The Rise of Tehreek – e – Nifaz – e – Shariat – e - Mohammadi in Malakand Division, NWFP: A Case Study of the Process of "State Inversion"

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The challenges of globalization and increased corruption resulted in failed governance and a weakening of political authority particularly in those areas of Pakistan not being directly administered by the Central government. The result was a dramatic decline in administrative capacity and societal legitimacy. The society descended into chaos, interpersonal violence increased and threatened even the collapse of central government. This process being described by John Forrest as one of "State inversion".<sup>1</sup> Malakand division consisted of three states and one agency i. e. Swat, Chitral, Dir and Malakand Agency. Before merging with Pakistan in 1969 each state had its own rules and regulations. After merging with Pakistan Frontier Crime Regulation (FCR) was implemented and strict bureaucratic procedures which blocked of speedy justice. Swat was moderate and liberal while the people of Chitral and Dir were backward and not educated. The objective of this study is to find out the role of such factors that created conditions conducive for the emergence of Tehreek-e-Nifaz-e-Shariat-e-Muhammadi and the later emergence of Taliban in the area. This is done with the objective of finding implications of the rise of non-state actors to the issues of peace and development in the area and beyond.

#### **Theoretical framework**

The Post-Cold War era being marked by American "unilateral interventionism' considered international terrorism and nuclear non-proliferation to be the biggest challenges to America's hegemonistic interest.<sup>2</sup> Thus South Asia became the major focus of US foreign policy agenda. With American Operation "Enduring Freedom" the strategic significance of Pakistan gained prominence, from focus on evil empire the immediate concern became failing states that either harbour or could sponsor terrorists. The incorporation of Swat, Chitral, Dir and Malakand Agency into Pakistani State created conditions of anarchy. The theoretical assumptions resemble what James Scott has called "authoritarian high modernism". This imposition of policies in this region aimed at centralization of power destroyed the autonomy of local customs and healthy tradition.<sup>3</sup> The societal issues being not addressed due to the bureaucratic delays created conditions for societal disillusionment. This being exploited by Sufi Mohammad with the initial delivery of speedy justice system to the uneducated and poor masses in Swat and Buner.

# Malakand Division: it's Law before Merging with Pakistan

Swat was a large, developed and welfare state due to liberal policies of its ruler, Miangul Abdulhaq Aurangzeb (*Badshah Sahib*). His modern educated son *Walli* Swat Miangul Abdulhaq Aurangzeb came into power in 1949. The *Wali* Swat was very tolerant and amber light for the people of the state. Education was his main motto. He established schools and health centers from village to village. Colleges were also built for higher education; Jehanzeb College is one of them which was built in 1952.<sup>4</sup> Infrastructure and roads were made and people who visited the state used to compare it with Europe. The people were courteous in *Wali's* regime. On the other hand, Chitral and Dir states were backward. The people of Swat were modern and

liberal while the people of Chitral and Dir state were conservative and not educated.

Swat was also famous for its speedy justice. While in Chitral and Dir the court and justice system was not speedy one.<sup>5</sup> Justice was accessible to every person in Swat. Under *Wali* Swat, a murder case would be disposed of within a week on application costing 5 paisa. After merging with Pakistan the cases reviewed pending for decades.<sup>6</sup> There were Khans or *Maliks* in every village which solved the minor disputes of the villagers.

Afzal Khan, ex-federal Minister stated that although there was no written constitution in Swat, yet *Mushirs* (consultants) of *Wali* resolved the disputes effectively. There were *Hakims* (Assistant Commissioner) and *Tehsildar* in every *tehsil* who took judicious decision in case of dispute. Along with *Hakim* there was a *Mirza* (clerk) who wrote the decisions. Some cases were forwarded to *Qazi* by *Hakim* or *Tehsildar*, *Qazi* often sat on floor of a mosque and took the decisions for the cases sent by *Tehsildar* or *Hakim*. Major cases being resolved by the *Wali* himself and within one or two days grievances of local people were addressed.<sup>7</sup>

#### Malakand Division after Merging with Pakistan

In Malakand agency, the Frontier Crimes Regulation (FCR) was in force before its merging with the division. After merger of states in Pakistan in 1969, FCR was enforced in the entire division for a short period of time but this decision was revoked. In 1971, PATA (Provincial Administrative Tribal Area) regulations were introduced in the whole division. At the same time, efforts were being made to introduce laws of the settle areas into the division. In 1969, 1971, 1973, and 1975 some statutes were respectively introduced.<sup>8</sup> The status of PATA being granted to it by Article 246 of the 1973 Constitution. Article 247 (3) and (4) of the Constitution provided special procedures for extension of laws and the powers of the president and governor for the legislation of good governance in Malakand division.<sup>9</sup> It created two parallel judicial systems. In this way

certain matters were decided by sessions and civil courts while others remained in the jurisdiction of *Jirga*.

Under PATA regulations offences were divided into two parts.<sup>10</sup> The offences falling under Part I were tribal exclusively to be dealt by a tribunal/ *Jirga* to be constituted by the DC. These *Jirgas* were given exclusive jurisdiction in respect of all offences except offences against the state, relating to the armed forces, election earing etc. The *Jirga* could adjudicate on all disputes of criminal nature. A *naib tehsildar* could preside over the *Jirga* hearing under customary law. The penalty for murder was life imprisonment. There was no death penalty. According to Part II, districts and agencies of Malakand division were divided into sub-divisions for administrative purposes.

The deputy commissioner being in charge of the district and the political agent was to administer the agency. The assistant commissioners and assistant political agents were in charge of the sub-divisions. To control the law and order situation the district administrations had a police force, while agency had levis force. In addition, the administration could also summon the service of the Frontier Constabulary, Dir Scouts, Chitral Scouts and Bajaur scouts.<sup>11</sup> Law Regulation 1975 and PATA Civil Procedure (Special Provisions), remained operative until February 1994, when the Supreme Court upheld the judgment of the Peshawar High Court declaring some of their provisions in violation of Article 25 of the Constitution.<sup>12</sup>

#### **PATA Regulation: A Confusion**

Constitutional status of tribal area had also played its role in the turmoil and insurgencies of 1994 up to 2005 and continue today. It provided a base and boosted the demand for the enforcement and implementation of Islamic laws (rather than making the judicial system effective).<sup>13</sup> Additionally, the area's constitutional status also created a sort of diarchy: the area being provincially Administered Tribal area and thus, under the control of the provincial government, for the maintenance of law and order. The provincial government having no authority to make and promulgate laws for the area on its own. This being done by the governor of the province and president of the country both of whom neither considered part of the provincial government nor answerable to it. This created anomalous situations wherein the president, governor and the provincial government differed on the course of action and policy to be followed in the case of Tribal Areas.<sup>14</sup>

#### Maulana Sufi Muhammad: An Enigma

The seventy five years old Maulana Sufi Muhammad belonged to Maidan, a small town in Lower Dir. He received his religious education from the father of Major Amir, Mulana Tahir *Sheikh-ul-Quran* at Panjpir in district Swabi, (NWFP). He then ran a religious seminary in his own native town Maidan Lower Dir. He was also a strong member of *Jammat-i -Islami* till 1989. He was elected district council member twice from district Dir. During Afhgan *Jihad* Sufi Muhammad supported Hikmatyar *Hizbi Islami* financially and through man power.<sup>15</sup>

In 1989, Maulana Sufi Muhammad dissociated himself from the JI and laid the foundation of *Tehreek-e-Nifaz-e-Shariate-Muhammadi* on June 28, 1989. Suffi Muhammad however, restricted activities of the TNSM to the Malakand division (comprising the district of Upper Dir, Lower Dir, Chitral, Malakand, Swat, Buner and Shangla), the Kohistan district of Hazara division and Bajur agency. After garnering support for the movement, he demanded the enforcement of the *Shariah* in these areas.<sup>16</sup> Maulana Suffi Muhammad laid the foundation of TNSM in Maidan at Dir district.

Maulana Sufi Muhammad first came to the scene in 1991 when he camped at Temergarah (now district headquarter of Lower Dir), along with hundreds of his supporters demanding the enforcement of *Shariat* (Islamic law) in Malakand. He then called off his agitation when Chief Minister Mir Afzal Khan's government assured him that his demands would be fulfilled.<sup>17</sup> In February 1994, the Supreme Court upheld the judgment of the Peshawar High Court and declared some of their provisions in

violation of Article 25 of the Constitution. This decision of the apex court deprived the executive authorities and local khans, *Maliks* and other influential people of their judicial powers. Therefore, they conspired with the local religious leaders to launch a movement for *Shariah*.

With this decision of Supreme Court Maulana Sufi Muhammad also gained confidence and financial support from these local Khans, *Maliks* and Executive authorities.<sup>18</sup> In May 11, 1994, the chief of Malakand Enforcement Movement Suffi Muhammad called off the week-long protest campaign against the government after he was handed over a copy of the ordinance signed by the acting governor Khurshid Ali Khan, envisaging the extension of Islamic laws to the whole of Malakand division with immediate effect.<sup>19</sup> In November 1994, Sufi Muhammad, along with thousands of his followers, launched an armed campaign for this purpose, and took control of many government installations in Swat district. Sufi Muhamamd campaign forced the then PPP-led government to promulgate the *Shariah* Regulation 1994.

Not satisfied with the legislation, Sufi Muhammad continued to hold demonstrations after four years in 1999. Subsequently another regulation in 1999 recommended that the *Shariah* Regulation 1994 should be amended to accommodate the demands of the TNSM, so that the ongoing violence in the valley could be brought to an end. Sufi Muhammad again made headlines when he launched an attack on Afghanistan to topple the Taliban regime in the aftermath of 9/11.

#### TNSM in the Aftermath of 9/11

The main person in mobilizing tribesmen for war against US in Afghanistan was *Tehreek-e-Nifaz-e-Shariat-e-Muhammadi* leader a chrasmatic, fiery orator, Maulana Suffi Muhammad from Malakand division of North West Frontier Province.<sup>20</sup> The TNSM organized a protest procession in Mingora (Swat) in September, 2001 for raising a 'voluntary army' for anti-US *jehad* in Afghanistan. While addressing the really, the TNSM chief said that the US was the biggest terrorist country in the world that wanted to harm Islam on the pretext of Ossama Bin Laden and the Taliban. In October, 10,000 persons poorly equipped with weapons led by TNSM chief, Sufi Muhammad crossed the Pak-Afghan border followed by a convoy comprising 300 vehicles.

The TNSM had set up three FM radio stations in the Bajaur area bordering Afghanistan, to campaign for funds and volunteers to fight alongside the Taliban militia. These radio stations were also used to air address of TNSM leaders to pro Taliban rallies. Most of these *jihadis* were either killed or arrested by anti-Taliban militias and detained in their own jails. Few of them were sent to Guantanamo prison.<sup>21</sup> However, Sufi Muhammad managed to return to Pakistan along with some of his followers. Sufi Muhammad and his followers were sentenced to three years imprisonment. In November 2001 President Pervez Musharraf banned TNSM along with four other *jihadi* organizations, on January 12, 2002.<sup>22</sup> Though legally TNSM was banned, yet unofficially it remained active in Malakand.<sup>23</sup> In the absence of Sufi Muhammad, Maulana Abdul Ghafoor led the TNSM in Dir and Bajour.<sup>24</sup>

## **TNSM and its Manifesto**

Maulana Sufi Muhammad had clear objectives perceptions. On April 19, 2009 he spoke to an audience of thousands in Mingora. He said there was no place in Islam for democracy, elections and neither for high courts or supreme courts, nor for lawyers.<sup>25</sup> The TNSM movement being totally against pluralism and democracy. The district council members turned against local government system, and overall against democracy. Thus the TNSM Chief said, "There is no room for vote in Islam and the concept of democracy which some religio-political parties are demanding is wrong."<sup>26</sup>

TNSM was strongly against the prevailing democratic system and considered it to be totally un-Islamic. The *tehrik* considered that in a true Islamic state, people of clear Islamic

vision and commitment could direct the affairs of governance. While in democracy the corrupt and influential people worked at the helm of the affairs. It was the main difference between the TNSM and other organizations. The TNSM believed that the change of political leadership was not possible in a democratic order. The malpractices in the system could block the pious person into the representative bodies and avenues of power. The basic concept of democracy was not only wrong but un-Islamic as it did not differentiate between the vote of a pious or a corrupt person.

Sufi Muhammad regarded other religions and their ulemas as kafir (infidels).<sup>27</sup> In Sufi Muhammad's words: "many religious leaders, including Qazi Hussain Ahmad, Maulana Fazlur Rehman and Maulana Samiul Haq, are trying to find Sharia in democracy. Which is wrong." Jammat-e-Islami's newly elected amir, Syed Munawar Hasan quipped that since Sufi Muhammad had himself taken part in local/ municipal elections, he too must have temporarily been a Kafir. Maulana Fazl-ur-Rehman claimed that the procedure adopted for enforcement of Sharia in the deal was incorrect and that Sufi Muhammad's views on the constitution and democracy were merely his personal views.<sup>28</sup>

He also declared parliament un Islamic. He submitted his arguments that in democracy Muslims, non Muslims, male and female were equal which was against Shariah law. He said that I had no knowledge of true Islam before 1983, but later on I understood the real meaning of Islam. He declared female education un-Islamic but could not stop it by force because *Shariah* being not imposed in the country. To perform *Haj* a female could come out from home. He indirectly supported Jamia Hafsa, (female Islamic seminary in Islamabad) which demonstrate contradictions in his views and actions. . he even he forbade women to go out for treatment outside their home.<sup>29</sup>

### **Extremists Nurtered for Short-Term Goals**

President Asif Ali Zardari said that the extremists were deliberately created and nurtured as a policy to achieve some short term tactical objectives. He said "the terrorists of today were the heroes of yester years until 9/11 occurred and they began to haunt us as well."<sup>30</sup> People close to Maulana Sufi Muhammad claimed he was reared by the establishment to counter the influence of JI in Dir, formerly a stronghold. The then deputy commissioner (DC) Habib Ullah Khan was blamed for providing funds initially Rs 3 Lak from the district council funds and also administrative support that was extended by him to Maulana Sufi Muhammad.<sup>31</sup> TNSM leader and prominent members said about Habib Ullah that he was religious person and a preacher of Islam. So was fully supported by them.<sup>32</sup>

In the beginning TNSM achieved major success when the local political leaders of district Dir agreed to boycott the forthcoming national elections, for the cause of the *tehreek*. This gave validity to the demands of the TNSM. But soon the JI sensing the TNSM as a potential threat to its popularity and fearing to lose control over one of its strongest centre announced that it would contest the elections. The efforts of TNSM for uniting the people and boycotting the elections were thus washed away as other political parties too followed the decision of the JI.<sup>33</sup> But PPP provincial president was equally responsible when he used TNSM to abolish JI strong hold in Dir. With this objective Sherpao strongly supported TNSM through Dir deputy commissioner Habib Ullah Khan.

Swat deputy commissioner Muhammad Javed also provided possible support to TNSM.<sup>34</sup> President Zardari stated therefore that weakness of civil bureaucracy had resulted in the emergence of militants and militancy.<sup>35</sup> Major Amir, worked as a catalyst to promote TNSM in Malakand division through his father's seminary in Panjpir which was then run by his brother Maulana Muhammad Tayyib. *The* JUI (F-group) vice president Aziz ur Rehman stated: "the absconder Major Amir is running the law and order situation in Malakand at the behest of Nawaz Sharif."<sup>36</sup>

The sheer quantity of fire-power exhibited by protestors, some of whom proved to be highly trained soldiers, raised many eyebrows in official circles both in Peshawar and Islamabad. After 9/11 attacks when USA intervened into Afghanistan, the Governor of NWFP Iftikhar Hussain Shah ordered the administration not to stop TNSM members and Sufi Muhammad from infiltration into Afghanistan and provide them possible help.<sup>37</sup> Political parties particullarly, PPPP, PML (N), JI, JUI (F), MMA, PML (Q), ANP were equally responsible for the detoriating Malaknd situation. They all supported TNSM due to its growing political popularity in Malakand.<sup>38</sup> Our agencies were more responsible for encouraging TNSM and Taliban in Malakand division and to create a better environment for them in Swat. The people of Swat were educated, social and liberal and well established and were motivated by agencies towards TNSM.<sup>39</sup>

It is also very interesting to note that every year Maulana Sufi Muhammad started his demonstration and demands in April and May. The tourists to Swat and Chitral were thus discouraged they moved to some other area's people of Malakand then lost a big income from tourism. Hoteliers from Malalkand division stated that Murree Business class supported TNSM in summer to halt tourists from visiting Swat and Chitral. So the tourist due to bitter situation in Malakand moved to Murree (tourist spot in Punjab).<sup>40</sup>

#### **Involvement of Foreign Hands**

Some observers believe that the role of international agencies in the encouragement of TNSM and Taliban cannot be ruled out. They believe that the US might be interested in containing the march of the Chinese to Gwadar port and the Karakoram Highway – the access route to Central Asian oil reserves, which may become instrumental in keeping US trade interests intact in the region.<sup>41</sup> The possible penetration of groups with vested interest in the in the area as pointed by Iftikhar Khan, a journalist in Mingora can not be ruled out. People in Khawazakhela and in a few other places the presence of "Persian speaking" persons being active in the movement, giving rise to suspicion that infiltration in the movement its by Afghan *mujahideen* remains a hidden agenda.<sup>42</sup>

The interior minister of PPP government in Benazir second term government Nasirullah Babur is of the opinion that some enemies of Pakistan are involved in this drama of TNSM in Malakand division. The involvement of Indian Intelligence Agency RAW in the movement can be ruled out. He also directly accuses Afghanistan being involved in the insurgency. Some Arab countries are also named as providing financial assistance to the movement.<sup>43</sup> Azam Khan Hoti says that Russia, India and Israel are abetting and funding the militants in Malakand division.<sup>44</sup> A further source of trouble can be in the sectarian plurality of most of Malakand division. In Swat, and to some extent in Dir and Kohistan, the mainly Sunni population is divided in *Deobandis, Ahle Hadith* and the TNSM's *Wahabis*, who also have in their fold a very large element (more than 50 per cent, according to some observers) habitual criminals.<sup>45</sup>

#### Local Support of TNSM

In Malakand division, TNSM was stronger in district Swat than Chitral and Dir districts. There were many reasons of it. TNSM's programme of speedy justice and equality among poor and rich class, being the main reason that the proletariat class vehemently support it. Local Khans and *Maliks* both supported and criticized the TNSM depending upon their interests. Some of them wholeheartedly supported the cause of TNSM in order to score political points and gain popularity keeping in their future political bargains. The more they participated in the activities of the TNSM, the more they tried instigate and provoke the people against their political opponents. They tried to prove themselves to be true servants of Islam and devoted followers of the *Shariah*. There were many well known personalities like Nawserawan khan from khawazakhela.<sup>46</sup>

Swati people vehemently support it considering TNSM as capable to bring relief to their miseries.<sup>47</sup> The civil administration claims that the *Wali* of Swat supports the TNSM. It is not the reality because the *Wali* of Swat is educated, moderate and peaceful person, even one of his grandson late Shehzada Miangul Asfandiyar Aurangzeb, former Provincial

Education Minister in Nawaz government in 1997-98, and elected District *Nazim* of Swat in Musharraf first local government system 2001-2005 is also the victim of the law and order situation in Swat who is martyred in a suicide bomb blast in 2007).

In Dir the main reason for supporting was that TNSM could only bring equality peace and Quranic way of life in the society. But Khan and *Maliks* supported it for political influence. The people of Dir had already seen a brutal ruler before 1969 and they thought that only TNSM was a movement, which would bring speedy justice and could provide accountability of a ruler and common masses. So the people above 60 years and youth less than 20 years of age supported it strongly.<sup>48</sup> Timber mafia also supported TNSM.<sup>49</sup> Governor NWFP Iftikhar Hussain Shah said on Aprail 30, 2001 that the problem of Malakand division was not of Shariat actually there demands were not to pay tax on vehicles, cutting of jungles without law and non payment of general tax.<sup>50</sup> Non custom paid vehicles were brought from Afghanistan through Torkhum in Khyber agency. According to Hidayat Ullah Dawar the trend of non custom paid vehicles also started in Waziristan since 1995-96.<sup>51</sup> Now there are a lot of non custom paid vehicles in FATA as well as in PATA.

#### The campaign of TNSM and Malakand Road Blockage

Maulana Sufi Muhammad laid the foundation of *Tehreek-e-Nifaz-e-Shariat-e-Muhammadi*, on June 28, 1989. Sufi Muhammad however, restricted activities of the TNSM to the Malakand division (comprising the district of Upper Dir, Lower Dir, Chitral, Malakand, Swat, Buner and Shangla), the Kohistan district of Hazara division and Bajur agency.<sup>52</sup> On May 11, 1994, the chief of Malakand Enforcement Movement Sufi Muhammad called off the week-long protest campaign against the government.<sup>53</sup> At first, when a few thousand people had gathered at Batkhela (Malakand agency) to block the main highway, virtually cutting off the districts of Dir, Swat, Chitral and Buner from the rest of the country, very few people were prepared to take the protestors seriously.<sup>54</sup> Gradually their strength swelled

raised up to 25000 strong crowd.<sup>55</sup> "Men as old as 70 and children as young as 12 were among the activists", said a civil servant who was on a study tour to Swat under the auspices of the NIPA.

The agitation was at a massive level and there seemed to be no government agency working at all, said the civil servant at one point, these civil servants saw a police jeep coming towards them but they found TNSM men inside the jeep. "We thought the police would come to our rescue but alas we were astonished to see the jeep returning."<sup>56</sup> The TNSM started its agitation despite the fact that the NWFP Chief Minister was expected to announce a legal package enforcing *Shariat* laws in Malakand division. The TNSM was cynical about this package even before it was announced: they considered it to be a government gimmick to buy votes on the eve of by-election on provincial seat in district Buner.

Mr Aftab Ahmad Khan Sherpao, the then Chief Minister of NWFP, did announce his package in a public meeting a day after the protested TNSM had started.<sup>57</sup> From the Malakand road blockage the TNSM's popularity started in Malakand division. Every old, young and even child was aware of its objectives and a very hard time came of sweeping pluralism and democracy from the area. There bright future now started looking tarnished.

## Democracy and Pluralism Tarnished in Malakand in 1994

When TNSM came to light in 1991 by Sufi Muhammad being camped at Temergarah district Dir, along with hundreds of his supporters demanding the enforcement of Shariat in Malakand. Maulana Sufi Muhammad remained member of Dir district council in Zia era in 1980. He was also a strong member of JI. When he left the party and started his own organization TNSM. TNSM was totally against democracy and determined to enforce their own brand of *Shariah* in Malakand. Ordinary people from the area had flocked to their call in the name of *jihad* since these mullahs had earned a reputation of being sincere to whatever they believed to be Islamic *Shariah*.<sup>58</sup>

In 1990 Maulana Sufi Muhammad opposed the JI candidate Dr Yaqub, and the latter narrowly escaped defeat. The JI was routed from the area. The Maulana had declared the entire election to be un-Islamic because it was held on the basis of adult franchise.<sup>59</sup> From that time democracy was challenged. Another important incident came when TNSM activist held hostage the then PPP MPA from Swat Mr Badiuzzaman at a hotel in Mingora. The MPA was later killed in crossfire between the armed men and TNSM activists. They also kept as hostage PPP Provincial Minister from Swat Dr Mehboobur Rehman at his residence in Mingora. Later on he was elected district *Nazim* of Swat in Local Government Election 2001.

TNSM men lost no opportunities to threaten democracy. An MNA from Dir, Malik Muzaffar was picked up by militants in Ammandara Malakand agency. He was kept as hostage for four hours, later, he was forced to wear a black turban, emblem of TNSM, and asked to speak in support of *Sharriah* laws at public gathering.<sup>60</sup> Muhammad Afzal Khan former Federal minister of Kashmir Affairs in Benazir Bhutto cabinet in 1994 was the resident of Bara Dureshkhela located in hub of TNSM Matta sub division Swat. Afzal Khan emerged as a hero in Swat and beyond, to those who opposed the militant ideology. His nephew and Matta *tehsil nazim* Abdul Jabbar Khan were wounded in a clash with Taliban. His two other nephews were killed in another attack by militants.

The only person in Malakand division especially in Swat who stood like a pillar against the militants was Afzal Khan. He was perhaps the only member of Prime Minister Benazir Bhutto Cabinet and closer to his Swati people who felt the coming dangerous situation of the valley Swat and Malakand division. He knew that TNSM would totally change the paradise like Swat in to brutality. He was aware that the Malakand had turned into an active volcano, which could erupt any day. He tried to bring the issue in a cabinet meeting but the matter was sidelined. The peaceful people of Swat thus had to leave their native hometowns and gradually came to other major cities such as Peshawar, Rawalpindi and Islamabad in order to save their lives. Due to increasing law and order situation the authorities found themselves helpless to tackle the administrative affair.<sup>61</sup>

#### Jammat Ashat al Tawheed Walsunat and TNSM

Mulana Sufi Muhammad was the student of Shaikh-ul-Quran, Maulana Muhammad Tahir, the father of Major Amir. Maulana Muhammad Tahir established a religious *Madrassah* at Panjpir district Swabi, NWFP. Maulana Sufi Muhammad received his religious education from this school. Afghan warrior Gulbadin Hikamatyar also studied at his school. Major Amir's brother, Sheikh-ul-Quran Maulana Muhammad Tayyab was also the student of his father in Panjpir religious seminary, who was then the Muhtamim (head) of this seminary. Maulana Tayyab's organization called Jamat Ishat Tawheed wal Sunnat (Organisation to promote Oneness of God and the way of Prophet Muhammad (PBUH). Maulana Muhammad Tayyab participated in May1994 road blockage and also addressed the procession of TNSM.<sup>62</sup> Wherever the students of Maulana Muhammad Tayyab were they easily arranged programs for TNSM.<sup>63</sup>

Other famous students include Afghan leader Sheikh Jamilur-Rehman, who was based in Malakand division throughout the Afghan war. He was killed in 1991 allegedly by followers of Gulbadin Hikmatyar in Bajur agency of Malakand division. The war hardened guerilla group of Jamil-ur-Rehman supported Maulana Sufi Muhammad. All the students of Sheikh Tahir belonged to the *Hanbali* school of thought. Most of them now called themselves *Ahli-i-Hadis* (or Wahabis). The *Wahabis* had their strong hold in neighboring Nooristan province of Afghanistan. Maulana Sufi Muhammad was alleged to be receiving guerilla training from this province and other Wahabi groups in Afghanistan were said to be providing the Maulana with active support.<sup>64</sup>

#### **Bajaur Agency and TNSM**

Since the creation of Pakistan, Bajaur was part of Peshawar division. In the early 1980s the NWFP Governor Fazal Haq attached it with Malakand division. The PPP government in 1994, once again attached the Bajaur agency with Peshawar division. Official sources said that it was an administrative decision. They denied that the decision was prompted by the campaign for enforcement of *Shariaht* by the *Tanzim Nifaz Shariat-i-Muhammadi* in Malakand division.<sup>65</sup> Bajur agency being part of Malakand division was a center of poppy cultivation. Poppy growers and drug traffickers feared that their business would suffer if a tight administrative structure were introduced. They were said to be supporting the movement against the regular laws.

The Levis (former law enforcing agency) were also manned by TNSM loyalists. Some government sources said that during the Afghan war, Afghan president Burhanuddin Rabanni stayed in Malakand division for five years and developed substantial influence in the area.<sup>66</sup> The government agencies said that Rabbani became very close to India since Pakistan support to his rival Hikmatyar. They argued that Rabbani capitalized on the simmering crisis in Malakand and maneuvered the uprising through the Swat leadership of the TNSM. Maulana Sufi Muhammad, who was in Dir at the time of the uprising, said to have been unaware of his party men's plan.<sup>67</sup> It was generally believed that Maulana Suffi Muhammad was close to Saudi school of thought in Islam, but Suffi Muhammad denied having any connections with the Saudis, had not received any donation from abroad.<sup>68</sup>

#### **Musharraf Government and TNSM**

Musharraf seized control of the government in a military coup d'e`tat on October 12, 1999. General Pervez Musharraf, in the *modus operandi* of Pakistani dictators of the past, announced with great fanfare a three-pronged plan for the restoration of Pakistani democracy: economic development, government accountability, and "true democracy".

At the time the Musharraf regime was an international pariah. Then time came the event of September 11, 2001. Musharraf chose to ally himself with the United States in the battle against terrorism. According to him, the U.S. official Richard Armitage threatened to "bomb Pakistan back to the Stone Age" if he didn't comply. Once Musharraf threw in his lot with Washington, the sanctions from the 1998 nuclear test were lifted. Weeks later, U.S. Secretary of state Colin Powell delivered a \$650 million paid package, the first installment of what was \$10 billion in overt (mostly military) assistance. Additional covert "black money" conservatively estimated at \$5 billion, and the European Commission also authorized a trade concession to Pakistan worth \$1 billion.<sup>69</sup>

For reasons best known to Musharraf, the general provided for the victory of an Islamist coalition called the MMA to take over the provincial governments of Baluchistan and the North-West Frontier Province. This outcome was curious since international observers labeled the election a fraud and the results manufactured. There could be only one rational answer: General Musharraf wanted to exaggerate the so-called strength of the Islamist threat to Pakistan and paint his authoritarian regime as a bulwark against it. The rubber-stamp national assembly dutifully passed everything that General Musharraf sent before it with the support of *Jammat-i-Islami* and other religious parties.<sup>70</sup>

General Pervez Musharraf's regime was the only one at that time to sign a peace treaty with the Taliban, ceding chunks of the tribal areas to the Taliban and *Al Qaeeda* in Waziristan accord. It welcomed the Taliban and recognized them as a force. The flag of the Taliban was installed over parts of tribal territories. They intimidated the settled areas of the Frontier Province and forced the closure of girls' schools, barbershops, and video stalls. They were training youth in paramilitary techniques, housing, arming, and equipping terrorist.<sup>71</sup>

#### Maulana Sufi Muhammad in Jail

America invaded Afghanistan in 2001, to fight against the Americans and their allies. Sufi Muhammad lost a large number of his supporter being unable to counter US bombardment, he, along with his son-in-law Fazlullah, made his way back to Pakistan, where they were caught by the security forces and sent them to D.I. Khan Jail.<sup>71</sup>

Sufi Muhammad remained in jail; but Fazalullah was released after seventeen months. After his release, he opened FM radio channel in his native village Mamdheri (only three kilometer far from Saidu Sharif, district headquarter of Swat and divisional headquarter of Malakand division) to preach Islam. He was supported by TNSM members in the beginning. Fazlullah in the beginning motivated people through polite sermons. Every night on 8 PM he started his *dars* (sermons). Up to 2005 he was preaching peacefully and no such brutal way was shown. However, in Southern districts and FATA the Taliban started there brutal activities. In Swat likewise administration couldn't stop Fazlullah from operating FM radio.<sup>73</sup>

#### MMA Really in favor of TNSM and Taliban

The elections 2002 were held under legal Frame Work Order (LFO), the PML-Q won the largest number of seats in the national assembly, but not an outright majority. The only locality where it got an outright majority was in the Punjab provincial assembly where, it formed the provincial government. In Sindh, Benazir Bhutto's Pakistan People's Party Parliamentarians (PPPP) won the most seats but also fell short of a majority. In Sindh PML-Q and MQM formed government In Baluchistan, the PML (Q) won the most seats, but not enough to form a government. PML-Q in coalition with MMA enjoyed the friend ship of religious parties.

In the North West Frontier Province the religious group of *Mutahida Majlis-e-Amal* (MMA) won an outright majority and

formed the government there. Not only in Baluchistan but also the MMA offered Musharraf and PML-Q for a coalition government. The coalition government with the MMA after 9/11 would have had a very negative international fallout. According to Musharraf Fazlul Rahaman of Jammat-i-Ulama Islam (F group) visited him personally to ask for the Prime Minister's Office, committing himself to a very reconciliatory approach towards the United State and West and complete support against Al Qaeda and other extremist. He said that we faced a dilemma. The MMA was more amenable because it wanted the assemblies to function so that it could exercise power. Extensive meetings were held by the leader of PML-Q and MMA. But we did not form coalition with MMA due to national and international pressure.<sup>74</sup> However the rubber-stamp national assembly dutifully passed everything that General Musharraf sent before it with the support of Janmat-i-Islami and other religious parties.<sup>75</sup>

## Participation of TNSM Members in General Elections and Local Government Elections

TNSM boycotted from 2000, 2001 and 2005 local government elections. However, they did not forced the people for casting their votes. No physical resistance was shown in Malakand division. In three districts of NWFP, Kohistan, Batagram of Hazara division and lower Dir of Malakand division female were not allowed to contest election as well as to cast their vote. In 2005 local government election only in Kohistan district of Hazara division female were not allowed to participate in the election. In other districts of Malakand division female participated in the local government elections 2000, 2001 and 2005.<sup>76</sup> About 50% of Malakand division populations were in favor of Tehrik-e-Nifaz-e-Sharia-e-Muhammadi. However in the general elections of 1997, 2002 and in local government elections 2001, 2005, about 95 % of the *tehrik* (movement) members cast their vote in these different elections and only just 5% of the *tehrik* members not cast their votes in the elections.

The main reason was their relations with contestants of elections due to which they had cast to their vote in the elections.

A member of TNSM in an interview told that only 2% of TNSM members not cast their vote and even some members of TNSM participated in general as well as in local government elections.<sup>78</sup> Some khans and *maliks* which supported TNSM in Malakand division also participated in local government and general elections. Nawsherawan Khan abig landlord from Khawazakhela Swat was a strong member of TNSM. He also participated in LG and general elections. The person who abused democracy, his son Bahadar Ali Khan contested provincial elections.<sup>79</sup> In 2008 general election his other son Dr. Haider Ali Khan won NWFP provincial seat from the same constituency. The support of Khans and Maliks for TNSM was only to obtain political influence and for their own benefits not for the true cause of Islam.<sup>80</sup>

Amir Muqam the provincial President of NWFP (PML-Q) stated that democracy was affected by TNSM. The leader of TNSM's propaganda. However, the TNSM members participated in general elections of 1997 and 2002 and also in local government elections 2001 and 2005. In 2002 general elections 100% members of TNSM had voted in favor of MMA. The people in the whole province of NWFP and even in some other parts of the country had casted vote in favor of MMA.<sup>81</sup> Former Governor of Baluchistan and NWFP Miangul Aurangzeb said that he found no threat from TNSM during his national assembly election campaign in 1993 and 1997. It had a meager affect on democracy. It was clear that TNSM member participated in general as well as in local government elections.<sup>82</sup> District nazim Swat, also acknowledged that during 2001-2005 TNSM was banned and it had no role. Due to ban on TNSM every thing was going well in Malakand division. Even up to 2005, TNSM members cast their vote.<sup>83</sup>

## King Party and its campaign in Malakand division for Local Government

#### **Elections in Musharraf Regime**

Amir Muqam (former Minister of Political Affairs in Musharraf government)<sup>84</sup> from MMA, who won National Assembly seat from NA–31 Shangla in 2002 general election, directly converted from his winning party to King party.<sup>85</sup> Very soon he captured the king party provincial president seat from NWFP and very soon king party became very famous in NWFP and especially in Malakand division. Due to starting of developmental works in Malakand, he became very popular and it was expected that the king party would sweep in the next local government, and general elections from Malakand division.

Musharraf visited Swat on 30 July 2005. After general election 2002, the people were not satisfied from MMA provincial government that is why the MMA lost it appeal in the local government election 2005. Only PML-Q (proestablishment) was flourishing in Malakand division. There was no threat found by politician in Malakand division that is why Musharraf visited district Swat in Malakand division in July 2005. He addressed 120,000 people of Malakand. He felt no threat in such a big procession.<sup>86</sup>

In a procession at Kabal Swat, he announced a lot of developmental projects for Swat and Malakand division. Malakand Tunnel, Sui Gas project up to Shangla, a Cadet College (for the project land had been bought by the government), 1,000 bed hospital in Swat. That is why PML-Q won local government elections in 2005 from Swat, Shangla. In Buner PML-Q had an alliance with ANP and won election there. In Malakand district PML-Q was in alliance with Fida Muhammad Khan (District Nazim Malakand). In lower Dir PPP was successful, in Chitral PPP and JI had a coalition and upper Dir JI won the local government election 2005. The people of Malakand were not against democracy and democracy could also work with TNSM.

## Musharraf Visit to Swat for Local Government Election Campaign

The President asked the people to distinguish clearly between the forces of back ward ness and the leadership that wanted to develop Pakistan befitting its vast human and economic potential. Islam called for brotherhood, unity, wellbeing and learning. In his address he asked people to support army and reject elements abetting terrorism. About *madrassah* education he told that government wanted to introduce science subjects in *madrassah* so that the students might choose professions in the field of medicine, engineering etc. President Musharraf also attended a meeting with local leaders of Malakand division on the same day at Saidu Sharif along with PML-Q provincial president Amir Muqam and Governor NWFP Khalil-ur-Rehman.<sup>87</sup>

## TNSM and Opinion of Different NGO'S about Local Government Election in Malakand Division

In lower Dir of Malakand division *Jammat-i-Islami* was hanky panky. JI not brought their female contestants in Lower Dir due to pressure from TNSM although in the country they not oppose female representation in the local government elections. It was a dual policy of JI in the country because they not wanted to loose their strong hold in Lower Dir and upper Dir.<sup>88</sup> TNSM was no role in Malakand division; it was banned at the same time and had no activity during 2002 to 2005 at that time.

On a question in women participation he answered, in some areas women were not allowed to cast their vote in the local government election of 2001 and 2005 in Malakand division because of traditional norms. But they participated in union, *tehsil* and also in district council elections. But only in Lower Dir due to JI interference female not participated in the local government elections. In Lower Dir, in 2005 local government election due to ANP role 92 women cast their votes in the election. In Lower Dir JI played a great role to eliminate female from the polling station. JI MNA from Lower Dir was against of female vote. However no physical resistance was shown in the district. In Dir Upper in 2005 LG election campaign, Nilofar Bakhtiar (Federal Minister of Tourism) visited and through *Jirga* the female were allowed to contest election. JI showed their oral resistance but not showed physical violence.<sup>89</sup>

#### Conclusion

After merging of Swat, Chitral and Dir states in Pakistan. PATA regulations were implemented by government. Although the area was stable and no such circumstances came to devastate the division. In 1990, when Peshawar High Court declared the PATA regulations null and void, it gave way to the creation of Tehree-e-Nifaz-eShariat Muhammadi. At the movement it was fully supported by bureaucracy for lust of power. USA being equally responsible for the devastated position of Malakand division. After defeat of USSR in the proxy war, Washington left close ally Pakistan in the hands of Taliban. The movement which was started by Sufi Muhammad was closely linked to the Taliban in Afghanistan. The manifesto of TNSM was candid, in which parliament, judiciary and democracy was a western imposition that would be eliminated after Shria implement all over Pakistan. In 1994, Sufi Muhammad followers promised that they would not cast there votes in future but 97% members of TNSM cast their votes in all elections up to 2005. In 1994 when Supreme Court of Pakistan also declared PATA regulations null and void, Sufi Muhammad started violation in Malakand division, Bajaur agency and district Kohistan of Hazara division. To control law and order in the area the then PPP government implemented Shariat regulation in 1994. Not satisfied from the regulations, Sufi Muhammad compelled the then Nawaz government to amend the regulations in 1999.

A catastrophic position came after 9/11, when Sufi Muhammad carried 10,000 poorly equipped people of Malakand division, Bajaur agency and Kohistan district of Hazara division to fight against American forces. Most of the fighters were either killed or captured by Northern Alliance but Sufi Muhammad along with his son-in-law Fazalullah escaped to Pakistan and were sent to DI Khan jail. In 2006 a new chapter of the area was started when Fazlulah started FM radio. In the beginning people of the area supported him due to his polite sermons but later he initiated in a brutality way when he banned female education.

As a result of consensus among political leaders and civil society and conveyed through the media that military force being required to check the militancy of TTP in Swat. To restore the write of government military operation. Rah-e-Rast was launched in April – May 2009.<sup>90</sup>

This resulted in the largest number of about 2.5 million IDPs (Internally Displaced Peoples). The operation was achieved by the army as a big success. The government announced Swat Development Package (July 2009 – June 2011) costing one billion rupees.<sup>91</sup> After the military operation Rahe-Rast, a major ground offensive Rah-e-Nijat was carried out in South Waziristan in October 2009. This resulted in dismantling of the base of TTP at Sararogha that provided training to the suicide bombers. The Swat Taliban head Maulana Fazlullah the son in law of Sufi Mohammad evaded the security forces, while Abdullah Mehsud was apprehended from Tank.

## Recommendations

The enduring factor for peace and development in NWFP would be to establish political authority in partnership with the local tribal chiefs. Good governance free of corruption, respect of merit and welfare of common man. The deficiency of all these factors resulted in dramatic decline in the administrative capacity of Swati State where in the central governments lost societal legitimacy. Perhaps this interpretation of crisis in Swat is best exemplified by John Forrest's phrase as a process of "state inversion", whereby the state grows increasingly irrelevant for society. The result is social violence, extreme insecurity that in the case of Swat being hijacked by such ruthless persons as Sufi Mohammad.

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