

**MAWLANA SHAH AHMAD NOORANI: HIS ROLE AS A  
PARLIAMENTARIAN (1972-2003)**



**Researcher:  
Muhammad Idrees  
REG No: 8-FSS/MSHIS/F08**

**Supervisor:  
Dr. Akhtar Hussain  
Assistant Professor,  
Department of History &  
Pakistan Studies,  
International Islamic University,  
Islamabad**

**DEPARTMENT OF HISTORY & PAKISTAN STUDIES  
FACULTY OF SOCIAL SCIENCES  
INTERNATIONAL ISLAMIC UNIVERSITY,  
ISLAMABAD**



ADDRESSING TH-8435

MS  
900  
MUM

1 - Political history

2. Civilization & history

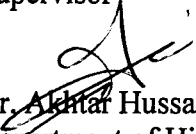
**MAWLANA SHAH AHMAD NOORANI: HIS ROLE AS A  
PARLIAMENTARIAN (1972-2003)**

**Muhammad Idrees  
REG No: 8-FSS/MSHIS/F08**

A thesis submitted in partial fulfillment of the requirements for  
the degree of MS History,  
Department of History and Pakistan Studies  
Faculty of Social Sciences  
International Islamic University,  
Islamabad.

Supervisor

27 January 2011

  
Dr. Akhtar Hussain  
Department of History and Pakistan Studies  
International Islamic University, Islamabad.

To

My parents, who are no more in this world, but whose inspiration, support, love and prayers made me complete this thesis

## APPROVAL SHEET

**MAWLANA SHAH AHMAD NOORANI: HIS ROLE AS A  
PARLIAMENTARIAN (1972-2003)**


**By**

**Muhammad Idrees**

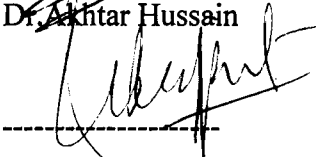
**Registration No: 8-FSS/MSHIS/F08**

Accepted by the Department of History and Pakistan Studies, Faculty of Social Sciences,  
International Islamic University, Islamabad, in partial fulfillment of the award of the degree of  
**MS History**

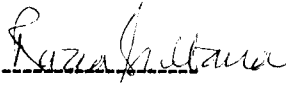
**Supervisor**

  
-----  
Dr. Akhtar Hussain

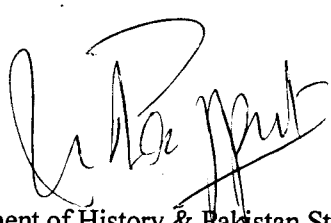
**Internal Examiner**

  
-----  
Dr. Shahid Ahmad Rajput

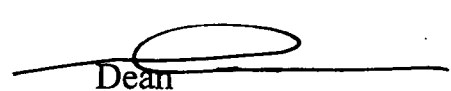
**External Examiner**

  
-----  
Dr. Razia Sultana

**Head**

  
Department of History & Pakistan Studies  
International Islamic University  
Islamabad

**Dean**

  
Faculty of Social Sciences  
International Islamic University  
Islamabad

## Certification

Certified that content and form of thesis entitled “Mawlana Shah Ahmad Noorani: His Role as a Parliamentarian (1972-2003)” submitted by Muhammad Idrees Registration No: 8-FSS/MSHIS/F08 have been found satisfactory for, in partial fulfillment of the requirements of the degree of MS in History with a specialization in Modern South Asia.

**Supervisor**



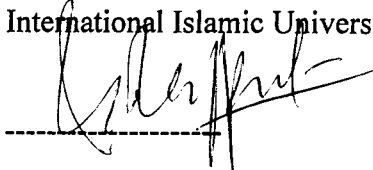
Dr. Akhtar Hussain

Assistant Professor

Department of History & Pakistan Studies

International Islamic University Islamabad

**Internal Examiner**



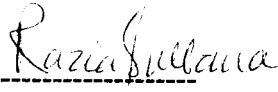
Dr. Shahid Ahmad Rajput

Associate Professor

Department of History & Pakistan Studies

International Islamic University Islamabad

**External Examiner**




Dr. Razia Sultana

Professor

Chairperson Department of History

Quaid e Azam University Islamabad

**Dean**



Faculty of Social Sciences  
International Islamic University  
Islamabad

## **ABSTRACT**

This thesis is an attempt to explore the career of Mawlana Shah Ahmad Noorani as a parliamentarian. This thesis has highlighted his legislation in the parliament, his role for Islamizing the society within and outside the parliament. The study provides details about the early life of Mawlana Noorani since 1926 up to his entry into parliamentary politics of Pakistan. The original debates of Mawlana Noorani 1972-75 are discussed in detail. His role in the Constitution-making of the 1973 Constitution of Pakistan and his struggle for Islamization of the society through constitutional means in the National Assembly of Pakistan is also highlighted. The thesis also traces his role in the Senate of Pakistan, 1975-77. This gives an insight into his activities as a parliamentarian. His role in the parliament as a legislator is discussed in detail. His debates over the different bills, presented by the government, are explained analytically. This has also highlighted Noorani's check over the executive branch of government in the Senate. His efforts for the welfare of the society within the parliament are discussed in detail. Noorani's struggle for Islamization of the society is also brought to light. The thesis highlights his efforts inside and out of the parliament for the restoration of parliamentary democracy in Pakistan from 1977-2003 and his struggle for the protection of the fundamental rights of the people, Constitution and Parliament. His struggle against the Martial Law regimes is also highlighted. The alliances he forged against the undemocratic rulers are also presented in this attempt. His original debates in the Senate of Pakistan are brought to light. His role in Pakistani politics outside the Parliament is highlighted in this thesis. He is found a punctual, learned, technically sound, devoted and aware parliamentarian.

## ACKNOWLEDGEMENTS

In writing this thesis, I have secured guidance and help of many individuals and institutions. First of all, I would like to express my gratitude to my Supervisor, Dr. Akhtar Hussain, for his valuable and scholarly supervision of this thesis. His knowledge, expertise and guidance were a great source of strength and motivation all along. I am indebted to him. I am also grateful to Dr. Mujeeb Ahmad who initially guided me in the data collection. My thanks also go to Safiullah Khan Marwat, Syed Akmal Hussain Shah, Akhtar Hussain Sandhu and indeed all my teachers at the Department of History for their cooperation and support. I have learnt so much from all of them.

I am most thankful to Amir Khatam Bhai Jan, who, in fact he motivated me to do M.Phil. I can't remain thankless to my Late Father who fully financed me throughout my studies and it was his mission for me to do M.Phil. I am also thankful to my friends Sajid Israr, Khair-ul-Wahab, Arshad Bashir, Muhammad Javed, Sabir Hussain and Muhammad Arshad for their help and encouragement. In the process of completion of this study, I have benefited from the advice and insights of many scholars. I would like to thank in particular Altaf Qadir of the University of Peshawar.


I shall be failing in my duty if I do not acknowledge, most sincerely, the help and contributions of staff members of many institutions in Islamabad, Lahore and Karachi. In particular, I would like to mention Pakistan National Archives, Islamabad; National Documentation Centre, Islamabad; National Institute of Historical and Cultural Research, Islamabad; Central Library Quaid-i-Azam University, Islamabad; Seminar Library of the Department of History, Quaid-i-Azam University, Islamabad; Allama Shah Ahmad

Noorani Research Centre Pakistan, Lahore; World Islamic Mission Centre Pakistan, Karachi; The National Assembly of Pakistan Library, Islamabad; The Senate of Pakistan Library, Islamabad; Dr. Muhammad Hamidullah Library, Islamabad; Central Library International Islamic University, Islamabad; National Library of Pakistan, Islamabad; and Press Information Department, Islamabad.

I also owe special gratitude to my wife, who, with great patience, understanding and encouragement helped me complete this thesis. My obligations are also due to my daughter Irsa and son Muhammad Mueez for sparing me to work for long hours.

I am deeply indebted to my mother, brothers and sisters, whose love and affection remained eternal source of inspiration and assurance to me. My colleagues cooperated me through every step of my study at MS level and I can never ignore their help and sympathetic behavior with me. I am also indebted to my class fellows, Muhammad Altaf, Muhammad Ayaz, Muhammad Qasim, Shakeel Ahmad and Taseer Ullah for their encouragement.

At the end, I would like to acknowledge the help and cooperation of Sajjad Ali Khan throughout my stay at the Libraries of the Parliament of Pakistan both in the National Assembly of Pakistan and Senate of Pakistan for getting the primary sources for the study. Azmat Alam also deserves my special thanks for helping me translating and editing most of the part of my thesis.



Muhammad Idrees

## ABBREVIATIONS

AJKMC	All Jammu and Kashmir Muslim Conference
AL	Awami League
ANP	Awami National Party
APC	All Parties Conference
ARD	Alliance for the Restoration of Democracy
BBA	Bail Before Arrest
BBC	British Broadcasting Corporation
CID	Criminal Investigation Department
CMLA	Chief Martial Law Administrator
CML	Council Muslim League
COP	Combined Opposition Party
CSP	Central Services of Pakistan
DC	Deputy Commissioner
DPRs	Defense of Pakistan Rules
FATA	Federally Administered Tribal Areas
FBI	Federal Bureau of Investigation
IJI	Islami Jamhuri Ittihad
IJM	Islami Jamhuri Mahaz
ITHSP	Idara-e-Tahaffuz-e-Haqooq-i-Shia Punjab
JA	Jamiyat-ul-Arabia
JAH	Jamiyyat Ahli-Hadith

JASP	Jumat Ahl-i-Sunnat Pakistan
JF	Jamiyat-ul-Falah
JIP	Jama'at- i-Islami Pakistan
JUI (F)	Jam'iyyat-i-Ulama-i-Islam (Fazl-ur-Rehman)
JUI (S)	Jam'iyyat-i-Ulama-i-Islam (Sami-ul-Haq)
JUI	Jam'iyyat-i-Ulama-i-Islam
JUP	Jam'iyyat 'Ulama-i-Pakistan
LFO	Legal Framework Order
MAHP	Motamar-e-Ahl-i-Hadees Punjab
MAI	Majlis-i-Ahrar-i-Islam
ML	Muslim League
MLA	Martial Law Administrator
MLRs	Martial Law Regulations
MMA	Muttahida Majlis-i-Amal
MNAs	Members of National Assembly
MPAs	Members of Provincial Assembly
MQM	Mohajir Qaumi Movement
MRD	Movement for Restoration of Democracy
MTKNP	Majlis-e-Tahaffuz-i-Khatm-e-Nubuwwat Punjab
MYC	Milli Yakjihti Council
NAP	National Assembly of Pakistan
NAP	National Awami Party
NDF	National Democratic Front

NDP	National Democratic Party
PCO	Provisional Constitutional Order
PDP	Pakistan Democratic Party
PJP	Pakistan Jamhōori Party
PML (N)	Pakistan Muslim League (Nawaz)
PML (Q)	Pakistan Muslim League (Quaid-e-Azam)
PML	Pakistan Muslim League
PNA	Pakistan National Alliance
PNP	Pakistan National Party
PODO	Public Offices Disqualification Order
POWs	Prisoners of War
PPA	Pakistan Public Alliance
PPC	Pakistan Penal Code
PPP	Pakistan Peoples Party
PRODA	Public and Representative Offices Disqualification Act
QML	Qayyum Muslim League
RP	Republican Party
SP	Senate of Pakistan
TASWJ	Tanzim-e-Ahl-i-Sunnat-wal-Jumat
TI	Tahrik-i-Istiqlal
TJ	Tahrik-i-Jafaria
UDF	United Democratic Front
UF	United Front

WPJUP

West Pakistan Jam'iyat 'Ulama-i-Pakistan

## GLOSSARY

<i>Alim</i>	Religious scholar educated in religious educational institution. Singular of <i>Ulama</i> .
<i>Amir</i>	Head of State/party or group.
<i>Baitul-Mal</i>	Exchequer of the Islamic Government
<i>Darul Ulum</i>	The house of learning, religious school.
<i>Fatwa</i>	Authoritative opinion based on the <i>Shariat</i> , given by a <i>mufti</i> or a religious decree.
<i>Ghazwat</i>	Wars against infidels, in which the Prophet himself participated.
<i>Hafiz</i>	One who knows the Quran by heart. Its plural is <i>Huffaz</i>
<i>Hifz</i>	To learn Quran by heart.
<i>Jihad</i>	The war against non-Muslims, generally in defense.
<i>Khatm-e-Nubuwwat</i>	Finality of the Prophethood.
<i>Madrasah</i>	A religious school. Its plural is <i>Madaris</i> .
<i>Majlis-i-'Amal</i>	Action Committee.
<i>Majlis-i-Shura</i>	The General Council.
<i>Makan</i>	House.
<i>Markazi Majlis-i-'Amilah</i>	The Central Executive Council.
<i>Mashaikh</i>	spiritual leader, Plural of <i>sheikh</i> .
<i>Masjid</i>	Mosque.
<i>Mawlana</i>	Reverential word used for <i>Ulama</i> .

<i>Mohtarama</i>	Honorable lady.
<i>Mufti</i>	A person qualified and authorized to issue a <i>fatwa</i> .
<i>Muharram</i>	First month of the Hijri year.
<i>Musalman</i>	Muslim.
<i>Nabi</i>	Prophet.
<i>Nizam-i-Mustafa</i>	The system of <i>Shariah</i> .
<i>Pir</i>	<i>Sufi</i> , master, guide.
<i>Qada</i>	Justice
<i>Qafilah</i>	Caravan.
<i>Qari</i>	Man who recites the Quran methodically and with sweet voice.
<i>Qiblah</i>	Direction in which Muslims perform prayer.
<i>Quid-e-Awam</i>	Leader of the people.
<i>Riba</i>	Usury.
<i>Roti</i>	Bread.
<i>Salami</i>	Present to the bride.
<i>Salar</i>	Leader, commander.
<i>Sayyad-ul-Ayyam</i>	The king of days.
<i>Seerath</i>	The life of the Prophet (PBUH).
<i>Shari'at</i>	The religious law of Islam as explained in the Quran and <i>hadith</i> .
<i>Shoorah</i>	Consultative body.
<i>Sufi</i>	Muslim mystic.

<i>Sultan</i>	Monarch, ruler.
<i>Sunnah</i>	The 'way' or 'path' of the Prophet (PBUH) and his companions, as known to the Muslims through the <i>hadith</i> .
<i>Surah</i>	A Chapter of the Quran.
<i>Swad-i-Azam</i>	The majority group (in Islam).
<i>Tahafuz</i>	Protection, security.
<i>Tahrik</i>	Movement.
<i>Tajweed</i>	Recitation of the Quran.
<i>Talimaat-i-Islameia</i>	Islamic teachings.
<i>Tanzeemul Madaris</i>	Organization of the religious institutions.
<i>Ummah</i>	The Muslim community living all over the world.
<i>Urs</i>	Death anniversary of a <i>pir</i> or Sheikh.
<i>Waqf</i>	Endowment of property.
<i>Zakat</i>	Annual religious fixed amount paid by the Muslims on a fixed amount of wealth (this part of the amount is distributed among the poor Muslims).

## TABLE OF CONTENTS

ABSTRACT	
ACKNOWLEDGEMENTS	ii
ABBREVIATIONS	iv
GLOSSARY	viii
INTRODUCTION	01
<b>CHAPTER</b>	
<b>1. MAWLANA NOORANI: BIRTH TO NATIONAL ASSEMBLY, 1926-75</b>	<b>07</b>
1.1 Early Life of Mawlana Noorani	07
1.1.1 Mawlana's Political Activities before Independence	07
1.1.2 Mawlana's Political Career after creation of Pakistan	08
1.1.2.1 Khatm-e-Nubuwwat Movement and Noorani	08
1.1.3 Entry of Mawlana into Parliamentary Politics	10
1.2 1970 Elections and Jam'iyyat 'Ulama-i-Pakistan	14
1.2.1 Mawlana Noorani as the leader of the JUP's Parliamentary Party	14
1.3 Enactment of the Interim Constitution and Mawlana Noorani	15
1.4 The Constitutional Accord 1972 and Mawlana Noorani	16
1.4.1 Two Houses	18
1.4.1.1 Division of Powers	19
1.4.1.2 Money Bills	20
1.4.1.3 Islamization and Fundamental Rights	20
1.4.1.4 General Terms of the Accord	21
1.4.2 The Draft Constitution Presented by the Government	22
1.4.2.1 National Language	22
1.4.2.2 State Religion	22
1.4.2.3 Fundamental Rights	22
1.4.2.4 Prime Minister	23
1.4.2.5 Obligations	23

	1.4.2.6 Provinces	24
	1.4.2.7 Islamic Council	24
	1.4.2.8 Amendments	25
	1.4.2.9 Principles of Policy	26
	1.4.3 Mawlana Noorani Note of Dissent over the Draft Constitution	26
	1.4.4 Mawlana Noorani Comments on the Draft Constitution	28
	1.4.4.1 Proposed Executive and Judiciary of Constitution	28
	1.4.4.2 Martial Law Regulations in Draft Constitution	28
	1.4.5 Government's Bill for the Approval of Draft Constitution	29
1.5	The United Democratic Front for Constitution and Noorani	30
	1.5.1 Agenda of the United Democratic Front	31
	1.5.2 Mass-Contact Campaign of Mawlana Noorani and Government	31
	1.5.3 Charter of Demand of United Democratic Front and Bhutto	33
	1.5.4 Voting over the Draft Constitution in the Parliament	33
1.6	The 1973 Original Constitution and Mawlana Noorani	35
1.7	Mawlana's Amendment for individuals' Fundamental Rights	36
	1.7.1 Amendment to the Constitution for Employment of citizens	36
	1.7.2 Amendment for the removal of Preventive Detention	37
	1.7.3 Amendment for providing Free Education	38
	1.7.4 Amendments for a smooth Democratic System	39
1.8	Noorani's Debate on the Federal Bureau of Investigation (FBI)	41
1.9	Mawlana over Pakistan National Council of the Arts Bill, 1973	42
1.10	Amendments for Islamization	43
	1.10.1 Mawlana Noorani for the Law of Apostasy	44
	1.10.2 Mawlana for the teachings of Quran and Sunnah	44
	1.10.3 Mawlana against the Usury	45
	1.10.4 Mawlana Noorani's Definition of Muslim	45
	1.10.5 Mawlana's Resolution for declaring Qadianis as Non-Muslims	46
	1.10.6 Mawlana on the formation of Council of Islamic Ideology	50
1.11	Noorani's voice against mismanagement of the government	51
	Notes	54

<b>2.</b>	<b>MAWLANA NOORANI IN THE SENATE OF PAKISTAN, 1975-1977</b>	<b>59</b>
2.1	Mawlana Noorani's Proposals for Legislation	60
	2.1.1 The Auqaf (Federal Control) Bill, 1976	60
	2.1.2 Mawlana Noorani on the Pakistan Tourist Guides Bill, 1975	62
	2.1.3 The Civil Servants (Amendment) Bill, 1976	65
	2.1.4 The Pakistan Arms (Second Amendment) Bill, 1976	66
2.2	His Voice against Mismanagement and Human Rights Violations	68
	2.2.1 Withdrawal of Remission of Sentences Bill, 1976	68
	2.2.2 The Criminal law Amendment (Special Court) Bill, 1976	70
	2.2.3 The Code of Criminal Procedure (Amendment) Bill, 1976	72
	2.2.4 The Railways (Amendment), 1976	74
	2.2.5 The Defense of Pakistan (Third Amendment) Bill, 1976	75
	2.2.6 The National Registration (Amendment) Bill, 1976	78
2.3	His interest in issues related to Education, Health and Poverty	79
	2.3.1 The Education Bill, 1976	80
	2.3.2 The Drugs Bill, 1976	82
	2.3.3 Mawlana Noorani against the price-hike	83
2.4	His voice for the Muslims all over the World	85
	2.4.1 Aggression against the Muslims of Philippines	85
	2.4.2 Noorani's Adjournment Motions for Indian Muslims	86
	2.4.3 Tribute to President Salahuddin for accepting Islam	87
2.5	Mawlana Noorani's Voice for the Welfare of the Society	88
	2.5.1 The Dowry and Bridal Gifts (Restriction) Bill, 1976	88
	2.5.2 The Employees' old-age Benefits Bill, 1976	89
2.6	Mawlana Noorani for Islamic Culture and Civilization	95
	2.6.1 The Pakistan Study Centers Bill, 1976	95
	2.6.2 The Publication of Quran (Amendment) Bill, 1976	97
	2.6.3 Mawlana Noorani's Resolution for the Ulama of Madaris	98
2.7	Noorani's participation in general Parliamentary Debates	102

2.7.1	The Constitution (Sixth Amendment) Bill, 1976	102
2.7.2	The Defense of Pakistan (Amendment) Bill, 1976	104
2.7.3	The Defense of Pakistan (Second Amendment) Bill, 1976	104
2.7.4	The University of Islamabad (Amendment) Bill, 1976	105
2.7.5	The Seed Bill, 1976	106
2.7.6	The Newspaper Employees (Amendment) Bill, 1976	108
2.7.7	The Contempt of Court Bill, 1976	109
	Notes	112
<b>3.</b>	<b>NOORANI'S ROLE IN THE RESTORATION OF PARLIAMENTARY DEMOCRACY, 1977-2003</b>	<b>115</b>
3.1	The 1977 Elections and Mawlana Noorani	116
3.2	Formation of Pakistan National Alliance and Mawlana Noorani	117
3.3	Tahrik-i-Nizam-i-Mustafa and Role of Mawlana Noorani	120
3.4	Martial Law Regimes and Mawlana Noorani	123
3.5	Mawlana Noorani's Exit of the PNA	124
3.6	Movement for Restoration of Democracy (MRD) and Noorani	128
3.7	Pakistan Public Alliance and Mawlana Noorani	131
3.8	Islamic Democratic Front and Mawlana Noorani	133
3.9	Milli Yakjihti Council (MYC) and Mawlana Noorani	137
3.10	The Muttahida Majlis-i-Amal (MMA) and Mawlana Noorani	142
	Notes	149
	CONCLUSION	153
	APPENDIX A	158
	APPENDIX B	159
	APPENDIX C	161
	APPENDIX D	164
	BIBLIOGRAPHY	193

## Introduction

Pakistan got independence from British Rule in 1947. Soon after its independence efforts from different sections of Pakistani society started to make Pakistan a truly Islamic state. This aim of establishing a modern democratic and Islamic state was clearly laid down by the founding fathers in their speeches and statements at different stages of Pakistan Movement. For example Muhammad Ali Jinnah in his speech stated that Pakistan's constitution would be framed, keeping in view the aspirations of the people and the trend that dominated the struggle of the Muslims for achieving a separate homeland. This was what provided solace to the people as it provided them with the hope of implementing Islamic system in a democratic way.<sup>1</sup> In his letter to Muhammad Ali Jinnah dated May 28, 1937, Allama Iqbal expressed his thoughts about a sovereign Muslim state in these words, "After a long time and careful study of the Islamic Law, I have come to the conclusion that if the system of Law is properly understood and applied, at least the right to subsistence is secured to everybody. But the enforcement and the development of the Shariat of Islam are impossible in this country without a free Muslim state or states."<sup>2</sup> Liaqat Ali Khan also took notice of the situation and speaking in Peshawar on January 14, 1948, he remarked, "Pakistan is our laboratory and we will demonstrate to the world that how useful the thirteen centuries old principles are."<sup>3</sup>

In this struggle for Islamization of Pakistan a number of religious scholars, politicians and political parties have contributed and scores of them are still striving to achieve this goal. These forces of Islamization are struggling in a variety of ways. Some of them are directly participating in political system. While a number of these forces are

indirectly involved in influencing the efforts for Islamization. In this regard the role of religious scholars turned politicians is of considerable importance. From the very beginning of the creation of Pakistan they either directly or indirectly strived for it. A respectable number of religious scholars and politicians not only contributed in their individual capacities but also even organized political parties to achieve this goal of Islamization.

One such group of religious scholars organized themselves in shape of Jam'iyat 'Ulama-i-Pakistan in 1948. Leaders and workers of this religious party started contributing to the process of Islamization in a number of ways. It had the services of some such leaders who remained active on the political scene of Pakistan for a number of years like Mawlana Shah Ahmad Noorani and Mawlana Abdus Sattar Khan Niazi (1915-2002). Both these personalities as leaders of their own factions remained active political figures for a number of years, where the politics were mainly dominated by one point agenda i.e. Islamization of Pakistani society.

### **Purpose and Justification of the Study**

There are scores of books written about politicians and religious scholars including Shah Ahmad Noorani. But there has not been a research work on Mawlana's contribution as a parliamentarian. As he remained a member of both the upper and lower houses of Pakistani Parliament so he was part of the proceedings. There is need to study about and explore his role as parliamentarian to find out that to what extent he succeeded in his mission to establish Islamic system in Pakistan. This study will be an effort to answer the research questions set in the following section.

## **Research Questions**

Mawlana Shah Ahmad Noorani remained one of the key politicians amongst the religious groups for quite a long time. The present study is aimed at studying his role as a parliamentarian to answer the following questions.

1. What was the role of Mawlana Noorani as a parliamentarian?
2. What role he played for Islamization of laws and constitution in Pakistan, as he represented that class which associated themselves to be committed to the Islamization of Pakistan?
3. How as a parliamentarian he checked the executive organ of the government which is one of the key functions of a parliamentarian?
4. How he contributed towards creating public awareness and political training and educating the masses?

## **Literature Review**

Amongst the available literature Javed Ahmad Siddiqi in *Nurani Siyasat*<sup>4</sup> reviews his struggle for the democratic institutions. This work covers Mawlana's struggles outside and inside the parliament up to some extent; Sadia Akhtar in her *Allamah Shah Ahmad Nurani ki Dini wa Ma'ashrati Khidmat ka Jayiza*<sup>5</sup> has given a detail about the social and religious services of Mawlana Noorani; Malik Mehboobur Rasool Qadri in his *Anwaar-i-Raza*<sup>6</sup> throws light on different aspects of his career as this book is the compilation of news clippings published in different Pakistani newspapers; and Javed Iqbal Farooqi and Malik Mehboobur Rasul Qadri in their *Quaid-i-Tehrik-i-Nizam-i-Mustafah: Allamah Shah Ahmad Nurani*<sup>7</sup> highlights mainly the same aspects of Mawlana Noorani's career as mentioned in *Anwaar-i-Raza* by Malik Mehboobur Rasool Qadri but a little bit

differently; Sahibzada Faizur Rasul Raza Nurani in his *Afkar-i-Nurani*;<sup>8</sup> and *Yadu kay Naqush*<sup>9</sup> discusses social and religious thoughts of Noorani.; and Sayyid Anwar Qudwai in his *Allamah Shah Ahmad Nurani; Aik Tarikh Aik 'ahad*;<sup>10</sup> is a kind of biography. Some informations about Noorani are also available in Mujeeb Ahmad's *Jam'iyat-'Ulama-i-Pakistan 1948-1979*<sup>11</sup> but that work mainly focuses on the activities of his party and not the Noorani's figure as a parliamentarian; and Sayyid Muhammad Hafeez Qaisar's *Aik 'alim Aik Siyasatdan*<sup>12</sup> is a journalistic approach towards the personality of Mawlana Noorani.

Apart from the above mentioned literatures much of primary source material concerning Noorani in particular his debates in the Parliament i.e., *the National Assembly of Pakistan (Constitution-making) Debates, the National Assembly of Pakistan (Legislature) Debates, the National Assembly of Pakistan Debates, and the Senate of Pakistan Debates* was found very useful as it provided some very important information on the subject. The secondary sources consulted for this study include the press clippings in the Press Information Department, Islamabad, research articles, a host of contemporary newspapers and books.

### **Methodology**

The methodology pursued for the specific study is historical as well as descriptive. The study is focused on the parliamentary career of Mawlana Shah Ahmad Noorani stretching from 1972 to 2003 and applies the concept of Parliamentary Democracy as an analytical tool to evaluate the study under discussion. Historical method is applied as he played a vital role in constitution making of Pakistan. The study is descriptive as the original debates of Mawlana Noorani in the Parliament are highlighted.

## **Organization of the Study**

The present study is divided into three chapters, excluding Introduction and Conclusion. Chapter 1, concentrates on the early life of Mawlana Noorani since 1926. It also highlights his entry into parliamentary politics of Pakistan. It further discusses the original debates of Mawlana Noorani since 1972-75. His role in the Constitution-making of the 1973 Constitution of Pakistan and his struggle for Islamization of the society through constitutional means in the National Assembly of Pakistan is also highlighted. Chapter 2 traces his role in the Senate of Pakistan, 1975-77. This chapter gives an insight into his activities as a parliamentarian. His role in the Senate is discussed in details. His debates over the different bills, presented by the government, are explained analytically. This chapter has also highlighted Noorani's check over the executive branch of government in the Senate. His efforts for the welfare of the society within the parliament are discussed in details. Noorani's struggle for Islamization of the society is also brought to light. Chapter 3 highlights his efforts inside the Senate (2002-2003) and out of the parliament for the restoration of parliamentary democracy in Pakistan from 1977-2003. His struggle for the protection of the fundamental rights of the people, Constitution and Parliament is also discussed in this chapter. His struggle against the Martial Law regimes is also highlighted. The alliance made against the undemocratic rulers, to which he was a part is also presented in this chapter. His role in Pakistani politics outside the Parliament is highlighted in this chapter so that his full picture as a parliamentarian is traced.

## Notes

- 
- <sup>1</sup> Stanely Wolpert, *Jinnah of Pakistan* (Karachi: Oxford University Press, 1984), 339-43.
  - <sup>2</sup> Haroon-ur-Rashid, *Pakistan The Successful Culmination* (Lahore: Publishers Emporium, 1996).
  - <sup>3</sup> *Pakistan Times*, January 15, 1948.
  - <sup>4</sup> Javed Ahmad Siddiqi, *Nurani Siyasat* (Karachi: Shabbal Publications, 1988).
  - <sup>5</sup> Sadia Akhtar, *Allamah Shah Ahmad Nurani ki Dini wa Ma'ashrati Khidmat ka Jayiza* (Lahore: Idarae Pakistan Shanasi, 2007).
  - <sup>6</sup> Malik Mehbub-ur-Rasul Qadri, *Anwar-i-Raza*. (Joharabad: Anwar-i-Raza Library, 2004).
  - <sup>7</sup> Javed Iqbal Faruqi, Malik Mehbubur Rasul Qadri. *Quaid-i-Tehrik-i-Nizam-i Mstafah: Allamah Shah Ahmad Nurani* (Lahore: Ahmad Javed Publishers, n.d.).
  - <sup>8</sup> Sahibzada Faizur Rasul Raza Nurani, *Afkar-i-Nurani* (Lahore: Maktabah-i-Ahl-i-Sunnat Jamia Nizamiya-i-Rizwiya, n.d.).
  - <sup>9</sup> Sahibzada Faizur Rasul Raza Nurani, *Yadu kay Naqush*. (Lahore: Maktabah-i-Ahl-i-Sunnat Jamia Nizamiya-i-Rizwiya, n.d.).
  - <sup>10</sup> Sayyid Anwar Qudwai, *Allamah Shah Ahmad Nurani: Aik Tarikh Aik 'ahad* (Lahore: Hafiz Publishers, 2004).
  - <sup>11</sup> Mujeeb Ahmad, *Jam 'iyyat 'Ulama-i-Pakistan 1948-1979* (Islamabad: National Institute of Historical and Cultural Research Institute, 1993).
  - <sup>12</sup> Sayyid Muhammad Hafeez Qaisar, *Aik 'alim Aik Siyasatdan* (Karachi: al-Noor Publications, 2001).

## CHAPTER 1

### MAWLANA NOORANI: BIRTH TO NATIONAL ASSEMBLY, 1926-75

#### 1.1 Early Life of Mawlana Noorani

Mawlana Shah Ahmad Noorani was born on April 1, 1926 in Meerut (India). He was the son of a famous religious scholar Mawlana Shah Abdul Aleem Siddiqi (1892-1955). He memorized the Holy Quran by heart at the age of eight. He passed his Matriculation Examination from Meerut and he graduated from the National Arabic College, Meerut. He got his *Dars-i-Nizami (Fazil)* from the Darul-'Ulum-i-Arabiyyah, Meerut. He also got his *Fazil* Degree in Arabic from the Allahabad University.<sup>1</sup>

##### 1.1.1 Mawlana Noorani's Political Activities before Independence

Pakistan Movement was at its peak at the time when he completed his education. He became an active member of the 'National Guards', which used to manage the public gatherings of All India Muslim League.

At the 1945-46 elections<sup>2</sup> when Liaqat Ali Khan (1898-1951) was a candidate for the Central Legislature against the seat of district Muzafar Nagar (Meerut Division), Mawlana Noorani took active part in his election campaign.

The second event of importance where we can trace Noorani's participation in political activities is when the British government enforced the *Zakat* Bill for the Muslims in 1946 according to which *Zakat* was deducted from the Muslims forcefully and used according to British's own choice. This Bill was anti-Muslims and the *Ulama*

all over India agitated against the bill. Mawlana Noorani participated in a meeting held at Madrassa-i-Miskeeniyah Dhorajee Kathiwar on November 13, 1946. He strongly resented the bill and declared it as interference in the religious affairs of the Muslims. He demanded its withdrawal.<sup>3</sup>

## **1.1.2 Mawlana Noorani's Political Career after the creation of Pakistan**

### **1.1.2.1 The Khatm-e-Nubuwwat Movement and Mawlana Noorani**

The Ahmadis or Qadianis<sup>4</sup> believed that Mirza Ghulam Ahmad (1835-1908) was a Prophet or *Nabi*. This belief was termed as blasphemous by the Muslims for having infringed upon the cardinal principle of Islam regarding the finality of Prophethood of Hazrat Muhammad (PBUH). The Ahmadis held prominent positions in government service and also in other professions. Foreign Minister (1947-1954) Zarfarrullah Khan (1893-1985) was a popular member of the sect and, naturally, the main target of the *Ulama* and Ahrar<sup>5</sup> onslaught.<sup>6</sup>

All Parties Conference was convened at Lahore by the *Ulama* on July 13, 1952 in order to discuss the Qadiani issue. This conference was presided over by Syed Sulayman Nadvi (1884-1953). The conference formed a Board for holding a convention. Mawlana Noorani was one of its members. The politico-religious parties of JUP, JUI (Jam'iyat-i-Ulama-i-Islam), JI (Jama'at-i-Islami), TASWJ (Tanzim-e-Ahl-i-Sunnat-wal-Jumat), JASP (Jumat Ahl-i-Sunnat Pakistan), JAH (Jamiyyat Ahli-Hadith), MAHP (Motamar-e-Ahl-i-Hadees Punjab), ITHSP (Idara-e-Tahaffuz-e-Haqooq-i-Shia Punjab), MTKNP (Majlis-e-Tahaffuz-i-Khatm-e-Nubuwwat Punjab), MAI (Majlis-i-Ahrar-i-Islam) and JA (Jamiyat-ul-Arabia) attended the convention. The participants agreed upon three demands

and decided to launch a movement to force the authorities to accept these demands. The demands were as under.

1. The Qadianis should be declared as a non-Muslim minority.
2. Choudhury Zafarullah should be removed from the office of the Foreign Minister.
3. The disciples of this creed should be dismissed from all the key posts.<sup>7</sup>

A convention was then convened and all the parties agreed to these demands. It was followed by processions and public meetings, which called for the acceptance of these demands. Section 144<sup>8</sup> proved ineffective to control the processions. The Punjab Chief Minister (1951-1953), Mumtaz Khan Daultana (1916-1995) who was engaged in a political warfare against Prime Minister (October 1951-April 1953) Khwaja Nazim-ud-Din (1894-1964) on the issue of the report of the Basic Principles Committee<sup>9</sup>, also encouraged the movement. The movement became so forceful that the civil authorities could not control the situation in Punjab.<sup>10</sup> The government imposed Martial law in Lahore on March 6, 1953 and Major General Azam Khan (1910-1994) was appointed as the Martial Law Administrator (MLA). The army fired indiscriminately on the protestors and killed many of them.<sup>11</sup> Most of the *Ulama* were arrested and were trialed in military court. They were sentenced to imprisonment. A separate verdict was issued for the death punishment of Mawlana Maududi<sup>12</sup> and Mawlana Abd-us-Sattar Khan Niazi.<sup>13</sup> Mawlana Noorani, as office Secretary of the JUP, voiced against the apostasy of Qadianism. He presented his arrest voluntarily.<sup>14</sup> The law and order was lastly restored in the city. So on July 21, 1953, Daultana lifted Section 144, prefacing it with a public statement that since the finality of Prophethood was an article of faith for all Muslims, and the issue of declaring Ahmadis a minority should be taken up by the Constituent Assembly.<sup>15</sup>

### 1.1.3 Entry of Mawlana Noorani into Parliamentary Politics

Mawlana Noorani started his political career from the platform of Jam'iyat 'Ulama-i-Pakistan (JUP)<sup>16</sup> in 1953. He remained an active member of the JUP Karachi branch during 1953. When the 6<sup>th</sup> annual conference of the JUP was convened on October 19, 1954 regarding the Day of Hazrat Hussain (R.A), Mawlana Noorani was the office secretary of the JUP Karachi branch at that time. When the One Unit<sup>17</sup> was formed in 1955, Mawlana Noorani was appointed the Senior Vice-President of the JUP (West Pakistan). When General Muhammad Ayub Khan imposed Martial Law on October 7, 1958, all the political parties were banned including the JUP. But when the political parties were restored<sup>18</sup> in 1964, Mawlana Noorani again started the activities from the JUP platform.<sup>19</sup>

Mawlana Noorani struggled for the unification of all the groups into one. On his request Syed Ahmad Qadri (1906-1978), convened a meeting of the leaders of all the groups on April 4, 1970 at Lahore. All of them participated in the meeting. Mawlana Noorani presided over the meeting and persuaded all of them to reunite into the main JUP. In the same meeting, Mehmood Ahmad Rizvi was nominated as Convener and a Committee was formed to compile a constitution and manifesto for the JUP. Mawlana Noorani was appointed the Chairman of the same committee. The same meeting of the JUP decided to make the party stronger and to eradicate all the un-Islamic practices from the country. At the same time the slogans of Communism<sup>20</sup> and Socialism<sup>21</sup> were raised.

The elections of 1970 were approaching. The parties having the Socialist and Communist tendencies were busy in their own campaign. Mawlana Noorani also contested the election from the JUP platform. His main slogan was *Nizam-i-Mustafa*.<sup>22</sup>

Meanwhile General Ayub Khan (1907-1974) handed over the power to General Yahya Khan (19017-1980) who issued a Legal Framework Order on March 30, 1970. In the same order he dissolved the 'One Unit' in West Pakistan; and the principle of parity East and West Pakistan was introduced.<sup>23</sup> It required elected representatives to draft a constitution within 120 days after assuming power. The LFO laid down certain fundamental principles that the National Assembly had to respect in framing a new constitution. These principles were the preservation of independence, territorial integrity, national solidarity of Pakistan and its Islamic Ideology.<sup>24</sup>

On April 19, 1970 a public meeting of the *Majlis-i-'Amal*<sup>25</sup> of the JUP was held in Multan under the chairmanship of Mawlana Ahmad Saeed Kazimi (1913-1986) (*Nazim-i-'Ala* JUP, March 1948-December 1955). Allama Rizvi (Convener of *Majlis-i-'Amal* of the JUP, April 1970-June 1970) presented two important resolutions, which were adopted unanimously. In the first resolution, the convener announced the decision of the *Majlis-i-'Amal* to contest the general election from the platform of the Jam'iyyat 'Ulama-i-Pakistan, for the sole purpose of enforcement of *Shari'at*. The second resolution suggested that Yahya Khan should amend the constitutional laws to give legal validity to the Ideology of Pakistan and Islamic laws. The resolution demanded enactment of all laws according to the teachings of Quran and *Sunnah*, and demanded a Board, consisting of *ulama* and Judges of the Supreme Court, to perform this job.<sup>26</sup>

On May30, 1970, the *Majlis-i-'Amal* met in Lahore to discuss organizational problems. The meeting approved a manifesto. After the approval of manifesto, a largely attended public meeting of the Jam'iyyat was held with Mufti Zafar Ali Noumani (candidate of the JUP for NW-67 Sheikhpura II in the 1970 Elections) in the chair,

which was addressed by Mawlana Sa'adat Ali Qadiri (President of JUP Karachi), Mawlana Shah Ahmad Noorani (candidate of the JUP for NW-134 Karachi VII in the 1970 Elections), Sayyid Sadiq Ali (an *alim* worker of the JUP) and Sahibzada Faizal Hasan (b. 1911) (President of the West Pakistan JUP). Allama Rizvi, while highlighting the main points of the manifesto, pledged to work for the establishment of a social welfare state based on the teachings of Quran and *Sunnah* negating socialism and capitalism.<sup>27</sup> Allama Rizvi also stressed the need for the enforcement of an Islamic constitution, and condemned the regional, ethnic, and class conflicts.<sup>28</sup>

In the meeting of *Majlis-i- 'Amal* of the JUP, which was held in Lahore on July 1, 1970, it was decided to organize the party on district level.<sup>29</sup> On May 18, a meeting of more than 200 *ulama* was held in Karachi, which elected Mawlana Noorani as the Convener of the *Majlis-i- 'Amal* Karachi Division.<sup>30</sup>

On August 9, 1970, in a meeting at Karachi, Mawlana Noorani, in his speech, said that the future constitution would not be based on ideas imported from USA, China or USSR, but on those 'imported' from Medina.<sup>31</sup> The Sindhi leaders of the JUP during their election campaign avoided using Jam'iyat's platform against any religious party. But the leaders of the Punjab JUP repeatedly spoke against the religious parties, focusing on Jama'at- i-Islami Pakistan (JIP) and its *Amir*. Mawlana Ghulam Ali Okarvi who was contesting the election against a JIP candidate from Sahiwal-IV they vehemently criticized the Jama'at. So in the Karachi Conference, Mawlana Noorani tried his best not to give a chance to Mawlana Okarvi to speak, but he managed to address the gathering.<sup>32</sup> In his speech, Mawlana Okarvi said that Islam was a complete code of life and that it

would be sheer nonsense to compare the works of Karl Marx (1818-83) and Lenin (1870-1924) with those of Allah.<sup>33</sup>

The Karachi Sunni Conference and gatherings of Karachi Sunni *Ulama* in several resolutions demanded the proper coverage of the Jam'iyat election campaign on Radio and Television. The moot also demanded solution of the economic problems of the working class. It also demanded that due to the floods in East Pakistan, elections should be postponed till January 1971 and that elections must be held under the supervision of the Army.<sup>34</sup>

The Sunni Conferences were held in all the provinces of Pakistan. All of the JUP leaders in common and Khwaja Muhammad Qamaruddin Sialvi (1906-81), one of the JUP leaders, in particular demanded the enforcement of an Islamic constitution by the President. They offered that if the President enforced an Islamic constitution through a Martial Law Ordinance, the JUP would withdraw all its candidates.<sup>35</sup> They warned the people that USA and USSR wanted to dismember Pakistan to make it part of India and establish their bases in this region against China.<sup>36</sup> All of them explained the JUP objectives in their own way. For example, Allama Mahmud Ahmad Rizvi, while addressing a public meeting in the suburb of Lahore, said that if the elections failed to bring about an Islamic system his party would bring an Islamic revolution in the country. He strongly criticized the Six-Points<sup>37</sup> of Sheikh Mujeeb-ur-Rehman<sup>38</sup> and claimed that those were dictated by India and USA to dismember Pakistan.<sup>39</sup> Sahibzada Faizal Hassan, in his address to the Kamalia Sunni Conference, said that an Islamic constitution could be enacted within twelve hours and that there was no need of 120 days long session of the Constituent Assembly of Pakistan.<sup>40</sup>

## **1.2 1970 Elections and Jam'iyyat 'Ulama-i-Pakistan**

At first, the date of elections was October 5, 1970, but the elections were postponed by two months, due to heavy floods in East Pakistan in August and now to be held in December 1970. The elections were held on December 7, 1970, for the National Assembly, and December 17, 1970, for the Provincial assemblies. The JUP contested the elections for the National Assembly from NWFP, Punjab and Sindh, and for the Provincial assemblies of Punjab and Sindh. It put up fifty candidates for National Assembly seats. Out of these 01 was put up from NWFP, 08 from Sindh and 41 from Punjab. According to the election results, only 7 JUP candidates won National Assembly seats, which included 4 from Punjab and 3 from Sindh. While in the provincial assemblies 4 of its candidates remained successful for the Punjab Assembly and 7 for Sindh Assembly.<sup>41</sup>

### **1.2.1 Mawlana Noorani as the leader of the JUP's Parliamentary Party**

Mawlana Shah Ahmad Noorani started his parliamentary career with the Jam'iyyat 'Ulama-i-Pakistan (JUP) which won 7 seats in the National Assembly of Pakistan during the 1970 elections. He was one of the seven successful candidates from Sindh. He was elected from Karachi in the constituency NW-134 Karachi VII.<sup>42</sup> Names of other successful candidates along with their constituencies were; Allama Abdul Mustafa al-Azhari (1916-1989) (NW-128 Karachi I), Mawlana Sayyid Muhammad Ali Rizvi (NW-118 Hyderabad I), Mawlana Muhammad Zakir (1903-1976) (NW-47 Jhang II), Mehar Ghulam Haider Bharwana (NW-46 Jhang I), Sahibzada Nazir Sultan (NW-48 Jhang III) and Mian Muhammad Ibrahim Barq (NW-92 Muzaffargarh III).<sup>43</sup>

On January 25, 1971, the JUP central working committee held its first meeting in Lahore after the 1970 elections with Khwaja Muhammad Qamaruddin Sialvi (President of the JUP since June 1970-July 1972) in the chair. The working committee elected Mawlana Shah Ahmad Noorani as the leader of the JUP's Parliamentary Party and Allama Abdul Mustafa al-Azhari as deputy leader. Mawlana Noorani made it clear that the JUP would never accept any constitution based on principles repugnant to the Quran and *Sunnah*.<sup>44</sup> The General Council of the JUP, which met in Sargodha on March 27, 1972, threatened that the JUP would launch a movement if the interim constitution were not based on the teachings of the Quran and *Sunnah*. Mawlana Noorani, while addressing a public meeting at Karachi, demanded that the interim constitution should solely be based on the Quran and *Sunnah*.<sup>45</sup>

Mawlana Noorani took the oath and signed the Roll of Members on April 14, 1972.<sup>46</sup> When vote of confidence in Mr. Zulfikar Ali Bhutto as President of Pakistan was adopted in the National Assembly of Pakistan on that very first day Mawlana Noorani pointed out the unsuccessful efforts of the Constituent Assembly to frame a constitution for the country during the last 25 years. He assured the House about his cooperation in the formation of a new constitution.<sup>47</sup>

### **1.3 Enactment of the Interim Constitution 1972 and Mawlana Noorani**

As a first step to constitution-making the Bhutto government, presented a draft Interim Constitution on April 11, 1972. Mawlana Noorani, in a press conference, announced that the opposition parties along with the JUP had decided to vote against the constitution of Martial Law and the Interim Constitution. They also decided to work for the introduction of an Islamic constitution and the supremacy of democracy. After taking unanimous vote

of confidence from the National Assembly, Bhutto presented the Interim Constitution on April 14, which the National Assembly approved on April 17. A twenty-five-member committee<sup>48</sup> was entrusted with the task of preparing the draft of the permanent constitution. Mawlana Noorani represented the JUP on this committee.<sup>49</sup>

Mawlana Noorani, on April 14, 1972, addressing the inaugural session of the National Assembly welcomed the decision to lift Martial Law. He urged the President to prepare a constitution based on the teachings of Holy Quran and *Sunnah* and on the twenty-two points<sup>50</sup> of the *ulama*.<sup>51</sup>

On April 15, 1972, Mawlana Noorani alleged that all the provisions of the Martial Law Regulations<sup>52</sup> had been present in the interim constitution. Referring to its Islamic provisions, he observed that no time limit had been laid down for the elimination of un-Islamic provisions. He criticized the government for not banning liquor, music, dancing, nightclubs and gambling. Mawlana Noorani observed that the Interim Constitution would be acceptable to the JUP only if its un-Islamic provisions are omitted.<sup>53</sup>

Mawlana Noorani actively participated in the discussions of the constituent committee. In cooperation with other parties, he presented more than 200 amendments (Many of those are given in the text of the entire chapters) in the draft constitution of 1973.<sup>54</sup>

#### **1.4 The Constitutional Accord 1972 and Mawlana Noorani**

All the opposition parties had representation in the twenty-five-member committee formed by the PPP government. All of the members presented their own suggestions. Bhutto and opposition parties' leaders held talks in that regard. Mawlana Noorani of the JUP informed him about his constitutional proposals in detail and convinced Bhutto

about his suggestions.<sup>55</sup> Bhutto also could not find any problem in accepting constitutional proposals of Mawlana Noorani. An agreement was reached upon and in the light of the said agreement a “Constitutional Accord” was signed between the PPP and opposition parties on October 20, 1972.<sup>56</sup>

10 leaders of the seven parliamentary parties signed the accord. The leaders of the parties who signed the accord on the behalf of their parties were: Zulfikar Ali Bhutto, the President of Pakistan and Chairman of the PPP, Mawlana Shah Ahmad Noorani, Member of National Assembly (JUP), Sardar Shaukat Hayat Khan (b. 1915), MNA Council Muslim League (CML), Abdul Qayyum Khan (1901-1981), MNA Qayyum Muslim League (QML), Sher Baz Mazari (b. 1930), MNA (Independent), Major-General Jamaldar Khan (b. 1908), MNA (FATA), Arbab Sikandar Khan Khalil (1911-1982), Member of Provincial Assembly, National Awami Party (NAP); Governor, NWFP, Ghaus Bakhsh Bizenjo (1917-1989), MNA (NAP), Mawlana Mufti Mahmud (1919-1980), MNA (JUI), Chief Minister, NWFP and Professor Ghafoor Ahmad (b. 1927), MNA (JI).<sup>57</sup>

The following decisions were taken in the accord unanimously:

- (1) Federal parliamentary system of government will be adopted.
- (2) President would be head of the state. The chief executive shall be the Prime Minister. The President shall act on the advice of the Prime Minister in all matters; advice shall be binding on him in all respects.
- (3) National Assembly would elect Prime Minister who shall be called upon by the President to form the government.

(4) Prime Minister was authorized to dissolve National Assembly at any time, even during the pendency of a motion for a vote of no confidence against him.

A) A vote of no confidence shall not be moved against the Prime Minister, unless by the same resolution the name of another member of the Assembly is proposed at his successor.

B) A vote of no confidence shall not be moved during the budget session.

C) Once a vote of no confidence is defeated; a subsequent vote of no confidence shall not be moved for a period of at least six months.

D) For a period of 15 years, or three general elections hereafter, whichever is longer, a vote of no confidence shall be deemed to have failed unless passed by a majority of not less than two-thirds of the total membership of the National Assembly.

(6) There shall be separation of powers and the powers shall not be vested in the Prime Minister's hands so much so to make him a dictator.

(7) The Prime Minister shall be a member of the National Assembly. Other Ministers may be from either the National Assembly or the Senate, provided that the number of Ministers from the Senate does not exceed one-fourth of the total number of the Cabinet.<sup>58</sup>

#### **1.4.1 Two Houses**

(1) There shall be a national Parliament consisting of two Houses, namely, the National Assembly (the Lower House) and the Senate (the Upper House); where the National Assembly shall consist of 200 members elected by direct adult franchise. Allocation of seats in the National Assembly to the provinces, the centrally administered tribal areas

and the federal capital area shall be on population basis, and shall be regulated by an organic federal law.

(2) The Senate shall consist of 60 members. Each province shall be allocated 14 seats to the Senate. The two seats shall be allocated to the federal capital area, and two seats shall be allocated to the centrally administered tribal areas. The members of the provincial legislature of that province, exercising a single transferable vote, so as to ensure proportionate representation in the Senate of the parties in the respective Provincial Assemblies, shall elect the members of the Senate from the four provinces.<sup>59</sup>

#### **1.4.1.1 Division of Powers**

It was agreed upon that there should be two legislative lists namely, the Federal List and the Concurrent List. Residuary powers of legislation shall vest in the provinces.

(1) Federal List shall consist of the defense, external affairs, currency, posts and telegraphs, Federal Public Services and Federal Public Service Commission, Federal pensions, libraries and museums.

(2) The Concurrent List shall comprise the subjects like criminal law; preventive detention;<sup>60</sup> criminal procedure, including all matters included in the Code of Criminal Procedure; evidence and oaths; marriage and divorce; transfer of property; trusts and trustees; contracts; arbitration; bankruptcy and insolvency; actionable wrongs; offences against laws; legal, medical and other professions; newspapers, books and printing presses, welfare of labors, pensions, employment, insurance, trade unions, electricity, *Zakat*, Islamic education; ancient and historical monuments, explosives, tourism, evacuee property, education, population planning and environmental pollution etc.<sup>61</sup>

#### **1.4.1.2 Money Bills**

It was agreed upon in the accord that all money Bills shall originate in and be passed by the National Assembly. The Senate shall have no say in the matter. In other Bills relating to matters on the Federal List, the Senate shall only have recommendatory and delaying powers. But the final decision will rest with the National Assembly. In respect of the items mentioned above, so also matters on the Concurrent List, in the event of difference of opinion between the National Assembly and the Senate there shall be a joint session of the Parliament where the Bill shall be voted upon and passed by a majority of the members of the Parliament present and voting. The Senate shall not enjoy any administrative or supervisory powers.<sup>62</sup>

#### **1.4.1.3 Islamization and Fundamental Rights**

The Islamic provisions agreed upon to be included in the future constitution were:

(1) The oath of office of the President shall be amended to include a declaration with appropriate text that he is a Muslim.

(2) In the introductory chapter of the Constitution it shall be stated that Islam is the State religion of Pakistan and all the laws should confirm to Quran and *Sunnah*.

(3) No law shall be repugnant to the injunctions of Islam and laid down in the Quran and *Sunnah* and existing law shall be brought in conformity with such injunctions.

(4) Council of Islamic Ideology shall be constituted in a manner that it may pave way for the positive implementation of the teachings of Islam.

(5) The fundamental rights will be safeguarded and all the black laws of Martial Law will be eliminated.

(6) The Republic shall be styled as the Islamic Republic of Pakistan.<sup>63</sup> Constitution would incorporate provisions regarding Islam and fundamental rights.<sup>64</sup>

#### **1.4.1.4 General Terms of the Accord**

There were many other terms and conditions of the Constitutional Accord which included the details about the qualifying age for the membership of the National and Provincial Assemblies and Senate, election of the President, Council of Common Interest, terms and conditions of service, National Planning and National Economic co-ordination, the federal ombudsmen, census, emigration and expulsion from Pakistan, port quarantine, import and export across customs frontiers, Railways, maritime shipping and navigation, foreign-exchange, mineral oil and natural gas, corporations, development of industries, the law of insurance, State Bank of Pakistan, elections of the offices of the President and Vice-President (if any), to the National Assembly, the Senate and the Provincial Assemblies, Chief Election Commissioner and Election Commissions, offences against laws, duties of customs and excise, taxes on income and corporations, state lotteries etc.

It was agreed upon that a Bill for amending the Constitution should require to be passed by two-thirds of the MNAs and a simple majority of the Senate. The judiciary and Election Commission shall be independent of the executive; and the fundamental rights shall be guaranteed and proper safeguard shall be provided against preventive detention.<sup>65</sup>

After signing the "Constitutional Accord", Mawlana Noorani said, "Today we have reached an important mile stone in the history of our nation."<sup>66</sup> Mawlana Noorani thanked God for this unanimous agreement and hoped that Pakistan will have a constitution, which will be in accordance with the wishes of the people.<sup>67</sup>

## **1.4.2 The Draft Constitution presented by the Government**

On December 31, 1972, Abdul Hafeez Pirzada (Minister for the Law and Parliamentary Affairs) presented before the National Assembly the draft Constitution of the Islamic Republic of Pakistan. The draft Constitution comprised 278 Articles.<sup>68</sup> The draft Constitution envisaged the following features:

### **1.4.2.1 National Language**

The draft provided that the national language of Pakistan will be Urdu and arrangements shall be made for its being used for official and other purposes within 15 years from the commencing day. Subject to this provision, English may be used for official purposes until government makes arrangements for its replacement.<sup>69</sup>

### **1.4.2.2 State Religion**

A new article declaring that Islam shall be the State religion of Pakistan had been included in the draft. Another new provision regarding high treason had been introduced to guard against any possibility in the future of the Constitution being abrogated by any person.<sup>70</sup>

### **1.4.2.3 Fundamental Rights**

Abdul Hafeez Pirzada (Minister for Law and Parliamentary Affairs) said that all the fundamental rights given in the previous Constitutions have been continued. Civil liberties and rights of property were added newly. Preventive detention was safeguarded. That if a person who was detained under any preventive law on the accusation that he was a threat to public order could not be detained for more than eight months in twenty-four months and in other cases such as Security of Pakistan or threat to the integrity of

Pakistan he can not be detained for more than one year in a period of twenty-four months.<sup>71</sup>

#### **1.4.2.4 Prime Minister**

The draft Constitution provided that the Federation<sup>72</sup> would have a Prime Minister to be elected by the majority of the total membership of the National Assembly. He will appoint the Federal Ministers and Ministers of State from amongst the members. However, a person who was not a member of the Parliament might be appointed a Federal Minister or a Minister of State, but a person so appointed would have to get himself elected as a member within a period of six months.

Each province would have a Governor to be appointed by the President. No person would qualify to be appointed as a Governor unless he qualified to be elected as a member of the National Assembly.<sup>73</sup>

#### **1.4.2.5 Obligations**

The rights of the individuals were to be dealt with in accordance with law. Loyalty to the State and the Constitution had been made a basic duty of every citizen. Similarly obedience to law had been described as the basic obligation of every citizen in Pakistan. As safeguard against abrogation or attempt to abrogate the Constitution, a provision said: "Any person who abrogates or attempts or conspires to abrogate, subverts or attempts or conspires to subvert the Constitution by use of force or show of force or by other unconstitutional means, shall be guilty of high treason." With regard to Emergency, a new provision had been made in the draft Constitution that all proclamations shall be laid before the Parliament, and shall be subject to its approval from time to time.<sup>74</sup>

#### **1.4.2.6 Provinces**

The chapter in respect of administrative relations between the Federation and the provinces provided that the President might direct the Governor of any province to discharge as his agent either generally or in any particular matter, such functions relating to such areas in the federation which were not included in any province as might be specified in the direction. The executive authority of every province was to be so exercised as to secure compliance with federal laws, which applied in that province. The federation had been made duty-bound to protect every province against external aggression and internal disturbances, and to ensure that governance of every province was carried on in accordance with the provisions of the Constitution.<sup>75</sup>

#### **1.4.2.7 Islamic Council**

The draft Constitution also provided for the formation of Council of Islamic Ideology to be known as the Islamic Council to give religious opinion to the Government or Assemblies about laws. The President would constitute the Council within 90 days of the commencement of the Constitution. It would consist of such members being not less than eight and not more than 15 as the President may appoint from amongst persons having knowledge of the principles and philosophy of Islam as enunciated in the Quran and *Sunnah*, or understanding of the economic, political, legal or administrative problems of Pakistan. While appointing the members due regard would be paid by the President to ensure that various schools of thought would be adequately represented in the Council. The functions of the Islamic Council included:

(a) To make recommendation to the Parliament and the Provincial Assemblies as to the ways and means of enabling and encouraging the Muslims of Pakistan to order

their lives individually and collectively in all respects in accordance with the principles and concepts of Islam as enunciated in the Quran and *Sunnah*;

(b) To advise a House of Parliament, a Provincial Assembly the President or a Governor on any question referred to the Council as to whether a proposed law was or was not repugnant to the injunctions of Islam;

(c) To make recommendations as to the measures for bringing existing laws into conformity with the injunctions of Islam, and the stages by which such measures should be brought into effect, and

(d) To compile in a suitable form, for the guidance of the Parliament and the Provincial Assemblies, such injunctions of Islam as can be given legislative effect.<sup>76</sup>

#### **1.4.2.8 Amendments**

The draft gave equal powers to the Senate in the procedure for Constitutional amendments. A Bill to amend the Constitution would originate in the National Assembly, and after its passage by at least two-thirds majority of the total membership, would be transmitted to the Senate. If the Senate by majority of the total membership would pass the Bill, it would be presented to the President for assent. If the Senate with amendments would pass the Bill, the National Assembly would reconsider it. If the amended Bill was passed by the Assembly by not less than two-thirds majority of total membership, it would be presented to the President for assent.<sup>77</sup>

If the Senate did not pass the Bill within 90 days from the day of receipt, it would be deemed to have rejected by the Senate. The President had to assent to the Bill within seven days of its presentation, and if he failed to do so, he would be deemed to have

assented to it at the expiration of that period. After the Presidential assent the Bill would become an Act of the Parliament and the Constitution would stand amended.<sup>78</sup>

A Bill to amend the Constitution, which would have the effect of altering the limits of a province, would not be passed by the National Assembly unless it had been approved by a resolution of the Provincial Assembly of that province passed by not less than two-thirds of its total membership.<sup>79</sup>

#### **1.4.2.9 Principles of Policy**

Abdul Hafeez Pirzada (Minister for Law and Parliamentary Affairs) presenting the draft Constitution in the House, assured that every year it should be the duty of the President in respect of affairs of the Federation and in respect of the provincial spheres, it should be the duty of the Governor of the province concerned to lay before the National Assembly or Parliament and the Provincial Assembly respectively, as the case might be, a full report as to how objective principles of policy had been implemented and it had been provided as a substantive clause that every State organ, every organ of the Executive should be bound to give full effect to the State Principles of Policy.<sup>80</sup>

#### **1.4.3 Mawlana Noorani Note of Dissent over the Draft Constitution**

After the constitutional accord it was expected that the constitution would be undisputed. But when the draft constitution was prepared by the PPP, the constitutional accord between the government and opposition was violated. The government hampered the trust. Mawlana Noorani declared this violation as going back by the government on its words. The government blamed the opposition that they were not taking interest in the constitution making.<sup>81</sup> Mawlana Noorani was astonished to see that the formula made and agreed upon by the opposition parties was violated badly. The rulers had ignored the true

draft of the constitution in order to protect their desires for power. Each and every Islamic and democratic clause was vanished. According to him the Constitutional Accord could not be a complete constitution but the blame of the ruling party was unjust to say that the opposition parties were not interested in the constitution making process. He responded that his interest was apparent from the fact that he personally presented more than 200 amendments to the draft constitution during the constitution committee proceedings. After the accord it was the duty of the government to insert the Islamic clauses in the constitution. If there would be no Islam in the country then there was no question of the creation of Pakistan. The constitutional guarantee should be given to all the Islamic clauses.<sup>82</sup> Mawlana Noorani while answering a question during an interview said that Islam was ever used for gaining political ends. Islam was used for instigating the public and to play with their emotions. It was compromised in the constitutional accord that Islam would be made the state religion of the country and no law would be made repugnant to the teachings of the Quran and *Sunnah*. But it was astonishing that no guarantee was given in the constitution to Islamize all those laws, which were repugnant to the Islamic values.<sup>83</sup>

Mawlana Noorani regretted over the draft Constitution and said that in spite of the best efforts made during the deliberations of the Constitution Committee, the proposed draft Constitution was disappointing from the points of view of Islamic provisions, fundamental rights, independent judiciary, free and impartial elections, economic and social justice and parliamentary democracy.<sup>84</sup>

#### **1.4.4 Mawlana Noorani Comments on the Draft Constitution**

Mawlana said, “The constitution which was going to be framed, if framed on the basis of different nationalities then it would lead us towards destruction”.<sup>85</sup> Propaganda was being made that the Constitution was an Islamic one. It would be Islamic if the Quranic injunctions were incorporated. But surely it was not the case.<sup>86</sup> In his note of dissent Mawlana Noorani declared that Article-2 of the draft provided that Islam shall be the State religion of Pakistan, demanded that laws in Pakistan should conform to the Quran and *Sunnah*. He therefore proposed that a constitutional provision should be made that any law in contrast to Islam should be ultra-vires.<sup>87</sup>

##### **1.4.4.1 Mawlana on the proposed Executive and Judiciary of the Draft Constitution**

Mawlana Noorani condemned the strange features of the draft constitution concerning the Prime Minister and demanded its correction. The Prime Minister was made a dictator by vesting all powers in his hands. All the powers started and ended in the Prime Minister. The parliamentary system was based on the principle of separation of powers where the executive and judiciary executed separately. These institutions worked just for the integrity of the country and were independent of one another. The separation of powers agreed upon at accord was not completely incorporated. The Prime Minister was made dictator through extraordinary powers in his hands and it would seem that an owl was sitting on every branch. So it was necessary to separate the judiciary completely from the executive. Proper amendments should be made in the constitution in that connection.<sup>88</sup>

##### **1.4.4.2 Mawlana about the Martial Law Regulations in Draft Constitution**

Mawlana Noorani drew the attention of the other parliamentarians to the “Martial Law Regulations”. He made it clear that the constitution would be showed to the world in its

democratic shape hiding the black laws of Martial Law. The preventive detention was safeguarded in the draft constitution. Mawlana Noorani was against the bureaucracy indulgence in the politics. He strongly opposed the black laws of the constitution and demanded to consider the amendments made by him and his Party. He aspired that we were supposed to make such a constitution, which would not be defended by the National Assembly but by the residents of the country.<sup>89</sup>

So from the above study one can easily conclude that the government was not true to its words as shown in the accord. There was no proper way for the Islamization of the society in its true sense. The clauses of the draft constitution nominally declare to Islamize the society. No practical steps were there to be followed in that regard. There seemed to be loopholes in the true parliamentary democracy. Fundamental rights were not safeguarded as was promised in the accord. Instead the black laws of preventive detention were incorporated into the draft.

#### **1.4.5 Government's Bill for Approval of the Draft Constitution**

On February 2, 1973, Abdul Hafeez Pirzada moved for leave to introduce a Bill to provide a Constitution for the Islamic Republic of Pakistan. He hoped for constructive amendments from the Members of the House and assured that weighting would be given to the Members' viewpoints.<sup>90</sup> The National Assembly of Pakistan (Constitution-making) again met in the Assembly Chamber, Islamabad on March 6, 1973 for the approval of the draft constitution.<sup>91</sup>

Mawlana Noorani through his speech went into the past and said that Pakistan had come into existence after many sacrifices. One million Muslims were martyred and thousands of Muslim women were raped. These sacrifices were rendered for the sake of a

TH-8435

land where the law of Allah and His Prophet Muhammad (PBUH) would be prospered. This country had not come into being by the sacrifices of its people as Punjabis, Baluchis, Sindhis or Pathans rather they were a single nation of the greatest spiritual bond, which was Islam. Some people related the Muslim nation with twenty five hundred or five thousand ancient cultures and civilization. There was no space for Mohenjodaro civilization in Islam. Our culture and civilization is based only on the footings of Islam.<sup>92</sup>

Mawlana Noorani said that the people were mistaken to consider that Quaid-e-Azam fought for freedom on the base of Two-Nation theory and that Allama Iqbal founded the Muslim nation. Both of them fought on the basis of Islam, as they knew that nations were built up only on the basis of religion and not upon the culture or civilization. Nobody, within and outside the parliament should be proud to be Sindhi, Baluchi, Punjabi or Pathan. All of us should be proud to be the Muslims. According to the Quran all of us are Muslims.<sup>93</sup>

### **1.5 The United Democratic Front for Constitution and Noorani**

The government anti-opposition policy had created discontentment within the opposition circles. Nobody could oppose the government. Many opposition leaders went into refuge while many were compelled to stand by the government. For example, Mumtaz Daulatana was made the ambassador and went to England. The government allied Khan Abdul Qayyum Khan. Even the three members namely Mehar Ghulam Haider Bharwana, Sahibzada Nazir Sultan and Mian Muhammad Ibrahim Barq also left the JUP. Initially the opposition leader, Shaukat Hayat Khan was the head of the Muslim League. He was leading the eleven members of his party but soon this number decreased to only one. The opposition bench decreased rapidly and a new opposition was to be made. The toss

favoured Khan Abdul Wali Khan as he was leading more members in the opposition benches. So ten members of the Muslim League and three from the JUP had left their parties and had joined hands with the government for power.<sup>94</sup>

All the opposition parties were united against the undemocratic measures of Bhutto. However the leaders of the opposition parties held a meeting at Rawalpindi on March 13, 1973, under the chairmanship of Pir Mardan Shah of Pagara. They decided to set up the United Democratic Front (UDF).<sup>95</sup> Mawlana Noorani was nominated as the Chairman of the Coordinating Committee of the UDF.<sup>96</sup> The UDF was composed of the NAP, PML, JUI, JUP, JI, Khaksar Tahrik (KT) and Pakistan Jamhoori Party (PJP). Apart from these parties some independent members were also there.<sup>97</sup> Ten members committee was formed in its meeting so that important amendments to the constitution should be suggested.

### **1.5.1 Agenda of the United Democratic Front**

The United Democratic Front issued a twelve point's press note. A summary of the points was: the protection of Pakistan solidarity; approval of an Islamic, democratic, federal and parliamentary constitution; restoration of fundamental rights; eradication of exploitation and aggression; guarantee for the provincial autonomy; support of the peasants, workers and students; following the positive politics; united struggle for the termination of the ideological conspiracies; stunt against the dictatorship and efforts for the quick return of the POWs of the East Pakistan crisis.<sup>98</sup>

### **1.5.2 Mass-Contact Campaign of Mawlana Noorani and Government's Reaction**

Mawlana Noorani, as an in charge of the coordinating committee, started tour of the whole country in order to impose Islamic system and eradicate the 'dictatorship' in the

country for bringing Islamic democratic style.<sup>99</sup> He made the programs for public meetings and the first show of public power appeared in the shape of public gathering in Peshawar, which was successful. Apart from the Peshawar gatherings, the meetings at Quetta and Hyderabad were also remarkable.<sup>100</sup>

The government tried to fail the contact campaign of the opposition but that effort was also unsuccessful. It used the traditional tactics to sabotage the next programs of the opposition. The loud speakers were destroyed and the security forces used 'lathy charge' over the public. Bullets were also fired at the processions. While on the other hand the police arrested the administrators and workers of the processions in the name of peace. The arrested workers were tortured in jails. Even the permits of their public gatherings were cancelled.<sup>101</sup>

Mawlana Noorani was stopped on his way at Rohri from Karachi to Multan and was delayed so much so that the time of the meeting was over. The people gathered at the station to receive Mawlana Noorani. As soon as he reached Multan, he started his speech just at the railway station. The local police stopped him from his speech and showed the orders that he could not address the gatherings any where at Multan. So in this way the meetings of the UDF were finished by force. But Mawlana Noorani kept up the public contact in the name of religious gatherings at *Urs* of the saints and informed the mass about the dictatorial mind of the government.<sup>102</sup>

Addressing the people at Sadiqabad, Mawlana Noorani said, "The present government is making fun of the democracy and freedom of writing and expression. The hooliganism and luxury has increased. The opposition is stoned and 'lathy charged'. The hooligans are encouraged and they have been kept above the law. "No such example of

barbarity over the workers in the twenty-five years history can be found as during this government. How such a head of the government can be regarded as the *Quid-e-Awam*? The contact and relation between the government and public is broken.”<sup>103</sup>

### **1.5.3 Charter of Demand of the United Democratic Front and Bhutto Government**

The constitutional committee of the UDF presented the charter of demand before the Bhutto Government on March 16, 1973.<sup>104</sup> It consisted of the points regarding the independence of judiciary, establishing the Election Commission, fundamental rights and the powers of the Prime Minister. Bhutto did not consider the said points to be suitable for the constitution. So the leadership of the UDF decided to hold a procession in Rawalpindi on March 23, 1973.<sup>105</sup> The government dispersed the gathering with cruelty. As a result of this more than a dozen people were killed and many wounded. The leadership of the UDF decided to boycott the next session of the National Assembly. However Bhutto invited the opposition on April 2, 1973 for the sake of national consensus. Bhutto agreed with some of the demands of the opposition and also invited them to participate the Assembly session on April 7. But the UDF decided to boycott that session.<sup>106</sup> But when Bhutto accepted some more amendments at the final round of the talks, the UDF decided to attend the session.<sup>107</sup>

### **1.5.4 Voting over the Draft Constitution in the Parliament**

On April 10, 1973, voting within the National Assembly was held in order to know how many opposition leaders were against the draft constitution.<sup>108</sup> Before holding the voting on the constitution, the UDF leaders met at Islamabad in which most of the party leaders suggested to vote in favor of the constitution. But Mawlana Noorani was of the opinion that PPP had gone against the Constitutional Accord and the Islamic clauses included in

the constitution were not satisfactory, therefore the JUP members would not vote in favor of the constitution.<sup>109</sup> When the voting over the constitution took place, Mawlana Noorani, Allama Abdul Mustafa Al-azhari (1918-1989), Sayyid Muhammad Ali Rizvi (b. 1916) and Mawlana Muhammad Zakir (1904-1976) did not take part. Other opposition leaders of the Parliament like Mir Bakhsh Bezanjo, Abdul Wali Khan (1917-2006) and Professor Ghafoor Ahmad tried their best to convince Mawlana Noorani but he did not vote. Mehmood Ali Qasoori (1910-1987) and Ahmad Raza Qasoori of Tahrik-i-Istiqlal (TI) and one member of the PPP, Mir Ali Ahmad Talpur (1915-1987), also voted against the constitution.<sup>110</sup>

When a journalist asked Mawlana Noorani that being the joint secretary of the UDF, why did not vote in favor of the constitution although the opposition voted in its favor? He answered, "I do not consider the Articles of the constitution completely Islamic and my party is also of the same opinion. He had decided in the meeting of the UDF that every person having any opinion individually about the constitution should express it. Therefore there was no question of differences with the coordinating committee or the opposition. The coordinating committee had permitted the whole members of the opposition to vote according to their own conscience."<sup>111</sup> Mawlana Noorani in a press meeting at Karachi informed the journalists that during the preparation of the constitution the leaders of the JUP were offered the ministries at Center and Sindh but we rejected the offer for the sake of democracy and Islam.<sup>112</sup>

Mawlana Noorani said that how could he call such a constitution an Islamic one for which nine years period was specified to Islamize it completely? The government

itself had 'confessed' that after the said period the constitution would be made according to the Quran and *Sunnah*.<sup>113</sup>

## **1.6 The 1973 Original Constitution and Mawlana Noorani**

Consequently the permanent constitution of Pakistan was approved on April 10, 1973, which was implemented on August 14, 1973.<sup>114</sup> Although the 1973 Constitution cannot be regarded as an Islamic one completely but due to the efforts of Mawlana Noorani and other *ulama* some Islamic clauses were included in this Constitution. The Islamic clauses, which were made part of, the 1973 Constitution due to the amendments of Mawlana Noorani, are as under:

1. Islam will be the State religion.
2. No law will be made repugnant to the Quran and *Sunnah*. Already existing laws will be brought in accordance to Quran and *Sunnah*.
3. Forming the Islamic Ideology Council within 90 days of the implementation of the Constitution will be compulsory. The Chairman of the Council will be appointed from the two judges of the Supreme Court or the High Court, who will be the members of the Council.
4. 2/5<sup>th</sup> of the minority of the Provincial or Central Assembly will be able to send any law under consideration to the Islamic Ideology Council. (At first this right was given to the majority)
5. If a bill was passed in a hurry on necessary basis and later on the Council gives the opinion that it was against the Quran and *Sunnah*, then the revision will be compulsory.<sup>115</sup>

## **1.7 Mawlana's Amendment for individuals' Fundamental Rights**

Mawlana Noorani moved this amendment before the House on March 12, 1973 in the Article-4. The amendment was: If a person or a part of the country is harmed he should have the right to knock at the door of the Supreme Court. This is his fundamental right.<sup>116</sup>

If that fundamental right was suspended any time then there was no law for the person or institution to knock at the door of the Supreme Court. So Mawlana Noorani was the first person to safeguard the fundamental right of the citizens in this respect.<sup>117</sup>

Another amendment moved by Mawlana Noorani in that regard was: -

That after clause (2) of Article 4 of the Constitution Bill the following clauses be added namely: -

(3) The law shall not prejudice any vested rights, any judicial act accomplished or any adjudicatory matter.

(4) The law shall not exclude any injury to individual rights from consideration by the judicial power.<sup>118</sup>

Although these amendments of Mawlana Noorani were rejected by the majority Members sitting in the House but he fulfilled his duty by raising a voice in the Parliament for the constitutional rights of the nation.<sup>119</sup>

### **1.7.1 Amendment to the Constitution for Employment of citizens**

Mawlana Noorani moved an amendment to the constitution for the employment of every able citizen of Pakistan. The amendment was: -

That Article 8 of the Constitution Bill be re-numbered as clause (1) of that Article and the following be added thereafter, namely: -

(2) Every able bodied citizen of eighteen years and above shall be entitled to demand from the State work within a reasonable distance of his place of residence and it shall be the duty of the State to provide work to such a person commensurate with his education and skill and if the State for any reason is unable to do so, he shall be paid a maintenance allowance till such time as the remunerative work is provided for him.<sup>120</sup>

The amendment moved by Mawlana Noorani was regarding Article 8 of the Constitution and at last stood part of the Act.<sup>121</sup>

### **1.7.2 Amendment for the Removal of Preventive Detention**

Mawlana Noorani made it clear that there was no liberty of individuals as long as Preventive Detention had been protected in the Constitution Bill. According to the law every person could be sent to jail for eight months within two years whether he was arrested on the basis of law and order situation or without any reason. The Islamic principle of equity and justice had been crushed under the feet. If we had a glance over the constitutions in the world it would be clear that there was nothing more important than the freedom of individuals. The examples of the powers of the British Prime Minister were being presented on the floor. But if those powers were vested in his Pakistani counterpart he would become a dictator. Their constitution was the result of hundreds years of democratic experience. The press in England was free. If somebody wished to publish a newspaper he did not need the permission of the government there. Here everything was in the hands of the government. The journalists were not free to write independently. Mawlana Noorani presented a very vivid position on restrictions of press in Pakistan, which is true even today. He declared:

Here the press is free but the editor is imprisoned. The press is free but the newspaper is banned. The press is free but it is sealed. Everything is free but in chains. This is the atmosphere where slavery is flourished and black laws of the press rules and the people are growing under such circumstances...this is the constitution which is termed as an Islamic one.<sup>122</sup>

Mawlana Noorani strongly criticized the clauses in Article 9, which were in favor of the Preventive Detention. He made it clear that there were no such clauses in the constitution of any civilized country. If a person were arrested on the basis of involvement in any crime, there was already a space for his penalty within Pakistan Penal Code, Criminal Law. The government could arrest such a person under the said code and investigations could be made within 24 hours and could be trialed in the open court.

Through Preventive Detention any person could be arrested and sent to jail. So it would become very easy to exploit the Law and used by the government against their political opponents. The amendment moved by Mawlana Noorani in that connection was: That the clauses (3) to (9) of Article 9 of the Constitution Bill be deleted.<sup>123</sup>

Another such amendment for the substitution in the Constitution Bill was moved by Mawlana Noorani that was: That for clause (2) of Article 13 of the Constitution Bill, the following be substituted, namely: - (2) No person shall be subject to torture in any form, whether as a mode of extracting proof or as a mode of punishment.<sup>124</sup>

The majority of the House rejected the above amendment of Mawlana Noorani.<sup>125</sup>

### **1.7.3 Amendment for providing Free Education**

Mawlana Noorani forwarded an amendment to the Constitution Bill to make the government responsible for providing free education to its people. No timeframe was given in the Constitution Bill for providing free education. So his amendment moved in this regard was: That for paragraph (h) of Article 39 of the Constitution Bill the following be substituted, namely: - (b) Provide free and compulsory secondary education within a period of five years from the commencing day and remove illiteracy within the minimum possible time.<sup>126</sup>

The House also rejected the aforesaid amendment of Mawlana Noorani.<sup>127</sup> National Education Council was set up for making the education system better. Five Members, within the National Assembly, were elected to the National Education Council<sup>128</sup>. Mawlana Noorani was one among them.<sup>129</sup>

#### **1.7.4 Amendments for a smooth Democratic System**

Mawlana Noorani was not in favor of five years term of the National Assembly. He demanded to decrease it to four years. Because the sooner the elections were conducted the more political consciousness was developed. Where the term of the Assembly was prolonged, the flaws become obvious. So he suggested fixing the Assembly term at four years instead of five. The representatives of the people would be more active and the people would also be politically mature. The amendment moved by Mawlana Noorani in that connection was: That in Article 55 of the Constitution Bill, for the word "five", occurring in the second line the word "four" be substituted.<sup>130</sup>

The House negated the amendment.<sup>131</sup>

A true parliamentary democracy is that which safeguards the parliamentarians within the sphere of law. Mawlana Noorani also presented some amendments to the Constitution Bill in order to get some relief for them for a better efficiency on their part. He declared that all the previous constitutions had the provisions for sixty days regular leave for a member of the parliament while that was decreased to forty days in the new Constitution. Most of the parliamentarians remained abroad when there was no session of the house. Then there would be no source of communication where they stayed. That was the reason that he considered the forty days sanctioned leaves to be less for the members of the Assembly. Therefore he demanded to increase the leaves from forty to sixty days.<sup>132</sup>

Mawlana Noorani was of the opinion that when the members of the National Assembly were satisfied they would be able to represent their electorates vigorously and independently. Mawlana Noorani considered their contentment as a price of true

parliamentary democracy. He demanded, through an amendment to the Constitution Bill, the protection of the parliamentarians from the instigation of the government benches. He feared that the opposition Members of the National Assembly would be trapped in different false cases by the government. He moved amendment to protect these members from the government blackmailing:

That at the end of clause (2) of Article 69 of the Constitution Bill, the following proviso be added, namely: -

Provided that no member of the Parliament shall be arrested or detained on any ground whatsoever unless a Committee known as the "Members Immunity Committee" to be elected in accordance with a law made by the Parliament has given prior authority for affecting such arrest. Until such a Committee is formed, its powers and functions shall vest in the existing Privileges Committee of the National Assembly.<sup>133</sup>

The main purpose of the amendment was to stop any person from indulging a Member of the National Assembly in false cases or stop him from joining the session of the National Assembly. So the National Assembly should have the right to take action against such person. He did not mean that the Members of the National Assembly were innocent. He meant that if a parliamentarian committed a crime, the Parliament should have a committee of its own to deal with such a member. After the decision of that Committee the honorable member of the Parliament should be trialed. In such a way the democratic norms would be safeguarded.<sup>134</sup>

Each and every track of the parliamentary and democratic government should be controlled properly through the Constitution. Three organs of the government (legislature, executive and judiciary) should be separate from each other. Mawlana Noorani found some gaps in the Constitution Bill in this connection and pointed out those one by one. He objected to the issuance of ordinances. One hundred and thirty days were specified for the Parliament in the new Constitution Bill. So there was no need for the issuance of the ordinances by the government as enough time was given for the working

of the Parliament. The ordinance could be issued when the country was in war. When there would be peace then the session of the National Assembly could be called at once and a Parliament Act could be passed and promulgated. Even if an ordinance was passed and a person or party could be harmed by that ordinance, the person or the aggrieved parties could have the democratic right to challenge it in the Supreme Court.<sup>135</sup> The amendment moved by Mawlana Noorani in this regard was:

That at the end of clause (1) of Article 92 of the Constitution Bill, the following proviso be added, namely: -

‘Provided that it shall be open to the aggrieved parties to challenge the validity of Ordinance so made and promulgated on the ground that it was passed mala fide in the total absence of existence of emergency which is claimed to be the occasion for the exercise of that power.’<sup>136</sup>

The House rejected the above amendments of Mawlana Noorani.<sup>137</sup>

## **1.8 Noorani’s debate on the Federal Bureau of Investigation (FBI)**

The government set up a new department with the name of Federal Bureau of Investigation. Mawlana Noorani had an objection that it would cost nearly Rs.14 million. All the forces including Police establishment, Special Police, Federal Security Forces and FBI were established earlier to the passage of this bill. These forces were established to stop smuggling and robbery but there were no such aims mentioned in the bill. All the corrupt retired officers in the country were inducted in the forces. So it meant that they would be used as killers and hooligans. He said that it did not mean that we had no need for those forces but they should be used for their purpose, which was mentioned in the law. Mawlana Noorani suggested that the amount should be given to police forces, which already existed and were responsible for the peace in the country. Police had already a department with the name of Criminal Investigation Department (CID) who were

responsible for intelligence gathering in the country. By increasing their salary the robbery and smuggling could be stopped. They were corrupt because they were less paid. If that amount was spent on them they would become efficient and there would be no need for other kind of forces. He further pointed out that the government established Federal Security Force because they had not trusted the public and vice versa.<sup>138</sup>

### **1.9 Mawlana over Pakistan National Council of the Arts Bill, 1973**

Mr. Abdul Hafeez Pirzada (b. 1935) (Minister for Education and Provincial Coordination) moved: -

That under sub-rule (3) of rule 66 read with rule 226 of the Rules of Procedure and Conduct of Business in the National Assembly (Legislature), 1972, sub-rule (2) of rule 66 of those rules be suspended in regard to the Bill to provide for the establishment of Pakistan National Council of the Arts [The Pakistan National Council of the Arts Bill, 1973], as reported by the Standing Committee.<sup>139</sup>

Mawlana Noorani strongly condemned the government benches on the presentation of the Pakistan National Council of the Arts Bill, 1973. He argued that Art Council already existed with the name of Art and Culture. They wanted to have Cultural Agreements with other countries through which the dancers could be exchanged and they were giving it the name of culture. He asked the minister concerned to explain whether the European culture and civilization would be developed or Islamic ones? Therefore Mawlana Noorani moved a motion in order to keep in view the Islamic injunctions regarding the said bill. He guided the government legally that they were supposed to take the guidance from the principles of policy mentioned in the Constitution. Principles of policy had the clause to make laws keeping in view the Islamic injunctions. If we make any law or establish an arts council constitutionally, we should keep the Islamic injunctions in view.<sup>140</sup>

## 1.10 Amendments for Islamization

On August 24, 1972, addressing the National Assembly of Pakistan, Mawlana Noorani declared that the Muslims of the Indo-Pak Subcontinent gave sacrifices in order to lead their lives in accordance with the Islamic culture, traditions and civilization. The resolution that had been moved to observe Friday as weekly holiday had really been the demand of the Muslims in Pakistan. Friday has a great importance in our life. The Prophet Muhammad (PBUH) has termed the Friday, as '*Sayyad-ul-Ayyam*' i.e. "Friday is the king of days". The Prophet also named it as Eid Day. All over the world the Christians and the Jews celebrate Sunday and Saturday respectively as their sacred days.<sup>141</sup>

Pakistan had come into being on the basis of the Islamic Ideology. Mawlana said that the Muslims were bound to declare Friday as a sacred day and there should be a holiday on Friday instead of Sunday. "The Islamic world is a brotherhood and all of them stood by us both in peace and war". Friday was observed as a holiday in the entire Muslim world and if we did the same we would be stronger than ever. If there was deficit in the banks and companies, it should be noted that those firms and insurance companies were busy all over the world. Even Friday was observed as weekly holiday in the Muslim world. They did not suffer economically. Therefore he appealed the House to favor and pass the resolution moved by Sahibzada Safiullah in order to celebrate Friday as holiday instead of Sunday. The resolution was then sent to the Standing Committee and after long deliberations the resolution took the shape of the Bill and was finally passed by the majority Members of the House.<sup>142</sup>

### 1.10.1 Mawlana Noorani for the Law of Apostasy

While forwarding his suggestions for the future constitution of Pakistan, he said that:

Our constitution should be Islamic one. The Islamic democratic society should be the part of our constitution. This constitution has a space for the Muslim to adopt any religion but when protection is not granted to the religion of a Muslim in a constitution that could not be considered as a complete Islamic one... It was heard that if the apostasy was stopped the world will make fun of us and will say that the Muslim has stopped the Muslim in his country to divert from his religion. So I will say that this objection of the people is wrong.<sup>143</sup>

If someone left the circle of Islam he was an apostate and the punishment for apostasy in Islam was death. The example of the different world constitutions was present and those who rebelled against the constitution were awarded the penalty of death. So we should also give a provision in the future constitution for a law regarding Apostasy.<sup>144</sup> He declared that as Quran has presented the best democratic system to the world. Each and every work of the Muslim was successful through mutual consultation. The Quran has a complete *Surah* with the title '*Shoorah*' in this regard. Mawlana Noorani said that the Europeans had adopted the same democratic system of Islam.<sup>145</sup>

### 1.10.2 Mawlana Noorani for the Teachings of Quran and Sunnah

Mawlana Noorani was a staunch Muslim and wanted to Islamize the whole society in the light of the Quran and *Sunnah*. He moved an amendment to make the Quranic teachings compulsory. His amendment in this regard was:

That for paragraph (a) of clause 2 of Article 31 of the Constitution Bill, following be substituted, namely: -

(a) To make teaching of Holy Quran and Islamiat compulsory and reform the system of education in such manner that it may enable the Muslims to mould their lives in accordance with teaching of Holy Quran and Sunnah.<sup>146</sup>

The House rejected the above amendment to the Constitution Bill of Mawlana Noorani.<sup>147</sup> He also forwarded an amendment for the eradication of the alcoholic liquor from our society. The amendment moved in this regard was: That to the effect for

paragraph (h) of Article 39 of the Constitution Bill, the following be substituted, namely:

- (h) Prohibit the production, import, sale, possession and consumption of alcoholic liquor except for medical purpose, and in the case of non-Muslims for religious purposes.<sup>148</sup>

The above amendment of Mawlana Noorani was rejected by majority of the members of the House.<sup>149</sup>

### **1.10.3 Mawlana Noorani against the Usury**

Mawlana Noorani made it clear before the House that the people were wrong to consider that Islam encouraged capitalism. As far as the Islamic teachings were concerned it prohibited the *riba* (usury). If the Muslims would indulge in that system they would be destroyed in this world and the world hereafter. Without usury everybody could lead an honorable life in this country. But if there would be the system of usury then wealth would concentrate in a few hands and the poor would gain nothing out of it. So he demanded that the government should give a proper timeframe for the elimination of *riba* instead of saying 'eliminate *riba* as early as possible.' So the Islamic economic system would prevail and the country would flourish. He presented the following amendment in this regard: That for clause (f) of Article 40 of the Constitution Bill the following be substituted, namely: - (f) Prohibit *riba* as early as possible but not later than five years from the commencing day.<sup>150</sup>

The Assembly rejected the amendment of Mawlana Noorani regarding *riba*.<sup>151</sup>

### **1.10.4 Mawlana Noorani's Definition of Muslim**

He brought the most important aspect of the Interim Constitution to the light. It had been provided in the Constitution that the President of Pakistan would be a '*Musalman*' but

nobody knew the definition of '*Musalman*' as to what precisely it was and the result was that everybody tried to pose himself as '*Musalman*'. He said that there were the worst enemies of Islam in the country who might by posing themselves as '*Musalman*' to enter politics from the back door to govern and become the head of the State. He then forwarded a definition of the '*Musalman*'.<sup>152</sup> He was the first political leader in the constitutional history of Pakistan, who demanded incorporation of definition of a 'Muslim' in the constitution. His definition of a Muslim was: "one who believes in the unity of God and in Holy Prophet Muhammad as the last Prophet, is a Musalman, otherwise he is a Mirzai".<sup>153</sup>

#### **1.10.5 Mawlana Noorani's Resolution for Declaring Qadianis as Non-Muslims**

On June 30, 1974, Mawlana Shah Ahmad Noorani, presented a resolution signed by thirty seven MNAs, belonging to the opposition and government benches, which stipulated declaration of Qadianis as non-Muslims, and demanded amendment in the constitution for this purpose.<sup>154</sup> The resolution presented by Mawlana Noorani was:

“Whereas it is a fully established fact that Mirza Ghulam Ahmed of Qadian claimed to be a prophet after the last Prophet Muhammad (PBUH);

And whereas his false declaration to be a prophet, his attempts to falsify numerous Quranic texts and to abolish *Jihad* were treacherous to the main issues of Islam;

And whereas he was a creation of imperialism for the sole purpose of destroying Muslim solidarity and falsifying Islam;

And whereas there is a consensus of the entire Muslim *Ummah* that Mirza Ghulam Ahmed's followers, whether they believe in the prophethood of the said Mirza Ghulam

Ahmed or consider him as their reformer or religious leader in any form whatever, are outside the pale of Islam;

And whereas his followers, by whatever name they are called, are indulging in subversive activities internally and externally by mixing with Muslims and pretending to be a sect of Islam;

And whereas in a conference of the World Muslim Organization held in the holy city of *Mecca-Al-Mukarram* between the 6<sup>th</sup> and 10<sup>th</sup> April, 1974, under the auspices of *Al-Rabita Al-Alam-e-Al-Islami*, wherein delegations from one hundred and forty Muslim organizations and institutions from all parts of the world participated, it has been unanimously held that Qadianism is a subversive movement against Islam and Muslim World, which falsely and deceitfully claims to be an Islamic sect.”

Now this Assembly do proceed to declare that the followers of Mirza Ghulam Ahmed, by whatever name they were called, were not Muslims and that an official Bill be moved in the National Assembly to make adequate and necessary amendments in the constitution to give effect to such declaration and to provide for the safeguard of their legitimate rights and interests as a non-Muslim minority of the Islamic Republic of Pakistan.<sup>155</sup>

After moving the resolution, the Speaker National Assembly, Sahbzida Farooq Ali told Mawlana Noorani that he had moved a terrible resolution. He said that it was not the task of the Parliament to prove who was pagan and who was a Muslim. That was to be a discussion of a *Madrassah* or *Darul Ulum*. He asked why Mawlana Noorani wanted to bring the issue to the Parliament.<sup>156</sup> But at last Mawlana Noorani convinced all of them. He also met the Prime Minister, Zulfikar Ali Bhutto and made him realized the

sensitivity of the matter. He told the Prime Minister that he was the head of the government. If somebody, in his presence, claimed to be the Prime Minister, what would be his expression? Surely he would consider him a rebel. In the same way, according to the *Khatm-e-Nabuwat*, there was no prophet after Muhammad (PBUH). So it was very simple to declare any person as non-Muslim who did not trust in the Finality of the Prophethood.<sup>157</sup> In this way Bhutto was convinced and approved the resolution for discussion in the Parliament. But the problem was how to introduce the matter in the assembly under rules and regulations. Mawlana Noorani suggested “in camera session of Parliament” under the rules of the legislature.<sup>158</sup>

Bhutto agreed to discuss the issue in camera in the House. The National Assembly thus converted itself into a special committee to discuss and deliberate upon the matter. The special committee set up a steering committee for its assistance. Mawlana Noorani was on that committee. From June 30 to September 7, 1974, the special committee considered this issue in camera in a number of sittings.<sup>159</sup>

According to Mawlana Noorani, “all the points of the discussion were prepared by Yahya Bakhtiar, Attorney General of Pakistan. He struggled hard for it. He prepared the questions, asked from the Qadianis, sitting up to midnights and even caters. We used to tell him that such and such were the beliefs of the Qadianis and then he would prepare questions in the light of those questions. “He used to ask questions on our behalf and Mirza Nasir would answer. Zafar Ansari and Abdul Hafeez Pirzada also accompanied me... We had to prove that Rabwah, in fact, was another state within the State. The Pakistani Passport bears the stamp that ‘the Passport is valid for all countries of the world except Israel’, then how the Qadianis go to Israel?” They had a Head Quarter in Israel

and the Jews had permitted them. When Yahya Bakhtiar asked Mirza Nasir what was the relation of Israel with him having an office there? He rejected all these things. Then Yahya Bakhtiar presented all the magazines and addresses as a proof, which was provided by Mawlana and associates. After that he recognized that some people were working there in their own capacity. The purpose was to prove that the Qadianis had special relations with the Jews and that the Jews had given them shelter. But on the other hand they were pulling out its own inhabitants i.e., the Arabs from there. But the Qadianis were being colonized there. Hundreds of Qadianis had settled there in Israel who had got offices there. The Jews use them against the Muslims. We also cited another aspect of the time when Pakistan came into being; they had purchased a separate place at Rabwah and Sir Prince Moody, the first Governor of the Punjab, gave it to them very cheaply. Sir Zafarullah Khan was the foreign minister at that time. He also misused his position. Even Bhutto accepted all those proofs and the PPP helped us in this connection. All the secular forces were united at that time. "Therefore, we made a front before going into the Parliament. All the religious parties (JUP, JUI and JI) were united. Independent parliamentarians like Sardar Sher Baz Mazari, Mawla Bakhsh (father of Elahi Bakhsh Somro) also stood by us."<sup>160</sup>

In June 1974, when Mawlana Noorani presented his resolution demanding declaration of Qadianis as non-Muslims, the leaders of Lahori Group met Mawlana Noorani in Lahore and reportedly offered him fifty lakh rupees, if he omitted the words 'Lahori Group' from the resolution. However, Mawlana Noorani categorically rejected this offer.<sup>161</sup>

On September 7, 1974, Abdul Hafeez Pirzada presented the unanimous recommendations of the special committee to the National Assembly. That the

Constitution of Pakistan be amended as follows: i) That in Article-106 (3) a reference be inserted to persons of the Qadiani Group and the Lahori Group (who call themselves 'Ahmadis'); ii) That a non-Muslim may be defined in a new clause in article-260.<sup>162</sup>

After adoption of these recommendations, Pirzada introduced the Bill to amend the constitution which the House unanimously adopted as 'The Constitution (Second Amendment) Bill, 1974. This Bill stood passed by the House.<sup>163</sup>

#### **1.10.6 Mawlana Noorani on the Formation of Council of Islamic Ideology**

Mawlana Noorani moved an adjournment motion to discuss the formation of the Council of Islamic Ideology that was contrary to the spirit of the Constitution of the Islamic Republic of Pakistan, which had caused great resentment throughout the country. He cited section (2) of the Article 228 that "The Islamic Council shall consist of such members being not less than eight and not more than fifteen as the President may appoint from amongst persons having knowledge of the principles and philosophy of Islam as enunciated in the Quran and *Sunnah*, or understanding of the economic, political, legal or administrative problems of Pakistan." He emphasized that it was also written "not less than four of the members are persons, each of whom has been engaged, for a period of not less than fifteen years, in Islamic research or instruction."<sup>164</sup>

He pointed out that the members appointed to the Council had no scholar except one according to the Constitution. So the aforesaid clause of the Constitution had been negated. He made the government realize the mistake and demanded to appoint the *ulama* according to the spirit of the Constitution so that they might be able to provide the country with the best Islamic laws.<sup>165</sup>

### **1.11 Noorani's Voice against Mismanagement of the Government**

Parliamentary democracy will be strong if the opposition is active and vigilant. Mawlana Noorani did not spare the government when it did wrong. When the government presented the annual budget for 1974 in the National Assembly it had many flaws. Mawlana Noorani pointed out those flaws one by one and suggested the government to make that better. First of all he objected the heavy taxes levied on the poor public. He pointed out the import of luxurious items and heavy expenditures for the ministers. Cutting the expenditures of the civil administration could control the price hike and heavy taxes on the public. He declared that no funds were allocated in the budget for the Islamic teachings. Law and order situation was out of order. Order was present but there was no law. The people were killed and the government took no action. The democracy was destroyed. The interior ministry was failed to stop the smuggling even having the "anti-smuggling squad". So how could the government have the right to govern and how could their budget be approved. If they were failed totally then they should resign.<sup>166</sup>

Mawlana Noorani further pointed out that all the democratic norms including legislature, judiciary and press were destroyed. Radio Pakistan was also pressed and the people had no trust over the news of the Radio Pakistan. It was heard about that the news about the world should be heard over the Radio Pakistan and about Pakistan over the British Broadcasting Corporation (B.B.C). He advised the government to control the heavy expenditures and set an example for the future governments.<sup>167</sup>

The *Markazi Majlis-i-'Amilah* of the Jam'iyyat 'Ulama-i-Pakistan reviewed socio-political and economic conditions of the country on April 21, 1975. It urged the United Democratic Front to give a call for a countrywide strike against the failure of

external and internal policies of the government. While addressing a press conference, Mawlana Noorani said that Bhutto was not sincere for the cause of democracy, as he was amending the constitution undemocratically and unnecessarily. Mawlana Abdus Sattar Niazi, who also addressed the newsmen, observed that the JUP would organize the people to get rid of the PPP government.<sup>168</sup>

On June 14 and 15, 1975, UDF organized an All Pakistan National Convention at Lahore; Mawlana Abdus Sattar Niazi was its convener. Its second session was presided over by Mawlana Noorani, who in his speech, demanded the immediate enforcement of Islamic system and dissolution of the Federal Security Force, organized by the PPP government.<sup>169</sup>

In July 1975, Mawlana Noorani resigned from his seat in the National Assembly. So this was the end of the one aspect of Mawlana Noorani's political career as a parliamentarian.<sup>170</sup>

The present study suggests that Mawlana Noorani played a vital role in the formation of the 1973 Constitution of the Islamic Republic of Pakistan. He himself forwarded more than 200 amendments to the constitution in order to Islamise it. He, at the floor of the National Assembly, legally and openly fought against the Martial Law Regulations inserted by the then Government in the constitution. He had a voice against the mismanagement of the government and forwarded amendments to the constitution to safeguard the fundamental rights of the citizens. He also played an important role for the social welfare of the people. In short it can be said that Mawlana Noorani tried his best to Islamise the socialist type of constitution.

## NOTES

---

<sup>1</sup> *Pakistan* (Islamabad), December 24, 2003.

<sup>2</sup> Elections for Central Legislative Assembly took place in December 1945 while the elections for the Provincial Assemblies were held in February 1946. See Hamid Khan, *Constitutional and Political History of Pakistan* (Karachi: Oxford University press, 2001), 60.

<sup>3</sup> *Ibid.*, 48-9.

<sup>4</sup> The followers of Mirza Ghulam Ahmad are called Qadianis, as he started his movement and preaching from Qadian in district Gurdaspur, East Punjab. The *ulama* of Islam had declared him as out of the pale of Islam for his un-Islamic beliefs. Qadianis are declared as non-Muslims through the amendment to the Constitution of 1973 of the Islamic Republic of Pakistan in September 1974. Finality of the Prophet Hood is a strong belief among the Muslims but Qadianis do not follow this one and others as well. Mirza Ghulam Ahmad had declared himself as the prophet after the prophet Muhammad (PBUH), which according to the rest of the Muslims deviated him from the religion of Islam. See Sayyid Qasim Mehmood, *Islamic Encyclopedia* (Lahore: Al-Faisal Nashiran, 2000), 1292.

<sup>5</sup> Sayyid Ataullah Shah Bukhari, Choudhury Afzal Haq, Mawlana Habib-ur-Rehman Ldhianvi, Ghazi Abdur Rehman, Sheikh Hassamuddin, Nawab Bahadur Yar Jang and Mawlana Mazhar Ali Khan founded Ahrar Party on July 31, 1931. The main objectives of the Ahrars were to struggle for the independence of the country, enforcing Islamic system in the country and creating harmony among the different groups of the country. See Ahmad Riaz-ul-Huda, *Tareekh-e-Punjab* (Lahore: Ilmi Kitab Khana, 1997), 564-65.

<sup>6</sup> *Ibid.*, 51-2.

<sup>7</sup> Sh. Muhammad Rafique, *History of Pakistan Since 1947* (Lahore: Standard Book House, 2000), 102-03.

<sup>8</sup> Section-144 is the part of Code of Criminal Procedure, 1898. It is Power to issue orders absolute at once in urgent cases of nuisance or apprehended danger. The object of this section is meant to provide for a temporary remedy to meet an emergency. This section enables a magistrate in case of emergency to make an immediate order for the purpose of preventing an imminent breach of peace. The directions can be given only in three cases to prevent (i) obstruction, annoyance or injury to any person lawfully employed, (ii) to prevent danger to human life, health or safety, (iii) to prevent disturbance of the public tranquility or a riot or an affray. The order may either be directed to a person individually or to the public generally. See Muhammad Mazhar Hussain Nizami, *Code of Criminal Procedure, 1898* (Lahore: PLD Publishers, 1999), 139-40.

<sup>9</sup> Report of the Basic Principles Committee was presented during Khwaja Nazimuddin's period, on December 22, 1952. It was made necessary for the head of the state to be a Muslim. The President was to be elected in a joint session of both the Houses of the Central Legislature. A bicameral legislature was proposed and the principle of parity was adopted with regard to the distribution of seats between East and West Pakistan. Under this report the lower House had the real powers of legislation and the upper House could only send back a bill for reconsideration, after proposing amendments. The budget was to be presented in the lower House. A strong center was proposed. The President had the power to appoint the judges of the Supreme Court. The President could remove the judges from office after the investigations of a Bench. The various federating units of West Pakistan and in particular, the politicians of Punjab bitterly objected to the formula of the distribution of seats in the Central Legislature. They criticized the allocation of 50 percent of the seats in the Upper House for only one federating unit i.e. East Pakistan. (See Hamid Khan, *Constitutional and Political History of Pakistan*, 112-17)

<sup>10</sup> Ayesha Jalal, *The State of Martial Rule* (Lahore: Vanguard Books, 1990), 153.

<sup>11</sup> *Nawa-i-Waqt* (Lahore), March 7, 1953.

<sup>12</sup> He was a religious scholar. He was the founder of Jamaat-e-Islami Pakistan. Mawlana Maududi was born on September 25, 1903 in Aurangabad, Deccan. He got formal education up to Matriculation but due to the dint of his talent and knowledge, he got command over Arabic, Persian, Urdu and English. He started

his career as a journalist in 1921 with the newspaper "Madinah" in the United Provinces. He started *Mahnama-e-Tarjuman-ul-Quran* in 1932. His work *Al-Jehad Fil Islam* gave him a prominent status in the literary society of India. Allama Iqbal also started correspondence with him. He founded Jamaat-e-Islami in 1941 at Lahore. Mawlana then shifted to Pathan Kot, where he founded a literary and research academy with the name of Dar-ul-Islam. After the independence of Pakistan in August 1947, he permanently resided in Lahore. During Khatm-e-Nubuwwat Movement in 1953, he wrote a pamphlet with the name of "*Qadiani Masala*", which caused him the death of punishment by the military court. But this punishment was changed into life imprisonment due to the interference of the entire Muslim Ummah. He was released from jail after three years. He participated in World Islamic Conference in 1962 at Makkah. He started movement against the "Islamic socialism" of Zulfikar Ali Bhutto since 1970-1977. He resigned the post of *Ameer* of Jamaat-e-Islami in 1979 due to his long illness. He got the "Shah Faisal Award" on February 27, 1979 and died on September 25, 1979.

Mawlana Maududi has written more than fifty books discussing various subjects. Most famous among these are: *Tafheem-ul-Quran* (six volumes), *Al-Jehad Fil Islam*, *Tanqeebaat*, *Islami Tehzeeb aur Iskay Usool wa Mabadi*, *Khilafat wa Mulukiyat*, *Tehrik-e-Azadi-e-Hind aur Mussalman*, *Deenyaat*, *Islam aur Zabt-e-Wiladat*, *Purdah*, *Sarwar-e-Alam* (Two volumes). See Sayyid Qasim Mehmood, *Encyclopedia Pakistanica*, (Karachi: Shahkaar Book Foundation, 1998), 155-56.

<sup>13</sup> He was a leader of Pakistan Movement, a religious scholar and Senator. He was born on October 1, 1915 in Isa Khel, district Mianwali. He passed his Matriculation Examination from Government High School Isa Khel. Then he got admission into Ishaat-e-Islam College Lahore, founded by Allama Iqbal, in order to get religious education. He got his M.A. Degree in 1940 from Islamia College Lahore. He became Lecturer at the same college in 1942 and was gradually promoted to the Chairmanship of the same department. When Punjab Muslim Students Federation was founded in 1937, he was elected as its President. He was also the Provincial as well as Central member of All India Muslim League. He was elected as the Secretary General of Pakistan Awami Muslim League in 1950 under the President ship of Hussain Shaheed Suhrawardy. He also remained the Secretary General of Central *Jam'iyyat 'Ulama-i-Pakistan* since 1973-1989. He was also elected as the President of the JUP in 1989. He was elected as the MNA in 1988 and 1990 respectively. He remained the Minister in the first cabinet of Mian Muhammad Nawaz Sharif. He was elected as a Senator in March 1994. He died in 2004. See Sayyid Qasim Mehmood, 654-55.

<sup>14</sup> Mazhar Hussain, *Pakistan kay Siyasi Ittihad may Mawlana Shah Ahmad Noorani ka kirdar: Qaumi Ittihad say Muttahida Majlis-i-Amal tak* (Lahore: Allama Shah Ahmad Noorani Research Centre, 2009), 53.

<sup>15</sup> Jalal, *The State of Martial Rule*, 153.

<sup>16</sup> The JUP came into existence in 1948, aiming at making Pakistan a true Islamic State, sacrifice for the solidarity and stability of Pakistan, propagate Islamic teachings among Muslims, demand allocation of seats for the *Ulama* in the national and provincial assemblies in order to guide the government, patronize the mosques, shrines and *Awqaf*, and to review the curriculum of the educational institutions in order to Islamize it.

<sup>17</sup> On September 30, 1955, the Second Constituent Assembly passed a bill merging 310,000 square miles into a single province. West Pakistan had formerly comprised three Governor's provinces, one Chief Commissioner's province, a number of States, which had acceded to Pakistan, and the tribal areas. Geographically, they formed a homogeneous block with easy communications but with marked linguistic and ethnic distinctions. The result of the new Bill was to unify these various units into one province to be known as 'West Pakistan'. See Hamid Khan, *Constitutional and Political History of Pakistan*, 158.

<sup>18</sup> Ayub Khan desired to make his own party with the name of Convention Muslim League; therefore he restored the other political parties. See Hamid Khan, *Constitutional and Political History of Pakistan*.

<sup>19</sup> Hussain, *Pakistan kay Siyasi Ittihad may Mawlana Shah Ahmad Noorani ka kirdar*, 55.

<sup>20</sup> The word communism signifies a type of society in which property is vested in the community, with each citizen working for the common good according to his or her ability and being rewarded according to his or her needs. See M.A. Riff, *Dictionary of Modern Political Ideologies* (UK: Manchester University Press, 1987), 45.

<sup>21</sup> A wide term with two principal related meanings: 1. In Marxian theory and official communist language, socialism denotes a system of production relations that is supposed to characterize the transitional stage between capitalism and full communism. The means of production are taken into social

---

ownership, and the state persists as an administrative machine, upholding a new order of legality, and a new system of rights, in such a way as to permit the emergence of true common ownership, and the eventual abolition of state. 2. The theory and practice of 'socialism', construed as a broad and comprehensive outlook on the human condition. Socialism envisages a political system that will be not transitional, in the manner of, but permanent, fitted to the changed conditions of life since the industrial revolution. Its principal ideas seem to be the premise of equality, the state as administrator and the elimination of system of control. See Roger Scruton, *A Dictionary of Political Thought* (London: The Macmillan Press Ltd., 1984), 435-36.

<sup>22</sup> *Ibid.*, 56-7.

<sup>23</sup> Mujeeb Ahmad, *Jam 'iyyat 'Ulama-i-Pakistan 1948-1979* (Islamabad: National Institute of Historical and Cultural Research, 1993), 44.

<sup>24</sup> *Ibid.*, 44-5.

<sup>25</sup> When the differences among the ulama rose over the candidature for the general elections of 1970, a twenty-five member 'Sunni Board' under the name of *Majlis-i-'Amal Jam 'iyyat-i-Ulama-i-Pakistan*, was appointed in order to unite them. The 'Sunni Board', in fact, constituted the executive and supreme council of the JUP with powers to approve party policies and manifesto. See Mujeeb Ahmad, 43.

<sup>26</sup> Ahmad, *Jam 'iyyat 'Ulama-i-Pakistan*, 45.

<sup>27</sup> An economic arrangement, defined by the predominant existence of capital and wage labor, the former consisting of accumulations in the hands of private (i.e. non-government) owners, including corporations and joint stock companies, the latter consisting of laborers, who exchange their labor hours (or, according to Marxian theory, their labor power) for wages, paid from the stock of capital. The capitalist extracts not a wage but a profit, by realizing in a market the value of the goods produced. Capitalism presupposes private property in the means of production, a market economy, and the division of labor. It does not necessitate, but it may be thought to encourage, factory production. See Roger Scruton, 52.

<sup>28</sup> *Ibid.*, 45-6.

<sup>29</sup> *Daily Hurriyat* (Karachi), July 13, 1970.

<sup>30</sup> *Daily Hurriyat* (Karachi), July 13, 1970.

<sup>31</sup> *Tarjuman-e-Ahl-e-Sunnat* (Karachi), September-October 1970, 19-30.

<sup>32</sup> *Zindagi*, August 17-24, 1970, 10.

<sup>33</sup> Ahmad, *Jam 'iyyat 'Ulama-i-Pakistan*, 56.

<sup>34</sup> *Ibid.*, 57.

<sup>35</sup> *Mashriq* (Peshawar) August 19, 1970.

<sup>36</sup> Ahmad, *Jam 'iyyat 'Ulama-i-Pakistan*, 59.

<sup>37</sup> See Appendix A for Six Points of Sheikh Mujeeb-ur-Rehman.

<sup>38</sup> Sheikh Mujeeb-ur-Rehman was a politician. He was born in 1920. He got his education from Islamia College Calcutta and Dhaka University. He participated in Pakistan Movement. He participated actively the demonstration in favor of Bangla language in 1948, when he was a student. However he was dropped out from Dhaka University. He was elected as a member to the constituent assembly in 1954 at the ticket of the United Front. He was appointed as Provincial Minister of Trade and Labor in 1954. When Muhammad Ayub Khan removed ban on political activities in 1963, Sheikh Mujeeb was made leader of the Awami League. He presented his "Six Points" in 1966. The government arrested him for instigating the public through his six point's formula, declaring it as a separation plan. He was again arrested in Agartala Conspiracy Case in 1968. His party got sweeping victory in East Pakistan in 1970 general elections and agitated against Yahya Khan for not calling the National Assembly Session. He exploited the feelings of the public in favor of his six points and made "Mukti Bahini" force with the help of India. He was arrested on March 25, 1971 for his activities and was brought to West Pakistan. He was released in January 1972 and landed at Dhaka airport where he was directly made the Prime Minister of Bangladesh.

Sheikh Mujeeb dissolved the Constituent Assembly on December 15, 1972 and enforced a secular constitution in the country. He swore in as the Prime Minister according to the new constitution on March 6, 1973. He suspended the parliamentary constitution on January 26, 1975 and enforced Presidential constitution in the country. He became the President under the said constitution. He made a new party with the name of "Krishik Sramik Party" on February 24, 1975. He was killed on August 15, 1975 at his home. See Sayyid Qasim Mehmood, 814.

<sup>39</sup> *Nawa-i-Waqt* (Lahore), September 26, 1970.

<sup>40</sup> *Mashriq* (Peshawar), August 31, 1970.

- <sup>41</sup> Ahmad, *Jam'iyat 'Ulama-i-Pakistan*, 70-71.
- <sup>42</sup> *Ibid.*, 218.
- <sup>43</sup> Qari Abdul Majeed Noorani, *Imam Shah Ahmad Noorani ki Tareekhi Jadd-o- jehad* (Lahore: al-Naeemia International Qirat Academy, n.d.), 75.
- <sup>44</sup> Ahmad, *Jam'iyat 'Ulama-i-Pakistan*, 75.
- <sup>45</sup> *Ibid.*, 93.
- <sup>46</sup> *National Assembly of Pakistan (NAP) Debates*, Vol. I, No. 1 (April 14, 1972), 5.
- <sup>47</sup> *Ibid.*, 26.
- <sup>48</sup> See Appendix B for other members of the Committee preparing the draft Constitution of Pakistan.
- <sup>49</sup> Ahmad, *Jam'iyat 'Ulama-i-Pakistan*, 93-94.
- <sup>50</sup> See Appendix C for the twenty two points of Ulama.
- <sup>51</sup> *Ibid.*, 94.
- <sup>52</sup> Three days after the imposition of martial law by Ayub Khan, Martial Law Regulations Order was promulgated on October 10, 1958. The general effect of this Order was the validation of laws, other than the late constitution of 1956 that were in force before the promulgation of October 7. It was ordered that no writ would be issued against the Chief Martial Law Administrator or any person exercising powers or jurisdiction under his authority. No person or Court should call or permit to be called in question (i) the proclamation of October 7 (ii) any order made in pursuance of the proclamation or any Martial Law Order (iii) any finding, judgment or order of a Special Military Court. See G. W. Choudhury, *Constitutional Development in Pakistan* (London: Longman Group Ltd., 1969), 135-36.
- <sup>53</sup> Ahmad, *Jam'iyat 'Ulama-i-Pakistan*, 94.
- <sup>54</sup> Ahmad, *Jam'iyat 'Ulama-i-Pakistan*, 98.
- <sup>55</sup> Hussain, *Pakistan kay Siyasi Ittihad may Mawlana Shah Ahmad Noorani ka kirdar*, 73.
- <sup>56</sup> *Ibid.*, 73.
- <sup>57</sup> *Dawn* (Karachi), October 21, 1972.
- <sup>58</sup> *Ibid.*, October 21, 1972.
- <sup>59</sup> *Ibid.*, October 21, 1972.
- <sup>60</sup> It was the West Pakistan Ordinance No. XXXI of 1960 promulgated by Ayub Khan on December 2, 1960. The essential concept of preventive detention is that the detention is not to punish the detenu for something he has done but to prevent him from doing it. Preventive detention is an exceptional measure to put restraints on the freedom of movement and liberty of a person who may not have committed a crime, but who, it is feared is about to commit and indulge in acts which may jeopardize public peace and may be categorized as prejudicial to public safety. A person is said to be detained, when under compulsion of an order issued by relevant authority he cannot freely move about and cannot go where he likes., Justice Muhammad Munir ed., *Constitution of the Islamic Republic of Pakistan: Being a Commentary on the Constitution of Pakistan, 1973*, Mian Bashir Ahmad (Lahore: P.L.D. Publishers, 1996), 261-62.
- <sup>61</sup> *Ibid.*, October 21, 1972.
- <sup>62</sup> *Ibid.*, October 21, 1972.
- <sup>63</sup> *Ibid.*, October 21, 1972.
- <sup>64</sup> *Ibid.*, October 21, 1972.
- <sup>65</sup> *Ibid.*, October 21, 1972.
- <sup>66</sup> *Pakistan Times* (Rawalpindi), October 21, 1972.
- <sup>67</sup> *Dawn* (Karachi), October 21, 1972.
- <sup>68</sup> *Ibid.*, January 1, 1973.
- <sup>69</sup> *Ibid.*, January 1, 1973.
- <sup>70</sup> *Ibid.*, January 1, 1973.
- <sup>71</sup> *NAP (Constitution-Making) Debates*, Vol. II, No. 1 (December 31, 1972), 8.
- <sup>72</sup> Federation is a political system in which the state is divided into political units (provinces), there are two types of government (the federal government and the provincial governments) and powers are divided between the two types of governments. The provinces are known as the federating units.
- <sup>73</sup> *Ibid.*, January 1, 1973.
- <sup>74</sup> *NAP (Constitution-Making) Debates*, Vol. II, No. 1 (December 31, 1972), 8.
- <sup>75</sup> *Dawn* (Karachi), January 1, 1973.
- <sup>76</sup> *Ibid.*, January 1, 1973.
- <sup>77</sup> *NAP (Constitution-Making) Debates*, Vol. II, No. 1 (December 31, 1972), 11-12.

- <sup>78</sup> *Dawn* (Karachi), January 1, 1973.
- <sup>79</sup> *Dawn* (Karachi), January 1, 1973.
- <sup>80</sup> *NAP (Constitution-Making) Debates*, Vol. II, No. 1 (December 31, 1972), 10.
- <sup>81</sup> Mazha Hussain, 74.
- <sup>82</sup> *Ibid.*, 74-75.
- <sup>83</sup> Javed Ahmad Siddiqi, *Nurani Siyasat* (Karachi: Shabal Publications, 1988), 19.
- <sup>84</sup> *Dawn* (Karachi), January 1, 1973.
- <sup>85</sup> *NAP Debates*, Vol. II, No. 14 (March 6, 1973), 722.
- <sup>86</sup> *NAP Debates*, Vol. II, No. 14 (March 6, 1973), 727.
- <sup>87</sup> *Dawn* (Karachi), January 1, 1973.
- <sup>88</sup> *NAP Debates*, Vol. II, No. 14 (March 6, 1973), 728-29.
- <sup>89</sup> *NAP Debates*, Vol. II, No. 14 (March 6, 1973), 730-31.
- <sup>90</sup> *NAP (Constitution-Making) Debates*, Vol. II, No. 14 (February 2, 1973), 23-4
- <sup>91</sup> *NAP (Constitution-Making) Debates*, Vol. II, No. 14 (March 6, 1973), 23-4.
- <sup>92</sup> *Ibid.*, 717-18.
- <sup>93</sup> *Ibid.*, 719-21.
- <sup>94</sup> Hussain, *Pakistan kay Siyasi Ittihad may Mawlana Shah Ahmad Noorani ka kirdar*, 79-80.
- <sup>95</sup> *Pakistan Times* (Lahore), March 14, 1973.
- <sup>96</sup> *Nawa-i-Waqt* (Karachi), March 14, 1973.
- <sup>97</sup> *Pakistan Times* (Lahore), March 15, 1973.
- <sup>98</sup> Hussain, *Pakistan kay Siyasi Ittihad may Mawlana Shah Ahmad Noorani ka kirdar*, 80.
- <sup>99</sup> *Nawa-i-Waqt* (Karachi), March 15, 1973.
- <sup>100</sup> Hussain, *Pakistan kay Siyasi Ittihad may Mawlana Shah Ahmad Noorani ka kirdar*, 81.
- <sup>101</sup> *Ibid.*, 81.
- <sup>102</sup> *Ibid.*, 82.
- <sup>103</sup> *Ibid.*, 82.
- <sup>104</sup> *Nawa-i-Waqt* (Lahore), March 17, 1973.
- <sup>105</sup> *Ibid.*, March 25, 1973.
- <sup>106</sup> *Ibid.*, April 3 and 5, 1973.
- <sup>107</sup> Professor Ghafoor Ahmad, *Phir Martial Law Aa Gia* (Lahore: Jang Publishers, 1991), 39-42.
- <sup>108</sup> *Nawa-i-Waqt* (Lahore), April 11, 1973.
- <sup>109</sup> *Tarjuman-e-Ahl-e-Sunnat* (Karachi), May 1973, 46-47.
- <sup>110</sup> *Ibid.*, 48-49.
- <sup>111</sup> Javed Ahmad Siddiqi, 71.
- <sup>112</sup> *Ibid.*, 72.
- <sup>113</sup> *Tarjuman-e-Ahl-e-Sunnat* (Karachi), June 1973, 48.
- <sup>114</sup> *Nawa-i-Waqt* (Lahore), April 11, 1973.
- <sup>115</sup> Hussain, *Pakistan kay Siyasi Ittihad may Mawlana Shah Ahmad Noorani ka kirdar*, 126.
- <sup>116</sup> *NAP Debates*, Vol. II, No. 18 (March 12, 1973), 1065.
- <sup>117</sup> *Ibid.*, 1069.
- <sup>118</sup> *NAP (Constitution-Making) Debates*, Vol. II, No. 18 (March 12, 1973), 1065.
- <sup>119</sup> *Ibid.*, 1072.
- <sup>120</sup> *NAP Debates*, Vol. II, No. 19 (March 13, 1973), 1125.
- <sup>121</sup> *Ibid.*, 1131.
- <sup>122</sup> *NAP Debates*, Vol. II, No. 14 (March 6, 1973), 726.
- <sup>123</sup> *NAP Debates*, Vol. II, No. 19 (March 13, 1973), 1132-41.
- <sup>124</sup> *NAP Debates*, Vol. II, No. 20 (March 14, 1973), 1205.
- <sup>125</sup> *Ibid.*, 1219
- <sup>126</sup> *NAP Debates*, Vol. II, No. 21 (March 15, 1973), 1360.
- <sup>127</sup> *Ibid.*, 1391.
- <sup>128</sup> Apart from Mawlana Noorani, other members of the National Education Council were Mr. Ghafoor Ahmad (MNA), Dr. S. Mahmood Abbas Bokhari (MNA), Mr. M. Hashim Khan and Mrs. Nargis Naim Sandhu. See *NAP Debates*, Vol. II, No. 7 (January 6, 1973), 427.
- <sup>129</sup> *NAP Debates*, Vol. II, No. 7 (January 6, 1973), 427.
- <sup>130</sup> *NAP Debates*, Vol. II, No. 23 (March 19, 1973), 1528-33.

- <sup>131</sup> Ibid., 1536.
- <sup>132</sup> *NAP Debates*, Vol. II, No. 24 (March 20, 1973), 1617.
- <sup>133</sup> Ibid., 1640.
- <sup>134</sup> Ibid., 1649-50.
- <sup>135</sup> *NAP Debates*, Vol. II, No. 26 (March 22, 1973), 1820.
- <sup>136</sup> Ibid., 1811.
- <sup>137</sup> Ibid., 1832.
- <sup>138</sup> *NAP Debates*, Vol. III, No. 25 (June 23, 1973), 1848-53.
- <sup>139</sup> *NAP Debates*, Vol. IV, No. 3 (August 3, 1973), 176.
- <sup>140</sup> Ibid., 176-84.
- <sup>141</sup> *NAP Debates*, Vol. I, No. 9 (August 24, 1972), 385.
- <sup>142</sup> Ibid., 385-86.
- <sup>143</sup> *NAP Debates*, Vol. II, No. 14 (March 6, 1973), 722.
- <sup>144</sup> 'He that adopts any other religion shall be put to death.' Such, according to the sacred Muslim tradition, was the command of the Prophet; and on this basis all Muslim jurists are unanimous in deciding that apostasy from Islam (Arab. *Irtidad*) must be punished by death. Different schools of thought have a little bit different opinions regarding the Law of Apostasy. See *Encyclopedia of Religion and Ethics*, 2nd ed., s.v. "Apostasy (Muhammadan)"
- <sup>145</sup> *NAP Debates*, Vol. II, No. 14 (March 6, 1973), 723-24.
- <sup>146</sup> *NAP Debates*, Vol. II, No. 21 (March 15, 1973), 1308.
- <sup>147</sup> Ibid., 1326.
- <sup>148</sup> Ibid., 1393.
- <sup>149</sup> Ibid., 1393.
- <sup>150</sup> Ibid., 1403-04.
- <sup>151</sup> Ibid., 1406.
- <sup>152</sup> *NAP Debates*, Vol. I, No. 2 (April 15, 1972), 125-26.
- <sup>153</sup> Ahmad, *Jam 'iyyat 'Ulama-i-Pakistan*, 94-5.
- <sup>154</sup> Ibid., 107.
- <sup>155</sup> Ibid., 125-26.
- <sup>156</sup> Hussain, *Pakistan kay Siyasi Ittihad may Mawlana Shah Ahmad Noorani ka kirdar*, 97.
- <sup>157</sup> Ibid., 97-98.
- <sup>158</sup> Sahibzada Faizur Rasul Raza Nurani, *Afkar-i-Nurani* (Lahore: Maktabah-i-Ahl-i-Sunnat Jamia Nizamiya-i-Rizwiya, n.d.), 41-44.
- <sup>159</sup> Ahmad, *Jam 'iyyat 'Ulama-i-Pakistan*, 107.
- <sup>160</sup> Raza Nurani, *Afkar-i-Nurani*, 43-44.
- <sup>161</sup> Ahmad, *Jam 'iyyat 'Ulama-i-Pakistan*, 110.
- <sup>162</sup> Ibid., 109.
- <sup>163</sup> Ibid., 109.
- <sup>164</sup> *NAP Debates*, Vol. I, No. 21 (February 14, 1974), 632.
- <sup>165</sup> Ibid., 633.
- <sup>166</sup> *NAP Debates*, Vol. IV, Nos. 17 (June 18, 1974), 440-47.
- <sup>167</sup> Ibid., 448-51.
- <sup>168</sup> Muhammad Asghar Khan, *Generals in Politics: Pakistan 1958-1982*, (New Delhi: n.p., 1983), 77.
- <sup>169</sup> Ahmad, *Jam 'iyyat 'Ulama-i-Pakistan*, 111.
- <sup>170</sup> Ibid., 111.

## **CHAPTER 2**

### **MAWLANA NOORANI IN THE SENATE OF PAKISTAN, 1975-1977**

Already mentioned in the previous chapter, in July 1975, Mawlana Noorani resigned from his seat in the National Assembly, and in August he was elected as Senator from Sindh. This political move of Mawlana Noorani was mainly based on his desire to train his party workers.<sup>1</sup>

According to Sayyid Aqeel Anjum Qadri, Secretary Information JUP Sindh, Mawlana Noorani was a very competent parliamentarian. As half of the Senators retire after every three years and the seats from Sindh at the Senate were vacated at the very first completion of three years so the party leadership considered it better to place Mawlana Noorani as a Senator and give an opportunity to another JUP candidate to be Member of the National Assembly. Mawlana Noorani had played a vital role in framing the 1973 Constitution as he was expected and then in the Senate the services of a seasoned parliamentarian were needed by the party, so Mawlana Noorani resigned the seat of MNA and was elected as a Senator from Sindh, although the seat vacated by Mawlana Noorani at the National Assembly was not won by the JUP candidate Haji Muhammad Hanif Tayyab in the by-election.<sup>2</sup>

Mawlana Noorani also played a vital role in the upper chamber of Pakistan. He did not hesitate presenting the motive of his party. He opposed those bills vehemently

which were presented before the House just to hurt the fundamental rights of the citizens or curbed the ways of *Nizam-i-Mustafa* in the country. This is clear from the debates of Mawlana Noorani in the Senate of Pakistan.

## **2.1 Mawlana Noorani's Proposals for Legislation**

Mawlana Noorani was an expert in legislation as he had actively participated in the framing of the 1973 Constitution of the Islamic Republic of Pakistan. As mentioned in the earlier chapter, Mawlana Noorani had personally presented more than 200 amendments to the aforesaid Constitution. As he had prior experience of the law making, so he adeptly presented his proposals for legislation in the Senate.

### **2.1.1 The Auqaf (Federal Control) Bill, 1976**

Mawlana Kausar Niazi (1934-1994), Minister for Religious Affairs, Minority and Overseas Pakistanis moved The Auqaf (Federal Control) Bill. The Bill was: - That the bill to provide for the proper management and administration of Auqaf under Federal Control-The Auqaf (Federal Control) Bill, 1976-, as amended be passed.<sup>3</sup>

Mawlana Noorani being expert in religious affairs firstly defined the "*Waqf*" in the way as "To deduct something from ones own property only for the sake of Allah in order to give its benefits to the human beings and to get blessings of Allah in return".<sup>4</sup>

He further explained that a believer would always aspire to act in such a way that his life, his death and his property be spent in the way of Allah so that he might get salvation in the world hereafter. This would be a continuing charity. The human being contact with this world would be cut off after death. But the three things could grant him blessings after death. One was knowledge; the other was noble deed while the last was his/her kids. The knowledge would spread and as it would spread the person would get its

virtues. The virtuous deed was which he would perform only for the sake of Allah. The virtuous and pious descendants would pray for him/her in this world.<sup>5</sup>

The condition for the endowment was not to sell the original charity. Neither one could grant it as a gift nor could it be brought under heritage. The hereditary law could not be applied to the endowment. So it was the duty of an Islamic government to protect the endowments and to keep it as sacred trust of Allah, as any person, for the sake of Allah, endowed it. Endowment was a trust. The Auqaf Department had the responsibility to protect it. Mawlana further informed the members of the house about its use. The amount gained from the endowments should not be used or spent over the administrators. It should be spent over the objectives for which the property was endowed. If it were not spent over the specific fields, it would be dishonesty. Mawlana pointed out that the administration of the Auqaf was in the hands of the bureaucrats. There should be a representation of the endower in the administration. Secondly, there should be a representation of the religious experts in its administration, as they knew well where to use the amount for public charity? The public representatives should supervise the Administrator general, the Chief Administrators at the provinces and the Administrators under the provincial heads.<sup>6</sup>

The Government accepted the above suggestions forwarded by Mawlana Noorani and amendments were made in the bill according to his demands. The government in this regard adopted the foundation of a Board.<sup>7</sup>

Mawlana Noorani also moved an amendment to make the Auqaf Bill better. The amendment moved by him was: The Administrator general of Auqaf shall carry out his

functions and duties under this Act on the advice of Auqaf Advisory Board appointed by the federal government from amongst the public representatives and Ulama.<sup>8</sup>

The amendment of Mawlana Noorani was dropped.<sup>9</sup>

Mawlana Noorani further explained that the *Waqf* property be used for the purpose for which it was dedicated or had been used or for any purpose recognized by Islam as religious, pious or charitable.<sup>10</sup>

### **2.1.2 Mawlana Noorani on the Pakistan Tourist Guides Bill, 1975**

Sahibzada Saeed-ur-Rasheed Abbassi, the Minister of State for tourism presented the bill in the Senate. The bill moved was: That the bill to provide for the regulation and control of the profession of tourist guides [the Pakistan Tourist Guides Bill, 1975], as reported by the standing committee, be taken into consideration at once.<sup>11</sup>

Mawlana Noorani, in response to the above bill, moved an amendment, which was:- The Tourist Guides Bill, 1975, as reported by the standing committee, be circulated for the purpose of eliciting public opinion thereon by the 2<sup>nd</sup> April, 1976.<sup>12</sup>

The aforesaid bill had been presented in the senate for the first time. Mawlana Noorani pointed out that the government benches wanted to pass the bill in a hurry. Mawlana attracted the attention of the senators towards the importance of the bill. He said that there was no law governing the profession of travel agencies and tour operators. Need for such a law was stressed in the master plan for the development of tourism in Pakistan prepared by the department of tourism in 1965. He stressed that the master plan was developed in 1965 and the present government governed for more than four years. So what was the reason not prolonging it for one more month? So it should be circulated

among the public for opinion. He told the Minister in charge to make laws as it was their right but do not make haste as “haste makes waste”.

Mawlana Noorani pinpointed the problems regarding the bill. He suggested that the Tourist Service Guide should be organized. All the different institutions concerning the tourist guides should be brought into harmony as well as the entire tourist guides should be brought into contact with the said institutions. The problems of the guides should be traced and solved. This should also be confirmed whether those tourist guides worked responsibly or otherwise. He further suggested that such persons were present there to be consulted in this regard. After going through all these steps and considerations, the legislation should be done. He said that the bill being the most important should be circulated for public opinion and be postponed for a month.<sup>13</sup>

Mawlana Noorani continued his strong arguments the other day of the session. He said that the bill presented in the Senate was very important and most of the senators gave suggestions to correct it. All the bills presented were viewed as assets for the betterment of the nation. If the bills were better for the nation those were never objected. But if those were full of drawbacks for the nation, then that was our national duty to criticize that for betterment. We presented our criticism for the reformation and not the criticism for opposition. There was no doubt that there was need for such a bill and even now that is needed. Each and every civilized country of the world had such types of bills. But the question was whether we maintained such a standard as other countries had enforced? We must benefit ourselves from the experiences of those countries. We must analyze that how the different civilized countries had made that branch as a source of trade and foreign exchange? How did they regulate and implement the bills for development of

such opportunities. We should consider all those aspects and eliminate drawbacks of the bill.<sup>14</sup>

Mawlana Noorani requested the honorable members of the upper chamber to fulfill their national duty. The bill could be surely passed as there were no hurdles in the way of the government. But the privilege of the Senate would be injured. The bill would pass as it was and would become an act, but the bureaucrats had such powers through which they could exempt any person of the punishment. They could also suspend any article of the bill passed by the Senate. "We thoroughly went through the bill and pondered over it for hours. We had to use the precious time of the chamber and used all our potentialities of mind and heart. Then we would be happy after the passage of the bill by using our discretionary powers as senators, but an officer or two could easily suspend any clause of the bill passed by the Senate. So that was a challenge to the powers of the Senate and we all were responsible for that disgust".<sup>15</sup>

Mawlana Noorani drew the attention of the honorable members to the formation of a committee, which would enforce the bill. The committee would be there to supervise the bill. It would issue the license, but would not be able to suspend or cancel the license. That power was vested in the bureaucracy. If all the affairs were to be conducted by the bureaucracy, then what was the need of committee to supervise? Mawlana further brought the intentions of the government to light and explored that committee was only a showpiece and the real powers were in the hands of bureaucracy in order to correct it. He presented his sympathetic suggestions. He said that the committee should be consisted of some members of both the houses. They should be empowered fully to supervise all the affairs. Otherwise it would be a futile exercise and there would be a burden over the

national exchequer. Mawlana, therefore, requested the chamber to eliminate its drawbacks and then be passed.<sup>16</sup>

The amendment of Mawlana Noorani was rejected<sup>17</sup> while the House unanimously passed the Bill.<sup>18</sup>

### **2.1.3 The Civil Servants (Amendment) Bill, 1976**

Major General (Retired) Jamal Dar presented the Bill before the Senate, which stated: - That the Bill to amend the Civil Servants Act, 1973 [The Civil Servants (Amendment) Bill, 1976], as passed by the National Assembly, be taken into consideration.<sup>19</sup>

Mawlana Noorani fought for the rights of the civil servants on either floors of the Parliament. When the amendment to the Civil Servants Act was moved by the government benches in order to extend the tenure of service from 58 years to 60 years, he pointed out some flaws in the bill and forwarded sincere suggestions in that regard. The main target was not the extension of the tenure but those safeguards, which were not present in the bill. He appreciated that step of the government but pointed out that the guarantee should be given to the service of the civil servants. The government would terminate a servant without any show cause notice. The servants were forcefully retired? Were they incompetent? Were they corrupt? If they were corrupt, then it was not sufficient to retire them involuntarily, but they should be punished. They should be sent to jail.<sup>20</sup>

Mawlana Noorani demanded that if any government servant was accused for a crime, he should not be terminated directly; rather he should be given a show cause notice in that regard. He should be given an opportunity to explain his position. His case should be referred to the Services Tribunal before his termination. He would only be

terminated on the basis of the decision of the Services Tribunal. Mawlana Noorani gave the reference of the two thousand and one hundred government servants who were terminated by the government in 1972. Their cases were not decided even then. Some cases were of the type, which were not reached the Services Tribunal even in 1976. Most of them appealed the High Court and the Supreme Court, but they were referred to the Special Tribunal. Special Tribunal was appointed but even a single case was not decided and finalized by them. No servant was reinstated at his place. Therefore the servants were disturbed very much. Their services should be protected. So the bill should be revised and all the flaws be removed while the suggestions be incorporated in the bill.<sup>21</sup>

The Bill stood passed unanimously by the majority of the members.<sup>22</sup>

#### **2.1.4 The Pakistan Arms (Second Amendment) Bill, 1976**

Malik Mohammad Akhtar moved the bill in the Senate. The bill was: That the Bill further to amend the Pakistan Arms Ordinance, 1963 {The Pakistan Arms (Second Amendment) Bill, 1976}, as reported by the Standing Committee, be taken into consideration at once.<sup>23</sup>

He further argued that the proposed amendment in the West Pakistan Ordinance No. XX of 1965 was made to empower the Federal Government, which might direct the Provincial Government to prohibit the keeping, carrying or display of arms at such places, times or occasions as might be necessary. The idea was to prohibit the display of arms at fairs, gatherings or processions of political, religious, ceremonial or sectarian character or in the premises of law courts, and in particular, within the premises of educational institutions and their hostels or boarding houses.<sup>24</sup>

He further said that it was necessary to bring that amendment. Then again, proviso had been added to section 13, which provided for punishment for the violation of

such restrictions, and it laid down the minimum sentences in case where the offences were committed in respect of dangerous weapons.<sup>25</sup>

Mawlana Noorani, while discussing the bill, said that the ordinance, which was being made an Act, was the product of 1965 and was a masterpiece of the dictatorial regime. The government, which was made over the debris of dictatorship, was trying to follow the same pattern. The government was supposed to declare that law null and void at the first priority. The country had been converted into a police state through the law. For example Section 11 (B) (2) of the said law had empowered the Magistrate to check the weapons and arrest the person. A police officer had also the same powers. That was also satisfactory but it was very astonishing that “any person” was authorized by the court to inspect the weapons and arrest a person. The “any person” could also include even a constable, who would arrest a person having or “not having” the weapons.<sup>26</sup>

Mawlana Noorani further said that the government was deceiving the people in the name of democracy. He claimed that the public was the fountainhead of power, but, in fact, bureaucracy was empowered by the government. The universities and colleges existed even during the British rule. The Muslim University Aligarh, the Banaras University, the Bombay University, the Calcutta University, the Madras University, the Agra University the Meeruth University existed there. The procession in the *Muharram* also existed during the British rule. But they did not follow the law under discussion. If such law was needed at that stage, it meant that there was something wrong at the bottom. In fact, through the law, the government wanted to disarm the opposition and to arm itself at the forthcoming elections. So the people would be harassed through the arms and they would

not come to the polling booths. In that way, the rigging would be possible. Therefore Mawlana Noorani opposed the bill.<sup>27</sup>

## **2.2 His Voice against Mismanagement and Human Rights Violations**

Mawlana Noorani had pledged to fight constitutionally against the cruel laws and exploitation of the people. He stressed that each citizen was equal before law. Justice should be provided to the citizens at their doorsteps. Mawlana Noorani was of the opinion that the nation would be prosperous and satisfied if they were granted the fundamental rights in a smooth and proper way without any restriction and delay. He struggled for the basic rights of the citizens at the floor of the Senate and even became a stumbling block before the mismanagement and human rights violations by the government.<sup>28</sup>

### **2.2.1 Withdrawal of Remission of Sentences Bill, 1976**

Malik Mohammad Akhtar, Minister for Law and Parliamentary Affairs, moved the Bill which stated:- The Bill to withdraw the remission of sentences granted to or earned by, certain prisoners [The Withdrawal of Remission of Sentences Bill, 1976], as reported by the Standing Committee, be taken into consideration at once.<sup>29</sup>

Mawlana Noorani mentioned that the main objective of the bill was not to reduce the punishments of the person in jails. Mawlana said that the Defense of Pakistan Rules was mixed in the bill from the back door. The DPRs already existed for giving minor punishments. By introducing such bill, the DPRs were protected, which were not guaranteed even during the dictatorial regimes. Through this bill the punishments could be reduced. He reminded the Minister for Law and Parliamentary Affairs, that his party itself condemned the DPRs, before coming into power in the country. But then they

seemed to be its great lawyers and protectors. This will be on the record of Pakistan's history that those who vehemently resisted and opposed a black law, the same were creating ways and rules for imposing those laws. But the days were near that the nation would get rid of the black laws as well the guarantees of the said laws.<sup>30</sup>

Mawlana Noorani agreed with the punishments given to the culprits, but he disagreed with so many laws made by the government. He said that the whole society seemed to be criminal in the presence of numerous laws. Criminal Code was being amended. Then special benches as well as defense of Pakistan rules were there. Then there was also the West Pakistan Maintenance of Order. If the world had a glance over all these laws, they would consider the whole of our society to be criminal. We all would seem to be traitors and not be able for reducing punishments for culprits in jails. The law being amended by the government benches was in fact already present to give punishments. So what was the need to change it? Even the British did not conceive to extend punishments. They reduced the punishments of the culprits. The Indians were fighting for their independence and the British had made harsh laws to deal with them. The Indians raised their heads against their black laws like Rowlett Act. They agitated against the Simon Commission and were given punishments in return. But their punishments were remitted. It was very strange that the British were very cruel but they remitted the sentences of the people. Now all those laws were inherited and at first the British were the law ministers and after them it's Malik Sahab (Malik Muhammad Akhtar, the then Minister for Law and Parliamentary Affairs). So there should be a remittance in the sentences as it was the privilege and right of the person sentenced. If we compared the British made laws with the contemporary laws, we would feel ashamed.

The laws should be flexible. As the government was not flexible, so Mawlana Noorani strongly condemned the bill presented by the government.<sup>31</sup>

The Senate passed the Bill.<sup>32</sup>

### **2.2.2 The Criminal Law Amendment (Special Court) Bill, 1976**

Malik Mohammad Akhtar presented the Bill before the House, which stated: - That the Bill to provide for the trial by a special court of certain offences [The Criminal Law Amendment (Special Court) Bill, 1976], as reported by the Standing Committee, be taken into consideration at once.<sup>33</sup>

Mawlana Noorani brought all the flaws of the bill to the light and all the bad intentions of the government benches were highlighted. The federal government could choose the judges among the judges of the High Court to sit at a place determined by the federal government out of the High Courts. So the judges would be out of the building of the High Court and would sit at a place where the federal government would be happy. The federal government would choose three judges of the High Court to sit in the special Bench of the High Court. This was an open challenge to the discretionary powers of the chief justice of the High Court. In fact the government was supposed to ask the Chief Justice of the High Court to nominate three judges for the special bench, but the government directly took those powers into its own hands. According to the code of Criminal Procedure, the same special bench consisting of three judges would be nominated. But it would sit within the jurisdiction of the High Court. The judges were free to decide according to the laws. But the new method, going to be introduced by the federal government, would discourage the public opinion. The judges and the High Court had a high place. That place should not be displaced. It must try a suit within the

jurisdiction of the court. The government had neither space for the prestige of the High Court nor for its people. The British had many black laws like Defense of Indian Rule and the Indians for such law condemned them, but those laws were never used by the British for the disgrace of the court or the judges of the court. Mawlana gave a proof in favor of his argument against the government. He said that the present government arrested the special session judge of the Thar parker in 1973 under DPR and sent him to jail. The Judge was presented before the court handcuffed. The government used all the tactics, which it could use. In such a way, the lawyers who had appeared for the Bail Before Arrest (BBA) in favor of the judge were also arrested. So one could imagine that how the government was playing jokes continuously with the High Court. The present government did the act, which was not undertaken during the dictatorial regimes.<sup>34</sup>

Mawlana Noorani said that all the doors were closed for the justice with the people. The law was made in order to provide the people with freedom and facilities and to create a sense of justice in them. They would realize that justice and equity prevailed. The cruelty would vanish. But as many laws were being presented and passed through the house, were proving that the freedom and rights of the people were being molested and all the doors towards justice were being closed at them. "We, the Muslims, were the standard bearers of equity and justice. The Islamic justice demanded that an ailing person should be exempted from the attendance of the court. During his absence the cases should not be trailed. But here, in our country, the case was different. The suit would remain in trail even if the judge were ill or not. So the government to decide the suit according to its requirements and conditions restrained the judges of the High Court. Now the government was itself a murderer and at the same time wanted to be a judge". A common

man could not get benefit of such laws. So through such a bill all the sources of getting justice by the people were being banned. The hatred and prejudice would take place. Mawlana considered the bill the most dangerous. It would be better for the government to withdraw the bill as it was against the interests of the nation.<sup>35</sup>

The Bill was declared as passed by the majority.<sup>36</sup>

### **2.2.3 The Code of Criminal Procedure (Amendment) Bill, 1976**

Malik Mohammad Akhtar (Minister for Law and Parliamentary Affairs) moved the Bill in the Senate which stated: - That the Bill further to amend the code of criminal procedure, 1898 [The Code of Criminal Procedure (Amendment) Bill, 1976], as reported by the Standing Committee, be taken into consideration at once.<sup>37</sup>

Mawlana Noorani assured the house that the bill was very crucial in its nature and should be discussed in the house. Mawlana told the house that the aim of the bill was restricting the rules for bail more vehemently. The British had relieved their subjects during their rule. But it was regretted by Mawlana to bear more cruelties than the rule and slavery of the British. Only civilized laws could be promulgated in any civilized society of the world. But where the freedom of man was seized and negated the right for his bail or the judicial powers were curtailed in granting bail, such could be only possible in an uncivilized society. There should be no such uncivilized law for a civilized society. The people would be disheartened and misunderstandings against the government would develop. The civilized societies of the world would curse upon us. The preventive detention was not explained completely in the court of criminal procedure. It was present only in the Pakistan Security Act. It was feared that more laws regarding preventive

detention would be made its parts. The bill was restricting the freedoms of individuals and judiciary. Therefore, Mawlana strongly opposed the bill.<sup>38</sup>

“The Code of Civil Procedure, 1908 was amended and presented before the house in the garb of the present bill. Surely it would have benefits but it was doubtful. It claimed to collect the official dues but the procedure laid down by the bill was very unjust, as the official dues could not be collected within one day. It needed four months to one year at least. The government could pass such a bill a year or two years ago but it could not do it. Now at that stage the government wanted to exploit the opportunity. It wanted to kill two birds with one stone. There was no doubt that the country needed funds for the developmental projects. Nobody could deny its efficacy. But the question was that if those dues were payable for so many years, why it could not be received earlier? So the bill was brought to the house in order to keep the opponents out of the coming elections. The opponent would be made payable of the official dues and he would be busy in the court and his property would be confiscated. So he would not be able to contest the next expected election”.<sup>39</sup>

Mawlana Noorani after discussing the motives of the bill, explained and pin pointed the flaws in the procedure of the bill. The government claimed that the dues could be collected with in sixty days. So they had ordered that the courts give no more injunction than sixty days. So in that way the power of the courts and High courts were being restricted. The government was supposed only not to allow more than sixty days but should not prohibit the courts in that regard. Mawlana further suggested that the government could form financial benches in each High Court. Each High Court of the Provinces had twenty to twenty five judges. So it was very easy to form a financial bench

consisting of two judges, who would easily deal the financial matters. The government could determine six to one year but their intentions were not fair and in that way dissensions could be made. The courts could deal with such matters very carefully but the government was restricting their powers in that connection. It meant that there were some political interests behind the bill and the government wanted to achieve those ones by hooks or crooks.<sup>40</sup>

Ultimately the Bill stood passed.<sup>41</sup>

#### **2.2.4 The Railways (Amendment) Bill, 1976**

Mawlana Noorani appreciated the amendments by the government in the Railways Act, but said that the minister for railways would not get the required results and aims through the same amendment. The ministry for railways had competent officials and was very expert in legal affairs. They had arranged the bill. The communication minister was also a lawyer. He would also have studied the bill very well. The law was being amended in such a way that the railway servants were being legalized to sell the tickets. The minister concerned also knew that the black marketing of tickets by its servants was going on. The railway officers were given the judicial powers in the bill. He said that the Constitution of the Islamic Republic of Pakistan was present. It was their promise in the said Constitution to separate the judiciary and executive within three years. But one could see that the executive was being vested with the judicial powers. He said that the officers were already misusing their powers and when given more powers through the bill, they would become harsher, because they were paid little. The new doors were being opened for them. They were being given unlimited powers. They would misuse their powers. They could entrap any person they wanted. The executive always wanted unlimited powers

through the house. He said that the minister in charge tried to do away with the dishonesty in the railway but its officials were using him for the bill in the house. He was playing in their hands through the bill. They wanted to get benefit out of his simplicity in order to get more powers. The public would get frustrated and there would be a rebellion. The railways servants would consider the ticket selling as their source of income. Mawlana Noorani did not want to go into details why the trains were late and the water not present?<sup>42</sup>

### **2.2.5 The Defense of Pakistan (Third Amendment) Bill, 1976**

Malik Mohammad Akhtar presented the Bill, Which communicated like: - That the Bill further to amend the Defense of Pakistan Ordinance, 1971 [The Defense of Pakistan (Third Amendment) Bill, 1976], as passed by the National Assembly, be taken into consideration.<sup>43</sup>

Mawlana Noorani strongly opposed the bill and argued that two amendments had already been made in the Defense of Pakistan Ordinance 1971 and this would be the third one. The law minister had pointed out that all the political parties in the Parliament had signed the constitution. Therefore, the emergency was agreed upon. But Mawlana said that the country at that time was in the war position and 93000 POWs were not yet arrived and all the parties were compelled to sign the constitution along with the emergency under Defense of Pakistan Rules (DPR). So the government should not take advantage of the compulsions of that time.<sup>44</sup>

Mawlana Noorani further explained that there was no concept of emergency in Islam. During the presence of the Prophet Muhammad (PBUH), the whole land was in the clutches of two super powers of that era. Those were the Roman Empire and the

Iranian Empire. The Muslims were busy twenty-four hours in wars. *Ghazwat* were the orders of the day. The Muslims would keep themselves armed all the time. Even then the Prophet did not suspend the fundamental rights, while the present government wanted to harm the fundamental rights, through the Bill under discussion. No civilized society would think about the elimination of the laws favorable to the society. Quaid-e-Azam was a sign of freedom. Even the Hindus like Sirojni Naido admitted to that fact and were his great admirer. Hindus honored Quaid-e-Azam for his struggle in the British legislature for the sake of freedom of speech and pen. Quaid-e-Azam, the founder of Pakistan had condemned the black laws of the British. When the British government presented the Emergency Power Bill in 1919, Quaid-e-Azam strongly resented the bill and said, "My Lord, I will not take up the time of this council any more. I say, My Lord, that Part-III is the blackest part of this Bill."

Then there was complete peace and tranquility in the country. The pacts were in progress with India. There was also no external threat to the security of the country. Then there was no need to impose black laws of emergency and DPRs. We were considered as the uncivilized nation throughout the world for unsocial and uncivilized laws.<sup>45</sup>

Mawlana Noorani assured the House that thousands of Pakistanis from the provinces of Punjab, Sindh, NWFP and Baluchistan were on trails under the DPRs.

Mawlana again quoted Quaid-e-Azam Muhammad Ali Jinnah:

The fundamental principles of justice has been uprooted and the constitutional right of the people has been violated at a time when there is the real danger to the state by unfaithful and blatant bureaucracy which is neither responsible to the people nor touches with the real public opinion, and their sole plea is that the powers when they are assumed, will not be misused.<sup>46</sup>

So that was a black law according to the words of the Quaid. So Quaid-e-Azam had condemned all those kinds of laws and Mawlana also strongly opposed the law under discussion, as the fundamental rights of the people were in danger.<sup>47</sup>

Mawlana Noorani moved amendments to the Defense of Pakistan (Third Amendment) Bill, 1976. One of those was: (2) Chapter xxix of the code shall apply to the suspension, remission and commutation of sentences passed by a Special Tribunal, so, however, that the powers exercisable by the Provincial Government under that chapter shall be exercised by the Federal Government.<sup>48</sup>

A person was not given the right to be released on bail. If a person was given the right to appeal after the decision of the Tribunal and then he was not released on bail that would be a great mistake. That was totally against the recognized rules, that the High Court could also not release anybody on bail.

The cases of appeal for hearing were always delayed due to burden on the High Courts. So the accused would remain in Jail until the case was decided. He would wait up to his final decision of the appeal. That was a cruelty. In this way High Courts could not issue a bail to an accused. The supremacy of High Court was disturbed in that way. The Tribunal was made superior which was against the law.<sup>49</sup>

The government could appoint a tribunal on its own under the DPRs, but the dangerous aspect of this was that the Tribunal was empowered more than High Courts. The Tribunal appointed by the government under the DPRs could release an accused on bail while High Courts could not.<sup>50</sup>

The House rejected the amendment of Mawlana Noorani.<sup>51</sup>

### **2.2.6 The National Registration (Amendment) Bill, 1976**

Mr. Abdul Qaiyum Khan, the Minister for Interior, States and Frontier Regions moved an amendment in the National Registration Bill, 1976. The amendment was: That the Bill further to amend the National Registration Act 1973 (The National Registration (Amendment) Bill, 1976), as reported by the standing committee be taken into consideration at once.<sup>52</sup>

Mawlana Noorani strongly opposed the amendment because the institution of National Registration had encouraged corruption all over the country. The people were unable to get job until and unless they had a National Registration Card. The passport also needed the same card. So it was very necessary thing. But the forms for the application were not available easily. The middlemen out of the offices sold the forms for Rs.5 or Rs.10. The forms were supposed to be available free of cost. Many poor villagers were going outside the country to earn their livelihood. Whenever they went to the office to get their cards on the due date, the cards were not prepared. Hence they visited the concerned office consecutively, but the card was not there. The government servants used to take leaves to get the National Identity Card but even then the card was not given to them. So the entire staff was busy in bribing.<sup>53</sup>

Mawlana Noorani gave the proof of their negligence by quoting his own sufferings for the passport. Although the discussion was not over the passport, but he said that if a responsible person would get a passport or a National Identity Card so difficultly after two months regular struggle, then what would be the condition of a common man?

He further said that the concerned officers were so bold that they used to ask the people if they know it was the Quaid-e-Azam year. The people would respond positively.

Then the officers would say that if they had brought the Quaid-e-Azam with them, only then they could get their cards. It would mean the currency note of Rs. 100. So if the officers had become so mean and immodest, then how could they serve the people rapidly and honestly?<sup>54</sup>

Mawlana Noorani pointed out to another important aspect and drew the attention of the honorable house towards another dangerous criminal act. He quoted the words of a Peoples Party representative published in the famous Newspaper "*Najat*" from Sakkar. It informed that an organized minority group of Sindh took huge amounts from the Indian Hindus to make forged cards for them in order to settle them in Pakistan. One of the members of that group was the statistical officer in the registration office at the District Jacobabad. The names of the persons in the group were Madras Madari Lal, Lal Shahzad Kot and Roop Chand. They were busy in those malpractices in an organized way. They wrote the cost of one registration card in a letter to the Indian Hindus as Rs. 5000. So the Hindus were being registered as Pakistani citizens only for Rs. 5000. Therefore Mawlana Noorani strongly opposed the amendment and demanded the Interior Ministry to take back the black law in order to eradicate the corruption through back doors. In such a way millions of Pakistanis would be out of troubled water.<sup>55</sup>

## **2.2 His Interest in Issues related to Education, Health and Poverty**

It was the main objective of the manifesto of the Jam'iyat 'Ulama-I-Pakistan<sup>56</sup> to give special emphasis on the education of the people of Pakistan. It was declared that education would be standardized in accordance with the Islamic values. Different kinds of education systems will be eradicated and the one and similar kind of education system

will be introduced. So Mawlana Noorani followed his party's manifesto within the parliament strictly and forwarded his suggestions to the same fields.<sup>57</sup>

### **2.3.1 The Education Bill, 1976**

Mian Mohammad Ataullah (Minister of State for Education) moved the Bill:-

That the requirement of sub-rule (2) of rule 83 of the Senate, 1973, in regard to the Bill to make provision for Federal supervision of curricula, text-books and maintenance of standards of education [The Federal Supervision of Curricula, Text-books and Maintenance of Standards of Education Bill, 1976], as reported by the Standing Committee, be dispense with.<sup>58</sup>

When the government presented the above Bill, Mawlana Noorani strongly opposed it, as it was not beneficial to the nation. It had numerous technical faults. Mawlana said that no heed was paid towards those faults. He suggested that the whole education system of Pakistan was supposed to be made in accordance with Islamic system. All the moral, spiritual and literal values must be highlighted in this bill. But he felt sorry over the negligence of those objectives in the bill. As far as the other aspect was concerned, that was our national language, Urdu. But the plan for education, made by the Education Minister had no way for our national language. Only the local languages and English had been protected in it. Mawlana Noorani informed the house that he had gone through some books published by the national plan for curricula and textbooks. The books published by the National Bureau of Curriculum had a space for the learning of the languages. That plan had approved twelve periods at the primary level and sixteen periods for the middle school level per week.<sup>59</sup>

Mawlana Noorani said that the National Bureau of Curriculum as well as the bill presented in the house would not fulfill the objectives. He pointed out that the educational curriculum was already working under a plan. The plans presented by the bureau had already faults and the bill under consideration was not correcting the previous

faults, but it was a source of increase in those drawbacks. Mawlana drew the attention of the Education Minister towards the education system, textbooks and standard of education. He said that all the aspects of education were covered under that bill but at least they were bound to make Urdu a fundamental part of the system. Arabic should also be an important part of the system. Mawlana reminded the house that one of the most important causes for the separation of Bangladesh was that our education system was not an Islamic one. It was necessary to make the Arabic a compulsory part of our system, so that a common Muslim child could comprehend it directly. We had gained a lesson from the fall of East Pakistan. He gave the reference of Dr. Siraj-ul-Haq, Head of the Arabic department at Dhaka University, who participated in the "*Seerath Congress*". Dr. Siraj-ul-Haq strongly advocated the teaching of Arabic language in all the Muslim countries from the early stages of education. Mawlana considered his advice as a guideline for our next textbooks and standard of education.<sup>60</sup>

Mawlana Noorani pointed out that unless and until Islam was not given the importance in the education system, no good results could be achieved. It was necessary to give space for the Arabic in our education system to Islamize it. All the facilities should be provided to the students in that connection. That was very easy as the students were already getting education regarding the Quran at home, *Masjid* and *Madrasah*, but the curriculum had no space for it. Its results were unfruitful. There was confusion among the students and teachers. They were always seen on strikes. The course books were rarely available, and if available, that had objectionable topics. If the government was of the view to get good results of the bill in the field of education, it was just to make castles in the air.<sup>61</sup>

Mawlana Noorani further argued that the education ministries of countries play a vital role to promote its spiritual values. "Education ministry was like the backbone. But here in our country the state advisers gave their advices according to their own whims and wishes and so the system was destroyed severely". The objectives in the bill were not proper so Mawlana Noorani rejected it to be enacted and approved.<sup>62</sup>

The Bill was unanimously passed.<sup>63</sup>

### **2.3.2 The Drugs Bill, 1976**

Ch. Jahangir Ali (Minister of State for Health and Population Planning) moved the Drugs Bill into the Senate, which stated: - That the Bill to regulate the import, export, manufacture, storage, distribution and sale of drugs [The Drugs Bill, 1976], as reported by the Standing Committee, be taken into consideration at once.<sup>64</sup>

Mawlana Noorani said that those who endangered the human health were culprits of the society. The nation would forgive them at no cost. They should not be sentenced to life imprisonment rather they must be sentenced to death because they were the murderers of the humans. That kind of punishment was awarded in the civilized societies of the world. The officers, who have drawn up the bill, have opened a door for malpractices and played a game. Apparently it was shown that life imprisonment would be awarded to the drugs-mafia but in fact the punishment was only five years. So Mawlana Noorani strongly appealed to give them the death sentence.<sup>65</sup>

Mawlana Noorani also opposed the formation of the Drug Courts. According to the Drug Act the Chairman would be appointed for the Drug Courts. That was mistrust over the judiciary. The prestige of the judiciary should be maintained. Two Drug courts would be arranged. Two officers among them would be experts in their trade. If a judge

would be appointed as a Chairman, what was wrong with the judge already present at the court? He should be trusted and so there was no need to appoint another judge as a Chairman. Special Courts could be managed with in the High Court. The precedents for such act were already present in the Court of Procedure. That was done during the rule of the British. They would demand the High Court to appoint a special branch for such and such subject. Drug Court should also be appointed with in the High Court. A judge of the High Court should be its head. The road to bribing and corruption was being opened through such an action of the government. Dishonesty would prevail and justice would never be done. The government should provide a capacity for amendment in the bill. The culprits should be awarded harsh punishments through the courts, which existed already for providing justice. Otherwise the society would be destroyed and dishonesty would be its fortune.<sup>66</sup>

The Senate passed the Bill.<sup>67</sup>

### **2.3.3 Mawlana Noorani against the Price-Hike**

When a motion was moved into the Senate regarding the price-hike in the commodities, Mawlana Noorani was asked by Chairman to take only eight minutes to express his views about the motion. Mawlana Noorani said that the topic and issue under discussion were vast, so he would take more than eight minutes and started his arguments. The government always gave an impression that there was a price-hike. The government announced that the public would not suffer of the rising prices. For example the price of different items arose, which included the railway fares and the transportation services and especially the articles of daily use. Those fares were increased. So the prices of each and every thing would be affected. The public would usually suffer. If the government would

increase the prices in one field, other fields would automatically suffer. The government claimed that if it had increased the prices, it had also increased the salaries. But Mawlana Noorani said that if the salaries were increased in the same ratio as the prices were rising, then it was right. But the salaries were not increased with the same ratio. But the poor public who were servants and workers, were told that their salaries were raised, felt very angry as the increase in their salaries had made no difference and there was an increase in the articles of daily use as well. They felt no difference. The government claims and announcements were very charming, that the rates of the commodities would not increase. But the public had experienced that the prices were increased so vigorously that their purchasing power came to an end. Mawlana emphasized the government to curtail their expenditures as it had grown out of their own control. When the expenditures of the government increased, the taxes would be levied more lavishly. The expenses were extended for the sake of the defense purpose of the country. It was also apparent that whenever the courageous people of Pakistan were appealed in the name of defense of the country, they had curtailed their personal expenses in order to fulfill the defense requirements of the beloved country. There was no one who would not be ready for the defense of his beloved country. But when they saw that millions of rupees were spent to import cars and other luxurious items and the best foreign exchange of the country was spoiled, and then they were right to say that the government was not sincere to curtail its expenses. The public was then overburdened with taxes. The result was the increase in prices. It was also argued that the price hike was due to inflation and the increase in the prices of international markets influenced the Pakistani markets. Mawlana said that the government should compare the price of the international markets with those of the

previous year. The prices of those things which had gone up in 1973, 1974, their governments tried to control them. They brought the prices to the level, which were not out of the purchasing power of their public. So that pretext of the government was just good for nothing to say that the prices increased here due to price hike in the international market. The basic cause for the price hike was the burden of taxes over the public. The taxes were increased more and more as the government could not control its expenses. The government used all the sources of income lavishly in order to make their lives more luxurious.<sup>68</sup>

## **2.4 His Voice for the Muslims all over the World**

Mawlana Noorani not only raised his voice for the welfare and protection of the Muslims within the country but also managed to move motions for the protection of the Muslims of other countries. Legally and as an international law case, the government of Pakistan was not able to support the Muslims outside Pakistan but Mawlana Noorani wanted to support them morally through the parliament.

### **2.4.1 Aggression against the Muslims of Philippines**

Mawlana Noorani moved the adjournment motion for the protection of the Muslims of Philippines. He requested the chairman of the Senate to adjourn the business of the house to discuss a specific matter of great public importance, namely, the resolution of the *Motamir Alam-e-Islmi* calling upon the Islamic nations to force the government of the Philippines to guarantee protection to the Muslims of that country. It was a very serious matter and Mawlana requested the honorable members of the house to find ways and means by which we could help our Muslim brethren. Other members of the house along with the Chairman objected the adjournment motion of Mawlana Noorani on the basis of

being a matter of foreign policy. They argued that it was the internal affair of Philippines and they could not interfere with their internal problem. But Mawlana Noorani responded in a very positive and legal manner. He said that surely Philippine was sovereign state but no country could be allowed to slaughter its Muslim minority on the basis of its sovereignty. If the Muslims were being killed in any part of the world, it was our national, religious and Islamic duty to protest over such happenings. This was not the first resolution of Mawlana Noorani, but was a resolution moved in response to the resolution passed by *Motamir Alam-e-Islami* in Makkah. He demanded the members of the house to force the Philippines government to guarantee the protection of Muslims there, as they were Muslim brethren.<sup>69</sup>

#### **2.4.2 Mawlana Noorani's Adjournment Motion for the Indian Muslims**

Mawlana Noorani moved an adjournment motion, which stated:

The business of the house be adjourned to discuss a specific matter of recent occurrence and of a great public importance, namely, the forced sterilization of Muslim, Minority in India against the basic religious belief of this community resulting in tragic clashes between armed police and unarmed Muslims in Muslim populated areas of Delhi. This has caused great concern in Pakistan and the emotions of the people are enflamed at this outrageous act who desire that their government take steps to raise this issue at international level to safeguard Muslims in India and, therefore, this must be discussed at once. The matter was reported in daily "*Jang*" dated 22<sup>nd</sup> April, 1976.<sup>70</sup>

Mr. Aziz Ahmad, Minister of State for Defense and Foreign Affairs appreciated the concern of Mawlana Noorani, and said that the government regretted that occurrence, but he was afraid that a matter which concerned the internal jurisdiction of India, and it would not be proper for the government to try and interfere in India's internal affairs. By raising that issue at international level, the same objection would apply. Mawlana Noorani responded that the problem of the Indian Muslims was not Indian internal affair, but he considered it as the internal affair of Pakistan. Mawlana Noorani cited the Liaquat-Nehru Pact<sup>71</sup>, which we had with the Indian government. Both the governments had taken

the responsibility of their minorities. Mawlana asked had if Liaqat-Nehru Pact was expired? If that was expired then he could think about the matter to be Indian internal jurisdiction. That was one aspect and the other aspect was that Pakistan came into existence for the safety and security of the Muslims. Pakistan was not achieved only to safeguard its own Muslims but to protect the Muslims all over the Subcontinent. Mawlana Noorani considered it as the internal affair of Pakistan on the basis of the above arguments. "They were our brother Muslims and were own blood. We could not leave the matter on the basis that it was the Indian internal affair. We had religious ties with the Indian Muslims. We could not say the Palestine issue was the Israel affair. Mawlana emphasized that the Liaqat-Nehru Pact was concluded by the late Prime Minister Liaqat Ali Khan and that was even then applicable. That was on the record. If we were bound to obey pact then India was also responsible for its subservience".<sup>72</sup>

#### **2.4.3 Tribute to President Salahuddin for accepting Islam**

Mawlana Noorani had an eye even outside Pakistan over the Islamic world affairs. When the President of the Central Republic of Africa accepted Islam, he moved a motion in the Senate of Pakistan to present a tribute to the newly converted President to Islam. The motion was: The Senate of Pakistan pays its highest tribute and heartiest congratulation to Honorable Salahuddin, President of Central Republic of Africa, for accepting Islam and joining the comity of Muslim brotherhood, and recommends the Federal Government to communicate his felicitation and feelings of the Muslims of Pakistan to the President.<sup>73</sup>

The motion of Mawlana Noorani was agreed upon and carried unanimously.<sup>74</sup>

## **2.5 Mawlana Noorani's Voice for the Welfare of the Society**

Mawlana Noorani was a politician who strongly followed the manifesto of his party at both the floors of the Parliament. His party declares that each and every form of cruelty and exploitation will be eliminated. The workers of the industries will be given their due share in income of the industries. All the facilities will be provided to the laborers. They will be provided with the pension at the age of retirement. Mawlana Noorani following the footsteps of his party put forward bills or amendments to the bills presented by the concerned ministry for the uplift and welfare of the society.<sup>75</sup>

### **2.5.1 The Dowry and Bridal Gifts (Restriction) Bill, 1976**

Mawlana Kausar Niazi (Minister for Religious Affairs, Minority and Overseas Pakistanis) moved the Bill, which stated: - That the Bill to provide for restrictions on dowry and bridal gifts [The Dowry and Bridal Gifts (Restriction) Bill, 1976], as passed by the National Assembly, be taken into consideration.<sup>76</sup>

Mawlana Noorani termed it as a valuable step towards the elimination of social evils from Society. He further said the dowry was a *Sunnah*. Every body could gift any thing he wanted according to his capacity. The bill was moved in the house because some people considered it as a source of vainglory and snobbery.<sup>77</sup>

Mawlana Noorani appreciated the bill and argued that Quran had also commanded "When the believers spend, they did not spend extravagantly and also avoid miserliness. They adopt the moderation". The Prophet (PBUH) has also said that Muslims should consider their economy during both the poverty and riches. They should cut our coats according to our clothes. Mawlana pointed out some flaws and demanded to remove those from the bill. The "*Salami*" to the bride and bridegroom should not be

restricted as it was legal. But the extravagancy in this connection should also be condemned. Secondly, the social evils adopting the shape of a bill should at first be publicized and then after some months be enforced. The bill must not be passed and enforced suddenly. Steps should be taken to persuade the public to control the evil by themselves.<sup>78</sup>

Mawlana Noorani was very astonished to see that the punishment in the bill was recommended for the girl side. The girl side was compelled to fulfill the demands of the boy side. It was the boy side that demanded the air conditioner, refrigerator, cars etc. No punishment was recommended for them. Both of the sides should be held responsible. The amount of Rs. 10000 as a fine was very huge. For example a widow would marry her daughter and if she was fined, how would she do away with?<sup>79</sup>

The Senate passed the Bill.<sup>80</sup>

### **2.5.2 The Employees' old age Benefits Bill, 1976**

Mawlana Noorani moved an amendment in response to the motion moved by the government benches. The motion moved by the Government bench was: That the bill to repeal and re-enact the law relating to old-age benefit for the persons employed in industrial, commercial and other organizations [the employees' old age benefits bill, 1976], as reported by the standing committee, be taken into consideration at once.<sup>81</sup>

Mawlana Noorani opposed the motion and moved an amendment to the aforesaid motion. The amendment of Mawlana was: That the bill as reported by the standing committee be circulate for eliciting public opinion by 20<sup>th</sup> April, 1976<sup>82</sup>

Mawlana Noorani said that the bill had several clauses and was very important. It was related to the workers and employers. It had safeguarded the workers against the

exploitation of the employers. A procedure for both the parties had been laid down by the Bill. So Mawlana demanded to circulate the bill for the workers among the public before discussing it in the Senate. He suggested that the bill was mostly related to the Labor union and textile associations, so they must be invited to the Standing Committee and be consulted. Then the Senate should be informed of the results in that regard. Mawlana Noorani objected over the awkward type of clauses of the old age benefit bill. He said that it was totally a deceit in the name of old age benefit and was far away from facts.<sup>83</sup>

Mawlana Noorani pointed out that the qualifying conditions for old age benefits were due at the retirement of 55 years for men and 50 years for woman according to the bill under discussion. The amount of pension for both was Rs. 75 each. Mawlana said that it was a deception with the nation as the elections were coming close. The ministers themselves have confessed the price hike in the commodities. The people were fed up of the dearness. What an old person will do with the Rs. 75? How would he fulfill his needs out of such a tiny amount? The government did not keep their words of providing "bread, clothing and shelter". Therefore, at least they were given Rs. 75. If the government could not give pension to its servants at their retirement, so how could it provide pension to the workers? This was the condition of the government servants. They used their best potentialities for the best administration of the country and when they retired at the age of 55 years, the government could not grant them with their pension amount for three years. They remain in very bad condition. They were compelled to commit suicide. Mawlana Noorani proved his argument by quoting the adjournment motion moved six months ago in the National Assembly, which said that the children of a government servant committed suicide.<sup>84</sup>

Mawlana Noorani assured the honorable house that the bill was not prepared by the Minister for Labor but by the bureaucracy. Staff would be employed in the name of Board of Trustees, as the labor division existed. The workers were already afraid of the name of the said labor division. There was also the social welfare department. It was not useful. In the same way the Board of Trustees or such other institution would be of no use. All the expenditures would be deposited from the employees and employers. Board of Trustees and institutions etc. would be fictionalized out of these expenditures. Mawlana talked over the principles of the bill and repeated a special feature of the bill. The bill said, The Federal Government may, subject to such conditions as it thinks fit to impose, by notification in the official Gazette, exempt any establishment or industry from all or any of the provisions of this act<sup>85</sup>

According to the above provision, the government could exempt any industry. If the workers worked in an industry and the very same industry was exempted, then how would the workers get the old age benefits? The institution would also be under the jurisdiction of the federal government. The workers would be exploited and the ways to bribery get opened. There were many flaws in the bill. The institution and Board of Trustees were being made for the upbringing of some government officials. The workers would get nothing out of it. Another ambiguity, which was pointed out by Mawlana for the correction, was about the transfer of a worker from one industry to another. For example, if a worker had some compulsions to leave Lahore for Gujranwala after one year and shifted there to another factory and again he got an opportunity to have better job in Karachi, then what would he do about his funds? There was no way for the

shipment of his funds to another factory. What the Board of Trustees and institution would do?<sup>86</sup>

Mawlana Noorani pointed out another technical fault in the bill. If a person claimed orally to be a worker in a specific factory. Then the same factory dismissed him. Then it was very easy for a person to say such things, as there was no documentary proof of the worker. A person on the basis of enmity could claim such things easily. A person could exploit an owner of a factory in such a way. So there should be a registration card for each and every worker. The worker should be registered with the factory. The same flaw could be vanished through that measure very easily. Mawlana Noorani also suggested the government to press the capitalists in favor of the workers. The factories should be made responsible to allocate allowances out of the profit made by the owners, so that rights of the workers could be preserved.<sup>87</sup>

Mawlana Noorani strongly condemned the concerned authorities as so many workers were killed in the previous four years as never were done before. Mawlana also moved an amendment for the eradication of flaws in the bill. The amendment was:

That clause 3, be numbered as clause 3, sub – clause

1. and the following be added after it as sub clause (2): -

2. The employer shall get all insured persons in his establishment registered with institution before the first of August 1976, and the institution shall issue registration card prepared as prescribed under the rules. In case the employer fails to get insured person registered as aforesaid, the insured person may himself apply to the institution for his registration.<sup>88</sup>

The presiding officer read the amendment moved by Mawlana Noorani thrice and then asked the minister concerned whether he was opposing the amendment? The minister concerned responded in affirmative. The amendment seemed to be very important as it was read thrice by the presiding officer and asked the minister thrice about its passage. The minister concerned (Mr. Abdul Sattar Gabool) also opposed the

amendment thrice. Before the motion was rejected, Mawlana Noorani explained that the procedure presented in the amendment was for the sake of the welfare of worker as well as benefit of the employer. The institution would issue a card to the worker after registration. Different countries had the procedure for old age pension. There existed the registration card system. That card was always with the worker. Where he got employment, he was registered there and whenever he left that place and would go to another factory that card would also go with him. All the benefits would be availed by him. If he had not the registration card, the capitalist could cheat him. The card would be very helpful for both the employee and employers. The Board of Trustee, the institution and the employer would have the knowledge that where and when he was working? It would be very easy to determine his rights through this method.<sup>89</sup>

Mawlana Noorani also moved an amendment for the appointment of the head of the institution. There was no procedure for the appointment of its head. The amendment moved by him in this connection was: And shall also appoint a suitable person as the head of the institution<sup>90</sup>

Mawlana Noorani said that the Board of Trustees would deposit the amount of the employees in bank. The audit would be undertaken. But what would be the utility of that amount? If it were ensured that the amount paid by the employees would be protected under the insurance policy, it would be better. But the Board of Trustees was empowered to invest the amount. This had been experienced in our country so many times that the insurance companies were given the capital and they invested the said capital in many fields, which was totally destroyed. The bank could keep it secure but if the authority of its investment was given to the Board of Trustees, then it was sure that the amount was

not safe. There was no such restriction; therefore it was not in favor of the workers. The country was given the impression that the capitalists were completely being controlled according to the interests of the workers. The Board should not be empowered to exempt any factory.<sup>91</sup>

Mawlana Noorani again pointed out that the amount specified for the old age persons was a small amount of Rs. 75, so that he could avoid begging in his age of infirmity. If the bill was overviewed economically, one could see that when a person would reach the age of 55, he would have sons and daughters. How could he support them with such a vile sum? Mawlana said that he could not call that amount as petty one; it would be a large amount because a bill was moved specially for it. The workers would be very happy to hear that a bill was being passed in the house for their interests. But when they would see the same amount specified for their pension, they would say that the distant drums sound well. They would feel that it was a very strange bill. All of their lives, an amount would be deducted from their salaries. The employees of the Board of Trustees and institution would get as much as they liked. But the workers would get only Rs. 75. When the protectors of these funds would retire, they would get one, two or three thousands as their pension. The bureaucrats conducting those institutions would get huge facilities while the workers were to get only Rs. 75.<sup>92</sup>

The presiding officer of the Senate called Mawlana Noorani a socialist. Mawlana responded very optimistically that he was a Muslim and was presenting the economic aspect of Islam before the honorable house. Our economic system was not based on socialism. Islam itself was an economic system. There were instructions present in Islam, for the best economic system that was also our religion. Mawlana Noorani quoted a very

brilliant example before the Senate. The Prophet Muhammad (PBUH) asked a worker why his hands were so rough. The worker replied that he cut woods with the help of these hands. The Prophet Muhammad kissed his hands and said that these hands were earning his livelihood. Our Prophet has valued the workers very highly. There was no better system than Islam all over the world.<sup>93</sup>

Mawlana Noorani then presented the political aspect of the bill. He said that the bill was moved only to get some political objectives. So the bill was very important on the political point of view but as far as the interests of the workers were concerned, there were no such clauses for their benefits. Therefore Mawlana strongly opposed the bill.<sup>94</sup>

The Senate rejected the amendments of Mawlana Noorani<sup>95</sup> while the Bill stood passed.<sup>96</sup>

## **2.6 Mawlana Noorani for Islamic Culture and Civilization**

Mawlana Noorani always fought, both within and outside the parliament, for the cause of Islam. He had also declared at the floor of the National Assembly that the Islamic culture would never be distorted. He emphasized that religion and politics could never be separated. He said that Pakistan was an ideological state and Pakistan without Islam had no meaning.<sup>97</sup> As a senator, Mawlana Noorani followed the same line as followed by him in the National Assembly.

### **2.6.1 The Pakistan Study Centers Bill, 1976**

Malik Mohammad Akhtar (Minister for Law and Parliamentary Affairs) moved the Bill into the Senate, which stated: -

That the Bill to provide for the establishment of Pakistan Study Centers in the Universities for the studies of languages, literature, social structure, customs, attitudes and motivation, of the people of various regions of Pakistan [The Pakistan Study Centers Bill, 1976], as reported by the Standing Committee, be taken into consideration at once.<sup>98</sup>

Mawlana Noorani brought some flaws of the bill in the open. He pointed out that regionalism; provincialism and centrifugal tendencies would be developed through the bill. Then Mawlana went into the details and also presented his honest opinions. He said that whenever we talked about the regional cultures and languages, the national language would be ignored. Its importance was minimized. It seemed that we were emphasizing regional identity instead of the national identity. These things were totally against the ideology of Pakistan. If the bill was viewed from the Islamic point of view, it had two aspects. If it was viewed only on the basis of a Pakistani national then it was our national duty to make our country on the basis of the same culture, civilization and entity. The other aspect was that Pakistan and Islam were part and parcel of each other. Pakistan without Islam and Islam without Pakistan were nothing. Pakistan could not maintain its future without Islam. According to Islam, there was no concept of regional culture and civilization. Harrappa and Mohenjodaro civilizations had no place in Islam. Mawlana said, "We had also no contact with those civilizations. We have relations with Islam only". The Prophet Muhammad (PBUH) was the fountainhead of Islam. When Islam came into being, all the nationalities, cultures and civilizations were absorbed into Islam. They had no identity of their own. Islam then enlightened them. Hazrat Bilal had no relation with the Islam and its culture and civilization. Islam made the culture and civilization of Bilal very conspicuous. Mawlana Noorani argued that the government was totally making a mistake that on the one hand it claimed to be against the regionalism and nationalities and on the other hand it was maligning the students of universities with regionalism. We must eradicate the regionalism and provincialism. We should have to

maintain the identity of Islam and all the cultures and civilizations must be absorbed into Islam.<sup>99</sup>

Mawlana Noorani gave the example of the river Ravi, the river Jehlum, the river Indus, the river Bias and the river Chenab flowing separately. But all of those rivers meet at a point called Panjnad in the river Indus. Then the river Indus fell into the sea. The river Indus remained no more the Indus and the river Jehlum remained no more the Jehlum. So in the same way all the identities and nationalities got the one and similar identity after embracing Islam. Mawlana Noorani suggested that the regional cultures should not be encouraged. The new generations would be misguided and their comprehensions would be disturbed. They would then be proud of the Harappa and Mohenjodaro civilizations. No one would be proud of the Islamic culture. Muslim civilization was basically attached to the lands of Makkah and Madinah. The Prophet Muhammad (PBUH) had preached a special civilization from the Faran (name of a hill near Makkah), which was our pride. But Mawlana felt very sorry over planning to ruin the Islamic culture and civilization through the bill. Apparently it was propagated through radio and television that such and such person was encouraging regionalism and so was propagating the different nationalities. Mawlana Noorani strongly condemned and opposed the bill as the government itself was providing an opportunity for such things through the bill.<sup>100</sup>

The Bill presented was passed by the Senate.<sup>101</sup>

#### **2.6.2 The Publication of the Quran (Amendment) Bill, 1976**

Mawlana Kausar Niazi, Minister for Religious Affairs, Minority Affairs and Overseas Pakistan, presented the amendment bill in this regard. The amendment was: - That the bill

to amend the publication of the Holy Quran (Elimination of printing Errors Act, 1973[the publication of the Holy Quran (Elimination of printing Errors) (Amendment) Bill, 1976] as passed by the National Assembly, be taken into consideration.<sup>102</sup>

Mawlana Noorani congratulated the government over the special program for the publication of the Quran. He said that all the conspiracies and intrigues of the Jews to change the Quran had been made unsuccessful though the bill. The Jews tried in 1970, 1971 and 1972 respectively with in Egypt and other African countries to publish the Quran in distorted form for distribution. Some Muslim countries, especially the Egyptian government and the al-Azhar University successfully confronted this conspiracy. The whole perils in the future were vanished through the imposition of law in 1973, which was a successful effort. The bill was totally unchallengeable and passed.<sup>103</sup>

### **2.6.3 Mawlana Noorani's Resolution for the Ulama of Madaris**

Mawlana Noorani moved the resolution as: - That this House is of the opinion that the Government do recognize the *Tanzeemul Madaris (Ahl-e-Sunnah)* Pakistan's certificate as equivalent to degree of Bachelor of Arts.<sup>104</sup>

Mawlana Noorani said that the resolution had an Islamic and spiritual history, which was related to the Indo-Pak Subcontinent. The object of the resolution was to enable the *Ulama* of the society to play a vital role in the Pakistani society and to develop the role of the *Madaris* and *Darul uloom* where the Islamic teachings were basically taught in Arabic.<sup>105</sup>

The Ministry of Education, Communication and Religious Affairs was trying to develop the Arabic education through Radio, Television and National centers. The

struggle of the government was commendable. The aim of that step was to make the people understand the Arabic directly. Mawlana Noorani said that all the ninety-five *Madaris* from Karachi to Khyber were given the education in Arabic. They had a permanent curriculum. He demanded that the government should recognize the certificates of those *Madaris*, that its *Ulama* could get a respectable and proper place in the society. They could be very helpful in promoting the Arabic teachings.<sup>106</sup>

Mawlana Noorani explained the history of the *Madaris* in the Subcontinent. He said that the grand Islamic traditions were concerned with those *Madaris*. The Umayyad, the Abbasids, the *Salatin-e-Delhi* and later on the Mughals had recognized all the *Madaris-e-Arabia Islamia*. They patronized the religious institutions for the promotion of the Arabic teachings. Baghdad had the same *Madrassah* with the name of *Darul uloom Madrassah-e-Nizamia*. Imam Fakhr-ud-Dinal-Razi, Imam Abu Hamid Muhammad-al-Ghazali and the Prime Minister of the Saljuq dynasty, Nizam-ul-Mulk Tusi were the graduates of the same *Madaris* of the Baghdad. Then he turned towards the Arabic *Madaris*, which had a special system. The *Madaris-e-Arabia Islamia Darul uloom* had produced freedom fighters like Fazlul Haq Khairabad and Mwalana Kifayat Ali. These *Madaris* also played a great role during Mughal period. The graduates of those *Madaris* were given a high place in the society. The Funds provided by the *Baitul-Mal* to those *Darul uloom* and *Madaris-e-Islamia*, was stopped at the arrival of the British. It should be noted that the total number of *Madaris* around the Shahjahani Mosque in Thatta was three hundred. Those *Madaris* were up to the Secondary level. There were also about seventy-five colleges, where Persian, Arabic, religious, spiritual and moral trainings were granted. Except those places Peshawar and Lahore had also the same type of *Madaris*.

But Thatta was the center of learning during the Mughals. After the arrival of the British in India the certificates of those *Madaris* were not recognized. So the British snatched the proper place given to the *Ulama* in the society by the Mughals. The British did that intentionally because they did not want spread of religious teachings among the Muslims. The *Ulama* were a source of light among the Muslims in order to save them from the clutches of the Christian missionaries. The Christian missionaries had spread to the nook and corner of India. The British knew that the Muslim *Ulama* served the society in the religious affairs and kept them informed. They were the source of enlightenment for the Muslims. The same *Ulama* preached and guided the people through their scholarly and pious teachings.<sup>107</sup>

The British were a colonial power and were Christians. They were the enemies of Islam. Therefore, the *Ulama* turned over their struggle towards the other end. They tried their best to have an *alim* in each city of India. They appealed to the Muslim community and their leaders like Sir Syed Ahmad Khan to play their role. Sir Syed Ahmad Khan struggled to persuade the Muslims to get the modern education in order to obtain a proper place in the society. Sir Syed prepared the Muslims to achieve a good political stature, while the *ulama* played their own pivotal role. They spread a chain of *Madaris* in the whole country and the best types of *Madaris* were established in the Indo-Pak subcontinent. It produced the *Ulama* who played their role in the society very well.<sup>108</sup>

It was a great achievement to get independence in 1947. That was a very bright aspect of our history. Most of the graduated *Ulama* of that *Madaris-e-Arabia Islamia* stood by Quaid-e-Azam in his struggle for independence. The *Ulama* played a remarkable role, in referendums of the N.W.F.P and Sylhut, at the voice of the Quaid-e-

Azam. Most of the *Ulama* were at the forefront of the freedom movement for Pakistan. So they were amongst the founders of Pakistan.<sup>109</sup>

The *Madaris-e-Arabia Islamia* had the same position as it had during the British. They could not gain the status, which it had during the rule of the Muslim empires in the subcontinent. Their certificates were not recognized even then. The education ministries at different provinces were struggling to import the Islamic education at secondary level. Those institutions needed the *Ulama*. The same institutions needed the “*Huffaz*” and the *Qaris*. Most of *Madaris* were imparting knowledge of *Tajweed* and *Hifz*. That was compulsory over there. After getting knowledge in those areas, they were further trained for eight years in the Islamic studies curriculum. But the government of Pakistan could not get benefit of their learning’s, as their certificates were not recognized. Mawlana Noorani drew the attention of the Education Ministry towards the solution of their problem and demanded to recognize the certificates of the *Madaris-e-Arabia-e-Islamia*, so that the society could completely get benefit of their knowledge. Mawlana said that the cradle of knowledge had been illuminated by those *Ulama* and the same *Ulama* would enlighten other brains through their knowledge.<sup>110</sup>

Mawlana Noorani further explained his aim and said in the response of a minister that *Tanzeem-ul-Madaris* was a registered institution, which controlled all the ninety-two *Madaris* in Pakistan. The education department has all the details of the *Madaris*. The rest of the *Madaris* should also be recognized and their certificates should be considered equivalent to the B.A, so that they might be able to get admission into M.A in the universities of the country. *Tanzeem-ul-Madaris* had its curriculum based on nine years duration. The government had approved the same curriculum. In this way the *Ulama*

could get their due place in the society and there would be a harmony among the ancient and Modern knowledge.<sup>111</sup>

The resolution of Mawlana Noorani was sent to the Standing Committee for full-fledged discussion and for consideration, which was later on adopted by the Senate and passed.<sup>112</sup>

## **2.7 Noorani's Participation in general Parliamentary Debates**

Apart from the above issues, Mawlana Noorani took part in many other debates and forwarded his proposals to the ministries concerned for their better effectiveness. Wherever Mawlana Noorani found a flaw in the bills presented by the government benches he corrected those ones. If the government through bills carried out any mismanagement, Mawlana Noorani strongly resented those bills and offered his suggestions to amend the bills. The Senate discarded many of his amendments and suggestions to the various bills but even then he considered it a duty as a parliamentarian to take active part in the legislation process.

### **2.7.1 The Constitution (Sixth Amendment) Bill, 1976**

Malik Muhammad Akhtar moved the motion in his capacity. The motion moved was: That the Bill further to amend the Constitution of the Islamic Republic of Pakistan (The Constitution (sixth Amendment) bill, 1976) as passed by the National Assembly, be taken into consideration.<sup>113</sup>

Malik Mohammad Akhtar declared the amendment as consequential. He reminded the Senate that the Fifth Amendment of the Constitution gave a commitment that the tenure of the Chief Justice of Pakistan and the tenure of the Chief Justices of the High Courts shall be 5 and 4 years respectively. But that commitment could be honored if

they would amend the Constitution further so as to make a provision that irrespective of their attaining the age of superannuating, which was the age of 65 years in case of Chief Justice of Pakistan, and 62 in the case of Chief Justice of the High Court, irrespective of the age of superannuating, they should continue to be in tenure posts. He further agreed that in tenure post there was no mentioning of age limit. For example, in the case of the President and the Prime Minister of Pakistan, the worthy Chairman and Deputy Chairman of the Senate, the Speaker and the Deputy Speaker of the National Assembly, and even the honorable members of the Senate. Similarly, in the case of Governor of the State Bank of Pakistan who retire at the age of 65. An amendment was brought in 1976 providing that they should complete their tenure as originally agreed with them. So, in the Sixth Amendment Bill, amending the Constitution Articles 179 and 195 of the Constitution were amended.<sup>114</sup>

Mawlana commented that no nation could remain without amendment to its constitution. But nations amended their constitutions when it was in the interest of the country. He said that the American governments had made only 25 or 26 amendments during nearly two hundred years. While here in our country the amendments were prepared overnight, and were passed quickly. No democratic country amended its constitution at a short notice of eight or twelve hours. That was not the way of the parliamentary democracy. There was no need for the advisers, as the constitution had no space for it. Those people should never be appointed for whom the constitution had never permitted. Through the said amendment, the government wanted to legalize and protect the appointment of those persons, who were not allowed by the constitution. They will be

just a burden over the national exchequer. Therefore Mawlana Noorani opposed the Sixth Amendment to the Constitution.<sup>115</sup>

### **2.7.2 The Defense of Pakistan (Amendment) Bill, 1976**

Malik Mohammad Akhtar moved the Bill: - That the Bill to amend the Defence of Pakistan Ordinance, 1971 [The Defense of Pakistan (Amendment) Bill, 1976], as passed by the National Assembly, be taken into consideration.<sup>116</sup>

Mawlana Noorani expressed his views about the Defense of Pakistan Rules (DPR) sent by the National Assembly to the Senate. The objectives of the bill had vividly described that the Provinces would be empowered to form courts on their own disposal. There already existed a judicial system in the Constitution. But the government had started dual policy. There were already some special courts and then again some other courts were being created under the banner of DPR. The courts, which were being established, would have a regular representative from the executive branch of the government. Nobody could remain without resenting the bill. So the murderer and the judge were the same. No such example could be found in any civilized country of the world. If special courts were designed anywhere, that were only in cases of war.<sup>117</sup>

The Parliament passed the Bill.<sup>118</sup>

### **2.7.3 The Defense of Pakistan (Second Amendment) Bill, 1976**

Malik Mohammad Akhtar (Minister for Law and Parliamentary Affairs) moved the Bill: - That the Bill further to amend the Defense of Pakistan Ordinance, 1971 [The Defense of Pakiustan Second (Amendment) Bill, 1976], as passed by the National Assembly, be taken into consideration.<sup>119</sup>

Mawlana Noorani said that the amendment to the defense of Pakistan under consideration was a cruel one. The courts provided justice to all the people. The cruelest and even the worst enemies were provided with the opportunity to defend them. But the amendment would snatch that opportunity from an individual. All the trials with the Deputy Commissioner and Assistant Commissioner would be shifted to the Special Tribunal. The lawyers would also be changed. The new lawyers would not re-examine the witnesses of the old courts. So the accused would be tortured and the case would be decided one-sidedly. Through the said amendment, the acquisition of justice would not be fulfilled.<sup>120</sup>

#### **2.7.4 The University of Islamabad (Amendment) Bill, 1976**

The government wanted to change the name of the University of Islamabad. It forwarded an amendment before the National Assembly and passing it, forwarded it to the Senate. Malik Mohammad Akhtar presented it into the Senate: - That the Bill to amend the University of Islamabad Act, 1973 [The University of Islamabad (Amendment) Bill 1976], as passed by the National Assembly, be taken into consideration.<sup>121</sup>

Mawlana Noorani appreciated the government to rename the University of Islamabad as the Quaid-e-Azam University over the centenary celebrations of Quaid-e-Azam. Mawlana argued that the attribution of the University to the Quaid-e-Azam was a great effort and was able to be proud of. But he demanded that the University, which was going to be attributed to the name of Quaid-e-Azam, should be based on the views and ideas of the beloved Quaid. The University should be bound to work under the perceptions of the Quaid-e-Azam. The ideology of Pakistan and Pakistan itself were part and parcel of each other. Quaid-e-Azam was the torchbearer of the ideology of Pakistan.

Quaid-e-Azam sacrificed his whole life to achieve that end. So if the University could not fulfill those objectives followed by the Quaid, then the attribution of the University to his name would be a futile exercise.<sup>122</sup>

Quaid-e-Azam had attributed the foundation of this country to Islam. Quaid-e-Azam had emphasized that Muslims were one nation and advised to avoid regionalism and racial discrimination. Therefore the government should open a study center at the campus to teach the ideas and perceptions of the Quaid. So the University should be capable of having the qualities of the Quaid in the real sense.<sup>123</sup>

The Bill was passed unanimously.<sup>124</sup>

#### **2.7.5 The Seed Bill, 1976**

Shaikh Mohammad Rashid forwarded the Bill before the Senate, which stated: - That the requirement of sub-rule (2) of rule 83 of the Rules of Procedure and Conduct of Business in the Senate, 1973, in regard to the Bill to provide for controlling and regulating the quality of seeds of various varieties of crops [The Seed Bill, 1976], as reported by the Standing Committee, be dispensed with.<sup>125</sup>

Mawlana Noorani appreciated the bill very much. He said that the bill was very much needed. Its name was also very good. The quality of seeds of various varieties of crops would be made better and the country would be made self sufficient in food. It was very necessary for peasants to be provided with top quality seeds, this would produce enough grains for the people of the country. Our economy was based on agriculture and eighty percent of our population depended on agriculture. That was the need of the day. Sheikh Muhammad Rashid had the idea in mind since April 1975. But the bill was moved in the house in April 1976. It meant that the bill was arranged in a year after greater

deliberations. But it must be sure that the seeds would be given in good condition. The question was if the seeds would be right or not? It should be made sure that the concerned corporations and councils would not be discrepant in that regard. There should be no back doors in those institutions. The government would establish National Seed Council, Seed Certificate Agency and National Registration Agency. What was the need for so many institutions? The farmers were the backbone of our economy and our agricultural economy was to be standardized. The country was to be made self sufficient in grains and foods. So there was no need for the official hegemony and to open doors for corruption. Only the National Seed Council could do away with the problems. There was no need for the rest of the agencies. But in order to increase the expenditures, to empower the officers and to appoint them at different places, the bill was introduced in the House.<sup>126</sup>

Mawlana Noorani further pointed out the flaws of the bill and said that there would be Federal Seed Certificate Agency and also the provincial seed council. All of those would be a burden on the national exchequer. If the government was sincere to provide right kind of generic seed to the farmers, it was a simple matter and had a simple solution. The provinces would have their own legislation in that regard, so what was the need to bring such a matter at federal level. The provinces would have their own supervision. The Center had its own department in that connection. The straightforward villager would go to the Board for seed and would be cheated by the Board's employees. The good quality seed would be sold somewhere else. But the Inspector from the Board side would go and arrest both the purchaser and the seller. The villager was always a simple man. He worked in his fields from morning to evening and then would go home for rest. The farmers would be confused and entangled. There were already so many

Agricultural Corporations. What type of problems have those Corporations solved? The Agricultural Development Corporation would provide the loans. Then there was the problem of getting tractor and fertilizers. Then suppliers of fertilizers would also be indulged in black marketing. The fertilizer distributors had already entangled. A bag of fertilizer was sold worth Rs.90 instead of Rs.75 in the market. The result of the seed bill would be the same as that of the fertilizers distribution. The bill was totally wrong and not in the interest of our country. Therefore Mawlana Noorani strongly opposed the bill.<sup>127</sup>

The Bill was passed at the end of the session.<sup>128</sup>

#### **2.7.6 The Newspaper Employees (Amendment) Bill, 1976**

Mr. Abdul Sattar Gabol (Minister for Labor and Manpower) moved the Bill into the Senate in this regard: - That the Bill further to amend the Newspaper Employees (Conditions of Service) Act, 1973 [The Newspaper Employees (Conditions of Service) (Amendment) Bill, 1976], as reported by the Standing Committee, be taken into consideration at once.<sup>129</sup>

Mawlana Noorani said that this bill was passed in 1973 for the first time. Tribunal was being expanded through the amendments. The bill was obviously introduced for the privileges of the working journalists and the Newspapers readers. The bill was presented in order to give more protection to the Newspaper's employees. But Mawlana Noorani asked the State Minister whether the bill was introduced only to provide the employees with the cloth, bread and shelter or also to provide them with the proper wages from the Wage Board? The working journalists were very upset. They needed protection from the Wage Board side.<sup>130</sup>

Mawlana Noorani said that the Chairman of the Tribunal would be a working judge. The rest of the members were not pointed out. It meant that the rest of the members would be appointed on their own whims and wishes. So in such a way the justice would not be done. The objectives behind the bill were not fair. Therefore Mawlana strongly resented and opposed the bill.<sup>131</sup>

The Bill stood passed by the majority.<sup>132</sup>

### **2.7.7 The Contempt of Court Bill, 1976**

Choudhury Jahangir Ali, Minister of State for Health and Population Planning, moved a bill on the behalf of the Law Minister: - That the Bill to enact a law relating to contempt of court [The Contempt of Court Bill, 1976], as passed by the National Assembly, be taken into consideration.<sup>133</sup>

The bill was presented to amend the Indian Contempt of Court 1926. The word "Contempt" was not explained properly. That which acts in the jurisdiction of the court would be considered as the "Contempt of Court"? The court had the power to punish a person for contempt of court in accordance with law. There were doubts regarding the words contempt of court.<sup>134</sup>

Mawlana Noorani had a full discussion over the bill on the Islamic point of view. Before going into the details, he at first discussed it on the basis of Islam. He said that we have inherited that law from the British, while Islam had its own commandments regarding the said law. It was the main characteristic of Islamic law that a man had no superiority over man on the basis of his post. But a man had superiority over others on the basis of his piety. No person was free of criticism in Islam on the basis of his high post. Only the Prophet Muhammad (PBUH) was free of criticism. Excluding him, each

and every person who was appointed against a post, was liable to criticism. Criticism was ever considered as an insult. But in fact criticism was for the purification of a person. If the cruel *Sultan* or a bad character man did not allow the criticism, Islam declared it *Jihad*. Muslims were allowed to criticize freely the malpractices of the head or leaders of the state. It was considered as the best type of *Jihad* by Islam to criticize a cruel *Sultan*.<sup>135</sup>

There was no doubt that the judiciary had a pious and high place in the Islamic Law. The said value was not given to it because of the person sitting in the chair, but to law, which was being promulgated, by the person in the chair. We considered the person as superior to law and started worshipping him like an idol. In fact we had inherited that thinking from the British. According to the British, the king was innocent and that he could never be criticized.<sup>136</sup>

Mawlana Noorani then came to the bill before him in the Senate. He thought it to be equal to the British laws. The right to criticism granted by Islam was being curtailed in the bill. The British laws were being revised and protected. The constitution of 1973 had protected the President, the Prime Minister and the Chief Ministers, which was totally against Islam. The judge would decide the contempt case by himself, which was not fair. In such a way the right things and facts would be jeopardized. Nobody would be able to say the truth. Because the judge could send the person to jail for six months as well as be fined for Rs. 6000 instead of Rs. 2000. Every truth and right thing would also be considered as the contempt of court by the concerned judge. Mawlana said the bill was full of flaws. So there must be at least an explanation to the fact that if a judge himself committed a contempt of court, what would be the case? The judges were not

impeachable. The bill banned the right to criticism, which was other way legal in Islam. So the bill was unable to be supported on those grounds.<sup>137</sup>

The Senate passed the Bill.<sup>138</sup>

The present study infers that Mawlana Noorani took part in debates of the Senate actively. All those bills, which were sent by the National Assembly for discussion and passage or initiated within the Senate, Mawlana Noorani had a full-fledged debate over the bills. He took active part in law making. If he found any mismanagement on the behalf of the government, it was strongly condemned by him on the floor openly. He voiced for the fundamental rights of the people and favored the steps taken by the government for the process of Islamization of the society. He took interest in the issues related to poverty, education and health. He raised his voice for the social welfare of the people and even for the sympathies with the Muslims all over the world.

## NOTES

- 
- <sup>1</sup> Mujeeb Ahmad, *Jam'iyat 'Ulama-i-Pakistan 1948-1979* (Islamabad: National Institute of Historical and Cultural Research, 1993), 111-12.
- <sup>2</sup> Sayyid Aqeel Anjum Qadri, interview by author, July 22, 2010, Karachi.
- <sup>3</sup> *SP Debates*, Vol. VI, No. 3 (August 4, 1976), 76.
- <sup>4</sup> *SP Debates*, Vol. V, No. 11 (July 6, 1976), 181.
- <sup>5</sup> *Ibid.*, 180.
- <sup>6</sup> *Ibid.*, 181-84.
- <sup>7</sup> *Ibid.*, 184-85.
- <sup>8</sup> *SP Debates*, Vol. V, No.12 (July 7, 1976), 230.
- <sup>9</sup> *Ibid.*, 234.
- <sup>10</sup> *Ibid.*, 254.
- <sup>11</sup> *Senate of Pakistan (SP) Debates*, Vol. I, No. 2 (March 1, 1976), 69.
- <sup>12</sup> *Ibid.*, 74.
- <sup>13</sup> *Ibid.*, 76-7.
- <sup>14</sup> *SP Debates*, Vol.I, No.3 (March 2, 1976), 108-10.
- <sup>15</sup> *Ibid.*, 110-11.
- <sup>16</sup> *Ibid.*, 111.
- <sup>17</sup> *SP Debates*, Vol.I, No.2 (March 1, 1976), 80.
- <sup>18</sup> *SP Debates*, Vol.I, No.3 (March 1, 1976), 136.
- <sup>19</sup> *SP Debates*, Vol. IX, No. 12 (November 25, 1976), 70.
- <sup>20</sup> *Ibid.*, 70.
- <sup>21</sup> *Ibid.*, 71-2.
- <sup>22</sup> *Ibid.*, 76.
- <sup>23</sup> *SP Debates*, Vol. IX, No. 16 (December 15, 1976), 208-09.
- <sup>24</sup> *Ibid.*, 208.
- <sup>25</sup> *Ibid.*, 209.
- <sup>26</sup> *Ibid.*, 224.
- <sup>27</sup> *Ibid.*, 226-28.
- <sup>28</sup> Mazhar Hussain, *Pakistan kay Siyasi Ittihad may Mawlana Shah Ahmad Noorani ka kirdar: Qaumi Ittihad say Muttahida Majlis-i-Amal tak* (Lahore: Allama Shah Ahmad Noorani Research Center, 2009), 688-712.
- <sup>29</sup> *SP Debates*, Vol. II, No. 24 (April 8, 1976), 532.
- <sup>30</sup> *Ibid.*, 550-52.
- <sup>31</sup> *Ibid.*, 552-53.
- <sup>32</sup> *Ibid.*, 557.
- <sup>33</sup> *SP Debates*, Vol. III, No. 25 (April 12, 1976), 18.
- <sup>34</sup> *Ibid.*, 24-5.
- <sup>35</sup> *Ibid.*, 25-7
- <sup>36</sup> *SP Debates*, Vol. III, No. 26 (April 12, 1976), 91.
- <sup>37</sup> *SP Debates*, Vol. II, No. 21 (April 5, 1976), 390.
- <sup>38</sup> *SP Debates*, Vol. II, No. 22 (April 6, 1976), 443-44.
- <sup>39</sup> *SP Debates*, Vol. II, No. 23 (April 7, 1976), 482..
- <sup>40</sup> *Ibid.*, 483-84.
- <sup>41</sup> *Ibid.*, 488.
- <sup>42</sup> *SP Debates*, Vol. III, No. 30 (April 26, 1976), 243-46.

- 
- <sup>43</sup> *SP Debates*, Vol. VII, No. 12 (August 24, 1976), 46.
- <sup>44</sup> *SP Debates*, Vol. VIII, No. 12 (August 24, 1976), 60-61.
- <sup>45</sup> *Ibid.*, 62-4.
- <sup>46</sup> *Ibid.*, 64.
- <sup>47</sup> *Ibid.*, 64-5.
- <sup>48</sup> *SP Debates*, Vol. VII, No. 13 (August 25, 1976), 98.
- <sup>49</sup> *Ibid.*, 100-01.
- <sup>50</sup> *Ibid.*, 109-10.
- <sup>51</sup> *Ibid.*, 108.
- <sup>52</sup> *SP Debates*, Vol. VIII, No. 7 (November 18, 1976), 154.
- <sup>53</sup> *Ibid.*, 159-60.
- <sup>54</sup> *Ibid.*, 160.
- <sup>55</sup> *Ibid.*, 160-61.
- <sup>56</sup> See Appendix D for the manifesto of *Jam 'iyyat 'Ulama-i-Pakistan*.
- <sup>57</sup> Hussain, *Pakistan kay Siyasi Ittihad may Mawlana Shah Ahmad Noorani ka kirdar*, 705-06.
- <sup>58</sup> *SP Debates*, Vol. I, No. 11 (March 18, 1976), 492.
- <sup>59</sup> *Ibid.*, Vol. I, No. 11 (March 18, 1976), 499.
- <sup>60</sup> *Ibid.*, 500-01.
- <sup>61</sup> *Ibid.*, 501.
- <sup>62</sup> *Ibid.*, 501-02.
- <sup>63</sup> *Ibid.*, 524.
- <sup>64</sup> *SP Debates*, Vol. III, No. 35 (May 3, 1976), 417.
- <sup>65</sup> *Ibid.*, 444.
- <sup>66</sup> *Ibid.*, 444-45.
- <sup>67</sup> *Ibid.*, 469.
- <sup>68</sup> *SP Debates*, Vol. III, No. 29 (April 6, 1976), 183-89..
- <sup>69</sup> *SP Debates*, Vol. I, No. 6 (March 5, 1976), 281-83.
- <sup>70</sup> *SP Debates*, Vol. III, No. 36 (May 4, 1976), 465.
- <sup>71</sup> Liaquat-Nehru Pact was signed between the Prime Ministers of Pakistan Liaquat Ali Khan and Indian Prime Minister Pandit Nehru on April 8, 1950. By this agreement the two governments undertook to safeguard the fundamental, political, cultural and economic rights of the members of the minority communities in their respective countries. There were also provisions for preventing offences against their persons, property and religion and for punishing persons who committed or instigated such offences and for preventing propaganda against the territorial integrity of either State and for taking prompt action against individuals and organizations responsible for such propaganda. Refugees who returned to their homes were to be given back their property or otherwise helped in rehabilitation. See Ziauddin Ahmad's *Liaquat Ali Khan: Leader and Statesman* (Karachi: The Oriental Academy, 1970), 188.
- <sup>72</sup> *Ibid.*, 466-68.
- <sup>73</sup> *SP Debates*, Vol. VIII, No. 1 (November 11, 1976), 37.
- <sup>74</sup> *Ibid.*, 37.
- <sup>75</sup> Hussain, *Pakistan kay Siyasi Ittihad may Mawlana Shah Ahmad Noorani ka kirdar*, 703-04.
- <sup>76</sup> *SP Debates*, Vol. IV, No. 45 (May 17, 1976), 296.
- <sup>77</sup> *SP Debates*, Vol. IV, No. 47 (May 19, 1976), 361-62.
- <sup>78</sup> *Ibid.*, 364-65.
- <sup>79</sup> *Ibid.*, 365.
- <sup>80</sup> *Ibid.*, 382.
- <sup>81</sup> *SP Debates*, Vol. II, No. 17 (March 30, 1976), 101.
- <sup>82</sup> *Ibid.*, Vol. II, No. 17 (March 30, 1976), 101-02.
- <sup>83</sup> *Ibid.*, 102-08.
- <sup>84</sup> *Ibid.*, 108-09.
- <sup>85</sup> *Ibid.*, 110.
- <sup>86</sup> *Ibid.*, 110-11.
- <sup>87</sup> *Ibid.*, 111-12.
- <sup>88</sup> *Ibid.*, 120.
- <sup>89</sup> *Ibid.*, 120-24.

- 
- <sup>90</sup> Ibid., 128.
- <sup>91</sup> *SP Debates*, Vol. II, No. 21 (April 5, 1976), 380.
- <sup>92</sup> Ibid., 384.
- <sup>93</sup> Ibid., 384-85.
- <sup>94</sup> Ibid., 386.
- <sup>95</sup> *SP Debates*, Vol. III, No. 17 (April 4, 1976), 124.
- <sup>96</sup> *SP Debates*, Vol. II, No. 21 (April 5, 1976), 389.
- <sup>97</sup> Sadia Akhtar, *Allama Shah Ahmad Nurani ki Deeni wa Maashrati Khidmaat ka Jayeza* (Lahore: Oriental Publications, 2007), 129-30.
- <sup>98</sup> *SP Debates*, Vol. III, No. 31 (April 26, 1976), 279.
- <sup>99</sup> *SP Debates*, Vol. III, No. 31 (April 27, 1976), 283-84.
- <sup>100</sup> Ibid., 85.
- <sup>101</sup> *SP Debates*, Vol. III, No. 32 (April 27, 1976), 325.
- <sup>102</sup> *SP Debates*, Vol. III, No. 42 (May 12, 1976), 178-79.
- <sup>103</sup> Ibid., 179.
- <sup>104</sup> *SP Debates*, Vol. IV, No. 44 (May 14, 1976), 229.
- <sup>105</sup> Ibid., 229.
- <sup>106</sup> Ibid., 229-30.
- <sup>107</sup> Ibid., 230-32.
- <sup>108</sup> Ibid., 232.
- <sup>109</sup> Ibid., 232.
- <sup>110</sup> Ibid., 233-34.
- <sup>111</sup> Ibid., 240-42.
- <sup>112</sup> Ibid., 246.
- <sup>113</sup> *SP Debates*, Vol. IX, No. 20 (December 23, 1976), 351.
- <sup>114</sup> Ibid., 351.
- <sup>115</sup> Ibid., 365-67.
- <sup>116</sup> *SP Debates*, Vol. III, No. 28 (April 15, 1976), 150.
- <sup>117</sup> Ibid., 155-56.
- <sup>118</sup> Ibid., 166.
- <sup>119</sup> *SP Debates*, Vol. IV, No. 41 (May 11, 1976), 118.
- <sup>120</sup> *SP Debates*, Vol. III, No. 36 (May 11, 1976), 128-32.
- <sup>121</sup> *SP Debates*, Vol. VII, No. 11 (August 23, 1976), 12.
- <sup>122</sup> Ibid., 17-18.
- <sup>123</sup> Ibid., 18-19.
- <sup>124</sup> Ibid., 28.
- <sup>125</sup> *SP Debates*, Vol. III, No. 33 (April 29, 1976), 338.
- <sup>126</sup> Ibid., 344-45.
- <sup>127</sup> Ibid., 345-47.
- <sup>128</sup> Ibid., 372.
- <sup>129</sup> *SP Debates*, Vol. VIII, No. 10 (November 23, 1976), 272.
- <sup>130</sup> *SP Debates*, Vol. IX, No. 11 (November 24, 1976), 16-17.
- <sup>131</sup> Ibid., 18-9.
- <sup>132</sup> Ibid., 28.
- <sup>133</sup> *SP Debates*, Vol. IX, No. 12 (November 25, 1976), 76.
- <sup>134</sup> Ibid., 76-8.
- <sup>135</sup> Ibid., 79-80.
- <sup>136</sup> Ibid., 80-81.
- <sup>137</sup> Ibid., 81-2.
- <sup>138</sup> Ibid., 111.

## CHAPTER 3

### NOORANI'S ROLE IN THE RESTORATION OF PARLIAMENTARY DEMOCRACY 1977-2003

Before the elections of 1970 JUP of Mawlana Noorani tried to unite the opposition parties against the Pakistan Peoples Party (PPP).<sup>1</sup> The PPP was at its peak due to the towering personality of Zulfikar Ali Bhutto. While on the other hand, the ideological base of the country was endangered due to the socialist economic order. The United Democratic Front (UDF) already existed but nominally. The UDF had been inactive due to its internal conflicts.<sup>2</sup> However, Mawlana Noorani ruled out any possibility of rejoining the UDF or joining any alliance with Jama'at-i-Islami Pakistan (JIP). However, he was optimistic about a grand alliance of the opposition parties believing in the Ideology of Pakistan. He observed that fair and impartial elections could be held only under the supervision of an interim National Government. He also announced his party's decision to take part in the forth-coming elections in collaboration with the Tahrik-i-Istiqlal (TI). At the end of 1976, when the general elections were in the offing, the JUP boycotted the by-election from Jhang for the vacant seat of Mawlana Muhammad Zakir, who died in November 1976, because of the sectarian tension in the constituency. On January 7, 1977, Prime Minister Bhutto announced that fresh general elections for the National and Provincial Assemblies would be held on March 7 and 10, 1977 respectively.<sup>3</sup>

### 3.1 The 1977 Elections and Mawlana Noorani

Soon after the announcement of the Election date, Mawlana Noorani, in his press statement, welcomed declaration of the assemblies and holding of general election in March 1977. In order to ensure fair, independent and impartial elections, he demanded the release of all political prisoners, withdrawal of section 144 and suspension of the decisions taken under Defense of Pakistan Rules (DPRs). Mawlana stated that the opposition was ready for the elections, and during the election campaign, they would raise the issues of staggering price hike, increase in the administrative expenditures and the failure of foreign policy, and in case of victory, he promised to bring the price of commodities down to the level of 1970. Under the banner of *Nizam-i-Mustafa*, he declared, they would establish an Islamic social welfare order in Pakistan.<sup>4</sup>

The PPP government started its election campaign in such a direction as to counter the efforts of different political parties, including JUP, by initiating a move to encourage rival groups of these parties. The Sahibzada group of JUP was asked to support the PPP. On January 17, 1977, at a combined session of the central working committee and general council of this group, which was held at Lahore, it was decided that “on the occasion of the forth-coming general elections the JUP, while fully preserving its distinct identity, resolve to support the Prime Minister of Pakistan and the PPP.” The meeting also formulated a program for holding an all Pakistan Sunni Convention, in support of Prime Minister Zulfikar Ali Bhutto, to establish liaison with shrines of saints, *Daral Uloom* and the *Mashaikh*, and to support the election campaign of the PPP, in all constituencies. The leaders of the group demanded funds to carry out their programs and to counter the JUP led by Mawlana Noorani. In March 1977, another group

of the JUP came into being, under, the name of Jam'iyat-i-Ualma-i-Pakistan (Haqqiqi) headed by Mawlana Abu'l Fateh Ghulam Rasul Chishti of Karachi.<sup>5</sup>

### **3.2 Formation of Pakistan National Alliance and Mawlana Noorani**

Although the 1973 Constitution laid down a five-year term for the National Assembly, commencing from the day its members took oath. The second general election was due sometime in spring of 1978. However, towards the end of 1976, there were indications of an election before the spring of 1978. So, the activities of the political parties were mainly diverted to formulate an election strategy.<sup>6</sup>

The UDF, the main opposition alliance, had lost its image and attraction, as Jam'iyat 'Ulama-i-Pakistan (JUP), Tahrik-i-Istiqlal (TI) and National Democratic Party (NDP) (formed in 1975, after the NAP was banned) were standing outside the UDF. However, public opinion and politicians were all in favor of forging a grand alliance against the PPP. Mawlana Noorani, in his press statement, said that his party had decided to take part in the forthcoming elections in collaboration with Tahrik-i-Istiqlal, in order to give the country a viable leadership.<sup>7</sup>

Another attempt to forge unity among the Jam'iyat 'Ulama-i-Pakistan, Tahrik-i-Istiqlal and Pakistan Muslim League was made in August 1976, and the leaders of these parties completed their talks. The leader of the National Democratic Party, Sardar Sher Baz Mazari, invited a meeting of the opposition parties at Lahore on October 30, 1976. Mawlana Noorani, Mawlana Mufti Mehmood, Nawabzada Nasrullah Khan (1916-2003), Pir Pagara, Mian Tufail Muhammad (1914-2009) and Professor Ghafoor Ahmad attended this meeting.<sup>8</sup>

The first meeting was not so effective due to the absence of Air Marshal (Retired) Muhammad Asghar Khan (b. 1921), the leader of the Tahrik-i-Istiqlal. To ensure the participation of Asghar Khan in the second conference, a delegation was organized. This delegation consisted of Mawlana Noorani, Sardar Sher Baz Mazari and Professor Ghafoor Ahmad. Asghar Khan was of the view that there was no need of ineffective alliance. However Mawlana Noorani persuaded him to put their joint candidates.<sup>9</sup>

In order to pressurize the opposition, the Senate approved an amendment bill on December 31, 1976.<sup>10</sup> This was to disqualify the members of the Parliament and provincial assemblies. The Law Minister, Malik Muhammad Akhtar said that the corrupt people would be disqualified. The law would be applicable to disqualify the Federal and Provincial ministers, MNAs and MPAs, Attorney General and Advocate General. The law would not be misused.<sup>11</sup>

Mawlana Noorani strongly opposed the bill in the Senate. He said that the bill was not different from the previous Elected Bodies Disqualification Ordinance (EBDO) and Public and Representative Office Disqualification Act (PRODA). He pointed out many flaws in the bill. He criticized the empowerment of the Prime Minister to initiate the investigations. In such a way the Prime Minister would become dictator. He will misuse the bill against his opponents in the Parliament and the provincial assemblies.<sup>12</sup>

Another move was initiated by Rafique Bajwa, the Vice President of the JUP in Lahore, where opposition leaders of the UDF, JUP and TI met at his residence on January 10, 1977. They decided to form a National Alliance and on the demand of Mawlana Noorani, the new alliance was named as Pakistan National Alliance (PNA).<sup>13</sup>

The nine component parties of the Pakistan National Alliance were: All Jammu and Kashmir Muslim Conference (AJKMC), Jama'at- i-Islami Pakistan (JIP), Jam'iyyat-i-Ulama-i-Islam (JUI), Jam'iyyat 'Ulama-i-Pakistan (JUP), Khaksar Tahrik (KT), National Democratic Party (NDP), Pakistan Democratic Party (PDP), Pakistan Muslim League (PML) and Tahrik-i-Istiqlal (TI).<sup>14</sup> After the formation of the PNA, Jam'iyyat 'Ulama-i-Pakistan and Tahrik-i-Istiqlal raised the question of fair distribution of tickets. These two parties demanded 50 per cent seats for the National Assembly as well as provincial Assemblies. However, the other constituent parties of the PNA were not willing to give them more than 30 percent.<sup>15</sup> The deadlock was solved due to the efforts of Mawlana Abdus Sattar Niazi, who, after his meetings with Mufti Mehmood and Pir Pagara detained 36 percent quota of seats for the Jam'iyyat 'Ulama-i-Pakistan and Tahrik-i-Istiqlal, which was to be divided equally between the two parties. But, as the Chief of the Tahrik-i-Istiqlal was not willing to reduce his demand of 40 percent, Mawlana Niazi reduced the quota of the JUP, and finally it was decided to give 19 percent seats to the Tahrik-i-Istiqlal and 17 percent to the JUP. Thus due to the efforts of Mawlana Niazi and sacrifice of the JUP, the infant PNA alliance survived.<sup>16</sup>

The PNA started its election campaign by holding a public meeting at Nishtar Park, Karachi, on January 23, 1977. The leaders of the PNA addressed public meetings in Punjab, NWFP and Sindh (urban). While addressing a public meeting in Korangi, on January 30, 1977, Mawlana Noorani announced that PNA would enforce "*Shari'at-i-Muhammadi*" in Pakistan and solve problems of hunger, unemployment, inflation and black-marketing. While addressing a public meeting in Karachi on February 7, 1977, Mawlana Noorani alleged that the country had become bankrupt due to the policies of the

PPP government. While addressing a press conference in Hyderabad, Mawlana Noorani stated that the PNA would scrap Pakistan Penal Code (PPC) and replace it by a Muslim Criminal Law as enunciated in the Quran.<sup>17</sup>

The leaders of the PNA promised to enforce '*Islamic Shari at*' in the country. The religious parties of the PNA, i.e., the JUP, JUI and JIP, had sensed the development of Islamic sentiments in the county. But Jam'iyyat 'Ulama-i-Pakistan claiming to represent the *Swad-i-Azam*, mobilized these sentiments under the name of *Nizam-i-Mustafa*, a term coined by Jam'iyyat 'Ulama-i-Pakistan. Mawlana Noorani and Refique Ahmad Bajwa, who represented the JUP in the public meetings of the central PNA, used this term in their speeches. The PNA leadership was optimistic about its victory in the elections. But the elections had been rigged blatantly. The PNA won only 36 out of the 192 seats in the National Assembly.<sup>18</sup>

### **3.3 Tahrik-i-Nizam-i-Mustafa and the Role of Mawlana Noorani**

The central committee of the PNA met in Lahore on March 8-9, 1977 to discuss the situation after election. They decided not to take part in the elections of the Provincial Assemblies, as the National Assembly election was rigged.<sup>19</sup> All the 36 elected members of the PNA decided to resign NA seats as a token of protest against rigging.<sup>20</sup> Mawlana Noorani, in his press statement, said that the PNA was grateful to the people for supporting it by boycotting the provincial assemblies' elections. The PNA did not accept the election results and demanded resignation of Bhutto and fresh elections under the supervision of the army. Mawlana said that the regime was unconstitutional.<sup>21</sup>

Mawlana Noorani and Mawlana Niazi were put behind the bars due to their movement against rigging in the election. These arrests did not discourage the people;

rather, the struggle was more enthusiastic. Some *Ulama* termed this movement as *Tahrik-i-Nizam-i-Mustafa*. Meanwhile, Bhutto tried to defuse the situation by starting dialogue with the opposition. Bhutto released the detained PNA leaders to consider the offer of talks with the Government. Mawlana Noorani observed that by announcing the date of National Assembly session on March 26, 1977, Bhutto had taken an unconstitutional step, as he was not authorized to do so. The PNA rejected the offer of talks and stressed on its demands. They decided to organize demonstration in favor of the demands on March 24, 1977 in Lahore, in defiance of section 144. Mawlana Noorani and other PNA leaders were arrested.<sup>22</sup>

The demonstrations were held at different places for the cause of *Nizam-i-Mustafa*. On April 9, 1977, protest demonstrations were held at Lahore and nearly 30 persons were killed and 250 injured by the police firing. *Fatwas* were issued by different *Ulama* in favor of the *Tahrik*. They demanded Bhutto to enforce *Nizam-i-Mustafa* according to the wishes of the people or resign.<sup>23</sup> The PNA called for a general 'wheel-jam' strike on April 20, 1977. In this nationwide strike, twenty-five people were killed in different parts of the country. The government imposed curfew and martial law in Karachi, Hyderabad and Lahore on April 21 and 22, 1977. Bhutto rejected the demands of the PNA. The leaders of the PNA were once again arrested and sent to prison. Mawlana Noorani, at first detained in Karachi was shifted to the hottest place, Garhi Khairu, situated at the Sindh-Baluchistan border, where he suffered a lot. The PNA and government started negotiations. All the PNA leaders were released except Mawlana Noorani and Asghar Khan because of their reservations about the negotiation process.

The PNA played a vital role in preserving the government. The total number of casualties during the movement was 296.<sup>24</sup>

During the movement, the government allegedly planned to kill a few top leaders. Mawlana Noorani was among them. For his services for the *Tahrik-i-Nizam-i-Mustafa*, Mawlana Noorani was given the title of *Salar-i-Qafilah-i-Tahrik-i-Nizam-i-Mustafa* in September 1977.<sup>25</sup>

The PNA, at first, had been demanding resignation of the Prime Minister, but then they focused on the demand of fresh elections. The PNA proposed that if the new elections were not held, then the PNA must be given a share in the government. But Bhutto did not accept any of the proposals. Mawlana Noorani warned the government that if it were not ready to cooperate, the people would not spare the government and would carry on the movement more vigorously.<sup>26</sup>

However Bhutto accepted demand of holding fresh elections in October 1977. He also proposed to form a special team to supervise the elections.<sup>27</sup>

Bhutto agreed to hold elections in October and form an Implementation Committee with equal PNA and PPP government representation. Mawlana Noorani said that the government must accept the final draft of the PNA and the Implementation Committee or the Supervisory Council must have Constitutional position. These drafts of the PNA, for the creation of the Council, created a political deadlock. The military take over was the result of the deadlock and Chief of the Army Staff, General Muhammad Zaiul Haq (1924-88) declared Martial law in the country. The Prime Minister and a number of political leaders were taken into protective custody'. General Ziaul Haqq declared that election would be held in October 1977.<sup>28</sup>

### 3.4 Martial Law Regimes and Mawlana Noorani

Mawlana Noorani said that the paralyzed democratic institutions, the oppressed opposition, destroyed economy and the distorted law and order situation were the causes of the downfall of Bhutto. In the last months of his regime the country was on the verge of civil war, but he delayed the negotiations and decision.<sup>29</sup> Mawlana Noorani said that the Bhutto era was the darkest period of our political history.<sup>30</sup>

At first, the military take over was welcomed by the JUP and the PNA. Mawlana Noorani said, "in the light of General Zia's recent steps, we believe that he is a true Muslim and he is sincere to hold elections in October."<sup>31</sup> On August 1, 1977, it was announced that the elections would be held on October 18, 1977. The Parliamentary Board of the PNA met at Lahore to distribute tickets. The JUP was allocated twenty-one seats for National Assembly and fifty-two for the assemblies of Punjab, Sindh and Baluchistan. Mawlana Noorani said that he was fully satisfied with the decision of the PNA high command about the allocation of seats.<sup>32</sup>

The PNA started its campaign in the last week of September and successfully organized historic public meetings at Peshawar, Rawalpindi, Lahore, Karachi, Hyderabad and Quetta. While addressing the public meeting at Lahore, Mawlana Noorani said that if the PNA come to power, it would replace the entire economic infrastructure, by a system based on the *Nizam-i-Mustafa*, with in a period of six to twelve months. He was confident that with the dawn of October 18, 1977, the *Nizam-i-Mustafa* would be the rule of the day.<sup>33</sup> While addressing the public meeting at Karachi, Mawlana Noorani said that the *Nizam-i-Mustafa* was universal program. He appreciated the services and sacrifices of the citizens of Karachi during the *Tahrik-i-Nizam-i-Mustafa*.<sup>34</sup> In his press conference,

Mawlana Noorani asked Martial law authorities to determine whether the causes of the East Pakistan debacle were military or political. He said that the Hamoodur Rehman Commission Report was not comprehensive and asked for a judicial commission.<sup>35</sup>

On October 1, 1977 General Zia declared that the bad law and order situation did not allow elections to be held so postponed it indefinitely.<sup>36</sup>

Mawlana Noorani said that the NDP, PML and JIP had begged General Zia to do so.<sup>37</sup> The JUP central working committee, meeting under the chairmanship of Mawlana Noorani, opposed the postponement decision and called for early elections. The committee observed that the solution of all national problems lay only in free and fair election.<sup>38</sup> Mawlana Noorani offered his support to General Zia provided he enforced the *Nizam-i-Mustafa*.<sup>39</sup>

In the meeting of the JUP at Lahore, a resolution was adopted in which it was demanded that the government should allow political activity. Mawlana Noorani said that the PNA should be strengthened in order to enforce *Nizam-i-Mustafa*. He said that clashes in the PNA would not benefit any party. He made it clear that the JUP would remain in the PNA. When TI left the PNA on November 11, 1977, Mawlana Noorani declared this step of the TI as a severe setback to the PNA. Mawlana Noorani demanded that the election must be held before March 17, 1978.<sup>40</sup>

### **3.5 Mawlana Noorani's Exit of the PNA**

The PNA decided to elect new members and review its constitution. On December 29, 1977, the Central Council of the PNA met at Lahore and discussed the proposals for a new constitution of the PNA. Mawlana Noorani objected to the idea of a new constitution. However, the Council did adopt a new constitution and re-elected Mufti

Mehmood and Professor Ghafoor Ahmad on their respective positions. Mawlana Noorani did not accept the new constitution and their election.<sup>41</sup> The central council of the PNA appointed a conciliation committee under the chairmanship of Nawabzada Nasrullah Khan with Muhammad Ashraf Khan as its member. The conciliation committee met Mawlana Noorani on January 2, 1978, and discussed the JUP differences with the PNA. The council suggested that the veto power should be allotted to two parties, and it should be decided which issues were to be decided by a unanimous vote and which by a majority vote. It was assured that the JUP would not be deprived of its just quota in the organizational set up of the PNA. The consensus that emerged during the meeting was that the alliance must function in its present form.<sup>42</sup>

Mawlana Noorani said that if the PNA accepted the principle of consensus, the present conflict could be resolved. He claimed that his party's stand was constitutional and based on principles. He rejected the allegation that the JUP wanted any office in the PNA.<sup>43</sup> Mawlana Noorani observed that the PNA had never treated the JUP fairly; the personal opinion of a few leaders had been considered as the policies of the PNA; the quota of the tickets allocated to JUP for the March and October 1977 polls had not been strictly followed. Some leaders of the PNA had begged General Zia to postpone the October 1977 elections and turned the PNA into a B-team of the Martial law. Mawlana Noorani constituted a seven-member team under the chairmanship of Mawlana Niazi to negotiate with the PNA team. The meeting adopted resolutions, demanding that for the sake of *Nizam-i-Mustafa* and removing of the people, the PNA should accept the JUP point of view, abrogate the constitution, and declare the elections as unlawful.<sup>44</sup>

Mawlana Noorani said that the JUP was sincerely working for the survival of the PNA but its existence depended upon its previous constitution. Mawlana Noorani alleged that the parties which had opposed the creation of Pakistan, wanted monopoly in the PNA. He demanded the re-election and resignations of the newly elected office-bearers of the PNA. He also rejected Mufti Mehamood's proposal that Mawlana Noorani should sign an agreement to remain in the PNA for five years.<sup>45</sup>

Consequently, the PNA accepted the JUP's viewpoint and on February 1, 1978, an agreement was signed which accepted the principle of the consensus in taking decisions on the following issues:

- (i) Amendments in the constitution of the PNA;
- (ii) Negotiations with the government;
- (iii) Decisions of the Parliamentary Board;
- (iv) Joining of a new party; and
- (v) The elections of the PNA.<sup>46</sup>

But the accord's implementation was merely a dream. Mawlana Noorani demanded proper implementation of the February Agreement. Mawlana threatened to launch a movement against the PNA leadership, if they did not resign from their offices.<sup>47</sup>

After the postponement of the October elections the government created the 'election cell' to relate closely with the politicians, especially those of the PNA. Thus those leaders, who were reluctant to face the polls, came closer to General Ziaul Haqq. On July 5, 1978, six Muslim leaguers joined a 'National Government' and a few weeks later; more ministers from the JIP, PDP and JUI joined it. Mawlana Noorani did not join that junta. The *Majlis-i-Shura* of the JUP met under the chairmanship of Mawlana

Noorani on July 6, 1978 and adopted a resolution in which it demanded that the elections should be held as soon as possible and ban on political activities should be lifted.<sup>48</sup> In another resolution, the *Shura* decided to leave the PNA and decided not to join the National Government. Mawlana Noorani, in a press statement, blamed the President and the Secretary General of the PNA, for creating a situation in which the JUP had been forced to leave the PNA, its leaders toured all over the country and demanded in public meetings of elections at the earliest. Referring to the statement of General Ziaul Haq in which he had declared 1979 as the election year, Mawlana Noorani said that the JUP did not want a year, but a 'month' of the election.<sup>49</sup>

On December 2, 1978 General Zia announced few measures for the enforcement of Islam.<sup>50</sup> In March 1979, General Zia announced that elections would be held on November 17, 1979. Mawlana Noorani appreciated this step of General Zia and blamed the PNA ministers for the delay. He also expressed his deep concern over the proposed amendments in the Constitution of Pakistan by General Zia, in order to balance the power of the Prime Minister and the President. He blamed that due to the immature economic policies of the PNA ministers, the country was on the verge of bankruptcy and the foreign exchange reserves had lowered. According to Mawlana Noorani, the National Government was formed mainly to hang Bhutto in the murder case of Nawab Muhammad Ahmad Khan, as General Zia wanted some partners in implementing his decision. The PNA ministers, according to Mawlana, were thus equally responsible in the hanging of Bhutto on April 4, 1979.<sup>51</sup>

### 3.6 Movement for Restoration of Democracy (MRD) and Noorani

During 1981, the Martial law regime relaxed the situation and the political parties desired for the restoration of democracy. PPP was on the top of those parties. Other parties were TI, PDP, JUI and the JUP. The newly formed political alliance was named as the Movement for Restoration of Democracy (MRD).<sup>52</sup>

Mawlana Noorani was of the opinion that only those parties could be favored, which were free of socialist tendency.<sup>53</sup> On March 29, 1981, the JUP and PML (Pagara Group) issued a joint communiqué, through which the alliance was named as "*Tahrik-i-Tahaffuz-i-Pakistan*". These two parties were out of the MRD. But their aim was to struggle for the enforcement of the *Nizam-i-Mustafa* in its true sense. The *Tahrik-i-Tahafuz-i-Pakistan* also aimed at the restoration of the democracy in the country. Mawlana Noorani struggled to bring the country on the democratic tracks. Although, his efforts could not get the required results, but towered against the Martial law regime.<sup>54</sup>

Basically, Mawlana Noorani kept himself aloof from the MRD. He was of the opinion that the anti-democratic behavior of the PPP had paved the way for the recent Martial law. But on August 14, 1983, the MRD declared that an organized movement would be launched for the restoration of democracy. For this purpose, the NDP President, Sardar Sher Baz Mazari and Secretary General, Ghulam Ahmad Bilour met Mawlana Noorani and persuaded him to join the MRD.<sup>55</sup> In the meantime, General Zia announced the new political setup in the country.<sup>56</sup> Mawlana Noorani called for a high level meeting of the JUP to discuss the situation in the country. During this meeting Mawlana Noorani supported the MRD. He declared that his party had always been in the forefront for the

restoration of democracy and also favored the parties, which were struggling for the rule of law and democracy.<sup>57</sup>

The Government invited Mawlana Noorani for talks. He accepted the offer on the condition to have talks on the following agenda:

- (i) Rehabilitation of the political parties;
- (ii) Restoration of the judicial powers and finishing the military courts;
- (iii) Elimination of the Martial law; and
- (iv) Announcement of the election schedule.<sup>58</sup>

The government accepted these conditions of Mawlana Noorani. He also demanded to release all the political prisoners and hold the elections on party-basis. He warned the government vehemently to avoid the amendments to the Constitution.<sup>59</sup>

General Zia blamed Mawlana Noorani for disclosing secrets of the talks held on October 10, 1983. However Mawlana refuted those blames and said that General Zia had not fulfilled his words by not restoring the original Constitution of 1973.<sup>60</sup> He said that if the rulers were serious and sincere about the political crisis in the country, they should hold the elections in the country on party basis. He further said that the imposition of the *Nizam-i-Mustafa* was stopped by the imposition of the Martial Law.<sup>61</sup> Mawlana Noorani was banned in Punjab by the government due to strong stand against the Martial Law regime. He was sent to Karachi.<sup>62</sup>

General Zia-ul-Haqq declared that the general elections would be held in 1984.<sup>63</sup> Mawlana Noorani warned that if the elections were not held on the party basis, JUP would launch a movement, along with other parties.<sup>64</sup> In the meantime, General Zia announced to hold referendum over the question of imposing the 'Islamic System' in the

country.<sup>65</sup> The 71-97 percent Muslims of the country favored the questions in yes, for the imposition of the 'Islamic System' in Pakistan. In this way General Zia legalized his President-ship for further five years. Thus he secured his position for the next election.<sup>66</sup>

President Ziaul Haqq declared that the elections would take place on February 25, 1985, on non-party basis.<sup>67</sup> In response to the government declaration, the MRD announced it would not participate in the elections. The MRD leadership further said that the government should hold the elections according to the 1973 Constitution and should create an atmosphere of fair and impartial elections. The prominent leader of the MRD, Malik Muhammad Qasim, warned those who contested the elections on non-party basis would be expelled automatically from their parties (parties including in MRD).<sup>68</sup>

The election to the National Assembly was held on the non-party basis on February 25, 1985. The Provincial Assemblies' elections were held on February 28, 1985. Mawlana Noorani was imprisoned prior to the elections.<sup>69</sup> Mawlana Noorani criticized the government by saying that the Constitution was so amended, that the Prime Minister was made helpless. He said that it would be observed, how the Members of the Parliament and the Prime Minister Muhammad Khan Junejo work? He said that the whole Parliament was at the mercy of 'one man'.<sup>70</sup>

Mawlana Noorani said that the original Constitution was deteriorated through regular amendments. He considered the Interim Constitution of 1985 as a new one, and said that it was amendment in the Constitution of 1973.<sup>71</sup>

When General Zia's various steps were termed as the "Islamization", Mawlana Noorani said,

Whichever steps were taken by Zia for the Islamic system were based on bad intentions. If he had done all in a fair sense, he would be appreciated in every field of life. The people, at the initial stages appreciated him as he used and exploited the name of Islam

and presented himself as a true Muslim (Momin). The people were discouraged and dishearten by the General.... General Zia could do any thing he wanted but he did noting for Islam. Allah had granted him a grand opportunity... General Zia harmed Islam instead of serving it. No socialist, communist or non Muslim had ever harmed Islam as Zia had done.<sup>72</sup>

The National Assembly of Pakistan passed the Eighth Amendment Bill. According to this bill, Martial Law was protected. The President could dissolve the National Assembly whenever he desired so.<sup>73</sup> The Martial Law was lifted from the country on December 30, 1985, but the country was still far from democracy. We saw the exhibition of this power on May 29, 1988 when Junejo government was dissolved.<sup>74</sup> Untill Zia's death in plan crash he was all in all.<sup>75</sup>

### **3.7 Pakistan Public Alliance (PPA) and Mawlana Noorani**

The restoration of democracy got a chance after the death of General Zia-ul- Haqq. Ghulam Ishaq Khan, Chairman of the Senate, sworn in as the Acting President of Pakistan the same day. He declared that the elections would be held according to the scheduled program on November 16, 1988.<sup>76</sup>

Pakistan Peoples Party was at its peak during 1988 at the political front. A new political party came on October 5, 1988 by the name of Islami Jamhori Ittihad (IJI). Ghulam Mustafa Jatoi was made its head. As this alliance was the product of the ruling elites, therefore, Mawlana Noorani kept himself away from it. But he remained in close contact with the Muslim League and Tahrir-i-Istiqlal. As a result of his efforts a new political alliance came into existence on October 5, 1988 consisting of JUP, PML and TI. This alliance was known as "Pakistan Public Alliance".<sup>77</sup> The general elections were scheduled on November 16, 1988 for the National Assembly and November 19, 1988 for the Provincial Assemblies.<sup>78</sup>

On August 26, 1988, Nawaz Sharif was elected as the Secretary General of the Muslim League while Khan Fida Muhammad Khan as its President. Muhammad Khan Junejo joined the Pakistan Public Alliance. Junejo had some compulsions to join the Pakistan Public Alliance: Firstly, he was disheartened by the decision of the Supreme Court to declare the dissolution of the Assemblies on September 30, 1988 as unconstitutional but decided that the Assemblies could not be restored. Secondly, the Muslim League had completed its party elections on August 26, 1988. So there was no other way for Junejo except joining the Pakistan Public Alliance.<sup>79</sup>

The Muslim League (Official Group) and the PML (Junejo Group) were still trying for alliance. At last the Muslim League was united on October 14, 1988. Therefore, PML (Junejo Group) left the PPA on October 18, 1988. Hence the PPA fell in crisis. The PPA had no opportunity to expand as the elections were coming in hand. Due to the strong influence of the Mohajir Qaumi Movement (MQM) in Karachi, Mawlana Noorani lost the election. However, the JUP got three other seats in the National Assembly.<sup>80</sup>

The parties of the PPA i.e., JUP and TI were not so influential to get majority votes. Mawlana Noorani expressed his views over these failures and said,

We had no resources. We did not compete the conspiracies... As far as the votes were concerned, PPP had the highest votes. But after that the JUP was more important. As Nawaz Sharif had confessed that we lost about 25 seats due to JUP. If we had got the same seats then the PPP would not be the ruling party. Apart from Karachi and Hyderabad, we also faced failure in some places at Punjab. This was also due to our minor resources. Whenever I went on a campaign, I used taxi or raksha. The people would laugh at me. On the other hand the offices of the other parties were full of vehicles.<sup>81</sup>

The PPP was the single party, which got success in the 1988 elections. The MQM was successful in Sindh. The traditional politician, Wali Khan lost and his Awami National Party was defeated in the NWFP. Aftab Ahmad Khan Sherpao made PPP

successful in the NWFP. PPP got 57 seats out of 115 in the Punjab. Baluchistan, where the party politics was different from its tribal politics, the PPP was a little bit successful. The PPP got 92 seats in the National Assembly while the IJI got 68 seats. Later on the independent Members from the FATA also joined hands with the PPP. MQM became ally of the PPP in Sindh. The PPP formed the government in Sindh and NWFP, while Nawaz Sharif made the government in Punjab. Nawab Akbar Bugti was elected the Chief Minister of Baluchistan.<sup>82</sup>

After having governed for twenty months, the then President Ghulam Ishaq Khan issued a charge sheet against the government and dissolved National Assembly and Provincial assemblies on August 6, 1990. He appointed Ghulam Mustafa Jatoi as the interim Prime Minister. It was mainly on the plea that PPP government was corrupt.<sup>83</sup>

Although the democratic period (1988 -1990) saw many ups and downs politically, but the regular conflicts among the politicians increased the Public anxiety. Mawlana Noorani had predicted that the dictatorship of General Zia-ul-Haq would manage to provide a bureaucrat to the country as a President. His prediction proved true. As a result of the democratic setup, two political parties came to the national stream. Those were the PML and PPP.<sup>84</sup>

### **3.8 Islamic Democratic Front and Mawlana Noorani**

When Ghulam Ishaq Khan, the President of Pakistan, dismissed the PPP government on August 6, 1990, the opposition leader Ghulam Mustafa Jatoi was appointed as the caretaker Prime Minister of the country.<sup>85</sup> The caretaker Prime Minister announced that the elections would take place on October 24, 1990.<sup>86</sup>

The elections for the National Assembly took place on October 24, 1990, while for the Provincial Assemblies on October 27, 1990.<sup>87</sup> As a result the Islami Jamhuri Ittihad got majority seats in the National Assembly. Mian Muhammad Nawaz Sharif was elected as the Prime Minister of Pakistan.<sup>88</sup> The religious parties could not get the required results. They were lacking harmony and unity amongst themselves.<sup>89</sup>

Mawlana Noorani blamed the winning team of the elections for rigging. He said that elections were rigged at high level in various places of the country. An election cell was responsible for the rigging. He gave an example of the constituency of Professor Shah Faridul Haq in Karachi, where the result of his constituency came at 11 p.m. although the counting of the votes was not yet complete. As a result the Professor lost the elections.<sup>90</sup>

On another occasion Mawlana Noorani said that the aggressive politics of the MQM at Sindh destroyed the position of JUP and TI. When the JUP workers would visit the booths during the counting process, the hooligans of the MQM would make them run away. If there were no use of weapons, the JUP would achieve the same success as during the 1970 and 1977 elections.<sup>91</sup>

Realizing the lack of unity, Mawlana Noorani of JUP and Mawlana Fazl-ur-Rehman of JUI formed a new political alliance with the name of "Islamic Democratic Front" in May 1992. Mawlana Noorani was made its President, while Mawlana Fazl-ur-Rehman was nominated as its General Secretary.<sup>92</sup>

The IDF convened a meeting of all the opposition parties in October 1992 at the office of the JUP. This meeting was attended by Nawabzada Nasrullah Khan, Ghulam Mustafa Khar, Mawlana Fazl-Ur-Rehman, Qazi Hussain Ahmad, Sheikh Rafique, Malik

Qasim, S.M. Zafar, Shah Farid-ul-Haq, Abdul Qadeer Khamosh, General K.M Azhar etc. but the meeting was not successful in its objectives. So the JUP altered its program to unite all the opposition parties at the same platform, and desired for a more grand alliance, which also failed.<sup>93</sup>

Benazir Bhutto started a movement against Nawaz Government on October 24, 1992. She declared to have a long march against his government on November 10, 1992. Nawaz Government faced a tough opposition from the opposition side. The government started arrests of the workers of the opposition parties' all over the country.<sup>94</sup> Benazir Bhutto started train march and road march respectively against the government.<sup>95</sup>

In the meantime, the Babri Mosque incident took place, which turned the eyes of the public from the internal affairs of the country towards the Pak-India relations for sometime. The opposition parties had to postpone the protest against the government. The IDF took serious notice of the Babri-Mosque incident. As a result Secretary General of IDF, Mawlana Fazl-Ur-Rehman called for all parties' conference in order to analyze the situation after the Babri Mosque martyrdom. Mawlana Noorani, Nawbzada Nasrullah Khan, Ahmad Ali Qasuri, Hamid Sarfaraz, Ghulam Rabbani Khar, S.M Zafar and others attended this conference.<sup>96</sup>

There arose some differences between the Prime Minister and the President over the Eighth Amendment Act. Therefore the President Ghulam Ishaq Khan dissolved the National Assembly on April 18, 1993 and made Mir Balkh Sher Mazari as the caretaker Prime Minister on April 20, 1993. The elections were to be held in July 1993 according to the Constitution. Nawaz Sharif challenged the dissolution of the National Assembly on April 25, 1993 in the Supreme Court of Pakistan. The Supreme Court declared the

dissolution of the National Assembly as unconstitutional. So as a result, Mian Nawaz Sharif got the vote of confidence from the National Assembly. On June 15, 1993, Mian Nawaz Sharif decided to have negotiations with the opposition. Benazir Bhutto forwarded some conditions for the rapprochement with Nawaz Sharif. The conditions were to form a National Government, prepare a package for the constitutional reforms and declare a date for the new elections.<sup>97</sup>

The situation became more complex and Nawaz Sharif along with the Ghulam Ishaq Khan presented their resignations to the Chief of Army Staff on July 17, 1993. On July 18, 1993 Moeen Qureshi was nominated as the caretaker Prime Minister. The political parties started their campaigns for the coming general elections. On July 21, 1993, Mawlana Noorani declared that IDF would make an alliance with other religious parties. On August 15, 1993, addressing the "Jeeway Pakistan convention", Mawlana Noorani said that the public had rejected Nawaz Sharif and Benazir. Both of them were the agents of America. Nawaz Sharif created dissensions and hatred in Karachi and Hyderabad.<sup>98</sup>

The President of IDF, Mawlana Noorani said to a gathering in Hyderabad that the fate of Pakistan was related to the *Nizam-i-Mustafa*.<sup>99</sup> The election to the National Assembly took place on October 6, 1993. According to the results PPP got 89 seats in the National Assembly while PML (Nawaz group) got 73. IDF was defeated vehemently. Total 52 candidates contested the election from IDF side, only four were successful.<sup>100</sup> Mawlana Noorani accepted the results wholeheartedly and said that his party would participate in the next election too.<sup>101</sup> Mawlana Noorani had contested the election from the constituency NA-125. He was defeated. He, as result of his defeat, said that success

and defeat were the part of elections. He expressed his happiness over the peaceful transfer of power under the democratic traditions. This should be a model for future.<sup>102</sup>

No party could get the clear majority. The MNAs were involved in Horse-trading.<sup>103</sup> On October 19, 1993, Benazir Bhutto was elected as the Prime Minister.<sup>104</sup>

The IDF got success at the time when the secretary General IDF, Mawlana Fazlur-Rehman, was elected as the Chairman of standing committee on Foreign Affairs in the National Assembly.<sup>105</sup>

When all the elections completed in all respects there was no need for any electoral alliance. Therefore Mawlana Noorani announced to abolish the IDF. On April 19, 1994, at the residence of Sardar Muhammad Khan Laghari in Dera Ghazi Khan, Mawlana Noorani officially declared the end of the IDF. He said that the IDF was needed only up to the 1993 elections. Then the destinations of JUI (F) and JUP were different.<sup>106</sup>

Nawaz Sharif started agitation against the Benazir's Government. So Nawaz Sharif declared the "*Karwan-i-Najat*" against Benazir's government on August 18, 1994. The PML, JUP, ANP and Jamiyyat Ahli-Hadith (JAH) joined hands with Nawaz Sharif in that *karwan*.<sup>107</sup>

### **3.9 Milli Yakjihti Council (MYC) and Mawlana Noorani**

The year 1994 ended in the aggressive sectarianism, increased unlawfulness and government-MQM differences. The law and order situation in Karachi weakened the Benazir government.<sup>108</sup> The PPP government decided on January 23, 1995, that the religious institutions should be prohibited to gain foreign aid directly and these will not be allowed to establish private training centers. To make their curriculum parallel to the

modern education, audit would be launched in these religious institutions and registration for those institutions would be made compulsory.<sup>109</sup>

Mawlana Noorani appreciated to stop the foreign aid for the religious institutions, but said that the government was taking action against the institutions because USA demanded so.<sup>110</sup> On March 24, 1995, the *Ulama* of different schools of thought met in Islamabad. They decided in that meeting to form a council in order to develop the sense of sectarian harmony. The council was named as "*Milli Yakjihti Council*". The council consisted of eleven members. Its head was Mawlana Noorani, while Mawlana Sami-ul-Haq was its Secretary General.<sup>111</sup>

Mawlana Noorani while mentioning the main objectives of the Council said that it would try to eradicate the sectarian clashes and terrorism. "Foreign hands were involved in terrorist activities, because some foreign elements wanted to weaken the country on the basis of sectarianism, provincialism and linguistic issues".<sup>112</sup>

Mawlana Noorani passed a resolution in the meeting of the *Milli Yakjihti Council* (MYC), which said that it was unbearable to demand foreign aid in order to eradicate the religious parties. He also warned the government that if it bargained over the nuclear program, it would be thrown out.<sup>113</sup>

On April 23, 1995 a meeting was held under the President-ship of Mawlana Noorani at Lahore. This meeting was attended by Qazi Hussain Ahmad, Mawlana Sami-Ul-Haq, Allam Sajid Naqvi, Mawlana Asfandyar, Mawlana Zia-Ul-Qasmi, Mawlana Muhammad Hanif Jalindhri, Mawlana Muhammad Ajmal Khan, General K.M Azhar, Pir Ijaz Ahmad Hashmi, Sardar Muhammad Khan Laghari, Bashir Ahmad Nizami, Mawlana Khadim Hussain Sharqपुरi, Mawlana Abdul Ghafoor Alvari etc.<sup>114</sup> Mawlana Noorani

condemned the consideration of the Benazir Government to amend the Blasphemy law on foreign pressure. He warned that if the government amended the same law, strikes would be held on May 27, 1995 in the whole country.<sup>115</sup>

Mawlana Noorani blamed the opposition leader, Nawaz Sharif and Altaf Hussain for racism. He said that PML (N), MQM and ANP wanted to make '*Panjabistan*', '*Muhajiristan*' and '*Pakhtunistan*' respectively.<sup>116</sup> Due to diverse political conditions of the country, the *Milli Yakjihti Council* (MYC) also started to participate in the political activities. In this connection the Chief Minister Panjab, Manzoor Ahmad Watto, met Mawlana Noorani at the house of a Prominent JUP leader, Pir Ijaz Hashmi at Lahore. The Chief Minister appreciated the efforts of Mawlana Noorani for peace during the *Muharram*. Mawlana Noorani said that Zulfikar Ali Bhutto had rendered great services for the cause of Islam. The observance of Friday as a weekly holiday was his decision. Ban on the drinking and decision to declare the Qadianis as a minority were the bold steps of Bhutto. His daughter would earn a bad name if she amended blasphemy law.<sup>117</sup>

From the platform of the MYC, Mawlana asked the members of the MYC to observe the October 24, 1995 (UN anniversary) as a black day. In this way they would be able to sympathize with the Muslim brothers and sisters in Palestine, Bosnia, Somalia, Chechnya, Kashmir and India.<sup>118</sup> The Islamic parties decided to make pressure groups in both the legislatures of the Parliament. Some time earlier it was decided by the MYC to form pressure groups. The objective of these pressure groups was to achieve their aim through constitutional means.<sup>119</sup> Apart from this, the MYC declared a countrywide strike on December 30, 1995 against the un-Islamic steps of the government.<sup>120</sup> Mawlana Noorani himself had always opposed the PPP government. According to the JUP, the

PPP had given birth to the MQM. The aggression and riots as well as the quota system were the results of it, which General Zia exploited before.<sup>121</sup> The countrywide strike on December 30, 1995 remained successful to some extent.<sup>122</sup>

Benazir's government popularity was defaming day by day, as it had badly failed in solving public issues. Therefore, Mawlana Noorani demanded midterm elections in the country. Mawlana Noorani said, "When the government is asked to hold mid-term elections in the country, it says that the public has given them a mandate for five years. The government, which has got only 82 seats out of 207 in the legislature, how can it claim to have a public mandate? It is right that elections are held for five years term according to the constitution but it is written nowhere in the constitution that midterm elections could not be held. Midterm elections are held in democratic countries. Midterm election took place twice in India... The corruption and dishonesty are the orders of the day. The Karachi administration has totally failed in controlling the law and order situation. Foreign policy has also been failed".<sup>123</sup>

The law and order situation was worst in Karachi. The terrorist activities were at its peak. On December 27, 1995, Benazir Bhutto blamed Altaf Group was helped by India. Forty camps were established in India to train the terrorists.<sup>124</sup> On January 1, 1996, the President, Farooq Laghari called for a high level meeting at Karachi in order to have deliberations over the law and order situation in Karachi.<sup>125</sup> Nawaz Sharif took benefit of those situations and declared the year 1996 as the year for change. He warned the President to dissolve the National Assembly.<sup>126</sup>

However, the MYC continued its anti government activities. On March 19, 1996, a protest was staged in front of the Parliament House by the MYC against the obscenity.

This protest was attended largely by the leaders of the parties within the MYC. Mawlana Noorani said on this occasion that the Islamic identity of Pakistan should be protected against the Western and Indian agents. Whichever was being presented on the T.V. channels, had no relation to Islamic culture and Pakistan, rather it was the Indian culture.<sup>127</sup>

The government opposition difference increased. In fact the Milli Yakjihti Council was shocked when the head of the Sipah-i-Sahaba, Allama Mureed Yazdani, a part of the MYC, was killed on September 12, 1995. The aim of this step was to weaken unity of the opposition. Mawlana Noorani took serious action of those incidents.<sup>128</sup>

During that period, the government moved 13<sup>th</sup> Amendment Bill in the National Assembly, which increased rivalries between the President and the Prime Minister.<sup>129</sup> Due to all these reasons, President Farooq Laghari, invoked Article 58 (2)-B and dissolved the National Assembly on November 5, 1996. In this way the Benazir government was dismissed.<sup>130</sup> Malik Mairaj Khalid was made caretaker Prime Minister. He along with the new cabinet took the oath from the President on November 6, 1996.<sup>131</sup>

The new set up had to hold elections within 90 days. JUP and the MYC under the leadership of Mawlana Noorani, decided to boycott the 1997 elections. The JI also decided to boycott the same elections. The elections were held and Mian Nawaz Sharif got a heavy mandate. The PML (N) got 134 seats out of 202 in the National Assembly. The PPP got 18 seats. Nawaz Sharif was elected as the Prime Minister of Pakistan. The government of Nawaz soon involved in clashes with the Judiciary and military. The three pillars of the government i.e., legislature, executive and Judiciary got frustrated and

finally the military got the upper hand. As a result, General Pervez Musharaf took over government on October 12, 1999 in a military coup d'etat.<sup>132</sup>

The MYC had lost its importance during Nawaz Sharif's government (1997-1999) and afterwards in the first three years of the military regime.<sup>133</sup>

### **3.10 The Muttahida Majlis-i-Amal (MMA) and Mawlana Noorani**

Both the political parties of PPP and PML (N) had disappointed the people. There was a need for change. Only the religious parties could be the other option. The people had developed expectation from religious political parties.<sup>134</sup> Therefore, at the advice of Mawlana Noorani, Qazi Hussain Ahmad called a meeting of six religious parties at his house on June 26, 2001. Qazi Hussain Ahmad (JI), Mawlana Noorani (JUP), Mawlana Fazl-Ur-Rehman (JUI-F), Allama Sajid Ali Naqvi (TJ), Allama Sajid Mir (JAH) and Mawlana Sami-ul-Haq (JUI-S) attended this meeting. The heads of these religious parties signed a joint communiqué. These parties approved the establishment of a new alliance named as *Muttahida Majlis-i-Amal* (MMA). Mawlana Noorani was unanimously chosen as its President. He remained the President of the MMA till his death.<sup>135</sup>

Mawlana Noorani said, "The meeting hereby resolved to struggle collectively for the Islamic identity, freedom, integrity and solidarity of Pakistan. The six religious parties have decided to have joint efforts from the platform of the MMA. Our target is the establishment of a true Islamic democratic system. Today's meeting declares that the base of Pakistan is Islam and the 1973 Constitution has given protection to the Parliamentary democracy and rule of law... A unanimous stand will be adopted over religious and political issues. The Kashmir issue should be resolved according to the

United Nations resolutions and whims and wishes of the Kashmiris. I will represent the MMA according to the agreed agenda.”<sup>136</sup>

The MMA decided to adopt a common policy for the elections of 2002. The three main religious parties of the country i.e., JI, JUI and JUP decided to contest the elections from the platform of MMA.<sup>137</sup> Mawlana Noorani was of the opinion that the 9/11 incident had brought the people nearer to the religious parties and they would not elect any other party.<sup>138</sup>

The MMA was converted into a full-fledged alliance on March 19, 2002.<sup>139</sup> The MMA leadership criticized the Presidential referendum of General Pervez Musharaf and declared that a countrywide movement would be launched against it. Mawlana Noorani said that there was no room for the referendum in the 1973 Constitution.<sup>140</sup> Mawlana Noorani, addressing the people at Nishtar Park, Karachi, said that referendum was totally against the Constitution and it will never be accepted.<sup>141</sup> The MMA leadership declared that it would impose the *Nizam-i-Mustafa* in the country if it came into power.<sup>142</sup>

On the other hand other parties were also trying to unite themselves under one platform. Alliance for the Restoration of Democracy (ARD) was on the top; headed by Nawabzada Nasrullah Khan. On May 19, 2002, an All Parties Conference (APC) was held under the auspices of (ARD). Thirty-five political parties including the MMA participated in the APC. The APC was presided over by Nawabzada Nasrullah Khan. The agenda of the conference was conflict at the borders; price hike, unemployment and terrorism. The APC decided to warn General Pervez Musharaf to protect the borders of the country and get back to the barracks. The political process should be left to the politicians.<sup>143</sup>

The government was busy in fulfilling the American agenda of registering the religious institutions. Mawlana Noorani warned the government against the registration of the religious institutions.<sup>144</sup> Mawlana Noorani said that the MMA was a permanent alliance.<sup>145</sup> He also criticized the government on the constitutional amendments. The leadership of the MMA met the President for the purpose but the meeting was not successful.<sup>146</sup>

The international scenario had suddenly changed after the 9/11 incidents. The 'Taliban' in Afghanistan were held responsible for the incidents. USA demanded Usama Bin Laden from the 'Taliban' who was held responsible for the attacks. But they refused to hand him over to the US. When America along with its allied forces attacked Afghanistan, Pakistan had no option but to side with the international forces. Their wrath fell upon the religious institutions, which in their opinion were the sanctuaries of the 'Taliban' and 'Al-Qaeda'. Therefore, Pakistani government decided to action against the religious institutions.<sup>147</sup>

Mawlana Noorani stood on both the MMA and JUP fronts. He was sure that the general elections would be fateful for the secular forces.<sup>148</sup> The elections were held both for the National Assembly and the Provincial Assemblies on October 10, 2002. The MMA emerged as the second largest party after PML (Q), which had secured the majority seats.<sup>149</sup>

MMA announced to take oath under the Constitution instead of the Provisional Constitutional Order (PCO) of General Pervez Musharaf.<sup>150</sup> However in order to protect the Parliamentary system of the country, the MMA nominated Mawlana Fazl-ur-Rehman for the Premiership, while Liaqat Baloch for the seat of Speaker.<sup>151</sup> Mir Zafarullah Khan

Jamali was elected as the Prime Minister on November 21, 2002. He got 172 votes, while his opponent, Mawlana Fazl-Ur-Rehman of MMA got 86 votes, getting the second position.<sup>152</sup>

Mawlana Noorani concentrated over the Provincial affairs and restoration of the original Constitution. He also declared that military president was not acceptable. If General Musharaf left military command, MMA would help to make him constitutional head of the state.<sup>153</sup> Meeting of the Supreme Council of the MMA was called on December 17, 2002 at Peshawar in which the following issues were discussed:

- i. Presidency of General Pervez Musharaf in military uniform;
- ii. Presidency through constitutional means;
- iii. Legal Framework Order (LFO).
- iv. National Security Council; and
- v. Article 58(2)-B<sup>154</sup>

The MMA and PML (Q) had decided to continue talks but were not successful. Due to failure of the talks Mawlana Noorani declared that the MMA would not join the government and had to sit in the opposition. The MMA rejected president in uniform, 58(2)-B and the National Security Council. They also demanded restoration of the Constitution and also vowed not to permit the American operations in the NWFP and Federally Administered Tribal Areas (FATA).<sup>155</sup>

MMA nominated Mawlana Noorani for Senate seat. He was not willing but Qazi Hussain Ahmad convinced him that he was needed in the Senate.<sup>156</sup> Mawlana Noorani was elected as a Senator on February 24, 2003. The MMA got 18 seats in the Senate. Total seats in the Senate, under the Legal Framework Order were 100.<sup>157</sup>

Mawlana argued on the issue of LFO on the floor of Senate: "The 1973 Constitution was framed after great efforts. Unfortunately, some people fashioned it according to their own interests. Constitution is the base of the people's economic, social, moral and spiritual prosperities. It is used to be sign of unity. To attack this sign of unity is a great injustice to the nation. A proper way is there to amend the Constitution. But the President did not follow this method and LFO was inserted in the constitution. He argued that it was not legal framework but was an "Illegal Framework" and also an "illegal order" and has no moral, legal and constitutional status.<sup>158</sup>

The American forces attacked Iraq on March 20, 2003. Demonstrations were held in the nook and corner of the country as a protest. The people came out of their houses with the slogans of "*Jihad*".<sup>159</sup> When a resolution regarding the American war on Iraq was moved in the Senate on March 28, 2003, Mawlana Noorani spoke boldly on it. He said, "There is no Muslim who had no spiritual, moral and religious attachments with Iraq. We are attached with them in the bond of Islam. Not only the Muslims but the secular people of Europe also condemned the war against Iraq. He said that Bush had started crusade."<sup>160</sup>

He further said that Bush was fighting for the 'Greater Israel'. The Israeli kids were being taught at primary and secondary level to make Greater Israel. Madinah, Hijaz and Farat were to be parts of Greater Israel, according to them. Those maps of the Greater Israel were present at bazaars. The Israelis considered that Hazrat Ibrahim was born on the land of Babul and therefore that land was also a part of the Greater Israel. Mawlana said that they were fighting for that purpose.<sup>161</sup>

Mawlana said that former American President, Bill Clinton, invited some prominent Muslims to White House. Hilary Clinton also spoke at this occasion. She admitted that Islam was the fastest growing religion in that region. Now they wanted to stop our religion from spreading by various tactics. They were trying to relate our Islam with the terrorism. Many Muslims could go there easily to preach Islam but they wanted to stop their preaching. As they could not stop the Muslims legally from preaching so they were being labeled as terrorists. This way they would stop spreading of Islam in Europe and America.<sup>162</sup>

Mawlana Noorani explained the logic of Islam very beautifully. He said, "Islam is a religion of peace and tranquility. Islam is the greatest guardian of the humanity. Islam is totally against terrorism. The Quran says that if any body killed an innocent person, he killed the whole humanity." He demanded of the USA to stop war in Iraq as they were killing the Muslims without any claim and reason.<sup>163</sup>

The meeting of the MMA was held on April 9, 2003 during this sensitive situation. The stand of the government over LFO and foreign policy was rejected. Mawlana Noorani said on the occasion, "No change has occurred in our stand over the LFO. If the President Musharaf did not remove the uniform, accidents like the East Pakistan could appear. America is the war criminal and the UNO did not play its role to stop the war. Kofi Annan should resign. The Pakistanis should boycott the American and British products. America has killed three lac Afghanis. So there is need of new policy for the recent world crisis". As far as the LFO was concerned, the stand of General Musharaf was unconstitutional, undemocratic and immoral. The MMA has never

accepted the LFO. This is a dictatorial law; amendments to the Constitution could be done only through constitutional means.”<sup>164</sup>

The whole year the dialogues between the MMA and the government over the LFO and uniform issue continued but President Musharaf and the government did not show sincerity. Mawlana Noorani always stood for the supremacy of the Constitution and Parliament while the government was not ready to show any flexibility. The MMA had been asking General Musharaf to quit the charge of Army and become a civilian president; abolish LFO and restore constitution to its original status. Mawlana very well articulated these demands. He was determined to restore the lost prestige of Parliament and thus provide stable footing to the democratic norms. December 17, 2003 was that date for which Mawlana had been preparing a fiery speech against the regime of General Musharaf. Unfortunately, fate did not allow him. He passed away on December 11, 2003. After his demise the MMA weakened.<sup>165</sup>

## NOTES

- <sup>1</sup> Mujeeb Ahmad, *Jam 'iyyat 'Ulama-i-Pakistan 1948-1979*, 115.
- <sup>2</sup> Mazhar Hussain, *Pakistan kay Siyasi Ittihad may Mawlana Shah Ahmad Noorani ka kirdar: Qaumi Ittihad say Muttahida Majlis-i-Amal tak* (Lahore: Allama Shah Ahmad Noorani Research Center, 2009), 135.
- <sup>3</sup> Ahmad, *Jam 'iyyat 'Ulama-i-Pakistan 1948-1979*, 115-16.
- <sup>4</sup> *Ibid.*, 131.
- <sup>5</sup> *Ibid.*, 131-32.
- <sup>6</sup> *Ibid.*, 132.
- <sup>7</sup> *Pakistan Times* (Rawalpindi), June 18, 1976.
- <sup>8</sup> *Jang* (Karachi), November 1- 1976.
- <sup>9</sup> Hussain, *Pakistan kay Siyasi Ittihad may Mawlana Shah Ahmad Noorani ka kirdar*, 136.
- <sup>10</sup> *Nawa-i-Waqt* (Lahore), January 14, 1977.
- <sup>11</sup> *Ibid.*, January 1, 1977.
- <sup>12</sup> *Jang* (Karachi), January 1- 1977.
- <sup>13</sup> *Haft Roza* (Karachi), March 30- April 5, 1979.
- <sup>14</sup> Ahmad, *Jam 'iyyat 'Ulama-i-Pakistan 1948-1979*, 171.
- <sup>15</sup> *Ibid.*, 133.
- <sup>16</sup> *Ibid.*, 134.
- <sup>17</sup> *Ibid.*, 134-35.
- <sup>18</sup> *Ibid.*, 135-36.
- <sup>19</sup> *Dawn* (Karachi), March 9, 1977.
- <sup>20</sup> *Nawa-i-Waqt* (Lahore), March 11, 1977.
- <sup>21</sup> *Mashriq* (Peshawar), March 11, 1977.
- <sup>22</sup> Ahmad, *Jam 'iyyat 'Ulama-i-Pakistan 1948-1979*, 138.
- <sup>23</sup> *Ibid.*, 139.
- <sup>24</sup> *Ibid.*, 139-42.
- <sup>25</sup> *Ibid.*, 143.
- <sup>26</sup> *Dawn* (Karachi), June 11, 1977.
- <sup>27</sup> Muhammad Asghar Khan, *Generals in Politics: Pakistan 1958-1982* (New Delhi: n.p., 1983), 125.
- <sup>28</sup> Ahmad, *Jam 'iyyat 'Ulama-i-Pakistan 1948-1979*, 144-46.
- <sup>29</sup> Javid Ahmad Siddiqi, *Nurani Siyasat* (Karachi: Shabal Publications, 1988), 74.
- <sup>30</sup> *Akhbar-i- Jahan*, September 12-18, 1977, 11.
- <sup>31</sup> Ahmad, *Jam 'iyyat 'Ulama-i-Pakistan 1948-1979*, 146.
- <sup>32</sup> *Ibid.*, 147.
- <sup>33</sup> *Zindagi*, September 25, 1977, 20.
- <sup>34</sup> *Ibid.*, 23.
- <sup>35</sup> *Morning News*, September 26, 1977.
- <sup>36</sup> Khan, *Generals in Politics*, 133.
- <sup>37</sup> Siddiqi, *Nurani Siyasat*, 108-09.
- <sup>38</sup> *Pakistan Times* (Rawalpindi), October 8, 1977.
- <sup>39</sup> *Jang* (Rawalpindi), October 15, 1977.
- <sup>40</sup> Ahmad, *Jam 'iyyat 'Ulama-i-Pakistan 1948-1979*, 150.
- <sup>41</sup> *Ibid.*, 150-51.
- <sup>42</sup> *Ibid.*, 151.
- <sup>43</sup> *Nawa-i-Waqt* (Rawalpindi), January 3, 1978.
- <sup>44</sup> Ahmad, *Jam 'iyyat 'Ulama-i-Pakistan 1948-1979*, 152.
- <sup>45</sup> *Ibid.*, 153.
- <sup>46</sup> *Nawa-i-Waqt* (Rawalpindi), February 2, 1978.

- 
- <sup>47</sup> Ahmad, *Jam 'iyyat 'Ulama-i-Pakistan 1948-1979*, 154
- <sup>48</sup> *Ibid.*, 154-55.
- <sup>49</sup> *Ibid.*, 155.
- <sup>50</sup> *Ufaq* (Karachi), December 11-17, 1978.
- <sup>51</sup> Ahmad, *Jam 'iyyat 'Ulama-i-Pakistan 1948-1979*, 155-65.
- <sup>52</sup> *Jang* (Karachi), February 2, 1981.
- <sup>53</sup> Ahmad Muneer, *Pakistan kay Siyasi Ittihad* (Lahore: Frontier Post Publications, 1993), 141.
- <sup>54</sup> Hussain, *Pakistan kay Siyasi Ittihad may Mawlana Shah Ahmad Noorani ka kirdar*, 296.
- <sup>55</sup> *Wafaq* (Lahore), August 1, 1983.
- <sup>56</sup> *Ibid.*, August 4, 1983.
- <sup>57</sup> *Ibid.*, August 18, 1983.
- <sup>58</sup> *Jang* (Karachi), October 8, 1983.
- <sup>59</sup> *Ibid.*, October 10, 1983.
- <sup>60</sup> *Ibid.*, October 12, 1983.
- <sup>61</sup> *Ibid.*, October 20, 1983.
- <sup>62</sup> *Ibid.*, November 2, 1983.
- <sup>63</sup> *Ibid.*, November 28, 1983.
- <sup>64</sup> *Ibid.*, January 7, 1984.
- <sup>65</sup> *Ibid.*, December 14, 1984
- <sup>66</sup> *ibid.*, December 20, 1984.
- <sup>67</sup> *Ibid.*, January 5, 1985.
- <sup>68</sup> *Ibid.*, January 20, 1985.
- <sup>69</sup> *Ibid.*, January 28, 1985.
- <sup>70</sup> *Ibid.*, March 30, 1985.
- <sup>71</sup> *Ibid.*, April 5, 1985.
- <sup>72</sup> Muhammad Asif Bhali, *Siyasatdan* (Lahore: Mavira Publishers, 1988), 139-40.
- <sup>73</sup> *Jang* (Lahore), October 17, 1985.
- <sup>74</sup> *Ibid.*, May 30, 1988.
- <sup>75</sup> *Jang* (Karachi), August 18, 1988.
- <sup>76</sup> *Ibid.*, August 18, 1988.
- <sup>77</sup> *Ibid.*, October 6, 1988.
- <sup>78</sup> Hussain, *Pakistan kay Siyasi Ittihad may Mawlana Shah Ahmad Noorani ka kirdar*, 380.
- <sup>79</sup> *Ibid.*, 380-81.
- <sup>80</sup> *Ibid.*, 381.
- <sup>81</sup> *Ibid.*, 384-85.
- <sup>82</sup> *Ibid.*, 388-89.
- <sup>83</sup> *Ibid.*, 394.
- <sup>84</sup> *Ibid.*, 397-98.
- <sup>85</sup> Ahmad Saleem, *Toot-thy Banthy Assemblian aur Civil-military Beauracracy* (Lahore: Jang Publishers, 1990), 281.
- <sup>86</sup> Shahid Mukhtar, *Pakistani Siyasat ki Nisf Sadi* (Lahore: Shahid Publications, 1998), 175.
- <sup>87</sup> Muneer Ahmad, *Buhrano ka Dor: Nawaz Sharif kay Urooj wa Zawal ki Kahani* (Lahore: Takhleeqaat, 2000), 13.
- <sup>88</sup> Hussain, *Pakistan kay Siyasi Ittihad may Mawlana Shah Ahmad Noorani ka kirdar*, 419.
- <sup>89</sup> *Ibid.*, 416.
- <sup>90</sup> *Ibid.*, 417.
- <sup>91</sup> *Ibid.*, 418.
- <sup>92</sup> *Ibid.*, 429-30.
- <sup>93</sup> *Ibid.*, 431.
- <sup>94</sup> *Jang* (Karachi), November 6, 1992.
- <sup>95</sup> Ahmad Muneer, 145-47.
- <sup>96</sup> Muneer Ahmad, *Pakistan kay Siyasi Ittehad*, 170.
- <sup>97</sup> Hussain, *Pakistan kay Siyasi Ittihad may Mawlana Shah Ahmad Noorani ka kirdar*, 436-38.
- <sup>98</sup> *Ibid.*, 439-40.
- <sup>99</sup> Ghafoor Ahmad, *BenazirHakoomat ka Urooj wa Zawal* (Lahore: Al-Qamar Publishers, 2001), 96.

- <sup>100</sup> Ibid., 104-09.
- <sup>101</sup> Ibid., 109.
- <sup>102</sup> *Awam* (Karachi), October 8, 1993.
- <sup>103</sup> Ahmad, *Benazir Hakoomat ka Urooj wa Zawal*, 141.
- <sup>104</sup> *Jang* (Karachi), October 20, 1993.
- <sup>105</sup> Ahmad, *Benazir Hakoomat ka Urooj wa Zawal*, 191.
- <sup>106</sup> Hussain, *Pakistan kay Siyasi Ittihad may Mawlana Shah Ahmad Noorani ka kirdar*, 448-49.
- <sup>107</sup> Ibid., 449.
- <sup>108</sup> *Jang* (Karachi), December 9, 1994.
- <sup>109</sup> *Nawa-i-Waqt* (Karachi), January 24, 1995.
- <sup>110</sup> Ibid., January 24, 1995.
- <sup>111</sup> *Jang* (Lahore), March 25, 1995..
- <sup>112</sup> Hussain, *Pakistan kay Siyasi Ittihad may Mawlana Shah Ahmad Noorani ka kirdar*, 477.
- <sup>113</sup> Ahmad, *Benazir Hakoomat ka Urooj wa Zawal*, 358.
- <sup>114</sup> Hussain, *Pakistan kay Siyasi Ittihad may Mawlana Shah Ahmad Noorani ka kirdar*, 482.
- <sup>115</sup> *Jang* (Lahore), April 24, 1995.
- <sup>116</sup> Ibid., March 23, 1995.
- <sup>117</sup> Ibid., June 17, 1995.
- <sup>118</sup> Ibid., June 17, 1995.
- <sup>119</sup> Ibid., November 18, 1995.
- <sup>120</sup> Ibid., November 27, 1995.
- <sup>121</sup> Hussain, *Pakistan kay Siyasi Ittihad may Mawlana Shah Ahmad Noorani ka kirdar*, 495.
- <sup>122</sup> *Jang* (Lahore), December 30, 1995.
- <sup>123</sup> Ibid., January 17, 1996.
- <sup>124</sup> Ahmad, *Benazir Hakoomat ka Urooj wa Zawal*, 345-46.
- <sup>125</sup> *Jang* (Lahore), January 21, 1996.
- <sup>126</sup> Ibid., January 5, 1996.
- <sup>127</sup> Ibid., March 20, 1996.
- <sup>128</sup> Ibid., September 29, 1996.
- <sup>129</sup> Ibid., October 31, 1996.
- <sup>130</sup> Hussain, *Pakistan kay Siyasi Ittihad may Mawlana Shah Ahmad Noorani ka kirdar*, 509.
- <sup>131</sup> Ibid., 510.
- <sup>132</sup> Ibid., 512-25.
- <sup>133</sup> Ibid., 525.
- <sup>134</sup> *Nada-i-Ahl-i-Sunnat*, August 2001.
- <sup>135</sup> *Khabrain* (Islamabad), December 19, 2003.
- <sup>136</sup> Hussain, *Pakistan kay Siyasi Ittihad may Mawlana Shah Ahmad Noorani ka kirdar*, 527-28.
- <sup>137</sup> Ibid., 529.
- <sup>138</sup> Imran Yaqub Khan. "Deeni Jumatain Kia Laiha Amal Ikhtair Karaingee" (*Jang* Lahore, Siyasai Edition, March 12, 2002)
- <sup>139</sup> *Jang* (Karachi), March 20, 2002.
- <sup>140</sup> *Dawn, Jang, Nawa-i-Waqt, Ummat, Awami* (Karachi) and *Jang* (Lahore), April 3, 2002.
- <sup>141</sup> Hussain, *Pakistan kay Siyasi Ittihad may Mawlana Shah Ahmad Noorani ka kirdar*, 531.
- <sup>142</sup> *Jang* (Lahore), May 15, 2002.
- <sup>143</sup> Ibid., May 20, 2002.
- <sup>144</sup> *Khabrain* (Lahore), July 5, 2002.
- <sup>145</sup> Ibid., July 16, 2002.
- <sup>146</sup> *Kainat* (Karachi), July 22, 2002.
- <sup>147</sup> Hussain, *Pakistan kay Siyasi Ittihad may Mawlana Shah Ahmad Noorani ka kirdar*, 535.
- <sup>148</sup> *Jang* (Karachi), August 1, 2002.
- <sup>149</sup> *Jang* (Lahore), October 12, 2002.
- <sup>150</sup> *Siyasat* (Karachi), October 15, 2002.
- <sup>151</sup> *Awasaf* (Islamabad), October 17, 2002.
- <sup>152</sup> *Jang* (Karachi), November 22, 2002.
- <sup>153</sup> *Nawa-i-Waqt* (Karachi), December 1, 2002.

- 
- <sup>154</sup> Ibid., December 19, 2002.  
<sup>155</sup> Ibid., December 13, 2002.  
<sup>156</sup> Hussain, *Pakistan kay Siyasi Ittihad may Mawlana Shah Ahmad Noorani ka kirdar*, 548.  
<sup>157</sup> *Jang* (Karachi), February 25, 2003.  
<sup>158</sup> *SP Debates*, Vol. II, No. 1 (March 27, 2003), 8-9.  
<sup>159</sup> *Jang* (Karachi), March 21, 2003.  
<sup>160</sup> *SP Debates*, Vol. II, No. 2 (March 28, 2003), 24-5.  
<sup>161</sup> Ibid., 25-6.  
<sup>162</sup> Ibid., 27.  
<sup>163</sup> Ibid., 27-8.  
<sup>164</sup> Hussain, *Pakistan kay Siyasi Ittihad may Mawlana Shah Ahmad Noorani ka kirdar*, 549.  
<sup>165</sup> Ibid., 551-73.

## Conclusion

Mawlana Shah Ahmad Noorani entry into parliamentary politics after the 1970 election brought in a change in the parliamentary as well as religious politics of the country. He rejected the traditional parliamentarianism and boldly fought against the undemocratic and unparliamentary spirit of the military regimes unlike some of his party leaders who were a little bit accommodative towards the dictators. The general perception about all the rightist groups that they always leave a window open for the dictators was proved wrong by Mawlana Noorani's style of politics. He never joined hands with dictators. He epitomized the spirit of dissent in and outside the Parliament; always advocating democracy and all that was normally decent in politics and bitterly opposing all kinds of dictatorships.

Mawlana Noorani throughout his parliamentary career struggled for Islamising the constitution of Pakistan. It was mainly due to his struggle that the definition of a 'Muslim' was incorporated, for the first time in the constitutional history of Pakistan, in the 1973 Constitution. Apart from this he was a key figure behind incorporating other Islamic provisions of the 1973 Constitution.

Mawlana Noorani proposed round about 200 amendments to the 1973 Constitution during his parliamentary career, although most of his amendments were rejected by majority of the House. He had struggled throughout his life for the enforcement of Nizam-e-Mustafa, supremacy of Constitution and Parliament.

He had strong convincing power. He convinced Prime Minister, Zulfikar Ali Bhutto (1973-1977) and other contemporary parliamentarians to pass the bill prepared by

him against the Qadianis to declare them as out of the pale of Islam. At one stage he was offered a sum of Rs. 50, 00000 by the Qadianis to withdraw his bill against them but he stood by his principled stand of not compromising on the issue.

He had the basic knowledge about lawmaking and the constitution. During his parliamentary debates he showed the awareness of domestic constitutional provisions and legal framework. He demonstrated the knowledge of domestic, foreign and international law cases. He sharply responded the public matters and public opinions at the floor of the House.

He worked to safeguard the fundamental rights of the citizens and also suggested a number of amendments to the constitution for their employment opportunities. All the black laws like preventive detention were opposed by him at the floor of the parliament. Education is the backbone of any society. Mawlana stressed the government to impart free education to the citizens of Pakistan. Mawlana loved the democratic norms and forwarded many suggestions for smooth democratic system in the country. He not only cared for the citizens but also for the rights of parliamentarians. Quran and Sunnah were the favorite values of Mawlana Noorani. He used the parliament as a base to enact the principles of Islam in the lives of the people of Pakistan.

Mawlana Noorani actively participated as a member of different parliamentary committees when assigned to him by the Parliament. Records of the committee reports and parliamentary debates show that he attended the meetings regularly and participated in the discussions actively. He posed questions and sought explanations from ministers concerned during parliamentary debates regarding the functioning and performance of their ministries. He took up issues related to corruption, mismanagement and human

rights violations by authorities that media and civil society organizations brought to his notice. He showed interest in issues related to poverty, health and education in parliamentary debates and legislative business.

Mawlana Noorani never accepted any post from the dictators. His goal was not to achieve the power. He struggled only and only for the enforcement of Nizam-i-Mustafa during his whole parliamentary career. Most of his parliamentary colleagues liked him for his positive attitude towards his goal and his style of conversation. He avoided negative parliamentarianism.

Judiciary is the third organ of state and the people of a country are satisfied and prosperous when the judiciary is independent. Whenever there was any parliamentary debate or amendment regarding the judiciary, Mawlana actively participated in those and made some good proposals. If there was any step against the judicial set up, he boldly pin pointed the flaws on the floor of the parliament and warned the government to remove the flaws before amending the clauses.

Mawlana Noorani was a fair and tough parliamentarian. He gave a tough time to the distorters of the 1973 Constitution and parliamentary democracy in Pakistan.

Mawlana Noorani had never permitted his party to encourage sectarianism or to patronize violence. He remained committed to a democratic Pakistan and wanted it to be a welfare state. He was seen as a unifying figure amongst various Islamic religious parties of Pakistan into a single alternative political force. Uniting the six different religious parties into a single force of the Muttahida Majlis-i-Amal was a glaring example of it. Recognizing his services for the elimination of sectarianism in the country, he was appointed as the Chairman of the MMA.

Mawlana Noorani not only struggled for true democracy within the parliament but also kept his mission alive outside the parliament. He remained an active participant of different alliances outside the parliament for the restoration of democracy. His participation in Pakistan National Alliance, Movement for Restoration of Democracy, Islamic Democratic Front, Milli Yakjihti Council were clear proofs to this reality.

Systems are always changed constitutionally and legally which are called glorious revolutions like the one happened in England in 1688. But such changes need majority parliamentarians' consensus or majority party's government. Unfortunately both of the opportunities did not happen in Mawlana Noorani life. His struggle in and out of the parliament and his sincerity as a good parliamentarian show that he wanted Pakistan as a real Islamic state, just like that of Madinah, established by the Prophet Muhammad (PBUH) in his lifetimes. We never come across such a personality in the history of Pakistan as a parliamentarian who fought against different odds just for the sake of success of system. Exceptions are always there and Mawlana Noorani was the person who confronted the dictators and leadership of the different governments not for the sake of post but for the sake of a true Islamic and democratic set up.

Ulama are the descendents of the Prophet Muhammad (PBUH). Mawlana also cared for their welfare and moved resolutions to give them their right place in the society. Their degrees and certificates from the religious institutions were declared equal to the degrees and certificates of the colleges and universities in Pakistan. In that way the ulama were encouraged to serve the nation.

Amendments to the Constitution of 1973 were never for the change of system, rather those were for the personal interests of the political leadership. Mawlana openly

opposed those amendments to the constitution and forwarded positive suggestions in order to make them in favor of citizens. He brought the bad intentions of the governments to light and informed the public about the flaws of the said amendments during different gatherings. He compelled the governments to follow the right path and never backed down on it.

To conclude, his political life was a struggle and fight for parliamentary democracy and constitutionalism which he continued till his death in December 2003.

## APPENDIX A

### Six Points of Sheikh Mujeeb-ur-Rehman

1. There should be federal parliamentary system in the country. The National Assembly should be elected by means of direct elections and provinces should be given representation in it in accordance with their population.
2. The federal government should have only two subjects i.e., Defense and Foreign Affairs.
3. Separate currencies should be introduced in both parts of the country. In case of a single currency, constitutional safeguard should be provided to stop the transfer of wealth from East Pakistan to West Pakistan.
4. Only the province should have the right to impose taxes and the federal government should be given its required share from the money collected through taxes. Provinces should be free to formulate their economic policies.
5. The federal provincial governments should control the foreign exchange and the requirements of the federal government should be fulfilled in accordance with the decided proportion. Provinces should be free to establish trade links with other countries, send trade delegations to them and conclude trade agreements with them. Both the provinces should operate their own foreign exchange accounts separately.
6. In order to play their full role in the national security, provincial governments should have the right to form their own militias and paramilitary forces.

## **APPENDIX B**

### **Committee consisting of Twenty-Five Members for preparing draft of the Constitution of Pakistan**

Ghulam Mustafa Khan Jatoi, Minister for Political Affairs, moved the resolution to appoint the Committee consisting of Mr. Mahmud Ali Kasuri as its Chairman and the following as its members, in order to prepare a draft of the Constitution of Pakistan not later than the first day of August 1972, for submission to the Assembly.

1. Mr. Mumtaz Ali Bhutto,
2. Mr. Ghulam Mustafa Khan Jatoi,
3. Mr. Abdul Hafeez Pirzada,
4. Syed Qaim Ali Shah Jilani,
5. Dr. Mrs. Ashraf Khatoon,
6. Mr. Ghulam Mustafa Khar,
7. Dr. Ghulam Hussain,
8. Begum Nasim Jahan,
9. Dr. Mubashir Hassan,
10. Malik Mohammad Akhtar,
11. Malik Miraj Khalid,
12. Mawlana Kusar Niazi,
13. Mr. Khurshid Hasan Meer,
14. Sheikh Muhammad Rashid,

15. Mawlvi Mufti Mahmood,
16. Mir Ghous Bakhsh Khan Bazanjo,
17. Mr. Amirzada Khan,
18. Mr. Abdul Qaiyum Khan,
19. Mr. Mohammad Haneef Khan,
20. Prof. Ghafoor Ahmad,
- 21. Mawlana Shah Ahmad Noorani,**
22. Mr. Niamutullah Khan Shinwari,
23. Sirdar Shaukat Hayat Khan,
24. Mian Mumtaz Mohammad Khan Daulatana.

## APPENDIX C

### Twenty-Two Points of Ulama

31 notable *Ulama*, representing different schools of thought presented twenty-two points which were endorsed by all the religious sects and which could provide a basis for the further constitution of Pakistan. Among the 31 Ulama were Syed Suleman Nadvi, Mawlana Syed Abul Ala Maududi, Mawlana Mufti Muhammad Shafi, Mufti Jafar Hussain Mujtahid, Mawlana Zafar Ahmad Ansari, Mawlana Abdul Hameed Badayuni, Mawlana Mufti Muhammad Hassan, Pir Sahab Manki Sharif, Mawlana Athar Ali (East Pakistan), Mawlana Syed Dawood Ghaznavi, Muhammad Hashim Mujaddadi (Sindh), and Mawlana Ahmad Ali Lahori. The twenty-two points which were unanimously approved by these Ulama proposed a parliamentary form of democratic government based on Islamic principles rather than a theocracy, i.e., a religious Government in a restricted sense. These 22 points are summarized as:

1. The sovereignty of Allah should be recognized.
2. All the laws of the country should be based on the Quran and *Sunnah* and no law should be repugnant to the recognized principles of Quran and *Sunnah*.
3. The foundation of the state should be laid on Islamic principles of the unity of the Muslims and not on any geographical, racial or linguistic considerations.
4. The state should promote "Maruf" and prevent "Munkar" and should mould the education system according to the accepted principles of Islam.

5. The foreign policy of the state should be based on the principle of the unity of the Muslim Ummah.
6. The state should provide the basic needs of its people such as food, clothing, housing, medical aid and education. Those who may be unable to earn their livelihood should also be provided with their basic needs of life.
7. The citizens would have all those rights, which the Islamic law has bestowed upon them. It should include protection of their life, property and honor, guarantee of freedom of speech, movement and association, and provision of equal opportunities for earning their livelihood.
8. No one would be deprived of the above rights, without giving him an opportunity to defend himself in a court of law.
9. The recognized sects of Islam should have the right to propagate their beliefs and to educate their followers. Accordingly in matters of personal law, its own "Fiqh" would govern each sect.
10. Non-Muslims should have cultural freedom and freedom of worship, within the limits of law. They should be free to adopt their own system of education and they would be free in matters of personal law, they should be governed by their own religion or traditions.
11. The head of the state should always be a Muslim male, in whose piety, judgment and learning the people or their representatives should have full confidence.
12. The state would honor all the commitments made to the non-Muslims under the *Shariah* and it would give them equal rights of citizenship, with the Muslims.

13. The head of the state would be responsible for running the administration; however, he may delegate some of his powers to any individual or a body.
14. The head of state should perform his duties, not in a despotic manner but by consultation with his colleagues and elected representatives of the people.
15. The head of the state would not have the right to fully or partially suspend the constitution. He would not enjoy the right to govern without *Shura*.
16. The body responsible for electing the head of the state should be empowered to remove him by a majority vote.
17. The head of the state should have the same rights as enjoyed by an ordinary citizen; he should not be above law.
18. All the citizens including members of the ruling party, government servants and ordinary people should be equal before law and should appear before the same courts.
19. The judiciary would be separated from the executive so that it may perform its duties without any interference from the executive.
20. The propagation of such ideas should not be allowed which are against the fundamental principles of the Islamic state.
21. Different regions of the country should only be administrative units. They should not be carved out on racial, linguistic or tribal basis. Under the overall supervision of the centre these units might be delegated certain responsibilities essential for administrative purpose but they should not have the right to secede.
22. No such interpretation of the constitution should be acceptable which is repugnant to the Quran and *Sunnah*.

## APPENDIX D

### Manifesto of Jam'iyat 'Ulama-i-Pakistan

The manifesto of the Jam'iyat 'Ulama-i-Pakistan (JUP) declare that the sovereignty over the entire universe belongs to Almighty Allah and He is the sole authority over the whole humanity.

Muhammad (PBUH) is the last prophet of Allah. There will be no prophet after him. It's our religious duty to safeguard the grandeur of the prophet (PBUH).

We are the supporters of implanting the *Nizam-i-Mustafa*.

Islam is the name to implement and adopt the teachings of Muhammad (PBUH) unconditionally within life. No interpretation of the Quran or Islam will be acceptable which deviates from *Fiqah-e-Hanfiyah*?

We fully believe in the bright future of Pakistan. This land is full of natural resources with Allah's blessings. We consider it necessary to use these resources honestly for the betterment of our country, which are, unfortunately being plundered.

We will implement *Nizam-i-Mustafa* without any loss of time, so that the social rights are preserved.

#### 1. Objectives

JUP is endeavoring to implement *Nizam-i-Mustafa* in the country and the same party was the first one to inform the whole nation of this sacred program.

To achieve these objectives following steps will be followed: -

- (i) *Quran* and *Sunnah* will be completely followed in Pakistan and every Muslim will be enabled to lead his life according to the teachings of Islam, so that an ideal Islamic society may be set up.
- (ii) All the people will be guaranteed equal rights.
- (iii) Feelings of love, fraternity and sympathy will be developed among the people so that racial, linguistic, regional, sectarian and class prejudices may be eradicated.
- (iv) Such a judicial system will be set up, through which each and every person will be provided with justice and the existing disparity among the citizens of different parts of the country will be done away with in minimum time.
- (v) Cruelty, exploitation and injustice will be terminated.
- (vi) Soil, labor, capital and other sources of production will be used for the sake of betterment of people.
- (vii) A proper planning will be launched in order to enable a common man to purchase the commodities easily.
- (viii) Each and every citizen will be guaranteed with the facility of food, cloth, shelter, education and health.
- (ix) All the citizens, without any distinction, will be equal before law. Such a judicial system will be set up where justice will be provided without any pressure.
- (x) Women will be provided with the economic, political and social rights so that they may play their effective role in building the society.

- (xi) We will try our best to appoint honest, frugal and well-mannered persons against all the posts in the country.
- (xii) Such an independent foreign policy will be adopted which will be in line with the national interests and will guarantee complete peace and security. Steps will be taken for cordial relations with Muslim countries in order to unite Muslim scholars for the sake of forming an Islamic block, which will have its own common parliament taking care of the collective interests of Muslim *Ummah*.
- (xiii) All resources will be used for the struggle of freedom for Muslims of Jammu and Kashmir, so that they should use their right freely under the resolutions passed by the United Nations.
- (xiv) The people of tribal areas will be given the right of adult franchise in order to elect their own representatives. Special attention will be given to their education and development.
- (xv) Special attention will be paid to address the problems of students and young ones and a proper planning will be done for their employment.
- (xvi) Every healthy and workable person will be given the opportunity of employment.
- (xvii) Parliamentary form of government will be introduced in Pakistan, which will have conformity with the *Shura* system of Islam. There will be restriction over the extra expenditures by candidates during elections and every citizen will freely use his right of adult franchise.
- (xviii) All the courts will adhere to *Shariyat-e-Muhammadi*.

- (xix) Problems of the peasants, workers, farmers and small shopkeepers will be resolved on priority basis.
- (xx) In order to remove the existing flaws in the present system of the country, an administrative system will be framed, where each member will perform his duty in accordance with the religious and democratic values.

## **2. Constitution**

- (i) All such amendments to the constitution of the Islamic Republic of Pakistan will be abrogated which affected the fundamental rights or collides with the *Shariyat*.
- (ii) All such delegated powers of the president, prime minister and other central and provincial members will be abolished which are against the Islamic principles of vice regency and charge.
- (iii) Guarantee will be given not to divest the freedom of any citizen without proofs.
- (iv) Free and fair elections on the basis of proportional representation will be guaranteed in order to carry on the democratic process.
- (v) Essential steps will be taken for the removal of sense of deprivation among the provinces.
- (vi) Urdu will be made the State language practically. Arabic will be popularized and regional languages will be given their due place.

## **3. National Laws**

- (i) Un-Islamic and undemocratic laws will be abolished.

- (ii) Judicial system will be reformed in a way to guarantee a comprehensive, effective and fair administration of justice to every citizen without any delay.
- (iii) Rules and regulations will be compiled in order to make the constitutional decision effective to declare the Qadianis as a minority.
- (iv) Lawful commands and prohibitions will be legalized and enforced practically.
- (v) Smugglers and adulterers will be given exemplary punishments.

#### **4. Inquiries regarding the causes of fall of East Pakistan**

A high level judicial commission will be set up, which will determine responsibility of the tragedy of East Pakistan in 1971 and the responsible person will be punished severely after trial in the court.

#### **5. Investigations regarding matters occurred during July 1977 to December 1985**

A high level authoritative judicial commission will be appointed to investigate the following matters occurred during July 5, 1977 to December 30, 1985 and its culprits will be trialed in the court and will be given exemplary punishments, so that such malpractices may be uprooted from the country.

- (i) How much the powers delegated by the Supreme Court to the Chief Martial Law Administrator in 1977, were exceeded and who were involved in this case?
- (ii) Why did the Chief Martial Law Administrator postpone the elections again and who were responsible for its postponement?

- (iii) Why and how the Indian forces occupied the Siachin glaciers. Who were responsible for it?
- (iv) All the political and apolitical harassments and corruptions during martial law will be investigated.

## 6. Executive

- (i) Essential reforms and constructive changes will be made in order to harmonize the executive with *Nizam-i-Mustafa*.
- (ii) The government servants will be guaranteed protection and no servant will be terminated from his post without giving an opportunity for his clearance. Professionals and technical experts will be given importance in the new executive set up. High officials of the technical and professional departments will be employed from the concerned professions on priority basis.
- (iii) Effective planning will be adopted to remove corruption, incompetence, dishonesty, idleness and bribery from the government departments.
- (iv) The salaries will be increased proportionately. A permanent commission of the economists will be established, who will fix the rate of salaries and other incentives according to the new ratios of the commodities. The salaries and pensions of low-paid workers will be determined in such a way that they can lead their lives prestigiously.
- (v) The expenditures of the executive will be minimized. The executive officials will be restricted to lead simple life according to their legal incomes.

- (vi) The existing grades will be decreased and salaries, allowances and other incentives of each stage will be revised in such a way so that all the needs of life can be fulfilled easily.
- (vii) Such amendments will be made to the curriculum of the Civil Services Academy, so that its trainees after completing their training should consider themselves as public servants.
- (viii) No official including the president and prime minister will be able to draw incentives except salary, allowances, house rent, treatment within the country and travel only for the government purpose.
- (ix)
  - (a) The appointments of provincial and federal officials will be made on the basis of competency through Public Service Commission.
  - (b) Apart from ability and experience during appointments, importance will also be given to good reputation; religious know how, good conduct and God-fearing personalities.
  - (c) The posts of provincial level will be filled from the concerned provinces. Employments will be afresh in such a way so that no person of any department has a high hand in the executive.
- (x)
  - (a) The police department will be made dutiful, public-friendly and public servant through revolutionary changes, so that the police high-handedness may be stopped.

- (b) The financial conditions of police will be made better in a prestigious way, so that they can perform their duties without any greed and bribery may be eradicated.
- (c) Good manners and conduct, Islamic knowledge along with performance will be given preference for the departmental promotions of the police staff through examinations.
- (x) Legislation regarding prisoners in jails will be afresh for their reformation, so that the prisoners may become good citizens after their release.
- (xi) Effective steps will be taken to reform the Pakistani embassies. Such persons will be appointed to the embassies, which will not be only experts in foreign affairs but will also be able to perform their diplomatic duties in a better way and will rightly lead Islam and Pakistan. The diplomatic officials will be bound to guide and help Pakistanis in foreign lands in a right manner.

## **7. General Accountability**

The government will set up a fair executive system which will continue the accountability of persons concerning the armed forces, judiciary, and executive including the Parliament.

- (i) A general accountability department will be established, whose head will be equal to the judge of the Supreme Court and he will be appointed by the Parliament. He will be responsible to the Parliament. Its rules and regulations will be framed in accordance with the Islamic *Shariyah* by the department itself.

- (ii) The general accountability will arrange to evaluate the conduct and financial status of government servants regularly. Persons having higher living standards than their original status will be checked.
- (iii) The branches of accountability department will be set up all over the country so that the investigations and trials of the illegal use of powers by government or semi-government department may be made easily everywhere.
- (iv) The Parliament will form such a tribunal among the penal recommended by the Chief Justice of Pakistan, which will hear the cases against the ministers of the government, public representatives, and government and semi-government servants. This Tribunal will have powers equal to that of the High Court. Appeal against its decision will only be made to the Supreme Court.

## **8. Judiciary**

The following steps will be taken in order to set up a powerful and independent judiciary:-

- (i) (a) The president will appoint the Chief Justice of Pakistan on the basis of seniority and capability among judges of the Supreme Court.
- (b) Chief Justice of the concerned High Court and Chief Justice of Pakistan will recommend three names to the president for the appointment as a judge of the High Court. The appointment of Chief Justice of High Court will be based on his seniority and capability.

- (ii) Judiciary will prepare its budget itself and the federal government will be responsible for fulfilling its expenditures.
- (iii) Judiciary will be totally separate from executive.
- (iv) Judicial Academy will be set up where proper arrangements will be made for the curriculum of the trainees as session judges and other staffs of the courts.
- (v) Proper reforms will be made in the *Panchayat* system in order to settle the local disputes.
- (vi) A permanent law commission will be established which will present recommendations for Islamizing the judicial system.
- (vii) Every court will be bound to decide a case within three months.
- (viii) *Fiqh* Board will be established for the interpretation of religious commands. This Board will consist of experts in Islamic jurisprudence.

## 9. Economic System

Jam'iyyat 'Ulama-i-Pakistan believes in the sovereignty of Allah over the entire universe. Hazrat Muhammad (PBUH), as a vicegerent of Allah, has issued the commandments. It is the duty of every Muslim to enforce all the laws completely and wholeheartedly. JUP is completely in favor of making the country an Islamic welfare state in the light of *Nizam-i-Mustafa*, which requires the following steps: -

- (i) Enforcement of Zakat and Ushr system and setting up an honest and trustworthy executive framework for its collection and distribution, so that poverty and starvation may be eradicated.

- (ii) Such a fair system for the removal of cruel system of income tax will be launched which will abolish corruption and injustice.
- (iii) Such a system for the payment of federal, provincial and local bodies' taxes will be launched, through which the tax payers will deposit their all taxes at one place and in such a way that they will get salvation of corruption and perplexity.
- (iv) Positive steps will be taken for a self-sufficient economy, so that the dependence over foreign loans is finished.
- (v) Framing such an agricultural policy through which the country will be self-sufficient in foodstuffs.
- (vi) Foundation of defense industries.
- (vii) Formation of such an industrial policy through which the labor and investment may be protected and maximum production can be made in minimum time.
- (viii) Prevention of unemployment and organizing manpower.
- (ix) Partnership of workers in income.
- (x) Creating a proper environment and giving protection to private investments.
- (xi) Equal distribution of wealth in the society, so that nobody remains needy of others.
- (xii) Eradication of all kinds of exploitation following the principles of social justice.

(xiii) Providing equal opportunities to the citizens for their development and fulfilling their basic needs providing access to the general benefits of the economic development. The following fields will be addressed to achieve the above objectives: -

(A) Agriculture (B) Rural development (C) Urban problems (D) General economic reforms (E) Industry and commerce (F) Rights of workers and low-income people.

**(A) Agriculture**

Most of our economy is based on agricultural development. Therefore it is very necessary to give basic importance to the agriculture sector, through which not only the production will be increased but also the country will be put on the path of development. It is our belief that Pakistan can be developed agriculturally to such an extent that not only our needs will be fulfilled but can also increase our foreign exchange.

- (i) Millions of hectare of cultivable agricultural land of government is useless. It will be developed and distributed among landless farmers. Local people will be given priority in this regard.
- (ii) Lease holdings of public lands will be terminated. Leaseholder having more than 25 hectares of land will be distributed among the deserving. Proprietary rights will be given to the leaseholders having 25 hectares or less than 25 hectares of land.
- (iii) Every kind of help will be provided for the development of cooperative farming.

- (iv) According to the Islamic law possession of worthless state-owned agricultural lands will be given to those who are cultivating it.
- (v) All the resources will be used to prevent waterlogging and salinity on priority basis.
- (vi) Rights of the peasants will be fully guaranteed and the agricultural system will be brought in accordance with the Islamic laws.
- (vii) Ushr will be absolved with the payment of land revenue and the proper rate of water cess will be determined. The government will be responsible for the supply of canal water to those farmers and land owners who will pay the water cess.
- (viii) It will be the duty of the government to provide fine seed. Fertilizers, diesel, electricity, tractor and agricultural implements will be provided on proper rates and loan without interest will be given on easy conditions to the owners having up to twelve and a half hectares of land. The small farmers will be given more incentives so that the production of the country may be increased.
- (ix) Proper steps will be taken for corporate and industrial farming in order to increase the agricultural produce.
- (x) An equitable system of buying and selling of agricultural grains will be set up through which the legal rights of both the farmers and consumers will be preserved.
- (xi) The services of peasants will be protected and the rates of commodities and nature of work will be kept in view while fixing their wages.

- (xii) Due consideration will be paid to the right use, extension and protection of forests.
- (xiii) Cattle-farming, goat and sheep hoarding, fisheries, bee-flapping, dairy-farming and poultry-farming will be mechanized on modern ways and every kind of financial and technical help will be provided for this purpose. It will be given the status of industry.
- (xiv) The developmental program of agricultural lands will be given the status of industry.

**(B) Rural Development**

- (i) Seven Marla plots will be distributed among the homeless families of villages and interest free loans will be given to them to build houses over those plots.
- (ii) Agricultural and cottage industries will be protected in villages and loan without interest will be given in this regard so that these industries may develop. In this way job opportunities will be increased while the flow of population towards cities will be stopped.
- (iii) Proper arrangements will be made in order to provide flour, sugar, oil and other commodities in villages on proper rates.
- (iv) The subject of agriculture will be included in the curriculum of rural schools.
- (v) Permanent arrangements will be made to stop the floods. Small dams will be made on proper places to use its water for irrigation purpose.

- (vi) Arrangements will be made to provide electricity to all the villages of the country within five years.
- (vii) Boundary settlements will be made in new villages on the basis of delimitation of estate.
- (viii) Villages will be connected to cities through metalled roads.
- (ix) The facilities of drinking water, education and treatment will be provided in rural areas within short time.

**(C) City Problems**

- (i) Residents of *Kachi Abadi* (undeveloped habitation) given the rights of property in all the cities will be enforced in minimum time. If there is any *Kachi Abadi* over private property, its owners will be given compensation or alternate property.
- (ii) Proper planning will be executed in order to build houses in every city according to its growth rate of population, so that the problem of *Kachi Abadi* may not occur in future.
- (iii) The local bodies' organizations will be given enhancement powers.
- (iv) Octroi posts system will be abolished.
- (v) Municipal bodies will be given maximum powers and responsibilities.
- (vi) Residential houses will be exempted from property tax.

**(D) General Economic Reforms**

- (i) Public representatives and technical experts will be included in the economic planning of the country.

- (ii) Feelings of diligence will be inculcated on national level. Laziness and idleness will be discouraged.
- (iii) All kinds of taxes will be abolished on the commodities in order to stop the dearness. A permanent price commission will be set up in order to bring the rates to moderate level. The consumers' representatives will also be included in it.

**(E) Industry and Commerce**

- (i) All the international resources will be used in order to complete the planning for nuclear energy and every kind of external pressure will be met with in this regard.
- (ii) Priority will be given to set up the industries of tractor making and agricultural implements.
- (iii) Industries in private sectors will be encouraged.
- (iv) Effective steps will be taken in order to save the textile industry and other industries from destruction.
- (v) Efforts will be made to spread the industries in all the country in common and the backward areas in special so that all the areas can get the benefits of development. The industries will be preferred in those areas where the new material is available.
- (vi) Arms industry will be developed on large scale in order to make the country self-sufficient in defense.
- (vii) Effective steps will be taken to meet the needs of electricity.

- (viii) Explorations of oil, gas and other minerals will be made in minimum time in order to make the country self-sufficient in this regard.
- (ix) Paper industry will be developed.
- (x) The procedure for the approval of establishing new industries will be made easy. Ministry of industry will be responsible for all the procedure in this respect, which will be bound to decide the case within three months.
- (xi) Items of luxury, cars and import of other unnecessary items will be stopped completely. In order to develop local industry import of those items will also be stopped, which are prepared in Pakistan. However the rates of Pakistani products will be supervised effectively.
- (xii) Every researcher will be patronized in Pakistan.
- (xiii) Keeping in view the basic importance of coal, iron, copper, sulphur and aluminum, necessary steps will be taken in order to increase its production in Pakistan.
- (xiv) All possible steps will be taken to increase the exports of Pakistani products into foreign markets and the products will be standardized. Government monopoly over exports will be abolished.
- (xv) All the unnecessary corporations of country will be merged into departments.
- (xvi) WAPDA will be broken. Federation will be responsible for the generation and transmission of electricity while provinces will be responsible for its distribution.

**(F) Rights of workers and low-income people**

- (i) Constructive unionism and unions' activities will be encouraged. Unconditional right of unionism will be granted and its removal without any cause will be considered as a crime.
- (ii) Partnership will be given to workers in industry and the worker-industrialist relations will be made pleasant.
- (iii) Minimum salaries of workers will be revised and adjusted keeping in view the basic needs of life. Existing salaries will be increased so that the workers may lead an honorable life. Such a system will be introduced through which the workers giving maximum production will get more benefits.
- (iv) Weekly system of salaries will be introduced for the welfare of workers and delay in the wages of workers will be considered as a crime.
- (v) Performance of federal and provincial departments of industry will be made better in consultation with the representatives of trade unions and experts in trade and commerce.
- (vi) To permit setting up any industry, it will be essential for the industrialist to provide house, treatment facility and standard education to the kids of low-paid workers. Already the working industries will have to fulfill the condition within six months.
- (vii) Fair price shops will be set up for the families of workers, so that they may get the commodities on complimentary prices.

- (viii) The industrial courts will be bound to decide a case within three months and the concerned court will decide appeal within two months.
- (ix) Complete protection will be given to Tonga drivers, hawkers, rickshaw and taxi drivers, small shopkeepers and embroider in cities. Police and hooligans' pressure will be abolished over them and loans without interest will be given for the development of their business.
- (x) Social security scheme will be made optional and such scheme will be enforced with the consent of the representatives of trade unions.
- (xi) A Board consisting of the representatives of the government, industrialist and workers will be established which will compile recommendations regarding rights and interests of workers, increase in production and amendments in industrial laws.
- (xii) Workers working in industrial firms will be given protection for their employment along with better terms and conditions.
- (xiii) Cars and rickshaws will be provided to taxi and rickshaw drivers on easy installments so that they may become the owners of their own and exploitation be ended. Public will also get the facility of transport. Apart from government transport, private companies will also be granted permission to enroot the buses in cities for facilitating the public.

- (xiv) The government will introduce a system through which the control of the government over internal and external trade will be abolished.
- (xv) The workers will be given the right to get pension after fifteen years service and every worker will have the right to get full pension after thirty years. Worker, if disables during duty, will be treated free of cost. If even then he is not healthy, will be provided with full pension.

#### **10. Media communication and Ideology of Pakistan**

The following steps will be followed for complete protection of the ideology of Pakistan and freedom of media communication: -

- (i) National Press Trust will be broken.
- (ii) All cruel laws regarding press and publication will be abolished.
- (iii) Hurdles in the way of issuing declaration will be finished and facilities will be provided on local level in this regard.
- (iv) The terms of employment will be made better for the journalists and servants of television and radio.
- (v) Advertisements will be given to the newspapers according to the number of their publications.
- (vi) Radio and Television corporations will be given an opportunity to perform their duties freely and monopoly of government over it will be abolished.

- (vii) Radio and television corporations will be answerable to an institution of National Assembly that will be comprised of government and opposition members.
- (viii) A committee will be formed consisting of educationists, *ulema*, lawyers and common people in order to supervise and use the media of broadcasting and publication in a constructive way. These people will critically evaluate on-line programs of the government and will recommend reforms in it.
- (ix) A comprehensive law will be made in accordance with the Islamic social values and experts of education, law and Islamic culture and civilization will be appointed to Film Sensor Board.
- (x) Arrangements will be made in order to broadcast Islamic teachings on radio and television.

## **11. Education**

Proper attention will be paid to education and revolutionary steps will be taken in this regard.

- (i) Education system will be organized on modern lines according to the needs of Islam and different kinds of education systems, causing discrimination in national life, will be abolished as soon as possible. Uniform system of education will be introduced in the entire country.
- (ii) Existing curriculum of education will be reviewed in order to bring the educational objectives in harmony with the ideological, social and economic needs so that the students may fulfill their duties efficiently.

- (iii) Educational curriculum will be designed on federal level and a uniform educational standard will be set up.
- (iv) Free education will be provided up to secondary level. Primary education will be made compulsory and will be made sure to enroll all children. Scholarships will be given to the children of backward areas.
- (v) Arrangements will be made to develop technical education and to impart education according to the physical tendencies of students. Such training institutes will be established in the industrial centers of Pakistan, which will belong to the concerned industries.
- (vi) Islamic studies and ideology of Pakistan will be made compulsory for Muslim students at every stage and department. Primary certificate will not be issued without the completion of recitation of the Quran. Islamic studies will not only be made compulsory up to graduation but the curriculum will be arranged in such a manner that every graduate will be able to know about the religious affairs.
- (vii) Libraries will be set up at different places for scholarly and intellectual growth in country.
- (viii) Government will be responsible to provide opportunities of higher education to poor and intelligent students on the basis of their ability and suitability.
- (ix) Such a curriculum will be designed regarding the ideology and freedom movement of Pakistan, which will explain the facts of freedom movement since 1850 A.D. to 1947 A.D. The *ulema* and leaders will be mentioned specifically who made the movement successful.

- (x) Training facilities will be provided in order to increase the professional skills of industrial and agricultural workers.
- (xi) A campaign for adult education will be launched through which every citizen will be taught how to read and write.
- (xii) Every university will be granted full autonomy within the national educational objectives.
- (xiii) There will be no restriction over the establishment of private educational institution. But it will work under the supervision of government according to official rules and regulations. Their fee will be kept in proper limits.
- (xiv) Separate educational institutes will be set up for girls on school, college and university level.
- (xv) Admission into colleges and universities will be granted only on merit basis. Arrangements will be made for pre-service and in-service trainings for teachers at every level so that the teachers may be guided on the lines of modern teaching techniques.
- (xvi) Military training for college students will be made compulsory.
- (xvii) Proper place will be given to teachers in the society and they will be free from interference in their capacity. Their jobs will be guaranteed with protection. Their salaries will be fixed in such a manner that they will lead a prestigious life.
- (xviii) The promotion of teachers will be related to their teaching experience and research.

- (xix) Students will be provided with boarding facilities. Best facilities regarding hostel will be provided to the students in professional and academic institutions.
- (xx) Establishment of literary, scholarly and research societies will be encouraged in all educational institutions in order to make the standard of education better, eradicate the tendency of violence in educational institutions and equip the future builders of the nation, in true sense, with education.
- (xxi) Guarantee will be provided to religious institutions not to nationalize it.
- (xxii) A Board consisting of *ulema* and educational experts will be set up who will design the curriculum of religious institutions on modern lines.
- (xxiii) Religious institutions will be free in its affairs. The government will properly patronize and help it. Its certificates will be recognized on government level. The teachers of religious institutions will be given equal incentives and salaries to that of the government schools and colleges.
- (xxiv) Each school of thought of Muslims will be given right to get education according to their *Fiqh*.
- (xxv) All the magazines, books and other literatures will be banned, which directly or indirectly, deliberately or in-deliberately publish rubbish against Allah, prophets. Muhammad (PBUH), caliphs, *ulema* and Ahl-e-Bayt.
- (xxvi) Neither an educational or religious institution can receive any kind of foreign aid directly nor can any new educational institution be set up with foreign capital.

(xxvii) The responsibility of receiving and distributing such foreign aid will be on the shoulders of government directly.

(xxviii) Proper facilities of sports will be provided in educational institutions.

## **12. National Health**

Such a system regarding national health will be introduced, where no person on the basis of poverty will remain deprived of proper treatment. Following policies will be adopted for achieving the above-mentioned purpose: -

- (i) Better arrangements will be made for cleanliness. Hygienic principles will be publicized on a large scale. Games and exercises will be encouraged on national level.
- (ii) Adulterators will be punished publicly and well in time.
- (iii) The number of hospitals and maternity centers in rural areas will be increased. Doctors and physicians will be appointed in villages under a planning. Family planning centers will be converted into hospitals.
- (iv) Every doctor will be able to visit foreign country in order to get further education after serving for at least two years in Pakistan.
- (v) Terms of employment for nurses will be made so much better and attractive that the tendency of visiting foreign lands will be vanished.
- (vi) Pharmaceutical industries will be set up within the country through public-private partnership. Furthermore private pharmaceutical industries will be permitted to make medicines.

- (vii) Establishment of hospitals in private sector will be encouraged and guarantee will be granted not to take it in national possession. However these hospitals will be bound to abide by the government's rules and regulations.
- (viii) Government patronization will be provided to indigenous system of medicine and homeopathic treatment. These hospitals will also be established under the supervision of government.
- (ix) Existing un-registered allopathic medical practitioners will be given legal protection after proper training course.

### **13. Defense**

Priority will be given to increase the military capability of armed forces in Pakistan and following steps will be taken in this respect: -

- (i) Armed forces of Pakistan will be accorded with latest weapon.
- (ii) Pakistan will be made self-sufficient in weaponry.
- (iii) Along with the military capability in youngsters, passion for *Jehad* will be awakened in them for the sake of Islam and patriotism.
- (iv) Compulsory military training will be enforced for healthy men without any delay so that the entire nation may be able for defense in *Jihad* in the way of Allah.
- (v) Survivors of martyrs will be completely supported by the government.
- (vi) Provincial quota will be determined in army and it will be followed strictly.

### **14. Minorities**

Our policy regarding minorities will be as under: -

- (i) Protection will be given to their legal rights in government services, technical institutes and professional educational institutions.
- (ii) The property for worship places concerning minorities will be given protection.
- (iii) Minorities will get complete civic and legal protection. Government will be responsible for the protection of their lives, properties, honor and freedom of citizenship.
- (iv) Whatever laws the minorities want to approve for the reformation of their society, will be passed. But those laws should not be in contradiction with the national interest and not be torrent for others.
- (v) There will be no interference in the religious and social affairs of minorities. They will be free to act according to their religion but will not be permitted to preach against the principles of Islam. The decision of legislation for the protection of finality of Prophet Hood regarding Second Amendment (1974) in 1973 Constitution will be protected.
- (vi) There will be full freedom of religious education, culture and civilization, religion and worship for minorities within the limits of law.

## 15. Foreign Policy

Principles of Pakistan's foreign policy will be as under: -

- (i) As Pakistan is an Islamic ideological state, therefore our foreign policy will be in accordance with the principles of *Quran and Sunnah*.
- (ii) Brotherly relations will be strengthened with the Muslim *Ummah* and efforts will be made to bring complete unity in the Islamic world, so that a common

- program for development and prosperity of all Islamic countries is enacted.
- There will be social, economic and defense cooperation.
- (iii) Full efforts will be made to have friendly relations with neighbors, but it should not affect our sovereignty and national interests.
  - (iv) Full efforts will be made in order to give right of self-determination to Kashmiris through referendum according to the decision of Security Council. India will not be compromised in this matter unless the Kashmiris are not given the right of self-determination.
  - (v) Effective steps will be taken against the cunning occupation of places by India so that the problems of Hyderabad, Junagarh, Manadawar and Mongrel may be solved.
  - (vi) Pakistan will be kept away from the contention of big powers like America and Russia.
  - (vii) Efforts will be made to remove any kind of imperialism and colonial system.
  - (viii) We will always stand by oppressed nations. Efforts will be made for economic freedom of undeveloped and developing countries.
  - (ix) American Jewish imperialist conspiracy has given a proof of enmity by occupying Bait-ul-Muqaddas. Therefore every possible effort will be made to recover Aqsa *Masjid* and set up an independent Palestine state. Palestinians will be cooperated for their freedom movement in this regard.
  - (x) Wherever the Muslims are oppressed, efforts will be made to protect their rights and interests.

- (xi) Russia has occupied Afghanistan through aggression. A policy will be followed through which the Russian forces will evacuate Afghanistan and Afghan refugees will return to their homeland with honor.

## Bibliography

### 1. Primary Sources

- National Assembly of Pakistan (NAP) Debates*, Vol. I, No. 1. Islamabad, April 14, 1972.
- NAP Debates*, Vol. I, No. 2. Islamabad, April 15, 1972.
- NAP Debates*, Vol. II, No. 1. Islamabad, July 10, 1972.
- NAP Debates*, Vol. II, No. 1. Islamabad, July 14, 1972.
- NAP Debates*, Vol. I, No. 9. Islamabad, August 24, 1972.
- NAP (Constitution-Making) Debates*, Vol. II, No. 1. Islamabad, December 31, 1972.
- NAP (Constitution-Making) Debates*, Vol. II, No. 7. Islamabad, January 6, 1973.
- NAP (Constitution-Making) Debates*, Vol. II, No. 14. Islamabad, February 2, 1973.
- NAP (Constitution-Making) Debates*, Vol. II, No. 14. Islamabad, March 6, 1973.
- NAP (Constitution-Making) Debates*, Vol. II, No. 18. Islamabad, March 12-13, 1973.
- NAP (Constitution-Making) Debates*, Vol. II, No. 19. Islamabad, March 13, 1973.
- NAP (Constitution-Making) Debates*, Vol. II, No. 20. Islamabad, March 14, 1973.
- NAP (Constitution-Making) Debates*, Vol. II, No. 21. Islamabad, March 15, 1973.
- NAP (Constitution-Making) Debates*, Vol. II, No. 23. Islamabad, March 19, 1973.
- NAP (Constitution-Making) Debates*, Vol. II, No. 24. Islamabad, March 20, 1973.
- NAP (Constitution-Making) Debates*, Vol. II, No. 26. Islamabad, March 22, 1973.
- NAP Debates*, Vol. III, No. 25. Islamabad, June 23, 1973.
- NAP Debates*, Vol. IV. No. 3. Islamabad, August 3, 1973.
- NAP Debates*, Vol. I, No. 21. Islamabad, February 14, 1974.
- NAP Debates*, Vol. IV, Nos. 17, Islamabad, June 18, 1974.
- Senate of Pakistan (SP) Debates*, Vol. I, No. 2. Islamabad, March 1, 1976.

*SP Debates*, Vol.II, No.3. Islamabad, March 2, 1976.

*SP Debates*, Vol.I, No.6. Islamabad, March 5, 1976.

*SP Debates*, Vol. I, No. 11. Islamabad, March 18, 1976.

*SP Debates*, Vol. II, No. 17. Islamabad, March 30, 1976.

*SP Debates*, Vol. II, No. 21. Islamabad, April 5, 1976.

*SP Debates*, Vol. II, No. 22. Islamabad, April 6, 1976.

*SP Debates*, Vol. III, No. 29. Islamabad, April 6, 1976.

*SP Debates*, Vol. II, No. 23. Islamabad, April 7, 1976.

*SP Debates*, Vol. II, No. 24. Islamabad, April 8, 1976.

*SP Debates*, Vol. III, No. 25. Islamabad, April 12, 1976.

*SP Debates*, Vol. III, No. 28. Islamabad, April 15, 1976.

*SP Debates*, Vol. III, No. 30. Islamabad, April 26, 1976.

*SP Debates*, Vol. III, No. 31. Islamabad, April 27, 1976.

*SP Debates*, Vol. III, No. 33. Islamabad, April 29, 1976.

*SP Debates*, Vol. III, No. 35. Islamabad, May 3, 1976.

*SP Debates*, Vol. III, No. 36. Islamabad, May 4, 1976.

*SP Debates*, Vol. III, No. 36. Islamabad, May 11, 1976.

*SP Debates*, Vol. III, No. 42. Islamabad, May 12, 1976.

*SP Debates*, Vol. IV, No. 44. Islamabad, May 14, 1976.

*SP Debates*, Vol. IV, No. 47. Islamabad, May 19, 1976.

*SP Debates*, Vol. V, No. 11. Islamabad, July 6, 1976.

*SP Debates*, Vol. V, No.12. Islamabad, July 7, 1976.

*SP Debates*, Vol. VII, No. 11. Islamabad, August 23, 1976.

*SP Debates*, Vol. VIII, No. 12. Islamabad, August 24, 1976.

*SP Debates*, Vol. VII, No. 13. Islamabad, August 25, 1976.

*SP Debates*, Vol. VIII, No. 1. Islamabad, November 11, 1976.

*SP Debates*, Vol. VIII, No. 7. Islamabad, November 18, 1976.

*SP Debates*, Vol. IX, No. 11. Islamabad, November 24, 1976.

*SP Debates*, Vol. IX, No. 12. Islamabad, November 25, 1976.

*SP Debates*, Vol. IX, No. 16. Islamabad, December 15, 1976.

*SP Debates*, Vol. IX, No. 20. Islamabad, December 23, 1976.

*SP Debates*, Vol. II, No. 1. Islamabad, March 27, 2003.

*SP Debates*, Vol. II, No. 2. Islamabad, March 28, 2003.

## **2. Secondary Sources**

### **Books and Articles**

#### **English Sources**

Ahmad, Mujeeb. *Jam'iyat 'Ulama-i-Pakistan 1948-1979*. Islamabad: National Institute of Historical and Cultural Research, 1993.

Ahmad, Ziauddin. *Liaquat Ali Khan: Leader and Statesman*. Karachi: The Oriental Academy, 1970.

Choudhury, G.W. *Constitutional Development in Pakistan*. London: Longman Group Ltd., 1969.

Dani, Ahmad Hassan. *Quaid-e-Azam and Pakistan*. Islamabad: Quaid-i-Azam University, 1981.

Ismail, Nida Shams. *Qualities of a Good Parliamentarian-A Checklist*. Islamabad: Consumer Rights Commission of Pakistan, 2005.

Jalal, Ayesha. *The State of Martial Rule*. Lahore: Vanguard Books, 1990.

- Khan, Hamid. *Constitutional and Political History of Pakistan*. Karachi: Oxford University Press, 2001.
- Khan, Muhammad Asghar. *Generals in Politics: Pakistan 1958-1982*. New Delhi: n.p., 1983.
- Krieger, Joel. *The Oxford Companion to Politics of the World*. 2<sup>nd</sup> ed. New York: Oxford University Press, 2001.
- Munir, Justice Muhammad. ed. *Constitution of the Islamic Republic of Pakistan: Being a Commentary on the Constitution of Pakistan, 1973*. Lahore: P.L.D. Publishers, 2007.
- Nizami, Muhammad Mazhar Hussain. *Code of Criminal Procedure, 1898*. Lahore: PLD Publishers, 1999.
- Rafique, Sheikh Muhammad. *History of Pakistan Since 1947*. Lahore: Standard Book House, 2000.
- Riff, M. A. *Dictionary of Modern Political Ideologies*. UK: Manchester University Press, 1987.
- Roertson, David. *A Dictionary of Modern Politics*. 2<sup>nd</sup> ed. London: Europa Publications Limited, 1993.
- Scruton, Roger. *A Dictionary of Political Thought*. London: The Macmillan Press Ltd., 1984.
- Tanzilur-Rehman, Dr. *Muslim Family Laws Ordinance: Islamic and Social Survey*. Karachi: Royal Book Company, 1997.
- Wolpert, Stanely. *Jinnah of Pakistan*. Karachi: Oxford University Press, 1984.

### Urdu Sources

- Ahmad, Ghafoor. *Benazir Hakoomat ka Urooj wa Zawal*. Lahore: Al-Qamar Publishers, 2001.
- \_\_\_\_\_. *Phir Martial Law Aa Gia*. Lahore: Jang Publishers, 1991.
- Ahmad, Muneer. *Buhrano ka Dor: Nawaz Sharif kay Urooj wa Zawal ki Kahani*. Lahore: Takhleeqaat, 2000.

Akhtar, Sadia. *Allama Shah Ahmad Nurani ki Deeni wa Maashrati Khidmaat ka Jayeza*. Lahore: Oriental Publications, 2007.

Bhali, Muhammad Asif. *Siyasatdan*. Lahore: Mavira Publishers, 1988.

Hussain, Mazhar. *Pakistan kay Siyasi Ittihad may Mawlana Shah Ahmad Noorani ka kirdar: Qaumi Ittihad say Muttahida Majlis-i-Amal tak*. Lahore: Allama Shah Ahmad Noorani Research Center, 2009.

Khan, Imran Yaqub. "Deeni Jumatain Kia Laiha Amal Ikhtair Karaingee" *Jang Lahore*, Siyasai Edition (March 12, 2002).

Mehmood, Sayyid Qasim. *Encyclopedia Pakistanica*. Karachi: Shahkaar Book Foundation, 1998.

\_\_\_\_\_. *Islami Encyclopedia*. Lahore: Al-Faisal Nashiraan, 2000.

Mukhtar, Shahid. *Pakistani Siyasat ki Nisf Sadi*. Lahore: Shahid Publications, 1998.

Muneer, Ahmad. *Pakistan kay Siyasi Ittihad*. Lahore: Frontier Post Publications, 1993.

Noorani, Qari Abdul Majeed. *Imam Shah Ahmad Noorani ki Tareekhi Jadd-o- Jihad*. Lahore: Al-Naeemia International Qirat Academy, n.d.

Nurani, Sahibzada Faizur Rasul Raza. *Afkar-i-Nurani*. Lahore: Maktabah-i-Ahl-i-Sunnat Jamia Nizamiya-i-Rizwiya, n.d.

Riaz-ul-Huda, Ahmad. *Tareekh-e-Punjab*. Lahore: Ilmi Kitab Khana, 1997.

Saleem, Ahmad. *Toot-thy Banthy Assemblian aur Civil-military Beauracracy*. Lahore: Jang Publishers, 1990.

Siddiqi, Javid Ahmad. *Nurani Siyasat*. Karachi: Shabal Publications, 1988.

## Encyclopedias

*Encyclopedia of Religion and Ethics*, 2nd ed., s.v. "Apostasy (Muhammadan)"

*International Encyclopedia of the Social Sciences*, Vol. II., s.v. "Parliamentary Government"

## **Interview**

Qadri, Sayyid Aqeel Anjum. Interview by author. July 22, 2010. Karachi.

## **Newspapers and Journals**

*Daily Auasaf* (Islamabad).

*Daily Awam* (Karachi).

*Daily Hurriyat* (Karachi).

*Daily Dawn* (Karachi).

*Daily Jang* (Karachi, Lahore, Rawalpindi).

*Daily Kainat* (Karachi).

*Daily Khabrain* (Lahore).

*Daily Mashriq* (Peshawar).

*Daily Morning News* (Karachi).

*Daily Nawa-i-Waqt* (Karachi, Lahore, Rawalpindi).

*Daily Pakistan Times* (Lahore, Rawalpindi).

*Daily Siyasat* (Karachi).

*Daily Ummat* (Karachi).

*Daily Wafaq* (Lahore).

*Zi Akhbar-i- Jahan*, weekly (Lahore).

*Haft Roza*, weekly (Karachi).

*Ufaq*, weekly (Karachi).

*Nada-i-Ahl-i-Sunnat*, monthly (Lahore).