

MMA-Democracy Interface in Pakistan: From Natural Confrontation to Co-habitation?

Ashutosh Misra

Abstract

The myth regarding religious parties in Pakistan possessing street power sans political power was broken with the success of the Muttahida Majlis-e Amal's (MMA)—a coalition of Muslim parties and groups— in the 2002 general elections. The party sprung to power for a variety of reasons including the support it received from General Musharraf's military establishment. The MMA on several occasions facilitated Musharraf's political schema in the hope for larger political favours, drawing severe criticism from both within and outside the party. The electoral experience of the MMA so far has been mixed as it has earned both rewards and brickbats. It now stands at a point from where it is trying to resurrect its lost credibility and convince other mainstream parties of its political bona fide. The rise of the MMA has added a new dimension to political jostling and power play in Pakistan and so far has helped the authoritarian forces. Would it continue to side with the military in the decades old civil and military struggle in Pakistan or would be forced in the emerging political configuration to join the struggle for the restoration of democracy in Pakistan remains somewhat an open question.

The perception that Islamic parties in Pakistan possess only street power, devoid of political power, changed after the 2002 general elections. The elections gave tremendous boost to the political fortunes of the religious parties, which had come together as a united political entity under the banner of Muttahida Majlis-e-Amal (MMA). The alliance won over 50 seats in the National Assembly, and secured a majority in the North-West Frontier Province (NWFP) and the second highest number of seats in Balochistan. The success is attributed to many factors such as support of the establishment, marginalisation and victimisation of the democratic

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parties and their leaders, ideological bankruptcy and past failings of the democratic parties and anti-US sentiments in Pakistan following the war in Afghanistan, among others. Yet it marked a major achievement for the *Ulema* who had never been able to win so many seats in the National Assembly. By this yardstick the rise of MMA can be considered a watershed in Pakistan's troubled political experience.¹

The MMA's rise has drawn international attention and dominated the debate pertaining to civil-military relations and democracy in Pakistan. What effect could an asserting religious conglomeration have on the fragile democratic movement in Pakistan? Would the MMA be able or be inclined to challenge General Musharraf, its promoter in 2002? Would it be prudent for the MMA to align with the Alliance for the Restoration of Democracy (ARD) and thus, distance itself from the military dominated establishment in the interests of democracy? Does it have enough resources and political strength to take such a decision? Will the MMA's preoccupation with its Islamisation agenda put it in confrontation with democratic principles?

MMA'S Relations With General Pervez Musharraf: Marriage of Convenience?

The relationship between the MMA and the military regime led by General Musharraf has been an interesting mix of cooperation and restrained tensions in the last two years. It would be useful to do an issue-based analysis to ascertain whether it was based on cooperation, confrontation or cooption.

Legal Framework Order (LFO) 2002

The proposal for the LFO was mooted by General Musharraf in August 2002 to bring about changes in the 1973 Constitution just before the 2002 general elections were held. The LFO sought to strengthen General Musharraf's hold on power both as President and Army Chief. The April 30, 2002 'doctored' referendum had given him the 'legitimacy' as President for five years, and the LFO was required to institutionally entrench himself after October 2002.

The opposition parties, as well as the MMA, gave General Musharraf a tough time in the National Assembly and the echoes of 'No LFO', 'go General Musharraf go' became a regular feature.² The opposition demanded

that the LFO should have the approval of Parliament to be incorporated into the constitution. General Musharraf argued that there was no need for any parliamentary approval as the Supreme Court had validated his coup and empowered him to amend the constitution.³ The government having failed to reach a compromise with the opposition (minus the MMA) began parleys with the MMA in the July 2003 till November. When the dialogue resumed in December, the MMA set a deadline of December 18 for introducing the amendments in the constitution and at the same time started demonstrations on the streets against the government's stand on the LFO.⁴ Eventually, the 'deal' over the LFO between the government and the MMA was reached on December 24, 2003⁵ and on that basis the 17th Amendment was passed in the National Assembly and the Senate on December 30, 2003 by a two-thirds majority, and signed by the President on the December 31, 2003.⁶

The opposition, consisting of the Pakistan Peoples' Party Parliamentarians (PPPP), the PML-N and other smaller parties like the Pashtoon-Khwa Milli Awami Party (PkMAP), Awami National Party (ANP), and Jamhoori Wattan Party (JWP), boycotted the voting. The 'deal' created a huge wedge between the MMA and rest of the opposition.⁷ The ARD expressed its dismay over the deal and severely criticised the MMA for betraying the opposition and siding with General Musharraf.⁸ The 17th Amendment introduced changes in nine articles on the following lines:

1. The President would retain the power to dissolve the National Assembly in his discretion but he would submit the dissolution decision to the Supreme Court for scrutiny and adjudication within 15 days of the dissolution.
2. The National Security Council (NSC) would be set up by ordinary legislation in the Parliament.
3. The President will appoint the Chiefs of the three services of the armed forces and Chairman, Joint Chiefs of Staff Committee in consultation with the Prime Minister.
4. The local government ordinances will be removed from the Constitution's 6th Schedule in December 2009.
5. Three-year extension in the retirement age of the judges of the Supreme Court and High Courts would be withdrawn.
6. President General Musharraf would seek a vote of confidence from

the members present and voting in each house separately.

7. The office of the Presidency would not be combined with the office of Army Chief beyond December 31, 2004.⁹

Notwithstanding the opposition charges over the 'deal', the MMA defended its decision saying that it was done in the larger interests of democracy and the best possible deal in the given circumstances. Maulana Hafiz Hussain Ahmed, the MMA deputy parliamentary leader said that the MMA had reached the best possible compromise on the issue and it was no possible for any party to have a better deal. He added that if the President reneged from his promise to take off the uniform, the MMA would launch a nation-wide protest against him. The MMA deputy Secretary General Liaquat Baloch said that the passing of the 17th Amendment would help the PPP and PML-N as it would enable them to return to Pakistan. The two MMA leaders argued that the party did not allow the LFO to become a part of the constitution without a debate and succeeded in initiating a debate on it and passing it only through a two-third majority.¹⁰

The MMA was duly rewarded for facilitating the 'deal'. Maulana Fazlur Rehman was made leader of the opposition in the National Assembly on May 25, 2005 causing a controversy. The MMA got the post by showing the support of 68 legislators, whereas the plea of ARD candidate, Makdoom Amin Fahim, with the backing of 80 legislators was turned down by the Speaker on the ground that the ARD parties did not form part of a single political entity, unlike the MMA.¹¹ The establishment also gave respite to the MMA by not raking up the issue of MMA members not having recognised graduate degrees. The Centre has been considerate to the NWFP and its interests and largely ignored the Islamisation currently underway there. Also, MMA cadres have been spared in the wake of the global war against terrorism (GWAT).

General Musharraf's Vote of Confidence

Having seen the 17th Amendment through, the next challenge before General Musharraf was to secure parliamentary legitimacy through a vote of confidence, on the promise that he would relinquish his uniform on December 31, 2004. In the pre-December 31, 2003 constitution no provision for such a vote of confidence existed. The voting was held on January 1, 2004 in the National Assembly, the Senate and the four provincial

assemblies. General Musharraf secured a simple majority of 658 votes (just above 56 per cent in the 1,170-strong electoral college) of the 342-seat National Assembly, the 100-seat Senate and 728 members of the four provincial assemblies.¹²

The MMA in a 'non-participatory' fashion facilitated General Musharraf's political machination. It abstained from voting without opposing him. A helpless ARD kept shouting anti-General Musharraf slogans throughout the proceedings and eventually boycotted the vote. Perhaps, in order to regain public legitimacy, the MMA chose to distance itself from General Musharraf in a manner that it avoided sharing the blame without rocking the process.

MMA and General Musharraf's Uniform

One Herculean task before General Musharraf was to remain as Army Chief even beyond the December 31, 2004 deadline. The pre-December 2003 Constitution disallowed an Army Chief to be the President simultaneously. According to Hasan Askari Rizvi, "The said article [63(1)d] implies that the president cannot hold any other office of profit in the service of Pakistan. However, it allows the parliament to exclude any government assignment from the category by ordinary legislation."¹³ The Cabinet announced on September 15, 2004 that Musharraf is likely to retain the post of army chief after December 31, 2004 and there were no constitutional restriction on him remaining in uniform.¹⁴ Information Minister Sheikh Rashid Ahmed said that the 17th Amendment provided for General Musharraf to hold both posts simultaneously. As per the Article 243 of the constitution, Sheikh Rashid said, "the federal government shall have command and control of the armed forces," with the power to appoint the chief of army staff vested in the president¹⁵ Very cleverly and selectively, Musharraf's coterie was citing a provision (Art. 243) in the constitution over the other (LFO) in arguing a case for twin posts for him. In other words, the clauses that were deemed detrimental to General Musharraf's position were included in the LFO to reach a deal, only to be dismissed later in accordance with some or the other constitutional provisions. The announcement came after the breakaway group of the PPPP, the PPP-Patriot, expressed their willingness to see Musharraf continue as the Army Chief to ensure political stability.

On September 13, 2004 the Punjab Assembly passed the resolution

supporting General Musharraf on the uniform issue.¹⁶ However, two days later, on September 15, 2004 the NWFP Assembly passed a resolution against General Musharraf's continuation as Army Chief after December 2004, with 55 votes in favour and 14 against.¹⁷ A politically betrayed MMA took a firm position against General Musharraf. The resolution witnessed a similar fate in the Balochistan Assembly. The MMA expressed its reservations against the resolution and due to lack of support, the treasury withdrew the resolution on September 20, 2004, to avoid embarrassment if in case the resolution was defeated.¹⁸ In Sindh, where the MQM is in coalition with the PML-Q, the resolution was passed on September 22, 2004.¹⁹ Eventually, 'President to Hold Another Office Bill 2004' was passed on October 14, 2004 in the National Assembly allowing General Musharraf to continue as Army Chief after December 2004,²⁰ and in the Senate amid protests.²¹

The opposition labelled the move as 'illegal' and 'unconstitutional'.²² The reneging of General Musharraf his 'promise' caused serious damage to the credibility of the MMA, which was at a loss of words to express its dismay over the betrayal. Hafiz Hussain Ahmed, the MMA's deputy in the National Assembly said that in the light of the pledge and the televised address made before the public in December 2003, Musharraf was bound to quit the post of army chief.²³ Since then, the distrust between the MMA and General Musharraf has increased.

National Security Council (NSC)

The LFO provided for the setting up of a National Security Council through a simple legislation. The government moved the bill on April 2, 2004 in the National Assembly where it was strongly criticised by opposition parties. This time the MMA also opposed the bill. The opposition walked out and the National Assembly's Standing Committee passed the bill in merely 35 minutes on April 7, 2004.²⁴ The bill was passed in the Senate on April 14, 2004 amidst uproar.²⁵ PPPP parliamentary leader Raza Rabbani lamented the act saying, "Today's incident - this is a tragedy - is the worst in the history of Pakistan's Parliament and Senate."²⁶ MMA's parliamentary leader in the Senate Khurshid Ahmed labelled it as a "national insecurity bill".²⁷ The President signed the bill on April 19, 2004 and Prime Minister Zafarullah Jamali hailed the creation of the NSC, observing that it will check presidential powers to dissolve the National Assembly and

serve as 'a safety valve to the democratic system in the country',²⁸ though it did little to soothe the opposition's tempers.

The NSC with a total strength of 13 (including the chairman) is composed of the President who would also be Chairman; Prime Minister; Chairman of the Senate; Leader of the Opposition in the National Assembly; four provincial Chief Ministers; Chairman, Joint Chiefs of Staff Committee; and the service chiefs. The NSC Secretariat is headed by a Secretary appointed by the President. The broad functions of the NSC include:

- A. To serve as forum for consultation to the president and the government on matters of national security, including the sovereignty, integrity, defence, security of the state and crisis management.²⁹
- B. To formulate and make recommendation to the president and the government in accordance with the consultations on A.³⁰

The structure of the NSC leaves little doubt that it would further strengthen the military's hold over power. In his address in the NSC meeting on June 24, 2004, General Musharraf said that the NSC is not above the parliament and rather than reinforcing the office of the President it would work as a check on the office. He argued that it will "serve as a check on the office of the president...(It) would avert imposition of martial law in the future"... "if the NSC rejects the views of the army chief, then he (would) not be able to impose the martial law".³¹

The argument could not have been farther from truth considering the composition of the NSC. How can the NSC possibly reject the views of the Army Chief who is also the Chairman, by virtue of being the President and also has a supporting presence of his fellow servicemen in the NSC. In the case of a non-Army chief being the President, given the history of civil-military relations in Pakistan, the President would in all likelihood not go against the wishes of the Army Chief. For similar reasons, the Prime Minister would also fall in line and the four provincial Chief Ministers be more concerned with their respective government's survival. Therefore, it would be apt to label the NSC as a tool of the Army, for the Army and by the Army.

A section of the MMA has till date opposed the NSC in principle. NWFP Chief Minister Akram Khan Durrani and Maulana Fazl-ur Rehman have boycotted all three NSC meetings held so far, and the MMA remains a

divided house on the issue. Qazi Hussein Ahmed is opposed to Fazl-ur Rehman and Akram Khan Durrani attending the NSC meeting, whereas the *Jamaat-e-Ulema-Islam-Sami-ul Haq* (JUI-S), *Ahle Hadith* and *Pakistan Islami Tehrik* (PAT) are for attending the meeting. Surprisingly, the NWFP general council of the MMA severely criticised the continuous boycott of the NSC meetings by the two leaders, considering it detrimental to the interests of the province.³² It is believed that Fazl-ur Rehman is not giving a go ahead to Akram Khan Durrani because of Qazi Hussein Ahmed's reservations.³³ To avoid any political damage, Maulana Fazl-ur Rehman has brought the issue to the *Central Shura* of the party where the final decision would be taken. He could then use the *Shura* decision as a pretext for or against attending the meeting. The only problem even then would be to convince Qazi Hussein Ahmed in case the *Shura* gives the go ahead.³⁴

Local Governments

In 2001, General Musharraf introduced devolution of power and participatory governance at the local, tehsil and district levels through 'non party' local bodies elections and build a network of local politicians and workers for the 2007 elections. Like his predecessor Ayub Khan, General Musharraf too supported the idea of local bodies with the idea of creating a support base for himself which would be a substitute for direct democracy. As result, even if the provincial governments remains hostile to the federal diktats, the centre can still influence developments and events in the province through the local bodies' representatives and *Nazims* (equivalent of Mayor). It is like creating a parallel executive within the province, which could facilitate the centre's political schemes without the support of the provincial government.

In April 2004, the National Reconstruction Bureau (NRB) stressed on the utility of the system calling it a "break from the status quo",³⁵ and General Musharraf stated that the local government system "must be supported and strengthened as it would serve as a catalyst for transfer of benefits of macro-economic progress down to the grassroots level."³⁶ In practice, the system of local governments has brought the Centre and the provinces on a collision course, like in the NWFP. Several contradictions require attention in this regard. First, the differences over the jurisdiction of powers between the district *nazims* and the provincial government. The bureaucrats are trapped in the process, but eventually choose to abide by the orders of the provincial government, which is more inclined towards

obliging the parliamentarian and other well-wishers of the province. Second, disputes surfaced between the parliamentarian and the *nazims* over the disbursement of development funds. Third, there were many cases of the district council and the *nazims* differing with each other regarding fund disbursements. And fourth, the political leanings of the *nazims* also became a problem in provinces such as Sindh and NWFP where non-favourable governments were in power. The political tug of war impeded daily working, wherein affiliations transformed administrative problems into political tussles.³⁷

The power play between the provincial government and the *nazims* assumed such proportions in Balochistan that the latter resorted to hunger strikes and protest marches against the alleged over-bearing influence of the former. In the NWFP, 14 *nazims* of the union council in Peshawar resigned in May 2004 over the non-cooperative attitude of the government and differences over the allocation of developmental funds.³⁸ The Durrani government was averse to any interference by the local government in the jurisdiction of powers, transfers and postings of bureaucrats, and distribution of funds. Besides, it did not want any credit to be accrued to the local government for any development programme and with the help of a favourable bureaucracy it kept the powers of the *nazims* under check.³⁹ The Chief Minister also proposed changes in the local government system, to *inter alia*, institutionalise accountability.⁴⁰

The relations between Akram Khan Durrani and Governor Khalilur Rehman, who assumed charge on March 13, 2004, replacing Iftikhar Hussain Shah, have not been smooth either.⁴¹ On March 28, 2005 Akram Khan Durrani overruled a decision of the district government and allowed the MMA's proposed 'million man march' on the Grand Trunk Road in Peshawar. The city district council rejected the MMA's request to hold the march in Peshawar. The Governor also issued orders that the proposed march should not be allowed to take place on the roads in Peshawar. The provincial government, citing non-availability of other places, decided to allow holding it in Peshawar.

The issue became a prestige point for the MMA and to show its clout in the province, it summoned *madaris* from across the NWFP to ensure maximum students' participation. An estimated two million people were expected to participate in the march, but surprisingly the turnout fell much short of the expectations. As per the official estimates, only 15,000 people

participated in the march. Addressing the rally, Maulana Fazl-ur Rehman said that General Musharraf was trying to crush the Islamists at the behest of the US. He declared that no general would be accepted even as the next president. He called for the closure of US bases in Pakistan and criticised General Musharraf for trying to destabilise the MMA government.⁴² In contrast to Fazl-ur Rehman's charges, the MMA observed restraint by keeping the tempers of the protestors calm and assuring the Governor of respecting peace and law and order. The Chief Minister also assured the Governor of the non-participation of the provincial ministers in the march, which was appreciated by the latter.⁴³

On the role of local governments, the MMA remains polarised. The JI is supportive of the system unlike the JUI-F. The JI fought the local bodies elections and heads the local government in Sindh, where they appear to be giving a difficult time to the MQM-PML-Q provincial government.⁴⁴ The MQM has even urged the Centre to ban the JI alleging that it wants to make Karachi the base of Al Qaeda and Islamic militants. Clearly, the control of the Karachi city government by the JI has become too bitter a pill for the MQM to swallow.⁴⁵

MMA-ARD Relations

The ARD includes the PPPP, PML-N, *Balochistan National Party* (BNP), *Jamhoori Watan Party* (JWP), *Pakistan Tehrik-e-Insaaf* (PTI) and *Pakhtoon Khwa Milli Awami Party* (PkMAP). Its constituent parties had failed to make any substantial impact in the October 2002 elections. The tacit support which the MMA had received from the establishment in the elections, and the hand-in-glove policy that it pursued vis-à-vis the federal government made the ARD sceptical of it. In early 2003, the MMA had reached a common understanding with the ARD over the restoration of the 1973 constitution, LFO, NSC and the uniform issues. Later, the MMA made a deal with General Musharraf over the LFO which caused further rift and mistrust in the MMA-ARD relations. The ARD severely criticised the MMA for the 'betrayal' and accused it of cooperating with the government at the cost of democracy.

The ARD got another reason to dislike the MMA when in May 2004, Fazl-ur Rehman was made leader of the opposition, despite having lesser support (68) than the ARD candidate Makdoom Fahim (80).⁴⁶ By virtue of being the opposition leader, Fazl-ur Rehman also became a member of the

NSC, which suited General Musharraf's political schema. Incidentally, Fazl-ur Rehman's father Maulana Mufti Mahmood was also leader of the opposition from 1973 to 1977 during the Zulfiqar Ali Bhutto's regime⁴⁷ Makdoom Fahim reacted strongly saying that it was political dishonesty of the highest order and there was no question of cooperation with the MMA because it had supported the government.⁴⁸

Besides, MMA's Islamisation agenda and its coalition in Balochistan with the PML-Q have also come to sore its ties with the ARD. The MMA drew condemnation for its double standards and has been accused of remaining in the coalition in Balochistan, even while it criticised the PML-Q government at the Centre for undermining democracy, and operations in FATA and Balochistan. The ARD categorically conveyed it to the MMA that it should resign from the government in Balochistan to join the ARD. The ARD also demanded that the MMA should not raise religious slogans and issues in wake of a joint campaign against the government. The PPPP wanted the MMA to support the ARD over the scraping of the 17th amendment, restoration of democracy and parliamentary supremacy and holding free and fair elections before schedule in 2005.⁴⁹ In response, the MMA's parliamentary leader Qazi Hussein Ahmed said that the MMA's struggle would go on with or without the ARD and stressed that the religious alliance does call for the resignation of General Musharraf, restoration of the constitution and the supremacy of parliament.⁵⁰

The MMA-ARD talks in 2004 failed repeatedly given the divergence in their views on pressing issues. Though there is unanimity over the restoration of the constitution, resignation of General Musharraf and restoration of parliamentary democracy, they were unwilling to concede on withdrawal from the coalition in Balochistan and early elections in 2005.⁵¹ The MMA's primary objective here was to regain the ground lost due to alignment with General Musharraf's and resurrect the party as a true democratic force.

In 2004-05, political parleys between various factions were suggestive of the complexities that underline Pakistan's democratic scene. In October 2004, Maulana Fazl-ur Rehman visited Nawaz Sharif in Jeddah in Saudi Arabia to express his condolences over the demise of the latter's father. During the meeting, the two leaders touched upon domestic issues also. Later, on February 10, 2005, Sajid Mir, leader of *Jamiat Ahle Hadith* also visited Jeddah to talk about an MMA-PML-N joint protest from April 2005.

During the meeting, Nawaz Sharif is reported to have conveyed his willingness to meet Qazi Hussain Ahmed and Fazl-ur Rehman to discuss the prospects of such a front.⁵² Eventually the meeting materialised when Qazi Hussain Ahmed met Nawaz Sharif on February 25, 2005. In the meeting, the two leaders agreed on launching a joint struggle against the government, but Nawaz Sharif also expressed his disappointment over MMA's support to the 17th Amendment.⁵³ Fazl-ur Rehman met Nawaz Sharif on February 26 and discussed the possibility of a joint front against the government.⁵⁴

In a significant development, on February 10, 2005 Nawaz Sharif and Benazir Bhutto also held talks in Jeddah. The last time they met was in 1988 in Pakistan. In the Jeddah meeting, the PPP leader refrained from raising the issue of alliance with the MMA and the only issue discussed was the need to restore the 1973 Constitution. Perhaps, the PPP was cognisant of PML-N's historic relationship with the *ulemas*.⁵⁵

MMA and Islamisation

With the success of the MMA in national and provincial assemblies, the analysts have begun to speculate its impact on democratic values, freedom of expression and minority rights including women in Pakistan. The Islamic agenda of the MMA certainly does not conform to democratic principles and values as it seeks to curb not only minority rights but also enforces a fundamentalist way of life in which freedom of expression has negligible space. From these perspective, the advent of MMA as a political force cannot be considered to be a positive development for Pakistan's democratic struggle.

The 15-point election manifesto released in the 2002 elections said that the MMA would 'make Pakistan a true Islamic welfare state to ensure justice to people and eradicate corruption whatsoever'... 'create an independent, just and humane economic system where citizens will be provided opportunities for *halal* jobs, business and investments'... (and) 'protect rights of women guaranteed by Islam and restoration of their honour and prestige'⁵⁶. The manifesto, it must be emphasised, on many counts gave a moderate impression and its language was perhaps deliberately kept soft to ward off negative public reactions. Incidentally, the party was accorded a 'book' as its election symbol and the leaders used every occasion to flaunt it as the 'holy Quran' during election rallies and

campaigns.⁵⁷ The slogans were coined likewise. For instance, '*Mulk Bachao, Kitab Par Muhar Lagao*' (save the nation, vote for book), '*Hathon Mei Kitab Ho, Agaz-e-Inqalab Ho*' (with the book in hand, let the revolution begin), '*Ek Millat, Ek Parcham, Ek Mission, Kitab Hamara Mustakbil*' (one community, one flag, one symbol, book our future) were coined to present the election symbol as more than just a book.⁵⁸

MMA and Enforcement of Shariah

Soon after assuming power in the NWFP, the province became a test-laboratory for MMA's Islamic agenda. On June 2, 2003, according to some Urdu dailies, the NWFP Assembly passed the controversial Shariah bill calling for a ban on bank interest (*riba*) and reverting to Fridays as weekly holidays. The bill also called for the implementation of the recommendation of the Council for Islamic Ideology (CII), i.e., no tax should be levied on weapons, houses and vehicles. The bill also called for segregation in education (separate seating for women); making *Hijab* (scarf) compulsory for women; ultrasound of women to be done by female doctors; prohibition on male coaches training women athletes; closing down of cinemas and cable networks; and replacement of trousers and shirts with *salwar* and *kameez* as school uniform. Another report mentioned that though the PML-Q and PML-N members opposed making Friday a holiday, they agreed for the removal of *riba* (interest) from bank transactions.⁵⁹ The *Jang* also reported the creation of a committee by the NWFP government to recommend the enforcement of Islamic punishment such as stoning to death, amputation of limbs and death penalty for blasphemy and consumption of liquor.⁶⁰ There were also reports of banning of Basant celebrations. Qazi Hussain Ahmed and PML-Q parliamentarian Samina Naveed urged the government to frame laws at the earliest for banning Basant celebrations.⁶¹

The NWFP government has already introduced Islamic banking in the province. Former Prime Minister Zafarullah Khan Jamali had inaugurated the Bank of Khyber (BoK) in November 2003, which has been approved by the State Bank of Pakistan (SBP). The system would abolish *riba* and base its transactions on profit and loss sharing.⁶²

A 14-member, *Nifaz-e-Shariaht Council* (NSC) constituted by Akram Khan Durrani helps the government implement Islamic rules and reforms as per the CII recommendations in government departments. Acting on

its advice, the NWFP assembly passed the *Hisbah* bill on 14 July 2005 to create a Taliban-like 'Ministry for Promotion of Virtue and Prevention of Vice'.⁶³ The bill provided for a *mohtasib* of the 'ministry' who will not be accountable to anyone and all courts will be barred from reviewing its decision or granting stays against his orders. In other words, under the *Hisbah* bill, no right of appeal would be possible.⁶⁴

The opposition labeled it as a "parallel judicial system", and "martial law of the mullahs".⁶⁵ It must be noted that according to Articles 145-152 of the constitution, the National Assembly has the overriding authority of reversing legislation of any provincial assembly.⁶⁶ General Musharraf himself had expressed serious reservation against the bill.⁶⁷ The joy of the *ulema* proved short lived as the Supreme Court ruled several clauses in the bill to be contrary to the constitution and advised the NWFP assembly to present an amended bill for legislative perusal.⁶⁸ The judgment put brakes on Islamization as the MMA has already imposed ban on music in public transport and the MMA activists have warned the musicians in Peshawar to shut down their business, calling it 'evil and un-Islamic'.⁶⁹

NWFP has already passed two other bills namely, the 'NWFP Prohibition of Dancing and Music Bill, 2005' and the 'NWFP Prohibition of Use of Women in Photograph Bill, 2005'. The bill enforces ban on music and dance in public places and educational institutions, and using photographs of women in advertisements will be penal offences punishable by up to five years in jail, plus a fine of Rs. 5000 to 10,000.⁷⁰

Defending the MMA's Islamisation drive, Fazl-ur Rehman remarked, "We want to create an atmosphere where every Muslim abides by Islamic laws, enabling us to establish a true Islamic welfare state first in the Frontier and then gradually in the whole country...The Taliban...was an ideal Islamic system, but they were trying to implement it by force. But here in Pakistan, we are trying to bring about an Islamic revolution in accordance with the wishes of the people who voted for us."⁷¹ Fazl-ur Rehman's assertions contradict the *modus operandi* of the MMA cadre in NWFP and how they have executed party's Islamic agenda. MMA activists reportedly destroyed billboards featuring women in advertisements. In another incident, a group of MMA activists attacked a circus in Gujranwala in Punjab, setting the tent on fire, injuring over 100 people. Rakshanda Naz of the Aurat Foundation, an NGO in Peshawar, says that the people cannot afford to show any dissent because of death threats from the Islamists.⁷²

Registration of 'Madaris'

On June 1, 2004, the federal government lifted the ban on the registration of *madaris* which was imposed in 1994. This meant that as per the Societies Act of 1860, all kinds of religious seminaries would have to register and provide necessary information of their activities, structure and administration.⁷³ Earlier in 2002, General Musharraf had promulgated the Madrassa Registration and Regulation Ordinance, which lapsed in three months. In the post-September 11 period, he strongly felt the need to streamline the workings of the *madaris* in Pakistan, which are suspected of training *jehadis*. The current drive for the registration is being carried out under the 1860 Act, which authorises only the provincial governments for registering the *madaris*. Now, the federal government plans to bring legislation under the purview of the Centre, and under one single ministry.⁷⁴ The NWFP has already started the registration process and Maulana Amanullah Haqqani, the province's Religious Affairs Minister said that the registration would go ahead but no changes would be brought about in the curriculum of the *madaris*. Around 1,500 new *madaris* are expected to register in the current phase.⁷⁵

The registration drive has faced stiff opposition from the seminary boards of *Deobandi*, *Barelvi*, *Shitte*, and *Ahle Hadith* faiths. The boards have formed an alliance called *Ittehad Tanzeematul Madaris al-Deeniya* (ITMD), which is now negotiating the issue with the government. The ITMD has accused the JUI-F and JI of ignoring the interest of the other faiths and expressed reservations against providing detailed information on the workings of the *madaris* to the government. The Centre has clarified that to secure government assistance, all the seminaries have to register and provide information on sources of funding, numbers of students, origin of students and teachers, and curriculum. The MMA remains split on yet another issue: the *Barelvi madaris*, which supposedly were never part of the Afghan *jihad*, do not want to share information because of the questionable activities of the *Deobandi madaris*.⁷⁶ The Centre is now planning to discuss the issue in the NSC.⁷⁷

Passport Controversy over Religion Column

Making an issue out of a non-issue, the MMA succeeded in prevailing over the government on the restoration of the religion column in passports. Their protest was so persuasive and effective that the MMA managed to

get the support of even PML-Q Chairman Chaudhary Shujaat Hussain. The MMA's argument was that the deletion of the religion column would enable the non-Muslims (declared so in 1974) like Qadianis to go to places of pilgrimage. Earlier, passports without the religion column were issued as per the International Civil Aviation Organisation (ICAO) standards. The decision to include the religion column gave the MMA a sense of achievement and victory for its ideological contestations.⁷⁸ The National Database Registration Authority (NADRA) began issuing the machine-readable passports with the addition of the eighth column (religion) from March 28, 2005.⁷⁹

'Hudood' Laws

In 1979, during General Zia-ul Haq's tenure, four ordinances were issued known as the *Hudood* ordinance for providing protection against offences such as non-marital rape (*Zina-bil-Jabr*), extramarital sex (*zina*), gambling, alcohol, and property related offences. The ordinance prescribed punishment according to Islamic law, such as death penalties, flogging, amputation of limbs, and stoning for theft, adultery and blasphemy.⁸⁰ In September 2003, the National Commission on the Status of Women (NCSW) had recommended amendments in the *Hudood* ordinance, which were rejected in the NWFP assembly. The MMA's women legislators rejected the recommendations saying that nobody had the right to amend the laws enshrined in the Holy Quran. The MMA legislators also had the support of the PML-Q women legislators on the issue.⁸¹ In the National Assembly, women MMA legislators advised the government not to touch the *Hudood* Ordinance at this crucial juncture when the country was passing through a serious constitutional crisis. They warned that the consequences would be "very serious" and "there was a majority of women in parliament who loved Islam and Pakistan irrespective of their party affiliation".⁸²

In October 2003, the PPPP moved a bill in the National Assembly calling for the repeal of the *Hudood* ordinance, but the bill was defeated.⁸³ The MMA opposed the move and Qazi Hussein Ahmed categorically told the then Prime Minister Zafarullah Khan Jamali that the MMA would not support the creation of NSC if *Hudood* ordinance was repealed. As a result the latter had assured that the no changes would be made in the *Hudood* ordinance, let alone repealing it.⁸⁴ In another instance, the government and the MMA voted together in the National Assembly to kill a PML-Q

member's bill seeking to put curbs on honour killings or *Karo Kari*. The Code of Criminal Procedure (Amendment) Bill had sought to amend the existing law to make *Karo Kari* a non-compoundable offence. The PPPP debated that the State should be given the status of 'wali' who can grant the pardon, and not the father or brothers of a killer, to prevent families from conspiring with outsiders to commit the killing. The MMA argued that any interference by the state cannot be accepted in religion, and joined the government in defeating the bill.⁸⁵

MMA'S Constraints and Future

The MMA came to power for a variety of reasons ranging from anti-Americanism, to ideological bankruptcy of mainstream parties, tacit support of the establishment to its cohesiveness.⁸⁶ It is possible that in the next few years, some of these factors may no longer exist such as the support of the establishment, which may for its own convenience try to build bridges with PPPP and other parties and leave the MMA out in the cold. In the NWFP, though anti-Americanism is likely to prevail it may just lose its relevance as an election issue. This would imply the Awami National Party (ANP) edging out the MMA in the next elections. If the instability in Afghanistan persists, then the Pashtun and the 'moderate Taliban' factors could again prove useful for the MMA. The other important issue that could influence the fortunes of the MMA is the US-Iran standoff. If the US resorts to some stern military actions against Iran, it would certainly give the MMA another issue to exploit in the 2007 elections.

Unity remains a big challenge and the decision of the JUI-S to disassociate from the party is just one symptom of the contradictions that the religious alliance confronts. The overbearing influence of JUI-F and JI has already caused cracks in the alliance. The other constituent parties of the MMA have lesser influence and outreach, and the breakup of the MMA cannot be ruled out. The differences in the MMA over the NSC, madrasa registration and other matters have exacerbated the intra-party cracks. The division within the MMA over the 'million man marches' with a JUI-F that is more interested in safeguarding the NWFP government is another instance of the intra-party contradictions. These require serious attention by the JUI-F and JI leaderships. In sum, keeping the conglomeration together and simultaneously ensuring the interests of its constituent parties remains a big challenge before the MMA leaders.

The MMA, especially its dominant constituents the JUI-F and the JI, have influenced national politics in a very forceful and efficient manner. If the JUI-F has made a difference on the basis of its strength in the NWFP and Balochistan, the JI's larger cadre base in Pakistan and current position in Sindh has made it a key political party. In the light of the MMA's present clout, analysts believe that any action against the NWFP government by the Centre could breed political instability that may spread out of the province and also land the PML-Q government in Balochistan in trouble. The MMA could also possibly stoke public resentment against the Musharraf regime and disrupt normal life.⁸⁷ Ironically, by the same token, MMA's strengths in the NWFP and Balochistan have also become its weaknesses, as it prevents the JUI-F from taking on any serious confrontation with General Musharraf to avoid federal backlash.

The 'deal' over the LFO has tarnished MMA's image and widened its differences with the ARD. Also, General Musharraf's backtracking from his promise to the MMA for shedding his uniform by December 31, 2004 dealt a severe blow to the party's credibility in public. In the end, it is only General Musharraf who gained maximum political benefits. Plus, the wedge between the MMA and the ARD could be very useful for him to exploit. The wider the wedge, shorter the distance he may have to walk to make any deal with either of the two.

For the MMA's future, the JUI-F and the JI matter the most, given their power base and cadre strengths. Fazl-ur Rehman to a large extent has managed to project himself as a leader with a vision and ability to think out of the religion box. He also enjoys the support of the establishment. Press reports mentioned that his visit to India in July 2003 was undertaken at the behest of General Musharraf who wanted him to meet leaders like Atal Behari Vajpayee and discuss the Kashmir issue. According to Abbas Rashid, "The JUI leader could well have gone to India on the Pakistan government's initiative. And the aim could have been to reassure the Indian leadership that Pakistan is serious about peace. What better indicator than to have on board key 'politico-religious' elements who have traditionally supported militant action in Afghanistan and Kashmir?"⁸⁸ The JUI-F leader has also shown political shrewdness by criticising General Musharraf only in public and doing the opposite in cabinet meetings. He has avoided major confrontation on the FATA operations on the pretext that it falls in the federal purview.⁸⁹ He wants to finish a five-year term to prove MMA and

JUI-F's worthiness to the people. In the immediate future, the pressing challenge for the MMA and him remains to regain the voter's confidence, which has to some extent been eroded in the wake of the party's support to the LFO.

Qazi Hussein Ahmed on the other hand is vital for the MMA's future. The JI's huge cadre base and outreach make it a viable political entity in provinces where the JUI-F is relatively weak, like Sindh and Punjab. The JI has already become a challenge for the MQM in its bastion and could improve on it further. It has been a traditional ally of the military so is not devoid of support within the establishment. Both JI and JUI-F compliment each other in many ways and their alliance poses the prospect of further radicalisation of Pakistan's already charged politics and the strengthening of conservative Islamic currents. It would also mean that as long these two groups remain together it would lead to the consolidation and expansion of the MMA's influence.

Conclusion

The rise of the religious parties to political prominence in Pakistan marks a turning point in Pakistan's troubled democratic history. Having tasted power, the MMA appears to be in no hurry to unsettle its current status. Its position in Pakistan's political system remains assured on the grounds that the establishment feels comfortable in engaging with it and has the confidence of taming it when the situation demands. In two years, the MMA seems to have taken important lessons in politics and as a result, despite its opposition to the government and General Musharraf on several issues, it has managed to enjoy their support and favours. Nevertheless, it is pertinent to mention that its policy of 'double standards', as alleged by the opposition has undermined its credibility as an opposition party and distanced it from the broader democratic movement of the mainstream parties. It has lost the trust of the ARD constituents and also of many of its supporters who expected it to make a difference following the failure of the mainstream parties to provide good governance and development in the last 17 years.

The MMA's wavering stand on various issues and its support to General Musharraf's authoritarian schema has clearly undermined the drive to restore genuine democracy in Pakistan. General Musharraf's 'guided democracy' requires a more strident challenge than has been attempted

or perhaps is possible by an officially patronised MMA. This can be regarded as the 'acid test' for the party. This would have a substantial bearing on the MMA prospects in the 2007 elections. Perhaps, the MMA realises that whoever (MMA or General Musharraf) takes the initiative to distance itself from the other, stands to gain more in the next general elections. Both have shown signs of finding an alternative through their parleys with the ARD, but with little success. The MMA's move to talk to the ARD constituents has caused alarm in the establishment. An ARD-MMA joint movement wherein the PPP, PML-N and the MMA agree to bury the hatchet, and challenge the military's domination, is something General Musharraf would always fear. It is for this reason that one finds him granting favours to the ARD, such as releasing Asif Ali Zardari from jail, removing his name from the exit control list (ECL) and allowing him to meet Benazir Bhutto in Dubai. Similarly, Hamza Shahbaz, son of Shahbaz Sharif, has also been removed from the ECL. All this was clearly done to keep the ARD away from the MMA.

The MMA has come to fill the political vacuum in the absence of a vibrant PPP and PML-N and continues to exert some pressure on the establishment on various issues. The 'million man marches' although have failed to make the desired impression, yet the message that street power remains an effective political tool with the MMA, has not been entirely lost. Emergence of additional dissenting voices against General Musharraf even if in the current politically constrained context, apart from PPP and PML-N could be considered by some as important to be keeping up some pressure on the regime – though it is highly compromised and is religio-fundamentalist in content. The alliance has shown cracks in its ranks due to internal rumblings, but still remains united politically. General Musharraf on the other hand has constantly tried to engineering a split in the MMA, especially in the context of the Bareilvi-Deobandi fissure.

The MMA could be considered a bane for the future of democracy in the light of its Islamisation drive. Steady Islamisation of Pakistan poses a threat to democracy, and creates the environment in which extremism, intolerance and violence thrive. The Musharaff-MMA alliance indicates the contradiction between the values of modernity with its basis in secularism, equality, tolerance and guaranteed constitutional rights on the one hand and the increasing Islamic trend with its basis in revivalism, intolerance and anti-modern ideologies on the other hand that engulfs

Pakistan. If the MMA fails to draw a line between Islamisation and Talibanisation, it may face the ire of the federal government and lose some of its support as well. General Musharraf has already expressed his displeasure on the *Hisbah* bill, and with constant US pressure, he may well resort to punitive measures against the MMA.

Over the past two years the MMA has sought to combine the needs of *real politik* with its Islamisation drive. It has pushed the party's agenda up to the extent that it does not invite a backlash from the Centre. It has been sensible on its part to have signed the four-point agreement with government over the registration of foreigners in FATA, and project a less extremist image of the party. Besides, the NWFP government's decision to start registering the *madaris* in the province portrayed the MMA as a law-abiding entity. The MMA, with its significant presence in the National Assembly, can complicate Gen. Musharaff's 'guided democracy' especially if he is forced by the US to take a tougher stance towards the Islamic forces. In such a situation the ARD may seek its support for freer electoral democracy. However, it is also a fact that parties like the JI have been comfortable in the past with military regimes that are favourable to the Islamic parties. The Islamic movements that the MMA encompasses and which continue to grow in alliance with the military regime do not augur well for the future of democracy and modernisation of Pakistan.

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Ashutosh Misra is a Research Fellow at IDSA.