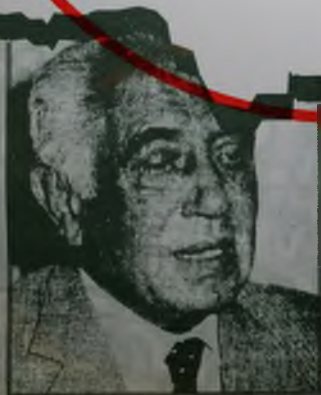


# The Crisis of the Political System in Pakistan and The Jama'at-e-Islami

*By Senator Prof. Khurshid Ahmad*



**THE CRISIS OF THE  
POLITICAL SYSTEM IN PAKISTAN  
AND  
THE JAMA'AT-E-ISLAMI**

*BY*

*SENATOR PROFESSOR KHURSHID AHMAD*

## A word about the Content

*This booklet is based on Senator Prof. Khurshid Ahmad's speeches in the Senate on October 28 and 29, and his comments on post-dissolution of National Assembly. Since it represents the Jama'at-e-Islami's position on the events leading to the dismissal of the Benazir Bhutto's government, we are pleased to publish it.*

# CONTENTS

## Chapter One

INTRODUCTION	1
⇒ The case for dissolution: Legal aspects	2

## Chapter Two

JAMA'AT-E-ISLAMI AND ITS CAMPAIGN AGAINST PPP REGIME	5
⇒ The Dharna	5
⇒ The Jama'at commitment to constitutional and democratic means	11
⇒ Jama'at, Parliament and Politicians	15
⇒ Qazi is not alone - consensus view	19

## Chapter Three

HOW DEMOCRATIC IS THE PPP	31
⇒ The founder of the party	33
⇒ Family based organisation	36
⇒ The two faces of PPP	37
⇒ Their treatment of Parliament	39
⇒ Horse-trading and lotacracry	40
⇒ No respect for public money	43

## Chapter Four

BENAZIR GOVERNMENT'S DISMISSAL: FOREIGN AND DOMESTIC PERCEPTION	45
⇒ A moment of deep reflection: <i>The Frontier Post</i>	45
⇒ Another debacle and challenge ahead: <i>The Dawn</i>	47

⇒	Benazir's ouster: <i>The Nation</i>	48
⇒	Prolonging Benazir: <i>Telegraph</i>	49
⇒	The sword falls: <i>The Times</i> , London	50
⇒	Bhutto banished: <i>The Toronto Star Chronicle</i>	51
⇒	Benazir's own evidence	54

## *Chapter Five*

WHAT THE JAMA'AT WANTS? 57

### *Appendices:*

I.	Resolution of Jama'at-e-Islami Shura' (8th November, 1996)	67
II.	Jama'at-e-Islami and the Pakistan Movement	75
III	The Movement of Jama'at-e-Islami, Pakistan - An Introduction	85

## *Chapter One*

# Introduction

PAKISTAN IS PASSING through the most serious crisis of its history. Although the country has all along been riding on the crest of problems and challenges, this 50th year of its existence seems to be the most critical. It is an irony of history that a country that came into existence as a result of a popular democratic movement led by Quaid-i-Azam Muhammad Ali Jinnah and supported by Muslims of all denominations, with the declared objective of establishing a state and society based on Islamic values and the principles of freedom, democracy and social justice, has been subjected to military dictatorships for almost half of this period. What is all the more disturbing is that even most of the remaining periods of civilian rule have been marked by certain variants of personalized despotic rule. Barring a few years, we have been facing not only grave law and order problem, political instability, economic crisis, violations of human rights but also more gruesome shadows of arbitrary rule by "democratic" leadership who instead of following the constitution tried to impose centralized despotic rule. The democratic process, which began in 1985, has again been marred by mismanagement and abuse of power, as also by centralization of powers in the hands of whoever emerged as the chief executive. The national and provincial assemblies were dissolved three times. And again people have risen in protest to get rid of a government ruling roughshod in the name of "parliamentary democracy".

Let us see why people are demanding dissolution of the present national and provincial assemblies and emphasizing not only the need for a new mandate but also accountability of the exploiters. In short, there is a need for the enforcement of the constitution not "selectively", but in its totality.

## The Case For Dissolution: Legal Aspects

It is claimed that the present regime was given a mandate to rule for five years. However, it is conveniently forgotten that a mandate is not merely a matter of period of time, *more importantly, it is given to be exercised in accordance with a manifesto and commitments made by the political parties and their candidates* and in accordance with the constitution and the law of the land. The substance of democracy is rule of law and its observance by all, along with respect for the people's will and their mandate. If these commitments are flouted, if the constitution and laws and regulations of the country are openly violated and if the rules of the game are not observed, there is no legitimacy about any particular period of time. The history of democracy bears witness to the fact that because of the change of political climate, failure to implement the manifesto and public commitments, incapacity to face fresh political and economic challenges, or emergence of new situations not visualized, assemblies have been dissolved and fresh elections held. If the United Kingdom is taken as a model of parliamentary democracy, one finds that after the First World War general elections were held over two dozen times, of which more than half a dozen times parliament was dissolved before it completed its legal tenure. J.A. Griffith and Michael Ryle in their major work *Parliament: Functions, Privileges and Procedures*, say that fresh elections were held in 1951 and 1974 *within one year of the elections and induction of Parliament*. (p. 18).

The leading constitutional expert, Prof. A.V. Dicey, claims on his own authority and that of a number of other scholars that if a new situation arises, dissolution of parliament is not an anomaly or an undemocratic act. When dissolution is followed by fresh elections it is in the fulfilment of one of the cardinal principles of parliamentary democracy. If there is a *prima facie* case that a cabinet government has failed to deliver in accordance with the mandate given to it by the electors, there is no compulsion not to dissolve the Parliament before the completion of its full term. Fresh reference can, and in certain cases, must be made to the people, the electors, who are the real 'political sovereign' in democracy. Let me quote a few passages from Lord Dicey's monumental work: *An Introduction to the Study of the Law of Constitution* (London: Macmillan, 1941, 9th edition):

"The essential point to notice is that these contests each in effect admit the principle that it is the verdict of the political sovereign which ultimately determines the right or (what in politics is much the same thing) the power of a Cabinet to retain office, namely, the nation. ...

No modern constitutionalist will dispute that the authority of the House of Commons is derived from its representing the will of the nation, and that the chief object of a dissolution is to ascertain that the will of Parliament coincides with the will of the nation. ...

Whether this appeal be termed constitutional or revolutionary is now of little moment; it affirmed decisively the fundamental principle of our existing constitution that not Parliament but the nation is, politically speaking, the supreme power in the State. ...

Whatever may be the answer given by historians to this inquiry, the precedents of 1784 and 1834 are decisive; they determine the principle on which the prerogative of dissolution ought to be exercised, and show that in modern times the rules as to the dissolution of Parliament are, like other conventions of the constitution, intended to secure the ultimate supremacy of the electorate as the true political sovereign of the State; that, in short, the validity of constitutional maxims is subordinate and subservient to the fundamental principle of popular sovereignty. [Cf. Jennings, *Cabinet Government* (1936), pp. 307-318] ("Introduction to the Study of the Law of Constitution, London, Macmillan, 1941, 9th edition, pp. 434-437).

Sir Ivor Jennings in his book *Cabinet Government* appendix iv, quotes a letter from Prof. A.V. Dicey to the *Times*, London, which has been included in the 9th edition of Dicey's *Some Excerpts*:

"On this matter I write with some little confidence. My *Law of the Constitution* (7th edition), pp. 428-434, contains an examination of the constitutional doctrine as to the dissolution of Parliament. This doctrine has been repeated and defended during the last 28 years in every edition of my



book. My opinion as to the occasions on which a dissolution may rightly take place has, as far as I know, never been assailed and assuredly has never been controverted by any writer of authority." (Dicey, p. 589).

Prof. Dicey further observes:

"If there can be any justification today for the dismissal of a Ministry which commands a majority in the House of Commons, it must be based upon the plea that the majority no longer reflects the wishes of the electorate. The first step to test the validity of such a plea must be a dissolution. The ensuing general election will then answer the question within the limits of the representative system working on a three-party basis." (p. 601)

The PPP government which came into power in October, 1993, has completed three years of its existence and has miserably failed on all major counts — ideological, constitutional, democratic, law and order, economic, foreign policy, socio-cultural harmony, relief and justice to the poor and the underprivileged. We would like to examine some aspects of this government's performance, in order to establish the need for a fresh mandate, including mandate to bring about basic changes to rid the country of corruption, mismanagement, horse-trading and failure to govern according to the constitution.

## *Chapter Two*

# **Jama'at-e-Islami and its campaign against PPP regime**

BEFORE WE BEGIN this analysis, we would like to make a few submissions about the major objections vociferously made by the regime's apologists against the Jama'at-e-Islami's peaceful and democratic agitation, with "dharna" as its centre-piece.

### **The *Dharna***

It is a constitutional and democratic right of all political parties to mobilise public opinion through agitation and demonstrations and to organize unarmed and peaceful protests. Every protest, every procession, every assembly means some obstruction in the normal flow of traffic or business but it is part of the democratic process that facilities are provided and avenues created for peaceful political activity aimed at protest and demonstration. This right is enshrined in our constitution. Articles-4, 15 and 16 unambiguously affirm this right of the people of Pakistan. Federal or provincial governments have no right to impose unreasonable and arbitrary restrictions on peaceful demonstrations simply on the basis of imaginary and un-called for apprehensions. The courts have also upheld this right and the observations of the Lahore High Court on 26th October, 1996 on the JI Dharna before National Assembly are one such instance. Despite such a clear constitutional ruling, the federal and provincial governments of the PPP used every possible form of state force to check the movement and create barriers cutting off Islamabad from the rest of the country. Over six thousand people were apprehended without any provocation or cause. And finally it unashamedly tried to crush a peaceful

demonstration by use of all weapons of violence in the hands of the police, the rangers and constabularies. It is a fact that despite this show of force the government failed and a large number of people reached before the National Assembly. Now the government is coming up with the claim that *dharna* by definition is unconstitutional, illegal and constitutes a form of violence. This claim has been made eloquently by the Minister of State for Law and Parliamentary Affairs, Mian Raza Rabbani, on the floor of the Senate on 27th Oct., 1996. Regrettably, the minister for state forgets that rhetoric cannot be a substitute for arguments. It is also an irony that this claim is being made by the spokesman of a party that tried to organize a long march against Mian Nawaz Sharif's government in 1992, resorting to train march, strike, rallies, and confrontation with the police.

It may also be recalled that even earlier this party had resorted to similar protests under the leadership of its founder Mr. Zulfiqar Ali Bhutto. The following extract from Stanley Walport's book *Zulfi Bhutto of Pakistan: His Life and Times*, (New York, Oxford University Press, 1993, pp. 128-129) is relevant:

"Deny them their rights", Zulfi warned, "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 solutions for the regime's perpetuation. ...

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. ...

This Government would like to make the world believe much the same sort of thing. ...

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. ...

This regime, which has slandered the word "revolution" in describing its *coup d'etat*, celebrates a Revolution Day each

year, but has the temerity to punish people for uttering that word...[D]emocracy ...exists...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. ...

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 the law contaminated by arbitrary acts... and the right of assembly in ashes in the furnace of Section 144. ...

This is the depressing reality but this does not necessarily mean that a change is not possible without violence”

It is my considered view that the use of force against the long march by the then government in 1992 or by the Ayub regime even earlier was as illegal and uncalled for as is the use of force by the present PPP government against the peaceful movement of the Jama'at-e-Islami. Yet the duplicity of the present leadership stands exposed and its double standards have become, a manifest reality.

Along with the allegation of *dharna* being inherently violent, it has also been claimed that it has nothing to do with Muslim politics and is a purely Hindu tactic. Both these claims are totally unfounded.

*Dharna* is an accepted political concept and is also a part of the Urdu lexicon. It is equivalent to 'sit-in' in English and *bast* in Persian. These terms are neither Hindu nor Muslim nor Christian. Strike resorted to by the Christians in Brazil or Philippine, and by the Muslims in Pakistan or Turkey and by the Hindus in India or Nepal remains a strike and has no particular religious or cultural dimension. In the Urdu language, almost 20 percent of its nouns and almost 80 per cent of its verbs have come from Hindi and Prakrit and other local vernaculars. Around 70 percent of its nouns come from Persian, Arabic and Turkish. Urdu is the national language of Pakistan and *dharna* is an integral part of our literary and political culture. The *Qaumi Angrezi-Urdu Lughat* “ قومی اردو-انگریزی لغت ” published by the National Language Authority, 1992, edited by Dr. Jamil Jalibi, on

page 1853 describes *dharna* as a term and concept in the following words:

دھرنا: کسی ایسی جگہ جہاں کسی گروہ کو معمولاً بیٹھنے کی اجازت نہ ہو، وہاں اس گروہ کا  
بیٹھنا (اگرچہ عمل چھاڑنے کے بغیر) آن بیٹھنا SIT-IN

Translation: "The action of a people to sit in an organized manner at a place which is not normally meant for purposes of sitting". (As an example from the American political tradition the Lexicon quotes\*). "A sit-in held in a hotel a dinning room by Negroes to protest racial discrimination".

The *English-Urdu Lughat* published by Ferozsons, edited by Al-Haj Feroz ud-Din on page 663 gives half a dozen shades of meaning in which the term "Dharna" is used. Explaining *dharna dena* and *dharna daikar Baithna*, the dictionary calls it an Urdu idiom meaning "the sit tight" and to "sit in with firm conviction".

دھرنا نہاد دھرنا دے کر بیٹھنا - اردو محاورہ جم کر بیٹھنا مضبوط ارادہ کر کے بیٹھنا

The Concise Oxford Dictionary (p. 1069) defines sit-in as "occupy a place as protest especially against (alleged) activities there." The *Black's Law Dictionary*, 5th edition, comes very near to the concept when it defines "sit-down strike", on page 1243. This has been explained as "a strike in which the workers sit in the plant but do not work" In fact, is that in the post-Second World War political history 'sit-in' has been accepted as a form of peaceful political protest throughout the world. It is a kind of peaceful resistance without any use of violence. In fact, the very term 'sit-in' has a peaceful flavour and not a confrontational tone at all. To call it a form of violence is doing violence to reality. In Europe and America sit-in by students in the colleges and universities, by labourers in factories and work places, by clerks in offices, by professionals in their hospitals, business centers, and by public in general to highlight certain grievances or national issues particularly regarding human rights, political demands, and questions of racial discrimination is an acceptable norm of the political scene. To give only one reference, I would like to quote from William Safire's *Political Dictionary: An Enlarged, Up-to-date Edition of the New Language of Politics* (Published by Random House, N.Y. 1978). On page 652, Safire describes 'sit-in' as follows:

“SIT-IN: a technique of demonstration launched by civil rights activists in 1960 to dramatize segregation in the South.”

“The sit-ins at first dismissed as a college fad, were destined to bring into prominence the Congress of Racial Equality (CORE) and to change the pattern of segregation throughout the South.”

The dictionary further quotes:

“John Kennedy, campaigning for President in September 1960, caught the significance of the sit-ins and turned a phrase about them. He [the President] must exert the great moral and educational force of his office to bring about equal access to public facilities, from churches to lunch-counters, and support the rights of every American to stand up for his rights, even if he must sit down for them”.

Now a word about its Islamic background. As I have said the term is used in Persian where its equivalent is *bast* ( بست ). This form of protest was effectively used by the Iranian *ulema* against the dictatorial regime of Muzaffaruddin Qaçar. The first major *bast* (sit-in) was staged in 1905 in the Abdul Azeem Mosque outside Tehran. A second *bast* was again staged in July 1906 for two days in the capital city and the third such sit-in was organized in the city of Qum, the religious capital of Iran, which continued for eight days and paved the way for the constitutional reforms of 1906 which inaugurated a new era in Iran's history. See Ervand Abrahamian's *IRAN: A Revolution in Turmoil*, Chapter 5: “The Crowd in Iranian Politics, 1905-53”, edited by Haleh Afshar, (Macmillan, London 1985, pp. 122-123).

It is also an accepted principle that if a regime violates the constitution and disregards the accepted norms of law, then the peoples have a right to resist. If unprovoked violence is unleashed upon them, they have a right to defend themselves. That is why civil disobedience and direct action, which are not normally used as instruments of political agitation, have been accepted as valid means in certain situations. Quaid-i-Azam Muhammad Ali Jinnah was the greatest constitutionalist of South Asia and he piloted the entire

Pakistan movement through peaceful and democratic means; however, a time came when even he and the entire Muslim League high command had to resort to direct action in 1946. As a result, thousands of people were arrested and Pakistan flag was forcibly hoisted on the Punjab Assembly building in Lahore. No one can describe that as resort to violence. It was a peaceful and democratic protest

I would also place on record the fact that in certain contexts even what is otherwise described as violence becomes acceptable and justifiable. The case of Bhagat Singh, a revolutionary, was defended by none other than the Quaid-i-Azam in his speech in the Central Assembly on September 12, 1929. This has been highlighted in a recent book by the Indian Constitutional lawyer, A.G. Noorani entitled *The Trial of Bhagat Singh: Politics of Justice* (Konark Publishers Ltd., Delhi, 1996, pp. 76-96. Chapter 6, "When Jinnah defended Bhagat Singh"). A few excerpts from that historic speech are worth reflection:

"You want this House to give you a Statute laying down a principle generally in the criminal jurisprudence for this particular case, so that you may use it for breaking the hunger-strike in the Lahore case. Well, you know perfectly well that these men are determined to die. It is not a joke. *I ask the Hon'ble the Law Member to realise that it is not everybody who can go on starving himself to death. Try it for a little while and you will see. ... The man who goes on hunger-strike has a soul. He is moved by that soul and he believes in the justice of his cause; he is not an ordinary criminal who is guilty of cold-blooded, sordid, wicked crime.*

*It is the system, this damnable system of Government, which is resented by the people. You may be a cold-blooded logician; I am a patient cool-headed man and can calmly go on making speeches here, persuading and influencing the Treasury Bench. But, remember, there are thousands of young men outside. This is not the only country where these actions are resorted to. It has happened in other countries, not youths, but grey-bearded men have committed serious offences, moved by patriotic impulses. What happened to Mr. Cosgrave, the Prime Minister of Ireland? He was under*

sentence of death a fortnight before he got an invitation from His Majesty's Government to go and settle terms? Was he a youth? Was he a young man? What about Collins?...

And the last words I wish to address the Government are, try and concentrate your mind on the root cause and the more you concentrate on the root cause the less difficulties and inconveniences there will be for you to face, and thank Heaven that the money of the taxpayer will not be wasted in *prosecuting men, nay citizens, who are fighting and struggling for the freedom of their country.*

A.G. Noorani comments:

"There is no mistaking Jinnah's high esteem for Bhagat Singh and his comrades" (p.90)

If such kinds of protests cannot be described as violence how can the peaceful methods of sit-in (*dharna*) dubbed as violence?

Benazir's government is trying to project itself as the defender of the parliament and its supremacy, while the Jama'at-e-Islami and the opposition have been criticised as subverting the parliamentary system. Mohtaram Qazi Hussain Ahmad, Amir Jama'at-e-Islami has been singled out as one guilty of committing contempt of the parliament. He is being condemned for criticizing those members of the parliament who have brought bad name to it. He has been debunked for saying that the sacred institution of parliament has been reduced to a house of evil because of the misdeeds and misdemeanor of its present occupants.

## The Jama'at's Commitment to Constitutional and Democratic means

Nobody would be happy to criticise members of a house which we all regard as the custodian of the political power. The Jama'at has always stood for the democratic institutions and traditions. It is a cardinal policy of the Jama'at that change should come through the constitutional process and that elections are the proper mechanism for



change of leadership. The following quotations from the Jama'at policy documents establish this position beyond any shadow of doubt.

The constitution of the Jama'at-e-Islami (Article 5) lays down its approach and permanent method of work very clearly:

“(1) Before deciding on an issue or taking an action, it will seek first the guidance of Allah and His Messenger (p.b.u.h.) on the matter. All other considerations will be taken as of secondary importance in so far as Islam allows them.

(2) For obtaining its objectives and ideals, the Jama'at shall never seek means and methods that are repugnant to truth and fairplay or that may cause mischief on earth.

(3) The Jama'at shall pursue democratic and constitutional means in achieving its desired objective of reformation and revolution - that is: to seek awakening of people's mind and uplift of their character through advice, exhortation, and dissemination of ideas; and prepare public opinion, for those changes that the Jama'at aspires for.

(4) The Jama'at shall not follow the methodology of covert organizations for the realization of its goal; instead, it shall pursue its activities in the open and expressively so.”

The Jama'at's policy document on the process of political change is the members' resolution adopted at the Machi Goth Conference, February, 1957. A few extracts from this policy document are given below:

“The Jama'at-e-Islami Pakistan is grateful to Allah the Most High that fifteen years ago, while setting out on its journey, the goal it had and the principles it promised to abide by, are still being upheld by it in its forward thrust. In this long and arduous journey, if it has been of help in furthering the cause of establishing Allah's faith (al-din), then it is because of Allah's beneficence for which we are grateful to Him. And if there had been some omissions and lapses, it is because of its own failings for which it seeks Allah's forgiveness and asks for His further guidance and help.

The Jama'at-e-Islami is satisfied with the fact that the action plan of the Islamic movement which the Jama'at's amir, after due consultation with 'majlis ash-shura, presented to November, 1951 workers' general assembly in Karachi, meets the entire ideological and practical needs of the movement in the right proportion. And the same should remain its approach in the future as well.

The first three elements of this action plan (that is, purification and reformation of thoughts, the search for good people, their organization and education, and strivings for collective betterment) had been the essential elements of its methodology since its inception. However, the forms of its concretization have been varying according to the Jama'at's resources and the objective realities obtainable. The Jama'at now decides that these three elements should be given practical shape, according to the programme annexed to this resolution, until it is superseded by a new collective decision. Besides, this general meeting of the Jama'at instructs majlis ash-shoora, halakas, district and local bodies of the Jama'at that they should stress this programme until it together with the fourth element of the action plan stabilizes the working of the Jama'at.

The fourth element of this action plan, which relates to reforming the political system, has been the main plank of the Jama'at since its inception. If the Jama'at took no practical measures before the partition of [British] India, it was because of the absence of opportunities and lack of resources in addition to the fact that there were certain shari' inhibitors integral to the then system militating against our objective.

When after Pakistan's coming into being, Allah the Most High extended both opportunities and means as well as created the possibilities of removing the shari' inhibitors, the Jama'at added the fourth element, which was the logical demand of its primary objective, to its action plan. After ten years of long struggle in this direction, the proponents of Islamic change, as opposed to the supporters of secularism, have entered a crucial phase. Among the practical issues of

life, this has been always the most important question with the Jama'at whether worldly affairs are to be run by the righteous or the wrong doers and whether leadership in society rests with the obedient of Allah or with the rebellious.

From the beginning, the Jama'at has held the view that the goal of establishing Allah's faith (al-din) will never be accomplished unless the founts of power were held by Islam. At the same time, the Jama'at has always thought that the empowerment of Islam cannot be effectuated with a wink; instead, it is an evolutionary process that seeks completion by a graduated response and a ceaseless conflict between the supporters and opponents of the Islamic system.

The state constitution has acknowledged the basic principles of the Islamic system. The implementation of these acknowledged principles now depends on the change in leadership. For the righteous leadership to be inducted into power, it will be better that, while moving forward, equal emphasis is given to the four elements in such a way that each provides strength to the other.

The amount of work done on the first three elements will help increase Islam's supporters in the political system of the country. But one thing should stay clear that the imbalance between the four elements (if created) should not become the excuse for deleting or relegating of any of the elements of this action plan. The Jama'at, bound by its constitution, is committed to pursue the democratic and constitutional means for the pursuit of its objectives of reform and reconstruction and, since this kind of reformation and change can be brought about constitutionally only through the electoral process, it cannot therefore stay aloof from the elections. It is a different matter (though) whether participation in elections could be direct or indirect or both. At what occasions which of the three modes of electoral participation is to be sought, the Jama'at leaves the issue to the discretion of its majlis ash shura so that, after taking stock of the situation at the eve of

every election, it could decide (the appropriate course of action).<sup>1</sup>

The Jama'at manifesto is also very explicit on these issues. A few excerpts from the 1969 manifesto are given below:

“That is why Jama'at-e-Islami is trying to bring about a change in the system of government by democratic, peaceful and constitutional means so as to convert Pakistan into a state that positively upholds and conforms to the Islamic way of life as set out in the Holy Quran and Sunnah... a democratic state in the real sense of the term wherein governments will be formed and changed through fair and free elections and nobody may come to or remain in power without a genuine popular sanction”.<sup>2</sup>

## Jama'at, Parliament and Politicians

Parliament is an august institution. No one can debunk this institution as an institution. Qazi Sahib or any leader of the Jama'at has never done so. But an institution is as good or as bad as are its occupants. A team is known by the players it is made of. If those who occupy an august institution like the Majlis as-Shura or the provincial assemblies or for that matter, any institution, university, hospital, judiciary, police administration and fail to come up to the minimum standard they are asked for, it is they who demean such an institution. Nothing is wrong with the pool, it is the rotten fish that spoils it. Again, a well is meant to be a source of clean water. But if a dead animal falls into it and the well is described as dirty and unhealthy, it is not a criticism of the well as such but of what pollutes it. The aim is to cleanse it and restore its purity and usefulness.

---

<sup>1</sup> *Tehreek-e-Islamic Ka Aında Lahya-e-'Amal*, by Syed Abul Ala Mawdudi, Lahore, Islamic Publications, pp. 11-14.

<sup>2</sup> Preamble to the Manifesto, p. 3.

Qazi sahib's criticism of the assemblies is not an unusual utterance. This is an accepted practice in politics and literature. Hobbes description of the state as leviathan and Dante's *Divine Comedy* are full of descriptions symbolizing what he thought to be satanic images. Such descriptions are integral to the politico-literary legacy. Shakespeare's masterly portrayal of the Jewish institution of interest-based money lending — today's 'noble' art of banking — by its personification in the character of Shylock is now a classic. Iqbal's description of the League of Nations as a "vulgar mistress",<sup>3</sup> his portrayal of the Paris Mosque<sup>4</sup> as a "house of idols" and of politicians, as "Satan"<sup>5</sup> are not exercises in vituperation but perceptive critiques of sensitive institutions. Senator Chaudhry Shujaat Hussain, president Muslim League, Punjab, commenting on the government bill on accountability and its provisions about censure of judiciary, is reported

۳ ممکن ہے کہ یہ دانشہ پیرک اڑنگ  
ابلیس کے تعویذ سے کچھ روز متقبل جائے  
(جہلم کیم سو ۱۳۳)

۴ مری نگاہ کمال ہنر کو کیا دیکھے  
کہ حق سے یہ حرم مغربی ہے بیگانہ  
حرم نہیں ہے، فرجی کشرہ بازوں نے  
تعمیر حرم میں پھپھا دی ہے روح بگوانہ  
یہ بنگلہ انہیں عادت مگروں کی ہے تعمیر  
دشمن ہاتھ سے جن کے ہوا ہے ویرانہ  
(جہلم کیم سو ۱۳۳)

۵ جمہور کے ابلیس ہیں ارہاب سیاست  
باقی نہیں اب سبیری ضرورت نہ افلاک  
(ابلیس کی عرصہ امت — ماہ جمبرین ۱۳۸)

Akber Alahabadi, the great intellectual and soul critique also described the legal profession as it was introduced during the colonial rule on the basis of adversarial system of justice is another example worth reflection.

پیدا ہوا وکیل تو ابلیس نے کہا  
لو آج ہم بھی صاحب اولاد ہو گئے

to have said that “thirty-two thieves to remove a judge from the bench” ( *تیس چور تیس بج کو ہٹائیں گے* ). To blast all the guns against the Qazi Sahib and conveniently forget the entire grammar of politics cannot be described as fair.

It is only in the interest of these institutions that serious criticism must be made of all the failures of those who occupy them and of all those malpractices and abuses of powers which destroy the sanctity of the ballot box, and besmirch the authority and credibility of parliament and its organs. If the election process is subverted through rigging and use of force, then criticism of such elections cannot be taken as debunking of the electoral process rather exposing those efforts which tarnish it. What has been done in the occupied Kashmir and has been criticised all over the world is the destruction of the electoral process. The objective is to expose their malpractices which amount to its raping. Similarly if a large number of the members of parliament fail to fulfill their duties, they are to be held accountable for they bring bad name to the institution. If the government adopts policies which marginalise parliament or demean it, it is the government that has dishonoured it. If corruption is rampant, loan defaulters roam around the corridors of power, parliamentarians are busy in seeking personal favours, perks and plots, they are manipulating appointments, transfers, and misusing developmental funds, then what else can be the description of such a situation. Yes they are all honourable men! It is only parliament that has been turned into a house of evil. And if someone has the courage to say that the emperor has no clothes, should he be punished? It is a pity that showing mirror to those who are responsible for this appalling situation invites rage upon the mirror. By abusing or even throwing away the mirror, can we get rid of our ugly spots? Send Qazi Sahib to the gallows. But how would you silence the whole world? The festering sores of our body politic have been reported by all those who have some real concern for the welfare of this country and its people and who do not belong to the coterie of vested interests. Even foreign observers have come out with similar description. How can you run away from your own shadows?

A perceptive political scientist, late Prof. Keith Callard of the McGill University, Canada in his work *Pakistan: A Political Study* (George Allen and Unwin, London) had long ago put his finger on the *malaise* that infects Pakistani politics:

“For a politician who wants to survive, when the leaders change, loyalties change too. An observer who is not accustomed to Pakistani politics is apt to be surprised at the ease with which a leader can be assured of the undying loyalty of his supporters to find on the following day that his supplanter in office has been greeted with unanimous enthusiasm...”

“A politician must also consider the man who control blocks of votes in local areas. There can be little doubt that *jagirdars* and *zamindars*, *pirs* and *mirs*, *mukhdooms*, *khans* and *nawwabs* retain vast political influence. A glance through the lists of members of legislative assemblies shows how many such hereditary leaders or their near relatives are active in political life.” (pp. 49-50)

Summing up the tragedy of Pakistani politics Prof. Keith says:

“The weakness of parliamentary government has been the failure of the elected politicians to make the system work. Ministries have been overthrown by intrigues backed by threats, rather than real violence. Holders of political offices have shown themselves unscrupulous. ... If representative government collapses it will be because its legs are not strong enough to sustain its own body”. (pp. 328-329)

This statement remains as true today as when it was made in 1957, before the first martial law.

Qazi Sahib is not alone in exposing the true face of the political leadership of the country and the total disenchantment of the common man in respect of those who were handed over a great trust and have totally failed to fulfill its demands. This disenchantment is almost universal, excepting of course those who are responsible for the mess. Let us see what is being said about the present state of Pakistan in the national and international press.

## Qazi is not Alone: Consensus view

Anthony Spaeth, in a write-up in the *Times Magazine* (September 16, 1996) says:

"She [Benazir] has a secure majority in the Assembly and an unshakable belief in her right to govern Pakistan. But it's becoming harder and harder to find others who share that conviction. Disappointment with Bhutto extends from the average Pakistani, hit with a slew of new taxes, all the way up to President Farooq Ahmad Khan Leghari, a member of the prime minister's own party, who recently suggested he might use his constitutional power to dismiss the government. Her famously fractured opposition has managed to unite in a 15-party coalition called the Save Pakistan Movement. The grouping is wobbly, but its mere existence is remarkable: the last such combine was 19 years ago. The International Monetary Fund is unhappy with the government's handling of the economy - it has withheld an important \$600 million loan - and so is Khan Muhammad, 45, a truck driver in Karachi. "This government is corrupt," he says "We will topple it". ...

But her record has won unfavorable reviews from the air-conditioned drawing rooms of Pakistan's hypercritical elite as well as the slums and villages. "In the past, political tussles were within the power structure," says Ahmed Rashid, a newspaper columnist in Lahore, "This time it is the people who are angry". ...

The most pervasive complaint against Bhutto's government is that it is corrupt. The charge is hardly new in Pakistani politics, but Bhutto is accused of outdoing her predecessors, and many of the charges are hurled at her spouse Asif Zardari, a polo-playing former businessman. ...

During her first term, Bhutto was accused of elevating official bribery to historic levels, and her dismissal was on grounds of corruption; successor Nawaz Sharif faced the same allegations. Zardari was arrested on multiple charges in 1990



and spent two years in jail; none of the complaints were ever proved in court. Rhetoric aside, even the least sophisticated Pakistani knows that a river of rupees, wide and muddy, flows under the tables where government approvals are stamped or national assets are sold off to private businessmen. ...

And though Zardari collects much of the thrown mud, he is only first among equals in a collection of tarnished government figures. Haji Muhammad Nawaz Khokhar, for example, was arrested last year for fraud. At the time, he was an opposition member of parliament. After switching sides and joining Bhutto's Pakistan People's Party, his court case went into hibernation. He is now Minister of Science and Technology." (Pp. 18-20)

The *Wall Street Journal* (Europe Edition) editorially comments upon the "Pitiable Pakistan", (September 24, 1996) as follows:

"In Benazir's case, arrogance of paranoiac proportions is leading her to political doom. Faced with a temporarily united opposition, reluctant IMF lenders and assessments at home and abroad putting Pakistan at the top of the world's most corrupt nations lists, any other leader would be trying to mend her ways. Instead, Ms Bhutto continues to blame everyone but herself for Pakistan's woes. She recently named her husband - dubbed 'Mr. Ten Percent' by a Pakistani public that fairly or not sees him as a symbol of corruption — Minister for Investment."

*Dawn* columnist Ardeshir Cowasjee opens up his heart, nay that of every Pakistani, when he writes under the title "The Public Perception":

"The thinking people of Pakistan believe their country is viable, that nature has gifted it with sufficient resources, that its people if well-educated and well-led can be industrious and productive.

The thinking people of Pakistan loathe the plunderers, the liars, the cheats, the fools and the charlatans who claw themselves into power and have, over the years, rocked and weakened the country's very foundations until we find ourselves where we are today, nearing rock-bottom...

The President — Sardar Farooq Ahmed Khan, Tumandar Leghari, a perfect partyman for two and a half years from December 1993, has been forced by circumstances (or otherwise) to find his feet...

The Prime Minister — The least said about her family, the prowlers in her kitchen cabinet, her sycophants and bag — carriers in her secretariat, the better. None of them can mend their ways. She has no remorse. She admits to no faults. Her word now carries no credibility with the people, the President, or the IMF.

The Parliament — The people say to those that sit therein what Oliver Cromwell said to the Rump Parliament in 1653, "You have sat too long here for any good you have been doing. Depart, I say, and let us have done with you. In the name of God, go." But remain in the country till the accountability commissioner catches up with you."

A couple of weeks earlier Cowasjee articulated the agony of the people on the bleakening of the face of Pakistan by its leadership "The Party's over", *Dawn*, 11th October, 1996, as under:

"The robbed, depressed people of Pakistan do not deserve the government they have, voted in through a pre-planned 'free and fair' election. In no way do they deserve the headlines over editorials in the foreign Press such as: "Pitiable Pakistan" (*The Wall Street Journal*); "Her own worst enemy - The Bhutto clan has mortgaged Pakistan's future" (*The Times*). Note the contents:

\* "If these trends [seemingly unstoppable descent into political and cultural bankruptcy] cannot be reversed soon all Pakistan may have left is its own fate as a grim warning to others."

\* "In Benazir's case, arrogance of paranoiac proportions is leading her to political doom. Faced with a temporarily united Opposition, reluctant IMF lenders and assessments at home and abroad putting Pakistan at the top of the world's most corrupt nations lists, any other leader would be trying to mend her ways. Instead, Ms Bhutto continues to blame everyone but herself for Pakistan's woes.

\* "Ms Bhutto blames everyone but herself. ...

President Farooq Leghari has finally lost patience — above all with the corruption that underpins feudal privileges. He demands the creation of a special judicial panel to investigate corruption charges against politicians and officials. Miss Bhutto who recently appointed her much-suspected husband Investment Minister — a job which is singularly open to corrupt inducements — retorts that nothing of the kind is needed".

M.B. Naqvi arguing that the "failure is ours, not the systems" highlights some of the obnoxious elements of our polity: In *Dawn*, October 9, 1996 he writes:

"Doubtless, a PM's power seems unlimited under the British model. What made for Bhutto's despotism was the parliament becoming a rubber stamp in his hand. He ordered the deputies around as well as used secret agencies to keep them in line. He simultaneously kept the legislators terrified and on tenterhooks, expecting favours. In those five years fundamental rights were not enforceable even for a week. That is how it was a sham and not democracy. That is why the people associate the 1973 Constitution with reducing the president to a cipher-like president that Chaudhy Fazal Elahi was... Let us carefully examine why, in Zulfikar Ali Bhutto's days, did the NA remain supine and pliable? Why did its members, except for some of the opposition, remain quiet and allow themselves to be cynically manipulated? That does not happen in democracies. Some will say: our parliament is

no better today. Many members are politically irresponsible and morally derelict, being ready to be bought and sold. In the light of these facts, can we still opt for the parliamentary system?

Ayaz Amir in his "Islamabad diary" writes under the revealing title of "A Passion for the truth" (Dawn, October 21, 1996):

"These three years were not easy for us. We had been in minority in the Senate. We have had a coalition government in Punjab and at the Centre. It required hard work and skills to bring it to three years. I am also thankful to my MNAs who cooperated with us in our efforts to give good governance and work on our agenda for change. We did depoliticise the postings at the CBR, FIA and the Anti-Narcotics Force... (we think) politics and business are two separate things". - PM Bhutto in an interview with *The News*.

It requires exceptional courage to make such astounding statements. Not the faintest allusion here to the trail of slime, decrepitude and corruption which, if there is any justice in this world, will be considered as the foremost legacy of the Bhutto regime. Ms Bhutto being grateful to her MNAs for having cooperated in the effort to give good governance to the country. Such audacity robs even the gods of speech.

Asked a few moons ago by a CNN interviewer about the charges of corruption against her government, PM Bhutto, while setting out a long but implausible defense, indignantly responded with the refrain, "And corrupt how?" I do not know about the interviewer but the nation certainly was left speechless by the self-righteous fury of that response. And now when the land is in turmoil and waiting for things to happen, the PM is claiming credit for good governance...

"Deals, commissions, kickbacks: the saga woven around these profitable ventures is infinitely richer (if also more amazing) than the tactical blunders which have tied the hands of the Bhutto government. The government is paying a price for its blunders. Will that day dawn when it is made to pay for its other misdeeds? Pakistan has always been robbed. That down

the years has been its unalterable fate. But robbed on this scale and with such zeal. It would take a new Arabian Nights to fully capture the spirit of these times.”

Hussain Naqi, an apologist for the secular and so-called progressive elements and an inveterate critic of the Islamists, observes almost in desperation (“The Power Game,” *The Nation*, October 27, 1996):

“This time, it was hoped, the representative rulers will march ahead by strengthening the democratic base and adopting democratic practices for the promotion of democratic values and rule of law. Instead, the returning incumbents got busy with their new power-game, planned by superannuated corrupt and corrupting bureaucrats domineering the political scene. Sooner than later, it became transparent that corruption had touched Islamabad peaks and once again the game masters pressed intelligence outfits into services.

This game is going on at a fast pace and all the muck is being delivered at the Prime Minister’s doorstep. Latest stuff included the slain and profusely-bleeding body of Prime Minister’s own kin and a member of the Sindh cabinet deposing before the Supreme Court that she was sworn-in under duress. The beleaguered Prime Minister, for whom the stakes are getting higher by every passing week, if not day, is struggling hard to fight back by raising her adversaries’ stakes as high, or even higher, as her’s. The outcome is becoming obvious. Benazir Bhutto may lose her battle, democracy won’t. For the only option to democracy and elected representative rule is anarchy and fratricide, with consequences unpredictable.”

Inayatullah puts his finger on the real malaise that plagues the system when he wrote on the forced induction of Feroza Begum in the Sindh cabinet: (*The Nation*, A Personal View, October 28, 1996).

“Democracy is anchored in freedom and justice. It is not a free-for-all. It works within certain parameters and principles. The constitution of a country sets these principles and

parameters. It also provides necessary mechanisms and institutions...

Feroza Begum is an eminent citizen of Karachi, she is the mother of a former member of the Sindh Assembly. She herself is an MPA. On the 20th of August, 1996, the said [her] son was arrested by the police and detained at a police station. The worried mother was keen to know his whereabouts. She visited a number of police stations. She finally found out where Osama, her son, was being kept. She herself was forcibly detained and locked up for two days. Earlier she was advised to sever her links with her political party. A police officer kept harassing her to agree. While in the police station, she finally was persuaded in the interests of her son and other members of the family to join the provincial cabinet and became a Minister...

The constitution emphatically stipulates that the State shall exercise its powers and authority "through the chosen representatives of the people." Can we concede that a government is following the provisions of the constitution when its minions lock up an elected representative (of the people) in an arbitrary manner and force her to compromise with her political loyalties?

Take the case of the recent killer "mini-budget." How was the decision taken? Were the chosen representatives of the people consulted? Leaving aside the chosen representatives, the budget was announced by a paid employee and not even by the finance minister or her adviser. The way the state minister of finance made a fool of himself on the Senate floor with a display of total innocence and ignorance of the new budgetary measures could legitimately find a place in the Guinness Book of Records. No taxation without representation as a principle of relationship between the rulers and the ruled provided a firm rationale for Americans to win freedom from the colonial British masters.

Lawless Russian Czars and a power-drunk Shah in Iran faced an ignominious end and triggered bloody revolutions when through ruthless exercise of power they created conditions for

their own extinction. Imposing the crushing burden of taxes without consulting the people's representatives is a violation of the constitution.

Inayatullah writing a week earlier (*The Nation*, October 21, 1996) highlights certain gruesome facts and raises some pertinent questions about the system:

“Strange and startling things are happening in this hapless country of ours

One, a citizen in Karachi, a young man by the name of Osama Qadri is picked up by the police, detained and allegedly tortured. His mother, a Member of the Provincial Assembly, protests and complains to the authorities. She fears that her son may be killed in a contrived “police encounter”. Out of the blue, one fine morning she is appointed as a minister in the Sindh Cabinet. The inference is that she was willing to compromise her political loyalties to save her son's life. She has yet to be assigned a portfolio. An intrepid columnist focuses on the matter and appeals to the Supreme Court to take cognizance of it. Our reborn Judiciary responds. The court is now seized of the case.

Two, a Chief Minister makes a bee-line to a police station and rescues the son of one of his Advisers from official custody. The rescued young man was caught by the police for driving a ‘number-less’ vehicle without a driving licence and when asked to stop had run through the traffic-barrier. The police is blamed and the concerned officials dealt with.

Three, a protest rally in Rawalpindi-Islambad was fired at. Three citizens were gunned down and many more injured. The aggrieved party has, after many weeks, so far failed to get a FIR registered.

Four, the brother of the prime minister, also the head of a political party, is surrounded by the police near his house and along with seven others including the brother-in-law of a former prime minister, targeted and killed. The widows of the deceased having failed to get a FIR registered have submitted

a petition to the High Court to help them exercise their basic right of lodging a report to the police.

Five, a member of the Opposition in the National Assembly is arrested on charges of misconduct, misuse of funds and jailed. A little later after some persuasion, he agrees to ditch his links with his party. He is released and after some time is elevated to the rank of a Cabinet Minister while the case for which he was charged earlier is still pending in the court. Others, somewhat similar charged, are rotting in prison.

Six, an important minister in the Punjab is threatening to resign because his department has been divided amongst three ministers to accommodate greedy MPAs who may otherwise have caused trouble for the ruling group.

Seven, an ex-chief minister is fighting a case in the court against his unconstitutional ouster which involves alleged misuse of authority on the part of the governor and the federal government.

Eight, an international loan-giving agency is arm-twisting the sovereign government of the seventh largest state in the world and despite repeated reports of compliance and humiliating "audiences", is unwilling to lend any more dollars. Obediently the government has committed itself to introduce drastic policy changes without even seeking a formal nod from the people's representatives in the National Assembly.

Nine, not only have in the largest province of the country, the constitutional powers of the chief minister been whittled down and clipped away, a "troika" rules the roost (a chief minister, "senior minister" and a constitutional governor) thus making a nonsense of the system of governance, as laid down in the constitution.

Ten, soon after a back-breaking budget, the government repeatedly resorts to raising the rates of utilities, announces rupee devaluation and unabashedly borrows billions of rupees four times the budget-sanctioned amount. While the mounting prices and the falling rupee has literally crushed



the common man, to please foreign lenders, another mini-budget is already under preparation...

The moot point is:

(a) Whether the present government is in a position to address its lacks and lags and turn a new leaf and so transform itself that further damage to the country, the polity, the economy and the people at large is contained and controlled or;

(b) whether it is beyond the capacity and mind-set of the government of the day, to sincerely reform itself and that its further continuation will only add to the ruination of the economy, the misery of people and the destruction of the national institutions.

If the President is inclined to see the rationale behind the general public discontent, recognise how the international community is fast losing faith in this country, with Transparency International declaring it the second most corrupt state in the world and the World Bank putting us on the pedestal of reportedly three most corrupt countries and the MIG (Merchants International Group) rating us the fourth riskiest economy, take notice of why Imran Khan, Qazi Hussain Ahmad, the religious groups and the Opposition are so insistent on a change of government, he surely is duty-bound to do something about the frightening situation the nation is facing today. Finding that the Army, thank God, is not keen to step into rectify the wrongs, the President has already stirred himself and is fast taking matters into his own hands to save democracy and the country. He alone can retrieve order out of the current chaos and take steps to make the system work, under a new dispensation. As things stand, whatever the interim measures, a fresh mandate in accordance with the constitution has become essential. Sooner, the better!"

Nasim Zehra, objectively surmising over the current state of Pakistani politics, comes to a similar conclusion. Writing in *The Nation* she says:

“This time around the public is reading the prevailing political flux different. There is more sobriety and less hype. As people see the reality for what it is, conspiracy theorists are not in high demand. For political analysts sermonising on causes of the current state of affairs, a captive audience does not come by easy. Even the ‘expert analyst’ and the one with the ‘inside information’ are not even socially a sought-after commodity.

There is no mystery to what has landed the country in an economic crisis, political uncertainty and administrative chaos. The problems and at least immediate damage-limitation steps required for addressing these problems are obvious...

Among the public there is a five-point consensus. One, that the responsibility for the palpable economic crisis which they experience in the form of killing levels of inflation lies on the shoulders of corrupt parliamentarians and on successive governments — whether civilian or military. Two, there is an urgent need that the corrupt at the top are nabbed, punished and made to return what they have looted from the national exchequer in the form of defaulted loans, kickbacks and bribery. Three, a partisan accountability process is not acceptable and politicians and bureaucrats must present themselves for accountability. Four, the President must exercise his powers to rein in government’s abuse of state power. Interestingly, the President of late, because of the moves he has made to hold the government accountable has now grown in stature in the public eye. Five, there is total support for the judiciary’s role in ensuring that the constitution is implemented in letter and spirit. Gone are the days of criticism of the judiciary’s so-called ‘political activism.’ The judiciary is now seen as a ‘saviour’ institution...

Today the 13 crore people who the prime minister claims brought her to power, are not committed to her government’s survival. Their commitment is obviously to a better quality of life for themselves and to the extent that governments fail to

deliver on this count, their mandate begins to erode. It is, therefore, not surprising that people are looking towards the Supreme Court and the Presidency than to the Cabinet and parliament as instruments for fulfilling the mandate of public representatives.”

These are only a few representative evaluations of the current situation. We have confined ourselves to comments made only during the last few weeks. Reference can be multiplied beyond number. This is the state of affairs. Even the blind would find it difficult not to see, some, of course the honourable gentlemen in power!

This is the tragic state of affairs to which the country has been reduced by the PPP government. Now what the Jama'at-e-Islami, and for that matter the entire opposition, is demanding?

The Jama'at wants the enforcement of the Constitution, particularly its following clauses: Articles 2 and 2(a), 203, 227-230; enforcement of the Objectives Resolution and Islamic provision; Articles 4 and 7-28 (Fundamental Rights); Articles 62 and 63, (Qualifications for Candidates).

Qazi Sahib wants people to think that those who fail to meet the conditions laid down in the constitution, or those who are violating all the Islamic and democratic provisions of the constitution, or who have misused and embezzled public funds, that those who have turned this noble parliament into a 'house of evil' should be purged from our body politic. He has never said that all its members are corrupt. Yet who can deny the fact that the current image of these assemblies is disgusting.

## Chapter Three

# How Democratic is the PPP

## The founder of the party

WE HAVE GIVEN some of the glimpses of the perception as it prevails within the country and abroad. This is what has compelled the President to dissolve the assemblies under Article 58(2)(b). But it is worthwhile to reflect on the submission we are making to present the political scene of the country in its true colours.

The Peoples Party is claiming to be the champion of parliamentary democracy. But what is the record? The founder of the party late Mr. Zulfiqar Ali Bhutto came into politics under the tutelage of the arch bureaucrat and dictator, Sikandar Mirza, who tore asunder the consensus constitution of 1956. Very soon, Bhutto changed his loyalties to Field Marshal Muhammad Ayub Khan. For eight years, he served him and eventually became his chief election agent against Mohtarama Fatima Jinnah, the democratic challenger. His role was important in the fall of the Ayub regime and the inauguration of the second martial law by Gen. Yahya Khan. Bhutto was not only an adviser to the new dictator but also acted as his foreign minister and accomplice in the dismemberment of the state that the Quaid had established. He played a very decisive role in the separation of East Pakistan particularly by refusing to accept 1970 electoral results, as he was not prepared to hand over the power to the majority party — Awami League. He raised the slogan of *idhar ham udhar tum* and obstructed the holding of the National Assembly's session. After the fall of East Pakistan, despite getting around 36 percent of the votes in West Pakistan he maneuvered to get himself appointed as civilian chief martial law administrator, a position he continued until interim

constitution was adopted. Under one-man constitution, he established the presidential form of government. When in the 1973 constitution he had to accept parliamentary system he so distorted it by centralizing powers that the nation had a "prime-ministerial form of government". Moreover, the day the constitution was adopted, he resorted to the emergency powers by suspending fundamental rights. It is misnomer to call this a parliamentary form of government. Parliament has never been supreme and the judiciary was never allowed to become independent of the executive. His psychology can be read in an anecdote given by Gen. Gul Hasan in his autobiography:

"Whenever he could, the Quaid-e-Azam, accompanied by Miss Jinnah, would drive out to Malir in the evening. This was his only relaxation. I always took a spare car, in which Inspector (later SP) FD Hansotia of the police rode behind us. He was permanently assigned to protect the Quaid-e-Azam. There was no other escort. It seems strange when I compare those days with what happens now, when the escort of any dignitary is as menacing as the advance guard of an armoured division, if not more dangerous. On one of these drives, the rail crossing at Malir was shut and our car stopped. I looked around and saw that the train was some distance away, so I went to the gatekeeper and asked him to let us go through, of course telling him who was in the car. He obliged, I returned to my seat next to the driver, Aziz, and told him to move on. He answered that the Quaid-e-Azam had told him to stay put. Just then the Governor-General told me to go and tell the gatekeeper to close the gate. I did as I was bid and resumed my seat. He then said, 'Gul, do you know why I told the driver not to move the car?' I replied, 'No sir'. He said the reason was simple: 'If I do not obey the law, how should I expect others to do so?' This brief statement affected me greatly. Though the Head of State, he considered himself as bound by law as any other citizen. Such a demonstration is only possible by men who are truly great.

Years later, I was driving with Zulfikar Ali Bhutto to the Chinese Ambassador's residence for dinner, a day prior to our trip to Beijing in 1971. Bhutto had won the elections in West Pakistan and Yahya Khan deputed him to go to China as the head of a delegation of which I was a member. He asked me

to tell him what had impressed me most during my stay with the Quaid-e-Azam. I told him this story. Just then, the driver stopped the car as one of the traffic lights on Murree Road turned red. Having heard me seconds before, he told the driver, 'Drive on, no one can stop me!' This was the difference. The one who had given us Pakistan was law-abiding; the other, who held no office then, was above the law! And he would, when he assumed office, be more disdainful of any such curbs." (*Memoirs*, by Lt. General Gul Hasan, Oxford, Karachi, 1993, pp. 75-76).

So much about the man who founded the PPP, led it and gave it its distinct character and ethos. There is not a shadow of the democratic spirit in his life, behaviour of the family, the organization and conduct of the party.

Let us also look to the vision of the so-called parliamentary system that Bhutto cherished. About the original 1973 constitution that he and his party gave to the country as their greatest gift, let us see what his own right-hand men and law minister Mahmud Ali Qasuri has to say:

"Instead of a full fledged democracy and a parliamentary government, we are, in the draft Constitution, provided with a government wherein the prime minister will have every opportunity of becoming a dictator. Once a person has secured his election as a prime minister, he can act and continue to act in defiance of the wishes of the majority of the Members of Parliament or even the overwhelming majority of the members of his own party. This is not parliamentary government but is prime minister's chief minister's dictatorship. It is interesting to note that official designation of both Hitler and Mussolini corresponded to prime minister. I sincerely hope that we will avoid the pitfalls that befell their countries.

“The British monarch is not bound to accept in all cases the prime minister’s request for dissolution of the House of Commons. Constitutional writers agree that in certain circumstances a monarch would be entitled to refuse such a request. The President of Pakistan will have no such option and a leader of the legislature who may, by his own follies have lost the confidence of the House and even of his own party could compel the House and his party into submission by threats of dissolution...”

“The President proposed in the Constitution is a mere burden upon the exchequer and apparently performs no useful function except of denying to the prime minister a 21-gun salute. The concentration of too much of power in the hands of any one man has its own risks and may prejudice the growth of parliamentary government in Pakistan”.

Another perceptive analyst of Pakistan’s political history, Prof. Khalid Sayeed, in his study *Politics in Pakistan: the Nature and Direction of Change* (Special Studies, New York, 1980) describes the main features of the house that Bhutto built:

“The Constitution of 1973, made it crystal clear that the kingpin of the entire governmental structure, whether it concerns decision-making in the central government or whether it is related to the matters vis-a-vis provincial governments, was the prime minister. It was in the matter of dominance of the Prime Minister vis-a-vis the National Assembly who were chosen representatives of the people, that the Constitution of 1973 departed fundamentally from the parliamentary norms. No other provisions made the position of the prime minister impregnable against almost every eventuality that a parliamentary government was subject to as that which related to the motion of no confidence in the prime minister. It was clearly stipulated in the constitution, Article 96(5) that for a period of 10 years, from the commencement of the constitution or from the holding of a second general election to the National Assembly which ever occurred later.

“The vote of a member elected to the National Assembly as a candidate or nominee of a political party, cast in support of a

resolution for a vote of no confidence, shall be disregarded, if the majority of the members of that political party in the National Assembly has asked its voters against the passing of such a resolution.”

“This meant that as long as the prime minister enjoyed the support of the majority of the members of the Pakistan People Party in the National Assembly, he could not be ousted if a minority of the PPP members in the National Assembly decided to support a motion of no confidence. Similarly, if another party supported the prime minister, its minority members could not support a motion of no confidence against the prime minister because this would be considered as doing against the wishes of the majority of that party, etc. etc.

This clearly indicates that the prime minister could neither been controlled by the president nor challenged by the Assembly. The latter feature was extraordinary because the essence of the parliamentary government was that the prime minister was both accountable to and removable by the Assembly. As suggested earlier the Government of Pakistan under Ayub was that of the president, by the president and for the President. Could it be said that in the Bhutto regime, the prime minister’s position was equally dominant.”

That is how it all began. Once the constitution was adopted and supposed to have been enforced, emergency provisions were involved and the fundamental rights suspended. Then five of the seven amendments made in the constitution by brute party support aimed at crippling whatever powers were given to the judiciary. With these amendments the principle of independence of the judiciary was withheld. For all practical purposes, judiciary was subordinated to the executive. That is how the supremacy of the prime minister was established on every organ of the state, parliament, the executive branch and judiciary. By any stretch of imagination, this system of personalized authority could not be called parliamentary democracy — it was government by the prime minister, of the prime minister and for the prime minister.



## Family based organisation

Second, the PPP from day one has acted as a family-based organization and not as a real parliamentary political party. There have never been any elections within the party during the last three decades neither formal registered membership. From top to bottom, all office bearers are nominated by the chairman. The leadership has been confined to the family *as a right*. So much so, the principle of inheritance has been introduced in politics. Consequently, the party has been reduced to a family fiefdom. When Zulfiqar Ali Bhutto saw the end of his career approaching, he nominated his wife to be the chair-person. Then his wife nominated her daughter as co-chairperson. When the daughter tasted power, she got rid of her mother whose sympathy shifted to her son, the prime minister's brother, Murtaza Bhutto. With the death of Murtaza Bhutto, the prime minister has shown the true side of her nature when she declared in her chehlum speech that she, her mother and her sister were the only heirs to Zulfiqar Ali Bhutto. If the Iranian Nusrat Bhutto could become part of the family through marriage why the Lebanese Ghinva Bhutto cannot become part of the family by marriage to Zulfiqar Ali Bhutto's son Murtaza Bhutto? Personalized politics has reached a stage when Murtaza's son and daughter have been disowned as part of the family. It may also be recalled that Nusrat Bhutto is reported to have said that it is the inherent right of the Bhuttos to rule. Is this democracy or justification for a new hereditary monarchy? When the Quaid-i-Azam became governor-general, he resigned from the presidentship of the Muslim League. He did not manoeuvre to bring in Mohtarama Fatima Jinnah as president of the Muslim League. Miss Fatima Jinnah came into politics when the political leadership of the country requested her to challenge the dictatorship of Ayub Khan whom Bhutto was supporting. Maulana Maudoodi relinquished the leadership of the Jama'at but it did not go to his sons; instead, the Jama'at elected Mian Tufail Muhammad as its leader who served for 15 years. On his resignation due to health reasons, nobody thought of his son to become leader of the Jama'at. Instead, through direct elections the Jama'at elected Qazi Hussain Ahmed as its amir. But, the Peoples Party has its own standards. Its leadership has no concept of a democratic leadership accountable to the members and the people. The whole system runs on nominations and personal likes and dislikes. This is sheer despotism, a system which runs around the Bhuttos — in fact,

one woman only. It has principles and practices which are foreign to modern democracy.

## The two faces of PPP

Third, a word about their claim of coming to power through democratic means, and enjoying a majority mandate. There is no doubt now, that from 1988 until 1994 the PPP has followed two strategies: one in the field of popular agitation and electoral politics and the other of linkages and conspiratorial politics and alliance with vested interests in the army, bureaucracy and the external forces who pull all the strings in Third-World countries. In 1986 before coming back to Pakistan, she went to Washington to seek the blessings of her patrons there. People like Stephen Solarz and Mark Seigal, who have always been anti-Pakistan, pro-India and pro-Israel were her links with the American establishment. Perhaps a short excerpt from her autobiography, *Daughter of the East* (London, Hamish Hamilton, 1988), will be helpful in understanding her links in the West:

“In Washington I had meetings with Senator Pell, Senator Kennedy and Congressman Stephen Solarz, the bright, energetic Representative who had monitored the recent elections in the Philippines which brought Corazon Aquino democratically into office and who had become a personal friend of mine. They were very supportive of my return to Pakistan. They, too, were pressing for free elections and the restoration of human rights to Pakistan and promised to monitor the situation there closely following my return. Mark Siegel, a political consultant whom I had met on my visit to Washington in 1984, was also very helpful, persuading elected officials and other influential people to write to Pakistani officials, warning them of grave consequences if I were mistreated. As an added precaution, Mark bought me a bullet-proof vest. (P. 273)

PPP has never been able to get majority of votes in Pakistan in the elections held in 1970, 1988, 1990 and 1993. Their voting strength has been between 36 and 38 percent and this too not on the

basis of the party but the vested groups, biradaries, zamindars and different kinds of alliances. Whether it was in 1988 or 1993, PPP was never in a position to form government on the basis of its own strength. Coalition governments were formed on both occasions. But the real forces behind the coalition were bureaucracy, army and the United States. PPP leadership had indirect alliance with the military regimes of Ayub Khan and Yahya Khan. Gen. Zia-ul Haq was brought up by them, but he chose his own path, hence the confrontation, yet there were some direct and many indirect linkages throughout this period. After Zia in 1988 it was Gen. Aslam Beg, the Chief of the Army Staff, and the Chief of the Military Intelligence Gen. Asad Durrani, who played an important role in bringing her to power. Benazir paid back by publicly offering tribute to the army's role in the so-called restoration of democracy. Even *Tamgha-e-Jamhooriyat* was given to the army. In 1992-93, there was a clear collusion with Gen. Asif Nawaz and Gen. Abdul Waheed. The fall of the Nawaz Sharif regime, the coming of Dr. Moyn Qureshi as caretaker prime minister and then induction of Benazir in 1993 are as much a part of the Roman Palace conspiracies, as are the electoral *tamasha*. Is it not a fact that some of the important people in different Zia regimes have also been close associates and advisers in Benazir regime? Those who were confidants of President Ghulam Ishaq Khan during the Nawaz Sharif regime, even those who were supposed to be responsible for the so-called accountability of the PPP leadership, also turned out to be the chief advisers of Benazir. They have continued to play their role even after the removal of Ghulam Ishaq Khan as president. Is it not a fact that Asif Zardari was inducted in Mazari's caretaker government? Is it not a fact that Dr. Moyn Qureshi was invited with the concurrence of Benazir Bhutto? Is it not a fact that even in the Presidential elections of 1993 the then Chief of Army Staff played an important role to the benefit of Ms Bhutto? Is it not a fact that Benazir regime which curses and condemns Gen. Zia and his colleagues day-in and day-out has within her party, parliamentary party, cabinet, even kitchen cabinet a number of those individuals who served with Zia as his ministers and lieutenants? We do not want to name names, but everyone knows how Zia's political kith and kin are on the right and left of Benazir Bhutto, all anti-Zia rhetoric notwithstanding. What credential Benazir has in criticizing the military regimes, with that kind of antecedents?

## Their treatment of Parliament

Fourth, let us see what has been the actual position of parliament under the present regime. How has she treated the institution of parliament? The prime minister used to appear in the National Assembly only sparingly and has not cared to attend the Senate for even half an hour during the last three years. Legislation in the country is by ordinances. During the last three years, some 228 ordinances have been imposed from the above, only about two dozens pieces of formal legislation introduced in both the houses. Over two dozen ordinances have been introduced three to four times against the implicit demand of the constitution and explicit verdict of the Supreme Court. The National Assembly and the Senate do not discuss major national issues. Even important international treaties and agreements like NPT, CTBT and repatriation treaties are never presented in parliament for discussion or ratification. Key policy issues, domestic and international are not debated and policies formulated in the light of parliamentary debates. Question hour is not faced by the prime minister. The ministers do not take it seriously and often make a mockery of it. Throughout the world parliament is always in session except two major periods of summer and winter vacations. In our country, there is no regular schedule of Senate, National Assembly and Provincial Assemblies.

A recent report about the working of the National Assembly between October, 1995 and September, 1996 reveals that during the whole year with 11 sessions, actual time the assembly was in session was ONLY 374 HOURS, with a cost of Rs. 324,000 per hour. Of the 217 legislators, only 95 participated in various debates while the remaining 122 never uttered a word in the assembly. Throughout the year, the total time the prime minister (Benazir Bhutto) spoke was 210 minutes. During this period, the opposition had to resort to walk-out for 25 times — protesting against the government's highhandedness. The ministers responded to only 114 call-attention notices during the year while 1,099 notices expired unattended. (*The News*, November 19, 1996)

The assurances given in the house are rarely fulfilled. The participation from the government side is so low that time and again the session had to be adjourned for lack of quorum. Rulings of the chairman Senate and speaker National Assembly are not respected. Members are bribed and appeased through ministerships, adviserships, parliamentary secretaryships, foreign trips, development funds, plots and other favours. The committee system is limping and no effort is being made to make the executive accountable before the parliamentary committees. The chairmen of the parliamentary committees have no offices and no legislative staff, yet they are provided houses in Islamabad and chauffeur driven cars, even though the committees do not meet for more than 25-30 days in a year. MNAs have shown greater interest in enhancing their own emoluments, perks, foreign trips, medical expenses particularly treatments abroad at the cost of the national exchequer and hardly any real interest in legislation, policy-making, building accountability of the executive and fulfilling their real constitutional responsibilities.

## Horse trading and lotocracy

Fifth, the most obnoxious issue affecting the legitimacy of parliament and the parliamentarians relates to horse-trading and *lotocracy*. In fact, while courts had expressed reservations about accepting corruption as a sufficient reason for dissolution, at least two of the judges in *Khawaja Ahmad Tariq Rahim Vs. Federation of Pakistan* case, have observed that horse-trading could be one of the valid reasons for dissolution. Justice Shafi-ur-Rehman, in his main judgment observes:

“An elected representative who defects his professed cause, his electorate, his party, his mandate, destroys his own representative character. He cannot on the mandated constitutional prescription participate in the exercise of state power and authority. Even by purely secular standards carrying on of the government in the face of such defections, and on the basis of such defections, is considered to be nothing but “mockery of the democratic constitutional process” The other enumerated evils contained in first

ground precede, accompany or follow the defection. That there had been taking defections has not been seriously disputed, nor the fact that the defectors were quite often rewarded with posts and prizes. As regards the second ground, we find sufficient correspondence on record to indicate that persistent requests were made by the provinces for making functional the constitutional institutions like council of common Interests, National Finance Commission with a view to sort out disputes over claims and policy matters concerning the federation and the federating units as such. In spite of the intercession of the president, no heed was paid, constitutional obligations were not discharged thereby jeopardizing the very existence and sustenance of the federation.

It is true that some of the grounds like (c), c (ii) and e (iii) may not have been independently sufficient to warrant such an action. they can, however, be invoked, referred to and made use of along with grounds more relevant like (a) and (b) which by themselves are sufficient to justify the action taken.

Hence, there is no case on merits for grant of leave to appeal which is hereby refused.” (PLD 1992 Supreme Court 656 pp. 666-667)

Justice Rustom S. Sidhwa observes in his judgment:

“But then the question again arises, whether this pernicious evil has contributed to the failure of the constitutional machinery. As stated earlier, the coalition government was somewhat peculiarly placed in view of the open confrontation existing between itself and the combined opposition and attempts made by both to dislodge each other contributed to defection and “horse-trading” on an uninterrupted scale, with each side trying to grab members of the other and offering ministerial or other posts and rewards in the centre or in the provinces to some of the defectees. The grant of high offices, such as of ministers, ministers of state, etc., to members of the Opposition camp showed that they were for reward. No parliamentary practice permits defection or “horse-trading”. The evil is manifest where tenuous coalitions are in the seat

of power. To maintain power, defections from the opposition parties are sought against high rewards and offer of ministerships. Likewise, the same practice is adopted by the Opposition to break the ruling coalition. The adoption of this evil practice only lays bare the position of a coalition party that its functional ability to rule, through the numerical strength of its members, is vulnerable, and that if the opponents were to succeed by the same practice, they would be out of power. This ground can reasonably be treated as reflection of serious functional dislocation of a coalition government and since this is a basic situation for which an assembly can be dissolved as stated in para 19 above, this ground I would treat as justifying the opinion which the president did even to justify dissolution". (pp. 697-8)

Benazir government has totally failed to improve upon its earlier record on this count. There has been horse-trading from day one. The way the provincial government in the Frontier province was removed and an artificial majority was created by horse-trading and manipulation is a classical example of the rape of democracy in the parliamentary system. The same story was repeated in Punjab under the cover of emergency and governor's direct intervention in matters which were not his constitutional domain. Even today (November 3, 1996) there are 105 ministers, advisers, assistants and parliamentary secretaries in Punjab costing over Rs 670 million a year to the national exchequer. Now these very privileged persons are being herded in Islamabad, Muzaffarabad, Peshawar and Sawat as cattle only to control and manipulate in view of the expected vote of confidence in the Punjab Assembly as a result of the restoration of the Wattoo chief ministership.

Commenting on this latest outrage *The News*, November 2, 1996, which otherwise has been generally sympathetic to the Bhutto regime, editorialized:

"There are credible reports of massive offers being made to MPAs with feeble faiths to change their minds and their political loyalties. Backroom deals negotiated by middle-men are taken place and the task of getting MPAs is being given to trusted trouble-shooters who have specific deadlines to meet. This exercise is taking place against the backdrop of the

proceedings of this particular case, during which much was said about the curse of horse-trading and how debilitating its effects are on the health of democracy.

Whether all of this wheeling and dealing, buying and selling, trading and bartering would end or get more feverish depends on what sort of verdict is given. In case Mr. Wattoo is restored, all principles of political morality, already in ribbons in Punjab, will be mauled to win the mad numbers game that would follow. But if it is otherwise the activity will end, or perhaps be postponed, because Mr. Wattoo might move the Supreme Court, his last resort.

Things as they stand now are a sad commentary on our political culture and the behaviour of those who shape it."

## No respect for public money

Last but not least corruption is rampant to an unprecedented extent. There is no respect for sanctity of public money. In a country where ordinary citizens are not in a position to buy two times meal a day and even ordinary medicines, the members of parliament and senior bureaucrats are sent for treatment abroad each costing million of rupees. Foreign trips are the most favourite pass time of present prime minister and her supporters in the assemblies. Mr. Z.A. Bhutto began the practice of taking huge delegations of more than 60 to 70 people and his daughter continues with it unchecked costing the exchequer millions and millions of rupees, as well as bringing a bad name to Pakistan. The prime minister has herself said that 10 percent of the bank defaulters belong to the national and the provincial assemblies. If to this list we add the names of relatives and friends of the politicians, it would increase three fold. If the list of defaulters of Agricultural Development Bank is included, the proportion may rise to over 40%. The number of plots given to members of parliament during Mr. Bhutto regime in the 70's, the Zia regime, followed by the Junejo regime, the Benazir Bhutto regime, the Nawaz Sharif regime and the current Bhutto regime, almost 80% of the members would turn out to be the beneficiaries of this national loot. Similar has been the case in



provinces. Huge development funds have been made available to the members of the government party in the national and provincial assemblies, yet another source of burgeoning corruption. Add to that the quantum of appointments, of transfers, of other administrative and economic benefits and the picture that emerges is really bleak and disgusting. It is a sad situation that people who had been entrusted with power and authority in this country have by and large failed to serve the country. They have tried to serve their own interests. If this is the picture that emerges, it is not the critics who are to be blamed. The blame lies with the political leadership, who were voted to the august houses of national and provincial assemblies but they have betrayed the trust reposed in them. It is they who have brought bad name to these institutions so much so that Pakistan is described as one of the most corrupt countries in the world. Corruption has become a way of life in this poor country and destroyed its moral fibre as well as its economic potential.

This is the verdict of the mirror and crushing the mirror is not the answer! The answer lies in setting the house in order. Go back to the people to seek a fresh mandate. Reform the electoral system so that the criteria of leadership provided in the constitution in articles 62 and 63 is scrupulously implemented. I have not discussed in this presentation the other dimensions of the crises, particularly the havoc caused to the economy, the damage done to the ideology of the country, the crusade against our cultural values and traditions of our society, the violence done to the freedom of information and misuse of media, particularly the electronic, and the total isolation of Pakistan in the international field affecting our stand on Kashmir, Afghanistan, Palestine, the NPT, the CTBT, and the devaluation of our position in the so-called New World Order, making us a satellite of America. The Bhutto regime had failed on all these counts as well. That is why its continuation in power would have been a tragedy of colossal magnitude. Dismissal of this government was indispensable to save Pakistan from further disaster. We had reached the end of the precipice. But the dissolution of the assemblies can be helpful in achieving the objectives of protecting Pakistan only if the next challenge is met positively. That challenge lies in bringing up an upright middle class leadership with vision, commitment and competence. The answer lies in implementing the constitution and not just paying lip-service to it.

## *Chapter Four*

# **Benazir Government's Dismissal: Foreign and Domestic Perception**

THE PRESIDENT HAD to act, and so in the early hours of November 5, 1996, he dissolved the National Assembly. His charge-sheet had nothing new. Everyone knew about Benazir Bhutto's mismanagement of economy, and her running of a corrupt administration. That is why no tears were shed. Even the sympathetic national and international press which had backed her as their darling could offer nothing to defend her. For the sake of record, we are reproducing below a few comments from the editorial pages of leading newspapers:

### **A moment of deep reflection: *The Frontier Post***

*The Frontier Post* comments under the title "A moment of deep reflection":

"The Benazir government goes the way the previous government did: the president has dissolved the assemblies by invoking his special powers under Article 58 (2)b. In a dramatic proclamation on Monday night, much sooner than some people expected, he pulled the rug from under the feet of an increasingly arrogant and mercurial Ms Bhutto. Most people have responded with a sigh of relief over the sacking of the PPP government, for life during the last three years had seemed an unending nightmare. Corruption quadrupled, with an accusing finger pointed at the former prime minister's

spouse. The president was shocked, as indeed all his compatriots, when a corrupt individual, who actually belonged to the opposition but won over by Ms Bhutto through one blandishment or another, was inducted in the federal cabinet. This indicated to most people that the PPP government had no morality; many of its actions reeked of political expediency. The country was termed by a prestigious German think-tank as the second most corrupt society on the face of earth, a charge that Ms Bhutto sought to deflect with her usual insouciance. The law and order situation dipped to an alarming low and, most importantly, the economy made a shipwreck, thanks to the government's disastrous policies, especially the mounting official expenditure. Ms Bhutto favoured a life-style (that, too, at the expense of the taxpayers) which seemed bizarre, extravagant and medieval even to foreign visitors. If the domestic situation under the ousted government robbed the citizens of their peace of mind, the country's foreign policy also made no headway. The failure in the realm of foreign policy was amply reflected in the way some international donor organizations started treating this country. Consider Ms Bhutto's rhetoric some two years ago when she undertook extended, and expensive, visits to foreign capitals. The signing of the MoUs, which she told the Pakistanis would bring a windfall of foreign money, has long proved to be a pantomime. From a country that counted on being awash with dollars, just because Ms Bhutto went and met foreign leaders with all her charisma, Pakistan today is digging deep into its pocket for some nickel, just to be able to underwrite the salaries of the government servants. Imagine the straits if the IMF had not agreed to release last Wednesday its \$160 million standby loan.

It is unfortunate that Ms Bhutto's ignominious exit has caused no or few tears. Her credibility had hit the rock-bottom. The assassination of Murtaza Bhutto, her brother, in Karachi in mysterious circumstances had split her party in Sindh, with some people seriously accusing her husband of foul play. The president's hand has been forced following her obstructing posture with regard to the Supreme Court landmark judgment in the famous judges case of September 20. Ms Bhutto, who takes pride in calling herself a true

democrat, has actually played an anti-democratic role. She failed to respond to the imperatives of an independent judiciary in Pakistan. She encouraged her associates to block the much desirable judicial activism. Enlightened segments were distressed to see her blocking the judiciary's move for autonomy. We said at the time that Ms Bhutto, heading as she is the country's largest political party, would be the chief beneficiary of an independent judiciary. How could she ignore this argument is hard to fathom (imagine her ordeal now: would she appeal to the judiciary for justice, a judiciary she has herself sought to denigrate in recent days?). It only proves one thing: that those who rule this country have an obsession for absolute power. They do not want to see it curbed, nor do they want to share it with anyone. Like her father, Ms Bhutto has developed a self-destructive stubbornness. Corruption in her government has certainly brought her to ruins. The president has been consistently writing to her, urging restraint. But she would not listen. As a matter of fact, she wanted to use the recent accountability bill moved by her government in the parliament as a mechanism to trap both the president as well as the non-conforming judiciary. The president's patience appeared to be snapping in recent days, as Ms Bhutto and her team indulged in dilly-dallying tactics over the question of corruption. It was fool-hardly on the part of the sacked interior minister, for instance, to say that for accountability to be successful, it must start from the president. The crunch came when Manzoor Wattoo was restored as the chief minister of Punjab earlier this week. Both Ms Bhutto and her freewheeling spouse descended on the Punjab capital to undertake what seemed a gigantic exercise in horse-trading. This prompted howls of protests from the opposition and Mr. Wattoo. The president was bound to intervene. And let us admit the fact that the public opinion was more or less favourable for this extreme step."

## Another debacle and challenge ahead: The *Dawn*

The *Dawn*, Karachi, comments under the heading "Another Debacle – and Challenge Ahead" (November 6, 1996):

“Of greater relevance is to understand that Ms Bhutto’s troubles were largely self-inflicted. She could not control corruption and she could not give the country anything approaching good governance. Admittedly, Ms Bhutto had not inherited an easy economic situation but the pain that came with this was aggravated by ostentation and the widespread conviction that while things were getting worse for the common man, the rich and the powerful were having a merry time. Not to be discounted also is Ms Bhutto’s arrogance of outlook which made it difficult for her to accept mistakes or even to acknowledge reality. This in the end proved to be her government’s undoing.

Where she should have been prudent she was needlessly reckless, picking an entirely avoidable clash with the Supreme Court and straining her relations with the President who earlier had been extending his ungrudging support. Even when all the world was cautioning Ms Bhutto to tread carefully and to read the emerging writing on the wall, she persisted in her wilful ways. Her strength primarily had rested on the support of the President (who at one time was perceived as being her man) and the perceived neutrality of the army. With the President going on the war-path, Ms Bhutto’s position became untenable. So much so that the question being asked in the country was no longer regarding her chances of survival but about the manner and timing of her exit. In the event the only thing surprising about the President’s decision was not the action itself but the mid-night hour at which he chose to strike.”

## Benazir’s ouster: *The Nation*

*The Nation*, November 6, 1996, observes under the title: “Benazir’s Ouster”.

“No matter what Ms Bhutto may have to say in self-defence, the charges levelled against her government are *prima facie* substantial, and she has only herself to blame for getting

trapped in a credibility crisis. Had she been able to live up to her promise of good governance, her fall from power would not have been such a summary dismissal. Whether or not the President was entitled to intervene under Article 58(2)(b) of the Constitution, in the face of the Supreme Court's earlier verdict in the Nawaz Sharif versus GIK case, is a matter for judicial review. Badly mauled by the killing of her brother under the aegis of her own provincial government in Sindh, from a political perspective, Ms Bhutto does not seem to have the leverage to project herself as a 'martyr' of democracy."

### Prolonging Benazir: *Telegraph*

Pakistani journalist Ahmad Rashid in his dispatch published in the daily *Telegraph*, London (November 6, 1996), says:

"Once the darling of Western governments and media, the Harvard and Oxford-educated Benazir Bhutto never made the grade in governing her own people. Twice she has been voted into power; twice her government has subsided into political and economic chaos.

The charges laid against her by her former ally President Farooq Leghari were the same, or even worse, than those she faced when her first government was dismissed in 1990 after just two years in office. Then, at least, she could claim to have been removed by a political opponent.

"At the heart of Bhutto's problems was her sublime arrogance about having almost a God-given right to govern Pakistan", said a Western diplomat yesterday. "That arrogance was never offset by competence or the ability to retain political alliances or choose the right people for the right jobs".

The daily *Telegraph's* editorial comments ("Bungling Benazir", November 6, 1996) are as follows:

“Pakistan misfortune, after many years of military rule, is to have been saddled with inept and corrupt civilian governments. ...

The instrument of Miss Bhutto’s second fall — with military backing — is a president, Farooq Leghari, who was once her loyal supporter. His indictment of her rule is wide-ranging and, *prima facie*, devastating. It includes the condoning of extra-judicial killings, phone-tapping, ridiculing a Supreme Court verdict on her authority to appoint judges, corruption, and allowing officials accused of crimes to influence the law enforcement agencies. To Mr. Leghari’s list can be added her faulty stewardship of the economy and her foolish appointment as foreign investment minister of her husband, Asif Ali Zardari, who has long been implicated in corruption scandals. It is difficult not to conclude that Miss Bhutto has been guilty in equal measure of arrogance and incompetence.”

## The sword falls: The *Times*, London

The *Times*, London, in an editorial captioned “The sword Falls: the Bhutto clan has played a large part in its latest downfall” (November 6, 1996) says:

“On the grounds that “public faith in the integrity and honesty of the Government has disappeared,” President Farooq Leghari defends his dismissal of Benazir Bhutto’s Government and the dissolution of Pakistan’s National Assembly. His charges include political inroads on the independence of the judiciary, failure to check the waves of “extra-judicial killings” in the country’s streets and corruption, nepotism and maladministration “so extensive and widespread that the orderly functioning of Government... has become impossible”.

Each of these grave criticisms has substance. Miss Bhutto has cruelly disappointed the high hopes of democratic stability, economic reform and above all, cleaner government that attended her re-election as Prime Minister three years ago.

Instead of allying herself with the President's campaign against civil service corruption, the abuse of political patronage and the outrageous privileges of Pakistan's grasping feudal elite, she has resisted every concrete proposal to attack these evils. Faith in democracy has suffered accordingly. The President is one of the few politicians in Pakistan whose personal integrity is sufficiently unquestioned to enable him to point the finger without courting derision.

He has also acted entirely legally, even though he has used powers added to the Constitution in 1985 by the military dictator Muhammad Zia ul-Haq — powers which he himself has criticised as a sword of Damocles over democracy. His concerns about the collapse of law and order are not exaggerated. Prudently, he has sought to minimize the tension attendant on this drastic step by appointing Meraj Khalid, a respected former Speaker from Miss Bhutto's own Pakistan People's Party, as caretaker Prime Minister and setting February 3 as the first date for fresh elections. But however honourable his intentions and however firm his democratic credentials, the President has committed an antidemocratic act. ...

She will deserve to lose, however, if she refuses to acknowledge her own part in her downfall. Miss Bhutto claims to be a champion of economic liberalisation and social justice. By tolerating corrupt associates, backing away from reforms that would weaken her own power base and horribly mishandling the nation's finances, she has served neither cause well. A fresh start has been forced upon her. She should meet the challenge with her customary courage — and with a degree of uncustomary humility”.

## **Bhutto banished: *The Toronto Star***

The *Toronto Star*, in its editorial comments (“Bhutto Banished” November, 1996) says:



“Dismissal of an elected government is always cause for concern. But it isn’t, really, in the case of Pakistan, where the president has fired Benazir Bhutto, installed an interim prime minister and ordered new elects.

She made it easy for him to exercise his constitutional duty not to turn a blind eye to widespread corruption, nepotism and abuse of power, including defying the judiciary. That President Farooq Legahari is a former ally only shows how compelled he felt to act.

Bhutto had been dismissed once before, in 1990, on similar charges by another president whose decision was later upheld by the supreme court. If anything, her second term was far worse.

Under her reign, Pakistan developed a reputation as Asia’s most corrupt country. An the most corrupt figure was said to be her husband, Asif Ali Zardari — a.k.a. Mr. 10 Per Cent, and, lately, Mr. 20 Per Cent – whom she named minister for investments!

As her own finance minister, Bhutto brought on a Mexico-like economic crisis – depleted foreign exchange reserves, 20 per cent inflation, devalued currency, and an empty treasury that forced cutbacks and tax hikes of \$1 billion in order to qualify for an emergency loan from the International Monetary Fund.

Bhutto’s abuses of power were many. She dismissed opposition provincial governments and installed hand-picked premiers from her party – moves deemed illegal by the courts. She ignored several judicial rulings, including one dismissing her appointment of 20 unqualified party faithfuls as judges.

She presided over a breakdown of law and order, especially in the biggest city, Karachi. President Leghari has, in fact, accused her of sanctioning hit squads against opponents, and tapping the telephones of judges, politicians and military and civilian officers.

The public support Bhutto once enjoyed as a beacon of democratic values has given way to revulsion, street protests and strikes. Her ouster has been greeted with relief, especially by business that has seen promising economic gains squandered.

Bhutto's path has paralleled her father's, Zulfikar Bhutto, too, was elected prime minister amid much hope, only to become a repressive demagogue charged with complicity to murder. He like her, was admired abroad but ultimately hated at home.

Her firing, not ideal for a democracy, is preferable to a military takeover. The army, which has ruled Pakistan for 24 of its 49 years since independence, was no doubt consulted. But it's best left in the shadows, as civilians conduct the election slated for Feb. 3.

The president should resist calls to ban Benazir Bhutto from contesting. Better to leave her political fate to the electorate – and her alleged illegalities to an independent prosecutor.”

We have given only a few reactions to the fall of Benazir Bhutto regime, which as far as the people and the intellectuals are concerned, has gone down ‘unwept, unsung, unhonoured’. The battle will now go into two fields – the courts and the bar of the electors. As said in the judgment of the Sindh High Court (Petitions CPD 166/90 (Quetta), CPD 754/90, CPD 795/90 and CPD 836/90 (Sindh Assembly)), both these appeals constitute an integral part of our constitution as well as that of the democratic process. The Jama'at-e-Islami is opposed to any departure from the constitution or relapse into military rule. The constitution must be upheld and respected by all. The courts observations are as follows:

“It may be pointed out that people are the final and supreme arbiter and ultimate sovereign in a democratic State. Hence appeal to the electorate and holding of general elections has always been considered as a welcome and healthy omen. In Article 58 of the Constitution of Pakistan two persons have been given the power to dissolve the Assembly and making an appeal to the electorates. The first of them is the prime

minister, who has unrestricted power of dissolving the National Assembly at his will and making an appeal to the electorate, while the second is the president, who in certain circumstances has been given power to dissolve the National Assembly and appeal to the electorate. When the constitution gives such a power to the president, then it is the duty of this court as a defender of the constitution to respect that power. Of course there is a duty cast on this court to satisfy itself that the power has been exercised by the prime minister or the president in accordance with pre-conditions prescribed by the constitution.” (para 26, page 133)

## Benazir’s own evidence

The failure of the Benazir regime is accepted by all and sundry. But it may be instructive to put on record the criteria of success or failure which Benazir had herself set in her critique of the Zia regime and the National Assembly that came into existence as a result of the 1985 elections. In an address to parliamentary opposition group, on June 11, 1987, she tried to put up her case as to “Why the PPP does not recognise Parliament”. (The Way Out, by Benazir Bhutto, Mahmood Publications, Karachi, 1988). Some aspects of the charge-sheet are given below:

“The state apparatus has completely abdicated from its primary functions of maintaining law and order and providing protection and justice to Pakistani citizens. To this extent the state apparatus has become defunct; it does not exist.

The apparatus does, of course, exist to protect the VVIP’s from all except the television cameras. ...

The police in the Punjab and the Army in Sindh have been given the licence to kill. The so-called “police encounters” have so completely eroded the credibility of this organization that even when hardened criminals die at its hands, there is substantial suspicion that the whole “encounter” was fake. Yet this “law and order” concern will eat up Rs 2.24 billion

from the state's revenues in 1987-88, not to talk of the many more billions that it will squeeze out of the impoverished citizens.

The narrow self-serving interests of the regime also govern its handling of Pakistan's economy. The praetorian state permits its minions to plunder so long as they continue to unquestioningly support Caesar.

Never has this country's wealth been plundered in the manner it has been under Gen. Zia. Never before has the nation's wealth been squandered with such impunity and abandon. After-all which prime minister could spend a sum of 2 million on one visit to the United Kingdom? Whoever took a regiment of 101 companions on this pleasure trip to Xanadu? Who could keep a wide bodied PIA jet grounded at Heathrow for 11 full days? Whose party could pay a 75,000 bill for the hire of 50 limousines alone?

Foreign tours are only one among many expenditure extravaganzas. A mere five-hour prime ministerial trip to Jhang cost Rs 3.5 million. The Gilgit escapada has cost many times more.

The Federal budget announced last week establishes that over the past eight years alone the cost of the state's establishment has multiplied four folds, doubling every second year. The state apparatus, the bureaucratic elite, is obsessed with spending obscenely on its own retainers. No other poor country can have so many luxury limousines at the disposal of the barons of administration and the public sector. No other developing country can place at their disposal means of such luxurious living as is enjoyed by our senior civil servants and administrators. The princely life-style of top bosses impels their less fortunate and subordinate colleagues to take to CORRUPTION. ...

Tied up smuggling are imports. Both indicate our fatal dependence upon foreign manufactures. The country has deliberately been hooded to imports. And it has been mortgaged in the process. Its balance of payments has been

wrecked. Imports over Rs 90 billion are more than twice our export at Rs 40 billion. Spiraling foreign debt is the natural and inescapable outcome. It has been acquired with a wanton disregard for national interest. In the first thirty years (by 1977) Pakistan had acquired an external debt of US \$ 6.3 billion. In the past decade alone it has been burdened with an additional \$ 10 billion. Mr. Wattoo's budget now admits an annual debt-servicing bill 30% of the total GNP. Debt service payments consume 41% of the earnings of our exports.

Importers, even at the risk of acquiring such an unbearable debt liability, have been resignedly made to spiral in geometric progression. To a large extent these go directly into the consumption sector. Consumerism has been deliberately encouraged in a calculated effort to de-politicise the nation. The state's interest have been staked to secure the narrow interests of the regime. Pakistan is one of the few desperate countries where out of a Rs 522 billion GNP, Rs 491 billion were consumed in 1986. In the words of an Islamabad Editor:

The economy is barely kept afloat "by borrowing ourselves sick".....

The disastrous result are visible in the depleted value of the Pakistani rupee. In the last five years alone it has fallen by 80% against the U.S. dollar, by more than 100% against the Deutsche Mark and almost 170% against the Japanese yen". (pp. 191-194)

Forget about who is delivering this obituary. Also forget about the date and the venue – Is the Benazir Bhutto regime not guilty of the same crimes multiplied, manifold? In what respects President Leghari's indictment of her and the National Assembly is different from her own case of not recognizing the 1985-88 parliament? Does she not stand condemned on the criteria that was set by none other than herself?

## *Chapter Five*

### **What the Jama at Wants?**

JAMA'AT-UL-ISLAMI'S STRUGGLE against the Benazir regime has been based on principles it has upheld ever since it entered active politics. The Jama'at stands for a new and just order based on the values and principles of Islam. It stands, not for a "selective" enforcement of the constitution but its full enforcement, in full measure. Its opposition to the Benazir's corrupt regime and its demand for the dissolution of the assemblies has been only a part of its campaign. The other and more important part relates to its efforts to bring up an honest and competent leadership through the democratic process to establish a new order fulfilling the demands of the constitution. It calls for effective accountability of all the corrupt elements, and not just "selective" accountability as window-dressing. It wants the electoral commission to be reconstituted to make it truly impartial and trustworthy. It seeks changes in the electoral system to make it transparent and to bring an end to the pernicious influence of aristocracy and wealth-culture because of which a virtual disenfranchisement of the people has taken place, despite the drama of periodic elections. That is why it is demanding introduction of the system of proportional electorate; elimination of the phenomenon of independents, a major source of political instability; effective enforcement of article 62 and 63 of the constitution that lay down in clear terms the qualifications for persons eligible for election to national and provincial assemblies. The Jama'at wants elections within the constitutionally stipulated time and is totally opposed to an extended rule of an unrepresentative interim government appointed under the discretion of the president. Although it is our demand that even this interim government must offer just accountability, we insist that other reforms are also needed to initiate the process of accountability and reforms of the electoral system to make democracy

really work in the country and build safeguards against the repetition of the tragic dramas of 1988, 1990, 1993 and now 1996. This is now being emphasized also by other political analysts and a number of editorial comments made on the dissolution of the National Assembly on the November 5. *The News* in its editorial on November 6, 1996 (Government's Dismissal) observes:

"The removal of a government must be followed not only by fresh elections within the constitutionally stipulated period but steps that would remove the infractions that jinx the system. The President, as much as other people who have the good of Pakistan in their heart, should find ways and means to improve the quality of governments that are elected. Articles 62 and 63, though an extreme method devised by a military ruler to have people elected according to his prescription, were never really applied during any of the elections to sift the good from the bad among candidates. In fact during all the three elections of 1988, 1990 and 1993, there was no untoward pressure for applying these two Articles during the acceptance of nominations of the candidates."

The editorials (November 6, 1996) of *Nawa-e-Waqt*, *Jang*, *Pakistan*, *Wafaq* and *Jasarat* underline this point. Even daily *Telegraph* says:

"Pakistan would be well shot of both her and Mr. Sharif as future heads of government. The hope must now be that the next four months of interim rule will bring better management of the economy and a determined drive against corruption; also that they will give time for a new, less tainted political leadership to emerge as the country prepares to celebrate its golden jubilee. Decent government would strengthen the cause of democracy in some of the most volatile regions". ("Burgling Benazir", the daily *Telegraph*, London, November 6, 1996).

The Jama'at's insistence on electoral reforms and operationalisation of Articles 62 and 63 is also supported by a judgment of the Federal Shariat Court, which has observed in Shariat

Petitions No.13/1 of 1988, 18/1 of 1988, 19/1 of 1988, 26/1 of 1988 and 4-K of 1988, published in "All Pakistan Legal Decisions", 1990.

30. As the constitution has already provided these qualifications for eligibility of the candidates for the Shura and left the methodology for implementing these provisions to the legislature, the act should be so amended as to make it meaningful by giving effect to the requirements of the constitution. A screening committee or a tribunal of notables consisting of retired or serving Judges of the superior courts, educationists from universities and Islamic scholars, should be constituted to first investigate each case by examining the merits of each candidate in an open court. Anyone who wishes to give evidence and assist the tribunal/screening committee should not be prevented from doing so. ...

32. It was contended that here again the real spirit of Islamic thought is killed and the phoenix of western political thought is reared up. The elected candidate is supposed to represent the voters. The voters have placed their trust in him and as a trustee he must remain answerable to each person who has reposed trust in him. But this section pitches him against his rival who alone can file an election petition. The members of the constituency cannot file an election petition. Why the electorate whose agent or trustee the member claims to be have been denied any role and are debarred from raising their voice in relation to election results.

33. It appears that from beginning to end it is a combat between two political animals and the entire mass of voters are mere by-standers to announce at the end of the fight which one of the combatants is the winner and which the loser. This defeats the very purpose for which the whole exercise is undertaken. The relationship of trust and trustee, principal and agent is degenerated into personal fight between two individuals.

34. It was contended that everyone should have a right to come forward and expose a dishonest or undesirable candidate who may have succeeded by adopting unfair means. Smart and resourceful winner would have little difficulty in



preventing the defeated candidate from going to court and thus outwitting 3 lacs voters of the constituency. Why such a person should be allowed to perpetuate himself over an unwilling electorate.

35. It is, therefore, necessary that section 52 of the Representation of the People Act, 1976 should be so amended as to allow full opportunity to all the voters at whose ticket the candidate would reach the chamber of parliament. The candidate may or may not object to the election and may or may not file a petition. It is the right of the voter to ensure that he is represented by an honest man who has won the election by honest means and not through bogus voting or unfair means or by collusion with the opponents. In the absence of this right conceded to each voter this section is held to be repugnant to the Holy Qur'an and Sunnah.

36. The other leg of this argument was that the member of the Shura enjoying the position of the trustee of the voters who have sent him up should be constantly under watch of the electorate and accountable to them for every action. Any time the member falters any voter should be able to pull him up and ask for his explanation. This would be a deterrent to unscrupulous and adventurous members of the Shura and a warning to all to walk all the time with measured steps ...

37. In our opinion it is highly desirable that the screening committee or Election Commission should be given powers to entertain any complaint by any member of the constituency or any other person who may want to bring on record any malpractice or instance of unethical conduct committed by the member of Shura. If the charges are proved to be true the committee should be given powers to disqualify the member and unseat the member from the membership of the Shura. ....

39. If a candidate is allowed to influence the judgment of the electorate on the strength of money and to buy their (ايبت) or allegiance through his wealth, a poor man who may be thousand times better in piety and (تقوى) but is handicapped because he cannot set up an apparatus as effective as his rival

would never be able to fulfil his urge to serve his people in the Shura. ...

41. We may venture to suggest that a provision should be made whereby those who have cleared the screening process should be introduced to the electorate by the Election Commission through the electronic media and where it is not possible through other means. Time should be allocated for each candidate and through panel discussion between supporters/promoters of each candidate, the candidate should be introduced to the voters. Each candidate should also be provided an opportunity to appear and address the voters of his constituency on the TV or where not possible in public meetings arranged by the Election Commission.

42. Restricted publicity through posters may also be allowed to supporters. The posters etc. issued on behalf of supporters should only comment on qualification and virtues of the candidate whom they have nominated for the Assembly. No character assassination of other candidates should be permitted at this stage because the candidate has already been cleared by the screening committee. If there is any blot on the character of the rival candidate it should first be proved before the screening committee etc. and not published in the Press." (Pp. 19-24 F S C).

In view of these demands of decent democracy and the constitution of the Islamic Republic of Pakistan the recipe that the Jama'at-e-Islami is presenting before the nation to get out of this crisis may be summed up as follows:

1. We welcome the dissolution of assemblies and the dismissal of PPP/PDF governments that had lost all legitimacy. But we demand that the interim government must discharge its functions strictly under the constitution and hold elections "within" the period of 90 days as prescribed by the constitution. Any extension in its length of life or any effort to impose an unrepresentative government of so-called experts is not acceptable.

2. The present interim government and all the functionaries of the state must remain accountable and discharge their responsibilities within the frame of law and Islamic norms of austerity and decency. They should also declare their assets and financial and political interests as should be obligatory for all holders of public office.

3. The accountability process must start immediately and without selectivity. A high-powered judicial commission must be formed with the exclusive task of prosecuting those who have abused power, embezzled public resources and plundered the economy of the country. This commission should have an independent prosecuting wing with persons of unblemished character. The government, the opposition parties or any citizen should be entitled to lodge complaints to the prosecutor who, on summary evidence, would start investigation and prosecution wherever necessary. Those who complain should be fully protected but malicious or *malafide* complaints should be made punishable. Key political appointments in financial institutions must be reviewed and not only the political leaders but also the bureaucrats and their other accomplices must be brought to book. Political victimization should be avoided. We insist that the accountability process must start immediately, and those found guilty must not be allowed to participate in elections. The punishment for those found guilty must be deterrent i.e. barring them from participation in politics or public service for life, confiscation of property and recovery of losses made to the nation, imprisonment and fines.

4. Election Commission should be re-constituted. It should be made independent and given powers which are essential not only to ensure fair and impartial elections but also to ensure effective scrutiny of the candidates under Articles 62 and 63 of the constitution. In this respect, the following suggestions may be considered:

i) Whoever offers himself for any public office, national or provincial, must make a public declaration of his and his family's assets and liabilities. The onus of proof of acquiring these

assets and maintaining his or her lifestyle should be on the person concerned. However, as the statement of assets would be made public, it would be the responsibility of the Election Commission to publicly announce his candidature along with his assets and invite objections from the public by widely publicizing Articles 62 and 63 of the constitution. The Election Commission should have at the divisional level judicial mechanism to summarily investigate the charges, if any, and declare the fitness or otherwise of the candidates. Only those candidates who pass through this filter should be able to contest the elections.

ii) The limit for financial expenses must be fixed and strictly adhered to. Any violation should invite disqualification of the candidate and even penalty by the party sponsoring such candidates.

iii) TV and press advertisements and mass rallies and processions should be forbidden. Instead, it should be the responsibility of the Election Commission to arrange public meetings at appropriate places in every constituency where candidates should be provided with an opportunity to present their message and programme. Candidates should be permitted to have door to door contact for the distribution of leaflets and posters, but nothing more. Every party should be given an opportunity to present its message from TV and radio. The polling station should be at such distance as could be easily covered on foot. Use of transport by the candidates on the polling day should be forbidden, but facilities of public transport should be provided from appropriate points. This would eliminate a number of malpractices and promote democratic culture instead of the wealth culture that characterizes elections in the country.

iv) Independent candidature should be eliminated, and if it is not possible, it must be laid down that

independents can be elected only if they get 51 percent of the vote cast in a constituency.

v) Elections to national and provincial assemblies should be held on the same date.

vi) Every effort should be made to switch over to proportional representation. This would also take care of the problem of separate seats for women and also the issue of joint or separate electorate. There would be no independent candidate in proportional representation. Party would become responsible for the whole process, and it can be provided that only those parties would be able to retain their seats in the national or provincial assembly if they are able to get at least 5 percent of the national or provincial vote, as the case may be. In the case of national assembly, it may also be provided that a national party must also garner at least 2-1/2 percent of the votes cast in all the provinces of the country.

5. We also demand that whoever wins the elections and forms the government, would have to declare all their economic and financial interests and political and NGO relationships in an official register of the national or the provincial assembly as the case may be. The prime minister, the chief minister and all the ministers, advisors and special assistants would not be allowed to remain connected with any private business or activity involving monetary gain. This would be over and above the declaration of assets provided earlier and this restriction would only be as long as they remain in a position of power in the country.

6. All discretions about allotment of lands, licences, development assistance, appointments, and transfers would be made by law and any one found involved in them would be punishable, not only by disqualification from holding public office but also appropriate punishment, including imprisonment and fine.

The Jama'at is also committed to bring about fundamental changes in the economy and society to cleanse it of all the legacies of colonial rule and neo-colonial perversions introduced by different regimes under different labels; modernization, liberalism, socialism, globalisation and military rule. The vision of Pakistani state and society that the Jama'at is committed to, as stated in its first manifesto offered in 1969 and which has remained the bed-rock of its latter manifestos and strategies of policy, is as follows:

“JAMA'AT-E-ISLAMI PAKISTAN is an ideological party in the widest sense and not a mere political party or a religious or social reform organization. It is based on the firm conviction that Islam is an all-pervading and comprehensive 'Order of Life' which it intends to promulgate and translate into action in all spheres of human life. The Jama'at believes that the root cause of all troubles in man's life is his forgetfulness of God Almighty, his disregard of Divine Guidance as revealed through the prophets and his lack of concern about his accountabilities in the hereafter. As a matter of fact, wherever and whenever any type of evil has plagued human life, this very deviation from God has been the main cause of trouble. No scheme of reform in human affairs can bear fruit unless and until Obedience to God, belief in man's accountability after death and adherence to the divine Guidance as revealed through the prophets are sincerely made the basis of the entire edifice of human life. Without bringing about this fundamental change, every attempt to reform society on the basis of any of the materialistic concepts of justice, will only result in other forms of injustice. ...

The Jama'at-e-Islami is trying to bring about a fundamental change in the system of government by democratic, peaceful and constitutional means and convert Pakistan into:

\* a state that positively upholds and conforms to the Islamic way of Life as set out in the Holy Qur'an and Sunnah, follows the example and precedents set up by Khilafat-e-Rashidah and allows an unhampered expression to and a proper fulfilment of the fundamental principles and injunctions of Islam;

\* a state that eradicates vice and promotes virtue and upholds and exalts the Word of God;

\* a state that uproots injustice, exploitation and moral depravity in all its shapes and forms, reconstructs the entire social setup on the values envisaged by Islam and establishes justice in every sphere of life;

\* a state that behaves as a servant of the public, guarantees to every citizen of the state the basic necessities of life i.e. food, clothing, education and medical relief, facilitates all lawful (*halal*) methods of earning livelihood and prohibits every unlawful (*haram*) mode of earning thereof, and multiplies the national wealth by all possible legitimate means and ensures its equitable distribution amongst the people;

\* a state that tries to comprehend people's difficulties before they precipitate into an agitation and redresses their grievances even before they are voiced;

\* a state that genuinely strives for the welfare of the people and the people too wish well for it and wherein the fundamental rights of the people are fully secured;

\* a state that is democratic in the real sense of the term, wherein governments will be formed and changed through fair and free elections and nobody may come to or remain in power without a genuine popular sanction."

## *Appendix I*

### **Resolution of Jama`at-e-Islami Majlis-e-Shura` (Central Council) (8th November, 1996)**

THE RESOLUTION OF the extraordinary meeting of the Central Shura` of Jama`at-e-Islami, Pakistan notes with satisfaction that dissolution of the national assembly and dismissal of the corrupt, cruel and treacherous government of People's Party by the President, on the night of 4-5 November, 1996, was greeted with enthusiasm all over the country. The resolution further expressed that the three-years rule of People's Party could offer to the masses only high inflation, unemployment, lawlessness, and widespread corruption and kick-backs. Citizens were deprived of their basic human rights. The President, the judiciary and the Pak. Army were made the target of un-wanted and baseless criticism. Thousands lost their lives in fake police encounters. The Islamic foundation and religious identity of Pakistan were seriously damaged. The ousted government had become a torment and nuisance for the people and a risk for the security and ideology of the country. These are some reasons that the extreme Presidential action has been hailed by the people with satisfaction and jubilation.

People have greeted and accepted the dismissal, with the clear understanding that:

- \* it will rid the country of the deep rooted corruption;
- \* those found corrupt will be subjected to severe accountability, irrespective of their position and status;
- \* the public money and property will be recovered from the plunderers; and



- \* the promised forthcoming elections will result into a sincere capable, honest and faithful leadership.

The action of ousting the government under clear charges, has increased the responsibility of the President. All country loving patriotic elements of the society will extend their full support for uprooting corruption and providing a clean government. Mr. Meraj Khalid, though long associated with the People's Party, has, for his relative clean past, been accepted as caretaker Prime Minister, yet the structure of his Cabinet has created many doubts. The nation was awaiting eagerly the Presidential address after his action, but that when telecast at 11.00 p.m. on the 5th of November, only repeated what was known through the Presidential order. Important points were not touched.

The Resolution of the Shura notes that a serious crime of the previous government was that it martyred innocent young workers of Jama'at-e-Islami in the protest rally on June 24. In total violation of the orders of the High Court and to block the peaceful protest procession of October 27, the government cut off all means of access to Islamabad, virtually isolating it from the whole country. No train was allowed to reach Rawalpindi. Roads were blocked. For many days the life of the people was made miserable. Everywhere, trains and buses were searched and in total disregard of law and constitutional rights every bearded person was arrested. Mobile phones and pagers were closed in Islamabad and Rawalpindi. Poisonous and prohibited gas shells were fired, in thousand, on peaceful processions and people were *lathi*-charged. Thousands of innocent people were put in jails. In Lahore, Mohammad Yousaf, a Jama'at worker, was martyred in front of the party's central office. Against the advice of President Farooq Ahmad Khan Leghari and the Acting President, Wasim Sajjad and in total violation of the clear orders of the Court, personnel of the law enforcement agencies were brought to Islamabad and Rawalpindi by thousands and given free hand to break the law and constitutional provisions. It is, however, not known, why the President could not make even a passing reference to these heinous crimes in his charge sheet against Benazir government.

As provided in the Constitution, the President has fixed February 3, 1997 to conduct new elections within the 90-days period.

Because of mass scale rigging in the elections in the past and use of wealth amassed through unlawful and contraband means, the nation expected the President will reveal steps to make the election process clean and transparent. It was also expected that establishment of an effective machinery for accountability will be announced in the Presidential address. People thought, the President will tell about actions to lesson the unbearable tax burden, brought about by the anti-people budget of June, 1996 and the subsequent mini-budgets of the previous government, as a result of which cost of living rose to unbearable heights; electricity tariff was raised by 25% and rail fare increased by 10%. For the first time in the history of the country, all the opposition political parties and the trading community made a general strike call observed on August 10 throughout the country as a protest against inflation, corruption, injustice and imposition of exorbitant taxes. The government however, took no note and further increased the prices of petrol and diesel. Wheat, floor prices were also raised. Deficit financing was done through printing new currency notes. The President was compelled to direct Governor of the State Bank of Pakistan to take action to arrest inflation. Nothing was however, done. Rupee was continuously devalued, reaching to the extent of 28 percent decrease during the 3 years of Benazir government. It also happened for the first time that in sheer violation of the Constitution, the Governor State Bank announced a mini-budget from his office on 22 October, 1996, which among other also proposed additional taxes to the tune of Rs 13 billion.

This mini-budget was imposed under the pressure exerted by the International Monetary Fund. The previous government has practically mortgaged the country against the external loans. By surrendering before the IMF and WTO conditionalities, Pakistan was made a free market for international commodities that ruined the local industry. The agriculture sector was also destroyed, as evident from the mass-scale import of even primary commodities like cereals, potatoes, onion, pulses and sugar. A country-wide strike was observed against this mini-budget on October 26, but the government paid no attention to popular demands and was rather bent upon further tormenting the nation.

Practically, there was no governance, it was rather lawlessness that ruled. Killing the political opponents became a usual practice. Government itself conspired to instigate sectorial violence.

Firing in Karachi and Melsi, resulting in 27 deaths, and then martyring 21 innocent prayers in a Multan mosque during the morning hours, were clearly intended at such violence. Despite tall claims, government failed to trace and arrest the killers.

The whole country was shook with grief when late Mir Murtaza Bhutto and Ashiq Jatoi alongwith six others were killed by the police. People were alarmed that if police could kill the brother of a sitting Prime Minister, then who was safe? Benazir Bhutto has been threatening to reveal secrets regarding the incident, yet she is not telling the Judicial Tribunal who killed her brother.

During the term of the previous regime, Pakistan surfaced to the top of the few corrupt countries in the world rated next only to one. Well known for their corruption and malpractices, 15 new ministers and ministers of state were inducted in the Cabinet, unwarrantedly. Asif Zardari, the Prime Minister's spouse, known to be the most corrupt of the country, was also made federal minister and assigned the portfolio of Investments.

Seeing the nation was demanding accountability, the government, without first properly informing the President as provided in the Constitution, sent an accountability bill to the national assembly, aimed in fact, at black — mailing the sacred constitutional authorities.

Contrary to the decision of the High Court, the government failed to re-institute the local bodies. The government rather dissolved these bodies, when these were restored through a court order. Resources of the local bodies were used by the government to meet its own political ends.

Government in Azad Kashmir was usurped by People's Party as a result of grossly rigged elections. Because of weak stand taken by the government, India has installed modern radar system and missile batteries on the Pakistan border. Sialkot and Neelam sectors are constantly subjected to Indian firing. India has thrust upon us an undeclared war. Under the shadow of 7 lakh strong army the Indians succeeded in staging the fake elections show in the Occupied Kashmir, our government meanwhile was busy extending trade relations with India and willing to declare it most favoured nation.

Such steps strengthened, the common apprehensions that the government had probably struck a deal with India on the Pakistan's nuclear policy and Kashmir issue under the Western pressure. Speaking at the General Assembly of U.N., Benazir Bhutto made the awkward and silly proposal of multi-national conference, rather than stressing upon the plebiscite.

In the wake of such internal and external threats, the official media was busy propagating obscenity, indecency and immodesty in the country, astraying the whole young generation.

The government was privatizing the nationalized educational institution, knowing fairly well that it will commercialize education and children belonging to the poor and middle classes will not be able to pay the high cost and stay deprived.

The sacredness of the representative assemblies was rendered worthless. During the hearing in the High Court of petition filed by Mian Manzoor Wattoo, the assembly members were kidnapped and scattered all over the country. Some were even sent abroad; it was the climax of horse-trading.

This was the background in which President Farooq Ahmad Khan Leghari used his constitutional powers, dissolving the assembly and dismissed the government, an action widely praised. Yet, to make this action really fruitful, the meeting of the Jama' at Shura' demands the President to immediately initiate the following steps:

1. To ensure free, judicious and impartial elections, a permanent, competent and fully independent new Election Commission be constituted, which should be composed of the sitting or retired judges of the Supreme Court. Its members should work whole time and during their tenure should not be assigned any other responsibility. The Commission should immediately undertake correction of the voters' lists, because the current lists are incomplete and erroneous. To discharge its responsibility, the Commission should be given adequate funds. General census stands postponed since 1981. Proper arrangements be made to carry out census under the supervision of the army. Identity cards be checked and bogus cards rejected. Those still waiting should be issued the I.D.

cards, I.D. Card presentation be made compulsory in polling votes. In the party-based elections, independents should no more be allowed to contest, because such elected members frequently change sides and upset the political process. No one should be allowed to contest on more than one seat, except that someone intends both for the national and provincial assembly. There should be a limit of expenditure for election campaign and those who spend in excess should be disqualified. Elections both to the national and provincial assemblies be held on the same day. Only those candidates be allowed to contest who qualify on the basis of articles 62 and 63 of the constitution. For this purpose the Election Commission should provide a mechanism to scrutinize all candidates within a given period. Even if an elected member is found violating the said articles, he or she should be declared disqualified. An Ordinance should be brought to stop floor crossing. ELECTIONS SHOULD BE HELD UNDER THE SYSTEM OF PROPORTIONATE REPRESENTATION.

2. A high powered judicial Accountability Commission be constituted, which should scrutinize on continuous basis, cases of the members of parliament, government officials and employees of the public sector agencies and organizations. Members of the Accountability Commission be drawn from the sitting and retired judges of Supreme Court and High Courts. The Commission should first take up the cases relating to previous governments. This operation should start immediately. The property of those found guilty of misusing their positions and making illicit gains by misappropriating national wealth, should be confiscated and given exemplary punishment. Such people should be permanently debarred from taken part in elections.

3. Those inducted into the interim set-up, should first offer themselves for accountability. Ministers of the interim government should declare their assets. It should be ascertained that they qualify against articles 62 and 63. Those disqualifying should be asked to leave the cabinet.

4. Official media should be stopped preaching indecency and immodesty particularly on the television. All political parties should receive adequate coverage on the media.
5. The mini-budget thrust by the previous government should be taken back. Effective measures be adopted to bring down high costs and unemployment. The General Sales Tax should be taken back immediately.
6. No external pressures be accepted in respect of our nuclear and Kashmir policies.
7. Those arrested for protesting against the previous government should be immediately released and cases registered against them be withdrawn.
8. For all those innocent citizens, who faced the torments of the previous government, and were either killed or injured and sent to jails for no good reason, an investigation commission be constituted on the pattern of late Mir Murtaza's case and justice done to the aggrieved.

The Majlis ash-Shura` decided that the Jama`at-e-Islami will initiate a movement of mass contact to push forward the above said demands.

In its resolution the Majlis ash-Shura` also expressed, that if the President did not take the steps proposed then mere dissolution of the assembly and sacking of the government will not solve the problems. Whereas it is necessary to hold elections within the period as stipulated in the Constitution, it was also equally necessary to ensure that the Elections should prove a means to bring forward a better and acceptable leadership. People have seen enough; they are fed up and they cannot take any more burdens. The masses are in no mood to tolerate corruption and corrupt people. Every passing day is precious. No more time should be wasted in ridding the people and the country of the mess, that they are in



## *Appendix II*

### **Pakistan MOVEMENT AND JAMA' AT-E-ISLAMI**

TIME AND AGAIN it has been said that Ab`ul A`la Mawdudi was opposed to Pakistan. Since it is a lie, we would not have dignified it by even talking about it. Nevertheless, to set the records straight, we would like to place the following facts on Mawdudi and his thinking in the period prior to 1947.

Mawdudi was primarily a thinker, a scholar and a social reformer. He authored around one hundred and fifty works of high scholarship. He was not a "politician" in the currently understood sense of the word. Even the movement of the Jamaat-e-Islami that he founded began to take part in politics only after the adoption of the Objectives Resolution in March, 1949. Mawlana Mawdudi was not involved in active politics in the pre-independence era. During that period his contribution was in the field of reconstruction of Islamic thought, analysis of the malaise that plagued the Muslim Ummah and spelling out a strategy for their revival via an Islamic revolutionary movement. Every one is free to form one's opinion about what Mawlana Mawdudi said or did, but we should be fair to the facts and have no right to read our own biases in his, or for that matter, on any scholar's writings.

Second, it may also be stated as a matter of fact that Mawlana Mawdudi neither opposed Pakistan movement, nor did he practically and actively participate in it. He had his differences with the way the Muslim League organised the movement. He developed his own distinct approach to the challenge faced by the Muslim ummah. One has every right to differ from his approach, but it is unfair to distort or misrepresent his position and glibly criticize that.

The intellectual and ideological foundations of the Pakistan Movement were:



- Islam is a complete way of life, a *deen* which provides guidance for all walks of individual and collective life and it is a demand of our faith to strive to establish Islamic society, state and civilization.
- In view of this distinct approach Muslims cannot be clubbed with non-Muslims as one nation. The concept of territorial nationalism, nurtured in the post-medieval Europe, transplanted into the subcontinent and spear-headed by the Indian National Congress and some of its Muslim partners is alien to Islam. The two-nation theory simply meant that Muslims are a nation because of their faith, culture and history. Mawlana Abul Kalam Azad, Mawlana Hussain Ahmad Madni and some other *‘ulema* subscribed to the nationalist theory of the Congress. Mawdudi opposed that tooth and nail and expounded with great intellectual vigor and moral force the two-nation theory, which was the basis for the demand for Pakistan. To deny or ignore this would amount to intellectual dishonesty.

In support of my thesis I may quote the late Dr Ishtiaq Hussain Qureshi, a leading historian and a leader of the Muslim League (He served in the federal cabinet formed by the founding fathers). Dr Qureshi in his book *‘ulema in Politics* (Karachi: Ma‘arif Ltd, 2nd edition 1974) says: “Mawlana Ab‘ul A‘la Mawdudi’s writings played an important role in moulding the opinions of religious minded sections” (p 330) ... “Upto 1937, Mawlana Mawdudi was respected as a thoughtful and well informed writer on Islamic subjects. He did not get involved in any political controversy.” (p 333). Dr Qureshi summarizes his attack on the philosophy and strategy of the Indian National Congress and some of the *‘ulema* who supported it:

“Mawlana Ab‘ul A‘la Mawdudi comments had the nationalist *‘ulema* in view, when he wrote, ‘You raised hell on Shradhdhananda’s *Shuddhi* Movement; Jawahar Lal Nehru’s *Shuddhi* movement you are swallowing with relish like sherbet.’ His [Mawdudi] analysis was that the attack was three pronged. The Muslim idea that they were a separate community was the first target because, so long as they felt

that the followers of Islam form an entity, they would refuse to be absorbed into the 'Indian nation', hence they were being told that the Muslims did not form a community. Then, because they possessed a separate culture which marked them out as a separate people, the Congress propagandists belittled the importance of the Muslim culture and told them they had no separate culture. And the third attack was upon the Muslim society to break it up into mutually hostile classes and groups. He pointed out that the Indian National congress was not a communist organization and that it frowned upon the infiltration of the communists and admonished them not to carry out their activities within its ranks, but they encouraged them to work among the Muslims. When the Muslim masses disintegrate into mere individuals and begin progressively to discard their culture and cut themselves off from the Muslim middle classes to join the non-Muslims of their own class, the process of their *shuddhi* would have started and they would be assimilated into Hindu society as a lump of salt is slowly dissolved if placed in water. And he reminds those Muslims who in resisting the pattern of the new society, of two statements made by Pandit Jawahar Lal Nehru saying that 'those political or cultural institutions that stand in the way of the proposed change should be obliterated,' and that 'when the majority decides to change the social order, it is not necessary that it should consult the minority. On the other hand, effective pressure should be exercised upon it and even compulsion and coercion should be used. Democratic government means in fact that the majority should control the minority through threats and fear.' "(p 336-337)

"Mawlana Ab`ul A`la Mawdudi exposed the fallacy in such arguments quite convincingly" (p 337)

"After a careful analysis of all the issues involved and the policies pursued by the Indian National Congress, Mawlana Ab`ul A`la Mawdudi reached the conclusion that the Muslims and the Congress movement had no interests in common. "Our death is its life, its death is our life. Not only is there no common ground between its principles, objects and methods of work and ours, but in fact they are totally opposed. The

difference is of such magnitude that they and we do not converge on any point, the differences (in its aims and goals and ours) are like the difference in the cardinal points of the East and the West, one cannot go in one direction without turning one's back on the other." (p 337-338)

"The story of the Pakistan Movement has to be read elsewhere. Here we are concerned only with the role that the 'ulema played in it. Mawlana Ab'ul A'la Mawdudi's careful analysis of the policies of the Indian National Congress opened many eyes." (p 339)

Discussing Mawlana Mawdudi's critique of Mawlana Hussain Ahmad Madni's book *Muttahidah Qawmiyet Aur Islam* (United Nationhood and Islam), published in 1939, Dr Qureshi writes:

"It received a full dress rebuttal from Mawlana Abu'l-A'la Mawdudi. It is strange, therefore, that it was claimed that all the 'ulema had accepted the truth of Mawlana Husain Ahmad's arguments as valid and that "not a single authoritative or reliable scholar had countered it. (p 351)

"In fact Mawlana Mawdudi's rejoinder was so logical, authoritative, polite and devastating that it was beyond the capacity of any supporter of a united nationhood to counter. Mawlana Mawdudi pointed out that Mawlana Husain Ahmad had been carried away by his hatred of the British and had twisted history and facts. Are nations really created by political boundaries? If they are, why are ethnical, cultural and religious conflicts endemic in many states including the European countries? Mawlana Husain Ahmad had indulged in willful distortions of the Arabic dictionary and even the meaning of the verses of the Qur'an. He had no business to use a well known word like 'nation' in any sense except the one internationally assigned to it. The Muslims and the Jews of Medina did not form a single nation even after the Prophet had brought about an alliance between them for a short while after his migration from Mecca to that city. The guarantee of fundamental rights and the assurance to safeguard Muslim personal law did not ensure continued immunity from non-Muslim influences and corrosion of Muslim entity and

culture. Mawlana Mawdudi then exposed Mawlana Husain Ahmad's ignorance of the real meaning of legal terms like personal law and fundamental rights and their scope and working in a modern state.

"Mawlana Mawdudi's superior scholarship, his telling arguments, his cold logic and his knowledge of modern concepts in political science and law made it impossible for the Jamiat group to answer his contentions. In fact Mufti Kifayat-u'llah who was a faqih (a jurist) and, therefore, more cognizant of the demands of logic and academic debate, advise his colleagues against any attempt to continue the discussion, because he opined that Mawlana Mawdudi was in the right and there was no point in attempting to defend the indefensible." (pp 351-352)

Dr Qureshi, while fully acknowledging the Mawdudi's contribution, presents his position on the Pakistan movement in an objective manner. He says:

"Mawlana Abu'l A'la Mawdudi's contribution in convincing the Muslim intelligentsia that the concept of united nationalism was suicidal for the Muslims has been mentioned. The logical corollary of this stand appeared to many the acceptance of Pakistan as the sole goal of the Muslims of the Subcontinent; but Mawlana Mawdudi's reaction was more complex and needs a somewhat detailed discussion in the context of this book and the controversy that it has created in contemporary politics. He had opposed the idea of united nationhood because he was convinced that the Muslims would be drawn away from Islam if they agreed to merge themselves in the Indian milieu. He was interested more in Islam than in Muslims: because Muslims were Muslims not because they belonged to a communal or a national entity but because they believed in Islam. The first priority, therefore, in his mind was that Muslim loyalty to Islam should be strengthened. This could be done only by a body of Muslims who did sincerely believe in Islam and did not pay only lip service to it. And mere belief was ineffective unless it led to individual and social and corporate action. Such a body did not exist and had to be created. It would be

brought into existence by presenting Islam as a dynamic movement and not merely as an institutionalized and traditional religion. Hence he founded the Jama'at-i-Islami. He did not oppose the Muslim League, but he felt that it had accommodated within its fold heterogeneous elements, consisting of communists, secularists, Muslim nationalists, believers in Islam and non-believers, practising Muslim and those who did believe but their belief seldom expressed itself in practice or action. How could such a body, he argued, bring about the kind of Islamic renaissance that he thought should be the goal of all Muslim effort in this age when the beliefs of all religions and Islam in particular were under assault. Islam was under pressure from foreign influences as well as internal ills. Even well established Muslim nations had betrayed strong tendencies to stray away from Islam. Therefore Muslim nationalism was not enough, the struggle should be given another dimension as well. When asked to cooperate with the League he replied, "please do not think that I do not want to participate in this work because of any differences, my difficulty is that I do not see how I can participate because partial remedies do not appeal to my mind and I have never been interested in patch work.

The logic of this stand was unexceptionable, but it failed to take cognizance of the circumstances in which the Muslims were placed. They were struggling against time." (pp. 367-368)

This is an objective evaluation of the position and contribution of Mawlana Mawdudi. Those who try to put him in the anti-Pakistan camp are unfair to him and perhaps to themselves.

Syed Sharifuddin Pirzada was Secretary to Quaid-e-Azam and has compiled major documents about the freedom movement. In his book *Evolution of Pakistan* (Lahore: All Pakistan Legal Decisions, 1963) he has thus to say about Mawlana Mawdudi:

"In a series of Articles in the Tarjumanul Quran, in 1938 and 1939, Mawdudi unmasked the Congress and warned the Muslims. He related the history of the Muslims of the Sub-Continent, debunked Congress secularism and showed the

unsuitability of India for democratic rule as there would be only one Muslim vote against four Hindu votes. He condemned the National Imperialism of the Hindus and opined that separate electorates, weightage in Assembly seats and reservation of proportion in services could not solve the political problems of the Muslim Nation. His proposals embodied three alternatives:

- (a) An international federation which should be a State of Federated Nations wherein each nation should be sovereign and should enjoy cultural autonomy;
- (b) the scheme envisaged in the Cultural Future of India prepared by Dr Latif should be implemented and separate regions should be demarcated for establishment of autonomous States of respective nationalities. The centre should retain minimum subjects. A period of 25 years should be provided for exchange of population between them. East Bengal, Hyderabad, Bhopal, Junagarh, Chendra, Tonk, Ajmer, Delhi, Oudh, North-West Punjab, Sind and Baluchistan should be assigned to the Muslims. Separate regions should be allocated to the Sikhs and the Depressed Classes if they so desire; or
- (c) If the first two alternatives are not acceptable, then there should be separate National Federal States of Hindus and Muslims respectively with a confederacy between the two. There should be a pact or treaty between the Federation regarding Defence, Communication and Trade and Commerce." (p.191,192)

Putting things in perspective, Syed Sharifuddin Pirzada, in his final summing up says: "The Schemes and Suggestions of Sir Abdulla Haroon, Dr Latif, Sir Sikander Hayat Khan, 'a Punjabi', Syed Zafarul Hasan and Dr Qadri, Mawlana Mawdudi, Chaudhry Khaliqzaman, Mawlana Abdul Wadood Khan and the Punjab Muslim Students Federation were in a sense *milestones on the road to Pakistan*." (p.258 emphasis added).

The opponents of Mawdudi base their case on his book *Musalman aur Maujuda Siyasi Kashmakash vol.III*. This volume was published after independence twice and afterwards all the three volumes of this book were reproduced in two volumes under the title *Tehrike Azad-i-e-Hind aur Musalman*. Each word of *Siyasi Kashmakash Vol III* is available in Vol.II of the above book which is available in the print and at least four reprints of these two volumes have appeared during the last two decades.

The references made from this book are mostly selective, out-of-context and misrepresent Mawdudi's actual position. His criticism over the methodology of the Muslim League is presented as opposition to the idea of Pakistan. Reference to separate homeland for Muslim majority has been totally distorted. Mawdudi was emphasizing that the real issue was systemic and not merely of land. In the same context, he wrote: "This country (British India) remains one or is divided in ten thousand units is not my primary concern. He who regards territory as an idol may groan and cry if this idol is broken. If I could get even one square mile of land on which real sovereignty of Allah alone is established I would prefer that little piece to the whole length and breadth of India."

Non-participation in the 1946 elections has been projected as "forbidding" his followers to vote for Pakistan. The fact is that in the pre-independence era the Jamaat members in principle did not avail of the entire system of the colonial rule, including judiciary, election, etc. Mr Rafiullah's selectiveness becomes all the more biased when he refers to 1946 elections but fails to take note of the statement of Mawlana Mawdudi about the referendum in the NWFP. This short statement makes the position of Mawlana Mawdudi crystal clear:

"Referendum is cardinaly different from ordinary voting in elections to legislative assemblies (under Islamic rule). Referendum is about which of the two countries India or Pakistan this area is to be a part. Voting in such a referendum is not repugnant to Shariah. As such wherever referendum is being held the members of the Jamaat are free to vote in this referendum. Members are free to vote according to their own conscience. However, I can say in my personal capacity that if I was a resident of the NWFP province my vote in the referendum would be in favour of PAKISTAN. As the

division of the country is taking place on the basis of Hindu and Muslim nationalism, all these areas where Muslims are in a majority should go with the country which symbolizes Muslim nationalism.” (*Kausar*, 5th July, 1947, *Tehrik-e-Azadi Aur Musalman*, Vol II p.287-288).

Mawlana Mawdudi never used the word “traitor” for the Quaid-e-Azam. He held him in great esteem. For instance, see the following note he wrote on his death in *Tarjuman al-Qur’an* pp. 272-273:

“This month Muslims had to face two calamities causing great shock to them. ...

The first one is the death of the founder of Pakistan, Muhammad Ali Jinnah. For the last ten or twelve years, his personality had served as the focal point of the Muslims’ corporate existence.

After him, there is none among us, neither as an individual nor even as a group, who could draw people’s love and command their respect, whose sincerity, wisdom, courage and fortitude could have been banked upon and whose charisma could have pulled together the disparate elements of our national fabric. Whatever image and name Pakistan had inside and outside owed to his tested statesmanship. For the world, his death may be the passing of a great man and a leader. But for us, it is a national calamity, for in his death our fledging state has suffered beyond redemption, which only Allah the Most Merciful can compensate.” (English rendition mine)

Mawlana Mawdudi was a human being, and he never claimed to be above error. No one in the Jamaat has even thought him to be so. Within the Jamaat there has always been healthy difference of opinion. No one, even in the Jamaat, is expected to agree with all the personal views of Mawlana Mawdudi. But it is very unfair to attribute things to a person that he never said or did and which do not fit into the overall pattern of his thought and behaviour.



*(Article by Prof. Khurshid Ahmad published in reply to Mr. Rafiullah's allegations leveled against Mawlana Mawdudi, March 26 & April 12, 1994, The Muslim.)*

## *Appendix III*

### **The Movement of Jama`at-e-Islamic, Pakistan: An Introduction<sup>6</sup>**

THE MOVEMENT OF Jama`at-e-Islami ranks among the foremost movements for Islamic revival in the contemporary world.

Formally established on 26 August 1941, its intellectual inspiration came from the thoughts of Mawlana Saiyyid Abul A`la Mawdudi, who, along with Dr. Muhammad Iqbal, set the pace for contemporary Muslim thinking in the Indo-Pakistan sub-continent. With the establishment of Pakistan on 14th August, 1947, the Jama`at was also reorganized in the form of two independent organizations -- the Jama`at-e-Islami, Pakistan, and the Jama`at-e-Islami, Hind. In the Indian held Kashmir, the Jama`at has an autonomous existence. Similarly, in Sri Lanka, the Jama`at is working as an independent organization. In the mid-seventies, the Jama`at-e-Islami, Bangladesh was also revived as an independent movement. While all the five organizations, under the name of Jama`at-e-Islami, are working for essentially similar objectives and have a somewhat identical ideological approach, there is no organizational link between them. Each one operates as an independent organization and has developed its programmes and strategy for change and reconstruction, in the light of the politico-ideological situation it faces. The main focus in this presentation is on the Jama`at-e-Islami, Pakistan.

#### **Mawlana Mawdudi and His Approach:**

Mawlana Saiyyid Abul A`la Mawdudi (1903-1979) was one of the chief architects of this movement. Born in Aurangabad (Deccan) presently, Andhera` Pradesh, India, he started his career as a journalist

---

By Prof. Khurshid Ahmad, November, 1989, Publicity Section, Jama`at-e-Islami, Pakistan, Mansoorah, Lahore.

and writer and became the Editor of the leading Muslim daily of India (*al-Jamiyat* in 1925, at the young age of twenty-two. His first major work of scholarship, *al-jihad fi al-Islam* appeared in 1930. In 1932 he took up the editorship of the monthly *Tarjuman al-Quran*, a journal that became the main vehicle for the dissemination of his ideas, wherein he concentrated on an exposition of the ideas, values and basic principles of Islam. He paid special attention to the questions arising out of the conflict between the Islamic and the contemporary Western world views. He also attempted to discuss some of the major problems of the modern age and looked upon these problems from an Islamic perspective, elucidating the way in which Islam tries to solve them. He also developed a new methodology to study those problems in the context of the experience of the West and the Muslim world, judging them on the theoretical criterion of their intrinsic soundness and viability and conformity with the teachings of the Quran and the Sunnah. His writings disclosed erudition and scholarship, a deep perception of the significance of the teachings of the Quran and the Sunnah and a critical awareness of the mainstream of Western thought and history. All this brought a freshness to his approach and lent a wider appeal to his message.

In the mid-thirties, Mawdudi started writing on the major political and cultural issues confronting Muslim India at that time and tried to examine them from the Islamic perspective rather than merely from the viewpoint of short-term political and economic interests. He relentlessly criticized the new fangled ideologies which had begun to cast a spell over the minds and hearts of his brethren-in-faith and attempted a show the hollowness of those ideologies. In this connection, the idea of territorial nationalism received special attention from Mawdudi when he forcefully explained its dangerous potentialities, as well as its incompatibility with the teachings of Islam. Mawdudi also emphasized that nationalism in the context of India meant the utter destruction of the collective identity of Muslims. In the meantime, an invitation from the philosopher-poet Muhammad Iqbal persuaded him to leave Hyderabad and settle down at a place which lay in the eastern part of Punjab, in the district of Pathankot. Mawdudi established what was essentially an academic and research centre called Dar al-Islam, where, in collaboration with Iqbal, he had planned to train competent scholars in Islamics to produce works of outstanding quality on Islam, and above all, to carry out the reconstruction of Islamic Law.

Around the year 1940 Mawdudi developed ideas regarding the founding of a more comprehensive and ambitious movement and this led him to launch a new organization under the name of the Jama'at-e-Islami. It was on 26th August, 1941 that the Jama'at was founded in Lahore with 75 persons as founding members. Mawdudi was elected its chief and remained so till 1972 when he withdrew from that responsibility for reasons of health.

Since August 1947, when Mawdudi migrated to Pakistan, he concentrated his efforts on establishing a truly Islamic state and society in this country. Consistent with this objective, he wrote profusely to explain the different aspects of the Islamic way of life, especially the socio-political aspects. This concern for the implementation of the Islamic way of life also led Mawdudi to criticize and oppose the policies pursued by the successive governments of Pakistan, and their consequent failure to transform Pakistan into a truly Islamic state. The rulers reacted with severely repressive measures. Mawdudi was often arrested and had to serve long spells in prison. During these years of struggle and persecution, Mawdudi impressed all, including his critics and opponents, by the firmness and tenacity of his will, and other outstanding qualities. In 1953, when he was sentenced to death by the martial law authorities on the charge of writing a "seditious" pamphlet on the Qadiyani problem, he resolutely turned down the opportunity to file a petition for mercy. He cheerfully expressed his preference for death to seeking clemency from those who wanted, altogether unjustly, to hand him. With unshakable faith that life and death lie solely in the hands of God, he told his soon as well as his colleagues: "If the time of my death has come, no one can keep me from it; and if it has not come, they cannot send me to the gallows even if they hang themselves upside down in trying to do so". His family also declined to make any appeal for mercy. His firmness astonished the Government which was forced, under strong public pressure both from within and without, to commute the death sentence to life imprisonment.

Mawlana Mawdudi died in September 1979, completing nearly sixty years of public life. During these many years, he had been continually active and vocal. He has written over one hundred and thirty books and pamphlets and has made over a thousand speeches and press statements of which at least seven hundred are available on record.

Mawdudi's pen has been at once prolific, forceful and versatile. The range of subjects he has covered is unusually wide. Disciplines such as Tafsir, Hadith, law, philosophy, history, all have received the due share of his attention. He has discussed a wide variety of problems — political, economic, cultural, social, theological and so on — and has attempted to state how the teachings of Islam are related to those problems. Mawdudi without necessarily going into the technical world of the specialist, has expounded the essentials of the Islamic approach in most of the fields of learning and inquiry. His main contribution, however, has been in the fields of the Quranic exegesis (Tafsir) politics, social studies and the problems facing the international movement of Islamic revival. His last work has been the first two volumes on the Life of the Prophet (peace be upon him) covering the Makkan period. The book remains incomplete.

His greatest work, however, is his monumental tafsir of the Quran in Urdu, *Tafhim al-Quran*, a work he took thirty years to complete. Its chief characteristic lies in presenting the meaning and message of the Quran in a language and style that penetrate the hearts and minds of the men and women of today, and show the relevance of the Quran to their everyday problems, both on the individual and social planes. He has translated the Quran into direct and forceful modern Urdu idiom. His translation is much more readable and eloquent than ordinary literal translations of the Quran. He has presented the Quran as a book of guidance for human life and as a guide book for the movement to implement and enforce that guidance in human life. He has attempted to explain the verses of the Quran in the context of its total message. This tafsir has made a far-reaching impact on contemporary Islamic thinking in the sub-continent, and through its translation, even abroad.

### **Jama'at's Strategy for Islamic Revolution**

The Jama'at-e-Islami, the Islamic movement which Mawdudi founded, has grown into a strong and highly organized religio-political organization which has attracted people from all classes, but has a specially strong influence over the intelligentsia and the youth of the sub-continent and the world.

The Jama'at-e-Islami was founded as an ideological movement, distinct from other religious or political parties. It has been founded and run in accordance with a written constitution. Its objective has been stated to be: "To seek the good pleasure of Allah by striving to establish the Islamic order in its entirety — *iqama al-din*". Its membership is open to all but it makes severe demands on those who commit themselves to its discipline. That is why it has two categories of membership *rukhn* and *muttafiq*. While the number of *arkan* is very limited, its *mutafoqeen* in Pakistan alone are over a million

What is the basic strategy that the Jama'at has adopted to bring about an Islamic transformation of the society. This can be summed up in its four point-programme.

(1) The first major point of this programme is intellectual revolution resulting from a clear exposition of the teachings of Islam which is shorn of all false ideas and purged of all unhealthy accretions. This exposition should also be geared to showing how the teachings of Islam can be applied in the present-day world, and what steps should be taken up so as to develop a sound and healthy order of life. This would necessitate a stock taking both of the Muslim heritage and of modern civilization, followed by a discriminate appropriation of healthy elements from them. So far as the teachings of the Quran and the Sunnah are concerned, they are eternally binding and should thus be followed by the Muslims in all periods of history. This intellectual movement has produced vast literature dealing with different aspects of Islamic thought and culture. Most of this literature is available in over twenty languages of the world. The most distinct feature of this intellectual effort is to present Islam as a complete way of life and as an alternate civilization.

(2) The second item of the programme is to reach out to all those persons who are disposed to righteousness, and are inclined to work for the establishment and enthronement of righteousness in human life. Such persons should be identified and brought together into an organized body. Not only that, an effort should also be made to help such people

develop a clear outlook, to purify their lives, and cultivate the qualities of good moral character. It is only after a group of people, which combines true Islamic vision and Islamic character side by side with intellectual competence and with the skills needed to run the affairs of this world, emerges on the stage of human history, pools in strength and resources, and strives in a systematic manner that God will permit the Islamic Order to be established. Hence, the Jama'at tries to emphasize the necessity of maintaining an inner core of highly dedicated and upright men and women as the foundation of Islamic revival.

(3) The third point of the programme consists of striving to bring about societal change, to effect reform in the light of Islamic teachings. The idea is that the people who are dedicated to the cause of Islam, or at least have an Islamic orientation and a concern for the well-being of human society should take the initiative and expend their time, effort and resources to bring about maximum healthy change and improvement. This programme of societal reform is quite a comprehensive one. It seeks to make the mosque the hub of all Islamic activity. Moreover, there is heavy emphasis on education: the basic teachings of Islam should be communicated to the common people, arrangements should be made for adult education, reading rooms should be opened to create enlightenment and educational institutions should be established at different levels. An essential element of this programme is moral uplift of the people and cultivating in them the spirit to defend their rights and extend help to others in protecting their rights, including resort to public pressure to protect people from being subjected to injustice. At a highly personal level, the social programme of the Jama'at aims at inculcating in every human being the basic personal ethics of Islam, starting with creation of sense of personal hygiene and cleanliness and fostering cooperation among people so as to ensure healthy conditions of living; drawing up lists of orphans and widows, of the crippled and the incapacitated people, and of poor students and arranging for their financial assistance; and catering for the health requirements of people, especially the poor. Clearly, inspired by Islamic ideals, the objective is to foster the religious,

moral, social and material welfare of the people and to move towards creating the social conditions which are conducive to the total transformation of human life.

(4) The fourth point of the programme envisages change of leadership in the broader sense of the term. It includes intellectual leadership, social and cultural leadership, and ultimately also political leadership. The last mentioned marks the culmination of the process. The state is conceived as an indispensable means for establishing the order envisaged by Islam. A truly Islamic state is considered inconceivable unless its affairs are directed by people of clear Islamic vision and commitment, and upright character and competence.

How can this change of leadership be brought about? So far as non-political leadership is concerned, perhaps a great deal can be done by developing leadership qualities in people who are possessed of right orientation. The Jama'at always kept this as one of its aims. As for the change of political leadership in a democratic order this can possibly be brought about through general elections. The Jama'at has been hopeful that if the Islamic movement keeps on striving patiently, it will ultimately succeed in seeing righteous men in power. It also thinks that the democratic order can provide the framework in which as Islamic movement may flourish, gather strength and bring about the total transformation that it aims at. For all these reasons, the Jama'at favours the establishment and maintenance of a truly democratic order in Pakistan.

## Distinctive Contributions of the Jama'at

Finally, let us briefly sum up the distinctive contributions of the Jama'at and also sum up the problems it faces:

(1) The Jama'at has emerged as an ideological movement and not merely as a religious or political party. It has tried to influence almost all dimensions of Muslim life, intellectual, cultural, moral, educational, literary, economic and political. It stands, not for partial reform, but for total change. Its uniqueness comes from its comprehensiveness, which



constitutes its distinctive merit; and which is also responsible for some of the difficulties and complexities it has to face. Every vested group of the society has somehow been affected by its work. Its followers have come from all walks of life but its challenge has also been felt in all corners. Hence, the opposition.

(2) Secondly, Saiyyid Mawdudi and the Jama'at stand out as unique influences in bringing about a world wide awakening that Islam is not a religion in the limited sense of the word; it is a *din*, a complete way of life. The demands of faith are not fulfilled merely by offering *ibadat*; the link between *Salah* and obedience to Allah in all walks of life must be restored. If *Munkar* and *Fawahish* are not eradicated with the offering of *Salah*, our prayers are not fulfilling their role in society. The sovereignty of Allah *subhanahu wa ta'ala* must be established in all fields of human existence. Mosque and Parliament, *taqwa* and *adl, dibr* and *shariah* are inalienable dimensions of the same reality. Islamic fulfillment is possible only through complete submission. The establishment of the Islamic society and state is as much a part of the prophetic model as individual godliness and sexual morality. This may have been a meek voice in the 1920s and 30s but *al hamdulillah* today this is acknowledged as the language of Islamic resurgence and a formidable influence in shaping the future of the Muslim world.

(3) The Jama'at, drawing its inspiration from the prophetic mode of Madinah and the Islamic tradition of *tejidid wa ihya* in history, has challenged the western approach to social change, which consists primarily in social and industrial reform. Islamic strategy for change gives equal impression to change within man (*Iman* and character) and change from without, i.e. society and its institutions. That is why the Jama'at has emphasized that the revival of *Imam* and the moral transformation of the individual are the key to healthy social change. Society and its institutions have to be changed and a new leadership evolved to see that the socio-economic and political order also reflect the same values on which personal piety is based. Personal morality and social ethics must conform and strengthen each other. This being the basic

approach, revival of Islamic thought and morality become the central passion of the Jama'at. This makes it a movement for education and re-education. Moral training and character building assume a critical position in its milieu for change. Hence, the emphasis on personal discipline and two-tier membership.

(4) The Jama'at has tried to steer clear of the sectarian issues and biases and traditional controversies. It has emphasized that the Quran and the Sunnah of the Prophet (blessing of Allah be upon him) are the corner-stones of Islamic faith and culture. There must not be a break with our history and tradition but we must differentiate between that is fundamental and what is peripheral, between the ideals, values and principles and the details and the minutia spelled out in different periods of our history. Authentic dissent and genuine difference of opinion and interpretations should be respected and looked upon as the area of flexibility within the Islamic framework. Instead of fighting each other for our differences, we should learn to live with our differences and to work for building upon the large area of our agreement.

(5) The Jama'at has emerged as a third force, a movement of the middle, bridging the gap between the so-called modernists who almost uncritically adopted the modernization model of the West and the so-called conservatives who refused to accept any modification or departure from the Muslim *status quo*. The Jama'at stand; for change and reform, not in imitation of the West, but taking full cognizance of the fact that the world has changed materially under the influence of the Western civilization whose fundamental values are at variance with the ideals and values of Islam. But everything that has developed in the West is not necessarily abhorrent to Islam. We must learn from the experiences of mankind without compromising on our principles and values. Direct inspiration from the Quran and Sunnah and an openness to avail from all schools of Islamic thought wherever necessary ensure greater flexibility and adaptability in the Jama'at approach to the challenge from the West. It was a result of this approach that the Jama'at has been able to build its cadre by drawing upon both the modern

educated classes as well as the <sup>the</sup> ulema and traditional groups. It provides a meeting point between the two.

(6) The Jama'at has influenced people in all walks of life but its greatest contribution lies in saving millions of Muslim Youth from the agonies of scepticism and unbelief. It has offered before them Islam as an alternative to the contemporary ideologies of secularism, liberalism, nationalism, capitalism, socialism and the like. It has given them a new confidence in Islam and a new pride in working for the supremacy of Islam. This in part, has been the impact of the new literature provided by the movement, several hundred original works produced during the last five decades and over a dozen institutions engaged in the sub-continent alone in producing new literature on Islam showing its relevance to the problems of today and tomorrow.

Now a word about some of the problems that confront it and are yet to be properly resolved. It has already been mentioned that the comprehensive nature of the Jama'at's work has created many problems, both of size and quality, with which the movement has been grappling. The opposition from certain elements from within the Muslim society as well as frontal attacks from the protagonists of the Western civilization and from agents of western powers and agencies is not an insignificant phenomenon. Clash and confrontation have not been an unmixed evil but were responsible for a heavy toll. The movement has significantly influenced the educated classes but its influence on the common mass of people deserves to be extended vastly. It has developed a new language of Islamic politics but it has not yet been successful in overcoming the traditional sources of power in the society, with the result that its moral and ideological weight is not being fully and properly translated into political might. It has been more effective as an ideological force, or even as a pressure group with immense street power, but not yet as a political power. It would not be farther from the truth to say that it has inaugurated a new, even illustrious process, but the process is yet to attain maturity and fulfillment. *In hamdulillah* there is new light on the horizon but the darkness is yet to be fully dispelled. Let us hope and pray and strive to further and further see that darkness recedes and the entire horizon is illumined.