

# DETENTION CHALLENGED

Affidavit in Lahore High Court

February 5, 1969

Reproduced by

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## INTRODUCTION

I have reproduced the Affidavit submitted by Chairman Bhutto in the Lahore High Court on February 5, 1969. He was arrested by Ayub Khan's regime along with Dr. Mubashir and Mumtaz Bhutto from Dr. Mubashir's residence in Lahore on November 12, 1968, under Rule 32 of the Defence of Pakistan Rules.

Mr. Bhutto was taken to Mianwali Jail and kept in solitary confinement. After a thorough search of his person and belongings, his papers and books were confiscated although by law he was entitled to keep them. He was confined in an old cell full of rats and mosquitoes, the *charpoy* (cot) was tied to a chain. There was an adjoining little room meant for toilet purposes which was so dirty that it was repulsive to enter it. The food offered to Mr. Bhutto consisted of two *chappaties* (bread) made of red wheat with dal which had stones in it or two tiny pieces of meat. A strong light shone for 24 hours throughout his stay there making sleep at night extremely difficult.

After he learnt that the High Court had granted his lawyers permission to meet him, he immediately asked for some paper to enable him to make notes for his meeting with them. Despite his repeated request writing paper was not given to him until the afternoon of the 18th November. His letters and telegrams were not delivered to him. As the High Court ordered that all detenus should be kept in one jail, on the evening of 18th November he was taken to Sahiwal where he arrived in the early hours of 19th November.

Makeshift arrangements were made at Sahiwal for his detention where he continued to be kept in solitary confinement. Here instead of the rats the room was full of bats and, to avoid them, he had to sleep with a towel on his face. The mosquitoes and flies were in legion. The bathroom was separate from the cell and was shared with others. The practice in jail is to provide Class I and II detenus with a convict for personal service. The convict provided to him was told that he would be skinned alive if he spoke to Mr. Bhutto.

Contrary to law, Mr. Bhutto was not permitted the use of a radio or to make private arrangements for my meals. He addressed about five or six applications to the authorities protesting against the illegal conditions of his detention which were neither controverted nor was any action taken on them. He pointed out in these applications that as Class I detenu, by law he was entitled to certain facilities which were being deliberately and maliciously denied to him. In spite of the fact that his cousin and friends were in the same jail, they were not permitted to meet each other. Not only that, they were not even permitted to exchange reading material. None of the other inmates were permitted to meet or see Mr. Bhutto. Virtually the whole place was vacated when he had to leave his ward to meet his lawyers in the office of Superintendent.

These were the conditions that Mr. Bhutto was kept when he challenged the first dictator of the country. Because he believed in liberating the people of Pakistan and knew that the

people were with him and since he had not committed any crime, he was confident that eventually the Government will give up on these false cases.

Bhutto thought the same thing would happen the second time around when he was dealing with Zia-ul-Haq an ungrateful person who toppled him and took over the reigns of the country on July 5th 1977. By this time Bhutto was much stronger than 1968, both inside the country and overseas. He was elected Chairman of Islamic Summit representing all Islamic countries and an elected President and Prime Minister.

Bhutto fought with same zeal and confidence but this time the dictator played his cards well. First he crushed the party by arresting all party workers and leaders and then by giving these people severe punishment including public lashing and even public hanging. Then with the conspiracy of the Generals and courts got Bhutto hanged.

Mr. Bhutto was the victim of a two-layered conspiracy hatched and carried out against him because he refused to compromise on his country's vital interests. Earlier in April 1977, Mr. Bhutto had warned in Parliament that **"the bloodhounds are after my blood"**. He became the target of an international conspiracy aimed at destabilizing his elected Government, because Mr. Bhutto refused to cancel or modify the Nuclear Reprocessing Plant Agreement which he had signed with France. In the very same city of Lahore where the death sentence was pronounced against him, Mr. Bhutto had been warned by a Super Power in August 1976, that if he did not change his position on the Nuclear Reprocessing Plant, then **"a horrible example will be made out of you"**. This Super Power felt that if Pakistan acquired nuclear technology, it might transfer this technology to the Muslim states with whom Mr. Bhutto had cultivated very close relations. If the Arabs acquired nuclear technology, the oil fields upon which the entire Western civilization depended would be so well fortified that in the event of another Oil embargo, they would be beyond the reach and might of the West. A Super Power felt that the civilization of the "advanced West" could not be placed at the "whim" of the "backward" Muslim Nations. Although the Reprocessing Agreement included castiron "safeguards" to ensure that the Plant acquired for peaceful purposes did not lead to proliferation of Nuclear weapons, the Super Power believed that even the minimum risk of Pakistan acquiring nuclear weapons could not be entertained. That is why the decision was made to destabilize the Government of a man whose services to Pakistan, the Islamic world, and the Third World are internationally acknowledged and respected.

A combination of Foreign Powers and obstructionist internal elements spearheaded by a few Generals overthrew the legitimate, popularly elected Government of Mr. Zulfikar Ali Bhutto in the early hours of July 5, 1977, through a nocturnal coup. The first layer of the conspiracy came to a conclusion with the destabilization and fall of the PPP Government, headed by Mr. Zulfikar Ali Bhutto.

Seeking to consolidate their newly-acquired positions of power resting not on the will and consent of the people, but on brute force, the General embarked on a road of systematic terror and repression, which has found its logical conclusion in the threat of destabilization of not only Pakistan, but of the entire region.

The subcontinent witnessed the ugliest character assassination campaign and the most vicious vendetta against Mr. Zulfikar Ali Bhutto, his family, his cabinet colleagues, and his party. Driven by senseless, primitive passions, the junta has crossed all levels of human decency and civilized conduct to destroy and eliminate Mr. Zulfikar Ali Bhutto.

The junta had hatched a conspiracy to murder its undisputed political rival through the ingenious method of accusing, trying, and sentencing the popular leader to death on, ironically, a charge of murder. The farce that took place in the Lahore High Court called the trial of murder was in fact a murder of trial.

With the exception of Mr. Ahmad Raza Kasuri, whose father's death the Court was theoretically investigating, each and every one of over 40 prosecution witnesses was a Government servant, at the mercy of the junta. All of the top, key witnesses had spent many months in military and police custody before they "testified".

The entire case was fabricated by a special Martial Law Team headed by a Major-General, and assisted by Mr. Saghir Anwar, the Director-General of the Federal Investigating Agency, the late Mr. Anwar, Special Public Prosecutor, and Mr. Justice Maulvi Mushtaq, who later presided over the Full Bench trying Mr. Bhutto. The team reported each stage of its manufactured case to Lt. General Faiz Ahmad Chishti, who heads the "Election Cell" and who, in turn, reported the progress to the Chief Martial Law Administrator.

The fabricated murder case, so specially conceived and manufactured by the full force of the coercive machinery of Martial Law, nonetheless has inherent contradictions which reveal the falsity of the charge. It is perhaps the first case in the annals of criminal law which has two official Approvers and three unofficial Approvers. The three unofficial Approvers are the confessing accused, who say they actually committed the murder although their recollection of the event is at variance with each other and mutually destructive. For their "confession" extracted after torture at the infamous dungeons of Lahore Fort, the three have been assured that they will not be sent to the gallows. For "confessing" their "crime", they will be given their liberty in about a year and handsomely rewarded financially. Thus, for all purposes, the three "confessing" accused are Approvers in the case along with two other official Approvers. (There are three if one includes Sayed Ahmed).

Mr. Mian Abbas, the fourth confessing accused, who later retracted his statement, and later retracted his retraction, gave a detailed account of how his "confession" was extracted. The biased and prejudiced Bench ensured that this account did not see the light of day by declaring that the proceedings would be held in camera, when the accused gave their statements under the Criminal Procedure Code's Section 342.

The hypocrisy of the Lahore High court is obvious when one recalls that, after declaring, for international ears, that the trial would take place "in the full light of day", the Bench transformed it into a closed Court. Mr. Justice Maulvi Mushtaq, promoted to Chief Justice during the trial, twice superseded by Mr. Bhutto, handpicked his favorite colleagues to sit in judgment of the former Prime Minister. He did not include on this

Bench the two judges who had granted Mr. Bhutto bail on Raza Kasuri's private complaint. This had been turned into a State base after the two judges on the Divisional bench had dared to ensure justice and set Mr. Bhutto at liberty.

By trying the case immediately at the High Court level and not at the Sessions Court level, the junta and the Lahore High Court deliberately deprived Mr. Bhutto of his first right of Appeal. This was the first in many serious departures from legal procedure.

The whole world was shocked to hear the verdict. Mr. Ramsay Clark former Attorney General of USA who had attended part of proceedings wrote in his article "Even if the entire evidence given against Mr. Bhutto is accepted, the verdict given is not justified." Mr. Robert Boduete, famous lawyer of France who also witnessed the proceedings wrote at the time, "***Only history will judge these judges.***"

Today after 31 years one of the judges in Bhutto case Justice Nasim Hassan Shah's while giving an interview to GEO TV said:

Q. Was there any 'advice' from above in the Bhutto case?

A. *I am not aware that any 'advice' was given, but I suppose the Chief Justice must have been 'advised' and if he was 'advised' then he must have passed the 'advice' to the other judges on the bench.*

Q. Do you think that Bhutto was justly hanged?

A. *I think Bhutto's council Yahya Bukhtiar handled the case badly. When the panel of judges asked him what he thought should be Bhutto's punishment, he retorted that Bhutto should not be punished at all and should be allowed to go free. This annoyed the judges and they hanged him.*

It is never heard that an innocent defendant is punished just because the lawyer of the defendant annoyed the judges!

After the verdict, the entire world appealed for Bhutto including heads of governments of USA, USSR, CHINA, and UK etc. The defence lawyers lodged an appeal for revision in Supreme Court. It was rejected on 24 March, 1979. Bhutto refused to lodge mercy appeal to General Zia and ordered his family not to do so. Begum Nusrat Bhutto and Benazir Bhutto, still in custody, were brought for the last meeting but were not allowed to enter his cell. They sat across the door of iron bars on a wooden bench, holding Bhutto's hands through the gaps between the bars. Benazir's request to be allowed to hug and kiss his father for the last time was rejected.

This is how we treated our national hero and his family .....

Sani H. Panhwar  
March 2010

## **Detention Challenged**

### **Affidavit in High Court, Lahore,**

**February 5, 1969**

Zulfikar Ali Bhutto was arrested on November 13, 1968, at Lahore. In an affidavit filed by him, with reference to Begum Nusrat Bhutto's writ petition in the High Court of West Pakistan, Lahore, he said:

"I, Zulfikar Ali, son of the late Sir Shah Nawaz Khan Bhutto, Muslim, adult, resident of Larkana, at present in detention at the Borstal Jail, Lahore, West Pakistan, on solemn affirmation state as hereinafter:

That I am the detenu in the above writ petition filed by my wife. Begum Nusrat Bhutto, the petitioner, challenging the order of my detention dated November 12, 1968, passed by the Governor of West Pakistan under Rule 32 of the Defence of Pakistan Rules.

That I have perused the writ petition, the written statement filed by the respondents thereto, materials placed on the record of this Hon'ble Court in support of the grounds of my detention and the statement made by Home Secretary before this Hon'ble Court.

That I have under my signature submitted before this Hon'ble court, additional grounds in support of the petition, and I hereby verify and reiterate that the contents of the said additional grounds are true and correct and may be adopted as a part of this affidavit.

That the impugned order of detention is bad in law and based upon the mala fides of the respondent so that I am being detained without lawful authority and in an unlawful manner. In support of this contention I submit for consideration of this Hon'ble Court the following facts and grounds:

I emphatically reject the charges contained in the memorandum of the Home Department reciting the grounds for my detention under the Defence of Pakistan Rules. They are as baseless in fact as they are wicked in purpose. Being devoid of substance, they derive their spurious force solely from the formidable disguise of legal form which the Defence of Pakistan Rules so admirably offer.

In my supplementary grounds filed in the Honourable Court on November 29, 1968, I have denied the charges contained in the grounds of detention furnished to me on November 13, 1968. I take this opportunity to emphatically reassert that the charges are a tissue of lies, malicious in intent and dishonest in purpose. My utterances and remarks, made extemporaneously in the course of long speeches, made in many places, have been deliberately torn out of context and even fabricated. I have not made any disclosure of the

affairs of state which would prejudice Pakistan's relations with foreign powers. Nor have I incited the masses, in particular the students, to violate law or to create disorder by resort to violence. As an illustration I would like to mention that the use of the expression "the last push" needed to change the Government has been attributed to me in an entirely false and mischievous context. As a matter of fact, I used the expression within the framework of the constitutional position, so much so that I specifically stated the exact number of days left to this Government before its term expired under the Constitution. For instance, I stated in my speech at Lahore on November 11, 1968, that there were only 12 months and 19 days left to the Government. Similarly, in my speeches in the Frontier region, I mentioned the exact number of days left to the Government before its replacement through the election process.

I spoke extemporaneously at Hyderabad to a restricted meeting in the compound of Mir Rasul Bakhsh Talpur's bungalow for over two and a half hours. The fact that I declared in that convention of the Pakistan People's Party that if an agreed candidate for Presidential elections was not forthcoming from East Pakistan and if an agreement could not be reached on any from West Pakistan, I would contest the elections, cannot better demonstrate my intentions to wage a constitutional struggle against the regime.

At Kohat, I again spoke extemporaneously for over an hour. It has been falsely alleged in the grounds of detention that in that speech I said that if the Government did not abdicate in my favour I would forcibly get hold of power. Nowhere in my speeches have I made such a preposterous submission. The purpose of my political activity is to serve the people of Pakistan not by seizing power but by participating in the common struggle with the people for the restoration of their lost rights. Had I hankered after power, I would have compromised principles and remained in a position of privilege instead of facing a plethora of persecutions.

I reiterate that at Dera Ismail Khan I made no attempt to make a public speech. I briefly thanked the people for their generous reception and in view of Section 144 of Cr. P.C, appealed to them to disperse. I spoke briefly for about 15 minutes.

At the Lahore District Bar Association, I made an extemporaneous speech on November 11, 1968, for approximately 40 minutes. The speech dealt with foreign policy. Being disturbed by the Government's offer of a no-war pact with India, I analyzed the deleterious consequences of the offer.

I repeat that all the references made to my speeches in the grounds of detention have been torn out of context, maliciously misconstrued, falsely interpreted and put out of focus. Besides, the reports of the speeches, which appear to have been taken in long hand, are at best only short summaries of long speeches wherein, several phrases or words do not appear in the context in which these were uttered.

I assert that the true reasons why I have been deprived of my freedom are neither mentioned in the specified charges nor have relation with their contents. The reasons are, of course, relevant to the case, but even the most shameless of governments could hardly venture to state them in public. But they are there all the same, constituting the mala fides

that permeates the highhanded actions of the authorities against me and is in the pith and marrow of the charges themselves.

The allegations in the charges can hang together only if it is assumed that there was a plan, conspiracy or plot, hatched by me, my party or my comrades to overthrow the Government by force. I deny that there was any plan, conspiracy or plot engineered by me in collaboration with any of my comrades in the Pakistan People's Party with any such object or intention. The plan is of the Government's making, a figment of its imagination, a symptom of its ailing condition. In the darkness of the ten years of its rule everything appears to it as a conspiracy.

The popular agitation in the country is an expression of protest against a derelict system, a reflection of the resentment against the general state of affairs. The voices raised in the streets are a spontaneous verdict of the people against the excesses of the regime, its corruption, its selfish purposes, its contempt for the rights of man, its corroding of institutions, its dependence on an oppressive bureaucracy, its failure to serve the common weal, its pedantic approach to culture, its insulation from the people and its insatiable appetite for family fortunes.

I will not say I love this Government or like its ways. We know to what degree this regime is unpopular, even detested by the people of Pakistan. The troubles attributed to me have been a natural consequence of the acts of the Government; I should say misrule and oppression which have alienated the masses. The wave of unrest sweeping the country is an expression of the general discontent, which had found ways of coming to the surface in spite of innumerable repressive acts of the authorities. The people have come out in the open to protest against the years of oppression and all the evils that afflict our society on account of the regime's method of ruling the country.

Our people are not different from those of other countries. There is a limit to their endurance. They feel the pain of privation and yearn for the happiness of their children. Their poverty is unimaginable but yet they hope for a better future. They are entitled to a decent livelihood, to shelter and clothing. Starvation has dried the milk in the mother's breast and suffering has dried many a father's tear. It is not the law of God that our people must live eternally in despair and that their children should die of disease and want. Our people demand a better life for themselves and for their children; they want food and clothing, employment and protection. These are not wild dreams but the expectations arising out of this marvellous age of science. Deny them their rights and they will find a redeemer and if none is available they will redeem themselves. No plan for change is needed when the people seek it. The mood of the people is the plan. But arrogant functionaries, oblivious of this, want only to find final solutions for the regime's perpetuation.

Nothing that I might say or do can possibly stir the masses in any way unless the objective situation exists, and this objective situation is that the masses have been aroused and are protesting on their own initiative. There has been no conspiracy or plot whatever—unless on the Government's side— affecting the economic and social well-being of the nation. The sugar scarcity, for example, was not caused by any plot of my

party, but had the definite effect of enraging the people. It was the Government itself which was responsible for this, amongst other examples of gross economic mismanagement and corruption. Economic mismanagement is a most potent factor of political discontent.

The classical excuse of colonial masters, whenever subject people have risen against them, has been that all the troubles are due to a handful of political agitators. They used to shoot, hang and imprison, hoping to stem the tide of national awakening. The British used to ascribe, in their time, every demand for freedom to the machinations of a few irresponsible agitators. This Government would like to make the world believe much the same sort of thing.

The phenomenon of change is the law of nature. It lies in the conditions of society and not in imaginary plans. There must be something brittle about this system if the Government feels its edifice shaky after a week's tour of mine. The people acclaimed me not because I was putting a plan of violence into action but because I represented their feelings when I declared that corruption had permeated all levels, that the students were in chains, that the people were in agony and that the conditions had become intolerable. Unlike the President who threatened to use the language of weapons in a speech he delivered in Dacca in April, 1966, I employed the weapon of language, a democratic means to reach the people and to join them in the common search for a better future founded on egalitarian concepts bound together by the rule of law.

To go to the heart of the problem I submit that I have been arbitrarily thrown into jail not for expressing these views but for the differences I developed with the regime over the ceasefire and the Tashkent Declaration. If the veil is lifted, this question will solve the enigma which hung over my sudden departure from Government, and explain my persecution and detention. Stripped of the maze of prejudice and fabrication, the truth, radiant in its clarity, stands as my witness when I say that neither I preached violence nor hatched a plan to instigate the students. Signs of decomposition are writ large on the fatigued face of the regime. But sick or rejuvenated, I did, not plan its violent overthrow. On the contrary, the Government has employed force frequently, staining the land with the blood of innocent people. This has happened everywhere; sometimes in Baluchistan and sometimes in East Pakistan; on occasions, it is in the Punjab and Sind; on others, in the ramparts of our northern region. After rigged elections, the men of the regime have held victory parades in the streets of Karachi in Caesarian splendour.

The regime born of force holds its much trumpeted stability on the muscle of force. It justified the use of force in October, 1958, to save the country from disintegration. And where, pray may I ask, does the country stand today? By coercion and corruption, the Government has brought the country to the verge of collapse. This regime, which has slandered the word 'revolution' in describing its *coup d'état*, celebrates a Revolution Day each year, but has the temerity to punish people for uttering that word.

Not long ago, while defending the 'democratic' nature of the system, the Governor of West Pakistan gave vent to his wisdom by observing that democracy was not an elephant which could be produced before the people for them to touch it. Yes. My Lords,

democracy is certainly not an elephant, but it exists nevertheless like a breath of fresh air, like the fragrance of a spring flower. It is a melody of liberty, richer in sensation than a tangible touch. But more than a feeling, democracy is fundamental right, it is adult franchise, the secrecy of ballot, free press free association, independence of the judiciary, supremacy of the legislature controls on the executive and other related conditions which are conspicuously absent in the regime's system. Under the canons of this regime, the printed word is in disgrace, the franchise limited to individuals' subject either to intimidation or allurements, the body of law contaminated by arbitrary edicts the legislature exists on sufferance fundamental rights held in suspension and the right of assembly in ashes in the furnace of Section 144. By any objective criterion this monument that the regime has built cannot be called democracy.

This is the depressing reality but this does not necessarily mean that a change is not possible without violence. The regime can be changed by making full use of limited available means. The urge for change is so irresistible among the people that the country can be prepared for change without violence. It can be politically demonstrated that the regime is no longer acceptable to the people of Pakistan, that it has lost their confidence and that, as such, it is in the regime's enlightened self-interest to vacate office in good time. If there is no room in the system for a positive expression of the will of the people, a negative mandate can be politically registered against the regime. To state this truth in the service of the people of Pakistan, is not to preach bloodshed.

Sycophants will never dare to expose the ugly truth. I am not in a position to cure the current malignancy without addressing the people. Only the Government is armed with the authority to effect change without public debate. If the Government does not want demonstrations against its policies, the answer lies with the Government, The Government can change its policies, democratise its laws and liberalise the system to satisfy the people. It can bring contentment by rendering justice and by enforcing humane, political and economic conditions. But there are demonstrations and people are bitter because this Government does quite the opposite and it calls its oppression "a strong centre."

In a comprehensive note written by the Home Secretary to the Governor of West Pakistan on November 11, 1968, on the general law and order situation he had come to the conclusion that the real cause lay not directly with the students but on those who instigated them and exploited them for political purposes. The Home Secretary has incurred my gratitude for exonerating the students. My Lords, I will concede straightway that the cause of troubles does not lie directly or indirectly with the students. Our students have sufficient sense to distinguish between right and wrong. They are being taught to acquire knowledge. I have infinite faith in the younger generation. I believe that this generation of young men and women will succeed where the older generation failed. They have been blessed with the imagination and the energy to carry the burden of future times. This generation of the young which has captured world attention is not capable of being easily exploited. Only an abysmal ignorance of modern conditions would lead a person to such a conclusion.

My Lords, I have no power to confer benefits on the students. Except for my affection and trust I cannot shower them with the patronage that the Government possesses in abundance. All material advantages including control over propaganda are at the command of the Government and yet this regime has lost the allegiance of the student community. In contrast, I have no access to the students. I am barred from reaching them in their universities. Day in and day out the wheels of the Government propaganda machinery grind incessantly to spread poison against me. But the student community is so enlightened that despite the Government's preponderant advantages, it has failed to exploit the students. My Lords, the students of today are vigilant and cannot be misled. Because the Government has not understood the student community and has chosen to treat them with Suspicion, its functionaries make the unforgivable mistake of concluding that the flower of our society, the elite of the morrow, is so naive as to be exploited for political purposes.

The Home Secretary's note on the political situation nevertheless makes the student of Pakistan the beast of burden of the political malaise. In his vigorous search for reform, the student everywhere is not the exploited beast of burden shepherded by political agitators but the engine of progress determined to end exploitation. His imprint is visible in every country throughout the world. He is the international crusader against outmoded norms of society and Government. This is the university student whom the Government regards as a misguided plaything—a piece of clay in my hands.

I have been accused of inciting the students, as if the students were not already awake and vocally protesting against the monstrous system of repression that was imposed upon them by the University Ordinance and other measures. The students form a part of our society and are not strangers living in an insulated compartment. They are also naturally affected by the general misery, the daily acts of harassment and the injustices that the people of Pakistan as a whole are obliged to suffer. With the ardour so characteristic of youth they have expressed not only their own grievances but the seething resentment of all the people of Pakistan.

I reiterate that the student cannot be segregated from the miseries of the masses nor from the frustration of the intelligentsia. He is a part of the sorrowful society which the wheel of exploitation grinds. The students of Pakistan are the constituent assembly of a franchise-less population of 120 million people.

But, like his other colleagues, the Home Secretary functions under limitations hostile to truth. He has to see the picture with coloured glasses. How can he assert that the people have arisen in a mighty spontaneous wave because they are sick of the regime, that it is their expression of protest against bondage? How could his analysis reveal that the upsurge from end to end has not been generated by a few political speeches but that it is a manifestation of the people's cumulative resentment at the denial of their wants; that it is an indictment of the people against the regime's failures, as unpremeditated and spontaneous as in other countries where personal dictatorship has held sway? A priori, the Home Secretary had to submit a report divorced from realities. That is why I have been framed and brought before your Lordships bound under the Defence of Pakistan Rules allegedly for acts against the security of my beloved country, the homeland I

defended against foreign aggression so resolutely as to win the abiding acclaim of our people.

By agreeing to amend the University Ordinance, by proposing to take belated steps against corruption, the Government has admitted that genuine hardships of the people were responsible for the disturbances. How can a contented people of an Islamic civilisation mellowed by the antiquity of Harappa and Moen-jo-Daro rise suddenly in unison sparked by a few speeches and, in the words of Governor Musa, come to the verge of bringing down with one blow his invincible Government?

This abnormal situation would not have arisen if the conditions were normal. This has been recognised by the regime in its quest to bring back a semblance of normalcy by acquiescing in some of the just demands of the students in respect of the notorious University Ordinance. Now under the compulsion of events, the Government has partly relented. Not a single voice has been heard against the proposed amendments in the Ordinance. But this does not mean that a universally sought relief should be granted only in the face of a threat. If these measures were self-evidently necessary, what was the need to withhold them all these years and cause so much bitterness in the student community? The present upheaval might never have taken place if repressive laws had not been brought on the Statute Book in the first place. It is nothing short of a national tragedy that so much rancour was needed to force the changes. Neither intelligence nor imagination were required to detect the barbarism in the Ordinance. Nowhere in the world, not even in Hitler's Third Reich, have university degrees been forfeited.

Alas, it had to take the present crisis, involving the death of innocent young students, for elementary wisdom to dawn on the authorities after ten years of blind folly.

These are the wrongs and not my speeches that have alienated the people.

What logic is needed to realise that the confiscation of a degree, which is knowledge, is inalienable and that to withdraw it is like committing a dacoity on the mind of a citizen? The Government should hold itself responsible and not others for the shame and ridicule it has brought to its name in a long trail of blunders.

As in the case of students, so also with the rest of the population, miseries have mounted on account of the Government being insensitive to the needs of the people. This Government cannot be credited with making a single concession to the people's legitimate demands without duress.

Having neglected the interest of the people, and lost their confidence, the regime finds itself discredited. That is why the people are up in arms.

It is not possible for me to spread hatred against the regime when the hatred of the people has reached an apogee. Everywhere unrest is rampant, democracy is denied and economic conditions are rapidly deteriorating.

Supine compromises on the right of self-determination of the people of Jammu and Kashmir have led to the statement of the British Foreign Secretary made in Rawalpindi on November 28 last year. An equally vacillating position on the Farrakka barrage has emboldened India to proclaim that the Ganges is an Indian river. Law and order have broken down, crime abounds and the cup of suffering is full.

These, my Lords, are some of the symptoms of the crisis which should have formed a pan of the Home Secretary's note to his Governor.

If the Home Secretary wanted to salvage the sinking prestige of the Government, he should not have recommended a sweep of arbitrary arrests but should have advised his masters to put an end to loot, to stop in the name of God the marauding plunder of the ruling class, to cease adding new abuses to the armada which plies through the length and breadth of the province in their names, to build no more factories and fortunes with the blood and sweat of the common man and to issue no more licences to themselves and their favourites. If the country is on fire, the Government's own misdeeds have ignited it.

It is the right of every citizen to criticise the shortcomings of the Government ruling the country or the system under which he lives. This is a fundamental political right, the exercise of which is the sign of a free people, and the denial of which the mark of a servile nation.

It is a legitimate function of a political party to advocate changes, even changes of a fundamental nature, even changes of the Constitution, even changes in the social system, even changes in the economy. No political activity is possible if criticism is not allowed. Criticism is a legitimate function of the individual and of a political party.

The Government's attitude is to interpret any criticism that hits the mark as an infringement of the Defence of Pakistan Rules. The country is not endangered by criticism of evils such as corruption and oppressive laws. Public tranquility has been disturbed by repression and not by criticism. The repressive laws are the disturbers of civil peace.

Within the enormous capacity of such an extraordinary law as the Defence of Pakistan Rules, applied in circumstances where it is not applicable, there being no foreign aggressor at the door, almost any word or report displeasing to official ears can be branded as an incitement to violence.

The preservation of public tranquility is a fine excuse. In the situation that has grown in the ten years of progressive deterioration, public tranquility simply does not exist. Peace has been disturbed more often by the deeds of violence of the agents of authority than by the self-defensive reflexes of the people. To blame it on persons like myself who desire to see the root causes removed is sheer perversity.

I am a believer of orderly government, of decent standards of conduct, of social and economic justice, of commonsense, of the happiness of the people that comes from the

full enjoyment of human rights. I know the causes of violence. Discontent is one of them. When the people are contented there will be no public violence on a large scale.

There are very few nations in the world that are so patient, so capable of bearing suffering and injustice, as the people of Pakistan. For ten long years they have endured this regime.

But it must also be said that conditions were not so bad in the beginning of the ten years and there shone a ray of hope, but as the years progressed the conditions became worse and the hope disappeared.

The people have turned against the regime. That is the objective situation. The question of violence and nonviolence does not enter into it at all. Very often a crowd's reaction to police brutality will be violence.

Often recently, the people have been goaded to the extreme. Their children have been beaten up by the police, have been shot at, and have been killed. These are facts. Students have been martyred. I did not incite the police to kill students.

The Government is very sensitive about my influence over students. Perhaps, the young people turned towards me because I understand their problems and sympathize with them. I do not consider that to be horribly wrong.

Anyway; they are part and parcel of our population. They are the flower of our nation, they are the hope of our future. The Government's answer to their demands has been to close all educational institutions.

It is a strange way of dealing with a problem. Naturally, if schools and colleges are not there, the students will not be there and the future generation in Pakistan will be happily illiterate. If public tranquility can be purchased only at that price, it is not worth having.

I submit that the Government has confessed that there is substance and force in the students' demands. The President himself has spoken on the problem. He has promised to amend the University Ordinance. He has admitted in fact that the Government's repressive action against the students was wrong and that the students had very genuine grievances.

If the students were right about their grievances, my action to support them could not have been wrong either. This is admitted by the President himself by his so-called concessions.

In his Eid-ul-Fitr message to the nation on 22nd December, 1968, President Ayub Khan said:

*"We must not allow misunderstandings, misgivings, doubts and suspicions to divide us. Above all, we must learn to respect the feelings and sentiments of others. Disagreement of views must not lead to acrimony or violence."*

These noble sentiments would become more admirable if these were put into action. But the Government does the opposite. It taunts, insults and abuses.

It sends its hirelings with swords to assault me in a public meeting in Multan and has physical injuries inflicted on me in another public meeting in this city.

In broad daylight, with police connivance, it has forcibly stopped me on the national highway to attack me with hatchets, and armed marauders are sent to my village.

Not satisfied with such orgies of violence, Muslim Leaguers of Multan were reprimanded by the Governor of West Pakistan for not dealing with me adequately during my visit to that region.

One individual in that gathering had the temerity to tell the Governor that they did everything that lay in their power short of killing me.

This is a fine way to learn to respect the feelings and sentiments of others or to prevent acrimony and violence over disagreement of views. If this is to be the code of conduct, why then have I been made to suffer for no reason other than my political differences with the regime?

Incompetent rulers do not understand how the mainsprings of history move and therefore attribute their difficulties to the machinations of the person they least like. If the students give trouble, they imagine there must be somebody inciting them.

Young people and students in particular, seem to have, in a given situation, the historic function of expressing the desire for radical change; but the reaction of the rulers is to repress the students in the hope of suppressing the possibility of change.

The Government wants people to believe that all is well and that it is a wonderful state of affairs except for a few agitators and rabble-rousers who are leading the ignorant and illiterate people astray.

The true reasons why I have been persistently harassed by the Government and finally arrested and thrown into prison are two:

- i) The fear that I might take the Tashkent affair to the people of Pakistan for their verdict; and
- ii) The fact that President Ayub Khan believes that I am his most powerful rival for the Presidentship because I enjoy the confidence of the people whereas he does not.

I have been arbitrarily thrown into jail on account of the differences I developed with the regime over the ceasefire and the Tashkent Declaration. My speeches and the circumstances attending them are not the causes for my detention in jail.

My detention is to prevent my bringing to public knowledge how and why the Tashkent Declaration came about. The Government cannot afford to let the truth be known because if it were, the President would certainly not be elected for a third term no matter what devices he employed.

By confining me in jail and so removing me from the political arena he believes he is ensuring his own continuance in the Presidential office. That is the true reason for my detention and not the trumped up charges in the memorandum of grounds of detention. It is in bad faith that the charges have been made against me.

Serious differences arose between me and the President during and after the 1965 war and subsequently at Tashkent. Before leaving the Government in the unusual circumstances ascribed to my perfectly good health, the President summoned me to his residence on the evening of 16th June, 1966. At first the President was pleasant.

He praised my services to Pakistan in extravagant terms. As a token of his appreciation he wondered if I would accept an ambassadorial assignment "to France or any other place of my choice on specially worked out terms.

I thanked the President for his offer but declined it. I told him that after eight years of service as a Minister in an eventful period, I wanted to return to my lands before deciding upon my future course in public life.

The President thought it to be a good idea and graciously suggested that I should set up a sugar or a jute mill at Larkana. He went on to assure me that the Government would extend every facility for the project.

I again thanked the President for his solicitude and told him that I would still prefer to confine my activities to an occupation which had engaged my family for generations. Thereupon, the President changed his tone.

He reminded me sternly that as a young man born with a silver spoon in my mouth, I had not suffered the buffets of life to know what they meant. For this reason he said that he thought it necessary to candidly warn me that there will be trouble if, on my return to Pakistan, I dabbled in politics.

To make things perfectly clear, he proceeded to tell me that I should remember that if I incurred his enmity, he would follow me to the grave.

Refusing to submit to intimidation, I told the President politely that my decision to take pan in politics would be influenced by national interest and not by threats.

On getting this unambiguous reply, the President reverted to his initial attitude and suggested that there was no hurry to thrash out all matters in one day. He ended the conversation by saying that these matters would be discussed on my return from Europe.

A number of our Ambassadors in Europe made sedulous efforts to prevail upon me to accept the President's terms. According to them, I was young enough to forget politics until the post-Ayub period.

Their advice took many shapes. Mr. Abdur Rahman Khan, our Ambassador to the Federal Republic of Germany and the President's brother-in-law, was the most persistent in his plea for reconciliation.

On my return in October, 1966, I stopped in Kabul for a few days. There I received a message from Mr. Ayub Awan, Director, Intelligence Bureau, requesting me to dine with him during my stay in Rawalpindi. On my arrival in Peshawar, Mr. Anwar Afridi, D.I.G., Police, met me at the airport to confirm my acceptance of Mr. Awan's invitation. A day after my arrival in Rawalpindi, the late Mr. Altaf Hussain, who was then Minister for Industries and with whom I had been on good terms, came to my hotel to see me for what he called '*a heart to heart talk.*' He brought what he thought was "*a reasonable proposal*" which I should accept. The proposal was that as "*a concession*", I could remain in active politics provided I avoided one or two sensitive subjects and gave a categorical undertaking that I would not personally contest the Presidential election in 1970. I told Mr. Altaf Hussain that the elections were far away and that I could not give him an assurance of the nature sought by him.

The same evening during his dinner, Mr. Awan put forward a number of intriguing proposals. I was advised to continue playing a prominent part in the Pakistan Muslim League with freedom to make constructive public speeches on foreign affairs but excluding the war and Tashkent. According to him the arrangement would be like that of being an unofficial adviser to the President. It would involve my going to some countries on special assignments as the President's emissary. I declined the proposals of the D.I.B. Before leaving Mr. Awan warned me to beware of consequences.

In November, 1966, whilst the President was on a state visit to England, on my return from a visit to Dacca, I stopped in Lahore. Mr. Akhtar Ayub, the President's eldest son, called on me in my hotel twice on the same day and pleaded for a rapprochement. He informed me that Governor Musa was anxious to invite me for this purpose and had asked him to ascertain from me if I would accept his invitation before extending it formally. I told Mr. Akhtar Ayub to tell Governor Musa that he and I had worked together for eight years and that there was no need to stand on ceremony.

When I met Governor Musa, after he had advised me to patch up with the President on his return, he requested me to avoid speaking on Tashkent. To paraphrase his words the Governor said that it was all a matter of the past and so what was the point of speaking on this touchy subject? After all the President was human; how was he going to take this sort of thing? I told Mr. Musa that I had worked long enough with the President to know perfectly well how he handled people who had incurred his displeasure, but this notwithstanding, there were certain matters which simply could not be concealed from the nation, and Tashkent happened to be one of them.

The next initiative came again from Mr. Akhtar Ayub and his younger brother, Tahir Ayub, on or about the 6th of April, 1967, when they came to my house in Karachi to make another attempt for a compromise. When I chided them for speaking without authority, they stated emphatically that they would not have dared to come to my house and spoken on the subject without their father's approval.

Mr. Rizvi, the present D.I.B, followed suit with yet another approach in May, 1967, when he called on me at Karachi to impress on me the need for the President to have another term in 1970. A month later, he pressed the point further when he met me again in Lahore a day before I addressed a mammoth public meeting in Gol Bagh, which the Government arranged to disrupt violently a few minutes after I began my speech.

The threads were once more picked up by Mr. Abdur Rahman Khan, the Ambassador in Germany, when in August, 1967, I visited Bonn. A year later, in May, 1968, Mr. Rizvi met me again at my residence in Karachi for the purpose Mr. Abdur Rahman Khan had pursued earlier in the summer of 1966 and 1967 and which he tenaciously continued to harp upon when he saw me again in Bonn in August, 1968.

All the initiatives persistently taken by the Government in the last two and a half years have centred on a determined attempt to:

- i) Restrain me from making a political issue of the ceasefire and the Tashkent Declaration; and
- ii) Get a categorical assurance from me that I would not contest the Presidential elections in 1970.

As it became increasingly evident that I would not succumb, the intensity of the victimization rose correspondingly to a point where it has become savage. The only EBD Oed politician to be made a Minister is from my district. He has been given Home Affairs to bring me to heel.

Rather than cataloguing every detail of the way I have been hounded, for the convenience of the Court, I shall confine myself only to the salient forms of victimisation employed against me by the regime:

- a) Violent physical attacks on my person;
- b) Efforts to deprive me and my family of our property rights;
- c) Involvement in false cases and interference with the administration of justice in their determination;
- d) Personal harassment by other means;
- e) Interference in my political activities and victimisation of my political supporters;
- f) Harassment of my friends, family members and employees;

g) Maltreatment in jail even while in the Court's custody.

I now proceed to state a few instances under the categories mentioned above.

(a-i) While addressing the Gol Bagh meeting in June 1967, electric wires were severed and simultaneously the ground was flooded with water in order to give electric shocks to the people assembled there. Flower pots and brickbats were thrown from different directions and particularly from behind the dais. Two brickbats injured me in the head and a flower pot hit me on my left shoulder. While I was trying to leave the place some hired goondas pushed me towards a barbed wire fencing which caused me more injuries. While all this was happening, no attempt was made by the authorities to restore order. On the contrary, the police force, heavily augmented before the meeting started, suddenly vanished.

(a-ii) I was given an unprecedented reception when, after the formation of the Pakistan People's Party, I visited Multan in January, 1968. The Government was determined to sabotage the success of my mission in Multan Division. It left no stone unturned to achieve this nefarious design. Stalwarts of the Muslim League were mobilized and hooligans hired to create trouble. I was scheduled to address a select gathering of the citizens of Multan at the Shezan Hotel. Under police protection the goondas who had gathered there under orders to disrupt the meeting threw brickbats and stones for well over thirty minutes. They were armed with daggers and pistols. Extensive damage was caused to the hotel. The police did not interfere until the large crowd which had gathered to welcome me intervened to drive away the goondas.

(a-iii) On the following day I was scheduled to address the Khanewal Bar Association. Along with my supporters I left Multan in the morning. On my way at Qadirpur Rawan about 25 hired goondas forcibly stopped our motorcade. They were armed with hatchets and knives. They brandished their weapons at me in a menacing manner. They slit open the tires of four or five of our cars. On being compelled to get out of my car I saw a police inspector in the company of a number of constables standing nearby. They took no steps to check the armed marauders. After reprimanding them for taking no action to protect us against the assault I changed my car and took a circuitous route and reached Khanewal with considerable difficulty.

(a-iv) On the third day I was to address a public meeting at Qasim Bagh, which the Government was resolved to disrupt. Accordingly, the minions and servants of the Government were planted at different places to disrupt the meeting which was one of the largest in the history of Multan. One contingent had been placed to block the entrance to the Fort, the venue of the meeting. On discovering this, my supporters took me to the stage through a breach in the ramparts. When the hirelings at the entrance learnt that I had succeeded in reaching the stage, they began to beat the crowd with lathis. The crowd thwarted their efforts and they were made to flee. After I had spoken for a few minutes another batch planted in the midst of the crowd started beating the people with hockey sticks and dandas in order to disperse them. When this effort also failed, a third batch led by a notorious goonda of Multan, planted close to the stage, started brandishing swords, daggers and knives to terrify the people. Swinging the swords, they advanced towards me

step by step. Two of them who came close to me hurled abuses at me and shouted that my end was near and that I would not leave the place alive. I was saved by a part of the mammoth crowd which attacked them from behind when they were a few yards from me. In the melee a few hirelings, as well as some of the crowd assembled, sustained serious injuries. The top echelons of the administration consisting of the D.I.G., D.C., S.P, and others watched this pandemonium from a vantage point in the Fort but did nothing to intervene. After the people had successfully dealt with the disruptionists the police arrived on the scene to remove only the injured hirelings who were promptly admitted to a hospital. Those injured from among the crowd were neither assisted by the police nor given admission to hospital.

(a-v) About eight months ago some strangers were found loitering about in my village. Having aroused suspicion some of the villagers kept a watch on them and followed them to a tea shop. When they spread out a plan of my house on the table, the persons who had followed them pounced on them and seized the plan together with grenades and pistols which were found on their person. They were taken to the police station where they were handed over along with all the seized material. Apparently on instructions from his superiors the Sub-Inspector released the persons. The incident appeared in the newspaper 'Comment' under banner headlines. It has not so far been contradicted.

(b-i) Large agricultural holdings were surrendered by me and my family under Land Reforms but, on the false application of certain people goaded by the Home Minister to harass me, a number of enquiries have been held with the object of dispossessing my minor children of their agricultural property. Three Deputy Collectors of Larkana have conducted four different enquiries in the same matter and found the allegations to be without foundation. Despite their findings the Deputy Commissioner, Larkana, and Commissioner, Khairpur, have repeatedly insisted upon fresh enquiries pertaining to our property and these have been conducted by revenue courts in which lawyers have appeared, statements recorded, witnesses examined and documents scrutinized. Copies of the court's findings have been refused to us. Not only that, the Anticorruption Department has been ordered to conduct separate enquiries into the same matter, not on the basis of any F.I.R, filed by any allegedly aggrieved person but upon an F.I.R, filed in Larkana by an Inspector of Police from Hyderabad. The Home Minister has repeatedly made public pronouncements stating that I have usurped lands of poor tenants, which is contrary to the facts as confirmed by the findings of the revenue courts and the orders of the Land Reforms authorities. The charge has been made with the dual purpose of maligning me and interfering with the administration of justice.

(b-ii) On April, 1968, a score of Government officials from Lahore and Hyderabad were deputed to camp at Larkana and to seize all documents and records relating to the properties of my entire family, including my uncles and cousins, with the sole purpose of devising ways and means to deprive us of our properties.

(c-i) Until the Government removed the restrictions on the movement of rice in October, 1968, the policy was that after fulfilling its procurement target the Government issued permits for the sale of rice. Except on one or two stray occasions when the Government was in emergent need, our rice crop of 1967 was neither being procured nor released for

sale by permit. This being our main source of income, we were threatened with acute financial hardship until, as a matter of general policy, the Government withdrew restrictions on the movement of rice in October, 1968.

(c-ii) The Home Department of the Government of West Pakistan took ex parte action to rescind notifications exempting me from licences for holding arms. In pursuance of this action, the Home Secretary ordered the confiscation of all my weapons, including those covered by licences and the award of Hilal-i-Pakistan, as also some decorative weapons and weapons of antiquarian value outside the scope of the Arms Ordinance. The High Court at Karachi declared all these actions of the Government to be without lawful authority. As held by the Hon'ble Court, illegal orders amounting to virtual confiscation of the arms were passed by the Home Secretariat. Even during the pendency of the proceedings before the High Court, attempts were made by way of an application supported by an affidavit of the Home Secretary to obtain the vacation of order of status quo so that my arms could be seized by the Government prior to the decision by the Hon'ble Court. Not only that but even after the order of status quo by the High Court, D.S.P. Qadri, incharge of the tractors case, came to my residence and had the temerity to order that I hand over all the weapons to him.

(c-iii) The Government decided to involve me in cases one after the other so as to bring about my submission and, at the same time, to keep me so occupied with the defence and pursuit of these cases that I would not be able to devote my attention to political affairs claiming priority in the country. The institution of the notorious Tractor Case is also a relevant fact exposing the mala fides of the Government's dealings with me. Certain novel features of this case which have already received scrutiny and observation by the High Court at Karachi should leave no doubt whatsoever that the Government will go to extremes to secure my political annihilation. The allegations branding me as a common cheat and abettor of forgeries relate to the period when my humble services to the nation were appreciated in the form of the conferment upon me of the high civil award of Hilal-i-Pakistan and my efforts during and after the Indo-Pakistan war of 1965 were appreciated by the nation, including President Ayub Khan and the Chief Justice of Pakistan. In this case the Government servants who turned approvers for the state were not only continued in service but given promotions. Although the case was instituted in August, 1967, on the basis of a direct complaint to the Governor of West Pakistan by a total stranger, it is significant that the charge sheet in this case was presented only on 1st November, 1968. The court had been pleased to fix the first hearing on 15th November when I was required by law to be present but was prevented by my arrest on 13th November. Thereafter, in spite of a warrant issued by the court for my production on 14th December, no steps were taken by the Government to comply with the order of the court. On the contrary, this warrant was deliberately disobeyed by the Superintendent of Jail, Sahiwal.

(c-iv) In the charge sheet, I was described as an absconder although my whereabouts were well known and widely publicized. In addition to the deliberate disobedience of the production warrants, adjournments are being sought by the Government on frivolous grounds. At one hearing an application was moved by the police to transfer the case from Sukkur to Larkana on the ground that all the accused and witnesses belonged to Larkana.

Originally an F.I.R, was lodged in August, 1967 but certain accused persons were granted bail before arrest. To frustrate this order, a second F.I.R, was filed giving the same facts and some of the accused persons were arrested. During confinement they were asked to make false confessions to involve me. At least two Government servants have been made approvers, and one of the approvers has been given a promotion. To give your Lordships an idea of the merits of this case I would like to state that in August, 1968, while in Lahore I received a message from the D.I.B., Mr. Rizvi that if I toned down my criticism of the Government, this and other cases would be withdrawn.

(c-v) After the registration of the Tractors Case, the Home Minister, West Pakistan, declared at a press conference at Karachi in December, 1967, that there was a “cast-iron case” against me. Subsequently, in early 1968, in a speech at Dadu, he said that I will have to prove my innocence. On various occasions during the investigation he has made false and damaging statements presupposing my guilt.

(c-vi) A trust established for education of poor students by contributions raised by my efforts has been taken over by the West Pakistan Auqaf Department and the Home Minister has made some malicious and incorrect statements on the merits of the case during the pendency of my writ petition.

(c-vii) Recently, I have been informed that even during this period to make things “doubly sure,” to use the Home Secretary’s words, and to indicate the Government’s methods of dealing with me I have been involved in another false criminal case in which I am alleged to have abetted a crime under section 307 of the Penal Code (d) & (f) (i). Repeated enquiries by revenue officers of my district on admittedly false and frivolous applications and their refusal to even grant me copies of these proceedings is a matter which is being adjudicated upon by the Hon’ble High Court at Karachi.

(d-i) The manner and the circumstances in which I was summoned by the police at Karachi to appear before them is also relevant and it is noteworthy how this news item was given wide publicity in the controlled press.

(d-ii) Instructions have been issued to officials of my division and district to keep away from me, to neither meet me nor entertain any matter raised by me relating to my public and private functions as a citizen, so much so that a Deputy Commissioner of Larkana, the only official I met on my initiative since leaving office two and a half years ago was transferred forthwith.

(d-iii) Only a couple of days after the National Assembly of Pakistan passed the bill relating to secrecy of bank accounts, the district authorities demanded from my bankers, access to my accounts. In spite of my protests to the officials, including the Governor of State Bank and the Central Finance Minister, the illegal efforts continued unabated until finally an ex parte order was secured from the Sessions Court at Larkana.

(e-i) My cousin, Mumtaz Ali Bhutto, M.N.A, and other relations were directed from time to time that if they did not dissociate themselves from me they would suffer serious

trouble. Following these threats, a number of false cases have been filed against my cousin and his tenants and servants. Eventually he was detained under D.P.R, on 13th November, 1968, without any grounds. Mushtaq Ali Bhutto, a young nephew of mine, has been persistently troubled by the authorities and was detained under Maintenance of Public Order Ordinance in November, 1968.

(e-ii) Since my departure from the Government over a hundred persons connected with us have been troubled, detained and beaten in jails.

(e-iii) Due to his personal friendship with me Mr. Ghulam Mustafa Khar, M.N.A, has been involved in a number of criminal cases, including a dacoity case the subject matter of which was forcible lifting from his own lands a few maunds of the tenants' share of the cotton crop. Some time ago, until released by the Sessions Court, he was illegally confined by the authorities in Multan. So persistently he has been pursued that on a previous occasion the Hon'ble High Court while granting him bail before arrest in another matter observed that bail granted to him shall hold good for all cases in which he is wanted. He has been repeatedly told by the authorities and by his party leaders that his persecution would immediately stop and that he would be abundantly rewarded if only he ended his friendship with me. His detention under Defence of Pakistan Rules on November 13, 1968, has already been declared by this Hon'ble Court to have been without lawful authority.

(e-iv) Another member of the National Assembly from Sind was harassed for his friendship with me until it was thought that he had mended his ways. He was warned to keep away from me to avoid trouble in the future.

(e-v) Similarly a number of members of the Provincial Assembly from Sind, including influential leaders from that region, have been clearly warned to have nothing to do with me. Some of them are kept under perpetual surveillance and on occasions they have come under a cloud for meeting me socially.

(e-vi) It is not possible to recount each and every detail of the way in which my political supporters and friends have been harassed and victimized. The general attitude of the Government in this regard has become a matter of public knowledge. To give only an idea to this Hon'ble Court a few instances are narrated. (e-vii) When the Pakistan People's Party, was being formed an attempt was made to set fire to the site where the stage was constructed for the Conference. This was at 4K Gulberg, Lahore.

(e-viii) I have separately submitted the attempts made by the Government to disrupt my meetings at Lahore and Multan. Indeed, wherever I have spoken impediments have been placed by the Government. Permission for loudspeakers has been refused, prohibitory orders under Section 144 Cr. P.C, have been indiscriminately applied and provisions of Section 144 Cr. P.C, misused. The whole administration has been geared to prevent me from reaching the people.

(e-ix) In Dera Ismail Khan, a Minister of the Government was deputed to use violence and break Section 144 to prevent my visit from being successful. False press notes have

been issued by the Government and the entire information media has been geared to give false accounts of my political activities and objectives. In violation of the traditions of the civil service, deputy commissioners and other officials have made political and partisan comments in the press against me directly and by innuendo. The Governor of West Pakistan has indulged in abusive and vitriolic language against me. (e-x) On my arrival in Rawalpindi by car from Sherpao on 7th November, 1968, I was greeted on the road by a large crowd of students of the Polytechnic, a couple of miles ahead of their Institution because the police had closed the highways leading to it. When I arrived at the Hotel Intercontinental I found the whole Mall area thick with tear gas smoke. I was told that a number of students who, having come out of the Gordon College in a procession to protest against the seizure of their purchases at Landi Kotal, had gathered in the lawns of the Hotel Intercontinental, from where, without any provocation, they were suddenly and mercilessly beaten up and chased away. About one-and-a-half hours after my arrival in the hotel, I received a telephone call from the Polytechnic informing me that the police had opened fire there resulting in the death of a student, Abdul Hamid. I was told that the students were insisting on taking the body in a procession to the President's House and that they wanted me to lead the procession. I advised the students to do nothing that might aggravate the situation. I fervently appealed to them to restrain their feelings and not to exacerbate the tension. I tried to send some of my partymen to the Polytechnic Institute to explain to them the need for discipline in a crisis created by the Government. They were unable to meet the students because the institution was sealed off by the police. On 8th November I left Rawalpindi by car at about 3.00 p.m, for Pindi Gheb to offer condolences to the family of Abdul Hamid. Mr. Khurshid Hassan Meer, Advocate, the Chairman of People's Party of Rawalpindi District, accompanied me. The following morning he was arrested at Rawalpindi. When he was granted bail by the Sessions Judge which order was confirmed by the High Court later, he was again detained on the 10th of November under an order rescinded during the hearing of his writ petition. This briefly indicates the Government's attitude towards my party and my partymen.

(f-i) A member of the Principles Committee of my party, Dr. Mubashir Hasan, was arrested on the ground that he was "creating disaffection against the Government." Two influential members of the National Assembly, one of whom is a relative and the other a friend, were arrested merely because they were seen in the Gordon College, Rawalpindi. In this fashion, a sweep of arbitrary arrests was made on 13th of November and subsequently.

(f-ii) I was arrested in the early hours of November 13th at Lahore from the house of Dr. Mubashir Hasan, a member of the Principles Committee of Pakistan People's Party, with whom I and Mr. Mumtaz Ali Bhutto were staying. A few minutes after my arrest Mr. Mumtaz Ali Bhutto and Dr. Mubashir Hasan were arrested and Begum Mubashir was put under house arrest. I was taken to Mianwali Jail where I arrived at about 7 a.m. After a thorough search of my person and belongings, my papers and books were confiscated although by law I was entitled to keep them.

(g-i) I was confined in an old cell full of rats and mosquitoes, the charpoy was tied to a chain There was an adjoining little room meant for toilet purposes. But it was so dirty that it was repulsive to enter it. The food consisted of two chappaties made of red wheat

with dal which had stones in it or two tiny pieces of meat. A strong light shone for 24 hours throughout my stay there making sleep at night extremely difficult.

(g-ii) I was kept in solitary confinement. When I learnt that the High Court had granted my lawyers permission to meet me I immediately asked for some paper to enable me to make notes for my meeting with them. Despite my repeated request writing paper was not given to me until the afternoon of the 18th November.

(g-iii) My letters and telegrams were not delivered to me. Except for the Pakistan Times and Mashriq I was not provided with any other newspapers. As the Hon'ble High Court ordered that all detenus should be kept in one jail, on the evening of 18th November I was taken to Sahiwal where I arrived in the early hours of 19th November.

(g-iv) Makeshift arrangements were made at Sahiwal for my detention where I continued to be kept in solitary confinement. Here instead of the rats the room was full of bats and, to avoid them, I had to sleep with a towel on my face. The mosquitoes and flies were in legion. The bathroom was separate from the cell and was shared with others. The practice in jail is to provide Class I and II detenus with a convict for personal service. The convict provided to me was told that he would be skinned alive if he spoke to me.

(g-v) Unlike at Mianwali, this man was not even provided with a kitchen knife to prepare my meals. Again unlike Mianwali, where my cell was locked about 8.00 in the evening, the food was as inedible and insufficient as at Mianwali. I showed the two tiny pieces of meat constituting my meal to Sheikh Rashid, Advocate, when under orders of the High Court he interviewed me.

(g-vi) Contrary to law, I was not permitted the use of a radio or to make private arrangements for my meals. I addressed about five or six applications to the authorities protesting against the illegal conditions of my detention which were neither controverted nor was any action taken on them. I pointed out in these applications that as Class I detenu, by law I was entitled to certain facilities which were being deliberately and maliciously denied to me.

(g-vii) In spite of the fact that my cousin and friends were in the same jail, we were not permitted to meet each other. Not only that, we were not even permitted to exchange reading material. None of the other inmates were permitted to meet or see me. Virtually the whole place was vacated when I had to leave my ward to meet my lawyers in the office of Superintendent.

My mail was tampered with and important letters not delivered to me. The only letters I received were from my children, letters from the general public and Eid greetings.

(g-viii) In spite of the above illegalities the Government issued a false press note stating that I was well looked after and that I had no complaints. I protested in writing against this false press note as soon as I read it and reiterated my earlier complaints that I was being kept in solitary confinement and denied other facilities in violation of law.

(g-ix) When the court graciously took cognizance of my complaints, a false affidavit was filed by a highly responsible Government official. It was also admitted by the Superintendent of Sahiwal Jail before this Hon'ble Court that under orders from his superiors I was not allowed to meet any one.

This is the manner in which I have been pursued by the Government. I was a minister of the Central Government for eight years and the Foreign Minister of Pakistan during the time of war. My services to the country won the appreciation of friends and the envy of our opponents.

The distinguished Bertrand Russell, whose whole life has been a glorious struggle against oppression said in a letter to the Economist of 3rd September 1966, under the caption Ayub's "Rival: Your attack on Mr. Bhutto (August 20, 1966) should be placed in context of Bhutto's sin in Western eyes is that he was an important figure in conceiving an independent policy for Pakistan, placing it in the context of Afro-Asia and outside the rank of countries which are dominated by the United States.

"The fate of national leaders who respond to the needs of their people is increasingly clear unless they find the means to resist the pressures applied to them, in which case journals such as the Economist attach unpleasant labels to them. Mr. Bhutto is a national leader of his country in the tradition of Jinnah, and the storm of prolonged applause which he receives is not restricted to London. There are many who wish him well and who admire his role in working for an independent policy for his country consonant with the social aspirations of the peoples of Africa, Asia and Latin America."

President Ahmad Soekarno who rendered unparalleled assistance to Pakistan, while conferring the Order of the Republic of Indonesia at a ceremony in the Merdeka Palace in Jakarta on the 20th of April, 1966, said that it was an honour for him to confer the Order on me in recognition of my "great services to the friendship of Indonesia and Pakistan." He concluded by saying that I was "a great freedom-fighter and great worker for Afro-Asian solidarity."

In April, 1965, President Mikoyan of the Soviet Union, a great power that was hostile to Pakistan until I went to Moscow in 1960 to conclude an agreement with that country, praised my services to Pakistan at a meeting in the Kremlin, in the presence of the Soviet and Pakistan delegations. He told President Ayub Khan that "Mr. Bhutto is a remarkably intelligent person" and that my "youth and energy were a tremendous source of strength to President Ayub Khan and to Pakistan." President Mikoyan congratulated President Ayub Khan for inclusion in his Cabinet a Minister of my 'calibre.'

At the age of 34 in August 1964, the high order of Hilal-i-Pakistan was conferred upon me. While conferring the award in the presence of Muslim League leaders assembled at the President's Guest House at Rawalpindi President Ayub Khan advised the youth of Pakistan to emulate me.

I mention this in passing, not in vainglory; but only to show how wrong world leaders and President Ayub Khan have been about my place in Pakistan. In the judgement of the

regime, my place is in the cell of a prison which the Government of West Pakistan's own press note of December 13 1968, described as a jail reserved for notorious and habitual criminals. According to the regime's evaluation my place is there, in that worst of all jails in West Pakistan, to languish there in solitary confinement, denied the ordinary facilities permitted by law.

My Lords, in the year 399, before the Christian era, Athenian rulers condemned a philosopher to death for having led astray the youth of the city. Socrates was given hemlock to drink.

And that is probably why the Home Secretary has stated in his note to the Governor:

*“Mr. Z. A. Bhutto has chosen to be on the warpath. For the furtherance of his vindictive designs against the present regime, he has been publicly talking of violence, bloodshed and revenge.”*

How ironic is this statement?

Since my departure from Government, I have been engaged in a struggle for survival. My family has been made to live like outcasts. The ostracism is so complete that even doctors, summoned to attend on my minor children, have been interrogated.

If foreign envoys meet me, demarches are addressed to their Governments. The lawyers engaged to defend me are threatened. Friends have been warned to keep away and servants intimidated to become informers. The secret police dogs every footstep of ours. Officials have been encouraged to create trouble for us and warned against attending even to our routine needs as ordinary citizens. The worst type of subordinates have been posted in our Tehsils to cause day-to-day harassments and to keep the doors of the administration barred in our face.

Independent of the high offices of state held by me and the honours bestowed on me, in my own right I was entitled to respect and consideration. For generations, my family has rendered distinguished services to Sind, undivided India, and after partition to Pakistan. This is a matter of history and not a leaf out of the fairytales now being written as district gazetteers.

I cannot be said to be on the warpath when false criminal cases are fabricated and the regime seeks to degrade me by summons to police stations by petty officials. This is not the way we are to “learn to respect the feelings and sentiments of others” to quote President Ayub Khan. Indeed, throughout the month of September I was literally pestered by the police. The month of September, therefore, is significant for more reasons than my speech at Hyderabad.

When I spoke at Hyderabad on September 21, under the shadow of intense persecution and humiliating affronts, my declaration to speak on Tashkent at Lahore on an appropriate occasion and my decision about the elections, unnerved the Government. Soon after, I had spoken I was unexpectedly contacted by the Home Secretary, Mr. Ayub

Awan, through a mutual friend who told me that Mr. Awan wanted to meet me urgently. When we met the same evening at the Sind Club, Mr. Awan wanted to ascertain finally from me personally if my announcement at Hyderabad was an irrevocable decision. Thus, neither my tour of the Peshawar region nor my remarks twisted and torn out of context are the reasons for my arrest.

The Government has put me in jail because of the elections after it was convinced that it could not succeed in making me relent on my political obligations. I had to be removed from the scene because at Hyderabad, I announced my decision about the elections. Once it was ascertained, a suitable opportunity had to be found for taking action against me. The recent tension, which was deliberately aggravated by the Government came to the Government's rescue as an ideal pretext.

The unscrupulous effort to build a false criminal case against me and to compel Government servants to become approvers was done with the same purpose. The object was to secure my disqualification from taking part in the elections by a conviction in a criminal court. The snag in this scheme developed as it became evident that time was running out. It was felt that a mere registration of a case of this nature might not interfere effectively with any political activities which had to be curbed in view of the coming Presidential elections. So another device had to be quickly found to remove me from the political scene.

In its desperation, the Government seized upon the present crisis not as a cause, but as a pretext to get me incarcerated by using the Defence of Pakistan Rules.

If the Government took exception to my address at the Hyderabad convention and not to my announcement about the elections, it should have ordered my arrest under substantive law on or about September 21 at Hyderabad and not on November 13 at Lahore.

This was not done because there was nothing for the Government to feel disturbed about my remarks other than those relating to the elections and it needed time to find an excuse to frustrate my announced intentions. Otherwise a man, who 'preaches bloodshed, revolution and the forcible overthrow of Government', is not allowed to continue his political mission from one part of the country to another.

I completed my tour of the Peshawar region and was not apprehended earlier because the reason for my arrest related only to my announcement about the elections and had nothing to do with whatever else I said at Hyderabad and in the northern region.

All that the Government did to prevent the call for revolution that I am supposed to have signalled at Hyderabad on September 21 was to send Mr. Ayub Awan, the Home Secretary, to Karachi to verify from me about my decision relating to the elections and not about any call by me for a bloody revolt. Governor Musa was dispatched to Hyderabad not to see whether any barricades had been put up by me in the streets of Hyderabad but to confront me politically with a speech on October 10th in the Darbar Hall. As is customary, Mr. Musa's tirade was picked up by a chorus of Ministers and by the controlled press. Finding that my speech was not legally actionable, the Government

chose to deal with it on the political level and maintained this approach for over a month. Not only did the Government not arrest me immediately after I had spoken at Hyderabad but it encouraged a political discussion on my speech. To arrest me nearly two months after I had “preached open rebellion against the Government” does not make any sense unless the reason for my arrest is different. I cannot be arrested for the current disturbances because, as I have endeavoured to show, the present crisis is not of my making. The Government is responsible for it. The disturbances taking place here have spread to East Pakistan. The sudden explosion that has taken place in Pakistan is due to the eruption of the people’s pent-up hatred against the regime. I cannot be held accountable for it and for that reason the grounds furnished for my arrest in this connection are not maintainable. None of them can stand the strain of objective scrutiny. There is no connection between my visit to Hyderabad and what followed later in the northern region. It is not enough to say that there was a plan to connect the events. There was no plan. There is no conspiratorial link between my activities in Hyderabad and Peshawar regions. Not only that, there is no plan to create disturbances in the country. The Government is trying to use the present situation as a pretext for my arrest to influence the course of events leading to the decision recently taken at Dacca to boycott the Presidential elections.

The Government knew that on my return from East Pakistan I intended to make an important declaration about the unity of the opposition parties and about the elections. It was known that I was to leave for East Pakistan shortly before the Ramzan. That is why the Government pressed the present crisis into service and arrested me before I could undertake my important tour of East Pakistan on which depended some crucial decisions of far-reaching political importance to the country. It is clear from the detention order which as a concluding ground for my arrest states inter alia, that the action against me is being taken to prevent me from touring other parts of Pakistan.

Revolution does not mean bloodshed but this regime can think of nothing else. On several occasions the opposition has been threatened with bloodshed. Recently in Rawalpindi a Vice-President of Muslim League of Islamabad after wounding a journalist with pistol shots in the presence of the police struts about fearlessly in the streets of the capital of Pakistan. A student leader of Rawalpindi was beaten up by thugs. A banner bearing the ‘Kalima’ was torn to shreds as if Pakistan was a Jan Sangh state. The President has repeatedly threatened bloodshed. In the last Presidential election, on the eve of the ballot, the army was brought out on the streets. In April, 1966, in a speech to Muslim Leaguers at Dacca the President left no doubt that he would employ the “language of weapons” against his opponents. On the 30th of December, 1960, the President made some revealing comments in an address to Muslim Leaguers gathered in Lahore from all parts of West Pakistan. In covering the political spectrum, the President told his votaries:

“Those who want to disrupt this system must realise that if it goes there will be civil war in the country.”

A clearer call to arms has not been made by a Head of State. This clearly amounts to inciting cohorts to follow the example of the Islamabad Vice-President of their party.

This threat of civil war has not been made in a vacuum. It has roots in the regime's psychosis and its deeds spread over ten years. We know that henchmen are being armed and that other preparations are also being made for the purpose. Is the regime's glorious decade to be summed up in a tragic fratricidal war? Is the bitter harvest of the "era of development" to end in another Spain or Nigeria? Was it to be the purpose of Pakistan that Muslim should kill Muslim and to repeat a Karbala in the twentieth century? If this is not so, why is the regime issuing a clarion call to arms? A civil war asunders a people. After thirty years, Spain is still cleaning the blood stains of civil war and Nigeria has turned into a nightmare. In a revolution a whole people unitedly rise against tyranny. In a civil war, people turn against each other and the agony lasts for ever. The President can use naked force and threaten us but we are not permitted even to warn the people against this.

On the one hand, the regime threatens civil war and, on the other, it reminds the people of "Unity, Faith and Discipline." The present crisis has made the Government more conscious of the memory of the Quaid. In another message to the nation on December 25th, 1968, President Ayub Khan said:

"The Quaid-i-Azam's motto of Unity, Faith and Discipline is of abiding relevance. Those who are engaged in politics must subordinate their thoughts and conduct to this motto."

For the philosophy of the Founder of Pakistan to be popularly understood, it is relevant to enquire in what context is President Ayub Khan preaching "Unity, Faith and Discipline" to the politicians? Nobody engaged in the present movement is against Islam. There is no dispute over Faith. There is, nevertheless, a sharp difference between the people and the regime over the meaning of Unity and Discipline. There is the unity of a free people who unite to protect their freedom. There is the unity of a people who struggle for freedom and ideals. People unite against external aggression and internal despotism. But there is another kind of unity also. The ancient Romans called it "Pax Romana." The British sought to maintain it for their "Raj." This is the unity imposed by foreign domination or by internal dictatorship. From legendary times slaves have united to become free and free men have united in the defence of freedom. People unite willingly for freedom and not for exploitation: for equality, not for domination. Little wonder that the Muslims of the subcontinent displayed a magnificent unity against the domination of the British and the exploitation of the Congress. They united for Pakistan, that is, for freedom and equality. Muslims from all parts of the subcontinent joined in the common struggle, not because the Muslims of Hindu India were to become a part of Pakistan, but because the struggle meant freedom, irrespective of the consequences. That was the concept of Unity the Founder of Pakistan preached to the Muslims of the subcontinent: Is the President's appeal for Unity addressed to a free people struggling for an ideal? Is it for self-determination of Jammu and Kashmir or for joint-defence? Unity cannot be demanded against the Farrakka Barrage because the Government is negotiating with India in spite of India's proclamation that the Ganges is an Indian river. Are the people being asked to unite against adult franchise and fundamental rights to defend the emergency laws or to expand the economic empire of the 20 or so families with the sweat of their united labour? In the same spirit is the appeal for Discipline addressed to a free people? Dictatorship is its own discipline. Section 144, the Defence of Pakistan Rules, the Security laws and the

Criminal Law Amendment Act provide a totalogical basis for discipline. Is the appeal for Discipline to be that of the graveyard, a silent acquiescence in the denial of rights, a servile obedience to the regime's personal mandate?

The Unity, Faith and Discipline of Mahomed Ali Jinnah stood as pillars of a free society, on the strength of a voluntary consent of the people. The Founder of Pakistan pledged to Muslim India a Pakistan that would have a Constitution and a Government chosen by the people. Are the politicians being advised to heed the message of the torchbearer of our freedom in the spirit of democracy or is the Unity and Discipline to be cracked out of a slave trader's whip?

My Lords, if you look behind the curtain of unbridled ambition, the lust for power and the greed for wealth, you will discover that the sickening motives for my arrest lie in the regime's dread of the people. Now, while the people of Pakistan resent my arrest and have unmistakably shown how they feel about it, this regime and the enemies of Pakistan jointly rejoice at my removal from the political scene.

Despite the harrowing experiences. I have not been on the warpath. I have not yet spoken on the saga of the ceasefire or the Tashkent Declaration. My struggle is for a national renaissance. I want to hold high the banner of the Quaid and Iqbal to show to the world that this Islamic state of 120,000,000 gallant people can rise to the pinnacles of glory and translate into reality the ideal of free and equal men with which Islam lit the torch of civilisation. I want that light of justice to shine again. I want our people to march forward to progress as brothers in arms sharing in the glory of equal participation.

In the fullness of time, the wheel of fortune will turn and in the revolution of this turn a better tomorrow will dawn.

The issues that confront Pakistan reach beyond the limitations of time and space. They come once in an epoch to make or mar, they wade across the horizons of the ugly moment and give the future a beautiful image, a future in which Pakistan is a formidable fortress of the millat of Islam, serving oppressed mankind everywhere, never relenting until it has liquidated the last vestige of aggression in Kashmir and liberated Baitul-Muqaddas.

The above statements are based upon my own belief, knowledge and recollection which I verily believe to be true and correct and also upon information, material and advice given to me by those permitted by this Hon'ble Court to assist me in the preparation of this affidavit and I verily believe that the said information, material and advice so given are true and correct.