

The friend of the poor is my friend and my brother. The enemy of the poor is my mortal enemy. This is my sole and imperishable criterion and yardstick.¹²⁶

On the other hand, the PNA candidates (and, in particular, those belonging to the religious-political parties) were, by and large, of middle-class origin, and included a large

proportion of professional persons (e.g., doctors, lawyers, teachers, ex-student leaders, and the *ulamā*). This did not mean that PNA fielded no candidates from the *zamīndār* class. After all, Pīr Paḡārā and Sherbāz Mazārī were big *zamīndārs*, and they dispensed tickets to other *zamīndārs*.

7.14.4 The Manifestos of PPP and PNA

Unlike PPP's 1970 manifesto, its 1977 counterpart contained no radical flourishes. It merely promised to consolidate the reforms that had been introduced during the previous five and a half years. In his 'Foreward' to the manifesto, Chairman Bhutto pledged 'to carry forward the task' 'of building a more prosperous and glorious Pakistan'. He believed that a second term in office for PPP would enable Pakistan to meet 'the challenge of the future'.¹²⁷ The PPP manifesto was conspicuous by its silence on basic human rights, freedom of the press, independence of the judiciary, and civil liberties.

The PNA manifesto focused attention on the dismal record of Bhutto's rule in the sphere of human liberties, his dictatorial policies, distortion of the 1973 constitution through amendments, the curtailment of the powers of the judiciary under the PPP regime, government curb on the press, the failure of the government's socio-economic reforms, its bureaucratic red tape, and rising inflation against wages that remained more or less stationary. The main plank of the PNA manifesto was its commitment to the application of *Shari'ah*. Fraternity among ethnic groups, restoration of democracy, security for civil liberties, and

eradication of socio-economic injustice would, in PNA's view, directly result from the application of *Shari'ah*.¹²⁸

7.14.5 The Election Campaign

Even though all the constituent parties of PNA were not equally emphatic on the issue of application of *Shari'ah*, the '*ulamā'* of JUIP, JUP and JIP were vocal in their support for *Shari'ah*. It had been their stand, since the inception of Pakistan in the name of religion. And, in 1977, they made the point that neither capitalism nor socialism had been successful in solving Pakistan's problems, and therefore Islam remained the only way out. The '*ulamā'* strongly believed that Islam would deliver the blessings of *Allāh* in this life and in the life hereafter.

Bhutto was personally criticised for his alcoholic habits and for violating the norms of Islamic society. His opponents asserted that as his 'Islamicity' was in question, he was unfit to be the head of the government. They repeatedly challenged him to recite the verses of the obligatory prayer.

The constituents of PNA, other than the religious parties, chose to concentrate on Bhutto's repressive and authoritarian rule rather than on the application of *Shari'ah*. The arbitrary dismissal of the Baluchistan government, the banning of NAP, the disruption of Opposition meetings, and the high-handed treatment meted out to PPP dissidents, were among the themes on which the TI and NDP leadership focused attention. No doubt, the '*ulamā'* also harped on these issues as well.

The PPP campaign was along the lines of its published manifesto. Fearing the 'ulamā's criticism, the term 'socialism' was completely dropped in favour of '*musāwāt-i-Muḥammadī*'. Bhutto's tactic was to sell his policies, in big things as in small matters, in the name of religion. Kawṣar Niyāzī, the Minister of Religious Affairs, wrote a biography of Bhutto - *Ḍīdahwar*¹²⁹ (Man of Vision), which was widely circulated during the period January-March 1977, in which the latter was depicted not only as a staunch Muslim, but also as a well-read person in the field of Islamic literature.¹³⁰

PPP drew attention to PNA's weak points. It repeatedly criticised the fragile unity of the nine parties of heterogeneous character which joined together for the sole purpose of opposing PPP. The differences between the religious parties and the rest were specifically focused upon. For instance, Kawṣar Niyāzī issued a challenge to the effect that Mawlānā Shāh Aḥmad Nūrānī, the leader of JUP, would never join an obligatory congregational prayer led by Muftī Maḥmūd of JUIP. This challenge was not without foundation because extremist *Barelwī* 'ulamā' did regard *Deobandīs* as *kāfirs*.¹³¹ Well aware of its weakness, PNA made special efforts to prove that its leaders were capable of joining the congregational prayers. Muftī Maḥmūd joined the prayer on an occasion when it was led by Mawlānā Nūrānī, the JUP leader.¹³²

PPP made the best use of those 'ulamā' who had defected from JUIP and JUP. They were provided with funds to organise their propaganda activities in PPP's favour,¹³³ but these people did not enjoy much following and were unable to dent the influence of the mainstream 'ulamā'.

7.14.6 The Result of the National Assembly Election

(7 March 1977)

The PNA leaders were sceptical in the extreme that the election would be free and fair. During the campaign they referred to the past record of by-elections won by the ruling party (i.e., PPP) through administrative interference, leaving no choice for the Opposition but to boycott.¹³⁴

19 January 1977 was the last date for National Assembly candidates to file their nomination papers. Nobody submitted nomination papers against Bhutto, the Prime Minister, who was taken as elected. But PNA accused the government of kidnapping Mawlānā Jān Muḥammad 'Abbāsī, Bhutto's rival candidate, who failed to present his nomination papers in person. The PPP camp must have believed that the '*Qā'id-i-Āwām*' should not be opposed even by an unworthy opponent such as Mawlānā Jān Muḥammad 'Abbāsī.¹³⁵ Like Bhutto, 18 other PPP candidates (14 from Sind and four from Baluchistan) to the National Assembly and 66 candidates to the Provincial Assemblies, were returned unopposed.¹³⁶

Long lists of the unopposed winners defied credulity in view of the tense situation. Was PNA so incompetent that it could find no one to contest the election against the Prime Minister and the Chief Ministers of the provinces? The situation in 1977 contrasted sharply with the 1970 election in which only one seat was left uncontested. Elaborating on the gloomy political situation, PNA demanded that the polls should be held under the supervision of the armed forces and the judiciary. This demand was rejected out of hand. A week before polling day, Air Marshal

Aşghar Khân told a press conference that the government had devised a method of rigging the polls. He disclosed the details of the alleged plan.¹³⁷

Against such a background of speculation and severe tension,¹³⁸ an election for the National Assembly was held. Table 7.3 shows the result of the election.

7.15 The Aftermath of the 7 March Election

PNA refused to accept the election result of 7 March and accused the government of rigging the election. It announced a boycott of the election to the Provincial Assemblies due on 10 March, and appealed to the people to observe a peaceful country-wide strike on 11 March 1977. PML (Qayyūm group) also joined PNA and decided not to take part in the provincial elections. Taking into account the poor turnout of voters on 10 March and the positive public response in all the major cities and several towns to the strike on 11 March, PNA formulated its demands and strategy for agitation. It demanded that

- 1) Bhutto should resign forthwith;
- 2) the Chief Election Commissioner should be replaced because he had failed to conduct fair and impartial elections;
- 3) fresh elections should be held under the supervision of the armed forces and the judiciary; and
- 4) a caretaker government, including PNA's nominees, should be formed in the meantime.

Table 7.3

The Result of the National Assembly Election (7 March 1977)+

| Parties | Number of Seats by Province | | | | |
|-----------------------|-----------------------------|------|---------------|-------------|-------|
| | Punjab | Sind | NWFP/ FATA | Baluchistan | Total |
| | 116 | 43 | 26 + 8 | 7 | 200 |
| PPP | 108 | 32* | 8 | 7* | 155 |
| PNA | 8 | 11 | 17 | - | 36 |
| PHL (Qayyum group) | - | - | 1 | - | 1 |
| Independents | - | - | 8 | - | 8 |

+ The result relates only to the first part of the poll. It is taken from the press

* 15 of these were elected unopposed

* Four of these were elected unopposed

The government refused to meet these demands. PNA started an agitation from 14 March 1977 onwards which continued until Bhutto agreed to hold a direct dialogue with PNA leaders (3 June 1977). The seven-week agitation protest was marked by marches, defiance of Section 144, the use of tear gas and baton charges by the police and armed forces, firing in the air by the police, and brick throwing over police squads followed by the arrests of PNA workers. Major cities (e.g., Karachi, Lahore and Multan) were placed under curfew.

How did people come to believe the charges of PNA levelled against the PPP government and why did they take part in the agitation? The answer to these questions may be explored in the events which took place during and after the elections.

First, mammoth gatherings and PNA-organised processions (extending to several miles in certain cases) were clear indications of PNA's impending victory or at least a strong performance in any election that might be held. In some quarters it was predicted that PNA might win as many as 70 seats.¹³⁹ The results of the election held on 7 March were received with incredulity by observers.

Second, PPP's performance in the 1970 election in which it won 81 out of 138 seats (primarily in the Punjab and Sind) had been owed to a proliferation of political parties taking part. Despite its popularity in the height of election fever and its built-in advantage of being beyond criticism because it had never before wielded power, PPP was hardly able to secure 38.9 per cent of the total votes cast.¹⁴⁰ This being so, how could PPP poll 58

per cent of the total votes cast in 1977 when it was not as popular as in 1970, and was faced with united Opposition?

Third, PNA was able to highlight certain malpractices in the conduct of the 1977 elections. Even though it was not able to provide conclusive proof of rigging on a massive scale, PNA was able to point to glaring irregularities in a number of constituencies which led to a widespread belief among the people that rigging had indeed occurred.¹⁴¹

Fourth, an enquiry conducted by the Election Commission, did confirm that malpractices had in fact occurred in certain cases. They had been perpetrated either by the PPP candidates or on their behalf. Mr. Justice SaJJad Ahmad Jān, the Election Commissioner, however, dismissed PNA's demand that he should be sacked, on the grounds that the Election Commission was compelled to function under severe limitations. If

malpractices had taken place, ... whatever their extent, they were beyond the control of the Commission, as the Commission for that purpose could only depend on the good conscience of the electorate and the Government officials ... who were put in charge of the conduct of the polls.¹⁴²

Under mounting public pressure and at the request of the Chief Election Commissioner, the Election Commission was subsequently empowered (with effect from 21 March 1977) to declare a poll null and void after a summary enquiry if grave irregularities were found to have taken place. Under its newly vested powers, the Election Commission started to probe complaints in respect of the poll results in certain constituencies. The election of two former Ministers (Hafīzullāh Chīmāh and Miyān

'Ātāullah) and three others was declared null and void. According to the Chief Election Commissioner, 'hair-raising malpractices'¹⁴³ had come to light in the course of these investigations.

The case of Yaḥyā Bakhtiyār, the Attorney General (declared elected for Constituency Quetta-II) was also among those that were brought under investigation. According to the official announcement of the result, the voting was as follows.¹⁴⁴

| | |
|---|--------|
| Yaḥyā Bakhtiyār (PPP) | 18,264 |
| Maḥmūd Khān (NAP - <i>Pakhtūnkhāh</i>) | 16,775 |
| 'Abdul Wahīd | 8,068 |
| Malik Ghulām Muḥammad | 1,151 |
| Invalid votes | 10,993 |

Nearly one-fifth of the total votes cast were invalid in this constituency, whilst only 702 invalid votes were supposed to have been cast in the adjacent constituency of Quetta-I out of a total of 38,934 votes (i.e., only 1.8 per cent). Mahmud Khan, the NAP-*Pakhtūnkhāh* candidate for Quetta-II claimed that votes cast in his favour had been deliberately spoiled in order that Yaḥyā Bakhtiyār might be declared the winner.

When this case was about to be decided, the new powers conferred on the Election Commission were withdrawn by the government in order to save itself the embarrassment of an adverse finding. The government's action added fresh impetus to the charges of rigging.

Fifth, in the course of the conflict between PNA and PPP, Dr. Mubashshar Ḥasan, the Secretary-General of PPP, resigned (28 March 1977). Seven MNAs¹⁴⁵ elected on PPP tickets also resigned.

Sixth, the agitation, started in response to alleged rigging of the election, became intensified into a movement for *Nizām-i-Muṣṭafā* (Order of the Prophet, i.e. *Sharīāh*). The PNA manifesto basically rested on its religious appeal. Even in its original version it permitted an interpretation that could have been legitimately regarded as congruent with the aims of an Islamic political order. Mawlānā Muftī Maḥmūd, an *‘ālim*, who led PNA, was more influential than its secularist leaders (such as Aṣghar Khān and Sherbāz Mazārī). He enjoyed the support of JIP and JUP, at least on the issue of *Sharīāh*. The organisation and publicity for the movement spearheaded by PNA was provided by JIP's rank and file. After the arrest of the top leadership of PNA (until 25 March 1977), *imāms* continued the agitation from the mosques of Pakistan.

7.15.1 The PNA-led Agitation and the Ulama

Apart from leading and participating in public processions, the *‘ulamā’* arranged 19 processions of their own between March and July 1977 (12 in the Punjab; three in NWFP; and four in Sind).¹⁴⁶ The mosques became the nerve centre of the agitation where Bhutto's personal character as well as his lip service to Islam was denounced. People were exhorted to struggle for a return to the golden age of the Prophet in order that all their socio-economic problems might be solved; and to wipe out any resistance they encountered along the way. The appeal of the *‘ulamā’*

supporting PNA was so powerful that the salaried *'ulamā* of the *Awqāf* Department were unable to persuade laymen coming to their mosques not to take part in the agitation. Even the mosques controlled by the *Awqāf* Department became centres of PNA agitation. The salaried *'ulamā* of *Awqāf* Department were linked to the mainstream *'ulamā* through a student-teacher or *pīr-murīd* relationship. They were therefore under constant pressure from the PNA *'ulamā* to desist from activities opposing the PNA agitation. At the same time, because no Muslim could be prevented from entering a mosque, the House of *Allāh*, PNA activists were able to gain free access to the mosques managed by the *Awqāf* Department.

Under persistent instructions from the *Awqāf* Department, some of the salaried *'ulamā* did try to speak out against the PNA agitation, but to no avail. For instance, the *khaṭīb* of *Dātā Ṣaḥib* mosque (Lahore) exhorted a gathering at the Friday prayer (18 March 1977) that the mosques, being places of ritual worship, must not be made the venue of political agitation. This speech angered the audience and the poor *khaṭīb* could only pacify them by producing a letter from the *Awqāf* Department addressed to him which contained explicit instructions to the effect that he should make such exhortations to the faithful.¹⁴⁷

The agitation against the PPP government on poll rigging was transformed into a movement for *Nizām-i-Muṣṭafā* by the *'ulamā*, especially by the *Barelwī 'ulamā* who issued *fatwās* according to the status of a *jihād*.¹⁴⁸ At a gathering of the *'ulamā* (Muslim *masjid*, Lahore: 31 March 1977) they were made custodians of the movement. They defied orders prohibiting their going out in procession. In the baton-charge that followed, many were injured.¹⁴⁹

The participation of the 'ulamā' in the movement made an impact on the government. In one of his letters, Bhutto wrote to Kawṣar Niyāzī, the Minister of Religious Affairs, as follows:

The pulpit is playing an important role in the PNA agitation and the *maulvis* including those employed by *Awqaf*, by and large, are its mainstay. It is time that a counter force of the *maulvis* is mobilised in favour of the government starting with weaning away from the PNA of the *maulvis* employed by the *Awqaf* Department. Some of the important *maulvis* and religious leaders who supported us during the elections have faded into the background. They should be brought back on the scene and encouraged to give us the same support which they gave us during the elections.¹⁵⁰

The Ministry of Religious Affairs managed to gather the salaried 'ulamā' and the *mashāikh* together in a convention (Lahore: 7 April 1977) at which PNA was advised to enter into negotiation with the government with a view to solving the crisis. The convention could not openly support PPP or the government.

A similar statement, coupled with certain demands, was issued by Mawlānā Mawdūdī, the founder and ex-*amīr* of JIP, who suggested that, in an effort to create a congenial atmosphere for a dialogue with PNA, the government should lift the state of emergency and release all those detained during the agitation. This suggestion was rejected by PNA (including JIP) as it was not in conformity with its demands. But Mawdūdī's suggestion gave Bhutto some idea of the difference in outlook between the most learned ideologue of JIP and the PNA leaders. Unexpectedly, Bhutto paid a visit to Mawlānā Mawdūdī (15 April 1977). The details of the meeting were never released. According to one source, however, Bhutto tried to convince Mawlānā Mawdūdī of his sincerity towards *Shari'ah*, and was reported to have said that he was ready to give a

blank cheque to Mawlānā Mawdūdī if he would use his good offices to persuade PNA to bring the agitation to an end. The meeting proved infructuous as Mawlānā Mawdūdī suggested that instead of placing his signature on a blank paper, Bhutto should write a letter of resignation.¹⁵¹

Two days after his meeting with Mawlānā Mawdūdī, Bhutto condemned him in strong language, and announced a ban on liquor, gambling and night life. He further promised to take steps in order to bring existing laws into conformity with *Shari'ah* within a period of six months. CII, the constitutional body originally entrusted with this task, was reconstituted (4 June 1977), including Mawlānā Mawdūdī, Muftī Maḥmūd and Shāh Ahmad Nūrānī as members. Bhutto's aim was to show that PNA was not really interested in the application of *Shari'ah* because its leaders did not co-operate with him in achieving this objective. Why was there such a hue and cry when Bhutto enforced some injunctions of *Shari'ah* and committed himself to doing more in the near future? The whole exercise did not work. Bhutto's meeting with Mawlānā Mawdūdī was seen as a sign of weakness, that he seemed to have lost control over events. He was unable to establish his credibility in respect of the application of *Shari'ah* because his political approach as a whole during the five years he had been in power was deeply distrusted.

7.15.2 The PNA-PPP Negotiations and the *Dénouement*

When the agitation began, Bhutto was confident that he could curb it.

If the Opposition now decides to take the law into its own hands, to unleash the forces of anarchy, to subvert the constitution, to invite people on the streets and to create agitation, then we are quite competent to deal with these things.¹⁵²

Apart from the administrative agencies backing it up, the government believed it had good reason not to give in to the demands of PNA.

- 1) The agitation could not be sustained for a long period of time in the face of a government policy of stiff suppression.
- 2) The government believed that some of the top PNA leaders could be manipulated.¹⁵³
- 3) The military was believed to be on the government's side.

The success of the strike called on 11 March 1977 compelled Bhutto to play his political card. He invited PNA to a dialogue (12 March 1977), but PNA's response was 'not to enter in a dialogue, the terms of which [were] not clear'.¹⁵⁴ The civil administration was unable to curb the agitation without calling in the army [first in Karachi (19 March 1977), and then in Lahore and Multan (25 March)].

PPP, as a political party, appeared to have taken a back seat. PPP failed to take advantage of the opportunity provided by the government's decision to lift section 144 (14 April). It was unable to show its strength by taking out huge public processions.

The way was thus paved for a partial imposition of Martial Law in Karachi, Hyderabad and Lahore (22 April 1977).

When the situation went out of his control, Bhutto accused PNA of being a tool of a 'massive and colossal' foreign intervention (28 April 1977).¹⁵⁵ But the mass of the people dismissed Bhutto's levelling of such vague charges against PNA as yet another tactic to divert attention from the political demands of PNA.

It would be appropriate to focus attention on the involvement of the military in the suppression of the agitation. The 1973 Constitution was explicit on the issue of Martial Law, but Bhutto amended it in order that he might make expedient use of a partial Martial Law. The imposition of Martial Law was declared unconstitutional by the Lahore High Court (2 June 1977), a decision which was confirmed by the Supreme Court. Throughout PNA's agitation, Bhutto was in touch with the Generals, with whom he held regular meetings. At one such meeting, he realised that the Generals had reached the end of the road and he could no longer count on their support.¹⁵⁶ He knew that there was no alternative to starting a dialogue with PNA.

The PNA leaders were persuaded to start a dialogue with Bhutto through the good offices of other Muslim countries (e.g., Libya, UAE, Kuwait, Saudi Arabia). After an agitation lasting 77 days, PNA and PPP sat down together to sort out a solution to the crisis (3 June 1977).¹⁵⁷ Protracted negotiations lasting a month resulted in an agreement on basic issues (such as the holding of fresh elections to National and Provincial Assemblies in October

1977, the appointment of new Governors of the provinces in consultation with PNA, the formation of a Supervisory Council comprising equal numbers of PPP and PNA representatives to supervise the implementation of the accord).

Both parties acted in a spirit of give and take in order to accommodate each other's point of view. PNA abandoned its demand for Bhutto's resignation. Bhutto, for his part, acceded to the demand for fresh elections, the reconstitution of the Election Commission, and the release of detainees. The PNA team failed to get the draft accord ratified by its Council, consisting of the heads of its seven constituent parties. Sherbāz Mazārī and Begum Nasīm Walī Khān, NDP's prominent figure, who were interested in a deal with Bhutto to secure the release of Khān Ābdul Walī Khān and his detained friends, were not happy with the accord. Air Marshal Aṣghar Khān distrusted Bhutto so much that he could see no other way out except a proclamation of Martial Law by military Generals. He had already addressed a letter to the Generals in which he demanded that they should perform their 'duty'.¹⁵⁸ The PNA team wanted further discussion on the draft accord so that it could get it ratified by the Council. But before the accord could be amended and signed, the Generals struck (5 July 1977).

7.16 Conclusion

Bhutto emerged as the leader of the majority party in the 1970 election to the National Assembly (West Pakistan). He enjoyed two great advantages. He was the first head of state and government (and, after the promulgation of the 1973 Constitution, head of government) who came to power through popular support. He

had a political support base, especially in the two provinces of the Punjab and Sind. His party (i.e. PPP) also had the potential to further widen its base, particularly among the poor and the lower-middle classes, by implementing the promises contained in its election manifesto.

The 'ulamā' were defeated but not eradicated as a political force. The issue of Islam in politics remained unresolved. During Bhutto's five and a half years in power, the 'ulamā' vigorously put their point of view on constitutional issues, on the recognition of Bangladesh, on the position of *Aḥmadīs* in a Muslim state and society. They successfully extracted concessions from the 'secular' Bhutto who popularised his policy through the slogan of 'Islam is our religion' and was anxious not to let the 'ulamā' use the Islam card against PPP.

Despite the concessions that he made to the 'ulamā', by virtue of his temperament and also as a matter of strategy, Bhutto developed a political culture in which there was no place for a genuinely democratic opposition (either within his own party or in Pakistan's national politics as a whole). The repressive and intimidating means adopted by the government to curb the Opposition was a negation of the slogan 'Democracy is our Polity'. The judiciary, which remained the only hope for the upholding of basic rights such as free speech, was brought under the thumb of the executive. The press was prevented from reflecting the free will of the masses. Undemocratic policies resulted in Bhutto's aloofness from his own party, thus alienating him from its original political mass base. The economic reforms introduced by him fell short of expectations. A large section of the working class,

particularly from the Punjab, which had gathered around him during the late '60s, was bitterly disappointed. Furthermore, they were unable to convey their aspirations to Bhutto who was surrounded by bureaucrats.

The youth of the late '60s, which had helped Bhutto to carry his message to the masses, gradually turned against PPP after it came to power. The disillusioned youth, experienced in political activism, was once again in the forefront of opposition to the established regime, even though it was led by their erstwhile political hero. The youth was now in the forefront of the PNA movement.

The call of *Nizām-i-Muṣṭafā*, from the religious wing of PNA, was as much a call for a change in political leadership as it was for a fundamental transformation of the socio-economic order. Bhutto's efforts to use the *Shari'ah* card failed because he lacked credibility as a good practising Muslim. He had openly admitted in Lahore that he drank liquor, and this admission on his part was persistently propagated from the mosques as a negative mark against his leadership.

Bhutto was keen to depoliticise the military which had twice before taken over the running of the government in Pakistan. He made adjustments in the military hierarchy which resulted in Muḥammad Ziyā-ul-Ḥaq, ostensibly an unambitious and safe general in his view, being placed at the head of the army. But administrative interference in the 1977 election, followed by the PNA agitation, and Bhutto's delay in coming to terms with PNA, paved the way for

the military Generals once again to interfere in Pakistan's politics.

During Bhutto's rule, the *ʿulamā'* gradually drew divergent elements opposed to Bhutto together, and successfully used the appeal of Islam against Bhutto's secular politics. Once again the *ʿulamā'* proved themselves to be a force even in their temporary unity.

NOTES

1. For example he secured 108 votes for his candidature as Prime Minister (14 August 1973) after the promulgation of the 1973 Constitution.

2. In one of his many statements, Zulfikar 'Alī Bhutto said:

I am a believer in socialism, that is why, leaving my class and the government, I have come back to workers, peasants, students, and poor people. What can I get from my deprived people except love? I am the follower of socialism because I know that only in this economic system lies the salvation, progress and well-being of the people. No power on earth can prevent the establishment of this system of truth and justice, equality and human dignity in Pakistan. This is the call of time and history. Come and see. Bearing the great revolutionary flag of socialism, I have come in the field to serve the people. I have no greed or lust for gain. I am a socialist and as an honest socialist I would fight for the revolution of the poor till my last breath.

[Bhutto, Z.A., Let the People Judge (Lahore: Pakistan People's Party, 1969), p.28.]

3. Pakistan People's Party, Election Manifesto of the Pakistan People's Party: 1970 (Karachi: Vision Publications Limited, 1970), p.13.
4. See Chapter 6 of this work, pp.491-492.
5. The Criterion, 5 (July-August 1970): 4, pp.62-63.
6. Bhutto, Zulfikar Ali, Political Situation in Pakistan (Delhi: Veshasher Prakashan, n.d.), pp.10-11.
7. Bhutto said in an interview (1 February 1969) that

We are advocating socialism, not communism

[Ahmad, Mushtaq, Government and Politics in Pakistan (Karachi: Space Publishers, 1970), Appendix 3, p.1.]

After the 1970 election, he told an American newsman that he had 'stopped the tide of communism by introducing Islamic socialism in this country'. The Times, 12 December 1970 [quoted in Sayeed, Khalid B., Politics in Pakistan: The Nature and Direction of Change (New York: Praeger, 1980), p.88.]

8. Dawn, 21 January, 1970.
9. Bhutto, Zulfikar Ali, If I am Assassinated (Delhi: Vikas Publishing House, 1979), pp.122-123.
10. *Ibid.*, p.224.
11. Bhutto's interview cited in Satish, Kumar, The New Pakistan (Delhi: Vikas Publishing House, 1978), pp.364-365.
12. Bhutto observed as follows in his last work, published in the form of a book:

Pakistan has been created in the name of Islam. This is accepted. But Islam does not exist in Pakistan alone. Islam is the final message of God almighty to the whole world and not only to the people of Pakistan.

[Bhutto, Z.A., If I am Assassinated, *op.cit.*, p.120.]

13. This view is also shared by a considerable section of the intelligentsia. Dr. Waheed-uz-Zamān, a leading Pakistani historian and educationalist, wrote thus:

If we [the Pakistanis] let go the ideology of Islam, we cannot hold together as a nation by any other means ... If the Arabs, the Turks, the Iranians, God forbid, give up Islam, the Arabs yet remain Arabs, the Turks remain Turks, the Iranians remain Iranians, but what do we remain if we give up Islam?

[Zaman, Waheed-uz (ed.), Editor's Note in The Quest for Identity (Islamabad: University of Islamabad, 1973), p.4.]

14. 'Azam, Ghulām, Nawā-yi-Dard: Mashriqī Pakistān Ke Musalmān Awr Bangladesh (Lahore: *Idārah-i-Afkār-i-Naw*, 1972), p.28.
15. Afghani, Shams-ul-Haq, 'Suqūt-i-Dhakah', al-Haq, 6 (January- February, 1972): 4-5, pp.7-11.
16. al-Baqarah: 250

'And when Saul went forth with the hosts he said, 'God will try you with a river, whosoever drinks of it not of me, and who so tastes it not, he is of me, saving him who scoops up with his hand.' But they drank of it, except a few of them; and when he crossed it, and those who believed with him, they said, 'We have no power against Goliath and his hosts'

[Arberry, A.J., The Koran Interpreted (London, Oxford University Press, 1964), p.36.]

17. Āsī, Naīm, Mawlānā Muftī Mahmūd (Sialkot: Muslim Academy, 1977), pp.147-148.
18. Author's translation.
Zindqī, 21-27 December 1970, p.24.
19. Bhutto, Zulfikar Ali, Speeches and Statements, December 20, 1971 - March 31, 1972 (Karachi: Government of Pakistan, 1972), p.14.
20. NAP had always been an arch enemy of Khān Ābdūl Qayyūm Khān in NWFP politics.
21. Bhutto, Zulfikar Ali, Speeches and Statements, December 20, 1971 - March 31, 1972, *op.cit.*, pp.124-127.
22. Bhutto's interview with Satish Kumār recorded in the latter's book, *op.cit.*, p.367.
23. Āsī, Naīm, *op.cit.*, p.163.
24. At the time he was appointed as Governor of Baluchistan, Ghaws Bakhsh Bazinjo was instructed to take responsibility for (a) ensuring equal treatment to all inhabitants of the province (irrespective of whether they were of local or non-local origin, the latter being those particularly from the Punjab, who had settled in the fertile Pat Feeder Area); (b) strict compliance with the Constitution in the sphere of foreign affairs which was the exclusive preserve of the Centre; (c) the smooth functioning of the Sui Gas installations; and, (d) preserving national integrity. See Government of Pakistan, White Paper on Baluchistan (Islamabad: Government of Pakistan, 1974), pp.9-11.

The dismissal of the Baluchistan government resulted in the insurgency of the Mengal and Murri tribes, which continued to be rebellious even after the fall of Bhutto (July 1977). See Harrison, Selig S., In Afghanistan's Shadow: Baluch Nationalism and Soviet Temptations (Washington D.C.: Carnegie Endowment for International Peace, 1981), *passim*; Harrison, Selig S., 'Baluch Nationalism and Soviet Policy' in Raymond D. Gastil (ed.), Freedom in the World: Political Rights and Civil Liberties, 1981 (Oxford: Clío Press, 1981), pp.155-166.

25. Qurayshi, Nūr-ul-Haq, Muftī Mahmūd Kī Siyāsat (Multan: Maktabah-i-Jami'ah Rabbāniyyah, 1974), pp.113-114.
26. The tradition of providing sumptuous dowry for the bride, at the time of marriage, greatly handicapped the poor. Many women remain unmarried because their parents are unable to arrange a dowry for them.
27. Obligatory to be read in Arabic.

28. Qurayshi, Nūr-ul-Haq, *op.cit.*, pp.138-140.
29. For an account of Hurs' struggle against the British, see Lambrick, H.T., The Terrorist (London: Ernest Ben Limited, 1972).
30. Rahman, Fazlur, Islam and Modernity (Chicago: University of Chicago Press, 1982), p.117.
31. It is the remnant of the *Khāksār Tahrik* (formed in 1931) of the pre-1947 period. Ināyatullāh Khān al-Mashriqī (1881-1963), its founder leader, was committed to militarism which, in his view, was equally comparable with the Islamic way of life and the principle of the survival of the fittest. He was under Hitler's spell. He claimed to be the infallible leader of the party, and demanded unquestioned obedience from the rank and file. The *Khāksārs* (as the members of the party were known) wore brown uniforms with an Arab head-gear which was subsequently replaced by a brown turban. They carried *belchahs* (shovels) as part of their uniform. The party was commonly known as the *Belchah Party*.
- Though a vast majority of the party were Muslims, it drew some Sikhs and Hindus into its fold as well. The founder-leader disbanded the party just before independence; but a few ardent workers continued to uphold the name of the party. See Smith, W.C., Modern Islam in India: A Social Analysis (London: Victor Gollancz Limited, 1946), pp.235-245.
32. The All Jammu and Kashmir Muslim Conference (AJKMC) is a party in Azad Kashmir. It was founded by Sardar Abdul Qayyum Khan in 1947, following the declaration of Shaykh Muhammad Abdullah's acceptance of the accession of Kashmir to India. AJKMC was in control of the government in Azad Kashmir, mainly by nominating its candidate as the figurehead President of Azad Kashmir. All administrative matters were controlled by the Ministry of Home and Kashmir Affairs of the Pakistan government until 1970, when, for the first time, a Legislative Assembly was elected in Azad Kashmir. AJKMC won the election, and Sardār Abdul Qayyūm was subsequently elected President of Azad Kashmir. He was deposed in 1973 through the overt and covert activities of PPP and its branch in Azad Kashmir. AJKMC had always been confined to the geographical jurisdiction of Azad Kashmir, but it maintained links with Kashmiri refugees living in Pakistan. After the deposition of its candidate from the office of President, AJKMC began to participate in Pakistani politics in view of the fact that refugees from Kashmir enjoy electoral rights both in Azad Kashmir and in Pakistan.
33. *I'lān-i-Islāmābād* (n.d.) [cyclostyled copy, issued by UDF, Rawalpindi District].
34. Author's translation.
Mufti Mahmūd's address to the advisory committee of JUIP

(Multan: 28-29 April) in Maḥmūd, Muftī, Qawmī Masā'il Awr Jamīyat-i-Ulamā-i-Islām (Lahore: Kul Pakistan Jamīyat-i-Ulamā-i-Islam, 1975), pp.52-53.

35. Choudhary, G.W., The Last Days of United Pakistan (London: G. Hurst and Company, 1974), *passim*; Dunbar, David, 'Pakistan: the Failure of Political Negotiations', Asian Survey, 12 (1972): 5, pp.44-61; Yousaf Lodi Versus State: Petition in the Peshawar High Court, Peshawar (Peshawar: Frontier Guardian Publications, n.d.).
36. According to an official report originating in India, the statistical breakdown of POWs was as follows:
- | | |
|--------------------------------|-------------|
| Military Prisoners: | 56,998; |
| Para-military Prisoners: | 18,287; and |
| Civilians including Policemen: | 16,213. |
- [cited in Mukherjee, Dilip, Zulfikar Ali Bhutto: Quest for Power (Delhi: Vikas Publishing House, 1972), p.218.]
37. Bhutto, Z.A., Speeches and Statements, December 20, 1971 - March 31, 1972 (Karachi: Department of Films and Publications, Government of Pakistan, 1972), p.52.
38. Bhutto, Z.A., Speeches and Statements, July 1, 1972 - September 30, 1972, *op.cit.*, p.191.
39. Bhutto, Z.A., Speeches and Statements, December 20, 1971 - March 31, 1972, *op.cit.*, p.140.
40. Quoted in Mukerjee, Dilip, *op.cit.*, p.18.
41. Government of Pakistan, The Interim Constitution of the Islamic Republic of Pakistan (Islamabad: Printing Corporation of Pakistan Press, 1972), Articles 2 and 267, p.2, p.76.
42. Kumar, Satish, *op.cit.*, p.250.
43. Bhutto, Z.A., Speeches and Statements, July 1, 1972 - September 30, 1972, *op.cit.*, p.7.
44. Jamā'at-i-Islāmī Pakistan, Rūdād Jamā'at-i-Islāmī Pakistān, 1972 (Lahore: Jamā'at-i-Islāmī Pakistan, n.d.), p.9.
45. Mawdūdī, Sayyid A.A., Sugūt-i-Mashriqī Pakistān Ke Asbāb (Lahore: Jamā'at-i-Islāmī, 1972), pp.13-14.
46. Aeshiyā, 14 January 1973, p.11.
47. Government of Pakistan, The Constitution of the Islamic Republic of Pakistan (Islamabad: National Assembly of Pakistan, 1973), p.3.
48. Bhutto, Z.A., Speeches and Statements, July 1, 1972 - September 30, 1972, *op.cit.*, p.195.

49. Muḥammad, Miyān Ṭufayl, Bangladesh Ko Manzūr Karne Kā Fayṣlah Qawum Kā Fayṣlah Nahīn He (Lahore: Jamā'at-i-Islāmi, 1973).
50. 'Extracts from the opinion of Full Bench of the Supreme Court of Pakistan on the Reference made by the President of Pakistan on the question of Bangladesh', Pakistan Horizon, 26 (1973): 3, pp.108-109.
51. See Chapter 5 of this work, p.441
52. Pakistan People's Party, Election Manifesto, *op.cit.*, p.51.
53. Bhutto had been a staunch defender and advocate of the 1962 Constitution.
54. In a speech to the Lahore Bar Council (23 July 1972). See Pakistan Overseas Forum, Bhutto Violates the Constitution (London: Pakistan Overseas Forum, n.d.), p.10.
55. Bhutto, Z.A., Speeches and Statements, July 1, 1972 - September 30, 1972, *op.cit.*, p.215.
56. Author's translation.
Aeshiyā, 18 February 1973, p.11.
57. On the role of Mawlānā Ṣafar Aḥmad Anṣārī, see Layl-w-Nahār (supplement) 29 April - 5 May 1972, pp.29-40.
58. Government of Pakistan, The Constitution of the Islamic Republic of Pakistan, *op.cit.*, p.42.
59. *Ibid.*, p.154.
60. Government of the Punjab, Report of the Inquiry Constituted under Punjab Act II of 1954 to enquire into the Punjab Disturbances of 1953 (Lahore: Government Printing Press, 1954), p.218.
61. Al-Haq, 6 (June 1972): 9, p.18.
62. Editorial of Ahl-i-Ḥadīṣ weekly, al-l'tiṣām, reproduced in al-Haq, *ibid.*
63. Government of Pakistan, The Constitution of the Islamic Republic of Pakistan, *op.cit.*, p.104.
64. *Ibid.*, p.3.
65. *Ibidem.*
66. 125 MNAs out of 128 present (in a House of 148) voted in favour of the 1973 Constitution. The remaining three abstained.

67. Munīr, Munīr Aḥmad, *Pakistān Ke Pehle Wazīr-i-Khārjah Sir Muḥammad Zafarullāh Khān Se Munīr Aḥmad Munīr Ka Interview*, in *Atishfashān*, 9 (May 1981): 9, p.12.
68. For a brief account of the *Aḥmadiyyah* movement, and the anti-*Aḥmadiyyah* role of the 'ulamā', see Chapter 4 of this work, pp.329-337.
69. *Pakistan Times*, 30 April 1973.
70. *Khuddām-ud-dīn*, 8 January 1973, p.8.
71. *Jasārat*, 1 June 1973.
72. *Imām Jamā'at-i-Aḥmadiyyah* [Mirzā Nāṣir Aḥmad] *Āzād Kashmīr Assembly Kī Aek Qarārdād par Tabsarah* (Rabwa: *Nizārat-i-Ishāat-i-Literature-w-Taṣnīf Ṣadr Anjuman-i-Aḥmadiyyah Pakistan*, 1973), p.4.
73. A Saudi-based quasi-official body for the promotion of religious, cultural and welfare activities, by patronising Muslim organisations, throughout the world.
74. Aḥmad, Mirza Mubarak, *Our Foreign Missions* (Rabwa: *Aḥmadiyyah Muslim Foreign Missions*, n.d.), p.79.
75. *al-Haq*, 8 (January 1974): 4, p.6.
76. *Ibid.*, p.6.
77. Author's translation.
Aeshiyā, 9 June 1974, p.1.
78. For an account of the *Aḥmadi* point of view, see *Mahzar-nāmah Min Jānīb Nazīr-i-Ālā Ṣadr Anjuman-i-Aḥmadiyyah Rabwa* (Rabwa: *Ziā-ul-Islam Press*, 1973).
- For an account of point of view of the *ulama*, see *Qadianism on Trial: The Case of the Muslim Ummah against Qadianis presented before the National Assembly of Pakistan* (Karachi: *Maktabah-i-Dar-ul-Ulum*, n.d.).
- A separate rejoinder to the *Aḥmadi* view point was issued by Mawlānā Ghulām Ghawṣ Hazārwi, Mawlānā 'Abdul Ḥakīm and 'Abdul Ḥaq of Baluchistan - the three MNAs who defected from the main body of JUIP. *Jawāb-i-Mahzarnāmah* (Rawalpindi: S.T. Printers, n.d.).
79. Dr. Muhammad Iqbal was foremost among the intellectuals who demanded that the *Aḥmadis* should be declared non-Muslims. When his article 'Islam and Ahmadism' was published, Jawaharlāl Nehrū objected to its basic theme. Apart from issuing a rejoinder, Iqbal wrote in a personal letter (21 June 1936) to Nehru as follows:

I have no doubt in my mind that the *Aḥmadis* are traitors both to Islam and to India.

[Nehru, Jawaharlal, A Bunch of Old Letters (London: Asia Publishing House, 1960), p.188.]

80. Pakistan Times, 8 September 1974.
81. 52 MNAs out of 81 elected to the National Assembly on the PPP ticket were scions of the landed and well-to-do families, Zindgi, 22 March 1971, p.38.
82. Bhutto, Z.A., Speeches and Statements, December 20, 1971 - March 31, 1972, *op.cit.*, p.9.
83. *Ibid.*, p.11.
84. See Chapter 3 of this work, pp.237-239.
85. Bhutto addressed businessmen and industrialists in the following words:
- I want you to play a positive role in the development of Pakistan. I am not an illiterate person. I know your importance, I know your needs.
- [Speeches and Statements, *op.cit.*, p.66.]
86. Gustafson, W. Eric, 'A Review of the Pakistan Economy under Bhutto' in Manzooruddin Ahmad (ed.), Contemporary Pakistan: Politics, Economy and Society (Karachi: Royal Book Company, 1982), p.149.
87. Bhutto, Z.A., Speeches and Statements, October 1, 1972 - December 31, 1972 (Karachi: Department of Films, Government of Pakistan, 1973), pp.197-198.
88. Burki, Shahid Javed, Pakistan under Bhutto (London: Macmillan, 1980), p.108.
89. Atishfashān, 7 (August 1979): 15, p.18.
90. Maḥmūd, Muftī, Qawmī Masa'il Awr Jamīyat-i-ʿUlamā-i-Islām *op.cit.*, p.26, p.44, p.64.
91. *Ibid*, p.37.
92. Syed, Anwar H., 'Pakistan in 1976: Business as Usual', Asian Survey, 17 (1977): 2, pp.183-184.
93. Pakistan Kī Āīnī, Ma'āshī awr Siyāsī Sūrat-i-Ḥāl par Jama'āt-i-Islāmī Pakistān Kā Tabsarah (Resolutions of the Advisory Council of JIP, 27-30 November 1975), pp.5-6.
94. Trevor-Roper, Hugh, 'Introduction' to Bhutto's New Directions (London: Namara Publications, 1980).
95. In a letter to the Economist (28 August 1968) on the occasion of Bhutto's dismissal by Moḥammad Ayūb Khān, Bertrand Russell stated that he was a 'national leader of his country in the tradition of Jinnah'.

According to an Indian journalist

Politics is the art of the possible, and this subcontinent had witnessed a hardly more skilful political practitioner than Bhutto.

[Kumar, Satish, *op.cit.*, p.335.]

96. Fallaci, Oriana, Interview with History (London: Michael Joseph, 1976), pp.206-209.
97. After the dissolution of the NAP-JUIP coalition government of Baluchistan, tension between NAP and PPP was aggravated. Hayāt Muḥammad Khān Sherpāo, the PPP chief in NWFP, was killed in a bomb blast (8 February 1975). The Federal Government took advantage of the assassination and imposed a ban on NAP.
98. See Ahmad, Iqbal, 'Pakistan: Signposts to a Police State', Journal of Contemporary Asia, 4 (1974),: 4, pp.13-44.
99. Niazi, Zamir, Press in Chains (Karachi: Karachi Press Club Publications, 1986), pp.143-173.
100. See Ahmad, Abdul Ghafur, Āin-i-Pakistān Awr Hukmrān Party (Lahore: Jamāāt-i-Islāmī Pakistan, n.d.); and Ahmad, Abdul Ghafur, Dastūr-i-Pakistān: Trāmīm Se Pehle, Trāmīm ke Ba'ad (Lahore: Jamaat-i-Islami, n.d.).
101. Chawdhury, Mustafa, 'Recruitment, Training and Promotion of Higher Civil Servants in Pakistan: 1947-71', Indian Journal of Administration, 31 (1985): 1, p.25.
102. Government of Pakistan, Report of the Pay and Services Commission, 1959-1962 (Karachi: Government of Pakistan Press, 1962), p.132.
103. Government of Pakistan, The Constitution of the Islamic Republic of Pakistan (Karachi: Department of Advertising, Films and Publications, 1956), Articles 180-181, pp.120-121; Government of Pakistan, The Constitution of the Republic of Pakistan (Karachi: Government of Pakistan Press, 1962), Articles 176-178, pp.86-88.
104. CSP Association Memorandum, cited in Lawrence Ziring, 'Militarism in Pakistan: The Yahya Khan Interregnum', in W.H. Wriggins (ed.), Pakistan in Transition (Islamabad: University of Islamabad Press, 1975), p.206.
105. Bhutto, Zulfikar Ali, Speeches and Statements (December 20, 1971 - March 31, 1972), *op.cit.*, p.8.
106. Kumar, Satish, *op.cit.*, p.127 and p.328.
107. Hussain, Asaf, Elite Politics in an Ideological State (Folkestone: Dawson, 1979), p.77.

108. Bhutto, Zulfikar Ali, Speeches and Statements, December 20, 1971 - March 31, 1972, *op.cit.*, p.109.
109. Bhutto's view, as reported by Dilip Mukerjee, an Indian journalist. See his Zulfikar Ali Bhutto: Quest for Power, *op.cit.*, p.169.
110. Pakistan's Crisis in Leadership by Fazal Mugeem Khān (a retired army general), published by the National Book Foundation, a government organisation, was widely circulated. Without analysing the political aspect of the problem, it laid the blame squarely on the army for the East Pakistan debacle.
111. Fallaci, Oriana, Interview with History, *op.cit.*, p.190.
112. Government of Pakistan, The Constitution of the Islamic Republic of Pakistan (Islamabad: National Assembly of Pakistan, 1973), p.4.
113. Bhutto, Zulfikar Ali, Speeches and Statements, December 20, 1971 - March 31, 1972, *op.cit.*, pp.101-102.
114. Government of Pakistan, White Paper on the Conduct of the General Elections in March 1977 (Rawalpindi: Ministry of Information, 1978), Annexures 1-7.
- In a rejoinder to the White Paper, Bhutto refused to identify himself from this blueprint, and narrated the story of how he came to sign it. See Bhutto, Z.A., If I am Assassinated, *op.cit.*, pp.69-70.
- The story told by Bhutto is, as Pran Chopra aptly remarked, 'wholly unconvincing'. *Ibid.*, p.XXX.
115. The preliminary estimates of the deposits were subsequently proved to be highly inflated.
116. The National Democratic Party (NDP) was the successor of NAP. It was formed by the rank and file of the defunct NAP (6 November 1975). Sardār Sherbāz Mazārī, an independent MNA from Dera Ghazi Khan, was elected its President. Mazārī was openly sympathetic to the Baluch people's struggle for their democratic rights.
117. Beg, Aziz, Battle of Ballot or War of Attrition (Islamabad: Babur and Amer Publications, 1978), p.8.
118. Shahid Javed Burkī counted KT among the parties of the Left (*op.cit.*, p.194) but the manifesto of the party issued during the run up to the 1970 elections was clearly religious in orientation. See Ā'ini Manshūr Khāksār Tahrīk Pakistan (Lahore: Bāb-ul-Ishā'at Khāksār Tahrīk Pakistan, 1970), *passim*.
119. Bhutto, Z.A., If I am Assassinated, *op.cit.*, p.105.
120. Each of the three parties put up one candidate.

121. See Bhutto, If I am Assassinated, *op.cit.*, p.50, for a tribute to Tamman.
122. See Government of Pakistan, White Paper on the Conduct of ..., *op.cit.*, p.A-469, for Bhutto's comment on the note.
123. *Ibid.*, p.A-471.
124. *Ibidem.*
125. Viewpoint, 11 February, 1977, p.12.
126. Bhutto, Z.A., If I am Assassinated, *op.cit.*, p.21.
127. Pakistan People's Party, Manifesto (Rawalpindi: Pakistan People's Party Central Secretariat, 1977), p.1.
128. Manshūr Pakistan Qawmī Ittihād (Lahore: Secretariat Pakistan Qawmī Ittihād, 1977).
129. Niyāzī, Kawṣar, Dīdahwar (Lahore: Shaykh Ghulam Ali and Sons, 1977).
130. *Ibid.*, p.47, and p.377.
131. See Chapter 1 of this work, pp.38-39.
132. Niyāzī, Kawṣar, Awr Line Kat Gai (Lahore: Jang Publishers, 1987), pp.40-41. It is interesting to note here that Niyāzī's challenge was the reverse of what actually transpired.
133. Government of Pakistan, White Paper on the Conduct of ..., *op.cit.*, p. A-195, and p.A-482-A-486.
134. All by-elections - for the National Assembly as well as for the Provincial Assemblies - had been won by PPP, with the exception of two in Baluchistan and NWFP. UDF boycotted several by-election contests. A survey conducted by a government agency in Karachi showed that only seven per cent of the people believed that the elections were fair. See 'Notes' of Special Secretary to Bhutto in White Paper on the Conduct ..., *op.cit.*, p.A-57.
135. How the government controlled the press on the issue of Bhutto's unopposed election is reflected in the advice communicated to newspapers. Zamīr Niyāzī has reported as follows:

After midnight (the early morning of 20 January 1977) in less than half an hour three following pieces of advice were communicated to newspapers, of course, on telephone:

- i. A portrait of Z.A. Bhutto will be supplied by PID [Press Information Department], which is to be published on

page 1. Its caption is 'The Supreme Leader, the Undisputed Leader, the Great Leader'. It is to go as it is. Its size should be 8 x 6 inches.

ii. News about Bhutto's unopposed election should go on page 1, the rest (Mumtaz Bhutto and others, also elected unopposed) on inside or back page.

iii. Prof. Ghafoor Ahmad's Press conference and Shah Faridul Haq's statement on the abduction of the opposition candidate ... [should] not to go.

[Press in Chains, *op.cit.*, pp.121-122.]

Newspapers directly controlled by the government and a large number of others acted according to the above 'advice'.

136. PNA candidates narrated horror stories of how they were abducted and maltreated by the PPP government with a view to making it impossible for them to file their nomination papers. Opposition candidates other than those belonging to PNA had similar tales to tell. See Ali, Tariq, Can Pakistan Survive? (Harmondsworth: Penguin Books, 1983), pp.210-214.
137. Nawā-yi-Waqt, 5 March 1977.
138. According to an official statement, eight persons were killed and 130 injured on election day in clashes between the supporters of the rival candidates. But unofficial sources placed the figures at much higher numbers.
139. Āsī, Naīm, *op.cit.*, p.236.
140. See Chapter 6 of this work, p.501.
141. Rāo ʿAbdur Rashīd, Secretary of the Prime Minister's Secretariat, who subsequently became a PPP leader, recalled one such irregularity. Mawlānā ʿAbdus Sattār Khān Niyāzī, the PNA candidate from Mianwali, who had gone to collect his official result from the returning officer, was given the result of another ʿAbdus Sattār, who was a candidate for the Provincial Assembly on a PPP ticket even though the election to the Provincial Assembly had yet to take place! [Munīr, Munīr Aḥmad, Jo Mayn Ne Dekhā (Lahore: *Atishfashān* Publications, 1985), p.224.]
142. Government of Pakistan, White Paper on the Conduct ..., *op.cit.*, pp.A-128-A-135.
143. Burney, I.H., 'March '77 Elections: An Analysis', Pakistan Economist, 23 July 1977, p.20.

144. *Ibid.*, p.15.
145. Sardār Shawkat Hayāt, Anwar Ālī Nūn, Zākīr Qurayshī, Miyān Ṣalah-ud-dīn, Mir Balakh Sher Mazārī, Amīr ʿAbdullāh Rokari and Karam Bakhsh Aʿwān.
146. Brohi, A.K., Statement in the Supreme Court of Pakistan (Islamabad: Government of Pakistan, 1977), p.65.
147. Rashid, Akhtar, Elections '77 and Aftermath: A Political Appraisal (Islamabad: PRAAS Publishers, 1981), p.14.
148. Wafāq, 14 April 1977 and 17 April 1977.
149. *Jāmiʿah Nizāmiyyah* is a *madrasah*, nearby Muslim *Masjid*. The extent of participation in the ʿulamā's procession by its teachers and students is evident from the fact that 11 teachers and 70 students were present at the protest meeting of the ʿulamā held on 31 March 1977. For a detailed account of *Jāmiʿah Nizāmiyyah's* involvement in the movement, see Qasūrī, Muḥammad Mansha Tābish, Tahrīk-i-Nizām-i-Mustafaʾ Awr Jāmiʿah Nizāmiyyah Rizwiyyah Lahore (Murīdke: Maktabah-i-Ashrafiyyah, 1978), p.34.
150. Niyāzī, Kawṣar, *op.cit.*, (Appendix) p.17.
151. Atishfashān, 7 (November 1979): 21, p.51.
152. Pakistan Times, 8 March 1977.
153. Thus, for instance, when this was disclosed, the Secretary-General of PNA (Muḥammad Rafīq Bājwah) had a secret meeting with Bhutto. Bājwah was ousted from PNA. Pīr Muḥammad Ashraf, a member of the high command of JIP, also had to quit his party because of charges to the effect that he had covert links with the government.
154. Muftī Maḥmūd's reply to Bhutto, 14 March 1977, Pakistan Horizon, 30 (1977): 2, p.165.
155. Bhutto, Z.A., 'Speech in National Assembly', quoted in Government of Pakistan, White Paper on the Conduct ..., *op.cit.*, pp.237-238.
156. According to Kawṣar Niyāzī's report, it was Lt. General Fayz Ālī Chishtī who told his fellow Generals that a political solution should be agreed to end the crisis. *Op.cit.*, p.127.
157. The team from the PPP side consisted of Bhutto, Abdul Hafīz Pīrẓādah and Kawṣar Niyāzī, whilst the PNA team included Muftī Maḥmūd, Nawābzādah Nasrullāh Khān and Professor ʿAbdul Ghafūr Ahmad.
158. In subsequent months, Air Marshal Aṣghar Khān tried to appropriate the credit for getting rid of Bhutto through the Martial Law. See Interview with Alṭāf Hasan Qurayshī, Zindgī, 9 October 1977, pp.7-9.

CHAPTER 8

THE *SHARĪĀH* UNDER THE MILITARY REGIME

General Muḥammad Ziyā-ul-Ḥaq's 'Operation Fair-Play'¹ ostensibly carried out as a prelude to the holding of 'free and fair' election 'within 90 days', became, in the event, yet another prolonged interlude of dictatorship in the history of Pakistan which was ended eleven years later when the chief architect of the *coup* was assassinated along with 34 others (17 August 1988). The third military regime in Pakistan, under Ziyā-ul-Ḥaq, lasted longer than the previous ones under Muḥammad Ayūb Khān (1958-1962) and Muḥammad Yaḥyā Khān (1969-1971). It shared the main characteristics of the previous military regimes; all of them had as their aim the perpetuation of the hegemony of the military as a major shareholder in the power structure. Ziyā-ul-Ḥaq's regime, however, substantially differed from the previous military as well as civil regimes, in the matter of accordance of high priority to the application of *Shariāh*. The 'ulamā', who had been instrumental in demanding the application of *Shariāh* since the emergence of Pakistan, became the natural allies of the regime. However, during the 11 years of the Ziyā-ul-Ḥaq regime, the attitude of the 'ulamā' changed from wholehearted support to open criticism.

In this chapter the attitude of the 'ulamā' and their political parties towards the Ziyā-ul-Ḥaq regime is analysed. Why did they support a military dictator? What did they achieve by co-operating with such an unrepresentative and singularly undemocratic regime? What were the changes that occurred in Pakistani society under a regime which continuously legitimised

itself by proclaiming that it was devoted to the application of *Shari'ah*?

8.1 Why did the Regime Apply *Shari'ah*?

The popular agitation (1977) under PNA's leadership was bound to influence the course of any future government. The demand of *Nizām-i-Mustafā* was so loud that it gave rise to mass religious fury even in the face of police bullets, whilst at the same time forcing *Zulfiqār Ali Bhutto* to pacify the aroused masses by imposing a ban on drinking, gambling and nightlife. *Bhutto's* belated and half-hearted reform failed to appease the masses, but it set the tone for the policies that any future regime would follow. Had *Bhutto* survived the crisis, he would have followed policies calculated to appeal to the religious sentiments of the people. His successor was of a different ilk both in his social and in his intellectual orientation. *Ziyā-ul-Ḥaq* was of middle-class origin. He belonged to an East Punjab (now in India) *arā'in* family. He was known as an unambitious General with a religious bent. It was his lack of political ambition which gave him an edge over other generals when *Bhutto* decided to appoint a new Chief of Staff of the Army (March 1976). He represented the military officials with an urban middle- or lower-middle-class background. The rank and file of the religious political parties also belonged mostly to these classes. The change in social composition of the officer class in the military started sometime during the '60s with the expansion of specialised services such as the medical corps, the engineering corps and the education corps to which the professional and educated urban middle class were recruited in large numbers.

The religious fervour of PNA's agitation, together with Ziyā-ul-Ḥaq's own religious orientation constituted a powerful stimulus for the application of *Shariāh* by the new military regime. In his first speech after seizing power, Ziyā-ul-Ḥaq praised 'the spirit of Islam' that inspired the PNA agitation.

[it] proves that Pakistan, which was created in the name of Islam, will continue to survive only if it sticks to Islam. That is why I consider the introduction of Islamic system as an essential prerequisite for the country.²

8.2 PNA's Response to Ziyā-ul-Ḥaq's *Coup d'Etat*

Ziyā-ul-Ḥaq acted with greater caution than his military predecessors (i.e. Muḥammad Ayūb Khān and Muḥammad Yaḥyā Khān). He did not abrogate the 1973 Constitution, but held it in abeyance. President Faḥal Ilāhī Chawdhari continued to hold office, although he was bound to act in accordance with the advice of Muḥammad Ziyā-ul-Ḥaq, the Chief Martial Law Administrator.³ The assemblies that were elected in March 1977 as well as the Senate were dissolved. The new regime announced that a fresh general election would be held on 8 October 1977.

Even though Ziyā-ul-Ḥaq's *coup d'état* was directed as much against PNA as against the toppled government of Bhutto, the leadership of the Alliance, and especially the secular parties (viz., TI and NDP) in it heralded it as a positive political development. Air Marshal Aṣghar Khān, the TI leader who made no effort to conceal his military connection, had been critical of his colleagues who trusted Bhutto enough to enter into negotiations with him. He had advised the PNA team to wait for Martial Law to

be declared and not to enter into any political settlement with Bhutto. NDP, the other secular component of PNA, was pleased with the failure of the negotiations with Bhutto. It hoped to strike a deal with the military generals on the Hyderabad Conspiracy Case.⁴ The religious parties consoled themselves that any new leader at the helm of affairs would not prove as harmful as Bhutto; Ziyā-ul-Ḥaq being a practising Muslim, the change of regime would be beneficial.

The PNA agitation did give rise to problems of law and order, but it had by no means succeeded in totally eliminating Bhutto's base of support. His charismatic appeal to the downtrodden and the poor did continue to persist. It was also clear that, sooner or later, a heterogeneous alliance such as PNA was bound to disintegrate. Not surprisingly, PNA was riven by internal strife not long after the *coup d'état* (5 July 1977). Air Marshal Aṣghar Khān believed that PNA should be dissolved, since it had achieved the fundamental goal of toppling the Bhutto regime. The other components of PNA believed otherwise. They wanted the alliance to continue at least until the general election scheduled to take place in October 1977.

It was the strong desire to fight against PPP in power that had persuaded all the nine constituents of PNA, irrespective of their size and influence, to the view that all political decisions of the alliance should be taken unanimously. With the overthrow of the PPP government, PNA's internal cohesion suffered a setback. The principle of unanimous agreement among the constituents of PNA was dropped in favour of majority agreement. The distribution of party tickets for the October 1977 elections

provided the first major occasion for dissatisfaction within PNA. JUP became disgruntled⁵ as a result and drew closer to TI's position.

Whilst preparations for the October general election were under way, Ziyā-ul-Ḥaq realised that, with the disintegration of PNA, Bhutto would once again emerge as the most powerful politician through the process of election. The election scheduled for 8 October 1977 was duly postponed. A strict ban on political activity was imposed. It was announced that the election would take place after cases against politicians charged with misconduct, including Bhutto, were decided by the Disqualification Tribunals.⁶

PNA's internal strife was further intensified with the confirmation of Muftī Maḥmūd and Professor 'Abdul Ghafūr Aḥmad in their official positions (21 December 1977). TI and JUP stood aside from the rest of the alliance.⁷ In the meantime, PML, one of the components of PNA, decided to join the Federal Cabinet (5 July 1978). After a month, PNA as a whole, followed suit (24 August 1978). JUP, NDP and TI declined to follow PNA's decision. They demanded instead that the election should be held without delay. The decision of a majority of the constituents of PNA to join the Federal Cabinet, under the hegemony of the military, resulted in the demise of the alliance in its original form.

PML, JIP, JUIP and PDP were given representation in the Federal Cabinet. Far more surprising than PML's participation in the government was the 'ulamā's. PML represented the strata of society which liked to be close to the corridors of power. But, why did the 'ulamā' support such an unrepresentative regime? An

explanation of the phenomenon can be sought in the policies of Ziyā-ul-Haq, and especially his commitment to the application of *Shariāh*. The 'ulamā' had always cherished the ideal of putting into practice the political, economic and social aspects of *Shariāh*. The religious-political parties were thus faced with the dilemma of whether they should support an undemocratic regime in the cause of the *Shariāh*. There were divisions within each of the religious parties (i.e. JIP, JUP and JUIP) on this question. JUIP ultimately split into two factions of which the major one decided to support the policies of the new regime. JUP did not experience an overt split, but suffered heavy defections from its rank and file. JIP remained divided, but, thanks to its tight organisation and high discipline, splits and factionalism were averted. By and large, the majority of the 'ulamā' either wholeheartedly supported the policy of the application of *Shariāh* or refrained from opposing it.

JIP was the religious party most closely identified with Ziyā-ul-Haq, even though its literature was clear on the question of the democratic⁸ character of the Islamic state and of the democratic process by which it ought to emerge. Political expediency led it to support an unrepresentative regime contrary to its declared political ideology. Had JIP started a policy of confrontation against the regime, who would have been the beneficiary in the end? If a democratic government came to power as a result of change, JIP would have been no more than a minor party in the National Assembly, exercising little political influence. And, if as a consequence of confrontation another *coup d'état* were to take place, who could predict that the new General would have been more desirable from the *Shariāh* angle than Ziyā-ul-Haq? JIP believed that the chances that *Shariāh* would be

applied were greater under the existing military regime, under a practising Muslim. Any struggle to come to power by a democratic process would be futile.⁹ The leadership of JIP justified its stand on the grounds that whatever was right, must be supported.¹⁰

8.3 Towards the Application of *Shari'ah*

The 1973 Constitution envisaged that CII would be given the task of making recommendations aimed at bringing prevailing laws into conformity with the *Quran* and the *Sunnah*. CII was reconstituted (November 1977) and given the remit of proposing a blueprint for the application of *Shari'ah*. In the light of a mounting work load, the total membership of CII was increased from 15 to 20 (30 November 1978). Special care was taken that CII had a chairman who enjoyed the *'ulamā's* respect.¹¹ Justice Muḥammad Afzal Chīmah was first nominated to chair CII; Dr. Tanzīlur Raḥmān was nominated as his successor (27 May 1980). It was the first time that CII's advisory role was taken seriously by the *'ulamā'*, who increasingly dominated it.

Along with the 'vanguard' role of CII, new institutions were also established. A permanent Law Commission, headed by the Chief Justice of the Supreme Court, was constituted. Its function was to review the legal code with a view to bringing it into accord with the practical needs of social justice, and in particular to suggest ways and means of simplifying the judicial procedure for ensuring speedy and fair justice.

Shari'ah Benches of the High Courts and Supreme Court were established (2 December 1978). These benches, comprising the

Muslim judges of the respective courts, were empowered to examine existing and future laws, with the exception of the Constitution, MFLO, any law relating to the procedure of any court or tribunal, any fiscal law or any law relating to the collection of taxes and fees, banking or insurance practice and procedure. In subsequent years, *Shari'ah* Benches in High Courts were replaced with the establishment of a fully fledged Federal *Shari'at* Court (FSC) (27 May 1980).

In addition to CII, the Law Commission, and FSC, several committees were formed from time to time to deal with specific issues.

8.3.1 The First Step in the *Shari'ah* Process

The first question facing the regime was how to apply *Shari'ah*? A section of the intelligentsia believed that an Ordinance from above would be sufficient. This view was not shared by the institutions empowered to suggest ways and means of applying *Shari'ah*. For instance, what would be the shape of the banking system under *Shari'ah* if the existing system, entirely based on the concept of *ribā* (interest), ceased to function? Due to such practical difficulties, CII suggested applying *Shari'ah* gradually, and this was entirely in accordance with the approach advocated by Mawlānā Mawdūdī as early as 1948.¹²

By and large, CII and the *ūlamā'* agreed that there were basically four fields in which steps towards the application of *Shari'ah* were urgently required. These four broad fields were social, economic, educational and punitive.¹³

The regime opted to apply the *Shari'ah* in four broad fields in gradual stages. The next question arose as to where the start should be made? It was safe to select those injunctions of *Shari'ah* over the interpretation of which there was a minimum of controversy and a large measure of general agreement.

8.3.2 From Promise to Practice

In a statement made on 10 February 1979, Ziyā-ul-Ḥaq expressed the view that

[i]n the short period of one and a half year so much work has been done that I am today formally announcing the introduction of the Islamic system in the country.¹⁴

Five ordinances embodying punishment for the offences of theft, gang robbery and dacoity, adultery, false accusation of adultery against women, and consumption of intoxicants were promulgated. The fixed punishments (*ḥudūd*), prescribed by the *Qurān* and the *Sunnah* for these offences, were considered to be relatively beyond controversy. In the case of theft, the amputation of the right hand of the offender from the wrist joint was prescribed. A man or woman found guilty of adultery would be flogged - each with 100 stripes if unmarried; and, if they were married, they would be stoned to death. False accusation of adultery against a woman was made punishable with 80 stripes. The offence of wine-drinking also carried a punishment of 80 stripes. All these punishments were generally in line with *Sunnī* jurisprudence.

These punishments were to be implemented either on the confession of the offenders or if they were proved to be guilty through a process of legal investigation in which the evidence of the persons who witnessed the accused committing a crime was crucial. Therefore an Evidence Act, based on Islamic law, was necessary. The new Evidence Act, promulgated in October 1984, differed little from the Evidence Act, 1872. In the new Act one major issue that remained unresolved concerned the evidence of women. In the classical interpretation, the evidence of a woman was regarded as equal to half that of a man - with the possible exception of midwives attesting the maternity of a child, and wives denying the accusation of adultery by taking an oath (which prevailed over the oath of accusing husbands).

Along with the application of *ḥudūd*, the socio-economic aspects of *Shari'ah* were also highlighted. Ziyā-ul-Haq gave details of how *zakāt* and *úshr* would be collected and distributed for the welfare of the poor. With respect to the elimination of *ribā* from the economy, an announcement was made to the effect that the House Building Finance Corporation (HBFC) would 'provide financial assistance on the basis of sharing of income accruing from rent'.¹⁵ The National Investment Trust and Investment Corporation of Pakistan would operate on an equity basis instead of interest. A draft order on *zakāt* and *úshr* was issued, though it took more than a year for the scheme to be put into effect.

The major steps taken towards the application of *Shari'ah* in the social, economic, judicial and economic fields during the Ziya-ul-Haq regime are outlined below.

8.3.3 Socio-economic Steps

Among the most significant steps taken by the Ziyā-ul-Ḥaq regime to introduce *Shari'ah* in the socio-economic field was the promulgation of the Zakāt and Ushr Ordinance (20 June 1980). It empowered the government to deduct *zakāt* at source at the rate of 2.5 per cent from savings accounts and fixed deposits held by Muslims in banks. Similarly, *zakāt* was to be deducted from shares held in companies in which a majority of the shares were owned by Muslims. The amount so recovered was to be deposited in the *Zakat* Fund, for distribution among the poor and the needy through a country-wide network of *Zakāt* Committees.

As soon as the Zakāt and Ushr Ordinance was issued, it became a subject of controversy and was not perceived, as Ziyā-ul-Ḥaq did, as a simple application of the principles of *Shari'ah*.¹⁶ The *Shi'ah 'ulamā'* objected to it on the grounds that the Ordinance was based on the *Sunnī* interpretation of *Shari'ah*. According to the *Shi'ah 'ulamā'*, *zakāt* was levied on visible wealth which did not include paper money.¹⁷ The *Shi'ah 'ulamā'* therefore demanded, in a convention (Islamabad: 4-5 July 1977), that *zakāt* should not be deducted from bank accounts and shares in companies held by *Shi'ahs*. The government conceded to the demand of the *Shi'ahs* by amending the Ordinance (29 October 1980). Even so, a section of the *Shi'ah 'ulamā'* which was under the spell of the Iranian Revolution (1979) continued to resist Ziyā-ul-Ḥaq's policy.¹⁸

The provisions of the Zakāt and Ushr Ordinance relating to the recovery of *'ushr* was not enforced until almost three years after its passage (15 March 1983).

In the economic sphere, prime importance was given to the elimination of *ribā* (interest). As an initial step, the state-run HBFC started to grant loans for house building purposes on the basis of sharing of income accruing from rent (1 July 1979). Gradually all the Pakistani banks, within the country, turned their interest-based accounts into profit and loss sharing accounts. The new banking regulations did not, however, apply to foreign loans which continued to be governed by the terms under which they were originally made.

8.3.4 Educational Reform

The application of *Shariāh* to legal and judicial institutions was next to impossible without capable lawyers and judges. Intellectuals with a thorough knowledge of *Shariāh*, as well as modern law were few and far between. The judges and magistrates responsible for running the judicial system were modern educated and competent in their field; but their knowledge of *Shariāh* and Islamic juristic literature was almost entirely based upon translations of some of the juristic texts. On the other hand, the '*ulamā*' were well versed in classical juristic literature but they lacked the understanding of modern legal literature.

In this context, a *Shariāh* Faculty was inaugurated at the *Qā'id-i-Azam* University, Islamabad (8 October 1979) where special arrangements were made for imparting education in *Shariāh* and modern law at postgraduate level. This *Shariāh* Faculty was transferred to an Islamic University (Islamabad) which was established a year later (November 1980). Since then, the Islamic University has been imparting instruction in *Shariāh* and law,

economics, Islamic studies, and Arabic language and literature at undergraduate and postgraduate levels. The Islamic University tried to enrol students both from *madrasahs* and from modern colleges.

The training of graduates who would be equally at home in *Shari'ah* and the modern legal system is bound to take some time. It would take some time for the impact of such an institution to be felt. Even so, some concrete steps needed to be taken in the short term in order that judiciary on the basis of *Shari'ah* might be securely established. Accordingly, arrangements were made by the Islamic University to undertake in-service training of public prosecutors, police officers and magistrates according to *Shari'ah*.

Apart from the establishment of the Islamic University, a new education policy, intended to breed a new generation wedded to the Islamic ideology of Pakistan was also launched. Textbooks were revised. Islamic Studies and Pakistan Studies were made compulsory subjects in undergraduate education for all Muslim students. Islamic Studies also became a compulsory subject in the Federal Public Service Commission's scheme of examinations. English-medium schools switched over to the national language [i.e., Urdu] as the medium of instruction. Efforts were made to reform the traditional *madrasah* education,¹⁹ and the degrees of the *madrasahs* were recognised by the government.

8.3.5 The Propagation of Islamic Practices

The observance of the obligatory congregational prayers according to explicit injunctions of the *Qur'an* and the *Sunnah*, is a

desideratum for the creation of a God-fearing society. The *Shari'ah* state has as one of its main objectives the creation of conditions for the observance of *ṣalāt* (obligatory prayers).

Instructions were issued with this perspective in mind, for the observance of *ṣalāt* (and noon-day prayer in particular) in government offices and educational institutions. Senior officers were advised to lead or at least attend the prayer. An elaborate scheme was subsequently introduced with the aim of persuading people to observe congregational prayers strictly (14 August 1984). Provisions were made for the appointment of a *nāẓim-i-ṣalāt* (organiser of prayers) in each and every village and urban locality.

An ordinance was passed requiring the observance of the month of fasting in a strict fashion.

8.4 Political Manoeuvres in Preparation for Election

The *Ziyā-ul-Ḥaḡ* regime undoubtedly took much more seriously than any of its predecessors the constitutional commitment to enable the Muslims of Pakistan 'to order their lives in the individual and collective spheres in accordance with the teachings and requirements of Islam'.²⁰ But the regime was handicapped because it lacked popular mandate. *Ziyā-ul-Ḥaḡ*, throughout his 11-year rule, was in search of political legitimacy for military intervention.

Ziyā-ul-Ḥaḡ's foremost promise was to hold an election for which 8 October 1977 had been the date originally fixed. He

subsequently postponed it saying that 'national problems' would become 'further complicated'²¹ if an election was held as scheduled. The PNA leadership shared Ziyā-ul-Ḥaq's view because they too wished to see Bhutto excluded from the political arena. Bhutto had already been arrested on a charge of murdering Nawāb Muḥammad Aḥmad Khān, the father of Aḥmad Razā Qasūrī, his political opponent.

In the meantime, the Supreme Court of Pakistan legitimised the *coup d'état* of 5 July 1977 as an 'extra-constitutional step' under the doctrine of necessity in a judgment delivered on the case of Nuṣrat Bhutto vs. Chief of Staff of the Army and Federation of Pakistan (10 November 1977).²² The counsel for the Federation of Pakistan explicitly told the court that election would be definitely held and the reins of government would be handed over to the elected representatives of the nation. Consequently 17 November 1979 was fixed as the new date for the general election.

Bhutto was duly executed (4 April 1979). A few days later PNA ministers resigned from the Federal Cabinet (15 April 1979), complaining that they did not enjoy adequate power.

8.4.1 Changes in Electoral Rules

Despite his decision to postpone the October 1977 election, Ziyā-ul-Ḥaq continued to reiterate his pledge to hold it. He became President of Pakistan on 16 September 1978 when Faḥal Ilāhī Chawdhari relinquished the office upon completing his five-year term. Occupying simultaneously as he did the two offices

of CMLA and President of Pakistan, Ziyā-ul-Ḥaq emphasised in his speeches and interviews the importance of the constitutional amendments that were aimed at (a) carving out a role for the armed forces in the political structure; (b) creating a balance between the powers of the President and the Prime Minister in the 1973 Constitution; and (c) amending the electoral rules. The introduction of electoral changes was of immediate and paramount importance.

The first significant change in this sphere related to establishment of a system of separate electorate whereby Muslims and non-Muslims would elect their representatives separately. The issue of separate electorate had been prominent in the political game of South Asia since before independence. Indeed, it was the fulcrum round which Pakistan itself was conceived.²³ Religious-political parties such as JIP struggled hard to uphold this principle after 1947. The modernist and secularist rulers of Pakistan succeeded in discarding separate electorates in favour of a joint electorate.²⁴ After the landslide victory of APAL in East Pakistan in the 1970 election, the religious parties and the *‘ulamā’* once again pointed out the deficiencies in the system of a joint electorate. According to them, *en bloc* votes of the Hindu community had been partly responsible for the scale of APAL's victory in the 1970 election. The introduction of the separate electorate continued to be relevant in 1978 because the religious parties were the least possible choice of the minorities.

Furthermore, a presidential order was brought into force (13 September 1979) envisaging proportional representation as the basis of all future elections. Under its provisions, the political

parties would be required to put up their candidates in all the National Assembly and Provincial Assemblies constituencies. Candidates securing the highest number of votes in their respective constituencies would, however, not be automatically declared elected. Instead, the number of seats given to different parties in each assembly would be calculated in accordance with the total number of votes polled by the candidates belonging to each party securing five per cent or more of the total number of votes polled in the National Assembly election.

The notion of proportional representation accorded well with the manifestos of JIP, JUIP and even PPP [as at the 1970 election]. Adherence to the idea of proportional representation was to the advantage of parties which were unable to secure clear superiority on a constituency basis because their support happened to be thinly spread throughout the country. Whilst JIP and JUIP continued to subscribe to proportional representation as proper electoral procedure during the late '70s, PPP which had become a strong party on a constituency basis was no longer prepared to adhere to the scheme.²⁵

It is appropriate to point out that 'registration of political parties with the Election Commission' had already been made compulsory (30 August 1979). Each political party was required to give an undertaking that it was committed to the ideology of Pakistan, to the holding of annual party elections, and bind itself to submitting annual financial statements. Failure to comply with any of these provisions, as indeed the 'propagation of any opinion against the Islamic ideology or against the judiciary or the armed forces would serve to disqualify a party from

registration and subsequently from the participation of elections'.²⁶

Neither PNA nor any of the other parties (with the exception of JIP, PML, JUIP) was willing to register. The two religious political parties and PML registered in order to forestall a cancellation of the election by the regime under a plausible pretext.

8.4.2 The Local Government Election

In the midst of the controversy over the registration of political parties with the Election Commission, the military regime announced a plan for holding election to local bodies as a prelude to the general election. PNA called for a boycott of the local election, and announced that if it came to power after the general election, it would promptly declare the election to local bodies under the military regime null and void. Defying PNA on this issue, JIP took part in the local election (September 1979). JIP's pleas to take part in this election were based on its understanding of social forces in different constituencies. Because the local election was expected to involve local issues and *barādarī* loyalties, the boycott was not going to work; and a failure of the boycott would prejudice PNA's image.

The result of the local election held on a non-party basis, indicated that '*awām dost*' ('people's friend') and '*be-naẓīr*' ('matchless', coded after the name of Bhutto's daughter) candidates won a large number of seats. The military regime was thus able to gauge the political mood of the country. Fearing a

revival of the fortunes of PPP, the military regime called off the general election (16 October 1979). Ziyā-ul-Ḥaq gave the following reason for yet another postponement of the much-promised election:

I have been emphasising in my speeches and press statements that the main need of this country is an Islamic, democratic and stable Government for which elections for the sake of elections have no meaning. The election must yield positive results and from positive results, I meant that the country should *get* a Government which, while adhering to the ideology of Pakistan, should be able to guarantee stability at least for some time so that the country can be put on the road to progress.²⁷

8.4.3 The Quest for an Islamic Form of Government

Ziyā-ul-Ḥaq was pessimistic about controlling the reins of state power in his hands through a parliamentary system of government as envisaged in the 1973 Constitution. The Political Parties Act, 1962 and the 1973 Constitution were amended, but even so they could not be bent to his desire. Even though the *ʿulamā'* and their parties as a whole had accepted - in theory as well as in practice - the norms of the parliamentary democratic system, a tiny group believed that Islam did not recognise any sort of democracy. According to them, the head of a *Shariāh* state (*amīr*) had unbridled powers. He was obliged to listen to the advice of the Advisory Council (*majlis-i-shūrā*), appointed by him, but had the power to overrule it. It was up to the *amīr* to accept or reject the opinion of the majority of the Advisory Council. Individuals were free to differ with the *amīr*, but nobody was allowed to divide the Muslim community into groups and parties. Therefore, there was no place for political parties in a *Shariāh* state.

With the establishment of *Shari'ah* Benches, Mr. B.Z. Kaykās, a retired justice of the Supreme Court, submitted a petition [to the *Shari'ah* Bench of Lahore High Court (September 1979)] in which he maintained that the prevailing political system in Pakistan was repugnant to Islam.²⁸ He quoted in defence of his view the contention of this minority group of the 'ulamā'. The petition, however, was not taken up by the courts which decided that it was beyond their (i.e., *Shari'ah* Bench or FSC) jurisdiction.

8.4.4 The Federal Council (FC)

In this context, Ziyā-ul-Haq let it be known that he wanted to introduce a new Islamic political system in the country, and several bodies were to be involved in the task of formulating recommendations in respect of the establishment of a *Shari'ah* state structure.

A Provisional Constitutional Order was promulgated (24 March 1981) giving Ziyā-ul-Haq, the President, absolute power to amend the 1973 Constitution at will, requiring the judges of the Supreme Court and the High Courts to take a new oath of office under this Order.²⁹ The Provisional Constitutional Order declared that democracy and representative institutions would be restored as soon as possible 'in conformity with the principles of Islam',³⁰ but a Federal Council (FC) would be nominated. According to Article 4 of the Order

- 1) There shall be a Federal Council (*Majlis-e-Shūrā*) consisting of such persons as the President may, by Order, determine.

- 2) The Federal Council (*Majlis-e-Shūrā*) shall perform such functions as may be specified in an Order by the President.

A Federal Council consisting of hand-picked members was formed (24 December 1981). Inaugurating it, Ziyā-ul-Ḥaq observed (11 January 1982) that one of the main tasks facing FC would be the design of a formal system of government from an Islamic point of view.

During a span of two and a half years (11 January 1982 - 10 July 1984), FC met ten times. How far was it effective? Once a Budget Session was hurriedly called then terminated after the budget statement was read out. A member angrily expostulated whether the budget was presented before the members of FC, or they were presented before the budget!³¹

Nevertheless, FC constituted a Special Committee (12 February 1983) with a remit to make recommendations on the question of an Islamic form of government.

8.4.5 The Anṣārī Commission

A few months prior to the inauguration of FC, Ziyā-ul-Ḥaq formally requested CII (22 June 1981) to prepare a draft of an Islamic system of government. At a press conference (Karachi: 12 August 1981), he disclosed that five other bodies, apart from CII, were studying the issue 'as to which system of government was compatible with the tenets of Islam'.³² Ziyā-ul-Ḥaq neither disclosed the names of the 'five other bodies' responsible for

proposing an Islamic system of government, nor made public any recommendations they might have made.

The Special Committee of FC and CII submitted their reports in due course. They were subsequently published. Ziyā-ul-Ḥaq was not satisfied with any of the reports. A sub-committee of the Cabinet also submitted a report. All three reports were handed over to a Commission under the chairmanship of Mawlānā Zafar Ahmad Anṣārī (10 July 1983). The Commission was asked to submit to the President 'viable proposals' for the establishment of a system of government, 'keeping in view the conditions of the country and the interests of the *Millat* so that he could present to the nation ... the framework of the future political setup of the country'.³³

There was an overlap in the composition of the three bodies (i.e. Special Committee of FC, CII, and the Anṣārī Commission).³⁴ Particular care was taken to represent diverse viewpoints and sections of society. The 'ulamā'- from the three sub-sects of *Sunnīs* (i.e. *Deobandīs*, *Barelwīs* and *Ahl-i-Ḥadīṣ*) as well as *Shi'āhs* - were represented along with Islamic modernists. Nevertheless, the 'ulamā' were a less dominant force on the Special Committee of FC than on the other two bodies.

Questions pertaining to the form of the government, qualities of the head of state, extent of suffrage, and compatibility of political parties with Islam dominated their deliberations. The Special Committee of FC was explicit on the issue of the form of government:

Islam had neither prescribed nor did it insist on any specific form of government, political system or framework. It had left it for the state to run the administration according to the political framework which suited the peculiar conditions, aspirations and genius of the people, provided that it fitted into ... broad definition of an Islamic State and was run on the principle of ³⁵ داسر صم شورى بدينم

The Special Committee of FC took the view that a perusal of the history of constitution-making efforts in Pakistan would clearly indicate a consensus in favour of a parliamentary form of government. The 1973 Constitution reflected this consensus and 'ensured the preservation and promotion of Islamic order in the country'.³⁶ The Special Committee of FC did, however, point out that the 1973 Constitution was vitiated by an imbalance between the powers given to the President and the Prime Minister.

The distribution of powers between the President and the Prime Minister was very heavily weighted in favour of the latter. The absolute power, conferred by the Constitution on the Prime Minister, rendered the office of the Head of State a mere nonentity and bereft of any independent decision-making.³⁷

On the existence of political parties in an Islamic polity, the Special Committee of FC has this to say:

There is no clear-cut injunction in the *Shariah* that political parties or a political system based thereupon, are un-Islamic.³⁸

Conditions such as the requirement to register political parties, a commitment to the Islamic ideology of Pakistan, the holding of regular elections could be laid down, but parties as such would be needed in order to 'ensure [that] checks and balances [operated] against the excesses and high-handedness of the Government in power'.³⁹

It was proposed that the candidates for membership of legislatures should be practising Muslims with a basic knowledge of the *Qurān* and the *Sunnah*.

The CII report was in a form of Constitution, 'pointwise' but 'without any explanation and elucidation'.⁴⁰ It observed that a presidential form of government would be nearer to the Islamic concept, but added that

the President shall have no power to dissolve the *majlis-i-shura* ... The President shall be bound to act in accordance with the decisions taken by *majlis-i-shura*. In case he does not agree with any of *shura's* decisions, he may refer it back to *shura* for reconsideration, the President shall be bound either to accept the same or to resign his office.⁴¹

On the issue of political parties, the majority of CII expressed the view that 'in the light of the *Qurān* and the *Sunnah* elections on political parties' basis are not valid'.⁴² Three out of 15 members dissented from this mainstream opinion, whilst the Chairman of CII reserved his opinion. According to those who dissented, elections on a party basis were lawful.⁴³

The right to vote was restricted to citizens who were 'literate to the extent of being able to read the name of the candidate.'⁴⁴

Neither the Report of the Special Committee of FC nor that of CII suggested unbridled powers for the President. Instead, they suggested checks and balances. It was not possible to throw the 'unwanted elements' from the political arena by adopting the suggestions of the Reports. *Ziyā-ul-Ḥaq's* cabinet proposed its own

recommendations. The only way of getting rid of the Reports of FC and CII would be by establishing another body. Such thinking lay behind the genesis of the Anṣārī Commission.

According to Mawlānā Zafar Aḥmad Anṣārī, its Chairman, the Commission attached primary importance to the consideration that the structure recommended 'should be such as would facilitate a definite progress in the direction of evolution of an Islamic democratic system in the country'.⁴⁵

In the proposed Islamic democratic system, also termed 'Consultative System of Government',⁴⁶ the role of the Head of State (*amīr*) was regarded as the 'most pivotal in the establishment, consolidation and realisation of the objectives of an Islamic State'.⁴⁷ He would be the head of government as well, but

[t]he *Amir* shall not have any power to suspend the constitution either wholly or in part.

The *Amir* shall not have any power to dissolve the *Majlis-i-Shura* in any case whatsoever.

...The *Amir* shall not have any powers to issue any administrative or legal order, proclamation or directive which is in conflict with any injunction of the *Quran* or the *Sunnah*, and any such order, ordinance, proclamation or directive shall be liable to be declared void by a court. The *Amir* shall be bound by the decisions of the Central *Majlis-i-Shura*. However, if he does not agree with any decision of the *Shura*, he may return it to the *Shura* within 15 days of the receipt of such decision, pointing out the reasons for his disagreement with the decision of the *Shura*. But if the *Majlis-i-Shura* upholds its earlier decision by a two-thirds majority of its total membership, the *Amir* shall be bound to accept it or alternatively to resign from his office.⁴⁸

The Commission discussed the issue of elections on a party as well as a non-party basis. The starting point of the deliberations is cited below:

The system of elections on party basis is based on political concepts that have come to us from the West, specially under the influence of Britain. In the whole history of Islam never has it been considered tolerable, let alone desirable, that groups of Muslims band together and freely engage in taunting, reviling and slandering each other, and feel no qualms in resorting to even violence, murder and wanton destruction in their bid for power.⁴⁹

The deliberations resulted in the following recommendation⁵⁰ that

... elections on the basis of political parties are highly harmful for Pakistan, and hence general elections at every level should be held on non-party basis.⁵¹

The Commission was opposed to a system of proportional representation and suggested that all the members of the assemblies should be directly elected. For a Muslim member of the legislatures, the following qualifications relating to his commitment to Islam were suggested.

- 1) He ... should not be commonly known as one who openly disregards Islamic injunctions.
- 2) He should practise what is obligatory in Islam and should not indulge in the major sins.
- 3) He should have adequate knowledge of Islamic teachings.⁵²

The Anṣārī Commission recommended that its suggestions should be incorporated in the 1973 Constitution in the form of necessary amendments. The Commission was of the view that its

recommendations were so interdependent and complementary that if they were 'adopted piecemeal the concept of Islamic State in its totality might be impaired'.⁵³

8.5 Towards the 'Civilianisation' of the Military Regime

None of the reports submitted by different bodies on the establishment of a political system based on the principles of *Shari'ah* was given effect as a whole for the simple reason that they would not have helped Ziyā-ul-Ḥaq retain power as a constitutional autocrat.

Addressing the 7th session of FC (12 August 1983), Ziyā-ul-Ḥaq announced his plan for a transition from military to civilian rule. He described the achievements of his government in the sphere of the application of *Shari'ah*. In his words:

[t]here is hardly any walk of life where a beginning has not been made for its [country's] progress and reconstruction. The most important change that has taken place during this period of six years is that the *Qibla* [the direction] has been set right. The process of the march towards an Islamic way of life which had been deliberately neglected some time back is now once again in evidence. People no longer feel ashamed of identifying themselves as Muslims and Pakistanis. They take pride in praying to God Almighty, and mosques now overflow with devotees. Now religious scholars, divines and thinkers of Islam are accorded a respect in our society.⁵⁴

In his plan for the transition from military to civilian power, the President would remain all-powerful. On the completion of the general election on a non-party basis (23 March 1985), the President would appoint a Prime Minister, and the Prime Minister would seek a vote of confidence in the National Assembly within a

period of two months. If the President felt that the Prime Minister had lost the confidence of the National Assembly, he would dissolve the National Assembly and hold a general election within a period of 90 days. The 1973 Constitution would be restored after some changes were incorporated.

Ziyā-ul-Ḥaq abandoned his repeatedly expressed views on the question of the political role of the military and on proportional representation.

But, a Presidential Order called The Referendum Order, 1984 was promulgated before the intended date for the general election. The question to be answered by either YES or NO related to

'[w]hether the people of Pakistan endorse the process initiated by General Muhammad Ziya-ul-Haq, the President of Pakistan, for bringing laws in Pakistan in conformity with injunctions of Islam as laid down in the Holy *Quran* and *Sunnah* of the Holy Prophet (Peace be upon him) and for the preservation of the ideology of Pakistan, for the continuation and consolidation of that process and for the smooth and orderly transfer of power to the elected representative of the people'.⁵⁵

According to the Presidential Order, if the majority of the votes were in the affirmative, the verdict would be taken as signifying that the people of Pakistan had elected Ziyā-ul-Ḥaq as President for a five-year term from the day of the first meeting of the joint session of the National Assembly and Senate.

The referendum was held (19 December 1984). The estimates of the turnout varied from the official figure of 62.2 per cent⁵⁶ to non-partisan estimates at about 20 to 30 per cent.

8.5.1 The General Election

Following the referendum, elections to a bicameral parliament and to four provincial assemblies were held (February 1985). But none of the political parties was allowed to put up candidates, or to campaign for them. JUP, and the Movement for Restoration of Democracy (MRD),⁵⁷ an alliance of opposition parties, made a mass appeal for a boycott of the elections. In the event, however, lack of organisation and party discipline within the political parties stood in the way of a successful boycott. The middle and lower-ranking leadership of the boycotting parties did take part in the elections.⁵⁸ JUIP (Darkhawastī group), JIP and PML did allow their affiliates to contest these party-less elections. The impartial estimate of a 53 per cent electoral attendance (of registered voters) at the polls⁵⁹ indicated that the boycott had indeed failed to bite.

The newly-elected National Assembly and Senate, as well as the four Provincial Assemblies constituted a motley collection of new faces drawn from segments of Pakistani society which traditionally controlled social and political power (i.e. the *zamīndārs*, *barādarī* chiefs and the rich).⁶⁰ JIP enjoyed the following of 10 out of a total of 237 MNAs. The 'ulamā' of the *Deobandī*, *Barelwī* and *Ahl-i-Ḥadīṡ* religious-political parties were represented by a total of 10 more MNAs. 20 seats had been reserved for the 'ulamā', technocrats and professionals in the Senate. Two 'ulamā' belonging to JUIP (Darkhawastī group) were elected to the Senate, and three JIP senators entered the House.

8.6 Muhammad Khan Junejo's Prime Ministership (1985-1988)

The second phase of Ziyā-ul-Ḥaq's regime began with the 1985 elections. Muḥammad Khān Junejo, a Sindhi MNA, was nominated as Prime Minister by the President. Junejo began his political career in 1964 as Railway Minister under Muḥammad Ayūb Khān. He had been a member of Ziyā-ul-Ḥaq's cabinet for a brief period (1978-1979). Following the passage of the 8th Constitutional Amendment Act, Martial Law was lifted (30 December 1985).⁶¹

In spite of Ziyā-ul-Ḥaq's personal as well as some intellectuals' dislike of political parties which they believed ran contrary to the spirit of the Islamic teachings of unity, the newly-elected National Assembly (as under Muḥammad Ayūb Khān's regime)⁶² became the spawning ground for the emergence of a political system based on parties. Ironically, a National Assembly voted on the basis of a party-less election soon became an arena for political competition between rival parties. On 18 January 1986 PML was reconstituted with Muḥammad Khān Junejo as President. A majority of MNAs and MPAs soon flocked to PML which became the ruling party at the Centre as well as in all the four provinces.

Muḥammad Khān Junejo led a government of limited democratic character, under the overall supervision of the armed forces. He assumed office amid much publicised observances prescribed in *Shari'ah*. The 'ulamā', within the National Assembly and Senate and without, were anxious to speed up the process of application of *Shari'ah*. But, unlike Ziyā-ul-Ḥaq himself, the PML government did not share their enthusiasm for the introduction of *Shari'ah*. Once again the conflict between 'modernists' on the one

hand and the 'ulamā' on the other came to a head. The emphasis given to the application of *Shari'ah* was now sought to be removed in favour of a more secular and modernist approach, even though Muhammad Khān Junejo did not dare countermand the initiatives, already taken under *Shari'ah*, partly for fear of losing popularity and partly for the reason that he was sharing power with Ziyā-ul-Ḥaq, who was a devout Muslim.

8.7 The *Shari'at* Bill

The 'ulamā became gradually disillusioned with the actual policy pursued by Ziyā-ul-Ḥaq in respect of the application of *Shari'ah*. They began to voice the view that the policy of applying *Shari'ah* piecemeal had failed to achieve any tangible results, and therefore *Shari'ah* should be systematically applied to all aspects of socio-political life at once. Mawlānā Samī'ul-Ḥaq and Qāzī 'Abdul Laṭīf, the two JUIP senators, introduced a *Shari'at* Bill in Senate (13 July 1985).

Before discussing the controversy generated by the *Shari'at* Bill, it would be appropriate to consider the attitude of the 'ulamā' to the Ziyā-ul-Ḥaq regime and Ziyā-ul-Ḥaq's policy towards the 'ulamā'.

8.7.1 The Ziyā-ul-Ḥaq Regime and the 'Ulamā'

The military regime, as has already been pointed out, enjoyed PNA (including the religious parties) support. But the original support, which the religious-political parties gave the regime unanimously, evaporated with the passage of time. The

leaderships of JUP and JUIP (Fazlur Raḥmān group) were critical of the regime. However, JIP continued to be a consistent supporter of the military regime.

In this perspective, Ziyā-ul-Ḥaq was in need of the 'ulamā's support for his approach to the application of *Shariah*. Conventions of the 'ulamā' and *mashā'ikh* were called under the auspices of the Ministry of Religious Affairs. At the Convention of the 'Ulamā' (Islamabad: 21-22 August 1980), Ziyā-ul-Ḥaq promised that his administration would take major steps to enhance the status of the 'ulamā' and revive their honour and dignity in society. He offered them representation in the Federal and Provincial Councils. He demonstrated his personal regard for the 'ulamā' by the announcement that, until an elected National Assembly came into existence, the 'ulamā' would serve as his *majlis-i-shūrā*.⁶³

The 'ulamā', on the other hand, applauded his sincere efforts to apply *Shari'ah* but expressed their dissatisfaction with the slow rate of progress of the programme. They blamed the secular bureaucratic establishment for its unwillingness to apply *Shari'ah* at the state level. The 'ulamā' recommended the replacement of existing secular education system by 'an Islamic system of education', the establishment of separate universities for women, the inclusion of the 'ulamā' on the courts competent to try cases relating to *hudūd* Laws, and the appointment of 'ulamā' to *Shari'ah* Benches.⁶⁴ Ziyā-ul-Ḥaq assured them that the process would be speeded up with the help of the 'ulamā'. The further steps included a new education policy, an Islamic university and establishment of *qāzī* courts.

Following the Convention of 'Ulamā', a separate Convention of *Mashā'ikh* was called (Islamabad: 22 September 1980). Interestingly, a number of Ziyā-ul-Ḥaq's supporters amongst the 'ulamā' who had taken part in the earlier Convention, were also present at this Convention. *Ahl-i-Ḥadīṣ*, in general, do not believe in the doctrines of sufism; but, Miyān Faḥl-i-Ḥaq, their representative, not only participated in the Convention but also delivered a speech. The tone of the speeches from both sides, the *mashā'ikh* as well as Ziyā-ul-Ḥaq, was similar to that of the Convention of the 'Ulamā'.

Ziyā-ul-Ḥaq was able to demonstrate successfully that JUP and JUIP were not the sole representatives of the *Barelwī* and *Deobandī* 'ulamā, or at least that they had failed to establish strict control over the 'ulamā. Both conventions pointed to support for his brand of application of *Shari'ah* among the 'ulamā'.

Ziyā ul-Ḥaq fulfilled some of his promises. The 'ulamā' were given representation in the Federal Council. Three 'ulamā' were appointed judges of the FSC. But, on the whole, however, the gap between the promises and the actions of the regime grew wider with the passage of time. Several of the 'ulamā' were disappointed and became critics of the regime. Even JIP, the most committed ally of the regime, tried to step back a little from its close proximity to the regime. The 'ulamā's changing attitude towards the government was evident in the number of persons attending the Second Convention of the 'Ulamā' (Islamabad: 4-5 January 1984), and the content and tone of the speeches delivered there. Although a larger number attended, prominent *ulama*, who had previously been supporters of the regime, were conspicuous by their absence. Those

among the 'ulamā' who had been affiliated with institutions responsible for speeding up the process of the application of *Shari'ah* attended the Convention; but they were bitterly critical of the slowness of the process. The establishment of separate universities for women, formation of *qāzī* courts, evolution of interest-free banking, and realisation of speedy and fair justice, were still no more than splendid promises.⁶⁵

The 'ulamā' were satisfied with the theoretical work of CII. They demanded that CII's recommendations should be published so that the people of the country would be made aware of the efforts of the 'ulamā'. The establishment of *qāzī* courts had a direct implication for the 'ulamā', because the latter would become *qāzīs* on account of their knowledge of *Shari'ah*. Therefore, the 'ulamā' were keen that the scheme should be enforced. Ziyā-ul-Ḥaq categorically told the 'ulamā' that this idea was resisted by practising lawyers, but even so he was committed to putting it into practice. The only hurdle in the way was the lack of financial resources. When Dr. Tanzīlur Raḥmān, Chairman of CII, presented his report highlighting the theoretical research work done by CII and implicitly making the regime responsible for the failure to take practical steps, Ziyā-ul-Ḥaq became enraged. He said:

I know that the recommendations have their own utility and importance, but enforcement of recommendations also has implications. The person who is at the helm of affairs is more aware of the difficulties and limitations he faces than others. As the responsibility of government is on my shoulders, I know the extent of the practical difficulties involved. If the responsibility had been vested with Dr. Sahib [Tanzīlur Raḥmān], he would have experienced the difference between making recommendations and enforcing them.⁶⁶

The *ulama* did not refrain from ventilating their dissatisfaction with the process of *Shari'ah* application, in which 'modernist' and secular civil administration were given the basic role. The '*ulamā*' were no longer satisfied with the policy of gradual application of *Shari'ah* in selected areas of the economy, polity and education. They demanded that *Shari'ah* should be applied in its entirety within the briefest possible time.

After the completion of the referendum (19 December 1984), the Third Convention of the '*Ulamā*' was convened. Ziyā-ul-Ḥaq had secured a mandate to remain President of the country for a further period of five years, and the general election was in the offing. In the expectation that a new political support base would emerge in the near future, Ziyā-ul-Ḥaq felt that he no longer needed the support of the '*ulamā*' for his particular policy of application of *Shari'ah*. He was not prepared to appear subservient or extra-reverential to the '*ulamā*'. He came out to chastise them that 36,000 of the '*ulamā*' were semi-literate and 11,000 were quite illiterate.⁶⁷ The Chairman of CII who persistently complained that the government had always set aside his recommendations, became a target of Ziya-ul-Haq's harsh criticism to the effect that he was unaware of statecraft. Ziya-ul-Haq made a sporting offer to hand over the administration of the government to the Chairman of CII for a period of ten days, in order that he might have the opportunity to put his 'valuable recommendations' into practice.⁶⁸

8.7.2 The Political Context of the *Shari'at* Bill

According to the *Shari'at* Bill, as tabled on 13 July 1985, the *Qurān* and the *Sunnah* were the basic sources of *Shari'ah*; and all

such decrees as had been compiled by the exercise of *ijmā'* and *ijtihād* according to renowned jurists, in the light of the *Qurān* and the *Sunnah*, would be considered as constituting the injunctions of *Shari'ah*. The only valid interpretation of the *Qurān* and the *Sunnah* would be that which was in conformity with the views of *Ahl-i-Bayt*, *ṣaḥābah* (companions of the Prophet), and renowned jurists, as well as in accordance with the established principles of exegesis and *ḥadīṣ*.

No legislature had the authority to pass a resolution, or enact a law repugnant to the injunctions of *Shari'ah*. Any such resolution or law passed by a legislature could be challenged in FSC.

The courts would be bound to decide all cases in accordance with *Shari'ah*. FSC's jurisdiction would cover all cases without exception. Experienced and learned '*ulamā'* would be appointed as judges and jurist-consultants in all courts.⁶⁹

The *Shari'at* Bill was sent to the Senate's Standing Committee on legal and parliamentary affairs. It did not report for more than three months, after which the Bill was handed over to a Select Committee which produced a revised version of it. The original *Shari'at* Bill had already been referred to CII whose recommendations were submitted in June 1986.

In the meantime, the '*ulamā'* formed the *Mutaḥiddah Shari'at Mahāz* (United *Shari'ah* Front) (MSM) with a view to putting pressure on the government both within and outwith the parliament.⁷⁰ MSM gathered together 22 organisations of a purely religious nature,

including the two religious-political parties - JIP and JUIP (Darkhawasti group).

The Shari'at Bill was opposed by the modernists, women's organisations and a section of the 'ulamā'. The modernists were against giving overall jurisprudential supremacy to the 'ulamā' in the sphere of politics. The responsibility for the application of *Shari'ah*, in the Shari'at Bill, rested with the courts. The job of the courts, according to the modernists, was not to legislate, but to interpret laws already legislated, and to clarify ambiguities in their application. *Shari'ah* was not compiled in the conventional form of articles. Different and sometimes contradictory decrees were in existence, therefore it would be very difficult for the judges to take decisions. The application of *Shari'ah*, modernists believed, ought to be through the medium of parliamentary legislation.

Women's organisations believed that the Shari'at Bill, if passed, would become an instrument for taking away their hard won rights guaranteed in the form of MFLO. They based their view on the opposition of the 'ulamā' to MFLO at the time of its promulgation.⁷¹ JUP as well as a faction of JUIP, under the leadership of Mawlānā Faḡlur Raḡmān, were opposed to the Ziyā-ul-Ḥaq regime. They had boycotted the 1984 referendum and the 1985 party-less elections. They expressed the view that the parliament which had resulted from Ziyā-ul-Ḥaq's 'unconstitutional referendum' had no legal or constitutional status. The introduction of the Shari'at Bill in such a parliament was unacceptable.⁷² Even so, these organisations were, by and large, not opposed to the content and spirit of the Shari'at Bill.

In April 1986, when MSM launched a country-wide signature campaign in favour of the Shari'at Bill⁷³ *Markazī Jamā'at-i-Ahl-i-Sunnat*⁷⁴ (MJAS), a *Barelwī* organisation voiced its opposition to the Shari'at Bill. It organised a Long March from Karachi to Islamabad (9 July - 10 August 1986) in order to attract publicity, at the end of which the General Secretary expressed the following objection:

We know full well that the Shari'at Bill is presented with the tacit approval of the government. Its aim is to make a tiny sect the sole spokesman of Islam. But, as a matter of fact, an overwhelming majority of this country's population belongs to *Ahl-i-Sunnat*.

We demand the immediate enforcement of *Nizām-i-Muṣṭafā*. The objective of the Shari'at Bill is to enforce a version of Islam, that could be appropriately termed Mawdudism, but not true Islam. We would not allow the passage of a Bill knowing that it would open wide the door of *ijtihād* in such a way that every Muslim would be in a position to impose an Islam of his own choice, justifying it in the name of a new *mujtahid* ... Nothing is acceptable to us except *Hanafī* jurisprudence.⁷⁵

MJAS's opposition was clearly based on sectarian considerations and an intolerance of *ijtihād*.

8.8 The Ninth Amendment to the 1973 Constitution

In the midst of such campaigns for and against the Shari'at Bill, the Senate Select Committee presented an altered version of the Shari'at Bill which was unanimously passed as the Ninth Amendment to the Constitution (8 July 1986).

The Ninth Amendment was aimed at altering the scope and purpose of Articles 2 and 203 of the Constitution. Article 2

('Islam shall be the State religion of Pakistan') was elaborated to read that Islam, as envisaged in the *Qurān* and the *Sunnah*, would be the supreme law. The government, in its policy-making role and in the legislatures would seek guidance, in the process of enacting laws, from the 'supreme law'. The provision contained in Article 203 on FSC's jurisdiction was so amended as to empower it to declare any law repugnant to *Shari'ah* except that the laws pertaining to financial system of the country (i.e. banking and insurance) would be kept out of its jurisdiction.

The passage of the Ninth Amendment in the Senate represented, if not from the *'ulamā's* point of view then from the government's point of view, a step forward in the implementation of the *Shari'ah* process. Of the two issues which enjoyed constitutional protection since the formation of FSC, MFLO was brought under the jurisdiction of FSC. The other, namely financial practices, was extended further protection. There was no guarantee that the *'ulamā'* would be admitted to the courts as judges and juris-consultants. It was up to FSC to decide whether or not a law was repugnant to Islam. The other courts would adjudicate in accordance with the existing penal code. The senators who upheld the cause of MSM supported the Ninth Amendment on the grounds that something was better than nothing, but they did not abandon the *Shari'at Bill*. They continued to rally support from all sections of the *'ulamā'* outside Parliament, and, in order to placate critics, they amended the original *Shari'at Bill*. The amendments, made at a well-attended Convention of the *'ulamā'* (Lahore: 26 October 1986), were presented to Senate by the initiators of the *Shari'at Bill*.⁷⁶

The National Assembly was dissolved by Ziyā-ul-Ḥaq, the President, before it could pass the Ninth Amendment.

8.9 The Change in JIP's Policy

Even though JIP gave general support to the regime, there was some disagreement within its leadership. Professor 'Abdul Ghafūr Aḥmad, the *nā'ib-amīr*, believed that the entire process of application of *Shari'ah* was engineered as a part of the military regime's strategy for survival. Professor 'Abdul Ghafūr Aḥmad's views were shared by *Islāmī Jamīyat-i-Ṭalabah* (IJT), the student wing of JIP, which proved to be anything but a tame organisation as far as the regime was concerned. In the first instance, the government attempted to counter the activities of IJT by promoting the Muslim Students' Federation; but, when this policy failed, a ban was imposed on students' unions (9 February 1984). It caused disenchantment within JIP because the majority of the students' unions, especially in the Punjab and *muhājir* pockets of Sind, were controlled by IJT.

During the Prime Ministership of Muḥammad Khān Junejo, JIP upheld the cause of the *Shari'at Bill* at a big cost. Karachi, where the municipal corporation was under JIP's control, was widely thought to be its main stronghold. The Karachi corporation was dissolved by Ordinance in 1986. It controlled the trade union of PIA, and exercised considerable influence on the railway union in the Karachi region. Both the PIA trade union and the railway union were banned. Hundreds of PIA employees were made redundant and JIP was in no position to give them political support. The students belonging to IJT suffered a great deal.

JIP became demoralised under intimidation by the regime. In the meantime, at the top level of the organisation, Miyān Ṭufayl Muḥammad was replaced by Qāzī Ḥusayn Aḥmad as *amīr* (October 1987). The new *amīr* was not as negatively disposed towards PPP as Miyan Ṭufayl Muḥammad had been. He openly praised Bhutto's talents and saw no harm in negotiating with the PPP leadership.⁷⁷

In a similar vein, the JUIP (Darkhawastī group) leaders and rank and file as well as the '*ulamā*' who upheld the cause of the Shari'at Bill were disappointed with the Junejo government and its military master.⁷⁸

8.10 The Afghanistan Factor in the Politics of the '*Ulamā*'

In spite of the disappointment of the '*ulamā*' with Ziyā-ul-Ḥaq, they did not take to the streets with the aim of toppling the regime. This was mainly due, among other factors, to the Afghanistan factor as it affected Pakistani politics. With the intervention of Soviet armed forces in Afghanistan (20 December 1979), a resistance movement was organised in Afghanistan with the aim of overthrowing the administration of Afghanistan which enjoyed the Soviet Union's political support. The resistance movement emerged mainly from religious groups which had links with the organisations of the '*ulamā*' in Pakistan. The leading '*ulamā*' in the resistance movement in Afghanistan were educated in *madrasahs* of NWFP, particularly in *Dār-ul-ʿUlūm Haqqāniyyah* Akora-Khattack.

The Islamic leadership which emerged during the early '70s among the students of Kabul University was inspired by the writings of Sayyid Abul Alā Mawdūdī of JIP. The university-

educated leadership of the resistance groups was ideologically close to JIP. The ideological (as well as the student-teacher) relationship prevailing between the Afghan leaders of the resistance groups with JIP and JUIP formed the basis of the support that the Afghan movement enjoyed among these organisations in Pakistan. Moreover, the leadership of the Afghan resistance movement claimed that its aim was not only to liberate Afghanistan from Soviet influence, but also to establish a *Shari'ah* state there. JIP and JUIP naturally felt that it would be a disservice to Islam to destabilise a government headed by Ziyā-ul-Ḥaq who was deeply committed to giving support to the Afghanistan resistance movement.

8.11 The Dismissal of Muhammad Khān Junejo's Ministry

Muḥammad Khān Junejo did not give way to the *ʿulamā*; he did enjoy the support of a majority of MNAs. To the surprise of observers, President Muḥammad Ziyā-ul-Ḥaq took the decision (29 May 1987) to dissolve the National and Provincial Assemblies, and to terminate the services of the ministries at the Centre as well as in the Provinces. Ziyā-ul-Ḥaq made a statement to the effect that the deterioration of law and order, the poor state of the economy, corruption, and lack of interest in the application of *Shari'ah* were the main factors underlying his decision to sack the Junejo ministry. Even though these charges did carry a semblance of truth, the step taken by the President was contrary to democratic norms.

The charges of corruption and incompetence soon lost their weight when a caretaker government was formed at the Centre. The federal cabinet of 17 ministers and one minister of state

included eight ministers from the Junejo government. 14 belonged to PLM, the former ruling party, whilst three were drawn from the former parliamentary opposition. Ziyā-ul-Ḥaq could hardly be expected to achieve radically different policies from a cabinet consisting of a large number of ministers who had worked in the 'corrupt' government of Prime Minister Junejo. There was some feeling that the removal of Junejo from power was motivated by reasons other than those given to the public.

Ziyā-ul-Ḥaq's aim of cultivating Junejo as a protégé was frustrated because, within a year of being appointed Prime Minister, Junejo developed enough confidence to be able to assert his own identity. Ziyā-ul-Ḥaq regarded foreign affairs as falling within his sphere even while pretending to 'share' power with Junejo. But, Junejo gradually ignored him. First, the Prime Minister issued an order to the effect that the files of the Ministry of Foreign Affairs should be put up to him. He exercised his discretion in appointments and transfers of ambassadors and secretaries. Ṣāhibzādah Yāqūb Khān, the Foreign Minister, was replaced by Zayn Nūrānī (November 1987). Junejo's approach on the issue of Afghanistan differed from Ziyā-ul-Ḥaq's. The latter did not like to recognise PPP and MRD, but Junejo convened a conference of the leaders of all national political parties (4-5 March 1985) to consider Pakistan's position on the Afghanistan issue.

In addition to making contacts with political forces, Junejo also worked to strengthen PML by enrolling influential *zamīndārs* and *barādārī* leaders. Junejo was busy fortifying his position within PML so that he could retain the position of President of the party.

It seemed that, despite internal opposition from pro-Ziyā-ul-Haq elements, Junejo held a dominant position within PML. There was reason to believe that Junejo would emerge an even stronger leader in the next general election due in 1990, as long as PPP, the main opposition party, remained outside the political arena. A confident and independent Junejo would not suit Ziyā-ul-Haq. His services were therefore abruptly terminated.

8.12 The Enforcement of the *Shari'ah* Ordinance (15 June 1988)

Ziya-ul-Haq's arbitrary act of dissolving the assemblies and terminating the ministries was not only condemned by PML's deposed leadership, but also disliked by the opposition parties, including the constituents of MRD which had refused to accept the party-less election of 1985 as legitimate. After the dissolution of the assemblies, Ziyā-ul-Haq was constitutionally bound to hold a fresh election. His election strategy seemed to be based on provoking a split within PML and carving off those elements which would be prepared to accept his supremacy. He hoped that it would lead to the removal of Junejo's political influence and to appeasing the lobby of the *ulama* by blaming Junejo for his refusal to apply *Shari'ah*. The existing electoral laws were sufficient to keep 'undesirable' elements out of the political arena.

Ziyā-ul-Haq once again tried to demonstrate his commitment to the application of *Shari'ah*, by promulgating the *Shari'ah* Ordinance (15 June 1988).

The time is not far off when Pakistan will become in the true sense a cradle of Islam, the craze of un-Islamic values will peter out; the atmosphere of suspense and misgivings will

wither away, anti-Islam forces will become weaker and ascendancy of *Shariat-i-Muhammadi* will permeate every nook and corner of the dear motherland.⁷⁹

The main feature of the Enforcement of *Shari'ah* Ordinance, 1988,⁸⁰ are given below:

- 1) *Shari'ah* (i.e., the *Qur'an* and the *Sunnah*) is 'the supreme source of laws' of the land.
- 2) The introduction of *Shari'ah* will not affect the personal laws of non-Muslims.
- 3) Every High Court shall have the authority to take cognizance of all financial and family laws.
- 4) Experienced and qualified '*ulamā*' will be appointed as *muftīs* to assist and guide the higher courts in the interpretation of *Shari'ah*.
- 5) '*Ulamā*' could be appointed as judges in the subordinate courts, while courts could invite '*ulamā*' for help in interpretation of *Shari'ah*.
- 6) Two separate Commissions will be constituted, within a month of the promulgation of the Ordinance, to make recommendations in order to mould the economy and the educational system in accordance with *Shari'ah*. The Commissions will function on a permanent basis to oversee the implementation of their recommendations.
- 7) Appropriate measures will be taken so that the mass media promote Islamic values.
- 8) Any investment of a person under any Government scheme would be protected. The Government would

honour its commitments and make payments to those to whom they are due under the old laws.

- 9) Similarly, agreements with foreign countries or outside agencies would not be affected.

MSM's agitation pressing for the passage of the Shari'at Bill presented by the 'ulamā', died down with the dissolution of the National Assembly. It made no response as a body to the Enforcement of Shari'ah Ordinance. The parties and the individuals belonging to MSM, however, responded in their particular capacities. Mawlānā Qāzī 'Abdul Laṭīf, one of the initiators of the Shari'at Bill, and Muftī Muḥammad Ḥusayn Nā'imī, a Barelwī 'ālim, welcomed the Enforcement of Shari'ah Ordinance. They based their response on the fact that MSM failed to exert sufficient pressure on the government.⁸¹ In such a situation, the 'ulamā' should accept any step taken towards the application of *Shari'ah*.

JIP, which was the most articulate component of MSM, however, totally rejected the Ordinance. In its view *Shari'ah* was not declared 'the Supreme Law', and rendered as 'the supreme source of laws' (i.e., among other sources). Some provision was made for an examination of conformity or otherwise of the laws extant with *Shari'ah* but there was no mechanism for examining or challenging the government's policies, executive actions or orders. The Ordinance provided no guidance on the issue of interpretation of *Shari'ah*. It had failed to stipulate that the interpretation of the *Qurān* and the *Sunnah* would be according to the accepted principles of Islamic jurisprudence.

Moreover, the Constitution and procedural laws had been

kept outside the jurisdiction of the courts. The Ordinance had a built-in mechanism for encouraging delays and deviations. In the name of fulfilling the government's existing financial obligations, *ribā* (interest) was sanctified. Appointment of *muftīs* to help the higher courts was a good idea, but the matter was left entirely to the President's tender mercy and goodwill. The two Commissions, envisaged in the Ordinance, had no executive power and would have no power to stop the violation of *Shariāh*.⁸²

JIP became the latest addition to the political forces arranged against *Ziyā-ul-Ḥaq*. In contrast to his predecessor *Miyān Tufayl Muḥammad*, *Qāzī Ḥusayn Aḥmad*, the new *amīr* of JIP, had publicly praised *Bhutto*, and especially his contribution to the foreign policy of Pakistan. It was intended as a gesture of goodwill to PPP. Both parties started negotiations aimed at creating the condition for a working alliance between them.

In this atmosphere, after he had lost his former allies (i.e. PML, JIP, JUIP-Darkhawasti group and a considerable section of the *‘ulamā*), *Ziyā-ul-Ḥaq* announced that elections to the National and Provincial Assemblies would be held on 16th and 19th November respectively. The elections would be on a non-party basis even though political parties would not be banned. The political parties resisted *Ziyā-ul-Ḥaq*'s plan, but it was not clear what shape political events would assume. In this situation of uncertainty, the main figure on the political stage of Pakistan was killed in an air crash (August 1988).

8.13 Conclusion

Under the military regime of Ziyā-ul-Ḥaq, particularly during the period 1978-1984, the revivalist approach of the 'ulamā' became more dominant than the modernist approach of Islam; and the regime did more for the application of *Shari'āh* than any previous government. The application of *Shari'āh* served a valuable political function by distracting the attention of the masses from the failure of the regime to hold a general election as a means of imparting legitimacy to what was still only a military take-over.

Even though the 'ulamā'-dominated CII played a pivotal role on the theological level of the application of *Shari'āh*, CII's role remained advisory in nature in conformity with the 1973 Constitution. It was largely up to the civil administration (i.e. Ministry of Religious Affairs and Ministry of Law) and the Federal Cabinet to decide which of the recommendations should be implemented and to what extent. The whole process of the application of *Shari'āh* was a copy of the politics of kings and sultans of the past, who adhered to the practice of holding the centres of power firmly in their grasp whilst applying *Shari'āh* on the religious periphery. Ziyā-ul-Ḥaq amended the 1973 Constitution in the name of achieving a balance between the powers of President and Prime Minister. As a result, the balance was shifted in the former's favour. The amendments permitted him to hold dual responsibility as President and Chief of Army Staff.

With the process of the application of *Shari'āh*, the 'ulamā' came close to the corridors of power but they continued to remain disunited. As against JIP and a JUIP faction which supported the

process, there were JUP and the Fazlur Raḥmān faction of JUIP which were opposed to it with equal fervour.

The application of *Shariāh* rested more on the judgments of the established *Hanafī* juristic school of thought, than on the basic sources (*viz.*, the *Qurān* and the *Sunnah*). It was this aspect of *Shariāh* that the *Shariāt Bill* sought to introduce into the political life of Pakistan. It also formed the basis of the criticisms levelled against the *Enforcement of Shariāh Ordinance* by the *‘ulamā*. *Ijtihād* was not practised, and the process degenerated into sectarianism. The *Shiāhs* refused to accept any of the judgments of FSC since no *Shiāh* judge was appointed to the court.

Thus, the lofty and much publicised objectives of the application of *Shariāh* - the elimination of poverty, provision of speedy and cheap justice, and revival of piety in society, could not be achieved. Poverty could not be eliminated merely by imposing *zakāt* and *‘ushr*, and by reforming banking practice. It needed radical economic measures which were inhibited by the prevailing norms of tenancy and propertyship as well as the abandonment of *ijtihād* in practice. The parallel functioning of the three judicial systems of the civil court, *Shariāh* court and Martial Law summary court was bound to sow confusion and hinder the process of rendering real justice. Above all, the application of *Shariāh* depended on the state bureaucracy and law enforcement agencies, which were definitely not orientated on the basis of the concepts enshrined in *Shariāh*.

In spite of the clamour for *Shariāh*, the *‘ulamā* were unable to achieve an improvement of the degree of popular support

that they enjoyed. Thus, despite the fact that MRD, the major opposition alliance, opted to remain outside the political arena in the 1985 election, the 'ulamā' scarcely improved their position. Herein lay their major political weakness which the modernist PML was able to exploit to its advantage. No wonder then that PML paid no heed to the Shari'at Bill.

The 'ulamā' were, however, able to achieve the general aim of diverting Pakistan's politics from a secularist and Islamic modernist mode to an Islamic mode tinged with revivalism. It would appear that any future ruler, whichever political plumage he/she might don, could ill afford to be secular in the true sense of the word.

NOTES

1. This was the name given by Ziyā-ul-Ḥaḡ to the operation for the seizure of power by the military. See Pakistan Times, 6 July 1977.
2. *Ibid.*, 6 July 1977.
Ziyā-ul-Ḥaḡ repeatedly voiced this view. Inaugurating the *Shariāh* Faculty at the *Qā'id-i-Āzam* University (Islamabad: 8 October 1979), he recalled that the PNA agitation was:

basically a voice of protest against ... un-Islamic trends ... a proclamation of the fact that a nation that can wrest a separate homeland in the name of Islam from non-Muslim opponents and colonial power can not allow a party or a leader to attempt to introduce un-Islamic values in a country which has been established after such efforts.
3. The Laws (Continuance in Force) Order, 1977.
4. The PPP government had charged NAP with conspiracy against the integrity of the country. Its leaders, including Khān 'Abdul Walī Khān, were sentenced to imprisonment. The military regime dropped the charges and released the convicts (1 January 1978).
5. Shāh, Pīr Muḥammad Karam, Qawmī Ittihād Keyūn Tutā? (Lahore: *Shūbah-i-Nashr-w-Ishāāt Jamīyat-i-'Ulamā-i-Pakistān*, 1988), p.9.
6. The process of judicial probing started on 22 February 1978. Until 25 June 1978, cases involving 54 politicians were decided. Of these, 44 were disqualified to hold any public office for seven years. In order to accelerate the process Summary Military Courts were formed to decide cases; but, after some time, the whole exercise became a dead letter.
7. JUP left PNA. When Mawlānā Shāh Aḥmad Nūrānī, the President of JUP, was reminded by an interviewer that he, along with other leaders of PNA holding one another's hands, had pledged to retain the alliance, he asked the interviewer whose hand was in his. For the text of their interview see Ṣādiq, Abū Dawūd Muḥammad, Shāh Aḥmad Nūrānī (Gujranwala: *Maktabah-i-Razā-yi-Muṣṭafa*, n.d.), pp.55-94. He meant that he did not hold the hand of either Muftī Maḥmūd or Miyān Ṭufayl Muḥammad, JIP's *amīr*.
8. In a speech delivered on the occasion of 10 *Muḥarram* (the day of the martyrdom of Ḥusayn, the grandson of Prophet Muḥammad), Mawlānā Abul Alā Mawdūdī, told the audience why Ḥusayn defied the established regime of Yazīd. The sole reason for it was that Yazīd had violated the Constitution because he had failed to assume power

through a public mandate. Ḥusayn's defiance of Yazīd represented his determination to uphold the democratic spirit of Islamic political teachings.

9. Miyān Ṭufayl Muhammad, the *amīr* of JIP, had been the major target of Bhutto's allegations in his If I am Assassinated, pp.172-173. According to Bhutto's information, Ziyā-ul-Haq was closely related to Miyān Ṭufayl Muhammad. This 'information' was reproduced in several writings bearing on JIP's collaboration with the Ziyā-ul-Haq regime. For example, see Mortimer, Edward, Faith and Power: The Politics of Islam (New York: Vintage Books, 1982), p.228.

But Miyān Ṭufayl Muḥammad denied the existence of any such blood relationship. According to him, the simple fact was that the maternal grandfather of Ziyā-ul-Ḥaq's wife had been a resident of Miyān Ṭufayl Muḥammad's village. Jang (London), 12 October 1987.

10. This *Quranic* verse was frequently quoted:
al-Mā'idah: 2 *تعاونوا على البر والتقوى ولا تعاونوا على الإثم والعدوان*
[Help one another in righteousness and piety,
But help not one another in sin and rancour]
11. The post was restricted to a person who was or had been a Judge of the Supreme Court or of a High Court.
12. Maududi, S. Abul Ala, Islamic Law and Constitution (Lahore: Islamic Publications Limited, 1983), pp.93-100.
13. Haq, Mohammad Zia-ul-, Address to the Nation [June 25, 1978] (Islamabad: Directorate of Films and Publications, 1978), p.5.

CII chalked out a thorough blueprint. See Hassan, Riaz, 'Islamization: An Analysis of Religious, Political and Social Change in Pakistan', Middle Eastern Studies, 21 (1985): 3, pp.265-268.

14. Haq, Mohammad Zia-ul-, Introduction of Islamic Laws (Islamabad: Ministry of Information and Broadcasting, 1979), p.3.
15. *Ibid.*, p.17.
16. When Ziya-ul-Haq's attention was drawn to the fact that there were conflicting interpretations of specific rulings of *Shari'ah*, he is reported to have said:

We are not going into that debate. We are going to the basic laws: *Quran* and *Sunnah*. We are not going into the controversy of *Shiah*, *Sunni*, *Wahabi* ... etc. We are not getting into controversies on the issues where various sects are involved ...

[Interview to Ralph Joseph, Kehan International (Tehran), reproduced in Pakistan Horizon, 31 (1978): 2-3, p.237.]

17. Kāzimi, Ghazanfar, Marhūm Mufti Jāfar Husayn: Ayyām-i-Raftah Par Mukhtasar Nazar (Lahore: The Author, 1983), p.51.

18. After the overthrow of the Shah, the new revolutionary regime under the leadership of Āyatullāh Rūhullāh Khumīnī, adopted a Constitution of Iran declaring it an Islamic state. Unlike Pakistan, however, the new Iranian Constitution explicitly committed itself to the adoption of the *Imāmiyyah* version of Islam as the state religion. The *Shiāhs* in Pakistan, as elsewhere, were deeply influenced by the political achievements of Āyatullāh Khumīnī. The Khumīnī regime made excellent use of the printed word, and, in Pakistan, its cultural centres not only propagated the ideology of the Iranian leadership but also helped patronise the *Shiāh madrasahs* and 'ulamā'.

In the process of the application of *Shariāh*, Pakistan sought the help of Muslim countries such as Saudi Arabia and Egypt. Scholars from both these countries visited Pakistan and took part in deliberations concerning the various steps the Government ought to take in order to apply *Shariāh*. Pakistan's close relations with Saudi Arabia and Egypt were not to the liking of the Iranian authorities.

As soon as the process of application of *Shariāh* was initiated, the *Shiāh* community expressed its opposition to it. An organisation by the name of *Tahrīk-i-Nifāz-i-Fiqh-i-Jāfariyyah* (Movement for the Enforcement of *Jafari* jurisprudence) (TNFJ) was founded with Mufti Jāfar Husayn (1914-1983) as its elected leader.

The TNFJ leadership made frequent visits to Iran. It did not hesitate to express its affiliation with Iranian leadership. After Mufti Jāfar Husayn's death (29 August 1983) TNFJ underwent a split. The militant and the larger of the two groups chose Ārif Husayn Husayni, an Iran-educated *Shiāh ālim*, as its leader. The other group was led by Ḥamid Husayn Mūsawi, a moderate.

The larger group continued to resist the process of the application of *Shariāh*, even though the *Ziyā-ul-Haq* regime was able to win the support of anti-Khumīnī *Shiāh 'ulamā'*.

19. The 'ulamā' finally rejected the whole of this exercise on the government's part. See Chapter 1 of this work, pp.49-50.
20. Government of Pakistan, The Constitution of Islamic Republic of Pakistan (Islamabad: National Assembly of Pakistan, 1973), p.1.

21. Haq, Mohammad Zia-ul-, Address to the Nation, June 25, 1978 (Islamabad: Directorate of Films and Publications, 1978), p.25.
22. Supreme Court Judgement on Begum Nusrat Bhutto's Petition challenging detention of Mr. Z.A. Bhutto and others under Martial Law Order No. 12 of 1977 (Islamabad: Directorate of Films and Publications, 1977), p.73, p.133.
23. See Chapter 2 of this work, pp.94-95, pp.132-136.
24. See Chapter 4 of this work, pp.358-362.
25. JIP vigorously advocated the cause of proportional representation even after the 1970 election. Professor Khurshid Ahmad, *nā'ib-amīr* (the Vice President) of JIP, circulated a research paper prepared by the Institute of Policy Studies (Islamabad) which argued that proportional representation was closer to the spirit of popular representation. Pakistan Times, 11 August 1979, p.1.

This paper was further developed and published in the form of a book. See Ahmad, Khurshid, Proportional Representation and the Revival of Democratic Process in Pakistan (Islamabad: Institute of Policy Studies, 1983); see also Elahi, Ch. Rehmat, Electoral Reforms: A Case for Proportional Representation (Lahore: *Maktaba-e-Mansoorah*, n.d.).
26. Election Commission of Pakistan, Election Laws as modified up to 20th January 1985 (Islamabad: Election Commission Office, 1985), pp.365-366.
27. Haq, Mohammad Zia-ul-, President Ends Political Uncertainty: Address to the Nation, October 16, 1979 (Islamabad: Directorate of Films and Publications, 1979), p.4.
28. For B.Z. Kaykāus petition, see Donahue, John J. and Esposito, John L. (eds.), Islam in Transition: Muslim Perspectives (New York: Oxford University Press, 1982), pp.278-285.
29. 19 senior judges, including Mr. Justice Anwār-ul-Ḥaq, the Chief Justice of the Supreme Court of Pakistan, and three out of six sitting judges of the Supreme Court refused to take a fresh oath under the Provisional Constitution Order. They were dismissed.
30. Dawn, 25 March 1981.
31. Bāqir, Dr. Muḥammad, 'Kuchh Majlis-i-Shūrā (Marḥūm) Ke Bāre men', Janq (London), 25 February 1986, p.3.
32. Wolf-Phillips, Leslie, 'Constitutional Legitimacy in Pakistan, 1977-1982' in Wolfgang-Peter Zingle (ed.), Pakistan in its Fourth Decade (Hamburg: *Deutsches Orient-Institut*, 1983), p.32.

33. Government of Pakistan, Ansari Commission Report on Form of Government (Islamabad: Printing Corporation of Pakistan, 1983), p.III.
34. Sayyid Raḥī Mujtahid, a *Shīāh ālim*, was nominated to all three bodies. Mawlānā Zafar Aḥmad Anṣārī, Dr. ʿAbdul Wāhid Halepota, Shaykh Ghiyāṣ Muhammad and Dr. Ziya-ud-dīn Ahmad were members of both the CII and Ansari Commission. Mufti Muhammad Ḥusayn Naīmi was on both CII and the Special Committee of FC.
35. Government of Pakistan, Report of the Special Committee of the Federal Council on the Form and System of Government in Pakistan from Islamic Point of View (Islamabad: Federal Council Secretariat, 1983), p.5.
36. *Ibid.*, p.9.
37. *Ibidem.*
38. *Ibid.*, p.14.
39. *Ibid.*, p.15.
40. Government of Pakistan, Constitutional Recommendations for the Islamic System of Government (Islamabad: Council of Islamic Ideology, 1983), p.V.
41. *Ibid.*, p.11.
42. *Ibid.*, p.21.
43. 'Note of dissent' by Mufti Sayyāḥ-ud-dīn Kākā Khel, *ibid.*, pp.38-51.
44. *Ibid.*, p.21.
45. Government of Pakistan, Ansari Commission Report ..., *op.cit.*, p.V.
46. *Ibidem.*
47. *Ibid.*, p.9.
48. *Ibid.*, p.17.
49. *Ibid.*, p.27.
50. One member of the Anṣārī Commission, Justice (retired) Muḥammad Gul dissented. See his note, *ibid.*, pp.77-82.
51. *Ibid.*, p.36.
52. *Ibid.*, p.40.
53. *Ibid.*, p.VIII.
54. Haq, Zia-ul-, Political Plan Announced (Islamabad: Ministry of Information and Broadcasting), p.28.

55. Akhtar, Rafiq, Pakistan Year Book, 1987-88 (Karachi: East and West Publishing Company, 1987), p.235.
56. *Ibidem.*
57. The postponement of general election for a second time (October 1979) and Ziya-ul-Haq's manoeuvring for a 'suitable' form of government intended to give him absolute power over state affairs (albeit in the guise of an Islamic form of government), resulted in a polarisation of political forces. PNA had been an ally of Ziyā-ul-Ḥaq. But, by 1978, three of its component parties (i.e. NDP, TI and JUP) refused to join the Federal Cabinet under military hegemony. With the postponement of the general election, the remaining six constituents of PNA also began to drift apart. JIP continued to pursue a policy of co-operation with Ziyā-ul-Ḥaq. JUIP split into two factions. One group, under the leadership of Mawlānā Faḡlur Raḡmān, defected from the mainstream. Likewise, a group under the influence of Khawājah Khayr-ud-dīn parted ways with the PML mainstream.
- Along with the complete demise of PNA, there came another significant development. The leaders of NDP, PDP, TI, AJKMC, JUIP (Faḡlur Raḡmān group) had mellowed down their opposition to PPP, especially after Bhutto's execution.
- On 5 February 1981, nine parties - PPP, NDP, TI, JUIP (Faḡlur Raḡmān group), PML (Khawājah Khayr-ud-dīn group), AJKMC, *Mazdūr Kisān Party* (Party of Workers and Peasants), *Qawmī Mahāz-i-Āzādī* (National Liberation Front) and PDP - formed an alliance. It was called the 'Movement for Restoration of Democracy' (MRD). Its doors were left open to other parties to join. Some of the initial signatories left MRD and others joined it. This process of moving to and fro within the political space of Pakistan continued until 1988.
58. Thus, for example, 'Alī Aḡmad Tālpur, Al-Ḥaj 'Abbās Khān 'Abbāsī, Malik Nūr Ḥayat Khan Nūn, and Nasīm Aḡmad Āḡīr who belonged to the PPP rank and file, were known to have co-operated with the Ziya-ul-Ḥaq regime; and the latter two were returned to the National Assembly. Similarly, Shāh Turāb-ul-Ḥaq Qādirī, Ḥanīf Ṭayyab, and 'Abdul Muḡtafā al-Azhari were among JUP's provincial leaders with a leaning towards the regime who were also returned to the National Assembly.
59. Gilani, Ijaz Shafi, Pakistan at the Polls (Islamabad: Pakistan Institute of Public Opinion, 1985), p.7.
60. 66 per cent of MNAs, elected in 1985, were from prominent families or from families with experience in wielding power in local government political structures. *Ibid.*, p.33.
61. The Act amending the Constitution indemnified all Acts, orders, regulations and actions taken or affected since 5

July 1977 under Martial Law. There were about 200 pieces of absolute authority, including the referendum order under which Ziya-ul-Haq's regime itself declared its legitimacy.

62. See Chapter 5 of this work, pp.399-400
63. Government of Pakistan, Taqārīr-w-Tajāwīz 'Ulamā' Convention Mun'aqadah 21-22 August 1980 (Islamabad: Ministry of Religious and Minority Affairs, 1980), pp.238-241.
64. *Ibid.*, pp. 224-226.
65. Government of Pakistan, Taqārīr-w-Tajāwīz 'Ulamā' Convention, Mun'aqadah ... 4-5 January 1984 (Islamabad: Ministry of Religious Affairs, 1984), *passim*.
66. Author's translation.
Ibid., p.168.
67. Government of Pakistan, Taqārīr-w-Tajāwīz Nifāz-i-Islām Convention, Mun'aqadah ... 30-31 January 1985 (Islamabad: Ministry of Religious Affairs, 1985), pp.15-16.
68. *Ibid.*, p.86.
69. See Urdu text of the Shari'āt Bill, Pakistan (40) August 1986, pp.8-9.
70. Mawlānā 'Abdul Ḥaq, a highly respected alim of JUIP, was elected as President and Qāzī Ḥusayn Aḥmad (of JIP) as General Secretary, whilst a *Barelwī* and an *Ahl-i-Ḥadīṣ 'ālim* were elected Vice Presidents.
71. See Chapter 5 of this work, pp.388-394.
72. Interview with Pīr Ijāz Aḥmad Hāshimī, the propaganda secretary of JUP, Istiqlāl, 16-22 March 1988, p.33-34.
73. According to MSM sources, nearly 1.3 million people wrote to the National Assembly urging it to pass the Shari'āt Bill, while 12,000 expressed opposition to its passage. Pakistan (49), April 1987, p.14.
74. The Markazī Jamā'at-i-Ahl-i-Sunnat was formed in Karachi (1966) as a non-political organisation, providing a platform to all sections of *Barelwīs*, irrespective of their political stand, for the furtherance of religious activity. Its activities were mainly confined to Karachi, until the All-Pakistan *Sunnī* Conference (Multan: 16-17 October 1978), at which it was reorganised as All-Pakistan based organisation. Sayyid Aḥmad Sa'īd was elected President and Ṣāhibzādah Faẓl-i-Karīm as General Secretary.

During the process of application of Shari'āh, it moved closer to Ziyā-ul-Haq. This was a blow to JUP. See Markazī Jamā'at-i-Ahl-i-Sunnat Pakistan, Jamā'at-i-Ahl-i-

Sunnat Pakistan Kā Tarīkhī Fayslah Awr Is Kā Pas Manzar (Lahore: Markazī Jamāāt-i-Ahl-i-Sunnat, 1987); and Qādirī, Muhammad ʿAbdul Hakīm, Sunnī Conference Multan (Lahore: Maktabah-i-Qadiriyyah, 1978).

75. Author's translation.
Kamālī, Nādir Marwat, Nifāz-i-Nizām-i-Mustafa Ke Liye Tarīkh-i-Islām Ka Pehlā. Long March (Karachi: Maktabah-i-Farīdiyyah, 1986), pp.109-110.
76. For the revised Urdu text of the Shariāt Bill, see Pakistan (42-43), October-November 1986, pp.42-43; and for English translation see Appendix III to this work.
77. See his interview with Qawmī Digest in Pakistan (58), February 1988, pp.9-12.
78. An account of an interview with Mawlānā Samīʿ-ul-Ḥaḡ, the General Secretary of JUIP (Darkhawāstī group), can be found in Jang (London ed.), 13-14 June 1987.
79. Pakistan Times, 16 June 1988.
80. For the complete text of the Ordinance, see: Enforcement of Shariāh Ordinance 1408A.H./1988 A.D. (Islamabad: Aiwān-i-Ṣadq, n.d.).
81. Misāq, 37 (July 1988): 7, p.10.
82. Ahmad, Khurshid, 'Reading the Shariah Ordinance', Impact 18 (8-23 July 1988): 13, pp.14-16.

CHAPTER 9

AN OVERALL VIEW

The urge to mould Muslim society in accordance with *Shari'ah* has persisted since the last century when almost the entire Muslim world was under colonial rule. This phenomenon can be viewed as a response to the impact of Westernisation which, in the South Asian political context, ranged from Jamāl-ud-dīn Afghānī's Pan-Islamism to Sir Sayyid Ahmad Khān's 'Islamic modernism' on the one hand, and to the revivalism of the *Deobandī 'ulamā'* on the other. The writings of leading Muslim intellectuals of all shades of opinion reflected a spirit of romanticism hankering back to the early age of Islam. In the context of South Asia, not only the '*ulamā'* of Deoband and *Nadwat-ul-'Ulamā'* but also such modernists as Sayyid Amīr Ālī were equally concerned to arouse a sense of pride among the people in the historical past of the Muslim *ummah*.

In contrast to certain parts of the Muslim world (e.g., Turkey) where a secular political ideology was able to take root, in most Muslim societies of South Asia political identity assumed a religious character. Secularism failed to attract the Muslim peoples of South Asia. Secular parties and movements such as communism did not attract mass support in Muslim communities. Nonetheless there was internal division among South Asian Muslims stemming not only from a diversity of sects, but also from contrasting interpretation of the injunctions of Islam within the same sect. Whilst the English-educated Muslim élite adhered to Sir Sayyid Ahmad Khān's modernism, the mass of the South Asian Muslim

people were guided by the 'ulamā', their religious leaders, in the sphere of the interpretation of Islam.

Pakistan was carved out of India as a homeland for the Muslims as a consequence of the emergence of a strong sense of religious identity among them. All the successive governments of Pakistan to date have proclaimed their commitment to enabling the people to shape their lives in accordance with the injunctions of the *Qurān* and the *Sunnah*.

Historically speaking, the 'ulamā', despite their influence on the mass of the Muslims through the institutions of mosques and *madrasahs*, had never been at the helm of political decision-making in South Asia. However, they did play a significant role in resisting colonial rule and in keeping the religious identity of the community alive, even though the explicitly political content of their role was secondary to its revivalist purport. The political leadership of the Muslims was in the hands of the English-educated modernists who eventually inherited power from the colonial regime at the time of partition.

During the first seven years of Pakistan's existence (1947-1954), politics was undergoing a transition. Even though Pakistan had no history as a concrete political face prior to 1947, its institutional structure after it was brought into existence was, by and large, adapted from the colonial period. Thus, the government of Pakistan functioned under the Government of India Act, 1935 with minor changes to take account of the withdrawal of the colonial power. The party which took credit for the creation of Pakistan split and new forces surfaced to fill the gap. No

general elections to the central legislature were held. The weak political leadership became a pawn in the hands of the bureaucracy and the military.

With the dissolution of CAP and the formation of a 'cabinet of talents', the transformation of the power-structure was completed. Reflecting the interests of the *zamīndārs* and *barādarī* leaders, the political parties, the civil administration and the military became the three pillars of Pakistan's power structure. During the latter half of the '60s, a nascent entrepreneurial class emerged (in part from the *zamīndār* class). A common orientation of 'Islamic modernism' towards the interpretation of the *Qurān* and the *Sunnah* was shared by those in control of all the major institutions in the power structure. The *ulama* and the government were inevitably drawn into a political conflict.

This study has shown that the major political parties, along with religiously oriented organisations, have expressed their belief in the importance of the role of Islam in Pakistan's polity. An almost identical commitment to the enforcement of *Shari'ah* was written into the three Constitutions of Pakistan (1956, 1962 and 1973). The Objectives Resolution, 1949 was written into all of them as the preamble. It was explicitly laid down that all the laws repugnant to Islam would be brought into conformity with the injunctions of the *Qurān* and the *Sunnah*. Institutions specifically meant to achieve this aim were envisaged in all three Constitutions. In practice, however, institutions created for the purpose of bringing the laws of Pakistan into alignment with the injunctions of the *Qurān* and the *Sunnah* floundered on the rock of

the controversy dividing the modernists and the *‘ulamā’*: Little was achieved in real terms in this direction.

The modernists, holding the reins of power, continued to be dominant. The *‘ulamā’*, for their part, failed to assert themselves as a cohesive political force. Pakistan's successive governments took care not to enact legislation on the basis of an explicitly modernist approach of Islam, because they were aware of the resistance and criticism that such laws would provoke among the *‘ulamā’* and their following. Thus, changes in Muslim family laws were brought about not through legislation but through an ordinance under the Martial Law (1961); not surprisingly, MFLO was subject to acute controversy from the moment of its promulgation. In this context, the modernists were inclined to favour the maintenance of the *status quo* and not the introduction of changes along the lines of 'modernist' thinking.

The *‘ulamā’* were unable to influence the modernist power structure in any concrete sense until the *coup d'état* of 1977. During the preceding 30 years, the only glaring concession which the *‘ulamā’* had succeeded in gaining through public agitation consisted of the declaration that *Aḥmadīs* were not a Muslim community. The anti-*Aḥmadī* agitation, fuelled by the *‘ulamā’*, was mobilised on the basis of the Prophet's person as an explicit symbol which added to the impact of other social forces ranged against the *Aḥmadīs*. The common Muslim was told that the founder of the *Aḥmadiyyah* movement had projected himself as an equal of the Prophet Muḥammad; and, that such a claim constituted a challenge to the sanctity of the Prophet's person. When the anti-Bhutto

agitation reached its crescendo, the love for the Prophet's person was once again expressed through the *Nizām-i-Muṣṭafā* movement.

The modernists conceded the demands of the 'ulamā', which in their view would not affect the overall economic, social and political aims of the government. Even these concessions were made only when law and order were threatened.

The 'ulamā' made systematic efforts to publicise their viewpoint through the institutions of mosques, *madrasahs*, the political platform and the press; and, on the institutional level, they made significant inroads within educational institutions, the lower levels of the civil administration, and the military. They gradually increased their influence in these spheres. The systematic and continuous failure of the modernist power structure to deliver the goods, as perceived by the mass of the people, gave the 'ulamā' the opportunity to come to the political forefront. But they failed to bridge the political and ideological gap that was opened each time a regime was overthrown. The beneficiary of the hiatus between the 'Islamic modernist' ideologues and the 'ulamā' was the military, which was able to perpetuate and reproduce a system of rule totally alien to any kind of democratic politics.

There is no doubt that the 'ulamā' exercise a pervasive influence on the lives of the mass of the people. Equally true is the fact that the 'divisive' characteristics of the 'ulamā' act as factors contributing to a fragmentation and an undermining of the crystallisation of that influence. The *Sunnī* origin of the religious-political parties of the 'ulamā' resulted in a total alienation of the *Shī'āh* minority. Because there was no chance that

Shi'ah candidates could be elected on the basis of a sectarian appeal, they were automatically inclined to oppose the religious parties. Divided among themselves, the 'ulamā' united to achieve 'negative' ends (e.g., topple a government), but could not unite to accomplish even the most fundamental among their positive goals (*viz.*, the application of *Shari'ah*). In the brief history of Pakistan, the role played by the 'ulamā' has been one of creating obstruction and promoting dissension, rather than of creating a climate favourable to change.

The electoral performance of the 'ulamā' and their political parties has been uniformly poor. The religious-political parties failed to enlist the support of influential *barādārī* leaders and big *zamīndārs*, who control large numbers of votes (and especially rural votes) in almost every constituency. The support of the 'ulamā' is thinly spread all over the country, thus denying the 'ulamā' clear superiority on a constituency basis. They have never so far proved able to raise their vote in a sufficient number of constituencies to a level above the critical minimum needed to make the necessary difference to the number of seats won. Thus, despite securing 21.5 per cent of total votes polled in the 1970 election, the representation of religious-political parties in the National Assembly was a mere 15.5 per cent. The lack of unity among the 'ulamā' belonging to different parties has also contributed to their poor performance. This phenomenon persisted except perhaps during the PNA-led agitation against the Bhutto regime and the subsequent controversial election of March 1977. In the 1985 election, held in accordance with *Ziyā-ul-Ḥaq's* strategy of a contest on a non-party basis, the parties and groups of the 'ulamā' were clearly divided on the issue of whether or not they should

take part in the election. In the recent general election (November 1988), the 'ulamā' were at loggerheads with one another, with the result that their performance was no better than in the 1970 election.

After the dissolution of National and Provincial Assemblies (1988), Ziyā-ul-Ḥaq announced a timetable for a fresh election. He planned to hold an election on the pattern of the 1985 election at which no political party was allowed to field candidates. Irrespective of their ideology and attitude to the Ziyā-ul-Ḥaq regime during the previous 11 years, political parties were unanimous in demanding elections on a party basis. A broad alliance of different political forces against Ziyā-ul-Ḥaq's election plans was in the offing. In the meantime, Ziyā-ul-Ḥaq's death in an air crash signified a profound change of scene to follow. Ghulām Ishāq Khān, the Chairman of the Senate, became the acting President of the country. The military generals promised to go ahead with the election already scheduled by the late dictator. The Supreme Court of Pakistan cleared the way for the political parties to take part in the election. MRD, the alliance of the opposition parties, had, long before, debated whether it should turn itself into an electoral alliance. PPP, the largest and the most popular constituent of MRD, refused to enter any electoral alliance, whilst the smaller parties saw the advantages of their being a part of an electoral alliance including PPP. MRD could not turn itself into an electoral alliance. Nevertheless, as a gesture of goodwill, PPP decided not to put up its candidates against the more important leaders of the other constituents of MRD.

Soon after the dissolution of the Assemblies, PML split into two factions. One faction was led by Muḥammad Khān Junejo, the dismissed Prime Minister, and the other by Fidā Muḥammad Khān (NWFP). The latter faction had allied itself with Ziyā-ul-Ḥaq and its stalwarts were given charge of caretaker governments at the Centre as well as in the Provinces.

The religious parties were already divided. One of JUIP's two factions, under Mawlānā Faḡlur Raḡmān's leadership, was a part of MRD, whilst the other (known as the Darkhawāstī group) was part of MSM. JUP did not join either of these.

Prior to the 1988 election, new alliances were formed. PML (Junejo group), TI and JUP formed the *Pakistān 'Awāmī Ittiḡhād* (Pakistan People's Alliance) (PAI). PML (Fidā Muḥammad Khān group), National People's Party, JUIP (Darkhawāstī group), JIP and four other minor groups (*Ḥizb-i-Jihād*, *Jamīyat-i-Mashā'ikh-i-Pakistān*, a faction of *Jamīyat-i-Ahl-i-Ḥadīḡ* and a group of independent MNAs from the 1985 National Assembly) struck up an alliance called *Islāmī Jamhūrī Ittiḡhād* (Islamic Democratic Alliance) (IJI). Even as both alliances were in the process of deliberating their election strategy and the basis on which party tickets should be distributed among their constituents, the two PML groups resolved their differences. The PML (Junejo group) left PAI and joined IJI. Along with the countrywide PAI and IJI, a third alliance - Baluchistan National Alliance (BNA) - was formed in Baluchistan. It was more a platform which enabled some influential individuals to contest the election than an alliance of political parties or groups.

The religious-political parties failed to forge a common platform. The personality clash between the leadership of the two factions of JUIP proved too strong to permit a merging of their differences. JUP did not like to collaborate with the religious-political parties (i.e. JIP and the groups of JUIP) but chose instead to work with TI, a party at the opposite end of the secular-religious political spectrum. It remained a matter of speculation how the two parties (i.e. TI and JUP) might have worked together, while TI was committed to secularism and JUP had been the champion of *Nizām-i-Muṣṭafā*. The change in the ideological position of JIP and JUIP (Darkhawasti group) was equally interesting. They had previously launched an agitation against PML for its refusal to give support to the Shari'āt Bill, but now they seemed to be satisfied with assurances that *Shari'āh* would be implemented with the help of the PML leadership.

Apart from the three alliances mentioned above, 27 other parties and a large number¹ of independents contested the elections. But, during the election campaign, it became clear that the contest would be between PPP and IJI in the Punjab and Sind. In the two big cities of Karachi and Hyderabad, however, independent candidates of *Muhājir Qawmī* [National] *Movement* (MQM), a newly emerged group, did attract mammoth crowds. In Baluchistan the main contest was expected to be between IJI, JUIP (Fazlur Rahman group), BNA and Pakistan National Party. NWFP was going to be the battlefield between IJI, ANP, PPP and JUIP (Fazlur Raḥmān group).

¹Exact figures for these have not yet been officially published

So far as the rhetoric of the election campaign was concerned, IJI emphasised the application of *Shari'ah* as its major goal. In this context, the IJI leadership (and especially its PML component) openly identified itself with Ziyā-ul-Ḥaq's policies. PPP, on the other hand, claimed to be the political antithesis of the repressive and undemocratic tradition signified by the Ziyā-ul-Ḥaq regime. It pledged to carry on the work done by Zulfikar 'Alī Bhutto during his regime (1971-1977). Apart from accusations against each other, the two sides did not significantly differ on their approach to the economic, social and political problems facing Pakistan during the '90s.

As an alliance of the parties which were represented in the National Assembly (elected in 1985), IJI bestowed most of its tickets on the candidates who had served as MNAs when Junejo was Prime Minister. They had co-operated, against the appeals of PPP, with the system introduced by Muḥammad Ziya-ul-Haq. Even so, PPP was prepared to adopt some of them as its candidates for reasons of political expediency. PPP's strategy was thus to give first refusal to the MNA's-elect of the 1985 Assembly in the selection of candidates and only then to approach the candidates defeated by them. 10 MNAs-elect of the 1985 National Assembly accepted PPP tickets in this way. 19 of those candidates who failed to secure seats in 1985 but had put up a tough fight were also given PPP tickets.

There was not much of a difference between the social background of the candidates put up by IJI and PPP. A majority of them came from the *zamīndārs* and *barādārī* leaders and the rich. In

addition, IJI had to sponsor some of the 'ulamā' because JIP and JUIP (Darkhawāstī group) were among its vocal components.

Table 9.1 shows the result of the 1988 election to the general (i.e., unreserved) seats of the National Assembly. No party obtained an absolute majority, but PPP emerged as the largest single party (securing 94 out of a total of 205 seats). IJI stood second. PPP overwhelmingly won in the province of Sind where it secured 32 out of a total of 46 seats. Out of these 32 seats, two were from Karachi. The rest of Karachi's eleven seats as well as two seats in Hyderabad were won by Independents supported by MQM representing the interests of *muhājirs*. MQM emerged as a political force during the regime of Ziyā-ul-Ḥaq when ethnic tensions between the *muhājir* and Sindhi-speaking groups on one hand, and between *muhājir* and the settlers from the Punjab and NWFP in Karachi on the other were exacerbated.

PPP received a setback in the Punjab which had once been the most important bastion of its power. By comparison with the 1970 election, PPP did better in NWFP in 1988.

IJI's success came chiefly from the Punjab. It secured the same number of seats in NWFP as PPP. It was totally routed in Sind where its stalwarts such as Ghulām Muṣṭafā Jatoī (President), Professor 'Abdul Ghafūr Ahmad (Secretary-General) and Muḥammad Khān Junejo were defeated.

Among the parties other than PPP and IJI, JUIP (Fazlur Raḥmān group) was the largest party in the National Assembly. It

Table 9.1

The Result of the Election to the General Seats of
the National Assembly (16 November 1988)*

| Parties | Number of Seats by Province | | | | | |
|--------------------------------|-----------------------------|--------|------|---------------------|------------------|-------|
| | Federal Area | Punjab | Sind | NWFP and FATA | Baluchi- stan | Total |
| | 1 | 115 | 46 | 26+8=34 | 11 | 207 |
| ANP | - | - | - | 2 | - | 2 |
| BNA | - | - | - | - | 2 | 2 |
| IJI | - | 45 | - | 8 | 2 | 55 |
| JUIP (Dhark- hāwastī group) | - | - | - | 1 | - | 1 |
| JUIP (Fazlur Raḥmān group) | - | - | - | 3 | 4 | 7 |
| NPP | - | 2 | - | - | - | 2 |
| PAI ¹ | - | 4 | - | - | - | 4 |
| PDP | - | 1 | - | - | - | 1 |
| PPP | 1 | 52 | 32 | 8 | 1 | 94 |
| Independents | - | 10 | 14 | 11 | 2 | 37 |
| TOTAL | 1 | 114 | 46 | 33 | 11 | 205 |

* These results are taken from the press. Elections in two constituencies [i.e. NA-21 Swat and NA-62 (Faisalabad)] were postponed due to the death of one of the candidates in each constituency.

¹ Alliance of TI and JUP. all the four seats went to JUP

secured seven seats - three from NWFP and four from Baluchistan. In Baluchistan it secured more seats than any other party.

The performance of the religious-political parties in 1988 as a whole was no better than in 1970. They secured a total of only 22 seats [JIP - 7; JUIP (Darkhawāstī group) - 4; JUIP (Fazlur Raḥmān group) - 7; and JUP - 4]. The two factions of JUIP secured all their seats from NWFP and Baluchistan. JUP won all its four seats from the Punjab, whilst JIP won two seats from NWFP and the remaining five from the Punjab. JUP and JIP suffered losses in the *muhājir*-dominated constituencies of Karachi and Hyderabad.

The presence of the '*ulamā*' in the present National Assembly is once again not strong enough to enable them to assert themselves politically in a decisive manner. They will have to continue to use their influence outside the Assembly in order to get any of their desired objectives accepted by the Assembly.

This work began with the observation that, when Pakistan was created, the political role of the '*ulamā*' was disproportionately weak by comparison with the firmness of their conviction. Over the last four decades, despite their very small numbers in the elected organs of the state, the '*ulamā*' have succeeded in mobilising considerable support for their basic religious aims among the populace at large. At the present stage of the political process under way in Pakistan, the '*ulamā*' seem to be a political force of increasing gravity, better able than ever before to close the gap between their mass popularity and their electoral appeal. Even so, it would be folly to ignore the very real strength of the dominant

forces in the institutional structure of Pakistan for the foreseeable future, during which it would be in their interest to keep the 'ulamā' politically marginalised.

APPENDICES

APPENDIX 1

BASIC PRINCIPLES OF ISLAMIC STATE

The Constitution of an Islamic State should comprehend the following Basic principles:-

1. Ultimate Sovereignty over all Nature and all Law vests in *Allāh*, the Lord of the universe, alone.
2. The law of the land shall be based on the *Qurān* and the *Sunnah*, and no law shall be enacted nor any administrative order issued, in contravention of the *Qurān* and the *Sunnah*.

Explanatory Note:

If there be any laws in force in the country which are in conflict with the *Qurān* or the *Sunnah*, it would be necessary to lay down (in the Constitution) that such laws shall be gradually, within a specified period, repealed or amended in conformity with the Islamic Law.

3. The State shall be based not on geographical, racial, linguistic or any other materialistic concepts, but on the principles and ideals of Islamic ideology.
4. It shall be incumbent upon the State to uphold and establish the Right (*Ma'rūf*) and to suppress and eradicate the Wrong (*Munkar*) as presented in the *Qurān* and the *Sunnah*, to take all necessary measures for the

revival and advancement of the cultural pattern of Islam, and to make provision for Islamic education in accordance with the requirements of the various recognised schools of Islamic thought.

5. It shall be incumbent upon the State to strengthen the bonds of unity and brotherhood among the Muslims of the world and to inhibit the growth of all prejudicial tendencies based on distinctions of race or language or territory or any other materialistic consideration and to preserve and strengthen the unity of the *Millat al-Islāmiah*.

6. It shall be the responsibility of the Government to guarantee the basic necessities of life, i.e., food, clothing, housing, medical relief and education to all citizens without distinction of race or religion, who might temporarily or permanently be incapable of earning their livelihood due to unemployment, sickness, or other reason.

CITIZENS' RIGHTS

7. The citizens shall be entitled to all the rights conferred upon them by the Islamic Law i.e., they shall be assured within the limits of the law, of full security of life, property and honour, freedom of religion and belief, freedom of worship, freedom of person, freedom of expression, freedom of movement, freedom of association, freedom of occupation, equality of opportunity and the

right to benefit from public services.

8. No citizen shall, at any time, be deprived of these rights, except under the law and none shall be awarded any punishment of any charge without being given full opportunity of defence and without the decision of a court of law.
9. The recognized Muslim schools of thought shall have, within the limits of the law, complete religious freedom. They shall have the right to impart religious instruction to their adherents and the freedom to propagate their views. Matters coming under the purview of Personal Law shall be administered in accordance with their respective codes of jurisprudence (*fiqh*), and it will be desirable to make provision for the administration of such matters by judges (*Qādīs*) belonging to their respective schools of thought.
10. The non-Muslim citizens of the State shall have, within the limits of the law, complete freedom of religion and worship, mode of life, culture and religious education. They shall be entitled to have all their matters concerning Personal Law administered in accordance with their own religious code, usages and customs.
11. All obligations assumed by the State, within the limits of the *Shari'ah*, towards the non-Muslim citizens shall be fully honoured. They shall be entitled equally with the Muslim citizens to the rights of citizenship as

enunciated in paragraph 7 above.

12. The Head of the State shall always be a male Muslim in whose piety, learning and soundness of judgment the people or their elected representatives have confidence.

13. The responsibility for the administration of the State shall primarily vest in the Head of the State although he may delegate any part of his powers to any individual or body.

GOVERNANCE OF THE STATE

14. The Head of the State shall function not in an autocratic but in a consultative (*Shurā'i*) manner, i.e., he will discharge his duties in consultation with persons holding responsible positions in the Government and with the elected representatives of the people.

15. The Head of the State shall have no right to suspend the Constitution wholly or partly or to run the administration without a *Shūrā*.

16. The body empowered to elect the Head of the State shall also have the power to remove him by a majority of votes.

17. In respect of civic rights, the Head of the State shall be on the level of equality with other Muslims and shall not be above the law.

18. All citizens, whether members of the Government, officials or private persons, shall be subject to the same laws and jurisdiction of the same courts.
19. The Judiciary shall be separate from and independent of the Executive, so that it may not be influenced by the Executive in the discharge of its duties.
20. The propagation and publicity of such views and ideologies as are calculated to undermine the basic principles and ideals on which the Islamic State rests, shall be prohibited.
21. The various zones or regions of the country shall be considered administrative units of a single State. They shall not be racial, linguistic or tribal units but only administrative areas which may be given such powers under the supremacy of the Centre as may be necessary for administrative convenience. They shall not have the right to secede.
22. No interpretation of the Constitution which is in conflict with the provisions of the *Quran* or the *Sunnah* shall be valid.

APPENDIX 2

(*Fatwā** of the 113 *'ulamā'* issued during
the election campaign of 1970)

Question:

What do the *'ulamā'* say on the following matter:

At the present moment, the Muslim world in general, and Pakistan in particular, is in the grip of the atheistic 'isms', with which no knowledgeable person is unfamiliar. The political parties active in Pakistan fall into four categories:

1. A few parties stand for the enforcement of true Islam (and) Islamic law. Their manifestos are explicit on the point that government should be conducted according to the *Qurān* and the *Sunnah*. The general direction of their activities is also in accordance with Islamic principles.
2. The objectives of certain parties (such as Communist Party) are based on godlessness, disbelief of Prophethood and of the life hereafter. Since the time when the government (of Pakistan) banned the Communist movement, its workers joined several socialist parties functioning under different names. These people neither adhere to the ideology of Pakistan - i.e., Islam, the *Qurān* and the *Sunnah* - nor do their manifestos touch on

* Author's translation from the Urdu text

this issue. Practically everything is permissible to them, because of their self-made 'ism'.

3. One of the parties, which has nothing to do with the Islamic ideology of Pakistan - the *Qurān* and the *Sunnah* - propagates nationalism based on territory. On the basis of language it would prefer to cultivate the culture and aspirations of the Hindu literature in preference to Islamic culture and literature. They prefer the Hindus of their region to the Muslims, who are outwith their region. They desire to enforce secularism instead of the Islamic law and constitution.

4. Some parties, which include the '*ulamā*', co-operate with nationalist and socialist parties in spite of their adherence in their manifestos to the *Qurān* and the *Sunnah*.

What is the decree of *Shari'ah* in respect of the co-operation (in the form of financial support and the casting of votes) with them?

Please explain and be rewarded [by God].

Answer:

At the present time, there is no greater danger to Islam and Pakistan than socialism. The struggle against socialism is an obligation that every Muslim ought to assume according to his own capacity. Socialist elements had integrated their strength in spite of mutual differences, but it is a sad fact that Islamic

parties are divided on account of their sectarian differences, and that none of them, on its own strength, could combat this opposing force. The survival of Islam in Pakistan, and, above it, the survival of Pakistan itself, would depend on the joint struggle of all the Muslims, committed to the Islamic system, and whose votes would be divided. The theological differences, that might exist in specialized circles of education as well as in decrees, should not obstruct such a common objective. Muslims should join together in order to get elected such candidates who would work for the enforcement of Islamic law and for the Islamic constitution and setting up of a complete Islamic political system throughout the country. These representatives would endeavour, on one hand, to eliminate the characteristics of capitalism (i.e., usury, gambling, hoarding, economic exploitation of the poor, drinking, obscenity, etc.) and, on the other, positively exert their energies in order to set the economic balance right. At the same time, they would not be duped by Islamic popular slogans aimed at propagating the fundamentals of socialism, spreading class hatred, canvassing for looting, opposing the right to property of individuals, and propagating nationalization by force. Consequently, these representatives would not tolerate such persons, because all these tendencies amount to a betrayal of Islam and of the *Qurān*. The application of the principle of socialism (*viz.*, that there is no right of private property) means that half of the *Qurān* would remain outside the realm of practice. The rejection of the principle of owning private property does, in fact, stem from the rejection of the *Qurān*. Parties, busy rejecting both socialism and capitalism, and working towards the purpose of enforcement of *Shari'ah*, are really carrying out *jihād* in defence of Islam, in order to save it from grave danger. Support to such parties in the

achievement of their ends, financially or through casting votes in their favour, fell under the scope of *jihād* for the cause of *Shari'ah*, and every Muslim of course knew the blessings of *jihād*.

The second category of parties openly refuted the existence of God or challenged the practicability of the *Qurān* until the day of resurrection, or indeed set aside the traditions of the Prophet being a legal authority, or considered private property an injustice and believed it to be permissible to snatch by force the wealth and property of others. Such parties are, undoubtedly, rebels from outwith Islam, the *Qurān* and the *Sunnah*. Whether such people recited *Kalamah*, offered daily prayers, or kept the fast, they are not at all Muslims. Co-operation in any form with such people was like the destruction of Islam. To give them support, to vote for them or to tender any assistance to them would be tantamount to supporting the *kufir*, and that was completely *ḥarām* (forbidden).

The third category consists of those parties, mentioned in the issue, which do not submit to the principles of the *Qurān* and the *Sunnah*. Nevertheless, these parties do not explicitly denounce such principles. Such people intend to enforce nationalism and secularism in Pakistan, in addition to the fact that, contrary to the ideology of Pakistan, they would prefer the Hindus of their region to the Muslims not from their region. They showed intense regard for the Hindu poets and men of letters, and encouraged the Hindu culture. There is no doubt that they are also the opponents of the ideology of Pakistan who had gone astray. Any co-operation with them, in the form of donations, or voting in their favour, was like the destruction of Pakistan. It was

therefore impermissible and a sin.

The fourth category to which the Question has drawn attention, consists of those parties which, in their election manifestos, claim to stand for the enforcement of Islamic order on the basis of the *Qurān* and the *Sunnah*. But, running parallel with this declaration of intent, they are also known to have sought an alliance with socialists whose anti-Islamic activities in the past were well-known. Even today, the socialists' manifesto regards the economic system according to Islam to be incorrect and insufficient, in contrast to socialism which offers a solution of the economic problems faced by Pakistan. As the organized force of the socialists assumed threatening proportions in relation to Islam and Pakistan, it is evident that joining forces with them would only contribute to a strengthening of their false ideas, and would result in the imposition of socialism. The co-operation of the *ulama* with such people would weaken the hatred of the Muslims against the system of *kufur*, and it would help the socialists to sow the seeds of disintegration among the Muslim masses as a whole and to ensnare lay people in its fold. Those co-operating with socialists may be pious and may indeed possess sincerity to the utmost degree, but all their sincerity would be of no avail to avert the adverse consequences flowing from the relentless logic of their actions. Therefore, the benefits of such co-operation on the part of those who co-operate with the socialists would go entirely to the latter. To vote in favour of such an alliance or to make donations to such parties would be tantamount to voting for the socialists.

Allah knows better.

APPENDIX 3

Shari'at Bill*

[The final form of the Shari'at Bill as amended and approved
by the 'Ulamā' Convention (Lahore: 30 August 1986)]

Whereas the Objectives Resolution which gives *Shari'at* supremacy,
has been made an operative part of the Constitution of the Islamic
Republic of Pakistan, 1973;

And whereas it is essential in pursuance of the intent of the
Objectives Resolution that the application of *Shari'at* be made a
reality with immediate effect,

Therefore the following law is hereby enacted:

Clause 1: Short Title, extent and commencement

- (a) This Act may be called 'Application of Shari'at Act,
1986'.
- (b) It extends to the whole of Pakistan.
- (c) No part of this Act will apply to the personal law of the
non-Muslims.
- (d) It shall come into force with immediate effect.

Clause 2: Definitions

Unless there is anything repugnant in the subject or content
of this Act

* Author's translation from the Urdu text

- (a) The meaning of the 'Objectives Resolution' will be as given in Article 2-a of the Constitution of the Islamic Republic of Pakistan 1973.
- (b) 'Prescribed' means 'prescribed rules' under this Act.
- (c) '*Shari'at*' means the *Qurān* and the *Sunnah*.

Explanation: While interpreting the *Qurān* and the *Sunnah*, guidance will be sought from the following sources:

- (a) The traditions of *Khulafā-yi-Rashidīn*.
- (b) The practices of *Ahl-i-Bayt* and of companions of the Prophet.
- (c) The consensus of *Ummah*.
- (d) Interpretations of recognized Muslim jurists.

Clause 3: Supremacy of *Shari'at* over all other laws

Shari'at, as the supreme law of Pakistan, shall have effect notwithstanding anything to the contrary contained in any other law or custom or usage or transaction or dealing between any parties.

Clause 4: Courts shall adjudicate in accordance with *Shari'at*

All the courts of the country shall be bound to adjudicate all cases, including cases involving financial matters etc., in accordance with *Shari'at*. Any decision contrary to *Shari'at* shall be legally ineffective. If a question of the validity of any law or decision, being contrary to *Shari'at* is raised, it shall be referred to the Federal *Shari'at* Court.

Clause 5: The jurisdiction of the Federal Shari'at Court

The Federal Shari'at Court shall be empowered to exercise jurisdiction on all matters without exception.

(Note: This clause must be retained even though Article 203-b would need to be amended in order to make Clause 5 of this Act effective.)

Clause 6: Restriction[s] on issuing Orders contrary to Shari'at

No person, representing the executive, including the President and the Prime Minister, shall have the power to issue an Order contrary to Shari'at; and if any such order were issued, it would be legally ineffective. Such an order could be challenged in the Federal Shari'at Court, in the absence of other legal remedies.

Clause 7: Judicial process and accountability

No one, representing the executive, including the President and the Prime Minister, shall be exempted from accountability as envisaged in the Islamic principles of justice.

(Note: No change or amendment is necessary in respect of this clause, even though Article 248 and other relevant Articles would need appropriate amendments.)

Clause 8: Matters relating to the personal law of recognized Muslim Sects shall be settled according to their own juristic schools of thought.

Clause 9: The freedom of religious propagation of non-Muslims

Non-Muslim citizens of the country shall enjoy freedom of religious propagation among themselves. They shall also have the right to get their cases heard according to their own personal law.

Clause 10: Appointment of the 'ulamā' as judges

Experienced and qualified 'ulamā' shall be appointed as judges and assistants of the courts wherever necessary.

Clause 11: Arrangements for training of judges

Arrangements for education in *Shari'at* and Islamic law, and for the training of judges shall be made in order that, in future, judges with adequate knowledge of Islamic law and *Shari'at* will be available.

(Note: This clause is more recommendatory than mandatory in nature. For the approval of the training of judges, appropriate legal points would have to be inserted in the relevant laws. Moreover, legislation for the establishment of *qāzī* courts should be made, and the procedure for the appointment of *qāzīs* should be set in motion without delay.

This clause may be deleted from the *Shariat Bill*).

Clause 12: Procedure for the interpretation of the *Qurān* and the *Sunnah*

The interpretation of the *Qurān* and the *Sunnah* will be authentic as long as it is in accordance with the recognized principles of *tafsīr* (exegesis), of *ḥadīṣ* and of *fiqh*.

Clause 13: Obligation of government servants to practise *Shari'at*

Members of the legislature, judiciary and executive would be bound to practise the obligations of *Shari'at* and to abstain from unlawful acts.

(For the effective enforcement of this clause, it would be appropriate to stipulate some sort of punishment. Therefore it will be necessary to add the following phrase to the above clause:

One who violates this clause shall be liable to punishment, if such a violation does not amount to a crime under any other law. (Some sort of punishment be proposed).*

Clause 14: Cleansing of the media

Media programmes contrary to the norms of *Shari'at* and propagation of obscenity shall be prohibited. Violation of this clause would lead to punishment [mention of the prescribed punishment, for instance, two years' rigorous imprisonment and fine where appropriate] if it is not already a crime under any other law.

Clause 16: Protection of basic rights

No order shall be issued against the basic rights given by *Shari'at* to the citizens.

In compliance with the requirements of this clause, an amendment shall be necessary to the Articles of the Constitution pertaining to basic rights. The following amendment to the 1973 Constitution is proposed:

* The precise nature of punishment to be accorded to infraction of *Shari'at* has been left as a matter for democratic consultation.

'All the basic rights of the citizens, given by *Shari'āt*, shall be effective in every condition, notwithstanding anything contrary to the basic rights contained in Part II, Chapter One of the Constitution or basic rights pertaining to relevant subjects other than those contained in the Constitution.

Clause 17: Authority of legislation

The federal government shall have the authority to legislate necessary regulations in order to achieve the objectives of the Act through the enforcement of *Shari'āt*. These regulations shall be operative with effect from the date of their publication in the Gazette.

GLOSSARY

| | |
|--|--|
| <i>ʿādah</i> | usage |
| <i>afzal</i> | the most worthy |
| <i>ahl-i-bayt</i> | people of the [Prophet's] house; the descendents of the Prophet Muhammad |
| <i>ahl-i-ḥadīṣ</i> | people of <i>ḥadīṣ</i> ; <i>Sunnī</i> Muslims who claim to follow <i>ḥadīṣ</i> , and do not strictly adhere to any specific juristic school of thought |
| <i>ahl-i-kitāb</i> | people of the Book; Jews and Christians |
| <i>ahl-i-Qurān</i> | people of the <i>Qurān</i> ; those who take the <i>Qurān</i> as the sole source of <i>Shariāh</i> , and reject the <i>ḥadīṣ</i> literature |
| <i>ahl-i-sunnat/ahl-i-sunnah/ ahl-us-sunnah/sunnīs</i> | people of the <i>Sunnah</i> ; Muslims who claim to follow the <i>Sunnah</i> of the Prophet |
| <i>ahl-i-ṭariqah</i> | people of <i>ṣūfī</i> discipline |
| <i>aḥmadī</i> | a person who professes to believe in Mirzā Ghulām Aḥmad Qādiyānī as his religious leader |
| <i>ahmadiyyah/ahmadiyyat</i> | the religious movement started by Mirzā Ghulām Aḥmad Qādiyānī |
| <i>ʿālim</i> | a man of Islamic learning, a scholar |
| <i>Allāh</i> | God |
| <i>arāʾīn</i> | an agriculturalist tribe of the Punjab |
| <i>amīr</i> | one who gives <i>amr</i> (command); a commander, a leader, a president, a person of rank or distinction |
| <i>amīr-i-shariāʿat</i> | one responsible for the application of <i>Shariāh</i> |
| <i>ānnā</i> | 1/16th of Pakistan rupee, the currency unit; this fraction has been obsolete since the adoption of the metric system (1961) |

| | |
|------------------------|--|
| <i>anṣār</i> | followers, friends; the Muslims of Madinah who granted Prophet Muhammad refuge after the <i>hijrah</i> ; Muslim weavers of UP refer to themselves by this name |
| <i>ashrāf</i> | plural of <i>sharīf</i> (noble); upper-class Muslims of South Asia |
| <i>‘āshūrah</i> | the 10th of <i>Muḥarram</i> when <i>Shī‘āh</i> Muslims commemorate the martyrdom of Husayn, the grandson of the Prophet Muḥammad |
| <i>‘awām</i> | people |
| <i>‘awām-dost</i> | people's friend |
| <i>‘awāmī</i> | people's |
| <i>awqāf</i> | plural of <i>waqf</i> |
| <i>āyatullāh</i> | sign of <i>Allāh</i> ; title of the high ranking <i>Shī‘āh ‘ulamā’</i> |
| <i>barādārī</i> | kinship group; social grouping based on a real or legendary common ancestor |
| <i>barelwī</i> | a <i>Sunnī</i> Muslim of South Asia who adheres to the practices of Islam evolved in local context; a follower of the Islamic interpretation, given by Mawlānā Aḥmad Razā Khān Barelwī |
| <i>barakah/barakat</i> | blessing, auspicious occasion |
| <i>bḥadrālok</i> | upper-class Hindu Bengalis |
| <i>bid‘āh/bid‘āt</i> | innovation; deviation from the <i>Sunnah</i> |
| <i>bohrah</i> | a sub-sect of <i>Ismā‘īlī Shī‘āh</i> Muslims |
| <i>dā‘ī</i> | a missionary |
| <i>dā‘ī-i-muṭlaq</i> | the supreme missionary |
| <i>dars-i-nizāmī</i> | curriculum of religious education originally drawn up by Nizām-ud-dīn Sihālwī |
| <i>dār-ul-ḥarb</i> | territory of war |
| <i>dār-ul-iftā’</i> | department responsible for the issuance of juristic rulings on specific issues |
| <i>dār-ul-Islām</i> | territory of Islam |

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| <i>dār-ul-‘ulūm</i> | place of knowledge; religious seminary |
| <i>darwesh</i> | a mendicant |
| <i>dasahrā/dussetta</i> | a Hindu festival lasting 10 days |
| <i>deobandī</i> | a follower of the revivalist ‘ulamā of <i>dār-ul-‘ulūm</i> Deoband |
| <i>dīn</i> | faith, religion |
| <i>dīn-i-ilāhī</i> | the divine faith; a self-made religion introduced by Jalāl-ud-dīn Akbar, the Mughal emperor |
| <i>dunyā</i> | world; worldly things |
| <i>frāiz</i> | plural of <i>frīzah</i> ; obligatory practices |
| <i>frāizi</i> | a movement started by Ḥājī Shari‘atullāh |
| <i>farmān</i> | a decree, a directive from Agha Khan to his followers |
| <i>fasād fil arḷ</i> | disorder on earth |
| <i>fatāwā</i> | plural of <i>fatwā</i> ; see <i>fatwā</i> |
| <i>fatwā</i> | religious ruling |
| <i>fāzil</i> | a graduate, a scholar |
| <i>fiqh</i> | Islamic jurisprudence |
| <i>fiṭrah</i> | alms, given at the end of the month of <i>Ramazān</i> |
| <i>ganesh</i> | the elephant-headed Hindu God of success and wisdom |
| <i>ghayr muqgalid</i> | non-adherents; see <i>ahl-i-ḥadīṡ</i> |
| <i>ghulāt</i> | the extremists of the <i>Shī‘ah</i> Muslims |
| <i>ḥadd</i> | boundary, limit; punishments contained in <i>Shari‘ah</i> |
| <i>ḥadīṡ</i> | actions and sayings of the Prophet Muḥammad; the traditions of the Prophet |
| <i>ḥājī</i> | one who performed <i>hajj</i> |
| <i>hajj</i> | annual pilgrimage to Makkah in the 12th month of Islamic calendar |

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| <i>ḥalāl</i> | permitted, lawful |
| <i>ḥanafī</i> | a <i>Sunnī</i> Muslim, adhering to the juristic opinions of Abū Ḥanīfah's school of thought |
| <i>ḥarābah</i> | robbery with the threat or use of violence |
| <i>ḥarām</i> | prohibited, unlawful |
| <i>ḥārī</i> | a peasant, a farmer |
| <i>ḥāẓir</i> | present |
| <i>hijrah/hijrat</i> | migration; migration of the Prophet from Makkah to Madinah in 622 A.D. |
| <i>hindūtvā</i> | essence of being Hindu; hinduness |
| <i>ḥur</i> | free person, freedom lover; a follower of Pir Pagārā of Sind |
| <i>‘īd</i> | Muslim festival of rejoicing. There are two such festivals, one at the end of month of fasting, i.e. <i>īd-ul-fiṭr</i> (festival of breaking the fast), and the other on the 10th of <i>zul-ḥijjah</i> , a day after the performance of <i>ḥajj</i> , i.e. <i>‘īd-ul-aẓḥā</i> (festival of sacrifice) |
| <i>‘īd-ul-ghadīr</i> | festival observed by <i>Shī‘āh</i> Muslims to commemorate ‘Alī B. Abī Ṭālib's designation by the Prophet as his successor |
| <i>iḥtisāb</i> | accountability |
| <i>ijmā‘</i> | consensus |
| <i>ijtihād</i> | juristic analysis |
| <i>‘ilm</i> | to know, knowledge |
| <i>imām</i> | a leader, one who leads prayer in a mosque; a religious leader of the community in <i>Shī‘āh</i> theology |
| <i>imamāh/imāmat</i> | the concept of the institution of <i>imām</i> |
| <i>imām-bārah</i> | place where practices related to the commemoration of the martyrdom of Ḥusayn are performed |

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| <i>imām-i-ghāib</i> | the hidden <i>imām</i> ; the 12th <i>imām</i> who, according to the <i>imāmiyyah</i> , disappeared and is expected to reappear before the day of judgment |
| <i>imāmiyyah</i> | a sub-sect of <i>Shi'āh</i> Muslims who believe in 12 <i>imāms</i> , the last one of them being <i>imām-i-ghāib</i> |
| <i>imkān-i-nazīr</i> | possibility of the existence of an equivalent of Prophet Muhammad |
| <i>inshā' Allāh</i> | God willing |
| <i>Islām-pasand</i> | Islam loving |
| <i>ismā'iliyyah</i> | a sub-sect of <i>Shi'āh</i> Muslims |
| <i>iṣnā 'āsharī</i> | the twelvers; see <i>imāmiyyah</i> |
| <i>istiḥsān</i> | to prefer, to consider a thing commendable, preference for better |
| <i>istiftā'</i> | questionnaire |
| <i>jagīr</i> | a land grant from the government |
| <i>jalsah-i-dartārbandī</i> | convocation ceremony |
| <i>jamā'at</i> | a party, a society, a congregation |
| <i>jamā'at.khānah</i> | a gathering place of <i>Āghā Khānīs</i> |
| <i>jāmi'ah</i> | a university, a <i>madrasah</i> |
| <i>jamiyāt</i> | an association, a society |
| <i>jāt</i> | a South Asian tribe of local origin in the North Western part of the sub-continent |
| <i>jazīrat-ul-Ārab</i> | the Arabian Peninsula |
| <i>jihād</i> | armed struggle of the followers of Islam, in defence of the faith; holy war |
| <i>kabāh</i> | venerated house of <i>Allāh</i> |
| <i>kāfir</i> | infidel, unbeliever |
| <i>kalām</i> | scholastic theology |
| <i>karāmat</i> | a miracle, an action against the laws of nature |
| <i>kisān</i> | a peasant, a farmer |
| <i>khalīfah</i> | successor, deputy, caliph |

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| <i>khān</i> | a title, sometimes given by the state; surname to denote high social status |
| <i>khānqāh</i> | a hospice, an establishment for <i>sufis</i> |
| <i>khaṭīb</i> | one who delivers a <i>khutbah</i> , see <i>khutbah</i> |
| <i>khatm-i-nabuwwat</i> | finality of the prophethood of Muḥammad |
| <i>khilāfah/khilāfat</i> | caliphate |
| <i>khulafā'</i> | plural of <i>khalīfah</i> ; caliphs |
| <i>khulafā-ur-rashidūn/ khalafā-yi-rashidīn</i> | the rightly-guided caliphs of which there were four according to the <i>Sunnī</i> tradition: |
| | Abū Bakr (623-634) |
| | ʿUmar (634-644) |
| | ʿUṣmān (644-656) |
| | ʿAlī (656-661) |
| <i>khutbah</i> | a sermon, an address |
| <i>kufr</i> | infidelity |
| <i>madrasah</i> | a religious school, seminary |
| <i>mafzūl</i> | outworthied |
| <i>maḥzar</i> | a document drawn up by an assembly |
| <i>majlis</i> | a committee, a council |
| <i>majlis-i-ʿamal</i> | action committee, working committee |
| <i>majlis-i-shūrā`</i> | consultative council |
| <i>maktab</i> | an elementary school, usually attached to a mosque |
| <i>māl</i> | wealth |
| <i>malāʾikah</i> | angels |
| <i>malik</i> | aristocrat; surname denoting higher social status |
| <i>marja'-i-taqlīd</i> | source of emulation |
| <i>mashāʾikh</i> | <i>ṣūfīs</i> , mystics |
| <i>masīḥ</i> | Messiah, Jesus |
| <i>masīḥ-i-mawūd</i> | the promised Jesus |

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| <i>maṣīl-i-masiḥ</i> | replica of Jesus |
| <i>maṣiyat-i-Kubrā</i> | the greater sin |
| <i>masjid</i> | a place of Muslim worship; mosque |
| <i>maṣlahah</i> | public interest |
| <i>mawālāt</i> | friendship, co-operation |
| <i>mawlawī</i> | a title for an <i>‘ālim</i> |
| <i>mawlawī fāzil</i> | a certificate in Arabic language and literature |
| <i>mayār-i-ḥaqq</i> | the real criterion |
| <i>mīlād</i> | a celebration of the Prophet's birthday |
| <i>millat</i> | community, nation |
| <i>mīrāj</i> | the ascention of Prophet Muḥammad |
| <i>muāmlāt</i> | human relationships, dealings |
| <i>muftī</i> | one who issues a <i>fatwā</i> |
| <i>muḥaddis</i> | scholar of <i>ḥadīṡ</i> |
| <i>muhājir</i> | a migrant, an immigrant |
| <i>muḥarram</i> | the first month of Islamic calendar |
| <i>muḥtasib</i> | one who supervises religious and moral conduct |
| <i>mujtahid</i> | one who exerts his mental qualities; a jurist qualified to derive legal norms from the basic sources of <i>Shari‘ah</i> |
| <i>muktī bahinī</i> | the liberation army (in Bangladesh) |
| <i>mullā</i> | a preacher, a derogatory expression for an <i>‘ālim</i> in contemporary South Asia |
| <i>mulūkiyyat</i> | monarchy |
| <i>munshī fāzil</i> | a certificate in Persian language and literature |
| <i>murīd</i> | a follower or disciple of a <i>ṣūfī</i> |
| <i>musawāt</i> | equality |
| <i>musawāt-i-Muḥammadi</i> | equality as preached by Muḥammad |

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| <i>mutafaqqah</i> | unanimous |
| <i>mutahiddah</i> | united |
| <i>muzzakir</i> | one who reminds the people of their obligation |
| <i>nā'ib</i> | a deputy, an assistant |
| <i>nazar</i> | vow, votive offering |
| <i>necharī</i> | one who thinks that the <i>Qurān</i> must be interpreted in accordance with the laws of nature; a follower of Sir Sayyid Aḥmad Khān |
| <i>nizām</i> | order, system |
| <i>nizām-i-Muṣṭafā</i> | system of the Prophet |
| <i>pardah</i> | veil; in South Asian context woman's veil, covering face and hair in the presence of men except in the case of those not permitted to marry her |
| <i>pīr</i> | an old man, a spiritual preceptor |
| <i>qā'id-i-aẓam</i> | the great leader |
| <i>qā'diyānī</i> | see <i>aḥmadī</i> |
| <i>qawwālī</i> | ecstatic singing with instruments |
| <i>qazaf</i> | false accusation of adultery |
| <i>qāzī</i> | a judge who administers <i>Shari'ah</i> laws |
| <i>qāzī-ul-quzāt</i> | the chief <i>qāzī</i> |
| <i>qiyās</i> | jurisitic reasoning by analogy |
| <i>qurān</i> | the book revealed to Prophet Muḥammad |
| <i>quraysh</i> | the Prophet's tribe |
| <i>qurrā'</i> | plural of <i>qārī</i> ; reciters of the <i>Qurān</i> |
| <i>rafa'ul-yadayn</i> | practice of raising hands to the ears before and after every prostration in <i>ṣalāt</i> |
| <i>rakū'</i> | act of bowing down whilst performing <i>ṣalāt</i> |
| <i>ribā</i> | bank interest, usury |

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| <i>ramazān</i> | the 9th month of Islamic calendar, in which fasting is obligatory for every adult, healthy and sane Muslim |
| <i>ṣadr-i-amīn</i> | a rank in judiciary during the East India Company rule |
| <i>ṣāhib</i> | companion, a suffix used with a name of a person in order to show respect |
| <i>ṣahābah</i> | plural of <i>ṣāhib</i> , companions; the term is usually used to refer to the companions of the Prophet |
| <i>sajjādah-nashīn</i> | one who sits on the prayer rug, the successor of a <i>pīr</i> |
| <i>ṣalāt</i> | obligatory prayer |
| <i>samāj</i> | society |
| <i>sangathān</i> | binding together |
| <i>sardār</i> | leader, tribal chief, a title showing higher social status |
| <i>sarparast</i> | guardian, rector |
| <i>sarrishtahdār</i> | person in charge of a department |
| <i>sati</i> | practice of widow-burning in Hindu society |
| <i>ṣawm</i> | fasting from dawn to dusk |
| <i>sayyid</i> | lord; title applied to a male descendent of the Prophet |
| <i>shahādah</i> | witness, confession of faith; 'There is no god but <i>Allāh</i> , and, of course, <i>Muḥammad</i> is His slave and messenger' |
| <i>shar/shariāh/shariāt</i> | the road to watering place, the clear path to be followed; the code of conduct as envisaged in the <i>Qurān</i> and the <i>Sunnah</i> |
| <i>shaykh</i> | an old man, elder, pivotal figure in a <i>khānqah</i> , a religious teacher |
| <i>shaykh-ul-Islām</i> | the head of the Department of Religious Affairs in the Ottoman Empire |
| <i>shaykh-ul-Hind</i> | a title used for <i>Deobandī</i> 'ālim, Maḥmūd Ḥasan |
| <i>shīāh</i> | partisan; a Muslim sect which is divided into several sub-sects |

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| <i>shirk</i> | association, attribution of specific characteristics of <i>Allāh</i> to others, polytheism |
| <i>shuddhī</i> | reconversion of a non-Hindu to Hinduism |
| <i>shūrā</i> | consultation |
| <i>sikh</i> | a follower of Gurū Nānak |
| <i>silsilah</i> | chain; a <i>sūfī</i> order |
| <i>sīrat</i> | biography; biography of the Prophet |
| <i>ṣūfī</i> | a follower of Islamic mystic path |
| <i>sultān</i> | ruler |
| <i>sunnah</i> | tradition; tradition of the Prophet |
| <i>sunnī</i> | see <i>ahl-i-sunnah</i> |
| <i>swarāj</i> | self-rule |
| <i>swadeshī</i> | local, use of local goods and boycott of foreign ones |
| <i>tablīgh</i> | propagation, preaching |
| <i>tafsīr</i> | Quranic exegesis |
| <i>tahrīk</i> | movement |
| <i>ṭalāq</i> | divorce |
| <i>talīmāt-i-Islāmiyyah</i> | Islamic teachings |
| <i>tanzīm</i> | organisation |
| <i>taqlīd</i> | adherence to a specific school of jurisprudence, emulation of a <i>mujtahid</i> |
| <i>taṣarruf</i> | control |
| <i>taṣawwuf</i> | Islamic mysticism |
| <i>tawhīd</i> | one-ness of <i>Allāh</i> , monotheism |
| <i>tāwīl</i> | interpretation |
| <i>taẓkirah</i> | hagiography |
| <i>‘ulamā’</i> | plural of <i>‘ālim</i> ; men of Islamic learning |

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| 'ulamā-yi-bāṭin | scholars who propagate esoteric meaning of revelation, internalists |
| 'ulamā-yi-ẓāhir | scholars who propagate the meaning of revelation in a literal sense, 'externalists' |
| ummah | Muslim community |
| umm-ul-mominīn | mother of the believers; term used to refer to Prophet's wives |
| 'urf | custom |
| 'ushr | tax on agricultural produce |
| usūl-i- <u>fiqh</u> | roots (principles) of Islamic jurisprudence |
| usūl-i- <u>ḥadīṣ</u> | roots (principles) of the science of <u>ḥadīṣ</u> |
| vedantā | Hindu philosophical school of non-duality |
| vedās | sacred books of Hinduism |
| wahhābī | a follower of Muhammad B. 'Abdul Wahhāb |
| waḥī | Quranic revelation |
| waqf | pious endowment |
| waṣī-yi-rasūl | designate of the Prophet |
| zakāt | obligatory annual alms tax |
| zamīndār | landowner |
| zaydī | a sub-sect of <i>Shī'ah</i> Muslims |
| zinā | adultery |
| zulm | oppression, sin |

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(Note: This bibliography consists only of those sources which are cited in the text. It is divided into two parts. Part I includes sources in the English language. Part II is a list of sources in the Arabic, Persian and Urdu languages. Each part is divided into a number of sections on the basis of the nature of the sources cited.)

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