
THE HISTORIAN

VOL. 15

SUMMER

2017

A BI-ANNUAL RESEARCH JOURNAL

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UMBER BIN IBAD



DEPARTMENT OF HISTORY
GOVERNMENT COLLEGE UNIVERSITY, LAHORE

The Historian

Volume 15 Summer 2017

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GC University, Katchehry Road, 54000 Lahore, Pakistan.

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ISSN 2074-5672

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PRICE: 250 PKR

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RAWALPINDI CONSPIRACY AND THE LEFTIST MOVEMENT

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ABSTRACT

The Rawalpindi Conspiracy Case constitutes a very important episode in Pakistan's political history in general, and the history of the Leftist movement in Pakistan in particular, during the first decade of its independence. It profoundly influenced the dynamics of military organization, the civil military relations as well as the leftist politics in Pakistan.

KEY WORD

Rawalpindi Conspiracy Case, Leftist Movement, Pakistan, Military Establishment

The manner in which Rawalpindi conspiracy case was used, by the establishment, in terms of its depiction, as a conspiracy, which was aimed at establishing a communist dictatorship, supported by the Soviet Union, also facilitated in bringing Pakistan within the ambit of Western bloc during the cold war era. The extraordinary interest taken by the US and the British Embassies, in

this case and the proceedings of the trial, amply testifies to this fact¹. Later the various interpretations and misinterpretations of this case also made it a curious arena of conspiracy theorization, ranging from certain myths surrounding the ceasefire in Kashmir in January 1949,² to the projection of this conspiracy, by the *Jamat Ahrar* as the Ahmediya Conspiracy,³ to the various other interpretations, highlighting interpersonal rivalries.⁴

Notwithstanding these debates, this article primarily focuses on the involvement of the Communist Party of Pakistan (CPP), in this conspiracy and its implications for the Leftist movement in Pakistan. It further explores how Pakistan's establishment used it as a pretext, to stifle the nascent Leftist movement. It also analyzes what did the Pakistan's government do, to project it as a Communist conspiracy?, While doing so it seeks to isolate a more balanced view of this conspiracy, as borne out by the detailed academic studies, on this conspiracy, the Leftist movement and its leadership⁵ by conflating both academic and activist perspectives, as well as the point of view of its actors and the leftist leaders. The insights of leftist activists and writers such as Ahmed Saleem⁶, Sibte-ul-Hassan Zigham⁷ and Rauf Malik⁸, further provide credence to the government spinning in this case through which, the establishment tried to achieve multifarious objectives such as, political containment of the Leftists, purging of armed force from anti-imperialist elements and forging alliance with the West, through arousing latter's threat perception by magnifying the impending threat of Communism in Pakistan and the last but not the least, by projecting conspirators as the "foreign agents", in order to de-

legitimize and the discredit and the CPP before the public.

This article is divided into four parts, the first part deals with the factual aspects of conspiracy. Its prime focus is to construct a narrative of the government's efforts, to project it as the Communist Conspiracy. The second section highlights the connections between the leftist elements and the main actors of this conspiracy. It essentially explores the nature and the extent of the communist involvement in this conspiracy. The third section contextualizes the Conspiracy, in a broader framework, by exploring the underlying motives of the spinning and doctoring of the events, by the establishment, as well as how it was used by certain individuals to fulfill their ambitions. The fourth part deals with the overall fallouts of this episode on the Leftist movement in Pakistan.

RAWALPINDI CONSPIRACY AS A 'COMMUNIST CONSPIRACY': THE ESTABLISHMENT'S VIEW

The Rawalpindi Conspiracy Case is among those episodes of Pakistan's political history, which are shrouded in mystery, on account of the varying interpretations ascribed to it. It was exposed with the arrests of two military officials and two civilians on a March 1951. Among the military officers included Major General Akbar Khan and Brigadier Latif Khan, where as the civilians among the arrested, were Mrs. Nasim Akbar Khan and Faiz Ahmed Faiz the renowned progressive poet and the editor of the Pakistan Times. Later nine other military officials, who were implicated in this

conspiracy, were also arrested between 15 to 20 May⁹. Two other civilians were also arrested namely Syed Sajjad Zaheer, the Secretary General of the CPP and Mohammad Hussain Atta, a leftist activist from NWFP, on April 27th and July 13th, respectively¹⁰. This case was based on the report of Askar Ali Shah, a CID sub-inspector of police, who was a close confidant of Major General Akbar Khan, the ring leader of this conspiracy. His statement provided the basis, on which the conspiracy case was initiated and conducted¹¹. The two other confidants of Akbar Khan, Lt. Colonel Mohammad Mohyuddin Siddique Raja and Major Khawaja Mohammad Eusoph Sethi, who had turned approvers,¹² the prosecution used their corroborative statements to substantiate this case with the evidences. The further corroboratory evidence was provided, by Major General Hayauddin, Brigadier Habibullah, Brigadier Sher Khan and Major Asadullah Khan Namazi¹³.

The Prime Minister, Liaquat Ali Khan, while disclosing this conspiracy to the public, described it an attempt 'to create commotion in the country'¹⁴. On 11 March the *Civil and Military Gazette*, reported this conspiracy as, "a plot to assassinate the majority of the members of the cabinet, including the Prime Minister, Liaquat Ali Khan, the Commander-in-Chief (C-in-C) of the Pakistan Army, General Mohammad Ayub Khan and the Governors of Pakistan and to establish a military dictatorship"¹⁵. It was further revealed by the newspapers that after the overthrow of the government, the 'rebels' planned to 'enter into an alliance with a foreign power inimical to the Anglo-American bloc'.¹⁶ It appears that within two weeks the

government had started projecting it as a 'communist conspiracy'. Liaquat's 23 March statement corroborates this contention¹⁷, in which, the Prime Minister alleged in unambiguous terms that, "the accused had planned to enlist the support of the communist revolutionary elements in order to set up a Government on the communist model, but under military domination for which purpose economic and constitution making missions are to be invited from abroad"¹⁸. This statement suggests that, the government had moulded its accusations towards the "Communist Conspiracy thesis", surreptitiously.

The establishment's eagerness to project it as a Communist Conspiracy, may amply be gauged by the fact that, the very next day after the arrests of the main accused Akbar Khan, the Secretary of Defence Ministry, Lt.Col. Iskandar Mirza, contacted US embassy's Army Attache and asked him to communicate to the US ambassador, the information that, Major General Akbar Khan "is hundred percent communist" and has been in contact with communists since he recently took up his job as the Chief of Army Staff at Rawalpindi"¹⁹. On March 20th, the government of Pakistan, under the instructions of the Prime Minister, sent a telegram to its principal embassies and also conveyed it to US, Burmese, Iranian and Turkish ambassadors and the high commissioners of Australia, Canada and UK which contained report about Rawalpindi conspiracy. In this telegram according to the US ambassador, the government projected it as a "conspiracy involving, most of them with 'commie connections', was organized to subvert the public order and by coup d'état to seize

power". It further alleged that "the military conspirators were actively assisted by commie elements, the principal figure being Fiaz Ahmed Fiaz"²⁰. This telegram also highlighted a 'phased' plan for 'simultaneous action in all three provinces of West Pakistan'. It further revealed that, "immediately upon seizure of power, military dictatorship was to be declared and the Soviet government was to be invited to dispatch immediately an economic mission and a mission for drafting the constitution on Commie lines"²¹.

The de-classified documents of the US State Department also suggest that, besides employing bureaucratic and political channels, the establishment was also simultaneously using military circles, to reinforce this impression among the US diplomats. For instance, Wing Commander, Salah-ud-Din, who was serving as the Commander at the Lahore air base, of the Royal Pakistan Air Force (R.P.A.F), while briefing about the conspiracy, told an official of the US embassy that, "he was "shocked to learn that high ranking Pakistani officers had been guilty of passing military secrets to the Soviet Union".²²

On the domestic front, the ruling establishment tried to mobilize public opinion against the conspirators, by projecting them as unpatriotic and foreign agents and even the traitors. Its first move was to win over the support of the public opinion, by influencing the press, for this purpose. "A press campaign against the 'traitors' was started, simultaneously with the Prime Minister's announcement", writes Hasan Zaheer²³. The eighteen editors, who represented the 'entire press' of West and East Pakistan met under the presidentship of Altaf

Hussain, the editor of Dawn, who was considered as a very staunch supporter of the Muslim League and the establishment²⁴. This meeting besides, unanimously endorsing the government's action against the conspirators, also passed a resolution, which gave its "unqualified support to any further measures, however severe they might be"²⁵. This resolution was given such a prominent coverage in the next day's edition of the Dawn that, it was displayed, 'side by side on the front page', along the PM'S revelation.²⁶ In another delicate move to defame the conspirators, the government introduced a bill in the Constituent Assembly, which authorized the establishment of a Special Tribunal for the trial of the accused²⁷. Zaheer construes it as an attempt to magnify the "seriousness of the crime and the justification of a special law for the trial of its perpetrators".²⁸

The documentary evidence pertaining to the prosecution, further underscores the fact that, during the trial the prosecution used the confessional statements of the approvers and tried to manipulate the report of Askar Ali Shah, to reinforce the impression of the communist conspiracy. The first approver Siddique Raja described the 'apprehensions of establishment of communist dictatorship' as the main reason of his betrayal from this plan²⁹. While further explicating its communist trappings, Siddique Raja maintained that, Akbar Khan introduced the communist ideology in the Fateh Jang meeting, which was held on 25 December, 1950. It was significant in this context that, besides making other important decisions³⁰, Akbar Khan "hinted the ideological dimensions of the coup, and later this

ideology was further elaborated after launch at Akbar Khan's house³¹. The last meeting, which was held on February 23rd, was also attended by three communists, their presence made Raja so 'upset', and made him convinced that, "he (Akbar Khan) was not sincere to his friends"³². He even apprehended that "Akbar Khan was trying to establish a communist dictatorship having satisfied his conscience on these grounds he proceeded to betray this plan"³³. The prosecution also projected Akbar Khan's meetings with communists and Russian Progressive Writer's delegation during November 1950 'as a part of conspiracy buildup', under his leadership.³⁴ The prosecution also used approver's version of the 23rd February 1951 meeting, to establish that during this meeting the plan or conspiracy was temporarily postponed, not permanently abandoned.³⁵ The accused like Mirza Hasan³⁶ and Poshni,³⁷ vehemently reject approver's version and explicitly assert that the meeting decided to shelve the plan permanently. This controversy allowed the government to accrue political mileage out of it. Even M.K. Janjua one of the accused, "denies the existence of conspiracy, in the manner in which it was placed before the people".³⁸ Faiz summed up this whole episode in his famous couplet:
Woh baat sare fasaney mein jiska zikr na tha, Who baat unko bohat nagawar guzri hai.
(They seem to be very much offended by idea, which was not even mentioned in the whole story)³⁹.

THE CPP AND THE RAWALPINDI CONSPIRACY CASE: NATURE AND EXTENT OF ITS INVOLVEMENT

This section focuses on some intriguing questions concerning the involvement of the CPP, in the Rawalpindi Conspiracy Case, such as: Who took the initiative of over throwing the government?; How were the contacts between the Communist Party and the military high command established?; How did the CPP get involved in this Conspiracy?; Whether this plan was unanimously backed by the CPP or the Party's opinion was divided over this issue?; What was the role, played by Sajjad Zaheer, the General Secretary of CPP in this episode? How did the other accused or actors of this conspiracy, not having communist leanings as well as tribunal which heard the case, view the communist involvement in this conspiracy. The answers to these intriguing questions may be quite instrumental in determining the nature and the extent of, the CPP's involvement in this case.⁴⁰

As regards the contacts between the army officials and the CPP were concerned, the initiative came from the former. It is corroborated by various plausible explanations, of how and through which agencies, these contacts were established. The most obvious connection was, Akbar Khan, the ring-leader of the conspiracy. Though he was democratic minded person⁴¹, and not a hard core communist, however, some of his close confidants such as his wife Mrs Naseem Akbar⁴², Latif Aghani⁴³ and Faiz Ahmed Fiaz⁴⁴ were the sympathizers of the CPP. Therefore, it may be presumed that he might have used these channels, to draw the leadership of the CPP into negotiations with the military officials. Tariq Ali, a renowned Marxist intellectual, is of the view that, Akbar Khan had direct acquaintance with Sajjad Zaheer,

and they had met before in a cocktail party⁴⁵. It appears that, apart from Akbar Khan's direct connections, the military officials had approached the CPP, through some other individuals as well. Syed Sibte Hasan, who was the member of the Politburo of the CPP, writes that, the communist party was approached through Sardar Shaukat Ali, who was sent twice, with a message from the military officers of Saikot and Rawalpindi, and was asked to communicate it to Sajjad Zaheer, who was at that time on a visit to Karachi. Upon his return Sibte Hasan communicated this message to him, which became prelude to the further negotiations⁴⁶. According to C.R. Aslam a veteran communist leader from Punjab, Major General Nazir Ahmed visited Lahore and got the message conveyed to Sajjad Zaheer, through Sibte Hasan⁴⁷. C.R. Aslam and Syed Sibte ul Hasan Zaigham believe that, Major Ishaque Muhammad was the main agency through which, the CPP was roped into this plan⁴⁸. Major Ishaque once told Eric Rahim, a communist leader, that it was the military officials who approached the communist party.⁴⁹ Hasan Zaheer, on the basis of his findings, reaches the same conclusion.⁵⁰

While analyzing the nature of above mentioned initiative, which was taken by some military officials, to entice support of the CPP, it would not be out of place to focus on two relevant questions such as, why some element of the army needed the CPP's support?, and what did they do to convince the leadership of the former, to lend its support, in such an adventure? As regards the first aspect is concerned, there could be three plausible explanations: (i) The military officials needed some semblance of popular support among the

masses, so as to stabilize the situation after the overthrow of the government. Moreover, the main actor, Akbar Khan also needed to show to his other colleagues, that the coup would be backed by the political elements, having some roots in the masses, in order to convince them about the prospects of success of this plan⁵¹; (ii) The military officials who conceived the idea of the coup, also expected to get Soviet support both diplomatic and military, for toppling the government, opines Zaigham⁵². Eric Raheem, a CPP leader while dilating upon this aspect, argues that, through CPP had no strong roots among the masses, yet Akbar Khan might have thought that, the party would lend its support in establishing some connection with the Soviet Union, and the later would recognize the new government⁵³; and (iii) For C.R.Asalam it had something to do with Akbar Khan's plan to liberate Kashmir, as C.R. Aslam opines that, Akbar Khan wanted to liberate Kashmir, but apprehended that such an attempt would provide India, the pretext to cross international border and invade Pakistan. Therefore, in order to allay that eventually, he wanted to negotiate with Soviet Union and China. Moreover, he wanted to ensure China's neutrality, in case of the intrusion of Pakistani troops into Chinese territory. The CPP's support could be quite useful in this respect. Thus the CPP entered into negotiations with the military officials⁵⁴. General Akbar Khan had provided the CPP leaders some elaborate assurances that, after coming to power, the new government would rid the Leftists of 'continuous government assault'⁵⁵. He further assured that, "the CPP would be allowed to function as a legitimate political

party, like any other party, and to take part in the elections, which General Akbar promised to hold, a few months after consolidating his power"⁵⁶. This assurance made the CPP leader Syed Sajjad Zaheer so much convinced and he came to believe that "CPP had no other alternative but to support the army coup"⁵⁷.

Another contentious issue concerning the involvement of the CPP, is the debate, that whether this decision was backed by the party. If it was the case, what was the nature of support and opposition, within the party?, what was the nature of debates on this issue within the party?. More significantly, why its leader Sajjad Zaheer continued to provide a vociferous support to the coup plan despite some serious reservations expressed by the party members? The most interesting aspect of this debate is the plurality of perceptions regarding the involvement of the CPP, in the conspiracy. These voices may be divided into two categories. The first category underscores the view that, it was fully backed by CPP. The C.I.D report prepared by Deputy Inspector General Police Punjab, provides clues about Mohammad Hussain Atta's point of view regarding the involvement of the CPP in the Conspiracy. It further mentions that the "Secretariat had unanimously favored the proposal."⁵⁸ Hasan Abidi's⁵⁹ version also testifies to this fact that, Sajjad Zaheer got this plan approved through the Central Secretariat, somewhat between the last week of January and the first or second week of February. He maintains that, Sajjad Zaheer convened a meeting of party's central secretariat, in which Sibte Hasan, C.R. Aslam, Muhammad Afzal and Shaukat Ali participated⁶⁰. This meeting after a split decision gave it

assent to the coup plan. It is corroborated by Sajjad Zaheer's letter to Ashfaq Beg, a member of the Politburo of the party, which was delivered through Faiz, Abidi further reveals that, in this letter Sajjad Zaheer also provided the "break up of voting by fake names, who supported or opposed the proposal", while informing Beg about the approval from secretariat, he mentioned that "the majority (three vs. two) had approved the proposition"⁶¹(of joining the coup plan). He further tried to justify that, on account of time constraints, all the members could not be consulted. Therefore, "we took it upon ourselves, the responsibility for the final decision"⁶². Sardar Shaukat Ali's perspective, contained in Iqbal Leghari's dissertation, further supplements this view, that the conspiracy was backed by the communist party, through a majority of vote. It mentions that in a meeting that was hurriedly called by Sajjad Zaheer, who "put the matter bluntly before the group"⁶³. While justifying his thesis on various grounds, he described it as a sort of safety valve against the American Imperialism and argued that "a successful army coup would prevent Pakistan from falling into the hands of American Imperialism"⁶⁴. After discussion, the majority support Sajjad Zaheer, by giving its consents through voting⁶⁵.

The second category encapsulates the dominant view held by the leftist leaders and activists. In this category we may place the perspectives of Dr. Ayub Mirza, Syed Sibte Hasan, Prof Khawaja Masood, C.R. Aslam, Jamal Naqvi and Syed Sibt ul Hasan. They hold the opinion that although the CPP entered into negotiation, yet it did not lend its support to the coup

plan. Interestingly, most of them substantiate their contentions with altogether different set of arguments. Ayub Mirza, a close friend of Fiaz and Sibte Hasan, and a staunch leftist sympathizer, opines, while referring to Syed Sibte Hasan that, a dialogue ensued between the communist party and military officials, after the party was asked to lend its support to the plans. The dialogue continued for two months. The leadership remained divided and during the voting, Syed Sajjad Zaheer and his supporters, who advocated the 'coup' were defeated by a single vote⁶⁶. It was later communicated to the military officers. Syed Sibte Hasan, while writing about the extent and nature of the CPP's involvement maintains that, "Sajjad Zaheer convened, a meeting of the Central Committee of the CPP, in which he put forward the blue print of the plan⁶⁷. After two days of discussion⁶⁸, it was decided the military officials should be asked to provide further details, concerning "their objectives, such as the kind of social system which they wanted to introduce or whether they enjoyed the support of some other non-military elements or not? What would they do to transpire their plan"?, Sajjad Zaheer was assigned with the task to retrieve the details. After two three weeks, Sajjad Zaheer submitted these details, which were placed before another meeting of the central committee, which indicated that the plan conceived by the military officials, was a sort of 'Sheikh chilli's Plan'⁶⁹, which made it quite easier for us, to take decision about its rejection. It was decided that I should accompany Sajjad Zaheer to convey the military officials about the rejection of this plan. After two three days we went to Rawalpindi, on account of some delay

in meeting, I returned and embarked upon the election campaign, Syed Sajjad Zaheer participated in this meeting, upon his return he told that the military officials had accepted our point of view and abandoned the coup plan"⁷⁰.

Khawaja Masood who was incharge of Communist Party Rawalpindi, while reflecting on this he opines that, the coup plan was discussed by communist party. Sibte Hasan also showed him the house of a colonel, where Faiz and Sajjad Zaheer were already present. During the discussion with them, Khawaja Masood inferred that they were making some coup plan and the party negotiated with Chief of General Staff⁷¹. The implicit meaning of Khawaja Masood's inference is that, the CPP also involved in this conspiracy⁷². But on the other hand, he also concedes "when the party's session was held, it termed this act as 'adventurism' and it was decided that it would not join such endeavors"⁷³. C.R. Aslam is of the view that the CPP only agreed to enter into negotiations with the military official in context of party's support for the operation in Kashmir. He further reveals that, "during the meeting the proposal for the takeover of the central government, before the implementation of plan conceived for Kashmir, came under discussion. When this proposal was being discussed our comrades made it abundantly clear to Major General Akbar Khan and his colleagues that, as the situation has changed and you are talking about control over the government. Therefore, we should be allowed to consult with the party one once more. Upon our return, party's meeting was held, in which it was decided that if the plan remained confined to Kashmir it was all right, but

beyond that we would not lend our support. Faiz was asked to convey this decision to Akbar Khan. The party's connections within the army also endorsed our decision"⁷⁴.

Jamal Naqvi a veteran communist leader and author of a history of communist party of Pakistan, while reflecting on party's role, contends that "the fact is that the party had refused to participate in the conspiracy"⁷⁵. He further argues that, "the case which was registered against party comrades was not that the communist had conspired against the government, but the CPP had not informed the government about the conspiracy, inspite of the fact that, it knew about it"⁷⁶. According to Sibtul Hasan Zaigham's version "during Major Ishaque's meeting with Sajjad Zaheer, the latter asked him, to write in detail about the political orientation of the group of military officials"⁷⁷, in the form of a report. The party was to include this report in its agenda, and then decide about its future course of action. Upon his return, Ishaque discussed the details about this meeting with the military officials. He prepared this report, which was submitted to Sajjad Zaheer through Raza Kazim. When Sajjad Zaheer was arrested this report also fell into police's hand, after a thorough investigation the tribunal, which was hearing the case, exonerated Major Ishaque and informed the government about this decision, which refused to accept it"⁷⁸. He further adds that "the conspiracies or the coup plans are transpired immediately, (in the case of the Rawalpindi Conspiracy, it could not happen), and the enthusiasm fizzled out, on account of inactivity and laziness in its implementation. Sajjad Zaheer and his

party kept on contemplating, but the military leaders imposed their own verdict upon its history... and decided to abandon the plan, as the support was evaporating and passions cooling down”⁷⁹.

What one may infer from all this debate, regarding the nature and extent of the CPP’s involvement in this conspiracy is that, this plan was not conceived by the CPP, the initiative came from some military officials, who approached the CPP leadership directly or indirectly, as they needed some semblance of political support. The party entered into the discussion with the military officials. This process lasted for two months, party’s opinion became sharply divided over this issue, there were two groups in the party, one which favoured the coup, and other which opposed it, Sajjad Zaheer was the main exponent of those who were enthusiastically supporting the plan, as he appears to follow Ranadive’s line, therefore he extended his support to the coup plan⁸⁰. He also tried to justify it on progressive grounds by arguing that, “all kinds of ways could be used to achieve socialism”⁸¹ and “it could provide the basis of building a mass movement through army’s support”⁸². Even those participants who opposed the proposition of coup in the central secretariat meeting, inferred from his stance that, Sajjad Zaheer and his supporters came to consider it a ‘short route to capture power’⁸³. From Sajjad Zaheer’s unequivocal support to the coup plans, one may assume that, after his failure to get the nod of the central committee, for the coup plan, he hurriedly convened a meeting of the central secretariat and get these plans approved by it, through slender margin of one vote. Thus Zaheer along

with Faiz Ahmed Faiz, went to participate in this meeting to communicate party's assent to the proposal⁸⁴. On the other hand, the majority of the leaders of the party were thinking that they had communicated party's disapproval in the meeting to the military officers. This contention may also be corroborated by C.R.Asam's interview to Hasan Zaheer that "There was a long discussion in the central committee, given the party line of armed struggle laid down in the Second Congress, it was decided to send Sajjad Zaheer and Faiz to the meeting (of 23 February). The party also gave two documents relating to the coup"⁸⁵. The inferences from Hasna Abidi and C.R.Asam's version cited in Hasan Zaheer's book, point to Party's approval to the coup plan, for 23 February meeting. However, the participants of this meeting (when it was held) failed, to arrive at consensus and on account of too many "unanswered" questions, decided to abandon the coup plan, which the establishment tried to project it as agreement⁸⁶. This controversy has further mystified this whole episode, and led to the circulation and popularization of various myths. This situation has mainly arisen, on account of the fact that documents pertaining to the defence, have not been classified yet. In this backdrop Major (retd.) Ishaque quite rightly, asserts that, "people constructed many hypotheses" mainly due to the fact that, all its proceedings were kept secret"⁸⁷.

While analyzing the extent of CPP's involvement in this conspiracy, it would not be out of place, to conflate the perspectives of those who were associated with the trial or proceedings of this case but they did not

hold any communist or leftist leanings. Mirza Hasan, one of the accused, while alluding this aspect writes that, “the people of our country labeled our struggle for Kashmir as a communist conspiracy, all this was propaganda of C.I.D, otherwise two or three *surkhey*⁸⁸, which had been roped in surreptitiously, were merely there to fill up the story”⁸⁹. M.K Janjua, another accused avers that, “I discount personal ambition on the part of members of the CPP. They were ideologically wrong, in associating themselves with Akbar Khan. Theoretically, they corrected their error but not so soon enough”⁹⁰. The Jewry in its judgement, while reflecting on the ideological dimensions of the coup, held that, “the thinking was obviously influenced in a superficial manner by the communist philosophy, the main emphasis was on blood and fire, to obtain power and very little on the political mobilization of the masses to create and sustain the socialist state”⁹¹.

THE ROLE OF THE ‘SPINNING FACTOR’ IN THE RAWALPINDI CONSPIRACY

Another important aspect concerning Rawalpindi Conspiracy Case, which created and reinforced its perception, as a conspiracy in general and the “Communist Conspiracy” in particular, was the continuous spinning on the part of the establishment. This contention may be substantiated through a number of arguments, which include: (i) How it was manipulated by the government, for accruing political mileage, by exposing it at a particular point of time, inspite of the fact that it was already keenly watching the alleged

conspirator's activities; (ii) How it was used by some individuals, who were occupying important positions in the establishment's hierarchy such as Ayub Khan and Iskandar Mirza, against their opponents, within Pakistan's military, to settle personal rivalries? and (iii) The discrepancies in the trial and prosecution, further lend credence to the contention of manipulation and doctoring of evidence, as a part of spinning by the establishment against the conspirators. This section further situates this conspiracy in a broader perspective, in order to illuminate and analyze the ulterior motives of the spinning.

The interesting aspect about the Rawalpindi Conspiracy was that, the government was already aware about the activities of the 'Conspirators', at least since late 1949 or early 1950⁹², as it was keeping a vigilant eye upon them⁹³. However, it restrained itself, but not taking any punitive action, to nip the evil in bud, but once its main actors decided to shelve or postpone it (from whatever perspective, it may be interpreted), it immediately came into action, and began to project it as a conspiracy, backed by the communist elements. Such sort of spinning about conspiracy, becomes even more conspicuous, if we take into account, the element of timing of its exposure. For instance, the main conspirators, were arrested on 9 March 1951, a day before the Provincial Assembly elections in Punjab, and the Prime Minister's statement and allegations were given prominent converge in the next morning's newspapers. It appears a calculated move, by the establishment to influence the electorates, in favour of the Daultana faction of the ruling party, as well as to

implicate its opponents, both the military officials and the communists⁹⁴. The second crucial aspect of the timing factor, pertains to the decision to implicate the conspirators in this conspiracy, and their arrests, after General Ayub had replaced, General Gracey as the C-in-C. It would be pertinent to mention that Gracey was already aware about the activities of a section of disgruntled elements in the army. Both these instances make the element of timing quite relevant, as it enabled the establishment to accrue maximum mileage out of it. The Leftist intellectuals, writers and activists, such as Syed Sibte Hasan⁹⁵, Sibtul Hasan Zaigham⁹⁶, and Abdul Rauf Malik⁹⁷, seem to agree with the contention that, it was used by the government as an election stunt. This aspect also finds reflections in the writings of academics and researchers such as Rafique Afzal and Zarina Salamat. The former, while alluding to its use as an election stunt, contends that, "Discovery of the Rawalpindi Conspiracy, on the day voting started in the Punjab had its own impact on the election results, through the opposition called it an "Election Stunt"⁹⁸. While referring to the Electoral Reform Commission's Report of 1961, he goes on to suggest that "the announcement of the Rawalpindi Conspiracy Case on the eve of election was timely and effective"⁹⁹. Zarina Salamat also underscores connection, between the elements of timing in the exposure of the conspiracy and the electoral success of the Muslim League in the provincial assembly polls¹⁰⁰.

Another aspect which corroborates the ulterior motives of the establishment, in terms of the timing context, is the exposure of this conspiracy, after the

appointment of General Ayub Khan as C-in-C of the Pakistan Army. The overriding circumstantial evidence suggests that, the military high command was aware of the activities of those disgruntled army officers, who were later implicated in the Rawalpindi Conspiracy Case, since Gracey's stint as C-in-C¹⁰¹. In spite of this fact, it did deem it necessary to take any disciplinary action. It gives rise to some intriguing questions, such as, why it was exposed and projected by the establishment, as a "Communist Conspiracy", under General Ayub's military command? Was it merely a coincidence or some sections in the establishment wanted to accrue political mileage out of it? For M.K. Janjua, an accused, "the reason was quite obvious", as General Gracey and the other senior officials of the British high command, would not have allowed 'the trial of the attempted conspiracy' rather they would have dispersed them, so as to "render them operationally ineffective"¹⁰². The implicit meaning of Janjua's argument is that, under the British C-in-C, it would not have been possible for the dominant elements of military bureaucratic oligarchy to transpire their ulterior motives, by implicating their opponents, or those whom they considered inimical to their vested interests, in an 'attempted coup'. This illustration, besides reinforcing the perception about the crucial timing context and its antecedent ulterior motives, further provides clues towards another use of this conspiracy by the establishment that is, its usage as a convenient pretext of the settlement of the personal rivalries.

The interpersonal rivalries among the members of the military establishment are construed as an

important motivating force behind this conspiracy¹⁰³. These rivalries stemmed from both the differences over policies¹⁰⁴ as well as the personal ambitions¹⁰⁵, and later fructified in form of Ayub Akbar¹⁰⁶, and Ayub-Latif rivalries¹⁰⁷. Thus, at one level these underscored differences over the principles, and at the other, signified personal jealousies. If contextualized in this sense, this episode becomes a case in point, of how some individuals within the defence establishment, such as Ayub Khan and Iskander Mirza¹⁰⁸, used this conspiracy to settle their personal scores. How did the personal rivalries, come into play in this conspiracy through the spinning, on the part of one dominant section of the defence establishment, may be substantiated through the following instances.

Brig. Latif's arrest appears quite surprising, as he was arrested a day before his departure from Karachi to Iran, as a member of Pakistan's Good Will Mission¹⁰⁹. His arrest highlights the suddenness of decision, as the schedule for the delegation's visit to Iran would have been decided much earlier, at least before the period between 23 February and 9 March. It implies that military establishment's perceptions of the conspiracy were different, therefore it had included Brig. Latif, had it not been reposing trust in him, why he would have been included in the mission. The establishment's efforts to get, Major General Nazir Ahmed, implicated in the conspiracy, through the approver Siddique Raja further corroborate this fact. These were exposed by, no other than Justice Sharif, who was a member of the Rawalpindi Conspiracy Tribunal. Justice Sharif in his decision, while exonerating Major General Nazir Ahmed,

minced no words, as he accused him of “evidently indulging in lies and exaggerations (in his disposition regarding the proceeding of the Attock meeting), to involve Major General Nazir Ahmed”¹¹⁰. While implicitly pointing towards, the ulterior motives of the prosecution’s efforts to implicate Major General Nazir Ahmed, Zaheer argues that, “If Nazir Ahmed was not implicated, there was a danger that he might be an important witness for the defence”¹¹¹. Major Hasan’s revelation, how Ayub tried to use him against Akbar Khan, by conveying him an offer, before his arrest that, ‘he was only against Akbar Khan’ and he could be provided a ‘letoff’ in case of his ‘cooperation with the government’¹¹². But this offer was rejected by Mirza Hasan and he was implicated in this conspiracy.

The Prime Minister’s telegram, to Pakistani embassies and other diplomatic missions of those countries which had cordial relations with Pakistan, affords us an example that how the Pakistan’s establishment, was trying to dramatize this episode, it conveys the impression that, “immediately after the arrest, there were widespread demands from the military services for summary court martial, with a view to obtaining conviction of the conspirators, and the demands that may be immediately shot upon being found guilty”¹¹³. The difference between the nature of allegations leveled by the Prime Minister and the official charge sheet, highlights another anomaly, thus reinforcing the impression of tampering with the evidence, for political mileage, on the part of the government. While referring to this aspect, M.K.Janjua reveals, “as a glaring instance, not a shred of evidence

was produced to support Liaquat Ali Khan's public charge, 'conspirators were in league with a foreign power' and that 'economic and constitution making missions were to be invited from a certain foreign country'. No such charge was brought against any of the accused in the case"¹¹⁴.

The discrepancies in the trial further substantiate 'the spinning argument'. One may highlight three major discrepancies in the trial: (i) The denial of basic right of justice to the accused¹¹⁵; (ii) The prosecution could not present Askar Ali Shah as a witness, which was the most glaring lacuna, in the case drafted by prosecution¹¹⁶; (iii) The judges, time and again expressed their reservations regarding the credibility of statements and evidences of the two approvers, Siddique Raja and Euseph Sethi, as well as the important witnesses, particularly Habib Ullah¹¹⁷. It would not be out of place to underscore some basic discrepancies of the trial identified by Hasan Zaheer in his seminal work on Rawalpindi Conspiracy¹¹⁸. His reference to such discrepancies provides further clues to explicate the tactics, used by the prosecution, to implicate the accused, and from which one may get some implicit idea about, how the tribunal was influenced by the establishment. Justice Abdur Rehman (who presided the tribunal) accepted the document Ex.P.w.1511, despite uncertainty of its date and authorship, which the Judge himself had acknowledged¹¹⁹. This document was very important, as it was used as an important evidence, for the conviction of Akbar Khan and proving the charge of the conspiracy. But the legal lacunas concerning date and authorship rendered it un-admissible under section 10 of the

evidence Act, from the legal point of view¹²⁰. The tribunal and the police profusely used their discretionary powers in establishing distinction between witnesses and accused¹²¹. Similarly, the police made frequent use of intimidatory tactics, to force the officers “to give evidence for the prosecution and save them from being charged”¹²². Zaheer further criticizes uncritical acceptance of “many dubious pieces of evidence presented by the prosecution, on very flimsy logic that “no other attempt was made to rebut it during the cross examination”¹²³. He also takes strong exception of issue of absence of Askar Ali Shah, as a very crucial defence evidence, in his opinion, “for some reason”, the prosecution, “did not want to place him on the witness stand”¹²⁴. He expresses his surprise by arguing that, how he could not be produced, by the prosecution despite the fact that, during the period, from June to November, he was still in service¹²⁵. To him ‘the helplessness’ of a ‘formidable secret service outfit’ such as C.I.D, to produce its own subordinate as a witness was quite ‘unbelievable’¹²⁶. He also finds Tribunal’s conduct towards the prosecution quite lenient and forbearing¹²⁷. Over the period of time the notion created by the establishment’s projection of the conspiracy, started to be contested, as new facts about the conspiracy came to the fore¹²⁸. Their cumulative impact was the development of a new perception of the conspiracy that ran counter to the various popularized myths. Therefore, in contest of the newly emerging synthesis, it came to be perceived in an altogether new light. The versions of Ayesha Jalal¹²⁹ and Sibtul Hasan Zaigham¹³⁰ amply corroborate this contention; they provide new

insights about the variegated nature of this phenomenon. Despite, certain basic differences in their approach¹³¹, both construe it as an attempt to purge the outstanding patriotic officers, from the military¹³². Ayesha Jalal goes on to project these patriots, as the carriers of “nascent nationalism”, who were “imbued with a sense of patriotism nonetheless” as these elements “wanted the government to formulate its foreign and defence policies independently of British and American strategic interests”¹³³. Jalal therefore, portrays the Rawalpindi Conspiracy as “a tragic watershed in Pakistan’s history”, which afforded “the constensible justification for insulating the army free from nascent nationalism”¹³⁴. Zaighm also draws the same conclusion, by projecting the Rawalpindi Conspiracy as a ploy, which was used for “leveling the ground for Anglo-American bloc, by depriving the military from the most brilliant, intelligent and patriotic elements who were endowed with great genius”¹³⁵. (In another article he further adds that) “the Communist Party was implicated in this episode, through the arrest of its literati and intellectual Secretary General Syed Sajjad Zaheer, and this was ostensibly done to provide this conspiracy a façade of reality”¹³⁶.

THE FALLOUTS OF THE RAWALPINDI CONSPIRACY CASE ON THE LEFTIST MOVEMENT

The CPP had to bear the brunt of reaction against the Leftist elements. Its organization both formal and underground became the target of the action taken by the police and other agencies such as C.I.D. All the

members of its central committee were also arrested within few months¹³⁷. The more staggering blow for the CPP, was the destruction of its underground organization, as the secret record of the CPP also fell into the hands of police¹³⁸. It enabled the police to get itself privy to, "the entire spectrum of party's activities and its infiltration to social, cultural and political spheres in the country"¹³⁹. This destruction of the party apparatus rendered it dysfunctional, though it survived in form of 'pickets' yet its nucleus was totally smashed, and "a new party centre could never emerge to put the bits and pieces together again" opines Leghari¹⁴⁰. It appears that establishment had launched a three pronged assault, targeting simultaneously, the party, its leadership and workers. Apart from targeting CPP's formal and underground organization, the establishment made the suppression of the front organizations of CPP, as the main plank of its strategy. These organizations included Peace Committee, Progressive Writers Association, Trade Unions and the Democratic Student Federation (DSF). These front organizations were proving to be a veritable tool of spreading the influences of the Leftist Movement, among the non-communist segments of the population. While assessing the impact of the police action against these organizations a US diplomatic official described it as a "staggering blow" to the peace campaign, the progressive writers and the Pakistan Trade Union Federation and similar communist dominated groups"¹⁴¹.

The police and the other law enforcing agencies launched a comprehensive crackdown against the

leadership of CPP, which was termed by a US diplomatic official as “the biggest round-up of the communist leadership in Pakistan’s career”¹⁴². It was so exhaustive that in July 1951, C.I.D officials confidently claimed that, “no important communists... (were) at large in Pakistan and that any threats from the organization had ceased for an indefinite period”¹⁴³. It was not the physical aspect of this crackdown that proved disastrous for the CPP, rather the police and C.I.D used these arrests, as a well thought out strategy, to create disruption and dissensions within the ranks of CPP. It was used to spread disillusionment against its leadership as well. For this purpose the police not only forced the leftist activists to quit the party and in certain instances, their resignations were also published in the news papers. The police also disseminated scandalous information, obtained from the leadership during investigation, to spread disillusionment. For instance, it was propagated against one of the members of the Politburo of the CPP, Ishfaq Beg that, the expenses of his Liquor bill ran to Rs. 150 per month¹⁴⁴. The police and C.I.D, also tried to create further panic and distrust within the ranks of the workers, by “planting suspicions against each other among them”¹⁴⁵.

The effects of the Rawalpindi Conspiracy also got manifested in form of rifts within the CPP. This incident allowed the simmering differences against the policies of Sajjad Zaheer to be expressed in open. The first indication of this rift was the outburst of criticism against Sajjad Zaheer. Some members of the regional committee convened a meeting on 18 June, in which Eric Cyprin took strong exception of those members of

the Secretariat, for not opposing Sajjad Zaheer's policy, when it was direly needed, so that the party's involvement in the conspiracy might have been prevented. He even recommended that, Sajjad Zaheer should be expelled from the party¹⁴⁶. This meeting, besides taking some other important decisions, further decided that allegations against Sajjad Zaheer and Mohammad Hussain Ata should be examined through a party tribunal¹⁴⁷. In the subsequent months this rift became more well entrenched and got fructified into new debates¹⁴⁸, as well as in form of factional tussle within the CPP. The vacuum created by the arrest of entire party leadership resulted into such a state of confusion that, some old party members, who had been expelled or sidelined from the party tried to wrest party's control. They took some measures in the name of party's revival such as, the presentation of the Self-Criticism Report (S.C Report 1952) and framing of the new constitution. The S.C Repot accused Sajjad Zaheer of adopting 'left-sectarian line', which culminated in 'inviting massive police reprisals', thus leading to party's destruction¹⁴⁹. But these efforts for party's revival could not prove successful rather they triggered more controversies.¹⁵⁰

After having assessed the repercussions of this conspiracy for the CPP, it would be pertinent to contextualize this debate in a broader spectrum that is, the analysis of its fall outs on the overall leftist movement. The opinions of the leftist activists widely diverge, as regards the implications of CPP's involvement in the conspiracy are concerned. Prof Khawaja Masood's perspective appears quite

pessimistic, as he arrives at the conclusion that, “the communist movement collapsed and fizzled out completely after this conspiracy”¹⁵¹. Hameed Akhtar and Jamal Naqvi on the other hand, though acknowledge its disastrous repercussions for the leftist movement, yet they do not construe it as a death knell for it. They argue that though it became weak but it could not be shattered or annihilated and continued under different names and nomenclatures¹⁵². Notwithstanding this debate, the fact remains that, the government propaganda coupled with the police crackdown, affected the very support base of the left, quite disastrously. Hameed Akhtar is of the view that “this true or false case severely undermined the cause of the progressive forces”¹⁵³. The state response thwarted “the efforts of the revolutionary forces to gain leadership over the working-class and peasant”, opine Gankovsky and Polonskaya.¹⁵⁴ Ishaque Mohammad very succinctly depicts the dilemma faced by Left in these words, “In those days, whose ever, claimed to be a liberal or considered himself a liberal feared that he might be interned, on being labeled as a communist”¹⁵⁵.

Fateh Mohammad Malik¹⁵⁶ and Ahmed Saleem’s judgement about this conspiracy carries this debate to more interesting proportions. For instance, Fateh Mohammad Malik, an Urdu academic, in his work on Faiz, avers that “undoubtedly, it was a conspiracy and the conspirators had to bear the brunt of their undoing, or what they failed to accomplish. The second conspiracy was hatched by those elements who tried to provide it, with an element of credence, by projecting it as such, for punishing those nationalist stalwarts, within

the ranks of the Pakistan Army, for their exercise of liberty of freedom thought and action"¹⁵⁷. For Ahmed Saleem, "the conspiracy was definitely hatched, not on the part of the CP, but by the government itself, in order to suppress the party and its other progressive organs, and to conclude defence treaties with the western countries, particularly the US".

What we may infer from the above mentioned assessment of Fateh Mohammad Malik, and Ahmed Saleem is the 'Dual Conspiracy thesis' that is, the first alleged conspiracy attempted by certain military officer, which involved three civilian leftists and the second actual one hatched by the some pro-west elements of the establishment against the opponents in the Pakistan Army. Later this conspiracy was used by the government and the Anglo-American bloc as convenient instrument to justify the containment of the Leftist movement on that pretext. This 'dual conspiracy thesis' though apparently betrays some degree of partisanship, as it is hinged up on the value laden trappings to some extent. Nevertheless, if this interpretation is, confronted against the circumstantial and documentary evidence, it does not seem far from the reality, despite containing certain degree of value ladenness.

REFERENCES

¹ The extraordinary US interest in the conspiracy, may amply be gauged from the regular despatches sent by the officials of US embassy in Pakistan, to the US Department of State. A cursory look at their titles amply corroborates how the US government was keeping a vigilant eye, on the developments pertaining to the Rawalpindi conspiracy case:

- I. "Lt. Colonel Iskandar Mirza, Secretary of Defence Ministry today asked Embassy Army Attache Pass following information to me." ['From Warren to Secretary of the State Department', March 10,1951]
- II. "Current Soviet and Communist Activity in Pakistan". (It covers the developments relating to Leftist movement from 3rd to 10th March. It also mentions "Arrest of Faiz Ahmed Faiz" under separate sub-heading) [Drafted by Warrwick Perkin Censul of the Embassy]
- III. "Conspiracy in Pakistan", [From Joyce R. Herrmann American Vice Council to the Department of State, on March 12, 1951].
- IV. "Text of government of Pakistan communiqué released re conspiracy" [sent by Warren on March 13, 1951]
- V. "The telegram of Pakistan Government to its principal Embassies concerning the military, Conspiracy to overthrow the Government." [From Warren to the Secretary of State, March 20, 1951.]
- VI. "Supplementary information on the Arrest of Sajjad Zaheer" [From Joyce R. Herrmann American Vice Council to the Department of State, May 3, 1951]
- VII. Hasan Zaheer has cited references from the correspondence between the British diplomats and Common Wealth Relations Office (CRO) based on the reports of British High Commission, relating to the

Rawalpindi Conspiracy Case. The Deputy High Commissioner of the UK, informed the CRO regarding the "Background of the conspiracy", on March 11, 1951. Zaheer mentions the third report from the British High Commissioner on March 17, in which the British High Commissioner raised two questions relating to the conspiracy. (i)for details see, Deputy UK High Commissioner Lahore to UK High Commissioner Karachi and Commonwealth Relations Office, No,34, 11 March 1951, FO 371/92866, PRO cited by Zaheer, *The Time and Trial*, p.238 and Extract from weekly outpost Review of PRO, the week ending 17 March 1951, FO 371/9286.

² There was a strong perception among those military personnel, who led, commanded and organized Pakistan's resistance in the first Kashmir war such as: Akbar Khan (Colonel later Brigadier in Ori Sector, who played a major role in the liberation of Azad Kashmir (from Pakistan's perspective); Brigadier Sadiq Khan (who commanded a battalion in Kashmir, as incharge of Poonch Sector); Lt. Colonel Zia-ud-din (who served as senior staff officer Sector 2 in Kashmir); Major Ishaque Muhammad (who participated in the war and served as a Major in the 101 Brigade under Akbar Khan from March 1948 to March 1949, in the Baramula Sector, and played an active role in Pandu Campaign) and Captain Mirza Hasan (he was in the fore front in the revolt of state garrison against the Dogra Rulers and later in the liberation of Northern Areas(from Pakistan's Perspective)), all these individuals were later involved in the Rawalpindi Conspiracy Case. They all resented the timing of the cease-fire and, had serious reservation regarding the whole conduct of war by the Pakistani government, and its military command, which was dominated British officers. Their views later found reflections in their writings and interviews, which further

served as the basis of these myths. For details see: Akbar Khan, *Kashmir Kay Hamla Awar Aur Rawalpindi Sazish Case* (The Invaders of Kashmir and The Rawalpindi Conspiracy Case), (Lahore: Maktaba Dastan, 1970), pp.66-87.; Akbar Kahn, *Raiders in Kashmir: The Story of Kashmir War 1947-48* (Lahore: Frontier Post Publications, 1992), pp.10-120; Waris Mir, Kuch Pindi Sazish Case Kay Baray Mein” (Some Refelection on the Pindi Conspiracy), *Nawai-Waqt*, 23 February 1985; Major Ishaque Muhammad “Pandu Ki Fatah” (The Conquest of Pandu) *Musawat*, 21May 1970; For Lt.Col.Zia-ud-din’s and Brig. Siddiq Khan’s views see Hasan Zaheer, *The Time and Trial of the Rawalpindi Conspiracy Case 1951: The first Coup Attempt in Pakistan*, (Karachi: Oxford University Press, 1998), p.143.

³ *Majlis-e-Ahrar* propagated about the Ahmediya involvement in this conspiracy, as Major General Nazir Ahmed was implicated in this conspiracy. It projected him as the ring leader of this conspiracy. It also used it to provide a ‘flip to the *Tehrik Khatam-e- Nabuwat*’ (Movement for the finality of Prophet (PBUH)) see: Hafiz Taqi ud-din Ahmed, *Pakistan ki Siyasi Jamatain Aur Tahreekain* (Pakistan’s Political Parties and Movements) (Lahore, Classic,2001), p.312.; The de-classified documents of the foreign service of the USA, also highlight Major General Nazir Ahmed’s relationship with Ahmediya sect. For instance, the Consular of US Embassy Warwick Perkins, in his dispatch to the Department of State entitled “Opening of Rawalpindi Conspiracy Case”, writes that, “of interest is the fact that, Major General Nazir Aham’s consul Shaikh Fiaz Mohammad, is the brother of Foreign Minister Zafrulla Khan. (Another relationship, it may be added in passing, is that the Foreign Minister and the Major General married sisters). Warwick’s dispatch also highlights that, how ‘*Jamat-e- Ahrar*’ “alleged that two of the conspiracy ring leaders, Brigadier Latif and Air Commodore Janjua were

Ahmadiyachs". 'From Warwick to the Secretary of State', Action Copy to Dc/R1882, 28 June 1951, De-classified 790d: 00/6-2151.pp1-2.

⁴ The Rawalpindi Conspiracy Case is often regarded as the offshoot of interpersonal rivalries. These existed among various individuals as well as the top echelons of the military establishment and a group of their opponents, often labeled as "Young Turk Party", the latter wanted to get Pakistan's Armed Forces rid of the western influences. For details see; Mohammad Ayub Khan, *Friends Not Masters: A Political Autobiography*, (Karachi: Oxford University Press, 1967), p.38; "Obituary of Brigadier (retd.) Mohammad Abdul Latif Khan, 1916-1951", *The Friday Times* (TFT), Lahore, 19-25 October, 1995.; Mirza Hasan, *Kashmir*, p.318.; Samina Akbar in her Work on the Rawalpindi Conspiracy, mentions various variants of interpersonal rivalries such as Ayub Akbar rivalry, PIP fever syndrome and perception among the top echelons of military establishment concerning the presence of Young Turks. See Samina Akbar, "the Rawalpindi Conspiracy Case 1951: An Interpretative Study" (M.phil thesis unpublished, G.C. University Lahore, 2008), pp.22-25.; Ayesha Jalal refers to Liaquat Ali Khan's statement, which describes the tendency as PIP fever syndrome, which signifies their desire that, "why we can't all start as Brigadiers", Ayesha Jalal, *The State of Martial Rule: The Origins of Pakistan's Political Economy of Defence* (Cambridge: Cambridge University Press, 1990), p.117.

⁵ Apart from Samina Akbar's M.Phil thesis and Hasan Zaheer's seminal published work, on the Rawalpindi Conspiracy, based on de-classified documents produced by prosecution, Iqbal Leghari's Ph.D dissertation "The Socialist Movement in Pakistan: A Historical Survey 1947-74", pp.63-72.; illuminates new details about the myth and reality surrounding this conspiracy.; Ayesha Jalal's, *The State of Martial Rule*, pp.120-

125, also situates the Rawalpindi Conspiracy in much broader perspective.

⁶ My Interview Ahmed Saleem (Ahmed Saleem is leftist activist, journalist and intellectual), 23 July 2010.; Also see Ahmed Saleem, *Pakistan of Jinnah: The Hidden Face* (Lahore: Brothers Publications, 1993), p.97.

⁷ Sibtul Hasan Zaigham is a Punjabi intellectual, leftist activist, a veteran journalist and article writer. His articles on Leftist leaders of Punjab such as Eric Cyprin, Sardar Shaukat Ali and Ishaque Mohammad published in Issues No 10 and 18 of Monthly *Awami Jamhori Forum* Lahore, provide insights into the Rawalpindi Conspiracy, from a political activist's perspective.

⁸ Rauf Malik is a communist activist, proprietor of People's Publishing House Lahore, he is also the author of a biography on Syed Sajjad Zaheer. He has written two articles on Rawalpindi Conspiracy entitled "Rawalpindi Sazish Case...Asal Haquiqat Kiya Hay" (The Rawalpindi Conspiracy Case...What is the true reality) and "Zahr-e-Halahil ko Kabhi Keh na Saka Qand" (I never dare to call poison a sweet desert). These were published in the issues 46 and 32 of Monthly *Awami Jamhoori Forum*.

⁹ Hasan Zaheer, *Time and Trial*, pp.301-301.; Of these ten military officials, nine were arrested on 15 May, 1951, which included Air Commodore M.K. Janjua, Brig. Sadiq Khan, Lt.Colonel Naiz Muhammad, Captain Khizar Hayat, Major Hasan Khan, Major Ishaque Muhammad, Captain Zaffar Ullah Poshni, whereas, the tenth official Major General Nazir Ahmed was arrested on the 20 May.

¹⁰ Ibid.

¹¹ Ibid., pp. xxxvii.; The prosecution's version suggest that, it was exposed by the written report of Askar Ali Shah. But some other versions point towards the role of other informants in exposing the Conspiracy. For instance, C.R.Aslam a veteran

communist leader and intellectual, while dilating on this issue, reveals that, "some time after the communist party had conveyed to the military officials about its refusal to support the conspiracy, General Akbar Khan was sitting in the Rawalpindi Club, a high ranking police officer named Yaqub, came to see him, and started conversing with him. During the conversation Yaqub also spoke against the Prime Minister, Liaquat Ali Khan, Akbar Khan replied that, we would have got rid of him, had CPP not backed out. After inquiring some other details about this episode, he went back to Peshawar and divulged these details to the governor. On the basis of this information the case was against the conspirators", C.R.Asalam's interview in *Awami Jamhoori Forum*, No.20., n.d, p.26.

¹² Ibid., pp. xxxiv-xxxv.

¹³ Ibid., pp. xxxv-xxxvi.

¹⁴ *The Pakistan Times*, 10 March, 1951.

¹⁵ *The Report of Civil and Military Gazette*, cited in, "From Joyce R.Herrmann to the Department of State", Action Copy to DC/R, no. 127, 21 March 1951, De-classified 790d.00/3-1251.

¹⁶ Ibid.

¹⁷ Zaheer, *The Time and Trial*, P.15.

¹⁸ "Editorial: The Conspiracy Case", *The Pakistan Times*, 23 March, 1951. The editor, while analyzing the difference between Prime Minister's first statement and the second, commented that, "in contrast with the extremely vague charge... made in his original announcement". "The Pakistan Prime Minister's latest statement... throws a little more light on a matter..." (It gives) "a general idea of the case".

¹⁹ 'From Warren to the secretary of the State', Action Copy to DC/R, no. 825, 3 April 1951, De-classified 790d. 001/3 1951.

²⁰ From Warren to the Secretary of State, Action Copy to DC/R, no. 826, April 03 1951, De-classified.

²¹ Ibid., this telegram also makes it abundantly clear, what the Pakistan's establishment wanted to communicate to the international community, particularly the Western diplomatic circles. It is quite ironic that, it was without any sufficient documentary evidence, as it was conceded in this telegram that, "there is as yet no documentary evidence of USSR connection with the Conspiracy". Ibid.

²² 'From Joyce R. Herrmann to the Department of State', Action Copy to DC/R, no. 127, 21 March 1951, 790d.00/3-1251. These efforts of Pakistan's establishment did not go abbebing, the Americans immediately came to perceive threats from the Soviet intentions in the South Asia. For instance, the same report also highlight, what the drafting officer inferred from this statement, it indicated that Soviet plan was "to participate actively in the effort, perhaps at a later stage. Ibid.; While pointing towards the perceptions of the US diplomats, Herrmann's despatch further suggests that "it is the personal opinion of the drafting officer and the Consul General that the plot to overthrow the Govt. was actually the initial step, in an endeavor the part of the Soviet Union, to seize control of South Asia. Ibid.; Over the period of time, these perceptions got further solidified. For instance, a US Embassy despatch in September 1951, which reviewed "Major Political Developments in Pakistan May-August 1951", described that, domestically, Pakistan had been "confronted with hostile elements Conspirators and Communists", From Warwick Perkins to the Department of the State, Action Copy DC/R, no. 276, 17 September 1951, de-classified, 790d.00/9-551.

²³ Zaheer, *The Times and Trail*, pp.13-14.

²⁴ During this meeting another pro- establishment journalist Z.A Suleri, tendered his resignation from All Pakistan News Papers Editor's Conference, on account of involvement of its

president, Faiz Ahmed Fiaz, in this Conspiracy, to show his disgust towards conspirators.

²⁵ Ibid., P.14.; Zaheer opines that, the national press by giving its unqualified support to government's action, virtually gave it a *carte blanche*, which he considers quite unjustified as "there were no facts available" and the meeting even did not wait for or demand details. Ibid.

²⁶ Ibid.

²⁷ "Editorial...The Conspiracy Case Trial", *The Pakistan Times*, 15 April, 1951.

²⁸ Zaheer, *The Time and Trial*, p.18.

²⁹ Ibid., p.201.

³⁰ Akbar Khan decided not to appoint Nazir Ahmed as the C-in-C, thus he reverted to his original idea and changed his plan accordingly, Ibid., p.178.

³¹ Ibid., p.178; Raja was visiting Kohat at that time.

³² Ibid., p.201.; He is of the view that, initially the coup was "conceived as a purely military undertaking. Although, from time to time, Akbar Khan and his wife had brought communist ideology into the discussion". He further accuses that "Akbar Khan had inducted the Communist Party into it and, did not take any of his colleagues involved in the conspiracy into confidence". Ibid.

³³ Ibid.

³⁴ Ibid., p.170.; Hasan Zaheer considers this connection as very tenuous one, as "these contacts were openly made and under routine surveillance of intelligence (to which the activities of the Russians and like-minded Pakistanis) were subjected". (Ibid.).

³⁵ Zaheer, *The Time and Trail*, p.2001; Siddique Raja in his statement revealed that he was the only person to oppose to 'general view' about the execution of the coup plans. He even earned the wrath of Akbar Khan, on account of his opposition, when this issue was put for open discussion Naiz Muhammad

Arbab and Zia ud din also supported his “suggestion of indefinite postponement of the plan but the rest of the participants agreed to the temporary postponement only”. (Ibid., p.200).

³⁶ Mirza Hasan describes this meeting as “devilishly long and abortive, which was later given the monstrous name of Rawalpindi Conspiracy Case... It proved inconclusive instead of reaching a consensus or doing something, it could not unanimously decide to do anything. Rather the majority of the participants resolved to shelve it permanently. The government, in order to implicate and prosecute us, projected it as a consensus, so as to substantiate the conspiracy thesis or law. Therefore, the official approvers and later evidences, pleading before the God, approved by consensus, that all of us agreed to topple the government. By prolonging the case in this manner, we were awarded sentences but we lost Kashmir, Hasan, *Kashmir*, p.362.

³⁷ Poshni has written profusely about this meeting not only in his book *Zindagi Zinda dilli ka nam hay*, (Lahore: Frontier Post Publications, 1992, 3rd edition) pp.10-11, but also in article entitled “My Version of Rawalpindi Conspiracy”, Outlook, 3 February, 1970, p.10.; Hasan Zaheer has also cited his views, based on his interview, with Poshni. While alluding to this aspect Zaheer writes that, “Capitan Zaffarullah Poshni does not agree with this part of approvers evidence”, Poshni narrated to him that “all the officers in meeting were feeling uncertain and nervous and all of them including Raja, opposed the execution of the plan and it was decided to give up any attempt to topple the government”. Zaheer, *The Time and Trial*, p.200. Recently Poshni contributed an article in *Dawn* in which, besides sharing his sweet memories with his Jail mates, he also provides insights about this controversial meeting and concludes that “the meeting lasted eight hours at the end of which the general’s plan was disapproved. The participants

dispersed without even deciding to meet again”, Poshni, *My Jail Mate, Dawn*, 15 February 2011.

³⁸ Janjua, cited by Samina Akbar, “Rawalpindi Conspiracy Case: An Interpretative Study”, p.60.; M.K.Janjua believed that Liaquat Ali Khan and Ayub Khan used for the political mileage. In his article on the Rawalpindi Conspiracy, he argues that, “I can say with confidence that, Liaquat Ali Khan should have known that no ‘plot’ infact existed, and yet two week later they proceeded to make the arrest.”, Janjua, “The Rawalpindi Conspiracy Case”, *Nation* 18 July 1995.

³⁹ Faiz Ahmed Faiz, cited by Akbar, *Ibid.*, p.70. Zaheer does not subscribe to the views held by the accused implicated in this conspiracy, rather he appears to favour Siddique Raja’s Version (though he also disapproves projection of this conspiracy as a communist conspiracy as projected by the establishment, which will be discussed in the later sections of this article). His inference about the meeting may be gauged by this excerpt “but Akbar Khan’s visit to Karachi immediately after the 23rd February meeting, and his activities there showed that the post-ponement was for the time being only, though it seems plausible that the young officers must have become scared as the meeting progressed and they realized the enormity of the undertaking”, Zaheer, *The Time and Trial*, P.200.

⁴⁰ Besides this, it would further compliment the debate initiated in the first section, concerning the depiction of this of this conspiracy as the communist conspiracy by the establishment, by analyzing the other diamensions of the involvement of the leftist elements in this conspiracy. Moreover, the insights into the above mentioned intriguing questions would further reinforce the debate in the third section pertaining to spinning, on the part of the establishment, for the political mileage. The analysis of nature and the extent of communist involvement would at least be

helpful in stultifying certain myths about portrayal of Rawalpindi Conspiracy as the Communist Conspiracy.

⁴¹ Ludmella Waseleya, Soviet writer, in her book on Faiz, described Akbar Khan's orientation as 'pro-democracy' who was not 'interested in socialist ideas, however, Faiz owned him'. She further opines that, differences with government policies, had further made them 'like minded'. Ludmella Waseleya, *Parwarish-e-Loh-wo Kalam*, trans. Ayub Mirza, cited by Samina Akbar, "Rawalpindi Conspiracy Case", p.56.

⁴² She was the daughter of a prominent Muslim League woman leader Jahan Ara Shah Nawaz. Over the period of time she became ideologically motivated by the communist ideology. Her sister Mumtaz Jamal was also a member of the communist party. She even used to donate funds for the CPP. The C-in-C Gracey was even aware of her communist leanings. She had also friendly relations with other communist like Latif Afghani and Sardar Shaukat Ali. Hasan Zaheer describes her as 'the most potent and decisive influence on Akbar Khan'. Zaheer, *The Time and Trial*, p.215.; Brig (Retd) Latif Khan also describes her as a "sympathizers of the left" "obituary", *Friday Times*, p.2.

⁴³ Latif Afghani was a communist activist, who joined Muslim League. He also fought in Kashmir, in the Uri Sector. He also was in the forefront in organizing the Democratic Student Federation, which was one of the front organizations of the CPP. Hasan Zaheer terms as him Akbar Khan's 'mentor in communist ideology and also perhaps a contact with the leadership of CPP', Zaheer, *The Time and Trial*, pp.213-215.

⁴⁴ Akbar's acquaintance with Faiz Ahmed Faiz dated back a number of years, and Faiz was considered a family friend of Akbar Khan. During tribal invasion and Kashmir war, Akbar Khan invited him as a guest and "took him to front lines", *Ibid.*, p.213.

⁴⁵ He further adds that during this meeting “the General had broached the subject and requested to help draft manifesto’ and a possible plan of action. The CPP leadership accepted the offer and participated in various meetings with army officers”. Tariq Ali, *Pakistan Military Rule or People’s Power* (New York: William Morrow and Company, 1970), p.46.

⁴⁶ Syed Sibte Hasan, *Mughanee-e-Ataish-e-Nafs*, p.43 cited by Abdul Rauf Malik, “Rawalpindi Sazish Case... Asal Haqiqat kya Hay?” (Rawalpindi Conspiracy Case... What is the true reality), *Monthly Awami Jamhori Forum*, No48, 27 May 2009, p.44.

⁴⁷ C.R. Aslam’s Interview in *Awami Jamhoori Forum*, No 20, n.d.p.24.

⁴⁸ C.R. Aslam is of the view that, Major Ishaque had contacts with the communist party. He had intimate relations with those of our friends, who worked in the Army. Ibid., p.25.; Sibte Ul Hasan Zaigham contends the Major Ishaque was a literary minded person and fond of literature therefore, he was assigned with the responsibility to make contact with the CPP. As he had no other acquaintances with any person relating to the CPP in Lahore, other than Faiz Ahmed Faiz , whom he had known since his college days at Amritsar, where Faiz also served as the principal of M.A.O College (Faiz infact was a Professor of English, the Principal was M.D. Taseer), he had also been a teacher of Ishaque, as well as the patron of the literary society, *Bazm-e- Adab*, for which Ishaque also worked as Secretary General for some time. Therefore, he decided to approach Faiz and request him to use his connections in the communist party, to convey the message to Sajjad Zaheer. Faiz got Ishaque’s meeting arranged with Sajjad Zaheer through Raza Kazim , a young lawyer and Marxist activist, the next day. Syed Sibtul Hasan Zaigham, “Professor Eric Cyprian: Eik Gharfani Ustad” (Professor Eric Cyprian:An Immortal Teacher), *Awami Jamhori Forum*, No.18, December 2004, p.36.

⁴⁹ Kashif Bokhari's interview with the communist leader Eric Raheem, Awami Jamohari Forum (Punjab Number), No.50, 30 June 2010, P.52.

⁵⁰ He quite explicitly asserts, that "the communists were brought into the exclusive army operation by Akbar Khan and Nasim and none of the armed forces accomplices knew of their participation in it, until the meeting of 23 February", Zaheer, *The Time and Trial*, p.xxxiii.; This debate should not lead us to believe that the CPP had no contacts within the military. The various studies into Rawalpindi Conspiracy as well as the memoirs and interviews of the veteran communist leaders, do suggest that, the CPP through various leftist sympathizers such as Latif Afghani, Major Ishaque Muhammad, Mrs. Naseem Akbar and Faiz Ahmed Faiz was trying to disseminate the communist ideology, in order to extend its influence among some sections of the progressive army officers, but these efforts could not prove fruitful. For instance, Latif Afghani was assigned with a task, by the CPP, to organize a group of progressive elements in the army. He also reported to Sajjad Zaheer about the presence of some progressive officers in the army, as well as some frustration among them towards the policies of the government. The party deputed Shaukat Ali to make contact with these frustrated officers through Latif Afghani. After investigation Shaukat Ali sent a report to Central Committee, in which he averred that "he was not sure of Army officers nor of their strength", Leghari's interview with Shaukat Ali, "The Socialist Movement", p.66.; Though Faiz Ahmed Faiz was not a regular member of the yet he remained a sympathizer of the communist cause. Ludmella Waseleya, considers Faiz among those vital links, who played an important role in bringing the military officers and the communist closer together. Waseleya, *Parwarish-e-Loh-o-Qalam*, p.64. The US diplomatic officials in Pakistan were also keeping a vigilant eye on the

activities of Faiz. A report dispatched by the US Embassy, which covered "Soviet activity in Pakistan from 3 to 10 March", contained a whole page on Faiz 's arrest. It depicted him as the most vibrant communist, "who directed the most important communist line of newspapers in Pakistan. As acting President of the Pakistan Trade Union Federation, he headed the communist-controlled labour movement in Pakistan. The entire 'peace' campaign throughout West Pakistan had been organized and directed openly by Faiz, as had most other communist activities during 1950 and 1951". The report also termed him as "'an associate in a number of leftist causes of Begum Shah Nawaz". It also alleged that, he had developed 'direct contacts with the USSR Embassy' and even was 'invited to visit the USSR in October 1950', which he could not proceed "as he was unable to obtain the necessary transit visa". The report also indicated that, the US officials considered Faiz, more effective than Sajjad Zaheer, as the latter was 'compelled to remain underground' While assessing the impact of Faiz's arrest on the leftist movement, the report stated that "the arrest of Faiz Ahmed Faiz...will incidentally deprive the communist cause in West Pakistan, one of its two outstanding leaders". From Warwick Perkins to the Department of the State, Action copy DC/R, no. 1259, 21 March 1951, de-classified 79 Od.001/3-1051. When this conspiracy was exposed American Vice Council Joyce R. Herrmann described him as "one of the principal communists in Pakistan". He further wrote that "Faiz is also thought to have some connections with the conspiracy", on account of "his contacts with various Soviet officials"; 'From Joyce to the Department of State', Action Copy DC/R, no. 127, 21 March 1951, de-classified. All these instances suggest that the party was keeping itself abreast with the developments on this front. However, the nature of the leftist connections of the party in the military does not imply that, party had control

over the military or it was in a position to inspire or motivate it, for the coup d'état or exert its operational control over it. The overriding evidence, on the other hand, makes it explicitly clear that, the initiative came from the army not the vice versa.

⁵¹ In the Fatehjang meeting, in which, according to the approver, Siddique Raja, the communist ideology was introduced, Akbar Khan also asked Siddique Raja and Sadiq Khan, for the fund collection, which were to be channeled through Mrs. Naseem Akbar, to 'a large number of underground workers'. These workers were to be used to circulate propaganda literature, so as to win over the support of civil and military circles for the coup. Zaheer, *The Time and Trial*, p.178.; Zaheer describes Akbar Khan's approach towards communists 'more practical than doctrinaire', which implies that he desired to entice political support from the CPP. Ibid., p.215.; Poshni provides insights into the nature of support, which Akbar Khan expected to receive from the CPP. He writes that CPP and its affiliated trade unions, kissan committees etc, would welcome the military government. *The Pakistan Times*, one of the leading news papers of that period, whose editor was Faiz Ahmed Faiz, was to lend editorial support to the new dispensation under General Akbar, Poshni, "Remembrance of Things Past", *Dawn*, 15 April, 2001.

⁵² Zaigham, "Eric Cyprian", p.36; There is a debate whether the CPP was working under the instructions of the Soviet Communist Party and how effective was the control of the Soviet Communist Party over it? Zaheer is of the view that CPP was functioning "quite independently in its domestic activities and fraternal relations with foreign parties". Zaheer, while referring to Hasan Abidi, argues that, CPP did not consult Moscow, while deciding about supporting the conspiracy. He also quotes C.R.Asalam who opines that, the Russian and the

Chinese Communist parties were intimidated, but they did not impose their will and left it to the CPP to take decision itself. He further reveals that the contact with Russia was through the Soviet Embassy. Zaheer, *The Time and Trial*, p.223. After problematizing this debate in this manner, Zaheer establishes a farfetched link between this conspiracy and the Soviet government's backtracking from Liqat Ali Khan's invitation to the Soviet visit, by arguing that, "Given the kind of control that the Russian exercised over the communist movements in various countries, particularly the emerging colonial societies, it is reasonable to assume that, now about Akbar Khan's coup plan had reached Moscow. If so the visit of the Pakistan Prime Minister would have been a great embarrassment to the Soviet government when he had been over thrown with the support of the communists". Ibid., p.233.; This line of argumentation seems inconsistent, with his previous emphasis, nevertheless, it implicitly reinforces the argument that the Akbar Khan was expecting support from Moscow, and would have relied on it in this context", Ibid.

⁵³ Eric Raheem Interview, p.52.

⁵⁴ Kalb Ali Sheikh, Pervaiz Majeed and Amir Riaz, panel interview with C.R. Aslam, *Awami Jamhoori Forum*, p.25.

⁵⁵ Poshni, "Remembrance of Things Past".

⁵⁶ Ibid.

⁵⁷ Shaukat Ali, cited in Leghari, "The Socialist Movement", p.66.

⁵⁸ Deputy Inspector General of Police Criminal Investigation Depart Punjab, *The Communist Party of West Pakistan in Action* (Lahore:1952), p.52.

⁵⁹ Hasan Abidi was a close friend and a courier of Sajjad Zaheer, the latter was staying with Abidi at the time of Abidi's arrest. Abidi endured police torture for one week, but did not disclose the Sajjad Zaheer's whereabouts. After one week, he presumed that Zaheer might have moved to some other

location, during his absence, therefore, he identified the place, from where Sajjad Zaheer was arrested, as he was still staying there. Therefore, Abidi's version assumes great significance, as he was a close witness to these developments. Abidi cited by Zaheer, *The Time and Trial*, p.217.

⁶⁰ Ibid., p.218.

⁶¹ Ibid.

⁶² Ibid.; Notwithstanding its significance as a circumstantial evidence, there are certain chinks in this version. For instance, he reveals that before convening the meeting Sajjad Zaheer discussed this issue with Sibte Hasan, C.R.Asalam and Muhammad Afzal, who on account of their reservations about the success of such a coup plan, opposed it and advised that party should not become part of it. Ibid., p.217.; It means that three members were against this plan, if one adds Shaukat Ali's opposition as he voted against this plan, the number of the total members who opposed this plan, becomes four, which implies that if Sajjad Zaheer managed to get this plan approve this plan through a majority vote that is, three vs. two, as he mentioned in his letter, he would have convinced the more two members. C.R.Asalam and Sibte Hasan , about the desirability of this coup. Hasan Abidi's version explicitly mentions that, "Shaukat Ali and Muhammad Afzal were opposed to any deal with the army officers regarding the conspiracy...But Sajjad Zaheer and other two members were in favour of support the coup plans". Ibid.; This version makes this debate even more problematic, as Sibte Hasan and C.R.Asalam in their versions, (which we have placed in the category of those who opposed the plan, and will be discussed after Abidi's version) explicitly deny concurrence of CPP with the coup plan. This debate makes two things explicitly clear; (i)the contradictory nature of statements and (ii)Sajjad Zaheer's role in it, that is, how in an arbitrary

manner, he managed to get this programme approved, to provide a democratic semblance to his whims.

⁶³ The participants included Feroze-ud-din Mansoor, Commodore Lal Khan, Sajjad Zaheer, C.R.Aslam, Shaukat Ali, Muhammad Afzal, Ashfaq Beg and Sibte Hasan.

⁶⁴ Leghari, "The Socialist Movement", p.66.

⁶⁵ Ibid.

⁶⁶ Ayub Mirza, *Faiznamah*, p.105.

⁶⁷ It was communicated to him during his meeting with Akbar Khan and Mrs. Naseem Akbar, before the convening of the meeting of the CPP.

⁶⁸ While reflecting upon the discussion, he contends that, "except two or three comrades, all of them opposed this plan. This opposition was principled as well as ideological. It was criticized on the basis of the writings of Marx and Engels. We held the view that, a social revolution cannot be brought about, on the basis of conspiracy, hatched by a handful or few military officials, rather it requires practical support of labourers, peasants and the majority of the progressives, belonging to middle class. We neither know about their political tendencies nor about their commitment to socialism and communism. Those of our comrades who held extremist views, frequently referred to the militant struggles of Malaya, Burma Telengana. Perhaps they consciously believed that, a little spark will transform itself in a revolution".

⁶⁹ It is an Urdu proverb, which denotes wishful, imaginative and impractical thinking, a sort of day dreaming.; While further criticizing the details, Sibte Hasan contends that "they did not know even the basic directions of politics and economy. They had no idea about promoting the democratic rights of people, the structure of the government. The most explicit element, which was missing, pertained to their expectations from the Communist Party".

⁷⁰ Sibte Hasan cited in Rauf Malik, "Rawalpindi Sazish Case, p.44.

⁷¹ Amir Riaz's interview with Prof Khawaja Masood, *Monthly Awami Jamhoori Forum*, No.5, n.d., p.28; Also see Abdul Rauf Malik, "Rawalpindi Sazish Case", p.43.

⁷² "Such gossip was going around, when I reached home, I cracked a joke to my wife that "Begum you are going to be appointed as the Education Minister". In those days we used to gather at Khalid Minto's (Abid Minto's elder brother) shoe store 'Cosmo'. It is true that such talk was going on", Prof Khawaja Masood's Interview, p.28. Rauf Malik contests Khawaja Masood's version regarding the complicity of the CPP in the coup plan. He argues that, Khawaja Masood drew wrong inferences, from seeing Faiz and Sajjad Zaheer at colonel's residence, as well as their discussion, he further contests it on the ground that, why Syed Sibte Hasan did not join that meeting. He was not only an important member of the party's central committee but also the member of its politburo. Why he disappeared after dropping Khawaja Masood to the colonel's residence. As far as I know, at that time, Khawaja Masood was not holding any position in the central leadership, he was just an incharge of CPP's Rawalpindi Branch. Rauf Malik, "Rawalpindi Sazish Case", p.43.

⁷³ Khawaja Masood's Interview, p.28.

⁷⁴ C.R.Aslam Interview, p.25.

⁷⁵ Ahmed Saleem's Interview with Jamal Naqvi, *Monthly Awami Jamhoori Forum*, No.24, 1 September, 2005, p.46.

⁷⁶ Ibid.

⁷⁷ Major Ishaque was asked to furnish the details about their nature and direction as well as their thinking, their views about revolution in the country, liberation of Kashmir, Pakistan's policy concerning social and economic structure in Kashmir. He was also asked to provide, details about the

mode of thinking of each and every individual among the military officers.

⁷⁸ Zaigham, "Eric Cyprain", p.36.

⁷⁹ Ibid.

⁸⁰ Iqbal Leghari, "The Socialist Movement", p.67.; Jamal Naqvi also opines that, "in my consciousness the CPP did not follow Ranadive line in Pakistan, this line was only adopted in the Rawalpindi Conspiracy", Naqvi's interview to Ahmed Saleem, *Awami Jamhoori Forum*, p.56.

⁸¹ Sardar Shaukat Ali's version about Sajjad Zaheer's arguments in favour of the coup plan, cited in Leghari, "The Socialist Movement", p.65.; Cyprian, while criticizing Sajjad Zaheer's approach, reaches to the same conclusion that, "Stalin had said that all roads led to socialism and Sajjad Zaheer took it to mean to jump to any adventure", Hasan Zaheer's interview with Cyprian, November, 1995, cited in Zaheer, *The Time and Trail*, p.206. He also accused Sajjad Zaheer of adopting "a more aggressive course of action" and not heeding to his and Mirza Ibrahim's advice to "consolidate and go slow". Ibid.,p.210. While expressing his sheer disgust or disillusionment towards Sajjad Zaheer's handling of the CPP affairs, he considers that "Zaheer did not have foggiest idea of organization. Ibid.

⁸² Shaukat Ali cited by Leghari, "The Socialist Movement", p.65.

⁸³ Abidi, cited by Zaheer, *The Time and Trial*,p.217.

⁸⁴ Ibid.

⁸⁵ C.R.Aslam's Interview to Zaheer, pp.216-217.; It seems that Sajjad Zaheer had managed to win Faiz Ahmed Faiz's support for this plan, as Faiz appears quite active during this crucial period. Zaheer in his letter to Ashfaq Beg, which was delivered through Faiz, also highlights, his role in the end of the letter in these words "you will be appraised of detail...by our friend (the bearer of the letter, i.e., Faiz) who has been

assisting me in this particular matter for some months. It was necessary to associate him for this purpose". Ibid., p.128.

⁸⁶ Poshni is of the view that, it was necessary to establish it as a conspiracy, from the legal point of view. While referring to 'the law spelled out in Pakistan penal code' he contends that "it is only when two or more persons agree to commit an unlawful act by un-lawful means, that a conspiracy is said to have taken place". He goes on to suggest "as there was no agreement to commit an unlawful Act and the plan was infact completely abandoned". He alleges that approvers "were told by the Police to wrongly state that an agreement had infact, been reached". This spinning in the Case on the part of the establishment was done ostensibly, through approvers, so that "the conspirators could be convicted". Poshni, *My Version of Pindi Conspiracy*, p.9.; On the other hand, the tribunal took the legal position that, "the Conspiracy under section 121A of the Pakistan penal code was punishable perse, if no act or illegal omission had taken place in the pursuance of it"., Zaheer, *The Times and Trial*, p.289. Zaheer further explicates the legal grounds on which, the Tribunal decided to set aside the defence's case. While referring to the latter's position, he avers that it took the plea that, "no overt action had been taken in pursuance of the series of meetings and contacts alleged by the prosecution". The judge countered it, by having recourse to Indian Law, instead of resorting towards the English Law by maintaining that: "in English Law the act must have been done, or declaration made in execution or furtherance of the common design, (but) it is sufficient in the Indian Law to show that it had reference to common intention excerpt from Justice Adbur Rehman's judgement cited in Zaheer, Ibid.' p.290; Justice Abdur Rehman in his decision conceived the conspiracy in broader terms, as he defined it as, "by joining a conspiracy, a person according to the law of the country becomes

responsible for the whole conspiracy”, Ibid.; This contention implies that any person who joins the conspiracy could be implicated in it regardless of the fact that, any previous act (s) “which had been done by any one before he joined...were known to him or not”, Ibid. pp.289-290. What we may infer from this legal position is that it would have given more space to the establishment, to implicate the accused in the conspiracy, merely by establishing the ‘common intention’.

⁸⁷ Ishaque Mohammad cited in Waris Mir, *Fauj Ki Sayasat*, (Military’s Politics) (Lahore: Jamhoori Publications, 2007), p.112.; Any conclusive word about the postponement can be said, only after of the declassification of the whole of the documents pertaining to the defence. The allegation of postponement till present, largely represents the establishment’s projection of the case.

⁸⁸ Waris Mir, *Fauj ki Siyasat* (the Military’s Politics) (Lahore: Jamhoor Publications, 2007), p.112.

⁸⁹ A derogatory term used by the rightists to label the leftists in Pakistan. Mirza Hasan Kashmir, p.298.

⁹⁰ M.k. Janjua, “The Rawalpindi Conspiracy Case”, *Nation*, 18 July 1995.

⁹¹ Hasan Zaheer, *The Time and Trial*, p.251.

⁹² There is a sufficient circumstantial evidence to assert that, the government was aware about the activities of Akbar Khan and other military officials as well as their contacts with the CPP, much earlier before the exposure of this conspiracy in March 1951. Hasan Zaheer, though concedes that “the conspiracy to over through the civilian government had began in the middle of 1949, and the government perhaps had some knowledge of it.” (Zaheer, *The Time and Trial*, p.29), yet he does not subscribe to this view that, the government came to know about the conspiracy, through the ‘tipp off’, provided by the British intelligence. He contests it on the ground that, it is possible that the government had been informed about the

Akbar Khan's contacts with the communists by the British intelligence, but it is not sure that whether such report included the 'coup plan'. He is of the view that, Akbar Khan's activities were not secret as 'there were too many straws in the wind', (Ibid., 226-227). He goes on to suggest that "by the early 1951, Akbar Khan's plans were so widely diffused... that the information could have come even from an accomplice", (Ibid., p.227).

This contention may further be substantiated through some other instances. The report of UK Deputy High Commissioner, of 11 March 1951, indicates that the high ranking officials such as Liaquat Ali Khan and Iskandar Mirza knew about the conspiracy, which involved the complicity of Akbar Khan, Brig. Latif and Faiz Ahmed Faiz, at least six months before their arrests were made. Deputy UK High commissioner Lahore to UK high Commissioner Karachi and (CRO), No, 34, 11 March 1951, FO71/92866, PRO, cited in Zaheer, Ibid., p.225.; Major (retd.) Ishaque, also quite firmly asserts this contention. In his interview to Iqbal Leghari, he revealed that "he had 'warned' the CPP that 'the plan was not secret and the intelligence was aware of it'", Ishaque, quoted by Leghari, *The Socialist Movement*, p.67.; Sibtul Hasan Zaigham holds the opinion that the military officers knew about the 1949 meeting, "even General Gracey used to crack such jokes, with the disgruntled officers, that what happened to your plan of toppling the government... Hence, the 1949 meeting had become a sort of Joke", Zaigham, "Eric Cyprian", P.36.; Zaigham's statement may contain some elements of exaggeration yet it provides clues towards the wide spread perception that, conspiracy affair was initially not taken so seriously by the military establishment.

⁹³ Ahmed Bashir, a veteran journalist, in his article on Ishaque Mohammad, writes that, the intelligence had planted its informers among Akbar Khan's servants. Ahmed Bashir,

“Inqlab Ka Mussafir”, (The Voyager of the Revolution) in *Major Ishaque Maasreen Ki Nazar Mein*, (Major Ishaque In the Eyes of the Contemporaries) (compiled) (Faisalabad: Ishaque Academy, 1984), p.63.; UK’s High Commissioner’s third report, for the week ending 17 March, further mentions that “according to an informant... the police has been investigating the activities of Akbar and his wife for the last two years”; Extract from the weekly out post Review for the week ending 17 March, FO 371/92867, PRO, cited in Zaheer, *The Time and Trial*, p.226; Waris Mir, a veteran Urdu journalist, in his article on the Rawalpindi Conspiracy Case, mentions a confidential report about Akbar Khan, written by Gracey, In which he averred quite categorically that, “Akbar Khan is standing at cross-road. He will have to choose one career between politics or the military”, Gracey’s Confidential Report, cited by Waris Mir, “Kutch Rawalpindi Sazish Case Kay Baray Mein”, *Nawae-e-Waqt*, 23 February 1985.

⁹⁴ The central government at the behest by non-political forces was pursuing politics of centralization, to maintain its authoritarian control over the provinces. In the Punjab’s case it was patronizing Mumtaz Dultana’s Muslim League against the Mamdoot’s faction, who later had founded Jinnah Awami Muslim League. For the details see, Anwar H. Syed, “Factional Conflict in the Punjab Muslim League, 1947-1955”, *Polity*, Vol.22, No.1 (Autumn, 1989), pp.49-73.

⁹⁵ Syed Sibte Hasan, opines that somehow “the government came to know about the 23 February meeting and it decided to accrue maximum political mileage out of it, during the provincial Assembly Election”, Sibte Hasan, *Mughnea Atishe-e-Nafs*, p.44.

⁹⁶ Sibtul hasan Zaigham contextualizes this issue in a broader context, that how the inner coterie around Liaquat Ali Khan such as G.M.Ahmed, Iskandar Mirza and Ayub Khan, managed to convince him, a day before the elections, to get the

accused involved in this conspiracy, arrested, Zaigham, "Eric Cyprian", p.36.

⁹⁷ Rauf Malik also terms its exposure as an election stunt, as these arrests were made a day before the Provincial Assembly elections in Punjab. Rauf Malik's comments about Rawalpindi Conspiracy, cited in Annexure III of Samina Akbar's "Rawalpindi Conspiracy Case", p.141.

⁹⁸ Mohammad Rafique Afzal, *Pakistan History and Politics*, (Karachi, Oup, 2001), p.58.

⁹⁹ Ibid.

¹⁰⁰ Zarina Salamat, *Pakistan: An Historical View* (Islamabad: NIHCR,1992), p.132.; The UK High Commissioner in his third report for week ending 17 March, could not fail to ignore this element of timing. He also ponders that, whether "the timing of arrests may or may not have been chosen with an eye to the election", Extract cited in Zaheer, *The Times and Trial*, p.226.

¹⁰¹ General Gracey used to label them as "Young Turks", "among those included Akbar khan, his wife and certain of their friends". He considered Akbar Khan 'as very anti commonwealth'. The correspondence of the diplomats of the UK High Commission in Pakistan, suggests that, Gracey was keeping a constant vigil on the activities of Akbar Khan. When he was send to attend a military course at Joint Services Staff College, Gracey intimated the C.I.G.S (Chief of Imperial Staff) about Akbar Khan's tendencies, even before Akbar's departure. Upon his return from Britain, he found him 'less anti-British', though he remained suspicious about his activities, therefore, Akbar Khan was appointed as the Chief of Staff, at GHQ, a position on which he was supposed to 'work under the eye of the C-in-C'. He believed that Akbar 'might be sobered up after being appointed on a responsible job'. Extract from weekly Out Post Review for the week ending 17 March 1951, cited in Zaheer, *The Time and Trial*, p,226.; Ayub

Khan also mentions the presence of Young Turk Party in the Army. Infact, Gracey's indication of Young Turks, made him curious as he "wanted to know what he meant by it". Mohammad Ayub Khan, *Friends Not Masters: A Political Autobiography* (Karachi: Oxford University Press, 1964), p.38.

¹⁰² M.K.Janjua, "The Rawalpindi Conspiracy Case", *The Nation*,

¹⁰³ Even initially the American policy makers perceived this conspiracy as an outcome of the personal ambitions. For instance, George Mc Ghee, the American Assistant Secretary of State, was "doubtful about communist inspiration (in) the recent plot and believed that its 'root' was embedded in personal ambitions of senior military officers. Record of conversation between foreign office official and George McGhee, 3rd April 1951, R.R Burnett (office of the High Commissioner) to Garner (CRO) FO 371/92807, PRO, cited in Jalal, *The State of Marial Rule*, p.120.; The US Vice consul in his despatch to the State Department, which was sent just two after the exposure of Rawalpindi Conspiracy, also mentions resentment among the senior military officials, against Ayub's appointment as the C-in-C, in this despatch he puts it as, "Major General Azam Khan and Major General Nazir Ahmed Khan, the Commanding Officer of the 7th Division (Peshawar) were both senior, to General Mohammad Ayub Khan and resent the decision which made him their commanding officer". Herrmann to the Department of State, Action Copy D/C, no. 127, 21 March 1951; It appears that the Pakistani establishment made the US officials convinced about the communist trappings of this conspiracy, which led to a change in their perceptions.

¹⁰⁴ Various scholars and activists such as Ayesha Jalal and Sibtul Hasan Zaigam, perceive the implication of the military officials and the communists in the Rawalpindi Conspiracy, as the part of ongoing tussle within the two sections of the establishment. This tussle emanated from the very difference

over the policy orientations. One section managed to consolidate its dominance, by getting its opponents implicated in this conspiracy, was pro West, and wanted to see Pakistan, became a part of cold war alliance system. Jalal brackets Ayub Khan and Iskandar Mirza in this group as they represented the moderate opinion favoured by the British, Jalal, *The State of Martial Rule*, p.120.; The opponent faction represented anti-imperialist thinking, and advocated a neutral foreign policy. For instance, Jalal refers to Brig. Latif Khan, who believed that, it would be in, "Pakistan's interest to neutral in any future war". (Ibid.,) Thus Jalal perceives the Rawalpindi Conspiracy as a sort of two dimensional struggle between two section of military establishment: (i) Those who were pro-west or moderate towards West and the anti-Imperialist or anti-west and (ii) 'A tussle between two divergent perspectives on Kashmir dispute', which wanted a military solution in Kashmir". Ibid. For Zaigham views see, his article on "Mian Iftikhar ud din", "Mere Ustad, Sardar Shaukat Ali" and "Eric Cyprain", in the issues no 10, 15 and 18 of *Monthly Awami Jamhoori Forum*.

¹⁰⁵ The personalities belonging to both of the two sections of the military establishment were motivated by the personal ambitions. Ayub and Iskandar Mirza's ambitious role in Pakistan's politics during the first decade after independence, is far too obvious to warrant any further illustration. Mohammad Waseem, a renowned Pakistani scholar in his work, *The Politics and State in Pakistan*, includes them in the "Gang of Four", the other two members were Ghulam Mohammad, who was appointed as the Governor General in 1951, and Chaudhry Mohammad Ali, who served in various capacities from the Secretary General of the Planning Committee to the Finance Minister. He also was appointed as Prime Minister for one Year. Waseem considers The 'gang of four', "important not in terms of their personal careers but

because they represented crucial group alignments". For further details see Mohammad Waseem, *The Politics and State in Pakistan*, (Islamabad: NIHCR,1992), PP.145-146.

All the significant academic studies on the Rawalpindi Conspiracy Case such as Zaheer's, *The Time and Trial*, and Samina Akbar's unpublished M.Phil Thesis, "Rawalpindi Conspiracy- An Interpretative History", isolate Akbar Khan's personal ambitions as the main factor behind the "Rawalpindi Conspiracy". Infact, the latter's work is primarily based the upon hypothesis, which seeks to explore, the personal ambitions of its main actor Akbar Khan as the main cause of the conspiracy, Samina Akbar, "The Rawalpindi Conspiracy", p.1.; Iqbal Leghari, in his Ph.D dissertation provides new insights about Akbar's ambitious role.pp.63-64, Ahmed Saleem, a veteran journalist political activists and a author of many books on Pakistan's political history, also holds the same opinion. Ahmed Saleem's Interview with Jamal Naqvi, *Awami Jamhoori Forum*, No. 24, Sep, 2005, p.43.; Aysha Jalal cites a reference, which contains information sent by the Governor of Sind which states that "Akbar regarded himself as the divinely appointed successor to the Quaid-e-Azam, Burnett to Governor, 19 March 1951, cited in Jalal, *The State of Martial Rule*, p.120.; Jalal further adds that, "someone claiming to Jinnah's successor was a threat to any one in position of power", Ibid., p.120.; Justice Abdur Rehman, in his judgement, reached, "to an irresistible conclusion that he (Akbar Khan) was the arch-conspirator and had conceived the conspiracy, purely out of private ambition and selfish motive", Excerpts from Justice Abdur Rehman's judgement, cited in Zaheer, pp.274-275.

Almost all the co-accused of the conspiracy, such as, Mirza Hasan, Zafar Ullah Poshni, Brig.Latif, M.K.Janjua and Ishaque Mohammad, describe him very ambitious, though most of them also consider him a patriot. For detail see, Samina

Akbar, "The Rawalpindi Conspiracy, Chap 3, pp.86.; Poshni, besides highlighting his ambitious role, also tries to justify it, as he believes that "personal ambition and patriotism go hand in hand". However, he goes on to suggest that "most officers had a mix of each to a more or less degree", Leghari, "The Socialist Movement", p.64.

¹⁰⁶ It may be substantiated by juxtaposing three perspectives such as (i) Ayub's perceptions about Akbar Khan; (ii) Akbar Khan's views about Ayub Khan; and (iii) Mirza Hasan's perceptions about Ayub-Akbar rivalry. Ayub Khan, while expressing his suspicions about Akbar Khan writes that, "I had always been a little suspicious of him". He further argues that, 'he (Akbar) was appointed as the Chief of Staff', specifically with the view 'to ensure' two things, that Akbar should remain under his surveillance, Moreover, he also wanted to make it sure that, he may not be appointed to a position, that would bring him 'into direct command of troops'. Ayub Khan, *The Friends not Masters*, p.38. He also appears dissatisfied with Akbar's performance as the Chief of General Staff, as he noticed that, "he was inclined to neglect his duties". Ibid.; it is not surprising that, on account of these suspicions, Ayub began to believe that (Akbar), "had two division to support him". A.R Siddique's interview with Akbar, (Published Posthumously), Nation, 6 September, 1993.

Akbar Khan in another interview, to journalist Ali Hasan, while expressing his view about Ayub Khan, describes his nomination to the post of C-in-C, as 'sudden' and 'surprising'. He tries to dispel the impression that, there was some sort of grudge or mutual antipathy between them, by maintaining that, their relations were cordial and there were no differences between them, even when Ayub was appointed as the C-in-C, he held the view that 'he should be allowed to work', though some other military officials had reservations towards Ayub and they 'disliked him', Ali Hasan, *Pakistani*

Jarnail Aur Siyasat, (Pakistani Generals and Politics), p.229.; cited in Akbar, *The Rawalpindi Conspiracy*", p.23.; Akbar Khan's stance becomes somewhat paradoxical towards the end of this interview, and betrays the element of rivalry, as he contends that, "had I exerted some discretion regarding the appointment of Ayub...I would have certainly not done that". Ibid.; Mirza Hasan while alluding to Ayub- Akbar rivalry, argues that, "both British and Ayub were apprehensive of Akbar Khan, and this fear got further intensified, when Akbar Khan topped in the...the Imperial Defence Course in England". While referring to the British suspicions, towards the Pathans, he avers that, "they did not repose any trust in Pathans and openly exclaimed that "be aware of the Pathans", but considered Ayub Khan their own pawn or a pseudo Pathan"., Mirza Hasan, *Kashmir*, p.318.

¹⁰⁷ Brig.Latif Khan's altercation with the C-in-C Ayub Khan, in 1950 testifies to this fact. At General Adam Khan's house, Brig. Latif Khan expressed his resentment regarding the government's tilt towards the Anglo-American bloc, despite the fact that, "they had not helped Pakistan particularly in Kashmir". Similarly he openly questioned the issue of according higher priority, to the consolidation of defences against Russia, along the Khojak Pass, over the issue of defences against India near Hyderabad (Sind). On this question, he incurred General Ayub's odium, who bluntly reminded him that "it was none of his (Latif Khan's) business to question the order of his superior", Zaheer, *The Time and Trial*, p.227.

¹⁰⁸ As mentioned earlier, how Iskandar Mirza, who was serving as the Defence Secretary, wanted to convey this impression to the American diplomats, during his meeting with Embassy's Army Attache, the very next day after the exposure of the conspiracy, in which he tried to impress upon him about Akbar Khan's 'hundred percent Communist' credentials, and

insisted that this information should be passed on to the Ambassador. See Warren to the Secretary of State, Action Copy to DC/R, no.127 3rd April 1951; In the same day Mirza held a meeting with the British High Commissioner, in which besides highlighting the need for an expeditious solution of the Kashmir dispute, (while describing it as a main cause behind the disillusionment of military officials towards Anglo-American bloc), he also informed the British of how the Soviet government was making effort through the communists, to accrue benefits from this dissatisfaction, as he highlighted that, how the "Dissatisfaction among military officers had been worked on, for instance, the negotiations between the military officials who were opposed to the Anglo-American bloc and the communists, were also 'encouraged by the Soviet Ambassador and his staff', who want to make, 'Akbar Khan and his fellows conspirators' convinced that the Soviet bloc offered only hope of Pakistan, of securing fair settlement of Kashmir dispute. UK High Commissioner Pakistan to CRO, No.257, 10th March 1951, FO 371/ 92866, PRO, cited in Zaheer, *The Time and Trial*, p.225.; Iskandar Mirza's maneuvering among the American and British diplomatic circles not only points towards, deliberate attempts of spinning on this issue, on the part of the establishment, but also underscores the elements of personal rivalry.

¹⁰⁹ Joyce R. Herrmann to the Department of State, Action Copy DC/R, no. 127, 21 March 1951, declassified, 790.00/3-1251.

¹¹⁰ Excerpts from Justice Sharif's decision, cited in Zaheer, *Ibid.*, p.279.

¹¹¹ *Ibid.*

¹¹² Before his arrest in the second week of May 1951, Major Hasan was under investigation in Attock, during the same period Ayub Khan visited Attock, he was accompanied by a

Turkish delegation, Ayub got this message convey to him; Hasan cited in Zaheer, Ibid., p.23.

¹¹³ 'From Warren to the Secretary of State', Action Copy, DC/R, no. 862, April 1951, declassified 790d.00/3-2051., p.1.

¹¹⁴ Janjua cited in, Khalid Qayyum, "Special Report: When Eagles Prey", *Nation*, 18 January 1996.

¹¹⁵ They were denied the 'open trial', despite the fact that some sections of the press particularly the organ of the Progressive Papers Limited (PPL), *The Pakistan Times*, more than once raised its voice in favour of it. In its Editorials on 10 March, and 15 April, it demanded that an open trial, 'be conducted through the legal machinery', which according to the editor, was "sufficiently comprehensive to deal effectively with those guilty of having acted as enemies of the state". In editor's opinion, "it would give a healthy fillip to public confidence". While referring to the precedence of such trials in 'other free countries', it further argued that, 'this procedure helps to strengthen the foundations of the state'. Editorial: "Charge of Conspiracy", *The Pakistan Times*, 10 March 1951.; In its editorial on 23 March, it reiterated its demand, by contending that, "...it is necessary that case should be put before the highest judicial tribunal in the land, and heard in open court...we hope therefore, that a bureaucratic conception of what information should be withheld from the people in the name of security will not operate", Editorial, "The Conspiracy Case", *The Pakistan Times*, 23 March 1951.; But the government established a special tribunal, for the trial of the persons implicated in this conspiracy. While commenting on such a move, editorial comment in *The Pakistan Times*, re-emphasized the demand of an open and deemed it necessary in the country's interest, so as to "place the real facts before the world, in order to end the ill-informed conjectures that are being published as news, often

with intentions that cannot be regarded as friendly". "Editorial: Conspiracy case Trial", 15 April 1951.

But the establishment instead of heeding to these demands, proceeded to hold trial through special tribunal, which further re-inforced the impression, of the denial of the basic rights of justice as "the convicted persons were denied the right of appeal under the Rawalpindi Conspiracy (Special Tribunal) Act, but they were entitled to submit within thirty days, petitions to the Governor General for the pardon, reprieve, respites or remissions in respect of the sentences that had been awarded by the Special Tribunal". Zaheer, *The Time and Trial*, p.229. The third glaring instance of denial of justice was that, the convicted persons were not shown the "note of dissent of Justice Sharif, which was part of the Judgement... inspite of requests. Ibid.

¹¹⁶ The defence took the plea that, Askar Ali Shah's presence as a witness, was very crucial for not only 'proving the existence of conspiracy', but also for 'showing that any such person was a party to it', Zaheer, *The Time and Trial*, p.265.; Manzoor Qadir, who was among the defence consuls, highlighted the malafide intentions of the government, by accusing the prosecution, of not producing Askar Ali Shah as a witness. He perceived it, as a part of deliberate 'strategy', by the government, so as to 'keep (him) out of the way,' Ibid., p.269.; The President of the Tribunal Justice Abdur Rehman, reflecting on this issue, besides identifying certain serious flaws in the document, submitted by Assistant Inspector General Police, NWFP, G.H.Kiani, which was based on Asker Ali Shah's report, such as the use of cryptic language and the absence of dates, wrote that, these notes "are explicit enough to expose Askar Ali Shah to the danger of prosecution, for his failure to disclose information earlier, if anything else". Zaheer, Ibid., p.272.

¹¹⁷ Justice Sharif, while expressing his serious doubts about the credibility and personal integrity of statements and evidences of, one of the approvers Siddique Raja, remarked that "Siddique Raja is not a man of such a character that his statement should be taken without any independent corroboration". Excerpts from Justice Sharif's decision in Major General Nazir Ahmed's Case, cited in Zaheer, *Ibid.*, p.279.; Justice Abdur Rehman, in his judgement, expressed his reservations about the credibility of Major General Habib Ullah. It would not be out of place to mention that, the latter was promoted to position of Major General within a few years. His daughter was married to General Ayub's son. It shows his close connections with the establishment.

¹¹⁸ Hasan Zaheer was the first bureaucratic-cum-scholar, to get access to the official record of the Rawalpindi Conspiracy Case, on the special permission of then Prime Minister, Benazir Bhutto, before the record relating to the prosecution was de-classified. Zaheer not only utilized this record in his work, but tried to corroborate it with other sources of evidence, through his extensive field work, that is direct interviews with some actors of conspiracy, as well as some veteran leftist leaders, who were then alive. He further substantiated his work by inserting the perspectives of some high ranking civil and military officials of 1950s and 1960s.

¹¹⁹ While pointing towards, one of its flaws, he expressed his doubts that the entire document was written in one day. He was sure that no date on which this document was written could be "stated with any definiteness". Justice Abdur Rehman cited in Zaheer, pp.265-272.

¹²⁰ *Ibid.*, p.265.; while pointing towards another discrepancy in the trial, he refers to the acceptance document called Ex.P.W.18612, submitted by G.H.Kiani, AIG, CID of the NWFP, and even remarked that "it is...suggestive of the very

haphazard manner in which Mr. Kiani was working. Moreover, his failure to remember the dates on which the notes were made by him indicates the very causal manner...". In spite of the identification of these flaws, justice Abdur Rehman was not 'prepared to disbelieve Mr. G.H.Kiani, opines Zaheer. Ibid., pp.265-271-2.

¹²¹ In his opinion, the line between direct knowledge of the conspiracy and being part of it, was rather thin, which allowed the police to make wide use of its discretion. Ibid., p.273.

¹²² Ibid.

¹²³ Ibid., p.285.

¹²⁴ Ibid., 268.

¹²⁵ Ibid., p.267.

¹²⁶ Ibid., p.268.

¹²⁷ Ibid., p.267.; The prosecution's conduct towards the Tribunal, according to Zaheer suggests that, "The Tribunal seems to have been....taken for a ride". Ibid.; On the other hand, the Tribunal explicitly rejected "all the four documents, which were in his (Akbar Khan's) hand writing". This conduct appears quite paradoxical if compared to its handling of the prosecution. This contrast implicitly underscores the influence of establishment (my emphasis).

¹²⁸ For instance, the de-classification of the documents relating to Anglo-American foreign policies in the region brought to the fore, new sources of information, further more some new researches into the dynamics of state and politics, civil military relations in Pakistan as well as the First Kashmir war, provided new vintage points to situate this conspiracy in a broader perspective. Moreover, the availability of more space to the accused, in the subsequent decades to project their point of view, along with the circulation of the narratives of the political activists, illuminated new perspectives about the conspiracy, the involvement of the Left and the doctoring of facts by the establishment for the sake of political mileage.

¹²⁹ Ayesha Jalal contextualizes, how this conspiracy was used by the one section of the defence establishment against the other, in the backdrop of the tussle between its two sections, on the issue of support and opposition of Pakistan's pro-West policy. This issue acquired salience with the commencement of US containment policy in South Asia. While pursuing this policy the US came to realize about Pakistan's 'vital strategic location', and it began to perceive Pakistan as the 'only logical base', to be used to launch an attack on the Southern and Eastern areas of the USSR. Even if Pakistan could not fulfill this objective of providing the basis, the US policy makers considered it crucial to ensure its 'control or cooperation' to 'deny' the USSR, 'bases in this area'. Jalal, *The state of Martial Rule*, p.122.; (As mentioned earlier, some dominant sections of Pakistan's defence establishment, also wanted to see it as a part of US Cold War alliance system in the region, but they were faced with vehement opposition from certain other quarters in the military establishment. On the political front the CPP was in the fore front, in opposing such alliance with the US). Therefore, this mutuality of interests between pro-west elements and the metropolitan influences proved prelude to the "efforts to indoctrinate an army free of communist ideologues" Ibid. Jalal construes those elements, who opposed the growing Western influence, not necessarily in terms of 'communists', rather in her estimation, they represented 'other tendencies', and perception about their orientation is subject to the vintage point of perspective. Nevertheless, the Anglo-American bloc along with, pro-West elements in Pakistan's establishment, began to perceive their opponents in the establishment "either as major irritants or obstacles to their strategic plans under consideration by the general headquarter", Ibid., p.121.; Jalal seems to subscribe to the view expressed by the Secretary of the Rawalpindi Case Trial Committee; who construes 'the Conspiracy' as nothing

more than a 'frame up' to 'clean up' the army of 'outstanding patriotic officers'. This plan was 'engineered by British and American Intelligence' agencies who were working in connivance with their 'stooges', in Pakistan's establishment. This 'whole affair' was transpired through 'the flagrant misuse of the government machinery'. Ibid., pp.122-123.

¹³⁰ In his opinion, there was a section or group in the military, which despite its association with the army, could not become friends of the British Imperialism. Among those included senior officers such as Lt.General Iftikhar, Lt. General Sher Khan, Major General Akbar Khan, Brig. Abdul Latif Khan, and Air Commodore, M.A.K.Janjua of these officers, the first two died mysteriously in Air crash near Jangshahi, when they were sent for training course to the Britain. Zaigham terms their removal, as a part of the plans to get the armed forces rid from those elements, who opposed growing Western influence. More significantly, their accidental deaths paved the way for the promotion of those officers, who considered the British 'their masters'. However, they still regarded the presence of Akbar Khan and other military officers, a hurdle or threat to their ambitions or vested interests. The latter elements out of their sheer disillusionment from the government's policies, prepared a coup plan and were involved in negotiations with the CPP, to entice the support of Soviet Union. Though this coup plan could not transpire, on account of certain reservations of the CPP members, regarding the approach of the military officers, as well as delay on the part of the military officials in its execution, hence it has to be abandoned.. However, this plan could not remain secret due to various reasons, it provided an opportunity to their opponents, to get these anti-imperialists elements removed from the military, by implicating them in this conspiracy. Therefore, the high ranking officials in the Liaquat Ali Khan's regime, such as Iskandar Mirza, Ghulam

Mohammad, Ayub Khan and G.M.Ahmed, began to unnerve him, by giving the impression that his opponents in the army were conspiring to assassinate him. Hence, in this manner they tried to instigate him, and make him mentally convinced to take action against them. Thus, one day before the Provincial Assembly elections in the Punjab, they got them arrested through Prime Minister's approval. He further adds that some months after this incident, these elements also got the Prime Minister Liaquat Ali Khan assassinated. He goes on to suggest in a quite over simplistic manner that, "his assassin who was an Afghan, was 'not definitely involved in the conspiracy', (without further qualification). (Infact, this assertion implies that his assassination was not involved in the sense, it was projected (my explanation)). Zaigham, "Eric Cyprain", p.36;

It would not been out of place to refer to Ayesha Jalal's perceptions about Liaquat Ali Khan's assassination, she also considers is an outcome of the conspiracies of those elements who wanted an alliance with the West. According to Jalal, however, this issue led to the differences within Liaquat's cabinet, she argues that Liaquat was at that time confronted with pressures from two different quarters, that is, western pressure for committing towards, 'Joint-Iran Egyptian policy' in the Middle East and the 'unmistakable pressure of the public opinion' to steer clear away from such influences. In Jalal's estimation the Prime Minister under the impulse of the second, was thinking to change in his policy and there were certain indications which pointed towards the insidious shift, such as ('if one goes by the public statements') he wanted to support the Egyptian stance, and started accusing west of double cross on the issue of Kashmir, for delay in the presentation of Graham's report, he was very reluctant to commit himself to join western alliance system in the Middle East, during his meeting with the US ambassador four days before his assassination. The other high ranking officials of his

regime such as Ghulam Mohammad, Iskandar Mirza, Ayub Khan and Chaudary Zafar Ullah, who were staunchly pro west, wanted to see Pakistan, to become the part of the western realignments in the Middle East. On domestic front, there were reports that Liaquat had decided “to get rid of the trouble makers and it was said that, Gurmani, the Minister of Kashmir Affairs, was ‘going to be axed’. She goes on to suggest that “he was going to for the Muslim gallery”. In the back drop, according to Jalal, Ayub and Mirza, ‘decided to bypass Liaquat Ali Khan’, Jalal, *The State of Martial Rule*, pp.127-135. The motive of juxtaposing, Jalal’s version, is to substantiate the conspirational over tunes of Zaigham’s argument with the perspective of an Academic.

Zaigham in another article, he construes the ‘so called’ Rawalpindi Conspiracy Case, as a myth, which was concocted to get those officers arrested “who considered the cease fire in Jammu and Kashmir as betrayal of Liaquat Ali Khan and the ruling elites”. They were not in favour of Pakistan’s increasing tilt towards new imperialism, the US. “They held the view that, Pakistan’s security lay in an independent foreign policy”. Therefore, in Zaigham’s opinion, such nationalist, brilliant officials who were well versed in the military science were removed from the army, by getting them implicated in the Rawalpindi Conspiracy Case, Zaigham, “Eik Ehad- Eik Shakshiat, Punjab ki Gumshuda Awaz, Main Iftikhar ud din”, (One Epoch- One Personality, The Forgotten Voice of the Punjab: Mian Iftikhar ud din), *Awami Jamhoori Forum*, No.10, n.d., pp.14-19.

¹³¹ It stems from the fact that, Zaigham is a journalist and a political activist having leftist leanings., who has been associated with the leftist movement and the cause of Punjabi lingual activism, since more than sixty years. Therefore, while writing from that vintage point, his approach contains spontaneity, more subjective impulses and his writings, also at

times betray the elements of sensationalism, for the “journalist scope”. Therefore, he states fact in a raw manner. Jalal, on the other hand, is an academic, and by training a professional historian, whose approach is more value neutral cautious and calculated. Even if she focuses on the conspirational aspects, she tends to substantiate them with credible documentation.

¹³² The other leftist intellectuals such as Faiz and Sibte Hasan, while alluding to the ulterior motives of the establishment, arrive at the same conclusion, Faiz describes it as a conspiracy ‘to oust some patriotic officers’. Sibte Hasan also opines that, the military officers were the ‘real target’. Faiz quoted by Sibte Hasan, *Sukhan Dar Sukhan*, p.30, cited in Akbar, “The Rawalpindi Conspiracy”, P.61.; Ludmella, *Parwarish-e-Loh-o-Kalam*, p.160.

¹³³ Jalal, *The State of Martial Rule*, P.121.

¹³⁴ Ibid.

¹³⁵ Zaigham, “Eric Cyprian”, p.36.

¹³⁶ Zaigham, “Eik Ehad Eik Shakshiat”, p.160.

¹³⁷ Eric Cyprian’s interview cited in Akbar, “The Rawalpindi Conspiracy”, p.92.

¹³⁸ Zhaeer, *The Time and Trial*, p.222.

¹³⁹ Ibid.

¹⁴⁰ Leghari, “The Socialist Movement”, p.70.

¹⁴¹ Warwick Perkins to the Department of State, Action Copy DC/R No. 276, p.6.

¹⁴² Ibid.

¹⁴³ John C. Craig (American Vice Council, Lahore) despatch no. RG 84, Box 42, File 350-Pak. Pol. 1951, NA), C.f. no 211, Ayesha Jalal, *The State of Martial Rule*.

¹⁴⁴ Leghari’s interview with Eric Cyprian, winter 1974, cited in Leghari, p.69.

¹⁴⁵ Zaheer, *The Time and Trial*, p.232.

¹⁴⁶ Ibid., p.221.

¹⁴⁷ Ibid.

¹⁴⁸ These debates revolved around various issues ranging from the controversies surrounding Sajjad Zaheer's decision to support the coup plan, to his flawed conceptualization of the phenomenon of socialism in Pakistan, based upon his misreading of the class realities of the country. Later these debates also betrayed some reactions against domination of Urdu speaking leadership in the CPP, under Sajjad Zaheer. Though these reactions were symptomatic of deeper differences between the Urdu Speaking and non-Urdu Speaking leadership, within the leftist movement, which were to become more pronounced in the following decades. These debates also implicated the question of class, implying that, which class should be the vanguard of revolution in Pakistan, should it be petty bourgeoisie, the middle class or the peasants. For details see, Hasan Abbas, "Communist Tehrik Aur Tanzeem- Eir Sarssari Jaiza III" (The Communist Movement and Organization: A Brief Survey), *Lail-o-Nehar*, (Zindigee), 10 December 1972, pp.142, 45, 46; Leghari, "The Socialist Movement", pp.71-74.

¹⁴⁹ Leghari, "The Socialist Movement", pp.69-70. Also see Zaheer, *The Time and Trial*, p.222.

¹⁵⁰ Khawaja Masood cited in Akbar, "The Rawalpindi Conspiracy", p.94.

¹⁵¹ Excerpts from Hameed Akhtar's interview, "The Rawalpindi Conspiracy", Annexure III, p.150; Ahmed Saleem's interview with Jamal Naqvi, p.20.

¹⁵² Ahmed Saleem, *Sawanah-Umari, Hameed Akhtar* (Hameed Akhtar: Biography) (Lahore: Book Home, 2010), p.32.

¹⁵³ Ibid.

¹⁵⁴ Gankovsky and Polanskya, *A History of Pakistan 1947-58*, (Lahore: Peoples Publishing House, n.d.), p.174.

¹⁵⁵ Ishaque Mohammad quoted in Ayub Mirza, *Faiznamah*, p.167.

¹⁵⁶ Fateh Mohammad Malik, *Faiz Shairey Aur Siyasat* (Faiz Poetry and Politics) (Lahore: Sange Meel, 1994), pp.47-48

¹⁵⁷ Ahmed Saleem, *Hameed Akhtar*, p.171.; while arguing in favour of his contention, Ahmed Saleem goes on to suggest that “out of fifteen conspirators, the only three were the members or sympathizers of the CPP, but it (their presence), was used as a pretext to hound and hunt down the party activists, as well as the members of the front organizations of the Left throughout the country. There was no Justification for this”. Ibid., p.172.

THE IMPACT OF LAWYER'S MOVEMENT ON THE POLITICS OF PUNJAB (2007-2009)

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LAHORE

ABSTRACT

The Lawyers Movement for the restoration of Judiciary brought immense impact on the democratic spirit and Political System of Pakistan, particularly on the Politics of Punjab. General Pervez Musharraf had been ruling dictatorially for around a decade without receiving any resistance from any corner of political system but when he attacked on Judiciary, the bars of the country, civil society, media, political parties and all democratic forces of the state stood for the cause of the independence of the Judiciary. The movement for restoration of judiciary had shaken the political system of Pakistan. Therefore, this movement is not restricted on the restoration of judiciary rather it is spread to the entire political system because due to this movement, Gen. Musharraf allowed the PPP and PML(N) leadership to be backed in the country and joined the political game. The lawyers' movement had brought tremendous impact on the politics of Punjab, particularly on the results of General Election of 2008 in which the Pro- movement forces won like stunning results of PML(N) in Punjab while the anti-

movement parties were rejected by people like PML(Q). It was result of the movement that General Musharraf had hand over the power to the elected government and left the country.

KEY WORDS

NRO (National Reconciliation Ordinance), Supra-Parliament, King's Party, LFO (Legal Framework Order), ARD (Alliance for Restoration of Democracy), APDM (All Party's Democratic Movement).

HISTORICAL PERSPECTIVE

No one would have thought before 9 March 2007 that General Musharraf's grip on power could be seriously challenged. It was a time when political opportunists of king's party were telling the opposition parties that they would elect General Musharraf as President in uniform again and again.¹ Infected since Musharraf coup on 12 October 1999, "it was a government of one man, by one man and for one man, a distortion of Ibrahim Lincoln's quotation".² The coup launched by General Musharraf on 12 October 1999 was the fourth Army take over in Pakistan's history. The true story of this fourth military adventure is still hidden but the tussle between Mian Nawaz Sharif and General Musharraf had started when after getting massive victory Mian Nawaz Sharif felt that he would be able to bring radical changes in the power structure of the country.

The history of Pakistan tells us that whenever civilian governments try to assert power, they were

either exiled or hanged. Mian Nawaz Sharif had failed to understand this truth of our unfortunate history. When he tried to use his authority as prime minister and fired Gen. Musharraf when he was out of the country, the military coup had taken its place on 12 Oct 1999.³ General Musharraf coup was validated by Supreme Court of Pakistan in case of Zafar Ali Shah Vs Federation of Pakistan⁴ but he had no acceptance in international community. The events of 11 September 2001 in USA and Afghan war provided opportunity to engage Musharraf in main stream of world politics. Immediately after 11 September attacks at USA pillars of glorification the World Trade Center and Pentagon, the Pakistan was asked in simple words. "Either you are with us or against us." The USA forces knew that without Pakistan's support they could never won war in Afghanistan. After getting support from USA and international community, General Musharraf strengthen himself both inside and outside the country. After holding controversial referendum and constitutional amendments through (LFO) Legal Frame work order, he was looking for king's party and political legitimacy through holding General Elections.⁵

Almost all independent observers and media agree that the massive level of pre-poll rigging started in election 2002. Throughout history of Pakistan, all the military dictators needed a King's party or puppet civilian Government because they had no political worth. Immediately after Nawaz Sharif conviction in the "hijacking case" Musharraf started negotiation with the Pakistan Muslim League (Q) to secure his position on

political front. He started meetings and exerted pressure tactics through National Accountability Bureau (NAB) with PML politicians to create a new faction of the league.

Mostly politicians were attracted through funds and future ministries while others were threaten through the NAB which helped him to make king's party. Finally the establishment succeeded to organize a meeting of PML council in Islamabad in March 2001, 108 out of 140 PML former MNAs elected in 1997 become the party of PML(Q) under the leadership of Parvez Musharraf, Mian Azhar was declared as the President.⁶ The elections of 2002 were held without two ex-prime Ministers and leaders of the two largest political parties of Pakistan, Mian Nawaz Sharif and Benazir Bhutto. All the arrangements for the victory of King's party have already been made by establishment. Despite those massive efforts and rigging in 2002 elections, the establishment was failed to secure a simple majority for making Government.

The PML(Q) secured 78 General seats in National Assembly, PP 63, PML(N) 15, MQM 13, but the stunning victory of MMM a religious alliance secured 45 seats.⁷ To from a Pro-Musharraf Government at the centre, the establishment had created the new faction of (pppp) Pakistan Peoples Party Patriot group. Zaferullah Khan Jamali was elected as Prime Minister. But within eighteen months, "he was replaced by another imported Prime Minister a banker by profession Shoukat Aziz".⁸ After a massive level of rigging in 2002 polls a "Rubber Stamp" Parliament was established which controlled by

General Musharraf and hence once again Pervaz. Musharraf was succeeded to achieve the target of “Controlled Democracy” or “Khakhi Democracy”.

MULLAH-MILITARY ALLIANCE AND CONSTITUTIONAL AMENDMENTS

After the establishment of coalition Government, Musharraf's next major priority was to get a constitutional cover for retaining the office of the army chief while serving as President. But the real hurdle was that the Pro-Musharraf coalition did not have the required two-third majority in parliament. In order to meet this challenge a new Mullah-Military alliance was created by the establishment:

Under the seventeenth amendment all the constitutional amendments promulgated by General Musharraf under the LFO No.24 of 2002 were validated, allowing him to keep his uniform along with the presidency.⁹

In response to this, Musharraf agreed to leave the post of Army Chief by the end of 2004. Later on, he refused to resign, because he knew that his real strength was uniform. The seventeenth amendments was real damage and set back to the democratic process.

Since Musharraf's coup on 12 October 1999, all the institutions of the country like executive, legislature and judiciary were under his control and he overcome the all hurdles and become the sole powerful authority in the country. He made confidential agreement with

former Prime Minister Mian Nawaz Sharif and his family to leave Pakistan for exile in Saudi Arabia.¹⁰ Nawaz Sharif agreed to remain in Saudi Arabia for a period of ten years and would not participate in politics activities. Mohtarma Benazir Bhutto a leading politician and Chairperson of PPP was also out of the country. Musharraf was succeeded to make his supporters in PPP in the name of Peoples Party Patriots and remained Benazir out of the country. The other major party in the country was Altaf Hussain's Muttahida Qaumi movement (MQM). Altaf Hussain was also in Britain and MQM was the political partner of Musharraf. In religious parties he had strong ties with Moulana Fazal-ur-Rehman.¹¹

ARD Movement and Charter of Democracy

The movement for the restoration of democracy was started by democratic and political forces of Pakistan under the platform of (ARD) Alliance for the Restoration of Democracy but failed to attract because of the absence of main stream leadership of both major parties PPP and PML (N).

A major political development started when two leading leaders of the country "Mian Nawaz Sharif and Mohtarma Benazir Bhutto signed on historic document "Charter of Democracy" on 14 May 2006, other component parties of the alliance for restoration of democracy (ARD) signed this charter on 2 July 2006, beginning a new era in the country's democratic history".¹² The charter of democracy was a road map towards genuine democracy in Pakistan and stop

military takeover in future. In spite of this charter of democracy and democratic movement started by political players since Musharraf takeover, no serious challenge faced by General Musharraf and "he become the head of the state, head of the Government and sole powerful authority in the country".¹³

In order to give the military a permanent role in national affairs, General Musharraf introduced National Security Council (NSC) as supra-parliament institutions. Like his predecessor General Ayub Khan, Pervez Musharraf believed that gross roots level democracy was not possible without local Government system. After seventeenth amendment he had acquired un-limited powers as president. He was not only strong president but also the army chief of the country. He had been ruling dictatorially for around a decade without receiving any resistance from any corner of political system.

POLITICAL ASPECTS OF LAWYERS' MOVEMENT

Undoubtedly The lawyers were the torch bearer of this movement but the success of the lawyers movement would be depended upon the support it received from the media, civil society and the political leadership of the country .when chief justice of Pakistan was sacked by Gen. Musharraf on 9, March 2007, almost all the leadership of opposition strongly criticized the action of dictator. Both the leaders of main political parties of Pakistan PPP and PML(N), Mohtarma Benazir Bhutto and Mian Nawaz Sharif were out of the country; however the leader of opposition in senate Raza Rabbani called it

“Black Day” in the history of country, the information secretary of PML(N) Ahsan Iqbal termed it “Judicial Coup.” Other leader of the Alliance for restoration of Democracy, PTI Chairman Imran Khan, MMA president Qazi Hussain Ahmed opposed the removal of Chief Justice of Pakistan.¹⁴ So the political parties were supporting the lawyers’ movement since its begging.

PRESIDENTIAL ELECTION OF GENERAL MUSHARRAF

Both the actions of 9, March 2007 and 3 Nov 2007 of General Musharraf were based on the apprehension of General that the Chief Justice Iftikhar Muhammad Chaudary would not allow him to elect as president in uniform. The issue of dual office of General Musharraf was become the bone of contention between government and judiciary which ultimately led to judicial crises and lawyers’ movement. The debatable issue among the legal community was that Gen. Musharraf and his legal experts insisted that he would be re-elected as president in uniform by the existing assemblies. After the reinstatement of Chief Justice on 20, July 2007, a number of petitions were filled in Supreme Court of Pakistan regarding the dual offices of President and army chief by Gen. Musharraf. “The main petitioners were Pakistan Lawyers’ forum, Qazi Hussain Ahmad Khan and Imran Khan”.¹⁵

Almost all the political parties in the All Parties Democratic Movement (APDM) like Pakistan Muslim League (N), Tehreek-e-Insaaf and Jamaat-e-Islami were fully convinced with “Go Musharref Go” agenda. But

after the departure of Mian Nawaz Sharif and negotiations with PPP leadership and deal with Maulana Fazal-ur-Rehman of JUI (F), Musharraf was confident that at least political opposition would not be able to challenge his re-election.¹⁶ However, the Lawyers' Movement was become the serious worry for General Musharraf which supported by a broad segment of society after removal of Chief Justice on 9 March 2007. After receiving massive support from civil society, media, political parties and general public and restoration of Chief Justice on 20 July 2007, the lawyers were fully involved in Presidential election. Since the political parties were boycotting the President's election through resignation to destroy its credibility, the political vacuum created by political leadership was filled by the lawyers' leadership when they brought their own candidate and filed nomination papers of Justice Wajjihuiddin Ahmed for the Presidential election. "They knew that they did not have any chance of winning election but at least they wanted to continue their legal battle to challenge the candidature of General Musharraf".¹⁷

On behalf of General Musharraf, Malik Qayyum challenged the maintainability issue on the ground that the petitioners were not effects of this election process. On 28 September 2007 the nine member bench of Supreme Court of Pakistan dismissed the petitions on the ground that the petitions were not maintainable.¹⁸ After the Judgment of Supreme Court, the lawyers' community decided to boycott and protest on the day when the nomination papers of Gen. Musharraf were submitted in election commission. As the petition was

rejected on the issue of maintainability, in order to meet this legal deficiency, the lawyers' leadership brought his own candidate, a man of great caliber and principle, Justice retired Wajihudin Ahmad as a candidate of president against General Pervez Musharraf. "Justice Wajihuddin Ahmad filed a direct petition under Article 184(3) of the Constitution".¹⁹ After hearing the arguments of petitioners, the nine member of Supreme Court Pakistan unanimously decided that the election schedule would continue as announced by election commission but the result would not be notified till the decisions on the petitions.²⁰

However, the most significant aspect of Justice Wajihuddin Ahmad arrival in political arena was to fill the vacuum created by political leadership and political parties of the country. The other candidate of President was Makhdoom Ameen Faheem from PPP. However, PPP boycotted election process because two days before General Musharraf issued National Reconciliation Ordinance (NRO) after long negotiations with Mohtarma Benazir Bhutto. So the real challenge was Justice Wajihuddin from lawyers' community to General Musharraf. The arrival of Justice Wajihuddin Ahmad as a presidential candidate had two aspects, one was constitutional as the lawyers forum petition was rejected on the issue of maintainability, the second was political and moral as the political leadership and opposition had created political vacuum which was filled by the lawyers' community in shape of their own candidate against General Musharraf.

RETURN OF POLITICAL LEADERSHIP

As it is earlier mentioned that lawyers' movement for the restoration of judiciary had shaken the political system of Pakistan because due to this movement General Musharraf allowed the PPP and PML(N) leadership to be backed in the country and joined the Political game. The political parties were not very active since the Musharraf coup of 12 Oct 1999. But this movement changed the entire scenario and brought the democratic life in the political system of Pakistan. It was impact of lawyers' movement that Gen. Pervez Musharraf ultimately had to negotiate with political leadership of PPP, Mohtarma Benazir Bhutto in 2007. Various discussions had been launched by political thinkers and analysts regarding deal between Bibi and the General, however the most crucial factor was the emergence of lawyers' movement which weakened the General Musharraf domestically and internationally because before this movement General Musharraf said in his interview that exiled leadership of PPP and PML(N) would be backed in country but "over my body".

The important question is that if General Musharraf was not week after lawyers' movement why he had negotiated with Benazir Bhutto? On the other hand Benazir Bhutto had learnt lesson from history and she preferred the policy of reconciliation than agitation. She wanted the cases against her to be withdrawn. She also wanted to remove the ban on third term prime-ministership through constitutional amendment. She wanted free and fair election and in response to this she

was prepared to work with Gen. Musharraf without uniform president. Another aspect of Benazir - Musharraf deal was that it was into a great interest of USA. The American officials feel that Ms Bhutto, head of leading party, secular minded, enlightened will be more effective in combating militants and terrorists. One of the critics of Benazir – Gen. Musharraf “Deal” and leading figure of the lawyers’ movement Chaudhary Aitzaz Ahsan argued that he was not in favour of deal, So he advised to Mohtarma that Gen. Musharraf had no strength after lawyers’ movement, please do not make a deal with him, Musharraf’s confidence was totally shaken but after negotiation with Bibi in Abu Dabi, his body language was changed and he thrashed the Judiciary on 3 Nov 2007, once again.²¹

However after 3 November 2007, it was not possible for Benazir Bhutto to remain herself isolate from lawyers movement. Although she signed deal and Musharraf issued NRO but being a popular leader she strongly opposed 3 November 2007 emergency of General Musharraf. Mohterma Benazir Bhutto urged people to protest against Judicial Coup. On 10 November she led a procession towards the residence of Chief Justice Iftikhar Muhammad Chaudary and made a public address and said that Justice Iftikhar Muhammad Chaudary is the real Chief Justice of Pakistan and we demand that all detained Judges of the Supreme Court should be released. She further said that PPP government will hoist the national flag at the house of Chief Justice Iftikhar Chaudary.²²

RETURN OF SHARIF BROTHERS

After unprecedented struggle by the lawyers, civil society, media and political forces of the country, the Chief Justice of Pakistan was reinstated on 20 July 2007. It was certainly an emergence of new judiciary. The first important case before Supreme Court of Pakistan after reinstatement of Chief Justice of Pakistan was a petition of former Prime Minister Mian Nawaz Sharif and former Chief Minister of Punjab Mian Shahbaz Sharif in which they challenged their forced exile from the country. An eminent lawyer Justice (Retd.) Fakharuddin G. Ibrahim, a lawyer of Mian Brothers challenged their exile on the ground that it is fundamental right of every citizen to live in his country. The Supreme Court of Pakistan had already been given verdict in Shahbaz Sharif's petition that being a citizen of Pakistan he had the right to return to his country.²³ When he landed at Lahore Airport, he was departure to Saudi Arabia. In their petition, the Mian brothers had refused to admit that they have signed any agreement with a government for the period of 10 years. However, the Attorney General Malik Qayyum presented a copy of agreement in Supreme Court and he made argument that the return of Mian brothers would be against the national interests of the country.²⁴

"On 23 August 2007 the Supreme Court declared that as a citizen of Pakistan, Nawaz Sharif and his family members had right to return to Pakistan", the Court also passed orders that the entry of Sharif brothers into the country shall not be restrained, prevented or detained

by the Federal or Provincial Government.²⁵ After a historic judgement of Supreme Court Mian Nawaz Sharif landed at Islamabad Airport on 10 September 2007 where he was forced to send back to Saudi Arabia in a dramatic situation.²⁶ Khawaja Asif, a senior member of PML(N) filed an application in Supreme Court for contempt of court against top government officials including Prime Minister Shaukat Aziz. The Supreme Court announced 8 November 2007, a next date of hearing, but meanwhile on 3 November 2007, Musharraf enforced second Martial Law or emergency plus.

All efforts have been made by General Musharraf to prevent Nawaz Sharif from returning back to Pakistan till the election of 2008. However, after the pressure from civil society, political activists, media, adverse reaction of general public of Pakistan and after Benazir Bhutto's return, it was extremely difficult for General Musharraf to prevent former Prime Minister Nawaz Sharif to back Pakistan. It was beginning of new political era in Pakistan's history when Mian Nawaz Sharif came back in Pakistan and said to crowd, that he would make every effort to restore democracy in the country and end dictatorship.²⁷

After the imposition of emergency on 3 November 2007, there were lot of doubts whether the elections would be held or not, however, General Musharraf announced on 11 November 2007 that general elections would be held on 9 January 2008. In order to prevent the major political parties, PPP and PML(N) making preparation for the elections, a short time was given to file the nomination papers.²⁸

The All Parties Democratic Movement (APDM) decided to boycott the election as they smelled an arrangement of massive level of rigging in coming elections. Soon after Nawaz Sharif's return to Pakistan, APDM met in Lahore and decided to boycott the election. There were many demands of APDM like "an independent election commission, a genuine neutral caretaker setup, release of all political and judicial prisoners, rolling back of all politically motivated transfers of officials, suspending the District Nazims, complete media freedom and no engineering of election results", but the main cause of the boycott was the absence of independent and free judiciary.²⁹ The parties in the APDM maintained that in the absence of free judiciary, the election would be rigged and the results would be just as the ruler and the ruling party will desire to be. Thus a host of major parties of Pakistan's political system, including Jamat-e-Islami and Tahreek-e-Insaaf boycotted the election till end and remained aloof from election due to lawyers' movement. Even when PML(N), JUI(F) and ANP changed their decision and participated in elections. The politics was so occupied with the lawyers' movement that Nawaz Sharif and some other leaders of APDM met Benazir Bhutto to pursued her party to join the boycott. After meeting between Benazir Bhutto and APDM leadership it was decided that a joint committee of ARD including PPP and APDM would be constituted to make a charter of demands including restoration of judiciary before 3 November 2007. The committee would present the demands to Musharraf Government and if Government failed to meet the demands, then general

elections would be boycotted. However, the ARD and APDM failed to agree on the issue of election boycott due to their different views over the issue of judges' restoration.³⁰

ASSASSINATION OF BENAZIR BHUTTO

It was 27 December 2007 when Chairperson of PPP (Daughter of the East) Mohtarma Benazir Bhutto was assassinated at Liaqat Bagh, Rawalpindi during election's campaign. It was tragic news not only in Pakistan but all over the world. The entire country particularly Sindh was under protests, violence and killings. In response to this tragic event, the Musharraf government had postponed the election schedule and 18 February was declared the next date of general elections. Elections were delayed on the basis of violence, fear and insecurity but the real cause behind delay was sympathy of public for the PPP after Benazir's assassination.³¹ After assassination of Benazir Bhutto, PPP leadership announced participation in elections, Nawaz Sharif also changed his decision and decided to participate in the elections.

GENERAL ELECTIONS OF 2008

The Lawyers' Movement had brought tremendous impact on the political scenario of the country and General Pervez Musharraf had not only announced date for general elections of 2008 but also allowed the main stream leadership of both major political parties PPP and PML(N) to be backed in the country and participate in

elections. The election results of 2008 were stunning, historic and great relief to a frustrated Pakistani nation. The pro-Musharraf forces were defeated and rejected in elections. The anti-Musharraf and pro-democratic forces got clear majority and mandate from the public of Pakistan. Despite the pre-pole rigging in few constituencies and full support from caretaker setup, the people of Pakistan categorically rejected the political opportunists PML(Q) and MMM in general elections of 2008. It was clear decision against dictator who ruled over the country for 9 years without any serious resistance from any corner of the country. In Punjab PML(N), in Sindh PPP, in NWFP ANP and in Balochistan due to boycott of APDM independents and PML(Q) emerged as majority parties, whereas in the centre PPP emerged as largest party with 124 total seats, PML(N) emerged as second largest party after receiving 91 total seats and PML(Q) managed only 54 total seats in National Assembly.³²

The king's party PML(Q) secured only 54 seats out of 342 total seats in the National Assembly, less than 13% of total cast vote in elections. Twenty three ministers of Shaukat Aziz's Cabinet lost the elections including Ch. Shujaat Hussain, Pervaiz Elahi, Sheikh Rashid Ahmad, Humayun Akhtar Khan, Wasi Zafar, Sher Afgan Niazi, Ch. Ameer Ali, Khurshid Mehmood Qasuri and many others. Turn out in the election of 2008 was 44% which was not very impressive, however, it was higher than 1997 (36%) and 2002 elections (42%).³³ There were three major reasons behind low turnout, one was the perception of pre-pole rigging, second was

the element of violence, terrorism and fear in society and the last but not least, the boycott of lawyers' community and APDM parties, Tahreek-e-Insaaf, Jamat-e-Islami and Pukhtoon Khawa Awami Party.

IMPACT OF LAWYERS' MOVEMENT ON RESULTS OF GENERAL ELECTIONS (2008)

The elections were directly affected with the lawyers' movement. The movement raised the struggle against military ruler and pro-Musharraf government. The people convincingly rejected the slogan of controlled democracy created by General Pervez Musharraf. The king's party collapsed and the people of Pakistan firmly expressed their support for the restoration of judges through the ballot.³⁴ In the election results, the pro-Musharraf parties were defeated. The anti-Musharraf parties gained a clear mandate from the people for launching a transition from military to democratic rule. The utter hate to the Musharraf and his regime came through some of the factors which were not liked by the people. Most important of those were the cause or affect of the lawyers' movement. In a remarkable display of maturity and unity, the voters, edged on by the civil society had voted in favour of democracy and the rule of law and threw out elements which supporting continuing military rule with the civilian façade.³⁵ This was the voice that first of all was raised by Chief Justice Iftikhar Muhammad Chaudhary and later was intensified by the activities of lawyers' movement.

Although the injustice of the removal of the judges was self evident, the credit of keeping the issue alive goes to the legal fraternity, PML(N) and APDM. It was indeed heartening to see that Mian Nawaz Sharif made it a non-negotiable issue.³⁶ PML(N) had taken a strong and crystal clear stance over the issue of the restoration of judiciary. The popularity of PML(N) leadership raised high when oath taken ceremony was arranged by PML(N) leadership in which their all candidates for the seats of National Assembly and Provincial Assemblies had taken oath that they would made no compromise over the restoration of pre - 3 November 2007 judiciary after elections. It was remarkable decision of PML(N) because the unconditional support of lawyers' struggle for restoration of judiciary had raised the popularity and vote bank of PML(N). It was written in the election manifesto of PML(N) that PML(N) is fully convinced that the deposed judges will be restored and the judicial institutions will see a qualitative revolution in coming years.³⁷

Therefore, the victory of PML(N) in elections of Punjab whether Federal or Provincial was in part due to their firm stand for the restoration of judiciary. The party's attachment with the lawyers' movement during the election campaign was evident with two major actions of party's leadership. In the first development, initially party keeping itself in line with the election strategy of lawyers' movement declared to boycott the elections and it was later that the party decided to participate in the elections. The second development was the oath of the candidates of the party that the

party leader Nawaz Sharif took before the election that if the party won the election it would restore the judges. These two actions of the party in support of the lawyers' movement definitely instigated the lawyers' movement friendly public opinion to support the PML(N) as well.

There could be two types of voters' behavior in relation with the lawyers' movement. One was definitely to follow the line of action chosen by the movement and the other parties of the movement namely to boycott the elections. The second was to vote in the elections and express the anti-government and pro-lawyers' movement feelings which in turn might change and topple the government at the time. The former type of behavior practically appeared that of the minority people. Only the lawyers' community and the workers of the political parties who boycotted the elections remained aloof from the elections. On the other hand those who participated in the elections and also favoured the restoration of the judiciary supported and voted the PML(N) without any distinction.

The PML(N) also adopted the issue of the restoration of judiciary as one of the topmost issues to win the sympathy of the people. The voters considered that if they were to vote and perform their duty as a democratic as well as to restore the judges it was only choice remained with them that they should vote PML-N. The gatherings of the lawyers' movement functioned as tools where the leaders of the PML-N could have direct interaction with the public.

The opinion that was pessimistic from the acts and attitude of political parties did not, however, fully rely

on the election results. The bearers of such opinion thought that the parties including PML(N) were not infact in a position and having not a reliable horse for the fight of public. Their half-hearted artificial participation in the current phase of the movement was constantly undermining the combined struggle so valiantly waged by the legal fraternity and media with full public support. The bearers of this opinion deemed that the only way out of this quagmire was that the people should by-pass the existing political parties and fully support the lawyers' movement for the rule of law.³⁸

This way of thinking definitely supported the line of action based on the protests and demonstrations. But concerning the election politics it might prove impractical especially when the larger political parties like PPP, PML(Q), MQM and ANP were contesting the elections with full force. In that situation practically only major political party that was supporting the lawyers' movement and was also in the election politics was PML(N). Therefore it is not unjustified to observe that everyone who wanted the support the lawyers' movement as well as desired to cast the vote voted to PML(N).

There is also another perception that lawyers' movement had no substantial role in the General Elections of 2008. The defeat of Dr. Asrar Shah from PPP in Rawalpindi, who was the victim of bomb blast which damaged his legs during lawyers' movement, the defeat of real brother of Supreme Court's senior judge Khalil-ur-Rehman Ramday are the examples that this movement

had not affected the election process. Similarly the victory of Zahid Hamid who was Federal Law Minister when General Musharraf imposed emergency on 3 November 2007 and sacked judiciary also supported this argument. In order to understand this phenomenon it would be fair to analyze the election results of all Provincial Assemblies and National Assembly.

In Sindh PPP got 93 seats out of 168 total seats while MQM was the second largest party in Sindh with 51 seats. The restoration of judiciary was not the agenda of both the political parties, PPP and MQM, PPP was reluctant over the issue of judges' restoration after NRO with Musharraf, MQM was the most staunch ally of General Musharraf and against the judges' restoration. The PML-N got not even a single seat in Sindh, so it would be fair to assess that the lawyers' movement and the issue of judges' restoration had no impact as far as the elections results of Sindh were concerned.

In NWFP, ANP got success by receiving 48 seats out of 124 total seats, PPP got 30 seats and PML-N received only 9 seats. The restoration of judiciary was not the agenda of ANP in 2008 Elections. In Balochistan, PML-Q known as king's party got majority with 19 seats and PML-N received nothing out of total 65 seats in provincial assembly. So the lawyers' movements have no impact on the election results of both provincial assemblies (NWFP and Balochistan).

In Punjab, PML-N got highest seats with remarkable numbers, 170 out of total 371 seats, PPP received 107 and PML-Q got 84. Against the total seats of National Assembly in Punjab, PML-N stood first with

81 seats out of 183. After studying the election results of all provincial assemblies and national assembly, it may be concluded that the lawyers' movement had brought tremendous impact on the election results in Punjab. The victory of PML(N) in Punjab was due to its strong and crystal clear stance over the issue of the restoration of judiciary and the popularity of PML(N) raised high when all the candidates for the seats of National Assembly and Provincial Assemblies had given oath that in case of success they would restore the pre-November 3, 2007 judiciary after elections. Therefore, the success of PML(N) in the elections of Punjab, whether Federal or Provincial was due to their uncompromised stand for the restoration of deposed judiciary.

The election campaign for General Election 2008 was mainly focused on two major issues. The first and the most significant was the status of General Musharraf in future as PML(N) and other parties of APDM were considered Musharraf re-election as President by the outgoing Parliament was unconstitutional. The PML(N) also demanded the restoration of the 3 November judiciary including Chief Justice Iftikhar Muhammad Chaudhary.³⁹ However, it would be unfair to negate the other factors which involved in elections. The tragic assassination of Mohtarma Benazir Bhutto turned sympathy vote to PPP, frustration of society against General Musharraf's regime particularly on the issues of Jamia Hifza episode, assassination of Nawab Akbar Bughti in Balochistan, Musharraf's pro-American policies in war against terrorism, drone attacks, soaring inflation energy crises, high prices of fuel and wheat shortage.

However, the lawyers' movement and issue of judges' restoration had affected the elections results of 2008 particularly in Punjab.

END OF DICTATORSHIP AND REVIVAL OF DEMOCRACY

It was the result of lawyers' movement that General Musharraf ultimately had to arrange negotiation with political players and announced elections schedule in February 2008. In general elections 2008 the people of Pakistan convincingly rejected the pro-Musharraf forces and king's party collapsed. On 7 August 2008, an agreement was signed between Mian Nawaz Sharif and Asif Ali Zardari in which it was declared that the four provincial assemblies would adopt resolutions demanding that Musharraf should take vote of confidence and if he failed to do so, the collation would start a process of impeachment against him.⁴⁰ It was 18 August 2008, when General Musharraf had resigned from the office of President in order to avoid from further embarrassment of impeachment process. No one would have thought prior to 9 March 2007 that Musharraf's grip on power could be challenged within period of next two years. So one significant aspect of lawyers' movement was that it had brought immense impact on democratic spirit of Pakistani society and ultimately General Musharraf had handover the power to the elected government and left the country.

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THE NOTION OF TIME AND REALITY IN FRANZ KAFKA'S THE TRIAL

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ABSTRACT

For Kafka, time and space are illusory. The nature of the concept of time as an objective, straightforwardly real, constantly flowing clock time has been challenged and questioned in *The Trial*. The concept of interior and subjective time becomes a fitting prop in the novel to represent the fluid nature of reality and self. Past and present are inextricably bound together in the symbols and shadows of this fluid reality. Kafka's purpose is to represent life, a disguised life which is hidden beneath the appearance of things. Joseph K, the central character, is firmly rooted into the foreground of reality but he gradually loses sense of the absolutely given reality and attains liberation by means of a gradually increasing realization of his guilt. The other characters in the novel have reality only in relation to K's inner life. The world of everyday reality is turned into the dream reality where ideas are born, and where the imagination holds sway. That is why K is often shown 'in the dark', which suggests the dark potentialities of the mind. K feels guilty in the last act of the novel when he allows himself to slide along the murderous trap maliciously set for him. *The Trial* represents man's self-trial to determine his failure in the pursuit of an inner ideal of beauty. The guilt implicated in the last act brings forth, on the one hand, the gross shame at not seeing life as a whole, and on the other hand, the

result of the cultural disorder of the viewless, chaotic age. The search for and following of an inner ideal is represented through the absence of it. Kafka abrogates the values of time and reality of the outer world, and describes his odyssey in terms of an inner world.

KEY WORDS

Time, Reality, Dream narrative, Creativity, Consciousness, Unconscious, Trial.

Most of the critics tend to agree that Franz Kafka (1883-1924) is a difficult writer to interpret; he is an ambiguous writer. Kafka seems to perceive life through the x-ray beam of intuition and envisages the existing boundaries of time and space as illusory. He seems to write like an inspired visionary who would allow himself to write through the promptings of his 'first voice'. In Friedrich Nietzsche's words, he is more of a Dionysian than an Apollonian.¹ Kafka is concerned primarily with the principalities of the power of the dark not just with the ordinary antithesis of good and evil; his art is devoted to the totality of reality, "a full reflection of ideal reality."² It is the kind of reality Plato describes in a famous passage of his *Republic*. Instead of relying on the logical positivist view of reality, Kafka allowed himself to be inspired by his intuitive powers of creativity. Nevertheless, he appropriates the phenomenal reality to reveal the fundamental reality hidden beneath it. There is a nightmarish aspect of reality depicted in his work: "Kafka's is a world known in nightmares - a rational unnatural world in which unnatural situations are rationally worked out."³ Camus' observation about Kafka's world reduces it

to the level of absurdity where “nothing will come of it.”⁴ Kafka exposes the elusive side of reality in his work which remains wrapped up beneath the surface of consciousness: “Like dreams, their surface hides shadowy depths of meaning; inside their explicit content latent content lurks.”⁵ It is well-known that he discovered his characteristic narrative form when he wrote the story “The Judgment” (1913) in a spontaneous outburst of creativity: “Kafka became a major writer when he discovered his dream narrative.”⁶ His writing is a projection of the psychological states in the form of a dream. His idea of dreams, however, is opposite to Sigmund Freud: For Freud, “The dream is the (disguised) fulfilment of a (suppressed, repressed) wish.”⁷ Nevertheless, Freud’s discovery of the ‘unconscious’ profoundly influenced Kafka’s perception of reality: “The Unconscious is the true reality of the psyche.”⁸ He lays bare the relative ineffectuality of the overvalued “conscious character” in the realm of creativity.⁹ He questions the role of “once omni-potent consciousness” in comparison with the ‘unconscious’.¹⁰ The conscious character instead of revealing the true reality of things rather hides it; Freud declares that “*the most complicated feats of thinking are possible without the participation of consciousness.*”¹¹ He raises an important question: “Do not the unconscious impulses revealed in dreams possess the value of real forces in our inner life?”¹² He refuses to admit the insignificance of the suppressed wishes as “an unconscious trifle, for just as they create dreams, they may one day create other things?”¹³ Freud acknowledges the power of dreams in shaping the human personality and the material of art.

Heller traces the locale of Kafka's novels in infinity.¹⁴ The nature of the concept of time as an objective, straightforwardly real, constantly flowing clock time as a befitting medium of regulating human affairs has been challenged and questioned in *The Trial*. The protagonist of *The Magic Mountain* gradually learns to acclimatize himself with the sick atmosphere of the Berghof sanatorium and sheds his normal categories of experiencing time and reality when he declares: "time isn't 'really' anything at all."¹⁵ The existence of a regularly flowing, objectively determinable time is something "we assume for the sake of order...and our measures in the end mere conventions."¹⁶ The concept of a psychological, subjective or interior time emerged out of the 'stream-of-consciousness' mode of narration of the modern novel at the turn of the century where "the emphasis is on simultaneity, on the juxtaposition of large numbers of objects or emotions that are posited as co-existing in an instant of time."¹⁷ One significant purpose is to expose the disjuncture between the inner emotional and mental states and the outer sequential time of the central character: "the more out of phase a character is with his surroundings, the more useless a standard clock becomes."¹⁸

Kafka's whole attitude toward reality may have been influenced by his deeply personal problems of adjustment to life but for him, the reality is of the mind where ideas are born, and where the imagination holds sway: that is why Kafka chooses "to write from within the mind of the hero."¹⁹ As a result, "The mind projects into the concrete its spiritual tragedy."²⁰ In *The Trial*, the central character, Joseph K, is firmly rooted into the foreground of reality but he gradually loses sense of the

absolutely given reality and attains liberation by means of a gradually increasing realization of his guilt. He is brought to do so by an ever-accumulating body of experiences. One might suppose he would have continued living as he was accustomed to had there been no such occurrence to happen in his life. He is shown as deeply preoccupied by his professional ambitions. He seeks legitimacy of his actions through external sources. Law has been personified to reflect this process that goes within K's consciousness. The Door Keeper in the novel seems to suggest an unhealthy response to bourgeois normalcy and self-complacency of Joseph K. The idea of the modern tragedy suggests that tragedy is the result of the declining vital sources within man. K tried not to consult his own vital sources within him which became repressed and perverted by his civilizatory process and killed him in a shameful manner. He dies unredeemed seeking redemption through misapplied sources of his extroverted interests.

Joseph K is presented as a representative bourgeoisie who associates himself predominantly with his professional ambitions. Camus observes that "He is an average European. He is like everybody else."²¹ Like Hans Castorp in *The Magic Mountain*, he has the greatest respect for work: "Work was for him, in the nature of things, the most estimable attribute of life, the Absolute of the time."²² Similarly, K simply conforms to an existence dominated by the work ethic without feeling at the same time compelled to take that ethic to problematic extremes. He spends his days and nights according to a routine which accords with his way of life: "it was not usual with him to learn from experience."²³ It never ever occurred to him to seriously question the reality of the

world he lives in. What could have kept him so tied up and complacently at home with the absolute of the given reality? The nature of his experience of life has been such which did not press upon his faculties to grapple with the essence of things. He has been in the habit of taking life just as he finds it: "He had always been inclined to take things easily, to believe in the worst only when the worst happened, to take no care for the morrow even when the outlook was threatening."²⁴ K is in the habit of overlooking his surroundings and people and he bothers little as to what is happening around except for a few necessary details which are established by his customary perception. He could not recognize the three young men as his colleagues/clerks at the bank. He notices their reality as if it were a form of sudden discovery. His fat ego could easily suggest him that "Fraulein Burstner was an ordinary little typist who could not resist him for long."²⁵ On another occasion in the novel, he confesses not to have examined the photograph of his mistress, Elsa, before. When his uncle accompanied him to Dr Huld, he did not bother much to take interest in whatever was being discussed, and instead he amused himself with the nurse, Leni.

How does Kafka employ this technique of dream narrative to shake off Joseph K from his secure bourgeois self? One of the intentions of the author is that "The adult ego of the modern bourgeois is to be broken, humbled, impoverished, made ready for death."²⁶ K wakes up one fine morning from a sense of moral laxity into a state of nightmarish reality – the opening sentence of the novel is as startling and disturbing as the first sentence of *Metamorphosis* (1915). The day is well chosen for it happens to be his thirtieth birthday. He has been arrested one fine morning without having done anything wrong.

This generates a whole range of possibilities. K's arrest may have consequences as significant as other important personages in literature in terms of the breach of the normal order of things. Paradoxically, he wakes up from his customary state of numbness into a dream state. He is confronted with the other side of his being which is antithetical to his customary self: "On entering he almost stumbled."²⁷ His immediate reaction to this situation is significant: "one is so unprepared."²⁸ He begins to experience his existence as a kind of perpetual present. Later in the novel, he gradually loses his way in the labyrinth of the shabby court rooms: he acknowledges to himself that "I'll never find the way."²⁹ On another occasion in the novel, he acknowledges before the priest: "I can't find my way alone in this darkness."³⁰ He has yet to learn that man is alone in his spiritual quest. His uncle corrects his misconception that "Things like this don't occur so suddenly, they pile up gradually, there must have been indications."³¹ K never bothered to notice the forewarnings.

Joseph K's automatized perception gets the first wave of shock when he finds a stranger at his ringing the bell for his usual breakfast. The very first words K utter bear a significant relation with the ensuing events of the novel: "Who are you?"³² It is, in fact, what he seems to have been charged with. His initiation into a timeless mode of being begins from now onwards. It is now up to him to find the meaning of his trial by himself. He suggests to himself what he later speculates as the probable cause of his arrest: "Far more important to him was the necessity to understand his situation clearly."³³ Interestingly, the man (who arrests him) comes because he himself rings for him. Is he himself responsible for what

happens to him afterwards? Later in the novel, the Priest tells K that "The Court wants nothing from you. It receives you when you come and it dismisses you when you go."³⁴ Sokel observes that "The trial is the accused's own consent to it and implies his own tacit acceptance of an unspecified guilt."³⁵ Stern argues that "guilt is ascribed to him the moment he acknowledges the jurisdiction of the court."³⁶ On another occasion in the novel, K chooses to attend the court proceedings rather than going to the party arranged by the Assistant Manager. K addresses the court: "it is not a trial at all...for it is only a trial if I recognize it as such."³⁷ Vivas also argues in favour of the fact that K does not acknowledge his guilt consciously, and tries various ways to avoid it but it keeps on lurking beneath his consciousness.³⁸ Is K sure of his innocence? If so, then he need not worry over it because none can influence the verdict of the court. He fails to perceive that "Innocence is an inner certainty which is not in need of external confirmation."³⁹ Titorelli establishes the fact that the court procedures are so flawless that innocent people are not accused at all; no definite acquittal is granted to anyone because none proves innocent. The Court Usher also clarifies to K that "all our cases are foregone conclusions."⁴⁰ Titorelli puts forth his testimony that "Among so many cases no single case of innocence?"⁴¹ Nevertheless, K keeps on insisting that "I am completely innocent."⁴² In his heart of hearts he continues to believe that it is a corrupt court, and he is being trapped by an unknown malicious organization. His distrust is all the more firm when he says that "in the end, out of nothing at all, an enormous fabric of guilt will be conjured up."⁴³ He does not realize that "we must rediscover our innocence through *increased* consciousness."⁴⁴

K's initial reaction to his arrest is rooted into the bourgeois sense of the normal and healthy. He refuses to take it seriously: "It's completely null and void."⁴⁵ In a sense, he had all the more serious reasons to believe that it might be a joke because "K lived in a country with a legal constitution, there was universal peace, all the laws were in force; who dared seize him in his own dwelling place?"⁴⁶ On the other hand, the high authorities have full knowledge of the reasons of the arrest and about K. He has been charged guilty by the high authorities by any means. He has been told "That is the Law."⁴⁷ K straightaway confesses his ignorance: "I don't know this Law."⁴⁸ He tries all rational possibilities to arrive at some sort of understanding of the apparently ridiculous situation. Franz tells Willem in a curious fashion that "he doesn't know the Law and yet he claims he's innocent."⁴⁹ In the end, he recklessly delivers himself over to that sense of "certainty which the natural course of things would be bound to bring."⁵⁰

What is the nature of K's trial? Frau Grubach drops the hint that "it gives me the feeling of something learned which I don't understand."⁵¹ The German equivalent of the word 'trial' means both "process and trial."⁵² Kafka employs the word 'trial' as a metaphor of a process of self-exploration and self-questioning which in turn entails the motif of striving and spiritual quest: "striving for the true law that is absent from the world."⁵³ Greenberg argues that "Joseph K's literal trial metaphorically expresses his spiritual trial."⁵⁴ On another occasion, he calls *The Trial* "a metaphysical novel."⁵⁵ Sokel describes it "as a travelogue, an aborted voyage of discovery."⁵⁶ Something has to be done to stop K from living the way he is accustomed to; some obstacle has to be thrown in his way for "The

obstacle is essential to the quest."⁵⁷ (In the traditional quest narratives, the hero has to confront frightful ordeals before his education is pronounced complete.) Stern observes that "a man's entire being is on trial."⁵⁸ Therefore, K's search for the causes of his guilt becomes synonymous to his search for what is fundamentally true and real. He suggests himself to write his petition for "the whole of one's life would have to be recalled to mind, down to the smallest actions and accidents, clearly formulated and examined from every angle."⁵⁹

What is the nature of K's guilt? He is clearly overwhelmed by a series of questions, guiltily defending himself against a charge whose nature he does not know and never will know.⁶⁰ It is K's bourgeois model of excellence and refinement that almost suspends him into a state of spiritual torpor: "He is the man eager to do right but perpetually baffled and confused as to what it is to do right."⁶¹ He is full of questions: "Who accuses me?" and "What authority is conducting these proceedings?"⁶² Greenberg observes that "he is 'arrested' by the knowledge of good and evil."⁶³ Warren acknowledges the elusive nature of the powers which confront K.⁶⁴ K continues to judge things according to the worldly scales. It seems probable that he is alienated from the potential sources of his self, and that self conducts his trial. The nature of his guilt is metaphysical. He cannot escape the court of his conscience. He becomes more and more absorbed in his case only gradually. His uncle notices the earlier signs of transformation in him for he has become a little thinner than before: "you are quite changed, you always used to have such a clear brain, and is it going to fail you now?"⁶⁵

What kind of court it is? Fraulein Burstner shares it with K that "A Court of law has a curious attraction?"⁶⁶ It seems odd that the law courts should be situated high up in dirty tenement houses. K's visit to one of the court buildings with the Usher affirms his disgust for not only the legal system is loathsome but also the exterior.⁶⁷ He questions the nature of the judicial system which is bent on keeping secrecy right from the beginning.⁶⁸ The accused is wholly responsible to defend himself before the court. Greenberg describes the court as a "subjective reality."⁶⁹ (p. 133). It seems probable that the court may have issued forth from K's submerged psyche. Sokel attributes to the court the same role as befits God.⁷⁰ The court has a dual nature: it is both comic and sinister. Why does K seek justification of his belief that it is useless? And yet he cannot escape the 'curious attraction' of the court. The more he explores about the processes of the court, the more ignorant he feels about it. He tries in vain to denounce the court proceedings against him. He keeps referring to the fact that "there is a great organization at work."⁷¹ He keeps hankering after securing personal connections of higher officials of lower rank because the highest court is inaccessible.⁷² The Priest forewarns him that he is deluding himself about the court.⁷³ Titorelli's account of the court procedures establish the fact that the court cannot be dissuaded from its conviction. His consultation with the other characters reveals him the same fact that he cannot fight against the court and he must confess before the court; he has no choice other than that. He misunderstands the warning signs he receives from others. He could not get the meaning of the parable which could have been useful in saving him. He could not relate himself to the man from the country in

the parable who was blessed with a “radiance that streams inextinguishably from the door of the Law.”⁷⁴

The Trial is a series of loosely connected or unconnected incidents. Perhaps one of the reasons is that the narrative keeps shifting between two different modes of reality. In comparison with Kafka’s other great works, there is less unity in *The Trial*. Fraulein Burstner appears only in the first and the last chapters of the novel. The warders were supposed to accompany K but they just disappear except when K sees them perchance in the lumber room of his office building. The advocate, the commercial traveler, Leni, and the Assistant Manager just pop in and out of the tale at certain occasions. The three clerks seem to be portents of some unknown authority. In what way are they connected with his case? What is Block’s guilt? It is never confirmed whether K dispenses with the Lawyer’s services or not, the chapter remains incomplete. The prison chaplain crops up in the tale from nowhere. How could he know K’s name? Where does that Italian disappear? The other characters appear to be projections of K’s mind “through whose eyes we have glimpses of other persons, static figures” are connected with the main story as if they had no independent existence of their own, all creatures of his inner world.⁷⁵ Stalter and Warren call them as “shapes of shadow.”⁷⁶ Kafka keeps them subservient to the over-arching vision of his tale. Perhaps they may be K’s disparate self-parts. Fraulein Burstener stands as a foil to K. She is free, independent, accepts responsibility for herself: “What he thirsts for is her freedom.”⁷⁷ Her mode of living lies outside the jurisdiction of the court. His uncle, Karl, a small land-owner from the country, appears to K as “A ghost from the past.”⁷⁸ His uncle is an extension of his bourgeois

self. Block, a corn-merchant, may be an omen of his own future condemnation. His abject treatment at the hands of the lawyer reduces him to a status below humanity. Dr Huld seems to stand for an intermediary between the manifest and the latent. Leni finds “nearly all accused men attractive. She makes up to all of them, loves them all, and is evidently also loved in return.”⁷⁹ She seems to connote K’s bestial self.

The viscous atmosphere of *The Trial* holds the key that links it with the dream-like quality depicted in it: “It is an overcrowded, airless world.”⁸⁰ Greenberg gives enormous significance to the atmosphere of Kafka’s stories because it reflects their character as “dream narratives.”⁸¹ It appears to have an oppressive atmosphere of Shakespeare’s *Macbeth*: “black night had set in.”⁸² Kafka makes use of ‘black’, ‘dark’, ‘moonlight’, ‘candlelight’ to signify the sinister aspect of the tale. The warders who arrest K are wearing black outfit. K is asked to wear a black coat to see the Inspector. The two theatrical personages who execute him towards the end of the novel are wearing black dress and the three of them pass through the dark street. K is dressed up in black. K waits impatiently for Fraulein Burstner in the darkness of the entrance hall. The people in the dim courtroom are mostly dressed in black. K visits Titorelli in his dimly dark attic. The meeting that takes place between Fraulein Montag and K is one of the very few notable instances in the novel when the Sun is shining outside the window. What passes between the washerwoman, K and the student in the dim court-room adds to the dream-like quality of the scene. Bertold carries the woman in his arms and climbs up the wooden stairs. K’s idle excursion into the court offices with the Usher results only in a state of

oppressiveness: "He felt he was on a ship rolling in heavy seas."⁸³ K's visit to the lawyer with his uncle brings him before a dark house at eight o' clock where they see two great dark eyes peeping through the dim gas light. Leni holds a candle in her hands. It is dark and gloomy inside. K's uncle as candle-bearer gropes his way in the darkness of the hall. What happens inside the lawyer's bed room is strange because a friend of the lawyer keeps sitting in the dark corner of the room without their being aware of his presence. K's uncle waits for him outside the lawyer's house standing in the moonlight. In the Bank corridor, K hears by the dim light of a glow lamp, behind the door of the lumber room, convulsive sighs. When K sets out for the Cathedral to meet the Italian, he notices that: "It was a raw, wet, murky day."⁸⁴ In the growing darkness of the day he sees inside the cathedral the candles actually increasing the effect of darkness. There is vaulted silence inside the Cathedral. Kafka imparts a special significance to the use of windows as a metaphor of release from the oppressive effect of the stultifying atmosphere. On another level, the window seems to stand for a desire to liberate oneself from the oppressive chains of the limitations of matter, and a yearning of the spirit to fly away from the bondage of existence. In the stultifying atmosphere of the court offices and at Titorelli's attic, K wishes for the windows to be opened. He gets into the habit of spending time by the window in his office. The last thing which K sees before his death is "the casements of a window there suddenly flew open."⁸⁵

The setting of the novel is placed very much in the world of crude everyday reality but in fact in no man's land for "His [Kafka's] is a city world."⁸⁶ His is the landscape of imagination. There is only one mention of the

place, Juliusstrasse where the court offices are situated. Kafka seems to have deliberately obscured the mention of places in this novel which suggests the general nature of his work. It seems unnecessary for Kafka to present characters in a carefully constructed world of familiar setting. The names of the characters are either their first names or the second: Joseph K, Fraulein Burstner, Dr. Huld, K's uncle, Leni, Titorelli, and Block.

When K is no longer satisfied with the sedative effect of his customary existence, the court assumes greater authority over him, and he is executed in the end. He refuses to "go any farther."⁸⁷ He makes a desperate attempt "to snatch at the last appearance of life by struggling" like legless flies but in the end he resigns himself completely to a fresh state of consciousness, a by-product of his spiritual anguish.⁸⁸ He may have lost on the worldly plane of existence but may hope to gain on another plane of existence. Something has to die in him so as the other could live just like the author himself - Kafka died as a human being so as he could live as a writer.⁸⁹ At the end, K reflects over his trial: "Are people to say of me after I am gone that at the beginning of my case I wanted to finish it, and at the end of it I wanted to begin it again?"⁹⁰ He finally arrives at the conclusion that his self-complacent bourgeois self made him turn his back on reality with the assumption that he was perfectly at home with himself and the relentless bourgeois values. K views life in a flash in the darkening moments of his mortal existence like the sustained note of a piece of music, and vomits out the nausea of anesthetic existence and passes a judgment: "Like a dog: it was as if the shame of it must outlive him."⁹¹ It is "the last possibility of realization on the dark side of the moon."⁹² He dies unredeemed or his

death may look like theatrical or unreal but he dies with the wakeful spiritual anguish.

The idea of the modern tragedy suggests that tragedy is the result of the declining vital sources within man. K tried not to consult his own vital sources within him which got repressed and perverted by his civilizatory process and killed him in a shameful manner. He dies unredeemed seeking redemption through misapplied sources. *The Trial* signifies man's self-trial to see whether he succeeds or fails to achieve the 'sublime.'⁹³ The guilt implicated in the last act brings forth, on the one hand, the gross shame at not living life up to himself, and on the other hand, the result of the cultural disorder of the viewless chaotic age. Kafka makes it clear that "death is the inevitable consequence of man's trying to live in the world in accordance with his nature."⁹⁴ K acknowledges it or not but his failure to live up to himself results in death. He sets in motion the powers of the dark by failing to live up to himself, by failing to be human. Greenberg sums up succinctly: "Only guided by the knowledge of the indestructible truth would man's nature be strong enough for him to live in accordance with his knowledge of good and evil."⁹⁵ (p. 145). He recognizes the shame of looking to others for justification of his life rather than to himself for "Salvation is an illusion."⁹⁶ The sources of salvation do not lie outside in any transcendental being or established religious belief but very much within a human being. K finds the edge of a yawning abyss of immaterial forces underlying the world of his customary perception. He enters the sphere of the nonrational as a result of his disillusionment about the substantiality of things: "Logic is doubtless unshakable, but it cannot withstand a man who wants to go on living."⁹⁷ It may be inferred that his trial

brings him to see the world given in everyday experience as a secondary construction, under which lies the fundamental reality of immaterial forces. Kafka suspends the values of time and reality of the outer world, and describes the journey of the self in terms of a subjective creative consciousness.

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**CONSTRUCTING A NATIONAL RELIGIOUS IDENTITY: STUDY OF
JUDICIAL DECISIONS FOR CONTROLLING MUSLIM SHRINES IN
PAKISTAN**

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ABSTRACT

This article studies the judicial decisions regarding the controlling of the Muslim shrines by the Auqaf Department of Pakistan in order to unearth the state's intent to align the localized with the national religious "rationality". Dwelling on the judicial interpretive process regarding the rulings of the Supreme Court against the two most popular shrines of Punjab; Shah Daula Daryai of Gujrat and Data Ganj Bakhsh Sahib (Ali Makhdoom Hajvery) of Lahore, it highlights the judicial "rationality" directed towards establishing the Singular / national Islam distanced from the customary localized religious practices.

KEY WORDS

Sufi, Auqaf, Waqf Ordinance, Shrines, Khankah

The existing Auqaf laws, first of which was enforced in 1959 in the form of an Ordinance, provided the structure within which post-Colonial state defines not only Waqf and Waqf properties but also Waqf as a religious site, largely in the form of shrines.¹ The process

of defining surfaced when the courts of the state started giving rulings for the cases filed by the customary caretakers of the shrines. The caretakers approached courts against the enforcement of the Auqaf laws that enabled the state authorities to take control on the site of shrines. The caretakers of the shrines not only challenged the authority of the state for taking over control of the shrines but also questioned the meanings of the very concepts through which the laws made shrines controllable. Although the effort of the caretakers could not provide them desired benefits yet it triggered the defining process that developed the textual framework in order to understand shrines and shrine-based practices, along with religion, private property and Waqf.

The Waqf Ordinance of 1959 employed the religious concept of Waqf in order to take control of the customary sites, such as shrines. Waqf is an Arabic word means to "hold" or to "stop". In Muslim history the legal usage of the concept means to hold or stop the "Property": so that it can never again change hands through inheritance, sale or seizure.² After creating a Waqf, the "waqif" (the Waqf maker) does not retain the formal rights of possession of the property. However the Waqf maker has the right to appoint a custodian or "mutawalli" for taking care of the affairs of the Waqf property.³

During pre-colonial Muslim rule in India, it was common to find a Waqf property used for both public and private usage at the same time. The income out of Waqf was used for sustaining the places of worship, "established schools, supported scholars and preachers, provided paupers with graves and supplied weapons to

the warriors.”⁴ However the income out of the endowed property could also be used for the family members and personal usage: “A clause in the deed of endowment could set aside a sum of money for the founders and their dependants.”⁵ The distinction between private and public was not important enough to be reflected in the law of Waqf as a distinguishing rule during pre-colonial times.

The ordinance of 1959 however used the concept in a colonial legislative tradition where a strict distinction between public and private had already developed. With the promulgation of the Mussalman Waqf Validating Act, 1913, the Colonial legislative process had sanctioned the usage of Waqf for the private or family purposes. The ordinance of 1959 had retained this benefit for the personal usage as that “does not include property or any Waqf such as is described in section 3 of the Mussalman Waqf Validating Act, 1913, under which any benefit is for the time being claimable for himself by the person by whom the Waqf was created or by any member of his family or descendants.”⁶

The Ordinance of 1959 instead of elucidating the multiple forms of Waqf,⁷ such as an educational, monetary or sacred endowment, equated it with Waqf Property and defines it as: “Waqf Property means property of any kind permanently dedicated by a person professing Islam for any person recognized by Islam as religious, pious or charitable.”⁸ By using this definition the Ordinance showed its intent to take over even customary sacred sites not considered till then as an Islamic heritage. Doing this, the Ordinance opened up the way for the post-colonial state towards taking over

the Muslim shrines, or similar sacred sites, so far having pluralistic existence and open for all sort of religious communities.

As many of the shrines, and the similar sacred sites such as Takia and Astana, had dubious origin and, most probably grew with the localized influences, the Ordinance, also included such sites within its purview by linking them with Islam. The shrines with unknown origin or with the unknown endowed dedication were to be included as: "If a property has been used from time immemorial for any purpose recognized by Islam as religious, pious or charitable then in spite of there being no evidence of expressed dedication, such property shall be deemed to be Waqf."⁹

The judicial process therefore, from the very beginning had to face the problem of defining religion and to show a clear link of shrines, a customary local sacred site, with the universal Islamic theology and history of Islamic pious life in India. The activity that remained largely a defining and interpreting the hidden and vague meanings of Waqf Acts also provided a viable solution for the complex question of Waqf Property and its justified usage by the state.

This paper will try to bring forward the interpretive process through which courts took decisions against the appeals of the caretakers of the shrines. The judicial process, although gave some decisions in favor of the customary Mujawarin (traditional caretakers of the shrines) especially in lower or district courts, seldom moved against the policies and legislative processes of the government, and worked as an interpreter of the already taken decisions. This paper makes its archival source the rulings of the Supreme Court against the two

most popular shrines of Punjab; Shah Daula Daryai of Gujrat and Data Ganj Bakhsh Sahib (Ali Makhdoom Hajvery) of Lahore.¹⁰ It shall highlight the judicial “rationality” directed towards establishing the Singular / national Islam distanced from the customary localized religious practices. Following Anderson, the paper understands Nation as an imagined community, a modern political construct developed at the transitional stage of economic development. The unique moment of Pakistan’s history gives Nation a certain imaginative flavor, and that is to be an Islamic Nation. The paper shows that the imagination of a Nation flavored the judicial rationality that, while paving the way for the Singular Islam, remained determined to curb localized or deviant sacred practices.

Although the Pirzadgan (caretakers) of the shrine of Shah Daula were not the first ones to go to the courts, the detailed decision on the case between Pir Rashid ud Daula versus The Chief Administrator of Auqaf provided answers to many of the conceptual confusions regarding the Waqf Properties Ordinance of 1959 or 1961. Before coming to the Supreme Court, the Appellants, in this case Pirzadgan of the shrine of Shah Daula had already won their case from the district court. The same district court had already held in another case of Sain Karam Ilahi versus Auqaf that the Waqf Properties Ordinance 1959 could not be considered valid as it was against the powers of Governor to promulgate such laws. However, as the Auqaf Administrator refused to accept the decision and the then Martial Law administrator, zone B, issued Martial Law Order No. 82 as: " Notwithstanding anything to the contrary contained in any order, injunction or judgment of any

Court, the West Pakistan Waqf Properties Ordinance, 1959, will stand valid in all respects and will not be called in question on any ground or in any manner, in any court, including the High Court and Supreme Court."

¹¹ The District Judge, in the presence of the Martial Law order, considered that it was not the power of the court to decide upon the Ordinance, but still pronounced that the shrine of Shah Daula couldn't be considered as a Waqf Property. However, the office of Auqaf went to the High court against the decision, and found a favorable court's ruling. The High Court not only considered the Ordinance as not ultra-vires but also maintained that the shrine, even that of Shah Daula of Gujrat, and the income thereof should be considered as Waqf Property. The Appellants, therefore had to resort to supreme court where a bench comprising Chief Justice, Hamood ur Rehman, Justice Muhammad Yaqub Ali, Justice M.R. Khan and Justice Waheed ud Din Ahmad heard the case and issued a detailed decision.¹²

When the Appellants approached the courts, they tried to challenge the concept of religion and tried to un-earth its different meanings in order to show that the concept of religion could be changed with relation to sites, that is, the religion does not give equally an unequivocal meaning for the site of mosque and for the site of shrine. The definition of Waqf Property termed all the dedicated properties as the religiously dedicated sites of Waqf. The Ordinance understood religion in the form of Islam, and Islam as centered on the site of mosque.

The Ordinance considered all the shrines as Waqf Property because of its possibility of emerging out as a dedicated property for Islamic cause and thus made

them susceptible for the post-colonial state to be taken over.

Confronting these questions was a problematic for the court. There has been no singular text to be followed, nor has there been any singular constitution to be rested upon. The courts avoided to link themselves with the constitution of 1962, but thought that the Waqf Properties Ordinance, 1959 is to be read with the Constitution of 1956.¹³ However, for the court the Punjab Muslim Shariat Bill (1948) provided the original stimulus and also the ground for thinking over the problems of Waqf within the Islamic domain. However, it seems that whenever the court found comfortable it gave references to the texts of the constitution of 1956. For example, in order to equate Waqf with religious position, the court cited the clauses of the constitution of 1956 where Waqf and mosque are placed together.¹⁴

During the discussion for the case, Pir Rashid ud Daula versus The Chief Administrator of Auqaf, the Appellants or Pirzadgan made the point that the shrines are not the religious institutions at all. The Appellants gave reference to the case Wilayat Shah v. Sardara and others (1949),¹⁵ in which the single judge of Lahore High court gave a ruling that a Khankah was essentially a private property and should not be considered as a religious institution. The learned judge, Cornelius J. in his decision considered Khankah, as though evolving out of a small tomb or pucca grave, and evolved into a larger devotional site should be considered as a private institution in the sense of an "institution which is managed by members of the family of the founder so that the right of managing the property, the right of receiving offerings, the right of initiating and instructing

disciples, the right of holding an urs, etc. devolve upon particular persons."¹⁶

The judge, Cornelius J., on the eve of the birth of Pakistan, therefore, not only provided conceptual space for the localized religious practices but also, gave weight and importance to the possession and running of the business as a sufficient condition for considering property as a Private Property. However, this sufficient condition lost its position when the judges, later on, considered the acquiring of the property as a sufficient condition for a Private Property and gave decisions against the caretakers of the shrines.

A Supreme Court bench, in the 1960s, differed from the earlier ruling and, to justify the Ordinance, explained the difference between the Khankah and the Dargah. In order to take its textual authority for the matter, the court took the writings of Syed Amir Ali, as the standard text and based its decision upon the reading of the text. By doing this, the court was able not only to differentiate between Khankah and Dargah, and thereby relieving itself from the burden of the decision already taken by Cornelius J. in 1949, but also to bracket Khankahas " public and quasi-public Waqfs,"¹⁷ ignoring the historical understanding of the concept "public" where public meant as "open for all people." The court refers a historical-narration, narrated by Amir Ali,¹⁸ as the only true historical narration for the growth or evolution of shrines. The narration runs as: "A Darwesh or a person who, by leading a pious life, has won the esteem and veneration of the neighborhood, or a sufi of a particular sanctity has settled down in some locality. So long as he has not attained sufficient eminence, it is designated as Astana. His pious life and religious

ministrations attract public notice, disciples gather round him, and a place is constructed for their lodgment. And the humble Takia grows into a khankah. After the death of the holy personage the spot where he is buried becomes a shrine and an object of pilgrimage not only for his disciples but for people of distant parts, both Muhammadans and Hindus, and is designated either as Dargah or Astana or Rouza." In this sense, the court understood shrines in the continuity of Khankah and equated Dargah, Astana or Rouza as different forms of a singular shrine similarly displaying singular shrine-based practices.

The court concluded further that not only all the different forms of shrine-based practices should be considered as a shrine but also all of these different forms are religious in nature. The court's interpretation of Amir Ali's narration could not locate its text in its historico-cultural situation, and placed history in a kind of eternal presence. The text presented the linear growth of shrine-based practices, as half-sufistic and half pluralistic. The text ignored the possibility of co-temporal existence of many of the shrine-based forms, as the text ignored the possibility of the existence of Khankah, Astana and Darbar at the same time and with different practices. Following the text, therefore, the court could not see that there may be differences within Dargah, Astana, Rouza and Darbar. Ignoring the difference among different forms, and abstracting the narration from concrete historical situation, brings out another dimension of thinking, and that is ignoring the role of living forms, and living figures on these sites, customary practices in brief. The reading of the text, in the way the court constructed the narration, seems to

be assuming further that there is no need of accepting the presence of living dervesh or sufi. The text only highlighted the existence of one living spiritual being, and even that spiritual being appears in the earlier part of the text in the Khankah when common people started visiting the place. Whatever came out, later on, appeared only as remembering around the dead-saint. The text further refused the possibility of Sajjada Nashin, the spiritual inheritor of the dead-saint as a dervesh-sufi-saint.

Ignoring the historical situated-ness, the court also remained unable to perceive the existence of non-puritan religious practices. The court could not see that the religion in the above story was presented in the non-communal and non-Shariati form, within non-singular Islamic space and having multiple religious communities living side by side. The space and site where both Muhammadans and Hindus visit as devotees could not be considered religious in the post-colonial state standing upon the Hindu / Muslim binary and Singular Muslim identity. The narration of Amir Ali presumed the spaces of over-lapping devotions as the historical and existential fact. However, within the post-colonial state, such sites can only be considered as deviant sites and the practices upon them as deviant forms.¹⁹

In the presence of the process of Islamization, the sense of religion could not be understood as the site where both Hindus and Muslims could participate together. However, the court ignored the distinction and considered these sites as religious because devotees used to come for praying *fatiha*, a Muslim practice of paying homage to the deceased. The court maintains that the visitors to the shrines come to “participate in

Urs, ceremonies of the saint, celebrate the birthday of the Holy prophet (PBUH), perform other rites and ceremonies, have recitations from the holy Quran."²⁰ Once the court assumed the nature of visitors as religious, it was able to define "a Khankah" as "a place where religious devotees are lodged and fed during the period they are congregated there for religious instructions."²¹ The court, also concluded, that because Shah Daula was himself very benevolent and many Muslim texts have mentioned him as a saint, his shrine can be understood as a religious shrine.

The court, while following Amir Ali, not only considered all forms of shrine-based spaces as religious but also considered these spaces in the imagery of mosque. For the court, Amir Ali includes Khankah " as well as Rouzahs and Dargahs in the same category of subjects of Waqf as Mosques and Imambaras."²² The court then provides the reason why Amir Ali considers Khankahs, Dargahs, etc., as Waqf and under the same category along with Mosques.²³ For court, it is because in these spaces," the rich and the poor, the rich and the indigent, are equally entitled to participate."²⁴ Therefore the court maintains that "if such an institution is intended to be visited by any member of the public, who feels attracted towards joining in the instructions or devotional exercises, or to perform pilgrimage to such a place, then the institution would become a public Waqf, in the same way as a mosque would become a public Waqf, if once it is established that prayers are habitually offered therein by the public with Azan and Ikamat."²⁵ From thereon it is not difficult for the court to see the shrine of Shah Daula in the light of already developed textual interpretation, and maintains that the shrine is a

religious institution, and therefore the Waqf property. The court however moves even further, and maintains that the shrine of Shah Daula and the similar shrines can be "valid objects of Waqf even according to the Shariat Law and the manner of their user... in the present case, from time immemorial would seem to indicate that they were treated as religious institutions to which the members of the public at large, rich or poor, affluent or indigent, had equal access without any restriction whatsoever in the same manner they would have access to any other place of public worship or pilgrimage."²⁶

While settling for the shrines as religious institutions, even supported from Sharia Law, the court also made a decision regarding offerings, in quite an interesting way, as a Waqf property. Accepting that there have been many cases in the previous judicial decisions confirming rights of Sajjada Nashin on the offerings (nazranai) at shrines, the court still found a text negating all precedence. The court even refused to accept the fatawas of the 55 Ulemas from Ahl e Sunna wal Jamaat, submitted by Appellants, to show that "all nazar and niaz (offerings) which is daily offered at Dargah, is to be divided between the descendants of the saint enshrined there and the khadims of the shrine," according to the Shariat. The court, however, accepted the authority of the text of Tayyib Jee,²⁷ a judge and a lawyer during Colonial period, and accepted the basic principle that "the offering is made to the holy saint buried {my italics} at the shrine." The court takes the word of Tayyab Ji, as resonates the clauses of the Auqaf Ordinance: "Nazrana or offerings given at a shrine or dargah either in a Ghalla (offering box) or otherwise, may become consecrated to God, or impressed with a

trust, in which case they must be used for religious or pious purposes. The reason given in support of this view is that the offerings are often made in the belief that there is religious {my italics} merit in making them and that they are generally invited by representations (expressed or implied) that they will be utilized for religious or charitable purposes."²⁸ The court, therefore accepted even the offering of cash as Waqf property and denied the right of Sajjada Nashins on the cash nazranas (offerings) and ghalla (cash box), and maintained that if the Sajjada Nashin has been appropriating the cash and offerings, this could only be considered as mischief.²⁹ The court provides justification to the Administrator Auqaf Department for taking over all the offered income because offerings would be given to the buried saint: "If a Waqf could under the Shariat Law be made of property of this nature... then we can see no valid objection to the Legislature impressing them with such a character and depriving those who were hithertofores appropriating them as their personal income or property... particularly, where the intention of the donor was not clear although basically (emphasis mine) the offerings were made for a religious or charitable purpose."³⁰

The court while making its decision against Sajjada Nahsin, however, showed different attitude towards Khadims (servitors) of the shrines and permitted them to carry on earning income at the site of shrine. Considering them as those who work at the shrines and take their reward against their work, the court thinks it is not justified to take away their reward. It seems that the court places the post-colonial state in a mediatory position, the position customarily enjoyed by

Sajjadanashin, at the site of shrine. The invisible nature of the work values of the gradually expanding market-economy, gives enough reason for the courts to think in favor of those who work, that is Khadim (servitor) and against those who do not work, Sajjada Nahsin. It seems the court opens up the possibility for the new world, within which the post-colonial state would be taking position of those who do not work.

In another case, the Supreme Court defined further the concept khadim (servitor) in order to define the right of the traditional caretaker for possessing Waqf property. As the traditional caretakers of the shrine of Hazrat Data Ganj Bakhsh, after the taking over of the shrine by the Auqaf Administrator, and after moving through lower courts, went to the Supreme Court where court made the bench having same judges already listening the previous case of Pir Rashid ud Daula vs. Auqaf. However, as in this case the court found an appeal from Khadim or Mujawarin, instead of Sajjadanashin, customarily possessing property, the court accepted the case for hearing. As the previous ruling already decided that Waqf Ordinance couldn't be challenged, the Appellants kept their emphasis for finding their de-possessed property without going into fight for gaining control on the shrine. The discussion during the case went on defining the concept of possessory rights and its relationship with the private property, along with the nature of Mujawar and/or Khadim of the shrine.

The court though did not lend its support to accept Mujawarin as Sajjada Nashin, as the appellants tried to present them, yet considered it better to see them equivalent for aligning its position with the

previous decision. The court supported the position of the respondent council and considered that it is not possible for the Mujawar as servitor to own property of the shrine. For this, the court followed the decision of J. Tayyabji in the case of Mahommad Oosman and others vs. Razaq Saleem Ahmed Vanjara and others.³¹ The court maintained that Tayyabji had given his decision, after a detailed examination of Quran and texts of Muslim jurisprudence, and found out that only Sajjada Nashin could claim for an intermediary position between a devotee and God. The serving positions, as Mujawar and Khadim, are mere servants, and can't claim to have the intermediary position, along with share in the offerings and property. However, the court found it prudent not to stretch this position, as even Tayyabji maintained that in cases when the time is very long, the position of the Mujawar might be considered different. The court therefore maintained that for the present purposes Mujawar can be considered as equivalent to Sajjada Nashin, as they perform similar functions since long as that of Sajjada Nashin.³²

The court maintained that because of the evidences for using property from long many decades, the court however accepted their rights to possess property as Possessing Owners, but not as an owner who had "acquired" the property. The court accepted the plea of Mujawarin to accept their possession, at best, as Joint Ownership. In tracing the record of revenue, the court maintained that the records for the years of 1856 and 1868 shows that the land taken over by Auqaf Administrator was in control of the "Mujawaran of Hazrat Data Ganj Bakhsh Sahib" as "Maqbooza Malikan (owners as in possession)."

However, court did not see this evidence as establishing the property being owned by Mujawaran and should not be treated as Waqf. The court further maintains that the property of "Maqboozan Malikan" had been divided into three patties (lines); namely Patti Khairdin, Patti Alauddin and Patti Qutub Din.³³ The court accepts the position that the revenue record shows that the property also divided respectively among all of these patties. The court also accepted the fact that individual Mujawar has also sold out the property, mortgaged or leased out in past. However the court expressed its surprise that, given these facts, how this could be proved that the property under discussion is the property of Mujawarin and not the property of possessory right that is how Mujawarin could prove that it is not because of their role of the caretakers that they acquired the possession upon their lands.

In order to refute the position of Mujawarin, the judges highlighted the basic characteristic of the Private Property that is the ownership of the property can only be claimed if the property becomes a self-acquired property. The judges maintained that they could not find any entry in any of the revenue record that shows that the heirs of any of the Mujawarin "were brought on to the record as the owners."³⁴ The judge maintains further that the "owner's column has along shown that only a floating body of the persons, known as the Mujawaran of the shrine of Hazrat Data Ganj Bakhsh Sahib, were owners of these lands."³⁵ The court acknowledged that there are many mutation entries suggesting gifts to the shrines, however judges could not find any entry regarding the personal owning of the land. The court highlighted that during the land

settlement of 1892, three of the Mujawars, acting as the general attorney of the Mujawarin, "made a declaration that all the lands recorded in the three patties were not lands owned by the respective patties in possession thereof but that, in fact, all the lands were owned by the shrine of Data Ganj Bakhsh Sahib and, therefore, all these lands should be recorded in the ownership of the shrine."³⁶

Once the judges of the Supreme Court reached the position that the lands under the possession of the Mujawarin couldn't be considered the private property of the Mujawarin and must be considered as the property of shrine, it was not difficult to deduce further that all such property must also be considered Waqf property. The court, as a final move reminds the Mujawarin that, as Mujawarin has already declared that they were the possessor of the property during Colonial period, it was not possible to move away from this position in post-colonial time. The court states that since the Mujawarin "with full knowledge of the facts requested the revenue authorities to correct the records by entering therein the true position and have since allowed that position to remain unchanged for nearly 80 years they are now debarred from setting up a different case and should, at any rate, not be believed when they say that this is not the true position."³⁷ The courts from that point onward decided quite clearly that the properties in question were clearly Waqf properties and "since the shrines in this case, was a public institution, its properties also were public Waqf."³⁸

PUBLIC AS COMMON PEOPLE OR AS STATE

The judges of the Supreme Court where defined the concept of Waqf property in the gaze of private property, there at the same time, they equate public with the state. Equating public with the State is not quite uncommon and one finds in lot of rulings the equation stands there and seldom to be criticized. The Post-Colonial state appears at-least during its first few decades, as the embodied public. Unable to see any local community within larger Muslim life, and taking universal Muslim ideology to such a point that no difference of locality and larger ideology, on the one hand and the local controllers and the universal controllers or State appeared to be questioned.

It is interesting that the Nation-state emerged on the concept of religious ideology and universal-commonality of religious dispositions understood "Public" as necessarily linked with the state. If, as the ruling of Supreme court suggests, a Waqf is valid "public Waqf" then it can be taken over by the state. The decision suggests that "public" was understood as "open for public" or "accessible for the usage of public" but necessarily controlled by the state. Contrary to the previous rulings of Colonial courts where judges, while defining Shariat and creating difference between public and private Waqf, did not relate with the "public" the connected necessity through which state had the power to control such Public Waqfs. The colonial judges restrained themselves only to define "public" and "private" in order to simplify matters and in order to save gradual prevalence of the "private ownership" of the property, while at the same time gave privilege to

the local customs. However, as the later judiciary of Pakistan had the availability of not only "Shariat", as a codified Law without getting disturbed by the difference of its interpretations, and, interestingly the text of Syed Amir Ali, defining most of the Muhammadan Laws as Shariat laws, the judges found it convenient to take decision by employing and connecting these apparently distinct concepts. Thus validating state's control on Waqf property and also venting the "socialistic reformist" stream linked within the eclectic ideas of intellectual elite.

CONCLUSION

The underpinning of all the legal activities since 1959 remained embedded within the emphasis on the continuity of stretching the re-territorialization, a kind of double-reterritorialization of Islamization. The opening up of the possibility of controlling the traditionally deviant sites through the universal laws initiated and enforced through Ayub Khan's reformist agenda never let the localized traditional caretakers to control the sacred sites. The Bhutto Government, later on, only tried to keep the universal impact of the universal laws by introducing centralized activities upon which interestingly stood the Ordinance of 1979.

It is interesting that no democratic government ever felt the need to change the universal legalization process, and never made any effort to see the legalization as an initiating of the Martial Law regimes. The universal ideology, process of double-re-territorialization or locating Islamic territoriality for the local sacred sites seem to be so well prevailing that each government felt it incumbent to carry on with the

fundamental principles of legalities. Colonial period earlier though opened up the universal legalizing process, and provided a ground for imagining re-territorialized identity, yet left the sites of worship to the local communities. However, within the religious nationalism of the post-colonial Pakistan, there are few possibilities for a local Muslim community to survive legally by having its control on its own ways of religious worshipping. The legalization process connected localities, and the local sites of worship with the universal religious ideologue. The universalizing-locality left no place for the localized worshipping by considering it deviant.

The post-colonial judicial process redefined concepts of Shrine, Waqf, Public and Private Property. Where the process could not define clearly it gave, in a concealed way, domination of its religious rationality on the pluralistic historical sites. The changed circumstances, within which post-colonial judiciary found itself, put them on the path of manifesting double-reterritorialized identity in their decisions. The imagination of a Nation flavored the judicial rationality that, while paving the way for the Singular Islam, remained determined to curb localized or deviant sacred practices.

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¹ Even before 1959, the Auqaf laws existed in Pakistan. First of which got promulgated in 1951, as Auqaf Survey Act and in 1952, as Auqaf Board Act. However, these laws were not promulgated for the taking over of the shrines and other sacred sites. The laws promulgated after 1959 were different because of their emphasis on complete control of *Waqf* sites.

² Gregory C. Kozlowsky, *Muslim Endowments and Society in British India* (Cambridge University Press, 1986), 1.

³ Ibid.

⁴ Ibid.

⁵ Ibid.

⁶ W.Pak. *Waqf Properties Ordinance*, 1959, P.L.D. Vol. XI – 1959, 202.

⁷ Muslim Auqaf Survey Act of 1951 was promulgated for the registration of the *Waqf* sites. The Act however did not close the possibility of *Waqf* with the Islamic sites.

⁸ W.Pak. *Waqf Properties Ordinance*, 1959, P.L.D. Vol. XI – 1959, 202.

⁹ Ibid.

¹⁰ Pir Rashid ud Daula vs Auqaf Administrator, PLD 1971 Supreme Court, Vol. XXIII, p. 376. And, Haji Ghulam Rasul vs Auqaf Administrator.

¹¹ The Martial Law order was issued on 16 February, 1961. APLD SC 1971, Vol. XXIII, 410.

¹² PLD 1971 Supreme Court, Vol. XXIII, 376.

¹³ The court maintains, that the *Waqf Properties Ordinance*, 1959 does not hit by the provisions of Articles 102 and 110 of Constitution (1956). SC 1971, 405.

¹⁴ The court gave reference from the Constitution of 1956 that shows that the constitution permitted to make laws about the Provincial Legislatures through items, 65 and 69 of the Provincial List in the Fifth schedule, as: Clause 65: Charities

and Charitable institutions; Charitable and Religious Endowments, and Clause 69: *Waqfs* and Mosques.

¹⁵PLD 1949 Lah 1949.

¹⁶APLD, VOL. XXIII, 422 SC

¹⁷Amir Ali, "Public and Quasi-Public *Waqfs*", *Mohammadan Law*, Vol. 1.

¹⁸Khwaja Md. Hamid vs. Mian Mahmud and Others, FIR 1922 PC 384 = 50 IA 92.

¹⁹One can remember the discussion during Female Singers' Prohibiting Bill, 1943, and Auqaf Board Bill, 1952. The members of the parliament during discussion remained energetic to show that the site of shrines remained the site for prevailing Islamic ethos, and all the rest were the deviant forms.

²⁰SC 1971. 423.

²¹Ibid.

²²Ibid.

²³The court's understanding of shrines in the image of mosque not only found support from the reading the text of Amir Ali, but also the Muslim Personal Law or Shariat Bill 1948 and the Constitution of 1956 gave impetus to understand shrines in the same way. Muslim Personal Law or Shariat Bill though enacted earlier in 1937 re-enacted in 1948 by Punjab Assembly. The Shariat Bill, 1948 makes *Waqfs* to be dealt with Muslim Personal laws. The Constitution of 1956 through items 65 and 69 of the Provincial List in the fifth schedule, placed *Waqfs* and Mosques with each other.

²⁴Ibid.

²⁵Ibid.

²⁶Ibid., 424.

²⁷Tayyab Ji, *Muslim Law* (4th ed.), 541.

²⁸PLD SC 1971, 427.

²⁹Ibid., 426-427.

³⁰SC 1971, 429.

³¹ILR 1938 Bom. 184.

³²APLD, SC Vol. XXIII, 385.

³³APLD, SC 1971, Vol. XXIII, 388.

³⁴Ibid.

³⁵Ibid.

³⁶Ibid.

³⁷Ibid., 391.

³⁸Ibid.

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THE HISTORIAN
IS A BI-ANNUAL RESEARCH JOURNAL
PUBLISHED BY THE
DEPARTMENT OF HISTORY GOVERNMENT COLLEGE UNIVERSITY, LAHORE