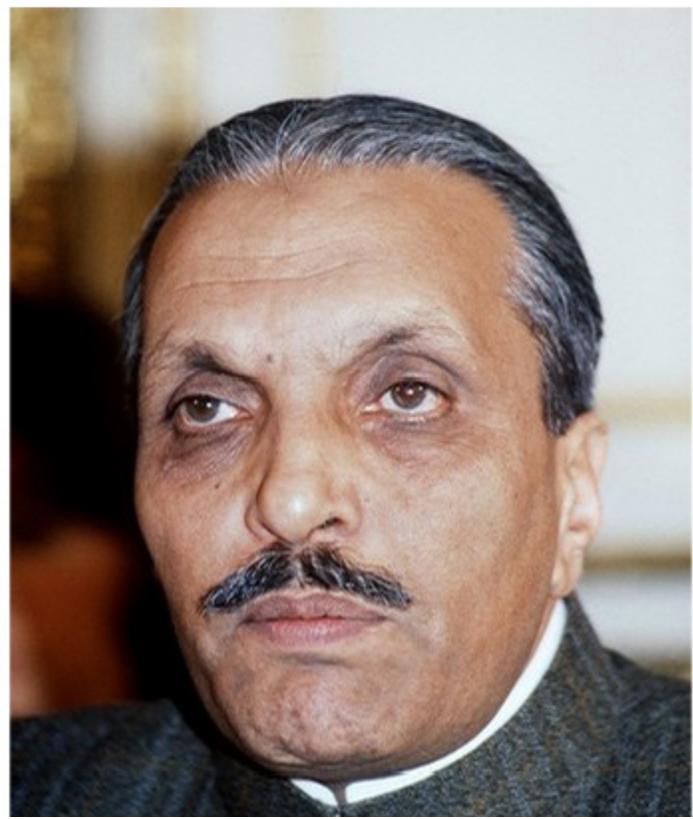


# BHUTTO ZIA AND ISLAM

Syed Mujawar Hussain Shah

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**Sani Hussain Panhwar**  
Member Sindh Council, PPP



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## ACKNOWLEDGEMENTS

I feel deeply indebted to Dr. Parvez Iqbal Cheema, my supervisor, whose guidance, constant encouragement and Keen interest in my work have proved a source of inspiration to me. I shall always remember our friendly discussions. His contribution is very crucial in giving a proper shape to this study. My thanks are also due to Dr. Ghulam Hyder Sindhi, Director, National Institute of Pakistan Studies, Quaid-i-Azam University, Islamabad who has been kind enough in providing me all types of assistance to complete this work.

I was fortunate to find a scholar in the person of Dr. Aslam Syed, former Professor of History, Quaid-i-Azam University, Islamabad, whose deep insight into the subject provided me an invaluable guidance. His comments/suggestions enabled me to improve this work a lot. He generously spent his time and energy for critically examining both content and style of the thesis. Dr. Tariq-ur-Rahman, Associate Professor of Linguistic, National Institute of Pakistan Studies, Quaid-i-Azam University, Islamabad very kindly read the whole manuscript and suggested ways and means of improving the text and argument at several places. I am highly grateful to these two scholars for sparing their precious time and extending help to me.

I am highly indebted to my colleagues at the National Institute of Pakistan Studies, Quaid-i-Azam University, Islamabad, who were a constant source of encouragement for me to complete this work at the earliest. I wish to acknowledge with thanks the help of Library staff of National Institute of Pakistan Studies and Central Library, Quaid-i-Azam University, Islamabad, for their assistance in locating books and material crucially important for this study.

My last word of thanks is reserved for my wife G. Syed and my children Asif, Kashif and Huma, who have been a constant source of inspiration and encouragement through different stages of completion of the present study.

Syed Mujawar Hussain Shah

## ABBREVIATIONS

ACII	Advisory Council of Islamic Ideology
AINC	All India National Congress
AIML	All India Muslim League
AIKMC	All Jammu and Kashmir Muslim Conference
APAL	All Pakistan Awami League
APMAI	All Pakistan Majlis-i-Ahrar-i-Islam
APNC	All Pakistan National Conference
APWA	All Pakistan Women's Association
BDS	Basic Democrats (Members of Basic Democracies)
BNA	Baluchistan National Alliance
BPC	Basic Principles Committee
BTI	Board of Tallimat-i-Islamiyah
BUF	Baluchistan United Front
CAP	Constituent Assembly of Pakistan
CII	Council of Islamic Ideology
CIIR	Central Institute of Islamic Research
CMLA	Chief Martial Law Administrator
COP	Combined opposition Parties
CPB	Central Parliamentary Board
CSP	Civil Service of Pakistan
DAC	Democratic Action Committee
EBDO	Election Bodies (Disqualification)
FATA	Federally Administered Tribal Areas
FC	Federal Council
PSC	Federal Shariat Court
HBFC	House Building Finance Corporation
IJI	Islami Jamhuri Ittehad
IJT	Islami Jamiat-i-Talaba
IRI	Islamic Research Institute
JI	Jamaat-i-Islami Pakistan
Jul	Jamiat-ul-Ulama-i-Islam
JUIP	Jamiat-ul-Ulama-Islam Pakistan
JUP	Jamiat-ul-Ulama-i-Pakistan
KT	Khaksar Tehrik
LFO	Legal Framework Order, 1970
MAI	Majlis-i-Ahrar-i-Islam

MFLO	Muslim Family Law Ordinance, 1961
MIX	Mutahidda Islami Mahaz
MJAS	Markazi Jamaat-i-Ahl-i-Sunnat
MJUI	Markazi Jamiat-ul-Ulama-i-Islam
MJUIMP	Markazi Jamiat-ul-Ulama-i-Islam Maghrabi Pakistan
MNAs	Members of National Assembly
MQM	Muhajir Qaumi Movement
MRD	Movement for Restoration of Democracy
KSM	Mutahiddah Shariat Mahaz
NAP	National Awami Party
NDF	National Democratic Front
NDP	National Democratic Party
NIP	Nizam-i-Islam Party
NU	Nizam-ul-Ulama
NWFP	North West Frontier Province
O.A.P.E.C.	Organization of Arab Petroleum Exporting countries. It comprises the Arab members of the OPEC namely Saudi Arabia, Iraq, Kuwait, United Arab Emirates, Qatar, Algeria and Libya.
O.I.C.	Organization of the Islamic Conference. It was established in 1969 to promote Islamic solidarity and to foster political, economic, social and cultural cooperation between Muslim states.
O.P.E.C.	Organization of Petroleum Exporting Countries. It was established in 1960 to coordinate the petroleum policies of member countries. It comprises Saudi Arabia, Iran, Iraq, Algeria, Libya, Kuwait, United Arab Emirates, Qatar, Indonesia, Nigeria, Gabon, Venezuela and Ecuador.
PDM	Pakistan Democratic Movement
PDP	Pakistan Democratic Party
Pith	Pakistan Muslim League
PHA	Pakistan National Alliance
PODO	Public Offices (Disqualification) Order
PPP	Pakistan People's Party
RTC	Round Table Conference, 1969
SAM	Sindh Awami Mahaz
TI	Tehrik-i-Istiqlal
TNFJ	Terik-i-Nifaz-i-Figh-i-Jafriya
UF	United Front

## ABSTRACT

The literature on religion and politics in Pakistan revolves around two themes: firstly, the conflicting role of religion in the making of Pakistan where it was used by the traditionalist *ulama* to negate the idea of territorial nationalism in South Asia and secondly by the modern advocates of the Pakistan Movement in a purely political context. The present study, however, attempts to see this correlation at different levels. These levels are the state, the assembly, the political parties, elections and political leadership.

The underlying theme is that both the modernists and the traditionalists used Islam to argue and advance their respective political objectives. The modernists equated Islam with the modern secular institutions while giving in to a few cosmetic changes in order to satisfy the *ulama*. They had not prepared themselves well about the applicability of Islam in the socioeconomic systems of the country. Some times they would use Islam to mobilize public opinion or to satisfy their political compulsions keeping in view the agitational politics at home as well as the diplomatic obligations abroad. This view is clearly demonstrated during the period of Bhutto's rule. This process, however, did not amount to any radical change in the body-politik of Pakistan but yielded more ground to the political ambitions of the *ulama*.

Subsequent political uses of Islam during the Zia period were aimed at achieving two objectives: Firstly, to keep the tempo of the agitational movement initiated by the *ulama* against Bhutto, and secondly to deny the masses elections and parliamentary democracy. General Zia-ul-Haq's constituency was certainly the army but his Islamization was meant both as a tool of legitimacy for the general public as well as to buy the loyalties of the religious spokesmen of the society. We could not read any higher motives in his so-called Islamization than just a way of perpetuating his political rule. His ordinances and public rhetoric were directed against the critics of his authoritarian regime and to keep the Pakistan People's Party away from the political arena. But the irony of the whole Issue is that even the genuinely elected and legitimate political governments could not eliminate the impact of his Islamization. This was the result of the fear of any possible public protest in the name of undoing what some circles believed to be the acts of Islamization. This process could be of interest to the political pundits of future development in Pakistani society. It has also been demonstrated that the real social and economic problems of the country could not be buried under the weight of religion as has been displayed in the secession of East Pakistan as

well as the Martial Law of 1977. If religion has acted as an anchor for some politicians, it has also drowned their political ambitions in the strong currents of social and economic problems.

## INTRODUCTION

Pakistan came into existence with a two-fold legacy: a homeland for the Muslims of South Asia who were convinced that their economic and cultural development would not be possible under Hindu domination and a religious philosophy which had united them under the banner of the All India Muslim League. We cannot deny the fact that religion played a key role in its creation but neither the advocates of the freedom movement nor its opponents were clear about the role that Islam was going to play after independence.

It was assumed that the constitutional and political set up that had evolved during the colonial period was, if not in accordance with the ideals of an Islamic polity, was certainly not opposed to it. Therefore, Islam appears as a purifying and supplementary element in the various statements and resolutions issued by the official institutions. The *ulama*, especially those who had opposed the creation of Pakistan, were not satisfied with a limited or merely intellectual use of religion. They were more interested in rehabilitating their social status in a country that was founded in their estimation in the name of Islam.

The topic under review has received much attention from the western scholars in their works on Islam and politics in Pakistan. Some have displayed Islam as an inward expression of the Muslims of Pakistan; some have overemphasized the outward manifestation of Islam by *ulama* in Pakistan while a few have written on the basis of their interviews, which do not present true picture of the situation. That Islam is a dynamic pursuit of transcendent values and is manifested by the wishes of its adherents, is the theme of Professor Wilfred C. Smith's works,<sup>1</sup> and to some extent Professor Keith Callard's chapter on Islam and Politics,<sup>2</sup> Smith's essay, "Pakistan as an Islamic State" asked the following questions:

- (a) What does Islam mean to Pakistan?
- (b) Is Pakistan an Islamic State? and
- (c) If not, then how to make Pakistan Islamic?

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<sup>1</sup> Wilfred Cantwell Smith, *Pakistan As An Islamic State* (Lahore: Shaikh Muhammad Ashraf, 1951). A revised version of this was published as a chapter in W. C. Smith, *Islam in Modern history* (New York: Mentor Books, 1954)

<sup>2</sup> Keith Callard, *Pakistan: A Political Study* (London: George Allen and Unwin Ltd., 1957), pp.194-231.

The answer to the first question is that "...the great, and indeed monumental, and almost unanimous religious development of Indic Islam in our day is Pakistan itself. The fashioning of this dominion is a practical expression of Islam besides which the ideological expressions of a Maududi or an Usmani,<sup>3</sup> and the inabilities or intellectual expression of most modernists, are but minor."<sup>4</sup> From this statement he finds the answer to question (b) and says that Pakistan is, in some sense, Islamic already and that "the drive for an Islamic state in India was in origin not a process by which a state sought Islamicness but one by which Islam sought a state."<sup>5</sup> Then he goes on to explain how the Muslims of Pakistan want to make Pakistan Islamic. This narration consists of interviews which he took during his visits to Pakistan, and the reader finds discrepancies of interpretation of Pakistan as an Islamic state. The author is convinced that the Pakistani want Islam as an ideal to look up to and not as a set of rigid and static laws to bind themselves to. "The demand that Pakistan should be an Islamic state is a Muslim way of saying that Pakistan should build for itself a good society"<sup>6</sup> based on democracy, brotherhood, justice and the like. He thinks that the *Ulama* in Pakistan like all other "reactionaries in all societies try to make use of religion: but of its outward, static elements, not the dynamic pursuit of transcendent values."<sup>7</sup> He explains this view in his other essay on Pakistan by showing that during the 1953 riots, the lead provided by the *Ulama* "proved false, which resulted in many turning more cautious, if not more disillusioned. The Munir Report publicized further the fact that the *Ulama*, the traditional leaders of traditional Islam, were not only unfitted to run a modern state but were deplorably unable under cross-questioning even to give realistic guidance on elementary matters of Islam."<sup>8</sup>

Smith emphasizes the fact that Islam in Pakistan depends for its interpretation and implementation on citizenry and not experts.<sup>9</sup> Another interesting point to

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<sup>3</sup> Maulana Maududi, who opposed the idea of Pakistan and after its establishment emerged as the chief spokesman or an Islamic State, Maulana Shabbir Ahmad Usmani supported the cause for Pakistan.

<sup>4</sup> Smith, *Pakistan As An Islamic State*, op.cit.,p.6.

<sup>5</sup> Ibid., p.15.

<sup>6</sup> Ibid. p.68.

<sup>7</sup> Ibid. p.38.

<sup>8</sup> Smith, *Islam in Modern History*, op.cit., p.233.

<sup>9</sup> Smith, *Pakistan As An Islamic State*, op.cit., p.79.

which the author draws the attention of the readers is the confusion caused by the transportation of the Islamic phraseology into the one derived from the western tradition. The Objective Resolution speaks of God as (“absolute ruler”) but when it is translated as “sovereignty” becomes “startling” and is received “with astonishments and apprehensions” by the non-Muslims. The question of minorities is treated by him in a democratic context that even in the western democratic systems the minorities are outvoted by the numerical strength of the majority.<sup>10</sup>

Smith’s essays are based upon his personal observation of the interaction of religion and politics in Pakistan, interviews with different individuals and his knowledge of Islam as a religion in the Indian context. Since he seems equally at home with Judeo-Christian tradition, his conclusions are balanced and convincing. Sometimes one comes across such statements as that “it (the Muslim community in India) was not a territorial or an economic community,”<sup>11</sup> and one wonders whether without the deteriorating economic condition of the Muslims in British India and the two demographic clusters of their community on each side of the subcontinent, Muslim India could have achieved Pakistan! Nonetheless, the essays are useful and valuable in understanding the interplay of religion and politics in Pakistan but cannot be extended to discover the historical forces behind the birth of Pakistan.

Keith Callard’s chapter on Islam and Politics comes after a detailed account of Pakistan’s political and constitutional history. He concerns himself with the question of Islam and the making of the constitution, Islam’s importance as a moral and integrating force, and the role of the *ulama* in interpreting Islam. He thinks that Pakistan was created by the Muslim intellectuals who combined the western concept of self-determination with religion and the result was “this religious nation-state.”<sup>12</sup> His explanation is that “acceptance of Islam leads to the assertion that the Muslims are a separate nation. Western political theory is then applied to establish the claim for national self-determination. Muslim nationhood was advanced as an axiom; the case for Pakistan was derived from that axiom, not by citations from the law books of Islam but by the political logic of liberal nationalism.”<sup>13</sup>

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<sup>10</sup> Ibid., p.90.

<sup>11</sup> Ibid., p.21.

<sup>12</sup> Keith Callard, op.cit., p.230.

<sup>13</sup> Ibid., p.201.

The author is disturbed to find that the Constitution of 1956, though it did “little to settle the fundamental issue of the desirable role of Islam in a modern state,” was “accepted without widespread opposition from Muslim groups concerning the Islamic provisions.”<sup>14</sup> The author, however, is aware of the fact that the Constitution “has something to offer to both sides; it gives grounds to the orthodox traditionalist that his cause might- be advanced, while there is nothing in the Islamic clauses to cause a liberal democrat to feel that Pakistan is incapable of becoming the kind of state he wishes to see, especially when he finds that inspite of a great deal of discussion of the significance of the requirements of Islam for the new state, comparatively little attention has been paid to the less spectacular task of bringing the laws and policies into conformity with those requirements.”<sup>15</sup>

Keith Callard concludes that Islam’s importance as a moral and integrating force cannot be underestimated. He thinks that liberal democracy in the West is “largely secular in character, though influenced by Christianity. But in Pakistan the only basis for social morality is Islam. This can be a democratic morality, but it must be believed to be Islamic.”<sup>16</sup> Callard’s account, though implicitly asking the same questions that Smith asks, lacks that insight with which the latter treats his subject. His overemphasis on the Jamaat-i-Islami and absolutely no mention of certain other leading *ulama* makes the reader miss the thread of the fabric of his text. His discussion on the political doctrines of Islam is not only confusing but also irrelevant to the situation which is being explained.

Leonard Binder, in his book, *Religion and Politics in Pakistan*, has associated Islam with the *ulama* and thus interpreted it not as a philosophy but as an outward expression. He has divided his book into three sections: the first section is called “Orientation” in which he sets with four major attitudes towards Islam and the state: the view of the *ulama*, which he calls the traditionalist; the Ijma theory of the modernists; the attitude of the Jamaat-i-Islami, which is termed as fundamentalist; and the secularist view presented by a small westernized group. The second part of the work, “Substantiation” is, in fact, the account of process of making the Constitution in which he highlights the role of four groups identified in the first section. The last part is devoted to the stud;- of different changes which, he thinks, took place during the interplay of religion and politics and is, therefore, called “Alteration”.

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<sup>14</sup> Ibid., pp.227-228.

<sup>15</sup> Ibid., pp.228-229.

<sup>16</sup> Ibid., p.230.

One is struck by the rigour of his model to which are subjected the complexities of the history of more than a decade, and the presumption that the changes were necessarily the result of an interplay between the four groups and the Constituent Assembly-another assumption which narrows down the role of these groups to the changes envisaged by the author.

In "Orientation", Binder defines these "groups" as "four loosely organized social groupings."<sup>17</sup> The explanation for this is that "the political leaders of West Pakistan are landowners of substantial means or princes of various degrees of nobility, those of East Pakistan are more often lawyers, teachers, or members of other middle-class professions, and those who migrated from Central India include some of both these categories and a small contingent of industrial and commercial families. Nevertheless, these three regional elites are remarkably homogenous in their education and political socialization, and even their economic interests are tending to become more rather than less diffused."<sup>18</sup> In the same manner the author has treated the *ulama* as a group. He is of the view that the *ulama* wanted to see Pakistan in traditionalist-classical terms, the modernists believed that the consensus amongst the members of the community should decide the issue, the secularist wanted a democratic-westernized state, and the Jamaat-i-Islami had its own "purified fundamentalist" view of Islam.

"Substantiation" is mainly concerned with the history of the Muslim league, the demand for an Islamic state, the Objective Resolution, and the views of the Board of Ta'limat-i-Islamia. The author tells us how the *ulama* made efforts to get their demands fulfilled and feels relieved at the gains of the *ulama*. "The main points on which the *ulama* made some gains were on the requirement that the Head of the State be a Muslim, and that the function of the *ulama* be institutionally recognized."<sup>19</sup> The author seems to be convinced that had there been no such efforts on the part of the *ulama*, the Muslims of Pakistan, who constituted more than 80% of the total population, might have been deprived of the right of having a Muslim Head of the State! He thinks that both the politicians and the *ulama* view process of the constitution-making "as the establishment of a legal basis for the operation of specific institutions. The constituent process was similarly viewed as a law-making process. Constitutionalism as a limitation on the powers

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<sup>17</sup> Leonard Binder, *Religion and Politics in Pakistan* (Berkeley: University of California Press, 1963), p.7.

<sup>18</sup> *Ibid.*, p.8.

<sup>19</sup> *Ibid.*, p.223.

of government, as a mechanism for separating the powers or functions of government, as a means of establishing procedures for the settlement of political disputes, as the practical approximation of a social ideology, or as a process of political adjustment minimizing the use of coercion never entered into the picture at all.”<sup>20</sup>

Binder’s book was appreciated and acknowledged by the western press. The *American Political Science Review* hailed it as “an excellent study...a thorough and most competent analysis...”<sup>21</sup> *The Times* (London) wrote: “This book is unlikely to be superseded as an account of interplay of religious And secular thought...Mr. Binder’s statement of the facts and his deduction from them can be accepted with the utmost confidence.”<sup>22</sup> One reviewer, however, pointed out that “the western reader ... will find it difficult to understand from the author’s treatment why the “loosely organized social groupings” upheld their respective positions, and why the product collapsed once a compromise had been reached ... The author refrains from any attempt to relate the positions taken to the structure of the society, to the major economic, technological, and educational problems, and to the problems emanating from the international position of Pakistan.”<sup>23</sup>

The author’s model is absolutely irrelevant to the situation. He formulated the different groups in order to balance them with the Jamaat-i-Islami which, in fact, takes the largest part of the book. It is inconceivable that the economic interests of a teacher, an industrialist, and a landlord are identical. Moreover, the Constituent Assembly is treated as an independent variable which, in fact, consisted of almost all these groups which the author considered against it. Binder’s assertion that the constitutional process was confined to a legal basis for the operation of specific institutions is either due to his sheer ignorance of day to day events or to deliberate distortion of facts. The Disturbances of 1953 had been treated as predominantly religious under the false assumption that the politicians had to compromise with the *ulama* whereas in the political tussle between the Punjab Government and the Centre was mainly responsible for this incident. There are questions coupled with the economic crisis and inflation of the 1950s which do not find any place in this book.

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<sup>20</sup> Ibid., p.236.

<sup>21</sup> *American Political Science Review*, Vol. 55, December 1961, p.955.

<sup>22</sup> Quoted in *Book Review Digest*, 1962.

<sup>23</sup> Quoted in Ibid.

Some studies conducted by western scholars are quite superficial and shallow. Erwin Birnbaum's *Some Theoretical and Practical Aspects of the Islamic State of Pakistan*, Professor Roseithal's *Islam in the Modern National State*, and Freeland Abbott's *Islam and Pakistan*<sup>24</sup> belong to this category.

Birnbaum's essay explains how the Muslims came to India, and then how they achieved Pakistan, which is followed by a chronological account of events in Pakistan. The author has tried to accommodate almost all the views he came across on Islam as the basis of Pakistan. In his essay, he has highlighted the problem of the minorities who are apprehensive of the implications of the introduction of Islam in the affairs of the state and how this phenomenon is going to influence their status. It is interesting to note that his book, *The Politics of Compromise: State and Religion in Israel*, was criticized by a reviewer due to "the most important drawback", which is that "there is no consideration of Israel's non-Jewish religious minorities who are now 15 per cent of the total population."<sup>25</sup>

Rosenthal's book contains two essays on Pakistan. In his first chapter, "An Islamic State for Pakistan", he discusses Muhammad Asad's *The Principles of State and Government in Islam*, and Maududi's *The Islamic Law and constitution*. He thinks that "These treatises are not theoretical speculations; they are conditioned by the practical needs of a state and constitute a programme for political actions."<sup>26</sup> About Maududi, the author says, "Here is no utopian idealist, but a realistic, clearheaded and determined leader of a political movement who aspires to political power in order to establish, by gradual measures, an Islamic State, based on Quran and *Sunnah*."<sup>27</sup>

This chapter is not only a partial statement of the views on the Islamic State in Pakistan, but is also based on certain assumptions which can hardly be justified. About Maududi, he, as we have seen, says that he is a realistic clear-headed man, but then Rosenthal mentions how his clear-headed scholar wants to give "separate representative Assemblies" to both non-Muslims and women and goes

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<sup>24</sup> These books were published by Pakistan Historical Society, Karachi, 1956, Cambridge University Press, 1965, and Cornell University Press, New York, 1968, respectively.

<sup>25</sup> Quoted in *Book Review Digest*, 1971, p.121.

<sup>26</sup> Erwin I. J. Rosenthal, *Islam and the Modern National State* (Cambridge: Cambridge University Press, 1965), p.125.

<sup>27</sup> *Ibid.*, 138.

onto justify that “His ideas may be medieval, but is undeniable that there is faith and religious conviction behind his detailed exposition and practical proposals.”<sup>28</sup> He neither understands that the application of medieval ideas to modern political situation is utopian nor does he see any contradictions in his thinker’s views.

Rosenthal’s second essay, “The Islamic Republic of Pakistan”, is based upon his personal interviews and observations. It is so confusing that it is difficult to detect any theme in it. Von Grunebaum was perhaps right when he wrote: “To avoid censorious unfairness we should perhaps remind ourselves that Dr. Rosenthal; is doing precisely what travelers have done since the days of Herodotus, and that it is we who have changed while the plight of the author has remained the same.”<sup>29</sup> Rosenthal’s framework is disjointed and complex, his assertions are biased and impressionistic and even those he could not integrate with the text.

Abbott’s book, *Islam and Pakistan*, claims to be “a search that reflects the reawakening of Islam after long centuries of political decline, and that has inspired the questions Muslims everywhere are asking themselves as to why they did decline and what must be done to promote new strength.”<sup>30</sup> The author concludes by saying that change is not possible juridically, otherwise Islam would have witnessed change. After that a detailed survey of the eighteenth, the nineteenth and the twentieth centuries is given in which prominent Muslim theologians and scholars are mentioned. The last chapter is devoted to Islamic modernism in Pakistan in which the term theologian is very loosely used. One wonders why the author chose to call this book *Islam and Pakistan*, especially when most of the text is devoted to pre-Pakistan history which is not as relevant to the understanding of the modern religio-political situation in Pakistan as has been projected in this work.

A brief review of literature on religion and politics in Pakistan from 1951-68 indicates that how partial and inaccurate a study can be in spite of lot of hard work. It is in the background of this reading of literature on religion and politics in Pakistan that the present study has been undertaken. An attempt has been made not to subject historical experience to any model or any far-fetched assumption.

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<sup>28</sup> Ibid., p.152.

<sup>29</sup> *Political Science Quarterly*, Vol. 81, September 1966, p.490.

<sup>30</sup> Freeland Abbott, *Islam and Pakistan* (Ithaca, New York: Cornell University Press, 1968), p.vii.

The present study covers the period from 1972 to 1988, in which politics of religion has been studied under two different regimes: (i) Zulfikar Ali Bhutto--1972-77 and; (ii) General Muhammad Zia-ul-Haq--1977-88. As has already been noted, not all Indian Muslims were in favour of the creation of Pakistan. On the one hand, there were the Muslim Nationalists, essentially the supporters of the Muslim League, who spearheaded the Pakistan Movement, and, on the other hand, there were the Nationalist Muslims and Islamic Nationalists, who both opposed the idea of Pakistan, but for different philosophical reasons. It is unfortunate that the religious-cum-political groups were not limited to the Islamic Nationalists, who were basically adherents of the Fundamentalist religious stream, and the Muslim Nationalists, for the latter were themselves composed of several different schools of thought. On the one hand, they consisted of the Traditionalists, Modernists and Secularists/Pragmatists, and, on the other hand, they also included the Aims of 'popular' Islam. Consequently, because of this high degree of heterogeneity amongst the Muslim groups, the goal of achieving a consensus with regard to the role Islam should have in the administration of the country was virtually impossible to attain. In order to understand their basic philosophical differences, it would be more appropriate to give a brief description of the ideological foundations of each of these groups.

### **The neo-Traditionalists**

The neo-Traditionalists, like Traditionalists and Modernists, are extremely devout and very knowledgeable about Islam. They believe in literally interpreting and rigorously adhering to the fundamentals of their original faith embodied in the Quran and the Sunnah. They are often exceedingly political and revolutionary in their orientation, and believe in zealously crusading to impose Shariah on the society at large and to purge to all influences that take Muslims away from the fundamentals of their faith.

While all Muslims believe in the doctrine of *tawheed* because it is the central premise of Islam, the neo- Traditionalists are often obsessed with its importance. Many neo-Traditionalists, for instance, have such a literal, rigid and narrow interpretation of *tawheed* that they denounce any mediatory agent between man and Allah as shirk because in their eyes it undermines and compromises the dominant principle of *tawheed*. They condemn such traditions as the veneration of Prophet Muhammad, *imams*, saints, martyrs and *pirs*; the offering of prayers for assistance at their tombs or at shrines; the sacrifice of animals, lighting of candles, sanctification of water, deposit of money and distribution of food in honour of those venerated with expectation of special favours; and excessive displays of mourning in the form of weeping, *maatam* (breast-beating).

The flea-Traditionalists make a determined and dedicated effort to emulate the good deeds of Prophet Muhammad and the *aslaf* (the pious companions and extended family of Prophet Muhammad). As a rationale for closely emulating the *aslaf*, they often quote a popular *hadith* in which the Prophet Muhammad is believed to have said: "The best generation is mine (i.e. of my companions)..."<sup>31</sup> Therefore, for many neo-Traditionalists, the classical period of Islamic history in which the ideal Islamic State was established and governed by Prophet Muhammad and thereafter by the *Khulfa-i-Rashidin* (the first four rightly-guided caliphs) became the classic and normative period worthy of emulation and restoration.<sup>32</sup> The overwhelming desire of the neo-Traditionalists to follow the *aslaf* can also be ascertained by reading the writings, speeches, statements and interviews of any neo-Traditionalist as well as literature published by neo-Traditionalist organizations. For instance, the Jamaat-i-Islami's Election Manifesto [1970]--inspired by the writings and teachings of its founder and first Mir Syed Abul A'la Maududi-- promised to make "Pakistan a state where the laws of the Quran and the *Sunnah* would be in full force and which would take the Rashidin Caliphate as a model."<sup>33</sup>

The neo-Traditionalists reject the "Church-State" dichotomy which is encouraged by non-Muslims and Muslim Pragmatists/ Secularists and tolerated in varying degrees by the twentieth-century Modernists and Traditionalists. While the Traditionalists and Modernists also talk about the fusion of "Church-State" and how separating the two would deprive the government of ethical and spiritual foundations, the neo-Traditionalists assertively and even aggressively crusade against such separation. Maulana Maududi used his religio-political party i.e., the Jamaat-i-Islami, to actively lobby for the establishment of a "Kingdom of God" in Pakistan run in accordance with the Quran, *Sunnah* and *Shariah*.<sup>34</sup>

The neo-Traditionalists believe that one of the most important functions of the Islamic State is to maintain and enforce the *Shariah*. However, unlike the Modernists, who wish to make major revisions in it and bring it up to date, and

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<sup>31</sup> Quoted in Fa21ur Rahman, *Islam*, 2nd ed., (Chicago: The University of Chicago Press, 1979), p.236.

<sup>32</sup> W. C. Smith, op.cit., p.43.

<sup>33</sup> *Election Manifesto of Jamaat-i-Islami*, The Criterion [Karachi], January-February 1970, p.154.

<sup>34</sup> Abul A'la Maududi, *Islamic Law and Constitution*, Translated by Khurshid Ahmad, 6th ed., (Lahore: Pakistan Islairic Publications, 1977), pp.119, 132-133, 211-23.

unlike the Traditionalists, who accept it in its entirety but do not actively crusade for it, the neo-Traditionalists consider it their Islamic duty to struggle actively, dedicatedly and ceaselessly to implement the *Shariah* in its entirety.<sup>35</sup> In this regard, Ayotollah Ruhollah Khomeini stated unequivocally that “Government in Islam means obedience to the law [*Shariah*] and its arbitration.”<sup>36</sup> Most neo-Traditionalists are also far more aggressive than the Traditionalists and Modernists in their crusade against prostitution, pornography, the selling or use of alcohol and drugs, gambling, singing, dancing, wearing ornaments of gold and silver, astrology and fortune-telling, fatalism, and superstition.

The neo-Traditionalists reject the dogma of *taglid* and embrace its antithesis, the dynamic notion of *ijtehad*. They limit the right of *ijtehad* to those knowledgeable and competent about Islamic theology and law. Most neo-Traditionalists would applaud the Syrian-born Hanbali theologian-jurist Taqi ad-Din Ibn-Taimiyah (1263-1328 A.D.) for his courageous denunciations of *taglid* and fearless practice of *ijtehad* at a time when such ideas were considered heretical because they were seen as sowing the seeds of division and discord in the Muslim *ummah*.<sup>37</sup> Ibn-Taimiya is regarded by most neo-Traditionalists as the father of Islamic Fundamentalism<sup>38</sup> because of his systematic and eloquently argued stand in his scholarly writings.

The neo-Traditionalists are staunch opponents of secular nationalism. One such example is Maulana Maududi and his Jamaat-i-Islami. According to Maududi, Islam and nationalism were totally incompatible. He stated: “‘Muslim Nationalist’ and ‘Muslim Communist’ are as contradictory terms as ‘Communist Fascist’, and ‘Socialist Capitalist’, and ‘Chaste Prostitute!’.”<sup>39</sup> In his view, “One ultimate goal of Islam is a world state on which the claims of racial and national prejudices would be dismantled and all mankind incorporated in a cultural and

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<sup>35</sup> H. A. R. Gibb, cited in Donna Robinson Divine, “Islamic Culture and Political Practice in British Mandated Palestine, 1918-1948”, *The Review of Politics*, Vol. 45, No. 1, January 1983, p.78.

<sup>36</sup> Martin Kramer, “The Ideals of an Islamic State”, *The Washington Quarterly*, Vol. 3, No. 1, Winter 1980, pp.3-4.

<sup>37</sup> Quoted in Syed Abul A’la Maududi, *A Short History of the Revivalist Movement in Islam*, Translated by Al-Ashari, (Lahore: Islamic Publications, 1976), 3rd ed., pp.67-70.

<sup>38</sup> The Shiahs are very critical of Ibn-Taimiya because of his condemnation of accretions in Shiahs’ beliefs and practices.

<sup>39</sup> Syed Abul A’la Maududi, *Nationalism and India* (Pathankot, 1947), 2nd ed., pp.9-10.

political system, with equal rights and equal opportunities for all.”<sup>40</sup> He considered nationalism for dividing humanity and breeding localism as well as cultivating love for a particular territory instead of love for humanity in general. It is “the greatest curse in the world, it is the greatest menace to human civilization; it makes man wolf to all other nations except his own.”<sup>41</sup>

The neo-Traditionalists in the late twentieth-century, unlike their predecessors, are willing to embrace what they perceive as beneficial modern values which conform to the basic tenets of Islam. Many of them in the modern period have come to accept the Western notions of democracy entailing periodic elections on the basis of one vote for every adult person, a multi-party political system, periodic elections on the basis of secret balloting, and a national assembly or parliament to pass legislation for the entire nation. However, they insist that competent neo-Traditionalist ulama could play an important role in advising the democratically elected representatives of the people and in ratifying all legislation.

### **The Traditionalists:**

The Traditionalists are generally the products of traditional Islamic education and come exclusively from the ranks of the devout and learned ulama. They often tend to conserve and preserve not only the Islamic beliefs, customs and traditions practiced in the classical period of Islam but in the Islamic periods thereafter as well. They are very tolerant of sufism, mysticism and numerous local or regional customs and traditions commonly referred to as “folk Islam” or “popular Islam”. Their justification for this is based on the premise that Islam is not merely a set of abstract and utopian principles, but a comprehensive and living belief system interacting with historical and cultural traditions of those who call themselves devout Muslims.

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<sup>40</sup> Ibid., pp.10-11.

<sup>41</sup> Ibid., p.18.

The Farangi Mahallis,<sup>42</sup> revered a pantheon of saints including several ancestors, and they visited their tombs often to offer prayers and thanks.<sup>43</sup> In fact, the *madrassahs* taught by Farangi Mahallis were invariably closed on the birthday or death anniversary of prominent saints so that both teachers and pupils could partake in celebrations to commemorate the auspicious occasions.<sup>44</sup> The teachings of Bareilvis were also dominated by the veneration of Prophet Muhammad, as well as of *pirs* and *ulama* as effective intermediaries to Allah and the Truth.<sup>45</sup> The Traditionalists are generally apolitical and detached scholars and teachers of religion. Because of their deeply ingrained pacifism and apolitical orientation, they have often been co-opted by Muslim regimes to support the status quo. However, after the periods of relative dormancy, whenever they have perceived Islam or the *ummah*, whether local, regional and or sub-systematic to be in imminent danger, they have reasserted themselves in the political arena.

The Farangi Mahalli school of Sunni Traditionalists consisted of learned *ulama* and practicing *sufis*, who brought about a gradual Islamic revival in the Indian subcontinent during the eighteenth and nineteenth centuries by virtue of their teaching and advisory role. They brought about an Islamic revival between 1909 and 1926 under the leadership of Qayacn-ud- Din Muhammad Abdul Bari (1878-1926) because they felt that the *ummah* was in danger from external non-Muslims aggressors. When the Khilafat Movement was at its peak in 1920, it was a section of the traditionalist *ulama* who were in the vanguard of the Hijrat Movement in which about 50,000 devout Indian Muslims were persuaded to leave their homes and emigrate to the neighboring country of Afghanistan.

A prominent feature of the Traditionalists that separates them from the other three categories of Muslims is their rejection of *ijtehad* and firm belief in the dogma of *taglid*. In the case of the latter, “to alter the decision that has been

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<sup>42</sup> Farangi Mahal: the name of a mansion in Lucknow that was built by a French indigo merchant, but came to be the home of an extended family of traditionalist Sunni *ulama*—popularly known as the Farangi Mohallis—in the late seventeenth century. (For detail please see Barbara Daly Metcalf, *Islamic Revival in British India: Deoband 1860-1900* (Princeton, N.J.: Princeton University Press, 1982); Also see Francis Robinson, “The Ulama of Farangi Mahall and Their Adab”, in Barbara Daly Metcalf, (ed.), *Moral Conduct and Authority: The Place of Adab in South Asian Islam* (Berkeley, California: University of California ‘press, 1984), p.153.

<sup>43</sup> Francis Robinson, “The Ulama of Farangi Mahall and Their Adab”, op.cit., pp.155-156, 164-170.

<sup>44</sup> Francis Robinson, “The Veneration of Teachers in Islam by Their Pupils: Its Modern Significance”, *History Today*, Vol. 30, March 1980, p.24.

<sup>45</sup> Metcalf, *Islamic Revival in British India*, op.cit., p.267.

accepted for ages would be to deny the eternal immutability of God's law and to admit that earlier jurists erred would be to destroy the idea of the continuity of the divine guidance of the Muslim community."<sup>46</sup> The Farangi Mahallis, the Bareilvis and the Deobandis of the Indian subcontinent all displayed their rejection of *ijtehad* and a firm belief in *taqlid*. For instance, it was their rigid adherence to the firth of Abu Hanifa that made famous Deobandi theologians like Muhammad Qasim Nanotawi (d.1879) resent efforts made by Shah Waliullah to create an inter-juristic discipline of Islamic theology and law.<sup>47</sup>

Traditionalists believe that "to allow man any freedom to decide questions of right and wrong would result in trespassing upon Allah's Divine Omnipotence."<sup>48</sup> A quotation from al-Ashari vividly illustrates this point:

We believe that God created everything by bidding it "Be" [kun]..., that nothing on earth, whether a fortune or misfortune, comes to be, save through God's will; that things exist through God's fiat; ...that there is no creator save God; and that the deeds of the creatures are created by Him and predestined by Him; ... that the creatures can create nothing but are rather created themselves ...; We ... profess faith in God's decree and fore-ordination.<sup>49</sup>

The Traditionalist *ulama's* rigid viewpoint emphasizing *taqlid* and predestination was caused by part by the Asharite<sup>50</sup> movement that gained ascendancy during

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<sup>46</sup> Leonard Binder, op.cit., pp.24, 26, and 42-43. Also See Freeland Abbott, op.cit., p.225.

<sup>47</sup> Aziz Ahmad, *Islamic Modernism in India and Pakistan 1857-1964* (London: Oxford University Press, 1967), p.107.

<sup>48</sup> Peter Hardy, "Traditional Muslim Views of the Nature of Politics", in C. H. Philips, (ed.), *Politics and Society in India* (London: George Allen and Unwin, 1963), pp.32-33.

<sup>49</sup> Quoted in Ibid.

<sup>50</sup> Asharite: The followers of an Iraqi-born *aalim*, Abdul Hassan al-Ashari (873-935 A.D.). al-Ashari started his adult life as a *Mutazillite*. Around the age of fort: he renounced the Mutazillite school of thought because it placed too much emphasis on rationality and free will. In the traditionalist Islamic movement that he spearheaded, he promoted belief in the revelation and the literal interpretation of the Quran and the Sunnah. His orthodoxy appealed to the authoritarian Abbasid rulers (839-962 A.D.) who selectively used his theological arguments to silence the liberal rationalism of the Mutazillite Movement. With such support, the Asharites triumphed over the Mutazillites during the rule of Mutawakkil (847-860 A.D.) For detail please see H. A. R. Gibb and J. H. Kramer, *Shorter Encyclopedia of Islam* (Ithica, New York: Cornell University Press, 2nd revised edition, 1965)

the Abbasid Khalifah al-Mutawakkil (847-861 A.D.) The Traditionalists, like the Fundamentalists, are profoundly concerned about the increasing secularization of the critically important educational, legal, economic, and social spheres of their Muslim societies. Secularization to them is tantamount to the elimination of the Divine *Shariah* and will eventually erode the very foundations of the Muslim community. Traditionalists, like most Fundamentalists, promote the segregation of the sexes. They are reluctant to adapt Islamic viewpoints to contemporary eras and as such are opposed to change. The emphasis given by Traditionalists to Islamic scholarship and teaching, as well as their firm belief in *taglid* and predestination tends often to give them a relatively passive and apolitical orientation. This is the reason that few Traditionalists are seen in the vanguard of Islamic revivals. The ignition of an Islamic revival acts as their cue to abandon temporarily their passivity and play the vital role of leveraging the revival towards their theocratic and Theo centric orientation.

### **The Muslim Modernists**

Muslim Modernists are extremely devout Muslims, having sufficient knowledge about Islam. The Islamic Research Institute established by President Muhammad Ayub Khan in 1960, revealed the Modernists position as two-fold: first, "to define Islam by bringing out the fundamentals in a rational and liberal manner and to emphasize, among others, the basic ideals of Islamic brotherhood, tolerance and social justice", and second, 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.<sup>51</sup> Unlike Traditionalists who are concerned with maintaining the status quo, the Modernists believe that they are making a sincere and dedicated effort to reconcile the differences between traditional religious doctrines and secular scientific rationalism; between unquestioning faith and reasoned logic; and between the continuity of Islamic tradition and the unpredictability of change.

Modernists, like neo-Traditionalists, are vigorous proponents of *Ijtehad*. They argue that the main reason for the decline of Muslims is the inhibition of independent, creative and critical thought, as well as the lack of vigorous discussion and debate about Islamic laws and issues that resulted from the closure of the "gates of *ijtehad*". They are convinced that Islam is a progressive, dynamic and rational religion in which there is no place for the inhibiting dogma of *taglid*. They reinforce their appeal for the restoration and exercise of *Ijtehad* by

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<sup>51</sup> Quoted in Donald Eugene Smith, "Emerging Patterns of Religion and Politics", in Donald Eugene Smith, (ed.), *South Asian Politics and Religion* (Princeton, New Jersey: Princeton University Press, 1966), pp.32-33.

quoting from the Quran: "And to those who exert We show the path".<sup>52</sup> On another place, the Quran says: "... God would never change His favour that He conferred on a people until they changed what was with themselves".<sup>53</sup> To Modernists, according to these Quranic verses, Islam is not a confining and inhibiting force, but an inspiration and spur to progress. The dynamic change in Islam is not only possible, but is based upon the authority of Allah. Therefore, most Modernists believe that Islamic laws need to be carefully revised so that they have the built-in flexibility and adaptability to take into account modern political, economic, social, cultural and legal conditions.

Jamal-ud-Din Afghani (1838-1896), known by many to be the father of Islamic modernism, was highly critical of the Traditionalist ulama who believed in *taglid* and opposed new and creative thoughts. He was convinced that it was the medieval Mentality of the Traditionalists that was primarily responsible for the decline of Muslim power and influence in the world.<sup>54</sup> To quote him:

The stranger thing of all is that our ulama in these days have divided knowledge into two categories: one they call Muslim knowledge and the other European. Because of this, they forbid others to learn some useful knowledge... knowledge which is a noble thing, has no connection with any particular group.... How strange it is that Muslims study with great delight those sciences that are ascribed to Aristotle, as if Aristotle were a Muslim author. However, if an idea is related to Galileo, Newton, or Kepler, they consider it unbelief.... In fact...when they forbid [modern] knowledge with a view of safeguarding the Islamic religion... they themselves are the enemies of religion. Islam is the closest religion to knowledge and learning and there is no contradiction between (modern) knowledge and the basic principles of Islam.<sup>55</sup>

According to Afghani, it was in the ranks of the influential ulama who were narrowly educated in the out-dated and narrowly-focused Islamic studies imparted in *madrassahs* and who had little or no exposure to the outside world "that intellectual decline first penetrated and through the1 destruction has fallen

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<sup>52</sup> The Quran, 29:69.

<sup>53</sup> Ibid., 8:53.

<sup>54</sup> Rashid Ahmad Jullundhri, "Pan-Islamism and Pakistan: Afghani and Nasser", *Scrutiny*, Vol.1, No. 2, July-December, 1975, pp.31-32.

<sup>55</sup> Ibid., p.32.

upon the entire nation".<sup>56</sup> He strongly recommended acquiring Western learning, technology and services provided that the borrowing from the West was selective and based on the criteria that it served the basic needs and aspirations of the Muslims. He ceaselessly struggled to re-open the gates of *Ijtihad* and initiate an Islamic reformation similar to that sparked by Martin Luther for Christianity.<sup>57</sup> Muhammad Abduh (1849-1905), an Egyptian student and ardent follower of Afghani, made a dedicated and sustained effort to liberate Islam from the dogma of *taqlid*. He constantly promoted the idea that the only way Muslims could improve their lives and that of society was to return to the source, and carefully study the Quran in the light of reason and rationality. He was of the view that the Quran gives all Muslims the right to differ with even the ulama if the latter were saying something unreasonable or irrational. This was because "Islam had liberated man from the authority of the clergy; it has put his face to face with God and has taught him not to rely on any intercession."<sup>58</sup> Abduh constantly exhorted Muslims to analyze, reason and use logic to understand problems in the true spirit of Islam. In one instance, he said:

Of all religions, Islam is almost the only one that blames those believe without proofs, and rebukes those who follow opinions without having any certainty.... whenever Islam speaks, it speaks to reason... and the holy texts proclaim that happiness consists in the right use of reason.<sup>59</sup>

Sir Syed Ahmad Khan (1817-1898), like other Modernists, was of the view that a revitalized Islam was indispensable to the intellectual, economic, social and political progress of the Muslims. He opposed the Traditionalists that the "gates of *Ijtihad* were eternally sealed a millennia earlier and vehemently denounced the inhibiting force of *taqlid*. To Quote him: "If people do not shun blind adherence, if they do not seek that light which can be found in the Quran and the indisputable *Hadith* and do not adjust religion to the sciences of today, Islam will become extinct in India."<sup>60</sup>

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<sup>56</sup> Ibid., p.32.

<sup>57</sup> Nikki R. Keddie, Sayyid Jamal-ad-Din al-Afghani: A Political Biography (Berkeley: University of California Press. 1972), p.141.

<sup>58</sup> Quoted in Osman Amin, "Some Aspects of Religious Reforms in the Muslim Middle East", in Carl Leiden, (ed.), *The Conflict of Traditionalism and Modernism in the Muslim Middle East* (Austin, Texas: The University of Texas, 1966), p 91.

<sup>59</sup> Ibid., p.91.

<sup>60</sup> Quoted in Bashir Ahmad Dar, *Religious Thought of Sayyid Ahmed Khan* (Lahore: Sheikh Muhammad Ashraf, 1957), pp.247- 248.

Muhammad Iqbal (1873-1938), a well known Modernists of South Asia, admired Afghani's ideas and tireless efforts for betterment of the *ummah*--criticized the Traditionalists for debating issues of abstract Islamic theory that had little relevance to the hard realities of life. He criticized them for believing that scientific, technical and technological knowledge would corrupt and weaken Muslim society and undermine faith. He pointed out that this misrepresented Islam since there had been numerous Muslim scientists but were inspired by it, and helped the *ummah* and spread Islamic influence.<sup>61</sup> He criticized the Traditionalists for their insistence on conformity and orthodoxy. He denounced the conservative mullah: "For the shortsighted [and] narrow-minded mullah, the concept of religion is to brand others as *kafirs*".<sup>62</sup> The mullah's obscurantist worldview served no other function that "sowing corruption, perverseness and disruption in the name of God."<sup>63</sup> Iqbal appealed to devout and educated Muslims (schooled in Islam and modern Western ideas) to judiciously use *Ijtehad* to meet the requirements of contemporary Muslims societies.<sup>64</sup> According to Iqbal, *Ijtehad* should reflect the opinion of society and meet its interests.<sup>65</sup> He opined that "Islam properly understood and rationally interpreted is not only capable of moving along with the progressive and evolutionary forces of life, but also of directing them into new and healthy channels in every epoch".<sup>66</sup>

In addition to being very knowledgeable about Islam, Modernists have been exposed to modern non-Islamic ideas [especially Western] in their formal and/or informal education either in their homeland or abroad. No wonder that most Muslim Modernists--including Afghani, Abduh, Sir Syed--after exposure to the West were filled with new ideas and insights which they were eager to introduce in their societies. In this respect they lived to Iqbal's belief that: "The West's typhoon turned a Muslim into a true Muslim... [in the] way waves of ocean

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<sup>61</sup> Allama Muhammad Iqbal, *The Reconstruction of Religious Thought in Islam* (Lahore: Sheikh Muhammad Ashraf, 1962), Reprinted 1977, p.vi.

<sup>62</sup> Quoted in Masud-ul-Hassan, *Life of Iqbal* (Lahore: Ferozesons, 1978), Vol. 2, p.386.

<sup>63</sup> *Ibid.*, p.386.

<sup>64</sup> Freeland Abbot, *Islam and Pakistan*, op.cit., pp.166-167.

<sup>65</sup> Riaz Hussain, *The Politics of Iqbal: A Study of h political Thoughts and Actions* (Lahore: Islamic Book Services, 1977), p.42.

<sup>66</sup> Quoted in *Religion, Politics and Social Change in the Third World: A Sourcebook* (New York: The Free Press, 1971), p.73.

nourish a pearl in the oyster.”<sup>67</sup> The Modernists welcome all non-Islamic [Western] ideas and practices they consider beneficial to the progress and prosperity of Muslim societies. This approach represents a tolerance for diversity and a willingness to adjust relatively rapidly to a changing environment, and thereby contributes to the emancipation of the individual Muslim and to the progress of Muslim societies. Modernists do not believe in the divisions between Muslims on the basis of Islamic schools of jurisprudence. They advocate reconciliation and unity of all Muslims. Afghani spent his entire life preaching Pan-Islamism. Abduh and Iqbal followed in Afghani’s footsteps.

Modernists have, therefore, struggled to reappraise and reform a comprehensive religion revealed to mankind nearly fourteen hundred years ago, so that constructive and feasible solutions to the new problems of a dramatically changed socioeconomic and political environment can be found. This extended and difficult task has often been at the cost of much that has been cherished in past times as well as in the face of unrelenting opposition from the Traditionalists and neo-Traditionalists.

### **The Secularists/Pragmatists**

They are generally Muslims by name and birth, have some religious socialization in childhood, cherish Islamic ideals and values, identify with the Muslim community and culture, and are perceived as Muslims by non-Muslims.

They are faithful to their Islamic allegiance but do not possess much theological grasp and are not fully aware of the basic tenets of their faith. They do not observe ritual obligations incumbent on all Muslims, like (a) performance of *salat*; (prayer) (b) observance of *roza*; during Ramadan; and (c) performance of *Haj*. Despite their nonchalant attitude towards the faithful adherence to and dutiful observance of their religion, they fall back on it in moments of personal crisis or when they find it necessary to conform to the social or political pressure of their brethren.

This group can be considered non-practicing and nominal Muslims with a veneer of a liberal and eclectic version of Islam. Their Islam is boiled down to various basic ethical, moral and spiritual principles emphasized by Islam, namely equality, justice, liberty, freedom, honesty, integrity, brotherhood, tolerance, peace and other such attributes. Their approach to Islam is very liberal and lax,

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<sup>67</sup> Quoted in Hafeez Malik, *Sir Syed Ahmad Khan and Muslim Modernism in India and Pakistan* (New York: Columbia University Press, 1980), p.99.

which is not appreciated by other devout Muslims, who consider them “wayward souls” at best and “unbelievers” at worst.

Majority of the people in this category is exposed to Western education and often know more about Western intellectual thought than about Islamic intellectual thought. Because of their formal and informal Western education and experience, they consider the classical and medieval Islamic doctrines and practices as reactionary and impractical in the modern age. They, instead of looking back with nostalgia as the Fundamentalists and Traditionalists do to the “Islamic State” of Muhammad and the *Khulafa-i-Rashideen* as the Golden Age of Islam, emulate Western capitalist and socialist ideologies to modernize their societies on the basis of secular capitalism or socialism, or some combination of these two systems.

As compared to other categories, the Muslim Pragmatists/ Secularists wield a disproportionate degree of wealth and power because they enjoy leadership positions in the influential institutions of their countries. They are in the upper echelons of their governments’ civil services and armed forces. They are heavily represented in the mass media, educational institutions, business community, and among the landlords and industrialists. They are the most assertive and vocal segment of their societies.

The Pragmatists/secularists are pleased that Islam does not give a privileged status to the *ulama* in the governance of Muslim societies and reiterate the view that there is no institutionalized clergy in Islam, but that all Muslims are responsible to Allah Almighty for their thoughts and deeds. They are of the opinion that the *ulama* being experts in the Islamic religion per se are entitled to their invaluable religious guidance in the affairs of the state. However, in the economic, political, technical, international and non-Islamic legal matters, the *ulama* cannot claim to impose their viewpoint on the nation.

The Secularists/Pragmatists often find it expedient to end traditional Islamic rhetoric and symbolism to capture the support of the Muslim masses despite their essentially secular worldview and a firm conviction that religion is a personal affair between man and God, whereas the state links man and man. Their use of Islamic rhetoric and symbols allows them to gain or enhance their legitimacy, integrate and unite their fragmented Muslim societies; and inspire, mobilize, and galvanize the Muslim masses.

In summation, the Pragmatists are influenced by their formal and informal secular education and are often only nominally Muslim as they do not even practice the obligatory duties. They look to a broad spectrum of ages and

philosophies for their models of political and socio-economic progress. In order to fulfill their ideals, they adopt concepts and ideologies from both capitalist and socialist countries, adapting them to their own indigenous environment. They are concerned with the dynamic modernization of their societies and interested in addressing practical realities in a rational manner. They believe that competent Muslim politicians and statesmen could govern modern-day nation states while the ulama should keep themselves with their professional duties.

### The Pirs

The Sufis believe that salvation can only be achieved with love and mercy through a personal union with God. It were the *sufis* who mixed themselves up with the Hindu environment by adopting many of its rituals and beliefs, that they became a more powerful source of religious loyalty than the more scholastic, legalistic and severe approach of the *ulama*. Accordingly, Sufism has come to be known as 'popular Islam' as opposed to the *ulama's* orthodox Islam.<sup>68</sup> Five major *sufi* orders established themselves in the Indian Subcontinent between the 12th and 17th century and the original founder-saints of these Orders in India were followed by *pirs*,<sup>69</sup> called *sajjada nashin*, who were either appointed or hereditary successor of the original saint. The *pirs* developed their Orders by means of an extensive network of disciples (*murid*) as *pirs'* *khangahs* served as outposts of Islam which linked the diffuse, tribally organized population... to the larger Islamic Community... and it was to these centers that the population looked for religious leadership.<sup>70</sup>

This ever expanding network of *pir-murid* relationships has almost affected every human settlement, especially in the rural areas. Riaz Hassan rightly observes that "*khanqahs/shrines* of the Muslim *Sufi* saints were instrumental in the spread of Islam as well as in the development of popular Islam in India anti Pakistan."<sup>71</sup> The Muslim League could not do better in the 1937 elections as it heavily relied upon the support of the urban-based *ulama* who promoted the mosque-based 'orthodox Islam' with which the rural masses could not readily identify. The

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<sup>68</sup> For detail see Ernest Gellner, *Muslim Society*, Cambridge: Cambridge University Press, 1981.

<sup>69</sup> A. C. Mayer, Pir and Murid: An Aspect of Religious Leadership in West Pakistan", *Middle Eastern Studies*, Vol.3, No.2, 1967, pp.168-169.

<sup>70</sup> David Gilmartin, "Religious Leadership and the Pakistan Movement in the Punjab", *Modern Asian Studies*, Vol. 13, No. 3, 1979, p.486.

<sup>71</sup> Riaz Hassan, "Religion, Society, and the State in Pakistan: Pirs and Politics", *Asian Survey*, Vol. XXVII, No. 5, May 1987, p.560.

Unionist Party enjoying the support of *pirs* won 99 seats while the Muslim League and the Congress captured 19 seats only.<sup>72</sup> This was the reason that the Muslim League appealed to the *pirs* for religious support.<sup>73</sup> The reason as to why the *pirs* proved to be more helpful to the Muslim League than the *ulama* is the fact that they attracted *biradaris* of rural areas. The *pirs* believed that an Islamic state under the leadership of the Muslim League would be quite acceptable since their own belief system would be reflected in the politicians' behaviors, who were likely to be their *murids*. The *pirs* performed a crucial and important role in propagation of "Two-Nation Theory" amongst the rural population, especially during the last phase of Pakistan Movement.

After having briefly examined the major groups of Muslims who participated in the Pakistan Movement, it becomes quite clear that, apart from their common opposition to Hindu domination, these followers of various schools of thought were deeply divided over the role Islam should have in the field of public policy. In spite of passing about five decades, these various groups have not been able to work out a compromise formula because each of the group envisages different practical applications of their thoughts.

The present undertaking is an attempt to understand the interplay of religion and politics from 1972 to 1988. This period is most crucial in understanding this dichotomy as it unfolded itself into these two extremes. Since the story begins from the freedom movement, the First Chapter is devoted to understand the background of the genesis of this idea. Even here the study revolves around those forces which were at work from this perspective. No attempt is made to drag the readers into a lengthy debate between the *ulama* and the Muslim League leadership, however, the political impact of these controversies is shown on the development of consciousness for freedom and identity as well as the implications of the role of religion and politics for the South Asian Muslims.

Keeping in view the legacy of the freedom movement, the role of religion in Pakistan's politics after independence is also included in this chapter. For the first decade, Pakistan witnessed a secular government entangled with religious groups on the issues of constitutional and political developments. The *ulama*, though, condemned and ridiculed in the Munir Report, yet were able to secure an ambiguous but important concession in the shape of the Objective Resolution and the Islamic provision of the 1956 Constitution. The second decade

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<sup>72</sup> K. B. Sayeed, *Pakistan: The Formative Phase, 1857-1946*, Karachi: Oxford University Press, 1963, 2nd ed., p.83.

<sup>73</sup> Gilmartin, op.cit., p.503.

represented an attitude of indifference to opposition. Ayub did not pay any attention to the demands of the *ulama* but could not eliminate the impact of their gains in the fifties even from the Constitution of 1962 that he had authored himself. It was during this period that the religio-political parties realized that there was no way out but to accept the existing political institutions like elections, parliament, political organization and political campaigning. They tried to use all these mediums to oust Ayub Khan in the elections of 1964 but failed. However, the importance of the political process was acknowledged by them and it was in this mood that they participated in the elections of 1970.

The Second Chapter deals with the ways and means that were adopted by the political leaders - secular as well as religious-in the elections of 1970. For the first time in the history of Pakistan there was an open contest between religion and secularism and the voters overwhelmingly opted for the latter. These elections also created a milieu which led to conflict between the two wings of the country. Secularism of the Awami League could not be tamed by the religious slogans or the use of force with the result that East Pakistan emerged as an independent state of Bangladesh.

The Third Chapter deals with the impact of the crisis of 1971 on the nation's psyche and its resolve to reshape its political and ideological orientations. Although, Bhutto had come into power because of his socialist manifesto yet it was during his regime that the process of Islamization was initiated. We have tried to highlight his policies in this direction in the internal affairs of Pakistan. It is important to note that this brief period of Bhutto's government acted as a stepping stone for the subsequent developments.

Bhutto not only gave religion a political recognition in his domestic policies but also used it in his foreign policy. It was partly an extension of what he was doing at home and partly, and perhaps more importantly, because of the fact that this period witnessed revival of Islam as a political force in the Muslim world. Bhutto identified himself with the Muslim world as well as with the Third World but he had given primary importance to his stature as a leader of the Islamic Republic of Pakistan. These manifestations of religion in diplomacy have been studied in the Fourth Chapter.

The elections of 1977 and the PNA movement are analyzed in the Fifth Chapter. This phase of the interaction of religion and politics is shown as a direct result of the strains and stresses of the implementation of Bhutto's policies. In a way this was the culmination of the conflict that had started in the early years of Pakistan's history. An attempt is also made to show that the parameters were not religious. It was simply a question of having fair elections that led to a crisis

which was destined to envelop the nation in a dictatorship nurtured and strengthened in the name of religion.

The Sixth Chapter is devoted to General Mohammad Zia-ul-Haq's use of religion in politics. Dwelling on the previous developments in this regard as well as the tempo released by the PNA movement, he initiated a process of Islamization in almost every field which had been unknown in the country before him. Since he had no political mandate, he made alliances with the religio-political groups and used them to strengthen his policies. These questions are dealt with through an analysis of his ordinances in legal, constitutional, social, economic and educational fields. An attempt has been made to show that these enactments had more or less a cosmetic value as the real problem faced by the country was pushed into the background. It will also be seen that along with his policies of Islamization, he tried to impose a controlled political participation of those elements in the country that he considered his allies.

The conclusion deals with the basic issue of the use of religion in politics. It is based on the experience of the people of Pakistan as witnessed from 1972 to 1988. No attempt has been made to bring historical data under any pre-conceived intellectual framework. The historical analysis of the changing situation has been allowed to take its own course. It is in the light of this process that the interplay between these two crucial issues has been shown.

We have followed historical method in tackling both the narrative and the ideas. Wherever it was possible, original sources have been used. In order to highlight the important aspects of this discourse, it has been attempted to include the views of various schools of thought. In order to assess the impact of the policies of Islamization on Pakistani society various assessment reports and comments from the newspapers have also been studied.

## CHAPTER-I

### HISTORICAL BACKGROUND

Historical events are shaped by a host of factors such as cultural, economic, social and political. In the context of South Asia perhaps no other single factor has shaped the destinies of the people as religion has done. Both as a symbol of protest as well as a cementing force religion has played a significant role in the struggle for freedom in South Asia. Even Gandhi's rise to power was possible only after he had stepped on the pedestal of religion. He tried to make use of the two prominent religions of South Asia i.e. Hinduism and Islam in order to gain the support for his political doctrines in the masses. His honeymoon with Islam, however, was short lived and he aligned himself with Hinduism with more force and devotion only occasionally paying lip service to Muslims and their religion.

It was in this context of interplay between religion and politics that the movement for Pakistan was initiated and nurtured. Indian Muslims were essentially suffering from economic backwardness; they were apologetic about their cultural and historical legacy. Islam, therefore, appeared as an umbrella under which they could pool down all their grievances and seek inspiration from it in order to fulfill their desire for attaining a more respectable place in the affairs of South Asia.

The British presence in India, however, confronted them with two choices: either to accept in realistic terms the implications of British rule and seek inspiration from the intellectual aspects of Islam or to recede back in its medieval institutions and strive for their survival. This dichotomy became visible in the 19th century when these two aspects of placing Islam in the context of South Asian politics sought expressions in schools like Aligarh and Deoband. By the dawn of the 20th century, the followers of these schools and their political agenda had become a significant feature of Indian politics.

The movement for Pakistan received its strength from both these streams of thought. The quest for safeguards for Muslims which ultimately culminated in the demand for Pakistan was based on realistic assessment of the socio-political situation of Muslims in India. In a way it was an admission of the fact that Muslims, if left unguarded, would be absorbed by the growing menace of Indian nationalism which was actually a different name for Hindu-nationalism. The mere arithmetic of political numbers would have placed Muslims permanently under the Hindu domination. It was in this context that the idea of Muslim

identity was born which had to be nurtured under the rubric of religion. It must be pointed out, however, that the sit; documents outlining the demand for Pakistan such as Iqbal's Address at Allahabad and Lahore Resolution of March, 1940 do not bring religion as the main force behind the demand for Pakistan. Iqbal's address is essentially devoted to the conceptual framework where culture appears quite prominent under the name of Islam.

The other dimension of Islam, however, was more concerned with the revival of medieval institutions and it was essentially the idealism of *Ulama* that prevented them from a realistic reading of history. They were unwilling to accept that the Muslims needed the slogan of nationalism in the political sense as that would mean that Islam was, perhaps receding from South Asia and seeking refuge in the bordering areas of the subcontinent. Maulana Abul Kalam Azad and Maulana Hussain Ahmad Madni were prominent among such *ulama*. Their opposition to the creation of Pakistan was also motivated by the fact that the secular leadership of the Muslims appeared as a threat to their self-proclaimed monopoly in safeguarding the interests of Islam. It was indeed paradoxical that a country which was going to be achieved as a Muslim homeland did not receive the blessings of the traditional scholars of Islam. It was defended and made possible by those leaders who had no claims to religious scholarship.

Quaid-i-Azam Muhammad Ali Jinnah who successfully led this movement towards Pakistan, was a lawyer by profession and for a long time had emphasized that Muslims should seek their political rights through constitutional and legal framework. However, the political climate of South Asia was increasingly becoming more and more religion oriented.

It would be appropriate to see those factors which ultimately resulted in changing Jinnah's attitude towards the use of religion in politics. Jinnah was opposed to dragging religion into politics. Consequently, he was perturbed when Gandhi resorted to the use of Hindu rhetoric and symbolism to mobilize the Hindu masses of India for his civil-disobedience movement against the British rule. Soon after becoming the President of the Muslim League in 1934, in a speech in the Indian Legislative Assembly, he asserted that religion as such was "merely a matter between man and God" and should not be dragged into politics.<sup>74</sup> He was quite sincere in cooperating with the Congress leadership in order to resolve the problems of India. In a public speech on March 6, 1936, he stated:

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<sup>74</sup> Jamil-ud-Din Ahmad, (ed.), *Speeches and Writings of Mr. Jinnah*, Lahore; Sheikh Muhammad Ashraf Publications, 1960, pp.1-5.

When shall we learn to face the real issues? The only possible way out of all this is that the leaders, at least if we have any leaders, meet together, and sit down as politicians and statesmen, and not as Hindus, Muslims or Christians and see what danger lies ahead and devise ways and means of destroying that danger! [emphasis mine]<sup>75</sup>

Moreover, in his correspondence with Iqbal, Jinnah usually avoided taking religious positions Iqbal urged upon him. Instead, Jinnah concentrated on the economic, political, social and cultural plight of the Indian Muslims.<sup>76</sup> Jinnah was an extremely astute and far-sighted politician. He did not agree with the advocates of the *Khilafat* and *Hijrat* Movements led by the traditionalist *ulama* of India, he was nevertheless impressed by their successful mobilization of Indian Muslims using the rallying cry of Islam. While abhorring Gandhi's strategy of Using Hindu rhetoric and symbolism to mobilize the Hindus masses, he was nevertheless amazed at how even Gandhi had become a popular leader, who captured the hearts and minds of millions of Indians (especially Hindus).<sup>77</sup>

Nehru's political agenda played a significant role in changing Jinnah's attitude. For instance, Jinnah was infuriated when Nehru during the 1937 election campaign stated that:

There are only two forces in the country, the Congress and the [British] Government ... To vote against the Congress candidate is to vote for the continuance of British domination... The opponents of the Congress...have nothing to do with the masses.<sup>78</sup>

Jinnah countered that Muslims constituted a powerful and legitimate third force. Nehru, in another statement, said that:

Mr. Jinnah ... objects to the Congress interfering with Muslim affairs... who are the Muslims? Apparently those who follow Mr. Jinnah and the Muslim League... What does the Muslim League stand for? ... Does it stand for independence of India, for anti-imperialism? I believe not. It represents a group of Muslims, no doubt highly estimable persons for

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<sup>75</sup> Quoted in M. A. H. Ispahani, *Quaid-i-Azam Jinnah As I Knew Him*, Karachi: Royal Book Company, 1976, 3rd ed., p.149.

<sup>76</sup> C. M. Naim, "Afterword", in *Iqbal, Jinnah And Pakistan: The vision And The Reality*, New York: Syracuse University Press, 1979, pp.184-189.

<sup>77</sup> *Ibid.*, pp.184-185.

<sup>78</sup> Quoted in Stanley Wolpert, *Jinnah of Pakistan*, London: Oxford University Press, 1984, p.155.

functioning in the higher regions of the upper middle-classes and having no contacts with the Muslim masses and few even with the Muslim lower middle-class. May I suggest to Mr. Jinnah that I come into greater touch with the Muslim masses than most of the members of the Muslim League.<sup>79</sup>

The change in Jinnah's attitude has been the subject of controversy for many scholars. The question often analyzed is as to why and under what circumstances he adopted religion in his political advocacy of the Muslim cause. A few historians have endeavored to offer a psycho-analytical explanation of Jinnah's change of attitude. Khalid Bin Sayeed is of the opinion that there was a congruence between the "personal needs and ambitions" of Jinnah and the Muslim community. His statement is constructed on the basis of the ever growing rift between Gandhi and Jinnah and the traumatic experience in his personal life which included separation and later the death of his wife. The author opines that Jinnah sought power as a means of compensation for the deprivation that he had suffered.<sup>80</sup> The Muslims, thus, needed Jinnah and vice versa.

Another writer, Stanley Wolpert, opines that Jinnah's change of mind was facilitated by the attitude of the Congress in general and of Gandhi and Nehru in particular.

Congress, insults, stupidity, negligence, venality, genuine and imagined anti-Muslim feelings, fatigue, frustrations, fears, doubts, hopes, shattered dreams, passion turned to ashes, pride---all contributed to the change in Jinnah. He would not go softly or silently, into the dark night.<sup>81</sup>

Wolpert also suggests that Jinnah and Gandhi "seemed always to be sparring even before they put on gloves." He considers this "tone of relationship" so significant that he reduces the entire political picture to the level of two personalities, who could have avoided partition if they had been willing to change their attitudes towards each other. But their contention assumes that what mattered in Indian politics were the symbols of Hindu Muslim identity at the top and ignores the fact that this cleavage existed amongst the masses also. However, it is palatable to the extent that the Congress's prejudicial attitude

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<sup>79</sup> Ibid., pp.147-148.

<sup>80</sup> Khalid bin Sayeed, *Pakistan: The Formative Phase, 1857-1948*, Karachi: Oxford University Press, 1969, p.293.

<sup>81</sup> Wolpert, op.cit., p.162.

towards Jinnah helped him discover his Islamic identity which rather belatedly facilitated his ascend to power through the route of the Muslim League.

### **Iqbal's Impact on Jinnah**

During 1936 and 1937 Allama Muhammad Iqbal's correspondence with Jinnah seemed to have played quite an important role in formulating Jinnah's course of action too.<sup>82</sup> His suggestions to Jinnah contained a relatively holistic picture of the Muslim plight in India, as well as in the adjoining Central Asia. He re-interpreted and propagated through his poetry the Social-democratic thrust of Islam. To Jinnah, he made it clear that "for Islam the concept of social democracy in some suitable form is not a revolution but a return to the original purity of Islam." He persuaded Jinnah to organize and to lead the Muslim League in a way that it was compatible with the Muslim masses rather than with the Muslim upper classes. He revitalized the Islamic discourse on economic egalitarianism by saying "the problem of bread is becoming more and more acute."<sup>83</sup> He insisted upon Islamic Musawat (equality). In Iqbal we see the first Muslim thinker who was not only fighting against interest-ridden Hindu money-lending, colonialism, western capitalism, but who also comes to present a critique of atheistic socialism. He opined that Mullahs simply could no longer control the domination of interpreting Islam. He believed that the mullahs, by adhering only to the tradition, had become isolated and were reduced to the ritualistic domain of Islamic practices. He abhorred their stagnation and called for a revolution against that way of thinking. His brand of Muslim nationalism in itself was based upon synthesizing tradition and modernity. He envisioned an Islamic society based upon the concept of social justice in Islam.<sup>84</sup> He vehemently empowered the ethical discourse and went on to suggest in one of his quite popular poems, "that politics without ethics would only produce Changez Khan and his likes."<sup>85</sup> His discourse considerably helped demystify the traditional authority of the *ulama*, whom he rather derogatorily called Mullahs because of their narrow outlook on life. He declared, "The time of people's liberation is approaching, therefore, you [people] rise and wipe out every imprint which you see is rotten and old."<sup>86</sup>

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<sup>82</sup> G. Allana, (ed.), *Pakistan Movement: Historic Documents*, Lahore: Islamic Books Service, 1977, pp.138-139.

<sup>83</sup> B. A. Dar, (ed.), *Letters and Writings of Iqbal*, Karachi, 1967, pp.16-17.

<sup>84</sup> Mohammad Iqbal, *Kuliyat-i-Iqbal (Urdu)*, Lahore: Sheikh Ghulam Ali Publications, 1973, p.484.

<sup>85</sup> *Ibid.*, p.332.

<sup>86</sup> *Ibid.*, p.401.

Iqbal succeeded in convincing and assuring Jinnah of his capabilities to deliver what the former had thought appropriate for the Muslims of the subcontinent. In Jinnah, Iqbal had seen the promise of the future, a modernist saviour, who could deliver what the Muslims had longed for so long. This way he is legitimizing modernistic leadership vis-à-vis the traditional leadership of the Mullahs. He wrote to Jinnah: "Your genius will discover some way out of the present difficulties." Later, he wrote to him again emphasizing: "You are the only Muslim in India today whom the community has the right to look up for the safe guidance through the storm which is coming."<sup>87</sup>

Nehru's scathing criticism on the one hand, and Iqbal's encouragement, on the other, compelled Jinnah to leave the familiar realm of elitist politics for the unfamiliar battleground of mass politics and mass rallies. In order to mobilize the Indian Muslim masses in the great struggle for a separate Muslim homeland, Jinnah shed his Western suits for the *sherwani* and *Jinnah cap* worn by many Indian Muslims, and laced his speeches with religious and colloquial terms.<sup>88</sup>

Jinnah's disillusionment deepened when he observed the performance of the Congress provincial governments after the provincial elections of 1936. Not only did these Congress-run provincial governments exclude Muslim Leaguers from the corridors of powers, but were also perceived by Muslims as promoting Hindu ideas and ideals; encouraging the use of Hindi and discouraging the use of Urdu; compelling Muslim children in municipal and government schools to sing the Congress Party's national anthem--a hymn entitled "Bande Mataram" (I shall thee Mother India) with strong anti-Muslim undertones;<sup>89</sup> hoisting the Congress flag on public buildings; and tending to condone the discrimination occurring against them in a broad spectrum of government and non-government jobs.

Jinnah criticized Gandhi and the Congress for mixing religion with politics and bringing about a "Hindu revival", thereby betraying their original ideals of secular nationalism, secularism and democracy. He said: "I have no hesitation in saying that it is Mr. Gandhi who is destroying the ideal with which the Congress was started. He is the one man responsible for turning the Congress into an

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<sup>87</sup> B. A. Dar, op.cit., p.20.

<sup>88</sup> Wolpert, op.cit., pp.147-148 and 152.

<sup>89</sup> Hafeez Malik, *Muslim Nationalism in India and Pakistan*, Washington D.C., Public Affairs Press, 1963, pp.334-335. Also see Wolpert, op.cit., p.155.

instrument for the revival of Hinduism. His ideal is to revive the Hindu *raj* in this country, and he is utilizing the Congress to further this object ... The Congress is nothing but a Hindu body... determined, absolutely determined to crush all communities and cultures in this country and establish Hindu *raj*.”<sup>90</sup> If the Congress leadership was thriving on their Hindu identity, it was only natural that the Muslim League should also assert the Muslim identity. Thus the Congress-League conflict meant Hindu-Muslim conflict.<sup>91</sup> As a result, Jinnah proclaimed: “Throughout the ages Hindus had remained Hindus and Muslims had remained Muslims and they had not merged their entities.” He further explained:

We are a nation with our own distinctive culture and civilization, language and literature, art and architecture, names and nomenclature, sense of value and proportion, legal laws and moral codes, customs and calendar, history and tradition, aptitudes and ambitions, in short we have our own distinctive outlook on life and of life. By all canons of International Law, we are a nation.”<sup>92</sup>

Congress’s failure to live up to its declared secular’ character was exposed by the Muslim grievances under the Congress rule as stated in the *Pirpur Report*, *Sharif Report*, and Fazl-ul-Haq’s *Muslims’ Sufferings Under Congress Rule*.<sup>93</sup> This finally marked the parting of ways between Congress and Jinnah, who had been considered “the last bridge” between the League and the congress. By now he appears to have understood the discourse of separatism. In an article which he wrote for “Time and Tide” (London), he seemed to have grasped the essence of Muslim consciousness in India:

The British people, being Christians, sometimes forget the religious wars of their own history and today consider religion as a private and personal matter between man and God. This can never be the case in Hinduism and Islam, for both these religions are definite social codes which govern not so much man’s relations with his God, as man’s relations with his neighbor. They govern not only his law and culture but every aspect of his social life, and such religions,

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<sup>90</sup> Quoted in Abdul Hainid, *On Understanding the Quaid-i-Azam*, Karachi: National Book Foundation, 1977, p.34.

<sup>91</sup> M. R. Baiq, *The Muslim Dilemma in India*, Delhi: Vikas Publishing House, 1974, p.73.

<sup>92</sup> Syed Sharifuddin Pirzada, (ed.), *Foundations of Pakistan: All India Muslim League Documents 1906-47*, Karachi, 1970, Vol.II, p.490.

<sup>93</sup> K.K. Aziz, (ed.), *Muslims Under Congress Rule 1937-1939: A Documentary Record*, Islamabad, 1978, Vol.I, pp.307-320.

essentially exclusive, completely preclude that merging of identity and unity of thought in which western democracy is based...<sup>94</sup>

And this was the revision of his understanding which prompted him to alter the character of the Muslim League from an elitist to a mass-oriented party. His extraordinary zeal and vigour proved to be catalytic in the formation of a separate country only seven years after the Lahore Resolution.

Those who understood him enough to know that once his mind was made up he never reverted to any earlier position realized how momentous a pronouncement their Quaid-i-Azam had just made. The rest of the world would take at least seven years to appreciate that he literally meant every word he had uttered that important afternoon in March. There was no turning back. The ambassador of Hindu-Muslim unity had totally transformed himself into Pakistan's great leader.<sup>95</sup>

It was only after the 1940's Lahore Resolution that Jinnah began to mobilize the people by attending public rallies and by seeking help from those influential people that commanded respect and authority among the masses.

Jinnah had been declared a non-believer and a British agent; by the orthodox, nationalist *ulama* like Maulana Hussain Ahmad Madni and Maulana Abu-ul Kalam Azad. The other religio-political parties such as *Ahrars*, *Khaksars* and last, but not the least, *Jamaat-i-Islami* were also vehemently opposed to the Pakistan Movement primarily because of their suspicion of Jinnah and the entire leadership of the Muslim League. For example, the chief of *Jamaat-i-Islami*, Maulana Maududi, insisted:

Not a single leader of the Muslim League from Jinnah to the rank and file has an Islamic mentality or Islamic habits of thought, or looks at political and social problems from the Islamic viewpoint ... Their ignoble role is to safeguard merely the material interests (4 Muslims by every possible maneuver or trickery).<sup>96</sup>

However, these *ulama*, enjoyed the support of a very small number of Muslims. Therefore, it was not difficult for the pro-Muslim League *Barelvi Ulama* and other leaders of popular Islam, such as *Pirs* and *Mashaikh*, who commanded a larger fellowship, to successfully propagate against the anti-Pakistan orthodoxy.

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<sup>94</sup> G. Allana, op.cit., pp.226-228.

<sup>95</sup> Wolpert, op.cit., p.182.

<sup>96</sup> Cited in Aziz Ahmad, *Islamic Modernism in India and Pakistan 1857-1964*, op.cit., p.214.

Furthermore, the orthodox *ulama* were labeled as traitors of the Muslim cause because they did not support an almost consensual demand of the Muslims and instead joined hands with the Hindus. Ultimately, it was a victory of syncretic tradition over orthodoxy. And in terms of nationalistic discourse it confirmed the triumph of Muslim nationalism over Indian nationalism. The success of the Muslim League to create Pakistan thus lies behind the fact that Islam was predominantly interpreted as a “culture” emphasizing its symbolic aspects to “establish powerful, pervasive and long lasting moods and motivations in men by formulating conceptions of a general order of existence and clothing these conceptions with such an aura of factuality that the moods and motivations seem uniquely realistic”.<sup>97</sup>

Jinnah wanted to restrict the usage of Islamic slogans only for the purpose of greater unity. For him, it was obvious that Islamic symbolism was tactically very significant. There was no other way except Islam for a movement like his to homogenize a wide range of interests within the Muslim community.<sup>98</sup> The usage of Islamic unificatory symbols, such as Islamic civilization, Islamic brotherhood and equality and Islamic ethos against poverty and social oppression coupled with the fears of disaster at the hands of Hindus, unleashed a constellation of Islamically compelling metaphors which made Jinnah appear as a “Promised Saviour” for the Muslim masses.<sup>99</sup> The poor and down-trodden Muslims were literally dreaming of an Islamic state based upon the concept of Islamic justice and equality. They saw the idea of Pakistan as their dreamland of milk and honey....<sup>100</sup>

It ought to be pointed out, however, that though Jinnah came to espouse Muslim cause sincerely and fervently and even his call for the establishment of a Muslim state--albeit a very liberal and democratic one--he never once referred to instituting the *Shariah*, even partially or in a revised form, which is considered mandatory in an Islamic state. Indeed, most of his speeches and statements after he had forwarded and, popularized the “two-nation theory” dwelt on the threat that Hindu majority rule posed to the physical, cultural, economic, political and spiritual interests and well-being of the Muslim minority in India. In his Presidential Address to the All India Muslim League (AIML) in March 1940,

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<sup>97</sup> Quoted in Syed Masoom Abidi, “*Social Change and Politics of Religion in Pakistan*” Ph.D. Dissertation, University of Hawaii, USA, 1988, p.111.

<sup>98</sup> Ibid., p.111.

<sup>99</sup> Ibid., p.112.

<sup>100</sup> For more details see K. Siddiqui, *Conflict, Crises and War in Pakistan*, London: Macmillan, 1972, pp.40-50.

Jinnah said: “We wish our people to develop to the fullest our spiritual, cultural, economic, social and political life in way that we think best and in consonance with our ideals and according to the genius of our people.”<sup>101</sup>

Jinnah, Islam was not simply a body of doctrines, dogmas, laws and rituals, but the practice of well-known and universally popular and highly cherished ideals of honesty, integrity, discipline, freedom, equality, justice, brotherhood and unity. This is obvious from his letters and statements during the period starting from 1940 until his death in 1948. Praising Prophet Muhammad (PBUH) in his address to the Bars Association in Karachi on January 25, 1948, Jinnah said:

Thirteen hundred years ago, he laid the foundations of democracy... It [Islam] is based on the highest principles of honour, integrity, fairplay and justice for Islam there is no difference between man and man. The qualities of equality, liberty and fraternity are the fundamental principles of Islam.<sup>102</sup>

On the eve of the establishment of Pakistan, the country inherited conflicting legacies. The challenge that was before the leadership gave two options: the role that Islam was going to play in the country would be conceptual or demonstrative. Most of the subsequent history is reflective of this phenomenon. Jinnah, in his address to the Constituent Assembly of Pakistan, enunciated the concept of a “Pakistani Nation”. He said:

You may belong to any religion or caste or creed - that has nothing to do with the business of the state...you will find that in the 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.<sup>103</sup>

It cannot be stressed enough that this was the first and most important policy-oriented speech given by the founding father of Pakistan to the august body of the Constituent Assembly that had been charged with the heavy responsibility of framing the constitution for the country. The ideological thrust of Jinnah’s speech was in fact entirely consistent with his general weltanschauung well-known throughout his long and illustrious career as a politician. Some people are of the

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<sup>101</sup> Quoted in Ikram Azam, *Beyond Operation Fairplay*, Lahore: Progressive Publishers, 1973, p.45.

<sup>102</sup> Quoted in Javed Iqbal, *The Legacy of Quaid-i-Azam*, Karachi: Feroze Sons, 1967, pp.22-23.

<sup>103</sup> Quaid-i-Azam Muhammad Ali Jinnah: *Speeches as Governor-General of Pakistan 1947-1948*, Karachi: Pakistan Publications, n.d., p.9. Also see Constituent Assembly of Pakistan Debates, Vol. I, No.2, August 1947, pp.18-20.

view that this speech of Jinnah indicated his secular thinking, which appears to be illogical. Having failed to establish Hindu-Muslim unity in predominantly Hindu India, Jinnah was determined to succeed in the predominantly Muslim state of Pakistan. Having witnessed how insecure the Muslim minority felt in predominantly Hindu India, he did not want non-Muslim minorities to suffer the same fate in the predominantly Muslim state of Pakistan that he had just established. The words of Jinnah's address were probably carefully chosen as has been suggested by some writers, not necessarily as an indication of the future state, but in order to emphasize the importance of communal harmony for the peace and progress of the country. Mujahid is correct in observing that "statesmanship [sic] now demanded the healing of the wounds, the burying of the bitter memories of the past, the building up of trust and confidence in the minorities."<sup>104</sup>

Jinnah did not want to establish Pakistan as a theocratic- state. In a Press Conference in New Delhi on July 9, 1947, when-Indian reporters asked Jinnah whether Pakistan would be a secular or theocratic state, Jinnah replied: "You are asking me a question that is absurd. I do not know what theocratic state means." When the correspondent suggested that a theocratic state meant a state where only people of a particular religion (for example, Muslims) could be full citizens, and non-Muslims would not be full citizens, Jinnah emphasized democracy being an inherent part of Islam.<sup>105</sup>

Similarly, in a radio broadcast talk to the people of Australia in February 1948, Jinnah said that "the great majority of us are Muslims... But make no mistake: Pakistan is not a theocracy or anything like it. Islam demands from us the tolerance of other creeds." In the same broadcast, he even-proudly proclaimed his rationality and pragmatism shared by most modern-day Westerners when he said: "It comes perhaps, from a practical way of thinking and an aversion from mere theorizing and sentiment."<sup>106</sup>

The Modernists, using Jinnah's speeches as a philosophical point of reference, opposed the *ulama's* desire to establish the tenets of Islam in the society. The politicians wished to restrict the influence of the *ulama*, and this was only possible if they could limit the Islamic aspects of the constitution. So the Modernists were willing to follow the quite safer path of making the tenets of

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<sup>104</sup> Sharif Al Mujahid, *Quaid-i-Azam Jinnah: Studies in Interpretation*, Karachi: Quaid-i-Azam Academy, 1981, p.265.

<sup>105</sup> Javed Iqbal, op.cit., p.28.

<sup>106</sup> Jinnah: *Speeches as Governor-General of Pakistan*, op.cit., p.60.

Islam a part of state policy, an approach quite different from implementing it as law of the land. This attitude on the part of the politicians was considered by the *ulama* as a betrayal, as by cooperating with the Muslim League, the *ulama* expected to be given an important role in the formulation of the future structure of the state institutions and specially the role of Islamic tenets in the new state. The position of the Modernists was stronger as compared to the *ulama* who were divided into different camps on the basis of their school of thoughts.

During the initial period after the creation of Pakistan, three events reflected deep rivalry between the Modernists and the *ulama*: the adoption of the 1949 *objective Resolution*, the 1953 anti-*Ahmadi* agitation, and the constitutional debates leading to the formation of the first constitution. Soon after the establishment of Pakistan, Maulana Shabbir Ahmad Usmani of JUT, leading the Traditionalists, demanded the introduction of Islamic tenets in Pakistan. He stated:

The Islamic State means a State which is run on the exalted principles of Islam ... it can only be run by those who believe in those principles ... People who do not subscribe to those ideas [Islam] may have a place in the administrative machinery of the State but they cannot be entrusted with the responsibility of framing the general policy of the State c dealing with matters vital to its safety and integrity.<sup>107</sup>

Maulana Usmani further stressed that the state institutions must be based not merely on vague notions of Islamic principles but strictly on the basis of the Quran, the *Sunnah* and *Shariat* law.<sup>108</sup>

Maulana Maududi in his speech of 18 February 1948, supporting the Traditionalists in their effort to establish an Islamic state in Pakistan, outlined the four principles on which the constitution should be based. They were that:

1. We Pakistanis believe in the supreme sovereignty of God and that the State will administer the country as His agent;
2. The basic law of the land is the *Shari'ah* which has come to us through our prophet Muhammad;

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<sup>107</sup> The Constituent Assembly Debates, Vol. 5, 1949, p.45.

<sup>108</sup> Inamur Rahman, *Public Opinion and Political Development in Pakistan, 1947-1958*, Karachi: Oxford University Press, 1982, p.7.

3. All such existing laws as are in conflict with the *Shari'ah* will be gradually repealed and no such law as may be in conflict with the *Shari'ah* shall be framed in the future;
4. The state, in exercising its powers, shall have no authority to transgress the limits imposed by Islam.<sup>109</sup>

Maududi was totally against the Western concept of democracy and it had no place in his vision of an Islamic state. He stated:

Islam is the very antithesis of secular Western democracy. The philosophical foundations of Western democracy is the sovereignty of the people. Law-making is their prerogative ... Islam...altogether repudiates the philosophy of popular sovereignty and rears its polity on the foundations of the sovereignty of God and the vice-regency [Khilafat] of man.<sup>110</sup>

As for as the Modernists were concerned, they believed that the true spirit of Islam could only be achieved through the application of personal interpretation of the Islamic tenets and consensus of the community on issues which affected the society as a whole. They were of the view that a liberal and progressive education of the population about the real meaning and values of Islam was essential for the building of society. The Modernists condemned the *ulama* for lack of consensus over the application of Islamic laws as most of them were divided into various factions and every group wished to see the Islamic laws introduced according to his own school of thought. It is ironical that both the *ulama* and the Modernists did not take any pains about the basic necessities of majority of the masses. The true Islamic spirit gives priority to human welfare, which in fact, was totally ignored by both the camps. As far as the Muslim League leadership was concerned, it did not wish to alienate the *ulama*.

### **The Objective Resolution**

The campaign launched by the neo-Traditionalists and Traditionalists for enforcement of *Shariah* was so forceful that government had to take decision relating to the introduction of *Shariah* and an Islamic Constitution in order to gain support of the *ulama* and masses alike. Thus on 12th March, 1949 Liaquat Ali Khan succeeded in obtaining an "Objective Resolution" passed by the Constituent Assembly of Pakistan. This resolution has ever since served as a

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<sup>109</sup> Syed Abul A'la Maududi, *The Islamic Law and Constitution*, op.cit., p.101.

<sup>110</sup> Quoted in E. I. J. Rosenthal, *Islam in the Modern National State*, Cambridge University Press, 1965, 138.

preamble to the constitutions of Pakistan. The-gist of the resolution is that Islam was the *raison d'être* for the creation of this country in that it should serve as the main source of inspiration of the "principles of democracy, freedom, equality, tolerance and social justice as enunciated by Islam" and that these ideals should be fully observed in Pakistan.<sup>111</sup> The passage of the Objective Resolution was undoubtedly an important step taken by the government in the drive to establish an Islamic state.

A deeper look at the document again presents a very ambiguous usage of the word "Islam". It would not be unreasonable to contend that this was designed to serve as a symbolic source of legitimacy for an increasingly non-democratic political order, in that, the resolution merely served as a compromise among the three major power contenders, i.e. the *ulama*, the feudal elite and the bureaucracy. We agree with Binder's argument that the Objective Resolution was not the constitution; it was merely a deposit on account, to be accepted as an indication of good faith. The *ulama* desired to enshrine the principle of the supremacy of the *Shariah*, while the politicians or most of them, and found this principle acceptable so long as it was not clearly defined.<sup>112</sup> The Objective Resolution, despite its lack of specificity and inherent vagueness, was acceptable to all schools of thought. The *ulama* were satisfied -- with its general direction as it had created the impression that Pakistan would move in the direction of an orthodox Islamic state.<sup>113</sup> It was opined that the Objective Resolution had fulfilled the minimum requirements of an Islamic state and competent *Ulama* should be included in the committees for the purpose of framing the Constitution.<sup>114</sup>

Binder is of the opinion that "the wording of the Objective Resolution is thus carefully imprecise. The principles behind the "four demands" of Maududi, and those held by most of the *ulama* were accepted but stretched so as not to injure the- "modern" conception of Islam. The word *Shariah* was left out, and the exact meaning of the limits prescribed, "the enunciations of Islam, or the teachings and requirements of Islam", were not ascertained.<sup>115</sup> Despite the fact that neither mention of *shariat* nor the establishment of an Islamic state was made in the Resolution, yet the phrase that "sovereignty belonged to Allah" was sufficient

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<sup>111</sup> Constituent Assembly of Pakistan Debates, Vol. V, No. 1, [7 March 1949], pp.1-2.

<sup>112</sup> Binder, op.cit., p.144.

<sup>113</sup> K. B. Sayeed, "Religion and state-Building in Pakistan", Middle East Journal, Vol. 17, No. 3, Summer 1963, p.283.

<sup>114</sup> Japan-i-Naw, 10 April, 1949, p.8.

<sup>115</sup> Binder, 2. ct., p.153.

assurance to the *ulama* that the government had conceded to their demand. Though the *ulama* accepted the Objective Resolution, at its face value, they were not satisfied. Shabbir Ahmad Usmani was of the view that an Islamic State must necessarily be run only by those who believed and followed its principles.<sup>116</sup> The document was full of contradictions, such as, giving sovereignty at the same time to Allah, the people, parliament and the state.

The Resolution was opposed by B. K. Datta and S. C. Chattopadhyaya, the Hindu representatives in the Constituent Assembly. They were of the view that if sovereignty belonged to Allah, it could not at the same belong to the people and, on that basis, Pakistan could not claim to be a democracy.<sup>117</sup>

### **Board of Ta'limat-i-Islamiya.**

In the same year, the CAP's Basic Principles Committee appointed a Board of *Ta'limat-i-Islamiya* (Islamic teachings).<sup>118</sup> The inclusion of the *ulama* in this board indicated that the PML's leadership did not want to lose the support of *ulama* and as such assigned them the task of proposing an Islamic constitution. The appointment of the board also represented the first occasion when the Westernized elite tried to grasp the traditional implications of the concept of an Islamic State, while the theologians on their part showed some tempered acquiescence in accommodating modern concepts of statehood when they did not directly conflict with the given *Quranic Hadith* or juristic data.<sup>119</sup> The BTI was to advise on matters arising out of the Objective Resolution and on such matters as may be referred to it by the various sub-committees.<sup>120</sup>

The first section of the board's recommendations related to the Head of the State, the second related to the executive in general, and the third to the legislature. "The board advised a constitution of medieval traditional pattern with some projection of modern requirements in the familiar mythology of an idealized and

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<sup>116</sup> Aziz Ahmed, "Islam and Democracy in the Indo-Pakistan Subcontinent" in Robert F. Spencer, (ed.), Religion and Change in Conteriporary\_ Asia, London: oxford University Press, 1971, p.133,

<sup>117</sup> Binder, op.cit., p.144.

<sup>118</sup> Maulana Syed Sulaiman Nadvi, Syed Shabbir Ahmad Usnini, Nufti Mohammad Shafi, Professor Abdul Khaliq, an Last Pakistani, Mufti Jafar Hussain, a Shiah Mujtahid, Dr. M. Hamiddulah were appointed as members and Maulana ?afar Ahmad Ansari was made Secretary of the Board of Talimat-i-Islamiya.

<sup>119</sup> Aziz Ahmed, "Islam and Democracy in the Indo-Pakistan Subcontinent", op.cit., p.134.

<sup>120</sup> Binder, op.cit., p 156.

revivalistic concept of the orthodox caliphate. It recommended that the Head of State should be a Muslim, with ultimate power; that the government should be run by an elite of pious Muslims chosen for their piety by the Muslim electorate; that the committee of *ulama* should decide what legislation was repugnant to the injunctions of the Quran and the *Sunnah* and was therefore invalid."<sup>121</sup>

While submitting their recommendations, the board mentioned some of the handicaps under which they had been working. The first impediment hampering their progress was the absence of Syed Sulaiman Nadvi, who could not join them. The board felt that his absence rendered the whole of their work doubtful, and suggested that it might even be taken as the views of so many members rather than official recommendations of the board. By citing this difficulty they weakened their position immensely.<sup>122</sup> The other handicaps which board indicated were the lack of books and research assistants. In saying that they had not referred to certain necessary sources, they impugned the integrity of their own report.<sup>123</sup>

The recommendations of BTI were not only vague but value oriented and the *ulama* could not distinguish between the role of a priest and that of the Head of the State. All these views were perhaps well-oriented but towards the end, one cannot help pointing out that they were looking for a political system where they could be entrusted with the task of running the government. The views of the board constituted the traditional conception of an Islamic State with certain concessions to modernization.<sup>124</sup> However, they were significant for two reasons: First, it constituted the only occasion when there was a recognized dialogue between the theologians and the Westernized political elite on the theory and content of a constitution for Pakistan. Secondly, the recommendations of the Board of Islamic Teaching, though the bulk of them were rejected as impractical or medieval during the process of constitution-making from 1949 to 1962, had some influence on certain provisions in the constitutions of the 1956 and 1962.<sup>125</sup>

The Constituent Assembly asked the Basic Principles Committee to prepare a report on the constitution. It was essentially because of the delay in the constitution-making especially when India had formulated its constitution in

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<sup>121</sup> Aziz Ahmad, *Islamic Modernism in India and Pakistan*, op.cit., p.238.

<sup>122</sup> Binder, op.cit., p.178.

<sup>123</sup> Ibid., p.178.

<sup>124</sup> Aziz Ahmed, "*Islam and Democracy in the Indo-Pakistan Subcontinent*", op.cit., p.137.

<sup>125</sup> Ibid., pp.133-134.

January, 1950. The League's answer was that the delay in framing the constitution was owing to the need to consult the advisory board of *ulama*<sup>126</sup> and because of the search for something original;<sup>127</sup> Liaquat Ali Khan explained even after the decision of BPC that the delay was inevitable "because we want to frame our constitution on a new ideology, on Islamic principles..."<sup>128</sup>

### **Interim Report of the Basic Principles Committee**

It was somewhat disappointing to find that the Interim-Report contained nothing more than the Government of India Act, the objective Resolution as preamble, and a statement that Muslims must study the Quran.<sup>129</sup> The Interim Report was criticized by the members of BTI. Mufti Shafi stated that the reports of, the constitution making committee are totally void of any provision for the positive requirement of Islam, and many of their contents are even against Islam and against the Objective Resolution.<sup>130</sup>

The growing controversy soon aroused other groups and religious organizations, the most important of which was the Jamaat-i-Islami. The Jamaat quickly threw the bulk of its efforts into the campaign against the Interim Report. In many public meetings held in the country, the *ulama* condemned the *Report* as un-Islamic in character and called for its rejection. As a result of the vehement opposition and criticism of the Interim Report from all religious circles, the government had no other option but to withdraw it for consideration and present a second report more to the liking of the *ulama*.

The year 1951 proved to be another milestone toward further consolidation of the *ulama's* power to define what an Islamic policy was and how it should be organized. A group of thirty-one *ulama* from different schools of Islamic thought consensually prepared a twenty-two (22) point report entitled "the basic principles of an Islamic state."<sup>131</sup> Among these 22 points, which were to be adopted as a basis of an Islamic constitution, Maududi's brand of an

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<sup>126</sup> Dawn, December 13, 1949.

<sup>127</sup> Dawn, February 3, 1950.

<sup>128</sup> Dawn, August 15, 1950.

<sup>129</sup> Binder, op.cit., p.201.

<sup>130</sup> Dawn, November 5, 1950.

<sup>131</sup> Far full account of this report, please see M. A. Khan, Pakistan's Long Autumn, Lahore: Igdam Publications, 1982, pp.224-232.

interventionist-cum-sacerdotal social welfare state was projected. His desire to impose a strong censorship to suppress un-Islamic views was also endorsed. This could be seen as a reaction to the liberal and secular policies of the government. It is ironical that inspite of their theological differences and mutual rivalries, the *ulama* as a whole were able to accommodate each other and to reach consensus on a large number of constitutional issues which was a great surprise for the modernists. The main points on which the *ulama* made some gains were on the requirement that the Head of the State be a Muslim and that the function of the *ulama* be institutionally recognized.<sup>132</sup> It may be pointed out that 22 points had the support of the members of BTI. The Suggestions Sub-Committee after having a series of meetings with BTI, completed its report in July 1952. The revised and final version of its Report was introduced in CAP on 22 December, 1952.<sup>133</sup>

The final Report was criticized by the *ulama* not because of the exclusion of Islamic provisions but rather the 'awkwardness of their insertion into the constitution that aroused criticism'.<sup>134</sup> They reviewed the Report in January 1953 and demanded its revision in the light of their amendments in order that it might be given a genuinely Islamic character.<sup>135</sup> Thus, the *ulama* were able to increase their influence on the politics surrounding the framing of the constitution.

### **The Anti-Ahmadiya Movement**

The "instinctive perception of the average Muslim" to the threat posed by the *Ahmadis* to Islam, to which Allama Muhammad Iqbal referred, was taken as capital by the *Ahrars* in the months after the partition of India for their own narrow political motives. The *Ahrars* were nationalist Muslims who had broken away from the Congress and established their own organization, the *Majlis-i-Ahrar-Islam*, in May 1931. The principal leaders of the *Ahrar* were strongly opposed to the idea of Pakistan and were bitter personal adversaries of Jinnah.

Confronting the reality of Pakistan, the *Ahrar* leaders were faced with the alternative of renouncing politics for purely religious activities, or sustaining the party for political purposes by being an opposition to the government. They decided in January 1949 to cause functioning as a political party and commit

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<sup>132</sup> Binder, op.cit., p.223.

<sup>133</sup> For detail please see Government of Pakistan, Report of the Basic Principles Committee, Karachi: The Manager of Publications, 1952.

<sup>134</sup> Keith Callard, *Pakistan: A Political Study*, op.cit., pp.96- 97.

<sup>135</sup> For detail please see Jamaat-i-Islami Pakistan, Ulama's Amendments to the Basic Principles Committee's Report, Karachi: Jamaat-i-Islami Pakistan, 1953.

themselves to religious activities; furthermore, they agreed to switch from their opposition to the Muslim League and follow it in political matters.<sup>136</sup> The *Ahrar's* engagement in religious activities began with anti-Ahmadiya agitation. For the first time in a public meeting on May 1, 1949, the Ahrars called upon the government to declare the *Ahmadis* as officially a non-Muslim minority.<sup>137</sup>

The *Ahrar* agitation against *Ahmadis*, would have, perhaps, remained marginal if the government had moved against their activities on legitimate grounds of hate-mongering. But in the charged climate surrounding constitution-making the movement launched by the *Ahrar* became a long fuse. The *Ulama* in the beginning might have doubted the political merit and timing of the anti-Ahmadiya movement, but the legitimacy of the essential demand from their perspective was unquestionable. The agitation achieved alarming proportion when the *ulama* joined forces with the *Ahrar* after about three years.<sup>138</sup> The immediate cause of the *ulama* lending their active support to the anti-Ahmadiya movement was Zafrullah Khan's speech before the Anjuman-i- Ahmadiyya at Jahangir Park, Karachi on May 18, 1952.<sup>139</sup> This event was seen as a provocation by the *Ahmadis* to test both the government and the *anti-Ahmadya* movement. The *Ulama* called an All Pakistan Muslim Parties Convention on June 2, 1952, and publicly adopted the movement launched by the *Ahrars* as its own. Once the *Ulama* had taken upon themselves the task to press the government against the *Ahmadis*, there was no margin for retreat left for them a collusion with the government became inevitable. Maulana Maududi accused the Punjab government of fostering the agitation;<sup>140</sup> however, he supported the demand for declaring *Ahmadis* a non-Muslim community.<sup>141</sup> The Jamaat-i-Islami was only interested in concentrating all efforts upon getting an Islamic constitution.<sup>142</sup> Later, Maududi called a meeting of the *Majlis-i-Shoora* in which it was decided

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<sup>136</sup> Government of the Punjab, Report of the Inquiry Constituted under Punjab Act II of 1954 to Enquire into the Punjab Disturbances of 1953 [Munir Report], Lahore: Government Printing Press, 1954, pp.12-13.

<sup>137</sup> Ibid., p.14.

<sup>138</sup> Einder, op.cit., p.262.

<sup>139</sup> Ibid., p.262.

<sup>140</sup> Statement of Syed Abul A'la Maududi Before the Punjab Disturbances Court of Inquiry, Karachi: Jamaat-i-Islami, n.d., pp.17,23.

<sup>141</sup> Syed Abul A'la Maududi, *The Qadiani Problem* [Qadiyani Maslah], Karachi: Jamaat-i-Islami, n.d. This was a pamphlet for which the author was awarded Death Sentence.

<sup>142</sup> Syed Abul A'la Maududi, Some Constitutional Proposals for the Consideration of the Constituent Assembly of Pakistan, Lahore, 1952, p.13.

that the *Ahmadiya* be declared a non-Muslim minority and it was added to the other eight “constitutional” demands of the Jamaat-i-Islami.<sup>143</sup> By their ninth demand, and by their agreement to participate in the Action Committee of the Muslim Parties Convention, the Jamaat-i-Islami linked themselves with the Ahrar and the *ulama*, but they did not follow either group wholeheartedly.<sup>144</sup> Maududi and other *ulama* benefitted enormously from the tensions between the provincial government of the Punjab and the central government. This campaign, known as the *anti-Ahmadiyah* movement of 1953, was to pressurize the central government to oust the *Ahmadis* from key political positions and to declare them as a non-Muslim entity. The argument of the agitators was that since the *Ahmadis* deny the “finality” of the prophet hood of Muhammad (peace be upon him) they are not Muslims. Consequently, the *Ahmadis* must be officially designated as a non-Muslim minority community, and they must be barred from all important policy making and administrative positions in the government.<sup>145</sup> The *ulama* considered *Ahmadis*’ presence within the power structure of an Islamic polity as offensive to Islamic interests. An article entitled “Thoughts on the Future Constitution of Pakistan” by A. K. Brohi, Advocate General of Sindh, startled and horrified the religious world of Pakistan. It was pointed out in the article that “the claim that a constitution of a country can in any measure improve the character of the individual or bring about a wholesale revolution in the outlook of several sections of the society of which these individual are members, is...an inflated one.”<sup>146</sup> Brohi further wrote that the constitution could not be based on Quranic law except for the general principle of democracy. He referred to the Ahmadi business as senseless. This resulted in a storm of protest and Brohi explained that by constitutional law he meant “that branch of law which dealt with the distribution of sovereign power within the state.”<sup>147</sup> The *ulama* used this issue as a means to establish an Islamic state.

Torn between conflicting loyalties and responsibilities, Khawaja Nazimuddin vacillated till he was compelled by the situation to act. To have asked for the resignation of Zafrullah Khan, the foreign minister appointed by Jinnah, as the *Ulama* demanded, was unacceptable, or to concede to the larger demand of declaring *Ahmadis* community as non-Muslim, would not only have demonstrated the extent to which the government was the hostage of religious

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<sup>143</sup> Binder, op.cit., p.262.

<sup>144</sup> Statement of Syed Abu A’la Maududi, op.cit., p.40.

<sup>145</sup> *Munir Report*, op.cit., p.15.

<sup>146</sup> Dawn, August 24, 1952.

<sup>147</sup> *Ibid.*, September 7, 1952.

parties, but also would have expressed the democratic claim of the government as a shame to the world.

When the emotionalism aroused by the *ulama* had reached its climax and the centre of the movement, Lahore, was brought to chaotic paralysis, the central government imposed martial law in that city. The arrests of the leading members of All Pakistan Muslim Parties Convention and the imposition of martial law in Lahore broke the *anti-Ahmadiya* movement. But the chief casualty of these events was Nazimuddin himself.

The agitation of the *ulama* was quelled in a ruthless manner and public was given the impression that the Mullah's Islam should not be played up too much as it intended to aggravate intolerance and fanaticism. Many *ulama* and their colleagues were tried in courts and sentenced to imprisonment. Maulana Maududi and Maulana Niazi were both sentenced to death by a military court at Lahore. Maududi was sentenced to death because he had "promoted feelings of enmity or hatred between different classes in Pakistan,<sup>148</sup> by writing a pamphlet titled *Qadiyani Maslah* (The Qadiyani Problem). Maulana Niazi was charged for inciting a mob in Lahore mosque when a police official was murdered just outside its walls.<sup>149</sup> It was the demonstration of this deeply felt feeling of righteousness by the *ulama* that further polarized the positions on the religious-political spectrum. The participation of the *ulama* in these anti-Ahmadiya disturbances was criticized by the newspapers. The Dawn in its editorial of 4 June 1952 commented that:

...to capture political power, not only by virtue of their services or struggles as political leaders but merely by virtue of the fact that they belong to the class known as *ulama* and consider themselves as the sole trustees and exponents of Islam... Their claim to become a privileged class of omnipresent law-givers must be resisted and rejected...<sup>150</sup>

The *ulama* were also criticized by the politicians. Ch. Khaliqzaman stated that the threat to Pakistan came from Communists and theologians; and, although the state should be guided by Islam, 'the church' would have to be subordinate to the 'state'.<sup>151</sup> Malik Feroze Khan Noon, who had replaced Daultana as Chief Minister of Punjab, was opposed to an Islamic constitution. Similarly, Sardar

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<sup>148</sup> *Janaat-i-Islami, Trial of Maududi*, Karachi: Jamaat-i-Islami Pakistan, n.d., p.20.

<sup>149</sup> *Muntr Report*, op.cit., p.156.

<sup>150</sup> Quoted in Inamur Rahman, op.cit., p.21.

<sup>151</sup> Binder, op.cit., p.304.

Abdur Rashid, the Chief Minister of NWFP, favored a secular state instead of a theocratic state.<sup>152</sup>

### **Martial Law of 1953 - An Appropriate opportunity for Military's Entrance to Political Power**

The significance of the above movement was two-fold comments Masoomi:

1) It was a broad based alliance of *ulama* which succeeded in articulating the frustration of the Muslim masses. Even though the movement was urban centered, it indicated great level of vulnerability of secular discourse among the masses and

2) This movement necessitated the imposition of martial law which in turn opened the door for the military's entrance into the political arena. The historical importance of this event became clearer during the religious frenzy of the late 1970's.<sup>153</sup> This movement added muscularity to the orthodox discourse of Islam, even though the notion of defacto secularism was upheld by the Inquiry Commission which investigated the controversy. This judicial inquiry is generally known as the Munir Report, named after the President of Enquiry Commission, Justice Muhammad Munir. The moderate politicians in Pakistan during 1950's were struggling to achieve a counterpart model for an Islamic state. The Munir Report pointed to the dilemma faced by the Muslims of Pakistan with a different approach in the following words:

[The Muslim in Pakistan is] standing on the crossroads, wrapped in the mantle of the past and with the dead weight of centuries on his back, frustrated and bewildered and hesitant to turn one corner or the other...It is this lack of bold and clear thinking, the inability to Understand and take decisions which has brought about in Pakistan a confusion which will persist and repeatedly create situation of the kind we have been inquiring into...<sup>154</sup>

The Munir Report presented the case for Pakistan as a secular state. It presented the secular point of view with great zeal and fervour. Prior to this nobody had

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<sup>152</sup> Ibid.,

<sup>153</sup> Masoom Abidi, op.cit., pp.126-127.

<sup>154</sup> *Munir Report*, op.cit., p.229.

dared to express these ideas in such an eloquent manner.<sup>155</sup> The report was regarded as a “mine of valuable and accurately stated information.”<sup>156</sup> The Jamaat-i-Islami characterized the report as “deceptive, misleading and mischievous.”<sup>157</sup> The Report not only clearly defined the differences between the Muslims and the *Ahmadis* but also examined the ideology of Pakistan and the concept of the Islamic State. The Report finally concluded with the following remarks:

Nothing but a bold orientation of Islam to separate the vital from the lifeless can preserve it as a World Idea and convert the Musalman into a citizen of the present and the future world from the archaic incongruity that he is today. It is this lack of bold and clear thinking, the inability to understand and make decisions which has brought in Pakistan a confusion which will persist and repeatedly create into the situation of the kind we have been inquiring into until our leaders have a clear conception of the goal and of the means to reach it.<sup>158</sup>

The Munir Report was significant in the sense as it provided an insight into two problems which had been, and continue to be, central to Pakistan’s quest for an Islamic Ideology. First, it demonstrates a definite lack of consensus amongst the various schools of thought regarding Islamic beliefs and principles and how they should be applied to a modern state; and second, it proves the necessity for a bold-re-orientation through a process of re-interpretation and reform of Islam, to meet modern challenges. After the submission of the Munir Report, the demand for the establishment of an Islamic State receded. The *ulama* had lost their credibility. No body talked of the Islamic State and the ideology of Pakistan for a long time.<sup>159</sup>

The military restored law and order in Lahore very quickly. The shops were forced open; people were able to buy their daily necessities again in a peaceful fashion. The common people in the street had a sigh of relief for the first time since the creation of Pakistan. The military administration gave them in a few days what the politicians had not been able to deliver in years. The efficacy of

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<sup>155</sup> Khurshid Ahmad, *An Analysis of the Munir Report*, Karachi: Jamaat-i-Islami Publications, 1956, p.138.

<sup>156</sup> Herbert Feldman, *A Constitution for Pakistan*, Karachi: Oxford University Press, 1955, p.55.

<sup>157</sup> Khurshid Ahmad, *op.cit.*, p.1.

<sup>158</sup> *Munir Report*, *op.cit.*, p.237.

<sup>159</sup> Mohammad Munir, *From Jinnah to Zia*, Delhi, 1981, p.xvi.

state violence was proven beyond any doubt and in the years to come the military took full advantage of this newly created public image.<sup>160</sup>

Masooni comments that so far, the army had understood its duty in terms of dealing with the external threats to national security. In the parliamentary system of British democracy they had understood and internalized their role as subordinate to the civil and political elite. With this martial law, it dawned upon them manifestly that the path to the mastership was all but wide open for them. Therefore, the military elite was quick to comprehend the Aristotelian notion of politics in which subordination presupposes incapacity to deliberate decisions.<sup>161</sup>

It is contended that the historical religious conditioning of the Muslim psyche was to facilitate the armed forces to be vested with all power and authority. In this circumstance we agree with Foucault's notion of power. "Power" in his own words, "... is exercised rather than possessed; it is not the "privilege", acquired or preserved, of the dominant class, but the overall effect of its strategic positions an effect that is manifested and sometimes extended by the position of those that are dominated."<sup>162</sup>

On 17 April, 1954, the Governor General of Pakistan dismissed Khawaja Nazimuddin and his cabinet on the grounds:

...the cabinet of Khawaja Nazimuddin has proved entirely inadequate to grapple with the difficulties facing the country. In the emergency which has arisen I have felt it incumbent upon me to ask the cabinet to relinquish office so that a new cabinet fitted to discharge its obligations towards Pakistan may be formed.<sup>163</sup>

Mohammad Ali Bogra, who was then Pakistan's Ambassador to USA was invited to form the government. The CAP which was given the task of framing a constitution for the country could not meet the aspirations of the people even after a long time of seven years and thus it had lost its representative character. It was the crushing defeat of the PML in East Pakistan's election during March, 1954 which provided Ghulam Mohammad an excuse to dissolve the CAP. The ulama continued their campaign for introduction of an Islamic constitution in the

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<sup>160</sup> Masoom Abidi, op.cit., p.128.

<sup>161</sup> Ibid., pp.128-129.

<sup>162</sup> Quoted in Ibid.,

<sup>163</sup> Keith Callard, op.cit, p.22.

country. The ruling party was fully aware of the fact that no constitution could be enforced until it had the backing of the *ulama* and religio-political parties of the country.

The CAP adopted the Basic Principles Committee's Report on 21 September, 1954 with certain amendments and a "Parity Formula" was agreed upon to give representation to the federal units in the Central Legislature. Ultimately the ruling elites had succeeded in keeping away the East Pakistanis from power-structure through this formula. A bill to amend Sections 9 and 10 of the Government of India Act, 1935 curtailing the power of Governor General to dismiss a ministry when it enjoyed majority in the Assembly was brought before the CAP. This proposed amendment did not suit Ghulam Mohammad and he dissolved the CAP on 24 October, 1954 on the plea that "it had lost the confidence of people and could no longer function."<sup>164</sup> The *ulama* opposed the dissolution of CAP as it had incorporated most of the Islamic provisions in the draft constitution. The Jamaat-i-Islami and JUI described the move of dissolution as "mischievous, condemnable and ingenious device" to destroy the Islamic character of the proposed constitution. They opined that the direct consequences of the dissolution would be confusion, chaos and disruption which might either undo partition or pave the way for a secular and communist way of life.<sup>165</sup> The second CAP was indirectly elected by the members of the provincial legislatures. No party enjoyed absolute majority yet the PML had the major share of seats in the CAP. Iskandar Mirza, who was acting as Governor-General appointed Chaudhri Mohammad Ali as Prime Minister.

At the time the second CAP was reconvened on 7 August 1955, the *ulama's* position was not strong like before. It was because of anti-Ahmadiya disturbances and the publication of the Munir Report, whose findings had been highly critical of the *ulama's* inability to define what they meant by an Islamic state. These two factors were to heavily influence the constitutional debate, for "the Islamic constitution controversy was considered the root cause of the dreadful effects of the *Ahmadi* agitation."<sup>166</sup> This gave the Modernists an opportunity to play a leading role in the forthcoming debate for finalizing the constitution. The Governor-General Sikandar Mirza was well known for his

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<sup>164</sup> Dawn, 25 October, 1954.

<sup>165</sup> Inamur Rahman, op.cit., pp.3-4.

<sup>166</sup> Binder, op.cit., p.303.

contempt for the *ulama*,<sup>167</sup> and the *ulama* had no illusions as they knew they would not be able to dominate the Modernists.

### **The 1956 Constitution**

Chaudhri Mohammad Ali was largely responsible for drafting the 1956 Constitution which declared Pakistan as the “Islamic Republic of Pakistan”. The Preamble of the Constitution, which was the complete text of the Objective Resolution, and “Directive Principles of State Policy” were not justiciable and were only meant for providing guidance to successive governments. The Directive Principles covered such areas as the promotion of Muslim unity and international peace, the promotion of Islamic principles, the discouragement of prejudice, the protection of minorities, and the principles of social uplift.<sup>168</sup> It declared that Pakistan would be a democratic state based on Islamic principles of social justice, freedom, equality and tolerance as enunciated by Islam; the people of Pakistan should be enabled to order their lives individually and collectively in accordance with the teachings and requirements of Islam.<sup>169</sup>

It was also made clear in the constitution that prohibition of prostitution, gambling and consumption of alcohol will be the responsibility of the state. The concept of social security was emphasized and an early elimination of *riba* (interest) was promised. It was made clear in the constitution that ‘no person shall be qualified for election as President unless he is a Muslim’. Article 197 empowered the President to establish an organization for the promotion of Islamic research and instruction to assist in the reconstruction of Muslim society on a truly Islamic basis. Article 198 provided that no law shall be enacted in contradiction to the injunctions of Islam as laid down in the Quran and *Sunnah* and that all existing laws would be brought in conformity with the Islamic injunctions.<sup>170</sup>

The provisions relating to Islamic principles were phrased in such general terms i.e. democracy, equality and freedom so that they could be interpreted by *ulama*, secularists and modernists according to their own whims. The incorporation of

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<sup>167</sup> Hugh Tinker, “South Asia at Independence: India, Pakistan and Sri Lanka”, in A. J. Wilson and D. Dalton (eds.), *The States of South Asia: Problems of National Integration*, Delhi: Vikas Publishing House, 1982, p.18.

<sup>168</sup> Government of Pakistan, *The Constitution of the Islamic Republic of Pakistan*, Karachi: The Manager of Publications, 1956, Arts.24, 25, 26, 27 and 28.

<sup>169</sup> *Ibid.*, pp.1-2.

<sup>170</sup> *Ibid.*, p.143.

the condition that 'Head of the State should be a Muslim' satisfied the *ulama* as well as non-Muslims with the provision that the 'Head of the State' would be a nominal and symbolic head, with real power vested in the Cabinet to which non-Muslims could also be appointed.<sup>171</sup>

The constitution did make Islamic provisions but there was no certainty as who would control the proposed research organization and the commission for the Islamization of laws. It was also not clear as to who would be entrusted with the responsibility of introducing and enforcing Islamic laws in country.<sup>172</sup> The 1956 Constitution was essentially a "compromise document", and satisfied all groups, and it was not altogether a major defeat for the *ulama*. The Objective Resolution and the "Directive Principles" were not justiciable, and the Board of *ulama*, as was agreed upon in the 1954 Constituent Assembly, was replaced by a commission which was to work under the provisions of the constitution. It reflected Pakistan's ideological difficulties for it lacked any systematic statement and implementation of a clear Islamic rationale.<sup>173</sup>

The 1956 Constitution was accepted by all sections of the society, albeit with certain reservations. The *ulama* were satisfied that they had succeeded in having a Constitution which contained Islamic character. Some of them pointed out the lacunae in the Constitution, while few of them went so far as to say that the Constitution was "Islamic". The Jamaat-i-Islami commenting on the Constitution stated that "...the sovereignty of Almighty God and legal supremacy of High Faith [DIN] has been acknowledged in our constitution ... it is the first time that the governmental authority of an Islamic state has passed into the bands of common people instead of royal families.<sup>174</sup> Despite its objection to certain provisions of the Constitution such as preventive detention, complete suspension of basic rights during an emergency, and unlimited powers of the President to promulgate martial law, Jamaat-i-Islami considered the constitution as an Islamic one. The *Ulama* belonging to Deoband school of thought were divided in their opinion on the constitution. In a letter of invitation for a convention of West Pakistan *Ulama* to be held at Multan during October, 1956, it was commented that "because of praiseworthy efforts on the part of masses and the *Ulama*, it has

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<sup>171</sup> G. W. Chaudhry, "Religious Minorities in Pakistan", *The Muslim World*, 46 (1956): 4, p.319.

<sup>172</sup> Safir Akhtar, "Pakistan Since Independence: The Political Role of Ulama", A Ph.D. Dissertation, London: University of York, 1989, p.352.

<sup>173</sup> John L. Esposito, "Pakistan: Quest for Islamic Identity", in J. L. Esposito, (ed.), *Islam and Development*, Syracuse University Press, 1980, p.144.

<sup>174</sup> Syed Abul A' la Maududi, *The Islamic Law and Constitution*, pp.383-384.

been decided that no law will be enacted repugnant to the Quran and the *Sunnah*. It is a great victory achieved by the religious section of the society.<sup>175</sup>

A new Deobandi political party 'Markazi Jamiat-ul-Ulama-i-Maghrabi Pakistan' (MJUMP) drew attention to the un-Islamic aspects of the 1956 Constitution in the following words:

In the Constitution, the non-Muslims 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 apostate. It is not explicitly stated that a Qadiyani could not become President.<sup>176</sup>

In spite of its Islamic character no where in the 1956 Constitution it was clearly stated that the government would work for the establishment of any official religion, and no provision was in existence in the Constitution which declared that "Islam shall be the official religion of the State." As to the requirement that the Head of the State must be a Muslim and the State's official name would be Islamic Republic of Pakistan, this does not in any way subscribe to the contention that Islam was the official religion of the State of Pakistan.<sup>177</sup> No doubt that Islamic principles like those concerning social justice, freedom, democracy, equality, tolerance had been declared by the Constitution of Pakistan as the values that would inspire those responsible for the governing of the country, but it should not be interpreted in this way that the Constitution denied to those citizens of Pakistan, not professing Islam, the right to pursue and practice their own faith and realize the values which their religious outlook has taught them to venerate and cherish.<sup>178</sup>

The Constitution protected the right to profess, practice and propagate any religion for every citizen. What was more important that all such laws framed by the legislature in Pakistan, were to be considered by all the members of the legislature, irrespective of their religious beliefs.<sup>179</sup> Brohi opined that with regard

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<sup>175</sup> Quoted in Safir, op.cit., p.354.

<sup>176</sup> Ibid., p.355.

<sup>177</sup> S. S. Bindra, *Politics of Islamisation: With Special Reference to Pakistan*, New Delhi: Deep & Deep Publications, 1990, p.105.

<sup>178</sup> A. K. Brohi, *Fundamental Law of Pakistan*, Karachi, 1959, p.739.

<sup>179</sup> Ibid., p.740.

to the President of a state being a Muslim, one should know that in his absence or in the other contingencies visualized by Article 36, the functions of his office are to be exercised by the Speaker of the National Assembly the Speaker under the Constitution was not required to be Muslim, and in the event of his becoming an acting President, compliance with the Constitutional requirements, viz, that the President must be a Muslim, was to a considerable extent compromised. The incorporation of this provision at best might be regarded as having some sort of symbolic value, nothing else. The mere so, the President as Constitutional Head, possessed no real powers.<sup>180</sup>

Despite the passage of the 1956 Constitution it was not certain that the debate for establishment of an Islamic state had been settled once and for all. On the contrary, as the subsequent events would demonstrate, the fundamental religious differences remained unresolved. The lack of vision on the part of the Modernists as well as *ulama* who failed to resolve this issue adversely affected the masses' perception of Islam as a unifying force.

Partly to avoid elections and partly due to the deteriorating political situation in the country, on 7 October, 1958, President Sikandar Mirza proclaimed Martial Law throughout Pakistan and abrogated the Constitution. He named the Commander-in-chief of the Pakistan Army General Mohammad Ayub Khan, as Supreme Commander of all Pakistani armed forces and appointed him as the Chief Martial law Administrator.<sup>181</sup> The prime reason for the army's *coup d'état* on 7 October 1958, was the bureaucracy's overriding urge to prevent Pakistan's first-ever general election from taking place in March, 1959.<sup>182</sup> The first step taken by Mirza was that he issued an order which changed the name of the country to "Pakistan" dropping the descriptive phrase "Islamic Republic" adopted in the Constitution.<sup>183</sup> On October 27, 1958 the Chief Martial Law Administrator Ayub Khan dismissed Mirza and declared himself as the new President of Pakistan. It was only five years after the martial law of Lahore during the anti-Ahmadiya agitation that the military came forward, dissolved civilian rule and imposed full-fledged military rule. Ayub took the reigns of power in his hands and was not surprised that at all that the people in the streets had welcomed this change.

### **The Ayub Khan Era: 1958-1969**

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<sup>180</sup> Ibid., pp.742.

<sup>181</sup> Dawn, 8 October, 1958.

<sup>182</sup> S. S. Bindra, op.cit., p.116.

<sup>183</sup> Quoted in Bindra, op.cit., p.117.

When Ayub took over, it appeared that his main goal was to rid the country of political corruption and uncertainty in order to enhance the process of modernization. As a soldier he had distrusted politicians and as a Muslim he resented the Mullahs and orthodoxy. He had a clear understanding of the problem that was plaguing the country and the obstacle it was creating for the ultimate resolution of the ever-present religious cleavage. He was of the firm belief that unless the ideological dilemma was quickly resolved Pakistan could fall victim to the process of disintegration. He gave a modern twist to the definition of Islam:

Our mind is the mind of Islam. There are definite efforts made from all directions to subvert and divert it. Well, what is the answer to that? Does it mean that we go back to the shell of medievalism? So what you have to do is to express the language of the modern mind ... The language of science, the language of economics and the language of current affairs.<sup>184</sup>

This was the basis of Ayub's Islamic pragmatism which was essentially couched in the loyalist-secular discourse. There was a major change in official Islamic policy in Pakistan during Ayub's era. There was an important development in the sense that this era pushed the confused and the ambiguous attitudes of the earlier official Modernists towards a crisp clarity marking out Islamic Modernism clearly from the fundamentalist-conservative i.e. traditionalist stand. Ayub followed clear cut policy orientations ideologically and his thoughts were remarkable both for their constancy and consistency: nobody could say either that Islamic views were either different in private from their public expression or that they changed without any acceptable rationale.<sup>185</sup>

Ayub blamed the *ulama* for the ideological morass in which Pakistani society was trapped, and believed that it – is essential for the *ulama* to acquaint themselves with the advancement of science, philosophy, economics, and contemporary history.<sup>186</sup> He was of the firm opinion that “our first objective must be to adhere unflinchingly to our ideology--the ideology of Islam ... It is the source of our strength and cohesion.”<sup>187</sup> He was convinced that the ideology of Islam could

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<sup>184</sup> Mohammad Ayub Khan, *Speeches and Statements*, Karachi: Government Press, nd., p.57.

<sup>185</sup> Fazlur Rahman, “*Islam in Pakistan*”, *Journal of South Asian and Middle Eastern Studies*, Vol. VII, No.4, (Summer 1985) p.44.

<sup>186</sup> Mohammad Ayub Khan, *Speeches and Statements*, op.cit., p.112.

<sup>187</sup> *The Pakistan Times*, 23rd March, 1962. 66

best be achieved by using the Quran as the major point of reference.<sup>188</sup> He believed that this would bring unity amongst the Muslims. This simplified approach was not acceptable to the Traditionalists because it did not take into account the subsequent development of the four schools of *fiqh* and to the neo-Traditionalists who thought that Ayub's interpretation would not lead to the establishment of a full fledged Islamic state. A group from *Ahl-i-Hadith* headed by G. A. Parvez agreed with Ayub's proposal and opined that the Quran is the only source of true, authentic Islam and a complete implementation of the Quranic laws and principles would not only establish a democratic system but also an Islamic state.<sup>189</sup>

The Islam that moved Ayub Khan and in which he passionately believed was the Islam that at once dictated unity and progress operating concurrently in human affairs. The Islam that was divisive of Muslims was pseudo-Islam and the Islam that did not lead to progress was obscurantist Islam.<sup>190</sup> The necessity of unifying Islam was further and indeed inexorably bolstered by the two separated wings of Pakistan inter-spaced by an inimical India and the fact that there was little culturally common between these two wings except Islam. But this community of Islam could not become meaningful and effective in making the two wings closer to each other as possible as one real nation, country and people, must express itself in terms of positive progress. To prove this point, one may quote from his Autobiography in which he says: "My task, as I saw it, was to set up institutions which should enable the people of Pakistan to develop their material, moral and intellectual resources and capacities to the maximum extent. The essential prerequisite of this task was to analyze the national problems objectively... We were fortunate to have a religion which could serve as a vehicle of progress. But superstition and ritualism had given us a fatalistic outlook which was completely contrary to the teachings and message of Islam. Muslim society could not move forward unless Islam was relieved of all the inhibiting and alien influences which had distorted its real character.<sup>191</sup> Ayub was himself a modernist Muslim in understanding and approach. He stressed the need to "liberate the spirit of religion from the cobwebs of superstition and stagnation

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<sup>188</sup> Speeches By President Ayub Khan, opcit, p.65.

<sup>189</sup> For detail please see G. A. Parvez, *Genesis and Ideology of Pakistan*, Lahore: Idar--i-Talu-i-Islam, n.d.

<sup>190</sup> Fazlur Rahman, "Islam in Pakistan", op.cit., p.45.

<sup>191</sup> Mohammad Ayub Khan, *Friends Not Masters: A Political Biography*, London: Oxford University Press, 1967, pp.195196.

which surrounded it and move forward under the focus of modern science and knowledge.”<sup>192</sup>

Ayub Khan believed in a democratic constitution which should enable the community to organize itself according to the essential principles of Islam and to develop and progress with the times. He was of the opinion that Islam had not prescribed any particular pattern of government but had left it to the community to evolve its own pattern suiting to its circumstances.<sup>193</sup> He believed that the *ulama* should serve the community by teaching the Quran and propagating the message of Islam. To him Islam was originally a dynamic and progressive movement which reshaped the entire pattern of life. He did not like to implement the medieval customs and traditions on the society.<sup>194</sup> The *ulama's* opposition to Ayub's approach was a clear indication that the *ulama* wanted to re-establish their supremacy and re-assert their right to lead the community.<sup>195</sup> There was no room in his future political framework for a supra-body of *ulama*,<sup>196</sup> and he was determined to break their monopoly by refusing them any representation on the institutions he was going to establish.

Ayub Khan knew that he could enforce his policies only if the politicians and the *ulama* were kept out of political arena. For this purpose, he promulgated Public Offices (Disqualification) Order (PODO) and Elected Bodies (Disqualification) Order (EDDO) during March and August, 1959 respectively and all the prominent politicians with a few exceptions were thrown out of political arena.<sup>197</sup> The power base of the *ulama* was in the religious institutions--mosques, *madrassahs* and shrines and as such they were in a better position to voice against the political establishment.<sup>198</sup> It was thought necessary to curtail this power base and influence of the *ulama* and *Pirs*. An ordinance under the name of West Pakistan *Augaf Properties Ordinance, 1959* was enforced, which empowered the

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<sup>192</sup> Quoted in M. Ahmed, “Islamic Aspects of the New Constitution of Pakistan”, *Islamic Studies*, 2, No.2 (June 1963), p.262.

<sup>193</sup> Mohammad Ayub Khan, *Friends Not Masters*, op.cit., p.201.

<sup>194</sup> Mohammad Ayub Khan, *Speeches and statements*, Karachi: Pakistan Publications, 1961, Vol. I, p.1.

<sup>195</sup> Mohammad Ayub Khan, *Friends Not Masters*, op.cit., p.203.

<sup>196</sup> *Ibid.*, p.199.

<sup>197</sup> The actual number of disqualified politicians was never disclosed. See K. J. Newman, “The Constitutional Evolution of Pakistan”, *International Affairs*, 38 (1962): 3, p.358.

<sup>198</sup> *Safir*, op.cit., p.380.

government to take control and management of the mosques, shrines and other properties whose original endowment had been exclusively in the cause of religion. The establishment of the Ministry of Auqaf (Endowment) was meant to curtail the paralyzing influence of the *Mullahs* and the *Pirs* over the rural and urban masses. The purpose of placing these shrines and *khangahs* under the government control was not only meant to strengthen the state in the rural areas but according to Ayub, "to free the people from the yoke of *pirs* and *faqirs* which was worse than slavery."<sup>199</sup> Ayub was of the view that "unless and until the *Mullahs* and the *Pirs* 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."<sup>200</sup> This policy had broken the *pir's* dependence on, and exploitation of the rural areas living near shrines. The government wanted to break the economic link between the rural masses and the *pirs* in order to use the advantage the religious hold these *pirs* had over the rural population.

An Academy of *Ulama* was established at Lahore in order to modernize the outlook of the *ulama* so that they could appreciate the policies of the regime in a better way. A religious school at Bahawalpur was renamed as Jamiah Islamia which was to train the scholars and theologians of Islam so that their knowledge could be applied to the needs and requirements of the present day.<sup>201</sup> This was meant to train and educate the *imams* and *khateeb*s, who in turn would educate the rural population to change their outlook towards Islam and adopt progressive views about the world. This was a positive move on the part of Ayub's government to educate the rural population to adopt liberal and modern approach to politics and religion.

### **Muslim Family Laws Ordinance**

The introduction of the Muslim Family Laws Ordinance (MFLO) in July, 1961 resulted into another confrontation between the *Ulama* and Ayub Khan. These laws brought reforms in marriage, divorce and inheritance.<sup>202</sup> The aim of the ordinance was "to restore social justice to those who were denied their

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<sup>199</sup> The Pakistan Times, 29 August, 1961.

<sup>200</sup> Javed Iqbal, *Ideology of Pakistan*, op.cit., p.58.

<sup>201</sup> Mohammad Ayub Khan, *Speeches and Statements*, Karachi: Pakistan Publications, n.d., Vol.VI, p.43.

<sup>202</sup> For detail please see D. E. Smith, "Emerging Patterns of Religion and Politics", in D. E. Smith, (ed.), *South Asian Politics and Religion*, Princeton University Press, 1966, 0.99.

fundamental rights under the twisted cloak of religious sanction.”<sup>203</sup> These laws introduced a progressive and liberal approach to family matters which until then had essentially been the religious preserve of the *ulama*. In the field of marriage it introduced a procedure regulating polygamous marriages which protected the rights of the husband’s first wife or wives. It did not outlaw polygamy but instead attempted to discourage the practice on the basis that the Quran actually prohibits polygamy as a matter of principle.<sup>204</sup> The laws also brought a positive change in divorce procedures, which gave the Modernists a high degree of religious legitimacy in their approach to divorce procedure. The ordinance also dealt with the right of orphan grandchildren to a share of the paternal grandfather’s inheritance. Ayub had also established a National Research Institute of Family Planning. This was a bold step on the part of Ayub’s government, but to the *ulama* it seemed quite un-Islamic. The Modernists were of the view that since there was nothing in the Quran forbidding the practice of family planning it must therefore be permitted.<sup>205</sup>

The Report was strongly condemned and criticized by the *ulama* belonging to all schools of thought.<sup>206</sup> They accused Ayub of introducing an un-Islamic law and demanded its immediate withdrawal. In fact, their real complaints had to do with Ayub’s interference in Muslim personal laws, a matter that had until then been the unique preserve of the *ulama*.<sup>207</sup> However, women organizations like APWA and other moderate elements in the society hailed the ordinance. This made Ayub’s position quite secure and he challenged the authority of the *ulama* that ‘those who feel upset by it should do well to have a good look at their conscience and check upon their own motives and desires.’<sup>208</sup> In order to satisfy the *ulama*, Ayub appointed a commission to examine whether the ordinance was repugnant to the injunctions of the Quran. The commission’s report was disappointing for *ulama*, as it accused them of misinterpreting the three matters dealt with in the ordinance.<sup>209</sup> Ayub easily got the bill through from the national Assembly by outmaneuvering the *ulama*.

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<sup>203</sup> Speeches By President Ayub Khan, op.cit., p.100.

<sup>204</sup> Fazlur Rahman, “Muslim Family Laws in Pakistan”, in D. E. Smith, op.cit., p.416.

<sup>205</sup> Rosenthal, op.cit., p.278.

<sup>206</sup> For a critical appraisal of the “Report of the Commission on Marriage and Family Laws by Some of the Ulama” see Khurshid Ahmad, (ed.), Studies in the Family Law of Islam, Karachi: Chiragh-i-Rah Publications, 1961.

<sup>207</sup> Kalim Bahadur, *The Jamaat-i-Islami of Pakistan*, Lahore: Progressive Books, 1983, p.99.

<sup>208</sup> Speeches by President, p.108.

<sup>209</sup> Munir, op.cit., p.170.

## The 1962 Constitution

Despite the fact that the Supreme Court of Pakistan by a majority judgement in case (*State vs Dosso*) had legitimized Ayub's *coup d'état* of October, 1958, yet he was desirous of having a political system that could help him retain power. For this purpose he introduced indirect and controlled democracy which he called 'Basic Democracy'. Elections were held in January, 1960 under this system and Ayub succeeded in getting their vote of confidence.<sup>210</sup>

Ayub set up a Constitution Commission in February 1960 under the chairmanship of Muhammad Shahabuddin (d.1971), a retired Chief Justice of Pakistan. The Commission circulated a questionnaire amongst the members of the community to seek their opinion as to why parliamentary democracy had failed in Pakistan and what should be the form of the future constitution.<sup>211</sup> The replies [6,269]<sup>212</sup> to the questionnaire included 19 from the *ulama*, who accused the bureaucracy which had prevented democracy to flourish. They were also of the view that democracy had never been allowed to function as there had never been any elections. It was suggested by them that basis of the conduct of the civil servants and political leaders should be 'fear of God' and 'fair play'.<sup>213</sup> The *ulama* favoured parliamentary form of government with Islamic provisions as were laid down in the 1956 Constitution. The Commission did not agree to any of the suggestions of the *ulama* and instead recommended that the teaching of Islam be based on the Quran in accordance with the interpretation of the Modernists. It also criticized Mullahs inability to interpret Islam keeping in view the modern challenges. The Commission stated that;

He [the imam] has to depend on the bounty of one or a few rich members of the limited society he serves and cannot therefore afford to criticize any

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<sup>210</sup> Ayub managed to seek vote of confidence from the BDs in the form of a response to the question: Have you confidence in the President, Field Marshall Mohammad Ayub Khan, HPK, 147. He received 95.6 votes in reply to this question. See Altaf Gauhar, "*Pakistan: Ayub Khan's Abdication*", *The Third World Quarterly*, 7 (1985): 1, p.108.

<sup>211</sup> Government of Pakistan, Report of the Constitution Commission Pakistan, 1961, Karachi: The Manager of publications, 1962, p.1.

<sup>212</sup> Hassan Askari Rizvi, op.cit., p.138.

<sup>213</sup> Kalim Bahadur, op.cit., p.100.

action which does not infringe the ritual, however anti-social and anti-Islamic in effect it may be.<sup>214</sup>

Ayub preferred a presidential system while the politicians and the *ulama* advocated for a parliamentary system as it was easily understandable, simple and less expensive.<sup>215</sup> The recommendations made by the Constitution Commission were referred to two special committees headed by M.A. Faruqi and Manzur Qadir respectively and Ayub made detailed comments on the Report for the guidance of the committees.<sup>216</sup> He claimed that 'if there is anyone who should have an overall view of the conditions and problems of Pakistan, it was me'.<sup>217</sup>

The 1962 Constitution was promulgated on 1 March, 1962 which was tailored in accordance with the wishes of Ayub Khan and the Report of Constitution Commission was totally ignored.<sup>218</sup> Ayub commenting on the Constitution said that 'his constitution was 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'.<sup>219</sup> The Dawn, in its editorial wrote that there might be difference of opinion on various aspects of the Constitution but it appealed to "all patriotic people to realize that it was a sincere fulfillment of the pledge given by the architect of the Resolution. The provision enabling the Muslims to order their lives in accordance with the principles and concept of Islam was the 'the most satisfying feature' of the Constitution."<sup>220</sup>

The 1962 Constitution concentrated all powers in the hands of one man-the President with a weak National Assembly based on no party basis and a Supreme Court with curtailed powers. The government enshrined in the 1962 Constitution was described as 'a government of the President, by the President,

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<sup>214</sup> Report on the Constitution Commission, op.cit., p.125.

<sup>215</sup> Naeem Siddiqui, *Amrika Ka Sadarti Nizam*, [Urdu] Lahore: Islamic Publications, 1961, pp.136-137.

<sup>216</sup> Mohammad Ayub Khan, *Friends Not Masters*, op.cit., p.213.

<sup>217</sup> Altaf Gauhar, op.cit., p.106.

<sup>218</sup> Justice Muhammad Shahab-ud-Din, *Recollections and Reflections*, Lahore: PLD Publications, 1972, pp.125-133.

<sup>219</sup> Mohammad Ayub Khan, *The Constitution: The President Addresses The Nation*, Karachi: The Bureau of National Reconstruction, 1962, p.12.

<sup>220</sup> The Dawn, Editorial "*Let us work it*", 2 March 1962.

and for the President'.<sup>221</sup> The official name of the country was changed to the "Republic of Pakistan" by omitting the word "Islamic". The Objective Resolution, which served as the Preamble of the 1956 Constitution, was also modified and its new version contained omission of two important sets of words. First, that "sovereignty over the entire universe belongs to Allah" was kept in tact, while its part "the authority exercisable by the people" was no longer restrictive by "within the limits prescribed by Him". Secondly, the Constitution of 1962 stated "the Muslim of Pakistan should be enabled...to order their lives in accordance with the teachings and requirements of Islam", omitting in this case the previous addition of "as set out in the Holy Quran and Sunnah".<sup>222</sup>

In order to satisfy the *ulama*, Ayub incorporated in his document the basic Islamic provisions of the 1956 Constitution. These provisions included: "no law shall be repugnant to the teachings and requirements of Islam as set out in the Holy Quran and *Sunnah*", the promotion of an Islamic way of life, the discouragement of "prostitution, gambling, drug-taking and the consumption of alcohol". These provisions were dealt with under the headings of "Fundamental Rights" and Principles of Policy".<sup>223</sup> These chapters were not justiciable as it was stipulated that a law would not be considered null and void on the grounds that it was inconsistent with, or repugnant to, any provisions of these two chapters.<sup>224</sup> There were some inconsistencies in the Constitution with regard to the application of Islamic tenets. For example, in a note of explanation following the repugnancy clause, it is stated that "in application of this principle to the personal law of any Muslim sect, the expression "Quran and *Sunnah*" shall mean the Quran and *Sunnah* as interpreted by that sect."<sup>225</sup> This provision, in fact, invited as many interpretations as possible.

In order to please the *ulama*, Ayub established two institutions namely Islamic Research Institute and the Advisory Council of Islamic Ideology. This was a move to prove that the government was sincere to the ideology of Islam.<sup>226</sup> The

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<sup>221</sup> Khalid B. Sayeed, *The Political System of Pakistan*, Boston: Houghton Mifflin Company, 1967, p.105.

<sup>222</sup> Fazlur Rahman, "*Islam in Pakistan*", op.cit., p.49.

<sup>223</sup> The original section "*Principles of Law-Making and Policy*", was replaced by these two chapters, as modified by the Constitution (First Amendment) Act, 1963 [Art. No. 1 of 1964] Constitution of the Islamic Republic of Pakistan, Karachi: Ministry of Law and Parliamentary Affairs, 1968, [updated version] pp.163-177.

<sup>224</sup> Ibid.,

<sup>225</sup> Ibid., p. 4, 12. See Arts.6(2) and 8(2)

<sup>226</sup> Rosenthal, op.cit., p.273.

function of the Islamic Research Institute was to “define Islam in terms of its fundamentals in rational and liberal manner” so as “to bring out its dynamic character in the context of the intellectual and scientific progress of the modern world.”<sup>227</sup> The Advisory Council of Islamic ideology was established in order to “make recommendations to the central and the provincial governments as to the means of enabling... the Muslims of Pakistan to order their lives in all respects in accordance with the principles and concepts of Islam, and to examine all laws with a view to bringing them into conformity with the teachings and requirements of Islam as set out in the Holy Quran and Sunnah.”<sup>228</sup> The Council had only an advisory capacity.

Dr. Fazlur Rahman was a modernist,<sup>229</sup> who became target of the criticism of the *ulama* for supporting commercial interest.<sup>230</sup> He was critical of the *ulama* for their irrational approach to Islam. He was of the opinion that *Ijtihad* was the only way out to meet the challenges of the modern time. Many of his writings reflected modernist and reconstructive themes which were criticized by the *ulama*. His book “Islam” containing modernist interpretations provided an opportunity to the *ulama* for mass demonstration against him throughout Pakistan.<sup>231</sup> The mosques and *madrassahs* became the centers of agitation and criticism against Fazlur Rahman. Because of the mounting pressure and agitational politics of the *ulama*, Faziur Rahman had to resign.<sup>232</sup>

The 1962 Constitution was described by the *ulama* as disappointing and unsatisfactory from the standpoint of democracy and Islam.<sup>233</sup> Ayub Khan had also realized that the Islamic contents in the 1962 Constitution were too weak as compared to the 1956 Constitution. He was fully aware of the reaction of the *ulama* and other religious leaders towards the Islamic contents of the Constitution. Even the elections which were held for the National Assembly of

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<sup>227</sup> M. Ahmed, *Islamic Aspects of the, New Constitution of Pakistan*, op.cit., pp.143-144.

<sup>228</sup> See Art. 204 [1] (a) of Constitution of the Islamic Republic of Pakistan, 1962.

<sup>229</sup> About his ideas on Revelation (Wahi) and Ascension [Miraj] of the Prophet (peace be upon him) please see Fazlur Rahman, *Islam*, op.cit.

<sup>230</sup> Safir, pp.cit., p.429.

<sup>231</sup> John L. Esposito, “Pakistan: Quest for Identity”, in John L. Espositon, (ed.), *Islam and Development: Religion and Sociopolitical Change*, New York: Syracuse University Press, 1980, p.147.

<sup>232</sup> Altaf Hussain Qureshi, *Kaff-i-Saylab*, Lahore: Urdu Digest Printers, 1969, p.9.

<sup>233</sup> Constitution of Pakistan, op.cit., pp.143-144.

Pakistan in 1962, Islamic ideology was one of the most important aspect of their election manifesto, and 33.30 per cent of the candidates raised the slogan of the Islamic principles or concept of Islamic State etc.<sup>234</sup>

This was on account of the criticism of the *ulama* that the First Amendment to the Constitution was enacted which restored all the Islamic provisions of the 1956 Constitution and also changed the name of country from 'Republic of Pakistan' to 'Islamic Republic of Pakistan'.<sup>235</sup> In the Principles of the Policy of the Constitution a new principle was introduced which laid down that no law should be repugnant to the teachings and requirements of Islam as set out in the Quran and the Sunnah and all existing laws would be brought in conformity with the Quran and the Sunnah.

In the 1962 Constitution an effort was made "to bridge the gulf between the theological and the rational approach to politics."<sup>236</sup> In fact Ayub wanted to apply in the country a more liberal, tolerant and modern version of the religion. The clauses like: giving every citizen "the right to profess, practice and propagate any religion", allowing "every religious denomination to establish, maintain and manage its religious institutions", permitting "every religious community the right to establish and maintain educational institutions of its own choice", and not discriminating against any citizen applying for an appointment in the service of Pakistan on the grounds of race, religion, caste, sex, residence or place of birth.<sup>237</sup> This was indication to the fact that all citizens irrespective of cast or creed were equally protected under the constitution.

### **The 1965 Presidential Elections**

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<sup>234</sup> Karl Von Vorys, *Political Development in Pakistan*, Princeton, Princeton University Press, 1965, pp.234-235.

<sup>235</sup> The *ulama* considered this amendment as an achievement towards making the country an Islamic state. The debate that followed after the introduction of the Bill, was initiated by Abdul Bari, who criticized the political leaders for not building the state of Pakistan in strict conformity with the teachings of the Quran and the *Sunnah*. He demanded that the need of the hour was to "frame and enforce laws that should be in conformity with the Quran and *Sunnah*." Abdul Qausem from East Pakistan was happy to note that the constitution was amended according to the wishes of the people while discussing the question of naming Pakistan as the "Islamic Republic of Pakistan", he demanded that the substance of the Constitution must be changed first and if necessary more amendments should be made so that it becomes really Islamic. For detail see National Assembly of Pakistan Debates, Vol. I, No. I, 15 March, 1963, pp.499-507 and pp.509-510.

<sup>236</sup> Rosenthal, op.cit., p.279.

<sup>237</sup> Constitution of the Islamic Republic of Pakistan, pp.5-11.

The elections were announced on the basis of the Basic Democracies. Ayub Khan had appeared as a candidate of the Pakistan Muslim League (Convention). Khawaja Nazimuddin organized a host of religious and secular groups to oppose Ayub as well as his system. This group called Combined Opposition Parties [COP] put forward Miss Fatimah Jinnah as their candidate. The religious parties including the Jamaat-i-Islami supported Miss Fatimah Jinnah unanimously in spite of their earlier assertions that Islam did not allow woman to contest elections or to be appointed as a Head of the State. Maulana Maududi justified supporting a woman for the office of the Head of the State and other *ulama* also supported his stand.<sup>238</sup>

Mufti Mohammad Shafi, a leading Deobandi *aalim*, also favoured Miss Fatimah Jinnah's candidature.<sup>239</sup> A faction of the *ulama* and *pirs* supported Ayub Khan and opined that Miss Fatimah Jinnah's candidature was in contravention to the injunctions of the Shariah.<sup>240</sup> The Pir of Dewal Sharif claimed that "God had communicated to him His displeasure with the Combined Opposition Party."<sup>241</sup> Some Traditionalist *ulama* like Abdul Hamid Badayuni not only issued *Fatwas* in favour of Ayub and against COP, but also criticized Maududi for opposition to the creation of Pakistan.<sup>242</sup>

The BDs were to elect the President and Ayub's most persuasive argument with BDs rested on the ground that the COP's commitment to direct elections would undermine their own future if Miss Jinnah was elected President. Ayub was able to win by securing 49,951 votes against Miss Fatimah Jinnah's 28,691.<sup>243</sup> Although, it was alleged that Ayub won the election with the help of the state machinery, Ayub remarked that 'the country had chosen stability against chaos, security against disintegration, progress against stagnation'.<sup>244</sup> Only a few

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<sup>238</sup> Syed Abul A'la Maududi, *The Political Situation in Pakistan*, Karachi: Jamaat-i-Islami, 1964, pp.61-62. Also see *Nawa-i-Waqt*, November 1, 1964 in which Mufti Muhammad Shafi, a leading Deobandi Aalim supported Miss Fatimah Jinnah, but Barelvi Ulama by and large supported Ayub Khan.

<sup>239</sup> *Nalora-i-Waqt*, 1 November, 1964.

<sup>240</sup> *Pakistan Times*, 12 December, 1964.

<sup>241</sup> Kalim Bahadur, *op.cit.*, p.107.

<sup>242</sup> *Ibid.*, pp.107-108.

<sup>243</sup> Election Results of the Presidential Election as an Appendix to Mohammad Ayub Khan, *Friends Not Masters*, *op.cit.*, p.254.

<sup>244</sup> *Ibid.*, p.260.

months after these elections, there was a war between India and Pakistan. The necessity and the inevitability of the armed forces were furthered in the traditional language of Islam. The war ended in a stalemate. The Soviet Union playing the mediator's role made India and Pakistan agreed to sign the Tashkent Declaration. The Jamaat-i-Islami, Nizam-i-Islam Party, Pakistan Muslim League (Council) and All Pakistan Awami League denounced the Tashkent Declaration at the All Pakistan National Conference held at Lahore on 5-6 February, 1966.<sup>245</sup>

All Pakistan National Conference [APNC] was attended by religious as well as secular political parties in Lahore on 5-6 February 1966. Sh. Mujibur Rahman represented East Pakistan and was more concerned on the issue of provincial autonomy for his wing than with the Tashkent Declaration. The APNC did not consider his demand of provincial autonomy and passed a resolution on the need to democratize the 1962 Constitution. Sh. Mujibur Rahman withdrew from APNC and publicly announced his support for the Tashkent Declaration. Later he announced his Six-Points Formula.<sup>246</sup> APNC held the view that the Six-Points Formula had been given to Sh. Mujib by the Ayub Khan regime<sup>247</sup> with the aim of driving a wedge into the rank and files of the Opposition parties. The partners of APNC decided to form an alliance under the name of Pakistan Democratic Movement (PDM). In the meanwhile, another political party under the name of Pakistan People's Party (PPP) was formed by Zulfikar Ali Bhutto. The party consisted of Bhutto's colleagues in PML (Convention), socialists and marxists of various tints. After the formation of PDM and PPP, a Conference of JUIP was held in May, 1968 and was attended by more than 5000 *ulama* and *madrassahs* students. The conference condemned the Ayub regime for its un-Islamic policies.<sup>248</sup> The restoration of fundamental rights, lifting of the emergency and holding of elections on the basis of adult franchise was demanded by the Conference.

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<sup>245</sup> Nawa-i-Wagt, 7 February, 1966.

<sup>246</sup> In Six Points Formula it was demanded that (a) there should be a parliamentary democracy on the basis of adult franchise; (b) Defence and Foreign Affairs should be dealt with by the Federal Government leaving residuary subjects for the federating units; (c) there should be separate freely convertible currencies for two wings; (d) the power of taxation and revenue collection shall be vested in the federating units; (e) Economic disparities between the two wings shall disappear through a series of economic, fiscal and legal reforms; and (f) a militia or paramilitary force must be created in East Pakistan. See Subash C. Kashyap, *Bangladesh* (Delhi: The Institute of Constitutional and Parliamentary Studies, 1971), pp.157-158.

<sup>247</sup> S. M. Zafar, *Through the Crisis*, Lahore: Book Centre, 1970, p.35.

<sup>248</sup> Mufti Mahmud, *Khutba-i-Sadarat*, Lahore: Jamiat-ul-Ulama-i-Islam Pakistan, 1968, pp.10-14.

The image of Ayub Khan had rapidly deteriorated after the Tashkent Declaration. Ayub's self-designed convention of Muslim League was legitimizing his rule in the name of Pakistan ideology which was considered synonym to Islam. The situation in East Pakistan had already taken a turn which was very difficult for Ayub to deal with. In West Pakistan, however, he was willing to negotiate some terms of compromise with the parties of the right.

The agitational politics reached its height when a student died during police firing in one of the demonstrations from the students. In fact the situation had gone out of the control of the regime as all secular and religious parties were bent upon demanding the ouster of Ayub Khan. The regime was characterized by the *ulama* as 'black era in Pakistan history'.<sup>249</sup> A journal commenting on the regime's policies remarked that 'the era much publicized 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.'<sup>250</sup>

In order to bring an end to the agitational politics, Ayub decided to offer the *ulama* to draft a detailed blue print of Islamic laws acceptable to all factions of the Muslims and promised to get it enacted from the National Assembly. He tried to win over the *ulama* by assuring them respect and dignity.<sup>251</sup> The agitational politics on the part of the *ulama* and other political parties resulted in the emergence of Democratic Action Committee (DAC), which was an alliance of eight religious and political parties. The PPP and NAP (Bhashani Group) did not participate in the DAC.

Ayub offered parleys to Democratic Action Committee [DAC] which expressed its willingness to negotiate provided the state of emergency was lifted, Defence of Pakistan Rules were repealed, political detainees were released, Section 144 of the Criminal Procedure Code was lifted and the Press and Public Ordinance, 1960 was withdrawn. The DAC's call for a country wide strike on 14 February, 1969 was very successful and it turned out be 'completely spontaneous, nothing like it before'.<sup>252</sup> Some of the demands of DAC were accepted by the regime by lifting the state of emergency, withdrawing Agartala Conspiracy Case against Sh. Mujibur Rahman and releasing some politicians. The DAC attended a Round Table Conference arranged by the regime (26 February, 10-13 March, 1969) in

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<sup>249</sup> Safir, op.ci\_t., p.429.

<sup>250</sup> Quoted in Safir, op.cit., p.437.

<sup>251</sup> Ibid., p.437.

<sup>252</sup> Farid Ahmad, *The Sun Behind the Clouds, Dacca: Zaman Kitab Mahal, n.d., p.Si.*

which restoration of federal parliamentary form of government with regional autonomy and election on the basis of adult franchise were demanded. Interestingly, none of DAC's demands included the establishment of an Islamic state despite the fact that Jamaat-i-Islami was one of its members.

During the agitational politics against Ayub regime, both the BDs and the 1962 Constitution did not stand the test of time and failed to resist the agitation. The ruling party (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'.<sup>253</sup> Because of chaos and disorder particularly in the Eastern wing of the country, Ayub Khan was forced by the army to wind up his scheme and step down from the office. The Constitution of 1962 was abrogated and the imposition of Martial Law by Muhammad Yahya Khan brought the era of committed modernism to an end.

In the beginning, the *ulama* as well as other political parties could not reach a consensus and because of their mutual rift, the Ayub regime succeeded to implement its policies. The different tendencies on the part of the *ulama* proved incapable of coming together on single platform although they all opposed the Family Laws, Family Planning, institutions like Advisory Council on Islamic Ideology and Islamic Research Institute.

The regime did make efforts to modernize Pakistani society but these efforts did not bring positive results. Ayub had his power base in army only, which with the passage of time began to decrease, while the *ulama* had their power base in mosques and *madrassahs* which became the centers of agitational politics against the regime. Ayub's iron fisted rule could not stand the popular resentment and rather spontaneously caved in before he was able to have the "honour" of imposing Islam as the law of the land. He had turned Pakistan into a military state and this was precisely why he was unable to make a political compromise with the opposition parties. Typically, he saw the opposition's role as unpatriotic and therefore, distrusted the political elite. In fact the *ulama's* role was an important factor in turning the people against the regime.<sup>254</sup> Other political parties especially the PPP and APAL did play their role against the regime yet the *ulama* claimed exclusive credit for downfall of the regime. The political achievement of the *ulama* was confined only to bringing an end of the Ayub

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<sup>253</sup> Z. A. Suleri, *Politicians and Ayub, Rawalpindi: Capital Law and General Book Depott, 1964*, p.185.

<sup>254</sup> Quoted in Safir, op.cit., p.448.

regime and they could not make a positive contribution of a political nature as the regime was replaced by another ambitious military general, Yahya Khan.<sup>255</sup>

We have seen that religious debate could not be resolved was because of the fact that religious cleavages remained as polarized as ever and the *ulama* could not reach a consensus on the role of Islam it was require to play in a heterogeneous society like Pakistan.

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<sup>255</sup> Ibid., p.448.

## CHAPTER-II

### THE FIRST GENERAL ELECTIONS IN PAKISTAN

An important outcome of the agitation that ousted Ayub Khan was that irrespective of their religio-political orientations, the politicians had rejected the presidential form of government. History has rarely witnessed more enthusiasm or parliamentary government, undoing of one unit, one man one vote and depending on their ideological commitments sweeping social and economic reforms as was manifested during the last days of Ayub Khan.

Dwelling on these sentiments of the politicians, General Mohammad Yahya Khan<sup>256</sup> announced that the country will be put back on the path of democracy and almost all political reforms which were demanded by the people during the

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<sup>256</sup> General Agha Muhammad Yahya Khan (1917-1980): A professional army soldier who became the President of Pakistan (1969-71), when Ayub Khan resigned from office in March 1969. He was educated at Punjab University and the British-run Indian Military Academy at Dera Dun, where he graduated first in his class. He served in North Africa and Italy during World War II and when India was partitioned, opted for Pakistan. In the new nation-state, he helped organizing the Pakistan Staff College and became the youngest Brigadier at the age of 34. He also assisted General Muhammad Ayub Khan in his bid for power in October 1958. As Ayub's protégé, he was promoted rapidly, becoming the youngest General at the age of 40. He performed well during the September 1965 War against India and was rewarded by becoming the youngest Commander-in-Chief in 1966. When the civil disobedience campaign against the government of Ayub Khan began to get out of control in 1968-69, Ayub resigned and nominated Yahya Khan to take over the leadership of the country.

As President and Chief Martial Law Administrator, Yahya Khan is credited with stopping the street riots and demonstrations, dismissing over 300 influential government officials on charges of 'alleged' corruption and incompetence, raising the minimum wage for industrial workers by 30 percent, preparing an interim constitution and holding the first free and fair general election on the basis of adult franchise in the 23 years history of Pakistan. The Pakistan Peoples' Party and the Awami League captured majority in West and East Pakistan respectively. The number of seats won by the Awami League in the National Assembly was almost double as compared to the Pakistan Peoples Party. It led to the complete polarization of the two wings of the country. Yielding to pressure from West Pakistani civilian politicians, Yahya Khan postponed the session of the National Assembly in order to give time to Sheikh Mujib and Zulfikar Ali Bhutto to settle the issue. The civil disobedience movement started in East Pakistan at the call of the Awami League resulting into a civil war. After eight months of civil war, Bangladesh emerged on the map of the world as an independent and sovereign state. Yahya Khan resigned on 20 December, 1971 enabling Zulfikar Ali Bhutto to assume the Presidency of rump Pakistan. (Western Wing). Yahya Khan died in August 1980. "General Yahya Khan: Ex-Pakistan Ruler", The New York Times, August 10, 1980.

agitation against Ayub Khan will be introduced. But before anything substantial could be achieved, the country needed a new constitution. It was in view of this that the new Martial law government announced general elections throughout the country. He assured the transfer of power to the representatives of the people elected freely and impartially on the basis of adult franchise who would be responsible to give the country a workable constitution and find a solution of all other political, economic and social problems that had been agitating the minds of the people. After taking over as President on 31st March, 1969, Yahya Khan issued the Provisional Constitution Order on 4 April, 1969 under which the country was to be governed. The regime after having settled down announced a labour policy which promised better prospects for the workers. The University Ordinance, 1962 was also amended to seek the support of the student community. In order to please the *ulama* as well as other religio-political parties, the new regime projected itself as the upholder of Islamic Ideology. It was declared that the grievances of East Pakistanis were genuine and they would be given due weightage by the regime.

The regime constituted an Election Commission under the Chairmanship of Justice A. Sattar, an East Pakistan Judge of the Supreme Court of Pakistan on 28th July, 1969 which started preparation of fresh electoral rolls. The political activities with certain guidelines were restored with effect from January 1, 1970 and it was announced that the general elections would be held on October 5, 1970. Yahya Khan took two important decisions which had deep repercussions on the political process in Pakistan. He dissolved the one unit scheme of 1955, according to which West Pakistan's four provinces were merged into one unit. Secondly he decided to hold general elections in 1970 and the principle of parity between East and West Pakistan was also abandoned. In the legal framework he provided, the National Assembly of Pakistan was to preserve the "Islamic Ideology" of Pakistan.<sup>257</sup> In fact these decisions would have been taken by the elected representatives of the people but the regime considered the two decisions crucial to the elections' strategy. The abolition of the principle of parity provided an opportunity to the East Pakistanis to elect their representatives on the basis of population and as such enjoy numerical majority in the National Assembly.

### **Legal Framework Order (LFO)**

The government announced Legal Framework Order on 30 March, 1970, which laid down the guidelines for the elections and the principles to be followed by

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<sup>257</sup> G. W. Chaudhry, *The Last Days of United Pakistan*, Bloomington: Indiana University Press, 1974, p.93.

the future National Assembly in order to frame a Constitution.<sup>258</sup> The LFO set forth the guidelines the new constitution must follow. These were: inviolability of the country's territorial integrity, preservation of Islamic ideology, independence of the judiciary, removal of economic disparities between regions, and a federal system that would not only allow autonomy to the provinces but adequate legislative, administrative, and financial powers to the central government. The National Assembly was liable to dissolution if it failed to frame the Constitution within 120 days or if the document produced by the Assembly was not acceptable to the President. As far as the provision of 120 days was concerned, it seemed reasonable, but the condition of the President's refusal was beyond any logic and most of the politicians did not like this condition.

It may be pointed out that since the establishment of Pakistan; these were the first general elections to be held on the basis of adult franchise for the National Assembly.<sup>259</sup> There were 313 seats for the National Assembly as provided in the LFO.<sup>260</sup>

### **Political Parties and Election Campaign**

After the restrictions on the political parties were removed, they started vigorously debating the issues confronting the country and started campaigning for the ensuing elections. There was a great enthusiasm in the people as they were provided with an opportunity to elect representatives of their own choice. The number of political parties had increased considerably and the number of minor parties was even more as compared to the major parties. No political party

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<sup>258</sup> Government of Pakistan, White Paper on the Crisis in East Pakistan, Islamabad: Ministry of Information and National Affairs, 1971, pp.18-35.

<sup>259</sup> From 1947 to 1970, no national election was held on the basis of adult franchise. However, this opportunity as extended to the provinces for electing their representatives to provincial assemblies. [Punjab-March, 1951]; [NWFP-December, 1951]; [Sindh-May, 1953] and [East Pakistan-April, 1954). During Ayub's era, one Presidential Election, and two elections to National and Provincial Assemblies were held on the basis of Basic Democrats. The 1970 election was the first one to be held on the basis of adult franchise.

<sup>260</sup> In accordance with LFO, province-wise seats were allocated as under:-

Province	General	Women	Total
East Pakistan	162	7	169
Punjab	82	3	85
Sindh	27	1	28
Baluchistan	4	1	5
NWFP	18	1	19
FATA	7	-	7
Total:	300	13	313

(Source: The Legal Framework Order [LFO] in White Paper on the Crisis in East Pakistan, op.cit.,

could claim to be national in character as most of the parties sought their strength on regional, sectarian and ethnic basis.

When the elections were announced, 24 political parties emerged on the scene and most of them represented religious minorities, small sub-sects of Islam and regional groups. But

the geographical discontinuity between Pakistan's two wings complicated by diverse economic (and even cultural) interests resulting in a fragmented political culture had made the task interest aggregation on a national plane extremely difficult, thereby provincializing politics and reducing most parties and leaders to a regional status.<sup>261</sup>

The political parties which seemed capable to make an impact on the masses were APAL, and PPP while PML (Convention), PML (Councilors), PML (Qayum), NAP (Wali Khan), NAP (Bhashani), Jamaat-i-Islami, JUIP, MJUI, JUP and PDP had small following. The important feature of these political parties (except Jamaat-i-Islami) was that they enjoyed support in their respective regions. After the announcement of Six Point Formula by Sheikh Mujibur Rahman, the APAL had become a purely East Pakistani phenomenon and NAP(Bhashani) had also its support base in East Pakistan. The APAL was a well organized party enjoying widespread support among the Bengal intelligentsia, middle class and the business community whereas the NAP (Bhashani) got its strength from the rural population and that too on small scale. The APAL had become more popular among the Bengali masses because of its Six Point Formula and condemning Ayub's regime whereas Bhashani was discredited among the Bengali middle classes because of his allegedly pro-Ayub attitude.<sup>262</sup>

The PDP and three factions of the PML derived their political support from big landlords in West Pakistan and *biradari system* also contributed to their strength. The PML was divided because of clash in personalities although all its factions advocated the same agenda. The PML (Convention) had become weaker after the downfall of Mohammad Ayub Khan and many of its leaders had joined PML(Councilors) or PML(Qayum Group).

The NAP (Wali Khan) was a party whose electorates were confined to two provinces i.e. N.W.F.P. and Baluchistan but other religious and ethnic parties had also their following in these provinces and the NAP could not claim to be the sole spokesman of these areas. Although, the NAP adhered to the principles of

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<sup>261</sup> Sharif al-Mujahid, "Pakistan First General Elections", Asian Survey, Vol. XI, No.2, February, 1971, p.164.

<sup>262</sup> The Daily Janq, 27 November, 1970.

scientific socialism, yet it could not attract masses from the middle and lower middle classes. It derived its main strength from the tribal Sardars of Baluchistan and Khans in the N.W.F.P. and thus represented feudal class.<sup>263</sup>

The Jammaat-i-Islami was the only party which had its roots at the grassroots level in both the wings of Pakistan but the Islamic ideology and its appeal was not much popular and had lost much of its attraction during the “development decade” of Ayub’s regime and moreover, of the steady erosion of Pakistani ideological orientation in the sixties when Ayub used Islamic ideology to justify his central authoritarianism in terms of Islam.<sup>264</sup> Other political parties i.e. MJUI and JUIP had their following among the *ulama* and lower strata of the society. The JUIP was some what popular in NWFP and Pushto speaking regions of Baluchistan. JUIP enjoyed the support of the Bareilvi section of the lower strata of the population in Punjab which was under the influence of *Gaddi Nasheens* and *Pirs*.<sup>265</sup>

The PPP enjoyed the support of the middle and lower middle classes, labourers, peasants, and small traders in Punjab and Sindh but its organizational base in the NWFP and Baluchistan was not sound. The Pakistan Democratic Party (PDP) was an alliance of five parties and important among these were NDF, APAL (Nasrullah Khan) and Nizam-i-Islam Party. They believed that for success of parliamentary democracy it was necessary to fill the political arena with a small number of powerful political parties.<sup>266</sup>

The National Democratic Front (NDF) gave importance to parliamentary democracy. The Nizam-i-Islam Party (NIP) consisted of two groups - one was religiously oriented while the other was liberal in its general orientation. The APAL (Nasrullah Khan) had a secular bent while Justice Party (JP) had no clear and coherent policy because of its small following.

### **The Manifestos of the Political Parties**

The political parties led by the *ulama* gave religious manifestos whereas the approach of other political parties was secular. Two main issues namely the economic system for the country and a viable arrangement to remove disparity

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<sup>263</sup> Mushtaq Ahmad, *Politics Without Social Change*, Karachi: Space Publishers, 1971, p.155.

<sup>264</sup> Sharif al-Mujahid, “*Pakistan First General Elections*”, op.cit., p.164.

<sup>265</sup> The Daily Jang, 16 November, 1970.

<sup>266</sup> Nawabzada Nasrullah Khan’s Interview, *Akhbar-i-Ijahan*, March 28, 1969.

between East and West Pakistan dominated the political debates. These two issues were interlinked because they had stemmed from the policies followed by the successive regimes since independence.

Almost all political parties concentrated their energies on the economic policy of the country and debate revolved around three economic models: Islam, Islamic socialism and socialism respectively. The main strength of Sheikh Mujibur Rahman's Six Point Formula was economic disparity between East and West Pakistan. It was during Ayub's regime that his economic policies of free enterprise made the political parties of the country in favour of socialism and nationalization of large industries, banks and other companies of importance.<sup>267</sup> It provided an opportunity for political activists with social leanings to propagate the need for socialism. The slogan of socialism got support of the masses because policies of Ayub's regime had created a great gulf between the rich and the poor. A controversy took place in the news papers which either praised Islamic socialism as the embodiment of economic teachings of Islam or denounced it as a meaningless and absurd contradiction.<sup>268</sup>

All political parties differed in their orientation towards social and economic policies yet they seemed to agree on the importance of Islam, the uplift of the poverty stricken masses and the elimination of economic differences between the two wings of the country. All parties whether they adopted secular, socialist or Islamic approach, promised that they would not initiate or make any law repugnant to the injunctions of the Quran and the Sunnah.<sup>269</sup> It was during this electoral campaign that the term "Islamic Ideology" was explicitly used for the first time and acquired new meaning.<sup>270</sup> The neo-Traditionalists emphasized that Pakistan was an "Ideological state" and in an "Ideological state" political system has to evolve and grow along moral lines than in terms of Capitalism or Socialism.<sup>271</sup>

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<sup>267</sup> Nawa-i-waqt, 18 May, 1969.

<sup>268</sup> An extensive campaign was launched by the *ulama* and religious parties against socialism. From March 1969 to October, 1970, almost all the news papers wrote in favour and against socialism.

<sup>269</sup> Manifestos of all political parties participating in the 1970 General Elections clearly provided that no law opposed to the injunctions of the holy Quran and the Sunnah will be enacted. For detail see manifestos of political parties as an appendix to Mushtaq Ahmad, *Politics Without Social Change*, op.cit., pp. 255-275.

<sup>270</sup> Muhammad Munir, *From Jinnah to Zia*, Lahore: Vanguard Books, 1980, pp.84-85.

<sup>271</sup> Asaf Hussain, *Elite Politics in an Ideological State*, London: Islamic Foundation, 1979, pp.163-164.

The election manifesto of the PPP was rather a lengthy document. It was an interesting study of the political malaise of Pakistan and seemed to promise everything to everybody *i.e.* the peasants, the labourers, the workers, the students, the teachers and Pakistanis living abroad. The party was to be based on four fundamental principles: “Islam is our Faith”, “Democracy is our Polity”, “Socialism is our Economy”, and “All Power to People”.<sup>272</sup> These guiding principles were frequently repeated along with the slogan of “*roti, kapra, makan*” (bread, clothing and shelter) for all Pakistanis if PPP came to power. Since PPP’s slogan of “socialism” and “Islamic socialism” created controversy amongst the religious parties, it would be more appropriate to discuss its intentions behind this concept and the views of the religious parties in particular in this regard.

Affirming its faith in the Ideology of Pakistan and the teachings of Islam, the manifesto made a sharp criticism of the prevailing socio-economic and political system and the ruling elite of Pakistan. It alleged that the economic and political system enforced by them had encouraged outright plunder of the people and concentrated wealth in a fewer hands. Two major causes of Pakistan’s problems were pointed out. The path of Pakistan’s progress is blocked by two obstacles; her socio-economic order and her position as underdeveloped country within the neocolonialist power sphere.<sup>273</sup>

The PPP claimed that the 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 Quran.<sup>274</sup> The substantive portion of the Foundation Meeting Documents was devoted to alleviating poverty through “socialism”. The Document No. 4 of the Foundation Documents, for instance, tries to answer the question briefly as to “why socialism is necessary”:

The aim of the party is the transformation of Pakistan into a socialist society ... only socialism creates equal opportunities for all, protects from exploitation, removes the barriers of class distinctions and privileges--can establish economic and social justice. Socialism is the highest expression of democracy and its logical fulfillment... Socialism is, therefore, of direct interest to Pakistan, which is an underdeveloped country marked by internal and external capitalist exploitation.<sup>275</sup>

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<sup>272</sup> Foundations and Policy: Pakistan People’s Party, Lahore: Masood Printers, 1967, p.89.

<sup>273</sup> Election Manifesto of the Pakistan People’s Party, 1970, Karachi: Vision Publications Limited, 1970, p.12.

<sup>274</sup> *Ibid.*, p.3.

<sup>275</sup> Foundation Meeting Document No. 4 of the Pakistan People’s Party, Lahore: Masood Printers, 1967, p.1.

This advocacy of “socialism” as the panacea for Pakistan’s socio-economic problems was evident in a number of Bhutto’s speeches and writings at the end of 1967, as well as during 1968 and later in his election campaign. Three of them are quoted below which vividly reflect the initially heavily secular Fabian Socialist content of Bhutto’s message:

Addressing to Muzaffargarh Bar Association on January 17, 1968, he said that “...no basic anomaly can be tackled without application of the principle of scientific socialism... Change this system and put an end to exploitation.”<sup>276</sup>

In April, 1968, Bhutto wrote in a pamphlet:

Only socialism which creates equal opportunities for all, protects from exploitation, removes barriers of class distinction, is capable of establishing economic and social justice. Socialism is the highest expression of democracy and its logical fulfillment .... The universality of the precepts of socialism is essentially due to two reasons: first, the basis of modern socialism is objective; second, socialist thinking is relevant to all countries in every part of the world in their actual economic and political condition. Socialism is, therefore, of direct interest to Pakistan, an underdeveloped country marked by internal and external exploitation.... The region of the earth with the highest concentration of poverty is Pakistan. This stigma has to be wiped out by socialism. The immediate task would be to end predatory capitalism and put socialism into motion. — ‘Socialism is our Economy’ because without socialism we shall not be able to attain genuine equality and unity....<sup>277</sup>

Addressing to the Sindh convention at Hyderabad in September, 1968, he said:

No power on earth can stop socialism--the symbol of justice, equality and the supremacy of man--from being introduced in Pakistan .... It is the demand of time and history... I am a socialist.... Some ridicule me for being a socialist, I don’t care.<sup>278</sup>

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<sup>276</sup> Zulfikar Ali Bhutto, *Awakening the People: A Collection of Articles, Statements and Speeches* edited by Hamid Jalal and Khalid Hasan, Rawalpindi: Pakistan Publications, n.d, p.45. [Hereafter referred to as Bhutto, *Awakening the People*]

<sup>277</sup> *Ibid.*, pp.94-95.

<sup>278</sup> *Ibid.*, p.32.

But the truth was that Bhutto did, in fact, care about the barrage of hostile criticism being leveled against him by his opponents. They accused him of being a “secular socialist” and “atheist” who was propagating a “secular”, “alien” and anti-Islamic ideology that would result in eventually making Pakistan an “un-Islamic” society.<sup>279</sup> The notion that this scion of a wealthy landowning family would propagate the politics of proletarianism was staggering. The *Ulama* as well as other political parties criticized Bhutto for the slogan of socialism.

### **The Ulama’s Views On Socialism**

Among the religious parties, the Jamaat-i-Islami was the most articulate in denouncing Socialism. To it, socialism was a complete ideology of society and culture, it was based on materialism and indifferent to religion and it was an alternative for religion and could not co-exist with religion.<sup>280</sup> Maulana Maududi, then the leader of the Jamaat-i-Islami, charged that the Pakistan People’s Party’s ideology of Islamic socialism was a ‘fraudulent and deceitful attempt to make “socialism” that was against Islam acceptable in Pakistan. He said:

They found out that their socialism cannot dance naked.... After realizing this they started calling socialism ‘Islamic... If it is really based on the Quran and the Sunnah then what is the need for calling it socialism?... Now when they can see that this does not work they have started it calling Islamic equality [*Musawat*] and *Muhammadi Muswat*. The object is the same pure socialism.<sup>281</sup>

Mian Tufail Muhammad, the Naib Amir of JI commented that:

Socialist ideology will lead to the disintegration [of Pakistan] ... Instead of giving the people their daily needs as it says it will, socialism will snatch away what they have .... no sane person can call socialism akin to Islam .... we will launch a movement against anti-Islamic systems.<sup>282</sup>

Maulana Ihtesham-ul-Haq Thanvi of Jamiat-ul-Ulama-i-Pakistan opined that “Socialism is a fraudulent idea that had lost its efficacy...and Islam is a potent

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<sup>279</sup> For detail please see Khurshid Ahmad, *Socialism Ya Islam*, Salimiah: International Islamic Federation of Student Organization, 1978.

<sup>280</sup> Ibid., p.41.

<sup>281</sup> Quoted in John L. Esposito, “Pakistan: Quest for Identity”, op.cit, p.150.

<sup>282</sup> Quoted in Meenakshi Gopinath, *Pakistan in Transition: Political Development and Rise to Power of Pakistan People’s Party*, New Delhi: Manohar Book Service, 1975, p.85.

force that had been giving a fight to one or the other 'ism' for over 1400 years."<sup>283</sup> The Barelvi *Ulama* by and large supported the view point of Jamaat-i-Islami. However, Deobandi *Ulama* had a different view on the subject. Maulana Hifz-ur-Rahman, an Aalim of JUIP comparing socialism and Islam opined that at present the Islamic concept could not be put into practice while the socialist concept is practicable.<sup>284</sup> The JUIP did not consider socialism as inimical to Islam and socialist concept of economic equality was considered to be nearer to the Islamic idea of human equality. The JUIP took socialism as merely an economic formula which signified the demise of capitalist dominance.

The *Ulama* of Jamiat-ul-Ulama-i-Islam were critical of the *Ulama* of JUIP for their support to socialism and socialist organizations. In order to decrease the influence of JUIP over the masses, the JUI set up a parallel organization under the name of *Markazi Jamiat-i-Ulama-i-Islam* (MJUI) on August 22, 1969 which was to be headed by Maulana Ihtesham-ul-Haq Thanvi, while the JUIP was to work under Maulana Ghulam Ghous Hazarvi. Both these factions failed to reconcile their differences which resulted in their division into two groups namely pro and anti-socialist segments.

The other political parties also condemned socialism. Nawabzada Nasrullah Khan considered Bhutto's slogan of socialism as an attempt to import alien ideologies into Pakistan.<sup>285</sup> M. A. Khuhro of the Council Muslim League was of the view that "the PPP stand for socialism is based on atheism."<sup>286</sup> Khan Abdul Qayum Khan opined that "Bhutto is neglecting the sacrifices of 10 lakhs [one million] of Muslims in espousing the creation of an un-Islamic society... The society advocated by Bhutto is entirely against Islamic traditions."<sup>287</sup> Similarly, Mian Mumtaz Daultana, on a broadcast over radio and television said: "To substitute and import a new ideology for Pakistan today whether it is communism or Socialism or Capitalism or any other 'ism' or philosophy or doctrine of materialism--is to destroy the home we bled for. ..."<sup>288</sup>

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<sup>283</sup> Ibid., p.85.

<sup>284</sup> Ahmad Hussain Kamal, *Maududi Sahib Aur Un Ki Jamaat Sey Meri Khat-o-Kitabat*, Multan: Muhammad Hanif Siharanpuri, n.d., pp.2-3.

<sup>285</sup> Gopinath, p.85.

<sup>286</sup> Ibid., p.85.

<sup>287</sup> Ibid., pp.84-85.

<sup>288</sup> Ibid., p.85.

## **Bhutto's Defence of Islamic Socialism**

To the criticism raised by the *Ulama* and other *Islam Pasand* political parties, Bhutto pointed out that Islam and socialism were not only compatible but similar--that the socio-economic egalitarianism of socialism was deeply embedded in the "spirit of Islam", and that Islam may have even contributed to socialism as Islam came more than 1200 years before socialism:

As a matter of fact, the first seed of socialism flowered under Islam, the Islam of the days of our Prophet, the Islam of the four Khalifahs. That is the Islam which gave birth to the principles and concepts of socialism. That is our Islam, the Islam of the people of Pakistan.<sup>289</sup>

Bhutto not only presented Islam as similar to socialism, but characterized capitalism as a manifestation of the Judeo-Christian tradition. Thus capitalist influence had to be purged from Pakistani society and the ideals of Islamic socialism promoted instead.<sup>290</sup> He was of the view that "... in the socio-economic sector there is no difference between Islam and socialism.... To say that Islam and socialism are antagonistic to each other is mere propaganda by those who want to exploit the people and suck their blood."<sup>291</sup>

Bhutto often used the terms "socialism", "Islamic socialism", "*Musawat*", [equality], "*Islamic Musawat*", [Islamic Equality], "*Musawat-i-Muhammadi*" [the Egalitarianism of Prophet Muhammad], "equality" and "Islamic equality" interchangeably, thereby allaying and obfuscating the fears about socialism being generated by his opponents.<sup>292</sup>

Bhutto justified his ideology of "Islamic socialism" by claiming that he was merely following in the footsteps of the founding fathers of Pakistan--Iqbal Muhammad Iqbal, Liaqat Ali Khan and Quaid-i-Azam.<sup>293</sup> He often cast

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<sup>289</sup> Bhutto, *Awakening the People*, op.cit., p.53.

<sup>290</sup> *Foundation and Policy*, op.cit., p.2.

<sup>291</sup> Bhutto, *Awakening the People*, op.cit., p.179.

<sup>292</sup> For detail see Bhutto, *Awakening the People*, op.cit. and Zulfikar Ali Bhutto, *Marching Towards Democracy: A Collection of Articles, Statements and Speeches, 1970-71* edited by Hamid Jalal and Khalid Hasan, Rawalpindi: Pakistan Publications, n.d. [Hereafter referred to as Bhutto, *Marching Towards Democracy*] Bhutto used this term frequently in his speeches and statements during the election campaign.

<sup>293</sup> Some of Iqbal's followers, including the late Khalifa Abdul Hakim, have described Iqbal as a "Muslim Socialist", who saw Islam and socialism as complementing with each other. Others who have read his poems, speeches and letters claim that Iqbal believed that the socialist ideology

aspersions on the patriotism of some religious leaders (especially Maulana Maududi of Jamaat-i-Islami) by accusing them of opposing the founders of Pakistan and trying their best to obstruct the creation of Pakistan. On one occasion, while attacking the Islamic political parties for opposing the Pakistan Movement, he said:

There was a danger to the Muslims in the subcontinent when the British and Hindus were opposing the Pakistan Movement. The danger was obvious. When the Muslims were being massacred in the Punjab, the danger was tangible. We saw our enemies and recognized them .... When Islam was in actual danger these people could not be seen in the ranks with the Quaid-i-Azam. They were, on the other hand, with Gandhi, Nehru and Patel. When the enemies were trying to endanger the very existence of Muslims these gentlemen were talking of united India and opposing Pakistan. They issued an edict of "Quaid-i-Kufr" against the Quaid-i-Azam. When there was a war going on in Kashmir they issued

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minus its secularism and atheism could be absorbed by Islam. In fact, if socialism adopted the Islamic concepts of God and man's spiritual vocation, it would itself become Islam. [Khalifa Abdul Hakim, *Fikr-i-Iqbal*, Lahore: *Bazm-i-Iqbal*, n.d., pp.255 & 258. In one poem, Iqbal used the ideas of Karl Marx to condemn the curse of Western imperialism and capitalism. [V. G. Kiernan, *Poems From Iqbal*, London: John Murray, 1955, p.70; Also see Muhammad Iqbal, *Zarb-i-Naleem*, Lahore: Sheikh Mubarak Ali Publishers, 1946, p.139] In another poem entitled "*Lenin Before God*", Iqbal speculated that the godlessness of the Soviet Union would eventually did appear and it would become "*Islamic in its spiritual frame of reference.*" (Muhammad Iqbal, *Bal-i-Jabril*, Lahore:

Sheikh Mubarak Ali Publishers, 1946, pp.144-147; Also quoted in V. G. Kiernan, op.cit., p.42;] According to W. C. Smith's controversial assertion Iqbal was so socialistically-oriented that if he were to be "made the dictator of Moslem state, he would first make it a Socialist state", Quoted in Hafeez Malik, op cit., p.245. However, it cannot be stressed enough this socialism was based on the strong foundations of the nonethiestic Islamic faith. From Iqbal's writings one also discerns his burning desire to break the back of feudalism and monopoly of capitalism by nationalizing the means of production and distribution. In one verse he declares: "Landlord; this earth is not thine", because "the Earth is God's". [Iqbal, *Bal-i-Jabril*, op.cit, p.161.]

On August 25, 1949, Liaqat Ali Khan said: "There are a number of "isms" being talked about now-a-days, but we are convinced that for us there is only one 'ism' namely: "Islamic socialism", which, in a nutshell, means that every person in this land has equal rights to be provided with food, shelter, clothing, education and medical facilities". [For detail see M. Rafique Afzal, *Speeches and Statements of Quaid-i-Millat Liaqat Ali Khan*, op.cit. p.267]

On March 26, 1948, Quaid-i-Azam Muhammad Ali Jinnah, addressing a meeting at Chittagong said; "You are voicing my sentiments .... when you say that Pakistan should be based on the sure foundations of social justice and Islamic socialism which emphasizes equality and brotherhood of man". [Speeches as Governor-General of Pakistan, op.cit.,

'Fatwas' [religious edicts] against it. Why didn't they then say that Islam was in danger?<sup>294</sup>

Bhutto throughout his election campaign made the claim that he gave precedence to Islam over socialism. He often reiterated that: "Islam is our faith and it is the basis of Pakistan. Pakistan cannot last without the supremacy of Islam and a socialist government does not rival that supremacy. On the contrary, socialism will make the whole population the custodian of Islamic values."<sup>295</sup> He tried to persuade the masses that it was naive for anyone to think that Islam could be in danger in a country whose *raison d'être* was Islam and whose people are predominantly and staunchly Muslim. Moreover, if Islam was really in danger, the masses would have been conscious of it. He told his audiences that "...if there was any danger to Islam you would have sensed it. Is anyone asking you to give up your religion or not have belief in the Quran, or to give up offering your prayers?"<sup>296</sup>

Bhutto generally used simple, yet persuasive, religious logic to convince the masses that if Islam had already been in danger the all-knowing God Almighty wouldn't have made Prophet Muhammad, as all devout Muslims believe, His final Prophet, and sent him down with His final message embodied in the Holy Quran. In other words, if the all-knowing God Almighty perceived a threat to His "true" Believers and His religion some time in the future, He, surely would have decided to send more messengers with more messages. To quote him:

Islam is not in danger. Our Prophet was the last of the prophets of Allah because our religion has been completely revealed. God Almighty has ordained in the Holy Quran that he will protect this religion. If there had been any danger it could not have been revealed. That is what is meant by Khatam-i-Nabuwat.<sup>297</sup>

He often pointed out that it was not Islam but capitalism and feudalism that were in danger. He also gave reference of other countries which had experienced and were experiencing government-advocated Islamic socialism without having lost their Islamic character. In fact his actual words were:

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<sup>294</sup> Bhutto, *Marching Towards Democracy*, op.cit, pp.91-92.

<sup>295</sup> Bhutto, *Awakening the People*, op.cit., p.95.

<sup>296</sup> Bhutto, *Marching Towards Democracy*, op.cit., p.91.

<sup>297</sup> Ibid., p.101.

There are many other Islamic countries where the system of Islamic equality prevails. Are they all “Kafirs”? Islamic socialism has been adopted by Algeria, Egypt, the Sudan, Libya, Iraq, and Syria in their own respective ways.... Similarly, we shall adopt it in Pakistan according to our circumstances. Just as these countries continue to be Muslim, similarly we shall also remain a Muslim state because we are a Muslim people....<sup>298</sup>

Bhutto also often argued that while on the one hand his opponents maintained that Islam is a comprehensive and holistic religion, while on the other hand they called for national elections based on universal adult suffrage and the establishment of a liberal parliamentary democracy, knowing that these concepts were formulated and imported from the West, and are nowhere specified in Islam. Bhutto pointed out that it was surprising that his Islamic fundamentalist opposition was calling for a return to the 1956 Constitution of Pakistan, instead of calling for a return to the Holy Quran, which a significant number of fundamentalist Muslims around the world believed to be the ideal Constitution of an Islamic Republic. To quote Bhutto:

I accept that Islam is a complete code of life, but then why do they keep on repeating the demand for the 1956 Constitution? The Quran is our Constitution, why talk about any other constitution? .... No verse of the Holy Quran or a saying of the Holy Prophet mentions the parliamentary system. Is it Islamic or not? This system was formulated by the British who ruled this country, and who were enemies .... If there is no Islamic socialism in Islam, then there is no Islamic democracy either.<sup>299</sup>

### **The Ulama’s Fatwa Against Socialism**

As already mentioned, most of the religious parties were opposed to the idea of socialism and Islamic socialism. The term ‘Islamic Socialism’ became a controversial subject and many articles in support and against Islamic socialism appeared in the press. It was asserted that the concept and thinking of Islamic socialism is a dangerous concept in itself and is a fraud with Islam.<sup>300</sup> It was also opposed by the Marxists who denounced the term as they considered Islam as a capitalistic doctrine which guaranteed the right to the individuals to own the means of production.<sup>301</sup> Bhutto’s arguments in support of socialism were so

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<sup>298</sup> Ibid., p.36.

<sup>299</sup> Ibid., p.64.

<sup>300</sup> A. K. Sumar, *Islam Needs No Crutch of Socialism*, Karachi: Begum Aysha Bhawany Trust, n.d., p.1.

<sup>301</sup> For a clear formulation of the Marxist view, please see Rodinson Maxim, *Islam and Capitalism*, London: Allen Lane, 1974.

forceful that the religious parties decided to issue a FATWA (religious decree) against it in order to convince the masses to avoid extending support to the PPP.

A *Fatwa*<sup>302</sup> of 113 *ulama* appeared in the press on 26 February, 1970 which was initiated by the Deobandi *Ulama* with the support Barelvi, Ahl-i-Hadis and Shiah *Ulama* as well. The *Fatwa* declared socialism as the greatest of all dangers to the security and well-being of Pakistan and called upon all Muslims to rise against this “accursed” ideology. The *ulama* declared that individuals and groups who preached socialism were rebels against God and His book, and that it would be gravely sinful for any Muslim to aid, or vote for them.<sup>303</sup> In fact they claimed that “Islamic socialism” was a distorted exploitation and abuse of Islam by a shrewd and power-hungry politician who was a non-practicing Muslim and who had never cared to study Islam carefully. Being Islamic clergymen themselves, they expected the masses to believe them and deprive Bhutto of their votes. However, Bhutto, who was a shrewd manipulator of his political adversaries, responded by convincing a number of *Ulama* and *Pirs* to give him their support and help him counter the charge that Islamic socialism was un-Islamic or anti-Islamic.<sup>304</sup>

The secularism and regional nationalism was also declared against Islamic Ideology and the masses were advised not to support the parties propagating for socialism and regional nationalism. It appears that move behind the *Fatwa* was to seek support for religious parties which had very weak organizational base in both the wings of the country. More important was the fact that there existed no unity amongst religious and Islam pasand parties. The Six-Point Formula of Mujibur Rahman had attracted the masses of East Pakistan towards APAL while Bhutto was successful in getting support of the majority in West Pakistan by giving the slogan of Islamic socialism. Because of the large following the PPP and APAL had, there was no way out but to get issued a Fatwa through which masses could be attracted towards those parties which had no slogan except religion. The *Fatwa* did not name the parties to be supported or to be opposed, but it clearly argued in favour of religious and *Islam Pasand* parties.

Responding to this challenge, Bhutto advertised his personal dedication to Islam, denied that Islam and socialism were incompatible, or that his espousal of socialism posed any danger to Islam. Bhutto said he advocated socialism because,

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<sup>302</sup> See Appendix I.

<sup>303</sup> Rana Rehman Zafar, *Zulfikar Ali Bhutto: Azeem Siasi Rahnuma* [Zulfikar Ali Bhutto: A Great Political Leader], {Urdu} (Lahore: Khyber Publishers, 1973), pp.260-261.

<sup>304</sup> Dilip Mukerjee, *Zulfikar Ali Bhutto: Quest For Power*, New Delhi: Vikas Publishing House, 1972, p.72.

in the economic sphere, it was the same as Islam. That Islam and socialism were antagonistic was “mere propaganda by those who want to exploit the people and suck their blood.” He offered the following more sophisticated argument:

The roots of socialism lie deep in a profoundly ethical view of life. We of the Pakistan People’s Party earnestly maintain that the high ideals of Islam in relation to society can be attained only through a socialist system abolishing the exploitation of man by man. We believe that the nature of justice in the world demanded by our religion is inherent in the conception of a classless society. In this Islam differs fundamentally from other religions. Islam recognizes no castes. Capital society has a class structure which is opposed to the equality and brotherhood enjoined upon Muslims by Islam. When we call our economic programme Islamic Socialism we are...within the moral traditions of Islam. In the name of justice the Pakistan People’s Party spells out Islam in concrete terms of fraternity and friendship.<sup>305</sup>

Responding to some of the *ulama*, who alleged that his programme would subvert the faith, Bhutto adopted a theological mode of reasoning. If Islam was an eternal religion, he argued, and if God himself had chosen to be its protector, as all Muslims agreed, there could be no danger to its integrity. Again, the finality of Muhammad’s prophethood was itself a guarantee that Islam would never be in danger. If it were possible for any danger to Islam to arise, God would surely have provided for other prophets to follow Muhammad to overcome the danger. But He made no such provision.<sup>306</sup>

Bhutto very intelligently broached the frightening prospect of a fratricidal sectarian war, if not an all out civil war, erupting in Pakistan if any of the religious political parties<sup>307</sup> came to power, and began imposing a very conservative and narrow interpretation of Islam on the various Muslim sects, as well as on non-Muslims in Pakistan. He declared that “there are Muslims who are proclaiming that other Muslims who do not accept their political views are not Muslims but kafirs and are to be killed.”<sup>308</sup> He further stated that:

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<sup>305</sup> Bhutto, *Marching Towards Democracy*, op.cit., p.158.

<sup>306</sup> Ibid., p.58.

<sup>307</sup> The religious political parties to which Bhutto referred were: the Jamaat-i-Islami, the Jamiat-ul-Ulama-i-Islam, and the Jamiat-ul-Ulama-i-Pakistan.

<sup>308</sup> It must be pointed out that none of the Islamic political parties as record suggests ever inferred that Muslims not agreeing with their particular point of view were *Kafirs* and therefore ought to be killed. However, since some Fundamentalists and Traditionalists had, indeed, unleashed a tirade of criticism against Quaid-i-Azam for being a secularist Muslim, many non-observant Muslims in Pakistan began to fear that if the powerful, charismatic and successful

One million Muslims in Indonesia were killed by Muslims because foreign powers wanted it so.... In the course of Muslim history there have been many tragic periods of sectarian persecution, but since many years, fortunately, most sects have learnt to keep the peace.... This peace is now being broken deliberately by persons who proclaiming that the touchstone of belief lies not in faith but in politics. This is a most dangerous development and can lead to fratricidal carnage, but I can assure you, ... that we are determined not to allow another Karbala to take place on the soil of Pakistan ...<sup>309</sup>

The “fear tactic” employed by Bhutto worked especially well for him among the influential Shiah sects, the Ahmadis, the tiny minority of Christians, Hindus and other non-Muslims. The Modernists and the Sunni Pragmatists, who were afraid to live in an Islamic theocracy run by members of the clergy, whom they perceived as poorly qualified to run a modern-day nation-state in an independent and rapidly changing world, also came to PPP’s camp.<sup>310</sup> While discussing Islamic socialism, he made it a point to stress the religious aspects of his ideology. Thus, in this way, Bhutto deftly dispelled the charges of “alien” and “anti-Islamic” by clothing his concepts in the cloak of Islam expressed in carefully chosen phrases that could be comprehended by the commoners. In this respect he proved to be the consummate politician.

The *ulama* and Bhutto’s others opponents may have been infuriated because they could not rebut him except by a complex train of reasoning which the masses would not readily understand. They felt that he was vulgarizing not only the political discourse in Pakistan but also Islam.<sup>311</sup> Many of Bhutto’s opponents, lacking the ingenuity to devise adequate responses, turned to the simpler strategy of denouncing his person and ideology.<sup>312</sup>

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Founder and great Leader of their country could be so easily slandered, God only help them in terms of reputation and status in society, as well as in the joys they presently held or employment prospects for them in the future conservative Islamic state of Pakistan. One cannot ignore the controversy amongst the *Ulama* of various schools of thought over the question of a “good Muslim” and a “bad Muslim” as every school tries to give its sown interpretation on the issue. During Zia’s regime such tendency had developed where the fanatics Mullahs had begun to cry that *Shiah* community be also declared as non-Muslim minority.

<sup>309</sup> Bhutto, *Marching Towards Democracy*, op.cit., p.154.

<sup>310</sup> *The Daily Jang*, 15 November, 1970. Also see *The Pakistan Observer*, 25 November, 1970.

<sup>311</sup> Anwar H. Syed, *The Discourse and Politics of Zulfikar Ali Bhutto*, London: Macmillan Press Ltd., 1992, p.79.

<sup>312</sup> Gopinath, op.cit., pp.84-86.

The Awami League 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 Quran and the Sunnah shall be enacted or enforced in Pakistan.<sup>313</sup> It may be pointed out that political parties following secular trends tried to show to the masses that they were true followers of Islam and they would not deviate from the Islamic teachings if reached to the pedestal of power.

NAP (Bhashani) did not issue any manifesto, but Bhashani's speeches were a clear indication of the fact that NAP preferred a type of socialism which would be compatible with Islam.<sup>314</sup> It was agreed by all the political parties that there was hardly any possibility for social or economic justice in the country under the prevailing conditions. Under these conditions these political parties agreed that heavy industries, banks and insurance companies must be nationalized. One of the religious party, Jamaat-i-Islami, also conceded that nationalization to some degree was needed in the country. The Jamaat-i-Islami opposed the nationalization as a general principle and basis of economy but supported the idea of running industries of key position for national economy under the supervision and control of the government.<sup>315</sup>

Similarly there was agreement on the abolition of *zamindari* system, to introduce a ceiling on land holding and to distribute land to the landless peasants. The religious parties, however, had different views over the fixation of ceiling for landholding as some of these parties did not recommend a ceiling. JUP assured that it would oppose the confiscation of any property under the lawful ownership of an individual.<sup>316</sup> Jamaat-i-Islami was of the view that appropriate use of capital and land should be made in such a way which guaranteed prosperity and progress for mankind. It opposed the system in which few people grew richer and innumerable people were deprived of their basic human necessities. The Jamaat-i-Islami suggested land ceiling of 100 to 200 acres and was of the opinion that in abnormal circumstances extraordinary measures not conflicting with the Islamic principles can be adopted to restore normalcy.<sup>317</sup>

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<sup>313</sup> Election Manifesto of Awami League, Dacca, 1970, p.23.

<sup>314</sup> Mushtaq Ahmad, Government and Politics in Pakistan, Karachi: Space Publishers, 1970, p.338.

<sup>315</sup> Jamaat-i-Islami Pakistan, Manifesto of Jamaat-i-Islami Pakistan, Lahore: Jamaat-i-Islami, 1970, pp.27-28.

<sup>316</sup> Markazi Majlis-i-Aural JUP, Manshoor, Lahore: Istiglal Press, n.d., p.22.

<sup>317</sup> Jamaat-i-Islami Pakistan, op.cit., p.22.

APAL as well as NAP (Bhashani and Wall) believed in complete provincial autonomy of the provinces and were of the view that the Federal Government should be given control of defence, foreign affairs and currency. The religious political and the so-called *Islam Pasand* parties favoured a strong Central Government. Some of the political parties like Jamaat-i-Islami and PDP were of the view that 1956 Constitution should be restored. The PPP's manifesto spoke for nationalization of heavy industries, agrarian reforms, reforms in taxation system, free education upto secondary level and rights of workers but its stand on the issue of regional autonomy was unclear and ambiguous.<sup>318</sup>

The other issue which dominated the political scene was Six-Point Formula of Sheikh Mujibur Rahman. It became very popular in East Pakistan and was considered to be the 'Freedom Charter' for the masses of the East Pakistan in their struggle against the Central Government of Pakistan. This was because of the policies and agenda of the Central Government which had created a gulf between the people of two wings. The East Pakistanis were of the view that they were not being given due share in the economy of the country and the root cause of their grievances lay in the tight grip exercised by the Centre. Another important fact was that East Pakistanis had under representation in the provincial and federal administration<sup>319</sup> which aggravated their feelings of deprivation.

The economic disparity between two wings of the country constituted the main factor which gave an edge to all other cultural, political and social grievances. The Jamaat-i-Islami considered East Pakistan's problems as part of overall problems of Pakistan and held the view that these problems took birth because of the reasons that the people of Pakistan since 1947 had not been given the right to elect their representatives and secondly no-God-fearing, and pious leadership had come to power to solve the problems. The JI condemned Six-Point Formula of APAL on the ground that it stood for dividing Pakistan into two independent states and it suggested a separate fiscal system for East Pakistan but did not provide a remedy for the injustices already done to East Pakistan and it closed the door to the resources of Pakistan as a whole for the removal of disparities.<sup>320</sup>

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<sup>318</sup> For detail please see Election Manifesto of the Pakistan People's Party, op.cit. The PPP's manifesto was not specific on this issue.

<sup>319</sup> The number of CSP officials recruited from 1947 to 1966 came to 407 out of which 155 were East Pakistanis i.e. 38% and this was far below the proportion of East Pakistan's population. For detail see Asaf Hussain, *Elite Politics in An Ideological State: The Case of Pakistan*, Folkestone: Davaon, 1979, p.65.

<sup>320</sup> Jamaat-i-Islami Mashraqi Pakistan, *Mashraqi Pakistan Key Liye Rah-i-Nijaat*, Dacca: Jamaat-i-Islami Mashragi Pakistan, 1966, pp.4-17.

## **Religio-Political Parties, Populist Slogans and Islamic Symbolism of Pakistan People's Party.**

The religious parties made appeals to the masses in the name of religion and condemned other parties for betraying the religious cause. But as already mentioned all parties irrespective of their ideologies claimed that they were committed to the cause of Islam. No party could afford to propound a complete separation between religion and politics and this was mainly because of the influence exerted by the *ulama* that Islam continued to remain in the forefront of the politics in Pakistan.

Bhutto also employed potent religious imagery and symbolism by designating the "sword" as his party's election symbol, and presenting it as the "*Zulfikar-i-Ali*" --the legendary sword of Hazrat Ali.<sup>321</sup> Bhutto's first and middle names were "*Zulfikar Ali*". Moreover, the sword in Islamic polemics conjures up the symbolism of Jihad, and Bhutto constantly mentioned that in domestic affairs he intended to launch a jihad against the evils of capitalism and feudalism and against exploitation and injustice in general.

In the sphere of foreign affairs, he also promised jihad against the evils of imperialism, colonialism, and neocolonialism. He also excited the people that he was prepared to lead Pakistan into one-thousand year long -jihad against India and celebrate "*Shaukat-i-Islam Day*" (a day commemorating the victory of Islam) in New Delhi and Srinagar. He declared that no sacrifice was too great for the glory of Pakistan, and all his party members stood ready and willing to shed the last drop of their blood for the sake of their beloved homeland.<sup>322</sup>

The attacks of the *ulama* on APAL were countered by Sheikh Mujibur Rahman quite effectively. He assured the masses repeatedly that Islam would not be in danger on the sacred soil of Pakistan.<sup>323</sup> He was of the view that the *ulama's* cry 'Islam in danger' was a political stunt only.

During the election campaign, the PPP in West Pakistan and APAL in East Pakistan appeared to gather sufficient mass support and both of them projected

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<sup>321</sup> Hazrat Ali (fourth Caliph), in Islamic tradition was the Wisest and most courageous cousin and son-in-law of Prophet Muhammad who had used his famous sword to defeat many enemies of Islam in the battlefield, thereby contributing to Islam's expansion and glory.

<sup>322</sup> Gopinath, op.cit., pp.53,57, 66, 75-76.

<sup>323</sup> Dawn, June 8, 1970.

themselves as militant political parties. Their election meetings were successful as compared to their political opponents and the masses considered Sheikh Mujib and Bhutto as the saviors in East and West Pakistan respectively.<sup>324</sup>

The PPP was able to organize its election campaign with more skill as compared to other parties in West Pakistan.<sup>325</sup> Bhutto managed to address dozens of public meetings daily in West Pakistan. The party was able to attract devoted groups of workers from amongst the workers and socialists. The Ahmadis extended their maximum support to the PPP because of their opposition and criticism by the religio-political parties.<sup>326</sup> In East Pakistan, it was the only APAL which dominated the scene as no other political party had a strong mass support in this wing.

### **The Election Results**

The outcome of the elections in which the two wings of Pakistan were further polarized, dealt a surprisingly heavy blow to the aspirations of the Islamic political parties opposing the PPP and the Awami League. The Jamaat-i-Islami, the Jamiat-i-Ulama-i-Pakistan and the Jamiat-i-Ulama-i-Islam (Hazarvi Group) captured only four, seven seats each respectively.<sup>327</sup>

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<sup>324</sup> The Daily Jang, 12 September, 1970.

<sup>325</sup> Meenakshi Gopinath, pp.51-55.

<sup>326</sup> Mirza Bashir-ud-Din Ahmad, *Islam Ka Igtisadi Nizam*, Rabwah: al-Shirkat-ul-Islamiyah, n.d, p.27.

<sup>327</sup> Despite the Islamic political parties being powerful and influential interest groups in Pakistan, a predominantly Muslim country, they have often fared poorly in elections, whenever they have been held. In this respect the 1970 election was no exception. Following are the major reasons for not fulfilling their potential.

\* Their dogmatic insistence on ideological purity, rather narrow interpretation of Islamic theory and practice, and zealous propagation of their brand of conservative Islam tends to frighten and alienate the modernist Muslim sects, the non-Muslims, and the secularists who compromise the economic, bureaucratic and political elite controlling the levers of power in the country.

\* They still have not been able to evolve a working strategy of economic, social and political development in a modern and increasingly interdependent world. In the late 1960's, for instance, when there was a military dictatorship and serious economic problems of inflation, unemployment, underemployment and the increasing gap between the tiny wealthy minority and the poor majority, they continued to rely on the age-old boggy of "Islam in Danger" instead of eloquently articulating the most basic and pressing needs of the masses, namely liberal parliamentary democracy, and the promise of "*roti, kapra, makan*" [bread, clothing and shelter].

\* They are considered knowledgeable scholars and theologians, but perhaps inadequate as politicians, economists and statesmen. Many of their leaders lack charisma, flexibility, dynamism

The results of these elections returned Bhutto's PPP and Mujib's Awami League with overwhelming victory. The PPP secured 81 out of 138 seats (59 percent) of National Assembly in West Pakistan, without campaigning or securing any votes in the Eastern Wing of the country. Mujib's APAL got a landslide victory in East Pakistan by winning 160 out of 162 seats of National Assembly for East Pakistan, securing 74.9 percent of the votes cast there without even campaigning or securing any seat in West Pakistan.<sup>328</sup> Two seats were won by Nur-ul-Amin, PDP's candidate and Raja Tridev Rai, a leader of the Buddhist community. The leaders of both the parties had conflicting views on the nature of the constitution. The PPP was the majority party in West Pakistan but the over-all percentage of votes cast to it was less than 50%. The Punjab and Sindh were its strongholds. Even here it secured only 41.6. and 44.9; votes respectively. Its performance in the NWFP and Baluchistan was quite unimpressive. It secured only 14.2% votes in the NWFP and 2.3% votes in Baluchistan. The NWFP returned only one nominee of the PPP while Baluchistan none. The same trend was repeated in the Provincial Assemblies and it secured a majority in the Punjab and Sindh. No party secured an absolute majority in the NWFP whereas the NAP carried Baluchistan.<sup>329</sup>

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and the ability to stir up trio masses with their election speeches. Furthermore, intense doctrinal disputes and personality clashes lead to exaggerated images of hopeless fragmentation and constant feuding.

\* During the 1940's, the conservative *ulama* in general, and Maulana Maududi of the Jamaat-i-Islami in particular, were accused of being against the founding father of Pakistan as well as the establishment of Pakistan. That has always been a great embarrassment and liability for them, because their opposition opportunistically exploit this controversial canard as an effective election issue.

\* The Modernist and even Muslim Pragmatists often use Islamic symbols and rhetoric in a much more liberal, populist, seductive and effective way, and thereby steal a great deal of the religious appeal that the Islamic parties would otherwise enjoy.

\* Islamic political parties like the Jamaat-i-Islami, which is the best organized and full of religiously devout and zealous cadres, is highly selective in its recruitment of party members. Such a cadre party is more successful in being an effective interest group and influencing those in positions of governmental authority than in capturing power and running a government. In the latter case, a mass party, like the PPP, is much more effective.

<sup>328</sup> Craig Baxter, "Pakistan Votes, 1970", Asian Survey, Vol. XI, March 1971, pp.197-218.

<sup>329</sup> In the provincial elections, PPP captured 113 out of 180 seats in Punjab and 32 out GO seats in Sindh and thus emerged as the majority party in both the provinces. In the N.W.F.P., out of 40 seats, N.A.P.(Wali) won 13, P.M.L.(Qayum) 10, while PPP, JUI (Hazarvi), PML(Council), JI, PML, (Conv.) and Independents got 3, 4, 1, 1, 2 and 6 seats respectively. In Baluchistan, NAP (Wali) was able to capture 8 out of 20 seats while PNL (Qayum), JUI (Hazarvi) and Independents got 3,

Although the PPP had captured the majority of the seats in West Pakistan yet the religious and other Right Wing parties secured more votes. The total votes polled by the PPP were 61,48,623 while three factions of the Muslim League, Jamaat-i-Islami, JUI (Hazarvi) and JUP collectively polled 70,00,144 votes. This division of votes between the religious and *Islam Pasand* parties gave an advantage to the PPP to become a majority party in Western Wing.<sup>330</sup>

From the results it was clear that Awami League won the elections on the basis of Six-Point Formula, which was a clear indication to the fact that the Bengali masses supported whole heartedly the demands laid down in Six-Point Formula. Besides, Sheikh Mujibur Rahman was considered to be a hero by the East Pakistanis because of the persecution he suffered at the hands of the Central Government.<sup>331</sup> And the most important factor in APAL was that it had no strong rival party in the Eastern Wing except NAP (Bhashani) which could not do more because of its internal factionalism and the support it rendered to Ayub's regime.

On the other hand, the PPP in West Pakistan emerged as the party having major chunk in the National Assembly which meant that its programme was accepted by the people in West Pakistan as compared to other political parties. Secondly, the masses had rejected the old-guards who have not been able to contribute positively for their uplift in economic and social fields. It was the largest party in West Pakistan although it could not match the victory of Awami League. The PPP was the strongest party in the Punjab and Sindh. In the province of Sindh, the PPP relied heavily upon the big zamindars in order to get maximum of the rural votes.<sup>332</sup> It appears that whereas Bhutto's manifesto had special appeal for

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2 and 5 seats respectively. For detail please see *Report on General Elections Pakistan 1970-71, Vol. I.*, Karachi; Election Commission of Pakistan, 1972.

<sup>330</sup> The Daily Jang, 21 December, 1970.

<sup>331</sup> P. C. Sederberg, "*Sheikh Mujib and Charismatic Politics in Bangladesh*", Asian Forum, Vol. IV, No. 3, (June-September 1972), p.2. From 1966 to 1969, the East Bengal's political elite were in constant conflict with the military regime, a situation which ultimately resulted in a confrontation in what came to known "*Agartala Conspiracy Case*". In 1969 thirty eight Bengalis were charged with conspiring to incite ethnic nationalism for East Bengal to secede from Pakistan in collusion with India. Along with Mujibur Rahman, those charged included of the Awami League, the bureaucracy and the military. The political outcome of the case was that Mujibur Rahman emerged as an ethnic nationalist hero who had reinforced "his grip" on the increasingly potent symbols of Bengali nationalism.

<sup>332</sup> PPP contested 25 National Assembly seats in Sindh. Bhutto stood from three of these seats. Out of 23 contestants, 19 were big zamindars, each holding land stretching over an area of 20,000 to 50,000 acres.

the masses, this was certainly not the only factor for his victory in the elections. *Waderas* of Sindh and the *Zamindars* of Punjab had no love-lost for the peasants and haris. Their association with the PPP's manifests the fact that they were not threatened by its manifesto; on the contrary, they saw in Bhutto a *wadera* and a *Zamindar* who was using socialism to gain political power rather than to upset the socio-economic system of the country. Moreover, by joining the PPP, they had secured the loyalties of the peasants, which if endangered, could have serious consequences.<sup>333</sup>

In the urban areas of Karachi and Hyderabad the PPP could not do well because of the fact that the zamindars did not have a base as the Urdu-speaking Muhajirs constituted a large proportion of the population. The PPP succeeded in attracting the votes of the working class, peasants, tenantry and the poor in the name of social justice.

The main reason for PPP's popularity in the province of Punjab was the fact that the old parties like the Muslim League, Jameat-i-Islami and others had failed to meet the aspirations of the masses and were therefore rejected. Three factions of the Muslim League could only secure 18 seats despite the fact that all these three factions were dominated by big zamindars and *biradri leaders* who had a considerable influence in their constituencies. The PML's factions were hopeful to win the election on the basis of *biradri networks* and the Zamindars' hold over the tenants, but all their efforts proved to be abortive. The PPP on the other hand adopted a different strategy to attract the masses which worked and traditional leaders like the past could not find a way of success. Only ten big zamindars<sup>334</sup> from the Punjab were able to find their way in the National Assembly which indicated to the fact that the masses had become politically conscious and could not be persuaded to follow zamindars' line of action like before.

As already mentioned, it was the first general election after the establishment of Pakistan and it was high time for the religious parties to mobilize the masses towards their programmes. But despite the best efforts on their part, the Jamaat-i-Islami, JUIP and JUP were able to bag a total of 18 seats which indicates that the masses had rejected the manifestos of these religio-political parties and the slogan "Islam in danger" did not work to rally the voters around the *ulama*. It

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<sup>333</sup> The Daily Jang, 18 December, 1970.

<sup>334</sup> Mumtaz Muhammad Khan Daultana, Sardar Shaukat Hayat, Thy Pir of Makhad, and Zakir Qureshi of Sargodha were elected. On PML (Councilors) tickets. Anwar Ali Noon, Sadiq Hussain Qureshi and Abbas Hussain Gardezi of Multan, Mustafa Khar of Muzaffargarh were elected on PPP tickets. Malik Muzaffar. Khan of Kalabagh and Sardar Sherbaz Khan Mazari of Dera Ghazi Khan were Independents.

appeared from the results that the religious parties failed to convince the masses as compared to the PPP and APAL, who were able to wean the electorate away from religio-political parties by repeatedly averting their devotion to Islam. The 1970 election results revealed the weak support base of Traditionalist, particularly the neo-Traditionalists who were completely routed.<sup>335</sup> The PPP and APAL emphasized that in a country with 90% population of Muslims having firm belief in the faith of Islam, there could be no danger to Islam. The name of Islam was so much exploited by the successive regimes that the masses had come to the conclusion that the *ulama* as well as other religio-political parties were intent on maintaining the status quo and were against any positive change. The programmes and manifestos of religio-political and other *Islam Pasand* parties did not contain progressive ideas and as such were rejected by the masses.

There were two factors responsible for the PPP's victory. There was first the system of plurality-based election in single-member constituencies; then there was the fact that a great number of candidates ran and divided the vote among themselves to the PPP's advantage.<sup>336</sup> Straight, one-against-one, contest took place in only one constituency in the Punjab and three in the NWFP. In 74 constituencies in the Punjab four or more candidates contested each seat; in ten constituencies as many as seven, and another ten as many as eight candidates ran.<sup>337</sup>

The Jamaat-i-Islami was the only party with strong organization and discipline amongst the religio-political parties of the country and despite its well-organized election campaign it was able to capture only four seats out of 150 seats it contested in both the wings of the country. It secured six percent of the votes polled and its performance was almost equal in both the wings of the country.<sup>338</sup> Safir Akhtar rightly comments that the Jamaat-i-Islami's election campaign was mainly focused in clarifying its role in the Pakistan Movement and denouncing socialism. Its rejection of socialism was widely interpreted as a defence of status quo, which was rejected by the masses during their agitation in 1968-69 against the Ayub's regime. The Jamaat-i-Islami concentrated more on issues like parliamentary democracy and restoration of 1956 Constitution and did not give any idea of eradication of poverty and application of economic and social justice.<sup>339</sup> Another setback of Jamaat-i-Islami was that it was condemned by

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<sup>335</sup> G. W. Chaudhry, op.cit, pp.113-115.

<sup>336</sup> Anwar H. Eyed, The Discourse and Politics of Zulfikar Ali Bhutto, op.cit., p.82.

<sup>337</sup> Government of Pakistan, Report on General Elections 1970-71, op.cit., pp.197-199, 204-205.

<sup>338</sup> Safir, op.cit., p.497.

<sup>339</sup> Ibid., p.499.

successive regimes and politicians of the country for its negative role in the Pakistan Movement.<sup>340</sup> More importantly, the masses in general were not given prominence in Jamaat-i-Islami's programme as it was believed by Maulana Maududi that the masses were 'national Muslims' and also ignorant<sup>341</sup> factors were responsible for the defeat of the Jamaat-i-Islami in the general elections of 1970. After electoral defeat, Maulana Maududi revised his view of the masses and evolved a new line incorporating the lesson that he had learnt about the power of the people. In a policy speech, he declared that in addition to keep our work amongst the literate class, we must make contacts with the illiterate, impoverished and grief stricken masses in the villages and the slums. Instead of written words, verbal communication, personal relationship, practical sympathies and devoted service would be needed.<sup>342</sup>

The religious political parties led by the *ulama* were able to receive 14 percent of the total votes throughout Pakistan and their representation in the National Assembly was only six per cent. The religio-political parties failed to capture even a single seat in East Pakistan yet they polled about 7% of the total votes. In West Pakistan they received 21.5% of the total votes polled, but their seats percentage in the National Assembly was 15.5% (18 out of 138 seats).<sup>343</sup>

From the results, it appears that the *ulama* got more support in NWFP from where seven of them returned victorious. From Punjab and Baluchistan, one *aalim* each and three from Sindh were able to win. It may be pointed out that the *ulama* and their parties were able to attract the masses in most of the NWFP's constituencies, the Pushto-speaking region of Baluchistan, the districts of

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<sup>340</sup> Ibid., p.499.

<sup>341</sup> By "National Muslims", Maulana Maududi meant Muslims who happened to be born in Muslim families. He had made these remarks for the mass of Muslim people during the Muslim League's movement for creation of Pakistan.

In sharp contrast to Jamaat-i-Islami's approach, Dr. Ali Shariati, an Iranian Ideologue of the Iranian Revolution (1979) gave fundamental importance to the masses. He wrote:

Throughout the Quran address being made to *al-nas*, i.e. the people, the Prophet is sent to *al-nas*, he addresses himself to *al-nas*, it is *al-nas* who are accountable for their deeds, *al-nas* are the basic factor in decline--in short, the whole responsibility for society and history is borne by *al-nas* ... Islam ... recognizes the masses as the basis, the fundamental and conscious factor in determining history and society. [For details please see Ali Shariati, *On the Sociology of Islam*, Berkeley: Mizan Press, 1979, p.491

<sup>342</sup> Zindgi, 25-31 January, 1971, p.41.

<sup>343</sup> Quoted in Safir, op.cit., p.500.

Muzaffargarh, Jhang and Dera Ghazi Khan in the Punjab and the Mohajir dominated areas of Karachi and Hyderabad in Sindh.<sup>344</sup>

From overall performance of the religious political parties in the general elections of 1970, it becomes clear that the religious parties failed to adopt an election strategy in accordance with the aspirations of the masses and religious slogans proved to be insufficient to attract the voters towards them. The success of the PPP and APAL was because of their dynamic leadership and programmes which really projected the wishes of the masses. This outcome, in which the two wings of Pakistan were further polarized, dealt a surprisingly heavy blow to the aspirations of the "Holy Alliance" of the Islamic political parties opposing the PPP and the Awami League.

Unlike Bhutto and his PPP members in West Pakistan, Mujib and his Awami League members in East Pakistan, were never put on the defensive by the Islamic parties for pursuing the essentially secular issues of democracy, socio-economic equality and justice, and greater provincial autonomy on the contrary, because of the fact that Hindus constituted 10 percent of East Pakistan, Mujib on a number of occasions promised to pursue secularism.<sup>345</sup>

Contrary to being one of a series of domestic conflict, resolution mechanisms, as alleged by Western-oriented political scientists, the 1970 election turned out to be the first and last national election held on the basis of one adult person one vote in a united Pakistan.<sup>346</sup> Paradoxically, the election functioned as a catalyst to accentuate the East-West polarization within Pakistan. It also revealed lack of consensus among Pakistan's elites on the ideological nature of Pakistan's political system. It brought to the surface the social and economic cleavages of Pakistan's political structure and revealed that Islam may no longer be the only integrative factor for the State of Pakistan.<sup>347</sup>

### **Aftermath of the Election's Results**

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<sup>344</sup> Ibid., p.43.

<sup>345</sup> The speeches and statements of Mujibur Rahman and Tajuddin Ahmad, General Secretary of the Awami League clearly indicated that Awami League would follow secular policy if came to power.

<sup>346</sup> These elections turned out to be the first and the last general elections in united Pakistan. Bangladesh emerged as an independent and sovereign state in the community of nations.

<sup>347</sup> Damdor Singhal, *Pakistan*, Englewood Cliffs, N.J: Prentice Hall, 1972, pp.162-164.

The ruling military regime was of the view that none of the parties would be able to capture a sizeable majority in the National Assembly resulting into a coalition government. This would give upper hand to the military regime and the bureaucracy to run the government according to their own wishes. These dreams were shattered because of the PPP and APAL unexpected victory in the elections.<sup>348</sup>

It was clear that the future of the Federation of Pakistan depended heavily upon the attitude of APAL leadership which had won the elections on the basis of Six-Point Formula.<sup>349</sup> These Six Points were perceived in West Pakistan as not merely measures for greater East Pakistani autonomy, but also as demands that would undermine the very foundation of a united Pakistan.<sup>350</sup> Mujibur Rahman had given President Yahya Khan and the politicians in West Pakistan the understanding that his Six Points would be subject to discussion and amendment after the elections. But seeing the magnitude of his electoral victory, and pressed by the more militant elements within and outside his party,<sup>351</sup> he adopted the position that the Six Points had become the “property” of the people, that he and his associates could no longer tamper with them, and that any settlement with the regime and other political forces in the country concerning the status of East Pakistan in the union must begin with their acceptance of this formula.<sup>352</sup> Yahya Khan was willing to accept the Six Points formula with some minor reservations, observes C. W. Choudhry, but the Awami League negotiators, nevertheless adopted a tough posture. Mujibur Rahman would not show the draft constitution his associates had prepared. He asserted that as leader of the majority party he alone had the right and the responsibility for framing a new

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<sup>348</sup> The military regime did not expect such an excellent performance by the Awami League in the election. Yahya Khan told Altaf Hussain Qureshi, a journalist, that Mujibur Rahman would take a maximum of 55% of East Pakistan’s seats, as there were other political forces such as NAP (Bhashani), Jamaat-i-Islami and others. Urdu Digest, February 1972, pp.27-28.

<sup>349</sup> Safir, op.cit., p.506.

<sup>350</sup> Sheikh Mujibur Rahman, the Awami League leader, first introduced this formula at a national conference of political leaders in Lahore in February 1966. It was not well received. Nawabzada Nasrullah Khan, who was then president of the Awami League in West Pakistan, rejected it; the Council Muslim League decried it as a demand for confederation; the Jamaat-i-Islami saw it as a separatist design; even the National Awami Party, which favoured substantial provincial autonomy, dismissed it as being parochial. See Rounaq Jahan, Pakistan: Failure in National Integration, New York: Columbia University Press, 1972, p.140. In its Foundation Documents, issued in 1967, the PIP condemned the Six Points, saying that they would subvert the integrity of Pakistan.

<sup>351</sup> G. W. Choudhry, op.cit., pp.148-149.

<sup>352</sup> The Pakistan Observer, 5th January, 1971.

constitution, that Yahya Khan's role was only to call the Assembly to meet immediately, and that "dire consequences" would ensue if he did not do so.<sup>353</sup> The situation was equally gloomy for the politically ambitious Z.A. Bhutto because such a development would not allow him to share power and condemn him to the Opposition benches. Bhutto went to Dacca on 27th January, 1971 for negotiations with Sheikh Mujibur Rahman to settle the constitutional dilemma. The negotiations between Bhutto and Mujib ran into difficulties as Mujib was not prepared to alter any of the Six Points and Bhutto did not accept Six Point formula in toto. The Awami League added a few more demands to its list. Bhutto wrote:

"This task (Constitution-making) was made all the more complicated by some of the other demands of the Awami League, which sought to impose on the people of the West an external debt of Rs. 38,000 million out of a total of Rs 40,000 million, and an internal debt of Rs 31,000 million. According to the Awami League's calculations, the four provinces of the West wing would have to make a contribution of approximately 74% of the federal requirements. East Pakistan contribution was to be 24% to the federal requirement notwithstanding the fact that its population was 56% of the total... The Awami League had also adopted the 11 point demand of the East Pakistani students which called for inter alia a sub-federation in the West Wing.<sup>354</sup>

Bhutto decided to change his strategy towards the Awami League and adopted a hard line to cow down Mujib. He announced in Peshawar that his party would not participate in the National Assembly session unless he received a promise from the Awami League that the PPP's reasonable suggestions and demands would be given consideration.<sup>355</sup> He came out with the theory of 'two majority parties' (Awami League from East 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'.<sup>356</sup> He emphasized the need for a power-sharing scheme involving PPP and APAL even before the new National Assembly was formally convened. His objection to let APAL take power alone was in line with the thinking of the military and bureaucracy.

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<sup>353</sup> G. W. Choudhry, op.cit., pp.149-150.

<sup>354</sup> Z. A. Bhutto, *The Great Tragedy*, Karachi: Pakistan People's Party, 1971, p.22.

<sup>355</sup> Ibid., p.28.

<sup>356</sup> Ibid., p.18.

Mujib knew that he would have to adopt a more flexible stand on his Six Point formula but not to the extent which would erode APAL's popularity in East Pakistan. He also realized that any constitution unacceptable to West Pakistan would be unworkable. He believed that the dilemma being faced by APAL could only be settled in the National Assembly. He feared that any flexibility on the part of his party in respect of its stand on Six Point formula outside the National Assembly would invite hostile criticism from its supporters. Mujib was therefore anxious that the National Assembly should be convened without any delay.<sup>357</sup>

Many meetings between Mujib and Yahya and between Bhutto and Mujib took place during January, 1971 but of no avail. The subsequent events clearly indicated that Mujib did not agree to Bhutto's theory of 'two majority parties' and his demand for a 'grand coalition'. The PPP's attitude towards APAL became more critical and there seemed no chance of agreement on the part of both the parties to the political dilemma confronting the country.

Bhutto's strategy worked with Yahya, who postponed the Assembly's session, but not with Mujib, who revolted. He called for a general strike on March 2 and for civil disobedience movement two days later. He issued directives in the name of Bangladesh and the people obeyed. Bengali civil servants, police, judges, bankers, telephone operators, shopkeepers functioned as told. The Chief Justice of East Pakistan High Court would not swear in the new provincial governor, General Tikka Khan. The authority of the central government collapsed entirely.<sup>358</sup>

On March 6 Yahya Khan announced that the Assembly would meet on the 25th day of that month. Bhutto agreed to attend on the President's assurance that he would not authenticate a constitution made by Awami League unilaterally. But in his speech on March 7 Mujib put forward his own conditions for attending the Assembly. He demanded an immediate withdrawal of the martial law, return of the army to the barracks, investigation of incidents of the army's firing to the crowds, and transfer of power to the elected representatives of the people.<sup>10</sup> Bhutto agreed with Mujib that power must be transferred to the elected representatives. But he argued that "on this there should be no question of majority or minority. If they are in a majority there, we are in a majority here. Pakistan consists of two parts. Both parts have to prosper equally." He went on to say that he had to serve the poor; those in rags and those dying of hunger, and so he had to form government. "It is the people's verdict, not mine. They want us

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<sup>357</sup> Dawn, 8 March, 1971.

<sup>358</sup> Dawn, March 2, 1971

to come into power ... It is because they want their problems to be solved. And it is the PPP alone which can serve them better and solve their problems.<sup>359</sup>

Bhutto was maligned for his reference to two majorities and demanding that power should be transferred to both of them.<sup>360</sup> His opponents in West Pakistan called it a wicked plan to divide the country. They construed his statement to mean that power should be handed over to the PPP in West Pakistan and to the Awami League in East Pakistan. But this was a misinterpretation inasmuch as no political entity of the name of West Pakistan existed at that time over which Bhutto and his party could have assumed governmental authority and power.<sup>361</sup>

Yahya Khan proceeded to Dacca on March 15 to confer with the Awami League leaders. Bhutto and some of his PPP colleagues reached Dacca on March 20 and talked with the President and his advisors. Mujib did not want to have discussions or negotiations with Bhutto; he preferred to convey his demands to Yahya Khan and expected him to secure the West Pakistani politicians agreement to them. The proposals<sup>362</sup> submitted by Mujib to Yahya Khan were rejected by Bhutto and other politicians from West Pakistan- Mumtaz Daultana, Shaukat Hayat, Mufti Mahmood, Abdul Wali Khan, Abdul Qayyum Khan, and Maulana Noorani and it seems they all rejected the idea of a settlement outside the Assembly.<sup>363</sup>

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<sup>359</sup> Dawn, March 8, 1971.

<sup>360</sup> Bhutto, *Marching Towards Democracy*, op.cit, pp.191-193.

<sup>361</sup> Anwar H. Syed, *The Discourse and Politics of Zulfikar Ali Bhutto*, op.cit., p.105.

<sup>362</sup> In Bhutto's version, the Awami League asked the president to issue a proclamation to the following effect.

1. Martial Law would be withdrawn forthwith;
2. Power would be transferred to elected representatives at the provincial level;
3. Yahya Khan would continue to operate the central government, on an interim basis, with or without advisors;
4. Relations between this central government and the government of Bangladesh would follow the Six Points;
5. Relations between the central government and the provincial governments in West Pakistan would, in the interim, follow the constitution of 1962 with the possibility that the provinces may be allowed greater autonomy with the president's approval;
6. Members of the National Assembly from East Pakistan and West Pakistan would sit, *ab initio*, as separate committees or conventions, each to prepare and submit its "report" to the National Assembly within a stipulated time which would then consider it and find "ways and means of living together." For detail please see Bhutto, *The Great Tragedy*, op.cit., pp.41-44.

<sup>363</sup> Anwar Mazdaki, *Taqseem-i-Pakistan: Sadarat Se Ghaddari Tak* [Division of Pakistan: From Presidency to Treason], Lahore: Tariq Publishers, 1972, p.23.

After four days of talks Yahya Khan and Mujib had come close to an agreement, writes G. W. Choudhry, on the modalities of transferring power.<sup>364</sup> A draft proclamation was ready; it provided for central and provincial governments composed of elected representatives, central-provincial relations on the basis of the Six Points and splitting the National Assembly into two committees. Bhutto objected to this arrangement. But at this point the Awami League leaders changed their stance. They were no longer interested in setting up of a central government, and demanded transfer of power to the provinces or to the two regions of Pakistan ... The Awami League at the rejection of this scheme by Yahya Khan presented an alternative plan on the 23 March. It envisaged two constitutional conventions and two constitutions, one for East Pakistan and one for West Pakistan, and later a "confederation of Pakistan." "The plan treated trade between East Pakistan and West Pakistan as foreign trade. Its financial provisions implied that the central government would end up making payments to the government of Bangladesh instead of receiving contributions from it. Yahya Khan and his aides proposed revision but the Awami League turned them down. G. W. Choudhry writes that the plan, submitted with the demand that the president promulgate it through a proclamation within 48 hours, amounted to an "unqualified scheme for splitting the country."<sup>365</sup> This resulted in failure of the negotiations and Yahya Khan ordered the troops to quell the 'armed rebellion'<sup>366</sup> in East Pakistan and Awami League was outlawed. A number of prominent Awami Leaguers including Mujib were arrested and all political activities were banned. Bhutto's first impression of the military action in East Pakistan was positive: "By the Grace of God Pakistan has at last been saved."<sup>367</sup> Later events proved that Pakistan could not be saved. Whether the action taken by Yahya Khan was justified is a debatable question and it does not fail within the purview of this study.

By the middle of summer the army appeared to have slowed down the independence movement in East Pakistan. The rebel forces, called the Mukti Bahini, were not able to make headway despite Indian military supplies, training, and sanctuaries.<sup>368</sup> The government of India concluded that it must act more

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<sup>364</sup> G. W. Choudhry, *The Last Days of United Pakistan*, op.cit., pp.172-175.

<sup>365</sup> Ibid., pp.175-178.

<sup>366</sup> Dawn, March 26, 1971.

<sup>367</sup> Bhutto, *The Great Tragedy*, op.cit, p.51.

<sup>368</sup> Anwar H. Syed, *The Discourse and Politics of Zulfikar Ali Bhutto*, op.cit., p.108.

directly to make Pakistan yield. The Indian army made a major incursion into East Pakistan on 17 November, 1971. Yahya Khan declared the State of Emergency throughout the country on 18 November. The *ulama* belonging to Jamaat-i-Islami, JUP and JUIP extended their full support to the imposition of emergency. The *ulama* were of the view that declaring war against India was tantamount to Jihad.<sup>369</sup> Indian forces entered East Pakistan on November 22 and advanced rapidly, meeting little opposition. By December 15 they had reached the outskirts of Dacca. Lieutenant General Amir Abdullah Khan Niazi, Commander Eastern Command sent a message to General San Manekshaw, the Indian Army Chief, requesting a cease fire and offering to surrender under certain conditions. Manekshaw insisted on a complete surrender by the following morning, and Niazi complied.<sup>370</sup> A new state of Bangladesh emerged in the community of nations.

The regime of Yahya Khan was an extension of previous regime under Ayub Khan. The policies pursued during the Ayub's era had alienated East Pakistanis to such an extent that nationalist feelings had taken roots among the Bengalis. They began to think on regional lines because of the deprivation on the hands of military junta and the bureaucracy. This was the main reason that Mujib's Six-Point Formula was considered by the Bengali of East Pakistan as their 'Freedom Charter' and they supported whole heartedly the Awami League in the 1970's elections. The success of the Awami League in these elections was indicative to this fact that the masses in East Pakistan had voted on the regional basis and their loyalties were limited to only East Pakistan.

There were many actors who played their role in the dismemberment of Pakistan comments Safir Akhtar. He is of the view that "the emergence of Bangladesh was a clear demonstration to the fact that inequity and inegalitarianism could not be justified indefinitely on the basis of Islam. The fact that both the wings of the country were united because of a common faith was no long a justification to guarantee their political integration so long as social injustices became intensified. This did not mean that the Islamic factor completely disappeared from the politics of both the countries i.e. Pakistan and Bangladesh. Bangladesh declared itself to be a secular state and the religious oriented political parties were thrown out of politics partly on ideological grounds and partly for the reason that they had collaborated with the military regime in the past."<sup>371</sup> It is interesting to note

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<sup>369</sup> Naim Aasi, *Maulana Mufti Mahmood*, Sialkot: Muslim Academy, 1977, p.151.

<sup>370</sup> Wayne Wilcox, *The Emergence of Bangladesh*, Washington, DC: American Enterprise Institute, 1973, p.50; Herbert Feldman, *The End and the Beginning: Pakistan 1969-71*, Karachi: Oxford University Press, 1976, pp.183-184.

<sup>371</sup> Safir, op.cit., p.517.

that Traditionalists have been in general supportive of Martial Law regimes in Pakistan with the exception of Ayub's rule. In March 1971 when the Armed Forces launched military operations in East Pakistan to preserve the "Ideological frontiers of Pakistan", the neo-Traditionalists showed complete solidarity with the Army's action.<sup>372</sup> This Army neo-Traditionalist collaboration, besides other factors, was a crucial factor which resulted in the break up of Pakistan.<sup>373</sup>

The elections results and the subsequent developments in which East Pakistan became Bangladesh testify to the fact that religion was asked to play a role without the much needed socioeconomic and political justice. Apparently it seems that the realities of political deprivation outweighed the emphasis of Islam.

In summation, one can say that religion was monopolized by those who were neither sincere nor willing to impart those aspects of Islam which could have saved the situation and which were in actuality part of the manifestos of the so-called secularly oriented political parties.

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<sup>372</sup> Godfrey H. Jansen, *Millitant Islam*, London: Pan Books, 1979, pp.153-154.

<sup>373</sup> Saeed Shafqat, "Politics of Islamization: The Ideological. Debate on Pakistan's Political System", *Asian Profile*, Vol.15, No.5, October, 1987, p.452.

## CHAPTER-III

### CONSTITUTIONAL AND LEGISLATIVE MEASURES AND ISLMIZATION UNDER BHUTTO

The demand for immediate transfer of power before the situation normalized in East Pakistan was repeated on many occasions but the military rulers did not accept the PPP contention. After the fall of Dacca, the Generals had no choice but to hand over the reins of government to Bhutto. The General would have liked to stay in power but the country-wide demonstrations against Yahya Khan and his colleagues forced them to change their mind. On 20th December, 1971 Yahya Khan resigned and Z. A. Bhutto assumed the office of President of Pakistan and the Chief Martial Law Administrator. Bhutto was the first civilian head of the state since the establishment of Pakistan who had assumed the office of the Chief Martial Law Administrator because of the complexities of the post-1971 crisis. He carried the support of 81, MNAs out of 148 in the National Assembly and thus was the leader of the majority party. He was assured that with the passage of time, he would be able to muster more support in the National Assembly.<sup>374</sup>

#### Pakistan's Search for Identity

Bhutto stepped into the Presidency at the time of gravest crisis. The loss of East Pakistan had caused unprecedented anguish. Fears were being expressed about the future of what was left of Pakistan. Bhutto was, however, determined to pull the nation out of the crisis. His first address to the nation was reassuring and full of pleas to the people to rise to the occasion:

“We have to pick the pieces, vary small pieces but we will make a new Pakistan, prosperous and progressive Pakistan, a Pakistan free of exploitation, a Pakistan envisaged by the Quaid-i-Azam, a Pakistan for which the Muslims of the sub-continent sacrificed their lives and their honour in order to build this new land. That Pakistan will come, it is bound to come. This is my faith and I am confident that with our cooperation, understanding and patience we will emerge as a stronger and a greater state.”

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<sup>374</sup> Bhutto managed to secure 108 votes to become Prime Minister on 14 August, 1973, when the 1973 Constitution was promulgated.

The most important problem Pakistan confronted with after the emergence of Bangladesh was its identity. As mentioned earlier, Pakistan was created on the basis of "Two-nation Theory" in which the Muslims and Hindus of the Indian subcontinent were not merely to be two religious communities, but two separate nations that could not coexist harmoniously within one nation-state, especially under "*Hindu raj*". After the establishment of Pakistan, Pakistanis were constantly reminded about the glorious period of the Islamic empire and the rich heritage of the Islamic civilization, as well as encouraged to dream about being in the vanguard of a resurgent Islamic movement.<sup>375</sup> As Prime Minister Liaqat Ali Khan declared:

Pakistan came into being as a result of the urge felt by Muslims of this subcontinent to secure a territory, however limited, where Islamic ideology and way life could be practiced and demonstrated to the world. A cardinal feature of this ideology is to make Muslim brotherhood a living reality. It is, therefore, part of the mission which Pakistan has set before itself to do everything in its power to promote closer friendship and cooperation between Muslim countries.<sup>376</sup>

It was believed by the Pakistani masses that Islam would be the unbreakable and everlasting bond that would hold together the unique "Islamic Republic" comprising two wings separated by over one thousand miles of India. Virtually no Pakistani questioned that notion for over two decades, and the indications coming from East Pakistan were either ignored or presented as conspiracies by frustrated individuals. The catastrophic civil war of 1971 convinced the East Pakistanis that Yahya Khan's regime, like that of his predecessor, had conspired to deny them their democratic and economic rights. Under these circumstances, appeals made by the regime in the name of a united Pakistan based on Islamic ideology had no positive effect whatsoever on the people of East Pakistan who seceded in mid December, 1971.

In fact, the secession of East Pakistan was shocking and painful for the people of West Pakistan. They were depressed by the news that India's predominantly Hindu armed forces had not only defeated the Pakistan army, but were warmly received by the East Bengalis as "liberators." They were angered when they found out that 93,000 of their soldiers and civilians employees had been rounded up by the Awami League and the Indian army, and sent to prisoner-of-war camps in Bangladesh and India. They were infuriated when it was announced

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<sup>375</sup> This was the part of political nation-building task, and served as an effective counterbalance to centrifugal forces in a new nation-state.

<sup>376</sup> Quoted in Hafeez-ur-Rahman Khan, "*Pakistan's Relations with the U.A.R.*", Pakistan Horizon, Vol. XIII, No. 3, Third Quarter 1960, pp.209-210.

that Awami League leadership would try and execute some of the officers of Pakistan army as war criminals.<sup>377</sup>

Initially, it was undoubtedly painful for Pakistanis to see friendly relations between Bangladesh and India and changing of name of East Pakistan by the leadership of Awami League. It was also great surprise for Pakistanis when the Awami League leadership de-emphasized Islam in Bangladesh's first constitution and elevated the importance of secular nationalism, socialism and secularism instead. Another disturbing thing was the national anthem of Bangladesh written by Rabindarnath Tagore,<sup>378</sup> who came to be revered more than any Muslim scholar in the newborn nation.

In addition to these multiple shocks, Pakistanis were exposed to the global mass media commenting upon the failure of the "two-nation theory". India began to propagate that Gandhi and Nehru were right in their belief that the "two-nation theory" was weak and unworkable foundation on which to base a modern-day nation-state, and that it had no roots in Muslim minds.<sup>379</sup> Shri Ram Sharma, an Indian writer opined that "The erroneous concept that religion, which is entirely a personal matter, could be made the basis of state", was exposed as a "myth".<sup>380</sup> It is reported that M. C. Chagla, a former foreign minister of India, had encouraged his government to support the mass movement for Bangladesh because it would "destroy once and for all the Two-nation Theory ... on which Pakistan stands, and on which our country was divided."<sup>381</sup> Most of the scholars and commentators were of the considered opinion that Pakistan was a uniquely absurd geographical and ideological state. The slender thread of a common religion ultimately proved inadequate to hold the two distant and strikingly different wings of country together. Such factors resulted in serious questioning of Pakistan's nationhood. Yaheed-uz-Zaman summed it up best asserting:

The mind of [the] Pakistani intellectuals has often been agitated by a consideration of the question of our national identity.... But since the

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<sup>377</sup> The Daily Jung, 12 April, 1972.

<sup>378</sup> Yatindra Bhatnagar, *Bangla Desh-Birth of A Nation*, Delhi: Indian School supply Depot, 1971, pp.156-157.

<sup>379</sup> Jawaharlal Nehru, *The Discovery of India*, New York: The John. Day Co., 1946, pp.396-397.

<sup>380</sup> Shri Ram Sharma, *Indian Foreign Policy: Annual Review*, New Delta: Sterling Publishers, 1977, p.14.

<sup>381</sup> C. Chagla, "Bangladesh and Conscience of the World", in S. C. Kashyap, (ed.), *Bangladesh: Background and Perspectives*, New Delhi: National Publishing House, 1971, p.3.

traumatic events of 1971 this Self-questioning has assumed the proportions of a compelling necessity. Sensitive and thinking minds are asking questions which are no longer academic inquiries or theoretical concepts, but questions of national continuity and survival. What are the links that bind the people of Pakistan? What is the soul and personality of Pakistan? What is our national identity and our peculiar oneness which makes us a nation apart from other nations?<sup>382</sup>

Another Pakistani scholar called it “an identity crisis”<sup>383</sup>, while an American scholar noted that “the trauma associated with the 1971 dismemberment is not necessarily visible, but it permeates the attentive public’s psyche.”<sup>384</sup>

The world public opinion that the “two-nation theory” on which Pakistan had been founded was dead, was not agreed to by many patriotic Pakistanis. Bhutto wrote:

It has been said that the dismemberment of Pakistan has destroyed the two-nation theory on which Pakistan was found -- that is, that the Muslims and Hindus historically form two separate nations in the subcontinent. The break between East and West Pakistan does not, however, mean that Bangladesh is willing to be absorbed into India. On the contrary she vociferously proclaims her independence, an independence which can only be predicated upon her distinctive Muslim character and separateness. Bangladesh is in fact the former Muslim Bengal.... The claim of Bangladesh to secularism in no way alters this fact. Indeed, secularism is the essence of tolerance and the rejection of theocracy inherent in Islamic political culture.

The second fact which belies the assertion that Pakistan has lost her *raison d'être* owing to the emergence of Bangladesh is the verifiable historical fact that Pakistan was originally intended to comprise only the northwest zone of the South Asian subcontinent .... Then again, the famous Lahore Resolution of the All India Muslim League, adopted on March 23, 1940, demanded the constitution of two independent states in the Muslim-majority areas in the northwest and the northeast to combine under a singly sovereignty, as they did in 1946-47 and for a quarter century

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<sup>382</sup> Wahoed-uz-Zaman, “Editor's Note”, in *The Quest for Identity* proceedings of the First Congress on the History and Culture of Pakistan, Islamabad: University of Islamabad, 1974, p.i.

<sup>383</sup> Sarfraz Hussain Khawaja, *The Quest for Identity*, Ibid., p.112.

<sup>384</sup> Lawrence Ziring, “Introduction”, in Lawrence Ziring, Ralph Prahanti and W. H. Wrigging, *Pakistan: The Long View*, Durham: Duke University Press, 1977, p.6.

thereafter, or whether they continue to live apart, as they do now, the basis of their statehood remains as it was established in 1947.<sup>385</sup>

A scholar came with a more potent response to the dismemberment of Pakistan emphasizing upon the Islamic foundations of Pakistani nationhood stating:

The wish to see the kingdom of God established in a Muslim territory .... was the moving idea behind the demand for Pakistan, the corner-stone of the movement, the ideology of the people, and the *raison d'être* of the new nation-state .... If we 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?<sup>386</sup>

The more religious oriented Pakistanis considered the dismemberment of Pakistan as a manifestation of Allah's displeasure with a nation that had failed to be truly Islamic. They were of the view that the secularized and Westernized Pakistani leaders had not only failed to create a genuine "Islamic state" based on the Islamic ideology of Pakistan, but had exhibited inordinate personal ambition and avarice. They insisted that their country would have not dismembered if the governing elite had made a more sincere and dedicated commitment to the Islamic notions of equality, justice, brotherhood, consultation and consensus-notions that contributed to the conversion of Hindus to Islam in the Indian subcontinent, as well as to the creation of Pakistan itself.<sup>387</sup>

Maulana Maududi attributed the dismemberment of the country to the Pakistan's un-Islamic leaders and the lack of Islamization, which had resulted in numerous evils like regionalism, parochialism and class-conflict. He voiced the sentiments of both the fundamentalists as well as the Traditionalists when he wrote:

The most important task today is not merely to rebuild the shattered unity of Pakistan and to defend its freedom which is being menaced by Hindu imperialism, but once again to resurrect the dream of creating a basis of a

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<sup>385</sup> Zulfikar Ali Bhutto, "Pakistan Builds Anew", Foreign affairs, Vol 51, N. 3, April 1973, p.545.

<sup>386</sup> Waheed-uz-Zaman, op.cit., p.i.

<sup>387</sup> Many of the traditional religious scholars as well as *Islam Pasand* parties were of the opinion that the dismemberment of Pakistan was on account of un-Islamic policies on the part of rulers. The issue was debated in the news papers for months.

Muslim polity in the heathen desert .... to weave once again the moral fabric of Islamic polity which alone can face up to the problems of narrow regionalism which are threatening us in Pakistan.<sup>388</sup>

The tragedy of break up of the country brought a change in the outlook of political elite as well as the masses and they began to think more on Islamic terms. The remaining Pakistan consisted of four provinces having different traditions and attitudes. It was necessary to frame such a constitution which could meet the aspirations of all the federating units. Before we turn our attention to the 1973 Constitution, it would be more appropriate, if relations of the *Ulama* and Bhutto are also discussed briefly.

### **The Ulama and Bhutto**

The *ulama* and the religious political parties like Jamaat-i-Islami and JUP were harsh critics of socialism and under the prevailing conditions in the country it was necessary for Bhutto to get support of the religious faction of the society. For this purpose, it was essential for him to carry the *ulama* along with him. In order to appease the *ulama*, Bhutto replaced 'Socialism' with the phrase of 'Islamic Socialism' and *Muwat-i-Muammadi*. This change could not suit Maulana Maududi and other religious parties which had condemned this concept during the election campaign and continued its opposition even after Bhutto had taken over as the chief executive of the country.

Bhutto did speak for implementation of an economic structure based on socialism, yet he completely discarded communism.<sup>389</sup> What did Bhutto visualize of socialism could become clear only after his government's policies took effect. Jamaat-i-Islami believed that Bhutto was inspired by socialism as practiced in China<sup>390</sup> and would implement his Islamic socialism on the same pattern. The leader of JUP, Maulana Shah Ahmad Noorani also shared Maududi's views and he took the stand against socialism. Among the religious-political parties, it was only JUIP which supported Bhutto. Although, the PPP and JUIP were not able to evolve any working alliance during 1970s election, yet Bhutto succeeded in

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<sup>388</sup> Quoted in Dewan Berindranath, "*Impact of Bangladesh--Declining Role of Religion and Army and Prospects for Democracy*", *South Asian Studies*, Vol. 7, No.2, July 1972, p.195.

<sup>389</sup> Mushtaq Ahmad, *Government and Politic in Pakistan*, op.cit., Appendix 3, p.l. Also quoted in Khalil B. Sayeed, *Politics in Pakistan: The Nature and Direction of Change*, New York: Praeger, 1980, p.88.

<sup>390</sup> Safir, op.cit., p.528.

assuring the NAP and JUIP that the PPP was willing to establish a working alliance with them.<sup>391</sup>

Like previous regimes who had ruled the country in the name of Islam, Bhutto also claimed that his main objective was to serve the Islamic cause. It is interesting to note orientation and outlooks of all such politicians who were secular and Bhutto was not an exception. He did respect the great *saints* and *sufis* yet his ideas were totally based on Western teachings. Bhutto seemed to be very much influenced by the men like Napoleon Bonaparte who occupied a central place as a political role model in Bhutto's life. Bhutto viewed that '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...'<sup>392</sup> Bhutto was also influenced by Kamal Attaturk of Turkey, whose efforts brought Turkey on to the path of progress and westernization. He was also very close to Shah of Iran whom he perceived developing Iran on the basis of secular political ideas.<sup>393</sup>

Bhutto was determined to bring progress and prosperity in the country through new ideas. This did not suit the *ulama* who believed in traditional means of progress. They feared that Bhutto was really committed to the ideals of secularism and socialism. They thought that he would be able to enforce his policies on the basis of the popular mandate he had received and the support he enjoyed among the secularist and socialist elements.<sup>394</sup> The *ulama* believed that under such circumstances their religious parties would not be able to influence the masses. So they opposed and criticized his policies. Bhutto, however, continued giving importance to 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...<sup>395</sup>

Despite the fact that he gave too much importance to Islamic ideals, it could not stem the tide of general feelings prevailing among many that he did not attach

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<sup>391</sup> Dawn, January 21, 1970.

<sup>392</sup> Zulfikar Ali Bhutto, *If I am Assassinated*, Delhi: Vikas Publishing House, 1979, pp.122-123.

<sup>393</sup> Safir, op.cit., p.529.

<sup>394</sup> Ibid.,

<sup>395</sup> Quoted in Satish Kumar, *The New Pakistan*, Delhi: Vikas Publishing House, 1978, pp.364-365.

any special importance to Islam with especial reference to Pakistan and that Islam would fare no better there than in the other Muslim countries.<sup>396</sup>

The situation during 70s in Pakistan was quite the same which prevailed in undivided Pakistan. Islam was the only factor which bound the four provinces of Pakistan together. The *ulama* were of the view that the grievances of different ethnic, linguistic and cultural groups could only be removed through the application of Shariah otherwise these differences between the various parts of the country could lead to a further dismemberment of it.<sup>397</sup>

The religious-political parties had only 18 MNAs, but this tiny group of *ulama* had a stronger voice in the National Assembly. The PPP had a very little representation in the provinces of NWFP and Baluchistan whereas the JUIP was strong enough in both these provinces because of the way the seats had been distributed between different political parties. The NAP and PML (Qayum) in the NWFP could form the government with the support of minor parties and independent members. Because of the important position of the JUIP in the Baluchistan Assembly, Mufti Mahmud offered a formula for coalition with any of the parties [NAP and PML(Qayum)] which contained two points:

1. The coalescing party would support JUIP in its stand on the process of constitution-making; and
2. The provincial governments would abide by the injunctions of Sharjah to the extent per fitted by the limitations under which they functioned.<sup>398</sup>

This formula brought JUIP and NA.P together and they agreed to support each other in forming the governments in Baluchistan and NWFP. The JUIP chose to support NAP because of the reason that coalition with PML (Qayurn) would guarantee sharing power only in the NWFP as there was no chance for PML(Qayum) to form the government in Baluchistan. The NAP leadership was considered to be more reliable politically than the PML (Qayum) leadership because of its consistent stand in the politics of Pakistan.<sup>399</sup> It was quite ironical

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<sup>396</sup> Bhutto, *If I am Assassinated*, op.cit., p.120.

<sup>397</sup> Ghulam Azam, *Nawa-i-Dard: Mashraqi Pakistan Key Musalman Aur Bangladesh*, Lahore: Idar-i-Afkar-i-Naw, 1972, p.28.

<sup>398</sup> Naim Aasi, *Mufti Mahmud*, op.cit., pp.147-148.

<sup>399</sup> Safir, op.cit., p.534.

that both the parties followed different ideologies yet agreed to cooperate with each other just in order to share power.<sup>400</sup>

Bhutto knew that the NAP was the only party which followed secular approach and its support could be beneficial for the PPP in the National Assembly as well in the provincial assemblies of Baluchistan and the NWFP. The ban imposed by Yahya Khan on the NAP was lifted and Bhutto's intention in doing so was to start with a clean slate.<sup>401</sup> This paved the way of goodwill and cooperation between the NAP and the PPP.

JUIP and NAP demanded that the appointment of the governors in the NWFP and Baluchistan should be made after their consultation, but Bhutto did not like to give way to such demands. They pressurized Bhutto to withdraw Martial Law and restore democracy. Bhutto, who himself had been an opponent of Martial Law earlier, was vulnerable to such vociferous demands.<sup>402</sup>

He, therefore, made an accord with NAP and JUIP on 5 March, 1972,<sup>403</sup> in order to retain their support. The tripartite accord between NAP, JUIP and PPP was as under:

1. An Interim Constitution based on the Government of India 1935 would be framed.
2. Martial Law would continue to be in force upto 14th 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 the NWFP and Baluchistan.<sup>404</sup>

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<sup>400</sup> The Pakistan Observer, 12 March, 1972.

<sup>401</sup> Zulfikar Ali Bhutto, *Speeches and Statements- December 20, 1971-March 31 1972*, Karachi: Department of Films and Publications, 1972, p.14.

<sup>402</sup> Safir, op.cit., p.535.

<sup>403</sup> Bhutto, *Speeches and Statements-December 20 1971-March 31 1972*, op.cit., pp.124-127.

<sup>404</sup> Quoted in Safir, pp.535-536.

This accord strengthened the position of the PPP and it was now in a position to initiate any move in the National Assembly which could be carried through with majority.

### **Coalition Governments in NWFP and Baluchistan**

Bhutto withdrew Martial Law on 14 April, 1972 and sought an alliance with PML (Qayum) in order to contain the influence of the NAP and JUIP.<sup>405</sup> In accordance with the accord the NAP-JUIP coalition governments were formed in NWFP and Baluchistan under the chief ministership of Mufti Mahmud and Ataullah Khan Maingal respectively. The NAP-JUIP coalition governments lasted until February 14, 1973. The Government of Baluchistan was dismissed by the central government on the grounds that it had failed to work in accordance with the conditions set out by the latter at the time of its installation.<sup>406</sup> This act of the central government was considered by many as undemocratic and blatant interference in the provincial affairs. The NWFP government under Mufti Mahmud resigned in protest against the arbitrary dismissal of Baluchistan government.<sup>407</sup>

### **Politic of Religion under Mufti Mahmud as Chief Minister**

According to pledge in its election manifesto, JUIP government under Mufti Mahmud did take some measures in order to implement Shariah in the NWFP society. A ban on liquor consumption and gambling was imposed. An ordinance was issued under which reverence for the month of Ramazan was enjoined on commercial establishments. Hotels and restaurants were ordered to remain closed during the day time throughout the month of Ramazan. The Frontier Assembly recommended to the National Assembly for weekly holiday on Friday instead of Sunday. An ordinance was issued with the aim of curbing social problems caused by the highly entrenched dowry system.<sup>408</sup> It placed restrictions on the expenditure incurred on the marriage ceremony and also prohibited the

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<sup>405</sup> Ibid.,

<sup>406</sup> For detail please see Government of Pakistan, White Paper on Baluchistan, Islamabad: Government of Pakistan, 1974), pp.9-ii. Also see Selig S. Harrison, In Afghanistan's Shadow: Baloch Nationalism and Soviet Temptations, Washington D.C.: Carnegie Endowment for International Peace, 1981.

<sup>407</sup> Nur-ul-Haq Qureshi, *Mufti Mahmud Ki Siyasat*, Multan: Maktihah-i-damiah Rabbaniyah, 1974, pp.113-114.

<sup>408</sup> The tradition of providing sumptuous dowry for the bride, at the time of marriage created great difficulties for the poor. Because of this evil tradition, many women remain unmarried as their parents cannot afford to arrange a dowry for them.

display of the dowry. This ordinance resulted in the enactment of a comprehensive *Dowry and Bridal Gifts (Restriction) Act, 1976*.

The Mufti administration also introduced a prerequisite for Muslims willing to get themselves enrolled in a degree college or University. The ordinance provided that they should demonstrate competence in the reading of the Quran and their knowledge of the meanings of the *salat* in their mother tongue.<sup>409</sup> The NAP and JUIP in their election manifestos had promised radical changes in the economy. The NWFP government issued an ordinance relating to acquisition of property or means of production in the public interest during September, 1972. JUIP reacted sharply to the ordinance and its *Majlis-i-Shura* resolved that the ordinance should be withdrawn because of the reason that Islam did not give the State any right to take over any property without compensation. The ordinance was withdrawn.<sup>410</sup>

Although, NAP and JUIP were able to form coalition governments in NWFP and Baluchistan yet their ideological orientations differed from each other. In the NWFP, the coalition government was unable to bring any visible changes in the society. Although the attempt to restrict dowry represented an important step yet this could not be enforced fully. The attitude of JUIP on the issue of the acquisition of means of production was no different than that of the other religious parties. Another change in government offices was the use of traditional dress and of Urdu language. The traditional dress of the NWFP and Baluchistan is Shalwar and Kameez. Mufti Mahmud and his fellow *ulama* were also used to this dress which became official dress of their officials. The adoption of Urdu as official language was the fact that the *ulama* did not understand English and the bureaucracy was also compelled to shift emphasis from English to Urdu in NWFP and Baluchistan.<sup>411</sup>

If one glances through the steps taken by the provincial governments in NWFP and Baluchistan to Islamize the society, it appears that no positive measures were taken for the general welfare of the masses. The JUIP, who happened to occupy political power in both the provinces of Pakistan, could have initiated those moves which really meant to bring equity, justice and fairplay in the society. But all the steps taken appeared to be cosmetic in nature as the prohibition on alcohol and gambling could only route the evil elements from the society provided there would have been a strict vigilance in enforcement of these

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<sup>409</sup> Safir, op.cit., p.539.

<sup>410</sup> Nur-ul-Haq Qureshi, op.cit., pp.138-140.

<sup>411</sup> The Pakistan Observer, 17 July, 1973.

measures. The societies cannot be changed through theories but practicality must be there in order to see the societies going through a vital change.

The performance of the so-called *Islam pasand* (Islam loving) parties was quite poor in the 1970s election which caused turmoil within the rank and file of these parties.<sup>412</sup> After the election, attempts were made to unite the different factions of PML and in October, 1973, the Sindh branches of PML (Qayun) and PML (Councilors) were united. PFL (Convention) united itself with PML (Councilors) on all Pakistan level.<sup>413</sup> A new PML emerged under the leadership of Pir Mardan Shah popularly known as Pir of Pagara,<sup>414</sup> the hereditary chief of *Hurs* of Sindh. *Hurs* had fought against the British during the early 40s under the leadership of Pagara's father.<sup>415</sup> The Pir of Pagara is a feudal lord of Sindh and enjoys great respect among his followers (*Hurs*) and occupies a great prominence in the politics of Sindh.

The Jamaat-i-Islami's leadership was also changed and Mian Tufail Muhammad became its chief.<sup>416</sup> Similarly, the JUP came under the leadership of Shah Ahmed Noorani, who replaced Pir Qamarud Din Siyalwi because of his resignation. A faction of the JUP under the influence of Sahibzada Faiz-ul-Hassan defected from the main body of JUP and extended its support to the PPP. Similar factions emerged within the JUIP as Maulana Ghulam Ghaus Hazarvi was willing to forge closer links with the PPP than with NAP.<sup>417</sup>

There seemed no cooperation between the opposition parties which made the position of the ruling party stronger. This gave a realization to them that it was necessary to unite in order to survive politically and face the PPP with one force. The Jamaat-i-Islami took the initiative in uniting the different opposition parties inside and outside the National Assembly.<sup>418</sup> The treatment of NAP and JUIP on the hands of the PPP and relentless campaign of insinuation to which both the parties were subjected resulted in NAP and JUIP cooperation with the Jamaat-i-

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<sup>412</sup> Safir, op.cit., p.540.

<sup>413</sup> Ibid., p.541.

<sup>414</sup> Ibid., p.541.

<sup>415</sup> For a detailed account of *Hurs*, please see H. T. Lambrick, *The Terrorist*, London: Ernest Den Limited, 1972.

<sup>416</sup> Fazlur Rahman, *Islam and Modernity*, Chicago: University of Chicago Press, 1982, p.117.

<sup>417</sup> Safir, op.cit., p.541.

<sup>418</sup> Ibid., p.542.

Islami. A meeting of the representatives of seven parties [NAP, JUIP, Jamaat-i-Islami, PDP, Khaksar Tehrik (KT),<sup>419</sup> PML (Pagara), All Jammu and Kashmir Muslim Conference (AJKMC)] and a few independents MNAs was held at Islamabad on 12 March, 1973, which resulted in the formation of the United Democratic front.<sup>420</sup> Pir of Pagara and Professor Abdul Ghafoor of Jamaati-Islami were elected President and General Secretary of the alliance respectively. The front issued a 12-point programme which covered a considerable range of matters. It emphasized the need for a joint struggle in order to achieve a truly Islamic, democratic and parliamentary constitution, to protect the basic rights, to attain regional autonomy within the context of national integrity, the restoration of the students, workers and intellectuals' rights and resistance to fascism.<sup>421</sup>

This unity of opposition parties resulted in the establishment of UDF which seemed to be an important political development in the history of Pakistan. The UDF was in fact formed to attract support of different shades of opinion. It is interesting to note that the socio-economic programmes of all the parties of this alliance were altogether different. The Jamaat-i-Islami gave importance to Islamic factor while NAP had a different view on the issue. The alliance included parties at the extreme of political spectrum like Jamaat-i-Islami and NAP.<sup>422</sup> Similarly, there was rift between the *ulama* on various issues. Mufti Mahmud while trying to clarify his position stated that their views about Maududi were the same and cooperation was limited to achieve common objective.<sup>423</sup>

This clarification could not save factionalism in the JUIP and Maulana Ghulam Ghaus Hazravi formed his own party parallel to JUIP under his own rare. It appears from the statement of Mufti Mahmud that the alliance was just struck in

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<sup>419</sup> It is the remnant of *Khaksar Tehrik* which was founded in 1931. Inayatullah Khan Al-Mashragi (1881-1963) was its founder, who was committed to militarism, which, in his view, was comparable with the Islamic way of life and the principle of the survival of the fittest. He claimed to be infallible leader of the party and demanded unquestioned obedience from the rank and file. The founder disbanded the party just before independence, but a few ardent workers continued to uphold the name of the party. For detail see W. C. Smith, *Modern. Islam in India: A Social Analysis*, London: Victor Gollancz Limited, 1946, pp.235-245.

<sup>420</sup> Safir, op.cit., p,542.

<sup>421</sup> *I'lan-i-Islamabad* [Islamabad Declaration] (n.d) A cyclostyled copy issued by the United Democratic Front, Rawalpindi District.

<sup>422</sup> Safir, op.cit., p.543.

<sup>423</sup> Mufti Mahmud, *Qaumi Masail Aur Jamait-ul-Ulama-i-Islam*, Lahore: Kul Pakistan Jamiat-ul-Ulama-i-Islam, 1975, pp.52-53

order to oppose the ruling party as every religious party wished to retain its own identity and had its own programme.

### Recognition of Bangladesh

The issue which became subject of controversy was the nature of relations Pakistan should have with Bangladesh.<sup>424</sup> Bangladesh had become a reality in the shape of a sovereign state and Bhutto was fully aware of this fact. He did not like to concede this political reality for some time because of the reasons that he wanted to consolidate his power and instill a sense of confidence in his people. Secondly, most of the religious and political parties well as a considerable section of the intelligentsia had accused Bhutto for playing dubious role in the crisis of East Pakistan and it was believed that he would have not been able to get power without the secession of East Pakistan.<sup>425</sup> The solution of problem created by the 1971 war between India and Pakistan depended upon the recognition of Bangladesh. The pressing problem relating to this included the withdrawal of Indian forces from occupied territories of Pakistan, the repatriation of about 93,000 prisoners of war (POWs),<sup>426</sup> the guarantee of peace with India in future and conciliation between Pakistan and Bangladesh on the issues relating to assets and liabilities. The government included only two East Pakistanis (non-Awami Leaguers) just to derive political benefit from their peculiar position. Nur-ul-Amin was appointed Vice-President of Pakistan while Raja Trideve Roy was taken as Minister for Minorities Affairs.<sup>427</sup>

Sheikh Mujibur Rahman, who had been in Pakistan's custody since his arrest during the crisis in East Pakistan, was released by Bhutto on January 8, 1972.<sup>428</sup> Bhutto was of the view that it would pave way for good relations between Bangladesh and Pakistan.<sup>429</sup> In fact Bhutto wanted to avoid India while

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<sup>424</sup> Safir, op.cit., p.544.

<sup>425</sup> David Dunbar, "Pakistan: The Failure of Political Negotiations", Asian Survey, 12 [1972] : 5, pp.44-61.

<sup>426</sup> According to the Indian sources, the statistical break-down of POWs as under:

Military prisoners	56,998
Para-military prisoners	18,287
Civilian including Policemen	16,213

[Quoted in Dilip Mukerjee, Zulfikar Ali Bhutto: Quest for Power, op.cit., p.218.

<sup>427</sup> Safir, op.cit., p.545.

<sup>428</sup> Bhutto, *Speeches and Statements December 20, 1971-March 31, 1972*, op.cit., p.52.

<sup>429</sup> Zulfikar Ali Bhutto, *Speeches and Statements, July 11, 1972; September 30, 1972*, Karachi: Department of Films and Publications, 1972, op.cit., p.191.

negotiating with Mujib. In order to win Mujib, Bhutto made a gesture by offering 122,000 tons of rice to meet the food shortage in Bangladesh during February, 1972. He also invoked the Islamic bond that united Pakistan and Bangladesh.<sup>430</sup> In a speech he declared that Muslim Bengal suffered more than any other (part of the sub-continent) under Hindu domination and it will remain a part of Pakistan. He wished to meet the leaders of Bengal in order to arrive at a settlement within the concept of Pakistan.<sup>431</sup>

These statements were not more than political statements. Bangladesh had become a reality and it was being recognized by the countries all over the world. Initially, Pakistan had responded to break off diplomatic relations with those countries which recognized Bangladesh as a sovereign state but this move did not work.<sup>432</sup> After Bangladesh was recognized by the Soviet Union, Bhutto was of the view that he could not break off diplomatic relations with Moscow, and soon diplomatic ties with all other countries who had recognized Bangladesh were resumed.<sup>433</sup>

The unity of East and West Pakistan was upheld in the Interim Constitution.<sup>434</sup> The problems created by war required an immediate settlement. Bhutto left for Simla in June, 1972 in order to have dialogues with the Indian Prime Minister on issues relating to war and Bangladesh. Bhutto used the same card which he had played while releasing Mujib and asked the crowd, present at the Lahore airport to give him send-off, whether the state of Bangladesh should be formally recognized. The response of the crowd was quite different which Bhutto had received at Karachi. In fact Punjab had suffered loss of property and its soldiers had borne the brunt of the war. A loud 'no' from the crowd compelled Bhutto to promise not even to talk about the question of recognition of Bangladesh on the Indian soil.<sup>435</sup>

An agreement between India and Pakistan was signed on 2 July, 1972, (popularly known as Simla Agreement) did not contain any reference to the recognition of

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<sup>430</sup> Bhutto, *Speeches and Statements December 20, 1971 to March 1972*, op.cit., p.140.

<sup>431</sup> Quoted in Dilip Mukerjee, op.cit., p.18.

<sup>432</sup> Safir, op.cit., p.546..

<sup>433</sup> Ibid.,

<sup>434</sup> Government of Pakistan, *The Interim Constitution of the Islamic Republic of Pakistan*, Islamabad: Printing Corporation of Pakistan Press, 1972, Art. 2 and 267, p.2 and p.76.

<sup>435</sup> Quoted in Safir, on.cit., p.546.

Bangladesh. However, the Indian Press speculated that Pakistan would recognize Bangladesh before August, 1972.<sup>436</sup> Bhutto on his return from Simla, persistently denied that he was contemplating the recognition of Bangladesh. The recognition of Bangladesh<sup>437</sup> was forcefully opposed by the Jamaat-i-Islami, JUP, JUIP and other like-minded political parties.<sup>438</sup>

Bangladesh failed to achieve the membership at the UN as it was vetoed by Pakistan's close ally the People's Republic of China on August 25, 1972. As stated earlier, the Jamaat-i-Islami and JUP was more vocal in opposing the recognition of Bangladesh. Bhutto met Maududi in Lahore on 9 September, 1972 and complained that his party's stand on the recognition of Bangladesh was very rigid.<sup>439</sup> Maududi and his party could not be converted to Bhutto's view and campaign against the recognition became more intensified.

Bhutto, however, continued to advocate the recognition of Bangladesh.<sup>440</sup> The lobby which opposed the recognition presented different arguments.<sup>441</sup> The anti-recognition campaign and protest rallies in the Punjab based on emotional appeals prevented Bhutto in making any move towards the formal recognition of Bangladesh. The anti-recognition campaign was so strong that Bhutto was also compelled to shout, along with the audience, the slogan of '*Bangladesh-Na-Manzoor*' (Bangladesh-no recognition) at public meetings.<sup>442</sup> Bhutto was trapped in a very critical situation. On the one hand, he failed to take the people with him over the issue of recognition, and, on the other, pressure from the families of POWs was mounting for their immediate return. The delay in the repatriation of POWs was blamed on Bhutto's vacillation. Caught in a tangle of opposing political forces, Bhutto adopted a policy which appeared to be contradictory appearing in totally different guises within and outside Pakistan.<sup>443</sup> At home he

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<sup>436</sup> Satish Kumar, op.cit., p.250.

<sup>437</sup> Bhutto, Speeches and Statement, July 1, 1972 September 30, 1972, op.cit., p.7

<sup>438</sup> Quoted in Safir, op.cit., p.547. For detail see Mian Tufail Muhammad, *Bangladesh Ko Manzoor Karnay Ka Faislah Qaum Ka Faisla Nahin Hay*. Lahore: Jamat-i-Islami, 1973.

<sup>439</sup> Ibid., p. 548. For detail see Jamaat-i-Islami Pakistan, *Rudad Jamaat-i-Islami Pakistan*, 1972, Lahore: Jamaat-i-Islami Pakistan,

<sup>440</sup> Mian Tufail Muhammad, *Bangladesh Ko Manzoor Karney Ka Faislah....*, op.cit., p.41.

<sup>441</sup> Syed Abul A' la Maududi, *Saqut-i-Mashriqi Pakistan Kay Asbab*, Lahore: Jamat-i-Islami, 1972. pp.13-14.

<sup>442</sup> Aeshiya, (Asia) 14, January 1973, p.11.

<sup>443</sup> Safir, op.cit., p.550.

took the plea that recognition would facilitate the repatriation of POWs and abroad he made vigorous diplomatic efforts to separate the question of POWs from the recognition issue.<sup>444</sup>

Under these circumstances, Bhutto came out with a proposal that the National Assembly should pass a resolution empowering the Prime Minister to recognize Bangladesh formally, when recognition was, in the government's judgement, in the best interest of the nation. This suggestion was objected by the anti-recognition lobby on the grounds that the National Assembly had no right to discard a part of the country.<sup>445</sup> Bhutto referred the matter to the Supreme Court of Pakistan to counter the opposition of the *ulama* and their religious parties. The Court was of the opinion that there was no 'legal bar to the National Assembly considering or adopting a resolution'<sup>446</sup> as required under the circumstances. This decision of the Court proved to be a set back for anti-recognition lobby and took the wind out of its sails.<sup>447</sup>

The neo-Traditionalists and Traditionalists and other like minded groups boycotted the proceedings of the National Assembly when it passed a resolution for the recognition of Bangladesh on 10 July, 1973. NAP also supported the religious parties. Bhutto through his tactfulness had made the anti-recognition lobby totally ineffective. The trial of 195 POWs was also suspended by India and Bangladesh on account of Bhutto's political moves. His diplomacy prevented most of the Middle Eastern countries (*i.e.* Saudi Arabia, Jordan, Kuwait, Syria, Iraq and the Arab Emeritus) from recognizing Bangladesh. This was the reason that Bangladesh failed to get an enthusiastic support from the Muslim block as a whole.<sup>448</sup> It was during the 1974 Islamic Summit that Bangladesh was recognized, detail of which will follow in the next chapter.

### **The 1973 Constitution**

Soon after the promulgation of the Interim Constitution, a committee of the National Assembly consisting of parliamentary leaders of all political parties,

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<sup>444</sup> Ibid., p.550.

<sup>445</sup> For detail please see Mien Tufail Muhammad, *op.cit.*

<sup>446</sup> "Extract from the opinion of full Bench of the Supreme Court of Pakistan on the Reference made by the President of Pakistan on the of Bangladesh", *Pakistan Horizon*, 26 [1973] : 3, pp. 108-109

<sup>447</sup> *Safir*, p.552.

<sup>448</sup> Ibid., p.553.

was constituted with a mandate to submit a draft constitution before August 1, 1972. It was a formidable political challenge for the PPP to frame a Constitution true to the aspirations of people and principles of Islam. All political parties favoured a parliamentary form of government while Bhutto personally preferred a presidential form of government.<sup>449</sup>

There was disagreement within the PPP leadership when Mahmud Ali Qasuri, 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.<sup>450</sup> Bhutto also opined that '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 abroad successfully.'<sup>451</sup> There were also differences among the members of the committee belonging to other parties and those belonging to PPP. The differences in PPP resulted in the resignation of Mahmud Ali Qasuri during August, 1972, who accused Bhutto of seeking dictatorial powers under the pretext of favouring a democratic form of government.<sup>452</sup> Bhutto managed to reach an agreement with the parliamentary leaders of various parties in the National Assembly on 20 October, 1972 favouring the establishment of a parliamentary form of government. The draft Constitution was prepared by the committee to which nearly all opposition parties including the religious ones appended notes of dissent. It was submitted to the National Assembly on 31 December, 1972.

The Jamaat-i-Islami proposed to incorporate in the Constitution that "the Quran and Sunnah will be the first and foremost source of country's law, and all laws repugnant to Islamic injunctions be declared null and void; the consumption of intoxicants, gambling, prostitution and *riba* etc., will be prohibited; the basic human rights shall be guaranteed without exception and the state shall be responsible for providing basic necessities ( *i.e.* food, clothing, lodging, medical facilities and education) for all citizens..."<sup>453</sup> The proposals directed to curtail the

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<sup>449</sup> When Bhutto was in Ayub's cabinet, he was a strong advocate and defender of 1962 Constitution.

<sup>450</sup> Pakistan Overseas Forum, *Bhutto Violates the Constitution*, London: Pakistan Overseas Forum, n.d p-10

<sup>451</sup> Bhutto, *Speeches and Statement, July 1, 1972 September 30, 1972*, op.cit., p.215

<sup>452</sup> Safir, op.cit., p.585

<sup>453</sup> Aeshiya, (Asia) 10 February 1973, p.11.

executive powers of the state were rejected by the ruling party. The *Ulama* and their parties, within UDF or outside, did not enjoy sufficient strength in the National Assembly to exert pressure on the 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.<sup>454</sup> Because of the mediatory efforts of Maulana Zafar Ahmad Ansari,<sup>455</sup> the Traditionalists/neo-Traditionalists managed to extract a few concessions as a prelude to join the proceedings of the National Assembly.

One of the most important accomplishments of the Bhutto administration was the formulation of a new constitution by the elected representatives of the people in the first National Assembly elected on the basis of adult franchise in a free and fair election. The draft constitution was then unanimously approved by all the significant political parties represented in the national Assembly and went into effect on August 14, 1973.

Constitution-making in Pakistan had been a long, painful and tragic story of competition, conflict, and occasional consensus between the Westernized Muslim modernist-liberals on the one hand, and the neo-Traditionalists and Traditionalists on the other. There have been three constitutions in Pakistan's history. The first constitution (1956) called for a parliamentary form of government, whereas the second constitution provided for a presidential form of government, which took nearly four years to formulate, and was promulgated by Ayub Khan in 1962, only to be abrogated by Yahya Khan when he assumed power in March, 1969.<sup>456</sup> A case can be made that the dismemberment of Pakistan could have been avoided if the Pakistani political elite had wasted less time arguing over the Islamic clauses and provisions to be introduced into the two constitutions and devoted more time and effort to framing a constitution by which the two geographically separated parts of the country could live together as equal partners.<sup>457</sup>

In the Pakistan of 1972, the complex, controversial and unresolved issue of making Pakistan an Islamic State with more formal Islamic provisions in the

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<sup>454</sup> Safir, op.cit., p.557

<sup>455</sup> For a detailed role of Maulana, Zafar Ahmad Ansari, see *Layl-o-Nabar* (Supplement) 29 April - 5 May, 1972, pp.29-40.

<sup>456</sup> Faziur Rahman, "*Islam and the New Constitution of Pakistan*", *Journal of Asian and African Studies*, Vol. VIII, Nos. 3-4, July and October, 1973, p.190.

<sup>457</sup> G. W. Choudhry, "*New Pakistan's Constitution, 1973*", *The Middle East Journal*, Vol. 29, No.1, Winter 1974, p.10.

constitution (as well as such issues as: the distribution of powers between the centre and the provinces, and the kind of executive suitable for Pakistan) once again surfaced and was vigorously supported by the Islamic political parties and groups. Bhutto could not ignore the heavy pressure of these Islamic parties in the wake of dismemberment of Pakistan and the real or perceived internal and external threats. Pakistan was searching for its Islamic roots to give it a sense of identity, security and hope in the future. In order to disprove charges of being Westernized, secular and “un-Islamic”, Bhutto, adopting a pragmatic approach, wanted the constitution to be based on consensus of the National Assembly, and consequently compromised with the religiously-oriented (Islamic) political parties to give the country a constitution that was more Islamic than the two previous ones. It may also be noted that the absence of influential Hindu community comprising nearly ten percent of the former eastern wing may also have made it easier to draft a more “Islamic” Constitution.<sup>458</sup>

The present constitution, like its two predecessors, opens with a perfunctory homage to the sovereignty of Allah: “In the name of Allah, the Beneficent, the Merciful”. The Objective Resolution of 1949 was incorporated into the Preamble of the constitution. By insisting on the retention of this clause the conservative Muslims had continued to subordinate the popular will of the people to Almighty Allah’s sovereignty. The Islamic political parties argued that Islam does not recognize or need modern western liberal democracy because that kind of democracy makes fallible human beings the final law-makers, while in Islam, God alone is the final law-giver. Since God’s law is present in the Quran and the sunnah, the sovereignty of the new state should be based on them.<sup>459</sup>

Like the 1956 and 1962 constitutions, the 1973 Constitution kept the official title of the State as “Islamic Republic of Pakistan”. But this constitution went a step further by formally designating Islam as the state religion of Pakistan. The first and second constitutions had avoided the question of a state religion because it was felt it could be at odds with the spirit of tolerance promoted by Islam. But this provision is so vague and general as to never mention that Islamic laws should be introduced and enforced. Moreover, there is absolutely no implication that Pakistan ought to be a “theocratic state”. The constitution clearly specifies that “adequate provisions shall be made for the minorities to freely profess and practice their religions and develop their cultures.”<sup>460</sup>

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<sup>458</sup> Ibid., pp.10-11.

<sup>459</sup> Fazlur Rahman, “*Islam and the New Constitution of Pakistan*”, op.cit., pp.198-199.

<sup>460</sup> The Constitution of the Islamic Republic of Pakistan, Karachi: Government of Pakistan, 1973,

In the first two constitutions, non-Muslims were specifically barred only from becoming the President of Pakistan. But the 1973 Constitution makes non-Muslims ineligible for the offices of prime minister and various other key governmental positions as well. This Constitution also makes it obligatory for the first time to take an oath of office affirming belief in: one Almighty God, the finality of Prophet Muhammad, the Quran as the last God's holy books, and the Day of Judgement. It also committed government appointees to "strive to preserve the Islamic ideology which is the basis for the creation of Pakistan."<sup>461</sup> This added feature of oath-taking was inserted at the insistence of the Jamaat-i-Islami, who feared and disliked the influential Ahmadi community. (Qadiyanis) The above text of the oath was also a definition of a Muslim and it represented an eloquent refutation of the statement of Justice Muhammad Munir to the effect that no two *Ulama* were in agreement on the definition of a Muslim.<sup>462</sup>

Article 19 provides that the right of freedom of speech, expression, and the freedom of the mass media is subject to the overall consideration of the "glory of Islam" and the security of the state. The two previous constitutions just mentioned the security of the state, presumably because a threat to Islam would be considered as a threat to the state, since Islam is the declared basis of the state. But Bhutto considered an explicit mention of the "glory of Islam" apparently necessary to placate the *Ulama*, and to give the revised constitution an Islamic gloss.<sup>463</sup> Article 31 is a hold-over from the prior two constitutions and emphasizes the Islamic way of life in which:

Steps shall be taken to enable the Muslims of Pakistan, individually and collectively, to order their lives in accordance with the fundamental principles and basic concepts of Islam, and to provide facilities whereby they may be enabled to understand the meaning of life according to the Holy Quran and *Sunnah*.<sup>464</sup>

The above article also mandates compulsory Islamic Studies in schools. Significantly, this article in the 1973 Constitution included two new features introduced at the insistence of the *ulama*. The first made the government responsible for promoting learning of Arabic in order to facilitate the better understanding of Islam from its primary sources--the Quran and the Sunnah.

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<sup>461</sup> Fazlur Rahman, "Islam and the New Constitution of Pakistan", op.cit, pp.203-204.

<sup>462</sup> Munir Report, op.ci.t., p.218.

<sup>463</sup> Fazlur Rahman, "Islam and the New Constitution of Pakistan", op. ci.t, p.203 .

<sup>464</sup> The Constitution of the Islamic Republic of Pakistan, op.cit., p.11.

The second made the government responsible for overseeing the publication of an "error-free Quran."<sup>465</sup>

Under article 38(f), the State shall endeavor to eliminate *riba*. *Riba* was the system of usury that was forbidden by the Quran. Muslim Modernists and Pragmatists have contended that *riba* meant *usury*, and not the interest charged by the modern banking system. The Constitution passed under Ayub Khan interpreted *riba* as usury, but the framers of the 1973 Constitution left the term ambiguous again, and did not lay out any practical plan for its abolition.<sup>466</sup>

Another feature of all the three Constitutions is the requirement that the State shall endeavor to secure the organization of *zakat* and *auqaf*. *Zakat* is the only permanent obligatory tax levied in Islam. In due course other taxes appeared to supplement *zakat* and when Muslim societies came under colonial rule, *zakat* was relegated to an act of private and voluntary charity.<sup>467</sup> So far as *auqaf* was concerned, Bhutto's regime continued to follow the policy pursued by Ayub Khan and Yahya Khan of having the government's *Auqaf* departments administered it.<sup>468</sup>

Like the previous two constitutions, the 1973 Constitution also calls for the preservation and strengthening of fraternal relations with all Muslim countries on the basis of Islamic unity. But for the first time this idea was not merely symbolic, but was treated seriously and acted upon by Bhutto's administration in the wake of the 1973 oil-price increase which opened job opportunities particularly for Pakistanis in the oil-rich Middle Eastern countries. There were more speeches, statements and mass-media coverage extolling the virtues of global Islamic brotherhood of unity, as well as more visits by Pakistani leaders to the Muslim countries. Bhutto visited twenty Muslim countries in early 1972 to personally thank the leaders of the Muslim World for their support during the nine-month civil war in East Pakistan, and Indo-Pakistan war of December, 1971.<sup>469</sup>

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<sup>465</sup> Muhammad Munir, *The Constitution of the Islamic Republic of Pakistan*, Lahore: Law Publishing Company, 1973, p.211.

<sup>466</sup> Fazlur Rahman, "*Islam and the New Constitution of Pakistan*", op.cit., p.195-196.

<sup>467</sup> Ibid., p.195.

<sup>468</sup> The Auqaf had been actively supported during Zia's regime, and was expected to play a constructive social and economic welfare function for the poor Muslims.

<sup>469</sup> G. W. Choudhry, "*New Pakistan's Constitution*", op.cit., p.13.

The 1973 Constitution established a series of Islamic provisions (articles 227-231) in part IX. Article 227 lays down that “All existing laws shall be brought in conformity with the injunctions of Islam as laid down in the Holy Quran ... and no law shall be enacted which is repugnant to such injunctions.”<sup>470</sup> This task is entrusted to the Islamic Council, which has the following functions:

- (a) To make recommendations to the Parliament and the Provincial Assemblies on the ways and means of enabling and encouraging the Muslims of Pakistan to order their lives individually and collectively in accordance with the Holy Quran and the Sunnah;
- (b) To advise a House of Parliament, a Provincial Assembly, the President or a Governor on any question referred to the Council as to whether a proposed law is or is not repugnant to the injunctions of Islam;
- (c) To recommend measures for bringing existing laws into conformity with the injunctions of Islam, and the stages by which such: measures should be put into effect; and
- (d) To compile in a suitable form, for the guidance of Parliament and the Provincial Assemblies, such injunctions of Islam as can be given legislative effect.<sup>471</sup>

The influential Islamic political parties that represented part of opposition to the Bhutto regime refused to sign the constitution unless the Islamic Council was given veto power over the National Parliament. This demand was grudgingly accepted by the ruling PPP in the cause of passing the Constitution by consensus of all significant parties.<sup>472</sup> Bhutto intended to minimize the Islamic Council’s influence. Previous Constitutions had left the responsibility of action on the Islamic Council recommendations with the National Assembly, and the 1971 Constitution gave the government a maximum period of nine years in which to Islamize the laws of the country. It did not follow from this that the Parliament was mandated to accept all of the Islamic Council’s recommendations, or even any of them in their entirety. An obligation to do so would have made the Islamic council supreme over Parliament.<sup>473</sup>

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<sup>470</sup> The Constitution of the Islamic Republic of Pakistan, op.cit., Part. IX, Art.227, p.70.

<sup>471</sup> Ibid., p.71.

<sup>472</sup> Fazlur Rahman, “Islam and the New Constitution of Pakistan”, op.cit., p.203.

<sup>473</sup> Anwar H. Syed, Pakistan: Islam, Politics and National Solidarity, New York: Praeger Publishers, 1982, pp.124-125.

The *Ulama* believed that once the report of the Council was placed before the Parliament and made public, it would generate public pressure on the members of Parliament to accept suggestion made by the Council. But Bhutto believed that since the Council would be nominated by the President and consist of persons from the diverse schools of Islamic thought, as well as persons who were familiar with the economic, political, legal or administrative problems of Pakistan, there would much debate, but little consensus. He also felt that the members, with full-time obligations elsewhere and meeting only occasionally, would not complete their difficult task within the allotted period of seven years, and that, in any event after a couple of years he would have consolidated power and could manipulate the structure to his advantage.<sup>474</sup>

It is fascinating to note the complete omission of Bhutto's favourite slogans of "socialism" and "Islamic socialism" in the text of the Constitution. Instead, the Preamble expressed the resolve of all Pakistanis to protect their national solidarity and political unity by "creating an egalitarian society through a new order", implying that the older order was unequal, unjust, and in need of change. Article 3 of the Constitution promised to create an economic, social and political system that took "from each according to his ability", and gave to each "according to his work". This had a socialistic ring to it, but since Islam also believes in that principle, and often refers to socio-economic justice, it was quite acceptable to even the most orthodox *ulama*. Article 38 committed the state to "ensuring equitable adjustment of rights between employers and employees and landlords and tenants."

The Article 253 authorized Parliament to limit private property and to designate business and industries that might be placed in the public sector.<sup>475</sup>

In summary, it can be seen that the more Islamic character of 1973 Constitution provided Pakistanis religious moorings in a sea of uncertainty. It was also influenced by the beginnings of the Islamic revival in Pakistan and the desire of the secularized Bhutto to appease the potent "*Ulama lobby*" in order to get the 1973 Constitution passed unanimously by the National Assembly.

The salient point in the eyes of many was that Pakistan had now lived through the capitalist/feudalist Ayub years and the Bangladesh catastrophe, and could now return to its original purpose of being a role model to the Muslim World. It

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<sup>474</sup> Ibid., pp.124-125.

<sup>475</sup> Ibid., p.125.

thus greatly facilitated consensus on a Constitution that was substantively Islamic constitution.

### The Ahmadis Question

The Ahmadis had extended their full support to the PPP during 1970s election and they believed that its victory was mainly because of them.<sup>476</sup> This relationship was even condemned by those *ulama* who were not active in politics.<sup>477</sup> It was a resolution of the Assembly of Azad Jammu and Kashmir, which on April 24, 1973 declared Ahmadis a non-Muslim community and impose a ban on their preaching in Azad Jammu and Kashmir.<sup>478</sup> A notice by Maulana Abdul Haq, a member of the National Assembly for presenting a similar resolution as served, which was turned down by the Speaker. Notices of similar nature were rejected by the Provincial Assemblies of Punjab and Sindh.<sup>479</sup> This sort of moves threatened Ahmadis and in order to get the support of the ruling party, they expressed their confidence in the 'wisdom of the President' along with several others who were 'nice, gentle, kind hearted and justice loving'.<sup>480</sup>

The *Ulama* launched a full-fledged campaign against Ahmadis not only in Pakistan but also in other Islamic countries. They managed to obtain *Fatwas* from Saudi Arabia to the effect that Ahmadis should be declared as non-Muslims and the same were circulated throughout the country.<sup>481</sup> The anti-Ahmadi spirit was

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<sup>476</sup> Quoted in Safir, op.cit., p.561.

<sup>477</sup> Ibid., p.561.

<sup>478</sup> The anti-Ahmadiya demonstration erupted in Lahore and Lyallpur in May-June 1974, resulting in widespread rioting, destruction of Ahmadi property and the loss of innocent lives. So serious was the intensity of the riots that Bhutto had to call on the Pakistani army [whom he was suspicious of] to re-establish law and order. He also agreed to place before the National Assembly the question whether the Ahmadiyas were or were not Muslims. After two months secret discussions and debates, National Assembly announced on September 7, 1974, that it had amended the April, 1973 Constitution to provide that for purpose of law, Ahmadis are not Muslim. Thus the Parliament had left isolated the excommunication of the Ahmadi sect in Pakistan from the fold of Islam, and categorized them as non-Muslims. As the Muslim Fundamentalists no doubt intended to discredit Bhutto, believing that he would never concede to their demands concerning the Ahmadis, they were surprised when Bhutto capitulated. But the ultimate cost high: the loss by emigration of many qualified and experienced Ahmadi professionals, armed forces personnel, civil servants, and businessmen, and the alienation from Bhutto and the governing elite of those remaining in Pakistan.

<sup>479</sup> Quoted in Safir, 9p.cit., p.561.

<sup>480</sup> Pakistan Times, April 30, 1973.

<sup>481</sup> Safir, op.cit., p.562.

revived by the *ulama* and the religious parties among the masses throwing light on the beliefs and activities of the Ahmadis.<sup>482</sup> This increased the tension and a chain of events rendered the situation volatile. Eight religious-political parties namely JUIP, JUP, Jamaat-i-Islami, JAH, KT, APMAI, PDP and PML formed an organization known as the *Qadiyani Muhasbah Committee* (Committee for Exposition of Qadyanism) which severely criticized the government for ignoring the aspirations of the people. In a joint meeting at Rawalpindi on 3 June, 1974, it was demanded that Mirza Bashir Ahmad, leader of the Qadiyani community should be arrested, Qadiyanis should be declared non-Muslims, all the organizations of Ahmadis *i.e.* *Furqan Force* and *Khuddam-ul-Ahmidiyya* should be banned and arms in their possession be confiscated, Qadiyanis should be removed from key positions of the government, press censor should be withdrawn in order to keep the people well informed about anti-Ahmadi movement and people arrested during the anti-Ahmadi agitation should be released immediately.<sup>483</sup>

The *ulama* through processions, public meetings and demonstrations were able to keep up the tempo of the agitation which resulted in a resolution moved by 37 MNAs on 30 June, 1974 demanding the excommunication of the Ahmadis. It was also suggested in the resolution that the leaders of the Ahmadis should be invited to present their viewpoint in the National Assembly. Subsequently the Ahmadis and the *ulama* presented their viewpoints in the National Assembly.<sup>484</sup>

The *ulama* and their religious organizations ultimately became victorious and succeeded in getting passed the Second Amendment in the 1973 Constitution under which the following new clause was added to the Article 260:

A person who does not believe in the absolute and unqualified finality of the Prophet hood 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 recognizes such a claimant as a Prophet or a religious reformer, is not a Muslim for the purpose of the Constitution or law.<sup>485</sup>

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<sup>482</sup> Ibid., p.562.

<sup>483</sup> Mirza Nasir Ahmad, *Azad Kashmir Assembly Ki Aek Oarardad Par Tabsarah*, Rabwah: Nizarat-i-Ishaat-i-Literature-wTasnif Sadr-i-Anjumn-i-Ahmadiyah Pakistan, 1973, p.4.

<sup>484</sup> Safir, op.cit., p.565.

<sup>485</sup> For detailed account of Ahmadi point of view, please see *Mahzar-namah Min Janib Nazir-i-Aala Sadr Aniuman-i-Ahmadidvah Rabwah*, Rabwah: Zia-ul-Islam Press, 1973. For Ulama's view-point,

This was a major achievement on the part of the *ulama* and the religious organizations. It also raised the prestige of Bhutto in the eyes of the public. Even Khawaja Nazimuddin, Pakistan's Prime Minister during the serious anti-Ahmadi riots of 1953, and a devout Muslim himself, had steadfastly refused the demand of the *ulama* to dismiss his Ahmadi Foreign Minister, Sir Zafrullah Khan, much less to accede to their other major demands. It was, indeed, an irony of history that Bhutto, who was considered to be a highly secularized and liberal person, and who had enjoyed the overwhelming support of Ahmadi community in the December 1970 elections, was the very person who agreed to legislate the Ahmadi out of the fold of Islam.<sup>486</sup>

Bhutto began to make efforts to please the Traditionalists and neo-traditionalists. For the first time in Pakistan's history, a Ministry of Religious Affairs was established. Maulana Kausar Niazi, a former Urdu journalist and former Jamaat-i-Islami's member, a shrewd politician and a close confidante of Bhutto was made Minister of this new establishment. The *ulama* never accepted the scholarly credentials of Maulana Kausar Niazi, but he was well known in religious circles. The *ulama* who were active in politics condemned his appointment and the formation of such a Ministry. The *ulama* were of the opinion that 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.<sup>487</sup> In fact, the *ulama* criticized this step with the fear that the government might take over the management of the *Madrasahs* from them<sup>488</sup> despite the fact that clear assurances were given by the government to the *ulama* in this regard.

In fact the Ministry of Religious Affairs was established in order to have contacts with the *ulama* of the country to involve them in government-sponsored activities of various kinds. *Seerat* conferences were convened annually to celebrate the birthday of the Holy Prophet (PBUH). The Auqaf Departments of Punjab and Sindh governments also took part in religious activities. Golden doors were installed at the shrines of Lal Shahbaz Qalandar and Data Sahib, two highly

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please see, *Qadianism on Trial: The Case of the Muslim Ummah Against Qadianis Presented Before the National Assembly of Pakistan*, Karachi: Maktabah-i-Car-ul-Ulum, n.d.

<sup>486</sup> Pakistan mimes, September 8, 1974.

<sup>487</sup> Quoted in Safir, op.cit., p.571. For detail see Mufti Mahmud, *Qaumi Masail Aur Jamiat-ul-Ulama-i-Islam*, Lahore: Kul Pakistan Jamiat-i-Ulama-i-Islam, 1975, p.44-64.

<sup>488</sup> Ibid., p.571.

venerated *sufis*. These activities were meant to generate goodwill for the government both among the *ulama* and the masses.

In spite of these efforts on the part of the government, the *ulama* and their parties were not satisfied with the activities of the Ministry of Religious Affairs. They demanded complete application of *Shariah* in all spheres of society. The religious parties through public meetings, posters and press campaigns reminded that nothing had been achieved in respect of the transformation of the existing laws in conformity with the Quran and the *Sunnah*. They maintained that this was beyond the government's power to achieve these targets when the rulers themselves were not practicing *Shariah* in their daily lives.<sup>489</sup>

Bhutto's regime in its effort to appease the Islamic political parties--which for a long time had been demanding more religious coverage in the mass media--and to prove that they were sincere Muslims not secular socialists, encouraged Pakistani radio and television stations to increase the number of religious programmes. In order to please Arab friends and financial donors, as well as to appease the powerful interest groups at home, Bhutto passed legislation instituting Arabic language courses in schools curricula for the first time in Pakistan's history. Islamiyat or Islamic Studies continued to be a compulsory subject in all schools. Facilities were also provided for the separate Islamic instructions of Shiah and Sunni children in all schools. This was done to please the Shiah community and win their support.

Bhutto's regime adopted a liberal *Haj* policy in which pilgrims' foreign exchange allowance was increased, and a government-encouraged increase in ships and planes to and from Saudi Arabia during *Haj* session was instituted.<sup>490</sup> Bhutto personally extended an invitation to the Imam of the Prophet's mosque in Madina, and later the Imam of the mosque at the Ka'aba--the two holiest cities in the Muslim World. The revered Imams came to Pakistan in spring of 1976, led large congregations of Pakistani Muslims in prayers, and were extremely impressed by their warm reception.<sup>491</sup>

In 1976, the Bhutto administration ordered that copies of the Holy Quran be placed in all the rooms of the first class hotels throughout Pakistan. Though simple and symbolic in nature, the measure had a popular emotional appeal. The

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<sup>489</sup> Pakistan Ki. Aaini, *Moashi Aur Siyasi Surat-i-Hal Par Jamaat-i-Islami Pakistan Ka Tabsarah* (Resolution of the Advisory Council of Jamaat-i-Islami Pakistan, 27-30 November, 1975), pp.5-6.

<sup>490</sup> Anwar H. Syed, op.cit., p.126.

<sup>491</sup> A. H. Syed, "Pakistan in 1976; Business As Usual", *Asian Survey*, February 1977, pp.183-184.

Provincial Auqaf Departments were instructed in 1976 to take over and administer those mosques which were facing financial problems. These Auqaf Departments were responsible for hiring and paying the imams who led prayers in these mosques. Most of these imams were thus apparently co-opted by the government and therefore could be relied upon not to speak or act against the Bhutto regime.<sup>492</sup>

Toward the end of 1976, an International Conference on the life and work of Prophet Muhammad was sponsored and funded by the Bhutto government.<sup>493</sup> In mid-April, 1977, Bhutto instituted a number of Islamic measures to break the momentum of the Islamic mass movement which threatened to overthrow him. These measures included: the immediate prohibition of alcohol; a ban on all forms of gambling; the closure of night-clubs; the Islamization of Pakistan civil and criminal laws which were to be streamlined and completed in six months instead of four years allowed by the 1973 Constitution; and the reconstitution of the Council of Islamic Ideology, which would include leaders of the Islamic political parties and would be responsible for the introduction of the *Shariah*.

Bhutto's regime instituted a range of Islamic measures to appease and undercut the neo-Traditionalist and Traditionalist political parties and interest groups in Pakistan. These measures ranged from the symbolic to the expedient, and their cumulative impact injected a powerful Islamic overtone to Pakistani society. Although, the Islamic political parties did not enjoy mandate like Bhutto, yet they succeeded in legislation of many Islamic provisions in the Constitution. They were able to get as much concessions as they wished. This added a new strength and stamina in them which culminated in their successful agitational movement in the name of *Nizam-i-Mustafa* and end of Bhutto's rule in July, 1977.

## CHAPTER-IV

### ISLAM AND DIPLOMACY UNDER BHUTTO

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<sup>492</sup> All Pakistan Legal Decisions [PLD], 1976, "Auqaf [Federal Control] Act of 1976", Vol. 28. Also see A. H. Syed, op.cit., p.184. The Provincial Auqaf Departments raise millions of rupees annually from the landed and commercial properties belonging to Muslim shrines and mosques taken over by the government in the early 1960's.

<sup>493</sup> Ibid., p.184.

## Pakistan's Relations with the Muslim World

The 1971 civil war ultimately resulted in the emergence of an independent and sovereign state of Bangladesh. This bitter irony was anathema to a nation created in 1947 against domination by India's Hindu majority.<sup>494</sup> The failure of Islam to overcome the ethnic and geographic divisions between Pakistan's two wings violently challenged its very identity, its *raison d'être*.<sup>495</sup> It was India who had intervened openly in the 1971 civil war by extending her full support to Awami League's separatist aims. In particular the war had posed a dilemma that had nagged Pakistani leaders who were looking that how Pakistan's security could be guaranteed in the light of perpetual tension with large, more powerful India, "who made no secret of her feeling that Pakistan was a natural part of India and must revert to her".<sup>496</sup> The 1971 war had proved Pakistan's total isolation as no substantial support was offered by any of her friends. As far as the Muslim countries were concerned, most of them lacked the power, coherence, and will necessary to intercede on Pakistan's behalf.<sup>497</sup> Some of the Muslim countries had extended their moral and material support to Pakistan but it could not save her from disintegration. It indicated that Pakistani leadership had not been able to formulate their foreign policy in accordance with the requirements of the country. At such a critical juncture Pakistan had to redefine its foreign policy mainly inspired by Zulfikar Ali Bhutto, then rising to pinnacle of power.

In an attempt to bolster Pakistan's security and enhance its international standing, President Bhutto aggressively courted the nations of the Middle East.<sup>498</sup> It was for the first time that Pakistan began to broaden and intensify its ties with the Muslim countries both bilaterally and within the context of the Organization of the Islamic conference.

During the neutral period, 1947-54, Pakistani leaders heavily relied upon superpowers in order to get financial assistance and resolve the dispute of Kashmir. None of these actors proved helpful in solving the first outstanding

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<sup>494</sup> Devin T. Hagerty, "Pakistan's Foreign Policy under Z. A. Bhutto", *Journal of South Asian and Middle Eastern Studies*, Vol.X7V, No.4, Summer 1991, p.55.

<sup>495</sup> *Ibid.*, p.55.

<sup>496</sup> S.M. Burke, *Pakistan's Foreign Policy: An Historical Analysis*, London: Oxford University Press, 1978, p.3Y2.

<sup>497</sup> Devin T. Hagerty, *op.cit.*, p.56.

<sup>498</sup> *Ibid.*, p.56.

problem on Pakistan's foreign policy agenda, the dispute with India over Kashmir.<sup>499</sup>

Despite the fact that the founding fathers of Pakistan stressed for brotherly relations with the Muslim states of the world, yet in the first two decades Pakistan did not achieve what the people had aspired for. There are many reasons for this. Perhaps the most significant reason was that Nasser and Sukarno, who were self-proclaimed socialists, anti-imperialists and anti-colonialists, were opposed to the idea of Pakistan's right to lead the Muslim world in the light of its primarily capitalist economic system and pro-Western foreign policy. By joining the Baghdad Pact (1954), entering into a military alliance with the U.S.A (1954), joining the SEATO (1955) and remaining in the British Commonwealth, Pakistan's image was doubtful in the eyes of these leaders and Pakistan was considered as a "camp follower" and "satellite" of the West. Most of the Muslims countries considered U.S.A. responsible for imperialism and colonialism in Asia, Africa and Latin America, as well as undermining Arab League, dividing the Arab World and breaking ranks with the Muslim world in the paramount struggle against Israel. So Pakistan was considered by most of the Muslim countries as being either a naive and poor victim or else a willing and unprincipled agent of the age-old Western policy of divide and rule. Therefore, Pakistan was considered as unworthy for the leadership of the Muslim world.

Secondly, for the first two decades, the foreign policy of Pakistan was directed towards the West and no proper attention was paid for strengthening ties with other countries of the world. Pakistan failed to condemn the British, French and Israel aggression against Egypt during the Suez Crisis of 1956, which was condemned by India. This did not leave a good impression on the minds of the Arabs about Pakistan.

Thirdly, Prime Minister Suhrawardy, by his derogatory remarks about the weakness of Muslim countries and meaninglessness of an Islamic bloc irritated the leaders of the Muslim states. He said:

Why don't we [the Muslim countries) get together rather than be tied to big powers like the United States. My answer to that is zero plus zero plus zero is after all equal to zero. We have, therefore, to go farther afield to get anything which is substantial.<sup>500</sup>

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<sup>499</sup> Ibid., p.57.

<sup>500</sup> Dawn, December 12, 1956.

Though Ayub tried to bring about some changes in the foreign policy but it essentially remained focused on the same areas where it was in the fifties. By 1971, Pakistan's foreign affairs were in disarray.<sup>501</sup>

### **Bhutto's Reorientation of Foreign Policy**

After the emergence of Bangladesh, the remaining Pakistan was ethnically and religiously more homogeneous, and was widely regarded as geographically part of the Muslim South West Asia. A trend towards heightened Islamic consciousness and a yearning for closer ties with other Muslims countries grew more after the dismemberment of Pakistan. In this regard Pakistan was also helped to a greater extent by the changing situation in the Muslim countries. The supporters of Arab nationalism had been replaced either by pro-West leaders or "Islam loving" rulers. It was an age of what Bernard Lewis called "The Return of Islam."<sup>502</sup> This led Bhutto to reorient Pakistan's foreign policy with special emphasis on the Muslim world just as pre-partition Muslims and the founding fathers had envisioned. To quote him:

The severance of our eastern wing by force has significantly altered our geographical focus. This will naturally affect our geographical perspective. The geo geographical distance between us and the nations of South East Asia has grown .... At the moment, as we stand, it is within the ambit of South and Western Asia. It is here that our primary concern must henceforth lie .... There is the whole uninterrupted belt of Muslim nations, beginning with Iran and Afghanistan and culminating at the shores of the Atlantic and Morocco. With the people of all these states we share a cultural heritage, religious beliefs and a good deal of history. There is thus a community of interests which is further buttressed by the similarity of our aspirations and hopes. Clearly we have to make a major effort in building upon the fraternal ties that already bind us to the Muslim world.<sup>503</sup>

After the secession of East Pakistan, the leadership had come to the conclusion that pro-Western policy had proved inadequate. Bhutto revised the pattern of foreign policy and decided to re-assert fraternal links with the Muslim world. It was a policy, Bhutto believed, that would yield rich dividends for Pakistan and strengthen her image in the world.

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<sup>501</sup> Devin T. Hagerty, op.cit., p.59.

<sup>502</sup> Bernard Lewis, *The Middle East and the West*, New York: Harper Torchbooks, 1964, pp.95-114.

<sup>503</sup> *Pakistan Affairs*, May 16, 1972, p.1; Also quoted in Khurshid Hyder, "Pakistan Under Bhutto", *Current History*, Vol. 63, No. 375, November, 1972, p.203.

Because of the significant developments during the late 1960's and in the early 1970's in the Muslim world, Pakistan began to pursue the policy of international Islamic brotherhood again. The Arabs had a humiliating defeat at the hands of Israel in six-days war of June, 1967 and Israel had also occupied a sizeable portion of Arab territory including Jerusalem. Nasser's prestige and influence in the Arab world was declining and there appeared stirring of an Islamic revival in Egypt. In August, 1969, a part of Al-Aqsa Mosque in Israeli-occupied Jerusalem as also destroyed by fire, which infuriated and galvanized Muslims around the world. King Faisal of Saudi Arabia condemned Israel and along with King Hassan II of Morocco, called for an Islamic Suit Conference. The Summit was held at Rabat, Morocco and twenty-five Muslims leaders participated in it. At the initiative of King Faisal, the first Islamic conference of foreign ministers was organized in Jeddah in March, 1970 in which decision to establish a permanent Islamic political organization called the Organization of the Islamic Conference (OIC) was taken. At this conference a decision was also taken for the foreign ministers of Islamic countries to meet once a year to promote cooperation and establish institutional basis for Pan-Islamism. The death of Nasser and Anwar al-Sadat's rise to power in Egypt also helped King Faisal to become the uncontested leader of the Pan-Islamic Movement.<sup>504</sup> John L. Esposito while observing the situation very rightly comments:

The 1970s represent a new phase in Muslim History. Throughout much of the Islamic world, from the Sudan to the Philippines, religion reasserted itself in Muslim politics in a major and, at times, often volatile manner. The expansion of Islam's role in public life became a key issue in many Muslim societies.<sup>505</sup>

Bhutto was fully aware of the changed circumstances and had clearly and repeatedly enunciated his foreign policy views. During the 1960s he was critical of Pakistan's excessive reliance on the United States and the damage it had received on relations with other powers like the Soviet Union and China. Bhutto's courtship of the Muslim countries began soon after he assumed power. From January to June 1972, he visited twenty two countries of the Middle East and North Africa.<sup>506</sup> These visits were meant to rebuild bridges of understanding

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<sup>504</sup> Abdullah M. Sindi, "King Faisal and Pan-Islamism", in Willard A. Beling, (ed.), *King Faisal And The Modernization of Saudi Arabia*, London: Crcom Helm, 1980, pp.189-192.

<sup>505</sup> John L. Esposito, (ed.), *Islam in Asia: Religion, Politics and Society*, New York: Oxford University Press, 1987, p.17.

<sup>506</sup> For detail please see Government of Pakistan, Z. A. Bhutto, *A Journey of Renaissance*, Islamabad: Ministry of Information, 1972.

as well as to achieve other objectives:(i) to thank the leaders of the Muslim countries personally for their material and moral support to Pakistan during the December 1971 War with India over Bangladesh; (ii) to assure them that “Pakistan had recovered not merely the will to survive but also the grit, strength and ability to maintain a stable democratic policy and a viable economy inspite of the shock of defeat, the cost of war and the amputation of one wing of the country....<sup>507</sup> (iii) to seek support for Pakistan and persuade India to agree to mutual withdrawal of troops and the repatriation of the prisoners of war, as well as a peaceful, durable and honourable settlement of the complex disputes between two countries;<sup>508</sup> (iv) to persuade them not to recognize Bangladesh as an independent and sovereign state to enable Pakistan and the leaders of its estranged countrymen in the eastern wing to resolve their differences peacefully and amicably; (v) to help Pakistan break out of the diplomatic isolation in which it found itself after the conduct of an internationally unpopular and embarrassing civil war.<sup>509</sup>

In retrospect, it is interesting to witness how successful Bhutto was in achieving the above mentioned objectives on his “Journey of Renaissance”. No wonder, more trips were made to Muslim and non-Muslim countries in the following years and a host of third world leaders were invited to Pakistan. This aggressive use of personal diplomacy as an instrument of foreign policy was employed by Bhutto not only because he loved publicity, but because he wanted to use a personal ability in foreign policy to assist him in the more problematic areas of domestic affairs. He may have even cherished the long range objective of becoming one of the most prominent leaders of the third world. Consequently, “he used the Islamic links to help gain access to the third world movement, and the latter to further cement Pakistan’s ties to the Islamic world.<sup>510</sup>

Bhutto’s international travels built bridges, improved the image, refurbished relations, and generally enhanced the stature of his country and himself. In short, he did a monumental job of marketing ‘Pakistan in the diverse Muslim world.

### **Pakistan’s Role in the 1973 Arab-Israeli War**

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<sup>507</sup> Ibid., p.7.

<sup>508</sup> Indicated by the joint communiqués and statements issued by the various governments. For example, see: Pakistan-Kuwait joint communiqué of May 29, 1972, Pakistan Horizon, Third Quarter 1972, pp. 135-137.

<sup>509</sup> Ibid., p.136.

<sup>510</sup> Shirin Tahir-Kheli, The United States and Pakistan: The Evolution of An Influence Relationship, New York: Praeger Publishers, 1982, p.65.

Bhutto took an opportunity to show Pakistan's friendship with the Muslim world to assist the Arabs diplomatically, politically when Egypt and Syria went to war with Israel during October, 1973. On the diplomatic front, Bhutto sent telegrams to President Sadat of Egypt and Assad of Syria assuring them Pakistan's solidarity with their "just and glorious cause." He also requested Secretary General of the United Nations, and President Nixon of the USA, to help in restoring a just and durable peace in the Middle East by asking Israel to vacate Arab occupied territories in accordance with the 1967 U.N. Security Council Resolution 242.<sup>511</sup> Bhutto also convened a meeting of the Arab envoys assuring them that Pakistan would uphold the principles; of justice and equity "uncompromisingly, unswervingly and unwaveringly."<sup>512</sup> At this occasion Maulana Kausar Niazi declared that an attack on the Arabs was an attack on Pakistan.<sup>513</sup> The statement issued by Pakistan Foreign Ministry also condemned the "barbaric actions" and "indiscriminate bombings of cities" by the Israelis.<sup>514</sup>

Pakistan also involved herself actively with the United Nations and other international forums in making strong pro-Arab statements. Bhutto sent messages to the leaders of Jordan, Iraq and Saudi Arabia when they joined the war and praised their decision as a "heroic act in the highest tradition of Islamic solidarity, which would be remembered by future Muslim generations with pride and admiration".<sup>515</sup> At a press conference in Karachi on 20th October, 1973, Bhutto said that in the current Middle East conflict, the whole of the Muslim world is on trial ...Pakistan is not a non-aligned state. Pakistan is finally aligned to the principle of justice and international law - and to a durable structure of international peace ... Pakistan was doing 'everything within our power and capacity' to help the 'Arab position and to give a tangible support' to the Arab states in their struggle.... Bhutto announced, 'we know the people of Pakistan have faith in their government and in the successful execution of this jihad.'<sup>516</sup> He also undertook a tour of Iran, Turkey and Saudi Arabia in order to forge a united Islamic front against Israel. The material and moral support was also extended

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<sup>511</sup> Government of Pakistan, *Zulfikar Ali Bhutto-Speeches and Statements: August 14 - December 31 1973*, Karachi: Department of Films and Publications, 1973, pp.126-127.

<sup>512</sup> Pakistan Times, Rawalpindi, 12 October, 1973.

<sup>513</sup> Dawn, Karachi, 8 October, 1973, p.1.

<sup>514</sup> Dawn, Karachi, 11 October, 1973, p.1.

<sup>515</sup> *Bhutto, Speeches and Statements: August 14-December 1973*, op.cit., pp.151-512.

<sup>516</sup> Dawn, Karachi, 21 October, 1973.

by Pakistan during the 1973 Arab-Israeli war. Two medical teams were sent to Egypt and Syria, each consisting of fifteen members--four doctors and eleven male nurses.<sup>517</sup>

During this war, mass media in Pakistan also played a vital role of the pro-Arab propaganda campaign. The war was considered as a *Jihad* against the evils of Zionism, Imperialism and Israeli expansionism, a *Jihad* that was being won by the *muajahideen*.<sup>518</sup> This media campaign was so successful that it aroused the Pakistani mass. It led to the holding of the special prayers in mosques on behalf of the Arabs; the establishment of blood banks for the wounded soldiers of Islam; and even the recruitment of able-bodied male volunteers eager to fight in the Jihad against Israel.<sup>519</sup>

It was Bhutto who gave new ideas to the Third World. He opined that "The Third World has emphasized, time and again, that poverty and affluence cannot co-exist. But ... we ourselves have not fully realized the nature and value of economic power nor grasped the urgent need of developing science and technology for our progress, indeed for our very survival...The war of last October has, however, precipitated a chain of events and created an environment in which the developing countries can at last hope to secure the establishment of more equitable economic order ... by the demonstrated ability of the oil-producing countries to concert their policies and determine the price of their resources. This may well be a watershed in history ... an unprecedented shift will occur in the global monetary and financial balance of power. The Third World can now participate in the economic and financial councils of the world on an equal footing with the developed countries."<sup>520</sup>

The myth of Israeli invincibility was shattered during the early Arab victories on the battle field which provided one of the best examples of Arab unity when OPEC under the leadership of King Faisal decided to drastically reduce oil shipments to the US, and other Western countries helping Israel. This created an acute oil shortage and an upward pressure on the prices of oil. OPEC, which had contemplated oil price increases over the prior year, found it an opportune time to act, and increased the prices again within a period of two months. With money pouring into oil rich Muslim countries of OPEC, ambitious development plans

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<sup>517</sup> Pakistan Times, Rawalpindi, 13 October, 1973, p.1.

<sup>518</sup> M. G. Weinbaum and Gautan Sen, "Pakistan Enters The Middle East", Orbis, Vol. 22, No. 22, Fall 1979, p.600.

<sup>519</sup> The Pakistan Times and Dawn from October 6, 1973 to October 28, 1973 bear this out. p.1.

<sup>520</sup> Zulfikar Ali Bhutto, *The Third World: New Directions*, London: Quartet Books, 1977, p.85.

were formulated and implemented. These dramatic events electrified Muslims all over the world and gave them a feeling of immense pride, a sense of power, and great hope of their future. For devout Muslims, it was a sign of Divine Providence and a belief that Almighty God was moving to give His Faithful their just reward after a long period of atonement, trials and tribulations.<sup>521</sup>

Bhutto's political policies began to provide rewards when vast political-diplomatic and token military aid to the Arab side during and after the 1973 Arab-Israeli war provided definite proof of Pakistan's usefulness to the Muslim world. At minimal cost, Pakistan repaid the 1971 Bangladesh favours, and achieved a perceptibly prominent position at the forefront of Islamic revival in the wake of the oil price increases.

### **The 1974 Lahore Islamic Summit Conference**

On account of Bhutto's domestic and foreign diplomacy, Pakistan had sailed through the early crisis being confronted by it at the time of the emergence of Bangladesh. At this crucial juncture, an extraordinary event took place which further ensured Pakistan's prominent position among the Muslim nations and anointed Bhutto's leadership with general Islamic acceptability. Following the Arab-Israeli war of October 1973, Tengku Abdul Rehman, the Secretary General of the Islamic Secretariat, and King Faisal, who had emerged as the *de facto* spiritual, political and economic leader of the Pan-Islamic movement, suggested Pakistan as the host for the second Islamic Summit Conference.<sup>522</sup>

- a) The nomination of Pakistan was seen by Pakistanis as a reward for Bhutto and Pakistani people for their contribution to Islamic cause over the years, and specially for their moral and material assistance to the 1973 Arab-Israeli war.<sup>523</sup>
- b) The holding of Islamic Conference was seen by King Faisal and other Muslim leaders as a way to rehabilitate Pakistan's international image after the secession of East Pakistan.
- c) The Islamic summit Conference in Pakistan was considered by the Islamic Secretariat and the leaders of certain Muslim countries to be an

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<sup>521</sup> The Daily Jang, 29 October, 1973.

<sup>522</sup> The Outlook, Karachi, Vol.2, No.49, March 9, 1974.

<sup>523</sup> Dawn, Karachi, 21 October, 1973, p.1.

appropriate time to bring about a rapprochement between Pakistan and Bangladesh.

The Second Islamic Summit Conference held in Lahore was a three-day affair that began on February 22, 1974. It was attended by 38 Muslim leaders and prominent governmental representatives, which included six kings, twelve presidents, six prime ministers, eight foreign ministers, the head of the PLO, the secretary General of the Arab League, a delegation of *Motamer-al-Alam-al-Islami*, and the Secretary General of the *Rabita-al-Alam-al-Islami*. Not only was it the biggest gathering of its kind, but also one of the most successful.<sup>524</sup> Bhutto made a particular effort to ensure attendance of the distinguished guests by sending special envoys to remind and persuade the leaders to attend the conference. Bhutto was very careful in preparing the agenda for the Lahore Islamic Summit in such a way that it won unanimous approval.<sup>525</sup>

The Conference covered three major areas of concern to the Muslim world:

First the Summit formally recognized the PLO headed by Chairman Yasser Arafat as the “sole legitimate representative of the Palestinian nation”, and called on all delegates to extend “full and effective support” to the Arabs and Palestinian in their “*struggle for recovering all their occupied lands by all means*” (which implied an endorsement of the use of force if need be).<sup>526</sup> The final declaration asserted that “no agreement, protocol or understanding which postulate the continuance of Israeli occupation of the holy city of Jerusalem or its transfer to any non-Arab sovereignty ... will be acceptable to the Islamic countries.”<sup>527</sup> There was also a general consensus to provide all facilities to the PLO in the establishment of offices in all Muslim countries. All the participants agreed to condemn any or “all states that provide Israel with military, economic and human assistance” and to cut relations with Israel “in all fields”. Bhutto while expressing his solidarity with the Arabs declared that “the armies of Pakistan are the armies of Islam... We shall enter Jerusalem as brothers-in arms”.<sup>528</sup>

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<sup>524</sup> Rafiq Akhtar, *Pakistan Year Book*, Karachi: East-West Publishing Co., 1974, pp.122-125.

<sup>525</sup> The Daily Janq, 26 February, 1974.

<sup>526</sup> Lahore Islamic Conference: Resolution on Middle East and Jerusalem and Conference Declaration, *Asia Research Bulletin*, Vol.3, No.10, March 31, 1974, p.2590.

<sup>527</sup> Quoted in Lawrence Ziring, *Pakistan: The Enigma of Political Development*, Boulder, Colorado: Westview Press, 1980, p.234.

<sup>528</sup> “*Speaking with a United Muslim Voice*”, *Far Eastern Economic Review*, Vol. 83, No. 9, 1974, p.12.

Second the Muslim countries felt need for closer economic cooperation for which economic committees consisting of the experts or five oil rich member-states (Kuwait, Libya, Saudi Arabia, Algeria and UAE) and three poorer members (Egypt, Pakistan and Senegal) were established to develop ways and means to alleviate economic hardship in the poor member-states, which was aggravated by the increases in oil prices.<sup>529</sup> An Islamic Solidarity Fund was also established within the OIC Secretariat by providing an initial capital of \$26 million to finance economic, social and cultural projects in the Muslim world.<sup>530</sup>

Third, ways and means were discussed as how the Muslim world, itself a “part of the community of developing countries” should associate itself with the cause of the Third World. It was agreed that a new international economic order could be achieved only through a unified Islamic bloc in cooperation with Third World countries.

Bhutto, as Chairman of the Islamic Summit Conference, delivered an eloquent speech laced with Islamic rhetoric and symbolism at the concluding session:

We are a poor nation. We may not be able to contribute funds to the economic development of the Islamic World but, with Allah as my witness, I declare here today that we, the people of Pakistan, shall give our blood for the cause of Islam.— We have been facing many difficulties, but these problems are now being overcome. The people of Pakistan are dedicated to the cause of Islamic solidarity. The people of Pakistan are soldiers of Islam and its armies are the armies of Islam. Whenever any occasion arises, the Islamic world would never find us wanting in any future conflict. *Inshallah* we shall enter *Baitul Maqdis* as brothers in arms.<sup>531</sup>

In his speech Bhutto also pointed out that the Muslim World had made substantial progress in a quarter century. On account of its poverty and powerlessness, it had faced many crises and suffered humiliation. In fact, the world believed that the Muslims would never rise again, but they did, and if the Muslims continue to present a united bloc they could achieve their objective no matter what was pitted against them. He added that his conscience would not

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<sup>529</sup> Shaukat Ali, *Pan-Movements in the Third World: Pan-Arabism, Africanism, Islamism*, Lahore: Publishers United, 1976, p.248.

<sup>530</sup> Far Eastern Economic Review, July 1, 1974, p.13.

<sup>531</sup> Reyazul Hasan, “The Islamic Summit Conference”, *Iqbal Review*, Vol. XV, No.1, April 1974, p.59.

have been at ease if the 65 million Bangladeshi Muslims had not been represented at the Lahore Islamic Summit.<sup>532</sup>

This Summit proved to be an excellent vehicle for the speedy and honourable recognition of Bangladesh. Pakistan's recognition of Bangladesh and a Pakistani-Bangladeshi rapprochement was a highly controversial and nettlesome issue because of the opposition from influential sections in both countries. But this opposition quickly disappeared when a delegation of the dignitaries from seven Muslim countries went to Dacca and brought Sheikh Mujib-ur-Rahman to Lahore for reconciliation with the Pakistani leadership in the spirit of Islamic brotherhood.<sup>533</sup> The Conference created a climate of mutual forgiveness, which a year later paved the way for release of 195 Pakistani prisoners-of-war that Mujib had kept to be tried for war crimes. Stanley Wolpert while commenting on the Islamic Summit says that "Zulfi felt potentially much stronger than India; it was an overwhelming transformation, less than three years after disastrous Bangladesh war."<sup>534</sup>

Bhutto impressed the delegates of the Summit and the journalists who covered it, by restoring dignity, instilling hope and sense of purpose into a nation that was broken and in despair. Pakistan's newly chanced position in the Muslim world greatly boosted its reputation. Even India saw Pakistan's new stature in the Muslim world with surprise and grudging respect for Bhutto's foreign policy and statesmanship.<sup>535</sup> He gave Pakistan this linkage to the countries of Gulf....on

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<sup>532</sup> Ibid., pp.59-60.

<sup>533</sup> Shaukat Ali, op.cit., p.242.

<sup>534</sup> Stanley Wolpert, *Zulfi Bhutto of Pakistan: His Life and Times*, New York: Oxford University Press, 1993, p. 233.

<sup>535</sup> India was interested to maintain good relations with the Muslim world and in fact expanding then: further in the wake of oil-boom and the petro-dollar influx into OPEC. There seemed more possibilities for trade and commerce with 44-country, a strong Islamic bloc. India needs to import the numerous natural resources including the vitally important petroleum that the Muslim world produced. She, on the other hand, also had raw materials, manufactured and semi-manufactured goods, and services (professionals, skilled, semi-skilled and unskilled workers) to export. Besides reducing unemployment and underemployment at home, these exports earned India precious foreign exchange it needed to buy machinery, military equipments and technical know-how from the West, and repay its foreign debts. India also wanted to retain its leadership of the Non-Aligned Movement and assume the leadership of the Third World, both requiring winning over the sizable Islamic bloc. It was surprising, unpleasant and even worrisome development for India to see Pakistan's ability to strengthen its 'fraternal bonds' with Muslim countries and assume so prominent a position in the emerging Pan-Islamic movement. It may have been a source of worry to India because Pakistan had already started and planned to increase rearming itself with the inflow of petrodollar aid and remittances from the Middle East. There also arose an opportunity for Pakistani armed forces to get invaluable practice on the latest military equipments by

defense lines, on economic lines, and on foreign policy lines.<sup>536</sup> It seemed that Bhutto was the statesman Pakistanis had yearned for since he was realizing Pakistan's long cherished dream of becoming one of the leaders of the Pan-Islamic Movement and playing an important role in bringing about Islamic solidarity. Bhutto impressed his countrymen with his ability to get along with leaders representing the whole spectrum of political opinion from radical socialist to conservative capitalist. He spoke to the audience in the Summit as a Third World leader, whose new economic strategy could topple the global dominance of both superpowers and the entire industrialized West.<sup>537</sup>

The Summit successfully achieved the objective of closing amicably the sad chapter of East Pakistan. Pakistan was now in a position to start afresh with Bangladesh. The success of the Summit was a great pride for the nation and it enhanced Bhutto's image and prestige also. The Lahore Summit "proved to Bhutto's greatest diplomatic triumph."<sup>538</sup> In 1974, it appeared that the Islamic World had suddenly gained the resources and the will to form a united block of nations with common interests and Bhutto wanted to be at the forefront of that movement.<sup>539</sup>

### **Pakistan's Relations With Iran**

Pakistan and Iran had long shared similar foreign policy problems. Both faced a potential threat from the Soviet Union to the north, and each was mired in bitter conflict with an immediate neighbor--Iraq for Iran and India for Pakistan. These challenges created an additional bond of solidarity to the one they enjoyed because of their common border and cultural heritage. The two nations also perceived a community of interests with the U.S. which had led both to join CENTO and conclude separate bilateral security arrangements with Washington. The Regional Cooperation for Development [R.C.D] plan was established in 1964 by Turkey, Iran and Pakistan in order to strengthen mutual economic, socio-cultural and technical cooperation among the three Muslim nations who were

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advising and training their counterparts all over the Middle East. It strengthened Pakistan's position which was alarming for India.

<sup>536</sup> The Muslim, 10 April, 1989.

<sup>537</sup> Wolpert, op cit , p.233.

<sup>538</sup> Ibid., p.224.

<sup>539</sup> Devin T. Hagerty, op.cit., p.62.

members of CENTO.<sup>540</sup> Such linkages served mostly as psychological security blankets for the Muslim nations rimming the Soviet Union. The RCD plan realized only nine joint purpose projects between 1964 and the late 1970s.<sup>541</sup> The R.C.D. was a relatively low-key agency until Bhutto came to power, and it then expanded dramatically. Pakistan's defeat in 1971 coincided with an "increase in Iranian power and prestige". Pakistan relied heavily on Iran for the psychological uplift necessary to pull it out of the despair of defeat.<sup>542</sup>

Bhutto and Shah both considered the successful Bengali separatist actions of 1971 a dangerous precedent. It set out an example for other secessionist groups, especially those in Baluchistan, clanking the borders of Iran, Pakistan, and to lesser extent, Afghanistan. While Pakistan struggled to put its house back in order, the Shah feared that internal Pakistani dissent would spill over into Iran. He and Bhutto shared an interest in resisting Baloch separatism and a suspicion that the Soviet Union had its eye on a Moscow-dominated Baloch state.<sup>543</sup> Shah was also concerned with the destabilizing effects of agitation for an independent Pushto-speaking state by Pathans living on both sides of the border between Afghanistan's Eastern province and Pakistan's Northwest Frontier Province.<sup>544</sup> He actively sought a rapprochement between Kabul and Islamabad over the Pakhtoonistan issue. Shah viewed Pakistan as a good eastern buffer, which would perhaps provide a useful link in improving Iranian relations with Saudi Arabia and the Persian Gulf Emirates.<sup>545</sup>

These mutual interests developed into an Iranian political commitment to the territorial integrity of Pakistan in the mid-1970s.<sup>546</sup> Thus, as Bhutto sought help from its neighbor to the west, a major objective of Iranian policy was to 'extend maximum political and military support to Pakistan in order to assure stability in the region which would serve Iranian strategic interest' specially, Tehran's 'need

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<sup>540</sup> Rafiq Akhtar, (ed.), *Pakistan Year Book 1976*, Karachi: East-West Publishing Company, 1977, p.299.

<sup>541</sup> M. Barati-Novbari, "Regional Cooperation Among Pakistan, Iran and Turkey: Some Recent Developments", *Journal of South Asian and Middle Eastern Studies*, Vol. 6, (Summer 1983), p.26.

<sup>542</sup> Devin T. Hagerty, op.cit., p.63.

<sup>543</sup> Ibid., p.64.

<sup>544</sup> Ibid., p.64.

<sup>545</sup> Tahir-Kheli, "*Iran and Pakistan: Cooperation in an Area of Conflict*", *Asian Survey*, Vol. 17, (May 1977), p.479.

<sup>546</sup> Ibid., p.479.

to safeguard her lines of communications through the Hormuz Straits' near Pakistan's coast.<sup>547</sup>

Iran extended significant support to Pakistan on vital issues like Kashmir and Pakhtoonistan.<sup>548</sup> Shah of Iran also sent shipments of oil to Pakistan on favourable terms, gave financial aid and substantial military assistance in dealing with rebel groups in Pakistan's disaffected province of Baluchistan. These close links resulted in Pakistan's exports to Iran by over 400 percent between 1972-73 and 1973--74, and nearly doubled in the following year.<sup>549</sup> A credit of \$850 million from Iran was important for Pakistan's economy, which went into educational institutions, building of textile mills and cement plants.<sup>550</sup> By expanding R.C.D's role, Bhutto was able to obtain substantial financial, military and political aid from Iran.

### **Bhutto And The Politics of Islamic Bomb**

Bhutto is considered to be one of the architects and major force behind Pakistan's nuclear energy programme. He reorganized the Atomic Energy Commission and lobbied for increased funding to it as a Minister of Fuel, Power and Natural Resources in Ayub's cabinet during 1958.<sup>551</sup> He was so concerned about India's nuclear processing plant, which could give it nuclear capability that he announced that "If India builds the bomb, we will eat grass or leaves even go hungry, but we will get one of our own. We have no alternative."<sup>552</sup> His idea to allocate more resources to establish a Pakistani reprocessing plant as rejected by Ayub. Ayub could have been concerned about a prohibitively expensive arms

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<sup>547</sup> Quoted in Devin T. Hagerty, *op.cit.*, p.64.

<sup>548</sup> During the 1965 and 1971 wars with India, Iran provided invaluable moral, material and logistical support, and in 1966 supplied Sabre jets to Pakistan. For details see Zubeida Mustafa, "Recent Trends in Pakistan Foreign Policy Towards Middle East", *Pakistan Horizon*, Vol. XVIII, No. 4, 1975, p.8.

<sup>549</sup> Shirin Tahir-Kheli, "Iran and Pakistan: Cooperation in the Area of Conflict", *Asian Survey*, Vol.XVII, No.5, May 1977, p.44.

<sup>550</sup> Zubeida Mustafa, "Pakistan and the Middle East", *Pacific Community*, 7 (July 1976), p.603.

<sup>551</sup> Salman Taseer, *Bhutto: A political Biography*, London: Ithica Press, 1979, p.154.

<sup>552</sup> Quoted in D. K. Palit and P. K. S. Namboodri, *Pakistan's Islamic Bomb*, New Delhi: Vikas Publishing House, 1979, p.15.

race with India, a cut-off of all U.S. and Western aid, and averse reaction in the world that could diplomatically isolate Pakistan.<sup>553</sup>

Bhutto has interested to see Pakistan go nuclear. In his book entitled *The Myth of Independence*, Bhutto candidly dealt with the nuclear issue by writing:

All wars of our age have become total wars ... and it will have to be assumed that war waged against Pakistan is capable of becoming a total war. It would be dangerous to plan for less and our plans should, therefore, include the nuclear deterrent.<sup>554</sup>

Considering the Indian threat as central in his thoughts on the nuclear issue, Bhutto warned:

If Pakistan restricts or suspends her nuclear programme, it would not only enable India to blackmail Pakistan with her nuclear advantage, but would impose crippling limitations on the development of Pakistan's science and technology.<sup>555</sup>

Unconcerned with any short-term nuclear threat posed by India, he as more suspicious of India's long term intentions. Therefore, he opined;

Our problem, in its essence, is how to obtain such a weapon in time before the crisis begins. India, whose progress in nuclear technology is sufficient to make her a nuclear power in the near future, can provoke this at a time of her choosing .... Pakistan must therefore embark on a similar programme in order to achieve nuclear parity and for her national security.<sup>556</sup>

Bhutto found the opportunity to pursue his objective to develop Pakistan's "nuclear option" as the "trump card" in his foreign policy, when he rose to power again in 1971. Pakistan's nuclear capability could serve as a symbolic equalizer with India and an effective bargaining chip in deterring India's strength in conventional military terms. It could also assure Pakistan that it was not dependent on the West or China, but was independently secure. Further, it

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<sup>553</sup> Quoted in Zalmay Khalilzad, "*Pakistan: The Making of a Nuclear Power*", *Asian Survey*, Vol. XVI, No. 6, June, 1976, p.246.

<sup>554</sup> Zulfikar Ali Bhutto, *The Myth of Independence*, London: Oxford University Press, 1969, p.153.

<sup>555</sup> *Ibid.*, p.153.

<sup>556</sup> *Ibid.*, p.154.

could enhance Pakistan's international status as a member of the group of nuclear powers and first nuclear power in the Muslim world. In this scenario, Bhutto believed that psychological and political leverage would accrue in dealing with friends and foes, and that Pakistan would be promoted to the position of leadership in not only the Muslim world, but also in the Third World.<sup>557</sup>

India's explosion of a nuclear device in May, 1974 was alarming for Pakistan. Indira Gandhi, in a letter to Bhutto wrote: "there are no political or foreign policy implications of the nuclear test and that India still adhered to its policy of using atomic energy for peaceful ends."<sup>558</sup> Bhutto, un-persuaded by this palliative, replied:

It is a question not only of intentions but capabilities. It is well-established that the testing of a nuclear device is not different from the detonation of a nuclear weapon. Given this indisputable fact, how it is possible for our fears to be assuaged by mere assurances, which may in any case be ignored in subsequent years. Governments change, as do nation attitudes. But the acquisition of a capability, which has direct and immediate military consequences, becomes a permanent factor to be reckoned with.<sup>559</sup>

Bhutto later accused India of lacking the maturity that comes with great power status in the use of restraint when he added:

If ever there was a nation capable of using atomic weapons, it was India. If India was ever in a tight corner, it would not hesitate to use the atomic bomb .... The nuclear status had been acquired to brandish a nuclear sword to coerce, to impose hegemony over neighbours and to extract political concessions.<sup>560</sup>

The Indian explosion was considered by Bhutto a "fateful development" and a "threat to Pakistan's security."<sup>561</sup> He further added that "a more grave and

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<sup>557</sup> The Outlook, [Karachi], Vol. 2, No. 49, March 9, 1974.

<sup>558</sup> Palit and Namboodri, op.cit., p.16.

<sup>559</sup> Ibid., pp.16-17.

<sup>560</sup> Pakistan Times, June 8, 1974, p.1.

<sup>561</sup> Zalmay Khalilzad, "Pakistan and the Bomb", Survival, Vol. XXI, No. 6, November-December 1973, p.146.

serious event....has not taken place in the history of Pakistan."<sup>562</sup> Bhutto appealed for a "nuclear umbrella of all the five Great powers" or failing that nuclear assurance from "at least one of them" as the "irreducible minimum protection."<sup>563</sup> His appeal was given no consideration by any of the Great powers and went unheeded.

Bhutto succeeded in getting United States of America committed to \$100 million arms deal to Pakistan by assuring her that Pakistan would stay in CENTO, and would develop a nuclear bomb only if his country was not provided with a "sufficient deterrent." However, the U.S. government did not supply with any heavy or offensive weapons to Pakistan in order not to antagonize India.<sup>564</sup>

Under these circumstances, Bhutto redoubled his efforts to acquire nuclear weapons capability for his country--motivated by Pakistan's national interest and his personal ambition. He was fully aware of his country's resources and knew that Pakistan could not acquire nuclear capability alone. In order to achieve this goal he gave an impression to some Muslim countries that the development of nuclear energy was not possible unless he would receive financial and technological support from them.

The Arabs had suffered four military defeats at the hands of the Israelis and had lost a big piece land, including the Holy City of Jerusalem. The continuous supply of substantial economic and military aid from the U.S had strengthened Israel with the most sophisticated conventional military arsenal. It also possessed a number of nuclear bombs which could be used against the Arabs if the position of Israel was threatened. This strong position of Israel was a continuous threat for the Arabs who did not possess sophisticated military capabilities.<sup>565</sup>

Bhutto realized that the increase of oil prices which had resulted in the petrodollars flowing to oil-rich Muslim states, had given these countries a new sense of pride and power. He felt that they could use their enhanced power to do something potential about their negative global image.

There was a revival of interest in Islam in Pakistan and other Muslim countries. The Second Islamic Summit Conference was a unique display of Islamic unity

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<sup>562</sup> Zalmay Khalilzad, *"Pakistan: The Making of a Nuclear Power"*, op.cit., p.589.

<sup>563</sup> Enver Qureshi, *"Pakistan's Islamic Bomb"*, Pakistan Economist, Vol.10, No. 39, September 29, 1979, p.10.

<sup>564</sup> Zalmay Khalilzad, *"Pakistan and the Bomb"*, p.cit., p. 246.

<sup>565</sup> Pakistan Affairs, Vol. 10, No. 39, 29 September, 1979,

and Bhutto got most of the credit for its success. Bhutto thought that it was an appropriate time for selling his concept of an “Islamic Bomb” to the two of the wealthiest Pan-Islamic and anti-Zionist leaders in the Arab world, namely Colonel Qadhdhafi and King Faisal. Since both of them were well-known for supporting Islamic causes around the world and financing for an “Islamic Bomb” was not a difficult task for them.<sup>566</sup>

Pakistan was more advanced technologically in the area of nuclear energy than any other Muslim country. It was also known for its Pan-Islamic and pro-Arab sentiments. Bhutto had assured the leaders of the Muslim world that he could be trusted in sharing the nuclear arms technology and probably even a bomb if the Arabs felt endangered by Israel’s powerful war-machine. He succeeded convincing them that the existence of an “Islamic Bomb” itself would deter Israel from ever using her nuclear arsenal against the Arabs, and probably encourage her to reconsider invasion and occupation of further Arab territory.<sup>567</sup>

The explosion of a nuclear device by India had strengthened Bhutto’s idea of an Islamic Bomb. He could convince his Arab financiers with the argument that “there was a Christian bomb, Jewish bomb, and now a Hindu bomb, why not an Islamic bomb?”<sup>568</sup> Bhutto believed that the Muslim world could not afford the luxury of lagging behind those that had the bomb, because if it did, it would not only be inferior and weaker, but would continue to be dominated. A way of becoming powerful and exerting pressure on the world stage was to have an Islamic bomb. The logic was persuasive, and touched the Pan-Islamic sentiments of his patrons. Immediately after the Islamic Summit, Pakistan set about the task with considerable zeal.<sup>569</sup> In January 1975, Qadhdhafi was rather indiscreet in indicating the efforts that he had made to get an atom bomb when he said: “A few years ago, we could hardly manage to procure a squadron of fighter planes. Tomorrow, we shall be able to buy an atom bomb and all its component parts. The monopoly of the atom will be broken any day now.”<sup>570</sup>

Pakistan’s plans to make an atomic bomb were known to some extent by the various intelligence agencies. But all doubts were cleared when the deposed and

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<sup>566</sup> Za1ay Khalilzad, “Pakistan and the Bomb”, op.cit., p.145.

<sup>567</sup> Palit and Namboodri, op.cit., pp.8-9.

<sup>568</sup> Observer, [England], 9 December, 1973, p.1.

<sup>569</sup> Steve Wiessman and Herbert Krosney, *The Islamic Bomb: The Nuclear Threat to Israel and Middle East*, New York: Times Books, 1981, pp.62-64.

<sup>570</sup> Ibid., p.53.

imprisoned Bhutto himself wrote about his contribution in bringing Pakistan to the threshold of nuclear capability. To quote him:

When I took charge of Pakistan's Atomic energy Commission, it was .... only a name. Assiduously, and with granite determination, I put my entire vitality behind the task of acquiring nuclear capability for my country. I sent hundreds of young men to Europe and North America for training in nuclear science.... Due to my singular efforts, Pakistan acquired the infrastructure and the potential of nuclear capability. It was not a simple task to catch up the lost time in a poor and underdeveloped country like ours. When I assumed charge of Atomic Energy, Pakistan was about twenty years behind India's programme. When I ceased to be Prime Minister, I believe, that at most, Pakistan was five to six years behind India.<sup>571</sup>

In another revealing statement, Bhutto said:

The major portion of the [reprocessing] project had been completed, and we had thoroughly prepared ourselves to show the world that we also knew how to explode a nuclear bomb .... My countrymen wanted me and my government to produce a nuclear bomb.<sup>572</sup>

In fact Bhutto wanted the world to know that he was the man who had coined the term "Islamic bomb", and if ever Pakistan exploded a nuclear device, Bhutto could be remembered for having fathered it. He referred to it as "my greatest achievement"<sup>573</sup>, placing it above the stabilization and consolidation of the rump Pakistan, his domestic socio-economic reforms, the Simla Agreement with India, the 1973 Constitution, the strengthening of brotherly ties with the Muslim world, and even the hosting of the 1974 Lahore Islamic Summit Conference.

It was because of Bhutto's efforts that closer ties between Pakistan and the Middle East countries were established. The Middle East countries lacked professionals, skilled, semi skilled and unskilled workers. This provided an opportunity for Pakistanis to have jobs in these countries. Bhutto administration facilitated and even encouraged the outflow of Pakistani manpower and thereby greatly accelerated the process. It is to Bhutto's credit to have perceived the mutuality of interests between Pakistan and the Muslim world.

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<sup>571</sup> Bhutto, *If I am Assassinated*, Delhi: Vikas Publishing House, 1976, p.137.

<sup>572</sup> Zalmay Khalilzad, *"Pakistan; and the Bomb"*, op.cit., p.245.

<sup>573</sup> Salman Taseer, op.cit., p.154.

Bhutto's Islamic diplomacy had three fold objective: (a) to earn foreign exchange for Pakistan, (b) to reduce unemployment/underemployment in the country, and (c) to establish and strengthen Pakistan's links with the Muslim world, all in the name and worthy cause of Islam. Pakistan's foreign policy capitalized on the economic assets of the oil-rich Muslim states by links.- these countries to the rest of the Third World, of which Pakistan was a part; a process which 'would complement their individual resources and give them collective strength.'<sup>574</sup>

### **Pakistan and the Middle Eastern Aid**

The "politics of Islam" during Bhutto's era brought in a substantial inflow of worker remittances. It also generated increased Middle Eastern Grants, loans, oil at concessional prices and investments.

Prior to Bhutto's assumption of power, Pakistan was totally dependent upon Western economic and military aid which amounted to \$6.5 billion.<sup>575</sup> Direct financial assistance to Pakistan from the Muslim world was virtually non-existent.<sup>576</sup> The only loans Pakistan actually received from the Muslim countries were a \$5 million supplier's credit from Kuwait in 1969-70 and a \$30 million general purpose loans from Libya in 1973-74.<sup>577</sup>

From 1974 onward, Pakistan began receiving increased aid programme from the Middle East. In 1974-75, the Middle Eastern members of OPEC edged out the Organization for Economic Cooperation (OECD) donors as the major international aid donors. In that year, the Muslim countries pledged \$896 million or 51.4 percent of the record aid commitment of \$1.744 billion made to Pakistan by various donors.<sup>578</sup> Iran agreed to advance \$580 million over a three-year period,<sup>579</sup> and the members of OPEC pledged the rest of the aid.<sup>580</sup> The

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<sup>574</sup> Zulfikar Ali Bhutto, *The Third World: New Directions*, op.cit., p.86.

<sup>575</sup> *Twenty-five Years of Pakistan in Statistics: 1947-1972*, Karachi: Central Statistical Office, 1972, p.306.

<sup>576</sup> Weirbaum and Sen, op.cit., p.602.

<sup>577</sup> *Pakistan Economic Survey 1974-75*, Islamabad: Government of Pakistan, n.d, pp.121, 130.

<sup>578</sup> The wealthy Western nations involuntarily transferred major part of their foreign aid to the oil-rich nations for purchase of oil. The oil-rich nations then converted their enormous petrodollar earnings to foreign aid.

<sup>579</sup> The Iranian credit to Pakistan was repayable over eight years with a grace of three years bearing an interest of 2 percent per annum .... [For detail see Zubeida Mustafa, op.cit., pp.12-13]

traditional major aid donor of Pakistan, the USA, committed \$ 104 million, while the USSR made its largest commitment ever to Pakistan by pledging \$214 million, mainly for the steel plant she was building near Karachi.<sup>581</sup>

In 1975-76, the Saudi Development Fund pledged a soft loan of \$30 million and the Saudi government made a grant of \$30 million to help meet Pakistan's balance of payments deficit.<sup>582</sup> King Khalid gave Pakistan a gift of \$30 million during 1976, of which \$10 million was meant for the construction of an Islamic Centre in Islamabad.<sup>583</sup> In 1975-76, Abu Dhabi had given Pakistan \$100 million, Iran \$628 million, Kuwait \$44 million, Libya \$80 million, and Qatar \$10 million.<sup>584</sup>

Arab governments and private Arab entrepreneurs also invested funds in Pakistani commercial and industrial enterprises. The Abu Dhabi National Oil Company bought stocks worth \$32 million in a fertilizer plant and \$21.6 million in an oil refinery in Multan. Sheikh Zayed--the ruler of Abu Dhabi and president of the UAE funded scholarships (especially for medical and engineering students), financed graduate centers for the Arabic language and Islamic Studies at the universities in Lahore, Karachi and Peshawar, funded the establishment or expansion of libraries, contributed to the building of a modern airport, and built a 200-bed modern hospital in Rahimyar Khan.<sup>585</sup> Saudi Arabia had given Pakistan a loan of \$50 million for a fertilizer factory to be set up at Mirpur Mathelo, a credit of \$34 million to modernize and expand two cement factories, and a credit of \$10 million to establish a polyester factory in Karachi.<sup>586</sup>

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<sup>580</sup> The members of OAPEC extended a credit of \$49 million to Pakistan during 1974-75. Again cash donations to the tune of \$ 40 million was given to Pakistan by the Muslim countries of the Middle East when an earthquake struck the northern regions of Swat.[For detail see Zubaida Mustafa, pp.13-14]. In 1974-75, Saudi Arabia had pledged an interest free loan of \$100 million to Pakistan, of which \$53.4 million was actually disbursed. [Anwar H. Syed, "Pakistan in 1976: Business as Usual", *Asian Survey*, Vol. XVII, No. 2, February 1977, p.100].

<sup>581</sup> Feroz Ahmed, "*The New Dependence*", in Hassan Gardezi and Jamil Rashid, (eds.), *Pakistan: The Roots of Dictatorship*, London: Zed Press, 1983, p.7.

<sup>582</sup> A. H. Syed, "Pakistan in 1976", *op.cit.*, p.188.

<sup>583</sup> *Ibid.*, p.188.

<sup>584</sup> *Pakistan Economist*, March 19-25, 1977, p.22.

<sup>585</sup> Anwar H. Syed, "Pakistan and its Neighborhood: Pressures and Politics", *International Security Review*, Vol. IV, No. IV, Winter 1979-1980, p.415.

<sup>586</sup> Zubaida Mustafa, "*Recent Trends in Pakistan's Policy towards the Middle East*", p.13.

Although these measures were purely economic and beneficial to both the Middle East and Pakistan, yet these developments had religious overtones. Esposito has rightly observed that “Islam had become a prominent part of the Bhutto government’s approach to foreign policy.”<sup>587</sup> This renewed socio-economic relationship with the Muslim world was perceived as an outcome of not only Bhutto’s diplomatic skill but his leanings towards the Islamic ideals of brotherhood and partnership. They were supposed to safeguard him against the onslaught of the religious scholars against his declared socialist policies. Armed with such potential religious diplomacy abroad as well as his policies of Islamization at home had assured him a smooth and landslide victory in the coming elections.

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<sup>587</sup> John L. Esposito, “Pakistan: Quest for Identity”, in John L. Esposito, (ed.), *Islam and Development: Religion and socio-Political change*, New York: Syracuse University Press, 1980, p.151.

## CHAPTER-V

### THE POLITICS OF RELIGION AND THE 1977 ELECTIONS

Bhutto had not as yet publicly announced when the elections would be held but wanted to be sure that his own side's "battle plans" were well and carefully drawn before alerting the "enemy" to a date.<sup>588</sup> Despite his confidence, Bhutto did all he could to strengthen his position and protect his flanks before announcing the date for the new elections. Throughout 1976, the Bhutto regime organized and celebrated the hundredth anniversary of the birth of the Quaid-i-Azam Muhammad Ali Jinnah. In the year-long celebrations of Pakistan's founding father, the nation reexamined issues of its identity, purpose and destiny. Parallels were drawn between Jinnah and Bhutto, who had saved Pakistan from decay, disintegration and chaos in the aftermath of Bangladesh, and helped bring about socio-economic egalitarianism and justice at home. Celebrations culminated with the holding of an International Congress to which forty-four countries sent delegations comprising intellectuals and political representatives.<sup>589</sup>

In July, 1976, Bhutto announced the Government takeover of all but the very small wheat and flour-milling, rice-husking and cotton ginning enterprises, replacing the previous owners with government bureaucrats. Farmers and urban dwellers initially welcomed this nationalization programme, believing that it would decrease the hoarding and profiteering engaged in by the owners and operators of these mills.<sup>590</sup>

A governmental decree was passed abolishing the feudal *Sardari* (chieftain) system by which the tribal chieftains used their on local laws, courts, jails, and taxes. Roads were constructed and educational institutions were opened in previously neglected northern tribal areas of the NWFP and Baluchistan. Laws

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<sup>588</sup> Stanley Wolpert, *Zulfi Bhutto of Pakistan: His Life and Times*, op.cit., p.270.

<sup>589</sup> Lawrence Ziring, "Pakistan: The Campaign Before the Storm", *Asian Survey*, Vol. 17, No. 7, July 1977, p.592.

<sup>590</sup> M. G. Weinbaum, "The March 1977 Elections in Pakistan: Where Everyone Lost", *Asian Survey*, Vol. XVII, No. 7, July 1977, p.603.

were passed limiting dowries and wedding expenses. Even a declaration of women's rights was adopted.<sup>591</sup>

A "Peasant's Week" was organized by the Bhutto administration towards the end of 1976 in which Bhutto declared a "National Charter of Peasants" promising among other items the transfer of ten million acres of state land to some one million landless peasants and very small land-owners. In the egalitarian spirit of Islam he added. "All power to the peasants .... May Allah bless them and their children."<sup>592</sup>

Bhutto efforts to win over the middle class began in 1974. Bhutto had nationalized some major industries in 1972 but most of them were running in losses. Due to the fear of nationalization, private industrial investment fell from 93 percent in 1971-72 to 29 percent in 1976-77.<sup>593</sup> Cotton crop failure and the lack of investment in the textile industry had led to lower exports of cotton and cotton-textiles, reducing foreign exchange earnings. Inflation and unemployment were also rising sharply and causing frustration and resentment among the masses. In order to move away from his failed socialist economic policies, Bhutto began to purge a number of the doctrinaire socialists from his cabinet and from party hierarchy. These PPP loyalists were the scapegoats for Bhutto's unsuccessful and failed economic policies. Their places in the government were soon taken by the landlords, *pirs*, and industrialists who were expected to restore confidence and get the economy moving.<sup>594</sup>

Bhutto realized that the socialism and Islamic socialism, which had been effective in the late 1960's as an "ideology of protest" to assault Ayub's establishmentarianism built on a capitalism and feudal worldview was not needed as it had been supplanted by Islam, changing radical socialists into a liability. In 1976, Bhutto accelerated the government and PPP purges of hard-core socialists and the induction of established members of the landed elite.

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<sup>591</sup> Anwar H. Syed, "Pakistan in 1976", op.cit., p.184.

<sup>592</sup> *The Pakistan Times*, 19 December, 1976. Also quoted in Lawrence Ziring, "Pakistan: The Campaign Before the Storm", op.cit., p.592.

<sup>593</sup> Khalid Bin Sayeed, *Politics in Pakistan: The Nature and Direction of Change*, New York: Praeger Publishers, 1980, p.96.

<sup>594</sup> Sameel Ahmed Qureshi, "An Analysis of Contemporary Pakistani Politics: Bhutto versus the Military", *Asian Survey*, Vol. XIX, No. 9, September 1979, p.916.

Provincial governments were again returned to the *nawabs* and landed aristocrats.<sup>595</sup>

An aggressive membership programme was also launched by the PPP recruiting a broad spectrum of people. Even the well-to-do president and officers of the Pakistan Federation of Chambers of Commerce and Industry whom Bhutto had formerly regarded as “capitalist exploiters” were encouraged to enter the PPP. It was a cross-section of these people who got the PPP tickets to contest March 1977 elections on behalf of Bhutto’s new and conservative political party.<sup>596</sup>

As part of his party’s pre-election propaganda plan, thousands of little red-cover books called Bhutto says: *A Pocket-Book of Thoughtful Quotations from Selected Speeches and Writings of Chairman Zulfikar Ali Bhutto*, modeled on the little red books of Chairman Mao’s “wisdom”, were distributed widely in Karachi, Lahore and Rawalpindi.<sup>597</sup> The book’s introduction started with a message that “His [Bhutto’s] great achievements have brought new life to a half-dead nation.”<sup>598</sup> By identifying his party and himself with Quaid-i-Azam Jinnah and his dreams for Pakistan, Bhutto raced, as usual, well ahead of his political opposition.<sup>599</sup>

Bhutto expected to win his forthcoming elections with a comfortable two-thirds majority and to host the first Third World Summit, which would give him valid claim to the sobriquet, some of his devotees already used in addressing him not only as Quaid-i-Azam but also as “Leader of the Third World.”<sup>600</sup> Addressing the nation on 5 January, 1977, Bhutto spoke of his government’s achievements and finished his address by saying that “These five years have been years of the oil crisis, inflation, and recession abroad and of floods and drought at home. Is it not a case for legitimate pride that we did not let these calamities arrest the

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<sup>595</sup> For instance, the Nawab of Bahawalpur was requested to come out of retirement to serve as the Governor of the Punjab, while Nawab Sadiq Hussain Qureshi of Multan was appointed the Chief Minister of the Punjab province. The former Nawab of Qalat was encouraged to continue as the Governor of Baluchistan. The son of former Nawab of Junagarh, Dilawar Khanji was appointed Governor of Sindh, and Ghulam Mustafa Jatoi remained the chief minister of Sindh, where he was one of the biggest and most influential landlords. [Anwar H. Syed, “Pakistan in 1976”, op.cit., pp.184-185.

<sup>596</sup> Ibid., p.185.

<sup>597</sup> Stanley Wolpert, *Zulfi Bhutto of Pakistan*, op.cit., p.270.

<sup>598</sup> Bashir Ahmed, (comp. and ed.), *Bhutto Says*, Karachi: Motherland Press, [reprinted] 1976, p.iii.

<sup>599</sup> Stanley Wolpert, *Zulfi Bhutto of Pakistan*, op.cit., pp. 269- 270.

<sup>600</sup> Ibid., p.273.

nation's forward thrust? Today's reforms are socially just and historically inevitable. They are the culmination of an irreversible process we initiated five years ago. With this culmination, my heart is filled with peace and with the satisfaction that, whatever the future may hold, I have not played false by my people."<sup>601</sup>

Keeping in view his domestic as well as foreign policies in the name of Islam and strengthening his position by establishing Federal Security Force<sup>602</sup> and taking other measures, Bhutto decided to hold general elections almost 18 months before they were due (14th August, 1978) according to the Constitution. There were, of course, good reasons for the confidence that Bhutto exuded in the winter of 1976-77 and which prompted him to seek another mandate. A number of sudden and unanticipated changes in the neighbouring South Asian countries influenced this decision, as did several domestic developments that the prime minister interpreted as having improved his standing with his new constituency.<sup>603</sup> Bhutto went to polls 'a confident man, a strong man, arrogant in his exercise of power',<sup>604</sup> and fully convinced that he had no rival of his intellectual caliber and charisma, as well as his national and international political stature. He was confident that he and his party were well prepared for the elections with an impressive record of domestic and international achievements and an appealing political platform.

Bhutto probably realized that his mandate from the 1970 elections had been greatly eroded over the previous six years of his rule. Stanley Wolpert opines that "Bhutto had to win a clear two-third majority to change his much-vaunted

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<sup>601</sup> Z. A. Bhutto, Address to the Nation, 5 January, 1977 in Pakistan Horizon, 30 (First Qtr. 1977), pp.187-188

<sup>602</sup> Bhutto organized a Federal Security Force (FSF) in case of internal strife and chaos or as Foucault would suggest he "wished to arrange around him a mechanism of power that would enable him to see the smallest event that occurred in the state he governed." The idea of a federal security forces was inspired and borrowed from the notorious organization of the Shah of Iran's SAVAK. The members of this force were certified supporters of Bhutto and personally loyal to him. Thousands of new jobs were created and mostly the feudal elite certified the personnel as to their commitment and loyalty to the PPP. More than anything else this force was used to sabotage the opposition rallies and to quell industrial unrest. FSF became infamous very quickly. It was associated with the party and the party leaders used it to boost their own political power in that it disturbed the civilian administration and emerged as an officially licensed club of gangsters. It was a conscious move on his part to establish the power of party over the bureaucrats and to this design the FSF had to function as the strong arm of the party.

<sup>603</sup> Shahid Javed Burki, *State and Society in Pakistan, 1971-77*, London: The Macmillan Press Ltd., 1980, pp.173.174.

<sup>604</sup> M. G. Weinbaum, "The March 1977 Elections in Pakistan: Where Everyone Lost", op.cit., p.614.

democratic constitution back to the presidential system he personally preferred for,<sup>605</sup> in order to consolidate his essentially one-man rule so that he could take dramatic new steps in the area of foreign policy, and “rebuild Pakistan’s economic, political and social institutions on new foundations: foundations that were to be fashioned from materials available locally and not from those imported from outside.”<sup>606</sup> He was of the view that only in this way, could Pakistan rapidly progress and prosper, instead of just muddling along.<sup>607</sup>

Bhutto wanted to disprove the opposition’s charges of dictatorship by being the first popularly elected leader in the Pakistan’s thirty-year history to voluntarily call and hold national elections. He also wanted to embarrass the Indians, who had for thirty years lectured Pakistanis on the advisability of periodic national elections and the resilience of their world’s largest democracy. He referred Pakistan as the “shining example of democracy in Asia.” Shahid Javed Burki is of view that “it was no, only the political developments in South Asia that persuaded Bhutto to call elections. He was fully aware of the fact that, once the problems created by the separation of East Pakistan had been solved, the attention of the people would turn very quickly towards the domestic policies pursued by his regime ... his party’s management of the economy and polity had resulted in the reappearance of the crisis of ‘legitimacy and participation’ that had marked much of Pakistan’s history.”<sup>608</sup> After coming into the power, the PPP had entered into a ‘phase of decay’<sup>609</sup> the movement that Bhutto had launched in 1969 had ‘failed to convert itself into a party.’<sup>610</sup>

By the close of 1976, Bhutto began to think that he could broaden the base of his political support by appealing once again to urban groups. A number of economic, political and social developments seemed to suggest that the phase of PPP decay might well be over and that the party may be able to provide an umbrella under which several diverse political groups could gather once again as

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<sup>605</sup> Stanley Wolpert, *Zulfi Bhutto of Pakistan: His Life and Times*, op.cit., p.279.

<sup>606</sup> Zulfikar Ali Bhutto, *Chairman Bhutto’s Election Addresses*, Lahore: Forward Publishers, 1978, p.99.

<sup>607</sup> Zulfikar Ali Bhutto, “*Let Us Not Be Misguided*”, Jan- September, 1976.

<sup>608</sup> Burki, *State and Society*, op.cit., p.175.

<sup>609</sup> Anwar H. Syed, “*The Pakistan People’s Party: Phases one and Two*”, in Lawrence Ziring, Ralph Braibanti and Howard Wriggins, (eds.), *Pakistan: The Long View*, Durham, N.C.: Duke University Press, 1977, p.115.

<sup>610</sup> *Ibid.*, p.115.

they had done in 1970.<sup>611</sup> Wolpert observes that “the reported” ‘helplessness’ of the opposition leaders even so much as to attend a meeting on time encouraged Zulfi to believe that the movement had finally come to call new elections.”<sup>612</sup> It was believed that the opposition was in a “sorry state” of disarray and Bhutto should have “no trouble winning the elections” whenever he decided to hold it.<sup>613</sup>

On 7 January, 1977, Bhutto announced to the National Assembly that general elections would be held in two months. Three days later, President Fazal Elahi dissolved the Assembly at the prime minister’s recommendations, reporting that a new National Assembly would be elected on 7 March, and all four provincial assemblies would be elected on 10 March.

### **Pakistan National Alliance (PNA)**

Soon after the dates for elections to National and provincial assemblies were announced most of the opposition political parties with their different religious and ideological orientations came together due to their common antipathy for Bhutto and some of his domestic policies, to form a combined opposition front. Nine opposition parties joined together under the umbrella of Islam to form the Pakistan National Alliance (PNA) whose leadership was controlled by three religious parties [JI, JUI and JUP].<sup>614</sup> This alliance comprised of the major political parties<sup>615</sup> of the country and covered the entire spectrum from religious right to the secular left. The alliance had no alternative political agenda and was, therefore, mainly targeting on removing Bhutto from office. Moreover, it was predominantly urban centered, a great number of college and university students participated in its rallies. Most of these students were organized by Islami-Jamait-i-Talaba (IJT), the student wing of Jamaat-i-Islami in that Jamaat-i-Islami mainly controlled the means of enunciation for this movement, thereby providing the ideological leadership.<sup>616</sup>

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<sup>611</sup> Burki, *State and Society*, op.cit., p.175.

<sup>612</sup> Wolpert, *Zulfi Bhutto o Pakistan*, op.cit., p.275.

<sup>613</sup> Ibid., p.263

<sup>614</sup> John L. Esposito, “Pakistan: The Quest for Identity”, in John L. Esposito, (ed.), *Islam and Development: Religion and Sociopolitical Change*, op.cit., p.151.

<sup>615</sup> The Pakistan National Alliance was consisted of: (1) Jamaat-i-Islami;(2) The Jamiat-i-Ulama-i-Islam; (3) The Jamiat-i-Ulama-i-Pakistan; (4) The Tehrik-i-Istiqlal; (5) The Pakistan Muslim League; (6) The Pakistan Democratic Party; (7) The National Democratic Party; (8) The Khaksar Tehrik; and (9) the Azad Kashmir Muslim Conference.

<sup>616</sup> Masoom Abidi, op.cit., p.167.

Among the nine constituents of the PNA, the Jamaat-i-Islami, the Jamiat-ul-Ulama-i-Islam and Jamiat-i-Ulama-i-Pakistan were religious parties which stood for the enforcement of Shariah. Pakistan Muslim League and Pakistan Democratic Party were Islamist modernists. National Democratic Party's rank and file was secular and inclined to socialism. Khaksar Tehrik and Azad Kashmir Muslim Conference fell somewhere between the religious parties and the Islamist modernist elements. Tehrik-i-Istiqal was a secular party for all political purposes.

Initially Bhutto did not believe that this coalition with the diverse views of nine political leaders could get together. He was sure that the long-standing interpersonal rivalries, different religious and ideological orientations would make it extremely difficult for them to unite and support candidates to contest each constituency and ultimately support one of them to run for prime minister. It was not a single party and it seemed hard to believe that Asghar Khan, Pir of Pagaro and Mufti Mahmood not mention all the others, could really even pull the PNA, not to speak of Pakistan, in the same direction.<sup>617</sup>

### **Synopses of the PPP and PNA Election Manifestos**

The PPP Election Manifesto announced on January 24, 1977, was quite different in style and content from its Election Manifesto of 1970. In 1970, the PPP promised revolutionary change, while in 1977 it sought to preserve and consolidate the gains made in the previous six years. The 1970's manifesto of the PPP pointed out that "feudalism as an economic and political force was a formidable obstacle to progress" and "promised to destroy the power of feudal land-owners." But its 1977 manifesto claimed that the party "had kept this pledge by taking a series of measures in the course of the past five years, including a drastic reduction in the ceilings of land holdings. Together they have brought an end to feudalism in Pakistan and ushered in a new era of progress and prosperity for our rural society."<sup>618</sup>

There was absolutely no revolutionary or radical socialist rhetoric that had characterized the PPP ideology in late November, 1967, when it was founded. While socialism and even "Islamic socialism" were underplayed both in the 1977 Elections Manifesto and in the party's official pronouncements, Islam (minus socialism) was prominently highlighted. In this connection the manifesto promised to "hold high the banner of Islam ... Ensure that Friday is observed as

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<sup>617</sup> Wolpert, *Zulfi Bhutto of Pakistan*, op.cit., p.282.

<sup>618</sup> Pakistan People's Party Manifesto, Pakistan People's party Central Secretariat, 1977, p.20.

the weekly holiday instead of Sunday ... making the teaching of the Holy Quran as integral part of eminence as a centre of community life.... Establish federal *Ulama* academy....<sup>619</sup> Bhutto was a modern secular politician with an ideological bent toward socialism. However, events in Pakistan gradually caused Bhutto to progressively increase his appeal to Islam and then, out of political expediency, to advocate Islamization.<sup>620</sup>

On the other hand, the PNA announced its manifesto on 8 February, 1977 which was a masterpiece of compromise and replete with clichés and slogans. In domestic affairs, the PNA used Islamic rhetoric to promise many of the same populist socioeconomic policies and programmes that the PPP had done. In addition, it promised to cut the spiraling inflation and unemployment, to encourage private investment in all fields, to denationalize the flour-milling, rice-husking and cotton-ginning plants, and to immediately pay adequate compensation to the owners of the other nationalized industries (who under the PPP would have to wait at least ten years to get compensated).<sup>621</sup> The PNA Manifesto also called for the termination of Bhutto's 'personal, secular, corrupt and dictatorial rule'. It called upon the Pakistani people to rise up and replace Bhutto's regime with a "truly democratic regime" which would ensure that "dictatorship was destroyed once and for all."<sup>622</sup>

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<sup>619</sup> "PPP Manifesto: Text of Third Chapter", Dawn, Karachi, January 26, 1977, p.4.

<sup>620</sup> John L. Esposito, "Pakistan: The Quest for Identity", in Islam and Development, op.cit., p.149.

<sup>621</sup> *The Far Eastern Economic Review*, February 25, 1977, p.33.

<sup>622</sup> According to PNA, Bhutto had inherited many of the authoritarian personality traits of a traditional feudal Sindhi "*Wadera*" [wealthy and powerful landlord]. For instance, he attempted constantly to display his authority and influence by resorting to a mix of the carrot [favours like jobs, bribes, gifts and loans on easy terms] and the stick [intimidation and punishments] See Lawrence Ziring, "Pakistan and India: Politics, Personalities and Foreign Policy", *Asian Survey*, Vol. XVIII, No.2, pp.716-718.

It was charged by the PNA that it was because of this very personality trait that Bhutto governed the country as though it were his private fiefdom. According to them, he monopolized power, centralized decision-making, and attempted to create a mystique of infallibility; he demanded complete obedience and loyalty; he distrusted even his closest advisers; his enemies, opponents and even his wavering or former allies were dealt with in a cold-blooded and ruthless manner; he behaved as though he had unlimited rights and was above the law; he promised popular parliamentary democracy, but then betrayed his promises by imposing an unpopular dictatorship; the State of Emergency declared in December 1971 was never fully lifted, numerous upper level civil servants and armed forces personnel were arbitrarily dismissed, and numerous unqualified, inexperienced and incompetent PPP loyalists inducted to the civil service; lands belonging to opponents of the regime were confiscated and numerous industries, business enterprises, banks and insurance companies were arbitrarily nationalized; members of the popularly elected provincial governments of Baluchistan and the North West Frontier Province were undermined and replaced just because they happened to be Bhutto's opponents. [Khalid

The main thrust of their argument was that:

- 1) Bhutto had only given lip service to Islam;
- 2) There was no change for the common people under Bhutto's rule;
- 3) Political corruption, a sense of civil insecurity, and the prices of daily necessities had all moved toward the worst and his rule was practically worse than the military rule of General Ayub.<sup>623</sup>

In obvious deference to the dominance of the religious parties in the PNA, the manifesto called for the establishment of a genuine Islamic system described as *Nizam-i-Mustafa* (system of the Holy Prophet Muhammad), which would be based on Islamic democratic law. The platform called for the adoption of an Islamic code of taxation and strict Islamic punishments for a variety of offences; and that the PNA would eliminate corruption, ban alcohol, gambling, night clubs, pornography, adultery and coeducation, interest on loans, financial speculation, and even family planning. In the area of foreign affairs, the PNA manifesto declared that if the PNA assumed power it would not repay unproductive foreign loans, would withdraw Pakistan from the Western sponsored CENTO, and disown the Simla Accord that Bhutto reached with Pakistan's and Islam's enemy: neighbouring Hindu India.<sup>624</sup>

### **The Islamic Character of the 1977 Election Campaign**

As the election campaign gathered momentum, the PNA being denied access to the mass media by the government, devised the successful strategy of holding meetings at very well-known and popular places, organizing public rallies, and taking out large processions. The PNA's oft repeated promise to "enforce" Islamic law throughout Pakistan, if elected, and hence to ban the sale of wine and liquor, gambling of every kind, the payment of interest, and the use of "obscenity" was seen as a serious frontal challenge to Bhutto's leadership and the popularity of his party.<sup>625</sup> Seeing the Islamic thrust of the PNA's successful

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Bin Sayeed, "Mass Urban Protests as Indicators of Political Change in Pakistan", *The Journal of Commonwealth and Comparative Politics*, Vol. XVII, No.2, July 1979, p.126; also see Lawrence Ziring, *Pakistan and India: Politics, Personalities...*, op.cit., pp.176-178]

<sup>623</sup> Masoom Abidi, op.cit., p.167.

<sup>624</sup> See *Manshoor Pakistan Qaumi Ittihad (Manifesto of the Pakistan National Alliance)*, Rawalpindi: Jamiat-i-Talaba-i-Islam, 1977. The complete text of PNA Manifesto also appeared in Dawn, Karachi, February 10, 1977, p.4, Dawn, Karachi 11 February, 1977, p.8.

<sup>625</sup> Wolpert, *Zulfi Bhutto of Pakistan*, op.cit., p.282.

election campaign strategy, Bhutto instructed his party's workers to drop all references to even Islamic socialism, and use the more appealing term of *Musawat-i-Muhammadi* (Islamic Egalitarianism) instead.<sup>626</sup> Moreover, Bhutto and his PPP candidates stressed the regime's service to Islam in domestic as well as foreign affairs in the past six years and promised to do much more for the cause of Islam if re-elected. As one perceptive editorial in a local Pakistani newspaper succinctly pointed out "The major emphasis in the People's Party programme for the future is on Islam. This is in sharp contrast to the concept of trinity propounded in the last election-socialism, Islam and democracy."<sup>627</sup> In order to counter opposition attacks Bhutto launched First national *Seerat Conference* (Life of the Holy Prophet) in Rawalpindi on February 19, 1977. Addressing the conference, Bhutto said that "the people's government ... does not believe in sanctimonious pretensions to gain mundane popularity, nor in self-righteous herics", insisted Bhutto, "but steadfastly pursues ... the cherished goals of promoting Islamic ideals and values."<sup>628</sup>

In spite of Bhutto's contributions and appeals to Islam, his Islamic credentials were suspect because of his well known secular education, attitudes, dress and behavior. Although Bhutto had used Islam for political purposes upon occasions after he came to power in December, 1971, the major re-emergence of Islamic issues into the political arena came with campaigning for the March 1977 elections ... PNA settled on Islam as a vague but powerful slogan ... and attacked Bhutto for having failed to further the cause of Islam during his tenure in office.<sup>629</sup> Maulana Maududi's Jamaat-i-Islami posed in some respects the most dangerous challenge to Bhutto's PPP, for the JI had a "large following" in all ranks of army, though, no one really knew how large it was or how high in the top most command its "sympathizers" went.<sup>630</sup>

Masoom Abidi comments rightly that "the times for Bhutto had changed. When he was rising to power he would say many things straight forwardly and the

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<sup>626</sup> William Richter, "The Political Dynamics of Islamic Resurgence in Pakistan" *Asian Survey*, Vol. XIX, No. 6, June 1979, p.551.

<sup>627</sup> "A Great Manifesto", Editorial, *Baluchistan Times*, January 26, 1977. Also Quoted in Richter, op.cit., p.551.

<sup>628</sup> Z. A. Bhutto, Speech at National Seerat Conference, Rawalpindi, 19 February, 1977, *Pakistan Horizon*, 30 (1st Qrt.1977), pp.190-191.

<sup>629</sup> William L. Richter, "Pakistan", in Mohammad Ayoob, (ed.), *The Politics of Islamic Reassertion*, London: Groom Helm Ltd., 1981, p.142.

<sup>630</sup> Masoom Abidi, op.cit., p.168.

people would admire him instead of criticizing him.”<sup>631</sup> During the 1970 election campaign, Bhutto delighted a mass rally by saying: “Yes I drink ... but not people’s blood,”<sup>632</sup> thus implying that his occasional drinking was inconsequential when compared to the sins of his opponents, led and supported by capitalists, landlords and feudal barons who were responsible for over-working, under-paying and even killing the poor, helpless peasants and labourers. The common people who had appreciated his straight forwardness at that time, were now rather disappointed in him for he had invested all his energies to glamorize his personal pomp and glory. Instead this confession of drinking became the most exploited slogan in the hands of his opposition.<sup>633</sup>

Khalid Bin Sayeed, after having interviewed religious and conservative groups in the latter 1970’s wrote:

It was constantly emphasized that behind the political facade of Bhutto there lurked deep designs to introduce socialism and secularism, which would strike at the very roots of Pakistan. When asked for evidence, the complainants would refer to the insidious propaganda that was being spread through the radio and television networks. Executives of the Pakistan Chamber of Commerce complained that the message disseminated through plays and short stories was that the capitalist or the trader was always the villain. Some of the anti-religious, socialist and secular messages were detected when the well-known Urdu novel, “*Khuda Ki Basti*” [God’s Populace] was serialized on television.<sup>634</sup>

Bhutto and his party candidates repeated some of the same charges against the opposition that they had made during the campaign of the 1970 elections. They accused the “*Islam-Pasand*” parties of being against the founder and the creator of Pakistan. They accused the opposition of being inexperienced and incompetent in domestic and foreign policy affairs. They charged that the workers and peasants would lose and capitalists and landlords would gain in PNA administration. They argued that the PNA would “sell-out” Pakistan to the West, thus undermining Pakistan’s relations with the Muslim World and the entire Third World. They created fear among non-Muslims and Muslim minority sects that the PNA would impose a very narrow, conservative and inhibiting brand of

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<sup>631</sup> Wolpert, *Zulfi Bhutto of Pakistan*, op.cit., p.280.

<sup>632</sup> *The Economist*, “*Pakistan: Of whisky, War and Islam*”, March 5, 1977. Also see Pakistan Times, 22 February, 1977, p.1.

<sup>633</sup> Masoom Abidi, op.cit., p.168.

<sup>634</sup> Khalid Bin Sayeed, *Politics in Pakistan: The Nature and Direction of Change*, op.cit., p.156.

Islam on the people of Pakistan, thus leading the country down the path of bigotry and sectarian warfare. The PPP also listed its accomplishments in the service of Islam with particular emphasis on the role of host played by Bhutto as Chairman of the successful Islamic Summit Conference in Lahore in 1974. Bhutto worked hard to disprove the allegations that he and the PPP were *kafirs* who were dedicated to the spread of socialism and atheism, but rather were good Muslims imbued with the spirit of Islam. Although, influenced primarily by Western forms of socialism, the political realities of Pakistan, the opposition of the majority of *ulama* and especially Maulana Maududi's Jamaat-i-Islami-moved Bhutto not only to maintain that he would never advocate policies contrary to Islam, but also to substitute his socialism with Islamic beliefs and values, most notably Islamic egalitarianism and social justice.<sup>635</sup>

Since both the PPP and the PNA realized the potency of Islam in establishing legitimacy and mass mobilization, it is not surprising that Islam became one of the major themes of the 1977 elections campaign. The closing weeks of the spring campaign found each side asserting its past service to Islam and its promise to bring about an Islamic system of government more quickly or more effectively. One local newspaper, in a rare case of dissent from this trend, editorialized, "FOR GOD'S SAKE LEAVE ISLAM ALONE", and added "What is simply disgusting is an attempt by the contestant parties to drag the name of Islam into the electioneering with each striving to prove that he alone is a bigger Muslim than the others." But the same newspaper on the eve of the elections ran a half-page advertisement exhorting its readers to cast their votes "for the promotion of Islamic values and establishment of Islamic order."<sup>636</sup> This "religious" dominance as well as the proven power of Islam in mass politicization strengthened the PNA tendency to cast its criticism in Islamic terms ... As PNA strength grew, Bhutto felt equally compelled to respond in kind. Religion, therefore, became a focal point as both sides espoused and committed themselves to a more Islamic system of government [*Nizam-i-Islam*].<sup>637</sup> Despite Bhutto's appeals to Islam, opposition to his government and its policies continued to grow. His use of Islam was viewed as exploitation of religion by one whom traditional religious leaders judged as singularly un-Islamic in personal behavior and attitudes.<sup>638</sup>

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<sup>635</sup> John L. Esposito, *Islam and Development*, op.cit., p.149.

<sup>636</sup> Richter, "The Political Dynamics of Islamic Resurgence in Pakistan", op.cit., p.552.

<sup>637</sup> John L. Esposito, *Islam and Development*, op.cit., p.151.

<sup>638</sup> Ibid., p-151.

The PNA election campaign was quite successful and had begun to draw unexpected large and enthusiastic crowds. These massive public audiences gave the PNA a sense of self-confidence and power, and a feeling that they could win the elections.

Bhutto was in a strong position to contest the election. He could confidently point to the stabilization and revitalization of Pakistan after the emergence of Bangladesh; Pakistan's regained honour and prestige in the world as a result of hosting the Islamic summit Conference; the numerous Islamic programmes that he had instituted while in office; the improved financial condition in Pakistan as a result of his enlightened foreign policy; the populist nationalization policies, land reforms and eradication of the *Sardari system* that had broken the back of the rich and powerful industrial, commercial and landed elites; the 1973 Constitution on which there had been consensus by major political parties in Pakistan, etc. His election campaign emphasized this and many of the traditional PPP ideas cloaked in Islamic rhetoric for greater acceptability, and promoted by a collection of less radical candidates. In contrast, the opposition was a divided, mutually antagonistic collection of groups lacking time, money, talent, organization, and media-access. The PNA presented a platform of political compromise replete with promises and platitudes, channeled into an anti-Bhutto Islamic bent. As such, their promises contrasted markedly with the PPP's demonstrated delivery.

### **The Election Results and Anti-Bhutto Islamic Movement.**

It is true that Bhutto had a definite edge over the PNA, but the over whelming landslide victory won by the PPP and the humiliating defeat suffered by the PNA was unexpected. The PPP won 155 of 200 seats of the National Assembly (including 19 unopposed), while the PNA got only 36 seats. The PPP received less than 60 per cent of the popular votes but won more than 75 per cent of the two hundred elective seats in the National Assembly. The PNA with more than 35 per cent of the popular vote to its credit was allowed to translate that into less than 17 percent of the seats.<sup>639</sup> The magnitude of the PPP victory was even more surprising when compared with its performance in the 1970 elections, when at the zenith of its popularity; it could not secure more than 39 percent of the votes cast. In March 1977, after six years of highly controversial rule, the PPP was for the first time confronted by a broad opposition that had coalesced and become a powerful alliance. It was therefore amazing that in the face of widespread and seething mass discontent with the Bhutto regime's unfulfilled promises of genuine democracy, as well as bread, clothing and shelter for all, the PPP was able to win a surprisingly high 58 percent of the votes cast. Moreover, how could

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<sup>639</sup> Wolpert, *Zulfi Bhutto of Pakistan*, op.cit., p.283. Also see Mehrunnisa Ali, "Pakistan: Aftermath of the March 1977 Elections", *Pakistan Horizon*, Vol.XXX, Nos. 3 & 4, 1977, p.79.

the opposition drawing unprecedentedly large crowds at the its public rallies and in its processions, obtain only 35 percent of votes, while the opposition parties together had obtained 48.7 percent of the votes in multi-concerned electoral contests in 1970, when they were hopelessly divided and fighting a bitter election campaign against each other as well as the formidable PPP in many constituencies?<sup>640</sup> It also looked strange that the PNA did not win a single seat from Lahore, Rawalpindi, Sargodha, Gujrat, or Jhang---areas where the public meetings organized by the PNA had drawn very large crowds.<sup>641</sup> The table below compares results of the 1970 and 1977 elections,<sup>642</sup> and illustrates why the 1977 election results were so bewildering for the majority of people in Pakistan. A BBC correspondent noted that: “neither did the winner look like having won, nor the losers like having lost.”<sup>643</sup> Inspired by the public response to their campaign, PNA leaders declared even before the balloting that anything short of a PNA victory would be unacceptable and clear evidence of rigged elections.<sup>644</sup> In this atmosphere of mobilized uncertainty, the election results of March 7 came as a severe blow to the PNA partisans, who could only interpret the result as a massive rigging designed to thwart public sentiment and maintain the control of the incumbent prime minster.<sup>645</sup>

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<sup>640</sup> Sharif Al-Mujahid, “The 1977 Pakistan Elections: An Analysis”, in Manzooruddin Ahmed, (ed.), *Contemporary Pakistan, Politics, Economy and Society*, Durham, South Carolina: Carolina Academic Press, 1980, p.83.

<sup>641</sup> Maliha Lodhi, “Pakistan in Crisis”, *The Journal of Commonwealth and Comparative Politics*, Vol. XVI, No.1, March 1973, pp.68-69.

<sup>642</sup> Sharif Al-Mujahid, “The 1977 Pakistan Election: An Analysis”, op.cit., p.84.

<sup>643</sup> Quoted in Ibid., p.82.

<sup>644</sup> William L. Richter, “From Electoral Politics to Martial Law: Alternative Perspectives on Pakistan’s Political Crisis of 1977”, in Manzooruddin Ahmad, op.cit., p.93.

<sup>645</sup> Ibid., p.94.

		% of Votes in Favor		Seats Won	
Contesting Parties	Excluding Independents	1970	1977	1970	1977
<b>PUNJAB</b>					
	PPP	41.66	61.12	62	108
	Other Parties	35.38	34.75	20	8 PNA
<b>SINDH</b>					
	PPP	44.95	63.00	18	17
	Other Parties	34.94	30.00	9	11 PNA
<b>NWFP</b>					
	PPP	14.28	37.00	1	8
	Other Parties	75.70	48.00	17	17 PNA
<b>BALUCHISTAN</b>					
	PPP	1.88	43.00	0	6
	Other Parties	40.66	33.00	0	0
<b>WEST PAKISTAN</b>					
	PPP	38.90	38.10	81	136
	Other Parties	48.66	35.40	42	35 PNA

At the time of announcing elections, Bhutto was confident that the opposition parties would remain divided and as such he would be able to win a substantial number of seats. But his optimism on account of the unity amongst the divergent groups of opposition was replaced by concern that the opposition might not win more seats in the National Assembly, thus restricting his free hand in governing Pakistan. Under these circumstances, Bhutto is believed to have instructed his intimate and most loyal advisers to ensure PPP's victory at all costs. Referring to his father's defeat in the 1937 Sindh election, Bhutto wrote:

"From the age of nine, I learnt a cardinal lesson from the election of 1937, and that was to leave nothing to chance and never to be over-confident,"<sup>646</sup> Because of the efforts on the part of the PPP loyalists, the PPP won too big a victory to be credible. The PNA predictably refused to accept the election results and demanded:

- (i) The immediate and unconditional resignation of the Prime Minister

<sup>646</sup> Bhutto, *If I am Assassinated*, op.cit., p.23.

- (ii) The replacement of the Chief Election Commissioner, and
- (iii) The holding of new national elections under the direct supervision of the judiciary and the army.<sup>647</sup>

Bhutto characterized the elections as “free and fair” and refused to accede to any of the PNA’s demands. Therefore, to enforce their demands, the PNA boycotted the provincial elections scheduled to be held on January 10, 1977, and launched a civil disobedience campaign in the major cities of Pakistan the next day “to protest against the widespread electoral fraud that had been perpetrated on the nation.”<sup>648</sup> The protest strike on 11th March, 1977 called by the PNA virtually paralyzed Karachi, Hyderabad and Multan and was also successful in other major cities and towns of the country. This success gave PNA confidence and another strike was called on 14 March, 1977. The strike of March 11 had alerted the government, which retaliated by banning all political meetings of more than four people (under Section 144 of the Criminal Procedure Code), and imposed a dawn to dusk curfew with the army’s assistance wherever the police and FSF could not control the fierce anti-government demonstrations.<sup>649</sup>

Despite strict measures of the government, the PNA was able to organize protest rallies and processions on March 14, 1977. The movement got momentum and it transcended protests against ballot rigging and objective of new, free and fair elections. It encompassed constituents from diverse social, economic and political orientations to demonstrate against what was regarded as a dictatorial and corrupt regime. Bhutto had alienated most groups in the country. The professionals were disturbed by media censorship, the emasculation of the judiciary, the purges of allegedly corrupt civil servants, and the insertion of unqualified PPP loyalists into powerful positions in the bureaucracy. The business community was already opposed to Bhutto’s regime because of nationalization and anti-capitalist propaganda by the government. Landowners were also disappointed because of reduction of land ceilings and corruption of PPP functionaries with respect to the distribution of seed, fertilizer, water and agricultural loans. The peasants and urban labourers were unhappy that they were not given what they were promised by the PPP. Rampant inflation which consumed increased wages was a common concern. The abolition of *Sardari system* had also alienated *Sardars* of tribal areas. Religious groups were angered by the decline in public morality and the dominance of what they perceived to be

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<sup>647</sup> Mohsin Ali, “Pakistan’s Second General Election-And After”, Pacific Vol. 8, No. 4, July 1977, p.684.

<sup>648</sup> Statement of Asghar Khan quoted in *Nawa-i-Wagt*, Lahore, March 13, 1977, p.1.

<sup>649</sup> Weinbaum, “The March 1977 Elections in Pakistan: Where Everyone Lost”, op.cit., pp.614-615.

westernized secular elite. Students did not get what they had expected and were disappointed PPP members who had been dismissed or pressurized to resign were frustrated and wanted to avenge the betrayal of their socialist cause by what they considered to be an opportunistic regime dedicated to maintenance and expansion of power. Bhutto's style of authoritarianism<sup>650</sup> united numerous groups who had seen the promises of democracy dashed repeatedly.

The PNA criticized Bhutto's promise of *Roti, Kapra, our Makan* for everyone, by saying that, "instead of bread, people got bullets, instead of clothing, they got a burial shroud, and instead of shelter, they were given a burial site to shelter them forever." They argued that Bhutto had only given a lip service to Islam and there was no change for the common people under his rule. While there clearly were widespread instances of malpractices in the elections, it seems equally clear that the significance of these events were greatly magnified by the suddenly apparent gulf between PNA expectations and the election return.<sup>651</sup>

The PNA got further encouragement when they knew that Indira Gandhi had been defeated by her rightist opposition in India because of her nineteen-month long authoritarian rule. The leadership of the PNA thought that if the opposition in India could win, they ought to be able to come into power also. Bhutto and the PPP were branded *kafirs* by the *Ulama* and the mullahs for the rigged elections and other anti-Islamic deeds. A call was made to launch a *Jihad* against Bhutto's anti-Islamic regime, which would corrupt and destroy the whole nation if not removed.<sup>652</sup>

It is interesting to note that mosques and *madrassahs* were used by the PNA's leadership to arouse religious sentiments against Bhutto's regime. Mullahs and their mosques increasingly played a central role in mass politics.<sup>653</sup> The *Fatwas* were issued by the *Ulama* who accorded the PNA's agitational politics the status

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<sup>650</sup> The increasingly broad-based opposition to Bhutto was incensed by his arrogant and callous remarks in March at a public meeting in Multan when he said: "Ours is already an over-populated country. By any standard of world we are too many. I want peace and tranquility in the country. Nevertheless, if they (PNA) want to force a civil war, I will see to it that their designs are frustrated. If efforts for peace are exhausted, normalcy can be restored by the force of arms. Having so many people, Pakistan will not lose much even if a few lakhs are killed. What are a few lakhs of lives for a great country like Pakistan." Quoted in V. Kumar, "Can Bhutto Survive?" *Secular Democracy*, Vol. X, No. XII, June 11, 1977, p.17.

<sup>651</sup> I. H. Burney, "March 77 Elections: An Analysis", *Pakistan Economist*, 17, No.30 (July 23, 1977), pp.13-23.

<sup>652</sup> Lawrence Ziring, *Pakistan: The Political Enigma of Political Development*, op.cit., p.131.

<sup>653</sup> John L. Esposito, "Pakistan: Quest for Islamic Identity", in *Islam and Development*, op.cit., p.151.

of *jihad*.<sup>654</sup> The rallying cry of the PNA, influenced by the Islamic political parties, was to replace the regime of “Whisky party leader” under whom “Islam was in Danger” with the pristine purity of “*Nizam-i-Mustafa*” or “*Nizam-i-Islam*.”<sup>655</sup> Some devout followers followed the dictates of their *Ulama* and went out with Qurans in their hands or strapped to their bodies prepared to be beaten or shot, thereby becoming martyrs in the cause of Islam, and earning their places in Paradise.<sup>656</sup> Certain aspects of class conflicts have apparently been displaced into demands for a new Islamic order. In particular, successive disillusionment with capitalist exploitation in the 1950s and 1960s, followed by Bhutto’s exploitative pseudo-socialism in the 1970s, had led to some popular expectations that Islam might provide an alternative pathway to social justice in Pakistan.<sup>657</sup>

As the PNA-led movement drew upon the enormous reservoir of genuine Islamic sentiments among the majority of Pakistani people, the anti-Government movement snowballed in late March-April, 1977. The PNA’s agitational politics resulted in some deaths with thousands seriously wounded, and imprisonment of many volunteers. More than \$200 million damage was done because of the destruction of Government property and a national economy that had been slowed by work-stoppage.<sup>658</sup>

Bhutto was fully aware of the fact that the movement was taking momentum because of the participation of the *Ulama*. In one of his letters, Bhutto wrote to Kausar Niazi:

The pulpit is playing an important role in the PNA agitation and the *maulvis* including those employed by *Auqaf*, by and large, are its mainstay. It is time that a counter force of the *maulvis* is mobilized in favour of the government starting with weaning away from the PNA of the *maulvis* employed by the *Auqaf* 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.<sup>659</sup>

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<sup>654</sup> Wataq, 14 April, 1977 & 17 April, 1977.

<sup>655</sup> V. Kumar, op.cit., p.17.

<sup>656</sup> Mohsin Ali, op.cit., pp.685-686.

<sup>657</sup> Richter, “Pakistan”, in Ayoob, The Politics of Islamic Reassertion, op.cit., p.143.

<sup>658</sup> Weinbaum, “March 77 Elections in Pakistan...”, op.cit., p.616.

<sup>659</sup> Quoted in Safir, op.cit., p.601.

A convention of the salaried *Ulama* and the *Mashaikh* was held at Lahore on April 7, 1977, which advised the PNA leadership to negotiate with the government in order to resolve the crisis.<sup>660</sup> Maulana Maududi also 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.<sup>661</sup> The PNA including Jamaati-Islami did not agree to this suggestion.

The PPP failed to show the required strength and could not face the agitational politics. The way was thus paved for partial imposition of Martial law in Karachi, Hyderabad and Lahore. The 1973 Constitution was very clear on the issue of Martial Law, but it was amended by Bhutto in order to make use of it at the appropriate time. The imposition of Martial Law was declared unconstitutional by the Lahore High Court (2 June 1977), and the same was confirmed by the Supreme Court. Throughout the agitation, Bhutto kept close contacts with top brass of the army and held regular meetings with the Generals. There was a time when Bhutto felt that he could no longer count on their support.<sup>662</sup> Bhutto paid a visit to Muaulana Maududi on 15 April, 1977 and tried to convince him of his sincerity towards *Shariah*. He asked Maududi to persuade PNA to bring agitation to an end. The meeting did not prove to be fruitful as Maududi suggested Bhutto to tender his resignation.<sup>663</sup>

In order to break the momentum of the PNA-led Islamic mass movement which threatened to overthrow his regime, Bhutto announced a series of Islamic measures in his press conference on April 17, 1977, which included: a) the immediate prohibition of alcohol in the country, *i.e.* all bars and wine shops were to be closed and Pakistani missions abroad were forbidden to offer alcoholic drinks at receptions; b) a ban on all forms of gambling and the closure of night-clubs; and c) the completion of Islamization of the Pakistani civil and criminal laws within six months instead of four years as allowed by the 1973 Constitution. The Council of Islamic Ideology responsible for the introduction of Shariat Laws was to be reconstituted to include leaders of Islamic political parties (Jamaat-i-Islami, Jamiat-i-Ulama-i-Islam and Jamiat-i-Ulama-i-Pakistan) who were his avowed enemies.<sup>664</sup> He understood by now that the most powerful, implacable opposition confronting him was the mullah-and maulana-led force of tens of

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<sup>660</sup> Pakistan Times, 8 April, 1977.

<sup>661</sup> Quoted in Safir, op.cit., p.601.

<sup>662</sup> Quoted in Kausar Niazi, *Aur Line Cut Gai*, op.cit., p.17.

<sup>663</sup> Quoted in Safir, op.cit., p.602.

<sup>664</sup> Dawn, Karachi, April 18, 1977, p.1.

millions of devout Pakistanis, both inside the army and out, who believed that the laws of Islam were higher and far mightier than the laws of any land.<sup>665</sup>

Masoom Abidi comments that “Bhutto by accepting all these demands had already fallen prey to the terms and dictates of his political enemies. And once he was in their territory, he had become weaponless. He was still confident, however, that for the rural masses PNA’s movement had meant nothing. It is true that the PNA movement lacked a grass-root level structure as well as an adequate blend of political cohesion amongst its constituent parties. On the other hand, he had definitely underestimated the disruptive potentiality of an urban centered movement.”<sup>666</sup>

Bhutto also took a number of additional steps in order to appease the general public. A bill was passed by the National Assembly to check the upward spiral of rising prices and the hoarding of essential commodities by shop-keepers.<sup>667</sup> The salaries of one million civil servants and half a million armed forces personnel were increased by an aggregate of 25 percent. Salaries at the lowest tier of the pay-ladder were increased fifty percent,<sup>668</sup> amounting to \$180 million or equivalent to the projected budget for 1977, or five percent of the money supply.<sup>669</sup> Bhutto also offered the suspension of land reforms,<sup>670</sup> and assured the industrialists that to get the stagnating economy moving, no further nationalization was contemplated for five years, and that he would establish a committee of experts to determine whether the wheat and flour-milling, rice-husking and cotton ginning mills should be denationalized.<sup>671</sup>

Bhutto was too late to take these measures. Though these moves did not check the erosion of his support nor did they break the momentum of the anti-government movement, yet they served to implement Islamic reforms that could

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<sup>665</sup> Wolpert, *Zulfi Bhutto of Pakistan*, op.cit., p.288.

<sup>666</sup> Mascom Abidi, op.cit., pp.168-169.

<sup>667</sup> Surendra Nath Kaushik, ‘Aftermath of the March 1977 General Elections in Pakistan’, *South Asian Studies*, Vol.13, No. 1, January-July, 1978, p.75.

<sup>668</sup> Weinbaum, “March 77 Elections in Pakistan...”, op.cit., p.617

<sup>669</sup> V. Kumar, op.cit., p.16.

<sup>670</sup> Mohsin Ali, op.cit., p.692.

<sup>671</sup> Salamat Ali, ‘Heading For Hard Times’, *The Far Eastern Economic Review*, April 15, 1977, p.14.

not be readily rescinded. Bhutto had thus ensured the place of Islam in the politics of Pakistan.<sup>672</sup>

When Bhutto failed to defeat his opponents by intimidation and force, he attempted to discredit them, and thereby win the support of the people. Addressing the National Assembly on 28 April, 1977, Bhutto accused the United States of “massive and colossal intervention in the internal affairs of Pakistan.” He further alleged that Pakistan had been flooded with dollars to bribe the opposition in “a classic example of bringing about destabilization.” The PNA leaders did not have the money, brains or organization to plan, organize, finance and sustain the movement. Bhutto was of the view that it was definitely not an indigenous affair, but a “colossal international conspiracy” against the “Islamic State of Pakistan” because he had not abandoned Pakistan’s right to purchase a nuclear reprocessing plant for peaceful purposes despite America’s strenuous objections. He noted that it was surprising that in such crucial matters of national interest, the patriotic and Islamic opposition was silent and non committal.<sup>673</sup>

### **Bhutto-PNA Negotiations**

At the beginning of the PNA agitation, Bhutto was confident that he would be able to curb it. In a statement he said:

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.<sup>674</sup>

In fact Bhutto believed that the agitational movement could not be sustained for a long period because of the government policy of stiff suppression and some of the top PNA leaders could also be manipulated. Moreover, it relied heavily on the military support in order to quell the agitation. But these expectations of Bhutto did not materialize. Cognizant of the Islamic character of the PNA and its religious appeal to the masses, Bhutto sought the help of Muslim leaders to break the deadlock with his opposition. The Ambassador of Saudi Arabia in Pakistan, the Foreign Ministers of United Arab Emirates, Kuwait and Libya persuaded the antagonistic parties to come to the negotiating table to resolve their differences in the spirit of Islamic solidarity and brotherhood. The Islamic Solidarity committee

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<sup>672</sup> Richter, “The Political Dynamics of Islamic Resurgence in Pakistan”, op.cit., p.552.

<sup>673</sup> Dawn, Karachi, April 29, 1977, p.1.

<sup>674</sup> Pakistan Times, 8 March, 1977.

provided a face-saving device to both the PPP government and the PNA-led opposition to negotiate issues. The promise for financial assistance for new elections was also made by the Arab mediators.<sup>675</sup> These efforts brought both the PPP and PNA to the negotiating table after 77 days of agitational politics.

The PNA had accepted the pleas of the Arab envoys and began negotiations with the government on 3 June, 1977 realizing that the army supported Bhutto. The negotiations lasted for one month and ultimately both the parties reached an accord providing for new elections under the supervision of the army and the judiciary. Both the parties acted in a spirit of give and take in order to accommodate each other's point of view. PNA did not stress for Bhutto's resignation as he had agreed to the demand of fresh elections, reconstitution of the Election Commission, release of detainees and creation of an Implementation Committee, with an equal representation from the PNA and the PPP.<sup>676</sup> It was announced to the Press that the government and the PNA had reached an accord and a final meeting would take place on July 3, 1977. Although Bhutto had conceded to the holding of fresh polls, yet he refused to give any constitutional basis to the accord. The PNA Council met on July 2, 1977 and decided that the Government's proposals could not be accepted for lack of constitutional status to the accord. It said that without constitutional authority, the Implementation Committee or the Supervisory Council were powerless to ensure the implementation of its decisions.<sup>677</sup> In fact Sher Baz Mazari and Begum Nasim Wali Khan were not interested that an accord should be signed with Bhutto and preferred the imposition of Martial Law in the country.<sup>678</sup> Air Marshal (Retd) Asghar Khan did not trust Bhutto and he could see no other way out except a proclamation of Martial Law in the country. In his lengthy letter addressed to the Chiefs of Staff of three services, he had argued that the officers and men were not duty bound to obey orders of the Bhutto's government as it was no longer a lawful government. The letter further said:

...Bhutto has vitiated the Constitution and he is guilty of a grave crime against the people. It is not your duty to support his illegal regime nor can you be called upon to kill your own people so that he can continue a little longer in office. Let it not be said that the Pakistan Armed Forces are

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<sup>675</sup> Kaushik, op.cit., p.75.

<sup>676</sup> For detail please see Faiz Ali Chishti, *Betrayals of Another Kind: Islam, Democracy and the Army in Pakistan*, Rawalpindi: PCL Publishing House, 1989, p.60-62. Also see Ghafoor Ahmad, *Aur Phir Martial Law Aa Giy*, Lahore: Jang Publishers, 1988.

<sup>677</sup> Chishti, op.cit., p.63.

<sup>678</sup> For detail please see Ghafoor Ahmad, *Phir Martial Law Aa Giya*, op.cit, p.241.

degenerated police force, fit only for killing unarmed civilian.... As men of honour it is your responsibility to do your duty and the call of duty in these trying circumstances is not the blind obedience of unlawful commands. There comes a time in the lives of nations when each man has to ask himself whether he is doing the right thing. For you that time has come. Answer this call honestly and save Pakistan. God be with you.<sup>679</sup>

According to a leading Pakistani scholar the PNA's agitation had three major consequences. First, the military high command became fully aware of the fact that the Bhutto government's popular base had eroded and it was now dependent on the Army's support for its survival. Second, the continued use of military against the civil population tarnished the image of military as an independent force. Thirdly, PNA which demonstrated its strength in the streets was making overtures towards the military to dissuade the commanders from supporting the Bhutto's government.<sup>680</sup>

After the draft was rejected by the PNA Council, Mufti Mahmood, Nawabzada Nasrullah Khan and Professor Ghafoor Ahmad met Bhutto and told him about the rejection of the government's proposals. They also informed him that the PNA had opted for continuing the movement because of non-provision of constitutional protection to the accord.<sup>681</sup> Bhutto was bitterly disillusioned. In a press conference on July 4, 1977, he condemned, the PNA for backing out of its agreement in contradiction to Islamic teaching. The army, which was becoming increasingly restive about its task of controlling civilian unrest <sup>682</sup> for a

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<sup>679</sup> Mohammad Asghar Khan, *Generals in Politics: Pakistan 1958-82*, New Delhi: Vikas Publishing, 1983, pp.116-118.

<sup>680</sup> Hasan-Askari Rizvi, *The Military and Politics in Pakistan 1947-86*, Lahore: Progressive Publishers, 1986, p.224.

<sup>681</sup> Chishti, *op.cit.*, p.63.

<sup>682</sup> Pakistani Government figures indicated that the nationwide agitations led to 22 persons being killed, and 369 injured upto March 7, 242 killed and 1,227 injured till July 6. In addition nine persons of the security forces were killed and another 536 injured. No less than 16,863 persons were arrested, 4,290 processions were taken out by members of the general public, 262 by women, 95 by lawyers, 19 by *Ulama*, 283 by students and 68 by children. During the same period 1,623 vehicles were destroyed and the same was the case with 18 installations, 42 stores, 31 wine shops, 7 hotels, 58 bank branches, 11 cinemas, 7 factories, 23 railway carriers, 57 offices, and 38 shops.

[Brohi's statement in Begum Bhutto's petition", *Pakistan Times*, October 13, 1977. In fact, by early June 1977, the country had suffered a loss of Rs.4,000 to Rs.5,000 million in the GNP and production on account of this agitation. With production remaining at only 60 percent and ships waiting to be unloaded at the port, Karachi alone had received a setback worth Rs.1,000 million

leadership that had lost its legitimacy, staged a *coup d'état* in the morning of July 5, 1977. In a swift and bloodless operation, the army arrested the top leaders of the PPP and PNA. Bhutto was deposed and General Muhammad Zia-ul-Haq<sup>683</sup> assumed the leadership of the "Islamic Republic of Pakistan". The political leaders could have avoided the imposition of Martial Law had rigid stands from some of the members of both side would have not been taken. Both the sides had made it a point of their ego and prestige not to soften their stands. This indicates the lack of political foresight on the part of both the PPP and PNA's leadership.

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by mid-April. The adverse impact on foreign trade was visible form the deficit of \$667 million in the first three months of the year. [Merhrunnisa Ali, op.cit., p.92].

<sup>683</sup> General Muhammad Zia-ul-Haq (1924-1988): He usurped power from Z.A. Bhutto, an elected representative in a bloodless *coup d'état* on July 5, 1977. He was a person with religious bent and after assuming power, proceeded to impose his own brand of Islamization in Pakistan without a popular mandate. He rationalized that Allah created Pakistan to be an "Islamic State" and he was thus only doing Allah's work.

Zia was born into a Punjabi family in Jullundur (India). His father Akbar Ali was a senior clerk in the British Indian Civil Service and a very religious man, who saw to it that his children practiced their religion. Zia studied at Saint Stephen College, New Delhi and after graduating in 1943, he joined the Royal Indian Military Academy at Dehradun. After having served the occupation-liberation forces in World War II, Zia migrated to Pakistan. As a loyal officer in the armed forces, Zia was twice sent by President Ayub Khan to the USA for advanced military training. He was promoted to the rank of Lieutenant Colonel and appointed instructor at the Command and Staff College, Quetta in 1964. In 1968, he became Staff Colonel of an armoured division and in 1969 became Brigadier. Zia was then sent by President Yahya Khan to Jordan where he advised King Hussain's army and contributed to the successful quelling of the PLO uprising in September 1970. He was recalled to Pakistan to fight in the December 1971 war on the West Pakistani front. In 1972, Bhutto purged a number of senior army officers which resulted in Zia's promotion to the position of Major General, commanding an armoured division. He was presiding judge at the court martial proceedings of two dozen army officers who had conspired to overthrow the Bhutto regime. Zia dispensed severe punishments to the conspirators on the grounds that they were guilty of treason in attempting to subvert and overthrow a "popularly elected constitutional government". He loyally carried out Bhutto's orders to quell the Baluch insurgency (1973-77). Zia was rewarded by Bhutto with a promotion to Lieutenant-General in 1975. He was elevated over at least eight senior generals to army Chief of Staff in March 1976 as Bhutto considered him the safe choice, *i.e.*, totally apolitical, unambitious, loyal and obedient. During April 1977, when PNA's movement against Bhutto was at height, Zia pledged to support Bhutto's constitutional government and sent letters to a number of senior officers to leave politics to the professional politicians. However, the rigid attitude of the politicians of both the parties *i.e.*, the PNA and the PPP, resulted in a deadlock, which provided an opportunity to Zia to step into power. He tried to seek legitimacy in the name of Islam and ruled Pakistan for a period of eleven years.

Zia will go down in Pakistani history for hanging Bhutto, vigorously persecuting the PPP, imposing his own bran of Islamization, promoting capitalism, pursuing policies suiting to American's cause, and acquiring substantial aid from the Middle East and the West [especially USA]. (Ian Mather, "the Soldier Who Hanged Bhutto", *The Observer* (London), April 8, 1979, p.8.) Also see Anjum Matin, "Zia the Man: Piety and No Charisma", *Arabia: the Islamic World Review*, June 1982, No. 10, p. 17.

Bhutto's political prowess had produced both his greatest election triumph and his swift fall from the pinnacle of power. After six years of Bhutto's rule the army, once again, had become the only symbol of honesty and integrity. For Bhutto, the unthinkable had happened. His FSF had failed to control the unrest and save Bhutto from ouster. Inevitably Bhutto had to bring the army back to the public corridors to maintain law and order. Once again the chanting of "Long Live the Pakistani Army" was heard amidst reports and rumors that Bhutto's personal arrogance had considerably annoyed the armed forces along with some segments of the civil bureaucracy and the judiciary.

Bhutto was the first leader who rose to the power through popular mandate. His main vote banks were the provinces of Punjab and Sindh, but his party emerged as the national political party because of his sympathizers and party's workers in other provinces of the country. His party also had the potential to further widen its base, particularly among the poor and the poverty-stricken masses by implementing his promises of an egalitarian state. In the 1970 General elections, his party emerged as the major party and after the emergence of Bangladesh; he became the first head of the state and government in 1971. Wolpert rightly observes that "No more popular leader has yet emerged from the soil of sired or Punjab or the harsh and rugged Frontier, none more admired even "worshipped", by the impoverished peasants and simple laborers than Qauid-i-Awam Bhutto."<sup>684</sup> Although the religious political parties were defeated in the first general election yet they could not be eradicated from the political scene. Islam served as a potent rallying cry turning the anti-Bhutto movement into a form of jihad.<sup>685</sup> The issue of religion (Islam) in politics remained unresolved. During Bhutto's rule, the religious parties and the *Ulama* kept their pressure on the government on various constitutional and political issues and were able to extract as many concessions as they could to project themselves as the only custodians of religion; in Pakistan. On the other hand, Bhutto through the slogan of "Islam is our religion" made efforts not to let the *Ulama* used the card of religion against the PPP.

Bhutto, realizing the sensitivity of the situation, had agreed to the demands of the religious parties and *Ulama* to make the 1973 Constitution more Islamic. Even the *ulama* succeeded in getting the Ahmadis declared non-Muslims through an enactment of the National Assembly during Bhutto's rule. His domestic as well as foreign policies particularly with reference to religion were quite successful. But Bhutto had developed a special political culture which did not give any place

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<sup>684</sup> Stanley Wolpert, *Zulfi Bhutto of Pakistan*, op.cit., p.282.

<sup>685</sup> Richter, "Pakistan", in Ayoob, op.cit., p.143.

to a genuine and healthy opposition. Instead of according encouragement to the opposition, he adopted repressive and intimidating means to curb the opposition.<sup>686</sup> This act was a total negation of his party's slogan "Democracy is our Polity". The powers of judiciary, bureaucracy and army were curtailed to the extent that he had become a God-father. Because of these policies, popularity of charismatic Bhutto began to decline and he was alienated from his original political base.<sup>687</sup> The labour, economic, educational and other reforms introduced by him did not meet the expectations of the masses and resulted in their resentment. Henry Kissinger evaluates Bhutto as a man of "extraordinary abilities" whose ruthlessness was matched by his brilliance... He further opines that "Bhutto destroyed himself by seeking a popular mandate too rapidly and then manipulating the result...Bhutto's arrogance reflected a fair assessment of his talents."<sup>688</sup>

All those who carefully observed the 1977 pre-election climate of the country, agree that the opposition alliance was in a position of winning a substantial number of seats from the urban areas.<sup>689</sup> But even then, Bhutto would have easily emerged as the leader of the majority party as Stanley Wolpert rightly observes that "Had he only been less greedy, less suspicious, less mistrustful-or insecure, he would most likely have won a majority even if not two-thirds-of the seats in the National Assembly."<sup>690</sup> But Bhutto's faithful and loyalists had over-zealously performed servitude to their master and had made winning the elections a matter of life and death for them. The credibility of Bhutto's regime was severely damaged and its public image was irreparably destroyed<sup>691</sup> because of his loyalists' mission. Although the demand for an Islamic order played an important part, the widespread disturbances that ultimately led to Bhutto's downfall were based on charges that the Bhutto government rigged the general elections. An additional factor was the alliance between the *ulama* and the small-scale entrepreneurs who had been adversely affected by Bhutto's nationalization

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<sup>686</sup> Safir, op.cit., p.606.

<sup>687</sup> Ibid., p.606.

<sup>688</sup> Henry Kissinger, *Years of Upheaval*, Boston: Little Brown and Company, 1982, p.676.

<sup>689</sup> Masoom Abidi, op.cit., p.169.

<sup>690</sup> Wolpert, *Zulfi Bhutto of Pakistan*, op.cit., p.282.

<sup>691</sup> Masoom Abidi, op.cit., p.169.

measures and consequently provided funds and organizational structure to the anti-Bhutto movement.<sup>692</sup>

This election provided an ample opportunity to an amalgamated opposition of religious and secular elements to take benefit and exploit the issue in the name of religion. The PNA issued the call of *Nizam-i-Mustafa* which envisaged fundamental transformation of socio-economic structure of the society. The movement used the Shariat card so skillfully that it received unprecedented support of the masses. Because of the pressure and violence of the movement, Bhutto had to announce certain Islamic measures which further provided momentum to the movement and finally the religious parties and *ulama* succeeded in bringing a change in the society through another Martial Law. Kemal A. Faruki correctly observes that “each of the regime’s new concessions to opposition demands on Islamic matters strengthened the opposition’s conviction that the government was in retreat and that changing it with being un-Islamic was their strongest weapon.<sup>693</sup> was late in coming to an agreement with the PNA, which paved the way for the military once again to take the power in their hands.

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<sup>692</sup> Kemal A. Faruki, “Pakistan: Islamic Government and Society”, in John L. Esposito, (ed.) *Islam in Asia: Religion, Politics, & Society*, New York: Oxford University Press, 1987, p.158.

<sup>693</sup> *Ibid.*, p.58.

## CHAPTER-VI

### THE POLITICS OF ISLAM UNDER ZIA

Zia's promise of holding "free and fair" elections within ninety days proved to be another prolonged interlude of dictatorship in the history of Pakistan.<sup>694</sup> After six years of Bhutto's rule the army, once again, had become the only symbol of honesty and integrity.<sup>695</sup> His regime possessed all the characteristics of military regimes *i.e.*, the perpetuation of hegemony of the military as a major share-holder in the power-structure.<sup>696</sup> But in order to retain the power Zia's regime greatly applied quite a different strategy and initiated the moves towards application of *Shariah* in the country. In fact Zia had realized that the slogan of *Roti Kara our Makan* [Bread, Clothing and Shelter] had not been fulfilled by the Bhutto's regime as a result of which the PNA had been able to attract the masses towards its platform. The PNA had no political agenda to convince the masses for opposing Bhutto except the slogan of *Nizam-i-Mustafa* (System of the Holy Prophet). Zia was a keen observer of the scene and after having usurped the power from a democratic government, he adopted a strategy through which he could seek the support of the PNA, the *Ulama* and masses of the country. Zia knew that it was the slogan of *Nizam-i-Mustafa* which could please the *Ulama* and religious parties as well as provide him with an umbrella to rule. This was high time to introduce such policies which really appealed to the religious sentiments of the masses.

Zia was shrewd enough to gauge the intensity of PNA's movement and the attitude of its leadership. He tried to kill two birds with one stone: (i) on one side he tried to assure the anti-Bhutto and PPP elements that he was the man to fulfill the promises of application of *Shariah* in the country, which was the demand of the religious parties and *Ulama* since the establishment of Pakistan; (ii) on the other side he was bent upon to eliminate the influence of Bhutto and PPP from the masses. This two fold policy was meant to divert the attention of the masses from the real socio-economic and political issues, holding the elections and to enable him to establish his firm grip on the state-apparatus.

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<sup>694</sup> Safir, op.cit., p.622.

<sup>695</sup> Masoom Abidi, Op.cit, p.19.

<sup>696</sup> Safir, op.cit., p.622.

After the first ninety days of his martial law had passed, it became clear that Zia was not sincere in holding free and fair elections. He was able to gain enough support from the PNA in general, while Jamaat-i-Islami, and Bhutto's political enemy, Air Marshal Asghar Khan particularly persuaded him to stay in power until Bhutto's influence among the people was considerably minimized and "positive" results were obtained.<sup>697</sup>

Amazing though it may seem that the religious parties, the Muslim League and *Ulama*, who rose against the undemocratic aspects of Bhutto's regime, extended their full support to Zia's military dictatorship. Why did they support an undemocratic and a dictator's rule? Did they succeed in achieving positive results by cooperating with such an undemocratic and unrepresentative regime? Did this regime bring prominent changes in socio-economic set up of the society? Did Zia's Islamization programme succeed in bringing justice and equality in the society? Was there any positive change in the economy of the country *i.e.*, a change from capitalistic system to purely an Islamic system? What did the religious parties gain by extending their full support to Zia? An attempt will be made to answer these and such other questions while analyzing the Islamization programme introduced by General Muhammad Zia-ul-Haq in the country during his rule from July, 1977 to August, 1988.

Zia greatly differed from his predecessor in political and intellectual orientations. He appeared to be an un-ambitious General which paved way for him to become the Chief of the Army Staff in March, 1976. He had a religious bent and represented the military officials with an urban middle or lower middle-class background. It is interesting to note that the rank and file of religious political parties also belonged to these classes. The change in social composition of the officers' class in the military started some time during Ayub's era which resulted in recruitment of these classes in large number.<sup>698</sup> The religious fervor of PNA's agitational movement along with Zia's own religious orientation constituted a powerful base for the application of *Shariah* in the country.<sup>699</sup> The long outstanding demand of the religious parties and *Ulama* seemed to be fulfilled under a dictator. In his first speech, Zia praised the spirit of Islam that gave momentum to the PNA agitation in the following words:

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

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<sup>697</sup> Syed Masoom Ali Abidi, op.cit., p.170.

<sup>698</sup> Safir, op.cit., p.623.

<sup>699</sup> Ibid., p.625.

introduction of Islamic system as an essential prerequisite for the country.<sup>700</sup>

It is also interesting to note that the PNA had stressed for fresh election before the coup but now welcomed the arrival of military. A military dictator always tries to perpetuate his own power and does not like that the democracy flourishes as the military rule and democracy do not go along. Asghar Khan made no secret of his hatred against Bhutto and his own connections with army. He bitterly criticized his PNA colleagues for trusting Bhutto and negotiating with him. He had advised the PNA leadership to wait for the martial law and not to enter into any political dialogue with the Bhutto's government. National Democratic Party, which claimed to be the champion of democracy and civil rights also did not like that the dialogues between the PNA and Bhutto should succeed. In fact the leaders of the PNA believed that any one other at the helm of affairs except Bhutto would not prove harmful to them.<sup>701</sup> They saw in Zia a devout Muslim and thought that he would prove more beneficial for them as compared to an authoritarian Bhutto.

The PNA leadership was a blend of different tastes and it did not enjoy grass-root support like Bhutto. Despite the fact that their agitational politics in the name of Islam did succeed in attracting a large number of masses towards them, yet they failed totally in eliminating Bhutto's influence on the masses and the popularity he enjoyed. His charismatic personality did continue to attract the masses towards his party. There was a clear indication to the fact that sooner or later, a heterogeneous alliance of PNA would disintegrate because of the reasons that the parties belonging to it had nothing in common except the removal of Bhutto from office. They differed in their ideologies and political agendas. After the imposition of martial law, Asghar Khan was in favour of dissolving the PNA as it had achieved its objective of removing Bhutto, while other factions of the PNA believed in the continuance of this alliance till the general elections were held in October, 1977.<sup>702</sup>

The constituents of the PNA wanted to keep their unity in order to strengthen their political position and defeat the PPP in the coming elections. But soon PNA's internal cohesion suffered a setback because of the distribution of tickets for the October 1977 elections and JUP became disgruntled<sup>703</sup> and toed the line of

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<sup>700</sup> Pakistan Times, 6 July, 1977.

<sup>701</sup> Safir, op.cit., p.625.

<sup>702</sup> Ibid., p.625.

<sup>703</sup> Quoted in ibid., p.626.

Tehrik-i-Istiqlai (TI). The PNA had begun to disintegrate and this was a clear indication to the fact that the PPP would once again emerge as the most powerful political party in the elections.

### **Sharing of Political Power Through Backdoor**

The PNA's internal strife was further intensified when Mufti Mahmud and Professor Abdul Ghafoor were confirmed as President and Secretary General of the PNA respectively in December, 1977.<sup>704</sup> All factions except JUP, NDP and TI joined the Federal Cabinet on 5 July, 1978, which resulted in the demise of this alliance. There were personality, policy and factional conflicts within the PNA as well as periodic grumbling about what some of the PNA parties considered the greater tilt of the military towards the Jamaat-i-Islami and vice-versa.<sup>705</sup> Other parties which accepted representation in the federal cabinet included PML, JUIP, PDP and Jamaat-i-Islami. PML represented that strata of the society which always liked to be close to the corridors of powers.<sup>706</sup> However, this was the first time for the *Ulama* and other religious parties to be associated with power-structure of the government. If one glances through the past record of the *Ulama* and religious parties, it appears that they had failed to win a substantial majority in any elections. Once in the government, they vehemently started advocating the establishment of a religious state bordering on theocracy rather than a modern democratic Islamic state. Such a point of view was helpful to the military government to sidetrack the demand of early elections during 1979-85.<sup>707</sup> There existed divisions within each of the religious party as one faction decided to support the military regime while the other remained as a silent spectator.

Syed Masoom Ali Abidi comments that 'having Zia in driver's seat was a moment of great pleasure and success for the Jamaat-i-Islami...Zia had long been a devout follower of Maududi. In the early years of his military career he used to circulate Maududi's literature among his colleagues. Therefore, he was taken by JI as a long awaited Godly gift. JI and its student wing Islami Jamiat-i-Talaba (IJT), took no time in projecting Zia's image as a righteous man'.<sup>708</sup> His legitimacy to rule was questioned more the orthodox rightists presented him as a sincere and great leader, a large majority of the Pakistan masses had thought of

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<sup>704</sup> Ibid., p.626.

<sup>705</sup> Hassan Askari Rizvi, *Military and Politics in Pakistan*, op.cit, p. 236.

<sup>706</sup> Safir, op.cit., p.626.

<sup>707</sup> Hasan Askari Rizvi, *Military and Politics in Pakistan*, p.236.

<sup>708</sup> Abidi, op.cit., p.171.

him as the usurper of power from a legitimate democratic government.<sup>709</sup> Zia postponed elections and imposed a complete ban on political activities. It was announced that elections would take place after cases against politicians charged with misconduct were decided by the Disqualification Tribunals.

### **Execution of Bhutto**

Zia started a mission to make public the black deeds of Bhutto. JI, some top-bureaucrats, a segment of the judiciary and a number of other individuals who had been annoyed by Bhutto's autocratic ruling style pooled their energies together to produce two large volumes of a White Paper enumerating each and every mistake of Bhutto.<sup>710</sup> This was meant to shatter Bhutto's and his party's image in the eyes of the public. This move could not bring those results expected by the regime but as Abidi suggests it did bring out some information which would educate and inform the students of Pakistani politics about the moral bankruptcy and trickery of their political leaders as well as the system.<sup>711</sup> Zia and his supporters put all their energies to eliminate Bhutto's impact from the politics of Pakistan. The military government succeeded in reviving a criminal case against Bhutto. He was charged and tried for conspiracy to murder one of his political opponents. The Lahore High Court found him guilty and sentenced him to death. Bhutto appealed to the Supreme Court of Pakistan on the ground that the case was of a political nature and that he was sentenced on account of a personal vendetta of Zia and the Chief Justice of the Lahore High Court. The Supreme Court did not give a unanimous decision in favour of death sentence<sup>712</sup> but also indicated the possibility of a pardon or change of sentence on the part of the government. Numerous appeals for clemency could not soften Zia and Bhutto was executed on April 4, 1979. One writer comments that Zia was so anxious to kill him that he reportedly stayed awake all night before Bhutto's

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<sup>709</sup> Ibid., p.171.

<sup>710</sup> Ibid., p.171.

<sup>711</sup> Ibid., pp.171-172.

<sup>712</sup> There had been nine judges on the Supreme Court of Pakistan when the last trial of Bhutto started in October 1977. By the time the Court was ready to hear Bhutto's appeal from that verdict, Justice Qaiser Khan had retired and Justice Wahiduddin Ahmed was too sick to remain on the bench. Yahya Bakhtiar had initially hoped for a 5-4 decision in favour of reversal of the High Court's verdict, counting not only the three justices who finally voted for Bhutto's acquittal, Justice Dorab Patel, G. Safdar Shah, and Muhammad Haleem, but also on Justice Wahiduddin and Justice Qaiser Mian. With the later two gone, the verdict handed over by Chief Justice Anwarul Haq on 6 February 1979, was to dismiss the appeal, confirming the Lahore High Court's verdict and death sentence by the narrow of margins, 4- 3. [Wolpert, *Zulfi Bhutto of Pakistan*, op.cit., pp.326-327.

execution and made special 'consultation' with his Allah and kept himself busy praying for a smooth finish of his enemy. He went to bed only after receiving the news of Bhutto's 'final flight.'<sup>713</sup> It may be seen that Zia spent his first two years in eliminating Bhutto from the political scene and took a sigh of relief after he was hanged. Did Zia succeed in his mission of keeping away the masses from Bhutto's PPP? It appears that despite all his efforts he miserably failed in this objective and the PPP by resisting to his oppressive tactics, gained more and more popularity.

### **Application of Shariah - The Beginning**

The 1973 Constitution provides that Council of Islamic Ideology (CII) would be entrusted with the task of making recommendations to bring the prevailing laws into conformity with Quran and the *Sunnah*. Zia reconstituted the CII in November, 1977 and assigned it the responsibility of proposing a comprehensive scheme for application of *Shariah*. Special care was taken that CII had a Chairman who enjoyed the *ulama's* respect.<sup>714</sup> The first Chairman Justice Muhammad Afzal Cheema, was replaced by Dr. Tanzilur Rahman in May, 1980. It was for the first time that the *ulama's* representation in CII was quite substantial. A permanent Law Commission was also established, whose function was to review the legal code in order to bring it to the practical needs of social justice and suggest ways and means to make the judicial procedure simple and speedy.

Although certain institutions were either reconstituted/broadened or established anew, the question confronting the regime was how to apply *Shariah*? There were different views; a section of the *Ulama* believed that an Ordinance from the government would be sufficient. But this was not agreed to by those institutions which were assigned the responsibility of suggesting ways and means of introducing *Shariah* in the society. The Islamic as well economic experts of the regime were facing great difficulty as to what would be the shape of the banking system under *Shariah*, if the existing concept of interest ceased to function. The CII was of the opinion that *Shariah* should be applied gradually, which echoed the approach of Maulana Maududi propounded by him as early as 1948.<sup>715</sup> It was agreed by the CII and the *Ulama* that steps towards application of *Shariah* were necessary in social, economic, education and punitive fields.<sup>716</sup>

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<sup>713</sup> Abidi, p.173.

<sup>714</sup> Quoted in Safir, op.cit., p.628.

<sup>715</sup> Syed Abut A'la Miududi, Islamic Law and Constitution, op.cit., pp. 93 -100.

<sup>716</sup> Mohammad Zia-ul-Haq, Address to the Nation, Islamabad: Directorate of Films and Publications, 1978, p.5.

Zia did not take any initiative in addressing the grave issues of poverty, social justice and equality. His method and tactics were quite different. Perhaps one would be reluctant to question his sincerity towards Islam and application of *Shariah* in the country, but the approaches he adopted undoubtedly indicated that his outlook was basically politically oriented. This was the reason that the first step towards Islamic justice not only received bitter criticism internally as well as externally but it was also resisted by the people. Justice for him was a ruler's prerogative.<sup>717</sup> Zia was of the opinion that the society needed to be disciplined and for this purpose he used the military model of organization<sup>718</sup> for Pakistan's political culture.

### **First step Towards Islamization**

As the commitment of the martial law regime to hold early elections wavered and as confrontation started developing between the martial law authorities and the People's Party, the need for the Islamization of politics and the society began to figure prominently in Zia's speeches and statements. Once the elections were pushed to the background and the accountability of the ousted regime was initiated, Islamization was employed as *raison d'être* of the continuation of martial law.<sup>719</sup> The Traditionalists and neo-Traditionalists supported the military government in their slogan of Islamization. They favoured the use of the resources of the state including the coercive power to effect the "total and immediate" Islamization of the society. These religious leaders opposed modern democratic institutions and processes especially legislature elected on the basis of a direct adult franchise.<sup>720</sup> From the following discussion it will appear that the major focus of Islamization was regulative, punitive and extractive. Very little was done to implement other aspects of Islam *i.e.* social and economic egalitarianism and accountability of those exercising political authority. The policy was used to contain and undermine the activities of political opponents.<sup>721</sup>

A major challenge facing the Zia government was one of legitimacy. Now that the army once again had control of state power, it was hesitant to relinquish it. Yet General Zia himself had no legal right to head the state in secular terms, he was not an elected officeholder, in religious terms; he was head of state neither

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<sup>717</sup> Quoted in Abidi, *op.cit.*, p.173.

<sup>718</sup> Abidi, *op.cit.*, p.174.

<sup>719</sup> Rizvi, *Military and Politics in Pakistan*, *op.cit.*, p.233.

<sup>720</sup> *Ibid.*, p.237.

<sup>721</sup> *Ibid.*, p.235.

due the consent of people or their leaders (Sunni Fiqh) nor as a *Mujtahid* who could interpret the law (Shiah Fiqh).<sup>722</sup> But with the support of political parties of the “religious right” he claimed that his government would finally put Pakistan on its destined path. He considered his opponents as criminals and wanted to punish them for which he had devised certain methods *i.e.* flogging and whipping etc. He wanted to turn the whole society into a jail until his questionable sovereignty was restored. The public flogging and execution was introduced in order to create fear among the masses so that they could no longer oppose his unlawful rule. Foucault asserts that the public execution is to be understood not only as a judicial but as a political ritual. It belongs in even minor cases, to the ceremonies by which power is manifested.<sup>723</sup>

After two years of his rule, on 10 February 1979, Zia expressed the view that “It is Allah’s beneficence that the present government has been able to fulfill these aspirations [introduction of Islamic system in Pakistan] of the people. In the short period of one and a half years so much work has been done that I am today formally announcing the introduction of the Islamic system in the country...”<sup>724</sup>

Since such a military state has no traditional religious legitimacy, Zia’s actions must be viewed as an attempt to redefine tradition. His followers in the *Islam pasand* parties viewed the new government’s actions as a reassertion in contemporary times of the possibility--and validity--of rule by Islamic laws, for the basis of a moral society is found within the Shari’a.<sup>725</sup>

The Islamization programme of Zia’s government consisted of legal reforms the introduction of an Islamic penal code; economic reforms, and a new educational policy conforming to Islamic tenets.

### **Legal Reforms**

The legal reforms were of three types namely: structural reforms; procedural reforms; and criminal law reforms.

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<sup>722</sup> Anita M. Weiss, “The Historical Debate on Islam and State in South Asia” in Anita M. Weiss, (ed.), *Islamic Reassertion in Pakistan*, Lahore: Vanguard, 1967, p.10.

<sup>723</sup> Foucault, *op.cit.*, p.48.

<sup>724</sup> Government of Pakistan, *Introduction of Islamic Laws*, Islamabad: Ministry of Information and Broadcasting, 1979, p.3

<sup>725</sup> Anita M. Weiss, “The Historical Debate on Islam and State in South Asia” in Anita M. Weiss, (ed.), *op.cit.*, p.11.

Structural reforms in Pakistan’s legal system are both complex and confusing. In 1978, “Shariat Appellate Benches” were grafted to Pakistan’s four High Courts. Their jurisdiction included hearing appeals against *hudood* law convictions and they were granted original jurisdiction to hear “Shariat petitions”. In 1980, the “Federal Shariat Court” (FSC) was established. It is interesting to note that modifications in provisions relating to the operation of FSC were changed 28 times from 1980 to 1985 through 12 separate Presidential ordinances, and were incorporated into the Constitution in 14 subsections. After this process, the FSC consisted of eight judges, appointed by the President,<sup>726</sup> and selected for the most part from judges of the High Courts. The FSC’s jurisdiction included:

- appellate jurisdiction in cases against conviction or acquittal from District Courts in *zina*<sup>727</sup> and *qazf*<sup>728</sup> cases;
- limited appellate jurisdiction in cases against conviction or acquittal from District Courts in property and prohibition cases;
- limited *sou motu* jurisdiction to declare laws and practices un-Islamic and hence void;
- original jurisdiction to hear “Shariat petitions”;
- revisional jurisdiction in criminal cases bearing on the *hudood* laws decided by any court including itself.

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<sup>726</sup> First, General Zia-ul-Haq appointed himself as the chief martial law administrator and then President of Pakistan on December 1, 1984 through a referendum. In this referendum, voters were required compulsorily to answer in a simple “Yes” or “No” a lengthy question about the process of Islamization in Pakistan. Although, there was a small turnover of the voters to the referendum, it was construed as a vote of confidence for the regime of General Zia who would assume that he had been elected President for five years. Afzal Iqbal, *Islamization of Pakistan*, Lahore: Vanguard, 1986, p.122.

<sup>727</sup> *Zina* [adultery] The term *zina* includes both adultery and fornication, but there is a difference in the punishment for these offenses. Adultery is established before a Qazi either by proof or confession. To establish it upon proof, four witnesses are required. When witnesses come forward, it is necessary that they should be examined particularly concerning the nature of the offence. When the witness shall have borne testimony completely declaring that they have seen the parties in the very act of the carnal conjunction, the Qazi passes sentence. A confession of adultery must be made by the person who has committed the sin at four different times.

The punishment in classical law varies according to whether it constitutes adultery by a married person [stoning to death] or fornication by an unmarried person [flogging].

<sup>728</sup> *Qazf*: Accusing a virtuous man or woman of adultery; the punishment for which is eighty lashes; or in the case of a slave, forty lashes. But those who accuse married persons of adultery and produce not four witnesses then shall be scourged with four-score stripes.

The Article 203B of the Constitution excluded from the FSC's jurisdiction the "Constitution, Muslim personal law, any law relating to the procedure of any court or tribunal, or any fiscal law or any law relating to the levy and collection of taxes and fees or banking or insurance practice and procedure."<sup>729</sup> This provision curtailed the powers of FSC to a large extent. The decisions of the FSC were subject to appeal before the "Shariat Appellate Bench" of the Supreme Court, consisting of three Supreme Court judges and two adhoc judges either from the FSC or from among the *ulama*.<sup>730</sup> The establishment of Shariat Courts in this manner was unique in that it did not restrict the power of either the civil or military courts operating concurrently in Pakistan, except to ensure that laws were not repugnant to Islam. Nor was there an overhaul of the legal system, placing all laws into conformity at once.<sup>731</sup> Instead, only when a law was challenged as repugnant to Islamic injunctions did a Shariat Bench become involve. In addition, the question of legal derivation was raised; laws were decreed as conforming to Islamic *Shari'a*, but no attempt was made to derive the legal system directly from the *Shari'a*.<sup>732</sup> Fearing the power of the Shariat Benches, Zia placed the military courts at the top of the legal structure. Although he had previously stated that "the supremacy of Islamic law has been established over the law of land", but no court could make any order "relating to the validity or effect of any Martial law Regulation or Order made by the Chief Martial law Administrator [Zia];... or to the validity or effect of any judgement or sentence passed by a Military Court or Tribunal; or issue any process against the CMLA... or a Martial law Administrator or any person acting under the authority of either". This amendment clearly indicated that the public could adopt no legal recourse if it wished to proceed against the wrong doings of the President. He could not be taken to the court of law as he had placed himself and the military government even above the Islamic legal system. The legal system in Pakistan is quite complicated as original jurisdiction for most crimes lies with the District Courts. In particular, District Courts possess original jurisdiction relevant to the enforcement of the *zina*, *gazf*, and property ordinances. District Courts also had appellate jurisdiction to hear appeals against the *hudood* ordinance. Secondly, the District Judges possessed discretionary authority to try individual cases either under *Shariah* or civil law. There were no separate *Shariah* Courts at the level of

<sup>729</sup> Government of Pakistan, Ministry of Justice and Parliamentary Affairs, Constitution of the Islamic Republic of Pakistan, Islamabad: Printing Corporation of Pakistan Press, 1985, section 203B.

<sup>730</sup> Ibid., section 203E(3).

<sup>731</sup> Anita M. Weiss, op.cit., p.11.

<sup>732</sup> Ibid., p.12.

original jurisdiction and the District Judges had the power to decide cases of both civil law and *Shariah*. Thirdly, the decision of the District judges could be appealed on the *Shariah* side to FSC and on the civil side to the High Court. Fourthly, the Supreme Court was the final court of appeal for all criminal cases.

Also important is the fact that the overwhelming majority of superior court judges in Pakistan are attorneys, professionally trained in the British civil law tradition. Indeed, legal credentials and experience are constitutionally mandated for selection to the Supreme Court and the High Courts;<sup>733</sup> and the Constitution specifies that a majority of FEC bench must be drawn from the ranks of those qualified to serve on the High Court,<sup>734</sup> Since the establishment of FSC (1980) to 1989, 16 out of 21 (76 percent) individuals who served on it, had been former High Court judges, and 18 of 21 (86 percent) possessed western-style law degrees.<sup>735</sup> It is generally believed that those jurists trained in, and long-term practitioners of the civil law tradition turned to be “Islamic moderates.” Such individuals’ professional training, cultural and ideological orientations, experience and personal predilections all conduce to this end. Therefore, most of the jurists entrusted with interpreting Islamic legal reforms, were not zealous advocates of such reforms. Obviously, this fact was not lost on Zia who effectively controlled the appointment of judges at all levels during his rule.

Advocates of a more rapid and thorough implementation of the Islamic legal reforms were of the opinion that the jurisdiction of the FSC should be extended. In other words, they wanted Shari’a to be made the supreme law of the land. They believed that according to the Shari’a the ruler must govern in consultation with his subjects, and that the Islamic law should have the final authority. The system instituted by Zia, however, fell short of this injunction, because the CMLA, his deputies and the military courts had been placed above the Shari’a Courts. Through his coercive measures, Zia had eliminated popular channels of protest.

### **Procedural Reforms-Law of Evidence**

The most widely discussed and important aspect of procedural legal reforms was the *Law of Evidence*. It had been long argued by the advocates of Islamic reforms

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<sup>733</sup> Constitution of the Islamic Republic of Pakistan, op.cit., sections 177 and 193.

<sup>734</sup> Ibid., section 2036(3a)

<sup>735</sup> Only three justices were selected from public service: Pir Muhammad Karam Shah (M.A. Al-Azhar University, Islamic Studies); Syed Shujaat Ali (M.A. Karachi University, Arabic); and Fida Muhammad (Ph.D. Sindh University, Islamic Jurisprudence).

in Pakistan that the 1872 Law of Evidence, a legacy of the British *raj*, was un-Islamic. Keeping in view the opinion of these orthodox *ulama* on January 2, 1981, Zia stated: “in my opinion what is of fundamental importance is that the Law of Evidence should be strictly in accordance with the Quran and *Sunnah*.”<sup>736</sup> Accordingly the Council of Islamic Ideology took on the task of examining the 1872 Law of Evidence and submitted its report to the President in 1982. The proposed Law of Evidence by CII was a significant departure from the 1872 Act. So many changes were made in this law that Dr. Tanzil-ur-Rahman decided that it would be easier to write an entirely new law rather than attempt to amend the old.<sup>737</sup> Among other things, the resultant draft ordinance contained a detailed chapter on *Nisab-i-Shahadat* (quantum of evidence) which both incorporated the evidentiary requirements of the *hudood* ordinances,<sup>738</sup> as well as established distinctions between the testimony of men and women. In most instances a woman’s testimony was equated to one-half of the man’s testimony.<sup>739</sup> The Draft Ordinance was also quite different from the 1872 Act with regard to the provisions for oaths, purgation of witnesses, conditions of evidence, and punishments for the retraction of evidence.<sup>740</sup> But the provisions dealing with distinctions between the value of men’s and women’s testimony became controversial. Indeed, the Women’s Action Forum (WAF) and other women’s associations bitterly criticized and protested the proposed ordinance by organizing well-attended and much publicized demonstrations in Lahore and Karachi.<sup>741</sup>

In fact Zia wanted to show that he was committed to producing a distinctively Islami law of evidence which would challenge the vestiges of colonial rule. But at

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<sup>736</sup> Council of Islamic Ideology, Draft ordinance, Islamic Law of Evidence , 1982, Islamabad: Printing Corporation of Pakistan Press, 1984, p.vii.

<sup>737</sup> Ibid., pp.vii-ix.

<sup>738</sup> Ibid., The Pakistan Law Commission was opposed to the inclusion of the Hudood evidentiary requirements in the Law of Evidence. For detail see Pakistan Law Commission, *Ninth Report of the Pakistan Law Commission on Reference Received from the Federal Government About the Proposed Ordinance Relating to the Qanun-e-Shahadat*, Rawalpindi, unpublished, 1984.

<sup>739</sup> The evidence of a single female witness “shall be admissible in cases relating to birth, virginity, and such other matters concerning women as are not usually seen by men.” Draft Ordinance, Islamic Law of Evidence 1982, op.cit., Chapter. 7.

<sup>740</sup> Ibid., For details please see chapters 5, 6, 8 and 12.

<sup>741</sup> For a detailed treatment of the organization of the WAF and its opposition to the Draft Law of Evidence and other Islamic laws see Khawar Mumtaz and Farida Shaheed, (ed.), *Women of Pakistan: Two Steps Forward: One Step Back?* London: Zed Docks, 1(257, pp.123-142; 183-189.

the same time a large, vocal, and well organized group was contending that the proposed ordinance was unjust and un-Islamic. This situation put the Zia administration into a dilemma. Under the pressure, the government adopted a new law of evidence which was almost identical to the old law of evidence but portrayed it as constituting a profound break with the past. Accordingly, on 28 October, 1984, Zia, announced the passage of *Qanoon-i-Shahadat* (Law of Evidence) declaring it to have replaced an “un-Islamic law with an Islamic law.”<sup>742</sup> But a close examination of the *Qanoon-i-Shahadat* reveals that there was only one substantive change in it from the 1872 Act. Section 17 of the new Law of Evidence provides that:

(a) In matters pertaining to financial or future obligations, if reduced to writing, the instrument shall be attested by two men, or one man and two women, so that one may remind the other, if necessary, and evidence shall be led accordingly; and

(b) In all other matters, the Court may accept, or act on the testimony of one man or one woman or such other evidence as the circumstances of the case warrant.

This clause is a substitution of Section 134 of the 1872 Act which stated: “No particular number of witnesses shall in any case be required for proof of any fact.” In no other substantive matter was the *Qanoon-i-Shahadat*, 1984 different from the 1872 Law of Evidence.<sup>743</sup>

In fact Section 17 of the 1984 Act had in no way made any significant change in legal practice or interpretation. Until 1990 no case had been brought to any superior court in the country which hinged on the interpretation of the substantive amended provision of this ordinance. As far as financial transactions were concerned, the procedure or rule required the counter signature of several individuals. Similarly, the court procedures relevant to property, loans, and contracts etc., make similar provision. Therefore, the much heralded and contested Islamic *Qanoon-i-Shahadat* was in substance merely a reaffirmation of

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<sup>742</sup> The Qanoon-i-Shahadat, Order, 1984 (X of 1984)

<sup>743</sup> The Qanoon-i-Shahadat, 1984 is a ditto copy of the Evidence Act of 1872 except section 71 which introduces the Islamic concept of *shahada ul al-shahada*. This allows a potential witness to depute two substitute witnesses to give oral testimony in the former’s absence from the court. This reform was suggested Council of Islamic Ideology, Draft Ordinance, chapter 10. The *Qanoon-i-Shahadat* also incorporated the changes made by the Law of Evidence (Amendment) Act, 1981 (XXVI of 1981). The latter amendment updated the Evidence Act of 1872 by deleting references to the British government, acts of Parliament and so forth. Also, Section 163 of the *Qanoon-i-Shahadat*, 1984 exempts the Hudood ordinances from the procedures of the new law of evidence.

the 1872 Law of Evidence. The only change was that the 1872 Law of Evidence had been declared to be Islamic.

### **Criminal Law Reform**

President Zia promulgated four ordinances known as the *hudood ordinances* on February 10, 1979, which called for revisions of criminal law system of the country. The *Zina Ordinance* established criminal penalties for sex-related crimes (adultery, rape, kidnapping, enticement, attempted rape, sodomy, prostitution, conspiracy to engage in prostitution, and deceitful marriage). The *Qazf Ordinance* established criminal penalties for the wrongful imputation of zina. The Prohibition Ordinance established criminal penalties for the use and possession of alcohol and prohibited drugs and Property ordinance established penalties for theft.

In keeping with the Islamic tenor of the ordinances distinctions were drawn between *hadd* (*hadood*--crimes with expressly sanctioned evidentiary requirements and specified penalties) and *tazir* (discretionary evidentiary requirements and penalties) crimes. For example, the *hadd* crime of *zina* specified that four adult, sane males, free from major sin, witness the actual act. The specified penalty for such a crime so witnessed was stoning to death. Any other crime that fell short of such standards of evidence was to be tried under *tazir* with penalties like imprisonment, fine and whipping.<sup>744</sup> It appears that the implementation of the *hudood* ordinances had only a marginal impact on Pakistan's criminal law system. No *hadd* penalties were meted out during this period, and only two *hadd* convictions were upheld by the FSC. Both these cases were later overturned by the Supreme Court of Pakistan.<sup>745</sup> In fact, all these crimes were already on the books as the pre-existent Pakistan Criminal Procedure code already specified that each *tazir* crime, as specified in the hudood ordinances, was unlawful. The *tazir* penalties specified in the hudood ordinances were the same penalties as specified in the Pakistan Penal Code.<sup>746</sup>

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<sup>744</sup> Government of Pakistan, A Collection of the Islamic Laws, Islamabad: Ministry of Law and Parliamentary Affairs, 1980, Section 11 of Offence of Qazf (Enforcement of Hudood) (Ordinance, VIII 1979), p.19.

<sup>745</sup> The first involved the theft of a clock from a mosque in Okara. See the State vs. Ghulam Ali 153/I (1981); Ghulam Ali vs. The State PLD 1982 FSC 259; and Ghulam Ali vs. the State PLD 1986 SC 741. The second involved the theft of electronic equipment from a private residence in Lahore. See Zahid Iqbal vs. The State 163/1 (1982). The Supreme Court reversed the later decision in 1987.

<sup>746</sup> For detail see Pakistan Penal Code, 1860 (XLV of 1860), sections 366, 366A, 372-373, 375-382, 493-498.

It appears that Islamic legal reforms--structural, procedural, and criminal have had only a minor impact on the corpus of Pakistan's legal system. Structural reforms were confined only to the creation of a new court, the FSC. The FSC's functions, ethos, and procedures were in consonance with the pre-existing legal structures. Procedural reforms were included only in the introduction of the *Qanoon-i-Shahadat*. As far as the ordinances introduced under criminal law were concerned, their implementation was also cautious, and no *hadd* penalties were even imposed.

As far as the punishments under *Hudood* ordinances were concerned, they were meted out in a highly discriminatory fashion. Women were proven guilty of *zina-bil-jabr* [rape] through medical examination following the rape, or because they became pregnant and were unmarried. The best known case was that of Safia Sibi, a young blind woman who had been hired as a domestic servant and became pregnant following a multiple rape. She was awarded a punishment of fifteen lashes for *zina-billabr*. The two men involved--a father and his son--were not punished: the former was not charged because of lack of evidence and the later was acquitted by being given the "benefit of doubt." Besides the issue of whether a woman should suffer twice, many consider that this law discriminated against women by accepting illegitimate birth as a form of "confession" proving a woman's guilt while the man went unpunished.<sup>747</sup> It is nearly impossible to prove a man's guilt without his verbal confession, for what four pious [salah] Muslim men would stand by and let a woman be raped? In August 1983, the FSC did reverse the ruling of the session judge in this case and distinguished between rape and adultery, dismissing Safia Bibi's sentence. Lal Mai, a thirty five year old woman from Liaquatpur (Bahawalpur district), was not lucky; on 30 September, 1983, she became the first woman to be publicly whipped for adultery under the new laws. A woman in Swat was later sentenced to receive eighty lashes. The men in both cases were acquitted. The WAF and Pakistan Women Lawyers Association had protested the flogging as "degrading, unnecessary, brutal, and direct violation of the International Declaration of Human Rights, to which Pakistan is a signatory."<sup>748</sup>

Although these ordinances were issued to replace the British-style penal code, yet not even all the *ulama* agreed to the punishments prescribed in these ordinances for various crimes. They interpreted each law in the light of their own school of thought. One scholar was of the opinion that a uniform jurisprudence could have to be developed keeping in view the different interpretations of these

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<sup>747</sup> Viewpoint 15 July, 1983. Another case was reported in *The Muslim*, 21 February, 1983.

<sup>748</sup> *The Muslim*, 4 October, 1983. Pakistan, at that time, was not signatory of the United Nations Convention on the Elimination of Discrimination against Women.

issues by the exponents of various schools of law.<sup>749</sup> Masoom Abidi rightly comments that “he [Zia] used Islam horrendously in order to justify his techniques of subjectification and normalization.”<sup>750</sup>

### **The Provisional Constitutional Order(PCO)**

Every authoritarian regime tries to curtail the powers of judiciary in order to implement its brutal and aggressive policies. Majority of the masses depends upon this only organ of the state to get justice when confronted with arbitrary decisions. In appearance, Zia regime promised to uphold the supremacy of law but in fact the supremacy of military was established over all organs of the state and judiciary was not an exception. In addition to the already existing Laws (Continuation in force) Order 1977, which denied the judiciary power to challenge the validity of a Martial Law order, a new oath was instituted for the superior judges which omitted any reference to the Constitution.<sup>751</sup> It is interesting to point out that during Bhutto’s trial in High and Supreme Courts the military regime did not tamper with the existing court system in order to avoid any reaction on the part of legal and other judicial circles. After the execution of Bhutto and later because of the postponement of elections scheduled for November, 1979, the judiciary appeared to be a major channel for safeguarding the rights of the masses *vis-à-vis* the state. The politicians and political workers rushed to the civil courts for seeking relief from Martial law orders. A writ petition by Asghar Khan was filed in the Lahore High Court contesting ban on political parties and constitutional amendments. Some of the court decisions made the Martial law regime unhappy. For example, the seizure of the printing press of the daily Musawat was declared invalid.<sup>752</sup> Similarly, the detention of 13 persons was ordered to be illegal.<sup>753</sup> A petition was admitted by the Sindh High Court in which legality of Article 212 (a) was challenged as it barred High Courts from hearing petitions against the decisions of the military courts.<sup>754</sup> This was an indication to the fact that the courts were asserting their independence and impartiality which did not suit the military regime.

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<sup>749</sup> Muhammad Aslam Syed, “Modernism, Traditionalism and Islamization in Pakistan”, *Journal of South Asian and Middle Eastern Studies* Vol.VIII, No.4, Summer, 1985, pp.78-79.

<sup>750</sup> Abidi, op.cit., p.175.

<sup>751</sup> Mohammad Waseem, *Politics and the State in Pakistan*, Lahore: Progressive, 1989, p.287.

<sup>752</sup> Dawn, 12 December, 1979.

<sup>753</sup> Ibid.,

<sup>754</sup> The Muslim, 16 April, 1980.

It was, therefore, felt necessary to take some steps so that judiciary could not become a challenge to the authority of the military regime. In order to curtail the power of the judiciary, Article 199 of the Constitution was amended on 26 May, 1980 which barred High Courts from reviewing Martial Law orders or challenging the judgement of military court. This amendment empowered the government to detain any person without being informed about the charges against him. The Bar Associations were directed not to invite political leaders to address them.<sup>755</sup> These amendments were validated by a full bench of the Sindh High Court in June, 1980. But the Baluchistan High Court declared the amendments in Article 199 and 212(A) of the Constitution ultra virus of the powers of the CMLA as recognized in Begum Nusrat Bhutto Case. So it invalidated the restrictions over judicial review of the judgements of the military courts.<sup>756</sup> The Bar Associations did not follow the directive of the military government and continued inviting politicians. A case against Yayha Bakhtiar was quashed by a division bench of Baluchistan High Court on the grounds that it was malafide and discriminatory.<sup>757</sup> These decisions of the judiciary were considered by the military government as an encroachment on its authority.

Because of these judgements of the judiciary, the Martial Law regime considered that it should snatch greater constitutional rights so that the judiciary is not in a position to question its ultimate authority. The Shiah's resistance had also encouraged the disorganized political parties which had not so far been able to resist the undemocratic military regime collectively. On February 26, 1981, leaders of nine political parties met at Lahore and constituted an alliance under the name of MRD (Movement for the Restoration of Democracy). A call was issued by MRD to the people for a country-wide protest against the unrepresentative and authoritarian military regime. The protest was meant to force the government to: (i) terminate the martial law; (ii) restore the suspended constitution; (iii) release all political prisoners; and (iv) hold general elections. The government arrested the top leadership of the movement. People from all walks of life participated in the demonstrations/protests organized by the MRD. The Jamaat-i-Islami and anti-Bhutto elements propagated against the MRD and called it an attempt to revive Bhuttoism and to destabilize the process of Islamization.

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<sup>755</sup> The Muslim, 27 May, 1980.

<sup>756</sup> The Muslim, 3 July, 1980.

<sup>757</sup> The Muslim, 14 September, 1980. Later this judgement was suspended by the Supreme Court of Pakistan, which sentenced Yahya Bakhtiar to five years' rigorous imprisonment with a fine of Rs. one lac. For details see *The Muslim* 28 and 31st March, 1981.

In March, 1981, a PIA plane was hijacked and the hijackers claimed their affiliation to a clandestine organization “Al- Zulfikar” led by Murtaza Bhutto son of the late Zulfikar Ali Bhutto. Zia took full advantage of this event by televising it and tried to win sympathies of the masses for him. He posed himself and his government as an innocent victim of an international conspiracy and terrorism. He claimed that conspiracy was not only against him but also against the very existence of Islamic state of Pakistan. This gave him another justification and an appropriate opportunity to resort to harsher means of repression and more concentration of power. These factors were responsible for the introduction of the PCO on 23 March, 1981.<sup>758</sup>

The PCO curtailed the powers of judiciary and now it could not quash detention orders of the military courts, and stay flogging and executions on the grounds of lack of evidence. The new plan did away with the provision of elections, political parties, parliament and preservation of fundamental rights, provided for a *Majlis-i-Shoora* to be nominated by the President.<sup>759</sup> All judges of the Supreme Court, Federal Shariat Court and High Courts were required to take a new oath for upholding the PCO instead of the 1973 Constitution. The PCO had curtailed the powers of the judiciary considerably and it appeared that the judiciary had now to work in accordance with the wishes of the military regime. On 25 March, 1981, nineteen judges of Supreme and High courts were fired by Zia when they refused to take oath under the PCO. Under the PCO, the advocacy of any secular ideology was prohibited and Zia was empowered to amend the Constitution as he wished. Zia’s action was a reinforcement of his policy of slaughtering all the civil and legal rights of the Pakistani citizenry.<sup>760</sup> This act of concentration of all powers in his hand indicated to the fact that Zia did not care for the fundamental rights and supremacy of law but only cared as to how he could prolong his undemocratic and unrepresentative rule.

### **Socio-Economic Reforms**

After having formally inaugurated the process of the Islamization by issuing Hudood Ordinance, the second step was taken by the promulgation of *Zakat and Ushr Ordinance* in June 1980. Under this system, financial assistance was provided for subsistence, rehabilitation, health, education, *Deeni madaras* (religious schools) and social welfare. The ordinance empowered the government

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<sup>758</sup> Dawn, 25 March, 1981.

<sup>759</sup> Mohammad Waseem, op.cit., p.389.

<sup>760</sup> Abidi, op.cit. , p-181 .

to deduct *zakat* at source at the rate of 2.5 percent from savings accounts and fixed deposits held by the Muslims in banks. The shares held by the Muslims in companies were also to be charged with *zakat*. Practically, it meant that the interest rate which these accounts were earning would automatically decrease by 2.5 percent to serve the coffers of Zia's Islamization programme. In other words it was interest money which Zia wanted to utilize for the service of Islam. This was to legitimize Zia's rule in the garb of Islam, since denial to pay *zakat* would entitle the General to wage war against the defaulters.<sup>761</sup> It was totally against the grain of Islamic teachings in the Quran where the interest taker was "waging war against Allah and his Prophet."<sup>762</sup> For this purpose the government established a Central Zakat Administration under the supervision of Ministry of Finance. The Central Zakat Council (CZC) consisting of 16-members headed by a sitting or a retired judge of the Supreme Court of Pakistan was the supreme national body which laid down policy guidelines and made rules for disbursement of Zakat funds.<sup>763</sup> The provinces had their own Provincial Zakat Councils (PZCs) comprising of 10-members each and headed by a sitting or retired judge of the High Courts. The PZCs released funds to the Local Zakat Committees (LZCs), which exercised control over the affairs of LZCs, Tehsil Zakat Committees (TZCs) and District Zakat Committees(DZCs). The structure of the Zakat Administration was designed as such that *zakat* could be distributed at every level to the needy and poor. *Nazim-i-Zakat* were appointed from amongst the JI and other *Islam Pasand* parties. This was a multi-purpose move: (i) the projection of an authoritarian and undemocratic regime as an Islamic one; (ii) to provide a token of allegiance to Zia and to legitimize his rule; (iii) providing a support-base to the JI and other religious parties by enlisting the people among whom *zakat* was distributed; and (iv) providing financial assistance to the needy and poor.

The declaration of this ordinance resulted in controversy and criticism and was not perceived as Zia did, as a simple application of the principles of Shariah. The overwhelming majority of the people of Pakistan disapproved it but the Shiah community challenged the imposition of this ordinance on the grounds that promulgation of *zakat* ordinance meant empowering only one school of thought and that the coercion was not admissible according to the dictates of Islam. It was also argued that according to Shiah theology, *zakat* was levied on visible wealth which did not include paper money.<sup>764</sup> The Shiah community demanded

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<sup>761</sup> Ibid., p.177.

<sup>762</sup> The Quran 2:279.

<sup>763</sup> Zakat and Urshr System in Pakistan, Islamabad: Central Zakat Administration, Ministry of Finance, 1991, p.1.

<sup>764</sup> Ghazanfar Kazi, *Marhum Mufti Jafar Hussain Ayyam-i-Raftah Par Mukhtaser Nazar*, 1983, p.51.

that *zakat* should not be deducted from bank accounts and shares in the companies held by them. An unprecedented gathering of Shiah in Islamabad protested against Zia on the grounds that by no means and in no case would they accept him as the legitimate religious authority. The Shiah leaders claimed that it violated the right of Shiah to distribute alms as dictated by their consciences and in accordance with the guidelines of Islamic law as interpreted in the jurisprudence of their own sect. This protest of Shiah was also supported by the PPP regardless of its sectarian affiliations. Ultimately, Zia's government had to bow down and accept the Shiah's demands. For the purpose of getting exemption from *zakat*, Shiah were required to submit a declaration. While the focus of Shiah grievances was the requirement that they submit to the compulsory *zakat*, it is believed that the real impetus behind the demonstration was the *Shiahs* growing political alienation from the policies of the martial law regime. The *zakat* law, in this regard, merely provided a pretext and a rallying point for such disaffection. The collection of *zakat* through compulsion (by deducting *zakat* from the accounts without the permission of accounts holders) received severe criticism. In response to this criticism, the *Ulama* supported the viewpoint of the government and justified that 'it is not only the right of the ruler to collect *zakat* but it is also his duty.'<sup>765</sup> This led to the question of the legitimacy of the ruler and the procedure of his appointment. Such questions and doubts were raised by many in the newspapers and other forums. The *ulama* attempted to satisfy the public but they also revealed that more than satisfaction their primary aim was to support the government.<sup>766</sup>

### The Ushr Tax

Although the '*ushr*' (land revenue) tax was covered in 1980 law, it was not applied until 1933. The '*ushr* law' in emulation of the classical *Shari'a* rules, imposed a 5 percent tax on the value of harvests on artificially irrigated land and a 10 percent tax on those lands that were not artificially irrigated. The law provided that *ushr* was to be collected "from every landowner, grantee, allottee, lessee, leaseholder, or land holder', for any crops grown on their land. Only those were exempted who were eligible to receive *zakat* or who produced less than 948 kilograms of crop per annum. The real impetus behind the imposition of "*ushr* seems to be the government's desire to revive Islamic law rather than

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<sup>765</sup> Government of Pakistan, *Qanoon-i-Zakat-O-Ushr: Chand Shubhat Ka Azala*, Islamabad: Central Zakat Administration, Ministry of Finance, 1990, p.6-7.

<sup>766</sup> *Ibid.*, For detail see p.8.38.

any of the practical consideration that encouraged the prompt adoption of and levying of the zakat.”<sup>767</sup>

The Central *Zakat* Administration while reviewing the progress of *zakat* and *ushr* scheme during 1991 observed that “the most serious problem of the *Zakat* system has been the preparation of authentic list of [deserving] followed by misuse and pilferage of funds at Local *Zakat* Committee level.<sup>768</sup> The distribution of *zakat* and *ushr* during the period 1930 to 1990-91 was made to the provinces on the basis of population. The provinces of Punjab, Sindh, N.W.F.P. and Baluchistan got 59%, 20%, 14%, and 6% respectively while 1% was given to Islamabad Capital Territory.<sup>769</sup> From the report one can infer that *zakat* and *ushr* had been distributed among 7% genuine *musthequeen*, (needy) while 93% of the amount was given to these about whom the government did not have correct information and mainly depended upon the Local *Zakat* Committees. The government, however, succeeded in collecting a substantial amount of *zakat* and *ushr*<sup>770</sup> from 1981 to 1991. Islam has given its followers a detailed prescription for an economic system. This is provided through the Quran, the *Sunnah*, the *Ijma* (the consensus of the Muslim mujtahids-religious scholars), and the *Qiyas* (personal opinions based on analogy and on religious doctrines). The fundamental objective lying behind the idea of *zakat* is to use the money collected for the uplift of the downtrodden, to eradicate poverty, to promote public good, to reinforce those drifting to insolvency and to feed the hungry. It is a wise step for enforcing the law so that economically weaker people of the Islamic community should be saved from succumbing to irresponsible and atheistic ideologies.

*Zakat* is one of the cardinal principles on which the structure of the Islamic faith rests. It has been given due importance in the Quran and placed next to the

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<sup>767</sup> Ann Elizabeth Mayer, “Islamization and Taxation in Pakistan”, in Anita H. Weiss, (ed.), *Islamic Reassertion in Pakistan*, op.cit, p.74.

<sup>768</sup> *Zakat and Ushr System in Pakistan*, op cit., p.3.

<sup>769</sup> *Ibid.*, p.10.

<sup>770</sup> *Zakat* collected from June 1980 to 1990-91 is Rs.14,270 million while *Ushr* collected from 1982-83 to 1990-91 amounts to Rs.1,715.07 million. Out of total amount of Rs.15,985.07 million, the amount released during the period is as follows:

Provincial Zakat Administrations	Rs.	8,236.37 million
Emergency Relief	Rs.	319.33 million
Housing for shelter less	Rs.	817.797 million
Total Releases	Rs.	9,373.497 million

For detail see Government of Pakistan, *Zakat and Usher system in Pakistan.*, op.cit., p.2.

prayers. Although the term has been used in many different ways,<sup>771</sup> there are three major situations where *zakat* is applicable—relative to the ownership of animals, of gold, silver and articles of trade, and of the produce of the land.<sup>772</sup> While in theory *zakat* is linked to all assets which produce an economic return, in practice it has been applied to commercial and agricultural capital. In short, *zakat* is rather a generalized tax. The rendering of *zakat* to poor Muslims is a divinely revealed requirement for those who wish to believe eternal salvation. Its obligations are founded in Quranic injunctions, such as those praising those who “expend of what we have provided them, secretly and in public, and who avert evil with good—their shall be the ultimate abode,”<sup>773</sup> “those in whose wealth is a rights known for the beggar and the outcast.”<sup>774</sup> Obviously, in theory, *zakat* is to be given willingly, not to be paid begrudgingly, if the divine law is to be fulfilled. Its obligations are to the community as a whole. They are to be made specifically and directly to the community’s less fortunate members, not to an impersonalized government not to its revenue collecting agencies.

*Zakat* is primarily a voluntary act of piety, and far cry from what most modern-day taxpayers experience when confronted with increased income levies or complicated regulations. It is a system of social insurance and security for all of those who become destitute in Islamic society, and is supported by a tax on net wealth rather than on income. The imposition of *zakat* and *ushr* by the military regime was, therefore, not in total conformity to the injunctions of Islam. The motive was cosmetic without any homework.

Intert-free banking is another, and perhaps the most vital issue. Islam forbids usury in any form. There are no two views on this issue. It was forbidden or at least discouraged earlier also in the Constitutions of 1956, 1962 and 1973. Zia’s regime gave prime importance to the elimination of *riba* (usury). The House Building Finance Corporation and Investment Corporation of Pakistan were directed to give loans on the basis of sharing of income accruing from rent.

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<sup>771</sup> The specific interpretation of this and other taxes varies among the various orthodox legal schools—Hanafi, Shafi, Maliki, and Hanbali. For more detail, refer to Nicholas P. Aghniaes, *Mohammedan Theories of Finance*, New York: Columbia University press, 1916.

<sup>772</sup> Against the latter came to be levied the *ushr*, or tithe, and many commentators then distinguished this as basically different from *zakat*.

<sup>773</sup> The Quran, XITI:22; a similar phrasing is found in XXXV:29. this and all following Quranic quotations have been taken from the translation of A. J. Arberry, *The Koran interpreted*, George Allen and Unwin, 1955.

<sup>774</sup> The Quran, LXX:24.

While other religions have looked somewhat unfavorably; upon money-lending where interest is paid, Islam traditionally has quite forthrightly forbidden it. This attitude towards taking of the interest is derived from the Quran: "Those who devour usury shall not rise again, except as he rises whom Satan of the touch prostrates; that is because they say, 'trafficking is like usury.' God has permitted trafficking and forbidden usury ... God blots our usury, but freewill offerings he augments with interest."<sup>775</sup>

The reasons for prohibition of *riba* in Islam are quite clear. First, interest and/or usury increase the tendency to direct wealth into the control of a few; in the process it tends to dehumanize man's concern for his fellow man. Second, Islam does not allow gain from economic activity unless it is also subject to a loss; the legal guarantee of at least nominal interest would be viewed a sure gain. Third, in Islam wealth should be accumulated through personal activity and hard work, as opposed to the selfish motive of getting the highest possible interest.<sup>776</sup>

### **Medieval and Modern Interpretations of Riba**

There were three major traits of the Muslim economic thought in the medieval era. First, economic problems were inextricably tied to the religious, theological, legal, ethical and political matters. The concept of *riba* was a monolithic notion apprehending many elements and parts, because at the advent of Islam when *riba* verses were revealed, the merchants-usurers who lived on their *riba*-earnings, in the majority of cases, were also landlords, shopkeepers, slave owners, high priests and tribal chiefs. So the elements which constituted these *riba*-earnings were the profits earned on the forms of ground-rent ... Secondly, the medieval economic system was based on the idea of commutative justice - that commodities equivalents must be exchanged against equivalents. For jurists, this concept of equivalence was the cornerstone of a 'just price', a 'just exchange', a 'just' wage and 'just' sale. Thirdly, the jurists discussed the religio-legal economic problems like *riba* as total, comprehensive and monolithic concept.<sup>777</sup>

### **The Liberal-Modernist Interpretation of Riba**

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<sup>775</sup> Ibid., 1I:275-76 and 279. III:125 and XXX:38.

<sup>776</sup> A view which maintains that the Quranic ban is on economic exploitation and not on interest per se, for detail see Fazlur Rahman, "Economic Principles of Islam", *Islamic Studies* 8 (March, 1969)

<sup>777</sup> Ziaul-Haque, "Sore Interpretations of Riba: Medieval and Modern", *Riba Pakistan Forum Series No. 3*, Islamabad: Pakistan Forum, 1992, pp.2-3.

The liberals and modernists define *riba* as “an exorbitant increment whereby the capital sum is doubled several fold, against a fixed extension of the term of payment of the debt.”<sup>778</sup> This conclusion is based on the Quranic verse (3:130): “O ye who believe, devour not usury, doubled and multiplied (adafan mudaafatan); but fear Allah that ye may really prosper.” Therefore for the modernists, the Quranic term *riba* essentially means an exorbitant interest-rate of the nature of illegal usury which must be reformed by religion and prohibited by means of law, and that the present bank interest is not *riba*. It is believed by the modernists that “abolition of interest in the present state of our economic development would be a cardinal error. To them, interest rate is a price as any other price.”<sup>779</sup>

### **Interpretation of Riba by Islamic Economists**

It was during Zia regime that *riba* was interpreted on orthodox lines to appease the *ulama*.<sup>780</sup> A panel of Economists and Bankers was appointed to make recommendations for the elimination of *riba* from the economy of the country. The Islamic economists, like the orthodox *ulama* consider *riba* mainly in the sense of interest and usury, that is, bank-interest, which they assume, can be replaced by *mudarba* (profit-sharing).<sup>781</sup> For these Islamic economists, the other factors of production in a modern economy, like rent of landlords, profits of entrepreneurs are legal and licit. The members of this Panel conformed to the orthodox line of interpreting *riba* as interest and usury only, thus leaving the entire Pakistani economy, agriculture, industry, commerce and trade to the rapacious profit motive. The Panelists, the Report shows, opted for a *status-quo* by merely paying lip service to the ideals and principles of Islam.<sup>782</sup>

It is interesting to note that the revised version of the Report on Elimination of *Riba* from the Economy (1991) says: “the progress made by the government so far in the elimination of interest from the country’s economy has been spotty and

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<sup>778</sup> Fazlur Rahman, “Tahqiq-Riba”, *Fikr-o-Nazar* 1 (5 November 1963), p.40.

<sup>779</sup> Ibid., pp.37-40.

<sup>780</sup> Ziaul Haque, op.cit., p.9.

<sup>781</sup> For details see Khurshid Ahmad, (ed.), *Studies in Islamic Economic*, Leicester, 1980. Chapter 3 and 4.

<sup>782</sup> Government of Pakistan, *Elimination of Riba From the Economy & Islamic Modes of Financing*, Islamabad: Council of Islamic Ideology, 1991, 2nd Revised and Enlarged Edition, pp-131-138.

uneven. In fact the whole approach is characterized by dualism and half-heartedness ..."<sup>783</sup>

### **Educational Reforms**

The supporters of the military regime as well as government sponsored institutions and commissions came with suggestions to develop Islamic models of various branches of knowledge. The government patronized the conservative elements in the educational institutions and information infrastructure. The major aims of the education policy announced by the military regime in February 1979 were: to foster in the hearts and minds of the people of Pakistan in general and the students in particular a deep and abiding loyalty to Islam and Pakistan and a living consciousness of their spiritual and ideological identity thereby strengthening unity of the outlook of the people of Pakistan on the basis of justice and fairplay; to create awareness in every student that he, as member of Pakistani nation is also a part of the universal Muslim Ummah and ... he is expected to make a contribution towards the welfare of fellow Muslims ... and spread the message of Islam throughout the world...; to develop and inculcate in accordance with the Quran and *Sunnah*, the character, conduct and motivation expected of a true Muslim; ...and to develop the creative and innovative faculties ...with a view to effectively manage social, natural and productive forces, consistent with the value system of Islam.<sup>784</sup>

The education policy of Zia's regime was not directly based on Quranic injunctions; it related instead to the assimilation and acceptance of the government's Islamization programme among the people.<sup>785</sup> The administration intended that the new educational policy of revising textbooks and course curricula to conform to Islamic values (e.g., establishing separate educational facilities for males and females; making religious education compulsory for Muslims; and making Urdu the language of instruction in schools) be an affirmation of its commitment to Islam.<sup>786</sup> Mohammad Ammin comments that "one essential requirement of the Islamization process was for those who were involved in making and implementing the law to be both well informed and well trained in Islamic Law. There was, also, a need to create a new

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<sup>783</sup> Ibid., p.138.

<sup>784</sup> Government of Pakistan, National Education Policy and Implementation Programme, Islamabad: Ministry of Education, 1979, p.1.

<sup>785</sup> Anita M. Weiss, op.cit., p.15.

<sup>786</sup> Ibid., p.15.

generation of scholars who would be specialized in the *Shari'ah* as well as in the prevailing laws."<sup>787</sup>

The government set up a Shariah Faculty at Quaid-i-Azam University in October, 1979, where special arrangements were made for imparting education in Shariah and modern law at postgraduate level. A year later, it became a separate institution under the name of Islamic University (International Islamic University). The university was established to enable the students and scholars from all over the world and especially from the Muslim countries to receive higher education with Islamic orientation.<sup>788</sup> It was believed that the government's objective was the creation of an integrated system of education bridging the bifurcation between the traditional/religious and the modern/scientific streams. Since then, the Islamic University has been imparting instructions in *Shariah* and law, economics, Islamic Studies and Arabic at undergraduate and postgraduate levels. Students both from *Madrassahs* (traditional educational institution attached with Mosques) and colleges are enrolled in the University for various courses.<sup>789</sup>

A separate women's university was a long-standing demand of Jamaat-i-Islami included in its 1970 election manifesto. Since JI was the staunch support of Zia's government, it pressed hard for implementation of this scheme and complete segregation of all educational institutions. The merits and demerits of the proposed university were debated in the news papers during 1981-82. In November, 1982, a woman journalist wrote:

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<sup>787</sup> Mohammad Amin, *Islamization of Laws in Pakistan*, Lahore: Sang-e-Mel Publications, 199, p. 93.

<sup>788</sup> Dawn, 14 November, 1980.

<sup>789</sup> The Islamic University was established with the aim of producing scholars equally trained in Shariah as well as in modern legal system. The objectives of the Islamic University are to provide necessary education and training in Islamic Disciplines, Humanities, Social, Physical and Applied Sciences, to initiate and conduct necessary research, reinterpretation of research and to seek Islamic solution for contemporary issues faced by the Muslim Ummah, to offer orientation programmes in special areas; and to provide a forum for interaction and exchange of ideas among scholars, visiting professors and researchers from Muslim countries, and teachings and researchers from Pakistan". The Islamic University is offering degrees in B.A. Honours (LLb) & LL.M in Shariah and Law, B.A. Honours and M.A. in Da'wah and Qirant, B.A. Horours and M.A. in Islamic Economics, M.A. (Arabic) and a Diploma in Qada. It has also started offering courses in MBA, and computer Sciences at post-graduate levels.

Islamic research is an integral part of the University's academic programme. The School of Economics has a research programme on Islamic Economics. Some of the projects undertaken by the scholars of the School are, the Islamization of the economy, an ethico-economic system of Islam, consumer behavior in an Islamic society, and the role of the state in an Islamic country etc. [For detail please see Mohammad Amin, *Islamization of Laws in Pakistan*, op.cit., pp.96-97]

Until recently it was not even clear as to why a separate university for women was deemed necessary, but now that the Federal Minister for Education has categorically stated that the Government's aim is to do away with co-education at the university level, the worst fears of many have been confirmed.<sup>790</sup>

WAF and APWA passed resolutions rejecting the establishment of proposed university. Opposition to the separate university was based on the fear that a separate women's university would lead to further segregation of women, which in turn would lead to further discrimination.<sup>791</sup> The supporters of a women's university were of the opinion that 'a separate women's university is very necessary in a state such as Pakistan where Islam is the state religion.' The protest voiced by opponents of scheme did not allow the military regime to establish a women's university.

The military regime's emphasis on Islamization, ranging from the so-called *islahi-muashra* (social reform) drive to the introduction of profit and loss counters in banks, has its theoretical roots in the Jamaat-i-Islami's interpretation of an Islamic system as propounded by Maulana Maududi. Maududi in his various writings, adopting a medieval approach, considers the solution of man's socio-economic problems to be primarily in transforming moral values through religious indoctrination. Although he does not deny the importance of socio-economic problems, these for him appear to be the result of moral degeneration. The 'Islamic' solution to man's economic problems according to Maududi, would involve first and foremost becoming 'good Muslims' in spirit as well as in letter. In the name of enforcing an Islamic moral code, the Jamaat-i-Islami aims at increasing its grip on society through increasing its own as well as the state's repressive powers. This is done by forming vigilant squads on the one hand and infiltrating and exercising control over the coercive and ideological apparatuses of the state on the other.<sup>792</sup> According to Maududi's criteria, the majority of Muslims, '999 out of 1000' are not real Muslims and should therefore be excluded from the pale of Islam as well as deprived of the right to vote in elections. He stated:

The huge crowd which is called the Mussalman nation is such that 999 out of 1000 have got neither any knowledge of Islam, nor are they aware of

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<sup>790</sup> Dawn, 2 February, 1981.

<sup>791</sup> Khawar Mumtaz and Farida Shaheed, *op.cit.*, p.87.

<sup>792</sup> Omar Asghar Khan, "Political and Economic Aspects of Islamization" in Mohammad Asghar Khan, (ed.), *The Pakistan Experience: State and Religion*, Lahore: Vanguard, 1985, pp.145-146.

the distinction between truth and falsehood. From the father to the son and from the son to the grandson they have just been acquiring the name of Mussalman. Therefore they are neither Muslims, nor have they accepted the truth by recognizing it as truth, nor again rejected falsehood by recognizing it as falsehood. If by handing the reins of guidance into the hands of their majority vote somebody believes that the carriage will move along path of Islam, his misconception is indeed praiseworthy.<sup>793</sup>

Consistent with this philosophy, Jamaat has used Islam to build an ideological smoke-screen between the masses and the harsh socio-economic realities that they have to face ... Coercion is the hall mark of such an Islamic system.<sup>794</sup> Zia followed strictly the same policy of coercive measures in order to see the policies of Maududi implemented in the society. So Islamization was seen by the regime as an instrument for seeking legitimacy on one hand and political allies on the other.

Zia's 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' was in fact a smart move to strengthen and prolong his rule. But in the absence of popular mandate, Zia miserably failed to become a popular leader of the masses. The time and again postponement of elections was because of the reason that both the PNA and Zia wanted to exclude PPP from the political arena. In order to keep the PPP out of political scene, Zia and the PNA had unanimous views to make certain constitutional amendments. Zia wanted to give a constitutional role to the armed forces; to create a balance between the powers of the President and the Prime Minister in the 1973 Constitution; and make amendments in the electoral rules. In order to please the religious parties, a Presidential Order was brought into force on 13 September, 1979 envisaging proportional representation as the basis of all future elections. This move suited those political parties who were unable to secure clear majority in their constituencies. JI and JUIP welcomed this scheme but the PPP was no longer prepared to adhere to this scheme.<sup>795</sup>

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<sup>793</sup> Pakistan Times, July 12, 1968.

<sup>794</sup> Omar Asghar Khan, op.cit., p.140.

<sup>795</sup> Jamat-i-Islami was the staunch supporter to proportional representation. Professor Khurshid Ahmad, (*Naib amir*) of JI Circulated a research paper prepared by the Institute of Policy Studies, Islamabad, which argued the proportional representation, was close to the spirit of popular representation. Please see *Pakistan Times*, 11 August, 1979, p.1. This paper was later developed in a form of book. For detail please see Khurshid Ahmad, *Proportional Representation and the Revival of Democratic Process in Pakistan*, Islamabad: Institute of Policy Studies, 1983. Also see Ch. Rehmat *Electoral Reforms: A Case for Proportional Representation*, Lahore: Maktaba-i-Mansoorah, n.d.

Another move by the military regime was compulsory 'registration of political parties with the Election Commission', under which 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 to bind itself to submitting annual financial statements. Those parties who would not subscribe to this rule would face disqualification in elections.<sup>796</sup> The only parties which got themselves registered were Jamaat-i-Islami, Pakistan Muslim League and JUIP, while the PPP and other political parties did not accept this scheme.

### **The Local Bodies Election**

The question of registration of political parties remained controversial. The military regime decided to hold local bodies elections in September, 1979 as a prelude to general elections. PNA called for a boycott of these elections and announced that if it came to power after the general elections, it would declare the elections to local bodies held under the supervision of military regime null and void.<sup>797</sup> The JI took part in the local bodies elections as these elections focused on local issues and *biradari* loyalties. The boycott by the PNA did not work and these elections were contested on the basis of *biradri* and ethnicity which gave birth to mutual rivalries and sharpened the regional conflicts.

The majority of seats were won by *awam dost*, (people's friend-a slogan which sent a message to the voter that the candidate belonged to the Pakistan People's Party) candidates which enabled the military regime to gauge the political mood of the country.<sup>798</sup> This was also an indication to the fact that the voters will react in the same manner in the general elections. As such these results were not encouraging for the military, therefore, Zia decided to postpone general elections scheduled to be held in October, 1979, stating 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 ... that the country get a government, which adhering to the ideology of Pakistan, should be able to guarantee stability."<sup>799</sup>

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<sup>796</sup> Election Commission of Pakistan, Election Laws as Notified up to 20th January 1985, Islamabad: Election Commission Office, 1985, pp.365-366.

<sup>797</sup> Quoted in Safir, op.cit., p.639.

<sup>798</sup> Ibid., p.639.

<sup>799</sup> Mohammad Zia-ul-Haq, *President Ends Political Uncertainty: Address to the Nation, October 16, 1979*, Islamabad: Directorate of films and Publications, 1979, p.4.

Despite the fact that Zia had amended the Political Parties Act, 1962 and the Constitution of 1973, yet these measures did not satisfy him. Although, the *ulama* and their parties had accepted-in theory as well as in practice-the norms of parliamentary democratic system, a small group was of the view that Islam, did not recognize any sort of democracy.<sup>800</sup> According to then, the head (*amir*) of a state based on Shariah had unquestionable authority. He could seek the advice of the Advisory Council (*Majlis-i-Shoora*), but was not to bound act on its advice. It was upto the *amir* to accept or reject the opinion of the majority of the Advisory Council. Individuals were free to differ with the *amir*, but nobody was allowed to divide the Muslim community into groups and parties. On these grounds, it was justified that there was no place for political parties in an Islamic state. A petition was submitted to the Shariah Bench of Lahore High Court in September, 1979 by Justice (Retired) B. Z. Kakaus in which it was maintained that the prevailing political system in Pakistan was repugnant to Islam.<sup>801</sup> The petition was not accepted by the court which decided that it was beyond their (Shariah Bench of FSC) jurisdiction.

### **The Federal Council (FC) - *Majlis-i-Shoora***

In fact, Zia wanted to introduce such a political system that would suit his policies and political aims. The PCO had given him absolute power to amend the 1973 Constitution at will.<sup>802</sup> It was declared in the PCO that democracy and representative institutions would be restored as soon as possible 'in conformity with the principles of Islam',<sup>803</sup> but a FC would be nominated. Article 4 of the Order provided that there shall be a Federal Council (*Majlis-i-Shoora*) consisting of such persons as the President may, by Order, determine and it shall perform such functions as may be specified in an Order by the President.

By 1982 Zia seemed to have convinced that obtaining popular support for his programme was next to impossible. He had realized that his alliance with Jamaat-i-Islami, the Muslim League and some of the sacerdotal elite would not be enough.<sup>804</sup> This was the reason that he began to seek support from the other groups in order to broaden his support base. Conventions of the *ulama* and

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<sup>800</sup> Quoted in Safir, op.cit., p.640.

<sup>801</sup> Quoted in John J. Donahue and John L. Esposito, (eds.), *Islam in Transition: Muslim Perspectives*, New York: Oxford University Press, 1982, pp.278-285.

<sup>802</sup> Safir, op.cit., p.640.

<sup>803</sup> Dawn, 25 March, 1981.

<sup>804</sup> Abidi, op.cit., p.181.

*Mashaikh* were called under the auspices of the Ministry of Religious Affairs. At a Convention of the *Ulama*, Zia promised that his administration would take major steps to enhance the status of the *ulama* and revive their honour and dignity in the society. He offered them representation in the Federal and Provincial Councils. He demonstrated his personal regards for the *ulama* by announcing that until an elected National Assembly came into existence, the *ulama* would serve as his *Majlis-i-Shoora*.<sup>805</sup> Instead of holding general elections, he formed a Federal Council (Majlis-i-Shoora) in December, 1981 and nominated members of his own liking. Majority of the members nominated to *Majlis-i-Shoora* were those who could never get themselves elected from their constituencies. By creating *Majlis-i-Shoora*, Zia made another effort to bring himself to the centre of political scene as an *amir*.

It may be pointed out that pro-PPP elements did not join Zia's *Majlis-i-Shoora* for the reason that it would shatter their image and popularity by extending support to an undemocratic and authoritarian ruler. Inaugurating the FC in January, 1982, Zia declared that one of the main tasks of it would be to design a formal system of government from an Islamic point of view.<sup>806</sup> During a period of two and half years (11 January, 1982 - 10 July, 1984), it met for ten times and from the record of its proceedings, it appears that it had absolutely no power but acted only in an advisory capacity. Zia had created it just to prove the world that the military government enjoyed the support of the masses.

### **Ansari Commission's Report**

In June, 1981 Zia, directed CII to prepare a draft for an Islamic system of government. He also 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'.<sup>807</sup> The reports submitted by Special Committee of FC and CII could not satisfy Zia and these reports along with a report of the Cabinet Subcommittee were handed over to a Commission to be headed by Maulana Zafar Ahmad Ansari in 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

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<sup>805</sup> Government of Pakistan, *Taqarir-w-Taiaweez 'Ulamal Convention Mun'agadah 21-22 August, 1980*, [Urdu] Islamabad: Ministry of Religious and Minority Affairs, 1980, pp.238-

<sup>806</sup> *Nawa-i-Waqt*, 12 January, 1982.

<sup>807</sup> Leslie Wolf-Phillips, "Constitutional Legitimacy in Pakistan, 1977-82" in Wolfgang-Peter Zingle, (ed.), *Pakistan in its Fourth Decade*, Hamburg: Deutsche Orient-Institut, 1983, p.32.

of the country.<sup>808</sup> The Commission composed of 19-members represented almost every school of thought. Before we discuss the findings of this Commission, it is appropriate to see what the main features of these reports were.

The Special Committee of FC commenting on the form of government opined that Islam had neither prescribed nor did it insist on any special 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 ...<sup>809</sup> It favoured a parliamentary form of government as reflected in the 1973 Constitution which 'ensured the preservation and promotion of Islamic order in the country'.<sup>810</sup>

It also recommended for balance of powers between the President and Prime Minister as '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.'<sup>811</sup> With regard to existence of political parties in an Islamic polity, the committee was of the opinion that "there is no clear-cut injunction the *Shariah* that political parties or a political system base, thereupon are un-Islamic."<sup>812</sup> It also emphasized the need of political parties in order to 'ensure [that] checks and balance [operated] against the excesses and high-handedness of the government in power'.<sup>813</sup>

The report of the CII had tackled all the issues raised by Zia-ul-Haq but 'without any explanation and elucidation'.<sup>814</sup> The CII considered the presidential form of government nearer to the Islamic concept but added that "the President shall have no power to dissolve the *Majlis-i-Shoora*, will be bound to act in accordance

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<sup>808</sup> Government of Pakistan, *Ansari Commission Report on Form of Government*, Islamabad Printing Corporation of Pakistan, 1983, p.iii.

<sup>809</sup> Government of Pakistan, *Report of the Special Committee of the Federal Council on the Form of and System of Government in Pakistan from Islamic Point of View*, Islamabad: Federal Council Secretariat, 1983, p.5.

<sup>810</sup> *Ibid.*, p.9.

<sup>811</sup> *Ibid.*, p.9.

<sup>812</sup> *Ibid.*, p.14.

<sup>813</sup> *Ibid.*, p.15.

<sup>814</sup> Government of Pakistan, *Constitutional Recommendations for the Islamic System of Government*, Islamabad: Council of Islamic Ideology, 1983,

with the decisions taken by the *Majlis-i-Shoora*. The President shall be bound to accept the decision of the *Shoora* or resign his office.<sup>815</sup>

However, majority of the members of CII expressed the view that 'in the light of the Quran and the *Sunnah*, elections on political parties' basis are not valid'.<sup>816</sup> Three of the members of the CII dissented and were of the opinion that 'elections on a party basis were lawful'.<sup>817</sup> The report considered eligible to vote to those citizens who were 'literate to the extent of being able to read the name of the candidate'.<sup>818</sup>

Both the reports did not suggest vast powers for the President. The report of the CII in some way suggested that the supremacy of the *Majlis-i-Shoora* be established and a system of checks and balances should be introduced. It appears that both the reports did not suit Zia and his cabinet proposed its own recommendations. To get rid of these reports, the establishment of another body for the purpose appeared the only way out. The establishment of Ansari Commission was the result of this thinking.

Maulana Zafar Ahmad Ansari, Chairman of the Commission opined that 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'.<sup>819</sup> The proposed 'Consultative System of Government',<sup>820</sup> considered the role of the Head of State [*amir*] as the most pivotal in the establishment, consolidation and realization of the objectives of an Islamic State'.<sup>821</sup> The report further stated that the *amir* shall neither have any power to suspend the constitution either wholly or in part nor to dissolve the *Majlis-i-Shoora* in any case whatsoever. It was added that the *amir* shall have not have any powers to issue any administrative or legal order, proclamation or directive in conflict with the injunctions of the Quran or the *Sunnah* and such order, ordinance, proclamation or directive shall be liable to

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<sup>815</sup> Ibid., p.11.

<sup>816</sup> Ibid., p.21.

<sup>817</sup> Ibid., pp.38-51. Note of dissent by Mufti Sayyid-ud-Din Kake Ehel

<sup>818</sup> Ibid., p.21.

<sup>819</sup> Ansari Commission Report., op.cit., p.v.

<sup>820</sup> Ibid., p.v.

<sup>821</sup> Ibid., p.9.

be declared void by a court. The report further added that *amir* shall be bound by the decisions of the Central *Majlis-i-Shoora*. In case of his disagreement with the decisions of *Majlis-i-Shoora*, he was bound to give reasons for his disagreements. In case the *Majlis-i-Shoora* upholds its earlier decisions by two-third majority, the *amir* shall be bound to accept the decision or alternatively resign from his office.<sup>822</sup>

The Commission recommended that 'the general elections at every level should be held on non-party-basis'.<sup>823</sup> The system of proportional representation was opposed by the Commission and it was suggested that all the members of the assemblies should be directly elected. For a Muslim member of the legislatures, the Commission suggested that 'he ... should not be commonly known as one who openly disregards Islamic injunctions, he should practice what is obligatory in Islam and should not indulge in the major sins and should have adequate knowledge of Islamic teachings.'<sup>824</sup> The Commission recommended that its suggestions should be incorporated in the 1973 Constitution. It was of the opinion 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'.<sup>825</sup>

The recommendations covered the entire ambit of political life—the organizational set-up of the State, elections, political parties, judiciary, provincial administration, etc. The report suggested that the *amir* should be Muslim and male, (Chapter II, Clause 5) which meant that the women were ineligible to become the head of the state. The Commission considered a female to head of the state as un-Islamic. The second controversial recommendation was about women's membership in the *Majlis-i-Shoora*. It laid down that the women candidates should not be less than 50 years of age and have the written permission of husband's if they are alive. After fulfilling these qualifications women would be considered eligible to contest election for any general seat.<sup>826</sup> The women associations like WAF and APWA protested against such discriminatory provisions and cited instances from Muslim history and pointed to the spirit of equality and justice inherent in Islam. The Ansari Commission's

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<sup>822</sup> Ibid., p.17.

<sup>823</sup> Ibid., p.36.

<sup>824</sup> Ibid., p.40.

<sup>825</sup> Ibid., p.viii.

<sup>826</sup> Ibid., p.40.

Report was thus viewed as yet another sinister move to deprive women of their political rights after having reduced their position legally.<sup>827</sup>

### **Resistance to Coercive Islamization**

Despite his best efforts Zia could not obtain popular support for his programme of Islamization. The civil disobedience movement organized by MRD during 1983 appeared to be a great threat to Zia's regime. Both the provinces of Punjab and Sindh, which were considered to be strongholds of PPP responded fiercely to the call for civil disobedience. The Sindhi response demonstrated a phenomenal growth in militant tactics and likewise was reciprocated to by an even higher level of brutality from the armed forces, which included the deployment of three full divisions to the province and the utilization of helicopter gun-ships to map and murder the dissidents.<sup>828</sup> This movement was declared by the government controlled media as a secessionist movement hatched at the conspiracy of anti-Islam and anti-Pakistan forces. The movement in Punjab quickly fizzled out and in Sindh it was quelled through harsh means. Zia was pleased to see that the support base of MRD had been divided and that he had been successful in convincing the majority of Punjabis and his main power base, the military, of the dangers to Islam and Pakistan.<sup>829</sup> Although, the MRD was not able to bring a change in the governmental structure, yet it created an atmosphere in the country which made Zia realize that support of Jamaat-i-Islami, the Muslim league and some of the elite was not sufficient. In order to broaden his base of support; he convened a conference of the *Ulama and Mashaikh*, in which the *Ulama* and religious leaders were critical of the progress of the Islamic process. The establishment of separate women universities, formation of *gazi* courts, evolution of interest-free banking and realization of speedy and fair justice were still no more than splendid promise.<sup>830</sup>

In the Convention, it was stressed that the recommendations of the Council of Islamic Ideology regarding the system of government should be made public so that the people would be made aware of the efforts on the part of the *ulama* and the religious parties. Dr. Tanzilur Rahman, Chairman of the CII, while expressing his views on the report of CII held the military regime responsible for

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<sup>827</sup> Khawar Mumtaz and Farida Shaheed, op.cit., p.118.

<sup>828</sup> Abidi, op.cit., pp. 192-193 .

<sup>829</sup> For a detailed analysis of Sindh Rebellion, please see Mushahid Hussain's series of articles appeared in *The Muslim* from August 22 to October, 1983.

<sup>830</sup> Government of Pakistan, *Taqarir-w-Taiaweez [Urdu] 'Ulama Convention.'* Munaagadah 4-5 January 1984, Islamabad: Ministry of Religious Affairs, 1984, p.168.

the failure to take practical steps for Islamization of the country. Zia pointed out that "...the responsibility of government is in my shoulders, I know the extent of practical difficulties involved."<sup>831</sup> This sort of justification was not sufficient to satisfy the *ulama* and religious parties who demanded that the *Shariah* should be applied in its entirety on all spheres of life within the shortest possible time.

### **The Politics of Depoliticization**

On August 12, 1983, Zia-ul-Haq announced his plan for transition from military to the civilian rule. He described the achievements of his government in the sphere of the application of *Shariah*. He declared before the FC that ... the *Qibla* [the direction] has been set right. The process of the march towards an Islamic way of life... is now once again in evidence.<sup>832</sup>

In order to introduce what he called Islamic system in the political framework of the country, some of the recommendations of the Ansari Commission were adopted e.g. non-party basis elections, more powers for President, and raising the number of women's reserved seats to five percent of the House, etc. However those recommendations which restricted women's participation in elections were ignored. Whether this was in recognition of the objective reality of the elections having been promised and the political expediency of avoiding alienating half of the electorate, or as a result of women's agitation is not quite certain. In all probability political expediency was the deciding factor.<sup>833</sup> On the completion of the general elections on a non-party basis (scheduled to be held on 23 March, 1985), the President was to appoint a prime minister who would seek a vote of confidence in the National Assembly within a period of two months. In case 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 plan also provided for restoration of the 1973 Constitution after incorporation of certain changes.

### **The Referendum of 1984**

The MRD agitation had made it difficult for Zia to rescind his promise of holding elections according to the announcement of 12th August. He was afraid of his personal and institutional interests under a civilian regime. His answer was to

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<sup>831</sup> Quoted in *Ibid.*, p.168

<sup>832</sup> Zia-u-Haq, *Political Plan Announced*, Islamabad: Ministry of Information and Broadcasting, n.d., p.28.

<sup>833</sup> Khawar Mumtaz and Farida Shaheed, *op.cit.*, p.118.

'constitutionalize' his own position through a referendum, so as to be able to oversee the functioning of the future civilian set-up.<sup>834</sup> Masoom Abidi comments that "quite cunningly he kept himself out of the dispute by allowing the voters only one option: choosing or rejecting Islam."<sup>835</sup> He was to be considered 'elected' for five years if the voters endorsed his policies towards establishing the rule of Islam in Pakistan as well as an orderly transfer of power to the elected representatives of the people. The voters were required compulsorily to answer in a simple 'yes' or 'no' a lengthy question which is summarized as under:-

"Do you endorse the process initiated by General Zia-ul-Haq for bringing the laws of Pakistan in conformity with the injunctions of Islam as laid down in the Holy Quran and *Sunnah* of the Holy Prophet and for the preservation of the ideology of Pakistan, the continuation and consolidation of that process and for the smooth and orderly transfer of power to elected representatives of the people?"<sup>836</sup>

The President's Referendum Order provided that any call for the boycott of referendum was to be considered a cognizable offence with punishments including fines and rigorous imprisonment. This was his way to gauge the range and degree of political discontent in the country. The referendum proved to be a farce as majority of the people did not participate in it.<sup>837</sup> Against the general estimate of voter turn-out of 10.15 percent, the Chief Election Commissioner declared that 62 percent of the registered voters actually polled their votes, out of whom 97.71 percent voted "YES".<sup>838</sup> The official results, as expected by the people, were huge fabrication which showed a tremendous turn out of voters favoring Islam.<sup>839</sup> It was obvious that General Zia would "use the referendum to impose an autocratic constitutional set up in the name of Allah."<sup>840</sup> This was considered a personal victory by Zia and he took it as a mandate for a term of

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<sup>834</sup> Mohammad Waseem, op.cit., p.410.

<sup>835</sup> Abidi, op.cit., p.194.

<sup>836</sup> Quoted in Rafiq Akhtar, *Pakistan Year Book, 1987-88*, Karachi: East and West Publishing Company, 1987, p.235.

<sup>837</sup> Abidi, op.cit., p.194.

<sup>838</sup> Nawa-i-Waqt, 21 December, 1984.

<sup>839</sup> Abidi, op.cit., p.19.

<sup>840</sup> Kalim Bahadur, "Problems of Secularism in Pakistan", in Pandav Nayak, (ed.), *Pakistan: Dilemma of a Developing State*, Jaipur, 1983, p.39.

five years as President of Pakistan.<sup>841</sup> In order to give credibility to his government, he announced that elections to the national and provincial assemblies would be held on 25 and 28 February, 1985 on party-less basis. In the process of “Islamized” non-party politics, however, he maintained his role as the guardian who would, more or less, remain above the law both as the President and the Chief of the Army Staff.<sup>842</sup> Zia continued his efforts to discredit politicians and considered them a bunch of hooligans who were power hungry and immoral.<sup>843</sup> He was always keen to see that there should be no unity among his opponent politicians.<sup>844</sup>

### **The 1985 Elections**

The office-bearers of the un-registered political parties were disqualified from contesting elections for seven years which resulted into the boycott of the elections by MRD. Zia’s government wished that it could show to the world that majority of the people had participated in the elections. In order to overcome this difficulty, the government waived the conditions which barred the MRD politicians from participating in the elections. The MRD’s politicians thought that it would be legitimizing the military government if they participated in the elections on non-party basis. The MRD in its meeting held at Abbottabad decided to boycott the elections but its appeal for boycott was largely unheeded as the 1985 elections attracted a very respectable turn out and were generally perceived as fair.<sup>845</sup> The impartial estimate of 53 percent electoral attendance (of registered voters) at the polls<sup>846</sup> indicated that the boycott had indeed failed. Zia in fact was preparing to give himself an extra layer of pseudo-legitimacy through elections on a nonparty basis. These elections were a means of institutionalizing his authoritarian rule.<sup>847</sup>

The boycott appeal by MRD did not work because of the reasons that the general elections took place after eight years and majority of the candidates tried to rise

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<sup>841</sup> Abidi, op.cit., p.195.

<sup>842</sup> Ibid., P.195.

<sup>843</sup> Abidi, op.cit., p.195.

<sup>844</sup> Ibid., p.195.

<sup>845</sup> Ibid., p.196.

<sup>846</sup> Ijaz Shafi Gilani, *Pakistan At the Polls*, Islamabad. Institute of Public Opinion, 1985, p.7.

<sup>847</sup> *Times of India*, “Pakistan’s Elections”, 15 January, 1985.

to the national political scene as independents. These elections had some surprises and upsets for the military regime. Some of its close associates were defeated by relatively unknown candidates. These elections brought more credibility to Zia's rule than any other move during the previous eight years.<sup>848</sup>

The newly elected National Assembly and Senate, as well as the four provincial assemblies constituted a constellation of new faces drawn from segments of Pakistani society which traditionally- controlled social and political power (i.e. the zamindars, *bidadri* chiefs and the rich).<sup>849</sup> The people elected to various houses drew their strength mainly on *biradri* basis, which brought parochial issues such as ethnic and linguistic controversies to the forefront, all of which inherently weakened the possibility of a united national movement against an authoritarian regime.<sup>850</sup> Waseem correctly pointed out that "... representative character of the National Assembly was far from impressive ... only local issues could come to the surface, while national issues such as foreign policy, provincial autonomy and various aspects of Islamization were conspicuous by their absence. It was an election without issues and Ideology."<sup>851</sup> Islamic groups were put to rout, with the JI winning only 10 out of 217 seats and other Islamicists getting an equal number of seats.<sup>852</sup>

### **The Civilian Government Under Mohammad Khan Junejo (1985-88)**

The second phase of Zia's regime began with the 1985 elections. On 2 March, 1985 Zia promulgated the Revival of Constitution Order (RCO). The RCO brought fundamental changes in the 1973 Constitution. The top executive authorities shifted to the President while the Prime Minister and his cabinet were to aid and advise him in the exercise of his functions. The President could declare an emergency, abrogate parliament, suspend fundamental rights, restrict the jurisdiction of the judiciary and appoint and dismiss the prime minister.<sup>853</sup> The RCO also empowered the President to appoint governors and the cabinets in the

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<sup>848</sup> Abidi, op.cit., p.196.

<sup>849</sup> 66% of MNAs elected in the elections of 1985 were from prominent families or families with experience in wielding power in local government political structure. Ibid., p.33.

<sup>850</sup> Abidi, op.cit., p.197.

<sup>851</sup> Mohammad Waseem, op.cit., p.412.

<sup>852</sup> Ibid., p.412.

<sup>853</sup> Ibid., p.412.

provinces thus making Pakistan a unitary system in all but name.<sup>854</sup> The MRD claimed that the RCO vindicated its policy of election boycott, because the new assembly was merely a collection of individuals lacking a unified approach, which would only perpetuate Martial Law under a civilian garb.<sup>855</sup>

Mohammad Khan Junejo,<sup>856</sup> a Sindhi MNA was nominated as Prime Minister by the President. The government's nominee Khawaja Safdar, for the Speakership of National Assembly, lost to a younger politician from Multan, Syed Fakhar Imam. But the Assembly gave its vote of confidence to the president's nominee Prime Minister Mohammad Khan Junejo. He was selected apparently for being non-controversial, non-assertive, and non-committal on national issues.<sup>857</sup> In his first address to the National Assembly, Junejo claimed to have made it clear to the President that Martial Law and civilian government could not go hand in hand and that Martial Law should end as soon as possible.<sup>858</sup> He also pointed out that elections were the only way to put an end to martial Law.<sup>859</sup> By participating in the elections and accepting the premiership under the military regime, Junejo stood for indemnifying the acts of the Martial Law government including the July 1977 coup. Despite the fact that there was a tiny group in the National Assembly which was not willing to endorse the past policies of the Martial Law government, an agreed formula passed as the Eighth Constitutional Amendment Act provided for limitation of the President's directives to dissolve parliament and appoint provincial governors, separation of the Political Parties Act from the main body of the constitution and election rather than nomination of the Prime Minister of Pakistan after 1990. In all other areas, the President's enhanced powers continued unabated. The new Prime Minister functioned largely as an honest broker between the President and what emerged as the Official Parliamentary Group (OPG).<sup>860</sup> The Martial Law was lifted on 30 December, 1985.

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<sup>854</sup> *The Muslim*, 22 March, 1985.

<sup>855</sup> Quoted in Mohammad Waseem, op.cit., p.412.

<sup>856</sup> Mohammad Khan Junejo began his political career in 1964 as Railway Minister under Mohammad Ayub Khan. He had been a member of Zia's cabinet for a brief period (1978-79).

<sup>857</sup> Mohammad Waseem, op.cit., p.413.

<sup>858</sup> Mohammad Khan Junejo, *Taqarir* (Urdu), Part I, 24 March- 30 June, 1985, Islamabad: Division of Films and Publication, Ministry of Information and Broadcasting, n.d., p.11.

<sup>859</sup> *Ibid.*, p.138.

<sup>860</sup> Mohammad Waseem, op.cit., p.414.

In spite of Zia's personal dislike of political parties, the newly elected National Assembly became the spawning ground of emergence of a political system based on parties. It was ironical that National Assembly which emerged 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 and Junejo became its President. Majority of the MNAs and MPAs gathered round the PML as it was ruling party in the center as well as in four provinces.

Junejo led a government of limited democratic character under the overall supervision of the armed forces. The *ulama* within the National Assembly and the Senate as well as outside were anxious to speed up the process of the application of *Shariah*. But it appears that unlike Zia, the PML did not share their enthusiasm for the introduction of *Shariah*. Once again there arose a conflict between modernists and the *ulama* (Traditionalists/neo-Traditionalists) on the question of application of *Shariah*. The *ulama* became gradually disillusioned with the actual policy pursued by Zia in respect of the application of *shariah*.

### **Shariat Bill**

During the period of Martial Law (1977-85) there was no mechanism to challenge Pakistan's constitutional structure on Islamic grounds as the constitution stood suspended.<sup>861</sup> However, with the emergence of the civilian government through the 1985 elections and birth of the Parliament, (National Assembly and Senate) there appeared an opportunity for restoration of the constitution and lifting of restrictions on the jurisdiction of superior courts.

The *ulama* were happy with the role of the Zia government in augmenting the process of Islamization on a continuous basis. They were assured that for making Islam supreme in the country, the *ulama* could play an effective role. Similarly, some political parties had also endorsed the steps taken by Zia. The Jamaat-i-Islami, was notable in extending full support to the government. Mian Tufail Mohammad of JI maintained that every department of life including the armed forces, bureaucracy and political organizations should undergo an Islamic transformation. He emphasized the paramount need of the hour to make all laws of the land in harmony with the Islamic principles.<sup>862</sup> Zia introduced the controversial Ninth Amendment Bill in the National of Pakistan. The proposed amendment if carried out was aimed at enforcing Shariat laws in Pakistan. The Shariat Court was to become final authority for judging whether a law passed by

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<sup>861</sup> Charles H. Kennedy, "Judicial Activism And Islamization After Zia: Towards The Prohibition of Riba" in Charles H. Kennedy, (ed.), in 1992, Lahore: Pak Doc: Corporation, 1993, p.:8.

<sup>862</sup> Pakistan Times 29th March, 1986.

the two houses of Parliament or the Provincial Assemblies was in accordance with the injunctions of the Holy Quran and Sunnah or not?

The MRD and other political parties opposed the Bill on the plea that the duly elected Parliament and the government could insinuate modifications in the basic structure of the 1973 Constitution. They were of the opinion that the Ninth Amendment would establish the supremacy of Shariat Court whose judges would be appointed by the President. It meant, making the parliament subservient to one man [the President] who was so powerful that he could dissolve the elected bodies without assigning any reason.<sup>863</sup> On 13 July, 1985, two JI's members of the Senate, Qazi Abdul Latif and Maulana Sami-ul-Haq submitted another bill to the Senate entitled "The Enforcement of the *Shariah Act, 1985*". The Senators bill proposed that 'All the courts of the country shall be bound to decide all kinds of cases, including financial, etc., according to the *Shariah*, and the cases decided in contravention of *Shariah* shall be void.'<sup>864</sup>

Politicians, lawyers, feminists and religious leaders opposed the Shariat Bill. They were of the conviction that both attempted to enforce an ill-defined legal code through the courts rather than through specific acts of Parliament. As there was no check on the interpretation of various Islamic laws and any move in authorizing the courts to deliver the judgement on the cases bases solely on these traditions, could result in conflicting judgements.<sup>865</sup> It was believed that adaptation of Shariat Bill would sow the seeds of dissension in the nation and would further divide into more factions. It would open a Pandora box by fanning sectarianism and change the country into a nation of actions hostile and deadly opposed to one another.<sup>866</sup>

The *ulama* formed the *Mutahiddah Shariat Mahaz* [MSM] (United Shariat Front) in order to pressurize the government both within and without the parliament.<sup>867</sup>

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<sup>863</sup> Syed Ziaullah, "Islamization-Pakistan Style", *Democratic World*, Voi. XVI, No. 3, 18 January, 1987, p.9.

<sup>864</sup> For details of the proposals see Saeed Shafaal, "Politics of Islamization: The Ideological Debate on Pakistan's System", *Asian Profile*, Vol. XV, No. 5, October 1987, pp-456-457.

<sup>865</sup> Hussain Haqqani, "The Force of Shariat", *Far Eastern Economic Review*, Vol. XXXV, No. 6, 5 September, 1987, p.24.

<sup>866</sup> *The Dawn*, 29 May, 1988.

<sup>867</sup> Maulana Abdul Haq, a highly respected *Aalim* of JUIP was elected as President and Qazi Hussain Ahmad of JI as General Secretary, while two *ulama* (one Barelvi and an Ahl-i-Hadis *aalim*) were elected Vice-Presidents of MSM.

MSM consisted of 22 religious organizations including two religio-political parties- Jamaat-i-Islami and JUIP (Darkhawasti Group).

During the next six months three other similar “*Shariah Bills*”-- two introduced by the government and one introduced by Senator Khurshid Ahmed - were submitted to the *Majlis-i-Shoora*. By early 1986, there were four versions of *Shariah legislation* pending before the National assembly. The task of forging a consensus on these matters fell to the government of Prime Minister Mohammad Khan Junejo.<sup>868</sup> The task seemed to be difficult to be accomplished by the government. Three irreconcilable positions emerged in the Assembly. The first, propagated by the Jamaat-i-Islami pressing for the passage of either, or both, of the Senate-sponsored bills.<sup>869</sup> The second, gained support from the Muslim League and advocated, albeit unenthusiastically, the government’s versions of *Shariah Legislation*. The main dispute between these two group was the former’s insistence that any *Shariah Bill* should include provisions that made the *Shariah* supra-constitutional, and its implementation binding upon courts.<sup>870</sup>

The government position on this issue was that the jurisdiction of the superior courts should expand in order to Islamize the legal system, but that the newly introduced constitutional amendments should not be scrapped in the process.<sup>871</sup> The third group represented by the OPG and MRD agreed that the passage of the any *Shariah legislation* was neither necessary nor desirable. They argued that the debate over *Shariah legislation* was designed, in part, to bolster the fading legitimacy of an unpopular regime.<sup>872</sup> Benazir Bhutto, then the leader of MRD consistently argued that “Zia’s Islamization policy” was reactionary, barbaric, and discriminatory to the rights of women.<sup>873</sup> The Shiah community also voiced against the *Shariah Bill* and contended that the passage of any of the *Shariah Bills* before the legislature would result in the enforcement of Pakistan’s majority Sunni personal law (Hanafi) over the personal law of the Shiahs and this contention was highly publicized.<sup>874</sup>

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<sup>868</sup> Charles H. Kennedy, op,cit., p.61.

<sup>869</sup> Ibid., p.61.

<sup>870</sup> Ibid., p.61.

<sup>871</sup> Ibid., p.61.

<sup>872</sup> Ibid., p.61.

<sup>873</sup> Quoted in Ibid., p.61.

<sup>874</sup> *The Muslim* and *The Dawn* during 1987 wrote extensively on this issue.

The *Shariat Bill* was opposed by the modernists, women's associations and a section of the *ulama*. The modernists opposed giving overall jurisprudential supremacy to the *ulama* in the sphere of politics. The modernists were of the opinion that the job of the courts was not to legislate but to interpret the laws already legislated and to clarify ambiguities in their application. Women's organizations believed that with the passage of the Shariat Bill, they would be deprived of their rights guaranteed in the Muslim Family Laws Ordinance (MFLO). They based her views on the opposition of the *ulama* to MFLO at the time of its promulgation. JUP and a faction of JUIP (Fazalur Rahman) expressed the view that the parliament which had emerged from Zia's 'unconstitutional referendum' had no legal or constitutional status and the introduction of the *Sharit Bill* in such a parliament was unacceptable.<sup>875</sup>

It is interesting to note that religious parties were not unanimous on the Shariat Bill. In April, 1986, *Muttahida Shariat Mahaz* (United Shariat Front) launched a country-wide signature campaign in favour of the Shariat Bill<sup>876</sup> while *Markazi Jamaat-i-Ahl-i-Sunnat*<sup>877</sup> opposed the Shariat Bill. A Long March from Karachi to Islamabad (July-10 August, 1986) was organized by MJAS in order to pressurize the government. At the end of the March General Secretary of the MJAS objected to the *Shariat Bill* on the following grounds:

We are fully aware that the Shariat Bill is presented with the tacit approval of the government. Its aim is to make a tiny sect the sole spokesman of Islam. But a matter of fact, an overwhelming majority of this country's population belongs to *Ahl-i-Sunhat*.

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<sup>875</sup> *Istiqlal*, 16-22 March 1988, pp.33-34.

<sup>876</sup> According to MSM sources, nearly 1.3 million people wrote to the National Assembly for passage of the Shariat Bill, while 12,000 opposed it. *Pakistan* (49), April 1987, p.14.

<sup>877</sup> The Markazi Jamaat-i-Ahl-i-Sunnat was formed in Karachi in 1966 as a non-political organization as a platform for all sections of Barelvis, irrespective of their political affiliations, for promotion of their religious activities. Its activities were confined to Karachi until the All Pakistan Sunni Conference held in Multan on 16-17 October, 1978, at which it was re-organized as All Pakistan Organization. Syed Ahmad Said was elected President and Sahibzada Fazl-i-Karim as General Secretary. It moved closer to Zia-ul-Haq during the process of his Islamization. This greatly damaged the JUP. For detail please see Markazi Jamaat-i-Ahl-i-Sunnat Pakistan, *Jamaati-Ahli-i-Sunnat Pakistan Ka Tarikhi Faylah Awr Is Ka Pas Manzar* (Historical Decision of Jamaat-i--Ahli-Sunnat And Its Background), Lahore: Markazi Jamaat-i-Ahl-i-Sunnat, 1987. Also see Mohammad Abdul Hakim Qadri, *Sunni Conference Multan*, Lahore: Maktibah-i-Qadriyah, 1978.

We demand the immediate enforcement of *Nizam-i-Mustafa*. The objective of the *Sharia Bill* is to enforce a version of Islam, that could be a appropriately termed *Maududiism*, but not true Islam. We would not allow the passage of Bill knowing that it would open wide the door of *Ijtihad* in a 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 *Mujahid* ... Nothing is acceptable to us except Hanafi jurisprudence.<sup>878</sup>

It appears that the *ulama* were divided on this issue and every one wanted a Shariat Bill according to one's own school of thought.

### **The Ninth Amendment to the 1973 Constitution**

In the midst of this controversy over Shariat Bill, the Senate Select Committee presented an altered version of the Bill which was unanimously passed as the Ninth Amendment to the Constitution on July 9. This amendment was aimed 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 be read that Islam, as envisaged in the Quran 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 *Shariah* except that the laws pertaining to financial system of the country (banking and insurance etc.,) would be kept out of its jurisdiction. The passage of this amendment from the Senate appeared to be a step forward in the implementation of the *Shariah* process. The banking and insurance etc., which were running their business on the basis of interest were provided protection through this amendment. There was no guarantee that the *ulama* would be appointed to the courts as judges and juris-consultants. The FSC was empowered to decide whether or not a law was repugnant to Islam. The MSM continued its efforts for implementation of the original Shariat Bill initiated in the Senate, but the Ninth Amendment could not be enacted by the National Assembly as it was dissolved on 29 May, 1988.<sup>879</sup>

### **Dismissal of Junejo's Government**

During the period of Junejo's premiership (1985 - 88), Zia didn't felt comfortable with the process of gradual civilian revival in government affairs. As a matter of

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<sup>878</sup> Nadir Marwat Kamalwi, *Nifaz-i-Nizam-i-Mustafa Ke Liye Tarikh-i-Islam Ka Pehla Lonq March* [Urdu], Karachi: Maktabah-h-i-Faridiyyah, 1986, pp.109-110.

<sup>879</sup> Abidi, op.cit, p.200.

fact, his on own scheme had begun to backfire with times, the civilian government of Junejo, his hand-picked Prime Minister, confronted the military supremacy and challenged their self-proclaimed status as sacred cow.<sup>880</sup> He dissolved the National Assembly on 29 May, 1988. One of the reasons Zia gave for this action was the slow progress of Islamization, and the inability or unwillingness of Junejo's government to work for the passage of *Shariah* Bill.<sup>881</sup> This failure, in turn, meant that the Islamization did not get that importance which Zia had wanted the civilian government to accord to it. His efforts to gain an adequate level of legitimacy flopped and instead his experience proved very costly for him in terms of further losing support from the political elite of the Muslim League which he had chosen at the cost of losing his formerly favoured Jamaat-i-Islammi.<sup>882</sup>

After having dissolved the civilian government of Junejo, Zia felt himself isolated politically.<sup>883</sup> In order to gain the support of the masses and assure them that he really wished to see *Shariah* implemented in the society, he imposed his own Shariat Bill on 15, June 1988". "The Enforcement of *Shariah Ordinance*, 1986." <sup>884</sup> By doing this, he once again tried to demonstrate his commitment to the application of *Shariah* and declared:

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 *Sheriat-i-Muhammadi* will permeate every nook and corner of the dear motherland.<sup>885</sup>

Zia's ordinance attempted to effect a compromise on the issues of the supremacy of the *Shariah* and the jurisdiction of the superior courts to interpret the *Shariah*:

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<sup>880</sup> Ibid., p.198.

<sup>881</sup> Dawn, 30 May, 1988.

<sup>882</sup> Abidi, op.cit., p.200.

<sup>883</sup> Ibid., p.200.

<sup>884</sup> For complete text of the ordinance, see: *Enforcement of pariah Ordinance 1408 A. H./1988 A.D.*, Islamabad: Aiwan-i-Sadr, n.d.

<sup>885</sup> *Pakistan Times*, 16 June, 1968.

*Supremacy of the Shariah.* *Shariah* shall be the supreme source of law in Pakistan and the Grund Norm for guidance of policy-making by the state and shall be enforced in the manner and as envisaged there under.

*Court to decide cases according to Shariah.* If a question arises before a court that a law or a provision of law is repugnant to the *Shariah*, the court shall, if it is satisfied that the question needs consideration, make a reference to the Federal Shariat Court in respect of matters which fall within the jurisdiction of the Federal Shariat Court under the Constitution (Art.203-B) and that court may call for and examine the record of the case and decide the question within sixty days.

Provided that, if the question relates to Muslim personal law, any fiscal law or any law relating to the levy and collection of taxes and fees or banking or insurance practice and procedure, the Court shall refer the question to the High Court which shall decide the question within sixty days.<sup>886</sup>

To advocates of *Shariah* legislation, Zia's ordinance was flawed because it did not specify that the *Shariah* was supra-constitutional.<sup>887</sup> To those who opposed the passage of any *Shariah* bill, Zia's ordinance was considered at best unnecessary, and at worst, obscurantist or anti-democratic.<sup>888</sup> MSM's agitation pressing for the passage of the Shariat Bill died down with the dissolution of the National Assembly. It did not show any reaction to the enforcement of *Shariah* ordinance. Maulana Qazi Abdul Latif, one of the initiators of the Shariat Bill, and Mufti Muhammad Hussain Naimi, a Barelvi religious scholar welcomed the promulgation of *Shariah* Ordinance by Zia. They were of the opinion that MSM failed to put sufficient pressure on the government.<sup>889</sup> The Jammāt-i-Islami was a bitter critic of the Ordinance. It was of the view that *Shariah* was not declared 'the Supreme Law' and renders as 'the supreme source of laws' .... there was no mechanism for examining or challenging the government's policies, executive actions or orders.... It had failed to stipulate that the interpretation of the Quran and the *Sunnah* would be according to the accepted principles of Islamic jurisprudence .... In the name of fulfilling the government's existing financial obligations, *riba* (interest) was sanctified .... The two Commissions, envisaged in

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<sup>886</sup> *Enforcement of Shariah Ordinance*, op.cit., p.31.

<sup>887</sup> Charles H. Kennedy, op.cit., p.62.

<sup>888</sup> *Ibid.*, p.63.

<sup>889</sup> Misaq, 37 (July 1988): 7, p.10.

the Ordinance, had no executive power and would have no power to stop the violation of *Shariah*.<sup>890</sup> The Jamaat-i-Islami was an addition to the political forces opposing Zia. Qazi Hussain Ahmad, the new *Amir* of JI, had publicly praised Bhutto's contribution to foreign policy of Pakistan, which looked as a gesture of goodwill to PPP. In this atmosphere, after he had lost his former allies (*ulama* and religious parties as well as ML), Zia announced that elections to the National and Provincial Assemblies would be held on 16th and 19th November, 1988 respectively.

On August 17, 1988 while, once again maneuvering and manipulating support for himself, an air crash ended his life.

Zia's *Shariah Ordinance* proved ephemeral. Article 89(2) of the 1985 Constitution (amended form) mandated that a presidential order stood repealed if it was not considered for legislation and passed by the National Assembly within four months of its promulgation. Zia's death in August, 1988 effectively eliminated any significant support for the bill, although President Ghulam Ishaq Khan promulgated a "revised" *Shariah* ordinance on October 15, 1988. The latter ordinance was presented to the newly constituted National Assembly under Benazir Bhutto in December, 1988. The Assembly took no action on the bill, allowing it to expire with no legal effect.

It is indeed paradoxical that without any mandate from the people, Zia was successful in maintaining his power for a long time. Though there was no expressed legitimacy behind his rule, yet he was helped by a host of developments both at home and abroad. One such development was Soviet's invasion of Afghanistan in 1979. Internationally, Zia took full advantage of the Afghan refugee situation by championing their cause. He succeeded in convincing the United States and the moderate Arab countries that his services and leadership were essential to them.<sup>891</sup> The Iranian Revolution had already created an alarming situation for the combined American-Arab interests. The United States needed the presence of a strongman to replace their deceased watchdog, the Shah of Iran. Pakistan was offered a 3.2 billion dollar economic and military aid package which Zia jubilantly accepted. The U.S. strategists saw their policy useful in two ways: first, through the help of Zia to make every effort possible to turn Afghanistan into the Vietnam of the Soviet Union second, to promote Zia's model of a pro-American state as more acceptable than the anti-

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<sup>890</sup> Khurshid Ahmad, 'Reading the Shariah Ordinance', *Impact* 18 (8-23 July 1988): 13, pp.14-16.

<sup>891</sup> *Ibid*, op.cit., p - 182 .

American Islamic revolutionary model in Iran.<sup>892</sup> This was the policy to bring stability in the “frontline state” against possible Soviet aggression.

Zia had secured an agreement with the United States government that it would never bring up for discussion the subjects of Pakistan’s atomic energy programme; questions about martial law and general elections; and the future shape of politics and government inside Pakistan.<sup>893</sup> This enabled him to consolidate his power both internally and externally.

Internally, he opened the door for the Afghan refugees by advertising the concept of Islamic hospitality in order to appropriate the image of being a good Muslim; this claim of paternalistic modesty helped him enormously to achieve what he desired.<sup>894</sup> More than three million refugees who were personally grateful for his hospitality added the single most powerful constituency to the base of Zia’s support, second to none.<sup>895</sup> Thus, the panorama of Islamic symbolism, privileged by the strong strategic discourse between the core and the periphery flourished and further mystified the real interests behind Islamization. Other factors contributing for the longevity of the military regime were: (a) the changing social basis of recruitment of the Pakistan armed forces, particularly the army, and the effects on the organization of new entrants with differing values; (b) the expansion of the size of the armed forces and of its domestic infrastructural adjuncts as generators of employment and opportunity for social mobility; and (c) Zia’s co-operational methods and skill in re-arranging political constituencies in the nation, of which the Islamization programme was a part.<sup>896</sup>

A scholar has rightly observed that the ruling class has always been guided by their interior political motives, their interests are of materialistic nature, but their commitment to Islam has never been more than emotional. Almost all the political parties, the military and civilian elite, did not miss any opportunity in exploiting the religious sentiments of the people by giving assurances to them that they were for the establishment of the Islamic state. They have been preaching and probably would not say good bye to this phenomenon, that the

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<sup>892</sup> Ibid., pp.183-184.

<sup>893</sup> For detail see Zia’s Interview in *Akhbar-i-Jahan*, 22 August, 1938.

<sup>894</sup> Abidi, op.cit., p.185.

<sup>895</sup> Ibid., p.186.

<sup>896</sup> Rodney W. Jones, “The Military and Security in Pakistan”, in Craig Baxter, (ed.), *Zia’s Pakistan: Politics and Stability in a Frontline State*, Lahore: Vanguard, 1985, p.67.

religion and the state are interlinked.<sup>897</sup> Zia carried out the Islamization process with a vengeance, and certainly not without reasons of political expediency.

Zia ruled over Pakistan for more than a decade with iron hand by interpreting the verses of the Quran according to his political needs and circumstances. He gave the slogan of “total Islamization” of the society which made many of his opponents silent. The process had temporarily listed the support of certain sections of the society and the clergy for Zia regime which could not provide a satisfactory solution of the political and socio-economic issues and also failed miserably to stabilize the internal situation.

Zia’s Islamization scheme, in fact, was his bid to survive.<sup>898</sup> Unlike his predecessors, he succeeded in gaining a substantial support over the voluntary means of religious enunciation. Zia was fully aware of the mobilizing force of the “*mullahs and Maulanas*” and as such his Islamization programme was not opposed on religious grounds for many people accepted it as a helping discourse with some degree of promise for the recovery of their pre-colonial past.<sup>899</sup> He was very proud of the support of these professionals. He explained his social bases of support in the following words:

Ulama, Mashaikh, business community and the military are my constituencies, I feel proud to mention the military because without it we would not be sitting here together.<sup>900</sup>

In order to assure continuity of support from these groups, Zia regime provided job opportunities to *mullahs* and religious scholars in various governmental agencies. The creation of Federal Shariat Court, an Islamic University and many research centers, imposition of ordinances, and introduction of socio-economic reforms like *zakat* and *ushr* were in fact attempts to centre the cause of *mullahs* in the country.<sup>901</sup>

Zia was quite successful in unfolding new uses of religion in his political game, yet he was aware of the fact that Pakistan was not like any other Middle Eastern

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<sup>897</sup> Virendra Narain, “Tensions in Pakistan: Politics Behind Religious Fundamentalism”, in V.D. Chopra, (ed ), South Asia in Transition Conflicts and Tensions, New Delhi, 1986, pp.152-153.

<sup>898</sup> Abidi, op.cit., p.214.

<sup>899</sup> Ibid., p.215.

<sup>900</sup> Quoted in Ibid., p\_200.

<sup>901</sup> Abidi, op.cit., p.218.

country where such slogans could work but a nation that had experienced democracy and was prepared to launch any struggle for its restoration. Therefore, gradually he introduced some semblance of democratic institutions first by establishing a nominated *Majlis-i-Shoora*, then holding local bodies elections followed by party-less elections and finally by appointing a Prime Minister. But these measures were not only half-hearted but also without any conviction.

He could not eliminate the excitement of a popularly elected government from the minds of the masses particularly when all his efforts were directed against undermining the influence of Pakistan People's Party. The ultimate failure of his system and the havoc that it played with the national institutions is sufficient to prove that at least in the case of Pakistan no system short of democracy could survive and strengthen the institution-building process. By nature the Pakistanis appear to be democracy minded. They love to exercise their right to vote. The only thing that has periodically introduced disappointments, are the attempts to rig the elections or the elections' results.

## CHAPTER -VII

### SUMMARY AND CONCLUSION

The urge to mould Muslim society in accordance with the *Shariah* has persisted since the last century when almost the entire Muslim world was under the yoke of colonialism. The pan-Islamism and other similar movements, in fact, gave a new direction to the Muslims of South Asia. They were made to realize that their religion offers the solution of all the problems faced by the mankind. Similarly, it was propagated by the elite that the modern political and social concepts of Europe, viz, nationalism, secularism and free political institutions, should be given a respectable recognition in their respective countries, and they must try to change themselves according to the developments that were taking place in other parts of the world in educational, cultural, scientific and economic fields.

The move of pan-Islamism had un-nerved those who boasted their traditionalist and conservative philosophy. Jamaluddin Afghani's pan-Islamism and Sir Syed Ahmad Khan's 'Islamic modernism brought a new wave of consciousness amongst the Muslims of South Asia. Thus, in order to get rid of foreign yoke, political identity in most of the Muslim societies assumed a religious character. There were internal divisions amongst the Muslims because of the conflicting interpretations of Islam. The English educated Muslims adhered to Sir Syed's modernism, while the majority of the masses were guided by the *ulama*, in the sphere of interpretation.

The Muslim League was led by the modernist elite instead of the *ulama* and religious leaders and ultimately succeeded in attaining Pakistan under the able leadership of Quaid-i-Azam Mohammad Ali Jinnah. Some of the *ulama* like Maududi had opposed the idea of Pakistan but ironically they became the champion for the establishment of an Islamic state just after its creation.

The politics of religion is determined by the variegated political conditions from country to country. The use of Islam for specific purposes has led to different interpretations and perceptions, and also distortion of religion occasionally.

Islam has been regarded as a political force like other forces in world politics. A section of the people in different countries of the Muslim world feels that the neglect of Islamic heritage in fact, was responsible for their failure on political, economic, and social fronts. They strongly believe that only Islamic ideology and

state system transformed according to the principles of the Holy Quran and the *Sunnah*, would help in overcoming all types of misfortunes.

During the Pakistan Movement, particularly after the Lahore Resolution was passed in 1940, the Islamic character of the new state of Pakistan emerged. The Muslims firmly believed that they could only survive economically and politically if they were able to maintain their religious identity. This was the reason that they wholeheartedly supported the idea for a separate homeland. This was the turning point in the politics of Indo-Pak subcontinent when religion was invited to play a role as a factor of protest as well as a cementing force.

Quaid-i-Azam Muhammad Ali Jinnah never intended to transform Pakistan into a theocratic state. He did adhere to the principle of two-nation theory and showed due regard for the Islamic ideology. He assured the minorities in Pakistan that they would be free to profess their religious beliefs and customs. Just after the death of Quaid-i-Azam, the influence of religion began to increase. The *ulama* registered their first success in the shape of the Objective Resolution and then its incorporation and provision of some Islamic clauses in the Constitution of 1956. But all these high sounding ideals remained only on paper, for the government was unable to implement them. Its administrative service ignored the provisions, so did the *ulama* that were strangely lackluster at this point in time, press for their implementation. So Islamic measures suggested in the constitution lost their credibility after the imposition of Martial Law in 1958 when the 1956 Constitution was abrogated by General Muhammad Ayub Khan.

Ayub Khan gave the country a Constitution in 1962, which was quite different from the 1956 Constitution. He was a progressive leader who believed that "religion is for man and not man for religion". He maintained that an Islamic constitution did not mean that the Pakistani nation should revert to backwardness. Islam is a progressive religion and a religion for all times and people". He was temperamentally not committed towards converting Pakistan into a theocratic state. He could offer nothing in the 1962 Constitution concerning the Islamic ideology and principles. He introduced Muslim Family Laws which received bitter criticism from the *ulama*. He established an Islamic Research Institute in order to update the knowledge of the religious scholars in the field of Islamic teachings on modern lines but the *ulama* viewed this as an encroachment on their rights. Similarly the Council of Islamic Ideology did not include traditional religious scholars and this brought wave of opposition and criticism against Ayub's regime. Up to 1966-67 Ayub did not feel the need for the introduction of the drive for Islamization to be used as a tool to divert the attention of the people from the domestic issues.

The anti-Ayub agitation in which religious and secular political parties joined hands was mainly directed towards the end of one-man rule and establishment of a parliamentary democracy in the country. The post 1965 developments [Indo-Pakistan war of 1965] had shattered the image of Ayub and ultimately, he decided to hand over the reins of power to General Yahya Khan.

Yahya Khan was instrumental in holding first general elections based on universal adult franchise. During the 1970 elections, the Islamic parties could not impress their voters instead socialism and secularism were the slogans on which two major parties emerged as victorious. Both these parties i.e. the Awami League and the Pakistan People's Party had regional basis and the subsequent developments took place mainly because of any meeting ground between them. The army tried to bridge the gap but it resulted in further alienation between the two wings. The break up of Pakistan struck a severe blow to the religious parties who had never imagined that the bonds of Islam could prove so feeble. It was Mujib's nationalism that had won and Islam had proved to be too tenuous a bond to keep two wings together. Bhutto had emerged as the undisputed leader of Pakistan after the Eastern wing had seceded.

Bhutto, after having taken over the reins of power, adopted his own methods to boost the morale of the people. Despite the fact that Bhutto had a secular approach towards politics, he could not ignore the religious aspect. The political parties of the opposition dominated by the *ulama* and religious scholars launched an agitation boycotting the session of the National Assembly, when the draft Constitution was being discussed. They put forward a number of demands which were accepted by Bhutto and the Constitution of 1973 was adopted with unanimous approval.

The 1973 Constitution contained much more Islamic provisions than the previous two constitutions. One can imagine the influence and pressure of religious parties that for the first time Islam was declared as state religion in the Constitution. Bhutto organized an Islamic Summit Conference in 1974 through which he emerged even stronger on the political scene. In response to the demand of religious parties, the Ahmadiya community was declared non-Muslim through an act of the parliament. This indicates that Bhutto was fully aware that religion cannot be eliminated from the politics and this, he thought, was an appropriate tool to retain power just by appeasing the religious parties. These acts of the Bhutto government added more strength and stamina to the religious parties for demanding more concessions. Bhutto, in fact, was responsible for the revival of politics of religion himself. His diplomacy having religious flavor with the Muslim countries attained enormous achievements. So Bhutto made every effort to negate the allegations of the religious parties that he was not a good Muslim.

Bhutto's policies, though believed to be secular, yet had, on the one hand strengthened the opposition, and on the other, alienated his own supporters. His policy of nationalization did not bring positive results and resulted in emergence of feudalistic tendencies and the growth of reactionary forces. From 1974 onward, Bhutto concentrated all of his energies to win as many supporters as he could. He was fully aware of the strength of the *ulema* and religious parties which had the potential to mobilize the masses in the name of religion. Therefore, he made certain efforts to win their support. Although, he had raised the slogan of socialism during his election campaign, yet he failed to introduce any socialistic policies because of the pressure of the *ulama* and religious parties.

Despite his domestic and external policies in the name of religion, Bhutto could not satisfy the opposition, which started leveling charges against him to destabilize his position. The main allegation against Bhutto was that he did not take adequate steps to create atmosphere for the introduction of *Shariah* in the country. Bhutto, on the other hand, was proud of his domestic as well as external policies in the name of Islam and hoped to sail, through the crisis. He believed that he could win with a thumping majority, if elections were held without giving sufficient time to the opposition. He was also sure that the different religious political parties which constituted the opposition could not be able to overcome their mutual rift and that their rivalries would prove advantageous for him. In this environment, Bhutto announced holding of general elections for the National and Provincial assemblies.

The opposition parties were fully aware of the fact that they could not defeat Bhutto's PPP by contesting individually from their respective political parties. So nine political parties of different ideologies merged themselves into an alliance called the Pakistan National Alliance (PNA). The manifestos of PNA focused on domestic issues and its major portion was devoted to the establishment of *Nizam-i-Mustafa*. The PPP, unlike the 1970's elections, gave a slogan of *Musawat-i-Muhammadi*. It is interesting that both the parties tried to capitalize in the name of religion in different manners.

The PNA during the election campaign had anticipated rigging and declared that it would not accept the results. The opposition, crowded meetings and demonstrations during the elections, had aimed at capturing more seats than it could actually muster. The election results were shocking for the PNA as it could not get a considerable number of seats in the National Assembly, while Bhutto's PPP emerged as the single majority party in the National Assembly. The PNA charged Bhutto for rigging the elections and manipulating his thumping majority by using undemocratic and undesirable means. The PNA launched a prolonged agitation against the ruling party which later on took the shape of the mass

movement. The success of the PNA's movement was the slogan of *Nizam-e-Musrafa* which attracted urban middle class towards it. Bhutto, realizing the intensity of the movement, invited the PNA's leadership for negotiations. This process lasted for more than three months but nothing positive could be achieved. Ultimately, when the negotiations were successful, the army lost no time to move in. Again, it was religion which strengthened and provided force to the PNA's agitation culminating in the imposition of another Martial Law.

Zia's era proved to be the longest interlude of dictatorship in the history of Pakistan. He had been a keen observer of the political happenings in the country. The PNA's slogan of *Nizam-e-Musrafa* was sufficient indication for him to stabilize his position in the name of Islam. Although, the Supreme Court of Pakistan had legitimized his rule under the doctrine of necessity, yet he wished to penetrate deep into the masses to seek legitimacy. Instead of fulfilling his promise of holding general elections, he started his Islamization programme in order to overhaul the society. He changed the structure of political, social, judicial, educational, and economic institutions of the country in order to strengthen his own position and prolong his rule.

The *ulama* and religious parties enjoyed the patronage of Zia in return for their newly enhanced status. The holding of referendum and party-less elections were clear indication to the fact that he wanted legitimacy of his actions. His Islamization drive did not enjoy the mass support; instead his real motive was to establish the monopoly of the traditionalist, the feudal lords and the *ulama*. His policies resulted into sharp cleavages in the society. The uncertain political conditions, and dissensions among the opposition parties which were created by Zia deliberately, gave a boost to the Islamization drive.

After going through the interplay of religion and politics in Pakistan we come to the conclusion that the question of implementing Islam in the Muslim society has deeper roots in our intellectual legacy. Ever since the loss of political power and faced with alternate socio-political systems, Muslim intellectuals have tried either to revive Islam in the light of traditional model or to see it in the light of modern political thought. Irrespective of these conflicting situations it seems that the basic issue has always been to read Islam in contemporary history. Commenting on this situation Wilfred Cantwell Smith has rightly observed that "the fundamental malaise of modern Islam essence that something has gone wrong with Islamic history. The fundamental problem of modern Muslims is how to rehabilitate that history."<sup>902</sup> The various attempts in this direction have to be understood in this perspective. However, in the case of Pakistan it is

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<sup>902</sup> W. C. Smith, *Islam in Modern History*, Princeton: Princeton University Press, 1955, p.41.

essentially at the level of political use of Islam that the historical experience becomes more intelligible. It is the only political dimensions of Islam that have been exploited by the leadership both in politics and religion. There could be many reasons for this demonstration for love of Islam but essentially it was in the wake of those crises - political as well as social - that we have to understand this partial use of religion in politics. Pakistan has gone through many difficult periods of search for identity, political instability, economic backwardness, social unrest and the leadership crisis. During these moments of upheaval the only anchor to which Pakistani leadership could hang on to was Islam. Allama Mohammad Iqbal was right in suggesting that "in the times of crisis in their history, it was not Muslims that saved Islam; on the contrary, it was Islam that saved them." But unfortunately while Islam was called upon for reassurance and strength, no attempt was made to provide the corresponding strength and revitalization to the principles of Islam as a radical and revolutionary message of transforming the socio-political aspects of society. The whole exercise has been carried out without understanding that Islam was essentially a social philosophy which brought changes in social institutions which could subsequently be developed into political thought. Since the motive of Pakistani leadership has been to seek legitimacy and widen their constituencies, Islam was reduced only to political slogans and to prolong dictatorships and unhealthy politics. In other words Islam was never given an upper hand as a guide to reform the society but was allowed a subservient role in propagating the political mandate of the rulers.

This historical experience also highlights another vacuum in our thought and that is that the *ulama* could not project Islam as a viable substitute for the contemporary social and political institutions partly because of their training and partly because of their limited horizons. They could never go beyond the medieval framework of Muslim scholasticism. It was more of question of their own rehabilitation than the rehabilitation of Muslim society that has been the prime mover of their political statements and behavior.

Islamic modernism also suffered the same fate. The literature produced by Pakistani intellectuals in this regard is sadly inadequate and often succumbs to the conventional modes of thought. At times it also appears that the modernists have only visualized Islam as a tool to present Western political institutions in Islamic colours. They could have gone beyond the evolution of modern political institutions and equated the factors behind their growth with the universal principles of Islamic thought. But either because of lack of sufficient knowledge of Muslim history or a willingness to do so have reduced their reflections to just badly constructed political formulas.

We cannot anticipate the future developments of this relationship between religion and politics in Pakistan. But if a genuine attempt is made in initiating the

process at the socio-economic level, there is a possibility that Islam could help this society but even here they have to be careful in ensuring that it will be the spirit of Islam which will seek a physical manifestation and not the formalism and symbolism which cannot go beyond the surface. Secondly, the ideological polarization between the medievalism of *ulama* and the modernism of the intellectuals needs to be bridged. In this regard education needs to be modeled on a composite pattern synthesizing the spirit of Islam and the compulsions of contemporary requirements. without thee basic steps, the fate of both religion and politics would remain in the hands of political fortune seekers who would continue exploiting religion in order to gain what religion does not sanction.

## APPENDIX - I

### FATWA OF 113 ULAMA ISSUED DURING THE ELECTION CAMPAIGN OF 1970

#### Question:

What do the *ulama* say on the following matters?

At the present moment, the Muslim world in general and Pakistan in particular, is in the grip of the atheistic 'isms', about which no knowledgeable person is unaware. The political parties active in Pakistan fall into four categories:

- a. Vary few parties stand for the enforcement of true Islam and Islamic law. Their manifestos are explicit on the point that the government should be conducted in accordance with the teachings of the Quran and the *Sunnah*. The general direction of their activities is also in conformity with Islamic principles.
- b. The objective of certain political parties (such as Communist Party) are based on godlessness, disbelief of Prophet hood and of the life hereafter. Since the ban imposed on the Communist Party (of Pakistan), its workers joined several socialist parties functioning under different names. These people neither adhere to the ideology of Pakistan nor do their manifestos touch this issue. Their self-made "ism" makes everything admissible for them.
- c. One of the political parties, having no concern to the ideology of Pakistan, propagates nationalism based on territory. On the basis of language, it prefers to cultivate culture and aspirations of Hindu literature instead of Islamic culture and literature. It gives preference to Hindus over Muslims and desires to enforce secularism in place of Islamic law and constitution.
- d. Some parties, which include the *ulama*, cooperate with nationalist and socialist parties in spite of their adherence to the Quran and the *Sunnah*.

What is the decree of *Shariah* in respect of the cooperation (in form of financial support and casting vote) extended to them?

### Answer:

At present, there is no greater danger to Islam and Pakistan than socialism. The struggle against socialism is an obligation for every Muslim. Socialists' elements have united themselves despite their mutual difference, but on the other hand, Islamic parties are divided due to their sectarian differences, and none of them, under these conditions, could combat this opposing force. The survival of Islam and Pakistan would depend on the joint struggle of all the Muslims, committed to the Islamic cause. The theological differences 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 Islamic constitution and establishing a complete Islamic political system throughout the country. These representatives would endeavor, on the 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. 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. These representatives would not tolerate such persons as these tendencies amount to betrayal of Islam and of the Quran. The application of the principle of socialism means (no right of private property) that half of the Quran would remain outside the realm of practice. The rejection of the principle of owning private property, in fact, stems from the rejection of the Quran. Political parties, which oppose/reject both socialism and capitalism, and work for the enforcement of *Shariah*, are really carrying out *Jihad* in defence of Islam in order to save it from grave danger. Extending support to such political parties through funding or casting votes in their favour is also for the cause of *Shariah* and every Muslim is fully aware of the blessing of *jihad*.

The second category of parties openly refutes the existence of God or challenges the practicability of the Quran, or indeed sets aside the traditions of the Prophet, or considers private property an injustice and believes it to be non-permissible. Such parties are rebellious to Islam, the Quran and the *Sunnah*. Such people whether they recite *Kalamah*, offer daily prayers, keep on fasting, are not Muslims at all cooperation with such people in any form is likely to the destruction of Islam. To extend them any support in form of money, vote or any other assistance would tantamount to supporting the *kufir*, and that is completely forbidden.

The third category comprises of these parties, which do not submit to the principles of the Quran and the *Sunnah*. Such people intend to introduce nationalism and secularism in Pakistan. They prefer Hindus of their region over

the Muslims who do not belong to their region. They show great regard for the Hindu poets and men of letters and encourage Hindu culture. Any cooperation in the form of funding or voting for them would mean the destruction of Pakistan. It is, therefore, impermissible and a sin.

The fourth category is composed of those parties, which in their election manifestos, claim to stand for the enforcement of Islamic order on the basis of the Quran and the *Sunnah*. But despite this declaration, some of the parties are also known to have sought an alliance with socialists, who are well-known for their past anti-Islamic activities. The socialists' manifesto regards the Islamic economic system to be incorrect and insufficient, and instead claims that it is socialism which offers a solution of economic problems faced by Pakistan. The organized force of socialists has assumed threatening proportions to Islam and Pakistan, and joining hands with such force, would only contribute in strengthening anti-Pakistan and anti-Islam forces for imposition of socialism in the country. The cooperation on the part of *Ulama* with such force would weaken Muslims' hatred of *kufir* and would also help the socialists to sow the seed of disintegration among the Muslim masses. Those cooperating with the socialists may be pious and may indeed possess sincerity to the utmost degree, but all their sincerity would be of no use to avert the adverse consequences flowing from the relentless logic of their actions.

## GLOSSARY

### ABBREVIATIONS:

**DI:** Thomas Patrick Hughes, *A Dictionary of Islam*, Lahore: Premier Book House, 1965.

**EI:** *The Encyclopedia of Islam*, rev. ed. Leiden, Netherlands: E. J. Brill, 1960.

**SEI:** H. A. R. Gibb and J. H. Kramers, *Shorter Encyclopedia of Islam*, Ithaca, New York: Cornell University Press, 2nd rev. ed. 1965.

**AHL-E-HADITH:** An Arabic term, Ahl-al-Hadith, meaning Partisans of the Hadith. In the “House of Isla:m”, the Ahl-e-Hadith are those Sunni Muslims who besides the Quran prefer the authority of the Hadith over that of a conflicting legal ruling accepted by one of the four Sunni schools of jurisprudence. Because they place emphasis on *ijtehad* and reject *taqlid*, they have also been referred to as *ghair-muqallid*. This sect is concentrated in the South Asian sub-continent, where it originated.

**AHL-E-SUNNAH:** Derived from an Arabic term, Ahl-al-Sunnah, that literally means “the followers of the Sunnah”. In common usage it has come to mean Sunni.

**AALIM, pl. ULAMA:** Literally, one possessing knowledge or “ilm”, hence a learned person. In the Islamic context, it refers to a Muslim possessing immense knowledge and expertise in Islamic theology and fiqh. The term usually includes the *ulama*, *muftis*, *gazis*, and *imams*.

**AMIR:** It has been derived from Arabic word “amr” or order. It is the title given to military commanders, governors, and princes in Islamic history. However, now the word is used by a number of rulers and kings, and even by the leaders of Islamic political parties (like the leader of the Jamaat-i-Islami of Pakistan).

**AQAID, sing aqidah:** One’s belief or creed. In Islam, the term applies to Islamic beliefs and doctrines.

**ASAB:** Companions or friends. In Islamic history it applies to the companions of the Holy Prophet Muhammad (peace be upon Him).

**ASLAF:** Literally, “the preceding generations or ancestors”. In Islam it refers to the pious companions of Prophet Muhammad. The *aslaf* are considered to have had special insight into the requirements of the faith because of their close association with Prophet Muhammad. As a result, the Fundamentalists, Traditionalists and even some Modernists often call for a return to the piety and simplicity of the *aslaf*. (EI; SEI).

**ASNAD, sing. sanad:** The chain of transmitters of a *hadith* report mentioned too guarantee validity and reliability. The collections of the *ahadith* which were compiled mainly from the ninth century A.D. onwards, give complete *sanads* (EI; SEI; DI)

**AWQAF, sing, waqf:** Derived from the Arabic root *waqafa*, which means “to stand”. In Islamic context, *awqaf* are those charitable organizations operated by the government or private organization that stand for helping the *ummah*. More: specifically, the charitable organizations used to support *masajids*, (mosques) *madarssahs*, (religious schools) orphanages, and organizations that distribute aid to the needy and poor. Like many charitable organizations, they derive most of their income from charitable contributions, bequests from the state, and agricultural and real estate investments operations. (EI).

**FATWA:** An authoritative opinion on a point of law, legal ruling, edict or decree. In Islam it means a formal and authoritative decree on a civil or religious issue that is often formulated and promulgated by a qualified and respected Islamic theologian and jurist.

**FIQH:** Literally means “intelligence”, “understanding” or “knowledge”. In Islam the term is applied to the science of Islamic jurisprudence. Islamic jurisprudence covers all aspects of religious, political, economic and social life. While not being as comprehensive, divine, eternal, and immutable as the *Shariah*, each *madhab*, within the house of Islam, has its own *fiqh*, which is interpreted by a theologian and jurist known as a *fiqh*.

**GHAIR-MUQALLID:** One who does not regard himself as necessarily bound by the doctrines of the various schools of Islamic jurisprudence. This is a term that is often applied to the *Ahl-i-hadith* in the south Asian subcontinent.

**HADITH:** A *hadith* is an eyewitness account, narrative, report, record of a saying or sayings of Prophet Muhammad. The collective body of such *ahadith*

(passed through a chain of reliably oral transmitters) is known as *hadith*. While the *hadith* is not strictly the same as *Sunnah*, which includes what Prophet Muhammad said, did, approved or disapproved, they do coincide in scale of the books dealing with the *hadith* of Prophet Muhammad and his closest companions, have the title of *Sunnah*. The *hadith* are second in importance to the Quran as the major source of Islamic theology and law. (EI; SEI; DI).

**HANAFIS:** The Hanafis are those Sunni Muslims who follow the teachings of the Iraqi-born Imam Abu Hanifa al-Nu'man ibn-Thabit (699-769 A.D.). The Hanafis are liberal and tolerant. The teachings of Imam Abu Hanifa are presented in several collections by two of his most noteworthy pupils-- Abu Yusuf and Hassan al-Shaybani. The Hanafi sect was actively promoted by a number of Abbasid and Ottoman rulers. A majority of Sunni Muslims in Turkey, Afghanistan, Egypt, Central Asia, China and South Asia belong to the Hanafi school of thought. (EI; SEI; DI).

**HANBALIS:** The Hanbalis belong to the Hanbalite school, which the most puritanical and iconoclastic of the four Sunni schools of Islamic theology and jurisprudence. The founder of Hanbali sect was the Iraqi-horn theologian and jurist-- Ahmad ibn-Hanbal (780-855 A.D.). After studying Islam in his native town, he travelled throughout Iraq, Syria, Hijjaz and Yemen. After returning home, he took lessons in *fiqh* and its *usul* from al-Shafi. His Puritanism in religious matters brought him into a conflict with the Mutazilit school of rationalism and free will that was at its zenith during the reigns of Abbasid Caliph al-Ma'mun, al-Mu'tasim and al-Watiq (833-849 A.D.). He condemned the *bid'a* including the Mutazilite notion that "the Quran was created" and not revealed by Allah. He was imprisoned and even subjected to corporal punishment for his conviction, but regained his position under Abbasid Caliph al-Mutawakkil. His knowledge of Islam, piety and steadfastness won him many disciples and admirers. But the Puritanism of the Hanbali thoughts combined with the promotion of the Hanafi's thoughts by the Ottoman rulers who crushed Wahabism (sub sect within the Hanbalis) resulted in the Hanbalis being the smallest of the four established Sunni schools of thought.

Hanbali is well known for the *Masnad*, which is an encyclopedia of as many as 29,000 *ahadith* compiled and elaborated upon by his son Abd Allah from his father's notes, lectures, and discussions. Significant credit must be given to Ibn-Taimiya (1263-1328 A.D.) and Muhammad ibn-Abd al-Wehab (1703-1792 A.D.), who did more than anyone else in popularizing Imam ibn-hanbal's *fiqh* and morality. This is because of these

two personalities that the Hanbali *fiqh* is practiced in Saudi Arabia in the form of Wahabism. (EI; SEI; DI).

**IJMA:** Derived from Arabic word *jamb*, which means “to collect”, “to gather” and “to agree upon”. *Ijma* has come to literally, mean “agreement”, “unanimity” or “consensus”. In Islam it is considered to be the third *usul* or source of Islamic law. In practice, the consensus implied by the term *ijma* has been variously interpreted by the diverse Muslim community. For instance, the consensus can be that of; the first generation of Muslims (Prophet and his Companions); the great theologian-jurists of the medieval era of Islam, who laid the foundations of the various schools of jurisprudence; the *ulama* of one school of Islamic jurisprudence; the *ulama* of all five schools of *Sunni* and *Shiah* jurisprudence; the *ummah* scattered all over the world; or even the consensus of an entire nation. According to the Modernists (like Allama Muhammad Iqbal), the consensus of Muslim parliamentarians in a modern-day legislature elected by universal adult suffrage will also satisfy the requirements of *ijma* for a particular state for a limited period of time. (EI; SEI; DI)

**IJTEHAD:** It has been derived from the Arabic word *jand*, which means to “strive”, “to struggle” or “to exert oneself”. Technically, *Ijtehad* refers to an Islamic jurist exercising the faculties of his mind to the utmost (using reason and knowledge) to understand a difficult legal problem. According to most Fundamentalists and to all *Shiah* Traditionalists and Fundamentalists, only highly knowledgeable and competent *mujtahids* have the right to exercise *ijtehad*. Some fundamentalists and virtually all Modernists believe that the exercise of *ijtehad* which they understand as independent reasoning and judgement, should not be restricted to the *ulama*, but should be the right of all pious and learned Muslims who have mastered the Quran and *hadith*, and imbibed the spirit of Islam as enunciated by Prophet Muhammad.

**IMLAM:** One who leads, the term refers to; a prayer-leader or officiating cleric in a mosque; a very learned and competent *aalim*, especially the founders of the various *fiqhs*; a term used interchangeably with *Khalifah* (caliph). In the *Shiah* sect, the title of Imam is also used for twelve divinely-guided, rightful and infallible religio-political successors of Prophet Muhammad starting with Hazrat Ali.

**ISLAMIC REVIVAL:** It is the renewal of heightened interest in Islamic symbols, ideas and ideals subsequent to a period of relative dormancy of interest.

**ISLAMIC REVIVALISM:** The generic term for the phenomenon of Islamic revivals occurring around the world. It incorporates the dynamic action, reaction and interaction of four types of Islamic Revivalists, namely the Muslim Fundamentalists, Traditionalists, Modernists, and Pragmatists / Secularists. It can also be viewed as the ideologization of Islam, whereby Islam becomes a comprehensive political ideology that “explains and justifies a preferred political order, either existing or proposed, and offers a strategy (institutions, processes and programme) for its attainment. For detail please see Reo M. Christenson, Alan S. Engel, Dan N. Jacobs, Mostafa Rejai, and Herbert Waltner, (eds.), *Ideologies and Modern Politics*, 3<sup>rd</sup> ed., (New York: Harper and Row Publishers, 1981).

**JAFARIYYAH:** The *Shiah* school of jurisprudence that was compiled and codified by the sixth *Shiah* Imam, Jafar-e-Sadiq (d. 765 A.D.). The latter was poisoned at the age of sixty four by order of the Abbasid Caliph, al-Mansur. (Annon Metzger, “Islam in Iran: Search for Identity”, in Raphael Israeli, (ed.), *The Crescent in the East: Islam in Asia Major* (London: Curzon Press, 1982), pp 8-9

**JIHAD:** To struggle, to strive, to endeavor, and to struggle in the way of God. A righteous armed struggle, holy war or just crusade sanctioned by the *ulama* which is fought against non-Muslims or “wayward Muslims”. It is also the spiritual struggle waged by an individual against his/her impulses/instincts.

**KAFIR:** Refers to someone who is ungrateful to Allah almighty, hence an unbeliever, infidel or heretic. In Islamic history, the term was first applied to “unbelieving” Meccans who rejected Prophet. Muhammad’s message and criticized him. The Quranic term for these unbelievers is *mushrikeen*. The term is also used for the enemies of Islam. (SEI; BI).

**KHALIFAH:** The religio-political successor of Prophet Muhammad and leader of the worldwide Muslim community. The first four *Khalifahs* of Islam, the *Khalifa-i-Rashidin*, are accepted as religio-political successor of Prophet Muhammad. However, the *Khalifahs* who succeeded them were essentially political rulers, lacking the mantle of religious and spiritual leadership.

**MARARSSAH:** A school, college, seminary or an academy where the primary emphasis is on a broad spectrum of classical Islamic discipline which are taught by the *ulama* or *moulvis*. However, students also learn such subjects as Arabic, Persian, Astronomy, Logic, Mathematics, Medicine, Literature, Philosophy and Metaphysics.

**MAJLIS-I-SHOORA:** A “consultative body” or an “elected council” to make recommendations to the ruler of a Muslim State or pass legislation. In the contemporary Muslim world, it refers to the parliament or legislature.

**MALKIS:** They are Sunni Muslims who follow the Islamic jurisprudence of Abu Abd Allah Malik ibn-Anas (716-795 A.D.) He received his early education from Sahl ibn-Sa’d, a Companion of Prophet Muhammad. Imam Malik was one of the most learned Islamic scholars and a friend of Abu Hanifa, with whom he had a number of discussions on Islamic issues. Khalifah Harun al-Rashid revered him and sent his two sons Amin and Ma’un to study with him. Ash-Shaf’i -- who later became famous for being the founder of the Shaf’i sect of Sunni Islam -- was one of his pupils. Among Imam Malik’s writings is a treatise on the *Hadith* entitled *Kitab-ul-Muwatta* (the Book of the Trodden Path), in which he codified Islamic common law and paved the way for the development of juridical systems. In his research, Imam Malik relied heavily on the Sunnah and as far as possible refrained from resorting to inferences and deductions. The Maliki sect spread in Muslim Spain and Africa. (EI; SEI; DI).

**MAULANA:** It has been derived from Arabic word *maula* which means lord, trustee, tutor, and helper. The title is applied to scholars of Islamic theology and *fiqh*.

**MILLAT:** It has been derived from the Arabic word *milla*, which means “a religious community”.

**MODARABA:** Modaraba refers to profit and loss sharing in economic transactions. “Modaraba funds are funds subscribed by one or more investors in a business to be carried on by a third party who participates in it with his skill and effort. The profits on Modaraba investments are distributed among the various subscribers, while the Manager or entrepreneur is entitled to a fixed percentage which shall not exceed 10 percent of the net annual profit ... The individual entrepreneur assumes the role of manager the Modaraba funds. Under the Modaraba law, companies, banks, and financial institutions can register themselves as Modaraba companies and float Modarabas either for specific or for general purposes. Modaraba is legal entity, capable of suing or being sued in its own name through the parent Modaraba company.” (Quoted in Pakistan’s Road to Non-Riba Banking”, Arabia, Vol. 4, No. March, 1985, p.59).

**MUFTI:** A learned, competent and respected expert on Islamic theology and jurisprudence. He has the authority to not only interpret Islamic law but also to issue *fatwas*. (EI; SEI; DI).

**MUJTAHID:** One who practices *ijtehad* and forms his opinion, in matters pertaining to Islamic law. He is a competent and has the right to issue *fatwas*.

**MUQALLID:** A Muslim who considers himself bound by the principle of taqlid.

**MUSAWAT-T-MUHAMMADI:** Literally means “the egalitarianism of Prophet Muhammad”. It refers to the socio-economic equality and justice of the ideal Islamic system.

**MUSTAHQEEN:** Deserving and needy.

**MUTAZILITES/MUTAZILLA:** It means “the separatists” or “seceders”. A school of Islamic theologians and jurists advocating rationalism and free-will founded by Wasil ibn-Ata, who separated from the conservative school of Hasan al-Basri around 110 A.H. Calling themselves “People of Unity and Justice” as way of drawing attention to the cardinal principles of their faith. In opposition to the pagan polytheism still widely prevalent at the time, they emphasized the oneness and unity of Allah. Their reasoned arguments were a criticism of those Muslims who read the Quran literally and thus understood Allah in anthropomorphic terms. The second basic Mutazilite premise was that Allah has absolutely just and will therefore always do what was best for His creation. They were also of the opinion that Allah was not responsible for men’s evil deeds; rather human beings possessed both free-will and the power to act and are responsible for their own acts. Man is thus rewarded or punished for what he may do in life. They influenced the intellectual environment in the eighth and ninth centuries A.D. Their influence was at its zenith during the reigns of abbasid Caliphs Al-Ma’mun, Al-Mu’tasin and Al-Wasiq (819-847 A.D.) , but their influence declined and they were even persecuted during the period of Abbasid Khalifah Al-Mutawakkil (847-861 A.D.) and thereafter, when the conservative Asharite Movement gained ground. (EI; SEI, DI).

**NIZAM-I-MUSTAFA:** The system of Prophet Muhammad. Nizam-i-Mustafa was the rallying cry of nine opposition parties in the Islamic mass movement just after the rigged elections of 1977 in Pakistan. The three-month long civil disobedience movement led to the overthrow of Prime Minister Z. A. Bhutto by General Muhammad Zia-u-Haq on July 5, 1977.

**PIR:** A spiritual leader, guide and teacher. In the South Asian subcontinent it refers to a teacher of *sufism* or a religio-political leader of a tribe.

**RIBA:** The term used for “usury” or charging “excessive” interest on loans. It has been prohibited in Islam.

**SECULARISM:** The religious neutrality of the state. In this respect those believing in any religion or even in no religion, are provided equal freedom and protection by a state professing secularism. A government that promotes secularism clearly separates the Church from the State, refuses to act as the promoter and defender of a particular faith, and rejects religious ideas and ideals as framing the basis of its political legitimacy.

**SECULARISTS:** Those who believe that the religion should not enter into the conduct of governmental affairs.

**SHAFI'IS:** Muhammad ibn-Idris ash-Shafi'i (767-820 A.D.), the founder of the Shafi'i school of thought, was a Hashimi who belonged to the tribe of Quraish, and could trace his lineage back to the Prophet Muhammad. He was brought up in Mecca where he studied the Quran, *Hadith*, and *Fiqh*. At the age of twenty, he went to Madina and studied under Malik ibn-Anas until the latter's death. He travelled to many parts of the Muslim Middle East and taught for some time in Bagdad, Egypt and Mecca. He investigated the principles and methods of jurisprudence and mentioned specific rules for *qiyas*. His efforts made him the founder of the *Usul al-Fiqh*. He promoted a moderate and eclectic brand of Islam that believed in the continuity of tradition as well as change through *ijtihad*. The Shafi'i sect spread in south-Western Asia and Northern Egypt. Its decline began when the Ottoman government comprising members of the Hanafi sect propagated their thoughts throughout the Ottoman Empire. (EI; SEI; DI).

**SHARIAH:** Means “the way”, “the path”, or “the road”. In the Islamic context, it is “the way”, “the path” or “the road” of Islam shown by Prophet Muhammad. It is also referred to as the Divine Law or Sacred Law. The Shariah's provisions are worked out through the discipline of *fiqh* on the basis of *Usul al-fiqh*, which Sunni Muslims commonly list as the Quran, *Hadith*, *Ijma* and *Qiyas*. The Shariah is a comprehensive eternal and immutable body of law that governs the individual and community life of Muslims.

**SHIAH:** Literally means “party”, “follower” or “split”. Members of this sect of Islam (second major sect of Muslims after Sunni sect) believe that Prophet Muhammad wanted Hazrat Ali to be the first caliph or Imam of Islam because he was best qualified for the job. They also believe that power hungry repeatedly defrauded the Imams of the *Ahl-e-Bayt*, who foresaw and accepted their glorious but tragic destiny as the repositories of Truth despised. They believe in the intercession of the members of the *Ahl-e-Bayt* and make pilgrimages to their tombs. They also believe in the doctrines of occultation and return of the twelfth Imam, who was taken by Allah from human sight and will return to earth as the Mahdi or awaited messianic figure, who will bring the triumph of the true religion or, the last day of judgement. In the Shiah’s sect, there are a number of sub-sects, namely the Isma Asharies, Bohris, Ismailies and Alawites. There is also a sizeable number of Shiahs in Pakistan.

**SUNNAH:** It refers to “a road”, or “a way”. In Islam, it is understood as the “trodden path”, “way”, custom or tradition of the Prophet Muhammad. The *Sunnah* comprising the sayings and deeds of Prophet Muhammad complements the Quran as the major source of Islamic faith and practice.

**SUNNI:** The Sunni Muslims follow the *Sunnah* of the Prophet Muhammad.

**TAQLID:** It means imitation. In Islam, it technically means legal conformity. In the case of Sunnis, it requires unquestioning adherence to legal rulings of one or more of the four schools of Sunni jurisprudence compiled during the medieval era of Islam. In the case of Shiahs, it requires unquestioning adherence to the *fiqh-e-jaffariyah*.

**ULAMA:** Learned scholars of Islamic theology and jurisprudence.

**UMMAH:** Derived from the Arabic word *um*, which means “mother”; the term *ummah* is often used for a “nation”. In Islam it refers to “the nation or brotherhood of Muslims”. In the *ummah*, all Muslims are equal and are soul brothers regardless of their culture, colour or socio-economic and political status. *ummah* refers to a Muslim minority in a non-Muslim state, all Muslims in an Islamic state or a Muslim homeland, and in its broadest context to the global Muslim brotherhood.

**USHR:** Islam prescribes ten percent tax on irrigated land, payable in money or kind by each landholder to the poor or to the charitable institutions.