

# ***Asian History, Culture and Environment: Vernacular and Oriental Paradigms***

**PAPERS PRESENTED AT  
International Conference of Historians of ASIA  
5-9 DECEMBER 2016**

## **Vol. II**

*Patron*

**Syed Umar Hayat**  
Officer Incharge, NIHCR

*Editors*

**Sajid Mahmood Awan**  
President IAHA

**Dr. Rahat Zubair Malik**  
Secretary General IAHA



*National Institute of Historical and Cultural Research  
Centre of Excellence, Quaid-i-Azam University (New Campus)  
Islamabad, Pakistan  
2016*

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NIHCR Publication No. 191

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Published by  
Muhammad Munir Khawar, Publication Officer

**Sub-Editors**  
Jamal Mughal, Arslan Ahmed, Abdul Rahman

Printed at  
M/s Roohani Art Press, Sohan, Express Way, Islamabad.

	<b>Price:</b>	
	Pakistan:	Rs. 1000/-
	Complete 4 Vols.	Rs. 3000/-
	SAARC countries:	Rs. 2000/-
<b>ISBN:</b> 978-969-415-129-8	Other countries	US\$ 30/-

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## Table of Contents

<i>Preface</i>	<i>xv</i>
<i>Introduction</i>	<i>xix</i>

### Vol.I

No.	Title	Author	Page
1.	An Analytical Approach to the Asian Historiography	<i>Dr. Saud-ul-Hassan Khan Rohilla</i>	1
2.	Intransient Colonial Paradigm? Patterns of Development and Urban-Administrative Centrality in the Peripheral Multan 1885-1985	<i>Muhammad Shafique</i>	6
3.	Mahabharata as a Source of Historiography of Ancient South Asia	<i>Jehanzeb Khan</i>	19
4.	Philanthropy for Royal Merit: The Making of Cities in Siamese Colony, Case Study Payap Circle 1899-1932	<i>Pinyapan Potjanalawan</i>	28
5.	Post Modernist Approach and the Discipline of History	<i>Akhtar Rasool Bodla</i>	47
6.	Futuristics as Future History	<i>Dr. R.M. Ikram Azam</i>	62
7.	Mamak-Malaysia: Space and Social Interaction	<i>Yanin Wongmai</i>	71
8.	The Composite Culture of India and its Historiography	<i>Sabah Mushtaq</i>	80
9.	Representing the Intellectual World of the Indo-Persian Elite: Visions of the New World	<i>Dr. Gulfishan Khan</i>	94
10.	Culture and Identity: Implications in Nigerian English Usage	<i>Maurice Enobong Udom</i>	110
11.	Muslim Identity in Multan between Empires: Comparing Narratives and Experiences	<i>Prof. Diego Abenante</i>	134
12.	Tradition and Dissent in Ancient Kashmir (A.D 6th – 12th Century)	<i>Dr. Younus Rashid</i>	145

No.	Title	Author	Page
13.	Understanding three different Discourses on Fall of Sindh at the Hands of Arabs in 712: A Social Constructionist Perspective	<i>Dr. Saeed Ahmed Rid Muhammad Qasim Sodhar</i>	160
14.	Vernacular Press and the Rise of Class Consciousness in Colonial South Asia: Combating British Rule through Literary Tradition of Punjab in the First half of the Twentieth Century	<i>Hassan Imam</i>	171
15.	The Sikandar-Jinnah Pact-1937	<i>Khaleel Khan</i>	193
16.	Recreation of Death: The Role of Cementerio Generals in the Sanitation and Health System during Spanish Colonial Period, (1863-1889)	<i>Mr. Chen V. Ramos</i>	203
17.	Colonialism and South Asia: European Contribution to the Evolution of Strategy in the Indian Ocean	<i>Dr. Rashid Ahmad Khan</i>	217
18.	Women's Struggle for the Right of Vote in Colonial India: A Cause Study of Jahanara Shah Nawaz and Sarojini Naidu	<i>Dr. Zahida Suleman</i>	232
19.	Colonizing the Desert: Socio-Economic Transformation in the Cholistan – Bahawalpur	<i>Zahra Akram Hashmi</i>	245
20.	Political Developments and the Role of Notables in Colonial Multan: 1900-1947	<i>Sajjad Akhter</i>	263
21.	Role of Sindh in the War of Independence 1857: An Analysis	<i>Rasheed Ahmed Mirani Dr. Amir Ali Chandio</i>	280
22.	Sir Fazl-i-Hussain-Jinnah Relations: A Reappraisal	<i>Dr. Muhammad Iqbal Chawla</i>	294
23.	The Pastoral Tribes of Punjab and the British Imperialism: A Case Study of State Making in the Wastelands of Punjab 1849-1885	<i>Ahmed Ibrahim</i>	309
24.	Colonial Legacies and their Impacts on Human Rights in Post-Colonial Societies: A Case Study of Frontier Crimes Regulations (FCR)	<i>Noor Hamid Khan Mahsud</i>	329

No.	Title	Author	Page
25.	Language Riots in Sindh and Impact on Sindhi Politics	<i>Dr. Mussarat Jabeen Syed Abul Hassan Naqvi</i>	374
26.	Silencing of Women in Chishti Hagiographical Tradition in South Asia	<i>Adeela Ghazanfar</i>	391
27.	The Virāhīnī Motif in Sufi Lyrics of Shah Husayn of Lahore	<i>Tanvir Anjum</i>	404
28.	Growth of Sufism on Silk Route: Connecting South Asia with Medieval Ottoman Empire	<i>Dr. M. Waseem Raja</i>	423
29.	The Sufi Practice of Samā': A Historical Study	<i>Farrah Amanullah</i>	436
30.	Keeping the Faith Intact: Religious Life of the English East India Company's Servants during the Seventeenth Century	<i>Dr. Nishat Manzar</i>	449
31.	Indian Cultural Amalgamation along with the Impact of Regional and Foreign Influences on the Jain Manuscript of Kalpasutra	<i>Saima Syed</i>	475
32.	8th Century Buddhism and Lifestyle in Kashmir as Recorded by Korean Monk, Hye Cho	<i>Dr. Kyosoon Park</i>	483

## Vol.II

No.	Title	Author	Page
33.	Causes and Effects of Charter of Democracy: 2006	<i>Benish Khan Rath</i>	491
34.	Abdul Wali Khan: The Man and his Struggle	<i>Anwar Ali</i>	500
35.	War of 1971: Narratives of Separation, Migration and Crossing of Border in Tharparkar, Sindh	<i>Vikram Das Meghwar Dr. Nadeem Rao Alam</i>	517
36.	The Politics of Saraiki Province Movement: A Matter of Identity or Regional Disparity?	<i>Misbah Shaheen</i>	532
37.	The Introduction of Legal-Administrative Reforms in FATA: Problems and Prospects	<i>Dr. Altaf Ullah</i>	550

No.	Title	Author	Page
38.	Institutional History Writing in Pakistan: A Study of Parliament	<i>Dr. Mahboob Hussain</i>	568
39.	A Comparative Study of Local Government System during Ayub and Musharraf Regime	<i>Ali Nawaz Soomro</i>	584
40.	Taxation Politics in Gilgit-Baltistan	<i>Faiz Ali</i>	597
41.	Contested Legacy of Sheikh Abdullah	<i>Yasir Bashir</i>	653
42.	Scope for the Cultural Relation between Kashmir and Mughal India: Studies on Development of industrial Crafts and Trade Routes under Mughal Kashmir	<i>Sajad Subhan Rather</i>	682
43.	Role of Punjab Press in the Inception of Kashmir Press during the First half of 20th Century	<i>Firdous Hameed Parey</i>	704
44.	India, Pakistan and the Functioning of Propaganda Machinery over Kashmir from 1947-58: A Comparative Study	<i>Safeer Ahmad Bhat</i>	721
45.	Administration of Justice in Kashmir: 1846-1885 A.D.	<i>Amir Sultan Lone</i>	744
46.	Society, Superstitions and Religious Beliefs of Kashmiris during Dogra Period: A Critical Evaluation mainly through Travel Accounts	<i>Mohmad Ashraf Khaja</i>	759
47.	The Problem of Kashmir's Unwritten History and the Perennials' Perspective on the Study of Religions and Interfaith Dialogue	<i>Muhammad Maroof Shah</i>	783
48.	Youth Identity and Political Turmoil in Jammu and Kashmir: A Sociological Perspective	<i>Ajaz Ahmad Lone</i>	849
49.	Population Distribution in Mega Cities of Pakistan: Karachi as a Dynamic Urban Sprawling City in Asia	<i>Nisar Ali Muhammad Ilyas Ali Khan</i>	862
50.	Sindh: One of the Heirs of Indus Valley Civilization	<i>Uzma Khalid Ghori Aleena Khalid Ghori</i>	879

No.	Title	Author	Page
51.	Islam and Visual Culture: Reflection on the Art of Muslim Bengal	<i>Prof. Dr. Mohammad Yusuf Siddiq</i>	884
52.	Dawoodi Language Revitalization in Pakistan from Domaaki to Dawoodi: The Mominabad Language Revitalization Program in Pakistan	<i>Ijlal Hussainpur Habibullah Jan</i>	923
53.	On the Ethnic Cultural Heritage around the South China Sea: A Case of Ceramics and Brocade of Guangxi Province	<i>Yu Wenjie Lian Shiming</i>	936
54.	Pluralism of Funerary Monuments: Reading Architectural Encounters at Makli Necropolis	<i>Rabela Junejo</i>	946
55.	Heterodox Traditions of Udasipanth in Sindh: Case Study of Sri Chand Darbar, Thatta	<i>Zahida Rehman Jatt</i>	975
56.	Indo Islamic Architecture in South Asia: A Study of Mughal Lesser known Monuments at Agra	<i>Dr. M. K. Pundhir</i>	998
57.	Kalinjar Fort: An Archaeological Survey	<i>Dr. Vinod Kumar Singh</i>	1015
58.	Talpur Forts in Thar: Symbols of History and Strategy	<i>Prof. Noor Ahmed Janjhi</i>	1037
59.	Reappraising the Modern Philippine Urban Environment, 1898-1941: American and Filipino Interactions, and Native Leadership	<i>Prof. Ian Morley</i>	1043
60.	An Ethnographic Study of Culture as an Identity of Baloch People	<i>Shehnaz Mehboob Baloch</i>	1068
61.	The Social and Cultural Impact on Common Man of Privately Executed Urban Mega Projects: Case of Bahria Icon, Karachi	<i>Suneela Ahmed Rahat Arsalan</i>	1077
62.	The Paris Agreement and the United Nations' Guiding Principles on Business and Human Rights as Tools for Global Governance and the Environment in Facing the Asean Economic Community	<i>Kania Mezariani Guzaimi</i>	1095



No.	Title	Author	Page
63.	The Dynamic of the Muslim Community Settlement: A Case of Nakhon Si Thammarat Province, Thailand	<i>Manawat Promrat</i>	1113
64.	The Changing Terrains of Patriarchy: The Female Spotlight on Islamic Laws of 20th Century India	<i>Faiza Rahman</i>	1123
65.	Impact of Hindu Wedding Culture upon Muslim Culture: A Case Study to Analyze Cultural Interaction of Two Heterogeneous Societies	<i>Sumaira Bibi</i>	1144
66.	History through the Lens of Gender: A Critical Appraisal of the Medieval South Asian Narratives	<i>Dr. Humera Naz</i>	1158
67.	Honour Killing and Obligations of Present Dispensation: A Historical & Legal Perspective (2000-2016)	<i>Shazia Tasleem</i>	1168

### Vol.III

No.	Title	Author	Page
68.	Fazl-i-Husain as Education and Public Health Minister	<i>Baljeet Singh Cheema</i>	1175
69.	Life and Works of Saint Shah Daula Gujrati: Revisited	<i>Dr. Javed Haider Syed Qudsia Batool</i>	1183
70.	Sir Ganga Ram: A Great Soul of Punjab	<i>Farah Gul Baqai</i>	1201
71.	Indus Water and Social Change: The Evolution and Transition of Agrarian Society in Pakistan by Saiyid Ali Naqvi	<i>Dr. Zarina Salamat</i>	1207
72.	The Reflection of Fear and Anger in Thai Society before Thammasat University Massacre on October 6, 1976	<i>Miss Pattarat Phantprasit</i>	1218
73.	Difficulties Faced by English Language Teachers in Teaching Writing Skills to Mild Mentally Retarded Students in ICT	<i>Mamoona Sajid</i>	1233

No.	Title	Author	Page
74.	An Alternative Model to Promote Education: A Case Study of Roshan Girls Primary School	<i>Gohar Ali Iftikhar</i>	1252
75.	A Comparative Study of Mosques and Modern Institution's Role in Education of Sindh	<i>Mahboob Ali Dahraj</i>	1269
76.	Current Teaching Practices in Grammar Teaching: A Case Study from Pakistan	<i>Zaigham Aizad Malik</i>	1278
77.	China's Policy towards Afghanistan Since 9/11	<i>Arshad Ali Shah Zafar Iqbal Yousafzai</i>	1295
78.	China for Connectivity and Development in South Asia	<i>Mushtaq Ahmed Abbasi</i>	1306
79.	Comparative and International Politics of Pakistan and Malaysia: An Analysis of Difference in Economic Growth	<i>Muhammad Jahanzaib</i>	1324
80.	Rapprochement between China and South Korea: Implications for United States of America	<i>Nida Khalid</i>	1337
81.	Mamluks of the Sultans: Evolution of Military Slavery in the Delhi Sultanate	<i>Dr. Fouzia Farooq Ahmed</i>	1353
82.	Tourism in Asia: An Environmental Perspective	<i>Savitri Shrestha</i>	1376
83.	Promoting Heritage Tourism in Pakistan using Volunteered Geographic Information: An Investigative Outlook	<i>Munir Ahmad Asmat Ali Malik Sikander Hayat Khiyal</i>	1390
84.	Language used in Advertisements: Promoting Culture and Ideology	<i>Aisha Niazi Naheed Ashfaq Faiza Abid</i>	1400
<b>Urdu Papers</b>			
85.	نو قد قریش: ماوراء النہر میں عرب کا ایک تاریخی شہر اور اسکے بعض مشہور علماء	<i>استاذ محمد شاہ عالم</i>	1409
86.	اکبر آبادی مسجد: متنازع آثارِ قدیمہ	<i>ڈاکٹر انجم طاہرہ</i>	1428
87.	روشنیہ تحریک کے سیاسی اور سماجی پہلو	<i>ڈاکٹر جاوید اقبال</i>	1444

No.	Title	Author	Page
88.	بنگلادیش میں اردو	ڈاکٹر محمد محمود الاسلام	1457
89.	سندھی زبان و ادب پر فارسی زبان و ادب کے اثرات	ڈاکٹر منظور علی ویسریو	1467
90.	تہران ہند اور پشتون	ڈاکٹر محمد حنیف خلیل	1480

## Vol.IV

No.	Title	Author	Page
91.	Keynote Address by Prof. Khurram Qadir at the Opening Session of the 24 <sup>th</sup> IAHA International Conference of Historians of Asia, NIHCR, Quaid-i-Azam University, Islamabad, Pakistan, December 5-9, 2016	<i>Prof. Dr. Khurram Qadir</i>	1503
92.	Keynote Address by Mahendra Lawoti, Ph.D. Professor, Western Michigan University at the Inaugural Session of the 24 <sup>th</sup> IAHA International Conference of Historians of Asia, NIHCR, Quaid-i-Azam University, Islamabad, Pakistan, December 5-9, 2016	<i>Prof. Dr. Mahendra Lawoti</i>	1516
93.	Rudiments of Occidentalism in Indian Subcontinent	<i>Dr. Jamil Ahmad Nutkani</i>	1525
94.	Cultural and Linguistic Ties between Ottoman Turks and Muslim Rulers of Sindh	<i>Prof. Dr. M. Yakub Mughal</i>	1539
95.	Madness, State and Structure	<i>Shilpi Rajpal</i>	1549
96.	Making of Colonial Multan	<i>Fakhar Bilal</i>	1569
97.	Changing Conceptions of Tasawwuf in Iqbal's Writings	<i>Haider Ali Agha</i>	1602
98.	Sufism in Pashto Literature: A Study of the Pashto Literature of Swat	<i>Muhammad Ali Dinakhel</i>	1627
99.	Religion and Belief Systems: Challenges to Islamic Civilization and Resurgent Movements in Subcontinent	<i>Dr. Syed Qandil Abbas Ms. Aqeela Asif</i>	1642

No.	Title	Author	Page
100	Specter of Waste in Pakistan: Colonial and Postcolonial Images	<i>Tasleem Malik Faiz Ali</i>	1663
101	An Analysis of Kashmir Ecology: Geo-Historic Perspectives	<i>Mumtaz Ahmad Numani</i>	1693
102	Signs Taken for Wonders: A Sociology of Knowledge Production in South Asia	<i>Nadeem Omar Tarar</i>	1714
103	Understanding Pakhtun Conversion to Islam: A Theoretical Analysis	<i>Dr. Himayatullah Yaqubi</i>	1723
104	Transgressing Gendered Boundaries: Case Studies of the Quilt, Slipperiness and Third Gender	<i>Abdul Rehman</i>	1749
105	Role of Museums in Learning Process: The Indian Perspective	<i>Dr. Nazim Husain Ali Jafri</i>	1763
106	Shah Rating: Spiritual and Cultural Heritage	<i>Stanislav Karolov</i>	1771
107	Fatima Begum: A Narrative of Unsung Legend of Pakistan Movement	<i>Dr. Naumana Kiran</i>	1774
108	The Paradoxical Evolution of China's Kashmir Policy	<i>Shoaib Saadat Saadat Nazir Awan</i>	1788
109	Hofstede Cultural Dimensions' Cross National Evaluation: Individual's Cultural Values, Attitudes, and Behavioural Reactions Towards Web-Based Advertising	<i>Syed Hassan Raza Sanan Waheed Khan</i>	1800
110	Mediatization Compromising Democracy: A Case of Leading Pakistani Magazines	<i>Hassan Shehzad Shafqat Munir</i>	1815
<b>Urdu Papers</b>			
111	گلگت میں مذہب اسماعیلیہ کے درود کا ایک تحقیقی جائزہ	ڈاکٹر ساجد علی رئیس	1827
112	قاضی عطاء اللہ خان کی زندانی تاریخی کتاب "دہشتجو تاریخ" پشتونوں کی تاریخ کا تحقیقی اور تنقیدی جائزہ	نور البصر امن	1835
113	اردو ناول: برطانوی عہد میں برصغیر کی تاریخ و ثقافت کا امین	ڈاکٹر شاہد نواز	1845



## Preface

With the Grace of Almighty Allah, the National Institute of Historical and Cultural Research (NIHCR), Centre of Excellence, Quaid-i-Azam University, Islamabad has come up to honour its commitment to host an International conference on Asian History. This commitment was basically a distinction won by one of our colleagues Sajid Mahmood Awan in the previous conference of the International Association of Historians of Asia (IAHA) when he was elected the first ever President of IAHA from Pakistan for a term of two years 2014-2016. Eventually, the NIHCR is honoured to host the 24<sup>th</sup> IAHA 2016 international conference on “Asian History, Culture and Environment: Vernacular and Oriental Paradigms” in Islamabad, the capital city of Pakistan from December 4-9, 2016. Previously, NIHCR has been organizing international conference every year on different aspects of the history of Pakistan and South Asia particularly, and covering global history in general. One of the objectives of the NIHCR is to engage national and local researcher organizations as well as universities in its endeavour to explore the rich historical and cultural fields of various regions of Pakistan. With the present conference, NIHCR has widely enhanced its horizon, expanding its focus from national history and culture to Asian History and culture adding environment in the main theme of the conference. This was done due to the changing patterns of weather and other problems that are being exacerbated due to increasing pollution and influencing the human ecology, society and culture. Being the national institute, NIHCR decided to play its role to keep the environment human friendly for which many papers are received and are adjusted in the conference programme accordingly.

I am personally thankful to all the participants in the 24<sup>th</sup> IAHA 2016 in Islamabad, Pakistan. To the best of my knowledge, the IAHA had been contributing to the promotion of research on the discipline of history all across the world through Asian prism, since its establishment in 1960. Organizing an international conference every alternate year is one of its important features. In this pursuit, the first IAHA Conference was held in 1960 in Manila and then onwards it has become a permanent commotion of academic activities of the International Association of Historians of Asia. The last IAHA Conference (IAHA 23) was held in Malaysia in 2014.

The call for paper of the present conference was circulated around the globe wherever some of the scholars were linked with the Asian History, Culture and Environment. Having quite a healthy

response, I am glad to publish the papers approved by the Conference Review Committee (CRC). This publication provides a comprehensive knowledge about almost all the dimensions of Asian history, culture and environment. We tried to place the individual papers with similar themes into specific panels. Consisting of all the papers accepted for presentation in the conference, the present publication is divided into three volumes; each volume covering the proceedings of one day. Actually, we clustered all the papers with similar themes into different panels which were devised thematically and chronologically.

The present event initially seemed impossible as we selected 180 papers out of 250 among which 60 are from international scholars. To make arrangements for boarding, lodging and other things, it could be a hard target to achieve. NIHCR alone was facing problem in organising such a mega event so it sought partnership. One of the major collaborators in organizing the conference is the Higher Education Commission (HEC) of Pakistan which has always patronized NIHCR. We are grateful to the Chairman HEC Prof. Dr. Mukhtar Ahmed, Executive Director of HEC, Ghulam Raza Bhatti, and Project Manager (R&D) Mr. Humayoun Awan for their support to organize this mega event of Historians of Asia. Our second partner was Shaheed Benazir Bhutto Women University (SBBWU) Peshawar. Its dynamic Vice-Chancellor Prof. Dr. Razia Sultana extended her unconditional support to make this event a real success. People Empowering & Development Alternatives (PEDA) joined us as a volunteer service provider agency. Their expertise helped us settle the complexities of registration, event management, particularly the excursion trips.

It is hoped that the present conference would initiate a positive, academic dialogue about the History, Culture, and Environment particularly with reference to vernacular and oriental paradigms. It will provide to the academics, researchers, students and Asian historians a forum to exchange their ideas and find out new avenues of researchers with reference to Asian prism. It is hoped that this venture will bring about closer cooperation and integration between various historians of Asia belonging to different countries; bridging the intellectual gap.

Such international events cannot be carried out successfully without the support of others, particularly when the required finances and logistic facilities were not always at hand. A number of dignitaries took special interest in the successful organization of the conference. First of all, I want to pay my gratitude to Prof. Dr. Javed Ashraf, Vice

Chancellor, and Prof. Dr. Sayed Wiqar Ali Shah, Dean Faculty of Social Sciences, Quaid-i-Azam University, Islamabad, for their guidance and support throughout the process. Heartiest regards and thanks to Dr. Sajid Mahmood Awan, President 24<sup>th</sup> IAHA 2016 for winning the office of the President of IAHA and getting an opportunity for the NIHCR, Pakistan to host this commendable event. The support extended by Prof. Dr. Razia Sultana, V.C. Shaheed Benazir Bhutto University, Khyber Pakhtunkhwa, played an important role to organize this Event. I owe a special thanks to the Executive Director of Peoples' Empowering & Development Alternatives, Mr. Mujahid Hussain whose support regarding organization of the event is commendable. I am thankful to all the faculty members of NIHCR Dr. Farah Gul Baqai, Dr. Sajid Mahmood Awan, Dr. Himayatullah Yaqubi Dr. Altaf Ullah, Dr. Rahat Zubair Malik, Mr. Akhtar Rasool Bodla, Mr. Muhammad Hassan, Mr. Noor Jamal, Ms. Iffat Humayun Khan. Very effective role and help of Mr. M. Mushtaq-ur-Rahman and Mr. Azhar Javed of NIHCR gave me much relief. With reference to the handling of the finances and management, we are grateful to Mr. Atlas Khan (Accounts Officer). Continuous support and efforts of Mr. Muhammad Munir Khawar (Publication Officer), Mr. Adnan Yousaf (Admin Officer), Mr. Khalid Mahmood, Mr. Zahid Imran and Mr. Sher Afgan Javed along with professional input of Mr. Rao Tahir Hussain, Mohammad Saleem and Mr. Muhammad Ashfaq made the work easier. The role played by the Focal Person of the conference Mr. Hazoor Bux Channa is also very valuable. As a matter of fact, all other officials of the NIHCR deserve heartiest thanks and gratefulness due to their continuous help and support in making the event a success story. I am also thankful to all the delegates who agreed to participate and present their papers in the conference. Their contribution in research is of immense importance. I am thankful to the organizing committees of the NIHCR, SBBWU and PEDTA for their continuous effort to make this conference fruitful. I am deeply obliged to all those whose names remained unmentioned as the list is very long.

(Syed Umar Hayat)





## Introduction

Nothing is permanent but change! The world is in perpetual transition, eventually the discipline of history remains in persistent progression. Till the time world is in transition the discipline of history may certainly not cease to evolve. The modernist perspective of history intends having uniformity, homogeneity and conformity to human ideas and wants to put a full stop with an absolutist explanation. Contrarily, the postmodern perspective aspires documenting diversity, heterogeneity and infirmity of ideas. The initial histories were written in comparatively simple manner but the transformation of thought and growth of human ideas have added versatility to perspectives. The division of world into the white, black and yellow nations on one side and its compartmentalization into First, Second and Third Worlds on the other or with reference to its geographical location as Eastern and Western World; the worldviews or the thinking patterns have been shifted from simple to complex and unusual ones. Increasing complexities of the ideas and every day changing patterns of thinking with reference to historic interpretations of the past events invite historians to define, refine and redefine what has happened in the previous times and the way it was reported beforehand. The present Conference on “Asian History, Culture and Environment: Vernacular and Oriental Paradigms” is an attempt to decipher the changing patterns of historic events and multiple approaches to understand the phenomenon of change and growth.

The conference owes its geneses to the International Association of Historians of Asia (IAHA) which decided to hold 24th IAHA Conference in Pakistan to be hosted by the National Institute of Historical and Cultural Research (NIHCR), Quaid-i-Azam University, Islamabad. Venue of the IAHA conferences keeps rotating all around Asia, along with the office of the IAHA president. President of the IAHA is elected democratically through a majority vote of all the conference delegates for a term of two years. Election of the president is arranged by the IAHA Secretariat after every two years right on the last eve of the conference. During the 23rd IAHA Conference in Kedah, Malaysia, I was elected as President for a term of two years eventually the Islamic Republic of Pakistan had been given the chance to host this conference. This indeed is a landmark victory for Pakistan, Quaid-i-Azam University and the NIHCR as this is for the first time that any one from Pakistan has won this

distinction. Hence, the present conference is declared as the 24th IAHA 2016 conference.

The incremental course and gradual discourse of history witnessed the evolution of human thought from Ancient Philosophy (Greek, Hellenistic and Roman Philosophy) to Medieval Philosophy (Patristic and Scholastic Philosophy), to Modern Philosophy and finally to Contemporary Philosophy (21st Century—Postmodernism) was theoretically a paradigm shift from theocentrism to anthropocentrism and practically from cosmocentrism to logocentrism. The conventional course of modernism followed through Rationalism (Descartes, Spinoza, Leibniz, Malebranche, Pascal), Empiricism (Hobbes, Locke, Berkeley, Hume), Idealism (Fichte, Schelling, Hegel, Schopenhauer), Materialism (Feuerbach, Marx), Positivism (Comte, Mach), and Existentialism (Kierkegaard and Nietzsche). The teleological evolution of history shows that the process of history is not arbitrary, but it has an end or purpose that can be anticipated. The German idealists tried to discover the rational scheme behind the empirical historical events. They believed that the '*telos*' [Greek: Purpose] of history was freedom of man and his society. Actually, the evolution of civilization through the course of history was indeed a way to the human freedom. Teleological thought itself seems to be the source of utopianism in the modern social theories. For instance, George Wilhelm Friedrich Hegel (1770-1831) declared that the end (*telos*) of history is the final reconciliation of the idea with its self, i.e. the history that knows its self. Auguste Comte (1798-1857) claimed that the fundamental purpose of history was the positivist society and the scientific civilization of mankind. Karl Marx (1818-1883) assumed that the human being was the actor of history that drives it to its end through the social transformation i.e. revolutions. To him the ultimate end of history was the classless society. Thus the modernist perspective of history intends having uniformity, homogeneity and conformity to human ideas and wants to put a full stop with an absolutist explanation. The End of History (1992 book 1989 Article) by Francis Fukuyama and The Clash of Civilizations and the Remaking of World Order by Samuel P. Huntington both were rigorous efforts in this regard.

Contrarily, the postmodern perspective is distinguished by the idea that there is not one but many truths and that the notions of truth are culturally and historically relative constructions. Fundamental principle of postmodernism is to put all assumptions under scrutiny in order to reveal the values that underlie all systems of thought, and

thus to question the ideologies within them that are seen as natural, so the idea of authenticity is always in question in postmodernism.

The transformation of thought and growth of human ideas have made perspectives more complex. Even more than the classification of world into the white, black and yellow nations and its compartmentalization into First, Second and Third Worlds the geographical location as Eastern and Western World has determined the palatial and spatial value of the world as vernacular and oriental.

Before arguing about vernacular and oriental paradigms, I would like to contest some of the aforementioned argument which refers to an overview of the world history. However, it is necessary to investigate and deconstruct the notion of 'Asia' that how it has been treated in past two – three hundred years.

Focusing down to Asia the largest and most populous continent stretching on 17,212,000 square miles (44,579,000 square kilometres) is home to more than 4.4 billion people containing around 30 percent of the world's land area and 62 percent of the world's population. It is the only continent which is bordering two continents of Africa and Europe and even sometime touches the third one of North America through the frozen seas. It not only has the most varied landscape rather can be declared to have the greatest diversity of all kinds including religions, races, cultures, and languages. It has also the distinction to host the ancient civilizations of the world namely Sumer Civilization in Mesopotamia (7000 years old) and the Indus Valley Civilization in Pakistan (6000 years old). The most populous country of the world that is China and the largest country of the world i.e. Russia are also situated in Asia. Both the highest as well as lowest point of the World—Mount Everest at 8,848 meters (29,029 feet) and the Dead Sea at -395 meters (-997 feet) respectively lie in Asia. With such a diversified variety of its land and people the Asian continent is generally divided into five major of North Asia, Central Asia, Middle East, Southeast Asia and South Asia. All the major religions of the world including Buddhism, Hinduism, Christianity, Judaism, Islam and Sikhism were produced in Asia.

However, talking historically, the idea of Asia is not a vernacular construct but an oriental one. It can be traced in European enlightenment thought when knowledge formulation and transcendence of theories of state, race, linguistics, historiography, epistemology, hermeneutics, philosophy and natural sciences were constituting the new world map. The ideas of Europe and Asian were debated in the context of world history under new knowledge

conditions. Adam Smith, Montesquieu, Hegel and Marx constructed the idea of Asia in difference to Europe and incorporated Asia in a teleological vision of history. The European configuration of the characteristics of Asia can be explained as multi-ethnic as compared to Europe's monarchical and sovereign, nomadic and agrarian modes of production differing from European industry, trade and urban life, political despotism as opposed to Europe's political and legal system, etc. In other words, the European nation-states and expanding of capitalist market was considered an advanced stage or ultimate objective of history, meanwhile Asia and its aforementioned characteristics were subsequently labelled to a lesser stage of history.

In this framework, Asia was not merely a geographical category, rather a civilization *viz-a-viz* the European nation state system and capitalism passing through a transitional phase between an unhistorical and historical stage. This derivative discourse offered a framework to European intellectuals, philosophers, theorists, revolutionaries and historians to represent Asian societies to reform policies, establish revolution and most importantly to make sense of its past and future. During most of the 19th and 20<sup>th</sup> Centuries, the idea of Asia was contained under universal European discourse on modernity which provided a similar narrative framework to colonizers and the colonized. In the 19th Century European intellectuals' work on history, religion, state and law ironically presented Asia as the 'centre' of all nations in the world and "starting point" of world history (Hui 2010). Hegel (2012) argues in the *Philosophy of History*:

"The History of the World travels from East to West, for Europe is absolutely the end of History, Asia is the beginning... The East knew and to the present day knows that one is free; the Greek and Roman world, that some are free; the German World knows that all are free. The first political form therefore which we observe in history, is despotism, the second democracy and aristocracy, the third monarchy."

Such a generalized perspective of history was appropriated on the cognition of expanding European colonialism. European knowledge gained the so called objective conditions to develop a worldwide comparative methodology and outlook. For instance, Hegel was inspired by the connections between European languages and Sanskrit 'discovered' by some European linguists, and he linked this historical linguistic connection with the other two discoveries of the 19<sup>th</sup> Century Europe—the theory of race and historical geography. Hegel says that it is a great discovery in history.

Asia existed in the orientalist's imaginations and discourse in difference to Europe which is at different stage of history while 'centering' the idea of state to define and evaluate stages. In orientalist imaginations Asia had no state and was not yet a full subject of history, it was the beginning of history, or an unhistorical or non-historical period. It can be inferred from this argument that when Asian regions become states, Asia will not be Asia anymore. The catchphrase "Departure from Asia and Joining Europe" advocated by Japanese intellectuals in the 19<sup>th</sup> Century should also be analysed in the context of this line of thought, i.e., that of how nation-states were formed.

Thus, the slogan "Departure from Asia and Joining Europe", was raised in a short essay by Fukuzawa Yukichi (1835-1901), published in 1885. It tells about the time when Japan started colonization and made material progress on Industrial lines and reproduced similar orientalist constructions. "Departure from Asia" reveals a determination to get rid of the Indo China centered world and its politics and ideology, and "joining Europe" means to establish Japan as a European-style national state. Similarly, it can be observed in Russia after 1917, when it faced the question that either they should associate themselves with Asia or Europe (Hui 2010).

This discussion on Asia reveals that how it was discursively constructed in orientalist thoughts and reproduced and appropriated with modernity. This legacy was institutionalized with European colonial experience and reconstructed the Asian past purposefully. These consistent practices are hint to understand the constitution of subjectivities of the colonized subjects, what Said argues as the political subjectivity in his works.

However, this conference is an attempt to investigate the concepts of oriental, imperial, colonial, vernacular, indigenous, knowledge, power, geography, culture and ideology in relation to what Edward Said's "rethinking of what had for centuries been believed to be an unbridgeable chasm separating East from West". (Said 1977).

On one side, orientalism or oriental paradigm is that fixation that Europeans in general and European scholars in particular had in their minds and across in their works about Asian countries—about the difference these cultures have from the Occidental cultures (European) for being mysterious and religion, behaviour and lifestyle.

In other words, Orientalism is a discourse concerning the Orient, compiled over time by regimes of interpretation; qualifications for acceptable knowledge; and the consequent regularities of image,

identity, metaphor, and analogy—all of which are structures of comparison” (Said 1977). Orientalism is constituted predominantly by these structures of comparison between the Occident and its other Orient. The other which has been constructed by the West is not just a mere discourse construction but it is controlled by the same West. This complete authority of the West over the Orient construction allows them to disintegrate the Orient identity empowering the colonial regime. So it can be said that this is the power which entertain the accumulation of knowledge and it is the same power which constraint it, thus allowing the Occident to be superior to the Orient. So, according to Said, it is the Occident which not only controls its own identity but also it has power to control and manipulate that of its others. “The people of the Orient are subjected to the colonial powers that know, describe, and classify them in precisely the same manner as they are subjected to colonial or imperial rule by Western powers.”

On the other side, the teleological debate on the notion of vernacular corresponds to the “native to an area” with an indigenous identity as a particular innate entity distinct from the modern, national or a standard character. A vernacular history, culture and environment are supposed to be natural, nonstandard and home grown. In Latin vernaculus refers to domestic, native, indigenous; pertaining to “home-born slaves”. For all human action is after all a domestic product—a creation not of scholars and professional but of unschooled and uneducated. The scholars and educationists however may cultivate and enrich it but not at the cost of its novelty and deep rooted genuine identity. The figurative meaning was broadened from the diminutive extended words vernaculus or vernaculla for female and male slaves. In the whole of Europe Latin had dominated all the vernacular identities. Even the Christianity could not penetrate in different parts of Europe until the Bible was not translated into vernacular languages. Even science could also be popularised in vernacular. An early user of the vernacular was Galileo, writing in Italian c. 1600, though some of his works remained in Latin. A later example is Isaac Newton, whose 1687 Principia was in Latin, but whose 1704 Opticks was in English. Latin continues to be used in certain fields of science, notably in biology, while other fields such as mathematics use vernacular. Similarly, in India, the 12th Century Bhakti Movement led to the translation of Sanskrit texts to the vernacular. Quite similarly, Islam gained its popularity in vernacular. However, some societies have both a classical form and various vernacular forms, with two widely used examples being Arabic and Chinese.

Owing to such compartmentalisation and polarisation of approaches the Oriental-Occidental clash or paradigmatic inability to reach out and understand one another is getting stronger day by day. Without indulging myself in this complex debate, I leave it upon the honourable key-note speakers of the conference which we have selected very carefully. One is purely vernacular with his native thoughts and legacy i.e. Prof. Dr. Khurram Qadir. The other one is foreigner coming from Western Michigan University, USA. Prof. Dr. Mahendra Lawoti, a Nepali by birth but an American by nationality, happens to be an oriental. With their respective approaches both the key note speakers will add variety of flavour to the course of the conference.

Then onwards the Conference will provide you all a dynamic platform to take this debate further in the pleasant environment of Islamabad to warm you up in the chilly December.

Main objectives of the conference include: to provide scholars in different countries an opportunity to come together for an exchange of views, ideas, and information regarding what was being done in their respective countries towards the extension, improvement, and refinement of historical knowledge relating to the national and regional wants of Asian peoples particularly with reference to the vernacular and oriental perspective. The conference further aims to find ways and means through collaboration and networking among academics and international scholars for fruitful information with a view to discard myths, fables, and stereotyped claims appearing in the guise of facts in history books and for solving common problems in research as growth of history under vernacular and oriental paradigms. The conference also aspires to strengthen the IAHA forum, having as its main objective the augmentation of written history as an instrument for the promotion of world peace, goodwill, understanding and peaceful co-existence. The conference will also help strengthen the position of NIHCR-Pakistan as a competitive and world-class higher institution of learning. It will also reinforce the networking between educational institutions, government agencies, non-governmental organizations (NGOs), media and other related institutions.

Venue of the conference, the capital city of Pakistan, Islamabad is of a particular significance with the antiquity and historicity of its location in the northwest of the country in Potohar Plateau. This area has been significant in history for being a part of the crossroads of Punjab and Khyber Pakhtunkhwa. The city was built in 1960 to replace Karachi as the capital city of Pakistan, which it has been



since 1963. The site of the city has a history going back to the earliest human habitations in Asia. This area has seen the first settlement of Aryans from Central Asia, ancient caravans passing through Central Asia including the massive armies of Alexander and Tamerlane. To the North of the city one can find the Margalla Hills. Hot summers, monsoon rains and cold winters with sparse snowfall in the hills almost summarize the environment of this area.

The conference is open to all academia, educators, civil society, media professionals and practitioners extending their contributions corresponding to the main scope and themes of the conference. Researchers, national and international students of higher education are also encouraged to avail the opportunity. In order to accommodate the vernacular language of the host county the conference was declared bi-lingual with the announcement that papers may be written either in English or Urdu. Having such a healthy response, we had to run parallel session. We had to place the papers in ten sessions; each session was carrying three panels, counting in total thirty parallel sessions. Placement of the papers was made chronological as well as logical. Same is the pattern of this publication covering all the papers to be presented in the three academic days of the conference dividing this publication into three volumes.

With all these dispensations, the 24th IAHA 2016 is a unique Conference in its scope, goals, and history in many ways. It lays the groundwork for a continuation of the effort to provide a platform for academics and consultants on the Asian History, Culture and Environment: Vernacular and Oriental Paradigms. Significantly, the conference will also serve as a forum for discussion and debate about the challenges and future of Asian History and Culture and the impact of Environmental change on the life and culture of the Asian community.

**(Sajid Mahmood Awan)**

President

International Association of Historians of Asia

## **Causes and Effects of Charter of Democracy: 2006**

**Benish Khan Rath\***

### **ABSTRACT**

*This present study deals with the Charter of Democracy (hereafter referred as COD) focusing on the democratic history of Pakistan. COD is a charter signed between two main and competing political parties namely Pakistan People's Party and Pakistan Muslim League (N). The main aim of this charter was to overthrow the military dictator and promote democratic culture to secure democracy in Pakistan. It consists of 36 clauses related to Constitutional Amendment, Code of Conduct, Free and Fair elections and Civil-Military relations. This research elucidates the circumstances which led to COD including war on terror, Akbar Bughti's Death, Lal Masjid incident, exclusion of corruption, resignation from military rule and emergency rule. However, Charter and its Clauses have been explained in detail and the reaction of political parties and society will also reveal in upright manner. The Political Parties appreciated the COD but few seemed critical of its provisions and practices. One of the major impacts of the COD was the 18<sup>th</sup> Amendment; civilian government completed its 5 year*

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*tenure, role of opposition in parliament, fluctuation in foreign policy and the military operations to counter the terrorism in state. Very few historians have written about the significance of the COD and this study is an effort to fill this gap.*

### **Introduction**

The study deals with the “Charter of Democracy (2006) and its Causes and Effects”. COD is considered as the landmark in the history of Pakistan for the establishment of a true democratic culture. This was for the first time in the history of Pakistan that the political parties concluded an agreement to restore democracy. This Charter enabled the main leadership of PPP and PML(N) to pressurize Musharraf to restore democracy. Therefore, the general elections in 2008 not only restored democracy but also paved the way for the formation and working of the coalition governments at federation and in provinces.

For the first time in the history of Pakistan, PPP completed its legal term. Subsequently, transfer of power after the 2013 general elections from PPP to PML(N) took place without any obstacle. The Charter refined political culture and the growth of democratic trends in a society where the tradition of authoritarian rule is a common practice.

Democracy is defined as a type of government in which citizens of a state elect their own representatives through a legal electoral system. According to Abraham Lincoln, democracy is defined as government of people, by the people, for the people. It means a system in which people hold all powers instead of a single person or institution. Since the inception of Pakistan, it has been trying to establish a parliamentary system in the country but due to a specific elite class, ethnic conflicts, social tensions and praetorian rule all efforts remained un-fruitful.

The major reason behind the failure of democracy in Pakistan is the intervention of military in political matters. In fact, martial laws are responsible for weakening the democratic trends and violation of fundamental human rights. Unfortunately the politicians of Pakistan remained

unable to deliver; instead, they remained busy in confrontational politics. They made unholy alliance with bureaucracy for gaining their short term interests. Irrespective of these major causes, there are number of other reasons for the failure of democracy such as poverty, unemployment, inflation and the political factors including Kashmir issue and its geostrategic location etc.

### What is Democracy?

Democracy is the combination of two Greek words demos (the people) and Kratian (to rule)<sup>1</sup>. In other words, it means 'rule of the people. According to Oxford dictionary, 'democracy is a system of government by the whole population or all the eligible members of a state, typically through elected representatives'.<sup>2</sup> It is mainly a system of government which is established for the welfare and prosperity of people. In democratic governments, people and the government are connected through the process of elections. Election is the only conceivable way through which people freely express their views.<sup>3</sup>

The political history of Pakistan is divided in to several phases.<sup>4</sup>

Civilian political government	August 1947-October 1958 December 1971-July 1977 October 1958-june 1962
Direct Military rule	March 1969-December-1971 July 1977-December 1885
Selective use of democracy by the military	October 1999-November 2002 June 1962-March 1969

1 Eilen Grigsby, *Analysing Politics: An Introduction to Political Science (United States of America: Suzanne Jeans, 1976)*, 165.

2 Oxford Dictionary. <http://www.oxforddictionaries.com/definition/english-thesaurus/democracy>, assessed Sep, 29, 2015.

3 Grigsby, *Analysing Politics*, 165.

4 Hassan Askri Rizvi, *Democracy in Pakistan* (Delhi: Centre for the Study of Developing Societies), 2.

Military influence from the sidelines on polices of civilian government	March 1985-November 1988 December 1988-October 1988
Military direct involvement in power management after the end of military rule; constitutional and legal role for the military	November 2002 onward

After the death of Quaid-i-Azam Muhammad Ali Jinnah and Liaquat Ali Khan, no sincere leader worked for the country and the involvement of civil-military bureaucracy in the matters of the state increased. Due to which Field Marshal Ayub Khan imposed martial law on October 27, 1958. Hassan Askari Rizvi writes in *Military and Politics in Pakistan* that “in many of the new nations military coups succeed because ‘the public is relatively narrow and is weakly organized’ and public attachment to their political institutions is so fragile that they hardly question the legitimacy of the takeover”.<sup>5</sup>

During 1971-1977, Bhutto remained in power but unsuccessful to setup a democratic culture in the country due to his nationalization policy and authoritarian attitude.<sup>6</sup> Later Chief of the Army Staff, Zia-ul-haq overthrew the civilian government and again democracy faced a serious set-back in 1977 and remained in government till 1988.

From 1988-99 Benazir Bhutto and Nawaz Sharif remained in the office of the Prime minister for two terms each. Both the leaders spent more time in strengthening their power and expanding their rule instead of working for the growth of democracy. Mishandling of some issues by the then Prime Minister Nawaz Sharif paved the way for the military chief,

5 Rizvi, *The Military and Politics in Pakistan*, 22.

6 Sadia Jabeen, “Challenges to Democracy in Pakistan 1988-1999”, Unpublished Thesis, Islamabad: Quaid-i-Azam University, 2013), 35.

Pervaiz Musharraf to take the reins of government into his hands on October 12, 1999.<sup>7</sup>

Resultantly, Sharif family was put into exile. Benazir Bhutto was already in self-exile due to outcast owing to Corruption charges. Nawaz Shareef and Benazir Bhutto contacted each other and assured to launch a movement against the dictator. For this reason, both leaders signed COD in London on May 15, 2006, against the military rule to establish democracy.

According to Raza Rabbani in his book "*A Biography of Pakistani Federalism*"

The Charter of Democracy was, in fact, the foundation text from which all post-Musharraf documents have arisen. My fervent hope is that it will continue to inspire us as we complete our journey towards a revitalized, democratic and federal Pakistan.<sup>8</sup>

The COD comprised of 36 clauses including constitutional amendments, code of conduct, free and fair elections and civil military relations.<sup>9</sup> It was emphasized in this charter that after the establishment of a parliamentary form of government, the constitution of 1973 would be restored and the seventeenth amendment would be cancelled. All the political parties welcomed the COD and considered it a great step towards transition of democracy.<sup>10</sup>

During the same time period, Musharraf and Benazir Bhutto held secret meetings.<sup>11</sup> As a result of these meetings, President issued a National Reconciliation Ordinance Order (NRO) on October 5, 2007. According to this document, all the politicians, bureaucrats and political workers were free of corruption charges who were accused of Corruption from

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7 Hamid Khan, *Constitutional and Political History of Pakistan* (Karachi: Oxford University Press, 2009), 796.

8 Interview with Rehman Malik, Charter of Democracy, Islamabad, September 16, 2015.

9 See Full text of Charter of Democracy

10 "Text of Charter of Democracy", *Dawn*, May 16, 2006.

11 "Musharraf, Benazir Discuss Future", *Dawn*, June 28, 2007.

January 1, 1986 to October 12, 1999.<sup>12</sup> Later, Benazir Bhutto discontinued this deal with Musharraf and came back to Pakistan for election campaign. The movement of Alliance for Restoration of Democracy (ARD) in the country led to the elections 2008 and the ultimate exit of General Musharraf.

The 18<sup>th</sup> Amendment signed by Asif Ali Zardari on April 19, 2010, was also the result of charter of Democracy. 18<sup>th</sup> amendment bill was an effort to convert the quasi presidential form of government to the parliamentary form. Raza Rabbani alleged in his book, "No matter how far you have gone on the wrong road, turn back".<sup>13</sup>

18<sup>th</sup> Amendment was the revival of federal parliamentary democracy. PML (N) and PPP took a shift from their traditional politics and for the first time in the history of Pakistan, Zardari led government completed its five years term. After it, elections were conducted under the caretaker government in which PML (N) got 2/3 majority in the parliament and Nawaz Shareef became prime minister.<sup>14</sup>

After the 2008 elections, PML-N supported the elected government of PPP. Nawaz Sharif announced that his party would not subvert the PPP government. He proclaimed that:

We did not even think of destabilizing the current government and we will continue to support it while playing our role as a strong and constructive opposition in Parliament, "We are clear that unless the Charter of Democracy and other demands are considered, things will not move ahead. The Constitution must be returned to how it was before."<sup>15</sup>

The drawback of COD was the friendly opposition of PPP and PML(N)<sup>16</sup> due to which no concrete step was taken

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12 AR, Qureshi. "NRO to Benefit Several Diplomats, Bureaucrats and Politicians", *Daily Times*, October 06, 2007.

13 Raza Rabbani, *A Biography of Pakistani Federalism*, 137.

14 "18th Amendment and its Impact on Pakistan Politics", *Journal of Sociological Research*, ISSN 19485468: vol.3, No. 1, 2012.

15 Atul Aneja, *The Hindu*, April 16, 2015.

16 Muhammad Rizwan, Muhammad Arshad and Muhammad Waqar, "Revitalization of Parliamentary Democracy in Pakistan under 18th

against the corruption cases which were already filed against the politicians including Asif Ali Zardari and Raja Pervez Ashraf. PML(N) dissolved all the corruption scandals of PPP including Letter to Swiss authorities, CNG scandal, disqualification of ex-prime minister, rental scandal etc. All the political parties made a single block against Pakistan Tahreek Insaf (PTI), when it took a stand against election rigging. It demanded for an interim setup and new free and fair election. The MNA's of PTI gave resignations from the assembly and protested against the government by conducting a long march and *DHARNA*.<sup>17</sup>

Rehman Malik alleged in interview, COD was the need of time not only then when Pakistan was being ruled by a dictator who had abrogated the constitution of Pakistan and sabotaging all the democratic institutions of the country but it is the need of the hour even today when democracy is nascent in Pakistan, not fully flourished and is always under threat.<sup>18</sup>

Naheed Khan the then secretary to the chairperson PPP said, it could not be fully materialized because of martyrdom of Mohtarma Benazir Bhutto but certainly it moved the country forward to a democratic transition. General Musharraf was forced to take off his uniform and to hold elections, ban on a twice elected prime minister seeking office a third time was lifted and Parliament was able to pass the 18<sup>th</sup> Amendment which restored federal parliamentary democracy in the country.<sup>19</sup>

### **Conclusion**

This study was conducted with the hypothesis that the Charter of Democracy strengthened the democracy in Pakistan. The founder of Pakistan Quaid-i-Azam Muhammad

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Amendment", *Journal of Humanities and Social Science*, Vol. 19, issue 2 (February 2014).

17 *The Express Tribune*, August 23, 2014.

18 *The Express Tribune*, August 23, 2014.

19 Abbasi, *Charter of Democracy*, September 09, 2015.



Ali Jinnah promised democracy as the system of government for the newly created state. But unfortunately Pakistan could not retain strong democratic traditions which paved the way for military dictatorships. However, Benazir Bhutto and Nawaz Sharif arrived at some agreement to ensure smooth working of democracy in the country. Therefore, it can be said that the COD, helped to restore democracy in the country.

After this agreement the PPP government completed its 5 years term which is unprecedented in the political history of Pakistan. PML(N) showed great sense of maturity and did not let anti-democratic forces to dethrone the PPP government at the centre or anywhere else. The ideological rift between secular and extremist brainpowers disesteemed political functioning of country. Dictatorial approach of Ayub, Yahya and Zia resulted in an imitate copy of Gen Musharraf which not only shackled the political set-up, also dismantled the constitution. 17<sup>th</sup> amendment, Legal Frame Work Order and Provisional Constitution Order are the strong actions which declared the power of a dictator over the democratic machinery of country. Coupling the events since 1947 till the most recent military infringement, the ponderous mutation which resulted in political arena is COD. This document got attention of common masses along with the parliamentary players as it focused on the revival of worthy democratic norms. Sixteen political parties converged at a focal point despite of digression in party manifestoes. Replenishment of democratic values, poverty eradication, uplifting of marginal sections of society, equal participation of minorities, reflection of ordered Pakistan on globe, extermination of corruption, soothing border disputes, economic progress, resolve grievances of Balochistan and Northern areas and restoration of constitution and invigorate were the part and parcel of Charter of democracy.

Opposition and other pillars of administration also backed the document at their absolute. But the document proved to be the narcissistic approach of penny-pinching policy makers. Clause 16 of charter pertaining to third time

appointment of PM along with the demand of cancellation of bachelor degree as eligibility criteria to take part in elections, inefficiency of Truth and reconciliation commission, increased rigging of election in 2013 as compared to 2008 from 2.6 to 4.5 (according to a statistical measure of skewness), increase in inflation at 1.6 percent on year-on-year basis in October 2015 compared to 12.3 percent in the previous month and 5.8 percent in the corresponding month of last year according to state bank of Pakistan, power shortage are the few sustained malfunctions of policy makers which are might have become the instinct of political set-up now.

Although the document is historic in its record in the sense of smooth transient of power from one civilian government to another and bordering the functions of military and judiciary in its legitimate premises, provincial autonomy by satisfying the wishes of KPK, Baluchistan Package, Commission for the betterment of Northern areas, Formation of free and fair election commission, transfer of power in the form of local body election but still a lot is undone. The words recorded as document are not implemented in letters and spirits. The real essence of charter is vanishing with the passage of time due to the discussed facts in the research.

## Abdul Wali Khan: The Man and his Struggle

Anwar Ali\*

### ABSTRACT

*Abdul Wali Khan was born on January 11, 1917 in Utmanzai. He was the second son of the great Pakhtun leader and legendary freedom fighter, Khan Abdul Ghaffar Khan, popularly known as Baacha Khan. Wali Khan started his early education in Azad Islamia High School Utmanzai (AIHSU), founded by his father in 1921 to educate the Pakhtun children. Wali Khan was the first student of Azad School Utmanzai. During a raid on KKM office, a British army officer was going to stab him from the back side with his bayonet when a native soldier, named Sher Khan, came forward and took the bayonet thrust on his own hand. Thus Wali escaped narrowly a certain death and found a new life. The World War II broke out in Europe in 1939. Congress started the Quit India Movement. Due to this decision a well-organized movement was started in the then NWFP, presently named as Khyber Pakhtoonkhwa. Khan Abdul Wali Khan started his political career during this movement. In 1938, when Mr. Gandhi visited NWFP, Wali Khan had the privilege of driving his car. He took Mr. Gandhi round the whole province. During this visit he got the opportunity to see Gandhi very closely, understand his political philosophy and had long discussions with him. In 1964, Ayub Khan contacted Abdul Wali Khan and offered him the*

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*Chairmanship of P.I.D.C. and then a Ministry in his Cabinet. But Wali Khan not only declined the offer but also decided to oppose a dictator like Ayub Khan in the elections. In 1990, was after facing defeat by Moulvi Hassan Jan, he left active politics. Wali Khan breathed his last on January 26, 2006. This research has objective to highlight Wali Khan's political life. To achieve the desired objective, a scientific approach is based on empirical and descriptive methodology. Relevant material will be collected through secondary sources.*

### **Introduction**

Khan Abdul Wali Khan is a well-known name in the politics of Pakistan. He was born in Uthmanzai, Charsadda on January 11, 1917. He was the son of famous Pakhtoon nationalist leader Khan Abdul Ghafar Khan, also known as Bacha Khan. His father established Azad Islamia High School Uthmanzai in 1921. He got his early education in his school AIHSU.<sup>1</sup>

Khan Abdul Ghafar Khan became famous for his Khudayi Khidmatgar Movement (Servants of God). The British government was not happy from the politics of Bacha Khan and arrested him on December 17, 1921. He was sentenced three years jail under the black law FCR. During the imprisonment of Bacha Khan the students of AIHSU played active role in the mission of Khudayi Khidmatgar Movement. They secretly organized the meetings in mosques because there was complete ban on political meetings. Recitation of verses from Quran and then nationalist anthem with two other students Abdul Kareem and Sadat Khan in the AIHSU was the daily routine of Wali Khan. One day Wali Khan felt pain in one of his eyes. It was found that it suffered from fatal disease. At that time Bacha Khan was in prison and was extremely worried about the health of his son.<sup>2</sup> He tried to get information about the health of Wali Khan for a number of

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1 Y.K. Bangash. *The Express Tribune*. [Online] Available at: <http://tribune.com.pk/> (accessed September 14, 2016).

2 D.G. Tendulkar, 'Abdul Ghaffar Khan: Faith is a Battle, Popular Prakashan, Bombay', 1967, 349.

times because due to lack of attention Wali Khan did not have good health and even lost one of his eyes. Wali Khan could meet his father in Lahore. Bacha Khan became very sad and remained sad throughout his whole life for the eyes of his son. In 1924, Bacha Khan restarted his political meetings after getting released from the jail. He decided to inspect Azad Schools and know the condition and quality of education. During his inspections, Abdul Wali Khan, Abul Karim and Sadat Khan, the three brilliant students of AIHSU accompanied him. Wali Khan used to start every meeting with verses of the Holy Quran. They all used to sing national songs together and succeeded in creating Pakhtoon nationalist sentiments in the audience.

Every year, the annual day of the AIHSU was celebrated with great pomp and show. During that occasion a Pashto poetic gathering was held to throw light upon the famous pakhtoon warriors in poetic style. The organizers also staged a Pashto drama. The first 'Mushaera' in the history of Pashto literature was held on April 1927 at Utmanzai during the annual day of the AIHSU. The famous Pashto drama named 'Dre Yateeman' (Three Orphans) was also staged. Abdul Akbar Khan Akbar was the writer of the drama and was performed by the students of AIHSU<sup>3</sup>. Khan Abdul Wali Khan performed the role of the elder brother in the three orphans. It was the story of a poor family. The farmer was capture and sent to jail for not paying land. The police raid the house of the farmer and carried everything from the house. Even food was taken from the poor family. It was a very interesting drama and the audience became very emotional to see it. During the play when the younger brother in three orphans felt hunger and asked his elder brother to give him some food, an old man in the audience became so emotional and ran to the stage and gave money

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3 Tariq Rahman, *Language and politics in Pakistan*(Karachi: Oxford University Press, 2006), 112.

to the orphan. There was tears in the eyes of the old man and he said 'son do not weep, buy food for yourself'.<sup>4</sup>

"On April 23, 1930, Bacha Khan planned to attend a meeting of the local body of the Indian National Congress But he was arrested while he was at Nahaqe village on the main Peshawar Charsada road. The All India Congress asked the people to start a Civil Disobedience Movement. On that day people were protesting in a peaceful manner when army opened fire in the historic Qissa Khwani Bazar Peshawar. Hundreds of innocent people were killed and injured. Bacha Khan was again arrested and was given 3 years rigorous jail under the black law Frontier Crimes Regulation (FCR). The government had planned to terrorize the innocent Pakhtoons and After Baacha Khan's arrest the army raided the Utmanzai village of Charsada. The people were treated very badly. The main office of the followers of Bacha Khan was destroyed and burnt. The people present in the office were severely beaten and were dragged to the road. During the fight Wali Khan was busy in the office for a routine work. A soldier attacked Wali Khan from the back side with a knife when a personal guard soldier, named Sher Khan controlled the British soldier and took the knife from him. Wali Khan was saved from a certain death and was given a new life. After that Wali Khan bravely led the Pakhtoon nationalists and faced great hardships.

Bacha Khan was released from jail in 1931 after the signing of the Gandhi Irvin Pact. But Bacha Khan was arrested again in Peshawar on December 24, 1931 and was sent to the prison for another three years. In December 1934 he was released from the prison but his entry in the Punjab and NWFP provinces was banned. Bacha Khan decided to go to Wardah and stay with Gandhi. A function was arranged by a Christian society in Bombay and Bacha Khan addressed that function. He was arrested and the British government treated

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4 Erland Janson, "The Frontier Province, Khudai Khidmatgar and the Muslim League", in D.A Low. *Political Inheritance of Pakistan*, (Hong Kong: Macmillan, 1991), 196.

him very harshly as he was treated before. The government stopped the allowance of His children which was their legal right under the Bangal Regulation III of 1818. At his village Uthmanzai the farmers on his land were arrested by the Government officials and his income from the land was theft and distributed by others. As a result, Bacah Khan faced heavy financial loss. Due to shortage of money his elder son, Ghani Khan Baba came back from U.S.A in 1933 and could not complete his education. Wali Khan returned from Dera Dhun to manage his land and property. In a very little time he succeeded in improving the financial position of his family. His management qualities were very best and Bacha Khan became very happy to see it.

In a letter to his elder son Abdul Ghani Khan, Bacha Khan admired the honesty of Wali Khan. He said that you had also written about Wali to me and most of the people had the same view about Wali's honesty in the management of the property. But Bacha Khan did not believe in the honesty of Ghani Khan He told that the increase in income is due to Walikhan's better management.<sup>5</sup>

Bacha Khan told Ghani that it was also the reality that the prices were increased. Wali Khan was his sincere son and was given complete confidence to obey his father Bacha Khan. Bacha Khan wrote a letter to his son Walikhan on of August 15, 1935 from District Jail, Braille, Bacha Khan, swords to Wali Khan were "I always remember you in my prayers. Take care of your health and especially of your eyes. Always keep a good company of good friends and do good works. Try to keep yourself far away from bad people who are harmful for the society. Wali Khan is intelligent and guide him so that unlike Ghani, Ali Khan did not develop the bad habit of prodigality. On of October 25, 1935, Baacha Khan sent another letter from the same jail to Ghani and said, "Try to clear your misunderstanding about Wali, your accusations about Wali are totally baseless. Wali is a best brother that any person want to have. I know the affection

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5 Abdul Wali Khan, *Fact are Facts (Pashto)*, (Kubul: 1987), 137-38.

and the love he has for your best future. He asked the Ghani that how he had spent the money and in what manner Wali utilized it? In fact Wali takes my permission in every matter and acts what I say. You should follow Wali in your life.

### **Political life**

In the politics of India, a new time started after the election of Provincial Assemblies in 1937.<sup>6</sup> The All India Congress succeeded in making governments in eight provinces. In NWFP its alliance with the Khudai Khidmatgars proved successful and government was formed. In the meantime, the Second World War started in 1939. The political leaders of various political parties including congress made it clear that they would help the British government if the British government gives freedom to India after the end of the war. The British government rejected that demand of Congress. The leaders of Congress became very angry because they were sure that the British government would accept their demand of independence. They started the "Leave India Movement" the Indians of all religions and races were asked to join the movement and the Indian government servants were asked to leave their jobs. As a result of this decision a well-organized movement against the British government was started in NWFP. Wali Khan began his political life in this movement. His father was not there, so Wali Khan was responsible for his family matters. Mr. Gandhi came to NWFP for a tour in 1938, Wali Khan had the honour of driving the car in the entire tour of different places of NWFP. He took Mr. Gandhi in all parts the province. He got the chance to swatch Gandhi very closely, learn his political philosophy and had long dialogues with him. Wali Khan also visited the entire area of Karak in the extreme heat of summer in the month of Ramazan. In the tour he visited every village and tried to agree the people to come out and take part in the movement against the British.

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6 Adeel Khan, *Politics of Identity, Ethnic Nationalism and The State In Pakistan* (New Delhi: Sage Publications, 2005), 86.



The British government arrested Wali Khan for the first time and was sent to Dera Ismael Khan Jail in 1943. Pain started in one eye of Wali Khan in Jail, and the superintendent of Jail asked a doctor for treatment but Wali Khan's condition did not improve. The Governor, Sir George Cunningham was informed about the condition of Wali Khan and he ordered unconditional release of Wali Khan and arranged his treatment in Bombay. The Provincial Parliamentary Board of Congress decided to give ticket to Wali Khan for the seat of the Imperial Legislative Council for NWFP in 1945, but he refused and the ticket was awarded to his elder brother Abdul Ghani Khan. Again in the election of 1946, he was again selected for a ticket, but he again refused and said that it was the right of a senior worker.

After that he was suggested as a member of the all India Congress Committee. He was elected as Joint Secretary of the Congress in NWFP in 1947, and remained on both the posts till the partition of India in August 1947. However, when Pakistan came into being, Bacha Khan accepted Pakistan in the Constituent Assembly and addressed the assembly. The words of Bacha Khan were

I confess that I was against the division of India. It was my personal opinion that India should not be divided. But now the situation is new so we should finish our differences and work for our new country. Now our all energies will only be utilized for the service of our country. I want to make it clear to everyone that we want Pakistan to be a truly perfect Islamic state.

Khudai Khidmatgar organization was declared illegal in 1948. Bacha Khan and his sons, Abdul Ghani Khan, Abdul Wali Khan, Dr. Khan Sahib, Obaidullah, Amir Muhammad Khan Hoti and Qazi Attaullah Khan with thousands of workers were sent to Jails. Wali Khan was arrested from his home on June 15, 1948 and was sent to Haripur Jail.<sup>7</sup>

The treatment of government was so harsh with Abdul Wali Khan became special victim, all his properties including his

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7 Sayed Waqar Ali Shah, *Bacha Khan* tans. Urdu.(Peshawar: Bacha Khan Trust), 7-8.

home was confiscated on the name of the government. The police took away all the belongings from his home. The carrier of his daughter Parveen, was taken and she was thrown on the ground.

Wali Khan's wife died before giving birth to children on February 14, 1949. Wali Khan became very upset and sad. It was a great loss to him because he liked his wife very much. He was released from jail on bail but when the bail time was finished he was captured and sent to Much Jail. He was sent to many Jails in different parts of Pakistan during his imprisonment. The main reason was to torture him. He was set free in the last week of November 1953 from Haripur Jail. His total imprisonment was 5 years, 5 months and 5 days in different Jails.

He decided to marry again and when he was released he married Begum Naseem, the daughter of a very popular member of Khudai Khidmatgar Movement, Amir Mohammad Khan on November 22, 1954. Muhammad Ali Bogra, and latter Sikandar Mirza offered Wali Khan to join the government but he did not accepted and remained separate from the power. Bacha Khan was released from Jail in 1957. His active part in politics decreased because he was of the view that it was unfair to become politician in the presence of his father Bacha Khan. In 1958, Martial Law was imposed and Bacha Khan was arrested without any reason. It was very unfair. While addressing a public meeting Wali Khan asked the foreign minister Manzoor Qadir and the Interior Minister Khalid Sheikh to tell the reason for arresting his father Bacha Khan. The foreign minister M. Qadir replied that Bacha Khan was a powerful force and no government could accept the presence of another force. Therefore all forces should be finished except the state power. The instructions of the Government were clear and the workers Khudayi Khidmatgar Tehrik were beaten and disgraced. They were beaten like wild criminals. Due to that cruelty many workers and leaders died in jail. It was the time for Wali Khan to join active politics for the purpose protest and hinder the Government from treaty the Khudayi Khidmatgars

in such a harsh manner. When Arbab Sikandar Khan was not present Wali Khan was elected Provincial President of the National Awami Party (NAP).

Wali Khan started active politics and visited all corners of the province. He led a number of peaceful protests against the government. The main reason was to put pressure on the government to release the workers and members of their party. At last the Government was compelled to release all the workers and leaders of the National Awami Party (NAP) and also they were given back their confiscated properties. It was a land mark to launch such a successful campaign against a most powerful dictator Ayub Khan and compelled him to release their imprisoned members. Wali Khan was offered the chairmanship of P.I.D.C by Ayub Khan but he declined. Soon after he was offered portfolio in Cabinet, Wali Khan repeated his former words that he told to Mohammad Ali Bogra and Sikandar Mirza. Instead of accepting Ayub Khan he openly opposed him in the election. After getting elected as president of the NAP, he visited both parts of Pakistan. During his visit to East Pakistan he found that the people were not happy and there was a strong sense of deprivation in Bengal.<sup>8</sup>

The people of Pakistan stood against the military dictator Ayub Khan NAP was very active against the military dictator and as a reaction Wali Khan was arrested on November 13, 1968 and was sent to Sahiwal jail for imprisonment. Ayub Khan annulled the constitution of 1962 and declared Martial law. The government was given to Yahya Khan in 1969. When Yahya Khan got the power he announced general elections. All the nationalist parties of West Pakistan launched a movement against the One Unit which was made against their regional interests. An Anti-One Unit Front was established.

National Awami Party opposed military operation in East Pakistan. The leaders of NAP were of the view that

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8 Muhammad Farooqu Qureishi, *Wali Khan aur Qarar Dad-e-Pakistan*(Lahore: Maktab-e-Fikrwa Danish, 1987), 67-68.

operation could not be launched against the citizens of Pakistan and war is not the solution of the crises. NAP showed a big reaction to the operation and as a result NAP was banned. It was November 26, 1971. Yahya Khan was responsible for that ban. When Z.A Bhutto became the PM of Pakistan he left ban on NAP. Bhutto was a wise leader and knew the importance of nationalist parties. When Pakistan was disintegrated in 1971 due to the result of the biased policies of the rulers Bhutto wanted to establish the state a. Abdul Wali Khan appreciated Bhutto's speech and offered full unconditional support to his government. Bhutto also inspired from the attitude and foresightedness of Wali Khan and he invited Wali Khan for political dialogue. A new chapter of good relation began between PPP and NAP in which NAP gave all kind of full and honest support to the PPP government. NAP played a very important role in the constitution making process. When Bhutto consolidated his government he changed his policy towards NAP and the golden period of relationship between PPP and NAD proved very short lived. Bhutto make no contact with NAP in selecting the governors of NWFP and Balochistan. Another reason of differences between the PPP and the NAP was the personal activities of Bhutto, which he adopted to establish his party in NWFP and Baluchistan. PPP was defeated in NWFP and Balochistan in 1970 elections. In February,<sup>9</sup> 1973 Bhutto dissolved the government of the NAP and JUI in Balochistan. After the introduction and establishment of the UDF the temperature in political atmosphere of the country started increasing once again. The workers of PPP attacked the meeting of NAP in Liaquat Bagh in at least twenty members of NAP were martyred. However, Wali Khan remained stood against the dictatorial style of Zulfikar Ali Bhutto. He played the role of opposition

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9 Mukulika Banirjee, 'The Pathan Unarmed', (Karachi: Oxford University Press, 2000), 48.

leader in the National Assembly very honestly. He proved himself the best and most intelligent politician.<sup>10</sup>

Wali Khan opposed Bhutto on the floor of assembly. He tried to throw light upon the dangerous policies of Bhutto. Wali Khan told the people that Bhutto and Pakistan could not go together. He explained the policies of Bhutto one by one with detail. He also asked the leaders of PPP to replace Bhutto with another leader and save not only PPP but also Pakistan from the cruel policies of Bhutto. Wali Khan said that the only motive of Bhutto was to consolidate his own government and party. The policy of Bhutto towards the nationalist parties was biased.

The reaction of government was very bad and a planned propaganda was started against Wali Khan and his family. They were declared anti-Pakistan and anti-Islam, pro India, pro Afghanistan, pro USSR etc. the card of Islam was fully utilized against Wali Khan. Wali Khan was declared a traitor. Interestingly, an American female journalist, when heard the speech of Bhutto, came near to Wali Khan and said, "Mr. Opposition Leader! You are certainly the busiest person of this country because according to the Prime Minister, you are, simultaneously, the agent of several countries".<sup>11</sup> A government sponsored poisonous propaganda was extended by the PPP throughout the country to defame Wali Khan. He was declared as an enemy of Islam, anti-Pakistan and a traitor. The personality of Wali Khan was targeted with some serious accusations that the general public was deliberately confused. But even then the Bhutto government failed to prosecute Wali Khan in public. For this purpose the Political Parties Act 1962 was amended and the government was empowered to ban any political party if it is against Pakistan. This amendment malafidely made to get rid of Wali Khan and ANP. According to the basic words of the Act, if

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10 Ahmad *Khudai Khidmatgar Tehreek. Vol.II.* (Peshawar: University Book Agency, 1996), 46-47.

11 Daulatzai "A Leap of Faith: Thoughts on Secularistic Practices and Progressive Politics.". *International Social Science Journal*, Volume 56, (2004).

the government feels it necessary the activities of a political party illegal it has to send a reference against the party with evidences to the supreme court of Pakistan. But the amendment empowered the government to put ban on any political organization and after that send a reference against it to the court for its confirmation. The only purpose of the amendment was that Mr. Bhutto needed to get rid of the NAP and its leaders in a less time. On Feb. 7, 1975, Hayat Muhammad Khan Sherpaoa federal minister and president of the PPP (NWFP), was killed in an explosion in a ceremony in History Department of the Hayat Muhammad Khan Sherpao of Peshawar University.

Wali Khan and his supporters were accused and were arrested when Wali Khan was on the way to attend the funeral procession of Hayat Mohammad Khan Sherpao. NAP was declared unlawful party and their offices were closed. Their funds were frozen and record was destroyed. Then the government prepared a detailed reference against Wali Khan and NAP. It was a biased references. The government also tried to prove NAP as anti-Pakistan party.

A special tribunal was constituted to hold trials of high treason cases against Wali Khan and his fifty eight followers inside the Hyderabad jail. This trial is known as "Hyderabad Conspiracy Case", in which Wali Khan was the main accused. The first hearing of the case was held on May 10, 1976. There were about 400 witnesses in the case. The government was trying to create legal complications through its lawyers to give length to the trial. In eighteen months only 22 witnesses were brought. Wali Khan appealed to the court to decide the case because if the case is continued in such a slow process it could take decades and then both Wali Khan and Bhutto would not be alive. But the circumstances changed suddenly and on July 5, 1977 army under General Zia ul Haq led a *coup de etat* and the government of Bhutto was removed and the control was taken by Gen Zia. General Zia ul Haq met Wali Khan in Hyderabad jail. All the cases against the NAP leaders were withdrawn after few days all of them were released. Wali Khan was released from

Hyderabad jail and was brought to Peshawar in a special plane. All the cases against him were finished. He and his father, Bacha Khan, were declared patriot citizens of Pakistan.<sup>12</sup>

But the relation between General Zia became bad when the military government started using delaying tactics and postponed the elections twice. Wali Khan started criticizing the government. The government in a bid to win this support even offered Prime Minister slot to Wali Khan through a former governor of NWFP, the late General (retired) Fazal Haq but Wali Khan refused. He did not want to become prime minister by unconstitutional manner.<sup>13</sup> Abdul Wali Khan was a man of principles and he was always worried about the political condition of Pakhtoon nation. He always sacrificed his personal interests for national interests. The NAP and personality of Abdul Wali Khan were specially targeted. But he did not lose heart. He criticized the military dictator very boldly. In fact Wali Khan was the first leader to speak against the rule of Gen. Zia. The government of PPP specially targeted the ANP but when the leaders and workers of PPP were targeted by Zia, Wali Khan forgot all his differences with PPP and appealed to all political parties to work for the restoration of democracy. For this purpose an alliance for the restoration of democracy was made in February 1981. Wali Khan became the president of NAP in 1984 when Sher Baz Mazari was removed. He was an active person so he gave more time to the party.

Four political parties including National Democratic Party (NDP), the Pakistan National Party (PNP), the Mazdoor Kissan Party (Afzal Bangash Group) and the Awami Tehrik merged and made a new party named Awami National Party. Abdul Wali Khan became the first president of ANP. Wali Khan was elected the president of ANP once again but unopposed. In 1988 Gen. Zia was killed in an air blast and

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12 Khan Abdul Wali Khan, *Rekhtiya Rekhtiya Dei* [Facts are Facts] *op cit.*, 142-144.

13 Bacha Khan, *My Life and Struggle*. 143-145.

elections were held in which ANP participated. The poor performance of ANP was revived and Wali Khan worked day and night for the uplift of the Pakhtoon nation and ANP. He rendered all kinds of services very honestly. Majority of the leaders of PML were the product of military dictatorship so ANP decided to support PPP and a coalition government was made by ANP and PPP in NWFP.<sup>14</sup> In the NWFP the ANP formed a coalition government with the PPP. ANP never supported military rule in Pakistan. They opposed dictatorship in all national and international forums.

Wali Khan was a brave politician He always adopted realistic approach. He believed in progressive politics. The development of Pakhtoon nation was his main purpose. He led the Pakhtoon nation from the front in difficult times. He was a true leader and always believed in honesty and principles.<sup>15</sup>

### **His Books**

#### ***Rekhtia Rekhtia Di (Facts are Facts)***

It is the first book of Wali Khan in which he has briefly explained the role of Bacha Khan and Congress in the partition and division of India. He has tried to explain the reality on the basis of his personal experience and research. According to Wali Khan the leadership of Muslim League was working on the instructions of British government. For this purpose he faced great difficulties to get record from the office Library in London. The negative role of certain elites and religious persons was shown to the world by him in that book. People blindly followed those elites and religious leaders and had declared them patriots. The book of Wali Khan has proved that they were the real agents of the British rulers. The Afghanistan government published the book in 1987. It was translated into Urdu by Zahid Khan. It was translated into English by Aziz Siddique. Vikas publishers published its English translation completed by Dr. Syeda

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14 Sayed, Wiqar Ali. *Ethnicity, Islam, and Nationalism*, (Karachi: Oxford University Press, 1999), 29.

15 Janson, 'The Frontier Province', 198-199.



Saiyidain Hameed in Vikas Publishing House New Delhi (India) in 1990.

***Asal Haqayaq Yeh Hain (These are the Real Facts).***

Shabal Publications published this book in Urdu in Karachi in 1988. The statement of Wali Khan against the reference of Bhutto government is briefly explained in this book. In this statement Wali Khan presents a detailed summary of the role of his family during the freedom movement against the British. He has given strong and fact based answers to those who had made baseless propaganda against him during various governments. The book also contains his interviews which are very useful for those who are interested in the study of Pakistani politics. It contains very reliable information for the students of Political Science.<sup>16</sup>

***Bacha Khan Aw Khudayi Khedmatgari (Bacha Khan and the Service of God)***

This book consists of three volumes. A brief history of the political developments took place in NWFP with special reference to the politics of all India (from 1833 to 1947) and international policies of the colonialist British state is explained in detail in this book. It is a very useful and reliable book written after a great research.

In this book Wali Khan has thrown light upon the role of Khudayi Khidmagars in creating awareness among the Pakhtoon nation against the slavery of the British imperialist power. The last part of the book also contains the text of the treaty signed by the British Government, Maharaja Ranjeet Singh and Shah Shujaa of Afghanistan in 1938. The second part of the book was published in 1995. The book includes the anti-human policies of the successive governments in Pakistan the nationalist political parties. The Khudayi Khidmatars were specially targeted. The political condition of the nationalists after the division of India has briefly explained in this book. The book also points out the wrong

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16 Dawn. [Online] Available at: <http://www.dawn.com/news> (accessed September 9, 2016).

policies of the government which divided Pakistan into two parts.<sup>17</sup>

Wali Khan has also great interest in Pashto literature. He had a big knowledge of Pashto literature. He was imprisoned in 1943 and he made a good contribution to the Pashto literature by writing 900 tapas. He gave that to the Pashto Academy of the University of Peshawar. These tapas were written by Wali Khan in his own writing and can easily be found even today in the library of Pashto Academy. Ms. Salma Shaheen, Research Associate in the Pashto Academy, has included these tapas in her book *Rohi Sandare* which was published by Pashto Academy in 1984.<sup>18</sup> Wali Khan discovered another unknown Pashto book "*Da PakhtunKhwa Da Sher Har-o-Baha*", "The Beauty of the Poetry of PakhtunKhwa" written by James Darmister. Wali Khan had found this book in London, brought it to Pakistan, and gifted it to the Pashto Academy University of Peshawar.

### Conclusion

Bacha Khan was one of the most influential politicians of the 20<sup>th</sup> century. He was among those very few persons who wanted a social revolution, humanity, political awareness, national unity any consciousness among Pakhtoons. He wanted the end of slavery from the British masters and faced many hardships in that struggle. To give practical shape to his idea, Bacha Khan formed a social organization named *Anjuman Islahul Afaghina* in the third decade of the 20th century. After some years that social organization was named as Khudai Khidmatgar Movement, which directly fought with the colonial masters and after the division of India, with different biased governments of Pakistan.<sup>19</sup>

The family of Bacha Khan was a political family and always worked for the cause of Pakhtoons. They faced great

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17 S. W. A Shah. "Qissa Khwani" Available at: [www.Qissakhwani.com](http://www.Qissakhwani.com) (accessed August 10, 2016).

18 Sayed Waqar Ali Shah, 'Bacha Khan', *op.cit.*, 31.

19 Khan, *Fact are Facts* (Pashto), (Kubul, 1987), 134-35.

hardships in their struggle most of the life of Bacha passed in Jails. His family was a political family so they produced some great politicians and Khan Abdul Wali Khan was one of them. Abdul Wali Khan is one of the most brightening stars of his family. He was a role model for the nationalist leaders of the entire Pakhtoon built. He was the alternative of Bacha Khan. Abdul Wali Khan said that he was proud of the role of his father during the freedom movement of the sub-continent. Wali Khan started active politics from the platform of the Khudai Khedmatgar Movement in 1942. For the first time he was imprisoned during the Quit India Movement. In a very short time due to his intelligence he got the membership of the Provincial Congress Committee and was also appointed as Joint Secretary in the provincial organization of the party. He remained Joint Secretary till the partition of India in 1947.

Bacha Khan and his family had ideological differences with Muslim League about the division of India. They were of the view that India should remain united as was before the 1857 war. Before and after the partition the family of Bacha Khan was targeted and put into prison a number of times. Abdul Wali Khan was also not spared. He and his political companions were imprisoned under an ordinance, which was issued one week after their arrest. In a country, which had got independence in the name of Islam, the Khudai Khidmatgars members were imprisoned without any trial for six years and were not given the right of appeal against their illegal detention in any court of Pakistan. In 1954, Abdul Wali Khan was the first among his companions who was set free on the orders of the Federal Court of Pakistan) after the expiry of the term of his imprisonment. After that his political democracy, human rights, equal distribution of national resources, elimination of oppression, suppression of the voice of the oppressed, end to the exploitation of poor masses by their masters, stand against dictatorships, end to deprivation, cause of Pakhtoons and all kind of fight against the social, economic and political injustices in the name of Islam in Pakistan.

## War of 1971: Narratives of Separation, Migration and Crossing of Border in Tharparkar, Sindh

Vikram Das Meghwar\*  
Dr. Nadeem Rao Alam\* \*

### ABSTRACT

*This research is about narrative of people of Thar during the war of 1971 between Pakistan and India. The aim of this research paper is to highlight the problems and miseries they suffered during the war. Furthermore, this paper highlights how they faced the miseries and problems of war and how they narrate the past. For this research, narrative methodology is applied. Data were collected through in-depth interviews, informal discussions and secondary data were also taken to support the research. To analyze the data, constructive qualitative research methodology was use. Thick description was also applied to understand the context and meaning. Data were generalized on the basis of three case narratives and general observation of the researcher. These three case narratives and observation tried to depict the miserable situation during and after the war. Migration, separation of relatives, broken of kinship relationship, changing of identity and nationality, and Hindu*

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*Muslim harmony during war has also been highlighted. However, it has also been discussed that how they supported each other during and after war. Furthermore study also highlights that how that situation influenced their culture, especially the language. Some phrases and words were also analyzed that how they are using in their daily life.*

### **Introduction**

This narrative research highlights the issues and problems faced by the people of Tharparkar during war of 1971. During and after the war attendant ethnic, religious trouble and aggression, and the exchange of populations, there was a clear prominence on two forms of detection as well as on the moment of partition as socio-political and national split. One were either Hindus or Muslims migrated towards India or to Pakistan. While this was indeed the dominant oratory of the time, such a perspective occludes those who lived in territories that were immediately affected by the partition.<sup>1</sup>

The study is based on descriptive-narrative research; through which multiple interviews were conducted with the respondent who faced it. The objective of the study was analyse agony of those who faced the event and the way they narrate that event. Research highlighted the war narratives including farness, migration, separation of relatives and break down of kinship relation, sadness, trauma and other issues. Study also depicted Hindu-Muslim village harmony as well as enmity due to being Hindu and Muslims. Furthermore study discusses the process of making of Indian border and its impact as a big barrier which splited relatives.

For this research I tried to apply “thick description”<sup>2</sup> Through which data is analyzed with in context and also tried to report findings in thick description.

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1 F. Ibrahim. “Defining a Border: Harijan Migrants and the State in Kachchh”. *Economic and Political Weekly*, Vol. 40, No. 16, (2005), 1623-1630.

2 C. Geertz *The interpretation of cultures*. (New York: Basic Books Publishers, 1973).

## Methodology

For this narrative research in-depth interviews were conducted in the area under study. Respondents were selected from both Hindus and Muslims. This research is based on thick description of single case. Additionally, researcher is also part of same area, in the desert people tell their stories, their problems, fairy-tales, so story telling is part of their culture and source of entertainment. The data also includes about the narrative of war as told by their parents and grandparents. During literature review very little amount of anthropological narrative research was available. Regarding narrative research mostly conducted in education Clandinin & Connelly and Shkedi side.

## Literature Review

According to Webb-Mitchell,<sup>3</sup> man is born with the 'ability and desire to express and receive stories' One of the most basic human actions in the existence of man is to tell, interpret, and discuss the interpretation, as stories Narrative is essential in understanding human life for all that we are, and all that we do, and all that we think and feel is based upon stories; these stories can be in the form of personal as well as community. John Rodden focused on how do stories convinces, according to him story of our lives is a central part of our self-talk and of the conversations about us. We live our lives as stories? Or as "narratives,". Story may be the person who is telling, it may be narrative of any culture or community.

Hermans and Hermans and Jansen<sup>4</sup> are convinced that humans of all times and culture used narrative as a basic method to organize their experiences and give meaning to their lives. A current study is very much related with above arguments because people of the desert used narrative in

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3 R. Webb-Mitchell *The Phenomenological Heritage: Dialogues with Contemporary Continental Thinkers*. (Manchester: Manchester University Press, 1995).

4 H.J.M Hermans and E. Hermans-Jansen *Self-Narrative: The Construction of Meaning in Psychotherapy* (New York: Guilford: 1995).

their daily life, events, and their experience are organized in a dense manner. Case narrative, in this study showed that experience of war and in war other sad full experience become the way of telling to their generations. These three case narratives are in full dense of sorrows, pain, trauma of separation of relatives, bordering between the land and miseries of their relatives they faced.

“Sarbin (1986) describes this as “a way of organizing episodes, action and accounts of action in time and space”. These stories of war are in episode people telling like a movie. During the research they were telling like a current event. They told me in their native context regarding caring of time and space of the event. Two kinds of trauma happened in war, one is trauma of victim and another is trauma of the perpetrator. They include wound, torture, rape, injuries, beaten and worst horror killing and other psychological influence.<sup>5</sup>

In the vast literature on partition studies, the attendant ethnic, religious trouble and aggression, and the exchange of populations, there is clear emphasis on two forms of identification as well as on the moment of partition as national, political and social split. One was either a Hindu or a Muslim, moving therefore either to India or to Pakistan. This was the dominant narrative of that time; such a perception occludes those who lived in territories that were immediately affected by the partition.<sup>6</sup>

Natural, social as well as human made crises always remain their influence on their culture. The war of 1971 between Pakistan and India influenced very much on the area under study. If we analysis a Dhatk phrase “*India ukre gya*”. It means they crossed the Indian border which still used on their daily life.

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5 D.W. Paxson. Retrieved from Dana Saxson studio website: <http://www.danapaxsonstudio.com>.

6 Ibrahim. “Defining a Border: Harijan Migrants and the State in Kachchh”

### **Introduction of locale**

Tharparkar district is located in south–eastern side of Sindh province in Pakistan. It has a common border with Indian Rajasthan state. In 1971, during war between India and Pakistan, half area of the district was conquered by Indian army. Before the war of 1971 there was no border but it was frontier. In Tharparkar, both Hindu and Muslim communities are living since centuries. The war created many disturbance and miserable situation and changed the history and culture of the area. After the war crossing border banned and metal wire separated the Rajasthan and Thar.

### **Starting of war**

According to respondents, before the start of war we had no information of the war. At that time Radio is the only source of news. If someone who came from near town we concerned for update or news. In our village only few peoples had the Radio. Bhojo mal Meghwar told that in only one villager had radio at that time. After three or four days we knew about war and people feared more as they knew about the war.

### **Three Case Narratives**

#### **Tekam Meghwar from Village Mehari Bajeer**

Before the beginning of the war we had no information of the war. At that time Radio was the only source of news. If someone came from near town could provide updates or news. In our village only few people had the Radio. Before the war my brother and sister married from the village near to the border. There is custom in our culture that after marriage brother or relatives of the bride will bring the brideback to her village. So my brother did not go with them and we decided that he will go after three or four days. Suddenly, war of 1971 started. In the war, migration near border areas started. Hindus went towards Hindu majority areas and Muslim went towards majority of Muslims. My sister and sister-in-law with their families India *Ukre gaya* (crossed the Indian border) and we were at the centre of



district and went to nearest town and came back after the end of war. At that time, still Indian forces were in Pakistani areas as they were their conquered regions. We were not allowed going near to border or to cross it. So our relatives separated from us forever and we were in the situation of sorrows and thinking that what will happened to them in war on that side because Muslims coming from India were doing bad with Hindus, because we were listening that their women were being raped, snatched their jewellery and in some villages their homes were burnt by Muslims. Same kind of stories was narrated by Muslims. Our families like others were crying with deep sorrows. In the end of war and Indians were forces back to border and after few years India made a border with metal wire. We were in deep sorrows because on the death of relatives someone can accept the reality but when you lost a person alive the sorrow will be with you forever. Time passed in sorrows and deep pain. I got married and my others brothers also married then my parents were died after few years of war. After thirty years, recently when phone facility came in Tharparkar and this facility also got by our villager. In our district some people got relative contact from India or if someone comes from India people ask from them about their relatives. We also did that but nobody told anything about them. Once two Tharis went to India to meet their relatives and fortunately they met my sister. She asked about us and they gave our village phone number and my sister called us, we were happy that our relative still are alive. We talked her and her family. She asked about everyone and wanted to talk with Amman and Abba at that time. I could not stop tears gave phone call to my wife. She told indirectly her that they are sleeping but she did not understand so again she asked from my wife and my wife told her and her family that they have passed away ten years ago, she bore this pain with quite difficulty. We also asked her about her husband, she informed about his death. we were happy at the contact with her and same time we went into the deep sorrows. Again we wanted to ask about my sister in law and she said that we waited lot and then we married here again. Still we did not meet them they are also

poor and we too and even we did not know how can we go there and meet with them. I wanted to see her again, for me she died and gave birth again and I and my family wanted to see her like any died and then he alive. So once I will go and meet with her if both of us alive. My brother didn't marry again and waited for her a lot that he became so old and due to his old age no one was accepting him for the marriage with their daughter. And finally he died from the sorrow of separation of his wife and sister. For us 1971 war was a dooms day which separated us from our family members.

### **Secondary Data Researcher observation**

Respondent started story that that is an old event and I lost many things as I grew older. When he told story of separation of his sister he could not stop tears and his voice become slow.

### **Kamal from Khaku gi Dhani**

Kamla wife of Kamal, she is about 65 year old. During war she had one child. We were living a happy life. Suddenly war started; Muslims were migrating towards Muslim majority areas. We did not know at that time that what will happen in war, Muslims coming from Indian border and nearest to our Hamlet, they said to my father-in-Law that we will snatch your daughters, your property documents of your lands and dug well. Because they knew us that they are rich at that time we had lot of goats, sheep, cows and camels and we had also lot of stored food for us include Bajra, kidney bean and other crop of Thar and stored food for livestock. After regular warnings from Muslims we decided to migrate towards India because we feared that we have young daughters. We took the documents of our lands and dug well and tied it by my father in law on his chest. My fathers in law dig one trench where we hold our crop and covered it with our blankets and clothes and then put grass on it. We dig another small trench where we put our jewellery and ornaments. Just weeping and crying that what will happened to our other relatives and now we are going to separate from our land hamlets. One night we sent our younger daughters

and niece towards India with cousin of my Husbands. My husband's remained here in our hamlet. My father in law and our neighbour at second night made plan to leave hamlet now. we were going to cross the borders and finally we crossed the border after long riding of camels and tired lot due to fear, pain, trauma and riding. Second day we reached at one Indian village of District Barmer where we sent our young girls. Where one Indian gave us shelter and we lived there for more than two years. In that village we were new and were refugees. We had nothing to eat. In that village one truck came daily and distributed us food include pulses, rice, oil, sugar and flour. If they did not provide us food then we surely would be dead because we were already half dead. In India, I also gave birth to my son after three months of migration, before that I had only one daughter. My sister in law married in India after one year. After the end of War and peace in area we decided to come back to our hamlet. Because my husband and other relatives were there, lands and livestock were there. After completing two years we are coming back from India, my husband met with us fortunately in one of the village in Pakistan. Our neighbours congratulated him that you had born a son at that time my son was almost 2 years old. My daughter was four or five years old at that time and she met with her father after long time. Then we reached at home and many thanked to Bhagwan and said that god may not entrap an enemy into such type of miserable situations. (*Ahra denh bhagwan mahanja dumnan na b na day*). My husband had also faced many miserable conditions here in our village because they Muslims blamed on my husband that he had burnt our homes, so they warned my husband that we will kill you. Due to this he was afraid from them and was living in one Muslim home at day time. At night he goes to jungle and from there he also visited our home, whether safe or somebody occupied it. He also cares livestock. Our half of the livestock was stolen by Muslims. Once my husband was went to see the herds, our enemies saw him and run behind him and he saved his life in one of the big hole of animals in ground. Due to plants and grass they did not saw him.

After reaching home we met with our relative and went their villages and we were happy at that time. After few days I went to my parent's home. I was very happy I shared my miseries to my parents and relatives in my paternal village they also shared their stories.

We were also sad and in pain because my sister in law married in India and then crossing border was banned. She remains there and we never meet her after marriage. After few years they contacted us through letter we also sent letters to her family. Once her son came here in our hamlet, but nobody went there. We remember her always and miss her in on the occasion of marriage, deaths and festivals. She also missed us lot and remain lonely. She was lonely in India because her parent's family and other relatives were here in Pakistan. Her son told us that she always remember you all and always remained sad. She died three year ago, we were very sad on her death and pain remains always in our heart that we never meet with her after marriage. After the death of my sister in law, my granddaughter born and we decided to give her the name of my sister in law for the remembrance.

### **Secondary Data / Researcher observation**

Respondent kamla is old and she is also disabled. She started story with phrase that we faced many problems like droughts and diseases but war (Harras) was a big event in my life. I feared a lot I cannot tell you how much I was feared. When she started story and talked about migration she started weeping but she did not stopped to tell story. Again and again when she describes sorrows again started weeping and cleaning her tears with her *Chunri or Dupata*. She mostly wept during describing the migration, warning from Muslims, separation of sister in law. During the end of interview she told that we faced many problems if these type of problems faced nowadays generation, surly they would died in fear, she pointed to her daughter in law).

### **Story of *Bhojo Meghwar* from Village Mehari Bajeer**

Bhojo Mal Meghwar is 65 year old. I was young at the time of war. We were living in our village and were really poor and were the farmers of Muslims and relations with our Muslims villagers were good. When Indian force burnt Muslims villages and forced them to migrate towards Muslims majority. Indian army did not force to Hindus because they were also Hindus. But Muslims who were coming from Indian border were angry because they were being tortured by Indian army. They did not fought with Indian army but they take revenge from Hindus in some villages. They snatched gold and silver from Hindus and also some rape case were happened with Hindus. Indian army also raped Muslim women in some villages. During war we migrated to nearest town Islamkot, where majority were Hindus and still are in majority. We had feared from Muslims who were coming from Indian border. We told our women that if Muslims came from Indian border and enter to our homes you don't do *pardah* or *gonghat* from them because if they did so then they would easily understand that they are Hindus. Our Muslims villagers also guided their women that how to behave with the Indian army. When Muslim women saw Indian army they did *pardah* or *gonghat* and they understand as a Hindus. So we both Hindus and Muslims care themselves. One Muslim came to the main entrance of our home and my mother went outside and told him we are Muslim and she does not cover her face and he run away. After five or six days we went to Islamkot and left our homes. We dig small dug and put our ornaments and putted on it some rough branches of trees. Indian army came in Islamkot and fired on post office and police station and someone told that this is Hindus city then they went forward. After war fear remain till two to three years. After three or four month I got married, at that time situation was worse people came from border area were taking revenge from Hindu, because they were linking us with India and Indian army. We did not celebrate my marriage as we as we planned. During my

Janch, we went with our Muslim Patel. Because we were fearing from other Displaced (Mahajar) Muslims.

### **Secondary Data Researcher Observation**

Bhojo started his narrative of war proudly, he was telling me story and was also smoking Beri (Pan ji beeri). He did not weep during telling the story. Some time he lost was telling story not chronically but again he repeating and telling the story chronically).

### ***Harras***

*Harras* is word which mean fears, the event which will be happen but no ideas what types of dangerous situation will be happen. The *Harras* used in three multiple cases which cover the fear, migration, torture, or event of war. Nowadays this word is also used in the Dhatki language to describe the fearful phenomenon. This is also used if someone do quick work, in that people use work slow we have no *Harras*.

### **India *ukre gia* (Migration)**

In war migration occurred from both side of the Pak-India border. Hindus migrated towards Hindus majority areas such as Barmer, Jodhpur, Kachh Bhuj, Bikaner, Ahmedabad, Jaipure. In that events mostly migrated toward Rajasthan. Whereas Muslims migrated towards the Centre of Tharparkar includes Mithi, Islamkot, Diplo and Chhachhro. Some also lived in Umerkot. The event of war still influenced on local culture and in language. The Dahtki Dialect *India ukre gia* means crossed the border. This phrase used when people were migrated and when they were talking about their relatives and saying that they crossed the border. This event passed the two generation it was horrible event and it influence remain still. This phrase when used by respondents, their tear come down and voice become slowed. But they gradually maintain rhythm of telling the story. The phrase still used in their daily life just like I am here not going to cross the border. Crossing of border of relatives is big and horrible event which cause sorrow and pain in their heart.

India ukre gia still used when some in say that I am in thar not I *india ukre gaya*. If women angry from their parents she used like phrase like them that for me parents *india ukre gia*. She also gave example of those women her parents migrated to India. If these women are surviving I will also survive without you.

### **Separation of relatives**

Separation of event during the war was horrible event for the people of Tharparkar. As told by respondent that if someone died we accept the reality. But if relative who lost and never see again in life is horrible and the pain of lost of relatives remains forever. In these three multiple case narratives separations of relatives create deep sorrows for relatives, neighbours and also for villagers. If generalize these case narratives within the same areas and same population in Tharparkar where war directly affected and migration occurred. So in the area many people migrated towards India. Those who remain in Pakistan, their relatives migrated and they also faced same or more pain and sorrow on the separation of relatives. If we see the narrative of Tekam Meghwar, his relatives never meet after the war. So these types of case happened in the area and people faced lot miserable and horrible situation in the war and after the end of war. In Tharparkar majority of the population is Dalits or Schedule castes and they faced lot miserable and horrible situation during the war.

### **Breakdown of Kinship**

As I observed and concluded from narratives, due to war kinship system breakdown, in Tharparkar Hindus Dalits castes married from another relatives who must not belongs nearest blood relation or from their sub castes or *nukh*. So in the area Dalit married outside the village. Before the war, people from centre of the district they are belonging through marriage or affinity bond. Suddenly war happened and Hindus who were nearest to border went towards Indian side. This trauma had broken the kinship, affinity and

marriages and engagement bonds. According to respondents these types of sorrows, pain remain forever.

### **War changed nationalism and identity.**

During war people migrated from both side of border, this event changed the whole dimension of the area, include nationalism and identity. People who migrated towards India, they become called as *Dhati, Parkari*<sup>7</sup> or sometimes they being called as *Mohajirs* which mean people migrated from another region. People who came from India and from frontier side they become *Mahjirs*. People when they were in their villages they were called as *asli rahakoo* (native). There is narrative about Muslims Mahjirs that they were not rich before the war. after war they were coming from frontier side and they snatched silver and golden ornaments from Hindus native who were migrating towards India. Furthermore war of 1971 changed nationalism and patriotism people who came from India either Muslims or Hindus; mostly were Muslims they become Pakistani and Hindus who migrated towards India become Indian. Interestingly this war created a chance of migration to those people who were interested to migrate India or Pakistan.<sup>8</sup> So some people migrated due to fear and cruelty where as others came through their interest and security.

### **Hindu-Muslims harmony during War**

According to respondents and my general observation being a native and being a researcher. There are two perspective regarding Hindus and Muslims Harmony. One is I found from Bhojo mal Meghwar story that local Muslims supported during war and after the situation of war. As he said that our Muslims villagers saved us from Muslims who were coming from frontier side. They told us that you follow a code of Muslims regarding dress pattern and language. After the end of war, when Indian forces return back from conquered area after Dialogue between Indo-Pak (Khan, 1984) Muslims

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7 Ibrahim. "Defining a Border: Harijan Migrants and the State in Kachchh".

8 Ibrahim. "Defining a Border: Harijan Migrants and the State in Kachchh"



villagers supported to Hindus. Hindus villagers also supported to Muslims when Indian forces came in their villages, they called Indian forces that they are Hindus. According to respondents Muslims also followed Hindu dress pattern, language and *Gonghut*. Another narrative as I found from case narrative of Kamla and from my general observation and learning that Hindus who were migrating towards India they had also snatched their precious ornaments and in some places Hindus also warned to Muslims that we were snatch your girls. Muslims who were coming from frontier towards central Thari, they also snatched jewellery, livestock and in some places rape case were happened. Indian army also burnet Muslims homes during the war. One of the respondents reported that Indian army also abuses to Muslims and raped their women and young girls.

### **Three Narratives and Generalization of the Event**

During my research I conducted three case narratives these are not enough to generalization, on multiple case narratives we needs to more than ten case narratives (Shkedi, 2005). But on my observations being a native and part of Tharparkar. This past horrible is dominant oral legend and I learned from my villagers and elders. This event also used to tell by my Grandparents and uncles.

This war fought 42 years ago (in 1971), people of the Tharparkar remembers as event which happened just like in recent past. War wounded, physically, emotionally, psychological and great influence on their culture and language. As told by one narrates that fear during war completely made us die and during, after and before the war they thought that what will happen?

Still they used phrases and words in their language. For instance *India ukre gia, Harras*, etc. as I observed their emotions during they were narrating their horrible event of life tear came into eyes, their voices become slow. One of the narrate told *Allah aouhra dukhya den mahnjan*

*dushman na bn dae* that type of event/days should not come into my enemies.

Separation of relative was a very horrible, the war away from their near ones. Making of metal border and banned to cross and meet with them. They never meet again with their relatives. On the festivals, marriages or relatives death they missed them very much. Mostly of the people tried to found their relatives after long time. People who were rich, they went to meet with their relative and also from India side people also visited their relatives but poor people due to illiteracy and poverty never meet again with their relatives.

### **Conclusion**

This research is about narratives of the people of Tharparkar, Sindh about the war fought between India and Pakistan in 1971. The main objective of this narrative study is to highlights the problems and miseries of Tharis during and after the war, that how they faced they faced horrible situation and how there are narrating the past legend. For this research, narrative methodology is applied. Data was conducted through in-depth interviews and informal discussion and secondary data was also taken to support the research. To analysis the data constructive qualitative research methodology and Thick description were applied to understand the context and meaning. Data were generalized on the basis of three case narratives and on the basis of general observation of the researcher. These three case narratives and observation tried to depict the miserable, horrible situation during the war and after. Migration, separation of relatives, broken of kinship relationship, broken and changing of identity and Hindu Muslims harmony during war also highlighted, how they supported to each other during and after war were also highlighted.

Furthermore studies also highlighted that how these horrible, painful, sorrowful and horrible situation influences on their culture and specially language. Some phrases and words were also analyzed that how they used in their daily life.

## **The Politics of Saraiki Province Movement: A Matter of Identity or Regional Disparity?**

**Misbah Shaheen\***

### **ABSTRACT**

*Though the people of South Punjab are demanding for the creation of new province since 1970s, the movement got momentum after the enactment of the 18<sup>th</sup> constitutional amendment in 2010. Since then, demand for the creation of Seraiki province in the Punjab has become an active political debate inside and outside the Parliament of Pakistan. This paper aims to analyze the political discourse of Seraiki Province Movement. It attempts to identify major factors contributing to the demand of a separate province while analyzing 'linguistic identity' and 'regional disparity' as independent variables. The literature on Seraiki province movement seems to suggest that the quest for distinct Saraiki identity has been the fundamental factor that underpinned the demand. However, this study argues that the people of South Punjab are more concerned about regional disparity within Punjab than the cultural or linguistic identity. This argument is based on the data generated through a self-administered survey of public opinion in the three divisions of South Punjab.*

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## **Introduction**

At the time of creation, Pakistan was comprised of four provinces such as Bengal, Punjab, Sindh (Sindh since 2010), North West Frontier Province (NWFP) — later named as Khyber Pakhtunkhwa (KP) in 2010), Baluchistan area (Balochistan since 2010) several princely states and tribal areas. Balochistan was accorded full province after 1971 incident and hence the post-1971 Pakistan remained with four provinces. All the four provinces are heterogeneous in their societal composition. Sindh is divided in urban and rural divisions. Urban Sindh has sizeable majority of Urdu speakers (Mohajir) while majority of native Sindhis reside in rural Sindh. Substantial population of Hindko speakers is inhabited of Hazara division of KP. There is considerable Pakhtun population in Balochistan in addition to various and mutually distinct Baloch tribes. In Punjab, there exists a significant number of Saraiki speaking population in Southern part and Pothohari speaking in Northern part of the province.

It is evident from the review of literature that since many years, Urdu speakers from Sindh, Hindko speakers from KP, Pashto speakers from Balochistan and Saraiki speakers from Punjab have been demanding provincial status on ethnic, cultural and lingual bases. However, the present study has made an attempt to evaluate the nature of Saraiki province movement. The findings of the study demonstrate that the sense of regional disparity and uneven development in the province has strengthened the movement by making it vocal and popular between Saraiki and non-Saraiki dwellers of the region equally. This evidence was supported by self-administered public opinion survey in Multan, Dera Ghazi Khan and Bahawalpur divisions of the province. In addition, notable and prominent stakeholders of the movement and language experts were interviewed by the researcher in this context.

This research article has been organized into four sections. The first section of the paper will explore the historical and political discourse of the movement since its origin to present

day development. Second section will investigate the major factors contributing to the development of Saraiki nationalist sentiments and to the formation of Saraiki province movement in the region. It will present an elaborative and extensive analysis of “regional disparity” and “lingual identity” as the fundamental factors to strengthen the feelings of marginalization and to boost up the movement. The third section will deal with the political debate concerning the creation of Saraiki province in Pakistani Parliament and in the provincial Assembly of Punjab. The last section of the article will conclude the findings of the study and will recommend some possible and alternative way outs to satisfy the demands of the region other than the creation of separate Saraiki province.

### **The Genesis of Saraiki Ethnic Identity and the Saraiki Province Movement**

The origin of the Saraiki identity and the creation of feelings of deprivation can be traced back to June 2, 1818, when Ranjeet Singh made Multan a subordinate territory of Lahore.<sup>1</sup>This act of Ranjeet Singh fostered resentments among Saraiki intellectuals<sup>2</sup>. Later, the Colonial rule further contributed to increase the sense of marginalization in terms of socio-economic uneven development<sup>3</sup>. In post-partition Pakistan, in 1955 the three provinces Sindh, Punjab, KP and Balochistan area and princely states were merged into one unit that was called West Pakistan to meet the principle of parity with East Pakistan. Although, the then Chief Minister of Punjab Feroz Khan Noon was not in the favour of One Unit scheme, yet the sense of political and economic

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1 Ibrahim Beg Advocate, *The Challenge of Diversity in Pakistan: A Case Study of Saraiki Province Movement*, by Misbah Shaheen, April 04, 2015.

2 Nukhbah Taj Langah, *Poetry as Resistance: Islam and Ethnicity in Postcolonial Pakistan* (London: Routledge, Taylor & Francis Group, 2011), 29–35.

3 Umbreen Javaid. “Movement for Bahawalpur Province.” *Journal of Political Studies* 15. (2009), 41.

alienation was developed among smaller provinces<sup>4</sup>. The state of Bahawalpur was also merged into West Pakistan. However, after the dissolution of One Unit scheme in July 1970, the three provinces were restored to their earlier status and Balochistan was granted the status of full province<sup>5</sup>. The state of Bahawalpur was not restored to its earlier status and it was annexed with Punjab as its division having three districts. As its reaction, Bahawalpur Suba Mahaz movement (BSMM) and Bahawalpur Muthida Mahaz (BMM) were formed<sup>6</sup>. It is argued that the formation of the BSMM and BMM was the first attempt to politicize Saraiki ethnic identity for political purpose<sup>7</sup>. In the general elections 1977, BMM got sufficient electoral support over PPP candidates. As it is evidenced from the results of general elections 1977.

Sr. No	Districts	Total Constituencies	Constituencies won by PPP	Percentage of Vote Polled for PPP
1	Bahawalpur	02	None	16.7%
2	Bahawalnagar	03	02	38.14%
3	Rahim Yar Khan	03	01	31.31%

**Source:** Rehana Saeed Hashmi, *the Politics of Ethnicity: An Issue To National Integration Of Pakistan: The Study Of Baloch, Mohajir And Saraiki Identities*. (Unpublished PhD Thesis: University of the Punjab, Pakistan, 2013)

However, after the dismemberment of East Pakistan in 1971, BMM was fizzled out and the Nawab of Bahawalpur

4 Roofi, Yasmin, and Khawaja Alqama. "Ethic Dilemma in Pakistan and Division of Punjab: End or Beginning of a New Era of Conflict." *J. Pol. & L.* 6 (2013), 156.

5 Saman Zulfiqar "Politics of New Provinces in Pakistan: Prospects and Challenges." *IPRI XII* 2. (2012).

6 Javaid, U. "Saraiki Political Movement; Its impact in South Punjab." *Journal of Research Humanities* 40, no. 2 (2004).

7 Hussain Ahmad Khan, *Re-Thinking Punjab: The Construction of Saraiki Identity*. (Lahore: Research and Publication Centre, National College of Arts, 2004).

publically announced that the demand of Bahawalpur province was not a priority anymore.<sup>8</sup> Some leaders of the movement like Riaz Hashmi joined to Saraiki province movement. In Multan, the first, All Pakistan Saraiki Conference was held in 1975, which was attended by notable Sindhi and Saraiki nationalists from the whole Pakistan. The known linguist Christopher Shackle also participated in it.<sup>9</sup> The promotion and recognition of Saraiki as a distinct language was the prime objective of this conference which had been successful as Saraiki was enlisted as separate language in the 1981 national census<sup>10</sup>. In the same year, the Saraiki speaking lawyers of Lahore High Court decided to establish a Saraiki forum from where they could raise the issue of Saraiki language and culture more systematically.

On April 6, 1984 Saraiki Suba Mahaz (SSM) was established in Multan which was later renamed as Pakistan Saraiki Party (PSP) on April 17, 1989 and a Saraiki lawyer, Taj Muhammad Langah became the first president of the Party.<sup>11</sup> In 1989, Pakistan Saraiki Party got into alliance with Pakistan Oppressed Nation's Movement (PONM).<sup>12</sup> Major advantage yielded Saraiki nationalists from this alliance, was the formal recognition of their identity by other ethno-

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- 8 "Covert Understanding: Nawab Drops Demand for Bahawalpur Province" *The Express Tribune*, Pakistan, August 2, 2012 <http://tribune.com.pk/story/416237/covert-understanding-nawab-drops-demand-for-bahawalpur-province/>. (accessed September 1, 2016).
- 9 Mazhar Arif, *The Challenge of Diversity in Pakistan: A Case Study of Saraiki Province Movement*, by Misbah Shaheen, April 04, 2015.
- 10 Farooq, Muhammad, Zahoor Hussain, Mohammad Ajmal, and Mohammad Saeed. "The Role of Literary and Social Movements in Redefining the Identity of Saraiki Region." (2014).
- 11 Ayesha Siddiq "Books: A Saraiki Province?" <http://www.thefridaytimes.com/beta2/tft/article.php?issue=20120210&page=19>. (accessed August 27, 2016).
- 12 "The Origin and Politics of the Seraiki Movement", May 24, 2009, <http://www.dawn.com/news/881086/the-origin-and-politics-of-the-seraiki-movement>. (accessed August 27, 2016).

nationalists like Sindhi, Pakhtun, Bloch and Punjabi.<sup>13</sup> Since 1970s to date, various Saraiki political parties and groups were formed. There seems lack of co-operation and scanty of charismatic leadership that could unite them into single Saraiki political party to put forward the demand of separate province with sufficient electoral support.<sup>14</sup> Following are the prominent Saraiki nationalist parties and groups, who claim to work for the cause of separate Saraiki province.

**Table 1.1: SARAIKI NATIONALIST PARTIES AND GROUPS**

S.No	Party Name	Head/Founder of Party	Head office
01	Wasseib Ittihad Pakistan	Shahbaz Ahmed	Multan
02	Saraiki Suba Movement Pakistan	Malik Mumtaz Hussain Jai	Multan
03	Sairkistan Qaomi Ittihad	Khawaja Ghulam Farid Koreja	Rajanpur
04	Pakistan Saraiki Party	Barrister Taj Muhammad Khan Langah	Multan
05	Saraikistan Qaomi Council	Shoukat Mughal, Zahoor-A-Dhareeja	Multan
06	Saraiki Qaomi Movement	Bibi Shahida Naz	Karachi
07	Saraikistan Qaomi Movement	Hameed Asghar Shaheen	Dera Ghazi Khan
08	Saraiki National Party	Abdul Majeed Konjoo	Rahim Yar Khan
09	Saraiki Lok Party	Mazhar Nawaz Lashari	Kehrorr LalEsan
10	Saraikistan Democratic Party	Rana Muhammad Faraz Noon	Multan
11	National Saraiki Party	Sajida Ahmed Langah	Multan

**Sources:** Elections Commission of Pakistan (ECP) and Parties' Manifestos

Wasseib Ittihad Pakistan, Saraiki Suba Movement Pakistan, Saraikistan Qaomi Ittihad and Pakistan Saraiki Party are the registered parties with ECP. However, they never secure

13 Mohammad Farooq and Zahoor Hussain. "The Role of Cultural Groups for the Development of Saraiki Nationalist Movement", (2014).

14 Muhammad Shahid Khan. "The Politics of Identity: Ethno-Political Identity in Local Political Structure with Emphasis on the Role of Ethnic Groups." *Pakistan Journal of History and Culture* 30, no. 2 (2009).



single seat at national or provincial level.<sup>15</sup>Enactment of the 18<sup>th</sup> Constitutional Amendment facilitated the rationale of nationalists' demands of provincial status on ethnic basis.<sup>16</sup>In May 2012, two resolutions were passed in the provincial assembly of the Punjab appertaining to the creation of Saraiki province and for the provincial status of Bahawalpur. Resolution for Saraiki province was moved from PPP and for Bahawalpur province was submitted by PML-N.<sup>17</sup>

On May 3, 2012, National Assembly of Pakistan passed a resolution with two-third majority for the establishment of new province(s) in the Punjab. For this purpose a commission was appointed that was headed by Senator Farhat Ullah Babar. Commission presented its final report to the speaker of National Assembly on January 30, 2013. The commission proposed three models to solve the issue of new province in Punjab as;

1. A new province should be constituted comprising of three divisions (Multan, Dera Ghazi Khan and Bahawalpur) of South Punjab.
2. In addition to three divisions proposed in 01 Model, Mianwali and Bhakkar should also be added in new province.
3. Bahawalpur division should be given the status of separate province.<sup>18</sup>

The second proposal was considered the most viable option to constitute a new province in terms of financial and administrative viability as South Punjab is contributing 59%

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15 Akhtar Hussain Sandhu. "Saraiki Suba Movement in the Punjab: Viability in Focus." *Pakistan Perspective* 20, no. 2 (2015), 135.

16 Syed Hussain Shaheed Soherwordi, "Adverse Implications in Creation of New Provinces in Pakistan", in *Eighteenth Amendment Revisited* (Islamabad: Islamabad Policy Research Institute, 2011).

17 "New Province: Punjab Assembly Divided over Seraiki Cause - the Express Tribune", <http://tribune.com.pk/story/318696/new-province-punjab-assembly-divided-over-seraiki-cause/>. (accessed August 27, 2016).

18 Farhat Ullah Babar *et al.*, "Report of the Commission for Creation of New Province(s) in Punjab", National Assembly of Pakistan, January 28, 2013, 1-42, (accessed August 27, 2016). [www.na.gov.pk/uploads/documents/province-reoprt.pdf](http://www.na.gov.pk/uploads/documents/province-reoprt.pdf).

in the national production of cotton. This region is also contributing 36% of the total in sugar production and 41% of the wheat production of Punjab.<sup>19</sup>

However, the development towards the creation of Saraiki province remained limited to the commission report. No further and practical advancement was seen from political authorities since 2012. It seems that the commission was developed by PPP to secure its vote bank in coming general elections 2013.<sup>20</sup>

### **Factors Contributing to the Development of Saraiki Province Movement**

After reviewing the available literature on Saraiki identity and Saraiki province movement, two major factors “lingual identity” and “regional disparity” have been identified to contribute to the of formation of Saraiki identity and the development of separate province movement. According to existing literature, it was the denial of lingual and cultural identity that compelled Saraiki nationalists to put forward the demand of separate province to safeguard their distinct identity.<sup>21</sup> However, the public opinion survey that was conducted by the author in the region considerably rejected this proposition that the threat of identity dissolution was the single and primary force behind the construction of Saraiki identity and the formation of Saraiki province movement.<sup>22</sup> But it is too admitted that lingual and cultural identity facilitated nationalists’ struggle for separate province. The renaming process of NWFP to KP through 18<sup>th</sup> Constitutional Amendment further legitimated their demand of separate province along ethnic lines. However, the analysis of primary as well as secondary sources revealed that the regional

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19 Babar, “Report of the Commission for Creation of New Province(s) in Punjab”, 18.

20 Gaadi, *The Challenge of Diversity in Pakistan*, May 20, 2015.

21 Dr Anwar Ahmed, *The Challenge of Diversity in Pakistan: A Case Study of Saraiki Province Movement*, by Misbah Shaheen, April 08, 2015.

22 Misbah Shaheen, “The Challenge of Diversity in Pakistan: A Case Study of Saraiki Province Movement”, (n.p., 2015).

disparity and uneven development has been the actual force to create nationalist sentiments and to transform Saraiki identity into the demand of separate province.<sup>23</sup> In this article, it is emphasized to present a comparative analysis of both the factors on the basis of primary as well as secondary sources.

### **Lingual Identity**

It is the denial of language and culture which compelled Saraiki intellectuals to raise the voice to safeguard their distinct identity from Punjabi dominance. Resultantly, they made efforts for the recognition of Saraiki as a separate and independent language<sup>24</sup>. Before 1981, Saraiki had been considered a dialect of Punjabi language. However, in 1980s during Zia regime, it was declared as a separate language.<sup>25</sup> Though, the major objective of Saraiki nationalists' was achieved, yet they continued their struggle for separate province. For this purpose, lingual and cultural identity was used as a political instrument to make the demand of separate province legitimate on ethnic lines.<sup>26</sup>

According to national census 1998, there are six districts in the region; Rajan Pur, Layyah, Dera Ghazi Khan, Muzaffar Garh, Lodhran and Multan where Saraiki speaking population is in majority.<sup>27</sup> In Bahawalpur and Rahim Yar Khan district, Riyasti is spoken which is very similar to Saraiki but Bahawalpur province movement also exists in this region and they demand to have their own Bahawalpur

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23 Malik Amir Dogar, *The Challenge of Diversity in Pakistan: A Case Study of Saraiki Province Movement*, by Misbah Shaheen, May 09, 2015.

24 Dr Anwar Ahmed *The Challenge of Diversity in Pakistan: A Case Study of Saraiki Province Movement*, by Misbah Shaheen, April 06, 2015.

25 Maqbool Hassan Gilani. "Historical Background of Saraiki Language." *Pakistan Journal of Social Sciences (PJSS)* 33, no. 1 (2013), 61-76.

26 Tariq Rahman "Language and politics in a Pakistan province: The Sindhi language movement." *Asian Survey* 35, no. 11 (1995), 1005-1016.

27 Khan, Hussain Ahmad. *Re-Thinking Punjab: The Construction of Saraiki Identity*. (Lahore: Research and Publication Centre, NCA, 2004).

province on administrative basis.<sup>28</sup> In May, 2015 a survey was conducted to evaluate the nature of Saraiki province movement that either its sole objective is for the protection of identity or the regional disparity is the major concern to stimulate the demand.<sup>29</sup> The opinion of interviewees and the analysis of public opinion survey support the rationale that the movement was initiated as a language movement to safeguard Saraiki identity but now it has become a political movement with prime objective to safeguard the socio-economic and political concerns of the region.<sup>30</sup> The majority of the respondents did not support the creation of province on ethnic lines and they consider that establishment of Saraiki province along ethnic lines will develop the sense of insecurity and marginalization among Punjabi-settlers of the region. They opined that Saraiki political elite and nationalists are politicizing identity for their own political benefits.

**Table 1.2: SARAIKI PROVINCE SHOULD BE CONSTITUTED ON ETHNIC LINES**

Category of Responses	Frequency	Percent	Valid Percent	Cumulative Percent
Strongly disagree	167	23.2	23.2	23.2
Disagree	231	32.0	32.0	55.2
Neutral	44	6.1	6.1	61.3
Agree	139	19.3	19.3	80.6
Strongly agree	140	19.4	19.4	100.0
<b>Total</b>	721	100.0	100.0	

**Source:** Public opinion survey conducted by author

Significant majority of the respondents rejected this proposition. It is interesting fact that 35.9% Saraiki speaking

28 "The Origin and Politics of the Seraiki Movement", May 24, 2009, <http://www.dawn.com/news/881086/the-origin-and-politics-of-the-seraiki-movement>. (accessed August 28, 2016).

29 Survey was conducted by Misbah Shaheen for MPhil Research Work entitled, *The Challenge of Diversity in Pakistan: A Case Study of Saraiki Province Movement*, May, 2015.

30 Tariq Rehman, *The Challenge of Diversity in Pakistan: A Case Study of Saraiki Province Movement*, (April, 2015).

respondents also disagreed to this idea. However, majority of Saraiki nationalists namely; Faraz Noon, Iqbal Bhutta, Nukhbah Langah, Mushtaq Gaadi, Altaf Khokhar, Safdar Klasra, Mazhar Arif, Mehboob Tabish, Mumtaz Dahir, Zahid Hussain Gardezi and Mansoor Kareem strongly recommended that Saraiki province should be created on ethnic and historical basis.<sup>31</sup> They contended that all the four provinces of Pakistan are ethnically named, so why the provision of fifth Saraiki province is not being accepted on ethnic basis.

To get the insights from general masses' opinion about the claim of Saraiki nationalists that they are demanding separate province to protect their identity from Punjabi language and culture dominance, the response of the respondents was gathered through the below given statement.

**Table 1.3: SARAIKI NATIONALISTS DEMAND SEPARATE PROVINCE TO SAFEGUARD THEIR DISTINCT SARAIKI ETHNIC IDENTITY**

Category of Responses	Frequency	Percent	Valid Percent	Cumulative Percent
Strongly disagree	138	19.1	19.1	19.1
Disagree	172	23.8	23.8	42.9
Neutral	77	10.7	10.7	53.5
Agree	199	27.6	27.6	81.1
Strongly agree	135	18.7	18.7	100.0
Total	721	100.0	100.0	

Source: Public opinion survey conducted by author

It was again an interesting fact that the ratio between agree to disagree to this supposition was 46%:43% respectively. 46% respondents agreed that the demand of separate province is being made to safe guard Saraiki identity while almost near to this figure, respondents disagreed that the demand of separate province is only foe the perseverance and for the protection of Saraiki ethnic-identity. They

31 Faraz Noon et al., *The Challenge of Diversity in Pakistan: A Case Study of Saraiki Province Movement*, by Misbah Shaheen, April 2015.

perceive that identity is being politicized to achieve political benefits for their own purposes and the general public will not get any share from them.

### **Regional Disparity**

The term 'disparity' refers to the condition of being unequal, either in age, rank, or degree.<sup>32</sup> It indicates significant difference found in individuals, groups and regions. 'Regional Disparities' are manifested in different conditions of life as well as in unequal economic and development potential in any region.<sup>33</sup> In the Punjab province, there exists considerable regional disparity in terms of social, economic and political development.<sup>34</sup> The quota of Punjab province is 50% of the total in Federal civil bureaucracy. South Punjab's population is nearly 30% of the total population of the province, so it should receive 30% of the total quota of Punjab but it is receiving only 12% to 15% share. Allocation of funds by the federal and the Punjab provincial government is also not just as it was seen in the distribution of funds in 7<sup>th</sup> NFC Award. Punjab got 51.7% of the total share. South Punjab should get 30% as per its population but again it received very less share than its due share. Likewise in the Public Sector Development Projects Funds has been given very less share than what should it get.<sup>35</sup> Such unjust distribution of resources has strengthened the sense of deprivation and regional disparity in the region. Consequently, nationalist sentiments began to develop and the people of the region started to demand a separate province to overcome their socio-economic and political

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32 Daniele Checchi and Vito Peragine. "Regional Disparities and Inequality of Opportunity: the Case of Italy." (2005).

33 Bornhorst, Fabian, and Simon Commander. "Regional Unemployment and its Persistence transition countries 1." *Economics of Transition* 14, no. 2 (2006), 269-288.

34 *Punjab Development Statistics*, (n.p.: Bureau of Statistics Government of the Punjab, 2015), Punjab Development Statistics, publication no. 2015, Bureau of Statistics Government of the Punjab. <http://www.bos.gop.pk/node/226>.

35 *Punjab Development Statistics*.

grievances. The argument about regional disparity was supplemented through the analysis of public opinion survey.

**Table 1.4: REGIONAL DISPARITY CAUSED TO DEVELOP THE SENSE OF SARAIKI IDENTITY**

Category of responses	Frequency	Percent	Valid Percent	Cumulative Percent
Strongly disagree	32	4.4	4.4	4.4
Disagree	54	7.5	7.5	11.9
Neutral	61	8.5	8.5	20.4
Agree	303	42.0	42.0	62.4
Strongly agree	271	37.6	37.6	100.0
<b>Total</b>	<b>721</b>	<b>100.0</b>	<b>100.0</b>	

Source: Public opinion survey conducted by author

Absolute majority of the respondents agreed that the regional disparity has been a major factor in the development of sense of Saraiki identity. 82% of Saraiki, 72.1% of Punjabi and 62.3% of Urdu speaking respondents agreed to this assumption that the underdevelopment is the basic reason that has pushed the nationalists to constitute Saraiki ethnic identity as it was argued by Saraiki intellectual Mushtaq Gaadi that the lack of identity and lack of development are co-constituted and they can't be separated with each.<sup>36</sup>

**Table 1.5: UNEVEN DEVELOPMENT IN PUNJAB HAS TRIGGERED THE DEMAND FOR SEPARATE SARAIKI PROVINCE IN SOUTH PUNJAB**

Category of responses	Frequency	Percent	Valid Percent	Cumulative Percent
Strongly disagree	49	6.8	6.8	6.8
Disagree	92	12.8	12.8	19.6
Neutral	59	8.2	8.2	27.7
Agree	274	38.0	38.0	65.7
Strongly agree	247	34.3	34.3	100.0
<b>Total</b>	<b>721</b>	<b>100.0</b>	<b>100.0</b>	

Source: Public opinion survey conducted by author

<sup>36</sup> Punjab Development Statistics.

A sound majority including Saraiki and non-Saraiki respondents supported the argument that uneven development in the province has triggered the Saraiki nationalists for separate province movement. Interviewees' opinion also supplemented this proposition that the regional inequalities and unequal distribution of resources are the fundamental reasons which are responsible for the demand of Saraiki separate province.<sup>37</sup> The creation of Saraiki province on administrative lines is seemed most viable option as there is significant number of population of non-Saraiki speakers reside in the region that wants a separate province to minimize their socio-economic deprivations.

**Table 1.6: SARAIKI PROVINCE SHOULD BE CONSTITUTED ON ADMINISTRATIVE BASIS**

Category of Response	Frequency	Percent	Valid Percent	Cumulative Percent
Strongly disagree	131	18.2	18.2	18.2
Agree	111	15.4	15.4	33.6
Neutral	59	8.2	8.2	41.7
Disagree	240	33.3	33.3	75.0
Strongly agree	180	25.0	25.0	100.0
<b>Total</b>	<b>721</b>	<b>100.0</b>	<b>100.0</b>	

Source: Public opinion survey conducted by author

The above given table explains the numerical representation of respondents who answer the question that if Saraiki province is constituted then what should be the criteria to establish it, whether it should be formed on administrative basis or on linguistic and cultural basis. 58.3% of the respondents agreed that Saraiki province should be constituted on administrative basis while just 33.6% of the respondents disagreed with the assumption. 47.3% Saraiki speakers, 10.0% Punjabi speakers, 45.06% Urdu speakers disagree the establishment of Saraiki province on

37 Rasool Baksh Rais, Senator Muhsan Lughari, Tariq Rehman, Rauf Kalasra, Advocate Ibrahim Beg, Qazi Abid, Javaid Ansari, Malik Amir Dogar, Mussavar Bukhari, Syed Shahid Bukhari, Hanif Chaudhri, Nadeem Shah, Yasmeen Roofi and Dr Humaira.



administrative basis. 45.06% Saraiki, 80.07% Punjabi while 41.03% Urdu speakers agree with the criteria. Majority of the interviewees as; Musavir Hussain Bukhari, Shahid Bukhari, Yasmeen Roofi, Javaid Akhtar Ansari, Chauhdri Hanif, Malik Muhammad Amir Dogar, Mehar Ijaz Ahmed Achlana and Senator Muhsan Lughari have also shown positive gesture to the above statement and they strongly agreed with the proposal that Saraiki province Punjab should only be formed on administrative basis to avoid further ethnic confrontation in the region.

### **Political Debate about Saraiki Province**

In 2010, PML-Q, MPA Mohsan Lughari tabled the resolution in the provincial assembly of Punjab for the demarcation of Saraiki province but due to some reasons, debate over it could not be eventuated.<sup>38</sup> Later, in 2011, Pakistan People's Party propounded to table a resolution pertaining to Saraiki province but failed to do so due to PML-N. Finally, on May 9, 2010, Raja Riaz PPP, MPA submitted the resolution FOR CREATION OF Saraiki province.<sup>39</sup> However, the PML-N leader Rana Sanaullah also moved resolution for the restoration of Bahawalpur province on the same day.<sup>40</sup> In May, 2010 National Assembly also passed resolution on South Punjab Province. Consequently, on August 16, 2012 a 14 member's Parliamentary commission was directed to prepare a report on the issue of new provinces in Punjab.<sup>41</sup>

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38 "PPP Submits Resolution for Seraiki Province in Punjab PA", May 6, 2012, <https://www.thenews.com.pk/archive/print/622133-ppp-submits-resolution-for-seraiki-province-in-punjab-pa>. (accessed August 31, 2016).

39 "Assembly Backs South Punjab, Bahawalpur Provinces", newspaper, May 10, 2012, <http://www.dawn.com/news/717071/assembly-backs-south-punjab-bahawalpur-provinces>. (accessed August 31, 2016).

40 "Punjab Assembly Passes South Punjab, Bahawalpur Province Resolutions - the Express Tribune", Pakistan, May 9, 2012, <http://tribune.com.pk/story/376249/punjab-assembly-passes-south-punjab-bahawalpur-province-resolutions/>. (accessed August 31, 2016),

41 "President Directs NA to Form Commission on South Punjab Provinces - the Express Tribune", Pakistan, July 11, 2012, <http://tribune.com.pk/story/406853/president-directs-na-to-create-committees-on-south-punjab-provinces/>. (accessed August 31, 2016),

The commission presented its report on January 28, 2013 to National Assembly with three models. However the second model proposed in the report was considered the most viable option.<sup>42</sup> On January, 2012 Muttahida Qaumi Movement (MQM) also submitted two resolutions in the Senate demanding the creation of Hazara and Saraiki provinces.<sup>43</sup> In March, 2016, President of Pakistan Saraiki Party (PSP), Dr Nukhbah Taj Langah, manoeuvred a petition towards the Secretary General of the United Nations (UN), featuring the suppressed human rights situation in the Saraiki region and asking the UN to impulse the Federal government of Pakistan to heed sufficient attention to the long held demand of the Saraiki-speaking region.<sup>44</sup>

It is an interesting fact that the major developments in terms of creating Saraiki province were seen in the early period before general elections 2013. PPP moved resolution in provincial assembly of Punjab and a Parliamentary commission was also established for the demarcation of new provinces in Punjab under the chairmanship of Mr. Farhatullah Babar, Senator and official spokesperson of President Asif Ali Zardari.<sup>45</sup> However, it was argued by Nukhbah Taj Langah that until general elections 2013, the proposal for Saraiki province was being openly discussed inside and outside the parliament. And now, after the general elections of 2013, this demand of Saraikistan province has completely been suppressed”.<sup>46</sup> It was also contended by Senator Mohsan Lughari and Mushtaq Gaadi that the mainstream political parties used the agenda of the Saraiki province as a political tool — for strengthening their vote bank in the region.<sup>47</sup> Apparently,

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42 “President Directs NA to Form Commission on South Punjab Provinces - the Express Tribune”, Pakistan, July 11, 2012.

43 *MQM Submits Resolution in Senate for Hazara and Saraiki Provinces*, (The Nation), 2016, <http://nation.com.pk/islamabad/02-Jan-2012/mqm-submits-resolution-in-senate-for-hazara-and-saraiki-provinces>.

44 “Call for a New Province - TNS - the News on Sunday”, Political Economy, May 22, 2016, accessed August 31, 2016, <http://tns.thenews.com.pk/call-new-province/#.V8asoVsrLIV>.

45 *Ibid.*

46 Dr Nukhbah Taj Langah, *The Challenge of Diversity in Pakistan: A Case Study of Saraiki Province Movement*, May, 2015.

47 Mushtaq Gaadi, Senator Mohsan Lughari, *The Challenge of Diversity in Pakistan: A Case Study of Saraiki Province Movement*, May, 2015.

PML-N, PPP, PML-Q, MQM and PTI all the mainstream political parties are agreed to the demarcation of south Punjab province. Yet the dream of province has not been transformed into reality. Perhaps it is required more time with charismatic Saraiki leadership having strong public and electoral support.

### Conclusion

The findings reveal that uneven development and regional inequalities in the province are the primary factors in the development of nationalist sentiments in the region. The Saraiki province movement is becoming vocal gradually. Although in near future, the formation of separate Saraiki province does not seem possible. Yet, once the Saraiki nationalists succeed to unite themselves and to get the co-operation of non- Saraiki population from the region. It would have become difficult for political authorities to dissolve the movement. The major concerns of the region are about social and economic development. The public opinion survey indicated that the majority of the area is not consistent with the demand of separate province. They believe that the provision of separate province is not the single option to resolve the issue. They argued that the devolution of power and fiscal decentralization can satisfy the demands of the region. Significant majority of 62 percent respondents disagreed to the assumption that only the establishment of a separate province will improve the socio-economic condition of the region. On the other hand, 58 percent of the respondents confirmed the assumption that grass-level development and devolution of power will satisfy the demands of the people as their concerns are about economic and political deprivations. When the same assumption was presented to Saraiki and Punjabi intellectuals of the region, language experts, Saraiki nationalists, Saraiki and Punjabi MPAs, MNAs and Senator, their rationale was as follow;

**Table 1.10**

Sr. No.	Expert/Saraiki Nationalists/ Politician	Opinion
01	Anwar Ahmed	Only and only separate province
02	Rasool Baksh Rais	Devolution of power
03	Nukhbah Taj Langah	Only separate Saraiki province
04	Senator Muhsan Lughari	Devolution of power and by strengthening local bodies system
05	Tariq Rehman	Decentralization of power and resources

06	Mansoor Kareem	Only and only separate province
07	Rauf Kalasra	Devolution of power and by strengthening local bodies system
08	Advocate Ibrahim Beg	Devolution of power
09	Mazhar Arif	Only and only separate province
10	Malik Altaf Khokhar	Only separate Saraiki province
11	Mushtaq Gaadhi	Separate province
12	Safdar Kalasra	Separate province
13	Javaid Chandio	Devolution of power
14	Qazi Abid	Devolution of power
15	Javaid Ansari	Decentralization of power and resources
16	Malik Amir Dogar	Decentralization of power and resources
17	Faraaz Noon	Only separate Saraiki province
18	Aleem Shah	Devolution of power
19	Mussavar Bukhari	Decentralization of power and resources
20	Syed Shahid Bukhari	Decentralization of power and resources
21	Mehboob Tabish	Only separate province
22	Muhammad Mumtaaz Dahir	Only separate Saraiki province
23	Hanif Chaudhri	Decentralization of power and resources
24	Ajmal Mehar	Only separate province
25	Nadeem Shah	Decentralization of power and resources
26	Yasmeen Roofi	Decentralization of power and resources
27	Zahid Gardeezi	Only separate province
28	Dr Humaira	Devolution of power and grass root level development

Source: Public opinion survey conducted by author

If fiscal decentralization and just distribution of resources is ensured in the province, a peaceful environment with the culture of tolerance and acceptance can be promoted and that can be the better solution of different ethnic and lingual issues and demands. Nation-building process can also be flourished effectively within the framework of Pakistani federalism.

## The Introduction of Legal-Administrative Reforms in FATA: Problems and Prospects

Dr. Altaf Ullah\*

### ABSTRACT

*The legal-administrative structure of Federally Administered Tribal Areas of Pakistan is thoroughly different in its nature and essence from other parts of the country. The theoretical framework for the governance of these areas has been enshrined in the historical regulation called Frontier Crimes Regulation (FCR) designed and implemented by the colonial government in British India during 19<sup>th</sup> century in order to achieve its specific ends. FATA became an integral part of Pakistan immediately after the great divide of August, 1947. The newly established state of Pakistan co-opted the same Regulation to administer these areas directly. Despite so many shortfalls and drawbacks, it was executed to maintain status quo in tribal areas of the country. Since then, the state could neither fully integrate these areas in its fold nor could properly introduce such reforms which could bring tribal areas at par with other parts of the country. However, legal-administrative reforms recently introduced in FATA through the Frontier Crimes (Amendment) Regulation 2011 are generally considered to be a prelude for further reforms in the near future. It is necessary to analyze all those*

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*modifications incorporated in the text of this historic document. These amendments curtail the powers of political administration, particularly that of the Political Agent, who is generally believed as king of a tribal agency. The composition of FATA Tribunal and its legal jurisdiction as a highest appellate authority, the right of bail to the convict and fix time frame for the disposal of cases, role of the Council of Elders and incorporation of Qaumi Jirga, property rights, restriction on false allegations, debarring the women, children and elderly persons and the arrest of the entire tribe from the 'collective responsibility' clause, the introduction of new concepts of jail inspection and audit of the Political Agent fund, and different other fines and penalties under various cases would be the major points of discussion of the research under focus. The study is historical, analytical and qualitative in nature and will be based on primary and secondary sources.*

### **Conceptual Framework**

At the advent of British Empire in India the North West Frontier was geographically going through a process of transition, as it had lost direct contacts with the central authority of Mughul administration and gradually tended to become under the control of rising Afghan over lordship. Politically, there was total absence of central authority which had given space to the movement of lawless gangs of plunderers and extortionists who used to descend from the highlands through the passes towards the Indian plains. Socially, the society was in a state of nomadic stage which was constantly in nomadic movement from Central Asia to India and vice versa. The nomadic clans had not yet evolved into organized tribal structures. Therefore, it could not be said that the British colonial authorities found the society of the area in a state of tribalism. The nomadic clans did have tribal consciousness but the society was not yet organized on tribal lines and nomadism was the order of the day. Nomadic movements of population were always peaceful and had no undue influence on Indian social environment. It was always punctuated by climatic and economic factors as

most of the nomadic clans had to seek grazing fields for their animals which were naturally regulated by climatic changes in Central Asia and India.

It is evident that nomadic communities always grow into tribal structure with a natural process of evolution which usually takes place in centuries. But the case of the tribal areas in particular and the whole North Western region of India in general was different. Here the natural nomadic communities were subjected to imperial domination through which the nomadic nature of the society was transformed into a stationary tribal society artificially and prematurely. The nomadic movements were first turned into organized violence, and then politicized and later on contained and impeded through the dynamics of so-called Closed Door policy. The nomadic society was compelled to take to unnatural sedentary through a process of sedimentation and unnatural settlement under the compulsions of imperial exigencies. The natural nomadic communities were artificially promoted into a status of tribal structure with artificial norms, values and traditions.

In fact, the new form and shape of tribal society was an artificial, unnatural and manipulated social organization that was designed as an 'artificial construct'. The society and economy with its cultural values underwent drastic transformation from the state of nomadism to the imperial designs with a tribal set up. New values were promoted, new traditions were created and new culture was fostered. The *pukhtunwali* of a nomadic society was transformed into a *pukhtunwali* of tribal society. The new code was defined in view of the colonial and imperial exigencies with tones and tenors of medieval Asiatic nomadism. But the meanings and concepts of values and traditions experienced drastic changes within the context of new 'Imperial Construct'. Here strong sense of tribal pride was cultivated amongst people who were indoctrinated in strong values of *ghairat*, bravery, revenge, *nanawati*, hospitality and the institution of *jirgaas* embodied in the code of *pakhtunwali*. Though in a nomadic society these values were either weak or non-existent but in

the new tribal 'artificial construct' these values were not only fostered by the imperial design, but were super imposed and institutionalized by political administration within the framework of Frontier Crimes Regulation (FCR). For instance as Spain states, "the *jirga* was beyond doubt a pathan institution, the form it took under the Frontier Crimes Regulation was far cry from its natural state. In any event, the decision of *jirga* was primarily recommendatory, and the actual acquittal or conviction and sentence were formalized in a decree from the Deputy Commissioner". The difference between the meanings of values of nomadic society on the one hand and those of the artificial tribal society on the other hand is a cardinal point of analysis for the students, researchers and analysts of the affairs of the present tribal society in FATA.

Presently the war and the drive for reforms are going hand in hand. Most of the analysts and political observers view these dynamics in the region as incompatible and contradictory. There is common apprehension that the measures of administrative and political reforms may not succeed in the presence of warlike situation in FATA. The possibility of success of reforms in the situation of war is viewed to be minimal as the security situation is believed to have retarding effects on the measures of reforms. This view point, however, seems to be misleading as the war and reforms need not be put in antithetical relationship. The war and the drive for reforms should be viewed in a different perspective as they are complementary in relationship. The war is a tool of surgical operation which is going to be used to destroy the unwanted primordial structures of nomadic and tribal existence. The diehard tribal structure and its elements can only be destroyed through the horror and terror of war. The destruction of the old edifice is essential for the reconstruction and revival of the society on civilized pattern which seems to be the demand of the changing times and circumstances in the region. So, the war is not going to impede the process of reforms, it is rather expected to pave way to facilitate the process of change in the society. The



destruction of war is perfectly in harmony with the process of reconstruction. If the war is destroying the invincible fortresses of the old order, it is also creating an environment in which roads with new communication system are constructed by the military establishment operating in the region. The ill-founded sense of invincibility and indomitability as inculcated by the authors of colonial characterization is going to be replaced with a sense of realization of the hard realities of the changing time, through which a new mind and soul has to be regenerated with a new view of and on life. The new mind is expected to get itself adjusted into the emerging future scenario which is going to herald on the horizon of the region after the flames of war are receded.



**Composition of FATA**

The seven tribal agencies and six tribal pockets called 'Frontier Regions' situated in the North West of the country along with Pak-Afghan border is formally known as Federally Administered Tribal Areas (FATA) of Pakistan. The tribal agencies are, Bajaur, Khyber, Kurram, Mohmand, North Waziristan, Orakzai and South Waziristan agency. Whereas Frontier Regions are in the district of Bannu, Dera Ismail Khan, Kohat, Lakki Marwat, Peshawar and Tank. With a minor exception of Orakzai agency, the rest of the political agencies have common border with the state of Afghanistan.<sup>1</sup> To the north and west, FATA and the province of Khyber Pakhtunkhwa collectively join a chain of nine provinces in Afghanistan from north to south i.e. Nuristan, Kunar, Nangarhar, Khost, Paktika, Zabol, Kandahar, Helmand and Nimruz, which are predominantly inhabited by Pakhtun ethnic group.<sup>2</sup> The census report of Pakistan (1998) demonstrates 3.138 million population of these areas which makes 2.4 per cent of the total population of the country. But the current estimate shows its population almost 3.5 million. FATA is inhabited by majority of Pakhtun tribes with a limited number of other religious groups such as Sikhs and Hindus.<sup>3</sup>

Successive governments in Pakistan could not succeed to bring positive change by introducing reforms in the century old Regulation (FCR). Although few minor amendments were included in FCR yet these amendments could not alter the basic structure of this Regulation.<sup>4</sup> The government of

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1 Government of Pakistan, FATA Sustainable Development Plan (2006-2015) (Peshawar: Planning and Development Department, Civil Secretariat FATA, 2006), 3.

2 Out of these nine provinces of Afghanistan, the province of Kunar, Nuristan and Nimruz have other ethnic groups as well. Shuja Nawaz, FATA – A More Dangerous Place: Meeting the Challenge of Militancy and Terror in the Federally Administered Tribal Areas of Pakistan (Washington: Centre for Strategic and International Studies, January-2009), 2.

3 Sarfraz Khan, "Special Status of FATA: Illegal Becoming Licit" in *CentralAsia*, No. 63, (Winter 2008), Area Study Centre (Russia, China & Central Asia) University of Peshawar, 8-9.

4 Frontier Crimes Regulation (1901) was modified in 1928, 1937, 1938, 1947, 1962, 1963, 1995, 1997, 1998 and 2000 but all these modifications were very minor in nature and substance. For instance, punishment by forfeiture

Musharraf remained active so far as the problems of FATA were concerned. He was willing enough to modify this old Regulation to an extent. The governor of KP, Khalilur Rahman established a committee i.e. FCR Reforms Committee, during April 2005. Mian Muhammad Ajmal was appointed its chairman. The committee was composed in a way to represent the whole society by extending its membership to the tribal leaders, lawyers, civil servants, journalists and a parliamentarian from tribal areas of Pakistan.<sup>5</sup> It was a comprehensive task for the committee to get the opinions of general public and other segments of the society regarding the introduction of reforms in FCR. The committee conducted a comprehensive tour-plan of different tribal agencies of FATA. It held prolonged sessions with tribal people, their social and political leaders, intellectuals, legal experts, teachers, social and political workers etc.

The Committee after an overall analysis declared that a predominant portion of tribal population liked FCR to be thoroughly amended while some of the stakeholders particularly the beneficiaries of this Regulation desired to

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of property in the case of conviction under Section 302 or 306 of the Pakistan Penal Code (XLV of 1860) was added to this law. The word "commissioner" was substituted for "court of the commissioner", the definition of the word "Governor" was added and the power to revise decisions made by the commissioner was removed from the FCR during 1997. Its Second Schedule was modified in 1995 and 1998, adding offences related to the Customs Act of 1969, the Prohibition (Enforcement of Hadd) Order of 1979, the Employment of Children Act of 1991 and the Control of Narcotic Substances Act, 1997.

- 5 Justice (Retired) Mian Mohammad Ajmal was born on July 4, 1934 in Delhi. He remained Chief Justice of Pakistan from 23 December, 1997 to 30 June 1999 and also served as Chief Justice of Peshawar High Court from 6 January, 2000 to 27 April 2000. Mian Ajmal worked on honorary basis as chairman of FCR Reforms Committee. The prominent members of the Committee were, Dr. Javed Hussain (MNA from FATA), Khalid Aziz (former chief secretary), Arbab Mohammad Arif and Manzoor Ahmad (senior civil servants), Sange Marjan Khan (retired bureaucrat), Abdul Karim Mahsud and Wali Khan Afridi (lawyers from Fata), and Nawabzada Inayat Khan (tribal elder). Rahimullah Yusufzai, "Undeserving Awarded, Deserving Ones Like Mian Ajmal Unrewarded" in *The News*, 29 August, 2011. Also see Raza Rahman Khan, "FATA Political Regime: Changing Legal-Administrative Status of Tribal Areas", 118.

keep it intact.<sup>6</sup> The committee successfully accomplished its task and presented an elaborate report to the government within the specified timeframe. The government could not properly consider its proposals mainly due to a sudden change in the provincial government. Mr. Kalil was replaced by Ali Mohammad Jan Aurakzai<sup>7</sup> as Governor of KP. The new Governor either could not find sufficient time to think over the recommendations of the committee or he was not interested in this hectic task of modifying the century old Regulation. So, the task of introducing reforms in FCR was put to cold wind.

Nevertheless, a major change occurred in the provincial government of KP on January 07, 2008 and Mr. Owais Ahmad Ghani was given the charge of Governor KP. He seemed to be more interested than his predecessor in the task of introducing positive changes in FCR. The new Governor was briefed afresh by the chairman of the committee, Mr. Ajmal and again an initiative was taken by the government to introduce reforms in FCR. When the coalition government of PPP was established in the centre, it established a Cabinet Reforms Committee and appointed Federal Minister for Law, Mr. Farooq H. Naek as its chairman to re-examine all those amendments which were recommended by the previous committee.<sup>8</sup> After a

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6 Rahimullah Yousafzai, "Some More Real Change in FATA" in *The News*, August 16, 2011.

7 Lieutenant-General, Ali Muhammad Jan Aurakzai is retired three-star rank general officer in the Pakistan Army who served as the Corps Commander of XI Corps and the principle commander of the Western Command. As Commander, he commanded all military combat assets and oversaw the peaceful deployment of XI Corps in the Northern Areas and the Federally Administered Tribal Areas (FATA). He was a leading army General and after retiring from the military services, he was elevated as the Governor of the Khyber Pakhtunkhwa Province from May 2006 until his resignation in January 2008.

8 The Cabinet Reforms Committee on Frontier Crimes Regulation (FCR) had two Federal Ministers, Najmuddin Khan of PPP and Hamidullah Jan Afridi an Independent MNA from Khyber Agency, and several members of parliament such as Zafar Beg Bhittani, Akhund Zada Chitan and Rahmatullah Kakar etc. Raza Rahman Khan, "FATA Political Regime: Changing Legal-Administrative Status of Tribal Areas", 118-19.

comprehensive study of the previous proposals this Committee suggested a variety of changes in the FCR. According to it, the title of FCR should be altered with FATA Regulation 2008. It was suggested that appeal against the verdicts of PA should be heard by a judicial officer (i.e. a district and session judge). The Cabinet Committee also proposed a FATA Tribunal which should be chaired by a judge (retired) of High Court. The two members of the Tribunal should be a senior bureaucrat and a lawyer. This body would exercise appellate jurisdiction against the verdicts of a judicial officer. It was one of the beautiful suggestions on the part of the committee that the power of the political executive in a tribal agency to appoint *jirga* should be no more applicable in FATA and rather the parties concerned would nominate the *jirga* to decide their dispute. It also suggested to put a cut on the extra-ordinary powers of Political Agent by virtue of which he could detain an individual without any reason and send him to jail for 2 years. It suggested that the aggrieved one should be immediately brought before a court of law for trial. It also condemned the provision of 'collective responsibility' and recommended that women, aged tribesmen and children should be free from the application of this provision of FCR.<sup>9</sup>

The federal government declared FATA Regulation 2009 and it provided some rights to the tribesmen. For instance, when a person is involved in a particular offence and if arrested, he would be immediately presented in the court of APA within 24 hours of his detention. If it is required, the matter would then be passed on to the council of elders within 10 days which would come up with its final decision within 90 days. According to the FATA Regulation, the provision of 'collective responsibility' would be amended and the whole family or tribe would not be sentenced for the evils and crimes of an individual. Like the FATA Regulation 2008,

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9 These recommendations were made at a meeting of the Cabinet Reforms Committee on Frontier Crimes Regulation (FCR), which was held at the Ministry of Law on 29 August, 2008. Federal Minister for Law, Farooq H Naek chaired the meeting. *Daily Times*, August 30, 2008.

the FATA Regulation 2009 also suggested that the aged tribesmen, children and women would also be free from the application of the said provision.<sup>10</sup> It suggested a tribunal with appellate jurisdiction and a comprehensive mechanism of audit in each tribal agency.<sup>11</sup>

Moreover, a considerable reforms package has been introduced in FCR by PPP coalition government in August 2011. The party leadership and President of the state promulgated Frontier Crimes (Amendment) Regulation 2011 which considerably alter some sections and provisions of this Regulation to an extent. This move for the reforms has introduced substantial modifications in the century old document of FCR. By virtue of FC(A)R 2011 some sort of amendments, insertions, omissions and substitutions have been incorporated in FCR.<sup>12</sup> The following lines would present further details of these reforms under separate headings.

### **Legal Protection**

The Frontier Crimes (Amendment) Regulation 2011 put a cut on the application of 'collective responsibility' clause and amended it to the effect that the aged tribesmen, children and female would be free from the application of the said clause. In this way the detention or arrest of a whole family or tribe under the same clause or provision would be no more practicable.<sup>13</sup> It extended some basic rights to the inhabitants of FATA. For instance, the tribal people would not be arrested for unlimited span of time which was

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10 Raza Rahman Khan, "FATA Political Regime: Changing Legal-Administrative Status of Tribal Areas", 120-21.

11 International Crisis Group Working to Prevent Conflict Worldwide, Pakistan: Countering Militancy in FATA, Asia Report No. 178, 21 October, 2009, ii.

12 Muhammad Hamid Hussain, "Frontier Crimes Regulation: A Case Study of Reforms Process" in TIGAH Vol. 1, (July 2012), FATA Research Centre, Islamabad, 101. Also see "Summary of 2011 Amendments to the Frontier Crimes Regulation (FCR)" [www.fatareforms.org/summary-of-2011-amendments-to-the-frontier-crimes-regulation/](http://www.fatareforms.org/summary-of-2011-amendments-to-the-frontier-crimes-regulation/) accessed on 30 July 2013.

13 The Frontier Crimes Regulation, 1901 (Regulation No. III of 1901 As Amended August 2011), Section 21 (c) (iii) and Section 22 (d). (hereafter referred as Frontier Crimes (Amendment) Regulation 2011).

previously a common practice across FATA. The right of appeal to the tribesmen has also been provided under these reforms and now they can knock the door of FATA Tribunal for appeal.<sup>14</sup> Now any person who is involved in any offence if arrested by the agency administration would be immediately presented in the court of APA within 24 hours of his detention. He has the right to bail and can also be released on bail. The property of the tribal people has been safeguarded under these reforms and now no individual would be deprived of his possession and if the confiscation of his property is otherwise necessary then the individual concerned would be compensated in a good manner.

### **The Establishment of FATA Tribunal**

The newly introduced administrative reforms in FCR paved the way for the establishment of a FATA Tribunal.<sup>15</sup> It would be comprised a chairman and two other members. Its chairman must be a civil servant of grade 21 and must have sufficient knowledge of FATA's administration. One member would be from legal fraternity who must have enough know-how of tribal custom (*Rewaj*) and would be qualified for the position of judge of the high court. While the second member should be civil servant of grade 20 and must be aware of tribal administration.<sup>16</sup> The authority to nominate FATA Tribunal would rest with the Governor of KP who can appoint the said body for a specific time.<sup>17</sup> This body would work like a highest court of appeal and would hear the cases of the tribesmen against any verdict made by the lower judicial bodies.<sup>18</sup> It has the authority to revise the decisions of all

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14 Farhat Taj, "New FATA Reforms – Good But Insufficient" in *Daily Times*, August 20, 2011.

15" Summary of 2011 Amendments to the Frontier Crimes Regulation (FCR)" <http://www.fatareforms.org/summary-of-2011-amendments-to-the-frontier-crimes-regulation/> (accessed on July 30, 2013), n.p.

16 Section 55A has been substituted by Section 22 of the Frontier Crimes (Amendment) Regulation 2011.

17 Section 55A has been substituted by Section 22 of the Frontier Crimes (Amendment) Regulation 2011.

18 Section 55A has been substituted by Section 22 of the Frontier Crimes (Amendment) Regulation 2011.

lower judicial bodies that works below it.<sup>19</sup> When a particular person come up with an application within a specified time of the decision passed by the FATA Tribunal, it may revise its own decision as well.<sup>20</sup>

The tribunal has the authority to tender pardon to the accused and can also enhance the sentence in any criminal case. It would provide proper regard to any decision taken by the council of elders but if there is any space for correction or revision then the Tribunal can go for its revision as well. In matters of civil proceedings, FATA Tribunal has also the ultimate authority to revise the decisions or verdicts taken by the lower judicial organs working below it.<sup>21</sup> The recent legal and administrative reforms are important in a sense that it has comprehensively designed a highest court of appeal for the tribesmen of FATA in the form of a Tribunal which might be helpful in the days to come and the tribal people may take benefit of it.

### **Qaumi Jirga**

Literary the word *Qaum* means a specific group of human beings who shares similar language, culture, ethnicity and other common habits and characteristics of daily life. If we observe it in a broader perspective then this word means a nation as well. The existence of *jirga* in tribal areas is considered compulsory because it provides local and indigenous solution to different disputes in tribal areas and ensures speedy justice. That is why, the recent reforms do not ignore the significance and utility of *Qaumi Jirga* and introduce it in the Frontier Crimes (Amendment) Regulation 2011. The concerned provision states thus, “the Political Agent of District Coordination Officer, as the case may be, may take cognizance of any offence or civil dispute in

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19“ Summary of 2011 Amendments to the Frontier Crimes Regulation (FCR)” n.p.

20 Section 55AA has been inserted by Section 23 of the Frontier Crimes (Amendment) Regulation 2011.

21 Section 52 has been substituted by Section 21 of the Frontier Crimes (Amendment) Regulation 2011.



exceptional circumstances, if so recommended by a *Qaumi Jirga* of the Tribe in the interest of justice and public peace”.<sup>22</sup> The incorporation of this institution, however, do not affect the powers and functions of the political executive across FATA.

It is basically a gathering of wise elders of a particular family, clan or tribe which often engage it in resolving disputes among different tribes and families. It also deals with matters of common interests such as shares of each tribe in forests, water and other natural resources and management of developmental works like building of educational institutions and health centres etc.<sup>23</sup> It decides disputes in such a way that both the contending parties ultimately accept its findings and decision unanimously.<sup>24</sup>

It is normally announced after consultations with few tribal elders. The venue for holding an open session and time is also publically declared in order to ensure maximum participation from different walks of tribal life. During its deliberation the opinions of the participants are given due place while the opinions of the elders are usually given high regard. Some problems are of simple nature that may be solved in a single session while complicated issues may be decided in few sessions.<sup>25</sup> Being an open forum, all the participant tribesmen have the opportunity to say something regarding a particular dispute with solid grounds. However, majority of the tribesmen just want to observe the matter and the decision of the *Jirga*. It is basically an informal gathering

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22 Section 11B has been inserted by Section 8 of the Frontier Crimes (Amendment) Regulation 2011.

23 Hassan M. Yousufzai and Ali Gohar, Towards Understanding Pukhtoon Jirga: An Indigenous Way of Peace-building and More, (Peshawar: Just Peace International, n.d), 47. Also see Fakhr-ul-Islam, Khan Faqir and Malik Amer Atta “Jirga: A Conflict Resolution Institution in Pukhtoon Society” in Gomal University Journal of Research, Vol. 29 (1), (June 2013).

24 Shinwari, “Understanding Jirga: Legality and Legitimacy in Pakistan’s Federally Administered Tribal Areas”, 38.

25 Yousufzai and Gohar, Towards Understanding Pukhtoon Jirga: An Indigenous Way of Peace-building and More, p. 47. Also see Fakhr-ul-Islam, “Jirga: A Conflict Resolution Institution in Pukhtoon Society”, n.p.

having no formal anchor or conductor to organize the session of the *jirga*. Its deliberation is normally started with a relevant story or narrative in order to make the background of the matter concerned. It observes the matter from different angles and dimensions. It takes extra care while ultimately deciding a dispute or case and feels pride when its verdict is unanimously agreed by both the parties concerned.<sup>26</sup>

The tribal elders usually approach both the rival individuals, parties or groups and organize a *Teega*<sup>27</sup> (ceasefire or truce) for the sake of preventing further violence in the locality. An informal security is taken from both sides by the tribal elders that may be weapon or cash. It is set up for a specific time and in the meanwhile a *Qaumi Jirga* is organized which starts investigation and inquiry by collecting and observing evidences, hearing both the rival groups and taking *Waak*<sup>28</sup> from them and then ultimately releases its final verdict.<sup>29</sup>

The newly introduced reforms recognize and accommodate *Qaumi Jirga* as an essential indigenous and local body for the resolution of different tribal disputes and quarrels. The present reforms package has modified section 2 of the FCR and incorporated section 11B which formally define *Qaumi Jirga* and its working respectively.

### **Jail Inspection**

Jail inspection is a new idea which has been accommodated by the Frontier Crimes (Amendment) Regulation. For this purpose a new provision has been added which states that "FATA Tribunal, the Appellate Authority, the Political Agent and District Coordination Officer, as the case may be, shall

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26 Gohar, "Towards Understanding Pukhtoon Jirga, 48.

27 Teega is a sort of truce or ceasefire which is enforced upon the combating parties for a specified period of time in order to dissociate them from fighting and avoid a bigger combat between them.

28 Waak means the authority given to the Jirgia by the disputing parties. When the contending parties give Waak to the Jirga then both the parties have to accept its verdict wholeheartedly.

29 Syed Irshad Hussain, "Conflict Management at the Grassroots in FATA" in TIGAH Vol. I, July 2012, FATA Research Centre, Islamabad, p. 139. Also see Shinwari, "Understanding Jirga", 38.

visit the jails where the tribal convicts or detainees have been kept twice a year.”<sup>30</sup> It is a welcome move as there is very little jail facilities in tribal areas of Pakistan. It is generally observed that the government often keep the tribal prisoners in jails located in other areas of the country. For the general look after of tribal convicts imprisoned in jails outside FATA, it is recommended in the new reforms agenda that all the prisoners of FATA would be inspected twice in a year by the concerned authorities.

### **Audit by Central Government**

The concept of audit mechanism in FATA is totally new in its nature and essence. It is for the first time introduced in the legal-administrative reforms of 2011. It declares that the annual fund of PA in case of a tribal agency and DC in case of a Frontier Region would be annually audited by the state’s auditor general.<sup>31</sup> By virtue of such reforms the state funds would be carefully spent in FATA by the concerned authorities i.e. PAs and DCs as the case may be. According to an estimate, Rs. 24.13 million has recently been mismanaged in Pakistan’s FATA while dealing with various developmental works.<sup>32</sup> For the prevention of such sort of financial mismanagement and corruption, the incorporation of new provision of audit mechanism in FCR is a welcome exercise that may minimize the opportunities of corruption and wastage of national wealth.

### **Critical Analysis**

The Frontier Crimes (Amendment) Regulation of August 2011 has generated mix feelings among the Pakistani society and tribal people of FATA. It is at the same time appreciated and criticized as well in different corners of the

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30 Section 58A has been inserted by Section 25 of the Frontier Crimes (Amendment) Regulation, 2011.

31 Section 58 has been substituted by Section 24 of the Frontier Crimes (Amendment) Regulation, 2011.

32 “Irregularities Detected in FATA Development Projects”  
<http://www.fatareforms.org/irregularities-detected-fata-development-projects/> accessed on 19 September 2013.

country in general and tribal areas in particular. Although the government has introduced amendments in FCR yet it could not thoroughly alter or dismissed the most astonishing provision of 'collective responsibility'. This application of this provision shows that modern civilization in FATA has still not flourished and it needs a lot of struggle to bring these areas at par with other areas of the country.<sup>33</sup> On the one hand the government has realized that this provision is cruel in its nature and essence and therefore, amended it to the effect that the whole tribe or clan would not be arrested on the account of wrong doing of its individual member. It demonstrates that the same provision is fatal and inhuman in essence then why it is partially modified rather it should be abolished totally.<sup>34</sup>

The present scheme of legal-administrative reforms has been criticized on the grounds that it has deliberately ignored to separate the executive from the judiciary. Though these reforms has established a FATA Tribunal with highest appellate jurisdiction yet its composition is faulty as it gives weightage to civil servants over the judges of higher judiciary. The composition of FATA Tribunal has been criticized by the tribal people of FATA, their elders, political leaders, lawyers and others. According to them, it is basically a failure on the part of federal government which could not extend the jurisdiction of Supreme Court and high court to FATA and establish only a titular Tribunal just to gain the sympathies of simple tribesmen. There is a wide gap between theory and practice so far as the functioning of this judicial body is concerned. In theory this body is believed to decide cases impartially but in practice how a bureaucrat would go against the decision of another in favour of tribesmen.

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33 Despite the recent reforms FATA has been declared as "human rights free-zone" by Amnesty International in its recent report. Farhat Taj, "New FATA Reforms – Good But Insufficient" in *Daily Times*, August 20, 2011.

34 Hussain, "Frontier Crimes Regulation: A Case Study of Reforms Process" in TIGAH Vol. 1, 104.

The announcement of two identical presidential orders i.e. Actions (in Aid of Civil Power) Regulation for Federally Administered Tribal Areas and Provincially Administered Tribal Areas on June 27, 2011 by the central government further affects the reforms package. The armed forces of the state have been given unprecedented powers to encounter terrorism in FATA. The Regulation declares that “whereas there exists grave and unprecedented threat to the territorial integrity of Pakistan by miscreants and foreign funded elements, who asserted to unlawful control over the territories of Pakistan and to curb this threat and menace, Armed Forces have been requisitioned to carry out actions in aid of civil power”.<sup>35</sup> It empowers the military to act vigorously in FATA that may even lead to basic human rights abuse in these areas and create hurdles in the reforms implementation as well. It is a retrospective law as it states that “it shall be applicable to the Federally Administered Tribal Areas of Pakistan”<sup>36</sup> and “it shall come into force at once and shall be deemed to have taken effect from the January 1, 2008”.<sup>37</sup> The Armed Forces may arrest terror suspects arbitrarily and keep them in detention for 120 days which would lead to misuse of power in tribal areas. It also authorizes the military to capture any individual’s land without any sort of compensation across FATA.

### **Conclusion**

To sum up, it is noteworthy here that the state of Pakistan after a long political journey extending over a period of sixty five years, could neither fully integrate these areas in its fold nor could properly bring positive changes in the legal and administrative framework of FATA which could lead to socio-economic, political, legal and administrative development in these area. There might be so many factors responsible for the socio- cultural, political, economic, judicial and administrative decay of FATA but the utmost and historically

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35 Action (in Aid of Civil Power) Regulation, 2011, The Preamble.

36 Action (in Aid of Civil Power) Regulation, 2011, Article 1, Clause 2.

37 Action (in Aid of Civil Power) Regulation, 2011, Article 1, Clause 3.

important factor is the Frontier Crimes Regulation 1901. This Regulation really bestows more discretionary powers upon the political administration in FATA so, the proverbial notion that “power corrupts and absolute power corrupts absolutely” is thus proved. The government could not introduce considerable reforms in FCR in the post-partition period. Only few minor and modest changes have been incorporated in the text of this Regulation but its substance fundamentally remained the same. However, to an extent meaningful reforms in the structure of governance in FATA by incorporating significant modifications in FCR have been made by the PPP government in August, 2011. This is the first ever substantive reforms package introduced by the government in the history of FCR. But now the question of its implementation is of immense vitality. It is a big challenge for the government to execute these reforms in the present day fragile security situation across FATA. Beside all its shortcomings and deficiencies, the Frontier Crimes (Amendment) Regulation 2011 has been welcomed by the people of FATA in the midst of turmoil across the region.

## **Institutional History Writing in Pakistan: A Study of Parliament**

**Dr. Mahboob Hussain\***

### **ABSTRACT**

*Institutions are significant elements of modern state. The study of institutions therefore, is instrumental in the research of modern history. In other words, modern political history can essentially be written in terms of history of institutions. Institutionalization and its mechanisms is one of the major preoccupations of modern social sciences. Samuel P. Huntington's discussion of the criteria of 'Political Institutionlization', Robert E. Goodin's treatment of the 'Theory of Institutional Design', Max Weber's discussion on 'Charisma and Insitution Building', Gabriel A. Almond's study on 'Classic Themes of Political Science', Nelson W. Polsby's work about the 'Institutionalization of the U.S. House of Representatives' and 'Theory of Path Dependence' are some significant works of research in this context. The scholars who have conducted research can be divided into various groups with respect of their methodologies and findings. This paper aims to highlight different scholarly and research works relating to the history of institutions in Pakistan. The focus of the paper is one of three major*

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*institutions existing in modern democracies, namely the parliament. The methods, resources, findings and views of these different groups have been analysed in this paper. The sources of the paper cover the research works of the historians focused their studies on the institutional studies especially the parliament.*

The concept of 'Institution' has been used variously in different branches of knowledge, i.e. sociology and political science. "An institution," according to March and Olsen, "is a relatively enduring collection of rules and organized practices, embedded in structures of meaning and resources that are relatively invariant in the face of turnover of individuals and relatively resilient to the idiosyncratic preferences of individuals and changing external circumstances."<sup>1</sup>

'Institutionalization' refers to the development of a regularized system of policy making. "A political community develops routines, standard ways of doing things by organizations endowed with resources and authority. Responses to regularly recurring problems are often institutionalized. Collective action comes to pass in the political community because standard procedures are established that provide political actors with appropriate incentives to take the action necessary to provide a public good or control an externality."<sup>2</sup>

In global context a valuable literature is available on the topic that is very helpful for formulating the argument as well as the conceptual framework related to institution building particularly of the representative institutions. Polsby used the concept of institutionalization to describe the process by which the American House of Representatives became more complex, autonomous, coherent, adaptive and

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1 Jr. Matthew Holden, "Exclusion, Inclusion, and Political Institutions", in *The Oxford Handbook of Political Institutions*, ed. R. A. W. Rhodes, Sarah A. Binder and Bert A. Rockman (Oxford: Oxford University Press, 2006), 182.

2 Kevin T. McGuire, "The Institutionalization of the U.S. Supreme Court" *Political Analysis*, 12. (Spring 2004), 129.



universal.<sup>3</sup>This theme of institutionalization has since been pursued by Gehrlich<sup>4</sup> in a discussion of several European Parliaments, by Opello<sup>5</sup> in a case study of Portugal's Parliament, by Hibbing<sup>6</sup> in an analysis of the British House of Commons,<sup>7</sup> by Squire<sup>8</sup> on California state legislature, by Patterson and Copeland<sup>9</sup> in a collection of essays edited by them and by Norton<sup>10</sup> in a book on governments and Parliaments in Western Europe. These arguments provided the basic framework for the present book.

The role of political leadership in institutionalization is another important theme that is utilized by the writers like Max Weber. His writings present his multi-coloured work from one central focus: the relationship between charisma on the one hand, and the process of institution building in the major fields of the social order such as politics, law, economy, culture and religion on the other. So, the concept of 'charisma' is significantly important for understanding the

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- 3 Nelson Polsby, an American, who wrote an article "The institutionalization of the U. S. House of Representatives," in 1968 and got fame by giving a model for study of Parliament in the context of institutionalization. His next contribution is a part of Handbook of Political Science in 1975.
  - 4 P. Gehrlich, "The Institutionalization of European Parliament", in *Legislatures in Comparative Perspective*, ed., A. Kornberg (New York: David McKay, 1973).
  - 5 Jr. W.C. Opello. "Portugal's Parliament: An Organizational Analysis of Legislative Performance", *Legislative Studies Quarterly*, 11. (1986), 291–320.
  - 6 J. R. Hibbing, "Legislative Institutionalization with Illustrations from British House of Commons." *American Journal of Political Science*. 32 (1988), 681–712.
  - 7 M. I. Mezey, "Legislatures: Individual Purposes and Institutional Performance", in *Political Science: The State of Discipline II* A.W. Finifter ed. (Washington, D.C: The American Political Science Association, 1993), 354.
  - 8 P. Squire, "The Theory of Legislative Institutionalization and the California Assembly", *The Journal of Politics*, 54 (1992), 1026–54.
  - 9 G. W. Copeland and S. C. Patterson, "Parliaments and Legislatures", in *World Encyclopaedia of Parliaments and Legislatures*, ed. G. T. Kurian 12-18 (Washington D. C.: Congressional Quarterly Inc., 1998), xix–xxxi.
  - 10 P. Norton, "Introduction: The Institutions of Parliaments." In *Parliaments and Governments in Western Europe*, ed. p. Norton (London: Frank Cass, 1998), 1-15.

processes of institution building, as Weber argues in his writings.<sup>11</sup> This argument provides a base to examine the role of Pakistani leadership in the institution building, especially the role of Z.A Bhutto in this context.

Institutionalization and its mechanisms is one of the major preoccupations of modern social sciences. Samuel P. Huntington's discussion of the criteria of Political Institutionlization,<sup>12</sup> Robert E. Goodin's treatment of the Theory of Institutional Design<sup>13</sup>, Max Weber's discussion on Charisma and Insitution Building<sup>14</sup>, Gabriel A. Almond's study on classic themes of political science,<sup>15</sup> Nelson W. Polsby's work about the Institutionalization of the U.S. House of Representatives<sup>16</sup> and Theory of Path Dependence<sup>17</sup> are some significant works of research in this context.

The level of institutionalization of any political system can be defined by the adaptability, complexity, autonomy, and coherence of its organizations and procedures. If these criteria can be identified and measured, political system can be compared in terms of their levels of institutionalization making it possible to measure increases and decreases in the institutionalization of the particular organizations and procedures within a political system.<sup>18</sup>

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- 11 Eisenstadt, S. N., ed. *Max Weber, on Charisma and Institution Building*. (London: The University of Chicago Press, 1968).
  - 12 Samuel P. Huntington, *Political Order in Changing Societies* (Virginia: New Haven and London, Yale University Press, 1968)..
  - 13 Robert E. Goodin, *The Theory of Institutional Design* (New York: Cambridge University Press, 1996).
  - 14 Eisenstadt, *Max Weber on Charisma and Institution Building*.
  - 15 Gabriel A. Almond, and Sidney Verba, *The Civic Culture Political Attitudes and Democracy in Five Nations* (Princeton, New Jersey: Princeton University Press, 1963).
  - 16 *The American Political Science Review*, vol.62, No.1. (March, 1968), 144-68.
  - 17 Many historical sociologists employ a broad conceptualization that essentially entails the argument that past events influence future events. James Mahoney, Path dependence in historical sociology, *Theory and Society* 29 (2000), 507-548.
  - 18 Huntington, *Political Order in Changing Societies*, 12.

Also, another tool for measurement of the process of institutionalization, according to Huntington, is the chronological factor as the political institutions are not created overnight. The political development is slow, particularly when compared to the seemingly much more rapid pace of economic development.<sup>19</sup> An organization's functions, of course, can be defined in an almost infinite number of ways. Usually an organization is created to perform one particular function. However, when the previously desired function is no longer needed, the organization faces a major crisis: it either finds a new function or reconciles itself to a lingering death. An organization that has adapted itself to changes in its circumstances and has survived one or more changes in its principal functions is more highly institutionalized than one that has not.<sup>20</sup>

For Norton, relatively more institutionalized parliaments have a somewhat greater capacity to constrain governments than the less institutionalized parliaments. At the heart of institutionalization is specialization through committees.<sup>21</sup> For Polsby, an organization becomes institutionalized when it becomes differentiated from its environment by developing and channelling career opportunities; develops a division of labour in which roles are specified; and becomes universalistic rather than particularistic in its methods of internal business.<sup>22</sup> The general idea is that as institutions move through time they tend to adopt certain qualities and lose others. Specifically, the typical institution is thought to become more complex, autonomous, coherent, adaptive,

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19 Huntington, *Political Order in Changing Societies*, 14.

20 Huntington, *Political Order in Changing Societies*, 15; Huntington refers for detail: Philip Selznick's *Leadership in Administration* (New York, Harper and Row, 1957), 5.

21 Taiabur Rehman, *Parliamentary Control and Government Accountability in South Asia* (Oxon: Taylor & Francis e-Library, 2007), 21.

22 Rehman, *Parliamentary Control and Government Accountability in South Asia*, 22.

and universalistic, and less simple, subordinate, disunited, rigid, and particularistic.

It is significant to note that there is no acceptable general model of legislative change and study of the notion of institutionalization. Polsby offers some works in this regard.<sup>23</sup> Some scholars like Cooper, Brady, Sisson, and Hibbing have criticized institutionalization's general theoretical tenets. Still, the spate of studies<sup>24</sup> exploring institutionalization attests to the continuing influence of Polsby's idea.<sup>25</sup>

The political context within which the legislatures exist, as well as their internal resource strength and organization enormously affect the formation, development and work of legislatures. The fundamental relationship between the Legislature and the Executive are believed to be determined by the interplay of a number of social, economic, political and intra-institutional factors. These are social factors like civil society, political history, culture, media, and interest groups; economic factors; political factors like the constitutional dimension, the party dimension; and finally intra-institutional factors like chambers and members.<sup>26</sup> The comparison between Parliament and executive can be thus studied in the light of these factors.

Examining a wide variety of organizations, different scholars like Mishler and Hildreth, Hibbing, Ragsdale, Theis, Keohane, Huntington, Shepsle and Bonchek have consistently sought specific indicators that reflect an underlying dimension of institutionalization. Kevin T. McGuire has subsumed these indicators under three general headings: differentiation, durability, and autonomy.

**Differentiation:** A principal indicator of an institutionalized political organization is differentiation from its environment

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23 Hibbing, "Legislative Institutionalization", 681.

24 Hibbing, "Legislative Institutionalization", Chubb 1988; Canon 1989; Brace and Ward 1989; Van Der Slik 1989.

25 Squire, "Theory of Legislative Institutionalization", 1026.

26 Rehman, *Parliamentary Control*, 43.

that is the establishment of clear boundary lines that mark its distinctiveness. In practical terms, its members should constitute a discrete group with a well-defined role in the political system. One common measure of such differentiation is the extent to which members are recruited from among the veterans within an organization and thus share a common understanding of their institution's goals.

**Durability:** Institutional growth can also be expressed in terms of durability, the ability to persist and to adapt to change. Resilience is the mark of a stable policy maker, so if an organization can maintain its role in the ebb and flow of politics, this serves as a gauge of integration into the political system. A durable organization, therefore, would be able to pursue its goals when confronted with changes.

**Autonomy:** An effective policy maker must also be autonomous, having "some degree of independence in making its own decisions without dictation from outside actors." Operationally, autonomy is indicated by the presence of procedures protecting the independence of the institution vis-à-vis other political actors and institutions.<sup>27</sup>

Polsby, on the other hand, utilizes three of the elements of institutionalization: the establishment of boundaries (autonomy), the growth of internal complexity, and the development of universalistic as opposed to particularistic decision-making rules.<sup>28</sup> This institutionalization is evident in several ways:

- (1) greatly increased membership continuity from session to session, and increased apprenticeship periods for leaders;
- (2) increased autonomy and importance of committees, growth of specialized party leadership, and increases in aids and salaries for members;

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27 McGuire, "Institutionalization of the U.S.", 130-32.

28 Hibbing, "Legislative Institutionalization", 684-85.

- (3) increased use of such automatic methods of handling affairs as use of seniority in determining committee positions.<sup>29</sup>

One aspect of institutionalization, according to Polsby, is the differentiation of an organization from its environment. The establishment of boundaries in a political organization refers mostly to a channelling of career opportunities. In an undifferentiated organization, entry to and exit from membership is easy and frequent. The leaders emerge rapidly as lateral entry from outside to positions of leadership is quite common, and persistence of leadership over time is rare. As any organization institutionalizes, it stabilizes its membership, entry is more difficult, and turnover is less frequent. Its leadership professionalizes and persists. Also, the recruitment to leadership is more likely to occur from within, and the apprenticeship period lengthens. Thus, the organization establishes and “hardens” its outer boundaries.<sup>30</sup>

As Polsby notes, when compared to the establishment of boundaries, “simple operational indices of institutional complexity and universalistic automated decision making are less easy to produce in neat and comparable time series”. Polsby is of the view that the obvious measure of internal complexity – the number of committees in the body-is misleading in that the raw number of committees may not reflect the true level of internal differentiation. The committees could be powerless, or they could be very powerful; they could have no staff, or they could be well-staffed; they could have set jurisdiction or variable jurisdiction; they could have substantial or inconsequential oversight capabilities. In short, committees vary widely, and merely counting them may not be meaningful. This varied situation convinced Polsby to look for other indicators of internal complexity. He chose the growth in the autonomy

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29 Douglas C. Chaffey, “The Institutionalization of State Legislatures: A Comparative Study”, *The Western Political Quarterly* 23 (March 1970), 180.

30 Hibbing, “Legislative Institutionalization”, 685.

and importance of committees, the growth of specialized agencies of party leadership, and the general increase in the provision of various emoluments and auxiliary aids to members in the form of office space, salaries, allowances, staff, and committee staffs.<sup>31</sup>

Polsby's final indicator of internal complexity is "the growth of resources assigned to internal management, measured in terms of personnel, facilities, and money". The Staff Assistance constitutes an important part of these internal resources. Polsby means much more than just staff. He also comments briefly on the physical attributes of Congress and then presents the trend in yearly expenditures required to run the House of Representatives.<sup>32</sup>

The third and final feature of institutionalization addressed by Polsby concerns the tendency of a body to adopt rules that are more automatic and less discretionary. These rules do not need to be written; informal norms may also qualify.<sup>33</sup>

This framework provides the most appropriate theoretical lens to coherently investigate and account for the institution building in Pakistan as it facilitates a careful analysis of relevant events and institutional arrangements. Therefore, having borrowed the concepts from Polsby and McGuire, Parliament of Pakistan can be analyzed under five different criteria: Differentiation (common understanding of members of Parliament), Durability (pursuing goals in environmental change), Autonomy (independence in making decisions and procedures while establishing boundaries), and Growth of internal complexity and Development of universalistic rules.

McGuire and above referred other writers studied the institutions in the American context. The study of any institution whether judiciary or the legislature is possible under these models and terms due to the similarity of the basic ingredients of all institutions of the state.

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31 Hibbing, "Legislative Institutionalization", 696-97.

32 Hibbing, "Legislative Institutionalization", 701.

33 Hibbing, "Legislative Institutionalization", 703.

## Pakistani Context

In the studies of history and politics of Pakistan institutional explanations have been deployed by a number of scholars. Lawrence Ziring<sup>34</sup> has linked the introduction of Pakistan's first Martial Law regime in 1958 with the institutional weakness resulting in part from the collapse of the Muslim League. Veena Kukreja<sup>35</sup> has similarly understood this period as one of general decay in political institutionalization resulting in a crisis of legitimacy. Maleeha Lodhi<sup>36</sup> analyzes the Army's 1977 intervention in the same terms of institutional weakness of Pakistan People's Party (PPP).<sup>37</sup>

The weakness of institutions, therefore, has created many problems and has often hindered the political development of Pakistan. Here the question arises why the institutions in Pakistan are not strong. Especially the question that why the Parliament, that is the only representative institution of the masses, could not get its position acknowledged in the political system of Pakistan has been indirectly dealt by many historians, philosophers and political experts.

A group of scholars view that in Pakistan institution of Army is so strong that it does not let any other institution including the Parliament to function smoothly and freely. Every scholar in this school of thought comprising, Hasan Askari Rizvi,<sup>38</sup> Mazhar Aziz<sup>39</sup>, Ayesha Siddiqa,<sup>40</sup> Shuja Nawaz,<sup>41</sup> Hussain

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34 Lawrence Ziring, *Pakistan: The Enigma of Political Development* (Boulder, Colorado: Westview Press, 1980).

35 Veena Kukreja, *Civil-Military Relations in South Asia: Pakistan, Bangladesh and India* (New Delhi Sage Publications, 1991), 45.

36 Maleeha Lodhi, "Pakistan in Crisis", *The Journal of Commonwealth and Comparative Politics* 16. (March 1978), 65.

37 Ian Talbot, *Pakistan A Modern History* (Lahore: Vanguard Books, 1999), 8-9.

38 Hasan Askari Rizvi, *The Military & Politics in Pakistan 1947-1997* (Lahore: Sang-e-Meel Publications, 2000).

39 Mazhar Aziz, *Military Control in Pakistan* (Oxon: Routledge, 2008).

40 Ayesha Siddiqa, *Military Inc.: Inside Pakistan's Military Economy*, (Karachi: Oxford University Press, 2007).

41 Shuja Nawaz, *Crossed Swords Pakistan its Army, and the Wars within* (Karachi: Oxford University Press, 2008).



Haqqani,<sup>42</sup> Ayesha Jalal,<sup>43</sup> and Hamza Ali Alavi<sup>44</sup> have pointed out in their respective styles that Army secures its interests and causes the weakness of other institutions. Rizvi undertakes a comprehensive and documented study of the role of the Military in Pakistan's society and politics with a view to explaining why and how a professional Military can acquire political disposition.<sup>45</sup>

Mazhar Aziz has studied the political structure under the umbrella of theory of *Path Dependency*. He has adopted the argument that the emergence of the Military as the foremost decision-making entity probably creates its own set of precedents and institutions that enable the Military to be, in effect, a parallel state, and continues to define the nature of governance within the polity. It is then likely that the civilian governments in Pakistan will remain unstable and weak given the scope of the Military's capacity and influence.<sup>46</sup>

Ayesha Siddiqah has analyzed the internal and external dynamics of the Military's gradual power-building and the impact that it is having on Pakistan's political and economic development.<sup>47</sup> *Military Inc.* shows how the Military has gradually gained control of Pakistan's political, social, and economic resources and this power has transformed Pakistani society. Siddiqah has tried to search the answer of the questions whether democracy has a future in Pakistan, where the armed forces have become an independent class, and why militaries become key players in a country's power politics; her answer is that the brass is protecting its gold.

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42 Husain Haqqani, *Pakistan between Mosque and Military* (Lahore: Vanguard, 2005).

43 Ayesha Jalal, *The State of Martial Rule: The Origins of Pakistan's Political Economy of Defense*, (New York: Cambridge University Press, 1990).

44 Hamza Ali Alavi, "Authoritarianism and Legitimation of State Power in Pakistan", in *The Post-Colonial State in Asia: Dialectics of Politics and Culture*, ed. Subrata Kumar Mishra, 19-72 (New York: Harvester Wheatsheaf, 1990).

45 Rizvi, *Military and Politics*, 13.

46 Aziz, *Military Control in Pakistan*, 1.

47 Siddiqah, *Military Inc.*

Shuja Nawaz has highlighted how the political circumstances caused Military intervention in politics at different instances. He has argued that the rapid development of the Military halted the growth of the political system, and the leaders made no attempt to redress the power imbalance between the institutions of state and that of Army. Also, he has viewed that power imbalance converted the Army into the power centre and politicians invited the Army for arbitration of their disputes which exposed their weaknesses to the Military.<sup>48</sup> For the support of his argument he has quoted the empirical evidence that the appointment as minister of two serving officers, General Ayub Khan, the Commander-in-Chief and Major General Iskandar Mirza, from bureaucracy, in violation of the Constitution of the country gave the Military an opportunity to observe the deficiencies of the politicians. This argument supported one of the hypotheses of this study as well. Shuja's other argument is that the Americans did not wish to indulge in the domestic political affairs of Pakistan but wanted to ensure political constancy in Pakistan for their alliance against Communism so they decided to give their consent for imposing Martial Law by saying that "they favour Democracy but [there are] exceptions which can be justified for a limited period."<sup>49</sup>

Hussain Haqqani has contended that Pakistan's state institutions, especially the Military and intelligence services have been playing a leading role in building its national identity on the basis of religion. Explaining further, Haqqani has opined that 'Islamist groups have been sponsored and supported by the state machinery at different times to influence domestic politics and support the Military's political dominance.'<sup>50</sup> Furthermore, Haqqani has built an interesting thesis that the alliance of the Mosque and the Military has

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48 Nawaz, *Crossed Swords*, xxviii.

49 Nawaz, *Crossed Swords*, 153.

50 Haqqani, *Pakistan between Mosque*, 3.

been absolutely determined to overthrow the civilian rule in Pakistan.<sup>51</sup>

Ayesha Jalal has also focused mainly on the first decade of Pakistan's history to show how the politicians at the centre lost power, prestige, and authority to the Military and Bureaucracy. She argues that by the time of Liaquat Ali Khan's assassination in October 1951, the Military has played an important, if not dominating, role in the formation of the policy for Pakistan. By April 1953, the "bureaucratic-military axis had wrested the balance of power" from politicians and in the coup of 1958 disposed with them entirely.<sup>52</sup>

Writers of another group like Frank Goodnow,<sup>53</sup> Ilhan Niaz<sup>54</sup>, Huma Naz,<sup>55</sup> Ali Ahmed,<sup>56</sup> Khalid B. Sayeed,<sup>57</sup> C. Bhambhari and M. Bhaskaran Nair,<sup>58</sup> Charles H. Kennedy,<sup>59</sup> Aminullah Chaudhry,<sup>60</sup> while reviewing the early period of Pakistan's history, view that over-dependence on Bureaucracy causes the weakness of other institutions of the state, including Parliament. To Goodnow the weakness of legislature or

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51 Haqqani, *Pakistan between Mosque*, 87.

52 Roger D. Long, *Pacific Affairs*, 64. (Autumn, 1991), 427-28.

53 Frank Goodnow, *The Civil Service of Pakistan* (New Haven: Yale University Press, 1964).

54 Ilhan Niaz, *The Culture of Power and Governance of Pakistan 1947-2008* (Islamabad: Oxford University Press, 2010).

55 Huma Naz, *Bureaucratic Elites and Political Development in Pakistan (1947-1958)* (Islamabad: National Institute of Pakistan Studies Quaid-i-Azam University, 1990).

56 Ali Ahmed, *Role of Higher Civil Servants in Pakistan* (Dacca: National Institute of Public Administration, 1968).

57 Khalid bin Sayeed, *The Political System of Pakistan* (Kingston: Queen's University, 1966).

58 C. Bhambhari and M. Bhaskaran Nair, "Bureaucracy in Authoritarian Political System", *Pakistan Political System in Crisis*, ed. S. p. Varma and Virendra Narain (Jaipur: South Asia Studies Centre, University of Rajasthan, 1972).

59 Charles H. Kennedy, *Bureaucracy in Pakistan*, (Karachi: Oxford University Press 1987).

60 Aminullah Chaudhry, *Political Administrators, The Story of the Civil Service of Pakistan*, (Karachi: Oxford University Press, 2011).

elected representatives vis-à-vis Bureaucracy, which co-operated with the Chief Executive and was not barred, gave CSPs full control over the government. Goodnow argues that a powerful Bureaucracy may suppress institutions essential to economic development as well as to democratic government.<sup>61</sup> Ilhan Niaz, in this context, contends that during April 1953 – March 1969, Pakistan was governed by CSP officers, senior military officers and elements within the Judiciary. His main thesis is that in post-independence governance, the rulers, while exercising power, have ‘steadily regressed’ into a pre-British form. According to the author, in terms of performance, the period between 1947 and 1969 was ‘probably the best’. But “prolonged authoritarian rule left a huge void in Pakistan’s political leadership.”<sup>62</sup>

Khalid B. Sayeed, while observing the control of the institution of Bureaucracy over the political system of Pakistan, commented that “the Government of Pakistan might be described a pyramid carved out of a single rock, and the civil servants had captured the apex of the pyramid. Below the apex are several layers of authority descending downwards from the secretariat level to the base of the pyramid, the district administration”.<sup>63</sup>

The ideas of the scholars who favoured the rule of masses, like Tariq Ali,<sup>64</sup> Badruddin Umar,<sup>65</sup> and Rasul Baksh Rais<sup>66</sup> stress the role of masses in the building of the institutions. The gist of their views lead to the argument that the institution of Parliament can be stronger if it is supported by

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61 Goodnow, *Civil Service of Pakistan*, 77.

62 Niaz, *The Culture of Power*, 128, 247.

63 Khalid B. Sayeed, “The Political Role of Pakistan’s Civil Service”, *Pacific Affairs* 31 (June 1958), 137.

64 Tariq Ali, *Pakistan: Military Rule or People’s Power* (London: Jonathan Cape, 1970).

65 Badruddin Umar, *The Emergence of Bangladesh: Rise of Bengali Nationalism (1958-1971)* (Karachi: Oxford University Press, 2006).

66 Rasul Baksh Rais, *State, Society and Democratic Change in Pakistan* (Karachi: Oxford University Press, 1996).

the masses. Until and unless the masses are behind the decisions of the Parliament and people are happy with the working of this institution the Parliament does not dictate the functions of other institutions. Without the public support Parliament even loses the control over its working and direction as well.

In the Pakistani context, while considerable works are available on general political history of Pakistan and a plethora of writings has been produced on the numerous aspects of the Pakistani history, very few books have included any material or chapter on the institutionalization of the Parliament in Pakistan. Even those historians who have indirectly shed some light on the institution of Parliament in Pakistan have not gone far enough to appreciate the multiple aspects and dynamics of the institution in a historical perspective. The role and growth of legislatures in Pakistan has not been given sufficient space. Some writers have focused their attention on the role of individuals in Pakistan's politics, while the others have highlighted the political history of Pakistan. The scholars, no doubt, have contributed a great deal on political history of the country, but did not focus keenly on analysis of the Parliamentary history in Pakistan.

Even the researchers who have focused on the Zulfikar Ali Bhutto era have not given sufficient information on the role of Pakistan's first directly elected Parliament. Most of the authors such as Stanley Wolpert,<sup>67</sup> Anwar H. Syed,<sup>68</sup> Maulana Kausar Niazi,<sup>69</sup> Sheikh Muhammad Rashid,<sup>70</sup> Rafi Raza,<sup>71</sup> Salmaan Taseer,<sup>72</sup>

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67 Stanley Wolpert, *Zulfi Bhutto of Pakistan His Life and Times* (Karachi: Oxford University, Press, 2008).

68 Anwar H. Syed, *The Discourse and Politics of Zulfikar Ali Bhutto* (Micmillan, 1992).

69 Maulana Kausar Niazi, *Zulfikar Ali Bhutto of Pakistan: Last Days*. (On-line Edition), <http://bhutto.org>.

70 Sheikh Muhammad Rashid, *Juhd-e-Musalsal* (Lahore: Jang Publishers, 2002).

71 Rafi Raza, *Zulfikar Ali Bhutto and Pakistan 1967-1977* (Karachi: Oxford University, Press, 1997).

72 Salmaan Taseer, *Bhutto: A political Biography* (New Delhi: Vikas Publishing House, 1980).

Philip p. Jones<sup>73</sup> and Shahid Javed Burki,<sup>74</sup> highlighted various aspects of the history of Bhutto era but they did not discuss the Parliament as an institution in detail. Z.A Bhutto, who authored several books regarding his life and his contribution in the history of Pakistan, has also neglected the Parliament's role in politics and the Parliament is the most neglected subject in all of his works. Therefore, it is exceptionally significant to explore the Parliament as an institution in Pakistan to understand its role in the history of Pakistan. This book, therefore, tries to fill up the research gap in the historical literature of Pakistan.

The Pakistani historians generally hold the Military rulers, especially General Zia-ul-Haq, responsible for imposing Martial Law in the country without cogent reasons and overlook the working of the institution of the Parliament under Bhutto period. Despite its lofty achievements, the Parliament witnessed mishandling in the affairs while interacting with the opposition who was turned reactionary even after the misfortune that the Executive by-passed the Parliament in certain cases of extreme importance and thus these factors coupled with others weakened the Parliament as an institution. Although other factors like role of Army, and external powers etc., were important, however it remains fact that the weaknesses was inherent in the institution of the Parliament during Bhutto era which consequentially brought about its unfortunate and tragic demise.

The Western scholars have set a structure for the study of institutionalization according to the conditions in their respective areas. On the contrary Pakistani scholars have studied the parliament's institutionalization on the basis of the conditions in Pakistan. The influence of the military over the institution of parliament has been discussed in a number of works without any exclusive research in thematic paradigm of institutionalization of parliament. They have described the institutional history through historical description rather than through thematic approach. In recent years, however, the efforts in this direction are being made. The present study is one serious step in this discourse.

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73 Philip P. Jones, *Pakistan People's Party* (Karachi: Oxford University Press, 2003).

74 Shahid Javed Burki, *Pakistan under Bhutto* (New York: St. Martin's Press, 1980).

## **A Comparative Study of Local Government System during Ayub and Musharraf Regime**

**Ali Nawaz Soomro\***

### **ABSTRACT**

*Majority of the states have adopted the local government system because the local government not only empowers the people at grassroot level but also enables them to participate in the development of local area. They can play a significant role in community development, because the local people know where the resources could be utilized in a better way. Unfortunately, the history of local government system in Pakistan is not so praiseworthy, because every time, new experiences have been made in the name of local government.*

*Historically, in 1958 the martial law was imposed and the constitution was abrogated. National and Provincial Assemblies were dissolved and Muhammad Ayub Khan was appointed as Chief Martial Law Administrator. He introduced the Basic Democracies System in 1959, which is generally known as BD system. Same thing happened when the elected government of Muhammad Nawaz Sharif was ousted in 1999 by General Pervez Musharraf. Soon after he announced for the restoration of democratic system at*

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*grassroots, for which a totally different local government system was introduced through local government ordinance 2001. This research paper presents the historical background of local government system in Pakistan while the main focus is on local government system during Ayub and Musharraf regime.*

### **Introduction**

It is accepted fact that the local government strengthens the roots of democratic system, because it is closer to the common people as compared to Provincial or National Government, which creates a real concept of democracy, this tier empowers the people to govern their particular area. The local government does not possess sovereign authority but it remains under the control of Provincial or National Government<sup>1</sup> Mazhar-ul-Haq defines local government as “a public organization authorized to decide and administer a limited range of public policies within a relatively small territory which is a subdivision of a regional or national government”.

This tier also works as the institution for political training, because it gives them the chance to govern at local level which in future enables them to rule at provincial or national level effectively. The members of various councils at this level are generally elected by the residents of that particular area, which makes them more accountable towards common people, it also decreases the gap between ruler and ruled<sup>2</sup>. Moreover, local government ensures the participation of local people in government at local level and enables them to supervise the developmental projects which ensures transparency, furthermore, Hussain states that “the more aware, vigilant and active the community becomes through their participation in the local government units, greater will

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1 Barthwal 2003; Islam n.d.

2 FakhrulIslam, “The Role of Local Self-Government Institution for Deepening Democracy at the grass-roots Level in Bangladesh.” *Journal of Public Administration and Policy Research*, 2015, VII (2): 29-38. doi:10.5897/JPAPR2015.0311.



be the pressure on these institutions to become transparent and accountable”.

The importance of the local government can be realized from its functions; it almost covers all those functions which effects the daily life of the common people, such as provision of basic services including, clean drinking water supply, education, basic health, construction and maintenance of streets, roads, cleaning of streets, street lights, solid waste, sanitation etc.<sup>3</sup> Moreover, these institutions also perform arbitrary functions such as solving the problems of locality<sup>4</sup>. If these functions are to be performed by the central or provincial government in that case those upper tiers will be overburdened and it would be difficult for upper tiers to provide these local services timely and effectively, because now-a-days states are too vast having huge population, in that case only local government can provide basic services quickly and effectively to the residents at their door steps. While the name and functions of local government institutions may vary from one country to another, in federal states the institutions of local government possess more powers and in unitary states they enjoy less powers while in some states they have the status of third tier.<sup>5</sup>

Now a days the functions of the states have been increases, so, the states are not only responsible for the maintaining law and order and protecting the boundaries of the states but also taking steps for the welfare of the people, so it is essential to decentralize political, administrative and financial powers and responsibilities at local level for timely provision of services delivery.<sup>6</sup>

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3 Zahid Islam. *Pakistan Main Maqami Huqoomat Ka Nizam*. (Lahore: South Asia Partnership, 2007).

4 Hussain 2003.

5 See Hussain 2003 and Muhammad Asif Malik, and Tamkeen Anjum. *Local Self Government in Pakistan*. (Lahore: Emporium, 2006).

6 Vishnoo Bhagwan and Vidya Bhushan. *World Constitutions: A Comparative Study* (New Delhi: Sterling Publishers, 2004).

### Local Government during Ayub Regime

In 1958 Iskandar Mirza imposed the martial law and Muhammad Ayub Khan was appointed as Chief Martial Law Administrator, soon after Ayub Khan took oath as President of Pakistan and announced that it is his aim to restore the democracy, such a democracy which will ensure the participation of citizens in the affairs of the country, in this way he introduced the 'Basic Democracies Order 1959', this system was introduced on October 27, 1959.<sup>7</sup> During the rule of Ayub Khan "limited political freedom was allowed but he was the centre of all power".<sup>8</sup>

Initially this system was known as local government but its name was changed from local government to Basic Democracies on August 28, 1959 when Ayub Khan was addressing to food and agricultural advisory committee<sup>9</sup>, "the decision to create Basic Democracies was taken at the Governors' conference held in Karachi from 30<sup>th</sup> April to 1<sup>st</sup> May 1959, more detail decision on the new system were taken at Governors' conference at Nathiagali on 12-13 June that Year".<sup>10</sup>

Through these two ordinances, Basic Democracies Ordinance 1959 and Municipal Administration Ordinance 1960, the first time structural local government system was introduced in the history of Pakistan, by introducing basic democracies system Muhammad Ayub Khan can be said the founder of local government system in Pakistan. Before this a *panchayat* system existed in Indian sub-continent which was generally comprised of five people, the members of *panchayat* were from upper cost or landlords. The BD members were assigned so many functions, apart from their

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7 Malik and Anjum. *Local Self Government in Pakistan*.

8 Zafar Afaq Ansari and Abdul Rashid Moten. "From Crisis to Crisis: Musharraf's Personal Rule and the 2002 Elections in Pakistan." *The Muslim world* 93. No 3-4, (2003), 380.

9 Shahid n.d.

10 Muhammad Ayub Khan. *Friends Not Masters*. (Islamabad: Mr. Books, 2002).

functions related to local government these BD members had to function as electoral college for the election of National Assembly, Provincial Assemblies and President. Initially the number of Basic Democracies member was 80000, which was later on through amendment increased to 120000.<sup>11</sup> Initially this system was comprised of five tiers ranging from union council to provincial development advisory council but later on the upper tier (Provincial development advisory council) was abolished in 1962.<sup>12</sup>

#### CHARACTERISTICS OF LOCAL COUNCILS AND LOCAL BODIES (1960-1971)

	Membership		Chairman	Controlling Authority
	Elected	Official		
<b>Rural Councils</b>				
(i) Union Councils	100%	-----	Elected	D.C/ Collector
(ii) Tehsil Councils	Not Less Than 50 %	Not More Than 50 %	S.D.M/ Tehsildar	Commissioner
(iii) District Council	Not Less Than 50 %	Not More Than 50 %	Deputy Commissioner	Commissioner
<b>Urban Councils</b>				
(i) Town Committees	100%	-----	Elected	D.C/ Collector
(ii) Union Committees	100%	-----	Elected	Chairman Municipal Committee/ Corporation
(iii) Municipal Committees/ Corporations	Not Less Than 50 %	Not More Than 50 %	Appointed Official	Commissioner
Divisional Councils	Not Less Than 50 %	Not More Than 50 %	Commissioner	Provincial Government

Source: Afzal 1987, 638-39.

11 Yasmeen YousifPardesi "An Analysis of the Constitutional Crisis in Pakistan (1958-1969)." *The Dialogue* (Qurtuba University, Pakistan) VII. No. 4, (2012), 375-92.

12 Musarrat and Azhar 2012.

### **Structure of Basic Democracies System**

In rural areas the lowest tier was Union Council which was comprised of villages having the population ranging from ten to fifteen thousand people, this council was generally comprised of twelve to fifteen members and the chairman of this council was elected by the members of this council amongst them. The union council had to perform 37 functions, including provision and maintenance of public places, public health, public libraries, street lights, construction and maintenance of wells, water pumps, water supply, slaughter houses, play grounds, streets, roads, graveyards, burning grounds, plantation of trees. Moreover, with the implementation of 'Muslim Family Law' the union council were further empowered with the power to register birth, death, marriage and divorce.<sup>13</sup>

The second tier from bottom to top was Tehsil Council (in West Pakistan) and Thana Council (in East Pakistan), at this level there were two categories of members, 1. Elected and 2. Officials, all the elected chairmen of Union Council became its members and other category members were from nation building departments. This council was headed by Tehsildar. This council performed the coordination activities, it was not empowered to impose any tax so its financial needs were covered by the district council.<sup>14</sup>

While in urban areas the lowest tier was Union Committees, which comprised of 6 to 10 elected members, the chairman of union committee was also elected, and he became the ex-officio member of the upper tier (Municipal committee or cantonment board). Generally, union committees were assigned the tasks by municipal committees, mainly it monitored the provision of municipal services. The union committees were not empowered to impose any tax; due to

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13 Islam n.d. Jatoi 1969

14 Ghulam Sarwar Jatoi. "Basic Democracies and Agriculture Development in East Pakistan." Master's *Thesis*. (Kansas: Kansas State University, 1969).

that reason it was totally dependent on the Municipal committee for its financial needs.<sup>15</sup>

The Town Committees were created for those semi-urban areas whose population exceeds 10,000 but not more than 14,000, this council was comprised of 10 to 15 members, the members of this council were elected and they elected their chairman amongst themselves. The chairman became the ex-officio member of tehsil council/thana council. The functions of town committee were related to family planning and taking steps for the social development.

The Municipal Committee was the most important tier of BD system in urban areas, the council at this level was comprised of all the directly elected chairmen of union committees falling in its jurisdictions. The chairman at this level was nominated by the government. There were 73 different functions which were assigned to municipal committee, those functions were divided into optional and compulsory, including education, health, provision of water supply, garbage dumping, sanitation, town planning, community development and social welfare. The municipal committee also coordinated the activities of the Union committees.<sup>16</sup>

Above the Tehsil Council there was district council, the most important tier of BD system was District Council, the elected members were comprised of Thana councils, town committees, cantonment boards while the officials were the heads of nation building departments, this council was headed by Deputy Commissioner. This council had to perform a variety of functions which were divided into compulsory and optional functions. The functions were relating to education, health, libraries, play grounds, parks, roads, streets, agriculture production, and cultural, social and economic welfare.<sup>17</sup>

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15 Mahmood Ali Shah, *Local Government in Balochistan From Raj to Musharraf*(Lahore: Classic Publisher, 2008).

16 Shah, *Local Government in Balochistan From Raj to Musharraf*.

17 Malik and Anjum. *Local Self Government in Pakistan*.

After the abolition of Provincial Development Advisory council, the Divisional Council became the upper most tier of this system, like previous tier this council was also comprised of elected and official members; this council was headed by Commissioner. This council coordinated the activities of the district councils falling in its jurisdiction.<sup>18</sup>

### **Local Government during Musharraf Regime**

The rule of General Parvez Musharraf started on October 12, 1999, when he abolishing the elected government of Muhammad Nawaz Sharif. Like Ayub khan and Zia ul Haq, Musharraf also introduced the Local Government system which he also used for referendum.<sup>19</sup>Coming to power Musharraf announced his seven points agenda in which “devolution of power to the grass roots level” was on sixth point.<sup>20</sup>Devolution of power means to devolve the power of centre or region and distribute it into small administrative units. In other words, it is the decentralization of power of federal or provincial government to the small administrative units at district level.

For the purpose of devolving political, financial and administrative authority and responsibility there were twelve departments devolved at district level, which are given below.

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18 Jatoi. “Basic Democracies and Agriculture Development in East Pakistan.”

19 Moten. “From Crisis to Crisis: Musharraf’s Personal Rule and the 2002 Elections in Pakistan.”

20 Tahir Kamran *Democracy and Governance in Pakistan*. (Lahore: South Asia Partnership 2008).

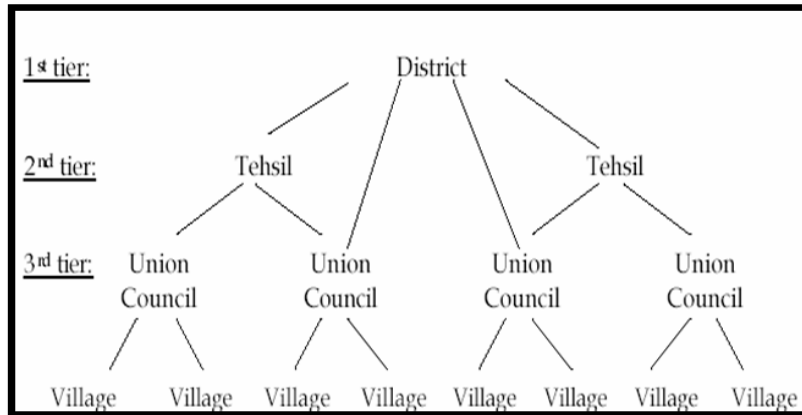
<b>Sr. No.</b>	<b>Name of Group</b>	<b>District Offices included in the Group</b>
01	District Coordination	Coordination, Human Resources Management and Civil Defence.
02	Agriculture	Agriculture (Extension), Livestock, Farm Water Management, Soil Conservation, Soil Fertility, Fisheries, and Forests.
03	Community Development	Community organization, Labour, Social Welfare, Sports and Culture, Cooperatives, and Registration offices.
04	Education	Boys Schools, Girls Schools, Technical Education, Colleges (other than professional), Sports (Education) and Special Education.
05	Finance and Planning	Finance & Budget, Planning & Development, Accounts, Enterprise and Investment Promotion.
06	Health	Public Health, Basic & Rural Health, Child & Woman Health, Population Welfare, District Taluka (Hqrs) hospitals.
07	Information Technology	Information Technology Development, Information Technology Promotion and Database.
08	Law	Legal Advice, Drafting and Environment.
09	Literacy	Literacy Campaigns, Continuing Education, and Vocational Education.
10	Executive Magistracy	Executive Magistracy (excluding for trial functions).
11	Revenue	Land Revenue & Estate and Excise and Taxation.
12	Works and Services	Spatial Planning and Development, District roads and Buildings, Energy, Transport and Education Works.

Source: Ali n.d., 11-12.

For the purpose of devolution of power, in November 1999 he setup National Reconstruction Bureau, which was assigned the task to prepare a local government plan. On March 23, 2000 the NRB presented the local government proposed plan, under this plan a three tier local government system was created i.e. Union, Tehsil and District. Under this system the rural – urban divide was removed, for the first time women were given 33 per cent reserved seats, while there were reserved seats for peasants/workers and

minorities at all tiers i.e. union council, tehsil council and district council level.<sup>21</sup>

**Tiers of Local Government**



Source: Ahmed and Abu Talib 2013, 37; Yazdani 2003, 18.

General Musharraf promised to restore the democracy, for this purpose he announced that the first phase of local government election shall be held during December 2000 and May 2001, while the second phase shall be held in July 2001, he further said that this is the beginning of democratic system with the elections of local government and we will move further towards provincial and national level step by step.<sup>22</sup>

**DECENTRALIZED LOCAL GOVERNMENT STRUCTURE**

Administration	Council	Status of Administration	Elected Political Head	Administrative Head
Village	Village Council	Union Administration	Union Nazim and Naib Nazim	Union Nazim
Union	Union Council	Union Administration	Union Nazim	Union Nazim
Tehsil	Tehsil Council	Tehsil Municipal Administration	Tehsil Nazim	Tehsil Municipal Officer (TMO)
District	District Council	District Administration	District Nazim	District Coordination Officer (DCO)

Source: Ahmed and Abu Talib 2013.

21 Javid, Saima, and Asmatullah Khan. "Women Participation in New Local Government System and its Impact on the Development of Balochistan (Case Study of Quetta District)." *Journal of Applied & Emerging Sciences* 1 (2), (2006), 204-212.

22 Kamran, *Democracy and Governance in Pakistan*.



### **Structure of Local Government under Local Government Ordinance 2001**

Union Council was the basic tier under this system in rural as well as in urban areas, the union council was comprised of Nazim, Naib Nazim and members, they all were directly elected by the vote of the citizens, initially the number of member at this level was 21 while in 2005 the number of members was reduced to 13<sup>23</sup>, the union council was responsible for the provision of basic services such as water supply, streets lights, basic health, construction and maintenance of roads, streets, plantation of trees, burning places, graveyards, holding cultural festivals, sports events, cleaning of streets, registration of marriage, divorce, birth and death.<sup>24</sup>

Tehsil council was the middle tier under this system; this tier was comprised of indirectly elected members. All the elected Naib Nazims of union councils within its jurisdiction were its members, while there were also reserved seats, 33 per cent for women, 5 per cent for peasants/workers and 5 per cent for minority communities. The Nazim, Naib Nazim and members on reserved seats were to be elected by the members of union councils falling in its jurisdiction.<sup>25</sup> The tehsil council was empowered to monitor the provision of basic services to the citizens within its jurisdictions, this council was also empowered to collect tax on services such as water supply.<sup>26</sup>

The upper most tier under this system was district council. The members at this level were not directly elected by the

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23 Khan, 2006.

24 RiffatMunnawar. "Decentralization and Women's Participation in Local Government." in *The Gender Face of Asian Politics*, edited by Aazar Ayaz and Andrea Fleschenberg(Karachi: Oxford University Press 2009).

25 Safiya Aftab and Sairah Yusuf"Devolution Row: An Assessment of Pakistan's 2001 Local Government Ordinance", Report for the Research Project "The Political Economy of Statebuilding"- The Pakistan Case Study, 'Clingenddael'(Netherlands Institute for International Relations, 2010).

26 Munnawar. "Decentralization and Women's Participation in Local Government."

citizens, all the Nazims of union councils falling in its jurisdiction were ex-officio members while at this tier there were also reserved seats for women, peasants/workers and minorities. The women were given 33 per cent reserved seats, 5 per cent were given to peasants/workers while 5 percent were given to minorities.<sup>27</sup>

The members of the union councils including Nazim and Naib Nazim also worked as electoral-college for the election of District Nazim, Naib Nazim and members on reserved seats (women, peasants/workers and minorities).<sup>28</sup>

The district council had a variety of functions to perform, it had to approve and review the proposals and activities of the district government, such as budget of zila council, bye-laws, taxes, long and short term annual developmental plans, measures taken during flood and storm, audit reports, recommending measures for the improving services delivery, good governance, election of Insaaf committee, sports and cultural committee, monitoring committee, zila accounts committee.<sup>29</sup>

Apart from this, village and neighbourhood council, and Citizen Community Boards were also created aiming to have more people participation in decision making process and monitoring developmental activities.

### **Conclusion**

The main difference between these two local government system was regarding the head of the various councils, in both local government systems the head of union council was elected while the tehsil council was headed by tehsildar in BD system while it was headed by elected Nazim under LGO 2001, during Ayub regime the District council was headed by Deputy Commissioner while during Musharraf

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27 Javaid and Khan 2006.

28 Aftab and Yusuf "Devolution Row; See also Seeema Abbasi. *Devolution or De-evolution? Critical Study of Devolution Plan 2000*. (Islamabad: National Book Foundation, 2006).

29 Shah, *Local Government in Balochistan From Raj to Musharraf*.

regime it was headed by elected Nazim, under BD system there was Divisional council which was upper most tier headed by Commissioner while under LGO 2001 there was no any Divisional Council. In BD system there were also officials from the nation-building departments while under LGO 2001 all the members including Nazims and Naib Nazims of various tiers were elected. "It may be said that during Ayub period the political system of Pakistan was in many ways not political but bureaucratic".<sup>30</sup>

In Basic Democracies System introduced during Ayub regime there were no reserved seats for women while under LGO 2001 there were 33 per cent reserved seats for women, under this system the voter age qualification was also reduced from 21 to 18, while for the purpose of involvement of residents in developmental activities the Citizen Community Boards were also created. On other hand under BD system a bureaucratic system was created in which elected members had to work under the bureaucracy.

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30 RaziaMusarrat and Muhammad Salman Azhar "The Role of Bureaucracy in Pakistan during the Ayub Regime." *Journal of Public Administration and Governance* II no.1 (2012), 151. [www.macrothink.org/jpag](http://www.macrothink.org/jpag).

## Taxation Politics in Gilgit-Baltistan

Faiz Ali\*

### ABSTRACT

*Political struggles in post-colonial conflict regions whose fate is yet to be decided, range from peaceful coexistence to violent movements. These struggles may cover diverse areas concerning state, society and economy. Taxation has been such arena of struggle in the case of Gilgit-Baltistan. This proposed study traces these struggles through changing landscape and structure of fiscal interactions of the federal government of Pakistan and Gilgit-Baltistan which are directly based upon political struggles for constitutional-regional identity by the people of GB. History of taxation is proposed to be studied in four phases, besides a historical background of taxation politics and practice in princely states before and during the Dogra-British colonial period. First phase (1947-70) covers revenue collected, particularly malia, through the force of Frontier Crimes Regulations besides arbitrary and diverse taxes imposed by the princely states of Hunza, Nagar, Yasin, etc. It will also sketch tax free barter trade with China through Khunjerab Pass. Second Phase (1970-80) will cover Tanzeem-e-Millat Movement by Johar Ali Khan against political system, including malia, Bhutto's political reforms and dissolution of princely states in GB, abolition of FCR, malia and other arbitrary princely state*

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*taxation, introduction of income tax deduction on public works contractors, establishment of National Assembly Advisory Council and surrounding fiscal discourse of local and provincial taxes and representation before taxation , besides establishment of Northern Areas Trading Cooperative Limited (NATCL) and Northern Area Transport Co. (NATCO) and their role in Pak-China trade and related taxation and establishment of Pakistan Customs in barter trade.*

*Third Phase (1980-2009) will cover end of barter trade and levy of customs, excise and income tax; establishment of customs station Sost, Khunjerab; everyday struggles of customs and traders; imposition of customs and other taxes and the role of chamber of commerce, trade associations, civil society, politicians, lawyers community, writers and journalists; judicial resistance against taxation; writ petitions and Judicial response; GB taxation and the role of FBR and KANA Affairs Ministry; Legal Framework Orders; Anti-Tax Movement in 1999; Public Works Contractors and their resistance to Income Tax; Al-Jihad Trust Petition and legal battle against federal taxation; resistance against Kohistan Development Cess/Dassu Tax. Fourth Phase (2009-Present) will cover: GB Empowerment Ordinance, 2009, taxation powers and politics of GB Council and Constituent Assembly and ensuing resistance to taxation after GB Empowerment Ordinance, 2009 through public protests, political debates, judicial activism and writ petitions, etc. Theory of fiscal-social contract and identity theory will be capitalized for the explanation of taxation politics in GB after 1947. The proposed study will employ primary and secondary sources and rely on extensive interviews with civil servants, politicians, journalists, writers and activists.*

*“The spirit of a people, its cultural level, its social structure, the deeds its policy may prepare – all this and more is written in its fiscal history”<sup>1</sup>*

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1 Schumpeter: 1918.

## **Introduction**

In post-colonial conflict regions whose fate is yet to be decided, political struggles range from petty non-compliance to organized movements. These struggles may cover diverse areas concerning state, society and economy. Taxation has been such arena of struggle in the case of Gilgit-Baltistan (GB). This study traces such struggles through changing landscapes and structures of fiscal interactions of the federal government of Pakistan and Gilgit-Baltistan which are not only directly based upon and revolve around political struggles for constitutional-regional identity by the people of GB but also constitute sites and sources of representation and articulation of the broader political struggles.

The paper explores taxation politics in the region of Gilgit-Baltistan (GB) since Independence of Pakistan and the region, and the debates surrounding taxation as to how and in what ways tax play a critical role in reciprocally constituting political, constitutional and institutional concerns for the whole region. The study can be divided on the basis of periods/eras pertaining to particular political regimes in central government of Pakistan, or on the basis of legal-constitutional frameworks in GB, or on the basis of periods pertaining to fiscal-legal/ fiscal-constitutional framework/ periods. The study has though been developed around the historical periods and phases, yet cross-currents have been taken up even outside water-tight periodization.

## **Literature Review**

Taxation, fiscal sociology and taxation politics are growing fields contributed by different schools and systems of thought which are outlined with reference to GB taxation and tax politics they include local tax writings, critical tax theory, tax-development theory, fiscal federalism, social-fiscal contract and elite theories.

Local writers on GB taxation as Usman Ali<sup>2</sup> and Fida Ali Easar<sup>3</sup> appear to be motivated by tax free decade initiated by Bhutto during early 1970s and have extensively documented, mostly through oral narratives and history, the fiscal injustices perpetrated by the tripartite rulers of the region (Dogras, British, Local Rajas) prior to tax reforms. The attempt is appreciable yet needs to be developed on written documents and archival records, leaving room for future fiscal historians.

Following Oates<sup>4</sup>, fiscal federalism theories are premised on five principles of fiscal efficiency, fiscal equity, and integrity of economic union, tax harmonization and externalities. Following the application of these principles on Canada by Boadway and Flatters<sup>5</sup>, federal taxation in GB can be termed as attempts for fiscal efficiency, tax harmonization and integrity of economic union. However, principles of fiscal federalism could apply where relations of federating units in federation are already settled and stable. Therefore, this perspective does not enlighten regarding GB tax-recognition-representation politics.

The work of Anthony C. Infanti<sup>6</sup> and others based on the critical theory of Frankfurt School of Horkheimer and Adorno have attempted to explore as to how taxation places certain groups and regions at advantage while others at disadvantage, thus causing class and gender disparities, inequities and injustices. However, access and limited scholarship in the field of critical tax theory disable its application in the case of GB, as former has worked more in

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2 Usman Ali, *Gilgitki Rog Kahani* (Urdu) (Lahore: Maqbool Academy, 2004).

3 Fida Ali Easar, *Riasat-e-Hunza: Tareekh-o-Saqafat Ke Aeenay Main* (Urdu), (Gilgit: Huni Sara Publishing Network, July, 2002).

4 Wallace E. Oates, *Fiscal Federalism*, (New York: Harcourt Brace Jovanovich, 1972).

5 Robin Boadway and Frank Flatters, "Fiscal Federalism: Is the System in Crisis?" in Keith G. Banting, *et al.*, eds., "*The Future of Fiscal Federalism*", (Kingston: Queen's University, 1994).

6 Anthony C. Infanti, and Bridget J. Crawford, eds. *Critical Tax Theory: An Introduction*, (New York: Cambridge University Press, 2009).

the field of inter-group tax politics, as class, gender, race and disability.

Inheriting from modernization theory, tax-development perspective is premised on the argument that tax brings development, through better representation, governance and accountability. One strand of this scholarship is resource mobilization theory, which is growing with the support of aid agencies for development of internal resource mobilization. However, in case of GB tax politics, this perspective can be only partially relevant, as federal taxes were mainly imposed by Zia who had support of the West in Afghan War with dollars flowing in from around the capitalist West and Middle East.

The editors of '*New Fiscal Sociology: Taxation in Comparative and Historical Perspective*'<sup>7</sup> have outlined four perspectives on taxation: modernization theory, elite theory, militarist theory and social-fiscal contract theory. Modernization theory premised taxation on economic relations between citizens and state and resultant state formation and state interventionist role in egalitarian economy. Elite theory of Pareto, Buchanan and others points out the way politicians and bureaucrats orchestrate domination of institutions and bring citizens to fiscal acquiescence. Militarist school of Schumpeter and others stressed fiscal-military relations and nation-state building in Europe as a consequence of enhanced state capacity through taxation<sup>8</sup>. Fiscal social contract theory<sup>9</sup> states that

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7 Isaac William Martin, et al., eds., *The New Fiscal Sociology: Taxation in Comparative and Historical Perspective*, (Cambridge: Cambridge University Press, 2009).

8 Christopher Storrs, *The Fiscal-Military State in Eighteenth Century Europe: Essays in Honour of PGM Dickson*, (US: Ashgate Publishing, 2009).

9 Margaret Levi, *Of Rule and Revenue*, (Berkeley: University of California Press, 1988) and Evan S. Lieberman, "The Politics of Demanding Sacrifice: Applying Insights from Fiscal Sociology to the Study of AIDS Policy and State Capacity", in Isaac William Martin, et al., eds., "*The New Fiscal Sociology: Taxation in Comparative and Historical Perspective*", (Cambridge: Cambridge University Press, 2009).



people find reciprocal relation of rights and obligations with state, which leads to quasi-voluntary tax compliance.

### **Research Methodology**

Method of the study has been predominantly explorative, descriptive as previously GB taxation history and its politics has not been taken up in research. However, insights of elite theory, through the instrumentality of tax-representation-recognition, have been employed for explanation of history of taxation struggles in GB. The study builds around extensive and intensive interviews with the literati, lawyers, politicians, political activists, traders, importers, exporters, civil works contractors, media persons, bureaucracy, army officials, academia, and concerned citizens during the period of 2010 to 2016. The study capitalized on both kinds of sources: primary sources (as Government publications and Gazettes, minutes of meetings, court judgments, etc.) and secondary sources (as literature on GB taxation history, theoretical literature, newspapers, review articles, etc.).

### **Theoretical Framework**

The GB politics of representation and recognition is claimed to be grounded in ethnic, regional, religious, historical, linguistic sources and sites. Its history is traced independent of other adjoining regions, particularly Kashmir, though this and adjoining areas had been under same rulers or suzerains quite frequently, as has been documented by Ahmad Hasan Dani.<sup>10</sup> But mostly the area has been claimed to be ruled by its local people. It has been historical and traditional region for the silk rout trade. Though it has been brought under single regional arrangement very recently, culturally and economically, its historical princely units had been closely associated through frequent interactions of war, trade, religion and marriage. Despite linguistic variety, cultural connections are claimed to have been coalescing different localities of the region.

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10 Ahmad H. Dani, *History of Northern Areas of Pakistan: Upto 2000 AD*, (Lahore: Sang-e-Meel Publications, 2001).

GB images of representation include its strategic significance which lies in its people, area, neighbours, and strategic placement in the broader regional existence. It is a region inhabited by around 1.4 million people and area of 72,496 sq km with external borders with Afghanistan, China, India and with Tajikistan through a small strip of land in-between GB and Afghanistan. Its internal borders adjoin with AJK and KP. These all are the features claimed by any modern ethnic nationality, relying GB ethnic claim on primordial identity. These claims have been asserted and reiterated by GB people in their tax related petitions, applications, representations, protests, etc. The same have been recognized by and large by different legal, institutional and political forums as well.

GB is in the *Foucauldianpanopticon* of its past, its history, its subordination to the Dogras. The Dogra suzerainty was never complete, not covered all regions of GB, was not total in the sense of rest of British control (as GB remained under tripartite control of Dogra, British, and local rajas); and moreover, the Dogra-British control came only for a few decades. It must be noted that regions under Ranjeet Singh remained under British for a hundred years in comparison with Bengal which experienced colonial rule for more than two centuries. The GB region has independent ethnic, linguistic and regional identity, according to its locals. Its affinity with and subordination to Kashmir has been inter-regional, peripheral, partial, sporadic and periodic. Associating universality, completion, permanence, originality and eternity to GB relation with Kashmir State is warned against and objected by most of the local populace.

Politics of inclusion underlies history of taxation politics in GB, (as against other people and provinces aspiring for exclusion from the federation) though some argue in GB to become part of Kashmir while other seeks to become an independent province of Pakistan. However, politics of broader inclusion is imagined and argued to be dependent upon legal, constitutional, procedural inclusion; this is modern trajectory in its very orthodox European tradition;

this is politics of 'provincialization': GB wants itself to become a 'province'; through each reform step, federal government moves hesitatingly and cautiously towards 'provincializing' this region. 'Provincializing' is in the sense of making a disputed, conflict region, post-colonial administrative unit over the decades, gradually and in a phased way, to the status, powers, structures, etc. of a full province, a completion in its own way and terms, a fullness, a regularity, a norm, an ideal, the mainstream from the margins. Interestingly, some groups in other provinces have been feeling derogated and subjected in their 'provincialization' by the federal government. In GB, 'provincialization' is in itself a full-blown ideal, completion, allness, fullness, satiation, finally being 'there'. However, there may be an intuitive counter-argument to this politics of inclusion or 'provincialization': GB attempts to stay fiscally excluded through this elusive dream of 'provincialization'. The contentious interplay of GB's anxiety and federal ambivalence must be seen in recent federal government attempt to integrate FATA in KP, bringing tribal areas into fullness of the status of a province.<sup>11</sup>

Major petitions which have historic significance, have been filed one before LHC (Pindi Division) in 1992 and then before Supreme Court of Pakistan in 1994 (Wahabul Kheri Advocate's Al-Jehad Trust Petition). It was disclosed by Shahbaz Khan advocate in an interview that the petition before LHC was made by Raja Akram Advocate taking plea that GB should be declared in constitution as the fifth province; however, the petition remains undecided till today.

In the case of GB, two dimensions need to be explained: why federal government has been pressing fiscal extraction on administrative units pending political status of these areas; and why taxpayer consent and consensus in GB has been a challenge to the federal taxation? The first question can be explained from the perspective of growing fiscal anxiety of the federal government, as its budget deficit

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11 *The Daily Express Tribune*, August 18, 2016.

continued to grow owing to its strategic and development needs which could not be bridged in view of the growing resistance of Pakistan's elites for broad based and effective taxation in the provinces. These fiscal conflicts amongst elites are both inter-provincial as well as intra-provincial.

Urban capitalists pushed for taxation of agriculture, while rural elites didn't consent to it. Resultantly, the federal government of Pakistan had to undertake what may be called 'tariffication' of non-tariff areas (AJK, GB, FATA, PATA, etc.) and non-tariff sectors (withdrawal of exemptions, taking tax deeply to middle and lower income groups, indirect taxation instead of taxing wealth and incomes of the wealthy and corporations, and high income groups, etc.). This phenomenon is not limited to Pakistan. During 80s west also experienced this with the rise of conservative Rightunder Reagan and Thatcher as documented by Piketty<sup>12</sup> and Fred Block.<sup>13</sup> However, GB elites refused to consent to get 'tariffied' pending 'provincialization' of their region (undisputed provincial status in the constitution and inclusion in the mainstream national framework). GB elite developed during Bhutto's reforms, through unification of GB as a single administrative region and unit, tax free decade, enhanced civil works programmes, communication, trade, reduced cost of elites in their relations with public officials, higher literacy, better public and private sector jobs and agricultural improvements. Connectivity with Kashghar and Rawalpindi improved purchasing power and standards of living. GDP of the region and per capita incomes improved.<sup>14</sup>

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12 Thomas Piketty, *Capital in the 21st Century*, (translated by Arthur Goldhammer), (England: Belknap Press of Harvard University Press, 2014). Pdf online: <http://dowbor.org/blog/wp-content/uploads/2014/06/14Thomas-Piketty.pdf> (accessed August 20, 2016).

13 Fred Block, Read Their Lips: Taxation and the Right-Wing Agenda, in Isaac William Martin, *et al.*, eds., *The New Fiscal Sociology: Taxation in Comparative and Historical Perspective*, (Cambridge: Cambridge University Press, 2009), 68-85.

14 Gilgit-Baltistan Economic Report: Broadening the Transformation (Gilgit: WB-JICA-GB Report, March, 2011).

In this perspective, elite theory appears to be more pertinent and relevant in the case of the attempts of the federal government to impose taxes in GB and resistance of the GB elites, who take up representation and recognition on the basis of regional and ethnic identity, in instrumental way. Nationalism (and its corollary of recognition-representation) thus comes as instrument of resistance against imposition of tax on GB by non-GB elites. There can be two counter-arguments to this perspective: social-fiscal contract and sectarian subjection. One can see some form of social-fiscal contract prevalent amongst general populace, particularly GB elites who appear willing to 'make sacrifice of taxes, once their right of representation is recognized'. But this does not sufficiently answer the instrumental use of ethnic-regional nationalism by GB elites as a rallying cry against imposition of federal taxes, particularly in the absence of any history of mass movements for recognition-representation.

The element of sectarian subjection<sup>15</sup> may also be taken up. Zia took to GB federal taxes- both import duties as well as income tax, when he was also seen behind death of Bhutto who gave tax free decade to GB besides political freedoms, opportunities of trade and communication and wheat subsidy. And Zia is also alleged of bringing sectarianism to GB. Both – Bhutto's murder and taxes – linked and associated with Zia, were considered sectarian attempts by the GB people. But this is a weak argument as Anti-Tax Movement showed support by all and sundry, beyond sectarian divides. Similarly, whole GB participated in protests in 2014 against abolition of wheat subsidy. Economic interests override sectarian explanation in these critical moments.

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15 Nosheen Ali, Outrageous State, Sectarianized Citizens: Deconstructing the 'Textbook Controversy' in "The Northern Areas, Pakistan", *South Asia Multidisciplinary Academic Journal* [Online], 2 (2008), (accessed August 06, 2010). URL: <http://samaj.revues.org/index1172.html>

## **Four Phases of History of Taxation Politics in Gilgit-Baltistan**

The structure, scope, size and direction of taxation has grown and changed over the decades since Independence of Pakistan and GB region. This has influenced ensuing taxation politics in direct relation with regional politics of status, identity, recognition and representation of the region and its people. Four phases of such taxation politics have been determined, outlined and explored descriptively, identifying cross-currents in these phases. Researchers may take up deeper understanding of these developments as their future research agenda.

### **FIRST PHASE (1947-1970)**

#### **Continuity of Colonial-Dogra Taxation under Frontier Crimes Regulations**

After arresting Ghansara Singh, Dogra governor in Gilgit, Kashmir Infantry (under Colonel Hassan) and Gilgit Scouts (under Colonel Babur) got the areas of Gilgit to Astore freed through armed struggle from Dogra Raj and declared independence of the area on November 1, 1947, an area which remained under Dogra Raj only since 1935 after being leased out by the British alongwith Jammun and Kashmir (though the whole GB region had been under British control since 1868).

Request of accession to Pakistan was conveyed to Quaid-e-Azam when he was on his visit to the *Waali-e-Swat* which was acceded to on his return to the capital Karachi. Other areas also acceded to Pakistan soon: AJK in 1948, Daril-Tangir in 1952, and similarly Kohistan and Swat. The principalities/princely states of Hunza, Nagar, Yasin, etc. continued to be recognized as such on accession by the government of Pakistan, as they were under the British Raj.

During an interview, Shahbaz Hussain Khan Advocate commented on the origins of GB and AJK saying that through Karachi & Lahore Accession Accords in 1948 and 1949 under the Ministership of Mushtaq Gurmani, first KANA Minister, GB was though created as a separate regional unit

with the name of Northern Areas; however its fate was linked with and made dependent on Kashmir. GB was made dependent on the politics and fate of Kashmir even though AJK was one-seventh of GB in area (though AJK population was double of GB) and GB had in its neighbourhood three international borders (Afghanistan, China and India), besides internal borders with AJK and KPK.

This all happened despite the fact that two UN Resolutions had already bound the government of Pakistan to establish a self-governing local authority for the administration of the area. AJK got presidential system with Ghulam Abbas (Muslim Conference) though with an area of only 4 thousands square kilometres. In 1969, AJK was given presidential system under AJK Government Act, 1969 with adult franchise and Parliamentary system in early 1970s with AJK Interim Constitution in 1974. But FCRs were continued to be imposed on GB and GB was given only Advisory Council in 1973, NA Council in 1980s and Legal Framework Order for NA Council in 1994; GB Rules of Business were given only in 1973. In Indian Occupied Kashmir (IOC), since Nehru's Constitution in 1952, State-Subject rule was extended with special provisions regarding citizenship, property ownership and transfer, with restrictions to non-locals for even residency. However, no such restriction exists in the case of GB.

The most grievous observation of local interviewees was that domination of KANA and consequently Kashmiris and Kashmir issue had sustained over the destiny of GB people. This fact was popularly resented by the GB people as it emerged during interviews. They quoted most blatant of the KANA role being executive authority, in imposing federal taxes over GB region, without any constitutional, legislative, parliamentary competence and jurisdiction, as provided in the Article 77 of the Constitution of Pakistan while the same had never been taken cognizance of by the competent judicial, legal forums and communities. Interviewees wondered and objected to the role and growth of control of GB and its destiny in the hands of a small, peripheral and

disputed part of Kashmir, army, and rightists-militant groups, turning GB into a raw material of their strategic interests. This fact, they claimed, has been though taken up in highest judicial forum of Pakistan, still remains un-responded and un-redressed. The fiscal politics cannot be separated, compartmentalized and understood from this regional agony and trauma, most interviewees claimed. GB imagination regarding its strategic subjection to Kashmir has evolved historically through elite politics of regional representation.

### ***Malia* and other Taxes of Pre-Independence Times till Bhutto's Reforms**

Taxation in Colonial-Dogra and post-independence period till Bhutto's reforms was not harmonized, coherent, systematic and centrally regulated. Variety and uncertainty were two major features of taxation during this period. Land revenue was major source which was imposed through Dogra laws as Jammu and Kashmir Revenue Act, 1939, but was also supported and reinforced by British FCR 1911 and local rules and practices. Usman Ali has documented in reasonable detail all such taxes and tax laws imposed and/or regulated by Dogra and British rulers. Besides these, princely states of the region had own fiscal regimes, which covered vast variety of taxes involving goods, services, human labour (*begaar*) and activities (as wedding, etc.). *Begaar* (forced unpaid labour) was customary with Rajas and higher officials. This all created unbridled extraction and coercion of people of the region who were burdened with personalized and unsystematic taxation. Moreover, princely states of the region were tributary states, offering periodic tributes to either or all of their suzerains- Dogras, British, and even China.

The local people informed that under princely states there was a ritual or political practice of visit of a prince to any village, which was held as a ritual of 'pillage', the ritual was called 'azdesh'. It was a practice that Raja would announce that he would visit some village; on his visit he used to enter any home; over there he had a right/privilege to take any one



and any number of valuables, livestock, etc. in the ownership of that home/family and before leaving, he would use to destroy pillars of the home, just to remind the family and the village of the destructive power of the Raja. In Nomal, the biggest village of Gilgit known for its beauty of valley, its cherries and potatoes, there is a place called *Klotan Das* meaning 'a place where *maliawas* weighed'. Some local writers have documented such taxation practices prior to the reforms as part of oral history which though lacks modern techniques of history writing and archival evidences, still have tremendous worth for researchers of fiscal history of the region.

On November 16, 1947, FCR was continued to be imposed in GB before Lahore/Karachi Accords (*moahiday*) were signed accepting the accession of these regions to Pakistan, and a tehsildar of KPK, Sardar Alam, was appointed as first Political Agent after Independence. FCR had already proved to be suppressive and exclusionary system of governance for the people of GB who had suffered turmoil, Sikh/Dogra Raj and British control, at the same time, prior to 1947, and particularly when they had won their independence from Dogras through armed struggle.

## **SECOND PHASE:1970-1980**

### **Johar Ali's Tanzeem-e-Millat and Resistance to *Malia***

The Magna Carta 1215 and the Bill of Rights 1689 were mainly struggles of the 'Commons' to protect themselves from the royal fiscal arbitrariness, extraction and extortion, safeguarding their person and economy; but tax was central to these resistance measures. This has been taken up by many scholars working with the perspective of development of European state from fiscal-military relations who contend that greater military ambition, imperial expansion and Europe's continental wars led to the growth, harmonization and embeddedness of taxes in modern state besides growth of democracy and representative institutions. American and French revolutions have been largely attributed as reaction and response to extractive and extortionary taxation,

required by imperial wars inside and outside Europe. In British India, examples of tax revolts and protest do exist: Gandhi's salt tax protests and peasant revolts offer such examples. Peasant revolts were directed mainly towards the burden of taxes on land and agricultural produce such as *malia*, *lagan*, etc.

Resistance movement against *malia* system came as a part of the movement against FCR and for political rights of the region. The movement was primarily led by *Quaid-e-Millat* Johar Ali Khan of Gilgit. He was an advocate by profession, and established an organization named '*Tanzeem-e-Millat*' in 1971, while such activity was considered illegal under FCR. Sher Muhammad Director, PBC, Gilgit reported in an interview: 'Mr. Johar received education in Punjab and Karachi, travelled wide in Pakistan, developed political and personal relations with democratic leaders of Pakistan, and was also related in certain ways to the mysticism as he was a follower of Lal Shah, a sufi saint of Murree, Punjab'. Though the movement was directed against the removal of FCR, taxation was the central theme and instrument of the movement.

Sher Muhammad further informed: in 1971, Johar held a local political gathering prohibited under FCRs, therefore most of the leaders and participants were arrested and detained in Gilgit District Jail. Party workers and other locals struggled with the local authorities, broke the jail and got all the leaders released. Political Agent got all these people arrested again and sent them to jail in Haripur. Resistance to these arrests was put up by the party workers and other locals in which one person named Rajab Ali was killed and many got injured. The arrested included the whole leadership of the party, particularly Johar. They served some years in Haripur jail. During this period, contacts were developed with Pakistan Peoples Party and its head Mr. Bhutto, then Pakistan's PM. All political workers and leaders resultantly were released. Johar's party was declared PPP in GB. Bhutto took many political measures in the region, which

included the abolition of *malia*, *begaar*, FCRs and princely states.

### **Bhutto's Political Reforms and Taxation Politics:**

PM Bhutto in early 1970s abolished *malia*, FCRs, princely states of Hunza, Nagar, Yasin, etc.; he established Northern Areas Advisory Council, provided subsidized wheat to GB and enhanced federal grant for administrative and development purposes, particularly poverty alleviation programs. NA Advisory Council was created for making the voices of the region represented which initiated the process towards effective self-governance as committed in UN Resolutions. However, the region had previously experienced electorates of Basic Democracies during the Ayub era. Bhutto played critical role in the development of Karakorum Highway. He was the only PM who is reported to be visited this region thrice during his tenure.

Introduction of local government law provided for local government taxes; however, interviewees from local government authorities as Abid Ali, Assistant Commissioner, Gilgit City and Deputy Commissioner Gilgit Shahbaz Tahir Nadeem, senior officials as well as politicians informed that this taxation regime of local government had never been capitalized by local government authorities, thereby leaving behind the dream and ideal of fiscal space and autonomy for the region, and continued growing dependence on federal grant. This may be explained as the influence of tax-free decade ensuing Bhutto's reforms as well as fiscal protest and resistance to federal control and lack of regional identity, status and recognition. Provincial taxes in GB remained negligible, as motor registration tax (Motor Vehicle Taxation Act) and other collections from sectors such as tourism, wildlife, mines and minerals, forest, opium, etc. which usually took the form of fees; these are considered non-tax revenue. Moreover, it is not of significant quantum when compared with tax revenue.

### **Tax Free Decade**

Tax-Free Decade was experienced by the people of GB with the administrative and political reforms introduced by Zulfikar Ali Bhutto, PM of Pakistan, during early 1970s. GB enjoyed a tax free decade which shaped its future responses towards federally imposed taxation. Strong populist element and tradition of broad based political resistance to taxes can be traced to the effects of this decade. GB was advantaged with tax free decade during this period besides benefitting barter trade with China owing to the initiative of KKH, wheat subsidy on Punjab wheat procured by the Federal Government and enhanced development grant for the region.

Tax-Free Barter Trade through Khunjerab with China was initiated with the start of construction of KKH in 1969. The Land Customs Act, 1924 and the Tariff Act, 1934 were adapted through the Gilgit and Baltistan (Application of Laws) Order, 1969 dated 14-05-1969 to facilitate this barter trade. The barter trade was undertaken exclusively as a state monopoly by Northern Areas Trade Co-operative Limited (NATCL) which was established in 1969 as a cooperative, with shares of local people from the GB region. NATCL would use to take caravans of cargo trucks of local Pakistani goods to China (mainly Kashghar city in Sinkiang Province) and would bring into Pakistan goods from China. Every year, both sides of the government agencies would meet to review previous year's trade progress and make current year's commitments in which quantities and prices of specified goods to be traded on both sides were determined, decided and notified. Tax-free barter trade by NATCL went well for about two and half decades; however, it was plagued by serious problems after it, particularly with the introduction of import duties and end of monopoly, besides scams of tax evasion, tax related litigation and eventual tax default.

### **GB Elite Formation**

GB elite formation during this period could have been caused as a result of the developments and policies

undertaken by Bhutto regime. This period not only helped GB people enrich through absence of taxes and provision of subsidy, but also helped develop through access to modern world via communication, trade, education, infrastructure projects, political freedoms and rights, etc. This period helped the groups of politicians, lawyers, political activists, contractors, media persons, traders, local bureaucrats and public and private sector employees within GB and outside strengthen, mobilize and develop modern and moderate elite. The formation of this elite coincided with the formation of regional, ethnic and linguistic identity formation, which was also caused by the developments of this period. This identity was defined internally as well as externally: internally, through discovering regional sources of history, language, literature, culture, etc.; and externally, through a sense of deprivation, subjection and marginalization of the region and its people, as Benedict Anderson puts it in her *The Imagined Communities*.<sup>16</sup>

### **Third Phase: 1980-2009**

After a tax-free decade of 1970's, GB saw increasing attempts of tax imposition, some successful other not, and resultant taxation politics couched in terms of constitutional status, citizenship, political and economic rights, political relations with the federal government, institutional role and relations with federal bureaucracy in GB, relation with Kashmir and particularly KANA Division and related strategic politics.

Taxation politics reveals a history of the region which has contested and resisted the place of region in mainstream national history of Pakistan in which taxation events emerged as instruments of political mobilization and ideology. GB taxation has been the site and space of, and antagonistic field of, legal, constitutional, international struggles of mainstream politics, government of Pakistan, Kashmir and strategic interest groups. It is a battle ground of

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16 Benedict Anderson, *The Imagined Communities: Reflections on the Origins and Spread of Nationalism* (London: Verso, 1983).

ideologies of strategic and political domination and resistance. Taxation becomes the political-fiscal subject, which is constituted and reconstituted through historic and everyday discourses, practices and critiques.

### **Trajectory of Barter Trade with China**

Barter Trade Agreement between Pakistan and China revived old Silk Route trade links in 1967 through growing Pak-China relations as developing in the aftermath of Indo-China war in 1962 and the Indo-Pak war in 1965. Pakistan settled provisionally regional disputes with China to be decided in the light of final settlement of Kashmir dispute.

Under Border Trade Agreement between Pakistan and China, first caravan of NATCL cargo was traded in 1969 when GB was a political agency, through an organization named Northern Areas Trading Cooperative Limited (NATCL), popularly known as '*China Trade*'. NATCL was established to be a cooperative company with shares offered to the whole of GB population. NATCL was founded in 1969, for the purpose of barter trade with Chinese province of Sinkiang after an agreement between two regions – Northern Areas (Pakistan) and Sinkiang (China) – to facilitate both underprivileged and underdeveloped regions of Pakistan and China for their distance from their respective mainland and instead their proximity to each other. NATCL continued duty free trade for more than 23 years.

Barter trade between two parts of Kashmir – Indian and Pakistani – was initiated on October 21, 2008 as a consequence of meetings of Heads of State of India and Pakistan in New York on September 24, 2008, through posts on LOC, from Muzafarabad and Rawlakot. It is undertaken through private traders, instead of some state monopoly. However, NATCL was established to facilitate the people of region having poor resources to initiate trade on their own, besides developing human resources in cross-border trade activity, through local management of NATCL and through shareholding in this cooperative by the local people.

### **Abolition of Tax Exemption on Imports of Local Consumables by Local Traders**

Customs Staff from Rawalpindi used to come to Sost/Gilgit for clearance of the barter trade caravans. They would leave after such clearance events. In 1982, office of the Superintendent of Customs' Circle was established in Sost and first Assistant Collector of Customs was posted in 1984 once Customs check-post was notified and declared in 1981 for regular trade purpose which took material shape in 1983 with posting of customs staff in Sost. Recruitment in Rawalpindi Customs Collectorate was made from the GB region, for two reasons: one, for regional participation in federal tax regime since its application in the region; second, to facilitate customs clearance of the barter trade cargo in rough weather through local personnel; it was reported by the retired customs officials as Syed Shamsuddin. Official opening of KKH in 1981 matched with initiation of regular cross-border trade with import duties and beyond state monopoly of NATCL and establishment of customs checkpost in Sost. Khunjerab pass was inaugurated by KANA Minister for general traders. Opening of trade for local people create regional excitement attracting many as new entrants in imports business from GB particularly because CBR had granted exemption to local consumables.

CBR exempted local consumables traded from China on commencement of the regular cross-border trade. However, in mid 1980s, CBR reduced the scope of exemption regime from local consumables undertaken by NATCL and other local traders. In mid-1990s, exemption was completely withdrawn. NATCL was brought under regular cross-border trade regime with import duties, under customs tariff and other customs laws. With everyday struggles of traders and customs staff, trade continued with China, through Khunjerab pass and cleared from Sost Customs Station. Everyday struggles (physical, organized pressures and intimidations, writs and suits, complaints and representations)- all sorts of struggles intensified when exemption of import duties and taxes was taken away by

CBR on goods imported by the local traders for consumption and sale within and for the region of GB.

CBR claimed that such exemption was being rampantly misused by the traders who were bringing goods down country. However, the local traders wanted this exemption to be continued or otherwise pressed for shifting of Sost Check-post to Pakistan's border and declaring tax free area for cross border trade for the people of region. Similar challenges are being faced in the case of barter trade from India through two crossing points in AJK, near Muzafarabad.

### **NATCL and its Tax Default**

NATCL monopolized tax-free barter trade went well for around two and half decades; however, it was plagued by serious problems after it, particularly with the introduction of import duties and end of monopoly, besides scams of tax evasion and tax related litigation. Its business closed, its assets shrank and its all local shareholders devastated, the organization defaulted primarily on the payment of import duties and taxes amounting to Rupees 104.244 Million (excluding surcharge and interest), still pending against it and pursued by Customs for either payment by the GB Government or for exemption by the Finance Ministry (the case is pending with the Finance Ministry), which may burden GB government in case of final payment as the corporation has already defaulted and closed its '*China trade*' business.

However, there is only one hope to get out of this default. The cooperative made one success story as well: Karakoram Cooperative Bank, which is the only GB based and originated bank developed through the success of NATCL; its head is the Chief Secretary of GB. Default tax amount is expected to be paid out of this bank's assets or accounts in case of continued and protracted default and bankruptcy of NATCL. Total default amount in similar import duty cases pertaining to three organizations of GB Government (NATCL, NATCO and Education Department) amounts to Rs. 142.292 million; the issue in all three cases



is same and the tax default lies in the face of the GB Government unresolved for more than a decade.<sup>17</sup>

The case of NATCL reveals that tax politics has just not its critics; detractors and protestors, it has its defaulters too, which weaken the moral grounds of the contentions and claims of the GB political activists. However, transition from judicial activism against taxation to judicial acquiescence and conformity or status quo can be seen in these developments, as even superior courts have taken stringent view of application of customs laws (judgment of GB Supreme Appellate Court in case of non-customs paid vehicles plying and proliferating in GB<sup>18</sup>), against past practice of even civil judges issuing and enforcing orders for duty free goods in the favour of NATCL and other traders.

### **Communication, Trade and Tax: Border Trade through KKH and GB Taxation Politics**

Through an Agreement between Pakistan and China to construct the Karakoram Highway (KKH), the project of KKH was initiated in 1960's under Gen. Ayub regime with growing geographical interaction and encounters of Pakistan, China, India, USSR and USA, in which the then Foreign Minister helped carve close and warm relations with China. KKH was a strategic and trade link of the two neighbours coming close with interest and concern in the regional politics.

KKH made possible not only link of two remote and neighbouring regions of Pakistan and China but also linked GB with rest of the country very effectively in terms of time and space, and made possible the non-locals become major stakeholders in trade through this route such as traders from KPK and Punjab. A trade which was initiated with small buses transformed from big busses to small trucks and then containers and containerized vehicles. It must be noted that to make border management more effective, the West

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17 Correspondence of Customs Collectors Islamabad to the Chief Secretary, GB dated June 29, 2009 and March 12, 2012.

18 SMC No. 11/2010 dated April 6, 2011.

Pakistan Border Area Regulation Act was also adapted in GB on October 21, 1976.

### **Tax Laws in 1980s**

The Customs Act (Adaptation) Order, 1980 was issued on October 16, 1980 (which adapted the Customs Act, 1969 for GB). Northern Areas (Adaptation of Laws) Order, 1981 dated December 10, 1981 notified two taxation laws which were adapted: the Customs Act, 1969 and the West Pakistan Land Revenue Act, 1967. Previous adoption of the Land Customs Act, 1924 had to be done away with for two reasons: One that it had been already repealed by Customs Act, 1969 which consolidated Sea Customs Act, 1878, Land Customs Act, 1924 and Air Ships Act, 1911; and second that the 1969 Act brought other changes required in the international scenario of growing cross-border trade. The Land Customs Act, 1924 was adopted at the time of Pak-China barter trade which was negotiated before the Customs Act, 1969 was passed and implemented in the rest of Pakistan.

The trajectory of other federal taxes during the period and beyond is outlined as following:

- a. The Income Tax Ordinance (Adaptation) Order 1981 dated February 3, 1981 (which adapted Income Tax Ordinance, 1979). (Withdrawn on 3-4-1999 as a consequence of ATM)
- b. The Central Excise Act (Adaptation) Order, 1996 dated July 23, 1996 (which adapted for GB the Central Excise Act, 1944). (Withdrawn on 3-4-1999 as a consequence of ATM)
- c. Sales Tax Enforcement Order, 1999 dated December 27, 1999 (which adapted Sales Tax Act, 1990)
- d. Withdrawal of Income Tax Ordinance, 1979 and Central Excise Act, by KANA vide NA-9(7)/80 dated 3-4-1999 (during Anti-Tax Movement). KANA protested CBR against imposition of income tax on imports at Sust with reference to correspondence of GB Chamber in KANA letter dated July 22, 2000. KANA Order mentioned that this was being done in view of pending appeal of GB people in Al-Jehad Trust petition, but did not mention the ATM.

- e. The Gilgit-Baltistan Council Income Tax (Adaptation) Act, 2012 (which adapted for GB region Income Tax Ordinance, 2001)

Income tax was though imposed on income groups dependent upon public sector accounts, for effective collection, which comprised mainly government employees, contractors of public sector civil works and imports from Sost. However, the same was resented and resisted by the GB people. Two references are exclusively being made to make it evident: Findings of the Federal Ombudsman<sup>19</sup> in 1992 in the case of a complaint by GB contractors regarding the illegality of jurisdiction of Income Tax Commissioner, Rawalpindi over GB; and KANA's letter on July 22, 2000 addressed to CBR for stopping income tax collection on imports at Sost. However, the insistence of CBR on collecting income tax at imports despite KANA letter for stopping it reveals the distance, lack of coordination and even hierarchical (instead of horizontal) relation between two federal ministries.

### **Politics around Four Federal Taxes**

GB tax politics revolved around four federal taxes (customs, income tax, sales tax, central excise) which fetch for the federal government approximately 98% of the federal revenue in Pakistan. Though share of federal revenue from GB during the period under study had been minuscule when compared with other parts of Pakistan, particularly Karachi; yet, political aspirations regarding constitutional status, regional recognition and mainstream representation has been the source of contention and resistance.

Levy of federal taxes as income tax in 1981 had remained contested. On the complaint of civil works contractor of GB in 1992, the findings<sup>20</sup> of the Federal Ombudsman were in favour of the contractors contesting the levy of income tax, as KANA and CBR were not found competent to impose tax,

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19 The Findings of the Federal Ombudsman, dated June 11, 1992.

20 The Findings of the Federal Ombudsman, dated June 11, 1992.

which required under the Constitutional provision that due process and procedure of law making had been adopted in levying tax which was found to be not the case in the levying of income tax in GB. Similarly, KANA communicated GBCCI representation to CBR agreeing with the contention that since KANA withdrew income tax from GB through its order on April 3, 1999, the CBR's policy of continuing the levy and collection of income tax at import stage was not justifiable. However, CBR continued its policy of income tax collection at import and export stages.

Previous and current Writ Petitions in different courts, prominently Lahore High Court Rawalpindi Bench (W.P. 456/1996) Supreme Court of Pakistan (Al-Jehad Trust Petition)<sup>21</sup>, AJK High Court (petition of Malik Maskeen)<sup>22</sup>, Chief Court Gilgit (petition of Sargin Enterprises) – all challenged Customs laws and authorities operative in GB for illegality and unconstitutionality, premising the claim on the ground that as GB was not part of Pakistan, such federally levied, imposed and administered taxes and tax laws were unjustified, illegal and unconstitutional and their operation be instantly ordered to be stopped.

### **Judicial Interventions against Taxes on Local Traders/Imports**

Traders went to courts through writ petitions to get tax exemptions from border related taxes for local consumption goods or import of goods by local traders which continued from the time CBR had removed exemptions, barter trade was closed and general trade under Customs laws started till 1996. GB Courts (at the level of Civil Judges) allowed in these petitions the local traders or local consumption goods to be cleared after submitting to Customs an 'undertaking' on non-judicial stamp paper to the effect that such clearance be allowed exempt provisionally till the time CBR considered the taxation problem in GB and reviewed its policy of federal

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21 Al-Jehad Trust vs. Federation of Pakistan, 1999 (SCMR 1379 dated May28, 1999, Islamabad).

22 Malik Miskeen and Others vs. Govt. of Pakistan, (PLD 1993, AJK).

taxes in GB owing to its peculiar constitutional, political and economic situation. Repeatedly, such petitioners were granted tax relief through such judicial forums in GB at the level of Civil Judges and were complied with by Sost Customs.

This practice ended for two reasons: one, the Federal government did not revise its taxes on border trade, even on the principles of local consumption or local traders of a 'Non-Tariff Area' within the tax jurisdiction of federal government; and second, the Chairman Chief Court of Northern Areas annulled all such injunctions against government on 4<sup>th</sup> November, 1998 (GBCCI in its "Brief on Taxes in Northern Areas" dated August 29, 2002, referring to Chief Court Order in case No. 3/94 of November 4, 1998).

### **Ministry of KANA Affairs and Tax Politics**

Being a federal ministry and a federal executive organ, KANA introduced through its Adaptation Orders; tax laws of federal government as Income Tax and Customs Act in 1981, Central Excise Act in 1996 and finally Sales Tax Act in 1999. This issue has been a traditional source of discontent and contention as to how an executive authority can impose tax which is domain of the Parliament under Article 77 of the Constitution of Pakistan. Levy of tax by KANA's administrative orders have incessantly remained contested and agitated by GB (throughout their political, legal and juridical struggles). Article 77 of the Constitution of Pakistan, 1973 reads as following:

77. Tax to be levied by law only. – No tax shall be levied for the purposes of the Federation except by or under the authority of the Act of [Majlis-e-Soora (Parliament)].

This constitutional provision also comes in conflict with Article 48 of the GBESGO, 2009 (reproduced below in 'Fourth Phase' section) in which besides GB Council and Assembly, the government of Pakistan has the power to levy/continue levying taxes, instead of the Parliament of Pakistan. This may be based on the presumption that GB, like AJK, is Pakistan's administrative unit, with administrative

powers under UN Resolutions, but is not part of the territories of Pakistan, therefore, can be '*administered*' by Pakistan Government, but not '*legislated*' by the Parliament of Pakistan. But the argument has its own critics and has been contested in political, legal and juridical embattlements.

### **GBCCI and its Taxation Politics**

Faisal Khan, Secretary, Small Traders Chamber (ex-Secretary GBCCI) told during an interview that GBCCI was founded by Shahbaz Hussain Khan Advocate<sup>23</sup> with the help and support of Jan Muhammad and other '*China Traders*' in 1993 being early importers and exporters from Sost. GBCCI became active in 1995.

Besides being an advocate and a prominent political activist of GB, Shahbaz Hussain Khan was an entrepreneur and had been trading with China through Sost Customs Station under the name of M/s Sargin Enterprises Gilgit. He continued as President of GBCCI for many years from 1995-2004. He has been instrumental in filing historic and critical petitions before the judicial forums of GB as well as Pakistan, such as Al-Jehad Trust Petition, and has been at the forefront of constitutional-fiscal politics of the region. After Shahbaz Khan, presidents of GBCCI were SU Baig (2005), Haji Hasan (2006-7) and Javed Hussain (2008-13), Johar Hussain Raki (2014). Raki has recently been elected as Senior Vice President of FPCCI. All these have been traders of imports and exports through Sost Customs station with China and mostly have been leading fiscal struggles with Customs, FBR, Commerce, KANA, etc.

Border passes (in place of regular visa and passport for visit to Sinkiang Province of China) were initially issued by GB Home Department under Protocol Agreement of 1985 for border crossing of traders or official visit purposes and were restricted to government officials, drivers of barter trade vehicles and trade organizations. In 1998, GBCCI was given

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23 Shahbaz Hussain Khan Advocate was recently serving as the Judge of the Supreme Appellate Court, GB and has died on September 20, 2016 due to heart attack.

the mandate to recommend and send the cases of all traders and trade organizations intending to visit China for trade purposes, though issued by Home Department; this enhanced the role and prestige of GBCCI, recognizing its leading status in tax-trade matters.

GBCCI has a long history of legal difficulties since its early phase. Trade Organization Department of Ministry of Commerce has many times indicated to its presidents of the legal requirements, failing which the license of the GBCCI has even been suspended for some time. One reason has been the tenure of president office and second has been the lack of local/district chambers to which GBCCI could be the representative body, instead of being sole chamber in the whole region, without support and presence of local/district chambers. Therefore, Trade Organization Department claims that its status had been that of a local/district chamber instead of regional/provincial one.

Besides the above legal challenges, GBCCI has been facing other organizational as well as political challenges: absence of local/district chambers, dominance of import related traders in GBCCI, weak organization of trade associations being members of GBCCI, structural and transparency issues of election, internal strife and conflict, etc. In competition with GBCCI, another organization was got registered with Cooperatives Department Gigit by Manzoor in the name of GB Trade Development Organization, to break the unanimous mandate of GBCCI as well as to take share in the authority and power of being sole recommending and processing authority for the issuance of Border Passes for the traders. Recently in 2013, another Chamber with the name of GB Small Traders Chamber has been got registered with Trade Organization Department of Ministry of Commerce.

During the period of presidency of Shahbaz Khan Advocate, anti-tax protests as well as active tax politics at different forums in view of constitutional-fiscal status and relation with federal government have been regional issues. Many a times it led to city wide protests, shutter down strikes in

Gilgit, etc. during the decade of 1990s. Shahbaz Khan Advocate informed during interviews that such protests against federal taxes particularly Customs continued during 1990s. These ranged from gatherings and meetings, writ petitions and correspondence, communication and memos, etc. to/with concerned authorities, public office holders, and even FCNA to the closure of Sost dry port stopping the clearance of imports and exports with China, street protests with closure of Gilgit city markets, minor scuffles with customs and police authorities, etc.

The role of trade bodies and trade associations has been significant and critical. They have been major stakeholders and organized resistance to federally imposed taxes concerning issues of levy as well as implementation of taxation in GB region, besides other taxpayers, whether being taxed directly or indirectly, regionally or nationally. Many national level taxes such as consumption taxes in the heads of central excise duty and sales tax were continued to be paid by consumers as well as producers in this region. But the unorganized and un-mobilized general consumers didn't fight for the right of tax exemption from Federal Board of Revenue on the popular grounds that GB area was either non-tariff area or the concerned taxes were not judiciously, competently and constitutionally imposed, as the local trade community has always raised concerns on the issue.

Three trade bodies, besides GBCCI, have been instrumental in relation with border trade related taxes, most particularly the Associations of importers, exporters and Customs clearing agents. Their role has been very instrumental in resisting the taxes on border trade – through protests, strikes, deficient documentation, local pressure and threats to predominantly non-local staff of Customs, and above all, through the negotiated everyday practices of customs clearance. The ebbs and flows of the relation of these associations with Customs, with the support of local police officials usually favouring local trade community, has been critical instrument of taxation politics in GB concerning taxes related to border trade.



**Northern Areas Council Legal Framework Order, 1994 (NACLFO) and Taxation**

Legal Framework Order for Northern Areas Council was introduced in 1994 with tax provisions as well as providing 14 tax subjects as the domain of the NA Council. It provided the powers to make laws and rules by the Council. Delegation of subject to Council, including tax subjects, enhanced power, prestige and potential of self-governance through greater fiscal autonomy and equality with other federating and administrative units of Pakistan.

NAC Legal Framework Order also provided for constitutional fundamental rights as enshrined in the Constitution of Pakistan, 1973. It also provided protection as safeguards against arbitrary taxation on the basis of religion. The later has been part of all constitutions of Pakistan and is reminiscent of western history of the influence of the Church and its later subordination to the secular state. Moreover, the Government of Pakistan may make laws and rules for carrying out the purposes of this Order. This included all rules even related to the implementation and operation of taxes and levies

**Power to Make Laws**

- (1) Subject to such limitations as the Government of Pakistan may, from time to time, impose, the Council may make laws with respect to any matter enumerated in schedule-II to this Order.

Power of the Government to Make Rules

**Tax Subjects of NACLFO**

Schedule-II had 49 subjects which were the jurisdictions of the Council. 14 subjects expressly provided for taxes and levies of different kinds as the power of the NA Council. These tax subjects of NA Council are listed as following:

1. Land Revenue, including the assessment and collection of revenue, the maintenance of land records, survey for revenue purpose and records of rights and alienation of revenues.

2. Taxes on agricultural income and on the value of agricultural land
3. Duties in respect of succession to agricultural land.
4. Estate duty in respect of agricultural land.
5. Taxes on land and buildings.
6. Taxes on advertisement.
7. Taxes on goods and passengers carried by road or on inland waterways.
8. Taxes on vehicles, whether mechanically propelled or not, suitable for use on a road; on boats, launches and streamers on inland water; on tram cars..
9. Taxes on animals and boats.
10. Tolls.
11. Capitation taxes.
12. Taxes on luxuries, including taxes on entertainment and amusements.
13. Taxes on professions, trades and callings and employment.
14. Cess on the entry of goods into local area for consumption, use or sale therein.
15. Dues on passengers and goods carried on roads or inland waterways.

### **Power of the Government of Pakistan to Levy Taxes besides the Act of the NA Council**

#### **19-B: Liability to Pay Tax:**

The People of Northern Areas shall be liable to pay taxes and other levies competently imposed under an Act of the Council or under any law made by the Government of Pakistan (inserted by Amendment Order of 1999).

Above quoted Section 19-B is not an original clause; instead it was inserted in 1999. Its insertion needs to be seen in the light of two developments in 1999: Anti-Tax Movement and SC judgment in Al-Jehad Trust Petition. This aspect has been taken up elsewhere in the sections relating to the discussions of KANA's taxation orders and GBESGO 2009. This clause has been reiterated in GBESGO 2009 and similar clause can be found in AJK Constitution. Section 19-

A incorporated in NACLFO the Fundamental Rights: Chapter I Part II of the Constitution of Pakistan. LFO also provided for the safeguard against taxation for purposes of any particular religion in Article 21 (reiterating relevant part of the 1973 Constitution), as following:

“No person shall be compelled to pay any special tax the proceeds of which are to be spent on the propagation or maintenance of any religion other than its own”.

The review of NACLFO from hindsight reveals that though the Council benefitted from other areas of reform such as development infrastructure powers; however, tax subjects remained empty words of the legal text and were neither legislated nor benefited for regional finance. The interviewees reported that general attitude of the people of GB was not supportive of tax imposition, whether through federal government or through GB government. Unwillingness of GB elites to tax themselves and their cautious attitude towards imposing tax on their people kept the region more deeply dependent on the federal grant for its current and development expenditure.

### **GB Anti-Tax Movement (ATM)**

As reported in detail by the Urdu Daily *Aaj* on April 9, 1999 besides other newspapers, ATM was organized in April, 1999 by GB Contractors' Association (GBCA) with the support of local media persons, political parties, etc. The movement was not triggered incidentally by the imposition of central excise duty and income tax by the federal government in the GB region through adaptation order of KANA Division. Instead, it emerged out of exhaustion of myriad forms of protest and agitation against these taxes for more than a decade. The movement continued for some days at local level through local gatherings, *Juma* prayer protests, public statements of stakeholders, etc. But GBCA was able to organize a major demonstration at Hunza Chowk in Gilgit City, public and commercial centre of the city; it is adjacent to the GB Civil Secretariat, residences of the Chief Secretary and other higher ups in the region, and

is the central market. This demonstration was successful in repeal/withdrawal of the notifications of income tax and central excise duty from GB.

GBCA was central to the organization of movement being direct victim of the federal taxation. It was a resourceful regional group as well, because it constituted the only entrepreneurial group in the region where commerce and trade was limited in volume with China as well as with rest of the country. Major source of its strength and growth has been development related infrastructure projects. Though comparably the scope of infrastructure related financing of government was very limited in scope; however GBCA emerged as a better organizer than rest of socio-economic groups, particularly the political parties, in the region. In contrast, political parties have usually looked to others for financial support and strength to launch such campaigns and projects. This has always kept GBCA as a vibrant and dynamic entrepreneurial group. ATM was organized, led, mobilized as well as financed by GBCA very effectively which was demonstrated on April 3, 1999.

Prior to the demonstration of April 3, 1999 demonstration as part and final event of ATM, GBCA held a meeting with media persons in a local hotel. Discussions with interviewees revealed that the contractors and media came close with understanding that GBCA would give advertisements to media and media would reciprocate by publicizing their demands and would participate actively on their side against tax imposition by the federal government. This converging of interests was made possible by the leadership of Akbar Hussain Akbar, editor/reporter of the daily *Muslim* (an English daily published from Islamabad). Sher Muhammad (Director, PBC, Gilgit) was also actively engaged in this process being a journalist for the daily *Aaj* (an Urdu daily published from Abbotabad). This reveals rudimentary form of media-corporate relations which further need to be studied. GBCA also invited political parties, regional organizations and leaders of main religious groups in the region, besides youth and *mohallah* organizations.

On April 3, 1999, GBCA organized a huge demonstration in Hunza Chowk, Gilgit participation of which is generally acclaimed to go beyond 10 thousands, being historically unprecedented in the region. Interviewees reported that only a gathering of this size was organized between 1990-2 by Milli Yakjehti Council in High School Ground for the cause of peace in the region which was participated equally by ulema of all religious groups. ATM demonstration however, was participated by political parties, organizations and leaders of three main religious groups in the region, and youth and *mohallah* organizations. In a region which has been divided on ethnic and sectarian lines for two decades, the demonstration came as an event of regional solidarity on an issue claimed by all leaders to be affecting the whole region. The event was participated by the leaders of political parties as PML (N), PPP, PUI (J), etc. It was participated by the representatives of four major religious communities of Sunni, Ismaili, Noor Bakhshi and Shia. The event was also participated by youth and *mohallah* organizations.

The event was headed by Mr. Afsar Jan who was the chairman of GBCA. The leaders who participated and spoke on the occasion were: Inayatullah Shimali (Chilas Writers' Forum), Hafeezur Rehman, President PML(N), Ihsan Ali (advocate representing GB Bar), Maj. Rtd. Hussain Shah (GB legal rights leader), Deedar Ali (Anjuman-e-Imamia/TJP) and many other regional and local notables. The responsibility of stage secretaries to organize speeches and related activities of the demonstration was taken up by Hafeezur Rehman, President, PML(N) himself and Sher Muhammad (now Director, PCB, Gilgit).

It is interesting to note that in federation, PML (N) was the ruling party while the PML (N) was very prominent in ATM against taxes imposed by the federal government led by the same party. This also reveals the fact as to how regional chapters of national parties differ on issues of regional interest and are able to influence the mainstream national leadership. In Gilgit, PML (N) appears to be divided between regional cause and decision of federal government run by

PML (N), while some were attempting mediation and resolution of the contest and conflict.

Leaders gave speeches which revealed resistance and dissent to taxation in the region to be very deep and politically very charged. Taxation appeared as instrument through which political and economic rights, constitutional status, peripheral relation of the region with federal government, federal bureaucracy, particularly KANA Division were strongly and affirmatively reiterated.

The region was then administratively headed by Mr. Majeed Malik, Minister of PML (N), KANA Division in Islamabad and Latif Khan Afridi, Chief Secretary. Gilgit administration not only allowed the demonstration but also attempted to resolve the matter in favour of the protestors, though after marathon consultations and negotiations with the leaders and organizers of demonstration. Gilgit administration was able to get notification of withdrawal of contested taxes from KANA Division while the demonstration was going on. When the withdrawal notification was displayed by the leaders on the stage, the demonstrators expressed their celebration over victory in this battle for taxes.

ATM demonstration was restricted and regulated through a code of ethics by its organizers: the only slogan was "whether to pay tax or not"; all slogans were to be raised from the stage, and were to be raised only by the stage secretaries, Hafeezur Rehman (President PMLN and current Chief Minister) and Sher Muhammad, a journalist then; all the speakers were required to stick to the topic of taxes and within the time limit.

Media coverage of ATM was reportedly given by local, national media (i.e. newspapers) and even BBC Urdu Service. Akbar Hussain Akbar, Sher Muhammad and Saadat Ali Mujahid were leading the media role and its support to ATM. Even on the stage of ATM demonstration meant for political parties and their leaders mainly, journalists were also seated besides other leaders and notables.

ATM also revealed corporate-media relations though at a rudimentary level. Abdul Wahid Yousufi, owner of the daily *Aaj* (Abbotabad based Urdu newspaper) intended to bring his newspaper to a popular level through Mr. Sher Muhammad, then journalist. The latter had earned master degree in journalism/mass communication from Punjab University, Lahore and had been serving as a freelance journalist in Gilgit and had also joined the daily *Aaj*. The ATM brought media-corporate interests closer: contractors' association (the organizers of ATM) committed to give advertisement for an allocated/reserved space of two pages for their cause with reciprocal commitment of the newspaper for the dedicated coverage of ATM organized by the Contractors' Association. Sher Muhammad here said: this way, *Aaj* newspaper did great service to this region. Role of this newspaper in these and other events increased its circulation by a number of 200 from only 50. It is noteworthy that media had very limited role in the region owing to factors as lack of printing presses, time lag for communication of newspapers published in Rawalpindi or Peshawar to this region, literacy rate, etc. Therefore, this region has been for a very long time been absent from national mainstream media coverage as well as from its own media successfully, effectively and timely covering the region.

### **Public Works Contractors' Association and Resistance against Taxation**

Afsar Jan had been president of GBCA for 25 years. He was exclusively interviewed. In the interview he revealed, Income tax was deducted from contractors mainly, but also from the government employees, though less than from contractors. While then NA's annual budget was only 62 crore rupees. Initially, contractors used to get stay from the GB courts, but later on even courts stopped giving stays. Then ATM was organized. In April 1999, the ATM was just a seven days movement. Previously, KANA Minister Afzal Khan (of ANP) visited GB and the Association met him; he said that if GB people demonstrated their demand effectively against income tax, federal government would consider it. Later on,

Latif Khan Chief Secretary also supported the cause of the Association for raising their demands against income tax. Afsar Jan told: 'After government, if there was any organization which mattered was the Contractors' Association. The Association was founded by me in 1984 and was registered in Deputy Commissioner Gilgit office'.

Afsar Jan also told, 'the association contacted all concerned parties, religious communities, etc. in April 1999, and all agreed. Government agreed to accede to our demand of withdrawal of federal taxes in GB (other than taxes collected on border trade), but the Association insisted that unless their demands were not practically met, they wouldn't desist from demonstration'. Afsar Jan cited a case of federal government support package for Chitral by Benazir which was later on slashed to minimum by PMLN government; therefore, they couldn't trust this government's mere promises'. 'And when the notification of withdrawal was issued on the same day by KANA, it was presented to the leaders and audience of the demonstration the same day. Owing to this only, the demonstration and the ATM were called off, marking great success of ATM, being unprecedented in the history of Pakistan'. The ATM was covered by the Muslim (the English Daily published from Islamabad), the *Jang* (the Urdu daily published from Rawalpindi and Lahore) and the daily *Aaj* (Urdu daily published from Abbotabad). Afsar Jan recognized the role of Akbar Hussain Akbar in the support and sacrifice of media for the betterment of the region, and coordination of media and the Association for the events of ATM.

The Association has been in the forefront for the uplift of the region. The Association held another demonstration, though smaller in gathering size, for the increase in federal grant for the purposes of development and administrative expenditure. Beside this demonstration, the Association had always pushed for such economic and financial measures by the federal government and its functionaries in GB which might benefit the region. Afsar Jan informed that the Association had also recently in 2014 sought intervention of



GB courts against imposition of income tax on the contractors of public works as well as on the incomes of government employees. The tax has been recently imposed by GB Council. The petitions of the Association claimed that still GB Council was not fully representative forum of the people in the region and therefore, still didn't carry any competence and jurisdiction, valid in the eyes of laws of Pakistan as well as the world community.

Afsar Jan also pointed out that during the visit of Mr. Majeed Malik, Minister for KANA to Gilgit, the Minister was apprised of the fact that federal government collected 22 billion rupees from the region in the heads of customs, other border taxes, forests, tourism, etc. while only 65 crore rupees were issued to the region as a federal grant, which so appears as if federal government was favouring the barren, dead and dry land of GB, on international pressures. Though the above quoted figures might have a touch of folklore, yet the purpose appears to dramatize and sensitize the disparity of revenue receipts and public spending pertaining to GB.

### **Al-Jehad Trust Petition and Legal Battle against Federal Taxation**

During an interview with Shahbaz Hussain Khan Advocate, he informed that the petition was led by Shahbaz Khan Advocate, Imam Dad Jamal, Imam Dad Kamal, SU Baig, Ghulam Murtaza, Kachu Mehdi, hefty amount was paid to nationally acclaimed public interest litigation advocate of the Supreme Court of Pakistan, but instead Wahabul Kheri Advocate submitted petition in the name of his own organization Al-Jehad Trust; actual petitioners listed above were either seconded or missed out. The petition was filed in 1994 and the historic judgment was made on May 18, 1999. The petition was premised on distinct historical trajectory of the region, victimization of it by circumstances and region's undue subordination to Kashmir status and Kashmiri interests. Contentious issues regarding relations with federal government, including federal taxation, were also part of the petition.

A few days before the judgment of the Supreme Court, federal government withdrew its tax notifications through KANA in case of central excise and income tax, citing the petition as a basis of this decision. The withdrawal notifications were issued on the occasion of ATM demonstration held on April 3, 1999. The judgment of the Supreme Court of Pakistan was made within two months of the ATM. The judgment talked about citizenship and related rights and obligations, strongly recommending self-governing system for GB with constitutional guarantee, though declaring that the status of GB stands undecided. The judgment stated the right of competent forum to impose tax in GB.

The Supreme Court Judgment in Al-Jehad Trust Petitions dated May 28, 1999 (in two petitions No. 11 & 17 of 1994) specifically quoted five relief measures sought for by the petitioners, which included two relief measures exclusively pertaining to taxes in GB and the prayer thereunder specifically made regarding estopple/stay order injunction against such taxes till the time petitions were decided. The two relief measures sought regarding taxes were in serial 1 and 2, and are reproduced (translated from Urdu) as following:

1. Taxes, levies, duties be not collected from the people of region till the time their elected representatives are given right to rule/make decisions.
2. if Northern Areas are not included in Pakistan, then Customs Check-post of Sost be abolished and taken to Pakistan's border; and trade of goods for ordinary living from other countries particularly China be not hurt, and be allowed without imposing customs duties.

The issue of representation has remained central and critical to all such petitions directly linked with the right of the representatives in the Parliament to levy due taxes. The petition used the words of *haqq-e-hukmarani* (right to rule) which lies at the core of modern, democratic struggles since the Magna Carta and the Bills of Rights.

In the absence of this development, GB had been claiming that GB be recognized otherwise as Non-Tariff Area, particularly for the purpose of Customs, declaring the GB as free-trade zone or economic corridor. This has been the line of argument of the GBCCI as well as concerned political activists of the region. But the Supreme Court in its judgment broadly affirmed the status quo; it didn't bring major transformations on the issue of GB status being primarily a political issue. However, it affirmed the fundamental rights of the GB people enshrined in the Constitution of Pakistan.

While arguing for the applicability of fundamental rights of GB people, SC stated that "it (the state of Pakistan) also has the inalienable right to regulate such laws which may be deemed appropriate to earn revenues". SC also stated that "they (GB people), as citizens of Pakistan, like any other citizens have the right to invoke any of the above Fundamental Rights, but they are also liable to pay taxes and other levies competently imposed". "*Competently imposed taxes*" is the arena of contention and conflict and source of fiscal politics in GB, as GB political activists claim that neither KANA nor Presidential Order is sufficient to the '*competency*' condition to impose taxes in GB.

### **Kohistan Development Cess (KDC) or 'Dasu Tax'**

Kohistan Development Cess (or Dasu Tax as it was infamously called) was imposed by KPK Chief Secretary in 2006 (made effective with June 1, 2006) as an infrastructure development cess for the purpose of development of infrastructure in Kohistan, on the movement of goods imported from China through Sust Customs Station being taken to down country through Kohistan (a district connecting GB with KPK and the only all-weather route to KPK and Punjab for GB as Karakoram Highway passes through Kohistan). The amount was to be deposited in NBP Sost and was to be collected as import duties and certified by Customs to KPK government periodically. The collected revenue had to be distributed amongst KPK government and Kohistan District government on 50:50 basis. KDC was to be

collected at the rate of 1.5% of CIF value of all imports from China as assessed by Customs.<sup>24</sup> KDC was called 'Dasu tax' because a check post was established at Dassu (district headquarter of Kohistan District) to force trucks of imported goods unload, coming from China and cleared by Customs at Sost which were bound for down country, for collection of KDC. Dasu is at a distance of 256 kms from Gilgit and 339 kms from Islamabad.

Development taxes with different names as cess, surcharge, etc. have been imposed by the federal and provincial governments, such as cotton cess, Iqra surcharge, general surcharge and Export Development Surcharge (EDS). It must be noted that recently, Sind, KP and the Punjab governments have imposed infrastructure development cess through provincial acts in 2016, which will be imposed on all cargo being brought into these provinces (including imports at Karachi and Port Qasim Ports and down country). This has raised taxation on import being made in Punjab as well as KPK. Though these developments have attracted resistance and protests from traders as well as dry-ports down country, yet the same continue to be imposed.

KDC or Dassu Tax was resisted and protested by all the GB importers, lawyers and politicians. Interviews with importers association, GB Chamber office bearers and other concerned citizens revealed that written applications were made to senior government functionaries as Chief Secretaries of KP and GB, FBR Chairman, public office holders of GB as CM and Governor, meetings were held with these senior office holders, petitions were made in GB Courts against imposition of KDC on two grounds: one that of undue hardship to the traders of GB and second on the ground of double taxation. Protests of traders and particularly GB importers at Sost Dry-port went for many days during which the dry-port remained partially or completely shut down bringing trade with China and resultant revenue generation to a halt.

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24 Government of NWFP letter No. A.O.II/ICB/12-4/06 dated May 23, 2006.

Immediately after the imposition of KDC, importers, exporters, contractors, traders and other concerned citizens filed writ petition No. 33/2006 before the Chief Court Gilgit against imposition of KDC. The court discussed the jurisdiction issue as well as the power of a provincial government to impose tax on goods already taxed under federal government taxation. The court finally decided the case on December 16, 2008 abolishing the Dasu tax *ab initio*, besides directing the respondent NWFP government for refund of the amount already collected from importers in this regard. KDC was eventually withdrawn by KPK government through the intervention of federal government. However, by then KPK has collected more than Rs. 35 million (from July 2007 to December 2008) as KDC with much harm and injury to the trade flow as the same was either collected at Sost dry-port as part of import duties and taxes or otherwise Dassu check-post staff would hurt the trade flow, by unloading and delaying clearance for down country for many days, which beside delays would damage goods in unloading, reloading and open placement of goods just along the road.

Kohistan development financing through KDC had some interesting aspects; Kohistan under their accession accord and agreement with government of Pakistan had already got their forest incomes allocated for their welfare; special tax for the region's development would not have been without political interests. Besides, other fiscal modes and choices were also available but were not opted, and instead KDC was imposed by KP particularly when ethnic, sectarian and political relations between Kohistan and GB have remained contentious for a long time. Moreover, similar attempts of imposing KDC had previously been already made in 2000 but the same couldn't bear desired fruit even then.

These conflicts and contentious politics gets further worsened with the history of territorial disputes (as in case of Shandur, etc.) between GB and KPK as well as absence of State Subject rule in GB, allowing people from Kohistan to get settled in GB as permanent residents and own property. These facts have been ascertained during different

interviews with lawyers, politicians, traders and concerned citizens of GB.

KDC placed GB at a disadvantage because (a) KPK-GB relations are unequal and imbalanced (with respect to constitutional status, resources, politics, etc.); (b) role of federation is biased towards KPK with poor role in interprovincial tax related issues, as no federal framework or role exists in this respect; (c) even if there is any federal framework, it will be some constitutional arrangement within which KPK is a federating unit, but not GB.

#### **FOURTH PHASE: 2009-PRESENT**

##### **Brief Sketch of History of Reform efforts in GB**

Reform committees were setup in all regimes of Pakistan for GB reforms starting from Ayub era. Such reforms included Ayub's reforms of Basic Democracies, Bhutto's political and administrative reforms, High Powered Committee of Zia 1983<sup>25</sup>, GB members in Shooraa, similar reform committee of Benazir period which introduced LFO and upgraded Advisory Council to full NA Council, etc. GBESGO and consequent institutional reforms in GB are not new, nor even dramatic; administrative as well as political reforms have been witnessed in almost all previous regimes since Ayub era. However, these reform committees and their reform measures focused mostly on up-gradation and enhancement of administrative structures of, and powers to, the region. An outline of GB administrative-legal developments is given at Annex-III.<sup>26</sup>

Political reforms have been slow, occasional, and sporadic, and were undertaken hesitatingly and cautiously. The Order 2009 has taken major stride towards 'provincialization' of GB, which had been inching towards this ideal previously.

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25 Usman Ali, *Gilgit ki Rog Kahani* (Urdu) (Lahore: Maqbool Academy, 2004), 182-87.

26 Altaf Hussain, *The Gilgit-Baltistan Reforms 2009*, (Gilgit: GBPI, December 2009), online pdf: <http://gbpolicyinstitute.org/wp-content/uploads/Gilgit-Baltistan%20Reforms%20AHussain%20FinalDec09.pdf>. The Annexed table is an adaptation from this paper.

Still considered a long journey far from the ideal, even this Order is not without its detractors who criticize it vehemently for failing to recognize the democratic aspirations of this region and its people by duping the region in newly devised federal control through GB Council. But supporters contend that this Order not only brings GB closely at par with AJK, but also improves on previous governance through two tiered legislative and governance system.

### **Gilgit-Baltistan Empowerment and Self-Governance Order, 2009 (GBESGO 2009)**

In continuation with the NACLFO, 1994 and the Supreme Court Judgment in Al-Jehad Petition in 1999, the GBESGO 2009 also ensures the provision of fundamental rights as enshrined in the Constitution of Pakistan, 1973. Besides ensuring all fundamental rights of life and liberty, this includes safeguards against taxation on the basis and for the purposes of religion (which is essentially the part of all modern constitutions).

Part II- FUNDAMENTAL RIGHTS: Section 3: Safeguard against taxation for purpose of any particular religion: no person shall be compelled to pay any special tax the proceeds of which are to be spent on the propagation or maintenance of any religion other than his own.

Legislative powers have been allocated to GB through its two-tiered legislative structure in close resemblance with AJK. The powers have been distributed amongst GB Council and GB Legislative Assembly.

PART. VII- DISTRIBUTION OF LEGISLATIVE POWERS: SECTION 47. Legislative Powers:- provide for Council Legislative List (Third Schedule) and Assembly Legislative List (Fourth Schedule).

In line with republican tradition, democratic representation claims of the state and previous legal constitutional genealogy of Pakistan and GB (NACLFO), the Ordinance also reiterates, by reproducing the Constitutional provision, that tax shall be levied only by law; but instead of restraining this power to levy tax by the Parliament (as is the case in all

modern democratic republican constitutions), it adds in the legislative powers of GB Council and Assembly, the executive power of the Government of Pakistan. Tax law can be introduced to levy taxes by the executive authority of Pakistan. This needs to be seen alongwith the highly pro-federation arrangement of GB Council, which is considered as a federal organ by many local people in GB. Therefore, taxation has three tiers of legislation/law making in the case of GB. It must also be noted that similar is the case with AJK, and moreover, the courts have taken view of 'law' as 'statute law'(as the Federal Ombudsman in his order dated 11th June 1992 pointed out referring the case of Hapalan vs. the State of Madras). The relevant provision of the Ordinance reads as follows:

**Tax to be Levied by Laws only**

No tax shall be levied for the purposes of the territories of Gilgit-Baltistan except by or under the authority of an Act of the Council or the Assembly and all taxes and levies competently imposed under an Act of Assembly or the Council or under any laws made by the Government of Pakistan shall remain in force.

The ordinance has also created independent and region based consolidated funds for receipt of any revenues and their subsequent disbursements. This has created opportunities for the regional service of audit and accounts as well to look after the region's accounts. Relevant provisions of the Ordinance are:

**Article 54.** Council Consolidated Fund (and Council Public Accounts)

**Article 55.** Gilgit-Baltistan Consolidated Fund

The Ordinance enshrines an overriding principle which states that the laws of Pakistan shall prevail in the case of conflict of laws made under this Ordinance and the laws of Pakistan. This situation also applies to the fiscal laws and legal instruments as well. However, defining some GB law to be *in conflict* with the laws of Pakistan would be an area of conflict itself within the domains of juridical, legislative and executive authorities of GB and Pakistan with balance



expected to be weighing down in the favour of mightier partner. The relevant provision of the Order provides:

95. Order to override other laws, etc.: - the provision of this Order shall have effect notwithstanding anything contained in the provisions of any law for the time being in force except that in case of conflict between the laws in Pakistan and the laws framed under this Order, the laws of Pakistan shall prevail.

GB Council has 55 subjects (with 9 expressly taxation subjects) and GB Assembly has 61 subjects (with 16 expressly taxation subjects). It is pointed out here that non-tax subjects can also cause revenue collection in their respective domains, as educational fees, forest, wildlife, grazing tax, etc. as provided by the competent legal forum, but that would be accounted for as non-tax revenue and usually does not amount significant component of total revenue collection.

### **GB Council and Taxation**

The Order has changed the framework of taxation politics through change in the structure and role of GBC in taxation. However, politics of taxation powers – inside GB, its two-tiered legislative framework and with the federal government in line with other federating units of Pakistan – is expected to continue. The Order has provided legal framework for imposition of previously withdrawn federal taxes (i.e. import duties, income tax, sales tax and federal excise) by GBC.

GBC imposed Income Tax through Adaptation Order by adapting federal income tax law of Income Tax Order, 2000 and Income Tax Rules, 2002. Income tax has been initially imposed on the public works contractors as well as employees of different public sector departments. Both sectors (government contractors as well as employees as KIU, PBC, PTCL, GB Civil Secretariat, etc.) have resorted to judicial forums by filing writ petitions for their intervention against imposition of income tax on them by GB Council. This may take political shape when issues are not addressed institutionally as well as economically.

**GB Council Legislative List [Article 47 (2)(a)] Third Schedule: Tax Subjects**

42. Duties of customs, including export duties
43. Duties of excise, including duties on salt but not including duties on alcoholic liquors, opium and other narcotics
44. Taxes on incomes other than agricultural income
45. Taxes on corporations
46. Taxes on the sales and purchase of goods and services imported, exported, produced, manufactured or consumed
47. Taxes on the capital value of the assets, not including taxes on capital gains on immovable property.
48. taxes and duties on the production capacity of any plant, machinery, undertaking, establishment or installation in lieu of the taxes and duties specified in entries 42 and 43 or in lieu of either or both of them.
49. Terminal taxes on goods or passengers carried by railway or air, taxes on their fairs and freights
50. Fees in respect of any of the matters enumerated in this list, but not including fees taken in any court.

**GB Legislative Assembly and Taxation**

**Assembly Legislative List: [Article 47 (A) (B)] Fourth Schedule: Tax Subjects**

4. Land, collection of rents
5. Land revenue, including the assessment and collection of revenue, the maintenance of land records, survey for revenue purpose and records of rights and alienation of revenues
31. Taxes on agricultural income and on the value of agricultural land
34. Estate duty in respect of agricultural land
35. Taxes on lands and buildings
36. Taxes on advertisement
37. Taxes on goods and passengers carried by road or on inland waterways
38. Taxes on vehicles, whether mechanically propelled or not, suitable for use on a road; on boats, launches and steamers on inland water; on tram cars.
39. Taxes on animals and boats
40. Tolls
41. Capitation taxes

42. Taxes on luxuries, including entertainments and amusements
43. Taxes on professions, trades, callings and employment
47. Cesses on the entry of goods into a local area for consumption, use or sale therein
49. Dues on passengers and goods carried on roads on inland water-ways.
60. Fees in respect of any of the matters enumerated in this list, but not including fees taken in any court.

Following the steps of Northern Areas Council and LFO 1994, GB Legislative Assembly has not legislated on any of its tax subjects since the Order 2009. During an interview with ex-Deputy Speaker GB Assembly, reluctance towards taxation of general populace was once again cited reminding of tax resistant culture of GB. On raising the issue that previous tax resistance was against federal taxation, the response was that GB Government didn't intend to overburden its people who pay a variety of indirect taxes on all consumables brought into this region from either China or rest of Pakistan.

#### **NFC Award and Tax Share Debate in GB**

Interview with Amjad Hussain Advocate, Member GB Council revealed the issue of NFC Award and debate of GB tax share, outlining the argument that if GB was not part of NFC, then taxes collected in the region at imports and export stage through Sost Customs should be accounted for in GBC/GB consolidated fund, rather than federal consolidated fund: this includes customs duties, income tax, sales tax, federal excise, and import surcharges, besides other collections such as some development cesses as EDS, and even export duties). The argument goes a step further in asking whether post-2009 tax revenue is the right of GB, or even previous collections are also part of it.

The matter has been already taken up in GBC meetings.<sup>27</sup> FBR has expressed its consent to GBC in this respect. The

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27 Minutes of GBC Meeting on May 27, 2014 entitled "Minutes of the Meeting of Committee Constituted for Determination of Share of Customs Revenue Collected in GB at Silk Route Dry Port (Sost)".

matter is pending with the Finance Ministry and the consent of other provinces is involved which is expected to cause delay, besides belated GBC meetings with full quorum. However, currently, the arguments by the interviewees on GB share from the previous collections of import and export taxes is divided: one group asserted that there could not be share from previous collection because GB has been getting federal grant; the second group asserted that Federal grant was not against any formula which is based on underdevelopment indicators besides indicators of population and revenue share as well. Moreover, the latter group also asserts that GB has remained neglected in comparison with rest of administrative units of Pakistan, including AJK.

### **Recent Writ Petitions regarding Federal Taxation and Tax Authorities before GB Chief Court**

The issues highlighted by the recent writ petitions dated December 30, 2010 (by M/s Sargin Enterprises owned by Shahbaz Khan Advocate), are though undecided by the GB Chief Court Gilgit, have poignancy with potential to outline future struggles regarding, and around, taxation. Traditional claim of the 'Right to Representation before Taxation' has been reiterated and re-affirmed in these petitions. The legal challenge pertains to not only federal taxation but also tax authorities. Income tax though has been levied by GBC, it still is considered federal tax, as GBC is perceived as primarily a federal organ. Five prayers of the petitions against FBR, for which the Court's injunction was sought, are reproduced here:

- a. To remove its subordinate offices of Customs and Excise from the territories of Gilgit-Baltistan.
- b. To refrain from illegal collection of duties & taxes on imports into Gilgit-Baltistan and Excise duty on telephone & mobile calls.
- c. To refund the duties and taxes collected previously from the Petitioner and other importers levied on the imported goods from China.

- d. To refund the excise duty on mobile phones/telephone calls collected from the residents of Gilgit-Baltistan till 9<sup>th</sup> September, 2009.
- e. To refund duties and taxes on imports, exports and telephone/mobile phone calls in Gilgit-Baltistan to Respondent No. 3 (GBC) collected after 9<sup>th</sup> September, 2009, the day when Gilgit-Baltistan (Empowerment & Self-Governance) Order 2009 was promulgated.

As this first part of the prayer of the petitioners resounds with previous petitions at different judicial forums in GB and in rest of Pakistan including AJK with attempt of claiming that taxation right of the governments were hinged on taxpayers' right to rule themselves through elected representatives. The petitioners asserted particularly that GB was a 'Non-Tariff Area'; therefore it should not have been taxed by import duties. However, the petition didn't question GBC's right to tax, as is commonly believed that GBC was a federal government proxy and its laws of taxation were not legitimate.

The second part of the petition gave line of thought and action for GB government and GBC. In this part, three measures were prayed: establishing GB tax authority (for internal revenues as income tax, sales tax, excise duties), offering tax incentives to local, national and international investors, and finally, establishing GB Customs as independent organization from federal customs. It is noteworthy that barter trade between India and Pakistan from two border crossings, near Muzafarabad and Rawlakot, doesn't involve federal Customs authorities, and instead is administered by AJK government and army.

### **Local Government Taxes under the Order, 2009**

No modern discussion would be complete without complete picture of taxes (to be) levied at all tiers of government-national, regional and local. Under the Order 2009, GB Assembly adopted the GB Local Government Bill, 2014. It provides in its Chapter XII 'Local Government Taxation' the mode and collection of local government levies, besides powers for this, through its sections 103, 104 and 105. Tax

subjects of the local government have been given in the Third Schedule of the Bill, separately for taxes of Union Councils (UC), District Councils (DC) and Metropolitan/ Municipal/ Town corporations or committees (MC). UCs have nine tax subjects; DCs have 17 tax subjects; and MCs have 24 tax subjects. However, interviewees informed that there was no tradition of bringing into practice the tax subjects of either local government or GB government historically.

### **Comparative Analysis of Tax Subjects in Assembly & Council and AJK & GB**

All tax subjects of the NACLFO 1994 were made part of GB Assembly tax subjects under the GBESGO, 2009 and added only one more tax subject in GB Assembly Tax Subjects (AJK Assembly subjects are like provincial tax subjects i.e. all subjects not included in AJK Council subjects). Two tables (Annex 1 & II) are annexed accordingly.

### **Conclusion**

In post-colonial conflict regions whose fate is yet to be decided, political struggles range from petty non-compliance to organized movements. These struggles may cover diverse areas concerning state, society and economy. Taxation has been such arena of struggle in the case of Gilgit-Baltistan (GB). This study traces such fiscal-political struggles which revolve around regional contestations for constitutional-regional identity by the people of GB. They also constitute sites and sources of representation and articulation of the broader political struggles. This process has been identified as 'provincialization' in which besides other political, administrative and legal developments, a non-tariff area is brought under 'tariffication'. The study explored descriptively the four phases of fiscal politics of GB. It outlines the role, emergence and formation of GB elite in fiscal politics, through the instrumentality of identity-representation-recognition politics.

The four phases include: First Phase (1947-1970) covered Colonial/Dogra background, *malia* collected with the force of

FCR, taxation regimes of princely states and the initiation of tax free barter trade between China and Pakistan. Second Phase (1970-1980) covered the Tax-Free Decade (with the administrative and political reforms introduced by Bhutto), barter trade with China, wheat subsidy and enhance development grant for the region.

Third Phase (1980-2009) discusses powers of taxation for Northern Areas Council under Legal Framework Order, 1994, taxes on border trade with China. This period is marked by imposition of federal taxes and consequent resistance to these taxes, explicit or implicit. Anti-Tax Movement was the height of such resistance being unprecedented in GB history. Embattled trajectory of KDC has also been taken up in this phase. Fourth Phase (2009-Present) initiated with GBESGO 2009. GB Council was given powers of taxation through this Order. GB Council has enforced Income Tax in 2012 and is battling for its revenue share from federal taxes through either NFC or directly from the source if collected in GB region.

The direction of future fiscal politics depends on internal and external dynamics of GB politics around the reforms initiated in 2009 through Presidential Order and the promise it keeps with people of the region, particularly the role of GBC. Moreover, if the region remains under elite politics of fiscal inertia, the fiscal anxiety between the federal government with growing budget deficit and public debt on one hand and the GB Government seeking larger federal grant on the other hand -- is expected to worsen. This is besides the fact that the region will continue its sheer dependence on the federal grant and feel victimized by scarcity of resources and fiscal dependence and subjection. Externally, growing pace of incorporating administrative units into provinces i.e. growing 'provincialization', as in the case of FATA, will also affect the political ideal of GB elite to get 'provincialized'. De-tariffication (repeal of customs) of Malakand Division in GB's neighbourhood may deepen fiscal inertia in GB. Resurgent Kashmir dispute and international pressures can also influence the future trajectory of GB fiscal-political struggles.

These and related areas offer much space to the future historians and researcher to study the way politics and taxes dynamically constitute each other as cross currents of history, instead of mutually exclusive domains.

**List of the Interviewees:**

- a) Mr. Sher Muhammad, Director, Pakistan Broadcasting Corporation, Gilgit
- b) Mr. Shahbaz Hussain Khan Advocate, President NA Chamber of Commerce Gilgit
- c) Mr. Faisal Khan, Secretary, Small Traders Chamber of Commerce, Gilgit, ex-Secretary GB Chamber of Commerce
- d) Afsar Jan, ex-Chairman of Contractors' Association
- e) Amjad Hussain Advocate, Member GB Council
- f) Muhammad Jamil, Deputy Speaker, GB Constituent Assembly
- g) Hafeezur Rehman, President PML (N), GB
- h) M. Shafi Advocate
- i) Shah Jehan Mir, Karakorum Bank/General Secretary, NATCL
- j) Zafar Iqbal, ex-MD, NATCO
- k) And others

**Annex-I: Comparison of Tax Subjects of NACLFO and GB Assembly**

Tax Subjects	NAC LFO Subject No.	GB Assembly Subject No. (61 Subjects)
Land Revenue, including the assessment and collection of revenue, the maintenance of land records, survey for revenue purpose and records of rights and alienation of revenues.	5	4
taxes on agricultural income and on the value of agricultural land	32	31
duties in respect of succession to agricultural land	34	33
Estate duty in respect of agricultural land	35	34
taxes on land and buildings	36	35
taxes on advertisement	37	36



. taxes on goods and passengers carried by road or on inland waterways	38	37
Taxes on vehicles, whether mechanically propelled or not, suitable for use on a road; on boats, launches and streamers on inland water; on tram cars.	39	38
taxes on animals and boats	40	39
Tolls	41	40
capitation taxes	42	41
taxes on luxuries, including taxes on entertainment and amusements	43	42
taxes on professions, trades and callings and employment	44	43
cess on the entry of goods into local area for consumption, use or sale therein	48	47
dues on passengers and goods carried on roads or inland waterways.	49	49
Fees in respect of any of the matters enumerated in this list, but not including fees taken in any court.	Not included in NACLFO Subjects	60 (This subject introduced in GBESGO, 2009)

**Annex-II: Tax subjects of GB Council, AJK Council and Federal Government after 18<sup>th</sup> Amendment**

Subject	GB Council Subject No. (55 subjects)	AJK Council Subject (Interim Constitution 1974) 52 subjects	Federal Government Subject (Federal Legislative List Part I) 54+18=72
duties of customs, including export duties	42	41	43
duties of excise, including duties on salt but not including duties on alcoholic liquors, opium and other narcotics	43	No mention	44
taxes on incomes other than agricultural income	44	42	47
taxes on corporations	45	43	48
taxes on the sales and purchase of goods and services imported, exported,	46	No mention	No mention of it in FLL

produced, manufactured or consumed			
taxes on the capital value of the assets, not including taxes on capital gains on immovable property.	47	44	50
Taxes on mineral oil, natural gas and minerals for use of generation of energy	No mention in GB Council Subjects	No mention	51
taxes and duties on the production capacity of any plant, machinery, undertaking, establishment or installation in lieu of the taxes and duties specified in entries 42 and 43 or in lieu of either or both of them.	48	45	52
terminal taxes on goods or passengers carried by railway or air, taxes on their fares and freights	49	46	53
Fees in respect of any of the matters enumerated in this list, but not including fees taken in any court	50	47	54 and 15 (FLL Part II)

### Annex-III: Major Legal and Constitutional Developments concerning GB

S. No.	Timeline	Legal/Institutional Development
1.	1947	Political Agent & FCR
2.	1950	KANA Affairs Ministry
3.	1952	Resident Appointed
4.	1967	Empowerment of Resident
5.	1970	Northern Areas Advisory Council (NAAC)
6.	1972	Resident Commissioner, GB districts instead of Agencies
7.	1974	Civil service/judicial reforms; abolished princely states and FCR
8.	1977	Zone E Martial Law; representatives in Majlis-e-Shoora
9.	1985	Reform Committee; Aga Ahmad Ali Shah as Advisor
10.	1988	Qurban Ali, as Advisor to PM Benazir Bhutto

11.	1994	Legal Framework Order, Northern Areas Legislative Council (for development projects), Chief Court; judicial reforms, etc.
12.	1999	legislative powers in 49 subjects NALC
13.	2005	Establishment of Appellate Court
14.	2006	Empowerment of NALC (6 Advisors from NALC; at par with AJ&K Assembly)
15.	2007	Northern Areas Governance Order
16.	2009	Gilgit-Baltistan Empowerment and Self-Governance Order, 2009 (GB Assembly with 61 subjects from 49, and GB Council with 55 subjects; GB Rules of Business 2009; Financial Management and Budgeting; GB Consolidated Fund

## Contested Legacy of Sheikh Abdullah

Yasir Bashir\*

### ABSTRACT

*Modern Kashmir politics is based on certain ideological appropriation of Sheikh Abdullah. National Conference (NC) that was an act of conversion of Muslim Conference and pioneered by him has been considered by many as his first political blunder. BJP as well as Congress has always been critical of Sheikh Abdullah's legacy for a variety of reasons. Even the Left which at one stage he patronized and which in turn patronized him and were instrumental in Naya Kashmir manifesto drafting and much of its implementation in 'historical land reforms' are ambivalently responding to him. He seemed to be a great dreamer, a politician who was instrumental in bringing Jammu and Kashmir under Indian occupation against the wishes of vast majority of people. He later sacrificed much but failed to get even a modicum of autonomy to the State. Kashmir's political destiny has ever since been so chequered and littered by enormous tragedies, bloodshed and chaos and the people are still searching for their collective soul or spirit as their deepest aspirations and dreams are yet to be realized. Sheikh Abdullah cannot be fully exonerated for this sorry state of affairs. This paper tries to analyse objectively the validity of*

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*decisions taken by Sheikh Abdullah from time to time, the decisions which had a deep impact on Kashmir politics and which altered the course of history of Kashmir. Using both descriptive and analytical tools, this paper makes an attempt to review the three major controversies surrounding him viz conversion of Muslim conference to National Conference (1938), role in handing Kashmir to India (1947), and Indira-Abdullah Accord (1975) that got him power. The aim is not to interpret history through the subjective lens of contemporary politics. There is a historical value in revisiting narratives about the political actors of pre and post 1947 Jammu and Kashmir, Sheikh Abdullah being one of them who moulded the psyche of Kashmiri society from time to time.*

### **Introduction**

Foreign rule is not new to Kashmir. The slavery of Kashmir began when Akbar the Great sent his troops to the state in 1586, heralding the Mughal rule that was to last 166 years, followed by brutal Afghan and Sikh dynasties. As Ranjit Singh's kingdom broke up, Gulab Singh, Raja of Jammu, became the Muslim-majority Kashmir's Hindu ruler by paying Rs. 7.5 million to the British government on March 16, 1846. Hence Dogra sub-imperialism started in Kashmir. Exactly a hundred years later in 1947, Kashmir would hit world headlines as decolonisation in South Asia took place, out of which India and Pakistan emerged as the two new sovereign countries. On October 27, India took military control of Jammu and Kashmir with the active support of Sheikh Abdullah who endorsed the accession event as a popular leader.

### **Central Theme of Present Research**

The aim of present paper is to analyse critically the validity of decisions taken by Sheikh Abdullah during his long political career with special focus on his three decisions rather controversies namely changing of Muslim Conference into National Conference (1939), Role in handing Kashmir to India (1947), and Indira-Abdullah Accord (1975) which

ultimately brought Sheikh Abdullah to power after suffering much in Indian jails for long twenty years.

### **Changing of Muslim Conference into National Conference (1939)**

It is very late, not earlier than the twenties of the twentieth century that the signs of consciousness against the dictatorial oppressive Raj began germinating in Kashmir. The Muslim community of Kashmir was groaning under deep-rooted resentment against the oppressive, dictatorial, and communal character of Dogra rule. However, because of the autocratic nature of the Dogra rule and the poverty of the political consciousness of the Muslim community of Kashmir together with the absence of any solid support from any power outside, the Muslims, for a long time, failed to put up an organized struggle to free themselves from the shackles of the Dogra Raj. The first three years of the thirties of the twentieth century form a watershed in the history of Kashmir as it is during these years that a growing concern developed among the Muslims of Jammu and Kashmir to launch an organised struggle against the oppressive Dogra Raj. This concern ultimately concretized in the formation of the first ever-known political organisation of Kashmir. All Jammu and Kashmir Muslim Conference, which received the formal approval of the Jammu and Kashmir Muslim leadership on October 17, 1932, choose Sheikh Abdullah as their leader.

Why did the Muslims of the State alone think of launching a struggle against the policies of the State when the non-Muslims formed a substantial portion of the population of Jammu and Kashmir State? Why the non-Muslims did not only remained aloof from it but also took every step to frustrate any such move which was aimed at forcing the Maharaja to change his policies? These are the questions, which immediately strike one's mind. However, these questions cannot be satisfactorily answered unless one makes a thorough probing of the Maharaja's rule and understands its communal contours. As a matter of fact, the

Maharaja was zealous enough to unduly pamper his own religious community at the cost of the dominating Muslim population. Small wonder, then, the majority stood for the change and minority threw its lot with the Maharaja. It is, therefore, not difficult to understand all those factors which alienated the Muslim community of Kashmir from the Maharaja's rule and prepared it to make no boons in offering sacrifices to force the Maharaja to change his anti-Muslim and, therefore, the anti-people policies.

The other thing is that when working of the Muslim Conference is practically analyzed, it is clearly evident that it was not a communal movement as such. It was named as Muslim Conference simply because the Muslim community alone was suffering under the communal regime of the Dogras and the non-Muslims were not ready to join any such movement which would work for forcing the government to change its policy, to say least of overthrowing the Dogra Raj. Besides, the demands which the Muslim Conference made right from its formation were purely economic in nature. From the first day of the formation of Muslim Conference, the leaders publicly declared the non-Communal nature of the Conference and invited the non-Muslims to join it. To quote the following words of the Presidential address of the first session of Muslim Conference: "*Our movement is not directed against the minorities. I assure all of my countrymen, be they Hindus or Sikhs that we shall always try to redress their grievances, but they must also respect our just rights.*"<sup>1</sup>

From its inception, the programme of the Muslim Conference was secular and progressive. The leaders of Muslim Conference came forward in the Muslim name but their programme and manifesto was as broad as that of any progressive political Party of India. They fought against exploitation, regardless of the religion of the exploiter. This

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1 Mirza Shafiq Hussain, *Kashmiri Musalmanun Ki Siyasi Jedojehad 1931-1939: Muntakhib Dastawezaat* (Islamabad: National Institute of Historical and Cultural Research, 1985), 222.

attitude of Muslim leadership certainly began to influence and impresses even the staunch Hindu communalists.<sup>2</sup> Besides, the fact that the demands of Muslim Conference were purely secular in nature, it is also worth mentioning that the Conference made persistent efforts to ensure a joint Hindu-Muslim struggle. It did not even miss the smallest opportunity to strive for it. In all of its sessions and Presidential addresses the Conference stressed on forging Hindu-Muslim unity and co-operation.<sup>3</sup>

Sheikh Abdullah's quest for secularisation of the politics (which was already secular in nature as the demands put forth by the leadership were always secular and economic in nature) began right from July 1932, when Sheikh met Prem Nath Bazaz at Chashma Shahi Garden to popularise the establishment of a responsible government. After the Sopore session (1934) which was the third annual session of Muslim Conference, Sheikh Abdullah left for plains to make contacts with the leaders of 'political thought' over there. It was during this tour that he had a meeting with Pandit Jawahar Lal Nehru which had far-reaching results on Kashmir politics.<sup>4</sup> Sheikh Abdullah accompanied Pandit Nehru (after they met at Lahore Railway Station) to NWFP and it was during this tour as Sheikh Abdullah himself admits that Pandit Nehru laid a tremendous influence on his mind. He also came into contact with Khan Abdul Gaffar Khan whose views and ideas also influenced him.<sup>5</sup> During their tour to NWFP, Pandit Nehru posed various questions to Sheikh Abdullah about the nature of Kashmir movement. No doubt the latter acquainted Pandit Nehru with the secular character of Muslim Conference. But the Congress leader suggested him to

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2 File No. 91, A.I.S.P.C (New Delhi: Jawahar Lal Nehru Memorial), 38 and Rashid Taseer, *Tahrik-i-Hurriyat-i-Kashmir*, Vol. II, (Srinagar: Muhafiz Publications, 1973), 17-18.

3 Official Documents related to All Jammu and Kashmir Muslim Conference, Jammu & Kashmir Archives, Srinagar.

4 S.M. Abdullah, *Aatish-i-Chinar* (Srinagar: Gulshan Books, 1985), 226-27; M. Yusuf Saraf, *Kashmiris Fight for Freedom* (Lahore: Ferozsons, 1977), 507.

5 Abdullah, *Aatish-i-Chinar*, 226-27.



enlarge the sphere of Kashmir freedom movement in a way that the non-Muslims feel no hesitation in joining it. By doing so no room would be left for Hindu communalists and their press to launch any propaganda against Kashmir freedom movement by declaring it communal.<sup>6</sup> By this way, Sheikh Abdullah underwent a thorough ideological change and came increasingly under the influence of Indian National Congress with its ideology of secularism and socialism. Knowingly that Muslim Conference was secular in nature; Sheikh Abdullah gave a press conference at the residence of Dr Saifuddin Kitchlew (a prominent leader of Congress) and spoke of communalism in Kashmir. He said: "The communal tension in Kashmir is to a great extent the result of the propaganda of Punjabi communal leaders. We want that the people of Punjab do not interfere in our matters. My future programme would be to act according to the principles of Congress. After returning to Kashmir I would lay down the foundation of an organisation which would serve national interests".<sup>7</sup>

Sheikh Abdullah spoke in favour of the conversion of Muslim Conference into National Conference which generated heated discussions and confrontations in the ranks of Muslim Conference leadership.<sup>8</sup> On June 24, 1938 he placed a resolution embodying his views about the conversion of Muslim Conference into National Conference before the Working Committee<sup>9</sup>. The resolution stated:

Whereas in the opinion of the Working Committee the time has now come when all the progressive forces in the country rally under one banner to fight for the achievement of responsible government. The Working Committee recommends to the General Council that in the forthcoming session of the

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6 Abdullah, *Aatish-i-Chinar*, 228.

7 S.M. Abdullah, *Aatish-i-Chinar* (Srinagar: Gulshan Books, 1985), 210 and Rashid Taseer, *Tahrik-i-Hurriyat-i-Kashmir* (Srinagar: Muhafiz Publications, 1973), 227-228.

8 *Ibid*, 232; *Ibid*, Vol. I. 366.

9 P.N.C (New Delhi: Kashmir Publishing House, 1954), 167; Taseer, *Tahrik-i-Hurriyat-i-Kashmir*, Vol. I, (Srinagar: Muhafiz Publications, 1973), 366-367 and S.M. Abdullah, *Atash-i-Chinar* (Srinagar: Gulshan Books, 1985), 232.

Conference the name and constitution of the organisation be so altered and amended that all such people who desire to participate in this political struggle may easily become members of the Conference irrespective of their caste and creed.<sup>10</sup>

The meeting of the Working Committee lasted for fifty two hours and heated discussions were made on the subject of conversion<sup>11</sup> and thoughtful details were put forward in the opposition of the resolution. At one stage Bakshi Ghulam Muhammad and Mirza Afzal Beg co-operated with Chaudhari Abbas, Maulvi Abdullah Vakil and Khawaja Ahmad-ud-Din Banihali and opposed the resolution.<sup>12</sup> But the majority of the Working Committee members were in favour of conversion.<sup>13</sup> The members who opposed the resolution and voted against it include Chaudhari Abbas Khan, Abdul Majid Qureshi, Sheikh Ahmad-ud-Din Banihali and some others. They were asked to resign<sup>14</sup> which they did not. Chaudhari Abbas and his colleagues had an apprehension that the conversion would weaken the movement because the non-Muslims would not participate in National Conference sincerely but for the sake of the safeguard of their vested interests. Moreover they presumed that the rivals of Muslim Conference would launch a disinformation campaign against the new Party in the name of religion and the Government would get an opportunity to root out the movement.<sup>15</sup> However, the resolution was passed with a majority vote and recommended the approval of the General Council.<sup>16</sup>

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10 Bazaz, *The History of Struggle for Freedom in Kashmir*, Resolution placed before the Working Committee of Muslim Conference. (Jammu & Kashmir Archives, Srinagar).

11 P.N. Bazaz, *The History of Struggle for Freedom in Kashmir* (New Delhi: Kashmir Publishing House, 1954), 168; S.M. Abdullah, *Atash-i-Chinar* (Srinagar: Gulshan Books, 1985), 232.

12 Bazaz, *The History of Struggle for Freedom in Kashmir*, 232.

13 S.M. Abdullah, *Atash-i-Chinar* (Srinagar: Gulshan Books, 1985), 232.

14 Taseer, *Tahrik-i-Hurriyat-i-Kashmir* (Srinagar: Muhafiz Publications, 1973), 367.

15 Abdullah, *Atash-i-Chinar*, 232.

16 Bazaz, *The History of Struggle for Freedom in Kashmir*, 168.

To mould public opinion for changing the nomenclature of the party, a manifesto called National Demand was prepared and published on August 27, 1938 under the signature of twelve leaders.<sup>17</sup> The National Demand runs as follows:

The ultimate goal of this movement is the achievement of complete responsible government under the aegis of His Highness the Maharaja Bahadur. But, as sponsors of this National Movement we feel that it is our bounden duty to acquaint our countrymen as also others who are interested in it, of the immediate objective we have in view.<sup>18</sup>

It would not be out of place to focus on some other incidents and reasons which directly or indirectly paved the way for the conversion of Muslim Conference into National Conference. After his arrest on August 29, 1938, Sheikh Abdullah was lodged in Kuthwa Jail. It was during his imprisonment that he had a thorough study of Tarjaman-ul-Quran by Maulana Azad which influenced his mind and boosted his nationalistic tendencies.<sup>19</sup> In addition to it, Sheikh Abdullah in his autobiography claims that Muhammad Ali Jinnah on his visit to the valley in June, 1936 had given his suggestions favouring to conversion. According to him Muhammad Ali Jinnah had declared it an obligation of Kashmiri Muslim leadership to consider non-Muslims as a wheel of their political van<sup>20</sup>. In fact he had not suggested any change in the name and constitution of Muslim Conference, but only suggested the Muslim leadership to assure the minorities about the safeguard of their rights and equal treatment and thus include them in their struggle.<sup>21</sup> Moreover Sheikh Abdullah claims that in

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17 Abdullah, *Atash-i-Chinar*, 235-36 and Bazaz, *The History of Struggle for Freedom in Kashmir*, 169.

18 File no. 92, A.I.S. P.C (New Delhi: Jawahar Lal Nehru Memorial). The signatures were Sheikh Abdullah, Maulana Masoodi, G.M. Sadiq, Mian Ahmad Yar, Kashap Bandhu, P.N. Bazaz, S. Budh Singh, Jia Lal Kilam, Bakshi G. Muhammad, Sham Lal Saraf and Shamboo Nath Peshin.

19 Abdullah, *Atash-i-Chinar*, 35.

20 Abdullah, *Atash-i-Chinar*, 306.

21 Speech of Muhammad Ali Jinnah in response to the address presented by Muslim Conference at Pather Masjid, Srinagar on June 3, 1936. (Jammu & Kashmir Archives, Srinagar).

1937, he received similar suggestions from Dr Allama Iqbal about the formation of a united political front as he had received from Jawahar Lal Nehru earlier.<sup>22</sup> It appears doubtful because seven years back in 1930 Dr. Iqbal had participated in Muslim League session of Allahabad and had adumbrated his theory of Pan-Islamism and a separate state for the Muslims of the subcontinent in his Presidential address.<sup>23</sup> Therefore, there arises no question of such a type of suggestion from Dr. Iqbal during 1937. The fact of the matter is that Dr. Iqbal had already voiced his feelings in 1933 about the role of a single party for the Muslims of Kashmir. He declared that:

I appeal to Muslims of Kashmir to beware of the forces that are working against them and to unite their ranks. The supreme need of the moment is a single party representing all Muslims in the State.<sup>24</sup>

Moreover Sheikh Abdullah brought resolution for changing Muslim Conference into National Conference in 1938 after Iqbal's death. As Sheikh Abdullah does not refer to any letter (which he usually did) where Iqbal could have suggested him to change the nomenclature and constitution of the party, he might have thought of getting away from a witness.

A Special Session of the All Jammu and Kashmir Muslim Conference was held at Srinagar on 10 and 11 of June, 1939 under the Presidentship of Ghulam Muhammad Sadiq. Chairman of the Reception Committee Maulana Masoodi introduced the following resolution:

The Special Session of the Jammu and Kashmir Muslim Conference approves the Working Committee resolution No. 5 of 24th of June, 1938, for the change of the name of the Conference and for bringing about the necessary amendments and changes in its constitution, which was confirmed by the General Council in its session, held on April 27, 1939. The Conference therefore, decides that it shall henceforth be named

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22 Abdullah, *Atash-i-Chinar*, 228-29.

23 Bazaz, *The History of Struggle for Freedom in Kashmir*, 147.

24 Shamloo, (n.d). *Speeches and Statements of Iqbal*, (Lahore: Al-Manar Academy), 180.

as All Jammu and Kashmir National Conference and every citizen of Jammu and Kashmir, whether male or female shall irrespective of his religion and race, be entitled to become the member of the Conference provided he undertakes in writing to strive for setting up of a responsible government and secure individual liberties as his political goal.<sup>25</sup>

Some of the delegates including Chaudhari Ghulam Abbas Khan expressed their fears privately about the future of the movement once the change was effected. As mentioned earlier that Chaudhari Abbas and other like-minded leaders were not sure that the State Hindus would sincerely support the new Party.<sup>26</sup> A meeting was held in which Sheikh Abdullah, P.N. Bazaz and Chaudhari Abbas Khan discussed all these doubts and fears.<sup>27</sup> Chaudhari Abbas and his supporters feared that National Conference would become hand-maid of Indian National Congress. But Sheikh Abdullah, P.N. Bazaz and Chaudhar Abbas solemnly declared that it would be most harmful and dangerous to bring the Kashmir freedom movement under the influence of some outside organisation. It was decided that the organisation would keep aloof from Congress as well as Muslim League. On these assurances the misgivings of Chaudhari Abbas were allayed and he gave his fullest support to the resolution in the plenary session of the Conference.<sup>28</sup> Consequently all the important leaders from Jammu, including Chaudhari Abbas, A.R. Saghar, Chaudhari Hamidullah Khan, Hakim Muhammad Hussain, and some others attended the Special Session and except for Chaudhari Hamidullah<sup>29</sup>, supported the Working Committee resolution. Thus the resolution was passed with an overwhelming majority of delegates supporting it and only

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25 Resolutions presented by Maulana Masoodi and other leaders before the special session of Muslim Conference on June 10, 1939. (Jammu & Kashmir Archives, Srinagar).

26 Abdullah, *Atash-i-Chinar*, 232-33.

27 Bazaz, *The History of Struggle for Freedom in Kashmir*, 170.

28 Bazaz, *The History of Struggle for Freedom in Kashmir*, 170-71.

29 Saraf, *Kashmiris Fight for Freedom*, 530-31.

three hands were raised in opposition.<sup>30</sup> About the number of leaders who opposed the resolution there is controversy among the contemporary writers of Kashmir freedom movement. However, Sheikh Abdullah had put the number of opposite leaders at four, namely Maulvi Abdullah, Advocate Ghulam Ahmad Ganai Baderwahi, Sheikh Ahmad Din Banihali and Chaudhari Hamidullah Khan.<sup>31</sup> Chaudhari Abbas<sup>32</sup>, and Allah Rakha Saghar<sup>33</sup>, delivered their speeches in the session favouring the conversion of the Muslim Conference into the National Conference. Thus the morning of the June 11, 1939, when the historic decision was taken after deliberating over it for the whole night, sounded the death knell of the Muslim Conference and heralded the day with the news of the birth of the National Conference in its place.<sup>34</sup>

No doubt the Muslim Conference was converted into National Conference but an important question that strikes one's mind is that whether the purpose of conversion was achieved or not? The most important cause for which the conversion was effected was that the leaders wanted to forge Hindu-Muslim unity and to fight the Dogra autocracy through a common platform. But the idea of joint platform to a great extent proved a utopia and the Hindu-Muslim unity on political front remained a distant dream. National Conference came into existence in 1939 and it was during the early forties that most of the Hindu leaders parted their ways with it. In addition to it, Chaudhari Abbas, a veteran leader of the National Conference resigned in 1940 and joined hands with Mirwaiz Muhammad Yousuf Shah and the Muslim young men who had resented the conversion of Muslim Conference into National Conference and had

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30 Bazaz, *The History of Struggle for Freedom in Kashmir*, 171.

31 Abdullah, *Atash-i-Chinar*, 240.

32 Speech of Chaudhari Abbas Khan delivered in the Special Session of Muslim Conference, 10th June 1939. (Jammu & Kashmir Archives, Srinagar).

33 Bazaz, *The History of Struggle for Freedom in Kashmir*, 171.

34 Bazaz, *The History of Struggle for Freedom in Kashmir*, 171.

revived the Muslim Conference.<sup>35</sup> The conversion led to the disunity among the Muslims of Jammu and Kashmir State with Chaudhari Abbas taking Muslims of Jammu region all along with himself in the revived Muslim Conference. Moreover, the consequences of the conversion could be seen during the course of the movement. During the course of Quit Kashmir movement all the leaders of Muslim Conference were jailed along with people associated with National Conference. Sheikh Abdullah was the only leader released at the behest of Nehru, Patel, and Gandhi to facilitate the accession drama. Here I argue that if the leaders of Muslim Conference too had been released, Sheikh would have not dared to endorse the accession openly and the situation would have been different. Also Muslim Conference had already passed a resolution on 19 July, 1947 in favour of Pakistan.<sup>36</sup>

Moreover as a matter of fact religion had played an indirect role in the rise of Sheikh Abdullah as a popular leader of the Kashmiri Muslims. But shortly after the formation of National Conference the non-Muslim leaders began to stress upon him to change the methods of mass mobilization (for instance the recitation of holy Quran in public meetings) used during the course of Muslim Conference. But it was not less than a political suicide for Sheikh Abdullah because the opposite forces like Mirwaiz Yousuf Shah, young Muslims leaders had already declared the conversion of Muslim Conference into National Conference as a betrayal with the Muslims of the State.<sup>37</sup> It is to be remembered that it was a time when the rate of modern education among Kashmiri Muslims was very low to whom progressive politics carried no meaning.

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35 Chaudhari Abbas, *Kashmirkash* (Srinagar: Kashmir Studies Foundation, 2001), 103; M.Y. Saraf, *Kashmiris fight for Freedom*, 555-56; Taseer, *Tahrik-i-Hurriyat-i-Kashmir Vol II*(Srinagar: Muhafiz Publications, 1973), 148-49.

36 Rasool, *Maslæ Kashmir Ki Asli Haqeeqat*, 77.

37 Taseer, *Tahrik-i-Hurriyat-i-Kashmir* (Srinagar: Muhafiz Publications, 1973) Vol. II, 92-93.

Sheikh always experienced difficulty in working with the Hindu leaders of National Conference. Now Hindu leaders raised an objection against the raising of slogans like Nara-i-Takbir (a slogan usually raised by Muslims in religious congregations which means God is great) in National Conference sessions and mass meetings on the plea that it bled the secular character of National Conference.<sup>38</sup> The Pandit leaders held disgusted because they felt that Sheikh was trying to soothe the religious sentiments of the Muslims by celebrating Idd-i-Milad. Sheikh's difficulty lay in the fact that the Muslim Conference<sup>39</sup> was threatening to become an all Kashmir movement. The Muslim League – the political mentor of the Muslim Conference early in 1940 had thrown a challenge to his devotion to Islam by organising Idd-i-Milad. Abdullah too, decided to celebrate the Idd-i-Milad.<sup>40</sup> The Pandit members of the Conference did not appreciate this. This led to the resignation of Pandit Jai Lai Kilam and Kishap Bandhu, two leading Kashmiri Pandit members from the Working Committee as well as from the primary membership of the National Conference.<sup>41</sup> On the other hand the Government orders of 1940 regarding the introduction of double script were resented by the Muslim Conference.<sup>42</sup> The Muslim members of the National Conference Working Committee became desperate. They were again placed in a very difficult situation. Their unqualified condemnation of the Government orders alienated Prem Nath Bazaz<sup>43</sup> another Pandit member of the Working Committee who resigned from National Conference on November 28, 1940.<sup>44</sup> The Pandit leaders also raised objections against the celebration

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38 Abdullah, *Atash-i-Chinar*, 246-47.

39 It is to be noted that the young Muslim leaders who had resented against the conversion had revived Muslim Conference in 1940 with the favour and support of Mirwaiz Muhammad Yousuf Shah.

40 Bazaz, *The History of Struggle for Freedom in Kashmir*, 180 and Saraf, *Kashmiris fight for Freedom*, 542-43.

41 Taseer, *Tahrik-i-Hurriyat-i-Kashmir*, 98-99.

42 Bazaz, *The History of Struggle for Freedom in Kashmir*, 333.

43 *Ibid.*, 179-186.

44 *Ibid.*, 186.



of the Martyrs Day (July 13, 1931). In their opinion these martyrs had laid down their lives exclusively for the Muslim cause. Therefore, the celebration of this day would be against the secular character of National Conference.<sup>45</sup>

Many educated Muslims heartily disliked the new orientation that the leaders had given to the politics of the State. These young men had utilised the Muslim Conference as an instrument to secure government jobs. From June 11, 1938, when the Working Committee of Muslim Conference had adopted the resolution recommending change in the name and constitution of the Conference, they had looked with suspicion and doubts at the activities of the Muslim leaders.<sup>46</sup> Maulana Syed Masoodi encouraged these impulsive Muslim young men to start Muslim Conference and secretly promised them his help and that of some other leaders of National Conference. But when the proposal matured he turned a volte face owing to the fear of being exposed.<sup>47</sup>

The above discussion leads us to the conclusion that the desire and efforts of Sheikh Abdullah failed to achieve what he thought about for organising a common platform against the Dogra autocracy proved a failure. The Pandit leaders wanted National Conference to follow the foot-prints of Congress in its all matters and policies, whereas the Muslim leaders like Maulana Masoodi were unhappy with their decision of the conversion of Muslim Conference into National Conference.<sup>48</sup> No doubt, some Hindu leaders like Pandit Jai Lai Kilam, Shiv Narayan Fotedar and Kishap Bandhu returned to National Conference in June 1943,<sup>49</sup> but

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45 M.Y. Saraf, *Kashmiris fight for Freedom* (Lahore: Ferozsons Ltd, 1977), 546; S.M. Abdullah, *Atash-i-Chinar* (Srinagar: Gulshan Books, 1985), 254-255.

46 Bazaz, *The History of Struggle for Freedom in Kashmir*, 176.

47 *Ibid*, 175; Abdullah, *Atash-i-Chinar*, 247-248.

48 Bazaz, *The History of Struggle for Freedom in Kashmir*, 174-75; S. M. Abdullah, *Atash-i-Chinar* (Srinagar: Gulshan Books, 1985), 247-248.

49 Taseer, *Tahrik-i-Hurriyat-i-Kashmir*, 246. But, it was in the same year that Pandit Raghu Nath Vaishnavi resigned from the Working Committee of the National Conference, *Ibid*. 243.

it does not mean that the purpose behind the conversion was achieved. Speaking broadly and realistically National Conference failed miserably in organising a well-established common platform throughout the course of freedom struggle.

### **Role in Handing Kashmir to India (1947)**

While most of the political leaders were lying in the jail things were changing with an unprecedented speed both within and outside the state. By the end of 1946, it became very clear that the British were all determined to vacate from Indian. At this critical juncture Sheikh launched Quit Kashmir Movement which created political vacuum in the state leading to uncertainty as all the leaders of the state were put behind the bars due to state repression. This part of the paper would specifically deal with two historical events which altered the course of history of Jammu and Kashmir viz Quit Kashmir Movement, and the accession episode of October 26, 1947 in which Sheikh Abdullah played an important part.

### **Quit Kashmir Movement**

Sheikh Abdullah tried to link the fate of the people of Jammu and Kashmir with India as early in 1934 when he started his first tour to India meeting Jawahar Lal Nehru and other Congress leaders. It was during this tour that Sheikh Abdullah underwent a thorough ideological change and came increasingly under the influence of Indian National Congress with its ideology of secularism and socialism. His contacts with the leaders of the Indian National Congress; the association of National Conference with the All India States Peoples Conference; the ideology of Secularism and socialism of Congress; the drafting of Naya Kashmir Manifesto by Communists; the rejection of two-nation theory; the rivalry with Muslim Conference and its leaders drew Sheikh Abdullah much closer with India. On May 12, 1946, the Cabinet Mission sent to India declared that when the British left India, its paramountcy would lapse and the rights of princely states would return to them. This announcement of an imminently independent Dogra state of Jammu and Kashmir sent Sheikh Abdullah into a flurry of political-

alliance making. He was keen to consolidate as wide a popular base as possible to pre-empt a continuation of Dogra 'autocracy' after the British departure. While most of the political leaders were lying in the jail, things were changing with an unprecedented speed both within and outside the state. By the end of 1946, it became very clear that the British were all determined to vacate from India. It seems that Congress particularly Nehru got Sheikh Abdullah prepared into this ill-timed and ill-advised movement. By this, Nehru got benefitted from two sides, keeping aside political facts. On the one hand, there would remain no leadership on the political scene of Kashmir who would negotiate for the future of the state of Jammu and Kashmir; and on the other hand Maharaja Hari Singh should remain the central figure for political future of the state and also Sheikh Abdullah to be on the side of the Congress. This very thing happened. Sheikh remained in jail upto September 1947. During the quit Kashmir movement, in a series of speeches in May 1946, Sheikh Abdullah denounced the very foundations of the Dogra regime in the state, and borrowing a leaf from the Congress book, he called on Maharaja Hari Singh to 'Quit Kashmir' and transfer sovereignty to the people. *"I announce it to the world," thundered Sheikh on the 14 May, that the descendants of Gulab Singh have no right to rule this land. We were not even asked at that time when the British sold this land to him. Now, when the British have to quit India, we tell Hari Singh to quit Kashmir. We will collect fifty lakhs by contribution & tell him to vacate this land"*.<sup>50</sup>

Apart from State's brutal reprisal the response to the Quit Kashmir Movement from in and outside state was mixed. The political parties within state remained aloof from the movement. In May, the Kisan Mazdoor Conference urged the working classes not to take part, and on June 4, the All-State Pandit Conference sent a telegram to Sardar Patel

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50 Fida Mohammad Hassnain, *Freedom Struggle in Kashmir* (New Delhi: Rima Publishing House, 1988), 133.

denouncing 'Sheikh Abdullah's fascist and communal program.'<sup>51</sup>

The Pandits were not even willing to accept that Hari Singh was an autocrat.<sup>52</sup> Undoubtedly, most of the rightist non-Muslims, particularly those living in Jammu, who would identify themselves with Dogra state, were threatened by the call of Quit Kashmir. The Kashmiri Pandit National Conference leaders criticized Sheikh Abdullah for not consulting the members of the National Conference Working Committee before launching the movement.<sup>53</sup> In reality, however, they feared that Sheikh's efforts in due course would transfer all political power into the hands of the state Muslims'.<sup>54</sup> Thus the expedient association of Pandits was exposed.

The Muslim Conference condemned the Quit Kashmir Movement and charged that the National Conference, in collusion with the Congress, was dividing Muslims in order to perpetuate Hindu hegemony in the state.<sup>55</sup> M.A. Jinnah dismissed the movement as the brainchild of "lumpenproletariat" instigated by foreign elements. Some of the party's more left leaning spirits, such as Shaukat Ali, Qureshi Mohammad Yusuf, Mohammad Saraf and Ghulam Mohi-ud-din, were overruled by Chaudhari Abbas and Mirwaiz Yousuf Shah, on Jinnah's advice.<sup>56</sup>

It will be of some interest to note here that Sheikh Abdullah's main supporter the Indian National Congress alleged that

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51 Bazaz, *The History of Struggle for Freedom in Kashmir*, 265-268; Durga Das (ed.) *Sardar Patel's Correspondence 1945-50* (Ahmedabad: Navajivan Publishing House, 1971), 1-2.

52 *The Tribune*, Lahore. May 13, 1946.

53 *Hamdard*, Srinagar, May 15, 1946.

54 *Eastern Times*, May 30, 1946, press cuttings on the Quit Kashmir Movement, Department of Information, Srinagar.

55 Chaudhry Abbas, *Kashmkash* (Srinagar: Kashmir Studies Foundation, 2001), 253-267.

56 Ian Copland, *The Abdullah Factor: Kashmiri Muslims and the crisis of 1947; The Political Inheritance of Pakistan* ed. D.A.Low (New York: St. Martin's Press, 1991), 235.

Abdullah's movement represented, 'A marked variation in the policy of the All India States People's Conference.<sup>57</sup>Hence, offered only a lukewarm encouragement. Acharya Kriplani, the Congress President, disapproved the movement, calling it a mischievous move. He declared that, "Unless the movement was withdrawn, there was no possibility of a compromise between the National Conference and the Kashmir government".<sup>58</sup> Nobody supported Sheikh Abdullah at this juncture but Nehru in his individual capacity. Indian National Congress was against the Quit Kashmir Movement because it was against a Hindu Maharaja. On the other hand, Sheikh Abdullah had many reasons to launch the movement but the timing was not suitable as Cabinet Mission was entering India to make important decisions for the future of the entire sub-continent.

On the eve of partition, National Conference with its socialist programme tried to dominate the political scene in Kashmir. However, it was not the only political player in the political arena; it faced a strong competition from the Muslim Conference. Compared to 1942, the Muslim Conference was immeasurably stronger in Poonch and Jammu and had picked up considerable support in the Kashmir Valley among the landowning and professional classes and among students enthused with idealism about the prospect of Pakistan.<sup>59</sup> This is also interesting that barring National Conference, all the political parties in Jammu and Kashmir passed resolutions in favour of accession with Pakistan. At public domain, National Conference remained silent on the issue of accession. At the residence of Sardar Ibrahim Khan in Abi Guzar, Muslim Conference passed a resolution on

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57 Nehru's Press Statement, 26 May 1946, AICC file G- 16 of 1946-8, Nehru Memorial Museum and library (NMML) (New Delhi: Teenmurti).

58 Satish Vashistha, *Sheikh Abdullah, Then and Now* (Delhi: Maulik Sahitya Prakashan, 1968), 40.

59 Ian Copland, *The Abdullah Factor: Kashmiri Muslims and the crisis of 1947; The Political Inheritance of Pakistan* ed. D.A.Low (New York: St. Martin's Press, 1991), 236.

July 19, 1947 in favour of Pakistan. On August 14, 1947 people held celebrations across Jammu and Kashmir under Muslim Conference reiterating their association with Pakistan. Similarly Abdul Salaam Yatoo's Kissan Mazdoor Conference on September 5, 1947 and Prem Nath Bazaz's Socialist Conference on September 28, 1947 also passed resolutions in favour of Pakistan.<sup>60</sup> This shows on which side the people were. The people were never for acceding to India in 1947.

### **Accession (1947) and the Role of Sheikh Abdullah**

On August 15, India and Pakistan celebrated their much cherished dream of independence, the Maharaja of Jammu and Kashmir was yet to decide about the future of the State. In fact he had made his position clear that he wanted to keep the state independent of the both these countries. The Maharaja favoured independence, primarily because it would enable him to maintain his political control and authority over the state. With this, the leadership of Indian National Congress and National Conference began starting their political gimmicks as to how Kashmir will be brought into Indian Union. The Mountbatten, who was still Viceroy of British Government, visited Kashmir, from 18th to 23 June, 1947 possibly at the behest of Congress leaders, particularly Nehru, to defuse Maharaja's idea of declaring independence and to prepare him to accede to any of the two dominions before August 15, 1947. He was also supposed to motivate Maharaja to release Sheikh Abdullah, whom Nehru needed for coming political battles on Kashmir.<sup>61</sup> But to Nehru's utter dismay, Mountbatten's "visit to Kashmir from Nehru's particular point of view was not a success and things continued as before."<sup>62</sup> The viceroy had neither succeeded in securing an assurance that Hari Singh would opt for either

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60 Rasool, *Maslæ Kashmir Ki Asli Haqeeqat*, 77.

61 M.J. Akbar, *Kashmir: Behind the Vale*, (New Delhi: Roli Books, 2002), 96.

62 Nicholas Mansergh, (ed.) *The Transfer of Power, 1942-1947*(London; HMSO), Vol. VII, No. 249, p.368 and hence forth referred as Transferred Documents.

India or Pakistan before August 15, nor did he secure the release of Abdullah, on which Nehru had laid so much emphasis. Gandhi too visited Kashmir on August 1, 1947 on the behest of Nehru and Maulana Azad. He came to Kashmir for two reasons namely – to get Sheikh Abdullah released from the jail that would help them in the accession process and to remove Ram Chandra Kak from the premiership of Jammu and Kashmir. On August 6, Gandhi wrote a letter to Nehru (a copy was sent to Patel also) emphasising that if administration is to be given in the hands of Sheikh Abdullah, Kak need to be removed from the post. Then only Kashmir could be saved. Gandhi's letter, which was published by *The Hindu* on August 23, 1947 as:

In a letter he wrote to Jawahar Lal Nehru (to be shared with Sardar Patel) he disclosed that he had frankly told Prime Minister Kak that he had a sweet tongue and how unpopular he was. Kashmir can be only saved if we would get rid of Kak from the premiership of Kashmir Government then only Sheikh could get released from the jail. Sardar Patel should do something on this matter.<sup>63</sup>

Besides this there was another last hour development at around this time with far reaching implications on future course of events. One of the decisions taken by the Boundary Commission appointed to draw a line on the map through Punjab “on the basis of ascertaining the contiguous majority areas of Muslims and non-Muslims” and also by taking into ‘account other factors’<sup>64</sup> (which were not defined) proved highly controversial and also crucial in determining the future of Jammu and Kashmir, which was outside its (commission's) scope. This concerned Gurdaspur district, which adjoined Jammu. The Commission divided the Muslim majority district and awarded the three eastern Tehsils to India, thus providing road access to Jammu (India) which would not have been taken otherwise. Pakistan protested that the award was ‘political’ and not judicial and raised its

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63 The Hindu, New Delhi dated 23 August 1947.

64 Alastair Lamb, *Kashmir: A Disputed Legacy, 1846-1990* (Karachi: Oxford University Press, 1991), 104.

fingers against Mountbatten and Nehru.<sup>65</sup> Pakistan according to Alaistar Lamb, “felt a profound sense of betrayal. It was understandable that some of them should begin to contemplate unorthodox, and unofficial, courses of action.”<sup>66</sup> That action possibly came in the form of tribal raid or Poonch revolt in the words of Christopher Snedden on October 24, 1947.

On the other hand Bakshi Ghulam Muhammad, Sheikh’s deputy went to meet Sheikh in Baderwah Jail to sought details about what to do next. Bakshi realised that Sheikh Abdullah was not in favour of accession with Pakistan but his wish had been to enter into Maharaja’s government so that relations would be built with India. After independence of India, Sheikh Abdullah wrote to Moti Ram Begar (National Conference leader) from Baderwah jail ruling out any possibility of Kashmir joining Pakistan. After Sheikh Abdullah was released from jail, talks between Sheikh Abdullah and Prime Minister Mehr Chand Mahajan were going on to enter into Maharaja’s administration. However these talks broke down in the light of Poonch rebellion which ultimately led to tribal revolt.<sup>67</sup>

Sheikh Abdullah got many chances to think over the decision he had in mind of joining Indian Union against the wishes of the people. After Sheikh Abdullah’s release many National Conference leaders and workers were released. To honour them on their release from jail, a public gathering was organised by National Conference in the lawns of Pather Masjid. Here Maulana Syed Masoodi spoke that they had given commitment of Secularism to United India not divided one. Pakistan had become a sovereign country; the leadership required make the policies cautiously. Maulana

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65 *Ibid*, 112-116. Even M.J. Akbar in his book ‘*Kashmir: Behind the Vale*’ argues and supports Indian position on Accession has stated categorically, though without supporting documentation, that “during private meetings, he (Nehru) persuaded Mountbatten to leave this Gurdaspur link in India hands.

66 Alaistar Lamb, *Kashmir: A Disputed Legacy, 1846-1990*(Karachi: Oxford University Press, 1991), 104.

67 Munshi Isaaq, *Nida-i-Haq* (Srinagar: Kashmir Book Foundation, 2014), 165.



Masoodi was clear what he was advocating. He was recognising public mood that Kashmir should access with Pakistan.<sup>68</sup> However, Sheikh didnot give any heed to Maulana Masoodi's advice. Sheikh Abdullah said in the same gathering that Maulana Masoodi has been in jail for quite some time. He has been released yesterday and does not know the ground realities.<sup>69</sup> This reflected Sheikh Abdullah's mind set.

Secondly, a deputation of Punjab Muslim League reached Kashmir to hold talks with Sheikh Abdullah and other Kashmiri leaders. Its members included Mian Iftikhar-ud-Din, Brigadier Habib-ur-Rehman, Dr Muhammad Din Taseer, and Sheikh Sadiq Hassan; most of them were Kashmiri stock. They had been sent by the Pakistani Government to impress upon the leadership to access with Pakistan. They stressed that Sheikh Abdullah should favour Kashmiris immediate accession to Pakistan. The delegation offered Sheikh Abdullah complete internal autonomy and also the right to secede.<sup>70</sup> However the delegation felt much disappointed hearing the reply of Sheikh Abdullah that their first demand is complete freedom from Dogra rule. Sheikh Abdullah's mantra was freedom from Dogra rule and then accession. He promised the Pakistan delegation that to send Ghulam Muhammad Sadiq for further talks with the Government of Pakistan and to fix the dates for Sheikh Abdullah's meeting with Muhammad Ali Jinnah. Sadiq went to Pakistan and met Liyaqat Ali Khan, Raja Gazanfar Ali Khan. He was assured by the Pakistani authorities that Kashmir would be granted complete internal autonomy (Defence, Communication and Foreign Policy would remain with Pakistan) if Kashmir accessed with Pakistan. Liaquat Ali Khan sent a letter to Sheikh Abdullah through Sadiq in which apart from autonomy, Pakistan authorities were offered Sheikh Abdullah representation in the Foreign Service department,

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68 *Ibid.*, 177.

69 Munshi Isaaq, *Nida-i-Haq* (Srinagar: Kashmir Book Foundation, 2014), 177.

70 *Ibid*, 181.

and Kashmir's interest would be given supreme attention when formulating Foreign Policy of the country.<sup>71</sup>

Meanwhile, Sheikh Abdullah, instead of going to Karachi himself went to Delhi at an invitation by Prime Minister Nehru. Nehru personally went to airport to receive Sheikh Abdullah. He was accorded a red carpet, and was given guard of honour by the Indian State.<sup>72</sup> The guard of honour is to be given to the head of the State and Sheikh Abdullah was only a popular leader. This was done deliberately by Nehru to develop ego of Sheikh Abdullah as he knew his friend's weaknesses. Sheikh had a lust for power; he wanted to head the State of Jammu and Kashmir and told Munshi Isaaq (a close associate of Sheikh Abdullah) about heading the state in clear terms.<sup>73</sup>

During this period, the poonch rebels along with tribals made entry into the State of Jammu and Kashmir. The Maharaja of Jammu and Kashmir was alarmed when supply of electricity was suspended at his palace. Sheikh rushed to Delhi, pleading for military intervention in Kashmir. On that fateful day of October 26, 1947 when defence meeting of India was convened, apart from Mountbatten, Nehru, and Patel; Sheikh Abdullah was also present. From Lahore Sadiq Gh. Muhammad came with a letter from Liaquat Ali Khan. Sadiq gave the letter to Nehru instead of Sheikh Abdullah in which it was mentioned by the Pakistani authorities that Kashmir would be given special position and a representation in Foreign Service Department.<sup>74</sup> When Nehru read the letter, he began to show more interest in Kashmir affairs as he was afraid of Pakistani intervention. So India hurriedly sent its troops to Kashmir and the rest is history.

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71 *Ibid*, p. 184; Taseer, Taseer, *Tahrik-i-Hurriyat-i-Kashmir* (Srinagar: Muhafiz Publications, 1973) Vol. III, p. 274-275.

72 Abdullah, *Atash-i-Chinar*, 283.

73 Munshi Isaaq, *Nida-i-Haq* (Srinagar: Kashmir Book Foundation, 2014), 182.

74 *Ibid*, 184.

### **Indira-Abdullah Accord (1975)**

The Kashmir Accord (Indira-Abdullah) of 1975 concluded between prime minister of India Indira Gandhi and Sheikh Mohammad Abdullah, was the culmination of the process of reconciliation between the two which had begun at around 1968 after the Sheikh's release from around fifteen years imprisonment from different Indian jails, but it was only after Bangladesh War of 1971 that the process was converted into a serious dialogue for a permanent settlement. This accord also marked an end to two decade long political battle of Sheikh Abdullah to achieve the right to self-determination for the people and the permanent autonomous status for Jammu & Kashmir state to maintain its separate personality. It also strengthened India's hold on the disputed territory – at the expense of Pakistan and her campaign for control of the largely Muslim state.<sup>75</sup> The agreement with Abdullah represented a major achievement for Mrs Gandhi at a time when she was faced with mounting economic and political difficulties throughout the country.

The dismissal of Sheikh Abdullah in 1953 by Nehru left a scar on the psyche of Kashmiris which refused to heal. There were wide spread protests and violence in the valley which lasted for months and caused hundreds of deaths. In order to give the public anger a proper shape, Sheikh Abdullah's close associate and advisor, Mirza Afzal Beig, established in 1954 an organization known as the Plebiscite Front, which demanded the immediate release of Sheikh Abdullah, immediate restoration of him to his previous position and more importantly, the right to self-determination to the people of Jammu and Kashmir. Although, Sheikh was never a member of the Party, however, it is not an unknown fact that the movement had his blessings and enjoyed his patronage. For around two decades, the Plebiscite movement caused unprecedented political mobilization in the state and created a deep seated secessionist psyche

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75 David. E. Lockwood, *Kashmir: Sheikh Abdullah's reinstatement*, Royal Institute of International Affairs, Vol. 31, No. 6 (1975), 249-256.

which Sheikh failed to eradicate in the end when he jumped into a compromise with Indira Gandhi in 1975.

One fails to understand that after remaining in Indian jails for a long time, what led Sheikh Abdullah to a compromising position in 1975? The outcome was after spending long years in Indian jails and intense diplomatic activity from back door channels, that Sheikh Abdullah finally realized to come in terms with New Delhi. Also, by the entry of new elements, like Jamaat-i-Islami, in the state's political space and its grass root structured political activity, Sheikh felt threatened for he might lose his hold on the people he claimed to represent. Jamaat-i-Islami had become a force in the state which too was fighting for right to self-determination. There was factionalism within the plebiscite movement with groups divided sharply on some fundamental issues e.g., whether to accede with India or Pakistan. The family pressures and the fatigue caused in the movement due to long periods of unsuccessful struggle with mighty Indian state also led Sheikh Abdullah to look out for a new settlement. And finally the Indo-Pak war in 1971 is the immediate cause considered by Sheikh to come to terms with the Indian state. A new chapter in Kashmir's eventful history opened after Indira Gandhi succeeded Shastri as Prime Minister. She was confident that in poor health after his long incarceration, Sheikh would be receptive to fresh moves for a settlement with New Delhi. He was finally released from jail on January 2, 1968 fifteen years when arrested from Gulmarg in 1953 along with Begum Abdullah. With his popularity re-established, Sheikh began reviewing his stand on relations with New Delhi. A people's convention with delegates from throughout the state was organised in Srinagar in 1968. J.P. Narayan (Narayan), Sheikh's friend and a socialist was invited to inaugurate. However, the convention proved failure what Sheikh had planned. Narayan stated that after 1965 war the time had come to finalise ties with India. Sheikh wound up the Plebiscite Front and revived the National Conference, belatedly accepted Narayan's advice and dropped his insistence on accession being temporary in

return for the assurance that article 370 of the Indian constitution would be permanently retained. Negotiations were described as being over the quantum of accession, not accession itself.<sup>76</sup> It was a complete U-turn on the part of Sheikh Abdullah given the sacrifices given by the people for long 22 years. The Kashmir accord was one-sided; Indira Gandhi refused to consider Sheikh's attempts to secure a return to the limited relationship between the centre and Kashmir prior to his arrest in 1953. The clock can't be turned back was her repeated response.

The other milestone in the history of Kashmir was the Shimla agreement (concluded between Indira Gandhi and Zulfikar Bhutto in 1972). Sheikh Abdullah was demoralised on Kashmir's right to self-determination. The first clause of the objective no. 1 was: "that the principles & purposes of the charter of United Nations shall govern the relations between the two countries." So it begins by honouring the UN Charter without any exception. So, Shimla reinforces the role of United Nations in the context of Pakistan & India, with Kashmir being no exception. The 2nd Clause, which India extrapolates, thus restricting Kashmir to bilateralism, indeed talks about solving issues bilaterally, but the sentence doesn't end before it leaves the window open for other ways, by adding "or any other means". The Clause is as follows: "That the two countries are resolved to settle their differences by peaceful means through bilateral negotiations or by any other peaceful means, mutually agreed upon between them." Shimla agreement neither excludes the UNSC resolutions on Kashmir, nor does it limit Kashmir to bilateralism. It disproves Sheikh's theory that Pakistan was in a weak position (of course she was in terms of land and prisoners of war), and they surrendered before India. However, K.N. Bakshi, a member of Indian delegation in an interview given to Indian Foreign Affairs Journal (IFAJ) claims that how from a military victory; Bhutto gave India a

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76 Khushwant Singh, *Flames of the Chinar* (New Delhi: Penguin Books, 1993), 164.

diplomatic defeat in 1972.<sup>77</sup> It is to be mentioned here that due to the Shimla Pact Pakistan got withdrawal of Indian forces which had occupied five thousand square Kilometres land in than West Pakistan. They took back 93000 prisoners of war in 1973-74. This was a moral victory of Pakistan over India. Then why Sheikh could not understand in those terms? Actually Sheikh had stopped thinking on the Kashmir issue and had accepted accession to India permanently in private parleys (1965-68) which was unknown to his followers.<sup>78</sup> It is also worth mentioning that Nehru had already sent a note to Sheikh Abdullah from Sonamarg in 1952 to finalise accession and ruled out of any possibility of a plebiscite in Kashmir.<sup>79</sup> The question arises why did then Sheikh kept it secret and why did he raise the slogans of self-determination for long 22 years? The people of the state gave immense sacrifices keeping the spirit of freedom alive for these years. Sheikh surrendered parts of Kashmir autonomy just to obtain crumbs of power, an impression which sheikh failed to remove till the end of his life. Therefore it should not surprise any that once the most popular leader of Kashmir, Sheikh Abdulla's grave is protected by the police to save it from the very people he proudly claimed to represent. Accord of 1975, in retrospect, was a complete failure and the root cause of armed movement in the state of Jammu and Kashmir beginning from 1989.

The accord faced a lot of opposition and criticism not only in Jammu and Kashmir, but in Pakistan and later in China also. In Pakistan the accord was denounced as "Sell out". Z.A. Bhutto called for a strike throughout Pakistan on February 28 1975, in protest against accord which he seemed was

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77 K.N. Bakshi. *Simla Agreement (1972): From Military Victory to a Diplomatic Defeat?* Indian Foreign Affairs Journal. Vol. 2, No. 3, July - September, 2007, 105-119.

78 A.G. Noorani, *The Kashmir Dispute 1947-2012* (New Delhi: Tulika Books, 2013) Vol. I, 226-251.

79 *Selected Works of Jawahar Lal Nehru*, Second Series, Vol. 23 (New Delhi: Jawahar Lal Nehru Memorial Fund, 1999), 322-30.

against the Shimla Agreement and UN resolution.<sup>80</sup> The moment of disapproval and opposition later on 12 March 1975 was also joined by China. In Jammu region Jan Sang strongly opposed the accord. They were demanding the abrogation of Article 370 and complete merger of the State of Jammu and Kashmir with the Indian union like other States. They even challenged the claim of Sheikh Abdullah of being the leader of State. In the valley the most vocal opposition come from Awami Action Committee headed by Mirwaiz Farooq who accused Abdullah “as selling out to India” and “giving way” his people’s right of self-determination. Jamaat-i-Islami also used the opportunity to make the people believe that Abdullah was betraying them making an accord with New Delhi.<sup>81</sup>

By entering into this agreement, Sheikh could not achieve his ambition to return to the exact position he held in 1953. Rather he ratified the accession which the Indian state had been doing since his dismissal. Sheikh Abdullah bartered the rights of the people of Jammu and Kashmir and surrendered parts of Kashmir autonomy just to enjoy power. The two decade long plebiscite movement had created unprecedented political consciousness and a secessionist psyche in the Valley. But Sheikh turned away from the movement. He and his close associate disowned the long 22 years movement by calling it *Siyaasi Awaragardee* (Political waywardness). People believed that the accord was made only to pay way for sheikh to return to power.

### **Conclusion**

Analysis of all the three issues substantiates the dominant impression now in Kashmir that it was Sheikh Abdullah who has been the key to Kashmir imbroglio and he has been questioned on political, moral, and democratic fronts in retrospect. Sheikh mishandled Kashmir and played with people’s sentiments and aspirations and ultimately landed

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80 David. E. Lockwood, *Kashmir: Sheikh Abdullah’s Reinstatement*, Royal Institute of International Affairs, Vol. 31, No. 6 (1975), 249-56.

81 Lockwood, *Kashmir: Sheikh Abdullah’s Reinstatement*.

them in a situation that has meant bloodshed, used doublespeak for which he is notorious till date. His own explanations for his key moves have been increasingly deconstructed by later historians and it appears that his legacy will continue to be contested as he has been put on trial post-1989 with intellectuals, writers, analysts and better educated masses increasingly expressing their dissident views with regard to all the key events analysed here making it more and more problematic and thus questioning the dominant polemic that NC has been selling till now.



**Scope for the Cultural Relation between  
Kashmir and Mughal India: Studies on  
Development of industrial Crafts and Trade  
Routes under Mughal Kashmir**

**Sajad Subhan Rather\***

**ABSTRACT**

*The Concern for writing the present paper is to identify the developments in field of Trade, industrial products of Arts and crafts, and opening of new avenues of economic facets in Kashmir by Mughal rulers, so to point out the changes that were brought in the cultural assimilation of Kashmir with Mughal India. Well the science of History develops our understanding, to seek resolution of present problems by studying past for getting insights for future. In a similar manner present paper will focus on developments in the field of trade, Arts and crafts under Mughal rule of Kashmir and its thriving market in Mughal Empire and to co-relate them with the present industrial and trading activities of Kashmir. Analysis can be made on the basis whether present Kashmir has been undergone any progress in skill field and if not so, then it is time to rethink for policies adopted by Mughal rulers while developing Kashmir Centre of industrial production and for breaking the isolation, the Mughal rulers connected the commercial link of Kashmir with the rest of the Mughal*

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*empire. All the commercial roads connecting Kashmir with Mughal India were closed after 1947 and scope for the revival of these commercial links is prerequisite for the economic development of present Kashmir.*

### **Introduction**

The conquest of this country was a new instance. The industrial crafts especially pashmina shawl industry, which Mughals developed in Kashmir to full fill demands from Kings, Governors, aristocracy, nobles, and the higher Mughal bureaucracy of middle class genre were fond of artifacts manufactured in Kashmiri. The imperialists enriched Arts and Crafts with demanding orientation of craftsmanship to improve innovative dye, design and colour of shawls for fulfilling royal enchant for Kashmiri shawl.<sup>1</sup> The industry was possible to perpetuate only on thriving market in Hindustan to consume artifacts provided by connecting commercial routes of Kashmir with Mughal Empire. The areas that cover the north-western and south west-south parts of Kashmir were the main trade routes opened and developed by the Mughal rulers, which connected the commercial routes of Kashmir with Mughal India. These routes were traversed for Administrative purpose, by travellers, traders, Emperor and his camp followers, almost all access from Mughal India to mountain Kashmir was by this North-west and west-south route. Kashmir was protected naturally by its mountains on every side and so that the inhabitants, without the trouble of fortifying themselves, were always secure from the attacks of enemies and narrow passes over lofty mountains had always been hurdle in trading movements.<sup>2</sup> On this account, former princes did not think of conquering it and prudence turned them away from such a wish for a long time, but Akbar had cherished the thought of conquering it.<sup>3</sup> The Mughal kept all difficulties in mind and paid much attention

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1 Qazwini, *Badshahnama*, Or. 173, British Museum, Rotograph Nos. 191B, 191C, in CAD, Deptt. of History, AMU, Aligarh, vol. I, f. 259a.

2 Abul Fazal, *Akbar Nama*, 3 Vols. Eng. Trans, H. Beveridge, Reprint, New Delhi: EssEss publications, 1979, vol. iii, pp.761-64.

3 Abul Fazal, *Akbar Nama*, 762.

for the development of road projects and to find out new tracks where less damage would happen both to man and resources.

Mughals were systematic in acquisition of topological and geo-physical knowledge in locating the entering gate passes of mountainous Kashmir that could lead them an easy access in enduring the conquest of Kashmir. For instance when on December 20, 1585 which was winter season in Kashmir and during which the mountain passes of Kashmir remained under heavy snow fall, Mughal initiated the operation of inevitable conquest of Kashmir, Mirza Shahrukh Bahadur<sup>4</sup> who was assigned this project of annexing Kashmir with Mughal Empire, was clearly instructed from the imperial court which route they would follow, inferred us that the Mughal geologists and geographers were well acquainted with the routes that army would follow and the easiest route where less snow fell in winter was pakhli which was chosen by Mirza Shahrukh Bahadur to annex Kashmir.<sup>5</sup>

**Articles of Industry Production:** The Mughals developed Kashmir as industrial centre provided livelihood to specialized craftsmanship and labour to thousands of workers. Although the industrial development in Kashmir was to fulfil the Imperial demands from aristocracy.

The Pashmina shawl industry owing to its soft texture warmness and durability was much patronized by Mughal rulers. Bernier mentions that the Mughal rulers and nobles were patron of Art and crafts and had weakness for costly costumes worked in pure pashmina cloth which encouraged the shawl industry of Kashmir<sup>6</sup>. Both men and women of

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4 Abul Fazal, *Akbar Nama*, 715. Mirza Shahrukh Bhadur was accompanied by Raja Bhagwant Das, Shah Quli Mahram, Madhu Singh, Mubarak Khan and many *Ahadis*. They were instructed from the imperial court the topological position and mountain path ways that could easily lead the imperial forces to Kashmir.

5 Abul Fazal, *Akbar Nama*, 722-23.

6 *Aurangzeb in Kashmir* (Travels in the Mughal Empire) Francois Bernier (Translated from the French by Irving Brook) Edited by D.C Sharma, Surinder Singh Sethi, (New Delhi: Rima Publication House 1988), 6, 70.

India wore them in winter round their heads, passing then over the left shoulder as a mantle. Lahore was known for a kind of shawl made of silk and wool mixed, so the *pashmina* shawl may have been primarily a Kashmiri product.

The Mughal emperor always were accompanied to Kashmir with princes<sup>7</sup>, royal ladies<sup>8</sup>, Poets, scholars, nobles<sup>9</sup>, and other retainers and labours<sup>10</sup> thronged Kashmir and fascinated by the artistic skill of craftsmanship here passionate them for purchasing artifacts from the markets of Kashmir and brought back to different states of Mughal India. It diverted the attention of traders and business towards Kashmir.

The Mughal Emperors bestowed elegant gifts to royal Princes, ladies, influential nobles, foreign envoys on state visit to India<sup>11</sup>, those servants for the act of gallantry in the presence of enemy, for territorial expansion, good administrative services, literature, art and crafts<sup>12</sup> etc. This encouraged the Mughal servants to sacrifice themselves for the cause of the state, in the present time one may call it feeling of patriotism. Among these gifts which were given to above mentioned personalities was Kashmiri Shawl.<sup>13</sup> This great honour to Kashmiri shawl gave boost to the development of shawl industry in Kashmir. The Mughal honour to Kashmir shawl also bound the hearts of Kashmiris with the Mughal India. In other words it was the Mughal policy to connect the minds of Kashmir with Mughal India. When Jahangir appointed Himmat Khan to the *Faujdarship*

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7. Abul Fazal, *Akbar Nama*, 3 Vols. Eng. Transl. H. Beveridge, vol.III, 821, 829, 830. Prince Jahangir, Prince Murad was also with him.
  8. Abul Fazal, *Akbar Nama*, 3 Vols, 819.
  9. Abul Fazal, *Akbar Nama*, 3 Vols
  10. Abul Fazal, *Akbar Nama*, 3 Vols, 817.
  11. Asad Beg Qazwini, *Risala-i-Tarikh-i-Asad Beg*, Brit. M. Org. 1996 Rieu iii/979a, Rotograph No. 94, CAS, AMU, Aligarh, f. 22a.
  12. Qazwini, *Badshahnama*, Or. 173, British Museum, Rotograph Nos. 191B, 191C, in CAD, Deptt.Of history, AMU, Aligarh, I, f. 106a.
  13. Lahori, *Badshahnama*, ed. Kabir-Al- Din Ahmad, Abd-al-Rahim and W.N. Lees, Bib. Ind. Calcutta, 1867-68, vol.ii, part-ii, 433-34.

of the Sarkar of Bharuch (broach), the later was given on the occasion a special Parmnarm<sup>14</sup> Kashmiri shawl and with other gifts and similarly Abdu-ur-Razzaq<sup>15</sup>, Ray Suraj Singh<sup>16</sup>, Mirza Raja Bhar Singh<sup>17</sup> were also presented the Kashmiri shawl as honour for their services provided to state.

Most important is a letter written at Lahore in 1640 by Islam Khan, the vizier of the Mughal Empire, to the grand vizier of the Ottoman Empire, explaining that a messenger had been dispatched by Shahjahan to convey certain oral messages to the new sultan, Ibrahim. About the mission he says: 'Arslan Agha is being sent by one of the royal ships (*jahazat-i Padshahi*). He has been given a box (*huqqa*) of *atr-i jahangiri*<sup>18</sup> a specialty of this country, and two prayer-carpets of rare quality made in the *Karkhana-i Padshahi* at Kashmir, so that he may present these to the Sultan on his own behalf (*azjanib-i khwud*)'.<sup>19</sup>

Desideri mentions there was a considerable trade, especially in *Pashmina* wool of Himalayan mountain goats (*Caprahircuslaniger*) with second, Tibet, or Lhatayul (Ladakh) which was source of great riches to Kashmir. The second Tibet, the capital of which was six weeks journey from Kashmir having very long and extraordinary wool, obtained from Shawl goats (called *Tus*)<sup>20</sup> of Tibet and from

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14 *Tuzuk-i-Jahangir*, vol. 2(*Bound in one*) Eng. trns, Alexander Rogers, Edited by Henry Beverige, Low Price Publications New Delhi-110052, 2006, vol.2, 26.

15 *Tuzuk-i-Jahangiri*, 225

16 *Tuzuk-i-Jahangiri*, 293.

17 *Tuzuk-i-Jahangiri*, 297.

18 The best perfumes were made from distillation of rose water in Kashmir.

19. Riazul Islam, *ACalendar of Documents on Indo-Persian Relations*, 1500-1750. Vol. 2 (Tehran:1982), 41.

20 Shawl wool was imported in two grades the finer and far less plentiful grade, known locally as *acsli tus* came from wild goats (known as *tus*; *acsli* means 'true') that shed their fleece in spring against shrubs and rocks, from which it was collected by villagers. The second grade, from domesticated goats, made up the bulk of the material imported.

geldings.<sup>21</sup>The merchants from Kashmir keep a large number of agents in second Tibet, first Tibet, Kashghar and other far away junctions of trading centres<sup>22</sup> who collect the better quality wool<sup>23</sup> during the year, and In May, June, July, and August thousands of men traversed from Kashmir to Leh, the second Tibet, and carry back infinite number of loads of wool.<sup>24</sup> The raw wool was spun in Kashmir and Soft thread was obtained from it, from which the delicate texture of shawl was made, which was famous throughout Hindustan.<sup>25</sup> It was because the traders from Kashmir did not weave them there, but raw material was brought and stitched in Kashmir.<sup>26</sup>

**Pashmina Shawls:** once the Mughals annexed Kashmir, Akbar showed much regard to the development of Art, and crafts in Kashmir. Abul Fazal writes that Akbar encourages in every possible way, the manufacture of Shawls in Kashmir<sup>27</sup> which Akbar dubbed Parm-narm<sup>28</sup> represented the top production of the court workshop in Kashmir. In former times shawls were brought to Hindustan from Kashmir.<sup>29</sup> People folded them up in four folds, and wear them for the long time.<sup>30</sup>They were generally worn without

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21 *An account of Tibet, The Travels of Ippolito Desideri*, ed. Filippo DE Filippi, with an introduction by C.Wessels, Asian Educational Service, New Delhi-110016, 1995, 73-74.

22. *An account of Tibet, The Travels of Ippolito Desideri*, 74.

23 *Tuzuk-i-Jahangir*, 148. The wool for shawls was imported from Tibet that comes from mountain goat which was peculiar to Tibet.

24 *An Account of Tibet, The Travels of Ippolito Desideri*, 73.

25 *An account of Tibet, The Travels of Ippolito Desideri*, 73-74.

26 *Tuzuk-i-Jahangir*, 1478.

27 Abul Fazal, *Ain-i-Akbari*, Eng. Transl, from original Persian by H.Blochmann, Oriental Book reprints Corporation, 54, (New Delhi: Rani Jhansi Road), 98.

28 *The Jehangir Nama, Memories of Jahangir*, Eng trns, edited and annotated by Wheeler M.Thackston, (New York: Oxford University Press, 1999), 98.

28 *The Jehangir Nama, Memories of Jahangir*, 334.

29 Abul Fazal, *Ain-i-Akbari*, 98.

30 Abul Fazal, *Ain-i-Akbari*.

folds, and merely thrown over the shoulders.<sup>31</sup> Akbar had commenced to wear them double, which looks very well.<sup>32</sup> This woollen fabric Shawl was made in high perfection and sent as valuable gifts to every clime.<sup>33</sup> Tusi Shawls was much exalted by Akbar and was exclusively adopted by Jahangir.<sup>34</sup>

**Kinds of Shawls:** The first in rank was *parm-narm* shawl very famous<sup>35</sup> for delicate texture, owing to slimness and lightweight wool it could be worn in summer season as well.

Another kind was *Taharma* (*naharma*) in the printed version.<sup>36</sup> It was thicker shawl than *parm-narm* shawl.<sup>37</sup> On its being soft (*Nahrma*)<sup>38</sup> like river the *Narharma* shawl was also termed as *mauij-dar* (having waves)<sup>39</sup>, that after looking towards its texture one could find as waves of water flow over the shawl. This shawl was worn in winter as its wool was thicker and warmth<sup>40</sup> than *parm-narm* shawl.

Another kind of shawl was *Darma* and in the words of Jahangir it was *jul-i-khirsak* (*jul* means coverlet and *khirsak* rough) i.e. a garment made from rough wool.<sup>41</sup> Well this garment made from the wool which was also used for manufacturing shawls, but *Darma* was not worn by humans, for better it was used to put over the carpets<sup>42</sup> for elegant looking.

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31 Abul Fazal, *Ain-i-Akbari*.

32 Abul Fazal, *Ain-i-Akbari*.

33. Abul Fazal, *Ain-i-Akbari*, Eng. trans by Colonel H.S.Jarrett, annotated by Sir Jadunath Sarkar, Oriental Books reprint corporation, 54, Rani Jhansi Road, New Delhi-110055, Vol. ii, p. 353.

34 The *Jehangir Nama*, Memories of Jahangir, 223.

35 *Tuzuk-i-Jahangir*, 147.

36 *Tuzuk-i-Jahangir*.

37 *Tuzuk-i-Jahangir*.

38 *Tuzuk-i-Jahangir*.

39 *Tuzuk-i-Jahangir*.

40 *Tuzuk-i-Jahangi*.,

41 *Tuzuk-i-Jahangir*, 148.

42 *Tuzuk-i-Jahangir*.

**Silk:** Silk industry was developed by Mughals in Kashmir, providing employment to large population. The mulberry was little eaten; in fact they were not fit to eat<sup>43</sup> and leaves being reserved for the silk worm.<sup>44</sup> The silkworm eggs were brought from Gilgit and little Tibet.<sup>45</sup>

**Other Articles of industry:** With the exception of shawls there were other well-known woollen stuffs interwoven in Kashmir<sup>46</sup> viz finest pashmina carpets in the flower Style popularized by Mughal emperors. The Asar Mahal, a shrine for relics of the Prophet in Bijapur, contains carpets some now also in the Archaeological Museum in Bijapur—that were said to have come from Kashmir in the year 1657.<sup>47</sup> *Pattu Pharen*<sup>48</sup> (a long voluminous woollen shirt<sup>49</sup>) that falls to the feet<sup>50</sup> was tied by a belt (*Kamar band*) around the waist.<sup>51</sup> The *pharen* last for years and was worn by 90 percent of Kashmiris both men and women.<sup>52</sup> It was prepared in this process that two shawls were interwoven together after they were smoothen into a kind of *saqarlat* (broad cloth),<sup>53</sup> and *Pattu pharen* was prepared<sup>54</sup> which was

43 *Tuzuk-i-Jahangir*, 146.

44 Abul Fazal, *Ain-i-Akbari*, Eng. Trans, Jarrett, 358. *Tuzuk-i-Jahangir*, 146.

45. Abul Fazal, *Ain-i-Akbari*, Eng. Trans, 353. *Tuzuk-i-Jahangir*, 146.

46. *Tuzuk-i-Jahangir*, 147. Abul Fazal, *Ain-i-Akbari*, 353.

47 Sir George Watt, with Percy Brown and Narayani Gupta. Indian Art at Delhi, 1903. *Being the official Catalogue of the Delhi Exhibition, 1902-1903*, 43.

48 *Tuzuk-i-Jahangir*, 148. The *pattu pharen* was made from the shawl wool.

49 *Tuzuk-i-Jahangir*, 147. *Photuis* a type of woollen cloth, mostly warm and less blood sucking and it is stitched to make from it long shirt which falls up to feet. Locally this i.e., *photu* shirt in Kashmir called *Pharen*. Both men and women wear it even in present time. But however in medieval times only Pharen was worn by both sexes and not pants. Jahangir had mentioned that the tale behind wearing *photu pharen* was that if they Kashmiri's did not put on a pharen, they believe that the air affects them, and even that it was impossible to digest their food without it.

50 *Tuzuk-i-Jahangir*, 148. *The Jehangir Nama*, Memories of Jahangir, Memoires of Jahangir, 334. The lower in Kashmiri language is called *izar* or *yazar*. The wearing of Drawer (*izar*) was considered shameful and that was the reason *pattu pharen* were interwoven up to kneel.

51 *The Jehangir Nama*, Memories of Jahangir, 334.

52 *The Jehangir Nama*, Memoires of Jahangir.

53 *Tuzuk-i-Jahangir*, 148, *The Jehangir Nama*, Memories of Jahangir, 334.



not bad for rain coat.<sup>55</sup> The clothes of local use including *patu* shirt or *pheran* were stitched locally, as there was no separate *karkhans* for them, but in every house people sewed them<sup>56</sup> and as already mentioned the best raw material of Kashmiri shawl, other woollen stuffs were brought from Tibet<sup>57</sup> and then woven in Kashmir.

**Artisans:** Abul Fazal mentions that Kashmir had various kinds of artificers who might be deservedly employed in the great cities. The merchants and craftsmen of this land were mostly Sunnis.<sup>58</sup>

**Trade Routes:** The routes that Akbar followed on his first visit to Kashmir, are important to study for understanding the commercial trade routes of Kashmir, it is because these routes that Akbar followed were later developed into trade routes.

Abul Fazal had mentioned that were twenty-six different roads that lead from Kashmir into Hindustan and among them six or seven roads were most frequented leads in Kashmir<sup>59</sup> but those by Bhimbar and Pakhli were the best.

**West-south Routes Bhimbhar-Hirapur-Shopiyan:** Bhimbhar<sup>60</sup> the entering pass of Kashmir, Kashmiri's called it Kajiwar and other hill men, AdiDak. Bhimbhar was shorter

54 Abul Fazal, *Ain-i-Akbari*, 356.

55 *Tuzuk-i-Jahangir*, 148

56 *Tuzuk-i-Jahangir*, Jahangir had mentioned that they Kashmiri's tonic of pattu unwashed from the house of the weaver and sewed it into a tunic. The weaver house also act textile purchasing store, as most of the business was done in the seclusion of hoses, *The Jehangir Nama*, Memories of Jahangir, 334.

57 Abul Fazal, *Ain-i-Akbari*, 356, *The Jehangir Nama*, Memories of Jahangir, 334.

58 *The Jehangir Nama*, Memoires of Jahangir, 334.

59 Fazal, *Ain-i-Akbari*, 412.

60 Inayat Khan, *Shah Jahan Nama*, An Abridged History of the Moghal Emperor Shah Jahan, Compiled by His Royal Librarian., Eng Trans, by A.R. Fuller, Edited and Completed by W.E. Begley and Z.A.A Desai, published by S.K Mookerjee, (New Delhi: Oxford University press), 123. From Lahore to Bhimbhar the distance was 8 marches or 33 Kos; and thence to Kashmir, which was entirely through mountainous track, 12 marches and 47 Kos.

and nearest route<sup>61</sup> as compared to pakhli route and were generally practicable on horseback.<sup>62</sup> It had several routes of which three were good. Viz., Hasti Bhang<sup>63</sup>, Pir Panjal<sup>64</sup> and Tangtala.<sup>65</sup> The importance of this route was that large armies could march by that route with ease and celerity but only in the summer.<sup>66</sup> As in winter the track remained under heavy snow fall and only practicable when the roads were cleared of snow, and when winter had come to an end, the route could be traversed through this passes.<sup>67</sup>

From Lahore<sup>68</sup> thence Jahagirabad<sup>69</sup> next crossing the river Ravi, and on encamping near the Serai of Madhu singh<sup>70</sup>, one left the planes of Hindustan<sup>71</sup> and reached to halting

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- 61 *Tuzuk-i-Jahangir*, 143. Yet if one wished to find spring in Kashmir, he was confined to the road by Pakhli, for other roads at this season were blocked with snow. *The Jehangir Nama*, Memoires of Jahangir, 332. If one wants to enjoy the Kashmir springtime, one was restricted to Pakhli road, for the other roads were piled high with snow during begin of summer season.
- 62 Fazal, *Ain-i-Akbari*, 351.
63. Abul Fazal, *Ain-i-Akbari*, 352. Hasti Bhang passes through Noshera, Rajouri, the Pir Panjal pass and Shopiyan. In Sanskrit Hasti means elephant and vñj to go.
- 64 Fazal, *Ain-i-Akbari*, 352. Pirpanjal route deviating from Rajouri runs to the punch river and on to punch and crossing the Haji pir, joins the Murree road near Uri. Akbar had thrice traversed this route on his way to Kashmir.
- 65 *Ibid.* It is PirPantal pass. This route parting from samani sarai passes through Kotli and Sera to punch and unites with the second. It seems me that the route should be Present Tangmarg. As local Shepherds today used this route while coming from punch on way to Kashmir traversed Tangmarg along with domesticating animals which they pastured in Kashmir in summer months.
- 66 Abul Fazal, *Akbar Nama*, 722-23.
- 67 Abul Fazal, *Akbar Nama*, 723.
- 68 *Tuzuk-i-Jahangir*, 181.
- 69 *The Jehangir Nama*, Memoires of Jahangir, 350. The real name of place was Sheikhpura. When Jahangir was prince, this place was his hunting spot and he had built a village here called after his own name Jahangirabad and had a building constructed here.
- 70 Abul Fazal, *Akbar Nama*, 817. From River Ravi it had taken Akbar to travel one kos and 12 bamboo lengths for reaching Serai of Madhu singh.
- 71 *The Jehangir Nama*, Memoires of Jahangir, 350.

place Jaipur Kheri<sup>72</sup> and finally the station of Bhimbar. From here started the passes, lofty mountains towards Kashmir<sup>73</sup> Bhimbhar the entering pass of Kashmir, Kashmiri's called it Kajiwar and other hill men, Adi Dak.<sup>74</sup> From Bhimbhar towards Kashmir comes next Serai Jogi, Naushahra<sup>75</sup>, Chauki Hatti<sup>76</sup>, Ghazikot, seraicingiz<sup>77</sup> (difficult pass) and thence Rajouri. After passing Rajouri and as several roads led from this place and most of them remained under full of snow<sup>78</sup> and the best route for a large army was by the defile of the Hasti water.<sup>79</sup> Abul Fazal mentioned two roads from Rajouri that could lead to Kashmir. One was karpartal<sup>80</sup> and this was the most open of the routes leads to punch-Uri-Baramulla route (For chronological analysis of routes sees below fig. 1.0, 1.1 and fig 1.2), the other was the pirpanjal-shopiyani.<sup>81</sup> While passing through Pirpanjal route one has to cross Laha, (a dependency of Rajouri), Thana<sup>82</sup>, Rat Panja pass<sup>83</sup>, Bahramgalla<sup>84</sup> and pushiana from where the pirpanjal was crossed and one reached Nari Barari<sup>85</sup>

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- 72 Abul Fazal, *Akbar Nama*, 817, a village of Bhimbar. From Serai of Madhu singh to Jaipur Kheri it is two days journey and marched within 4 ½ kos and 60 bamboos. Four hundred bamboos made a kos, each being 12 ½ gaz as 33 inches, each bamboo length was about eleven yards.
- 73 *Tuzuk-i-Jahangir*, 181 and *The Jehangir Nama*, Memoires of Jahangir, 350.
- 74 Abul Fazal, *Akbar Nama*, 819. Adt Dat in text is 6 miles to north Bhimbhar.
- 75 Abul Fazal, *Akbar Nama*, 821. Between Serai Jogi and Naushahra, one had to pass defile Ghati Badhu.
- 76 *Tuzuk-i-Jahangir*, 181. A servant named Murad had exerted himself to complete the buildings at this place, and had done well.
- 77 Abul Fazal, *Akbar Nama*, 821.
- 78 Abul Fazal, *Akbar Nama*,
- 79 Abul Fazal, *Akbar Nama*, 819.
80. Abul Fazal, *Akbar Nama*, 764. Evidently it was the pass to the Hasti water and Hirapur.
81. Abul Fazal, *Akbar Nama*, 764.
- 82 Abul Fazal, *Akbar Nama*, 822. Thana 14 miles north of Rajouri. It is here the Kashmiri language begins. The guardians of this pass Nayiks under the leadership of Bahram Nayik did homage to Emperor Akbar.
- 83 Abul Fazal, *Akbar Nama*. The pass is five miles north east of Thana.
- 84 Abul Fazal, *Akbar Nama*.
- 85 Abul Fazal, *Akbar Nama*, 823. Near Aliabad sarai.

which was the most difficult of all the ranges. From Nari Barari arrived to halting places of Hirapur, Shopiyan, (where from the interior territory of Kashmir started<sup>86</sup>) Khanpur, Dewar<sup>87</sup>, village of Kusu, and finally city Srinagar. The above mentioned routes which started from Bhimbar to Hirapur were a continuous range of hills which for narrowness and difficulty, and for ascents and descents, was unrivalled.<sup>88</sup> From here the main valley of Kashmir begins. (For chronological analysis of West-south of Bhimbhar-Hirapur-shopiyen routes see below fig. 1.0)

In summer season that was on return journey from Kashmir to Mughal India the Mughal emperors followed the Shopiyan Hirapur route mostly. It was because Shopiyan route was nearest and in summer the route remained dried and snowless, so one could easily traversed over this route. In winter the pass turned into snow and owing to roughness of the road, the horses could not get a foothold, and it was difficult to travel on horseback.<sup>89</sup> It was the reason that in end of winter or wake of summer that is from December to the month of March any movement over Bhimbhar-Hirapur-shopiyen route was not traversed and here Srinagar-Baramulla-Uri- route was followed where less snow fell in winter and was easily traversed. Even Baramulla-Uri-pakhli route remained opened for twelve months.

From Pirpanjal pass via halting place-poshiana-Bahrmgala<sup>90</sup> which situated on Bhimbhar Hirapur shopiyen route the independent sultanate of Kashmir had maintained here guard officers and Bahram Nayak was killed by Mughal governor Mirza Yousf Khan<sup>91</sup> during Akbar's conquest of Kashmir. However after the Mughal conquest of Kashmir the

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86 Abul Fazal, *Akbar Nama*, 824. Properly Hurapur, the ancient surapura.

87 Abul Fazal, *Akbar Nama*, 824.

88. Abul Fazal, *Akbar Nama*, 824.

89 *The Jehangir Nama*, Memoires of Jahangir, 349.

90 *Tuzuk-i-Jahangir*, 179-80, *The Jehangir Nama*, Memoires of Jahangir, 349.

91. *The Jehangir Nama*, Memoires of Jahangir. Also see *The Jehangir Nama*, Memoires of Jahangir, 349.

Mountain guarding officers of Kashmir Nayaks were continued appointed this post<sup>92</sup> and from Poshiana, Bahramgala, Thana and, Rajouri<sup>93</sup>, Naushera<sup>94</sup> the Mughal governor of Kashmir had constantly stationed here troops from Kashmir by way of *thana* (station)<sup>95</sup> for convince and safety of traders and travellers as threat to be robbed was perpetuated challenge to previous rulers. Jehangir had mentioned two officers Bahramnayaks son Mahdi Nayak and Hussain Nayak in charge of the road between Hirapur and Bahramgala<sup>96</sup> and they controlled all coming and going.<sup>97</sup>

**North West Routes:** Also called Jhelum valley route, it was because all the routes from North West traversed Kashmir via Jhelum bank. The only routes that remained opened for 12 months connecting Kashmir with Mughal India was Baramulla-Uri-Srinagar route.<sup>98</sup>The Mughals developed this route which remained opened for twelve months as less snow falls over this road as compared to the Shopiyan Hirapur road.

One could reach Uri-Baramulla from different routes, it was because from North west of there were different tracks that Mughals developed into roads, led to Uri-Baramulla-Srinagar, and the traces of which are still alive in the form of Mughal roads, but in dilapidated condition, as after 1947 all these routes were closed, owing to which Kashmir lost many commercial routes similarly setback to its commercial activity and the most affected area was Baramulla town which was main Centre of merchants and traders and the major entry port.<sup>99</sup> The importance of this route was that during winter

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92 *Tuzuk-i-Jahangir*, 180.

93 *Tuzuk-i-Jahangir*, *The Jehangir Nama*, Memoires of Jahangir, 349.

94 *Tuzuk-i-Jahangir*, 181.

95 *Tuzuk-i-Jahangir*.

96 *Tuzuk-i-Jahangir*, 179-80. *The Jehangir Nama*, Memoires of Jahangir, 349.

97 *The Jehangir Nama*, Memoires of Jahangir, 349.

98 Abul Fazal, *Akbar Nama*, 486..

99 *Tuzuk-i-Jahangir*, .130-134, *The Jehangir Nama*, Memoires of Jahangir, . 326, 432.

less snow fell in this Uri-Baramulla-Srinagar track<sup>100</sup> and the commercial connection between Kashmir and Mughal India remained in traverse for 12 months. As already mentioned when in December 20, 1585 Mirza Shahrukh Bahadur with large Mughal army reached the defile of Kashmir for its annexation, he was clearly instructed from imperial court to follow the pakhli route which lied on Uri-Baramulla route, as other passes were blocked by snow, so the only way to annex the Kashmir was by the North-west<sup>101</sup> route, where less snow falls.<sup>102</sup> It infers here that Mughals were well acquainted with routes of Kashmir and it helped in developing new trade routes which connected Kashmir with Hindustan.

**Mughal Road of Uri-Baramulla-Srinagar:** There were many routes from the Mughal capital of Lahore towards Kashmir<sup>103</sup> and the climate along these roads was warm, and one could reach Kashmir by it in the very earliest part of spring when most route passes of Kashmir remained under snow.<sup>104</sup> Mughal rulers followed this route while way towards Kashmir was Bangesh<sup>105</sup>, Pargana of Garhi<sup>106</sup> lied on the Bank of river Behat and after crossing river reached fortress Rohtas<sup>107</sup>, next Rawalpindi<sup>108</sup>, Akbarpur<sup>109</sup> thence stop

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100 Abul Fazal, *Akbar Nama*, 723.

101 Commonly known as Pakhli. It was the west of Kashmir. It was Sarkar and is stated by Abul Fazal to be in general tributary to Kashmir. Presently it is known as Hazara Country.

102. Abul Fazal, *Akbar Nama*, 723.

103 Khan, *Shah Jahan Nama*, 122.

104 Khan, *Shah Jahan Nama*, 123. Pakhli which is 35 stages journey and 150 imperial kos long from Lahore - each kos measuring 200 chains, the chain 25 cubits, and the cubit 40 finger-breadths.

105 The *Jehangir Nama*, Memoires of Jahangir, 310.

106 *The Jehangir Nama*, Memoires of Jahangir, 321.

107 *Tuzuk-i-Jahangir*, 122. Rohtes fort in Punjab, *The Jehangir Nama*, Memoires of Jahangir, 321.

108 *The Jehangir Nama*, Memoires of Jahangir, 377. *Tuzuk-i-Jahangir*, 230-34.

109 *The Jehangir Nama*, Memoires of Jahangir, 123. Here is little bit confusion whether Akburpur comes before Hasan Abdal or after it.

Hasan Abdal,<sup>110</sup> next village was Sultanpur<sup>111</sup>, Sanji<sup>112</sup> and from here one entered the Pargana of Hazara Qarlugh.<sup>113</sup> Next station of Nawashahar<sup>114</sup>, village of Dhantur<sup>115</sup>, village Salhar<sup>116</sup>, village of Malgalli<sup>117</sup>, village of Sawadnagar<sup>118</sup> and next halting at the stop of Pargana Pakhli.<sup>119</sup> From here one had to cross over the Nain- Sukkh river.<sup>120</sup> On the orders of Emperor Jahangir two wooden bridges were constructed

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- 110 The *Jehangir Nama*, Memoires of Jahangir, 322. From here one could entered Kashmir via punch Shopiyan to Srinagar of punch pakhli via Uri to Baramulla Srinagar.
- 111 *Tuzuk-i-Jahangir*, 123, *The Jehangir Nama*, Memoires of Jahangir, 323.
- 112 *The Jehangir Nama*, Memoires of Jahangir.
- 113 *Tuzuk-i-Jahangir*, 124.
- 114 *The Jehangir Nama*, Memoires of Jahangir, 124. In the beginning of Feb-March the pirpanjal route mostly remained under snow and as most of the roads had become very slippery, the week animals fell in every place and could not rise again. This was one of the challenge for Mughal rulers to tackle with for which the since Akbar much attention was given for construction of roads over pirpanal routes, so least problems could be faced while crossing these mountains. *The Jehangir Nama*, Memoires of Jahangir, . 323
- 115 *Tuzuk-i-Jahangir*, 124, *The Jehangir Nama*, Memoires of Jahangir, 323.
- 116 *Tuzuk-i-Jahangir*.
- 117 *Tuzuk-i-Jahangir*. Thackston has translated it as mangali.
- 118 *Tuzuk-i-Jahangir*, 125. This place was the entrance of pakhli pargana. Its Zamindars paid always respect to Mughal emperos, whenever the emperors traversed the pakhli pargana. On the request of sultan Husain the Zamindar of pakhli, Jahangir went to his house and increased his dignity among his equals and neighbours.
- 119 *Tuzuk-i-Jahangir*, 126. *The Jehangir Nama*, Memoires of Jahangir, 323-24. The Zamindar of Pakhli Sultan Husayn paid homage to Jahangir. The Sarkar of the Pakhli was thirty five Kos in length and twenty five in width. To the east were the mountains of Kashmir and the west was Attock Benares; to the north was kishtwar and to the south was Gakhar territory. It was mentioned that when Temur triumphed over Hindustan and turned back to his capital Turan, he gave this group of people (who were in his retinue) land in this area and stationed them here. Jahangir said that they were pure Lahoris and speaks in that language.
- 120 *The Jehangir Nama*, Memoires of Jahangir, 324. The Nainsukhriver is now known as the kunhar. The river flows from the Dard Mountains between Badakshan and Tibet. See also *Tuzuk-i-Jahangir*, 127.

here<sup>121</sup> for crossing of imperial army and also for convince of traders. Next station was Bank of the Kishan Ganga River.<sup>122</sup> There was an old bridge over this river which was crossed only by footmen.<sup>123</sup> But Jahangir got constructed here a new bridge which could be crossed over by cavalry, foot soldiers, and horses but not elephants.<sup>124</sup> Next station was the village of Bakkar.<sup>125</sup> From here to Kashmir the entire way was along the bank of Bahat River<sup>126</sup>, and there were mountains on both sides<sup>127</sup> but not hill-pass.<sup>128</sup> Next halting places were Musaran<sup>129</sup>, Bhuliyas<sup>130</sup>, Ka[t]hai<sup>131</sup>, Rewand<sup>132</sup>, Kuwarmat pass<sup>133</sup> which was the most difficult pass on the road, next village of Wachaha, Bambyar (Baltar)<sup>134</sup> and finally entered Baramulla<sup>135</sup> the major entre pots of Kashmir. While some routes on the Uri-Baramulla, exist on the right and left bank of the river Jhelum. For elucidating chronological order of north-west routes see below given fig. 1.2, 1.3 and 1.4.

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121 *The Jehangir Nama, Memories of Jahangir*, 324-25. To build the bridges they used to lay branches of the trees across the surface of the water and the two ends were fastened with pegs.

122 The place happened to custom post. Jahangir mentioned that there was high pass on this road a Kos up and a kos and a half down. It was called Pim Drang locally. The reason they called this was that in Kashmiri language cotton was called Pim. The rulers of Kashmir stationed there an official to take custom tax on load of cotton.

123 *Tuzuk-i-Jahangir*, 128.

124 *The Jehangir Nama, Memories of Jahangir*, 325.

125 *The Jehangir Nama, Memoires of Jahangir*, 326. *Tuzuk-i-Jahangir*, 130.

126 *Tuzuk-i-Jahangir*, 130.

127 *The Jehangir Nama, Memories of Jahangir*, 326.

128 *Tuzuk-i-Jahangir*, 130

129 *Tuzuk-i-Jahangir, and The Jehangir Nama, Memories of Jahangir*, 326

130 *The Jehangir Nama, Memoires of Jahangir*

131 *The Jehangir Nama, Memoires of Jahangir*, 327, *Tuzuk-i-Jahangir*, 132.

132 *Tuzuk-i-Jahangir*, 133, *The Jehangir Nama, Memories of Jahangir*, 327.

133 *The Jehangir Nama, Memoires of Jahangir*.

134 *The Jehangir Nama, Memoires of Jahangir, Tuzuk-i-Jahangir*, 133. Baltar perhaps should be read as Boniyar. Jahangir seems to have crossed over to the left bank of the Jhelum in the course of his march. Perhaps he did so at Uri. Indian office Manuscript 181 has Butiyar.

135 *The Jehangir Nama, Memories of Jahangir*, 328.



**Construction of Roads:** Akbar always cherished Kashmir and its delightful climate and when this charming land was included in his domain, his wish to traverse became stronger.<sup>136</sup> Akbar was constructive towards Kashmir and its connection with Mughal India. On his first visit to Kashmir, he assigned the project of constricting roads and opening new commercial links of Kashmir with Mughal India, so its people could be benefitted by the imperial trade services. The Mughal road project was assigned to Qasim Khan, who along with three thousand stone-cutters (*Sang-tirash*), mountain miners, and splitters of rock and 2000 diggers (Beldars) were sent off from imperial court to level the ups and downs of the roads in Kashmir<sup>137</sup> and later Akbar ordered Hashim Khan son of Qasim Khan along with many stone-breakers and diggers to put to right the pakhli road, as H.M intended to made this route traversable.<sup>138</sup>

Jehangir also followed the policies of his father towards developing road projects in Kashmir. As already mentioned the Mughal Emperors visits the valley had much benefited the roads development in Kashmir. It was because they send first the specialized officers to fix ups and downs in the road. In 1619, Jahangir decided to depart Kashmir, he had assigned the task of Mughal road project of Kashmir to Nuruddin-Quli, accompanied with many laborers such as stonecutters, carpenters, shovelers were sent with<sup>139</sup> to fix and repair the ups and downs of the punch route and make it so that it would be easy for the load-carrying animals to get across the difficult passes of hilltops and the people would not suffer.<sup>140</sup>

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136 Abul Fazal, *Akbar Nama*, 817.

137 Abul Fazal, *Akbar Nama*.

138 Abul Fazal, *Akbar Nama*, 835, 839.

139 *The Jehangir Nama, Memories of Jahangir* 258.

140 *The Jehangir Nama, Memories of Jahangir Tuzuk-i-Jahangir*, 97-98.

## Figuring Trade Routes

**Fig 1.0.**

From Bhimbar by Rajouri and the Pirpanjal to Srinagar. Bhimbhar was 30 miles from kotla-Gujrat on the Grand Trunk Road. Gujrat was 71 miles from Lahore<sup>141</sup>.

Stage	No.	Miles.
Gujrat.	0	
kotla	1	14
Bhimbhar	2	7
Saidabad	3	15
Naushahra	4	12 ½
ChnagasSarae	5	13 ½
Rajouri	6	15
Thana	7	14
Baramgala	8	10
Poshiana	9	10
Aliabad sarae	10	11
Hirpur	11	14
Shopiyan	12	6
Kahnpur	13	15
Srinagar.	14	12
<b>Total</b>		169.

**Fig. 1.1**

Cross route from Rajouri to punch.

Stages.	No.	Miles.
Rajouri	0	
Thanna	1	14
Suran	2	16
Punch	3	14
<b>Total</b>		44

Between stage 1 and 2 the Ratan ridge was crossed at about 8000 feet altitude. Laden ponies could go by this route<sup>142</sup>.

141 Frederic Drew, *The Jammu and Kashmir Territories*, (New Delhi: Capital Publishing House, 1997), 525.

142 Drew, *The Jammu and Kashmir Territories*, 526.

**Fig. 1.2**

Stages.		Miles.
Jhelum	1	
Chechain	2	11
Mirpur	3	11
Chaumuk	4	10
Biari	5	7
Sansar	6	14
Kotli	7	15
Saira	8	14
Punch	9	16
Kahuta	10	9
Aliabad	11	8
Uri	12	17
Naushahara	13	14
Baramulla	14	9
Pattan	15	14
Srinagar.	16	17
<b>Total.</b>		<b>186.</b>

The road was usually practicable for laden ponies. Between stages 10 and 11 the Haji pass was crossed, 8500 feet high. On this the snow in winter rendered it difficult, if not impassable for ponies. For the two marches from Baramulla to Srinagar, boats were commonly taken. Chaumukha<sup>143</sup> routes 10 miles away from Mirpur.<sup>144</sup> From Lahore- Mirpur-chaumuk-Uri-Baramulla route also remained opened for most months as little snow fell in one or two places in this route<sup>145</sup>, except two month Jan-Feb when snow melted, made ground so unusual wet and slippery, for the rest of months commercial activity remained opened along this route.<sup>146</sup>

**Fig.1.3**

Stages.	No.	Miles.
Mari	0	
Deval	1	12
Kohala	2	9
Chatar-	3	9
Kelas	4	12
Raru	5	13
Tandali	6	13
Garhi	7	10
Hatti	8	15

143 Khan, *Jahan Nama*, 123. This route from Lahore consisted of 29 stages and was 102 kos long.

144 Drew, *The Jammu and Kashmir Territories*, 526.

145 Khan, *Shah Jahan Nama*, 123.

146 Khan, *Shah Jahan Nama*, 123.

Chakoti	9	16
Uri	10	14
Naushshra	11	9
Baramulla	12	14
Pattan	13	17
Srinagar		
<b>Total:</b>		<b>163</b>

From Mari to Srinagar the distance is almost 12 marches; 137 miles. Another route was Pir Panjal<sup>147</sup> deviating from Rajouri runs to the punch river and on to punch and crossing the Haji pir, joins the Murree road near Uri.<sup>148</sup> Akbar had thrice traversed this route on his way to Kashmir.<sup>149</sup>

Mari or Murree was 40 miles from Rawalpindi, which was on the grand trunk road. Camels, post carriage, and perhaps carts, could come as far as Mari.

Between the stage No's 2 and 3 the Jhelum River used to be crossed by boat. The road was good for laden ponies, and remained opened for twelve months as less snow fell on this route.

**Fig.1.4.** Muzafarabad route

Stages	No.	Miles.
Abbotabad	0	
Mansehra	1	13 ½
Garhi	2	19
Muzafarabad	3	9
Hatian	4	17
Kanda	5	11
Kathai	6	12
Shadra	7	12
Gingal	8	14
Baramulla	9	18
Pattan	10	14
Srinager	11	17
<b>Total:</b>		<b>156½</b>

147 Khan, *Shah Jahan Nama*. From Lahore to pirpanjal was 80 imperial Kos long.

148 Drew, *The Jammu and Kashmir Territories*, 527.

149 Abul Fazal, *Ain-i-Akbari*, 352.

From Abbottabad by Muzafarbad to Srinagar it makes 11 marches; 156 ½ miles. From Rawalpindi, on the Grand Trunk Road, to Abbottabad, via Haripur, was 61 miles.<sup>150</sup> This was the easiest route from the Punjab, Peshawar, Rawalpindi, Pakhli, Hazara, Muzafarbad, Uri, and Baramulla to Srinagar. Laden ponies traversed over this route without difficulty, and it was never stopped by snow. The last two stages were usually done by water. From Baramulla to Dachi<sup>151</sup> the road to lie on the left bank of the river and from village of Dachi to Rawalpindi the road cross over to right bank of the river Jhelum.<sup>152</sup> The Mughal emperors repaired the road, thus made easiest route which remained opened for whole year. On this route there were no hills and mountains.<sup>153</sup> From Abbotabad the road traversed to Margale, Dongagali, Godagali, Kohmeri and Rawalpindi.<sup>154</sup>

On the conclusion it can be said that the Mughal Emperors developed trade and industry in Kashmir and accordingly Hindustan especially Lahore and Punjab became a thriving market for its consumption. It was because trade routes of Kashmir were connected with Lahore and Punjab which was the junction of trade and commerce and from Lahore the pashmina carpets and shawls of Kashmir were exported to central Asia. The intellectual genre from central Asia, Hindustan settled in Kashmir increased the market demand to meet their daily needs. The trading contacts of Kashmir with central Asia via Mughal capital of Lahore increased new economic facets and many Kashmiris settled in different parts of Central Asia and opened their markets in Punjab, Lahore acted as traders, and crafts man. The trading contacts remained opened up to 1947 and the destruction

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150 Drew, *The Jammu and Kashmir Territories*, 527-28.

151 The India Village Dachi, is located in the taluk of Uri, district of Baramulla, in the State of Jammu & Kashmir. It is located 37 KM towards west from District headquarters Baramulla.

152 Pir Ghulam Hassan Shah Khuihami, *Tarikh-i-Hassan* 3vols, Urdu trans by Sharif Hussain Qasmi, Ali Mohammad and Sons, Vol. i, .243.

153 Khuihami, *Tarikh-i-Hassan*.

154 Khuihami, *Tarikh-i-Hassan*, 243-44.

caused by partition gave setback to Arts and crafts of Kashmir can be seen in the present dilapidated condition of the prior 1947 commercial routes which after 1947 were closed. The set back to trade and commerce created unemployment and the present insurgency in Kashmir is one of the outcomes of that setback.

## **Role of Punjab Press in the Inception of Kashmir Press during the First half of 20<sup>th</sup> Century**

**Firdous Hameed Parey\***

### **ABSTRACT**

*In the first half of 20<sup>th</sup> century a number of newspaper publication bureaus were set up in British India. During this period Kashmir as a princely state faced a number of challenges both in terms of professionalism as well as in terms of state administration. Press was discouraged at every level of state administration. Almost in 1930, newspapers were coming from Lahore (Punjab). At that time Lahore was centre of political and cultural activities and its geographical linkage with Kashmir had a deep impact on Kashmir. Large number of Kashmiri people migrated to Lahore because of unlawful activities of the government. Among them some immigrants initiated newspapers which were circulated in the valley of Kashmir. These newspapers highlighted the grievances of people including their political, economic, socio-cultural arenas. Due to these newspapers some sort of political consciousness started to develop among Kashmiris and they became aware about of their rights. Prominent newspapers published from Punjab, represented the masses included Kashmiri Gazette,*

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*Mazlum-i-Kashmir, Matab-i-Kashmir, Akhbar-i-Aam, Paisa Akhbar, Zamindar, Milap, Inqilab, Siyasat, etc. Though these papers faced number of problems, their entry in Kashmir was restricted time to time but their circulation continued with different names. The prominent editors were Jan Muhammad Gania, Muhammad Din Fauq, Lala Khushal, Gwash Lal Koul, Dr. Sir Muhammad Iqbal (his Poetry), Hafiz Jalandari (his poetry) etc. These papers provided a suitable platform in order to represent the grievances of the people. The present paper will focus on the role Punjab press in the national awakening of Kashmiris and their awareness about press.*

### **Introduction**

In the early decades of the twentieth century, Jammu and Kashmir as a princely state faced a number of challenges both in terms of professionalism and as well as in terms of state administration. Press here was discouraged at every level of state administration. In 1931, newspapers most of them were coming from Lahore (Punjab). At that time Lahore was hub of political and cultural activities and its geographical linkage with the State of Jammu and Kashmir had a deep impact on it. Large number of Kashmiri people migrated to Lahore because of unlawful activities of the government. Among them some immigrants started the publication of the newspapers which were circulated in the valley of Kashmir. These newspapers highlighted the grievances of people. Due to these newspapers political consciousness stirs up among Kashmiris and they became aware about their rights. Prominent newspapers coming from Punjab which represented the masses included *Kashmiri Gazette, Mazlum-i-Kashmir, Matab-i-Kashmir, Akhbar-i-Aam, Paisa Akhbar, Zamindar, Milap, Inqilab, Siyasat, etc.* Though these papers faced number of problems, their entry in Kashmir was restricted time by time but they continued their circulation by different names. The prominent editors were Jan Muhammad Gania, Muhammad Din Fauq, Lala Khushal, Gwash Lal Koul, Dr. Sir Muhammad Iqbal (his Poetry), Hafiz Jalandari (his poetry) etc. These



papers provided a suitable platform in order to present the grievances of the people. Punjab press identified those demands of general masses which have been ignored so far. The present paper would try to examine the role of Punjab press in the national awakening of Kashmir. How Kashmir was depicted in the reflections of these newspapers would be the part of this paper.

### **Earlier Restrictions on Press**

The modern state of Jammu and Kashmir came into existence by signing the 'Treaty of Amritsar' between the British and Raja Gulab Singh on March 16, 1846. After this Kashmir came under the Dogra autocratic rule that left no stone unturned in repressing and suppressing their voices. Maharaja Gulab Singh (1846-1857) was the founder of modern state and the rulers who succeeded him were: Ranbir Singh (1857-1885), Pratap Singh (1885-1925), and Hari Singh (1925-1947).<sup>1</sup> During the reign of these rulers, a lot of efforts were made to initiate newspapers from state but there was no response because administration was apprehensive of healthy criticism. This affected the enthusiasm of volunteers who were eager to start press in Jammu and Kashmir.<sup>2</sup> During the reign of Maharaja Pratap Singh (1885-1925) there was a very strong 'Anti Press Policy'.<sup>3</sup> Under this policy there was no permission to incept any newspaper; to initiate publication of any journal was deemed to a rebel against government. The Jammu and Kashmir was only princely state in the Indian Subcontinent where strict press laws were imposed and not a single newspaper was published, while the case for other states was otherwise.<sup>4</sup> It was because of this harsh attitude of government that some honourable personalities, political

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1 F. M. Hassnain, *Freedom Struggle in Kashmir*(Rima Publishing House, New Delhi, 1988), 9.

2 Khursheed Alam, *Aftabaur Srinagar Times, Kashmkir Mai Urdu Sahafatkay Sange Meal*, (Jammu: Kasmi Qutub Khana, 2013), 14.

3 Fifty Years as a Journalist by Mulk Raj Saraf cited in *Jammu Kashmir mai Urdu Sahafat*, Gulshan Books, Srinagar, 1973), 47.

4 Fifty Years as a Journalist.

intellectual's and patriots who migrated to Punjab, where they made a way to publish newspapers which were circulated in Kashmir and there were other job opportunities as well.<sup>5</sup> They fulfil their responsibility by raising voice against the harsh policies of government and illustrated how rights of common people were being ignored. At the same time Lahore was the hub of political, economic and socio-cultural activities and due to geographical linkage of Kashmir with it, it led its effect on the state.<sup>6</sup>

### Hindu Newspapers

Before discussing role of the Punjab press towards the rise of political awakening in Kashmir, it is prerequisite to have an outline of press started outside the state. Both the communities (Muslims and Hindus) from Jammu and Kashmir migrated to Lahore, Amritsar, Allahabad and Delhi, where they incepted writing on different issues. In 1880, Kashmiri Pandits from Lahore started publication of weekly *Marasila-i-Kashmir*. This newspaper tried to shed light on sect of Pandits.<sup>7</sup> Another newspaper *Akhbar-i-Aam* started to publish by a Pandit Mumkina Ram Gudhu. This newspaper was weekly but after some duration it became a daily and its publication continues almost till 1934.<sup>8</sup> In 1882, from Lahore a weekly *khir-khawah Kashmir* started by Pandit Hargopal Khastas.<sup>9</sup> This weekly was critical of Maharajas harsh policies; it exposed almost every aspect of government. This journal had a high level of standard, as one of the writer Akhtar Shahan Shahahi had pointed out about it:

It was full of request, layer of people, messenger of government, high level of planning, platform of knowledge and skill, aggregation of news, bouquet of articles, treasury of morality and

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5 Muhammad Yousuf Saraf, *Kashmir fights for freedom*, Vol. 1, (Lahore: Feroz Publisher, 2005), 449.

6 *Aftabaur Srinagar Times*, 14.

7 Sofi Ghulam Muhid-ud-din, *Jammu Kashmir mai Urdu Sahafat*, (Srinagar: Gulshan Books, 1973), 48.

8 Muhid-ud-din, *Jammu Kashmir mai Urdu Sahafat*.

9 *Aftabaur Srinagar Times*, 23.

civilization, sultanate of administration, discussing valley of social and political issues<sup>10</sup>.

An important journal incepted by Saraf Dayal, the pioneer of *Hamdard-i-Hind*. It was against the harsh policies of Maharaja Pratap Singh. This was first journal which under the government was stopped to enter Kashmir.<sup>11</sup>In 1898, Sir Teg Bahadur Sapru from Allahabad started *Kashmir Darpan* which was published monthly and was available in both Urdu and Hindi languages. Its publication continued till 1904.<sup>12</sup> Another monthly journal was *Kashmir Prakash* initiated by Pandit Manka Mahesh. This newspaper focused the issues of Pandits and its publication continued till 1951. At the beginning of twentieth century, Thakur Sukh Ram Chuhan started weekly *Rajput Gazeete*. It survived till the partition. The Pandith association from Kashmir started *Bahdur Kashmir* from Lahore. This survived due to the efforts of pandit intellectuals, poets, litterateur etc.<sup>13</sup>It appears that the Kashmiri Pandits from education, political and economic point of view were well off as compared to Muslims of the State. They were the first community of the Jammu and Kashmir State which had responded to modern education. Although, during the early half of twentieth century, some Kashmiri Muslims received modern education but they were not given desirable opportunities in the government services. The Punjab press highlighted these issues vigorously. An important newspaper from Lahore namely *Siyasat* points out these issues on November 7 & 8, 1923:

There is no Muslim representation in the Departments of the Hunting Defense, Research science, Library, Archaeology, Museum, Mining, Agriculture, Accounts, Dharmarth, Roadcess, Custodian and Irrigation. Among 16 courtiers of Maharaja there is not even a single Muslim. Out of 205 military officers there are only 36 Muslims. Among 5 Military Assistant Surgeons there is only one Muslim. Out of 27 forest officials the number of Muslims

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10 Raseed Tasir, *Naqoosh-i-Sahafat, Tarikh-i-Sahafat, Jammu Kashmir* (Muhafiz Publishers, Srinagar, Pub. 1989), 65

11 Muhid-ud-Din, *Jammu Kashmir main Urdu Sahafat*, 49.

12 Muhid-ud-din, *Jammu Kashmir mai Urdu Sahafat*, 49.

13 Muhid-ud-din, *Jammu Kashmir mai Urdu Sahafat*, 50.

is only 2. In the Department of Permit and Irrigation the number of total employees is 112, wherein there are only 27 Muslims. Similarly, in the Department of Health, the number of Muslims doctors is 28 in which there are only 2 Muslims. In the Department of education the number of Inspectors and Headmasters is 17 in which there are only 3 Muslims. In the two colleges of Jammu and Srinagar the number of lectures is 33 in which the Muslims are only 3. Likewise in the Department of sericulture the number off gazetteer officers is 45 in which there are only 4 Muslims.<sup>14</sup>

Furthermore;

It seems from above statistical table that there was gap between Muslims and Non-Muslims in the administrative services. There was no representation of Muslims in government, in spite, of the majority of population in the Jammu and Kashmir State. They were lacking facilities of anjuman, associations, freedom of press, and platform and even no discussion, debates, meetings, and programmes were allowed.<sup>15</sup>

However, *Milap* and *Partab* were newspapers which later became as admirer to Maharaja, had thrown light on the miserable condition of masses and maladministration of State Government.<sup>16</sup> Their agonistic role can be summarized by the following statement: “*In Kashmir what had been started, that are not complaints of masses but only purpose is to dethrone monarchical government*”.<sup>17</sup> Similarly, as other, statement, *Kashmiri Muslims* wanted weak position of Maharaja and to take seat of monarch, reconciliation with Maharaja on that day when he will be no in place day.<sup>18</sup> It seems that these newspapers had criticized freedom movement of Kashmir, as the Muslim conspiracy to overthrow the Hindu ruler. Although, they were curious of an efficient, honest strong government and were against atrocities of the government. But at the time they were not in favour to overthrow the autocratic government and were in

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14 *Siyasat*, Lahore, November 8, 1923.

15 Mulk Fazal Hussain, *Kashmir aur Dogra Raj*, (Srinagar: Gulshan Books, 1931), 143.

16 *Milap*, Lahore, May 9, 1925. *Partap*, Lahore, March 3rd, 1928.

17 *Milap*, October 1, 1931.

18 *Partab*, September 28, 1928; cited in *Kashmir aur Gogra Raj*, 30.

confrontation with those Muslims who were eager to the dismissal of monarchical ruler. They were desired to reform within the system. However, in order to substantiate the above statement, it is better to refer the following fact that Hindu press equally participated with Muslim press and brought out the defects of government, as an important event exposed in *Guru Ganthal* by its editor Sham Lal Kapoor, of Lahore on January 1, 1927:

As the Nawab of Malirkotla desired to visit all stations in Kashmir, the Government had placed at his disposal a large number of labors to carry his camp. One morning, while riding a horse, he saw a group of wretched labors sitting in the immediate neighbourhood. Therefore, he went there to have a few words with them. In the course of conversation he was extremely sorry to learn that they were the members of a Barat (marriage party) who had been seized while on their way back with the bride to attend on his camp. Even the bridegroom was not spared. He too was seized at the time and not even allowed to accompany his bride to his new home.<sup>19</sup>

It indicates that there were some newspapers from Lahore which had revealed the problems in Dogra administration and had raised voice against it. It was not the question of Hind-Muslim Rule, it was the failure of the State government, in which not only minority but majority of population was suffered. It seems clear after the thorough studied of newspaper cuttings.

The above statement reveals that the institution of beggar (forced labour) was badly used by the government officials. It appears that under autocratic rule, a number of challenges faced by the Muslims were not only exposed by the Muslim owned press of Punjab but even Hindu press did not hesitated to thrown light on these issues. These newspapers highlighted the problems of Muslim Community and were in favour of Social Welfare, State prosperity and goodness of people. They were eager of efficient administration, where officers would be honest, hard worker, experienced etc.

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19 *Guru Ganthal*, Lahore, January 1, 1927.

## Muslim Newspapers

Apart from Hindus, the Muslims of Jammu & Kashmir State also initiate the publication of newspapers. The credit goes to esteem Jan Muhammad Gania, a Kashmiri migrant in Lahore. He had introduced the weekly journal Kashmir Gazette which highlights the grievances of Kashmiri's.<sup>20</sup> One well known newspaper which had great demand in the market was *The Zamindar* its editor was Zafar Ali Khan of Lahore. Similarly, was *Paisa Akhbar* its editor was Mahboob Alam of Lahore which had played significant role in imploring the demand of the Muslims of Kashmir. In the first decade of the Twentieth century this newspaper highlighted the resentments of Muslims whether related to lucrative jobs, political system, or local electoral body etc.<sup>21</sup> It appears that this newspaper made people aware about their political rights and duties. Due to this newspaper, general masses became politically instigative and they started demanding of their political rights, which were negated by the government so far. The Punjab patronized Muslim press took keen interest to protect the religious shrines of Muslims in Kashmir. They contiguously wrote letters to Maharaja of Jammu and Kashmir about the repair of Shrines.<sup>22</sup> Though in 1881, Maharaja Ranbir Singh granted Rs. 3000 to repair the Jamia Masjid, Srinager.<sup>23</sup> But Muslims being in majority were not fully satisfied by this 'miserable' act of their ruler. No matter who was the ruling Kashmir, the maintenance of Muslim shrines was deemed as obligatory for Muslims.<sup>24</sup> It appears that people were curious about their religious duties and they were enthusiastic about it.

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20 Saraf, *Kashmir Fights for Freedom*, 450.

21 *Paisa Akhbar*, April 11, 1903.

22 *Paisa Akhhbar*, Lahore, April 25, 1910, Selection from the Native Newspapers Published in the Punjab, 382.

23 *Punjabi Akhbar*, Lahore, March 18, 1881, Selection from the Vernacular Newspapers Published in the Punjab, N.W. Province, Oudh, Central Province and Berar, 157.

24 Mridu Rai, *Hindu Rulers, Muslim Subjects* (New Delhi: Pub. Pauls Press, 2007), 200.

During the early decades of the twentieth century, there was no freedom of publication of press in the State of Jammu and Kashmir. Until 1932, Muslim patronized press from the Punjab became the voice of Kashmir against harsh policies of Maharajas of Kashmir.<sup>25</sup> The Punjab press reacted to not only the treatment of the *Pathar Masjid* in Srinagar, where a Hindu idol was being worshipped in the mosque. Similarly, responds of the arbitrary policies of the government regarding Muslim education.<sup>26</sup> These newspapers criticized the lack of quality education among Muslims in Jammu and Kashmir. It was observed by these newspapers that inadequate education among Muslim community was an intentional policy of the state administration. So that Muslims of Kashmir remain aloof from quality education, and to keep them away from lucrative jobs.<sup>27</sup> Another Kashmiri migrant was Munshi Mohammad-ud-Din Fouq, who started weekly *Punja Faulad* from Lahore. Its publication was stopped immediately in 1906; he then began to publish another monthly journal *Kashmiri Magazine* which afterwards became a weekly.<sup>28</sup> This journal mainly focused on preservation of historical Muslim Shrines. It was critical of states nature of ignorance towards Muslim monuments. In regard the *Pathar Masjid*<sup>29</sup> issue, this magazine was unsatisfied with government, because no initiative had been taken to preserve the *Pathar Masjid*.<sup>30</sup> This magazine was highly critical that Muslim population in majority nearly 95 % while other religious community were in minority equalling to 5%, former were given less preference whereas, latter were

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25 Rai, *Hindu Rulers*, 213

26 *Paisa Akhbar*, Lahore, Sept 11, 1912, Selection from the Native Newspapers published in the Punjab, 764.

27 *Zamindar*, Lahore, October 8, 1912, Selection from the Native Newspapers Published in the Punjab, 850-51.

28 Sabir Afaqi, *Iqbal aur Kashmir* (Lahore), 42-43

29 Pathar Masjid, known locally as Naev Masheed, is a Mughal era stone mosque located in the old city of Srinagar, in the Indian state of Jammu and Kashmir.

30 *Kashmiri Mamagazine*, Lahore, 14 s. Sept 14, .1916, selection from the Indian newspapers pub in the Punjab, p.771.

granted special attention, their congregational places were embellished regularly.<sup>31</sup> It seems from above discussion that Mohammad-uddin Fauq through Kashmiri magazine exposes nature of Dogra State by a comparative analysis. He also published *Tarikat, Nizam, and Rahnuma-i-Kashmir*.<sup>32</sup>

The Punjab patronized newspapers empathically focused on educated class of Muslims, instigated them about their obligatory religious duties that not to forget the repair their religious monuments.<sup>33</sup> Especially, well known newspaper from Lahore, on October, 1912, the *Zamindar* condemned the religious spiritual leaders, prosperous and qualified Muslims for their ignorance towards religious shrines and their irresponsibility as the reason of educational backwardness among Muslim community. It was also made a question to them why they not put forward the grievances of their community in Durbar of Maharaja.<sup>34</sup> It clearly indicates that Punjab press played a vital role to put forward the demand of Muslim Community of Kashmir in the durbar of Maharaja. Likewise, it was daily *Inqilab* which had impressed Shaikh Muhammad Abdullah because of its outward publication of statistical information to reveal the depiction of Kashmiri Muslims in the State service.<sup>35</sup> This newspaper had played crucial role to instigate the educated youth about despotism, state government of Jammu and Kashmir had no other alternative but to put ban on its entry to the State. While expressing the importance of daily *Iqilab*, to assimilating about the political awakening among the masses in Kashmir Shaikh Muhammad Abduulah Writes:

The editors of *Inqilab* published from Lahore, Maulana Mehar and Maulana Salik Plead our case and boosted our morale right

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31 *Ibid.*, 750.

32 *Iqbal aur Kashmir*, 42-43.

33 Rai, *Hindu Rulers*, 200.

34 *Zamindar*, Lahore, October 8, 1912, selections from the Native Newspapers Published in the Punjab, 850-51.

35 Shaikh Muhammad Abdullah, *Atish-i-Chinar* (autobiography), Dehli, 1986, 57.



from the beginning and raised their pen to expose the tyrannies of the imperial regime.<sup>36</sup>

### Views of Different Intellectuals

During the early half of 20<sup>th</sup> century development of press in British India was far ahead as compared to princely Jammu and Kashmir. There were strict restrictions on the publication of press, formation of any association and people were not allowed to assemble because there could apprehensions of the conspiracy against government. It appears that there was no freedom of expression, no value of public opinion, and no means of information. Though a number of steps were taken to start a newspaper but permission was not granted.<sup>37</sup> In this context, it is pertinent to refer to a statement of Abdul Qadir Saroori which he mentions in his book *Kashmir mai Urdu*.<sup>38</sup> *In the initial period of Dogra rulers there was no permission to create platform of press and also its publication. However, in British India newspapers were published persistently.*<sup>39</sup> The curiosity of reading newspapers among Kashmiris were stir up day by day but the problem was that there was no publication of newspapers in the state; some papers were coming from Lahore though a number of requests were sent to Maharaja Ranbir Singh's (1857-1885) durbar but it was futile. At the same time there were rapid political developments going on in the Indian Subcontinent which had their impact on Kashmir. Sufi Muhiddin observes that outside state there was a new world but Kashmir was going down under darkness. So to come out from this darkness, some newspapers coming from outside state played a role of candle. Consequently, the years of stagnant atmosphere started changing and some sort of disorder was created.<sup>40</sup>

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36 Abdullah, *Atish-i-Chinar*, 102.

37 *Jammu Kashmir mai Urdu Sahafat*, 17.

38 Saroori, *Kashmir mai Urdu*, 120.

39 *Aftabaur Srinagar Times, Kashmir Mai Urdu Sahafatkay Sange Meal*, 21.

40 *Jammu Kashmir mai Urdu Sahafat*, 21.

In order to outline the description of socio-economic conditions of Kashmir it is worthwhile to state the views of Sir Albion Banerji, an intellectual observer, who was the Foreign and Political Minister of Maharaja Hari Singh in 1929, resigned from his post. He delivered a speech in press conference at Lahore on March 15, 1929, where he provided the reasons of his resignation. He said:

Jammu and Kashmir State is labouring under many disadvantages, with a large number of Muhammadan population absolutely illiterate, labouring under poverty and very low economic conditions of living in the villages and practically governed like dumb driven cattle. There is no touch between the Government and the people, no suitable opportunity for representing grievances and the administrative machinery itself requires overhauling from top to bottom to bring it up to the modern conditions of efficiency. At present it has little or no sympathy with the people's wants and grievances. There was hardly any public opinion in the state. As regards the press it was practically non-existent with the result that the Government is not benefitted to extent that it should be by the impact of healthy criticism.<sup>41</sup>

Jammu and Kashmir State has geographical linkage with the borders of Punjab. It was because of this that socio-economic and political trends of Punjab had their impact on this Princely State. The credit goes to the newspapers of Punjab for highlighting the grievances people of Kashmir, criticized maladministration, played crucial role to instigate of political consciousness, mobilized public opinion and in turn the voice of Kashmir finally reached the world. Due to these efforts of press, Maharaja had no other alternative but take certain measures for the socio-economic welfare of people. Punjab press also played a crucial role to encourage the freedom fighters and uplift their morality which finally it reached its pinnacle of a well-organized struggle for freedom in Kashmir.<sup>42</sup> It seems that the Punjab press infused among the Kashmiri's the sense of Patriotism; it indicates that there

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41 Prem Nath Bazaz, *The History of Struggle for Freedom in Kashmir*, (Srinagar: Gushan Publishers, 2003), 140-41.

42 Mohd Yousuf Ganie, "Punjab Press and the Kashmir Awakening (1900-1931)". Proceedings of Punjab History Congress, Session. 34, 6.

was educational backwardness among the people of State till the beginning of twentieth century. There were dailies and weeklies which put forward the cause of Kashmir in front of world, few noteworthy among them were the *Kashmiri Gazette*, *Kashmiri Magazine*, *Punja-Faulad*, *Tarikat*, *Rahnuma-i-Kashmir*, *Kashmir*, *Nizam*, *Siyasat*, *Inqilab*, *Mazloom-i-Kashmir*, *Al-Fazal*, *Desh Badh*, *Makhtoob-i-Kashmir*, *Kashmiri Mussalman*, *Milap*, *Pratab*, and *Zamindar*.<sup>43</sup> According to M.K. Gandhi "One of the objects of newspaper is to understand the popular feelings and give expression to it; another is to arouse among the people certain desirable sentiments; the third is fearlessly to expose popular defects."<sup>44</sup>

### **How Press Portrayed Event of July 13 1931**

July 13, 1931, is deemed historical importance in the national movement of Kashmir it is celebrated Day of Martyrs even of today. On this day, twenty two civilian were killed in front Central Jail, Srinagar, where they had assembled to show their solidarity with Abdul Qadir.<sup>45</sup> He had raised voice against Dogra Rule at *Khankah-i-Moula*,<sup>46</sup> where a meeting was held by the Youngmen Muslim Association<sup>47</sup>. In his speech, he inculcated message among Kashmiri's that how Kashmiri's were suffering under Dogra regime. His Speech was treated as seditious and he was arrested and sent to Central Jail, Srinagar. On this day, people assembled in order to know Court decision about Abdul Qadir, but forces ordered them to leave this place, they refused to do so, and forces started firing on them in

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43 *Iqbal aur Kashmir*, 38-43.

44 M.K. Gandhi, *Hind Swaraj* (Ahamabad: Navajivan Publishing House, 1909), 13.

45 Saima Bhat, *The Hero of 13th July, 1931*, (Srinagar: The Kashmir Walla, 2011), 1.

46 It was the shrine of Mir Saiyid Ali Hamdani of the Kubrawiya Silsilah of Sufis, also known as Amir-i-Kabir, who is credited with having first brought Islam to Kashmir in the 14th century. The shrine and the mosque attached to it were held in great reverence among Kashmiris.

47 Bhat *The Hero of 13th July, 1931*, 1.

which twenty two civilian were killed. This unbearable news reached the Punjab on the 16<sup>th</sup> and 17<sup>th</sup> morning, press made this event as the headline in most newspapers which were published from Punjab. Thousands of telegrams nearly 7000 to 8000 were sent to the Maharaja to address the grievances of people and Viceroy had given direction to take immediate steps to investigate the matter.<sup>48</sup> People all over India, on the occasion of this event showed harmony and sympathy with the civilians of Kashmir. There made protest and meetings held in support of Kashmir in the important cities and villages of India and they demanded the British displace Maharaja Hari Singh and take State administration under its direct control. At this time not only the Punjab press regretted but prominent leaders of India also condemned these civilian killings.<sup>49</sup>

After this event, the Muslim press from Lahore began an enthusiastic campaign against Dogra Rule. "Newspapers containing articles written in the words of fire were published and by thousands into the State."<sup>50</sup> The news of 1931, incident came into notice of the people of the world. In order to substantiate the point it is applicable to refer to statement of Shaikh Muhammad Abdullah.

It was during these days that we started to acquaint the world with the conditions of the Kashmiri's in general and those of the Muslims in particular. We dispatched our articles to Urdu organs of Lahore and thus for the first time brought the dark side of the conditions of Kashmir in the notice of the outside world.<sup>51</sup>

It is here necessary to make it clear that it was not only Muslim press which had thrown light on the grievances of people but Hindu press equally cooperated them. This is substantiated by the fact that, in 1925 a newspaper "*Akhbar-i-Aam*" from Lahore dispatched article "*unemployment in Kashmir*". The author of this article was Gwash Lal Koul who

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48 "Punjab Press and the Kashmir Awakening (1900-1931)", 5.

49 *Inqilab*, Lahore, August 12 and 23 1931.

50 *The History of Struggle for Freedom in Kashmir*, 151.

51 *Atish-i-Chinar*, 57.

was influenced by the student community in China, who had raised revolt against oppression in China. Through this article a message was inculcated to the Kashmiri youth to raise voice against the exploitative and oppressive nature of the government. Gwash Lal Koul appealed to the educated masses to solve the problems of unemployment, peacefully, honorably and legitimately by organizing themselves into an association.<sup>52</sup> Above mentioned outline on the contribution of Punjab press, clearly justifies that there were restrictions on the publication of newspapers in Jammu and Kashmir. These were the Kashmiri immigrants who had not forgotten their emotional attachment to their homeland. They had started publication of Urdu Press which brought the political consciousness among Kashmiri's.

### **Beginning of Indigenous Press**

During the tenure of Maharaja Ranbir Singh (1857-1885), there was inception of indigenous press in Jammu and Kashmir. He had given permission to the publication of a weekly to Dogri, *Bidyā Bilas*, from Jammu in 1867 and its editor was Pandith Gopi Nath Garto.<sup>53</sup> During the period of Maharaja Ranbir Singh some magazines in Urdu, Hindi and Dogri were available but these could not continue. The press was discouraged at every level by the state administration. After persistent refusal of a Dogra young man, Lala Mulk Raj Saraf was given a permission to start a weekly (*the Ranbir*) from Jammu in June 1924, published in Urdu.<sup>54</sup> The *Ranbir* was most moderate in its views. But its moderation did not help it when in May 1930 it published in its special edition regarding Gandhian arrest. All this indeed was seen as seditious and disloyal. The publication of the *Ranbir* was

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52 Ravinderjit Kaur, *Political Awakening in Kashmir* (New Delhi), 1996, 35.

53 *Aftabaur Srinagar times, Kashmir Mai Urdu Sahafatkay Sange Meal*, 32.

54 Lala Mulk Raj Saraf, *Fifty Years as Journalist*, (New Delhi: Digital publications, 1990), .33.

ordered to be stopped immediately. However, it restarted in 1931.<sup>55</sup>

According to various references, journalism got off to its start as back as in 1930's when a popular "Glancy Commission" (1931-32) under Mr.B.J. Glancy was started in order to redress the grievances of Muslims. It was only after the recommendations of this commission that freedom of press, formation of associations, debates, meetings, and discussions were initiated at different places in Kashmir. It seems that a new era in the history of Kashmir began. We have an example of the formation of All Jammu and Kashmir Muslim Conference in October, 1932 under presidentship of Shaikh Muhammad Abdullah and Chaudary Ghulam Abbas its secretary. There was sudden growth of publication of newspapers after the formation of this party. The educated community of Srinagar was highly influenced by the newspapers started after the formation of this first political association.<sup>56</sup>After realizing the revolutionary spirit among young educated youth, Hari Singh felt that he would no more impose ban on newspapers, therefore, he brought forth Press and Publication Act in April 1932, in order to facilitate the publication of newspapers in his own territories. It became easy to publish more newspapers from both Srinagar and Jammu after this act and provisions for the security of the printing press were also modified.

### **Conclusion**

To summarize the above mentioned account, we can say that during the early decades of the twentieth century Punjab press had played a significant role to instigate the political awakening in the State Jammu and Kashmir. Although, there was limited freedom to press under Dogra regime but credit goes to newspaper editors prominently Muhammad Din Fauq, Jan Mohammad Ganie, LalaMulk Raj Saraf, Zafar Ali Khan, Mehboob Alam etc who were real patriots and played

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55 Prem Nath Bazaz, *Inside Kashmir*, (Srinagar: Gulshan Publishers, 1941), 353.

56 *Aftabaur Srinagar Times, Kashmkir Mai Urdu Sahafatkay Sange Meal*, 40.

a crucial role to create a platform for press. The Hindu-Muslim newspaper editors had showed an outward responsibility to expose the maladministration and in contrast they desired good, honest, efficient administration. Though some newspapers had revealed an agnostic role in perspective of Maharajas dethrone but overall the Punjab owned press had played a significant role to penetrate nationalism among Kashmiris. These newspapers were real example of fraternity, mutual cooperation, and mark of unity. It appears that the freedom movement of Jammu and Kashmir which was already belated would have been holding up future, if freedom fighters of Kashmir had not received encouragement from outside and indigenous press.

## **India, Pakistan and the Functioning of Propaganda Machinery over Kashmir from 1947- 58: A Comparative Study**

**Safeer Ahmad Bhat\***

### **ABSTRACT**

*With the tumultuous years of partition and the controversial accession of Jammu and Kashmir to the Indian Union, a new arena of politics emerged in South Asia. The Kashmir Crisis engaged India and Pakistan in a war that did not remain confined to the military, and continued to be fought ideologically even after the truce agreement was signed. With the internationalization of Kashmir Issue, each country mobilized enormous resources to enable the propaganda machinery to function on a war basis and lay claims and counter-claims on Kashmir. Pakistan based its claim on Kashmir by popularizing that Kashmir had geographical, economic and religious affinity with Pakistan and that the latter's existence was incomplete without Kashmir. Initially India had an edge over Pakistan as the most popular political party of Kashmir, All Jammu and Kashmir National Conference was supporting India's claims. India funded the Publicity Wing of Kashmir which day in and out targeted Pakistan and eulogized India. If any article on Kashmir appeared in the international press, it was reprinted or*

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*ceased depending on which country it supported. Special instructions were given to ambassadors on what line to adopt on Kashmir. Books, Pamphlets and articles were distributed to influence the masses to accept a particular view point while demonizing the 'other'. There was a blanket ban on the entry of Pakistani Newspapers in Kashmir. Anyone who was accused of listening to Azad Kashmir or Pakistan Radio was booked under the Enemy Agents Ordinance. In this paper an attempt will be made to understand the functioning of the propaganda machinery of India and Pakistan vis-à-vis Kashmir and make a comparative study thereof. How the Azad Kashmir and Indian Controlled Kashmir press contributed to the charging of atmosphere will be studied.*

### **Introduction**

Richard Alan Nelson defines propaganda as a

Systematic form of purposeful persuasion that attempts to influence the emotions, attitudes, opinions, and actions of specified target audiences for ideological, political or commercial purposes through the controlled transmission of one-sided messages (which may or may not be factual) via mass and direct media channels. A propaganda organization employs propagandists who engage in propagandism — the applied creation and distribution of such forms of persuasion.<sup>1</sup>

Propaganda has been used as one of the most important tools to guard the strategic interests of the nations. Primarily used during the contest between the Roman Catholic and Protestant Churches to influence religious beliefs and opinions, from early 20<sup>th</sup> century it has been used more often in political context, to support or justify political actions or ideologies. In propaganda facts are distorted and appeal is made to the emotions. Every attempt is made to dehumanize the 'Other' and create hatred towards it. The propaganda machinery was first successfully utilised in Nazi Germany where it permeated every aspect of German life and every form of media geared towards glorifying National Socialist

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1 Richard Alan Nelson, *A Chronology and Glossary of Propaganda in the United States* (London: Greenwood Press, 1996), 232–33.

ideals. Propaganda is usually carried out through, government reports, books, leaflets, news reports, historical revision, radio, television, and posters.

### Central Theme of the Paper

The propaganda machineries of India and Pakistan over Kashmir started functioning once the partition of the Indian Subcontinent was announced<sup>2</sup> with each country anxious to prevail upon the Maharaja Hari Singh<sup>3</sup> to accede to their respective Dominions. However, utmost secrecy was maintained with regard to their negotiations with the Maharaja. India had a seeming edge over Pakistan in that Congress and its leaders, particularly Jawaharlal Nehru had maintained close ties with the political leadership of Kashmir.<sup>4</sup> One of the decisive factors was the Nehru's support to Quit Kashmir Movement,<sup>5</sup> although many Congress leaders and Hindu press criticized the movement in vehement terms.<sup>6</sup> Nehru immediately rushed to Kashmir but was detained by the Maharaja's govt.<sup>7</sup> This action endeared Nehru to Kashmiris and quite often Sheikh Mohammad Abdullah mentioned his debt to Nehru on supporting him and his people.<sup>8</sup> On the other hand, Muhammad Ali Jinnah called the movement as 'foreign-inspired'<sup>9</sup> and advised Muslim Conference to keep aloof from

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2 Under the Mountbatten Plan of June 3, 1947 India was to be divided into two Dominions of India and Pakistan. For details see Dominique Lapierre and Larry Collins, *Freedom at Midnight* (Noida: Vikas Publishing House, 1990).

3 The last Maharaja of the Dogra Dynasty

4 Sheikh Mohammad Abdullah, *The Flames of Chinar*, Abridged, trans. and intro. Khushwant Singh (New Delhi: Penguin India, 1993), 49-82.

5 Sheikh Abdullah declared Treaty of Amritsar a "sale deed" and asked Maharaja to Quit Kashmir. For details see M. Y. Saraf, *Kashmiris Fight for Freedom*, Vol. 1 (1819-1946)(Lahore: Feroz Sons, 2005), 672-82.

6 Satish Vashishth, *Sheikh Abdullah then and Now* (Delhi: Maulik Sahitya Prakashan, 1968), 40.

7 Abdullah, *Flames of Chinar*, 80.

8 *Hindustan Times*, August 30, 1951, February 13, 1951, *Hitvada*, Nagpur, January 24, 1948, *National Herald*, June 17, 1948.

9 Abdullah, *Flames of Chinar*, 82.

it. This was Jinnah's tactical blunder as the common Kashmiri Muslims failed to understand why a movement aimed at breaking their chains of slavery was opposed by the person who claimed to be representing the interests of the Muslims. Both India and Sheikh could advertise Jinnah's stance as an anti-Kashmiri ploy. Sheikh consistently spoke that, 'Mr. Jinnah vehemently opposed us. How can Muslim League turn around and say that they are the champions of the people of Kashmir'.<sup>10</sup> National Conference popularized the notion that Jinnah's Pakistan was a country of '*Tonga Walas* (Cart drivers) and *Khar Pathans* (Mindless tribals)'.<sup>11</sup> Nehru used Sheikh's support to the full, calling him as the only true representative of people of Kashmir,<sup>12</sup> though this claim can be questioned since Sheikh never faced a ballot test.<sup>13</sup>

While Congress took an active interest in Kashmir affairs, and began to seriously consider, Kashmir in August 1947,<sup>14</sup> the Muslim League did not devote much time and energy to Kashmir. One possible reason could be that they thought that keeping in view the demographic composition of the state,<sup>15</sup> apparently, Kashmir seemed a natural part of Pakistan. In fact, the word Pakistan itself being an acrostic in

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10 *Hitvada*, Nagpur, January 24, 1948.

11 Abdul Ahad, "Kashmir amid Propaganda", *Greater Kashmir*, May 7, 2015.

12 Nehru's Note to Mountbatten on June 17, 1947, Alastair Lamb, *Kashmir a Disputed Legacy: 1846-1990*(Hertfordshire: Roxford Books, 1991), 108-109.

13 Commenting on National Conference winning all seats unopposed in the Constituent Assembly Elections of 1951, S. P. Sahni wrote to Times of India that NC had been robbed of the opportunity to assess almost accurate percentage of their following and measure of success attending the grant of voting rights to all. *Ministry of States*, 8(25)-K/51, National Archives of India (Henceforth NAI).

14 Christopher Snedden, *The Untold Story Of The People Of Azad Kashmir*(London: Hurst and Co., 2012), 27.

15 Jammu and Kashmir had 77% Muslims, 20% Hindus and 3% others. R. G. Wreford (ed.), *Census of India 1941*, Vol. XXII, *Jammu & Kashmir State*, Pt III, *Village Tables* (Srinagar: Jammu and Kashmir Government, 1942).

which K stands for Kashmir.<sup>16</sup> Jinnah had said that Kashmir will fall into his lap like a ripened fruit<sup>17</sup>. Muslim League vacillated in its stand on Kashmir, first advising MC to support independence of the state and then accession to Pakistan. India was however successful in moulding the attitude of Maharaja, through the 'political launch' of Mahatma Gandhi who, though, had declared his journey to Kashmir to be apolitical but the timing of his visit, his meeting with Sardar Patel, Lord Mountbatten and Nehru prior to his departure and the sequence of events which followed his arrival in Kashmir clearly lay bare the political motives of his visit,<sup>18</sup> and persuaded him to refrain from declaring independence.<sup>19</sup> R.C. Kak was replaced first by Janak Singh and then by M.C. Mahajan as Prime Minister who had worked as Hindu member of Radcliffe Commission and was a staunch Arya Samajist. He adopted a harsh attitude towards Pakistan and a conciliatory tone towards India, signalling what laid in the future.

Meanwhile an uprising was going on in the Poonch Jagir<sup>20</sup> against the harsh taxation policy and repressive tactics of Maharaja.<sup>21</sup> It was this revolt which ultimately paved the way for the tribal incursion into the valley as the Poonch Muslims had historical, geographical, economic and religious links with NWFP Muslims.<sup>22</sup> The success of the Indian Propaganda machinery as compared to Pakistan lies in the

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16 Christopher Snedden, *Understanding Kashmir and Kashmiris* (London: Hurst and Co., 2015), PDF version, 104.

17 Chaudhry Muhammad Ali, *The Emergence of Pakistan* (New York: Columbia University Press, 1968), 297.

18 Sanaullah Bhat, *Kashmir in Flames: An Untold Story of Kashmir's Political Affairs* (Srinagar: Ali Mohammad and Sons, 1981), 17-8.

19 Under the influence of Swami Sant Dev and R. C. Kak (Maharaja's Prime Minister), he was dreaming of making Kashmir 'Switzerland of the East'. Karan Singh, *Heir Apparent* (Delhi: Oxford University Press, 1982), 37-38.

20 Given by Maharaja Ranjit Singh to Dhian Singh in 1820. For further details see Alastair Lamb, *Birth of a Tragedy: Kashmir 1947*, (Hertingfordbury: Roxford Books, 1994), 54-60.

21 *Statesman*, Calcutta, February 4, 1948.

22 Snedden, *Understanding Kashmir and Kashmiris*, 29.

fact that Indian narratives have consistently claimed that the Tribal invasion of the state was the dominant factor behind the accession of state to India and that all violence emanated after that. Pakistan has not been successful in refuting the claim by highlighting the Poonch uprising, started by the state-subjects<sup>23</sup> themselves and having indigenous roots well before the tribals entered into the state. This is quite significant as it shows that the Kashmir Dispute was instigated not by the tribals but by the people of J & K.

The post-Accession period is significant in that both India (includes part of Jammu and Kashmir under its control) and Pakistan (includes the part controlled by it and called as Azad Kashmir) used the state machinery to launch a comprehensive propaganda aimed at securing the respective national interests and influencing the public opinion, both local and international. The propaganda was carried by using every possible means- radio, press, pamphlets and speeches, government reports and posters. The controversial accession of Jammu and Kashmir with India on October 26 & 27, 1947<sup>24</sup> led to a series of claims and counter-claims by both India and Pakistan. India accused Pakistan of launching a proxy war on Kashmir. It also launched a vitriolic criticism of the tribals, dehumanizing and demonizing them. The focus was on the savagery of the tribals-burning, raping and killing whosoever came in their way,<sup>25</sup> even not sparing the Muslims who they had allegedly come to liberate. Eyewitness accounts of the Tribal atrocities, particularly the assault on women were published in newspapers.<sup>26</sup> The main purpose behind this narration

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23 For details on state subject status see Manzoor Fazili, *Kashmir Government and Politics* (Srinagar: Gulshan Publishers, 1982), 131–33.

24 The date of accession has given rise to a controversy. Lamb claims that Maharaja signed the Accession document on October 27, 'after' the Indian troops had landed in Kashmir and not on 26th as claimed in the official version, see Lamb, *Kashmir a Disputed Legacy, 1846-1990*, 134-37.

25 *Hindustan Times*, October 26, 1947. Also see *Defending Kashmir*, Issued by Ministry of Information and Broadcasting.

26 *Khalid*, Srinagar, May 4, 1948.

was to impress upon the Kashmiris the beneficence of India whose timely intervention saved them from the tribal rapaciousness and show the world that only after the tribals created havoc did India intervene. The 'undisciplined motley' image served another purpose: it was to create a barbarian image of tribals in the minds of Kashmiri people who had come in significant numbers to welcome them. Meetings were held in various remote parts of the state wherein the people were told about the Tribal aggression and how the National Conference, with Indian help was successful in thwarting their attempt to invade Kashmir by force.<sup>27</sup> The tribal invasion received much attention in Indian and Foreign newspapers, partly because a significant number of foreigners were holidaying in Kashmir<sup>28</sup> and because of the assault on St. Joseph's Covent at Baramulla.<sup>29</sup> Notwithstanding the attention given to the Tribal invasion, the massacre of thousands of Muslims in Jammu, in which Dogra troops participated and was directly encouraged by Mahajan,<sup>30</sup> and the Poonch uprising have largely been ignored both in contemporary as well as later accounts. Pakistan failed to highlight this issue and let it sink into oblivion. It was only in 1950 that Sir Zafarullah Khan talked about the Jammu Massacre<sup>31</sup> but still failed to mobilize the public opinion. The Indian narrative was strengthened by the fact that the people of Kashmir under the leadership of Sheikh Abdullah had risen to defend Srinagar against the tribal assault. A volunteer force, called Home Guards numbering 10,000 was raised, armed with all sorts of weapons, lathis, guns and swords. It also included women (Women Defense Corps) and children. Slogans were

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27 People in many remote areas denied any knowledge of Tribals but were motivated by the National Conference workers, *Miscellaneous Intelligence Reports for 1947 and 1948*, Srinagar State Archives.

28 Some put the number between 200 and 450, Lamb, *Birth of a Tragedy*, 89.

29 A detailed account is given in Andrew Whitehead, *A Mission in Kashmir* (New Delhi: Viking, 2007), 80-96.

30 For a detailed account of the state complicity in Jammu massacre see Ved Bhasin's eye-witness account in *Kashmir Life*, November 17, 2015.

31 Ahad", Kashmir Amid Propaganda".

shouted and written in a number of places: *Hamlawar Khabardar, Hum Kashmiri hain Tayyar* (Oinvader! beware! we Kashmiris are ready to face you) and *Yeh Mulk Hamara hai is ki Hukumat Hum karenge*<sup>32</sup> (This is our land and only we will rule it). National Conference arranged a grand welcome to the Indian Army and was successful in projecting them as 'Toiran Ababeel'.<sup>33</sup> This was despite the fact that the Indian Army, on the very first day of its arrival on October 27, had killed several innocent Kashmiris near the airfield.<sup>34</sup> Even Sheikh was aware of this massacre in which more than 10 persons were killed, but he makes no reference in his autobiography. Pakistan's reaction to the accession of J & K was spontaneous and panicky. Jinnah called the accession as illegal and based on 'fraud and violence'<sup>35</sup> and called upon his Commander-in-Chief to send regular army to Kashmir, but was persuaded to withdraw the orders. The failure of the Pakistan propaganda was that they paid little attention to the tribal brutalities and did not accept any role of government of Pakistan in it.<sup>36</sup> When forced to accept their hand in the invasion, they failed to contextualize and legitimize the violence,<sup>37</sup> by, for example, toeing the Bazaz's line who wrote that the motives of the tribals should be considered. They wanted to free Kashmir from the tyranny of Maharaja and nationalist renegades "and we should not

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32 *Through Blood, Sweat and Tears: An Account of the Activities of the Emergence Administration from October 31, 1947 to March 5, 1948*, 1-5, Acc. No. 641/G/ACC, Srinagar State Archives.

33 'Flights of Birds'. When Abraha came to attack on Makkah, Allah sent these birds who flung stones at Abraha's army and destroyed it, *Al-Quran, Chapter 105, Verse 3*, tr. by Abdullah Yusuf Ali, p. 463, Ahad, "Kashmir Amid Propaganda".

34 Bilal Handoo, "1947: First Blood", *Kashmir Life*, November 2, 2015

35 Patel's Correspondence, Vol.1 Doc. 72, 71-81, cited in Lamb, *Birth of a Tragedy*, 135.

36 Radio broadcast of Liaqat Ali Khan on November 4, 1947, cited in V. P. Menon, *The Story of the Integration of the Indian States* (London: Longman's, Green, 1956), 406.

37 Legitimation of violence is one of the important features of a successful propaganda. See Sukla Sanyal, "Legitimizing Violence: Seditious Propaganda and Revolutionary Pamphlets in Bengal, 1908-1918", *The Journal of Asian Studies*, 67, No. 3 (August 2008), 759-87.

forget that some members of the Indian Army did no less of looting and molesting”<sup>38</sup> which could have won them support in the Valley. Even Ian Stephens wrote that the St. Joseph’s episode ‘had been blown out of proportion by Indian propaganda aimed at countries of the Christian West’.<sup>39</sup>

Immediately after the formation of Emergency Government under Sheikh Abdullah, a National Cultural Front was organized. It launched a powerful propaganda drive by composing militant songs, plays, articles, news bulletins, cartoons and battle scenes to counteract the ‘enemy’ propaganda and raise the morale of the people. Even pamphlets were dropped on Azad Kashmir territories from the aeroplanes.<sup>40</sup> The Publicity policy was aimed at making Kashmiris realize true nature of the autocratic and dictatorial regime in Pakistan, the distinct cultural identity of Kashmir, highlighting Pakhtoon Movement and publishing favourable foreign press comments. Books, pamphlets and articles considered ‘seditious’ were censored.<sup>41</sup>

The propaganda machinery of Pakistan went on in two phases, though these are not monolithic. In the first phase which continued up to August 9, 1953, the main focus was on keeping the Kashmir Issue alive by highlighting that Accession was based on fraud and violence. The purpose was to delegitimize Indian rule over Kashmir by arguing that Kashmir had geographical, economic, cultural and ethnic ties with Pakistan. Most importantly, 77% of the population of Kashmir was Muslim and by terms of the Partition Plan, it had to accede to Pakistan. It was held that Pakistan’s existence was incomplete without Kashmir.<sup>42</sup> When India took the Kashmir Issue to the UNO, Pakistan’s case was

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38 Prem Nath Bazaz, *Azad Kashmir: A Democratic Socialist Conception* (Srinagar: Gulshan Books, 2005), 26.

39 Victoria Schofield, *Kashmir in Conflict: India, Pakistan and the Unending War* (London: I. B. Tauris, 2003), 60.

40 *Through Blood, Sweat and Tears*, 36-37.

41 *Ministry of Information and Broadcasting*, 20/1/64-KP, NAI.

42 *Molana Syeed Masoodi’s Speech in the Indian Parliament*, August 11, 1951.



based on these propositions and was able to influence international opinion in its favour. India was perturbed by the support Pakistan received and the Government was criticized for taking Kashmir Issue to the Security Council.<sup>43</sup> In order to influence upon the people of Kashmir to vote in favour of Pakistan in any future plebiscite, Urdu pamphlets were published in question- answer form. The questions ranged from identical Islamic and Muslim identity to socio-economic, cultural and political aspects like 'which is the biggest Muslim state in the world, who will liberate Kashmiris from undemocratic administration, who supports Kashmiris right to self-determination, who will improve the social, economic and cultural state of Kashmiris, in view of the above who rightfully deserves your vote'? The answer to all these questions was Pakistan and therefore it was the sacred duty of every Kashmiri to strengthen Pakistan.<sup>44</sup> Pakistani press launched a vitriolic criticism on India, calling it anti-Muslim and anti-Islam. It focused on the activities of the communal organisations like Bhartiya Jan Sangh, Rashtriya Swayam Sevak Sangh and the plight of minorities and put forward the view that Kashmiri Muslims can never live peacefully in India. The entire discourse was couched in religious terms as it directly appealed to the emotions of the people. Sheikh Abdullah, who had supported accession of the state to India, was specially targeted in Pakistan press. He was called as the enemy of the Muslims and the main hurdle in the state's accession to Pakistan. After United Nations called for holding a plebiscite in the state after fulfilling certain conditions,<sup>45</sup> the main stress of Pakistan was on the holding of plebiscite while India vacillated.<sup>46</sup> Khan Abdul Qayoom Khan in a Radio Pakistan programme on November 28, 1949 criticized India for delaying Plebiscite as

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43 Mullik, *My Years with Nehru*, 3.

44 *Information Department*, S5/924/49, Srinagar State Archives.

45 *Security Council Official Records*, Resolution 47, 21 April 1948, Doc S/726.

46 For a detailed account of the politics played on Plebiscite see Joseph Korb, *Danger in Kashmir* (New Jersey: Princeton University Press, 1954), 118-65.

it was aware of the outcome and 'in next 4 or 5 years they will so suppress the Muslims of Kashmir that they will not be able to say anything'. This was published in almost all the leading dailies of Pakistan and aired in Urdu and Kashmiri on Azad Kashmir Radio.<sup>47</sup> During this period Kashmir was widely discussed in International Press and one of the tactics used by Pakistan to influence the public opinion in Kashmir and abroad was to publish the news items appearing in international press and favourable to Pakistan in local newspapers. Joseph Korb, member of the United Nations Commission for India and Pakistan wrote an article in a New York Magazine, *New Leader* on November 12, 1951 in which he mentioned how Kashmiri Muslims would come to him and his colleagues and beg them to liberate Kashmir from Indian rule. He charged Nehru with 'refusing to accept the policy of the UN'.<sup>48</sup> India was anxious that this article should not get publicity, but after a few days it was published by most of the Pakistan English dailies.<sup>49</sup> Prem Nath Bazaz who stood for the merger of Kashmir with Pakistan wrote a number of articles and pamphlets criticizing Sheikh Abdullah and India. These were published by Pakistani newspapers<sup>50</sup> in such consistent manner that he was accused of being an agent of Pakistan.<sup>51</sup> Pakistan also actively used Azad Kashmir in its propaganda against the Sheikh Abdullah Government. Newspapers from Azad Kashmir like *Awaz-e-Haq*, *Hamari Awaz*, *Hamara Kashmir*, *Tanzeem* etc. published news and columns on Kashmir with a twist and hyperbole, trying to charge the emotions of the people against India, while

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47 *Ministry of States*, 8(26)- K/49, NAI.

48 Joseph Korb, "Nehru, the UN and Kashmir", *New Leader*, Nov 12, 1951, accessed May 20, 2016, [http://search.opinionarchives.com/TNL\\_Web/digitalarchive.aspx](http://search.opinionarchives.com/TNL_Web/digitalarchive.aspx).

49 *Foreign Press Reports*, Ministry of Information and Broadcasting, 5/1/51-KP, NAI.

50 *Dawn*, August 11, 1950.

51 *Press Reports on Kashmir*, Ministry of Information and Broadcasting, 11/5/50-KP, NAI.

happily forgetting about the internal problems of Azad Kashmir and Pakistan.<sup>52</sup>

The second phase of the Pakistan propaganda machinery began after the dismissal and arrest of Sheikh Abdullah on August 9, 1953. The change in the Pakistan narrative had actually begun after Sheikh's Ranbir Singh Pura speech on April 10, 1952 in which he questioned the finality of accession with India and criticized the application of Indian constitution to Jammu and Kashmir as "unrealistic, childish and savouring of lunacy".<sup>53</sup> Pakistani newspapers published his speech and accelerated their propaganda. From a villain, Sheikh overnight became a hero in Pakistan. His dismissal was interpreted as a betrayal by 'Hindu' Nehru and was used to impress the people of Kashmir that if India betrayed its most trusted leader, what was the guarantee that Kashmiri 'Muslims' would remain safe in India.<sup>54</sup> Protests were held in almost all parts of Pakistan in support of Sheikh Abdullah. *Pakistan Zindabad* and *Sher-i-Kashmir Zindabad* slogans were popularized and Sheikh Abdullah was praised for his valour, determination and self-sacrifice. When Mirza Afzal Beg formed the Plebiscite Front in 1955 to press for the demand of holding a plebiscite in Kashmir and to recognize the right to self-determination of the people of Kashmir, Pakistan openly supported him. An extensive campaign was launched to press for the release of Sheikh Abdullah. An Indian report mentions that on an average 6 to 10 columns were exclusively devoted in Pakistan Press for anti-India propaganda.<sup>55</sup> This propaganda had a very huge impact on the people of Kashmir. Pro-Pakistan politics took roots in the state and a large number of people were politicized. It was the period when pro-Pakistan sentiments were expressed openly without getting arrested. *Imams* and *Khateeb*s used

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52 For details on Azad Kashmir newspapers see Abdul Qayoom Durrani, *Sahafat-i-Kashmir*, (Lahore: Izhar Sons, 2004), 33-38.

53 Lamb, *Kashmir a Disputed Legacy*, 213.

54 *Press Reports on Kashmir*, Ministry of Information and Broadcasting, 309/IV/9/1/59-KP, NAI.

55 *Ministry of Information and Broadcasting*, 20/1/64-KP, NAI.

to criticize India and Bakshi and praise Pakistan and Sheikh Abdullah from the pulpits of the mosques. Even Green Crescent flags were carried openly in rallies. The state finally launched a crackdown on pro-Pakistan politicians by implicating them in the Kashmir Conspiracy Case.<sup>56</sup>

The very basis of Pakistan's arguments on the basis of which it claimed Kashmir were subjected to a strict scrutiny, many a times evoking the realm of religion. Molana Syeed Masoodi, General Secretary of the National Conference in a speech at Karnah criticized those who called the Tribals as '*Mujahids*'. Citing Quran and Hadith, he said that the terror Tribals unleashed at Baramullah was anarchy and not *Jihad*.<sup>57</sup>In a government publication, Pakistan's Demand is criticized as an 'emotional slogan'. Pakistan is criticized for enforcing an economic blockade on the 'Muslims' of Kashmir in 1947, India's benevolence is acknowledged and the unity of ideals between India and Kashmir is stressed. Pakistan's contention that Kashmir had geographical contiguity with Pakistan is sarcastically put to rest by saying that East Bengal was contiguous to India and thousands of miles separated from Pakistan, then why it did not become part of India. The contention that Pakistan is a Muslim country and by virtue of its demographic composition, Kashmir should merge with Pakistan is put aside by evoking the Universal Ideals of Islam, arguing that Islam does not believe in national boundaries. A large number of Sufis, Saints and Ulema left their native countries to settle elsewhere. Furthermore, more than 40 Million Muslims reside in India itself is the guarantee for the security of Kashmiri Muslims and therefore there is no need to merge with Pakistan.<sup>58</sup> Attempts were made to appeal to the emotions of the people by, for example, trying to evoke the Muslim Cultural heritage of India for political purposes. It was propagated that Qutb

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56 For details on Kashmir Conspiracy Case see B. N. Mullik, *My Years with Nehru: Kashmir*, (New Delhi: Allied Publishers, 1971), 64-106.

57 *Khalid*, Srinagar, June 26, 1948.

58 *Hind aur Kashmir Naqabli Taqseem hain*, Information and Broadcasting Department, 1949, 4-9, Acc. No. 518/G/ACC, Srinagar State Archives.

Minar, Humayun's Tomb, Taj Mahal, Jamia Masjid, Red Fort, and 'Muslim' cities like Delhi, Agra and Ahmedabad were located in India, not Pakistan.<sup>59</sup> In the life of a common Kashmiri Muslim, Sufis, saints and shrines played a very vital role, thronging these places in happiness and sorrow.<sup>60</sup> The propaganda was directed to exploit this aspect also by arguing that the tombs of Nizam-ud-din Auliya and Khwaja Moin-ud-Din Ajmeri, Dar-ul-Uloom Deoband, Nadwatul Ulama and the prestigious Aligarh Muslim University all are located in India.<sup>61</sup> What was implied was that the Muslims of Kashmir should not get carried away by the 'Muslim-ness' of Pakistan and should rather prefer India which has more aspects of Islamic identity than Pakistan.

Sheikh Abdullah in most of his speeches discussed the Kashmir Question and launched a scathing criticism on Pakistan. He questioned the very foundation of Pakistan as based on hate and the clash of its ideology with National Conference forced it to sponsor tribal invasion of Kashmir.<sup>62</sup> Time and again he told people that the sweeping agrarian reforms which have transformed the lives of the peasants would not have been possible in Pakistan which was dominated by feudal and reactionary elements. Molana Syeed Masoodi called Pakistan a 'failed state' and criticized it for not being successful in framing a constitution. Its reservations about the elections to the Kashmir Constituent Assembly were termed as its frustration.<sup>63</sup> It was alleged that Pakistan was being used, through Kashmir, by the Anglo-American nexus to further its interests in the Indian Subcontinent. Since Pakistan was fighting against the demand of an independent *Pakhtoonistan* by Khan Abdul

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59 *Dawat-e-Fikr: Ek Dard-e-Dil Rakhne Wale Musalman Ke Qalam se*, 6, 459/G/ACC, Srinagar State Archives.

60 Walter Lawrence, *Valley of Kashmir* (Srinagar: Ali Mohammad and sons, 2011, Reprint), 286-99.

61 *Dawat-e-Fikr*, 6-9.

62 *Text of Speech of Sheikh Abdullah on the 2nd Anniversary of Radio Kashmir*, July 1, 1950, Acc. No. 697/G/ACC, Srinagar State Archives.

63 *Masoodi's Speech*, August 11, 1951.

Ghaffar Khan, newspapers in Kashmir carried detailed news of the movement, accused Pakistan of 'fascism' and assured Khan of full support of the Kashmiri people.<sup>64</sup> The objective was to demonise Pakistan and impress upon the people of Kashmir that they will meet the same fate as Pakhtoons if they supported Pakistan. The extent to which the Government tried to nourish hatred against Pakistan in the minds of the common Kashmiris can be gauged from the fact that Naya Kashmir posters were pasted in schools, depicting ugly men with the caption, *Yeh Pakistani Jasooshain* (These are Pakistani spies).<sup>65</sup>

Since Pakistan's stance on Kashmir was supported by almost all the major world powers, it received favourable comments in the international press while India was criticized. India did not like its position on Kashmir or its vacillation on the issue of plebiscite be questioned by foreign correspondents. It, therefore, advised Bakshi Ghulam Muhammad (Deputy Prime Minister of Jammu and Kashmir) to meet these journalists and establish friendly relations with them so that they do not write unfavourable comments on India. It was further advised that trained National Conference workers should be positioned in the outlying villages likely to be visited by foreign correspondents.<sup>66</sup> The purpose was that International opinion should adopt a friendly tone towards India on Kashmir Issue which would have served two purposes. First, with favourable international opinion India could present its view point in the United Nations with confidence and make Pakistan's case weaker. Second, by publishing favourable international opinion in the local press, it could be used to influence the common Kashmiris who always have had a high opinion of the foreigners. Indian government also utilized the services of the Indian Muslims

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64 *Resolution of the Kashmir Labours' Union, Khalid, Srinagar, November 27, 1950.*

65 Gulzar Mufti, *Kashmir in Sickness and in Health* (New Delhi: Patridge India, 2013), 193.

66 *Foreign Press Reports, Ministry of Information and Broadcasting, 5/1/51-KP, NAI.*

to influence the opinion of Kashmiri Muslims in two ways. First, the articles and speeches of the prominent Indian Muslims in which they vindicated the stand of the Government of India on Kashmir and appeared mainly in the Urdu Press were given wide publicity. These articles and speeches followed the known trajectories – criticizing Pakistan for its communalism and sponsoring the Tribal raid on Kashmir, expressing full support for Nehru and Sheikh Abdullah's government, hailing India's secularism and safeguards for minorities in the Constitution and criticizing the communal elements like Praja Parishad Party in Kashmir.<sup>67</sup> In 1957, Information and Broadcasting Ministry published speeches of 34 prominent Indian Muslims on Kashmir in the form of booklets and pamphlets and were distributed widely throughout India, especially in Kashmir for propaganda purposes.<sup>68</sup> Second, special representations and requests were made to the Kashmiri Muslims through newspapers and radio to support India and safeguard the future of 40 million Muslims of India. If Kashmir voted for Pakistan, India, it was said, might well turn into a Hindu country, leading to the reenactment of the communal holocaust of 1947.<sup>69</sup> How far these appeals influenced Kashmiri Muslims is difficult to tell as they always had a soft corner for Pakistan.

One of the important components of the Indian propaganda machinery was to highlight the issues in Azad Kashmir.<sup>70</sup> Azad Kashmir leaders like Chaudhary Ghulam Abbass and

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67 *Articles by Molana Ahmad Sayed, Vice-President of Jamiat Ulema-i-Hind and Abdul Qayoom Ansari, former Minister of Bihar, Ministry of Information and Broadcasting, 5/3/57-KP, NAI.*

68 *Ministry of Information and Broadcasting, 8/6/57-KP, NAI.*

69 India has quite often mentioned Kashmir as a security for Indian Muslims and a guarantee of Indian Secularism. Such narrativisation leaves no right for Muslims to be Indian citizens per se. Dr Zakir Hussain, *Kashmir ke Mutaliq Bharti Muslim Rehnumaon ka Tawajja Nama* (included representations of 14 prominent Muslims) Acc. No. 446/G/ACC, Srinagar State Archives. Also *Khalid*, Srinagar, October 15, 1952.

70 Officially called so till 1954 when it was decided to use Pakistan Occupied part of J & K instead of Azad Kashmir, *Ministry of Home Affairs, 1-K (54), NAI.*

Chaudhary Hameedullah were specially targeted. They were accused of being turncoats, corrupt and of deceiving the people of Kashmir and running sword through the body of Kashmir.<sup>71</sup> Chaudhary Abbas's speech in which he had said that until Kashmir Issue remains unsolved Sharia cannot be implemented was blown out of proportion and used (mis) to propagate un-Islamic attitude of Azad Kashmir leaders and ultimately of Pakistan.<sup>72</sup> A number of books and pamphlets were published which threw light on the 'plight of the people of Azad Kashmir'. The main issues highlighted were: Azad Kashmir was not really free as it was ruled by the Pakistan government through Ministry of Kashmir Affairs, people of Azad Kashmir were no better than refugees-poor, hungry and oppressed and treated like dirt under the feet of Pakistani officers, political bribery, oppressive behavior of Pakistan Army and lack of development. Poverty and unemployment of Kashmiri Muslims there was specifically mentioned and that Pakistan government was creating hindrances for those Kashmiris who wanted to return to the Valley.<sup>73</sup> Some Pakistani news reports which criticized Pakistan's handling of Azad Kashmir were given wide publicity. The main motive behind this was to impress upon the people of Kashmir that they were far better than their counterparts on the other side of the fence and the belief that Azad Kashmir was a 'dreamland' for Kashmiris is a myth. Eyewitness accounts of those Kashmiris who had visited Pakistan were widely distributed. These contained a negative image of Pakistan and Azad Kashmir -feudalism, lawlessness, unemployment, high handedness of the army,

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71 Ali Mohammad Tariq, "Qaid-i-Millat" Ghulam Abbas Aur Muslim Conference, Published by National Conference Publications Bureau, Acc. No. 493/G/ACC, Srinagar State Archives.

72 *Khalid*, Srinagar, September 5, 1948.

73 *Real Azad Kashmir*, Ministry of Information and Broadcasting (J & K Government), 2-16, Acc. No. 1292/G/ACC, Srinagar State Archives. Also, *Khalid*, Srinagar, April 27, 1951.



and political instability.<sup>74</sup> These narratives cannot be accepted as such because first, these are official records and always come with a hyperbole and second, their main purpose was propaganda which needs not necessarily based on truth. It was alleged that Pakistan was ruling Azad Kashmir like a colony unlike Kashmir which enjoys a special position in the Indian Union under Article 370.<sup>75</sup> By implication it meant that Kashmir's future is safe only in India and in any future plebiscite, people of Kashmir should, therefore, choose 'benevolent' India as against 'oppressive' Pakistan and that Kashmir's distinct cultural identity will flourish only within India.

The dismissal and detention of Sheikh Abdullah brought about immense changes in the functioning of the propaganda machinery of India. Yesterday's lions had to be villainised so as to justify the action which had created great resentment among the masses. To save India from the embarrassment at international level, instructions were passed on to the Indian Embassies regarding the line of speech to be adopted on Sheikh's dismissal. It was to be held that the developments in Kashmir have followed strictly constitutional lines, and that Indian Army had taken no part in maintaining law and order<sup>76</sup>. This was a blatant lie as the army had actively participated in quelling the protests that resulted in the death of 30 to 40 persons.<sup>77</sup> The new government of Bakshi Gulam Muhammad published books and pamphlets in which Sheikh's speeches were included in which he had criticized Pakistan and praised India, thereby questioning his now anti-India stance.<sup>78</sup> Sheikh was accused

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74 *Hum ne Pakistan mein Kya Dekha: Chaar Kashmiri Musalmanon ke Chashm deed Halaat*, (Srinagar: Baroka Press), Acc. No. 439/G/ACC, Srinagar State Archives.

75 *Hind k Aayeen Mein Hamari Makhsoos Position*, National Conference Working Committee.

76 *Ministry of External Affairs*, PIII/53/99152/107, NAI.

77 HiraLalAtal, *Nehru's Emissary to Kashmir, October 1947*, (New Delhi: Army Educational Stores, 1972), 69-75.

78 Muhammad Shafi Qureshi, *Jab Ilhaq Huwa Tha*, Acc. No. 1350/G/ACC, Srinagar State Archives.

of 'unusual egotism' and 'self-conceit' and that dictatorial trends had become part of his personality.<sup>79</sup> Sheikh Abdullah had a huge mass following in Kashmir and till 1953 he was the only hope of India in Kashmir. Indira Gandhi writing to her father, Nehru on May 14, 1948 said 'they say that only Sheikh sahibis confident of winning the plebiscite'.<sup>80</sup> Since he had now changed his stance on India and was demanding plebiscite, it was necessary that propaganda be launched against him and malign his image so as to minimize his influence among the masses. In this context, the title of a booklet, *Sheikh Abdullah: Many Voices Many Faces*<sup>81</sup> is significant. The culmination of this propaganda was his implication in Kashmir Conspiracy Case. Sheikh's vilification was accompanied by the lionization of Bakshi. Praises were showered on him the way he had appeased the public. Unlike Sheikh he did not change his sides quite often but was consistent in his secular attitude and opposition to Pakistan. He worked practically for the welfare of the people rather than paying lip service to the Kashmir Dispute.<sup>82</sup> The intention was that people should forget Sheikh Abdullah and rally behind Bakshi's development agenda. India opened her gates of wealth on Bakshi by virtue of which he was able to develop some infrastructure in the state. Education was made free and compulsory up to the university level, medical and engineering colleges were opened and roads, bridges and canals were constructed. India's policy was based on the misnomer that by sponsoring development in Kashmir, people would forget Sheikh Abdullah. This was based on a poor opinion of Kashmiris that they care more about their

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79 *Sheikh Abdullah- Past, Present and Future*, Daily Sandesh, Dec 30, 1957., Ministry of Information and Broadcasting, IV/16/307/KP/57, NAI.

80 Sonia Gandhi, ed., *Two Alone, Two Together: Letters between Indira Gandhi and Jawaharlal Nehru, 1922-64*, (New Delhi: Penguin Books, 2004), 517.

81 Abdul Aziz, Acc. No. 1327/G/ACC, Srinagar State Archives.

82 *Bakshi Ghulam Mohammad- A Study*, Directorate of Information and Broadcasting, 4-13, Acc. No. 538/G/ACC, Srinagar State Archives. (It contained viewpoints of newspaper correspondents like Times of India, The Current Magazine, Hindustan Times and Manchester Guardian).

'food and salt', are not a 'virile' people and are addicted to 'easy life'.<sup>83</sup> However, this policy failed as despite more visible development, people refused to be silent and in thousands came to welcome Sheikh Abdullah when he was released for a brief period in early 1958.

Radio was the most important means of spreading propaganda and counter-propaganda. It had a reach beyond the borders and allowed information to be transmitted quickly and uniformly to vast populations. Moreover, unlike newspapers radio could be listened to and understood by vast majority of the uneducated people in both India and Pakistan. Both the countries utilised its services to the fullest by broadcasting news, commentary and cultural programs.

Pakistan, through the Azad Kashmir Radio launched an extensive anti-India propaganda and projected itself as representing the sentiments of the common Kashmiris against the Indian 'occupation'. Azad Kashmir Radio carried news on every political development in the state and aired broadcasts, specially targeting Sheikh Abdulla's government. Pakistan's Radio Trarkhal aired an anti-India programme, *Dolka Pol* which had become so popular among the Kashmiris that the Jammu and Kashmir Information Department had to create a separate monitoring cell so that suitable replies could be given to counter its propaganda.<sup>84</sup> Azad Kashmir Radio also aired news on Kashmir through '*This is Trarkhal Radio*'.<sup>85</sup> The news was usually set in religious tones with India being projected as a 'Hindu' country. India's secularism was projected as against the very tenets of Islam. Kashmiris were exhorted to rise in revolt against the unholy Indian army and throw away the yoke of slavery. A contemporary says that Trarkhal Radio was the only major source of news for people from Kashmir to Kishtwar and that it were the Trarkhal programmes that 'set

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83 Nehru's Note of August 25, 1952 to Sheikh Abdullah, *Selected Works of Jawaharlal Nehru*, Vol. 19, (New Delhi: Jawaharlal Nehru Memorial Fund, 1996), 328.

84 *Propaganda Wars*, Basta No. 69, File No. 1765, Jammu State Archives.

85 *Khalid*, Srinagar, July 9, 1948.

the discourse' and 'shaped the narrative' in Kashmir. It aired special *Ladishah* (the art of embedded satire in songs) programs which were very much popular and more 'powerful than the State Government's Information and Broadcasting Department'.<sup>86</sup> *Zarb-e-Kaleem* and *Garoor ki Khudai* were other anti-India programmes of Radio Pakistan and Azad Kashmir Radio. Indian armed forces were targeted and the news of protests in Kashmir, usually blacked out by Radio Kashmir and All India Radio were broadcasted.<sup>87</sup>

In order to counter the Pakistani propaganda Radio Kashmir, Jammu (December 1, 1947) and Srinagar (July 1, 1948) were established. It was to expose the evil machinations of Pakistan, to boost the morale of the people and educate them about political happenings in and outside the state.<sup>88</sup> Radio Kashmir Srinagar aired a special daily programme called *Jawabi Hamla* to counter the Azad Kashmir Radio propaganda and highlight the real state of affairs in Pakistan and Azad Kashmir.<sup>89</sup> The focus was on highlighting the differences in religious practices and culture between Pakistan and Kashmir. Kashmiri traditions were rooted in Sufism, Rishism and Kashmiriyat and the peaceful coexistence of a myriad of religions and cultures whereas Pakistanis were fundamentalists, war-like people and had no concern for the distinct cultural identity of people of Kashmir. *Gumbad ki Awaz* and *Kashmir Hamara hai* were also aired to create patriotic feelings and anti-Pakistan sentiments. Since everyone could not afford radio, Community Listening Centres were established where people listened to the Radio Kashmir and All India Radio.<sup>90</sup> Listening to Pakistan Radio and Azad Kashmir Radio was a crime and any person found

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86 Z. G. Muhammad., "Shortwave 62.3", *Greater Kashmir*, April 24, 2016.

87 Z. G. Muhammad, "Of Zarb-e-Kaleem Days", *Greater Kashmir*, August 21, 2016.

88 *Jammu and Kashmir 1947-50: An Account of Activities of first three years of Sheikh Abdullah's Government*, (Jammu, Ranbir Government Press, 1951), 18-20.

89 *Ibid.*, 21.

90 *Ibid.*, 29.

guilty was beaten up by the National Conference workers and persecuted under the Enemy Agents Ordinance.<sup>91</sup> During this period salt became the most politicized commodity. Since Kashmir was mostly dependent on Pakistani rock salt (Khewra salt), Azad Kashmir Radio in its programs consistently made fun of the Sheikh Abdullah's government that it was dependent on Pakistan even for its basic necessities like salt. What was implied was that Kashmir was economically dependent on Pakistan since it was cut off from the rest of India for many months in winter. On the other hand, it had an all-weather connectivity with Pakistan and, therefore, it was in the best interests of the state to throw off its 'unholy' coalition with India and join Pakistan. The reaction of the State government was to ban import of Khewra salt into Kashmir and start procuring Sambhar salt from Rajasthan.<sup>92</sup> However, Sambhar salt was expensive than Khewra salt, partly due to high transportation charges and was sold at the rate of 6 to 6½ annas per seer<sup>93</sup> while in Azad Kashmir it was sold at less than 4 annas per seer. Once again Azad Kashmir Radio launched propaganda that due to accession to India, Kashmiris were forced to buy salt at high rates. It was then decided by the government of India to subsidize salt to Jammu and Kashmir which will reduce its price at par with Azad Kashmir. Everyone in the Home and Finance Ministry believed that it will have immense political impact.<sup>94</sup> India became self-sufficient in salt production and began to export salt to Pakistan.<sup>95</sup> It was now the turn of Radio Kashmir Srinagar to avenge the sarcasm and criticize Pakistan for failing to fulfil its salt

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91 Promulgated in 1948 for trial and punishment of enemy agents and those helping raiders. Under the garb of being enemy agents, the opponents of Sheikh Abdullah and National Conference were apprehended and beaten up, Chitralkha Zutshi, *Languages of Belonging: Islam, Regional Identity and the Making of Kashmir*, (Ranikhet: Permanent Black, 2003), 313.

92 *Ministry of State*, 6 (14)-K/49, NAI.

93 1 seer equals to 1.25 kg.

94 *Ministry of State*, 6 (25)-K/48, NAI.

95 *The Statesman*, Calcutta, January 6, 1952.

needs by itself.<sup>96</sup> The rivalry between Radio Kashmir Srinagar and Azad Kashmir Radio was increasing with every passing day and the provocations had the potential of disrupting peace. In the Inter-Dominion Information Consultative Committees held at Karachi on March 16, 1949 and New Delhi on August 2, 1949 it was decided that both the countries should use their good offices to bring about an improvement with regard to the tone of Radio Kashmir Srinagar and Azad Kashmir Radio.<sup>97</sup>

### Conclusion

The propaganda machinery of India and Pakistan was guided by the motive of winning the support of the Muslims of the Kashmir Valley. Neither was Pakistan interested in the Hindu majority areas of Jammu, nor did India want to control the parts which had formed Azad Kashmir. It was the Kashmir Valley which was prized and fought over. India was anxious to maintain its control on Kashmir and launched a comprehensive propaganda aimed at influencing the Muslims of Kashmir Valley. It propagated the analogy of ideals between India and Kashmir by taking recourse to *Kashmiriyat*.<sup>98</sup> Pakistan's narrative was couched in religious terms aimed at appealing to the religious sensibilities of the Kashmiri Muslims. One disturbing feature of both Indian and Pakistani propaganda was that it was thrust from above. Kashmir had become a matter of prestige for both the countries and in the friction between them Kashmiris were overlooked. No one asked them what they wanted.

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96 Ministry of Information and Broadcasting, 5/1/51-KP, NAI.

97 Ministry of Information and Broadcasting, 24/65/49-IP, NAI.

98 This was the first time *Kashmiriyat* was used for political purposes, see Mridu Rai, *Hindu Rulers, Muslim Subjects: Islam, Rights and the History of Kashmir* (Princeton: Princeton University Press: 2004), 274-87.

**Administration of Justice in Kashmir:  
1846-1885 A.D.**

**Amir Sultan Lone\***

**ABSTRACT**

*The Jammu and Kashmir state, founded by Maharaja Gulab Singh in 1846 through the 'Treaty of Amritsar', had an administrative setup which was rather disorganized and disoriented. He remained, as the prevailing circumstances dictated, too busy with the consolidation of the state to bring any changes in the administration. The state, thus, had to run on conventions and the footprints of the erstwhile rulers. The prevailing customary laws of the land were followed and in addition to these there were the Hindu and Mohammedan laws and the orders of the Maharaja which may be called the 'law of equity'. The Maharaja being the source of all authority was the highest court of appeal. He was considerably successful in enforcing law and order in the state by adopting such stringent measures, like flaying alive and scalping of prisoners, by which his authority was felt and respected throughout his dominions. The paper shall look into the measures adopted by Maharaja towards the dispensation of justice when no courts of law existed in the state.*

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*Gulab Singh's successor Maharaja Ranbir (1857-85) Singh who had an opportunity of learning about administration as the Yuraj in the neighbouring British territories was much given towards streamlining the administrative machinery. He is credited with several reforms in administration, especially the decentralization of powers and the establishment of a proper judicial system. His achievement lies in the codification of laws (Ranbir penal code) in the state on the pattern of British Judicial system in India. The paper also discusses Kashmir government's authority over the European subjects and the establishment of 'Mixed' courts which tried cases involving Europeans and the subjects of the Maharaja. The paper throws light on the establishment of High court or Adalat-i-Adia and its jurisdiction over the subjects of the state and the forms of punishment that were awarded by these courts.*

### **Introduction**

Gulab Singh, who founded Jammu and Kashmir State in 1846 by the 'Treaty of Amritsar'<sup>1</sup> 'after the culmination of the first Anglo-Sikh war, found its administration disorganized and disoriented. Not only had he to consolidate the newly established state but also to suppress and subdue the refractory hill chiefs who had challenged his authority on the eve of his arrival into Kashmir as the Maharaja. Though he had been made the hereditary Raja of Jammu by Lahore Darbar (of whom he was a feudatory) in 1822, yet he was not independent enough to renovate and redress the defects of the administration all by himself. Therefore, as the circumstances dictated, he had to follow the footprints of his erstwhile Lahore masters.<sup>2</sup>Very reform were introduced in

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1 The Treaty of Amritsar (16 March, 1846) was an extension of the Treaty of Lahore (9 March, 1846) which took place between British and the Lahore Darbar after the defeat of Sikhs in the first Anglo-Sikh war. This treaty took place between British and Gulab Singh (a feudatory of Lahore darbar who had helped British in the war) led to the formation of the state of Jammu and Kashmir by taking Kashmir from the Sikhs and selling it to Gulab Singh for a sum of 75 lakh rupees.

2 Sukhdev Singh Charakh, *Life and Times of Maharaja Ranbir Singh of Jammu and Kashmir: 1830-1885*(Jammu: Jay Kay Book House, 1985), 55.



the administration of the newly founded state. The paper shall however, deal only with the working of the administration of justice in the state. We shall look into the process of the foundation of an organized judicial system and the hierarchy of the courts which were mostly based on the model of judicial set-up in British India.

### Central Theme

The state, as has been noted by a contemporary European traveller, Fredrick Drew, had 'by the continuance of disturbances, the absence of settled rule, become somewhat lawless; robbery and murder were common; it is said that at that time a cap or a *pagri* that a traveller might wear was enough for a temptation to plunder and violence.'<sup>3</sup> Due to Maharaja Gulab Singh's pre-occupation in the consolidation and organization of his newly acquired territory, where many hill chiefs had sworn an oath of fealty to the last Sikh Governor of Kashmir Sheikh Imam-ud-din, which posed manifold challenges to the very existence of his supremacy, he could by this predicament hardly make changes in the existing administrative structure. There was nothing that could be called 'rule of law' in the system of administration during the days of Afghan and Sikh rule. The judiciary, we are being told, was just "a mockery" so that no appeal could be made since 'it judged by no laws.'<sup>4</sup> 'Justice was such that those who could pay could at any time get out of jail, while the poor lived and died there almost without hope'.<sup>5</sup> Gulab Singh, who was known for his austerity seems to have considerably succeeded in enforcing the law and order in his newly founded state, badly afflicted with lawlessness and

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Gulab Singh, it must be noted, ruled over the State for only eleven years, from 1846-1857.

3 Fredrick Drew, *Jummoo and Kashmir Territories*, (London: Edward Stanford, 1875), 13.

4 Pandit Saligram Kaul, *The Biography of Maharaja Gulab Singh* (Srinagar: Saligram Press, 1923), 236.

5 Francis Younghusband, *Kashmir* (London: Adam and Charles Black, 1911), 176.

disorder in some of its parts.<sup>6</sup> He had already gained enough expertise in the matters of state craft as an independent Raja of Jammu. He was probably very well aware of the strategies by which his authority could be respected all through his territories, of which the key was the use of force and stringent methods of punishing those who defied his authority.

A major difference between him and his Muslim predecessor was that while Gulab Singh flayed chiefs alive the other boiled Pandits to death. When accused of indulging in this 'pastime', Hesketh Pearson (an English official) records a conversation between Gulab Singh and John Nicholson (English Officer on Duty in Kashmir), 'Gulab Singh urged the necessity of strong measures and the ferocity of those who had to be coerced. He indignantly denounced as "a monstrous calumny" the rumour that he had flayed twelve thousand men, asserted that he had "only skinned three" but added on reflection "hundred".<sup>7</sup> In yet another incident G.T. Vigne recalls that Gulab Singh flayed alive the prisoners of Poonch rebellion under his own eye and then 'ordered one or two of the skins to be stuffed with straw; the hands were stiffened, and tied in an attitude of supplication; the corpse was then placed erect; and the head, which had been severed from the body, was reversed as it rested on the neck. The figure was then kept on the way-side, that passengers might see it; and Gulab Singh called his son's [Ranbir Singh's] attention to it, and told him to take a lesson in the art of governing.'<sup>8</sup> Such was his ruthlessness, that Herbert B. Edwardes recorded how Gulab Singh once sadistically narrated to him his unique way of punishment whenever he only wished to frighten a man 'he had him scalped, all but a little piece, and just as he [the Victim]

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6 *Ranbir Singh*, 56.

7 Hesketh Pearson, *The Hero of Delhi: A life Sketch of John Nicholson, Saviour of India, and a History of his Wars* (London: Collins Publishers 1939), 83.

8 G.T. Vigne, *Travels in Kashmir, Ladakh, Iskardo*, Vol.I (London: Henry Colburn Publisher, 1842), 241.

thought he was really going to be killed, [Gulab Singh would] put his scalp on again, and let him go!<sup>9</sup>

It is quite strange that the 'absence' of crime in the nineteenth century Kashmir is attested by many sources. Many travellers, who visited Kashmir during the reign of Maharaja Gulab Singh and that of the successive regimes, noted that owing to his stringent policies the crime of all kinds had become rare; violence and murder during his rule was completely suppressed and forgotten<sup>10</sup> chiefly because of the remembrance of the terrible punishments he had inflicted upon the refractory chiefs and partly because of the system of fixing of responsibility for undetected crime upon local officials.<sup>11</sup> 'His justice was rude but it was expeditious', writes his biographer, K.M. Panniker.<sup>12</sup>

Neither were there any formal law-courts nor any code of procedure for guidance. Any person holding a responsible post could be deputed to adjudicate in matters civil and criminal. Even an illiterate person noted for truth and fair play, was considered fit to administer justice.<sup>13</sup> The prevailing customary laws of the land were followed and in addition to these there were the Hindu and Mohammedan laws and 'the orders of the Maharaja which may be called the law of equity'. There was no such law or custom that required recording the statements and the judgments. Cases were lodged, committed, represented and decided verbally.<sup>14</sup> The Maharaja being the source of all authority was the highest court of justice and appeal. He 'could be easily

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9 Mrs. Edwards, *Memoirs of the Life and Letters of Sir Herbert B. Edwards*, Vol. I (London: Kegan Paul Trench & Co, 1886), 72-73.

10 *Political Dairies of R.G. Taylor: 1847-49* (Allahabad: Pioneer Press), 123. For further readings on the absence of crime in Kashmir See, *W. Wakefield, Happy valley-Sketches of Kashmir & the Kashmiris* (London: Sampson Low, 1879), 90.

11 Younghusband, *Kashmir*, 177. See also E. F. Knight, *Where Three Empires Meet* (London: Longmans, Green and Co., 1893), 17.

12 K.M. Panniker, *Gulab Singh: 1792-1858 Founder of Kashmir* (London: Martin Hopkinson Ltd., 1930), 148-49.

13 *Biography of Maharaja Gulab Singh*, 236.

14 *Biography of Maharaja Gulab Singh*, 237.

approached by any of his subjects who sought justice at his hands'.<sup>15</sup> The sources mention him as a person who 'was much given to looking into details, so that the smallest thing might be brought before him and have his consideration.'<sup>16</sup> It is said that 'with the customary offering of a rupee as *nazar* anyone could get his ear; even in crowd one could catch his eye by holding up a rupee and crying out "*Maharaj arz hai!*" that is "Maharaj a petition!" He would pounce down like a hawk on the money, and having appropriated it would patiently hear out the petitioner.'<sup>17</sup> An anecdote which projects him as a greedy but justice-delivering ruler, and is almost hilarious, may be cited here. Once a man shouted in the customary manner and then closed his hand and said, 'No first hear what I have to say'. Gulab Singh heard the petition without losing patience and when the hand was opened he gave orders for the case.<sup>18</sup> Another yet bizarre incident points to the fact that the Maharaja used to hear even petty cases is complaint which came to the Maharaja of a hen being stolen, 'the offender was summoned and the barber was commanded to shave half of his moustache and he was paraded in the open bazar.'<sup>19</sup>

The Thanedars and the Kotwals who were employed in the districts for policing were also required to detect crime in their respective jurisdiction and to dispose of petty civil and criminal cases<sup>20</sup> and besides them the judicial functions of the Kashmir province was also administered by the native Pandits.<sup>21</sup> We also have a reference wherein the European officers deputed to Kashmir used to hear and decide civil

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15 G. L. Kaul, *Kashmir Through The Ages (5000 B.C to 1967 A.D)*(Srinagar: Chronicle Publishing House, 1967), 102.

16 *Jammu and Kashmir Territories*, 15.

17 *Jammu and Kashmir Territories*, 15.

18 *Jammu and Kashmir Territories*, 15.

19 G.L. Kaul, *Kashmir Then and Now* (Srinagar: Chronicle Publishing House, 1972), 58.

20 *Biography of Maharaja Gulab Singh*, 238.

21 Lala Ganeshi Lal, *Siyahat-i-Kashmir*, 1846, Eng. Translation Vidhya Sagar Suri (Shimla: Punjab Government Publication, 1955), 32.

and criminal cases.<sup>22</sup> This gives an impression that the people had more faith in the 'justice' system of English officers than the native officials.

Gulab Singh's successor Maharaja Ranbir Singh who had 'had the opportunity of learning some admirable points of the settled administration in the adjoining British territories and to realize quite an unfavourable contrast with that of his own state'<sup>23</sup> while he was a *Yuvraj*<sup>24</sup> took the task of improvement of the administration. Like his father, Ranbir Singh had a strict sense of justice; it would seem that 'justice' was equated with 'punishment'. Wilberforce Reginald, a military officer at the time of the Revolt of 1857, cites an incident that took place at Jammu immediately after the death of Gulab Singh, leaving Ranbir Singh as his successor. He states:

One of his brothers... raised the standard of rebellion and claimed the throne. He received considerable support, and matters looked bad for Rhumbeer, but the latter, by prompt action, secured the person of his brother, and summoned all the chiefs, disaffected and loyal, to Jummoo, where he tried the aspirant to the throne for rebellion. He was found guilty, and punishment decreed. The culprit was led out in the presence of all, he was suspended by the hair from an overhanging beam, and then was lowered one inch into a cauldron of boiling oil. Next day the same process was repeated, and so on day by day until exhausted nature gave way under the torture, and the unfortunate man was released by death from his sufferings. It was reported that Rhumbeer then said, 'Anyone found in rebellion against me will be severely punished, and not treated to the merciful death given to my brother.'<sup>25</sup>

Unlike his father, he had a strong desire to streamline the administration of the state. Sir Richard Temple while giving the impression of the intentions of Maharaja Ranbir Singh says 'that the Maharaja said that he was conscious of many defects, added that as soon as he had leisure from affairs at

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22 *Political Dairies of R.G. Taylor*, 123.

23 *Ranbir Singh*, 58.

24 Since he was given the *Rajtilak* two years before the death of his father.

25 Wilberforce Reginald, *An Unrecorded Chapter of the Indian Mutiny* (London: John Murray Albemarle, 1894), 219- 220. See also *The Hero of Delhi*, .83.

Jammu he would go to Kashmir himself and introduce several reforms; adding, that he felt himself responsible to God for the care of his people! He told me that he was endeavouring to improve the judicial system, and that he had doctors of Hindu and Muhammadan Law employed in the work'.<sup>26</sup> After taking charge as the ruler, Ranbir Singh undertook 'an overhauling of the entire central and provincial administration with some decentralization of powers. All the functions of the government were divided into three main branches, *Daftar-i-Nizamat* or civil administration, *Daftar-i-Diwani* or revenue administration, and *Daftar-i-Jungi* or war department. The whole government organization was placed under a prime minister'.<sup>27</sup> For the administrative convenience the Division of Kashmir was divided into *Wazarats* (districts),<sup>28</sup> headquartered in Srinagar. The administration of the division was vested in a Governor (*Hakim-i-Ala*). Ladakh and Baltistan which had been conquered by Gulab Singh in 1835 and 1840 respectively had been administered from Jammu ever since and remained under the governor of Jammu. The governor acted as the deputy in the absence of Maharaja and was assisted by the high officials of the state.<sup>29</sup> These Governors were vested with both administrative and judicial powers and under them were placed *Wazirs* in each *Wazarat* and a *Tehsildar* in each *Tehsil*.<sup>30</sup> Besides this the Maharaja also enacted rules and regulations for the smooth running of administration; for the first time a penal code, (much similar to the penal code introduced by British in India) which still is the basis of the laws operating in the state, known as Ranbir penal code containing 100 sections was introduced and published in

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26 Sir Richard Temple, *Journals Kept in Hyderabad, Kashmir, Sikkim and Nepal*, Vol. 2 (London: W.H. Allen & Co, 1887), 94-96.

27 *Ranbir Singh*, 58.

28 Charles Girdlestone, *Memorandum on Cashmere and Some Adjacent Countries* (Calcutta: Foreign Department Press, 1874), 3.

29 Charles E. Bates, *A Gazetteer of Kashmir* (Srinagar: Gulshan Books, 2005, original 1873), 96.

30 *Ranbir Singh*, 59.

Dogri language.<sup>31</sup> The code was amended from time to time and 'in Samvat 1848 (1891-92), a new state panel code called "*Sri Ranbir Dandh Bidhi*" [Criminal procedure code] was compiled and issued.'<sup>32</sup> The Maharaja however, had no authority over the European British subjects who visited or stayed in Kashmir and complaints of their misconduct were repeatedly raised by the Kashmir authorities with the British government in Punjab. Keeping in view the oft-made complaints the British authority in India in 1872, appointed a British 'Officer on Special Duty' at Srinagar —the headquarters of Kashmir— to represent the British government in Kashmir. The officer was empowered to try all suits of civil and criminal in nature which involved British subjects or European British subjects and their servant.'<sup>33</sup> This court had the power to 'pass sentence of imprisonment for a term not exceeding three months, or fine not exceeding one thousand rupees, or both.'<sup>34</sup> In such cases when this Officer on Special Duty felt that the offence complained of [was] punishable with death, or with transportation for life and could not be adequately punished by his court, he used to send the case for the arbitration by the chief court of the Punjab.<sup>35</sup> In the cases which involved Maharaja's subjects on the one side and the European British subjects or their servants on the other, the court of British officer on special duty acted as a 'Mixed court' composed of the said 'British Officer and the Civil Judge of [Srinagar], or other officer especially appointed in this behalf by the Maharaja of Kashmir.'<sup>36</sup> In 1877 a High court (Adalat-i-Alia) was established as the highest court of appeal or revision subject to the control exercised by the Maharaja. The court had the

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31 *Kashmir Through The Ages*, 102.

32 *Kashmir Through The Ages*, 104.

33 C.U. Aitchison, *Treaties, Engagements, and Sands Relating to India and Neighbouring Countries*, ix (Calcutta: Government Printing India, 1876), 356-62.

34 Aitchison, *Treaties, Engagements, and Sands*.

35 Aitchison, *Treaties, Engagements, and Sands*

36 Aitchison, *Treaties, Engagements, and Sands*, 364.

power to hear appeals from and the control of all the subordinate courts.<sup>37</sup>

Since the state had both Muslim and Hindu population both *Sharia* in case of Muslims and the institutes of Manu and the *Mitakshara* in case of Hindus was usually consulted and the help of *Qazi's* and *Pandits* was taken. For the smooth functioning of administration of justice different grades of judicial courts were set up (given in the ascending order below):<sup>38</sup>

1. Court of the *Tehsildar*, who could hear civil suits not exceeding Rupees 100 in value and had power of imprisonment up to one month in criminal cases.
2. Court of the *Wazir*,<sup>39</sup> having power to hear civil cases up to Rupees 1,000 in value and could punish in criminal cases with imprisonment up to six months. Appeals would lie to him both in civil and criminal cases from the *Tehsildar*.
3. The city (Srinagar) Magistrate's court who had the power to hear civil cases up to Rupees 5,000 in value and to punish in criminal cases with imprisonment of up to two years. This court had no appellate jurisdiction.
4. The Chief Court, (*Sadar Adalat*, one each in Srinagar and Jammu) hearing civil suits without any limitation in regard to value, and empowered to punish with imprisonment up to five years. This court had appellate jurisdiction both in civil and criminal cases from the city and district (*Wazir's*) courts. Those from the latter were usually heard by the chief judge when on circuit, which he undertook not only on this account, but also in order to inspect the local registers and to enforce the duties of the village headman who were held answerable for detecting and reporting crime and for exerting themselves for the arrest of the offenders.

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37 *Kashmir Through Ages*, 104-105.

38 Girdlestone, *Memorandum on Cashmere and Some Adjacent Countries*, 5.

39 The *Wazir* was the Deputy Commissioner of British territory *en petit* and his staff included a general assistant (*Naib Zillah Sahib*), whose chief work was to help *Wazir* in Judicial matters. See Aitchison, *Treaties, Engagements, and Sands*, 8.



There was also in Srinagar a court called *Adalat-i-Dag Shawl* established exclusively for the Shawl department and a *Panchayat* court which consisted of eight members (four each from Muslim and Hindu community) to look after the general welfare of the people.<sup>40</sup> In addition to these there were separate courts for different departments like Pushmina trade, Rice trade, Wood sellers Ferry and River trade, Commissariat, Customs, License and Capitation Tax presided over by separate officers. The appellate jurisdiction from these department courts lied with the *Saddar Adwalat*.<sup>41</sup> Besides law courts the administration of justice was also entrusted with the police and revenue officers. An officer called *Chakladar* was appointed at each police station to settle petty cases and each district was divided into police circles (Srinagar was divided into 12 police circles) called *Zillahs* and all these circles were under a *Kotwal* who disposed of all petty cases of assault etc.; the more serious cases were sent to the Maharaja for final decision.<sup>42</sup> Those suits in which no question of money was raised, such as divorce, which used to be the commonest kind of civil case, or suits for the restoration of conjugal rights were decided by the district courts or in the city court. The venue, however, in such cases would not necessarily be the court premises but the place where the cause of action occurred or the residence of the defendant.<sup>43</sup> Since justice involved a considerable trouble and being hard to attain people always tried to a great extent to make up their minds to do without it.<sup>44</sup>

These courts, could not work independent of official influence and were at times forced to change their decision if the officials so desired; this corruption in the courts was perhaps due to the very fact that many of the Tehsildars and

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40 *Kashmir Through the Ages*, 105.

41 *Mr. Forsyth's Notes on Kashmir and Jammoo*, 8.

42 *Mr. Forsyth's Notes on Kashmir and Jammoo*.

43 Girdlestone, *Memorandum on Cashmere and Some Adjacent Countries*, 7.

44 *Political Dairies of R.G. Taylor*, 87.

other officials owed their employment to the strong official influence and were thus bound in allegiance to them.<sup>45</sup> 'During the ministry of Diwans Lachman Dass and Anant Ram, judicial courts could not work with a grain of independence or self-respect, Judges blindly disposed of cases, as required by ministries in power, without any reference to the merits, and not frequently received written orders dictating decisions which were to be given.'<sup>46</sup> Such was official influence that any judicial cases against any person involved in any kind of politics against the state were 'as a rule kept pending or adjourned sine die, such postponements having the two-fold object of keeping the culprit in awe and chastising him on occurrence of a suitable opportunity'.<sup>47</sup>

People generally tried to get their cases solved by the local officers since court procedures were a complex thing and durations prolonged. In such a scenario most of the revenue cases were for the most part 'decided verbally by the *Patwarior* the village headman.'<sup>48</sup> All the petitions were required to be given on stamp papers and in suits for inheritance or division of property, one-fourth was usually taken by the court, and for every summons two *annas* were levied. Similarly no marriage contract could be made a subject of litigation unless it had been registered before the *Qazi* on a stamp paper of three rupees value.<sup>49</sup> While

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45 *Administration of justice in Kashmir State*: Note by Bhag Ram, November 18, 1889, 30. This note has been reproduced in M. K. Teng, R. K.K. Bhatt, *ett al Kashmir Constitutional History and Documents*, (Delhi: Life and Light Publishers, 1977). The phenomenon of corruption was, of course, not a new thing in the affairs of the state. Even Moorcraft, who visited the valley not long before the state was founded, draws our attention towards the encouragement of corruption by the state. According to him, 'Even the Kotwal, or chief officer of justice, pays a large gratuity of thirty thousand rupees a year for his appointment, being left to reimburse himself as he may.' Moorcraft, *Travels in the Himalayan Provinces 1819-1825*, Vol.2 (London: William Clowes and Sons, 1841), 127.

46 Moorcraft, *Travels in the Himalayan Provinces 1819-1825*, 127.

47 Moorcraft, *Travels in the Himalayan Provinces 1819-1825*,

48 *Mr. Forsyth's Notes on Kashmir and Jammoo*, 9.

49 *Mr. Forsyth's Notes on Kashmir and Jammoo*,

rendering their judicial functions the *Tehsildars* and other officers, who otherwise acted as administrative officials, it is being alleged were in a habit of imposing fines without recording any proceeding, and appropriating the receipt to themselves. Similarly 'receipts on account of unclaimed property, as also fines and penalties, in certain cases, were seldom paid into the state Treasury. Judges and *Sadar Adalats* spent large sums without any reference to higher authority.'<sup>50</sup>

The Maharaja himself being the fountainhead of justice and the ultimate court of appeal throughout the dominions held an open court twice a week where everyone had free access to him and wherein judicial appeals were disposed of.<sup>51</sup> The Maharaja, we are being told, heard the cases very patiently and allowed the plaintiff and defendant to cross-examine each other and their witnesses especially in the matters which involved question of usage, inheritance, and marriage etc.<sup>52</sup> Other cases which were relatively of less importance were left to the decision of Heir-apparent whose order however, required the confirmation of the Maharaja.<sup>53</sup> This was perhaps aimed at providing the Heir-apparent a prior experience of statecraft. The order of Maharaja was also a pre-requisite in cases which involved imprisonment for more than five years. In such criminal cases where capital punishments were awarded (as in homicide and rape cases) Maharaja, it is evident in the sources, was aided by a jury ranging from 19 to 30 men (not much different than that in British India) chosen from a body of hundred men, of whom the accused and the complainant were given a chance to name half respectively.<sup>54</sup> Such cases, as a rule, had to be heard three times; the astrologer decided the day for each hearing. The sentence for death was pronounced only if

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50 Note by Bhag Ram, 30-41.

51 Bates, *A Gazetteer of Kashmir*, 96.

52 Girdlestone, *Memorandum on Cashmere and Some Adjacent Countries*, 4.

53 Girdlestone, *Memorandum on Cashmere and Some Adjacent Countries*.

54 Bates, *A Gazetteer of Kashmir*, 97.

each time the opinion of the jury was unanimous against the accused. This rather protracted procedure, we are being told, was due to the Maharaja's 'disinclination....to put into force the last penalty of the law'.<sup>55</sup> Capital punishments were thus discouraged. Even in the case of cow killing which was considered a heinous crime a relaxation was made. Now the sentence, which used to be capital punishment during Gulab Singh's time, was scaled down to life imprisonment.<sup>56</sup> However, we are not sure whether the sentence was served for whole life or a certain number of years. But there was more to it. Despite discouraging the capital punishment, even before the sentence was pronounced, the property of the accused would be confiscated and his family subjected to savagery.<sup>57</sup>

The organization of jails which formed another adjunct of judicial administration, it seems, had been to a large extent neglected institution. The accommodation was inadequate and the condition wretched. There was no provision of food in the jails and the prisoners were expected to get food from their homes as in case of prisoners lodged in district jails.<sup>58</sup> Most of the prisoners were lodged in the Habak goal (on the banks of Dal Lake near Hazratbal) and also in a smaller establishment at the Khazeb Yarbhal ghat on the eastern side of Hari Parbat Hill. This prison could accommodate 200 prisoners and was to a great extent self-supporting. Besides acting as punitive centres, Maharaja Ranbir Singh's government also acted towards transforming the jails into reformatories where inmates could be trained in different crafts e.g., husking rice, making shawl borders and Persian carpets. Female prisoners who were confined in separate enclosures were also employed in spinning.<sup>59</sup> Thus

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55 Girdlestone, *Memorandum on Cashmere and Some Adjacent Countries*, 4.

56 *Where Three Empires Meet*, 15-16. See also Bates, *A Gazetteer of Kashmir*, 97.

57 *Note by Bhag Ram*, 30-41.

58 *Majmui Report of Jammu and Kashmir State*, Samvat. April 1882 – March 1884, 113.

59 Bates, *A Gazetteer of Kashmir*, 97.

the administrative report for the years 1872-73 records Rs.25,705 and Rs.26,353 as returns from the sale of finished goods produced in the jail manufactories for the two years respectively.<sup>60</sup> As a rule in addition to leg-irons each prisoner had to wear a 'heart shaped ticket inscribed with his name, parentage, crime, date of sentence and that of release.<sup>61</sup> Political offenders and the criminals serving life sentences on the other hand were banished to dungeons in the frontier fort of Bunji (Ladakh).<sup>62</sup>

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60 *Biennial Report of Jammu and Kashmir Government, Samvat 1939-40, quoted from Ranbir Singh, (1830-1885), 64-65.*

61 *Bates, A Gazetteer of Kashmir, 97.*

62 *Bates, A Gazetteer of Kashmir.*

## **Society, Superstitions and Religious Beliefs of Kashmiris during Dogra Period: A Critical Evaluation mainly through Travel Accounts**

**Mohammad Ashraf Khwaja\***

### **ABSTRACT**

*The customary laws of the valley have their own distinctive features which differentiate them from those obtaining in other parts of the country. Owing to the inadequate means of transport in the past, the valley remained isolated from the rest of the country. It developed a life of its own, distinct from the rest of the people outside. The inhabitants of the valley both Muslims and Kashmiri Pandits have developed certain peculiarities in their religious beliefs and superstitions which differentiate them from people living in other parts of the sub-continent. Before the advent of Islam in 14<sup>th</sup> Century, Kashmir was the land of Buddhism and Brahmanism. The people clung to the old beliefs even after they embraced the new faith. The Muslims of Kashmir have been observing the custom of the Noufal (ceremony) during times of natural calamities, as confirmed by Walter Lawrence and other accounts. Besides they used to visit the Shrines for seeking help in distress. Even Gulab Singh and Ranbir Singh had faith in efficacy of Noufal prayers and also believed in the*

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*invocation of god's help and especially a resort to goddess Sharika Devi. The height of puerile superstition of Dogra rulers was such that Maharaja Ranbir Singh banned the catching of fish because of the belief that the late maharaja's soul had transmitted into the body of a fish. And in the valley itself, when dying from the scarcity which had affected the land, the people sought a substitute for their usual food in the fish of their rivers; they were met by a stern interdict from their rulers. An attempt would be made to highlight the complexities of Kashmiri society as perceived by the European Travellers and substantiated by other sources. How the reference group culture influenced the lives of people vis-à-vis their respective beliefs and traditions would be the part of paper. The present paper will further attempt to explore the impact of Dogra rule on the people and their response towards it through silence protests and superstitious rituals.*

### **Introduction**

The state of Jammu and Kashmir came into existence in the year 1846 with the 'Treaty of Amritsar' through which British East India Company sold Kashmir to Raja Gulab Singh for a paltry sum of 75 lakh Nanak shahi rupees. The state comprises a number of ethnic and cultural regions; the Hindu majority Jammu province, Buddhist-dominated Ladakh Province and Muslim-majority Kashmir Province. The period from 1846 to 1947 is critical for an understanding of the development of identities in the Kashmir valley, since it set the stage for a transformation within the public discourse of the valley, from an emphasis on regional identities to a privileging of the religious component of identities. Kashmir which is surrounded by mountains allowed various religions and cultures to come into the valley and settle down there. One after the other Kashmir became the home for Buddhists, the dwelling for the teaching of Vedanta and the centre for mystic Islam. However, Kashmir did not subscribe to a single past. After the Buddhist and Hindu Rajas, Kashmir was ruled by the Sultans, Mughals, Afghans, Sikhs and Dogras. Different dynasties brought different cultures

and religions to Kashmir. Hinduism, Buddhism, and Islam together made a significant impact on the life of Kashmiris and helped in the development of a syncretic and composite culture, characterized by the presence of harmony and tolerance in socio-cultural spheres. The oppressive rule during Dogra period also shaped the Kashmir society by opening up the new avenues of societal contestations and adding to the dilemmas of people.

## **CENTRAL THEME OF THE PAPER**

### **Socio-Cultural Fabric**

The society during Dogra period consisted of three classes of people, the upper, the middle and the lower class.<sup>1</sup> The upper class of society included a handsome number of Kashmiri Pandits<sup>2</sup> who were in the bureaucracy comprised the governors, chief officers, jagirdars, karkhandars, traders and bankers. They had hereditary rights of revenue collection in Kashmir province. The middle class comprised the revenue officials<sup>3</sup> who were mainly Kashmiri Pandits, traders, shopkeepers, lambardars, patwaris, tehsildars, religious mendicants etc. They were almost parasites and were a burden on cultivators. The lower sections of the society which consisted of the peasants, artisans, cultivators, shawl weavers, boatmen, and other village menials were completely ruined by the oppressive and arbitrary taxes<sup>4</sup> extorted from them by the middle and upper class of society. The shawl weavers who belonged to the lower class of society, form the majority of the population in the city of Srinagar. C. B. Hugel says that their condition was so worse

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1 P. N. K. Bamzai, *Socio Economic History of Kashmir: 1846-1925* (New Delhi: Metropolitan Book Co. 1987), 230.

2 Those Ethnically Kashmiri speaking Brahmans of Kashmir who have given up their original avocation of attending to the religious education and have instead taken to service as a means of subsistence, strangely enough, are known as the Pandits, and the other class who will stick to their old calling are distinguished as Brahmans or Gors (Priests).

3 Bamzai, *History of Kashmir*, 230.

4 Arthur Brinkman and Robert Thorp, *Kashmir Oppressed* (Srinagar, WEIS Publications, 1996), 106.



that they worked in a room which was not protected even from the cold.<sup>5</sup> The customary laws of the valley have their own distinctive features which differentiate them from those obtaining in other parts of the country. Due to the inadequate means of transport in the past, the valley remained isolated from the rest of the country. The people of the Valley had developed a life of its own and its social structure had such features which were found nowhere else in the Indian subcontinent.<sup>6</sup> The customs seem to have gained the force of law in Kashmir in a particular locality, although it could be inconsistent with the general law of the realm. It had very dominating influences in a simple society and was unchangeable in its nature. It represented frequent repetition of the same act and habit. The latter was the direct consequence of such a repetition. It was by and largely true to the valley.

### **Muslims**

The overwhelming majority of the people in the valley professed the Muslim religion.<sup>7</sup> The Muslim community was divided into two sects; the Sunnis and the Shias. The Sunnis formed a preponderating majority of approximately 88% while as the Shia sect form only 5%<sup>8</sup> out of 93%<sup>9</sup> of the total population of Muslims. In addition to these two major religious communities, there also dwelt other religious groups who due to their microscopic numbers did not have any perceptible impact on the trends determining the social life of people of the valley. The Shia system is said to have been introduced by Shamsuddin Iraqi in 1450 A.D. but it has never gained much hold in the valley except during the short

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5 Baron Charles Hugel, *Travels in Kashmir and the Punjab* (London: John Petheram, 1845), 121.

6 Mridu Rai, *Hindu Rulers, Muslim Subjects: Islam, Rights and the History of Kashmir* (Delhi: Permanent Black, 2004), 37.

7 W. Wakefield, *The Happy Valley: Sketches of Kashmir and Kashmiris* (London: Sampson Low, 1879), 97.

8 Ernest F. Neve, *Beyond the Pir Panjal: Life and Missionary Enterprise in Kashmir* (London: Church Missionary Society, 1915), 30.

9 Neve, *Beyond the Pir Panjal*, 34.

period of Chaks. Walter Roper Lawrence says that their places of worship are wholly distinct except the Ziarat of Alam sahib, in the Narwara Mohalla of Srinagar, where Shias and Sunnis meet. The Shias were concentrated most heavily in the Zadibal area of Srinagar and were primarily engaged in the shawl weaving,<sup>10</sup> and they practically monopolize the paper match industry. The Sunni Muslims were divided into Shaikhs, Saiyads, Mughals, Pathans, Gujars and Bakarwals and the lowest stratum, comprised of the Doms and the Watalas.<sup>11</sup> The speakers of different dialect, the Gujars, Bakarwals, cowherds and goatherds respectively, though important to the life of any Kashmiri village, were kept on the periphery of the Kashmiri social structure on account of their semi nomadic lifestyle which made it difficult to incorporate them in any but the most transient manner. The great majority of Kashmiri Muslims belong to the Hanafi sect, and the Kubrawis or followers of Mir Sayyid Ali of Hamdan, are of the Shafiahpersuasion. There were about twenty tribes or clans among the Muslims of Kashmir.<sup>12</sup> The subdivisions among them were numerous; however, most of these divisions were nothing more than family titles or lacking in the essential characteristics of a caste. The Kashmiris were fond of nick names which were frequently changed on slight excuses. Among the Muslims, Saraf, Kakru, Handu, Paizar, Dastar, Choar, and Dand were the instances of the family titles or caste names which had been drawn from the personnel qualities, appearances disposition or certain action of their progenitors. Another form of caste was derived from the places of residence to which a particular person or family belonged i.e. Sopori, Mazari, Trisal, and Kousa. While Harkara (runner) Jotshi (astrologer) Kandru (baker) and Pardoiz (patcher) were those

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10 Walter Roper Lawrence, *The Valley of Kashmir* (London: Oxford University Press, 1895), 285.

11 Walter Lawrence, *The Provincial Gazetteers of Jammu and Kashmir* (New Delhi: Rima Publishing House, 1985), 36-39.

12 Charles Ellison Bates, *A Gazetteer of Kashmir* (Calcutta: Office of the Superintendent of Government Printing, 1873), 31.

who were connected with some profession or occupation. Some of the Muslims of the valley still are retaining their Hindu caste names e.g. Tantre, Nayak, Magre, Kathre, Lone, Bhat, Dar, Parry, Manto, Yatoo, Raina, Kunbi, Pandit and Dom.<sup>13</sup> Surprisingly there were few other names relating to animals like monkey, bear and jackal tribe, and Bates writes that there was one rejoicing in the name of Shaitan.<sup>14</sup> However, the observation of Bates regarding the Shaitan tribe fell short of any other substantial source.

### Hindus

The Hindus of the valley known as Kashmiri Pandits formed a distant class comprising around 6 to 7%<sup>15</sup> of the total population, was undoubtedly favoured by Dogra administration.<sup>16</sup> Historical evidence confirms the fact that the population of the valley up to about the beginning of the 14<sup>th</sup> century comprised only the Hindus and most accounts assert that the Hindus of Kashmir were represented by the single caste of Kashmiri Pandits (Brahmans).<sup>17</sup> Subsequently mass of the people were converted to Islam through the efforts of Shah-e-Hamdan and his followers.<sup>18</sup> The Hindus in Kashmir were with a few exceptions, of the Brahman caste, and though the tradition points to the fact that the Levite Brahmans were a powerful and numerous body, exerting great influence over the country and its rulers. There is a frequent mention of the fighting class and it is obvious that a large majority of old Hindus must be agricultural Jats of the Vaishya division. There were no traces of the Jats in Kashmir among the Hindus of Kashmir. But there were Khattris in Srinagar, known as Bohras and engaged in trade, who are cut off from communion with the

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13 Lawrence, *Valley of Kashmir*, 306.

14 Bates, *A Gazetteer of Kashmir*, 31.

15 Wakefield, *Happy Valley*, 97-98; see also Lawrence, *Valley of Kashmir*, 284.

16 Lawrence, *Valley of Kashmir*, 102.

17 Mridu, *Hindu Rulers*, 37.

18 Lawrence, *Valley of Kashmir*, 302.

Khattris of Punjab and there were certain Musalman tribes who trace their origin to Khattri ancestors.<sup>19</sup> The Pandits were divided into 133 gotras named after the great sages from whom their families traced their descent. Lawrence says that originally there were only 6 gotras. Later on, these gotras got multiplied through intermarriages with. G. T. Vigne on the other hand states that the Hindus of Kashmir are divided into numerous different tribes or families, such as Pandits, Rasdan, Koul, Kabuta (Dove) etc. but these are arranged under the two great divisions of the Hindus: the *Malamasis* and *Buruhmasis*.<sup>20</sup> Dr. Elmslie divides the Hindus into three classes; first, the Brahman Hindus, who were the priestly class and whose only work is to perform the Hindu worship. Second, the Jotish Hindus, who study the stars for the purpose of predicting future events, and the third class was the Karkun Hindus who were writers, merchants and farmers but never soldiers.<sup>21</sup> Lawrence too divides the Hindus into three classes, the astrologer class (Jotish) the priest class (Guru or Bachabat) and the working class (Karkun).<sup>22</sup> The priest class does not intermarry with either of the other classes, but the Jotish and Karkun classes intermarry between them and they drew up the calendars in which prophecies were made regarding the future events.<sup>23</sup> There were about 60316 Pandits in number during the last decade of the 19<sup>th</sup> century, of those 28695 lived in Srinagar and other towns. The rest were scattered over the villages and were for the most part engaged in agriculture. The vast majority of the Pandits were belonging to the Karkun class. Earlier they had clung mainly to the state services. However after some time they took to business. The only occupations forbidden to a pandit were to those of the cobbler, potter, corn-frier, boatman carpenter, mason,

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19 Lawrence, *Valley of Kashmir*, 302.

20 Bates, *A Gazetteer of Kashmir*, 32.

21 Bates, *A Gazetteer of Kashmir*, 32.

22 Unknown Author, *Gazetteer of Kashmir and Ladakh* (Delhi: Manas Publications, 1992), 468.

23 Lawrence, *Valley of Kashmir*, 303

and fruit seller. Apart from being agriculturists, there were some Bohras said to have been descended from the Khatri stock and who had come to the valley before the advent of Islam. Many Pandits had taken to agriculture as their profession.<sup>24</sup> Their principal profession was trade and shop keeping. Their women wore nose rings and discarded girdles round their waist and they married among themselves.<sup>25</sup> Another section Purabias whose traditional vocation was personnel service were said to be the offshoots of the Bohras. They were usually petty shopkeepers dealing in the sale and purchase of petty articles.<sup>26</sup> The Pandits were on the whole known by their kram or family appellation rather than gotra. The kram is often the relic of a nickname applied to the ancestor of the subdivision. Among the leading krams of that period, Lawrence mentions them as Tikku, Razdan, Kak, Munshi, Mathu, Kachru, Pandit, Supru, Bhan, Zutshu, Raina, Dhar and Wangnu.<sup>27</sup>

### **Sikhs**

The Sikhs of Kashmir are few in number, comprising merely 0.5%<sup>28</sup> of total population and how they established themselves in the valley is inconspicuous. Lawrence says that most people say that they came into Kashmir with the lieutenants of Ranjit Singh, but some state that there were Punjabi Brahmans already established in the country, and they embraced Sikhism when the valley passed into the hands of Ranjit Singh. Wakefield asserts that the Sikhs too were divided into castes like the Hindus generally and the Brahman and the Rajput divisions are principal.<sup>29</sup> The Sikhs of Tral assert that they came to Kashmir in the time of Pathans. In the history of Suraj Prakash, it is stated that there were Sikhs in Kashmir when Hargobind was Guru and

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24 Lawrence, *Valley of Kashmir*, 303.

25 Wakefield, *Happy Valley*, 106. See also Lawrence, *Valley of Kashmir*, 305.

26 Lawrence, *Valley of Kashmir*, 305.

27 Lawrence, *Valley of Kashmir*, 304.

28 Lawrence, *Valley of Kashmir*, 284.

29 Wakefield, *Happy Valley*, 20.

this would show that the Sikh religion existed in Kashmir as far back as the time of Jahangir. Lawrence without going deep about their origin says that they are not the progressive people and their places of religion show that there is neither money nor zeal among the Sikhs of Kashmir. Lawrence calls the Sikh community of Kashmir as feeble and effete. The Sikhs live by cultivation or service. They have few of the qualities if compared to the Sikhs of the Punjab, and they are neither brave nor brawny.<sup>30</sup>

### **Kashmiri Women**

Lawrence, while writing about the Kashmiri women, observes that he has hardly found any beautiful women among thousands.<sup>31</sup> His observation however is highly being contested by various other travellers like, W. Wakefield,<sup>32</sup> E. F. Knight,<sup>33</sup> Francis Younghusband<sup>34</sup> Fredrick Drew<sup>35</sup> and Tyndale Biscoe.<sup>36</sup> They all praise the beauty of women through length and breadth while remarking that, her beauty is of ancient and worldwide repute. Younghusband however, calls Lawrence unfortunate and writes that Lawrence is particularly hard to please that is why he could not find charm among the Kashmiri women.<sup>37</sup> The author of the 'Lonely Summer in Kashmir' substantiates it by writing that the Kashmiri women were uprightly handsome for the most

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30 Lawrence, *Valley of Kashmir*, 301.

31 Lawrence, *Valley of Kashmir*, 318.

32 Wakefield, *Happy Valley*, 98.

33 E. F. Knight, *Where Three Empires Meet: A Narrative of Recent Travel in Kashmir, Western Tibet, Gilgit and the Adjoining Territories* (London: Longmans, 1905) 21.

34 Francis Younghusband, *Kashmir*, 125.

35 Fredrick Drew, *The Northern Barrier of India, A Popular account of the Kashmir and Kashmiri Territories*(London: Edward Stanford, 1877), 125.

36 C. E. Tyndale Biscoe, *Kashmir in Sunlight and Shade: A Description of the Beauties of the Country, the Life, Habits and Humor of its Inhabitants, and an Account of the Gradual but Steady Rebuilding of once a Downtrodden People* (London: Seelay, 1922) 60.

37 Younghusband, *Kashmir*, 125.

part of the valley.<sup>38</sup> Vigne and Hugel also bear testimony to the beauty of Kashmiri women but Victor Jacquemont declares that the female race of Kashmir is remarkably ugly.<sup>39</sup> He writes, "I have never seen anywhere such hideous witches as in Kashmir".<sup>40</sup> Biscoe technically refutes this narrative and contested him by writing that the Kashmiris are of the Aryan stock and are as a rule quite good looking. He praises the Kashmiri women, despite the fact that most of the upper-class women were never seen in the streets and the missionary ladies had told Biscoe that the women here are really beautiful.<sup>41</sup> Speaking about the position and occupation of women, their most laborious work besides preparing food, was washing, husking and grinding of grain which produced a fine physical development in them.<sup>42</sup> Biscoe substantiates the fact while mentioning that the women, makes muscle through their daily occupations, by grinding at the mill and husking their rice with pestle and mortar.<sup>43</sup> Besides, their house work they used to work in the fields. The women were having a hard healthy life and they thrive on it.<sup>44</sup> The biographer of Irene Petrie however writes in a narrative tone by mentioning that the people of Kashmir have no trace of chivalrous feeling, while the men used to remain idle and their women toiling up and down the ghats with heavy water pots, believing that their wives were born to be the burden bearers.<sup>45</sup> E.F. Knight, however presents a

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38 Margaret Cotter Morrison, *A Lonely Summer in Kashmir* (London: Duckworth, 1904), 83.

39 Victor Jacquemont, *Letters From India: Describing a Journey' The British Dominions of India, Tibet, Lahore and Kashmir*, Vol. II (London: Late Bull and Churton, 1834), 65; See also Bates, *Gazetteer*, 35.

40 Jacquemont, *Letters From India*, 65.

41 Biscoe, *Sunlight and Shade*, 60.

42 Wakefield, *Happy Valley*, 114-15.

43 Biscoe, *Sunlight and Shade*, 65.

44 Biscoe, *Sunlight and Shade*, 65.

45 Ashley Carus Wilson, *A Woman's Life for Kashmir: Irene Petrie, A Biography* (New York: Fleming Company, 1901), 220.

different perspective and says that the rights of Kashmiri women were thoroughly understood and highly respected.<sup>46</sup>

### Character of Kashmiris

The character of Kashmiris has been misinterpreted and misrepresented by most of the European writers who have echoed the words of Mughal Court writer of 16-17<sup>th</sup> century, Abul Fazal, who stated that 'the bane of this country is its people'.<sup>47</sup> He seems to have been followed inadvertently by the French traveller to Kashmir, Victor Jacquemont who wrote that Kashmir is like a beautiful golden frame with an ugly picture inside it.<sup>48</sup> By this he proves himself to be a brutal racist and marks a contested line of demarcation between Kashmir and Kashmiris, the latter he called an ugly picture. Most Travel accounts opening with the panoramic perspective eventually zoomed on the details, the gardens, the mountains, the houses, and the society in short what the inhabitants had made of their surroundings.<sup>49</sup> The Kashmiris on the one hand were called liars, coward, dishonest and treacherous<sup>50</sup> and on the other hand they were been called by nature and tradition a fine and brave race.<sup>51</sup> Mrs Harvey too has followed the Orientalist line by writing that Kashmiris are not a very fine people.<sup>52</sup> The writer echoes the tone of Jacquemont and seems more a racist than an orientalist when she says that she does not like the Kashmiri race at all.<sup>53</sup> These writers are however being contested by other European travelers like Francis Bernier, Colonel Torrens,

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46 Knight, *Three Empires*, 141.

47 Brijid Keenan, *Travels in Kashmir: A Popular History of its People, Places and Crafts* (Delhi: Permanent Black, 2006), 19.

48 Mridu Rai, *Hindu Rulers, Muslim Subjects*, 3.

49 Rai, *Hindu Rulers, Muslim Subjects*, 3.

50 Drew, *The Northern Barrier of India*, 175; See also Lieut Colonel Torrens, *Travels in Ladakh, Tartary and Kashmir* (London: Saunders and Co., 1862), 298-99

51 Torrens, *Travels in Ladakh, Tartary and Kashmir*, 174; 310.

52 Mrs. Harvey, *The Adventures of a Lady in Tartary, Thibet, China and Kashmir*, Vol. II (London: Hope and Co., 1853), 114.

53 Harvey, *The Adventures of a Lady in Tartary*, 118.



Robert Thorp, Arther Brinkman, W. Wakefield, William Digby etc who called Kashmiris nice people and fine race. Bernier had mentioned, that the Kashmiris are celebrated for wit, and considered much more intelligent and ingenious than the Indians. In poetry and the sciences, they are not inferior to the Persians. They are also very active and industrious<sup>54</sup> Wakefield supports his observation and pays glowing tributes to Kashmiris by saying that the inhabitants of the valley are usually styled Kashmiris and physically are undoubtedly a fine race, the finest perhaps existing in the whole Asia.<sup>55</sup>

Lawrence while speaking about the character of Kashmiris had mentioned that the Kashmiri is a weak hearted somewhat soft creature and they possessed great muscular strength and can carry enormous weights, but unless they are working for their own benefit they hardly exert themselves.<sup>56</sup> Lawrence however fails to mention the brutalities and oppressive measures of Dogra rulers who left no stone unturned in demoralising and dismaying the spirit of Kashmiris by burdening them with oppressive begar. Subsequently, the tendency to work sincerely for ones own benefit lies in the fact that Kashmiris were fedup with the unpaid labours like begar system which was imposed upon them by Dogras. Moorcroft writes that the inhabitants of the city were rather slight<sup>57</sup> lazy, ease-loving<sup>58</sup> and the villagers were heavy load carriers with their muscles hard<sup>59</sup> and compact. This might have been due to the fact that the city people were non agriculturalists, therefore they were not accustomed to work unlike villagers. Theyvillagers instead

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54 Francois Bernier, *Travels in Mogul Empire* (Westminster: Archibald & Company), 402.

55 Wakefield, *Happy Valley*, 97.

56 Lawrence, *Valley of Kashmir*, 280.

57 William Moorcraft and George Trebeck, *Travels in the Himalyan Provinces of Hindustan and the Punjab; in Ladakh and Kashmir; in Peshawar, Kabul, Kunduz and Bokhara*, Vol II (London: John Murray, 1841), 128.

58 Lawrence, *Valley of Kashmir*, 281.

59 Norris Dermot, *Kashmir the Switzerland of India*(London) 8.

could twist saplings into tough witches for lashing together loose bundles<sup>60</sup> and little children too carried loads and drove enormous buffaloes and the girls used to carry great water carriers who were accustomed to hard work.<sup>61</sup> Women in the villages were seen engaged in pounding the unhusked rice in the large wooden mortar with pestles five feet long.<sup>62</sup> Speaking about the crimes, Lawrence has mentioned that the crime was almost absent from the Kashmiri society with few exceptions. This might have been due to the stern measures of repression taken by the Dogra rulers more especially by Maharaja Gulab Singh and his following rulers and officials. He adds that the flaying alive of thieves was also having its effect as a deterrent, and the only criminals of the valley were the Gulawans or horse-lifters. The duties of the village headman and the village watchman also contributed a lot for the absence of the crime as their duties were painstaking, and they were supposed to receive small mercy if they failed to report crime or to detect criminals. Besides, the old system of informers has made criminal pursuits unpopular and unprofitable. Lawrence, while discussing about the character, mentions that the Kashmiris, like other artistic people, were very fond of exaggeration as it was very noticeable in their suits for land, and in their dealings with officials, but in their private life also they used to exaggerate things. Everything which was unusual like wet weather, heavy snow, or very hot days was spoken of by them as tyranny.<sup>63</sup> It was perhaps due to their miserable condition under the autocratic Dogra rule because they felt themselves psychologically enslaved. Speaking about the traits, the Kashmiri cultivator was resembling in many respects like the Irishman<sup>64</sup> as he certainly was possessing

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60 Ernest F. Neve, *Things seen in Kashmir: A Description of one of the Lovliest Countries of the World, with its Beautiful Lakes & Rivers; its Picturisque Town & Country Life* (London: Seeley Co. Limited, 1931), 62.

61 Neve, *Things Seen in Kasshmir*, 62; Biscoe, *Sunlight and Shade*, 65.

62 Neve, *Beyond the Pirpanjal*, 59; Biscoe, *Sunlightand Shade*, 65.

63 Lawrence, *Valley of Kashmir*, 279.

64 Lawrence, *Valley of Kashmir*, 279.

the quick wit which was so characteristic of the Irish and was having a deep-rooted objection of paying rent. Moreover, there were many points of resemblance between Ireland and Kashmir as both were small countries which have suffered or derived benefit from the rule and protection of more powerful nations, yet have never welcomed any change or improvement. Lawrence, however seems to be wrong by calling the British as the benefactors as they actually were responsible for the enslavement of Kashmiris by selling them out to autocratic Dogra dynasty for merely materialistic designs.<sup>65</sup> Lawrence once again has contradicted himself by calling Kashmiris as the lovers of joke, fond of harmless deception and masters of good-humoured blarney,<sup>66</sup> and in the same work he writes that Kashmiris as melancholy.<sup>67</sup> He says that, in the middle of a conversation, the Kashmiri used to sigh in the most irrelevant manner, and says that he sighs for his sins and for the curse that is on Kashmir. Lawrence appears to be generalizing the Kashmiris by writing that they rarely laugh or smile and easily moved to tears. This narrative is contested and objected by the author of, 'Things seen in Kashmir' who notes that the people of Kashmir were good tempered and often merry and used to enjoy a joke.<sup>68</sup> He writes that Lawrence pretends not to comprehend their agony but the fact is that the people of Kashmir were suffering from various ill-treatments in different forms during the British sponsored autocratic Dogra regime which had moulded down the true spirit of Kashmiris.<sup>69</sup> Most of the travelers had called Kashmiris the dirty people including Lawrence, who have exaggeratedly followed the same line as well.<sup>70</sup> G. M. Sufi, however, presents the opposite point of view and states certain extenuating points in defense of the

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65 Thorp-Brinkman, *Kashmir Oppressed*, 112.

66 Lawrence, *Valley of Kashmir*, 279.

67 Lawrence, *Valley of Kashmir*, 280.

68 Neve, *Things seen in Kashmir*, 65.

69 M. Ishaq Khan, *Crisis of a Kashmiri Muslim, Spiritual and Intellectual* (Srinagar, 2008), 164.

70 Khan, *Crisis of a Kashmiri Muslim*, 280-81.

Kashmiris. He writes that the dirtiness of the Kashmiri is the case of his degradation in the eyes of an outsider and it was the circumstances that were responsible for the developments of the filthy habits on the part of the Kashmiris. He critiqued such orientalist discourse by stating that, 'in fact, a European brought up in an environment of compulsory filthiness calling a Kashmiri bearded and dirty without realizing his environmental difficulties must be brazen-faced and shameless in his remark'.<sup>71</sup>

Kashmiris possess an individuality and national character which will cling to them wherever they go. Their dress was changed and their manners had changed, yet they retained unmistakable signs of a Kashmir origin, and their ways of thought and of speech showed their descent.<sup>72</sup> It is interesting to mention that the Kashmiris are fond of their own country,<sup>73</sup> its food, its water, and its dress, and, though Sikh and Dogra oppression has driven them out of the valley, many returned back and all were loath to leave. The Kashmiri proverb, '*Tsari chu kandtharipethkarar,*' which means that a sparrow is contented its own branch was often quoted by a Kashmiri when the advantages of service in the Punjab were pointed out to him. Finally, though the character of Kashmiris leaves much to be desired, the word *izzat* was often on their lips and they explore the fact that they have no honour in the eyes of their rulers. Most travellers unanimously believe that the Kashmiri is what his rulers have made him, but Lawrence seems optimistic in his writing and has hoped, that the two generations of a just and strong rule would transform him into a useful, intelligent and fairly honest man.<sup>74</sup> Biscoe too made a thorough study of the people of Kashmir and the study had revealed to him that oppression, corruption, exploitation and superstition had

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71 G. M. D. Sufi, *Kashir: Being a History of Kashmir, from the Earliest Times to our own*, Vol. I (New Delhi: Light & Life Publishers, 1974) 27-28.

72 Lawrence, *Valley of Kashmir*, 282.

73 Neve, *Beyond the Pir Panjal*, 30.

74 Lawrence, *Valley of Kashmir*, 282.

robbed the people of their very spirit.<sup>75</sup> These observations are being substantiated in the writings of William Digby as well, who writes that the Kashmiri is strong and hardworking, but the Dogra oppression has made his spirit dull and dormant.<sup>76</sup> However, Younghusband contested these writers by stating that, in spite of splendid Mughals, brute pathans, bullying Sikhs and rude Dogras, the Kashmiris ever remained the same-the conquerors came in hoards but they scarcely touched the soul of people.

### **Rituals, Religious Belief and Superstition**

The inhabitants of Kashmir have developed certain peculiarities in their religious beliefs and superstitions which differentiate them from the people living in other parts of the sub-continent. This type of distinctive traits has been reflected in European travel accounts and historical sources both Persian and English. The Kashmiris owing to the lack of knowledge and the oppressive rule of Dogras were fostering and preserving the superstitions which is substantiated by the fact when Lawrence writes that the Superstition had made the Kashmiri timid, tyranny has made him a liar, while physical disasters has made him selfish and incredulous of the existence of good. Fires, floods, famines, and cholera can all be prevented and the consideration that efforts devoted to the removal of these evils will eventually result in the moral amelioration of the much abused and little-pitied inhabitant of Kashmir should excite the state to grapple with them regardless of cost and labor.<sup>77</sup> The Muslims of Kashmir have been observing the custom of Noufal ceremony during times of natural calamities, as confirmed by Walter Lawrence who states that during periods of drought, earthquake or cholera, the people would flock to Charar-Sharif in thousands, confess their sins and ask for pardon and protection from the

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75 Mohammad Ishaq Khan, *History of Srinagar 1846-1947: A Study in Socio-Cultural Change* (Srinagar: Aamir Publications, 1978), 148.

76 William Digby, *Condemned Unheard* (London: Indian Political Agency 1890), 179-80.

77 Lawrence, *Valley of Kashmir*, 220.

impending misfortunes.<sup>78</sup> Eidgah, which has continued to be an important place of congregation for the Muslims on Eid days, was a resort of Muslims during the times of disaster or natural calamity. Maharaja Gulab Singh and Ranbir Singh too had faith in the efficacy of Naufal prayers. They also believed in the invocation of god's help and especially a resort to Sharka Devi (goddess) during times of distress. They entreated and invoked goddess sharika Devi for protection and help. Thus it appears that rulers too showed faith in the religious practices and rituals of both the Muslims and Pandits to ward off calamities. Lawrence states, that the people of Kashmir observe the month of Ramzan very strictly however they do not keep Friday as a day of rest and very few Kashmiris make the pilgrimage to Mecca despite the journey is not so hard and does not cost more than Rs. 340. The writer seems to follow the blind eye while remarking that the journey is cheap, without cross checking the fact that the majority of Muslims were even short of their daily meals due to the oppressive rule of Dogras. He further has mentioned that in times of earthquake and cholera, the Kashmiri used to fall to his ritualistic prayers and displayed a wonderful activity in repairing shrines and mosques, but in fair and easy times he usually has allowed the mosque and the shrine to fall into ruins and pays very little attention to the Mullah.<sup>79</sup> Ernest Neve substantiates it by writing that, it was the shrine to which the Kashmiri used to look for protection from diseases and disaster and to it they look for aid in times of stress or in any special enterprise.<sup>80</sup> Lawrence seems to be critical and mentions that the ordinary mosque is not in a good condition and is no better than the meanest cultivator's cottage. It might have been either due to the poverty of Muslims or their negligence towards their religion. He adds that he has seen three miserable mosques and surprises why there was not one better mosque and one respectable Mullah so that the people would offer their prayers in

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78 Lawrence, *Valley of Kashmir*, 288.

79 Lawrence, *Valley of Kashmir*, 285.

80 Neve, *Beyond the Pir Panjal*, 66.

congregation. It appears that the villagers always urge the convenience of having a mosque close to their own houses. Lawrence reprimanded them by writing that the indifference shown in the matter of mosques and Mullahs may be accounted for by the fact that the Kashmiri Sunnis are only Musalmans by the name. Lawrence seems generalizing and misrepresenting the religious practices by writing that, in the Muslim hearts they are Hindus and the religion of Islam is too abstract to satisfy their superstitious carvings.<sup>81</sup> Fredrick Drew, however, partially supports his view and mentions that the Kashmiri Muslims in general were not strict followers of Islam as they used to follow the tradition of saints and visit the pilgrimages.<sup>82</sup> E. Neve too has observed that Kashmiris were the pirparasts and used to show very little religious zeal or earnestness in their religion.<sup>83</sup>

Regarding religious beliefs, G.T. Vigne felt that they were mainly the outcome of climate and partly attributable to the forces of superstition, myth and nature worship.<sup>84</sup> It is difficult to measure how far the real spirit of Hinduism and Islam prevailed in Kashmir because both the Hindus and Muslims were dominated by animistic beliefs. The rituals, tradition and custom constituted the spiritual heritage of each community and they exerted the greatest influence in molding the minds and character of Kashmiri's to a much extent. Both the communities believed that the natural calamities could be warded off by invoking the deities and by performing certain religious ceremonies<sup>85</sup> and both the communities were superstitious in regard to their religious beliefs. Kashmiri Hindus were having certain traditional conceptions with regard to their eating habits. In spite of their being non-vegetarians, they abstained from taking some

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81 Lawrence, *Valley of Kashmir*, 286.

82 Drew, *Northern Barrier of India*, 129-30.

83 Neve, *Beyond the Pir Panjal*, 30.

84 Godfrey Thomas Vigne, *Travels in Kashmir, Ladak, Iskardo, the Countries Adjoining the Mountain Course of the Indus and the Himalaya, North of Punjab*, Vol. II (London: Henry Colburn, 1842), 54.

85 Vigne, *Travels in Kashmir, Ladak, Iskardo*, Vol. I, 281.

vegetables such as tomatoes, onions, red flushed beans and carrots, it may be because of their proteinaceous content which accelerated bodily system.<sup>86</sup> The Muslims of the valley were equally superstitious. They almost had full faith in the supernatural powers of the saints and the efficacy of shrines. The help of dead saints was particularly invoked by them in times of adversity.<sup>87</sup> Lawrence says that every Kashmiri used to believe that, the saints will aid if men will call' and they think that a dead saint is more efficient than a living priest. The Kashmiris were called Pir Parast by various travellers and they call that people would often smear their faces and body with the dust of the shrine and bowed their heads before the graves of dead saints.<sup>88</sup> Ernest Neve, had mentioned that the Kashmiris were so superstitiously following their Pirs and saint that nobody dared to pass a shrine on horse back.<sup>89</sup> They were having a superstitious belief in the many wandering *faqirs* too. They supposed that a mere word for one of them can even cure chronic diseases and that their favour would be productive of success and prosperity. No wonder then that many unscrupulous, itinerant and other *faqirs* put on sage airs and freely exploit even educated Kashmiris, not to speak of the very credulous illiterate ones. Besides, the Muslims used to wear amulets round their necks and muscle arms. Victor Jacquemont is of the view that the entire Brahmin community of Kashmir considered itself superior but he felt that this notion of Hindus was incorrect due to their ignorance.<sup>90</sup> The Kashmiri Hindu believes that when famine or cholera is impending, the water changes its tint and becomes darker.<sup>91</sup> A strange type of superstition prevailing in Kashmir was that the plants like the kdmbe (*Solanum Nigrum*), *trer*, *kuna*, and *kreri*, which were largely eaten in 1877-79, only appear when

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86 Lawrence, *Valley of Kashmir*, 300.

87 Lawrence, *Valley of Kashmir*, 286.

88 Lawrence, *Valley of Kashmir*, 286.

89 Neve, *Things Seen in Kashmir*, 67.

90 Jacquemont, *Letters From India*, Vol. II, 59.

91 Neve, *Beyond the Pir Panjal*, 13.



famine was imminent, and from all accounts, experiments were made in that awful calamity with nearly every plant in the valley.<sup>92</sup> Biscoe substantiates it by saying that the people of Kashmir are very superstitious, and give themselves much searching of heart and' trouble in consequence.<sup>93</sup> The writing of Biscoe further reflects the innate tendencies of superstition among the Kashmiri Pandits while discussing that, in 1891, when the game of football was introduced in Kashmir, the Pandit boys were so wrapped with superstition that they denied to play it as they argued that they will not touch the football as they will become unholy by touching the leather.<sup>94</sup> Irene Petre, further substantiates it by writing that a Hindu superstitiously believes that the contact with leather defiles his faith.<sup>95</sup> She also mentions that besides afraid of dark due to the presence of jins, the Kashmiri Hindus were apprehensive too of climbing the hills and mountains with the superstitious belief that the place is reserved for gods and they may harm them by intruding.<sup>96</sup>

Muslims subscribe to every disease as destined and Hindus believed that the sickness is caused not due to germs but by the caprice of their various ginis, gods and goddesses, e.g. whenever small-pox attacked a family, they seem rather pleased than otherwise, as they used to say that, the goddess(*shuttelbud*) has designed to visit their humble dwelling. This is one of the reasons that Hindus always used to object the vaccination.<sup>97</sup> The occurrence of smallpox had been invested with so many practices among the Pandits. The superstitious cure to a child suffering from smallpox was such that instead of medical treatment he was being placed in a separate room surrounded by clay toys of several types and sugar cakes, horses, water chestnuts and shells. His or

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92 Lawrence, *Valley of Kashmir*, 71.

93 Biscoe, *Sunlight and Shade*, 167.

94 Biscoe, *Sunlight and Shade*, 276.

95 Wilson, *Woman's Life*, 249-50.

96 Wilson, *Woman's Life*, 249-50.

97 Biscoe, *Sunlight and Shade*, 63.

her headdress would be stitched with small patches of cloth containing some coins during the days of illness and meat was prohibited from being used in the household. To ward off the sickness, the Pandit families further used to hung up a little fish or a piece of meat in the sick room.<sup>98</sup> Biscoe mentions that the people were so superstitious that they even were not willing to take the medicines or vaccination by demonstrating that the diseases are due to the gods and goddesses and only sacrifices can cure it. He argues that when a person falls seriously ill the patient's relatives used to take a vow to offer a sacrifice, and a fat lamb was brought before the priest, who lays the sins of the patient on it. It is then either killed or was set free in some forest. The latter was very rare, though preferred to the former. This sacrifice was called "Raja Kat"<sup>99</sup> The writer has further mentioned that the teeth of the elephant were taken as the teeth of a jin and were considered most sacred by the Pandits.<sup>100</sup> Generally speaking, the Kashmiri Pandit was strangely enough, much more superstitious than the Kashmiri Muslim. This is substantiated by the fact that whenever he leaves his home he was anxious to see whom he leaves first on the right side; as the first passerby on the right side to him should not be have been a woman, a priest or a cow, as they according to him were ominous and if it is a sweeper instead with his full set of broom, basket etc., that was so good to him. Over-enthusiastic though irrational belief in the pseudo science of astrology was but natural with the Kashmiri Pandit. No wonder that many reputed and famous astrologers, dogged by hosts of seekers of luck, employment, wealth, promotion, family happiness and so on. The Kashmiri Pandit used to make extensive consultations with his astrologer before undertaking a journey, to decide upon the auspicious day and calculates the time of start to the exact minute. One of the bases for the marriage of a boy and a girl was the

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98 Lawrence, *Valley of Kashmir*, 263-64.

99 Biscoe, *Sunlight and Shade*, 159.

100 Lawrence, *Valley of Kashmir*, 263-64; See also Biscoe, *Sunlight and Shade*, 63.

general agreement of their horoscopic tendencies, which decision is, of course, arrived at by the astrologer so that these arces of marriages are not only the ill-famed anachronisms of present marriages but they actually are also what may be called astrologer marriages.<sup>101</sup> It might be surprising but interesting to mention that even the Dogra rulers and officials themselves, were touching the heights of superstition. When the Maharaja or his relatives expires, the taking of meat and fish was forbidden for three months. Kripa Ram who was the prime minister at the death of Gulab Singh managed the state of affairs in such a way that got rupees placed on the corps of Gulab Singh, so the people got absorbed in collecting this money instead of raising a hue and cry including in wailing and mourning. The height of puerile superstition of Dogra rulers was such that Maharaja Ranbir Singh banned the catching of fish because of the belief that the late maharaja's soul had transmitted into the body of a fish. And in the valley itself, when dying from the scarcity which had affected the land, the people sought a substitute for their usual food in the fish of their rivers; they were met by a stern interdict from their rulers.<sup>102</sup>

Biscoe speaking further about the superstition argues that during the first eleven days after the delivery of Hindu women, the visitors were not allowed to eat or drink in the house with the exception of the very near relatives as the house was considered infectious and unclean.<sup>103</sup> He goes on to write that if anyone leaves his house in the morning and an old ugly women or a one-eyed person or a dog or a donkey happens to come from the opposite direction the 'unfortunate' person either was to retrace his steps or pass the time in great anxiety, fearing some misfortune, however some educated men never paid attention to such nonsense.<sup>104</sup> The Kashmiri Muslim is strangely enough, less

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101 S. K. Sharma & S. R. Bakshi, *Kashmir Society and Culture*, ed. (New Delhi: Anmol Publications, 1995), 34-36.

102 Brinkman, *Kashmir Oppressed*, 36-37.

103 Biscoe, *Sunlight and Shade*, 53.

104 Biscoe, *Sunlight and Shade*, 159.

superstitious than his Hindu compatriot. Perhaps one of the reasons might be that he is more impulsive, less thoughtful and busier in his work than his Hindu fellow. The Muslims do not mind sneezes unlike Hindus to whom if someone sneezes in a room or a house, while someone else was going out or was about to start his or her work, he pauses for some time, to liquidate the effect of the bad omen.<sup>105</sup> The people generally had a traditional superstitious fear of graveyards and even some old cremation grounds. They have belief in the will o' the wisp, which they call Rah-Chowk. Many Muslim villagers were supposed to have actually had encounters with Rah-Chowk-the devil whose two eyes glow in the dark night and who carries a pot of fire with its tongues of flame leaping up in the air and who heads the nocturnal pedestrian astray to the stream or towards a marshy swamp where he drowns the unfortunate wretch. The ailing children were duly produced before the presence of saints or pirs who solemnly mutters the holy verse over the child and writes some hieroglyphic letters over a piece of paper. The paper was folded and sewed in black cloth and then the charm is worn round good looking and healthy children, woman and cattle so as to ward off the evil eye. These amulet sellers were carrying a busy trade. An eminent Kashmiri Historian, Dr. Ishaq Khan seems very much critical of these Pirs, *faqirs* and their centres. He, on the one hand, calls the Pirs as the hypocritical and materialist beings who kept the Kashmiris in dark by their superstitious acts and on the other hand calls the ziarats and khanaqahs of Kashmir as the chief centres of superstition and charlatanism.<sup>106</sup>

G.T. Vigne while writing about the superstition of Kashmiri Hindus says that the moment of log in the spring caused by whirlpool was considered as something animated under the influence of a Devi or the spirits of the place.<sup>107</sup> Biscoe adds that the superstitious level among the Hindus was such that

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105 Biscoe, *Sunlight and Shade*, 159.

106 M. Ishaq Khan, *History of Srinagar*, 104

107 Vigne, *Travels in Kashmir, Ladak, Iskardo*, Vol I, 328-31.

crows, owls and kites were considered ominous birds while bulbuls, swallows and hoopoes were considered fortunate. The bulbul according to them was considered to be the messenger bird as its chirp was supposed to foretell some guest.<sup>108</sup> No reformer dared to speak against them due to the mass ignorance and Dogra repression. However, the superstitious nature among the majority of people to some extent started to decline from the twentieth century on account of the religious reforms and spread of education.

### **Conclusion**

The European travellers adopted a dual narrative while writing about the Kashmir and Kashmiris. While adopting a eulogizing tone towards Kashmir by praising its natural beauty, mountains, water bodies, gardens etc., they were critical of Kashmiris and wrote about them in disparaging terms, demonizing and speaking of them as the 'Other' by calling them 'as different from the European as a sheep is from a war horse'. The society of Kashmir accordingly was depicted divergently by a number of European travelers with their Orientalist, Imperialist, Racist, and sometimes impartial designs. A deliberate narrative seems to have been built by these travellers to continue an older tradition, prevalent since Mughal times of effacing Kashmiris from depictions of Kashmir. One of the main reason responsible for the superstitions and ritualistic nature of the Kashmiri Muslims was that they were direct converts from Brahmanism and were not fully Islamized, as the stress was being on conversion rather than complete transformation. However, the intervention of the Christian missionaries through the introduction of modern education, health care system, and religious and social reform movements brought immense changes in the society leading to its amelioration and diminution of superstitious nature of the people.

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108 Biscoe, *Sunlight and Shade*, 159.

## **The Problem of Kashmir's Unwritten History and the Perennials' Perspective on the Study of Religions and Interfaith Dialogue**

**Muhammad Maroof Shah\***

### **ABSTRACT**

*Though Kashmir produced some important historians at a time when Indian subcontinent largely ignored history writing, today we have no less confusing or contradictory accounts than are found elsewhere. And it is unfortunate that our history begins and ends with Kalhana to be revived rather late and has yet to become quite professional and is still largely immune or not responsive to major thought currents that have affected history writing elsewhere. So far no approach has been consistently or comprehensively used by historians in the specific case of Kashmir. We have primarily Brahmanical account bequeathed from Kalhana. Muslim scholars too have bequeathed us accounts that cannot be called comprehensive intellectual accounts. Narrating few reigns, lives of saints and related material without helping us to explain clearly the historical order, our current condition and failing to connect to pre-Islamic past is what describes these histories. Various approaches have been used by isolated individuals—we can identify no schools as such—on certain selected issues in Kashmir history.*

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*Why we need Perennialist Perspective on the Study of Religions and Interfaith Dialogue? Interfaith dialogue as carried today by both secularists and religionists suffers from many limitations, conceptual confusions and operational anomalies. Most modern scholars of religion and great majority of believing people subscribe to a varying degree to one or more of the following notions, any of which if correct make interfaith dialogue problematic and academically hardly sustainable or respected enterprise. Perennialists represented by such figures as A.K. Coomaraswamy, A. K. Saran and Hassan Askari from South Asia besides influential metaphysicians and scholars like Guenon and Schuon and Lings and Nasr who also claim to provide the most comprehensive, intellectually most sophisticated, universally orthodox and perennially relevant perspective on interfaith issue. In an atmosphere of fundamentalist/ exclusivist and outright rejectionist secularist interpretations of religion perennialist metaphysical approach to religion and comparative religion is something quite plausible and deserves serious hearing from scholars interested in the issue.*

### **Introduction**

In a world increasingly divided by a variety of fundamentalisms, theological imperialism, secular indifferentism, misosophical postmodernist cults and epistemic and moral chaos from relativist nihilist and anti-transcendentalist ideologies it is extremely urgent to explore traditional resources for intercultural and interreligious dialogue. More important still is to bridge the gulf between traditional and modern sensibilities which seem to be at loggerheads. There have been a variety of attempts to appropriate modern trends in various disciplines in theology but accusations of heresy and in authenticity have been quite frequent. Religion has been mostly on a losing ground in this clash for ideological supremacy. Most recent attempts at bridge building have been at the cost of religion. Is it possible to evolve a hermeneutic that recognizes the *haq* of various thought currents that seem to articulate some

significant mode of contemporary experience and knowledge? Is it still possible to speak for Truth in the age singularly known for confusion of tongues, relativism and confounding of truth and falsehood? Is it possible to have a decisive *furqan* that denounces error in a prophetic tone and stands for truth that Buddha called the supreme gift? What is modernity worth for and how to show its face in the mirror? Ibn Arabi, the great Muslim sage, claimed to present precisely such a decisive argument of Truth against distortions, obfuscations and ideological misappropriations. He also provides, as this paper will argue, a basis for genuine dialogue between philosophies and religions, philosophy and theology, tradition and modernity and thus between cultures and civilizations.

A few general preliminary remarks are in order regarding what we may call as Ibn Arabi's model for dialogue. This model is neither postmodern relativist or sophistic one that disavows Truth as such and grants the benefit of doubt to everyone as nobody has access to truth nor the one that claims to have a unique access to truth and sees other ideological positions as groping to approximate its privileged position. Ibn Arabi provides a hermeneutic that unearths universally recognized truths in theological and scriptural material that has usually been interpreted more parochially or exclusively. He aligns himself with what he sees as the unified position of all prophets (thus founders of world religions) and saints and traditional philosophers like Plato. He doesn't base his "position" of no position on any disputable rationalist axiom or proposition. He does not take recourse to any "as if" position that propounds cautiously formulated propositions where enough room for ambiguity and uncertainty remains to warrant any interpretation. Remaining loyal to the text with exceptional use of philological resources he excavates treasures of meanings that overturn all exclusivist claims. His is a sharp edged unambiguous statement of some fundamental theses for which all religions have stood and which express the intuition of great mystic masters of all traditions (granting perennialist



traditionalist reading of religions and mystical traditions). Ibn 'Arabî demonstrates why and how Islam stands for the rights or primacy of intelligence and objectivity, the elements which our era desperately seeks in the wake of misosophical and irrationalist cults. His dialogues with previous prophets and saints constitute one of the most profound encounters with transcendence and proof of intimations of the higher life of Spirit. Every orthodox tradition can claim him. He has resonances everywhere, in the universe of faiths and philosophies. His notion of man is, arguably, the most comprehensive one in world history. His religious thought is subservient to his metaphysical intuitions. For a sage there is ultimately no problem or contradiction because he, through creative imagination and intellectual intuition, transcends all conceptual and logical thought structures and paradigms. At the realizational level all conflicts that are centred on or revolve round reason and language are transcended. Ibn 'Arabî preserves the centrality of Revelation but at the same time pleads for the independent rights of mystical and metaphysical intuitions theoretically available to anyone who takes the necessary pains in self-discipline. He speaks the universal language of love that everybody can not only understand but even identify with. In more than 400 books (according to one estimate) he formulated and promulgated with extraordinary clarity and force the meanings and expression of the principle of unity of existence, which is at the heart of world traditions.

Approaching the fundamental problems of religion and philosophy from a perspective of what Qunawi called *mashrab al-tahqîq*, 'the school of realization' which is to be differentiated from the twin approaches of philosophy and scholastic theology, Ibn 'Arabî assigns himself the task of not only intellectually knowing but existentially realizing truth and reality and the rights and worth of everything that is as is implied in the designation of the Supreme Principle as the True, the Real (Al-Haqq). Employing metaphysical perspective 1 (which, by definition and as the perennialist authors 2 point out, corresponds most closely to pure truth

and is better called metaperspective or divine perspective (due to its universality and comprehensiveness) instead of religious/theological which necessarily anthropomorphizes or rational philosophical approach which inevitably is limiting because of the limiting faculty it uses (reason/ reflection/ logic/ concepts/ categories), he achieves, arguably, the most comprehensive synthesis or integration of diverse sciences in Islamic history. He is, by virtue of these multidimensional qualifications, admirably suited to be explored for the resources on the issue of inter-civilizational dialogue. His aim ultimately is to fulfil the human potential for perfection, the vision of truth or knowledge of things as they are (essences/noumena) which is fulfilling the primordial vocation of man according to all traditions.

### **Engaging with Unbelieving Modernity**

How would Ibn Arabi address the modern unbelieving world and overcome the problem of reaching out to the other – the disbeliever, the sinner, the ignorant? Modern man is however quite complacent regarding the issue of religion and God. He thinks he has thoroughly examined religion both exoteric and esoteric and found it wanting. He thinks hell is a myth and man must learn to live without need of consolation and lure of heaven. He finds religious position naïve or product of fear or explainable in other terms than the spiritual/metaphysical one. He refuses to enter into the dialogue process considering himself to have progressed into the post-religious age. Most of the important modernist and postmodernist thinkers would consider the option of transcendence/sacred/supernatural closed for themselves and modern educated man. Given such a complacent posturing from the side of secular (post)modernity how will Ibn Arabi find sympathetic audience and how will he establish the case for the primacy of the sacred and theomorphic ethics and prerogative and thus engage with modern atheism/agnosticism? Ibn Arabi can be approached for addressing this complex problem at different levels. Firstly, he presents the case of religion in such a way that most of important criticisms levelled by modernity are taken

care of. Secondly, he appropriates the problem of unbelief in his fundamentally transtheistic theology so that it loses much of its warrant and cutting edge and even pejorative sense in which the theists have understood the issue. Thirdly, he finds roots for all kinds of misguidance in the play of divine names and excuses the disbeliever in a way.

Modernity has many problems with traditional theism. Most of these problems can be avoided if we adopt thoroughly symbolic view of fundamental theistic concepts and keep in consideration metaphysical equivalents of them of which these are not very adequate translations. Ibn Arabi provides such a reading of theological concepts. In the present study an attempt is made to present Akbarian view of some fundamental theological notions. Such a presentation, as will be seen, blunts the cutting edge of much of atheistic and agnostic critique of theology.

The Bible says that only the fools say in their hearts that there is no God. The Quran asserts that no doubt can be entertained regarding God and that God is the Manifest Truth. The more they blaspheme, the more they praise God, remarked Meister Eckhart. All things are loved for the sake of the Self rather than for themselves as the Upanisads say. Berdyaev stated that "man can't exist where there is no God." Melebranche maintained that we see all things in God. If we accept all these statements as countless generations of humans have accepted until few centuries ago (All traditions have maintained belief in Absolute/Godhead though not personal God, belief in transcendence of Spirit) how can we make sense of the modern 'wisdom of the fools' upheld by atheistic/agnostic academia? It is Ibn Arabi who makes such statements comprehensible and even indubitable as we shall see.

For Ibn Arabi God is Reality, immanent and transcendent. In his understanding the Real alone is and there is no distance between us and It. We are already there in the lap of God – humans have never been really away and cannot be away from It. God has never been missed. We have forgotten or fallen asleep but this doesn't alter the fact that God is our

very being, our inmost reality. Man is inwardly God and outwardly a creature according to Ibn 'Arabî. The world is God's visible face. The real, the obvious, that which is always with us, has been always with us, will always be with us, is God. God is the Isness of things. He is the Meaning of everything. God constitutes all pervasive Environment (al-Muhitin the Quranic parlance) in which normal man lives, moves and has his being.

Modern sceptical thought has problematized an image of God bequeathed by dualistic thought (philosophical and theological) and against the Unitarian view it has few problems. In fact, the nonbelievers have most often substituted for doctrines of exoteric theology some sort of monistic or Unitarian doctrine. An utterly transcendent God may be too remote to make it possible to doubt but the immanent God of mysticism is hard to deny for sceptics. Transcendence understood as mystery of existence too is hard to deny for the unbelieving world. Science and rational thought has not stripped the veil of mystery from the universe and life. As long as, one is humble enough to grant this point one can not be labelled as an outright denier of transcendence or straightforward atheist. God is Mystery or He is nothing as Stace remarks<sup>1</sup>

There is no need to prove God's existence; we only need to open our eyes to the All-Pervading or All-Encompassing. For Ibn Arabi, strictly speaking, men don't and can't find God rather they are found by God. Men can not be witness of God but God himself is the real witness. He finds Himself. In strictly non dualistic view God is not sought, because the seeker himself is in Him. One can only get lost in Him. And to get lost is to attain Him. Bewilderment is the highest station and attaining the station of no station is the supreme attainment. Realizing that everything is perfect this very moment or, in Buddhist (Nagarjunian) terminology, that samsara is nirvana is realizing God. Such notions as

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1 W.T. Stace, *Time and Eternity: An Inquiry into the Philosophy of Religion*, (London: Princeton University Press, 1952), 9.

'sensible transcendental', 'ground of being', 'depth of life' 'mystery of things or existence' which many moderns have advocated as substitute metaphors for what used to be conventionally called God and most often pictured with a human face by anthropomorphic idolatrous imagination seem to be given some representation in this fundamentally Unitarian view of God as Totality, as Reality.

Because of the fact that in this existence there is nothing but God for Ibn 'Arabi, the question is how to polish the mirror of heart and invite God therein. God is not an epistemological problem at all that our mind/reason can investigate. He is a percept rather than a concept for Ibn 'Arabî. In more poetic terms He is a song to be sung rather than an abstract Being, a Being among other beings. God is 'the knownest of the known' and so close that we only need to open our eyes, to cleanse the doors of perception to see how. Belief in God is not a proposition for Ibn 'Arabî but a matter of tasting, experiencing the divine (or the revelations of sheer Being), which, to him, presents itself in all experiences every moment and for everyone – in fact God is the Hearing and the Seeing as is often reiterated in the Quranic verse – and not just to a select few in the so-called religious experience which is a Jamesian construct uncritically accepted by many modern philosophers of religion. All the roads lead to His abode as they proceed from it. God is the name of 'that which is.' He is not something within isness, he himself is that which is. He does not possess existence; rather the very existence is in him. Essence and existence are one for Him.

This is something similar to the understanding of Being as the ground of all beings in Heidegger and God as Being of being in Paul Tillich. Ibn Arabi snatches the "God-given right" to be an atheist. Atheism denies a limited conception of divinity though in itself it is based on a narrow view of Reality. But it is absurd to be an atheist if God is construed as the Essence of existence, as isness of things, as the ground of everything, as what is, as Reality. Lest it be thought that Ibn Arabi has no problems with transcendence denying desecralizing and demystifying atheism and

materialism, it needs to be noted that he sees the world as ordinarily experienced as consisting of dream though not a sheer illusion, a symbol that needs to be interpreted, an exterior aspect of the larger and fundamental inward or hidden reality he calls *al-haqq* which is his designation for the Absolute. It implies that the modern unbelieving world that only thinks rather than sees with the heart and believes that transcendence is an illusion as it takes sensory world to be the world or the only world which should concern us is simply blind or extremely myopic and guilty of idolatry. However atheism nevertheless partly affirms God in His immanent mode because the world that senses experience is the mirror and the symbol of God. It is childish in its veto against the discoveries of more adventurous spirits of saints and prophets which discover God as real, in fact more real than themselves. God as the Self is in fact accessible to all. To know oneself, to know what it means to be human, to properly affirm "I" is what amounts to knowing God as Ibn Arabi tirelessly keeps alluding to a tradition he attributes to the Prophet that states that knowing oneself one knows God. Knowing oneself after denying the illusory desiring ego one comes to subsist in God. Atheism is often on the way to more purified view of God, a mode of passionate disbelief in idols that however goes too far. It is a case of misplaced absoluteness; it misidentifies Absolute with the world. However atheists are true to their personal lords and in a way atheism is an issue only from the dualistic viewpoint of theology which itself is strictly not true from the strictly Unitarian viewpoint which Ibn Arabi upholds. All beliefs and disbeliefs are in the realm of duality and need to be transcended. Ibn Arabi's Unitarian Metaphysics is transtheistic and transcends both theism and atheism. The Akbarian Unitarianism leads to the realization that the world is ultimately none other than the absolute and thus finding everything perfect this very moment or seeing eternity here and now.

Ibn 'Arabî asserts categorically that only the Absolute is absolute and refuses to commit the cardinal error of

attributing absoluteness to the non-absolute. Taking only Absolute as absolute and all else as relative – even the personal God of theism – he does away with all idolatries and exclusivist theological metanarratives. Modernity is a plethora of isms because it has substituted pseudo absolutes for the Absolute.

Ibn 'Arabi's emphasis is on the Absolute, the One, the Supraformal Essence or Ahadiyyat, the divine darkness of Godhead, utter destruction of subject consciousness before the Infinite rather than on the personal God that comes to be foregrounded in theology corresponding to the level of wahidiyah whom he sees as the first determination of the Absolute and not the Supreme Principle itself. Modern man's problems are primarily with a constricted dualistic theological view of God and static absolutes of idealistic philosophies. Ibn 'Arabi's conception of divinity is not vulnerable to these standard critiques of theistic and idealistic philosophical pictures. Most empiricist-positivist-postmodernist critiques look beside the point and based on faulty construction of religious experience. Modern philosophy of religion seems to have gloriously misunderstood the central experience of religion if Akbarian exposition is accepted.

Ibn Arabi, while commenting on the verse that states that "God has decreed that you worship none but God" is able to convincingly show that all people regardless of their belief or unbelief worship God in their own ways though this doesn't mean all ways of worship or unbelief lead to felicity. Ibn Arabi's view is transtheist and metaphysical as distinguished from theological or religious one with which modernity and postmodernity has formidable problems. He shows that total rejection of transcendence which lands one in hell is hardly an option available to man. The modern unbelieving world has one of the most sympathetic critics in Ibn Arabi even though he shows that all disbelief is a form of belief. Conceding most criticisms of God-talk he grants that no belief goes as far as the Essence and all beliefs are really construction of the self. As Ibn Arabi explains difference

between believers and nonbelievers, the enlightened and the ignorant:

the stages of the spiritual journey between the unenlightened heart and the divine throne are between the divine name "god" (allāh) and the divine name "the all-compassionate" (al-rahmān)... no-one denies some ultimate reality of god... but the station of immediately witnessing god's "absolute compassion" (rahmāniyya) is only known and recognised by those who receive the compassionate blessing of faith.<sup>2</sup>

The conception of *Ahdiyyat* or pure Being or Beyond-Being of which Being/God is a determination makes it possible to transcend theism, metaphysics of presence and Being centred finitistic philosophical thought currents which we find in many modern philosophies. This crucial notion is central in handling such problems as theodicy and many other theological and philosophical problems and in fact makes him a true universalist who can be approached from and appropriated in diverse perspectives, as diverse as Buddhism and Taoism or Vedanta and Christianity.

Agnosticism and scepticisms of various orientations in the contemporary world have a point if understood as the declaration of impossibility of conceptually knowing the Reality, Transcendent Principle, the Ground of Existence, the Whole Truth, and the Mystery. However these are often presented in cruder versions that deny men any knowledge of the supra phenomenal or the very existence of the sacred for which the Shaykh will have zero tolerance. The Pure Absolute or Essence (*Dhat*) in its fundamental aspect – and thus Meaning/Truth/ Presence/ Identity/ Reality *per se* – is beyond the human quest and all attempts to reach It, track it, pinpoint It, catch It in the net of language or realm of the finite or time, to conceptualize It, to imagine It, to speak about It, to affirm anything of It are doomed. Before the Ipseity or *Dhat* one can only be bewildered according to Ibn 'Arabî. The world is ultimately a Mystery, a Mystery of Mysteries and no rational or scientific approach could finally and completely demystify it. The world being ultimately a

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2 James Winston Morris, *The Reflective Heart*(Louisville, 2005), 27.



mystery that resists being demystified by means of conceptual intellect is what transcendence implies as Stace has explained in his *Time and Eternity*. There is no humanly discoverable ultimate truth. All representations of the Real are provisional. Godhead/ Absolute/ *Zat-uz-Zat* is opaque, deep-deep darkness, impenetrable, the absolutely inscrutable unknowable Other. Gnosis consists in knowing that God can not be known as Abu Bakr is quoted time and again by Ibn Arabi. As the world is not-He and man ever a worshipper of his Lord or conditioned by his belief and nothing is ever repeated as God's theophanies change ceaselessly imply that the world will never cease to be an object of wonder and fascination and Beauty never cease to be worshipped and act as an efficient net through which God catches most of his servants as Plato also noted. God is ever glorified by every creature and exalted over whatever man can say about Him as Ibn Arabi keeps us reminding of the Quranic statements such as 'Glory be to God the exalted'. This implies that the Real or Truth can't be appropriated in absolute terms. Man must be content to have only relative knowledge of things or God. There are countless veils on the countenance of God which though continuously being lifted can't be wholly lifted. Man can't afford to behold the naked truth. The Real has infinite aspects and can be approached from infinite contexts and thus perspectives. Man must travel ceaselessly as *Kitab-al-Isfar* attempts to argue. Ibn 'Arabî says in *Risâlat al-Anwâr*: "You should know that man has been on the journey ever since God brought him out of non-being into being." The goal is not reached. For it is "the unspeakable, the impossible, the inconceivable, the unattainable." The goal is only glimpsed, sensed, and then lost. Meaning or Truth is never grasped in its fullness. It ever recedes. Truth escapes all our searching. We can have a vision of it, rather a glimpse of it through the phenomena which are its symbols. This follows from the doctrine of God as Infinite and All-Possibility. God is not an object that one could somehow ever encompass or possess or grasp. Man's quest for the Absolute will have no full stop in all eternity. Life is perpetual becoming as God's infinite

riches are inexhaustible and the Beauty that never ceases unveiling its infinite faces never ceases to attract its seekers to move on and on. Artists, scientists, mystics, philosophers and lovers shall never be out of business. God is continuously experienced, ever afresh in all new experiences. Rationalization, familiarization, demystification and descralization of the world that ultimately make it inhuman, alienating and absurd and disrespectful towards the environment can't happen in the Akbarian perspective that sees the mysterious, sacred divine face in everything. Western philosophy, as Heidegger pointed out, is oblivious to the ground of being. It is not open to the sacred mystery of Being. It is not the philosopher but the poet who can show the track of the holy, to the sacred mystery of Being. Nothing in the world of known can express the Divine Darkness. All quests end in wonder. In the last analysis man knows nothing to its depth by means of senses and reason. Other modes of knowledge such as intellectual intuition give us another kind of knowledge that instead of making things comprehensible dissolves the knowing subject in the object preserving the ultimate mystery of things in the process. If to comprehend means to have discursive conceptual knowledge we comprehend nothing ultimately. All our explanations, analyses stop at a certain point. Things are as they are. There is something instead of nothing. Being or *wajud* is in the last analysis a miracle or a scandal to reason. Why should there be a knowing subject and why should our universe be comprehensible are perhaps unanswerable. Man knows but little and this applies to everything from God to quarks. God is incomparable, transcendent. Symbols are all we know. God alone knows or is Knowledge. The knowledge of reality given to mystics and prophets is of a different order. God remains inscrutable and the sacred inapproachable. Man's prerogative is to contemplate and dissolve in the mystery of being. Though being is aware of itself this awareness has no analyzable or knowable structure. We must ceaselessly move and act and desire. All our movements are because of love according to Ibn Arabi. Man loves and worships beauty without ever knowing why.

Love drives everything to the Beauty that there is. Neither love nor beauty can be grasped or explained. This simply is the case. As Ibn Arabi would see it, man, by virtue of his existential state, is poor, absolutely poor in relation to the Merciful who bestows existence. Man worships by virtue of his very state of being a creature. We are here and there is no cure for it. But, more precisely, we are not. Only God is. Only the play of divine names is and man happens to be a locus of their action rather than some independent subject or agency. The cloak of mystery can't be removed from the universe. All human knowledge is progressive unveiling of the ultimate impenetrability of the veil that disguises Reality. Essences are not discursively known. Existence is a mystery and its grandeur and sublimity defy our reason and its categories. Rereading of Kantian sublime by such writers as Derrida or Lyotard is based on increasingly felt inability of reason to contain the brutal power of imagination. We can't conceptualize or represent in language the infinity which human beings do encounter. The highest station is that of bewilderment according to the Shaykh. All this implies that dogmatism is unwarranted. Ibn Arabi, despite what his theological critics assert, maintained divine transcendence uncompromisingly. His emphasis on similarity (*tashbih*) that Sufism has been characteristically associated with never encroaches on the rights of transcendence of the Essence. It is God and not the name of God that religions seek. Exoteric theologies may not always distinguish between the Truth and the descriptions or representations of Truth. Nothing can capture the reality in rational propositional framework. This means we can only know our inability to know God and this means humility in the face of the Great Mystery that God is. This vetoes all self righteous fundamentalist ideologies. Jaina doctrine of *syadvada* is a corollary of the fundamental mystery and transcendence of the First Principle, the Absolute. This rules out all totalistic or totalitarian claims. Ideological conflicts are based on one's exclusive claim to have access to truth and denying one's fallibility. Religions by relegating truth to transcendent realm and its access to transcendent intellect (which is in us but not ours) veto all

quarrels about accessibility to it of any worldly ideology and self-centric person. Secular philosophies that require no moral purification on the part of the philosopher are barred from entering the doors of the great King or Truth.

Agnosticism/atheism, as full blooded secular humanist manifesto would take them, is a product of spiritual myopia. Denying man the knowledge of himself which is the knowledge of macro-cosmos and God is denying him intelligence which demands and is capable of certainty and objectivity. Man is Reality, so to speak. Imprisoning man in his subjective feelings and denying him knowledge of Reality leads ultimately to the nightmare of Beckettean heroes.

Ibn 'Arabî's mystico-metaphysical exegesis of religion is a great corrective to traditional theological understanding which modernity finds difficult to accept. It is difficult to see him advocating any exclusivist dogmatic theses that we need to contest. The essential Ibn Arabi ethics is constituted by such virtues as disinterest, self-denial, charity and love which form the ethical core of all religious/mystical traditions. God is experienced by everyone who sincerely cultivates these virtues. (Post) Modernity has essentially no argument against these values and indeed affirms them. Ibn 'Arabî has nothing to argue for and against – he only invites us to experience things afresh, to be open to the Real which alone is really experienced in every experience. God is not a hypothesis that one needs to prove or could question – He is the ground of every perception, every imagination, every conception or thought, every experience. He is sought by everyone including idolaters and atheists and all kinds of sinners. To be human is to glorify/worship Him under different names – personal lords of all of us.

### **Dialogue with Philosophies, Ancient and Modern**

In order to understand how Ibn Arabi would evaluate modernity and its thought currents and thus work out contours of possible dialogue between him and modernity we need to see how he relates to philosophers who are traditionally seen as iconic intellectual figures and supposed

to articulate a coherent worldview. It is religious philosophers who have been the finest spokesperson of respective worldviews of their traditions. Modern world having relegated religious thinkers and sages to the background is especially fashioned by its philosophers. Ibn Arabi is not himself a philosopher in the modern sense of the term which sees reason as the chief if not the only tool for understanding or approaching reality. His view of modern philosophers could not but be largely negative. For projecting Ibn Arabi as a philosopher we need to refer to perennialist conception of philosopher and philosophy. His denunciation of rationalism and much of what today passes for intellectuality aligns him to perennialist critics of modern thought. More than a philosopher or a Sufi Ibn 'Arabî can better be understood as a spokesperson of the tradition which is more comprehensive term which in its more universal sense can be considered to include the principles which bind man to Heaven or as 'the chain that joins civilization to Revelation'. Ibn 'Arabî's colossal output and contribution and his synthetic view of diverse disciplines from metaphysics to astrology and psychology is better categorized as contribution to *Sophia Perennis* that lies at the heart of revelation and mystical traditions and ancient philosophies which were never purely rationalistic or divorced from the founts of religion. Perennialist authors have rightly extolled him as a master promulgator of Islam's universal metaphysical and esoteric teachings and have hardly any difficulty in classifying him with other grand masters such as Chuang Zu, Nagarjuna, Sankara and Eckhart. His Unitarianism transcends all binaries and dualisms that have plagued the Western philosophical and theological tradition, and resolves all contradictions in the One, the Absolute, *coincidentia Oppositorum*.

Ibn 'Arabî is a philosopher himself despite his critique of Muslim philosophers and the fact that he was not very well versed with the works of philosophers. He didn't consider the rational philosophical path as entirely vain. He could be understood as a philosopher-sage in the Orphic-

Pythagorean-Platonic sense. Philosophy in the primordial sense of the term that prepares one for death and assimilation to God as Plato said is not a rational logical abstract discipline only and is allied to gnosis, a way of life or realization of the good. Ibn 'Arabî 's denunciation of rationalism and his praise for Plato – whom he called divine Plato – and thus his conception of philosophy as allied to wisdom (*hikmah*) is to be understood in this context. It is not a prerogative of *ratio* or mental faculty of reason but of *nous*, the supra-individual universal faculty of intellect. It is not a mere theoretical rational inquiry but a realization, intellection or noetic vision that transcends subject-object duality and demands something like ethical discipline that Plato argued for. Philosophy as an abstract philosophical discourse based on rationalistic scientific method and its methodically obtained “truths” is what Ibn 'Arabî often critiques. Philosophy implies for all of the ancients a moral conformity to wisdom: only he is wise, *sophos*, who lives wisely as Schuon notes.<sup>3</sup> Philosophy in the traditional Orphic-Pythagorean sense is wisdom and love combined in a moral and intellectual purification in order to reach the ‘likeness to god’.<sup>4</sup> It is contemplation of beauty and Good. This is attainable by gnosis. By philosophizing ancients meant ‘both noetic activity and spiritual practice’ and if philosophy is the knowledge of the nature of things as for Heraclites or the knowledge of the changeless and of the ideas as for Plato or the knowledge of first causes and principles, together with the sciences that are derived from them as for Aristotle and sages alone can be true philosophers as oriental traditions generally maintain then Ibn 'Arabî qualifies as one of the greatest philosophers of history and most modern philosophers would not deserve a place in the annals of wisdom. The Greek word *nous* covers both spirit and intellect (*intellectus*, *'aql*) of Medieval Christian and Islamic lexicon. Platonic philosophy, understood as a spiritual and

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3 8:136.

4 Algis Uzdavinys, (Ed.), *The Golden Chain: An Anthology of Pythagorean and Platonic Philosophy* (Pentagon Press, 2005)

contemplative way of life leading to illumination or enlightenment; an intellectual discipline based on intellection culminating in union (*henosis*) with ideal forms is what Ibn Arabi relates with instead of more rationalistic Aristotelian view or extremely narrow free speculative inquiry and rationalism of moderns. Philosophy, understood in the above sense of the term, has ever been alive and recent sceptical currents can not have any significant bearing on its vitality. It is mysticism and traditional metaphysics that can come to the rescue of philosophy in the postmetaphysical postmodern age and reclaim for it its lost dignity and sanctity attacked by science inspired positivism and linguistic turn in philosophy. The Western paradigm in philosophy can not accommodate him as a philosopher in his own right because of its own prior commitment to exclusive rational inquiry alone that needs no dabbling with polishing the mirror with the help of virtues as the normative mode of philosophizing. For oriental traditions western rationalistic philosophy will hardly qualify as a philosophy proper and if we judge the tree by the fruits it appears that it indeed is the case. Western philosophy having severed its ties with the pursuit of wisdom and substituted thought for intellection has been reduced to linguistic analysis and analysis of concepts and handmaiden of science and in fact is claimed to be dead by many postmoderns.

For Ibn 'Arabî modern rationalistic philosophy pursued in secular contexts and for mundane pursuits is not the philosophy proper of which prophets are the teachers. The Prophet teaches *hikmah* among other things according to the Quran.<sup>5</sup> Ibn 'Arabî stood for the wisdom of the prophets as his most famous book shows. Ibn 'Arabî, like traditional philosopher-sages, expressed by means of reason certainties 'seen' or 'lived' by the immanent Intellect, as did the best of Greeks.<sup>6</sup> Cracks, crises and emasculations of the discipline of philosophy in the modern West could have been

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5 65:2.

6 8:138.

avoided if the West had not opted for Latin Averroism and Cartesian rationalism and consequent dualisms and irresolvable problems that still haunt its epistemology and other areas like ontology. Logos of which Ibn 'Arabî speaks figures in Plato, Neoplatonism and the perennialists is not renderable exclusively as reason or discursive reasoning (*dianoia*). That has been scrutinized by intuitionists and postmodernists.

Ibn 'Arabî denies originality to himself and the dubious virtue of thinking for oneself that individualistic modernism has promoted at its own peril. He says that he has written what he has been inspired and commanded to write, an assertion incomprehensible to modern philosophers. Ibn 'Arabî, like Sankara, is a commentator and not an original philosopher because he would make us aware of the non-human and participate in it and get absorbed in it. He is primarily a teacher, a Sufi Master, a guide, who leads to the revealed word, the word that turns into reality the moment an innocent soul approaches it after its long sojourn in hell and purgatory though the typical modern hero is adamant to remain in hell and can't allow baptism by fire to thoroughly consume him and transform him. He pleads for dialogue between the self and the world which both modern subjectivism or objectivism fail to conduct properly. Disenchantment of the world because of desacralization and consequent alienation and vulnerability to nihilism are a result of modern man's refusal to open the self towards grace emanating from revelation which is geared towards opening ordinarily closed channels of communication between God and man. God responds to human call only when man becomes nothing.

Ibn 'Arabî, in his *Futûhât*, recounts a conversation with Ibn Rushd in which he explained to the philosopher, the limits of rational perception. This was, as Corbin reads it, a symbolic parting of ways between Islam and the West: the West was to fatefully pursue soon, (mis)appropriating Ibn Rushd, an exclusively rationalistic path leading "to the conflict between theology and philosophy, between faith and knowledge,



between symbol and history”.<sup>7</sup> For Muslim thinkers, in contrast, respect for reason could not degenerate into rationalism that really debases reason because of ignorance of Intellect (*Nous*) or the rights of intuition (unveiling or *kashf* in Ibn ‘Arabî ‘s terminology) and revelation.

Ibn Arabi pleads for employing the faculty of imagination and instrument of heart as well with reason – in short reason illumined by Intellect – so that philosophy can hit the right target. Western philosophy having severed its ties with the pursuit of wisdom and substituted thought for intellection has been reduced to linguistic analysis and analysis of concepts and handmaiden of science and in fact is claimed to be dead by many postmoderns.

Ibn ‘Arabî’s foregrounding of the in-between realm – the realm between the world of spirits and the world of bodies or between the intelligible and the sensible realms which he called *mundus imaginalis* (*‘âlam al-khayâl*) – bridges the gap between symbolism of esoterism and metaphysics and literalism of exoteric authorities and thus paves a way for dialogue between theology and philosophy, science and religion and mysticism and empiricism.

Ibn Arabi corpus helps us in clarifying and adding precision to certain fundamental notions of comparative philosophy. For him metaphysics should be redefined as the science of supraphenomenal which is not the prerogative of mere reason and those who employ – being unaware of discoveries of imagination and unveiling – reason and experience only in building conceptual edifices or philosophizing are simply ignorant people. This approach that emphasizes the need of taking into account intellection and revelation would exclude most modern philosophers from Descartes to Rorty from the arena of genuine philosophy. To their rationalistic or empiricist critiques of suprarational discoveries Ibn Arabi would simply reply in principle that the blind are no judge of colours. For him

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7 H. Corbin, *Creative Imagination in the Sufism of Ibn ‘Arabî* (Princeton: Princeton University Press, 1969), 13.

knowledge of other than God is a waste of time, since God created the cosmos only for knowledge of Him. As Chittick explains: "all true and useful knowledge comes from God and takes the knower back to Him".<sup>8</sup> To secular pragmatic philosophies, to different strains of humanism from Satrean atheistic existentialist to Marxian and Huxleyean brands of it he would say that pragmatically the only significant question is how to become perfect individuals. Judged from this perspective modern secular thought is a huge failure. It even hardly knows the meaning of becoming man. Modern secular thought can not conceive of man as microcosmos, as vicegerent of God, as the one who is the pupil of the world and perfect image of God. No wonder there is no cure for alienation in secular (post)modernity. Absurdism is the logic of modern thought ignorant of transcendence. Marxists too have only an impoverished view of human potential for perfection. The fact that they see salvation primarily and perhaps exclusively in the social or the collective shows only their pitiable state and their refusal to take into account our theomorphic constitution, the Akbarian premise that we are made for the Absolute and without knowing It we are even lower than minerals, not to speak of animals. According to Ibn Arabi the faculty of reason which is peculiar to man and which is taken as the mark of his superiority to other creatures if not under the tuition of intellection and revelation weaves around him an opaque veil which develops into an 'ego' which hinders man from knowing the Absolute. Other creatures including minerals – this might come as a shock to modern ears – know their Creator through natural intuition (*khashf*) or through an immediate evidential knowledge (*idahburhan*) but man is "shackled by Reason and Thinking or is in the pillory of Belief".<sup>9</sup> Ibn Arabi clarifies differences between different senses of intuition and it is in this light that we can understand perennialist critique of Bergsonian intuitionism as infrarational.

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8 William Chittick, *The Sufi Path of Knowledge: Ibn Arabi's Metaphysics of Imagination*(Srinagar: Gulshan Books, 2009), 50.

9 Qtd. in Izatsu, 1966, 234.

In the Akbarian formulation of integral epistemology we find appropriated all the three traditionally recognized sources of knowledge which include reason, experience and unveiling/intuition – mystical and prophetic. Pure reason can't take us very far and the rationalist must follow the path of the Gnostic and prophet, a suggestion that modern secular philosophers reject. This dissolves the problems which have bedeviled purely rational philosophies as Landau has also argued in his *Philosophy of Ibn 'Arabî*. But he does not reject the role of reflection and is critical of pure intuitionism. Like al-Ghazali he synthesizes in a comprehensive way the complementary demands of reason, experience and intuition/revelation without letting any one way to be absolutized or ignored and thus avoids the sterilities of rationalism, empiricism and intuitionism. Dialogue between different philosophical schools or between faith and modernity could proceed smoothly if this attempt at synthesis is kept in view. Muslim thought never degenerated into an array of incompatible philosophical schools or downright scepticism and never gave rise to irresolvable problems which have marked the history of Western philosophy largely because many of its greatest scholars and thinkers have been simultaneously mystics, theologians and philosophers. Even Ibn Rushd respectfully treated Sufis such as Ibn 'Arabî and accommodated the claims of revelation. Against all relativists and sceptics Ibn 'Arabî believes that one can take knowledge direct from the fount of knowledge which is God or Ultimate Reality and his comments on Abu Yazid's remark that saints take knowledge from the Living God while others – philosophers and theologians – take it from the dead are a standing challenge to all philosophies that fight for audience in the contemporary world. Anyone who follows the authority of other than God (sensory and rational knowledge), declares Ibn Arabi, follows the authority of him who is visited by mistakes. Ibn Arabi provides a possible exit point from the choking morass of antimetaphysical nihilistic groundless antifoundationalism and relativism of postmodernists and other sceptical thought currents which otherwise doom us to

abysmal ignorance regarding our most important questions in life including possibility of certain knowledge. Ibn Arabi can't afford dialogue, on equal terms, with those who refuse to listen to the single voice from countless saints, prophets, great poets and artists, traditional philosophers from all cultures which Ibn Arabi also articulates. No philosophy can sustain man for much time that fails to take account of our eternal quest of light of knowledge and certainty. The blind and the seeing are not equivalent according to the Quranic verse which Ibn Arabi is fond of quoting. There can't therefore be meaningful dialogue with prophets of darkness and ignorance. Modern era is largely ignorance and darkness from Ibn Arabi's perspective. Reminding modern man of what he has lost is not the same thing as reviling the era which the Prophet forbade and Ibn Arabi often recalled. We may share Peter Coates' reading of Ibn Arabi 's view of the march of history and signs of the times and accept his largely positive estimate of modernity but we must keep in mind that from the human perspective that seeks peace, joy and blessedness that follows from orientation towards God the Guide (post)modernity is a scandal and though scandals must come as the Bible grants but woe to those from whose hands they come. Never has, in history, man been more lonely, more alienated from the Real, more complacently forgetful of God and thus of his essence and potential for perfection and thus more in need of prophetic heirs amongst which Ibn Arabi claimed to be. Never was the counsel of the one who was asked to broadcast the glad tiding of divine mercy which encompasses everything more needed than at the time when so many despair of God/Love/Mercy and even the finest minds counsel us to live disconsolately or accept "unyielding despair" as the sign of our maturity. We need to take heed of the Shaykh's denunciation of most forms of complacent posturing towards the transcendent which we find everywhere today. God is not in hiding. Every moment He speaks. Every event is a message from Him. To quote from *Futûhât* "Nothing walks in the cosmos without walking as a messenger (*rasûl*) with a message. This is a high knowledge. Even the worms, in their movements, are

rushing with a message to those who can understand it.” The only question is: Do we have the eyes that see and are our hearts the polished mirrors?

Ibn Arabi, in arguing for cognitive importance of imaginal faculty, offers invaluable tool for bridging philosophies. He reconciles the poles of transcendence and immanence by seeing the heart as unitary consciousness which must become attuned to its own fluctuations and see God's incomparability with the eye of reason on one beating, and His similarity with the eye of imagination on other beating. Imagination perceives the unifying oneness of Being and reason the diversity of divine faces. The scientific West sees with one eye Manyness only while the Vedantic and Buddhist East has largely emphasized the eye that sees One only. Man needs binocular vision to see the depth of things. Modern man lacks the unifying eye of imagination and all his knowledge is “dispersion in detail.” Much sought after unity of knowledge is impossible to be achieved without the use of the currently atrophied eye of imagination. Modern physics has been relearning the use of this eye to comprehend otherwise paradoxical reality that defies conceptualization. Postmodern thinkers have pointed out problems with all categorical frameworks and all attempts to eliminate the mysterious, the incomprehensible, the irrational and the paradoxical. Poverty of all totalitarian metanarratives that seek to explain everything under the sun by means of some overarching framework is easily understandable from Ibn Arabi's epistemology which forecloses any attempt at meaning closure and finalistic interpretations by showing how reason limits by definition and how imagination and unveiling come to affirm the paradoxical character of all reality. Everything being He/not-He is partly veiled and partly revealed and oscillates between existence and nonexistence and is thus ambiguous. Both/and rather than either/or binary logic helps us in understanding this ambiguous character of reality. Between yes and no or affirmation and negation spirits take wings and life displays its wondrous show. One recalls Nagarjuna's merciless destruction of all conceptual

schemes and foregrounding of emptiness of the world of form and colour, logic and reason. Antinomies are there to haunt all attempts at building a metaphysics on the basis of pure reason. God alone is Reality. Other than God is nothingness.

For Ibn Arabi the Unseen alone is there as genuinely real. The manifested being has only a derived existence, given it on loan by the Real and in reality it is nonexistent and will not last a moment where the Real cease to manifest. The natural is really the supernatural. The world of form and colour or space and time is a dream in need of interpretation. Modern penchant for sensualist and empirical epistemology could not get a stronger refutation. There is no external world of which we can acquire knowledge. The subjective element provides the key to the knowledge of the 'external' world. Modern scientific objectivism puts things upside down. Those who have not seen God have not seen anything. Modern secular vision that excludes God is worse than blindness. Philosophy (literally and traditionally love of wisdom) which is ignorant of God has nothing to do either with love or wisdom.

### **Dialogue with Modern Academy**

Modern thought is oblivious of the grandeur of man though quite conscious of his misery. Modern humanism and most forms of other modern thought currents that have no scope for transcendence and man's otherworldly destiny including absurdist nihilistic thought are antihuman from the Akbarian viewpoint regarding human dignity. Nihilists are mostly right in asserting that nothing merely phenomenal makes sense. Man with all his dreams and aspirations goes to nought.

By the standard of *tahqîq*, which is to give everything its *haqq*, modern academic disciplines that assume God either dead or irrelevant and have little to do with symbolism and vertical reference are "diversions and pastimes for the heedless, because they result only in forgetfulness of the Absolute Haqq, who determines the nature and reality of all things in existence." To quote Ibn Arabi:

No benefit accrues save in knowledge of God.... As for their knowledge of other than God, it is a diversion through which veiled human beings divert themselves. Those who have achieved the equitable balance have no aspiration save toward knowledge of Him.<sup>10</sup>

The following comments are worth quoting:

Nonetheless, knowledge defined by human efforts and heedless of divine guidance is the warp and weft of the modern world, the backbone of science, technology, politics, business, finance, government, the military, and the “information age” in general. The consequences of following systematic ignorance dressed up as knowledge can only be what the Qur’an calls “misguidance” (*ighwâ’, dalâlâ*). It is people who follow such falsified knowledge “whose scales are light—they have lost their own souls”<sup>11</sup>

Modern psychology/psychiatry is ignorant of the spiritual realm and confounds the realm of the psyche with the realm of the spirit. Therefore Freud, Jung and Lacan are all researchers of that which hardly concerns the adventurers of the world of spirit. Ibn Arabi would not be much interested in meeting them. Modern biologists are far from understanding man and human possibilities. Concerned exclusively with the most exterior or the lowest form of human personality and ignorant of profound correspondences and symbolism of this microcosmos biologists have hardly anything significant or beneficial to teach us. Modern social sciences are ignorant of the fundamental constitution of both the self and the Other. Modern poetry and fiction have little acquaintance of the treasures of transpersonal Spirit and focus a attention on mortal soul and fragmentary images of Man and therefore can’t effect enlightenment or even catharsis. Parapsychology dabbles with the occult rather than the spiritual world. There are some positive meanings scattered here and there in modern disciplines that claim to be sciences of man. Ibn Arabi’s anthropology and anthroposophy is built on quite different metaphysical and ontological foundations of which modern disciplines have no inkling. Modern disciplines lack

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10 William Chittick, *The Self-Disclosure of God: Principles of Ibn al-'Arabi's Cosmology*(Albany: State University of New York Press, 1998), 246.

11 7:9; Chittick, n.d.

sound foundation and orientation towards the sacred and thus can't be relied on for getting true knowledge, essences or what Ibn Arabi calls God's haqq pertaining to them. Modern evolutionism doesn't know archetypes and thus sees things upside down. Frithjof Schuon refused to lecture in modern academies. Plato refused to give public talk on the idea of the Good. Perhaps Ibn Arabi too would hesitate to hold classes on Fusus in modern academic institutions. God and His wisdom are far too exalted to be dispersed in the audience that hardly cares for moral purification. In the Akbarian framework most forms of modern ideologies cultivated in secular context such as Positivism, Atheistic Existentialism, Marxism and other major schools of modern philosophy which have explicitly secular or antireligious/antitraditional outlook are gross ignorance because they are unaware of God or transcendence. It has little room for even such things as theistic Existentialism whose subjectivism, voluntarism and irrationalism is in opposition to his non-self or Reality-centric Gnostic intellectual perspective), intuitionism of Bergson (seeing it as subrational and thus dangerous, perverted idea) and even process philosophy which doesn't recognize the rights of transcendence of the First Principle.

### **Mystical vs. Metaphysical Realization**

In contrast to the mystical realization we find metaphysical realization 3 emphasized in Ibn 'Arabî as it is this which provides the foundation for the transcendent unity of being. Modern discourse in the philosophy of religion and mysticism has focused mostly on mystical realization and criticized it on various accounts. In fact the very category of mystical experience is a modern invention as has been pointed out by many scholars including Adnan Aslan.<sup>12</sup> There is no such thing as mysticism in the east as Guenon has provocatively remarked.<sup>13</sup> Ibn 'Arabî 's position is metaphysical instead of

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12 Adnan Aslan, "What is Wrong with the Concept of Religious Experience", *Islam and Christian Muslim Relations* 14:3 (July: 2003).

13 Rene Guenon, *An Introduction to the Study of Hindu Doctrines*(New Delhi: Munshiram Manoharlal Publishers Pvt. Ltd., 2000), 124.



mystical and this key shift removes the cutting edge of most of criticisms of modernity and postmodernity on mysticism and intellectual content of religion. He puts the thesis of metaphysical realization, which also helps to answer theological critiques on transcendence of servant-Lord polarity in him, thus, "The final end and ultimate return of the gnostics ... is that the Real is identical with them, while they don't exist." It is through the metaphysical realization that one realizes that the Self withdraws from the "servant-Lord" polarity and resides in its own transpersonal being. The subject-object dichotomy is transcended by virtue of pure intellect or Spirit, which is identical with the divine Essence".<sup>14</sup> Once the soul or nafshas withered away in the experience of fana, the self-identity of mystic realization is transformed into the Self-identity of metaphysical realization. In the metaphysical perspective, the reality of the 'I' does not belong to man or nafs but to the Spirit which is the divine spark at the centre of man's being identical with the unmanifest consciousness or Divine Essence. The crucial distinction between soul and Spirit is necessary to understand the Akbarian metaphysical conception of religious experience. This distinction is largely forgotten by most philosophical critics of religious experience. Numerous misunderstandings and debates of theological vs. mystical debate in Islam and exoteric vs. esoteric in other traditions and meaning of such notions as soul/spirit, God/man, could be resolved if we keep these key points in mind. A fruitful dialogue with critics of religion and mysticism and in fact with secular thought in general is possible if we keep in mind ingenious interpretations put forward of many exponents of nondualism in the contemporary world.

### **Language and the Sacred**

The contrast between Ibn Arabi and modern thought is evident on almost all points. His view on language illustrates this point well. According to him language vehicles wisdom

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14 Shahzad Qaisar, *Iqbal and Khawja Ghulam Farid on Experiencing God*(Lahore: Iqbal Academy, 2002), 133.

and can be a portal to transcendence. He asserts that the world is a work endowed with rhyme and rhythm. He relates poetry to wisdom and divine providence and says that its fundamental principles are divinely instituted. How different and refreshing these views are in the atmosphere of profanation and trivialization of language and literature. The Prophet is referred to as the Master of language and the holder of the 'sum of words' (jawâmi' al-kalim). Poetry – wisdom poetry – could indeed save him or at least point the way to the holy. God is Beauty and everything is there to love this Beauty. Encountering the Real in the poetic way is what the key practice of zikr aims at. Modern man feels alienated from the world because he doesn't know how to contemplate and forecloses possibility of communicating with it. Both art and religion are essentially contemplation. In a world where art has little to do with beauty as Ananda Coomaraswamy lamented there exists neither great art nor religion and the great priest and poet of Divine Beauty Ibn 'Arabî is direly needed.

### **Faustian Man**

Modern civilization dictates terms to reality and doesn't let reality to dictate and this is its undoing. Ibn 'Arabî champions the premodern view which privileges the rights of the Reality against us but which modernity rejected by emphasizing individualism and subjectivism which dictate terms to Reality and advocates a discipline that silences the mind so that the unknown shall speak. Our problem is we are not receptive to the revelations of the Real. Modern man is arrogantly after interpretations, questioning and refining them but the encounter with the Real in all its nakedness eludes him. Because of his denial of intellectual intuition and revelation of any nontextual supralinguistic knowledge postmodernists like Derrida are unable to transcend the relativistic plane of language. Analytical philosophical tradition too is trapped in the cobwebs of language and linguistic analysis and all the time ignorant of its traditional symbolism. These imply that these philosophers who can't look beyond language to the Real that it partly houses are denied the deliverance by truth

or self realization – achieved when we transcend the textual world – as understood in the Akbarian worldview. The Faustian man, obstinately committed to perpetual interpretation, doesn't open himself to reality as has been remarked by many a critic of modernism. He dictates terms to reality and doesn't allow himself to be consumed/annihilated by it which is universally recognized as the condition of entering the higher life, life divine or birth in the kingdom of heaven as a *jivanmukta*. Modern man doesn't taste the Real as he has chosen to alienate himself from it; he wishes to eliminate the element of mystery and thus the sacred from the world. Life as a mystery invites us to be dissolved by it, consumed by it. The more one questions and interprets, the more he loses contact with the Real.

### Is God Hidden?

Modern man's key problem in engaging positively or creatively with religion/mysticism arises from felt absence/hiddenness of God in contemporary experience. But taken as synonymous with Reality the complaint seems to lose all warrant. God is the only Experiencer, Knower and Actor. For Ibn Arabi we don't see but God sees and we do not hear but God listens. God is immanent in every experience. As he says:

If we gaze, it is upon Him; if we use our intelligence, it is towards Him; if we reflect, it is upon Him; if we know it is Him. For it is He who is revealed in every face, sought in every sign, worshipped in every object of worship, and pursued in the invisible and the visible. The whole world prays to Him, prostrates itself before Him and glorifies His praise; tongues speak of Him, hearts are enraptured by love for Him, minds are bewildered in Him.<sup>15</sup>

For Ibn Arabi God is neither absent nor on leave nor hidden as many moderns have complained. What is needed is only receptivity, a polished mirror of the heart and God will teach it. Ibn 'Arabî invites man to “direct knowledge from the most

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15 *Ibn 'Arabî*, 1972–91, *al-Futûhât al-Makkiyya*, III, O. Yahia (ed.), *al-Hay'at al-Misriyyat al-'Âmmali'l-Kitâb*, Cairo. (Quotes and translations are mostly from Chittick and Chodkiewicz, 449-50.

ancient place. In this way there are no real states or stations to be brought through. There is no platform of understanding to be brought about. There are no conditions to be changed or attributes to be attained. All that is required is the proper response, the request to be informed directly from the most interior place." He prayed: "Lord grant me as a gift the perfect aptitude to receive from the most holy effusion."

For Ibn 'Arabi, every-day experiences are God's constant revelation to us. To quote from the *Futûhât*: "God has placed His 'signs' (ayât) in the cosmos as 'habitual' and 'non-habitual'. Only the people who have understanding from God in a special way take the habitual [signs] into account, and the rest of the people do not know what God intends by them."

For him modern man need not anxiously wait revelatory discourse or complain that God doesn't listen to man's call or refuses to interfere in history. He says: Nothing walks in the cosmos without walking as a messenger (rasûl) with a message. This is a high knowledge. Even the worms, in their movements, are rushing with a message to those who can understand it." It is the fault of modern man that he fails to read the message or symbolism. He has atrophied imagination and chooses not to see.

One can hardly understand modern complaint of God on leave when we take Him to be synonymous with Reality. Ibn Arabi deploys a series of notions that provide a very different reading of the data on evil, the supposed preponderance of which has been the greatest obstacle in the positive dialogue between religious or more precisely theistic and secular views or between man and God. He identifies existence as such with good and nonexistence with evil. For him existence is synonymous with mercy being the expression of the 'Breath of the All-Merciful.' This is one of the most provocative insights and absolutely needed in an age that finds hard to fight nihilistic despair and absurdist orientation of its major thought currents and justify God's works or excuse him for supposed mismanagement. There is no such thing as absurdity because there is only God mirroring

Himself and enjoying Himself and sharing His love. Absurdity appears only when we are veiled, when we see only phenomena. As other than God is ultimately and essentially illusory absurdity and nothingness must characterize it. For those who see essences, who penetrate the veil of phenomena with the light of God there can be no absurdity. And God is available to everyone though few are ready to receive Him. What is needed is a disinterested vision. Modern man has rebelled against God on the basis of unexplained evil in the world. Ibn Arabi offers to give him eyes to see what he, in his blindness, fails to see.

### **Comparative Philosophy**

If finding common principles of world religions is the most important task that comparative philosophy has today as Coomaraswamy noted, Ibn Arabi is a great contributor to the current debates in comparative philosophy. Distinguishing between the Principle (Essence) and manifestation (form), the Absolute and the relative, Ibn 'Arabî places absoluteness at the level of the Absolute and this means transcendence of purely theological plane. Contradictory claims of different religions have a warrant only at the theological plane. His perspective though rooted in one tradition honours all of the prophetic traditions – known and unknown – and has a place for even those who seem to profess no faith and no morality. He grants that atheists too have a tawhid of their own though it must be a truncated view of it and consequently necessitating a place in hell for them which he interprets as distance from God. (People choose their stations in the other world. God only unveils their reality. People judge themselves in the light of the Absolute. Choosing to live inside the cocoon of limiting self amounts to obstructing Divine Mercy or choosing separation from the Real. Prayer establishes the dialogue between the self and transcendence. Refusing to pray – which is, for Ibn Arabi, simply gratitude to Existence for the gift of life – amounts condemning oneself to self referring and self enclosed windowless subjective space. Hell is self love and nothing burns there but self will as one Christian mystic has said).

Man as such is the locus of divine manifestations for him and wherever he and in whatever state God finds him and he is in fact, in a manner unknown to him, seeking to adore God. He disallows condemning sinners such as those addicted to carnal appetites in *Nasab al-khirqah* and warns against comparing mystics famous for piety with those ordinary sinners notorious for moral weaknesses in his *Kitâb al-Nasâ'ih*.

For Ibn Arabi man needs revealed religion and Law to discipline the self, to purify the mind and move smoothly towards felicity. It is not difficult to see that many Eastern philosophical religions have been precisely designed to achieve these ends and have been employing similar means for achieving them. If Plato is characterizable as divine such great sage-philosophers such as Nagarjuna, Lao Tzu, Sankara, Ramanuja, Eckhart deserve this epithet preeminently. Ibn Arabi would enjoy the company of sages and sage-philosophers of other traditions as all of them were the people of imagination and unveiling and recognized the primacy or rights of the Other, the non-self, the Universal Spirit, the Logos. If philosophy is a way of life and its end communion with Ultimate Reality and ethics or cultivation of virtues integrally connected with it and not science of ratiocinative arguments or mere linguistic analysis or clarification of concepts then perennialist contention that there is unity amongst different – in fact all – traditions, Semitic and non semitic, archaic and 'advanced' ones can be granted without much difficulty. All traditions teach the doctrine of two selves, one lower and the other higher divine one. All traditions are for self transcendence. All traditions advocate a vision of hierarchy of existence consisting of a series of gradations from matter to Spirit. All traditions believe in the other or deeper world that encompasses or complements this world. The primacy of the moral but transcendence of good-evil binary by sages is discernible in all major traditions. Transcendence of binary thinking and the principle of simultaneous negation and affirmation serves not only as a critique of the given in both individual and

social realms – and thus answer Marxist critiques that complain that religion and mysticism are complicit with the given or dominant sociopolitical reality which is never the ideal and always in need of transcendence or negation from the perspective of social justice and individual's freedom from most forms of alienating and exploiting power structures – but also allows us to see relative validity of divergent philosophical and theological points of view which are often couched in terms of binaries in divine economy. Ibn Arabi while resisting every attempt to make absolutes from philosophical and theological positions would not be much troubled by such seemingly antagonistic formulations in different schools that sharply categorize and distinguish them in such terms as presence or absence of personal God in them, prophetic vs. mystical, mayaistic vs. world affirming, rational vs. intuitional, pantheistic/polytheistic vs. theistic or transcendentalist, idealist vs. realist/pragmatic, theological vs. philosophical. All beliefs are limiting though have some truth at their own levels. The perfect man can accommodate all the sects that there are as Rumi, Ibn Arabi's contemporary said in his famous *Diwani Shamse Tabriz*, or appropriate all points of view or beliefs seeing the aspect of truth in all of them but without identifying with any of them as Ibn Arabi would like to put it. Dualistic binary thinking is transcended in the metaphysical standpoint as knowing and being become one. By excluding modern episteme on principle grounds – dubbing it ignorant of the twin sources of knowledge intellection and revelation and ignorant of the self and committed to false views of scientism, evolutionism and progress and the cult of the ugly – the Akbarian framework would be able to make sense of traditional religious and wisdom traditions including the much misunderstood and wrongly reviled archaic traditions which preserve the essentials of metaphysical worldview though couched in mythological or difficult symbolic language. Philosophies are not static or monolithic but do evolve in some sense though not in the manner conceived by most modern historians of philosophy. That there can be no new discovery of truth concerning our ultimate destiny and most fundamental

issues – and man is advised to be passive recipient of knowledge from the only Knower by perfecting the art of contemplation which might demand retreats in Ibn Arabi's Sufi discipline for achieving poverty of spirit or renunciation/detachment – to use preferred expression from Christian and Indian traditions – is a claim that runs counter to modernist evolutionary thinking. Humanism and individualism are the prime follies of modern age against which Ibn Arabi keeps guard though he recognizes the metaphysical reality of the subject when it comes to subsist in the state of *baqa* after passing through the stage of *fana* which burns the dross of carnal self. Ibn Arabi is ultimately underscoring clearly and unambiguously the unity of all human endeavours at all planes as he foregrounds the sacred science – *scientia sacra* – of metaphysics, the realization of the One as Infinite and All-Possibility and the essence of everything that comprehensively provides a foundation for all sciences and arts and thus for unity of knowledge which modern world misses so terribly.

The themes of spiritual ascension, irreducible centrality of the individual spiritual relationship to God, universal guidance and recognition of plurality of beliefs as, everyone being under specific Lord, preeminence of divine mercy and 'spiritual realism' are amongst the important features of Akbarian thought that not only question all exclusivist ideologies and also provide a perspective to accommodate divergent claims of rationalism, traditionalist theology and spiritual 'unveiling' and a defense of creativity and diversity of spiritual expressions. Ibn 'Arabî shows why religious diversity is demanded by the very nature of things and why we must welcome it as there is great good in it. He is not for theological uniformitarianism. He supports the theses upheld by perennialists and many others regarding transcendent unity of religions. His pluralism does not entail rejection of respect for the parent tradition and even certain exclusivity of the latter which is necessarily associated with all belief systems.



The Akbarian distinction between the planes of Ahdiyyat and Wahdiyyat has important implications in reconciling apparently divergent Semitic and non-Semitic or more specifically theistic and transtheistic theologies as the perennialist attempt based on the distinction between Beyond-Being and Being shows. Positing Absolute as more primordial conception of Divinity (which is to be found in all major traditions) reconciles 'atheistic' or transtheistic Buddhism and Taoism with Semitic theism. No religion absolutizes personal God. The key importance of the notion of Divine Relativity or what Vedantic thinkers call as Maya in Ibn Arabi is an important tool in the dialogue of theologies or religions. Perennialist defence of transcendent unity of religions is very much indebted to this concept. Frithjof Schuon time and again turns to this concept in many works including *The Transcendent Unity of Religions and Islam* and *the Perennial Philosophy*. The Shaykh's masterful reconciliation of otherwise divergent conceptions of creation *ex nihilo* and emanationist accounts or creation/manifestation ideas which have been seen as distinguishing point between Muslim philosophical/Vedantic and Semitic theological approaches.

Ibn Arabi displays remarkable gifts for putting seemingly opposite theological/philosophical conceptions in proper perspective in order to reconcile them. This is an important qualification for doing comparative philosophy. By having recourse to the fixity of entities in the divine knowledge, Ibn 'Arabî traces the dispute between theologians and philosophers over the eternity of the world back to their perception of the entities. Those who maintain that the world is eternal have understood that "the Real is never qualified by first not seeing the cosmos, then seeing it. On the contrary, He never ceases seeing it." Those who maintain that the world is qualified by new arrival (*hudûth*) "consider the existence of the cosmos in relation to its own entity," which is nonexistent. Hence they understand that it must have come into existence.<sup>16</sup> This is only one example of Ibn

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16 *Ibn 'Arabî, al-Futûhât al-Makkiyya*, II: 666.

Arabi's style of resolving disputes between rival schools and interpretation such as regarding free will and determinism, Quran's createdness etc. He would even extend his reconciliatory hermeneutic to idolatry vs. monotheism controversy and even to divergent religious beliefs. He reconciles different seeming oppositions by the familiar method of logic of polarities that juxtaposes opposites while both affirming and negating them seeing them aspects of higher unifying principle. The way he approaches Lord-servant polarity is illustrative of his general approach. By affirming similarity and incomparability or immanence and transcendence of the Real which is the essence of everything and manifest in all the limitless forms and all polarities he sees our knowledge of everything characterized by this fundamental yes/no or similarity/incomparability binary.

He can provide the paradigm in which we could appropriate not only the great traditional philosophers like Plato and Plotinus, Nagarjuna and Sankara, Eckhart and Cusanus, ChaungZu and Lao Tzu, Dogen and Confucius (serious attempts have been made in this direction already) but the saints of all hues, from almost all traditions and even modern philosophers like Nietzsche, Heidegger and Derrida. In fact the whole gamut of Tradition, as the perennialists use the term, is his province. Buddhism and antiessentialist postmodern thought could be read, without much stretching, as proving the negative part of the thesis of Ibn 'Arabî regarding essential nothingness of all phenomena. His metaphysical view of the Muhammad as the Principle of Manifestation, as positivity of manifestation, as Logos rather than a mere historical personality can hardly be characterized as exclusivist. All prophets partake of the Logos that is Muhammad. Being that which manifests or unveils Essence the Messenger is green in the leaves, red in the roses and gold in the rays of the sun. He is this life in its positivity, in its totality. And he is the silence of the darkness and he is the joy of abounding life of the world.

He provides a possible approach to achieve unity of sciences or knowledge which is increasingly becoming difficult to achieve for modern education. He leads to an all-inclusive point of view, which is not limited to the world of nature, or to humanity, to science, economics or religion, but which sees all of these as faces of a single reality described by the doctrine of unity the kernel of which is, in the apt words of Young, love and the love of that love, which is movement and life, and the perfection of completion, simple, positive, joyful news of their intrinsic and inseparable unity with their origin, offering freedom from the tyranny of the thought of otherness, in exchange for the certainty in one, absolute and all-embracing Reality, to Which, to Whom all service is due.<sup>17</sup>

His Absolute does not engulf the concrete existential individuality and the awful reality of suffering that marks the odyssey of life. He charts out a method to move from majestic to beautiful names of God and thus securing the rights of the man of flesh and blood with all his agonies. His God is not just a cold unconcerned impersonal divinity but living personal one also which responds to prayer of every individual and even lauds human 'weakness' to complain about all kinds of pains. Existentialists would hardly have any problem with the account of concrete human individuality presented by Ibn Arabi even if it is Absolute centric and essentialist metaphysics to which he remains committed. Ibn Arabi's 'system' demonstrates that there is much that is wrong with modern man's understanding of metaphysics. Metaphysics is not an abstraction, existence devaluing essentialism, a supra-individualism that fails to take ample note of the individual with all his frailties, a temporal a historical bragging of eternity not recognizing the value of temporality and history, a dissolution of the finite in the Infinite but recognition of the integral reality of plurality or diversity in the One or the Infinite itself which otherwise divorced from the mirror of attributes that the world of form

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17 Peter Young, "Ibn 'Arabi: towards a Universal Point of View", (from the website of MIAS, 1999).

and colour is gets reduced to empty abstraction. Ibn Arabi's Absolute is not static but dynamic ever revealing or manifesting itself, eternally in love with its exteriorized manifestations, realizing other modes of perfection in spatio-temporal realm, even in what is called as sin and failure. Thus passion, thought and will all are real in the life of God which is the life of everything.

It is religion taken as a metanarrative, a system, an ideology explaining things, as privileging of the otherworld or eternity at the cost of this world and time here-now, elaborate creedal formulae coached in terms of propositions privileging the religious as distinct from or opposite to the secular, as unqualified belief in the representation of Reality and their absolutist exclusivism that Ibn Arabi pleads for transcending by virtue of his Unitarianism that puts the Real at the centre while questioning absolutization of all conceptions and theorizations of It. The real is the essence of everything and no dualistic apprehension or categorical framework can capture it. It is the totality of all existents, a metaphysical whole that can't be reduced to an object of knowledge by a subject that is thought to be separate from the object. All this implies that meaning closure, epistemic chauvinism, totalistic thought and consequent war on the basis of a particular conception or delimitation of the reality/truth are unwarranted. Truth rather than discourse about Truth which is the prerogative of exoteric theology and rational philosophy is what the Gnostic comes to realize and as it is the One and All it necessarily follows that the knower transcends all particular beliefs and views. Living Truth, dissolving in Truth rather than talking about it and fighting for it is the way to end all conflicts that arise from dualistic theological and rationalistic philosophical approaches.

Ibn Arabi avoids self defeating relativism and agnosticism that knows no Absolute by putting Absolute at the centre and declaring that personal knowledge of the Real is possible. This knowledge is not the conceptual knowledge but realizational knowledge where the subject is identified with the object and one becomes knowledge itself. Man is made

for the Absolute and has access to It though not conceptually or discursively. This avoids nihilism and relativist anarchism that bedevils postmodernism by recognizing relative truth of all human understandings as the Absolute manifests itself differently in different forms and different souls. It also provides a framework for appreciating all viewpoints and all beliefs while acknowledging their relativity. Secular philosophical and scientific thought can be put in the proper perspective without conceding its absolutist claims but conceding at the same time that it is one way of approaching the God identified with the era and that nothing happens except in strict conformity to the requirements of divergent divine names.

Ibn Arabi's description can not be labelled of unitarianism as the 'Islamic concept of unity' or some such thing. There is only one reality and it transcends all human views of it. He builds his thesis on the most universal of categories – existence or being. The Quran is not a perspective among other perspectives on truth or existence but simply an invitation to be open to truth or reality. 'It is the description of existence as it is.' And it is "this understanding of existence which lies at the core of all the true religious and philosophical traditions – that has always been at once the starting point and the goal of human knowledge."

### **Dialogue with other Sects and Religions**

Ibn Arabi was self avowedly a Muslim who affirmed all the articles of faith that traditional Sunni Islam upholds. He takes Islam to be the perfection of religions and for him Muhammad, the Prophet of Islam, appropriates all the perfections of previous prophets. The detailed statement of his beliefs at the beginning of *Futûhât* shows his commitment to all the important articles of traditional Sunni Islam. He critiqued Judaism and Christianity on different grounds and wrote for holy war against Christians at a time when Muslims were under invasion from them. He criticized many religious sects and unambiguously expressed his inclination for Sunni Islam. He is emphatic that felicity is

attainable only through tawhid though he is not very well informed about non Semitic traditions and his reading of Judaism and Christianity need not be wholly accepted. His complex relationship with other sects and traditions is best understood, in my opinion, from the perennialist perspective. He grants that in later times as the second coming of Jesus comes closer the secrets of other traditions will be better accessed and he himself has primarily unveiled the secrets of Islam only.

### **Exoteric vs. Esoteric Approaches**

Ibn 'Arabi's approach dissolves the much hyped conflict between exoteric and esoteric perspectives in religions, the thesis of two truths that we find across many traditions. This puts in perspective the religion of the masses and the mystical/philosophical elite without denigrating the former. His catholicity and universality is thus attested in his inclusive view of diverse spiritualities and religious practices. By asserting that man sees only himself when he claims to see God as the Essence never unveils and God reveals Himself according to man's belief and emphatically asserting that it is bewilderment and perplexity that overtakes all travellers on the path and all knowers he questions all grounds that anyone may deploy for special. The more further one moves forward on the path, the clearer it becomes to the traveller the realization of his progressive ignorance until at the end of the path one knows that one can't know the Essence. One does progress in spiritual knowledge and witnesses normally unseen realities as one progresses on spiritual journey but not as a knower that could justify the claim of one being a special person. As God is the only knower and it is levels rather than individuals to which the appellation of higher or lower is attachable according to the Shaykh there remains no ground whatsoever for epistemic chauvinism or for 'more knowledgeable than thou' attitude. The Shaykh saw himself as heir to guardian of prophetic wisdom and thus sacred law which is respectful of dualities at the plane of relativity. Prophets address all people irrespective of intellectual or

spiritual attainments of the addressee. Of course everyone will interpret their words according to one's ability or spiritual attainment. None is above law. Humility is the royal road to God for all and sundry. The highest station is becoming pure servant where no trace of Lordship remains as Ibn Arabi describes about himself this station. It is Pharonic attitude to claim lordship and Satanic attitude to assert one's superiority. Ibn Arabi's is a mystic respectful of law and *haqiqah* identical with sha'riah. His respect for the sacred law is so unambiguously stated in his understanding of *furqan* that one hardly needs to refute his theological critics who accuse him of nullifying divine commandments or erasing distinction between lawful and unlawful. To quote him:

He who stops with the Quran inasmuch as it is a qur'ân has but a single eye that unifies and brings together.... however, it is a furqân.... When I tasted the latter..., I said, "This is lawful, that is unlawful, and this is indifferent. The schools have become various and the religions diverse. The levels have been distinguished, the divine names and the engendered traces have become manifest, and the names and the gods have become many in the world."<sup>18</sup>

Ibn Arabi's synthetic view should not be confounded with modern eclecticism and uniformitarianism or "all is okay" cheap spirituality or some interpretations of anekantvada that liquidate the claim of absoluteness of truth or loss of distinction between truth and falsehood. He has very precisely formulated doctrines. His pluralism doesn't mean he is for everything or everything could be read in him. We need formal religion. New age spirituality and Neo Vedanticantinominan mysticism and libertine spirituality of many famous modern mystics would be emphatically rejected in his worldview. Even many modern appropriations of Sufism that involve wild dancing and music performances without observing prescribed requirements as defined by masters has no warrant from Akbarian viewpoint. Addas has quoted his condemnation of *shahidbazi* (contemplation of

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18 Young, "Ibn'Arabî: towards a Universal Point of View".

beautiful young men to provoke ecstasy), sama (communal spiritual recital) etc. in this connection<sup>19</sup>

Against the Cartesian construction of man as body and soul Ibn 'Arabî follows the traditional ternary division of body, soul and spirit. Because the soul dwells in an in-between realm it must choose to strive for transformation and realization. 'All is ok' or 'feel good' spirituality quite popular today is therefore simply a simplification and naivety. The sacred law is important for keeping the body and soul in the service of spirit. Against those extreme idealists and monists who find hardly any reality in body and soul, in their great struggles, falls and jumps and in the name of Unitarianism declare time to be illusory, the world to be a unreal distraction, the body to be a prison he is for integral view of man which recognizes the rights of body, soul and spirit. Below the level of Absolute personal God and finite self of the servant are real. The servant must unceasingly pray. Body imposes limitations and therefore man is not God. The Spirit alone is one with God. The body and soul are not. Servitude can't be denied, the reality of individual self can't be wished away as long as we exist as entities in space and time. Absolute unification is not possible. God ever remains the exalted – and of this Ibn Arabi doesn't tire of reminding us. One must guard against 'spiritual Titanism.' The insights of Semitic religions and theologies that emphasize our in-between nature – that we are situated between earth and heaven, time and eternity, beasts and angels, existence and non-existence and are in Rumi's words 'midway between, and struggling' – and distinction of the Creator and the created are there to stay. For Ibn 'Arabî we are situated in this world but really belong to the next and are 'at a doorway between existence and non-existence.'

### **Dialogue with the Other and Theomorphic Ethics**

Modern world is largely convinced that ethics is relative and everything is permissible. There is no ontological foundation

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19 Claud Addas, *Quest for the Red Sulphur: The Life of Ibn 'Arabî*, trans. Peter Kingsley (Cambridge: Islamic texts Society, 1993), 163).



for ethics. There are some isolated thinkers who challenge dominant model but in almost all spheres of secular life there are no imperatives like those bequeathed by religions. In contrast Ibn Arabi's Sufi ethics is grounded in ontology. Noble character traits are not merely extraneous qualities that have no bearing upon our mode of existence. They define our mode of existence and the extent to which we participate in the fullness of the Light of Being. There exists certain hierarchy among the divine names and it depends on their ontological status which names should be acquired and which should be avoided.<sup>20</sup> The general rule is that attributes of beauty need to be foregrounded in accordance with the prophetic saying that Divine Mercy precedes His Wrath. This means that ethical commandments of the law have to be observed if man desires felicity. Modern wishy washy do goodism or absolutization of ethical relativism or de Sadean and ethics complicit with Capitalism and other power centric ideologies are not compatible with Ibn Arabi's theomorphic ethics. Capitalism and State Capitalism disguised as Marxism have little room for attributes of beauty. There is no warrant for ignoring the Scale of the Law which provides the norm. Antinomianism which has been popularized by certain libertine Gurus has no place here. Men with all their limitation and imperfections can not claim to be infinitely beyond this world and thus beyond good and evil which we encounter at every stage of existence. Man must always separate divine viewpoint which is corollary of his incomparability from his own human, all-too-human viewpoint which is a corollary of divine similarity.<sup>21</sup> Ibn Arabi would feel extreme discomfort with the moral chaos in the modern world where men have forgotten Law and their prerogative to assimilate divine traits and mostly fail to distinguish between base and noble traits. However all this should not be construed to imply that he countenances moralism which is typical modern heresy. The deadly criticism of Nietzsche on morality doesnot apply to his view

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20 Chittick, *The Sufi Path of Knowledge*, 22-23

21 Chittick, *The Sufi Path of Knowledge*, 292.

of ethics. Like Nietzsche's Zarathustra Ibn Arabi's perfect man too is beyond good and evil. The perspective of Law is not the perspective of engendering command which precedes it and even in reality overcomes it. The perfect man has transcended the desiring self that seeks self gratification at the cost of the other. He is, by no means, immoral. Postmodern problematization of ethics and modern scientific discoveries implicating relativism of morals can't problematize Akbarian position as he too, like Nietzsche's Zarathustra, speaks from the high mountains of the Spirit which transcends all actions, good or evil. There is no such thing as virtue and sin (and thus moral evil) at the deepest level. Moral evil appears so from the perspective of law only which is not necessarily the same thing at the plane of haqiqah. God is beyond good and evil and so is the sage. Transcendence of good/evil dualism is a thesis shared by traditional mystical figures. Nietzsche's superman, as Coomaraswamy points out, exemplifies this mystical thesis rather than any heterodox conception. In fact modern relativism poses hardly a problem in Ibn 'Arabi's perspective and it is subsumed in the higher absolutist view of Sufism without denying its (relative) truth at a certain plane. In fact metaphysical-esoteric perspective of Ibn 'Arabi distinguishes itself from all kinds of moralisms and inadequate absolutisms (based on absolutizing something less than the Absolute) and ideologies to which modernity has succumbed.

In the chapter on ascension in *Futûhâ* Ibn Arabi quotes Yahya as saying that everyone travels on his own path on which he alone travels. So there is no scope for set recipes applicable for all the people. God is experienced differently by every person. This vetoes all fundamentalisms for good though this should not be interpreted as license to believe or do anything. In fact this problem of license and misuse is avoided in Ibn Arabi ethics as he formulates a set of advices distilled from scriptures and Sufi authorities which can be practiced by the pious alone. The central requirement is renunciation of self will or conquest of desiring self and with it pleasure/pain centric action. No selfish or hedonist person

can afford to be a disciple of Ibn Arabi or a follower of Sufi path.

I quote some of his maxims which enshrine the true spirit in which dialogue with the other persons and collectivities should be held. These might appear almost superhuman for ordinary mortals like our party politicians. But the ideal set by the Shaykh, like the one set by Jesus when he said that one should offer another cheek, is based on the ontological considerations that all share one Self of God and it is in our real self interest to lose the self in humility, love, charity and compassion. These maxims align him with the great tradition of ethics in both Semitic and non Semitic traditions. The following are from *The Mantle of Initiation*.

- Care nothing for the ignorance of him who does not know your worth; rather, it is not seemly that there be any sense of your worth even in your own eyes.
- Have no desire that people should listen to your speech.
- Be not anxious to give answer to anything displeasing said about you.
- Be content with [God's] Decree not necessarily with each thing decreed, but, rather, with its Decree itself. And receive with joy whatever may come from Him.
- Do favours for both friend and foe, treating all alike with humility, gentleness and long-suffering.
- Pardon the one who has harmed you, that is, do not even defend yourself [from harm].

The following passage sums up essential Ibn 'Arabî and the central message of *all* integral traditions as A.K. Coomaraswamy and other masters of traditions formulate it. Here is the basis for ethics on which all traditions are united i.e., transcendence of lower self to subsist in the divine self. Here is his formulation of the theory and objective of mystical discipline. Here is also a manifesto for coexistence of traditions or plurality of modes of experiencing or relating to the divine.

Now you must know that if a human being (*al-insān*) renounces their (own personal) aims, takes a loathing to

their animal self (*nafs*) and instead prefers their Sustainer/Teacher (*rabb*), then the Real will give (that human being) a form of divine guidance in exchange for the form of their carnal self... so that they walk in garments of Light. And (this form) is the *sharī'a* of their prophet and the Message of their messenger. Thus that (human being) receives from their Lord what contains their happiness – and some people see (this divine guidance) in the form of their prophet, while some see it in the form of their (spiritual) state.

*Ibn 'Arabī says in The Kernel of the Kernel:* “You will be all when you make nothing of yourself.” This is the golden rule that allows to know all truths and achieve all perfections and absolute certainty. Modern man, especially the academician, the philosopher of religion, the phenomenologist is more interested in speculation about Truth or God or phenomenological ‘objective’ idle inquiry without being prepared to sell everything including the dearest self, as Jesus would say, or make nothing of himself for the sake of Truth. That explains why there is so much knowledge and so little wisdom today and why man is farther from God and nearer to dust. It is only by becoming nothing, by absolute detachment or poverty of spirit that one can attain the central point, the still centre of existence where lasting peace and felicity lie. The friend does not tolerate duality as Ibn 'Arabī reminds us and comes to live in the sanctuary of a perfectly polished mirror of the heart.

Ibn 'Arabī establishes a universal brotherhood based on the most fundamental ontological basis that all things, animate and inanimate are essentially Absolute or its countless faces. We love our neighbour or a tree because at the most fundamental plane we are our neighbour and we are the tree. There is no other in absolute sense. To see the other is to see duality rather than the one essence. The Beloved smiles in every face and invites us for a meeting in every form. God is Love. As separate individualities we are not. The One is all. All are one. In his words ‘you are everything, in everything, and from everything.’ So why assert our

exclusive claim to be and why impose our desire on the other?

Everything is in communication with everything else. All things share in the life of God. Ibn 'Arabî chooses – and asks us to choose – life over death, love over hate, mercy over wrath and thus dialogue over conflict. In this choice alone do we fulfil our vocation and will continue to live in an increasingly fragile world and deteriorating environment.

### **Metaphysics of Love**

Self transcendence achieved through love is the crux of Akbarian vision as it is of the esoteric religion and wisdom traditions of the world. Love is the greatest unifying factor and metaphysics of love can't be but most universal.

Sufi poets in general often choose to speak of Reality or Absolute in terms of Love. The Akbarian Sufi doctrine put in the language of love states that “there is but One Reality: Love or Sheer Being, which manifests Itself in two forms, the lover and the Beloved.” One quote from the *Futûhât* will suffice to show how great a lover he is. “By God, I feel so much love that it seems as though the skies would be rent asunder, the stars fall and the mountains move away if I burdened them with it: such is my experience of love “ For him love is the universal and unifying theme in his worldview. He wrote in the *Tanazzulât al-mawsiliyya*: “All praise to God who made love (*al-hawâ*) a sanctuary towards which the hearts of all men whose spiritual education is complete make their way and a *ka'ba* around which the secrets of the chests of men of spiritual refinement revolve.” For him the world of manifestation is nothing but the activity of love as God loved to be known or share his love (the Good tends to diffuse as Augustine puts it) and created the world, a mirror of His attributes. The world is the “other” to God so that he could see mirror Himself. In a way it is His object of love. The worlds are markers or traces of the incessant loving activity of God through unveiling by means of creation/manifestation. Because the different worlds or realms of manifestation are Divine Self-determinations they acquire a

reflection of Divine Existence and this “reflection is the movement of life called love.” He says: “No existence-giver ever gives existence to anything until it loves giving it existence. Hence everything in *wujûd* is a beloved, so there are nothing but loved ones”.<sup>22</sup> Ibn ‘Arabî is not the one who could countenance dualism of body and soul and saw the body as the vehicle of spirit and thus essentially divine. Even desire and passion are not as such distractions but divine in their roots.

As opposed to every romantic and dualistic understanding of love, he envisions love as lying at the centre of reality as is the case in Plato, world mystical traditions and in fact in all religions. Love and self-denial go hand in hand. Self transcendence achieved through love is the crux of Akbarian vision as it is of the esoteric religion and wisdom traditions of the world. If God is Love and man consciously or unconsciously and every creature is incessantly driven by love we have the most comprehensive and solid foundation for dialogue. Love as the essence of everything implies all grounds for conflict are context bound and contingent. Dialogue with the other is ideally achieved when there remains neither the self nor the other but only Love. Jane Clark sums it so well.

Ibn ‘Arabî points out that the deepest understanding is not just to know intellectually that Divine Love is the beginning, the motive power and the end of everything in creation: it is to discover through our own lives and experiences – through our own “taste” – that everything that happens to us is, essentially, a manifestation of God’s love for us, and that our return to Him is equally motivated by love – not by fear.<sup>23</sup>

### **The Muhammedan Saint as the Ideal Interlocutor**

Ibn ‘Arabî gives the most universal definition of Muhammadan where this becomes not a designation of a

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22 *Ibn ‘Arabî, al-Futûhât al-Makkiyya*, IV: 666.

23 C. Clark, “Urban Population Densities”, *Journal of Royal Statistical Society*, Vol. (114): No.2: 1951, 121-34.,

particular historical community but the very name of universality and perfection. It is the name of a station, theoretically available to everyone, attainable to the select few who travel on and on, perfectly realizing all stations until he arrives at the station of no station in which one has nothing of one's own and therefore mirrors the real most perfectly and is not defined by any particular divine name or attribute but brings together all standpoints or stations.<sup>24</sup>

A Muhammedan saint, as Ibn Arabi conceives him, is the ideal interlocutor. He has nothing to lose and nothing to win as he has transcended the fog of passions and the distorting veil of desires and become a mirror in which the Truth or God sees itself. By appropriating all the divine names and becoming pure servant in whom not a trace of Lordship remains he represents the rights of all existents. Representing the rights of the other, the non-self, the Universal Will or Tao he will best represent the case of Nature in the world facing environmental crisis. He has nothing personal impose on the other. He is not attached to any view whatsoever but sees things as they are and gives each created thing exactly what is due to it on the basis of seeing it as a unique self-disclosure (*tajalli*) of the absolute *Haqq*. Seeing the oneness of the Real and the manyness of creation allows them 'to give each thing that has a *haqq* its *haqq*,' as demanded by the Prophet.<sup>25</sup> For him a Muhammedan is one who realizes the perfections of all the prophets – an ideal worthy of emulating for every man and who can assert that he is truly a Muhammedan and who can be more inclusivist than a Muhammedan in this sense? He demands, as Qunawi puts it, that one should perceive each thing only through that thing itself and inasmuch as one is identical with each thing and thus one is the attribute of every attribute and the quality of every essence and one's act is the act of every actor.<sup>26</sup> The highest station of no-

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24 Cicila Twinch, "The Circle of Inclusion", 2004.

25 Chittick, *The Self-Disclosure of God*.

26 *Nafahat*, 265.

station demands disengaging oneself from all qualities, bonds, limitations, and constrictions and standing naked before Non-delimited Wujūd i.e., to be absolutely open to the Real with no imposition or will of one's own. It is what Jesus calls the poverty of spirit and other scriptures such as the *Bhagwat Gita* detachment. His vision of the unity of *Being demand* transcendence or cessation of all inequalities and distinctions of class, creed, colour, race, gender, nationality, regionality etc. He demands the sacrifice of the ego which thinks in terms of its rights over and against the rights of the other. "I" must be annihilated in *fana* so that one mirrors Existence or God and flows with the Tao. Ibn 'Arabî thus demands nothing less than Universal Compassion and encountering the other with infinite humility and care – an ideal which Levinas attempts to appropriate.

Foregrounding supraformal, supraindividual, meta-physical and esoteric instead of the limiting rationalist and divisive exoteric theological which is anthropomorphic, individual, formal and sentiment affected Ibn Arabi puts in perspective conflicting schools of thought. It is love/ knowledge/ reality/ mercycentric which are all integrating or universalizing entities.

### **Diversity of Interpretations**

Dialogue is best possible when we listen to every point of view and disallow epistemic chauvinism. When all readings possibly supported by the text are in principle allowed we have a manifesto for freedom of thought. However our Shaykh will not allow what today passes for unrestrained freedom of thought. For the Shaykh the text can not be written off or crossed unlike the approach of extremist Derrideans. Modern penchant for dozens of 'isms' that result from this pseudo freedom to proceed without restraint, to make a god of thinking or merely human faculty of mind is itself a problem that we must guard against. Ibn 'Arabî says that there is not any intention of God that we need to get to. There is not one determinate meaning only. He opens up the space for potentially infinite meanings – every new reading



should disclose new meanings of the sacred text according to him. He says that the author of the Quran intends every meaning understood by every reader, and he reminds us that human authors cannot have the same intention. Meaning closure that postmodernists are very much concerned about never happens in his view. The real meaning is with God but all meanings participate in that divine meaning. All things speak of the Beloved and are portals to the Infinite. Polysemy for him results not from infinity of contexts but because of multiplicity of souls or addresses. All this implies that fundamentalism and theological imperialism have no warrant.

Meanings in the three books – the book of verses, the book of universe, the book of the soul – are never repeated according to him. He accordingly tells us that if someone re-reads a Quranic verse and sees exactly the same meaning that he saw the previous time, he has not read it 'properly' – that is, in keeping with the *haqq* of the divine speech.<sup>27</sup> It is worth noting that polysemy results not from infinity of contexts but because of multiplicity of souls or addresses. However, one can not be allowed the typical irresponsible Derridean play with the text where one makes it a point to misread, to deconstruct, to question, to hunt for the gaps. Ibn 'Arabî affirms multiplicity of meaning rather than no given or potential meaning to be laboriously, in all humility searched, a process which may require moral qualification also of which it is absurd to talk in the Derridean context. However, there are convergences between the two approaches. There is no such thing as unique meaning or final interpretation or the only true interpretation for both Ibn 'Arabî and Derrida. Ibn 'Arabî's Quran is an open intertext that contains layers upon layers of hidden meanings. Nothing can be a better antidote to theological imperialism.

It means no complacency can be entertained. We must be ever humble at the door of the King and humility is the prerequisite of real dialogue. The unbelievers lack this virtue

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27 William Chittick, "Ibn Arabî" in *Sanford Encyclopaedia of Philosophy*, 2008.

as they complacently dismiss claims that anyone else is given access to the Truth. Humility comes from being nothing and waiting for God to teach. Modern scepticist is neither able to consent to be nothing nor acknowledge any Knower or Teacher.

Ibn Arabi says something about hermeneutic method that is incomprehensible to moderns. He maintains that the act of interpretation involves self sacrifice or self transcendence and carrying out the wishes of God as a servant. The real hermeneutics does not depend upon the knowledge of the interpreter, but upon his 'unletteredness' (*ummiyya*) and receptivity to Divine instruction. He says of the man who truly recites the Qur'ān that God instructs and he listens passively as he suspends all his personal reason and reflection.<sup>28</sup>

### **Divine Names and Roots of Diversity of Beliefs**

Approaching from the Gnostic rather than the voluntaristic perspective the Akbarian 'mysticism of infinity' shows how in our denial of truth we nonetheless affirm it – a curved path too is a straight path (more precisely we don't need to travel at all on any path, to think of taking the straight path is to wrongly imagine a distance between the Real and its 'children' which we are) – we are always equally close/distant from the centre called God/Reality. All things are on the straight path even if it deviates for, as Ibn 'Arabī says in the *Futūhāt*: "... curvature is straight in reality, like the curvature of a bow since the straightness which is desired from it is curvature ... and all movement and rest in existence is divine because it is in the hand of the Real".<sup>29</sup> This is a vision of spiritual democracy, too profound to be assimilated for even the most catholic and tolerant of theologies. His ingenious reinterpretation of key terms of exclusion such as *kafir*, *fajir*, *zalim* shows his catholicity. Even Iblis is ultimately no outsider. How can there be any exclusion or marginalization in a perspective of complete

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28 Michel Chodkiewicz, *An Ocean Without Shore: Ibn Arabi, the Book, and the Law* (Albany: State University of New York Press, 1993), 27.

29 *Ibn 'Arabī, al-Futūhāt al-Makkiyya*, II: 563.

nondualism? Adopting basically metaphysical instead of religious perspective allows him to transcend dogmatic exclusivism that has traditionally been associated with religious perspective and in fact all exclusivism based on anything less than the Absolute and there is nothing which is Absolute. With him the question is of man and his happiness or felicity and traditional religion, if properly read, is a means to that end rather than an end in itself in the name of which men could be divided or killed. His concerns are basically existential and thus universal to which everyone could relate. He submits to Truth only (that is his definition of a Muslim) and Truth is his only God, much in the manner of Gandhi who emphasized the Vedantic equation of *Sat* with Brahman. He finds Truth/ Reality of the substance of Joy and one with man and that is the good news he brings to the despairing nihilistic world. He has ultimately no dogmas to preach except openness to the reality without any imposition from conjectural self or mind. He brings the glad tidings that the world is indeed our home or we are the world and we are loved and Love is the be all and end all of all existence, all endeavours. The Real is, it can't and needn't be found or searched – rather it finds us. Wherever one turns there is the face of God as the Quran puts it and Ibn 'Arabî reiterates time and again. Realizing this one becomes a flute and God the flute player. A love affair with the Real commences and one enjoys orgasm with the whole universe. This overwhelming desire for love can't stop at any human substitute as the *Tarjuman* narrates.

Ibn Arabi does not place misguidance at the same plane as guidance even if both of them are effects of divine names. He weighs everything in the scale of law – a procedure secular modernity would vehemently reject. Although everything is a 'face' (*wajh*) of God — “wherever you turn, there is God's face”<sup>30</sup> — we need to make distinctions among the omnipresent faces to account for the multiplicity around. Everything is ultimately an effect of one of the

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30 2:115.

infinite specific divine names. We can not write off distinctions and refuse to recognize distinct *haqqs* of everything. All perspectives are valid but all of them do not lead to felicity. All of them are not straight for man though they are so for God. A plethora of perspectives are all valid due to the very nature of Absolute which is infinitely rich and the essence of everything and the object of every conception and perception but man needs to face the right face, the face of beauty and not of majesty. Man can ill afford distance. He is made for love and love leads him to proximity of God. Outside God there is no felicity, no bliss. Modern man is self exiled to hell where he imagines to hide from God. But this is impossible as is evidenced from the painful tone of modern literature. Lost in fragmentary images that modern art form depict modern man is still, badly and painfully, in search of his soul.

Ibn 'Arabī's perfect man is open to all forms, to infinite disclosures of God which change every instant. He lives moment to moment as he is *abdul waqt*, the servant of the Instant. For him, as for Zen, ultimately, there is no distinction between the immediate and the ultimate and there is no goal as such, each step is the goal, each moment is the goal. A blade of grass is inwardly the Absolute. There is no particular or exclusive way to salvation because all ways are already blessed. There is no need of salvation because all alienation or bondage is really illusory. All are saved; all are embraced by God because none has ever left God or the Garden of Eden except in his imagination. And it is that cursed mind and imagination which is the bane of man. God is loving enough (*Wadud*) and strong enough to overcome all resistance on the part of man and willy nilly arranges his return to Himself. If everything is in way perfectly as it should be what point is in sending prophets and exhorting people to truth? Ibn 'Arabī's commentator and author of *Bursevi Fusūs* answers the question thus: "This one cannot say, because this invitation is the invitation from the Name Misleader (*mudill*) to the Name Guide (*hādī*) to Truth, and the invitation from the Name Compeller (*jabbār*) to the Name

Just ('*adl*').” it can be added that it is, in general, an invitation from the Names of Majesty to the Names of Beauty, from what necessitates suffering on a human plane to that which engenders peace and bliss. We need to invoke the Names of Beauty to be relieved of the effect of the Names of Majesty. To Ibn 'Arabî are credited, like Sankara, great devotional hymns and invocations or prayers. For Ibn 'Arabî the great samsaric drama has a climax in universal salvation as Mercy overcomes all resistance in the end. Because Divine Mercy has precedence over wrath hell too becomes sweat or enjoyable after some time. Evil is noughted as it has always been parasitic on good possessing no real existence. The Goodness of God has the final word.

From Ibn Arabi's understanding of divine names it follows that we should not expect to see manifestation of only selected divine names. The theatre of the universe can't go on if effects of the names of severity – distance, strife, conflict, disequilibrium – are absent. Men have differed and will continue to differ until all veils are torn asunder when the reality of differences in beliefs shall become known. Differences will never be fully obliterated and pain and conflict or disequilibrium never cease to characterize our state in the world which is by definition a state of disequilibrium because of our ontological distance or difference from the Principle which alone is Good. The world is not God or it will cease to be what it is. We must remember the sombre point which Ibn Arabi emphasizes that the Absolute is beyond good and evil. Everything is an expression of this universal and primordial Principle. There is nothing ugly and discordant in the play of God from the Gnostic's perspective because he doesn't evaluate existence in terms of any binary opposition such as of pleasure and pain and even ugly and beautiful or good and evil as usually understood. Certain types of sufferings are unavoidable as long as there are sentient creatures caught in the vortex of space and time. It is humanism and not religion which has denied the reality of man's fallen nature or sin and believed in man's perfectibility, a heaven on this

earth and man usurping Godhead and forgetting his vicegerancy. Man is made not only of the noblest stuff as he is created in the image of God but also of the vilest of clay. The human constitution contains a natural tendency to wrong doing.<sup>31</sup> Wrongdoing or moral evil thus can't be wished away. Moral evil is not unconnected with intellectual misjudgement or error. Men shall, therefore, be eternally busy to clear the obstacles of misunderstanding, myopia, hamartia and move forward towards creating a more tolerant and pluralist society. Ibn Arabi's importance lies in offering valuable insight into grounds of human conflict and its role in divine economy. Imperfect individuals given to haste, forgetfulness and heedlessness as the Quran characterizes them need to be ever in the process of dialogue in order to reduce impact of centrifugal forces.

The lover of the Real sees neither sin nor guilt, neither distance or real alienation from the Real nor damnation for those who have gone astray – in fact there is no going astray ultimately, no slackening of God's control. Nothing needs to be done to reach God, just awakening from the sleep of inattention or heedlessness. The world is the playground of God's attributes and it is human, all-too-human weakness to evaluate in anthropocentric and moral terms. The attributes of majesty are not to be loathed at. Iblis is a friend in disguise as for Hallaj and the leader of the lovers as for Rumi. For Ibn 'Arabî God's trickery (*makr*) is educative. What we ordinarily call evil and sin is not so at root or in the larger framework of divinely willed action. The sage is situated beyond good and evil. But all this doesn't mean he makes a joke of traditional eschatology and commandments and is blind to the painful reality of suffering here and hereafter. Though *kafir* may not be pejorative term for him in one sense his position remains traditional one which sees them as deluded, ignorant folk who cover up truth and are heedless of their own souls. Modern unbelieving world will thus come under a serious condemnation from him. Modern secular

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31 12:35.

man doesn't know what it means to be human as he is ignorant of God or what it means not to be concerned with our theomorphic nature and this also explains his incomprehension regarding need or role of hell. Ibn Arabi's genius lies in respecting the traditional understanding of religious doctrines which make religion a serious thing, a matter of life and death but at the same time pleading for a deeper understanding at the plane of *haqiqah* where theological or religious notions get a metaphysical translation and become quite comprehensible.

All exclusivist ideologies are ultimately blind to all comprehensiveness of the Name Allah which the perfect man represents/appropriates and worship particular names only (postmodernism, for instance, seems to be under the Name *Al-Mudhil*). Ibn 'Arabî invites the world torn by ideological conflicts and religious exclusivism to the Muhammedan station of no-station where no particular name/belief/form is absolutized. The only exclusivity or hierarchy that he recognizes is the Quranic one of those who know and those who are ignorant and asks God refuge from being amongst the latter. This is absolutely warranted distinction from the human viewpoint as on it hinges felicity. Man can't afford worshipping *Al-Mudhil* or *Az-Zar* (Who inflicts loss). Piety or righteousness follows from knowledge. Indeed *avidya* is *the* sin in all traditions and it is in knowledge that lasting peace and blessedness lies. Suffering is consequence of *avidya*. Perversion of will or moral sin too follows ignorance. No man is will fully bad, says Socrates. So sinners are not to be hated but pitied and given eyes to see. This is the task Ibn 'Arabî proposes himself as a teacher, as a counsellor to the people. He doesnot make a joke of religion and its threat of hell in the name of Unitarianism and vastness of Mercy. That there is *dukkha* in the world, that people are terribly ignorant of the joy and peace that God is, none can dispute. We need the religion's glad tidings that Reality/ Truth is one with us and thus sorrow can be conquered and ignorance or alienation can be overcome. The wisdom of the prophets is not dispensable as

long as man is man and seeks joy, love and peace. What is God but Beauty and Truth (for both Plato and Ibn 'Arabî as in fact for all traditions) and who doesn't worship them? God is also Bliss (*Ananda*). Life seeks joy and that is the meaning of life. No absurdist can deny this. Yes Mercy encompasses all things. One can easily understand the Akbarian perception of the universality of worship. The quotation with which this paper begins also becomes comprehensible. The very choice to be is a mode of worship – for thereby we choose life and Mercy as Ibn 'Arabî understand it and God is Life and Mercy.

Qunawi, the great disciple and commentator of Ibn Arabi, reads the notion of All-Comprehensiveness of the Names as implying that God is “well-pleased” with all things, even those that are “astray” from the point of view of the commandments of religion, since they are only displaying the properties of His Names. Ibn 'Arabî often translates misguidance as perplexity and his defence of Noah's community in *Fusus* is one of the most original things in the history of Muslim thought though most shocking to theologians and few Unitarians or nondualists could wholeheartedly join their hands with him on this issue. In the poem at the beginning of the chapter on Hūd in the *Fusūs al-Hikam* Ibn 'Arabî writes:

The Straight Path belongs to God (*Allāh*).  
It is manifest in all, not hidden.  
He is present in the small and the great,  
In those who are ignorant of how things are  
and those who know.  
Because of this His mercy encompasses everything,  
No matter how base or magnificent.

He reads pejoratively treated notions of getting astray or misguidance in more positive light as perplexity in his most famous commentary on the wisdom of Noah. For him *kafiruun* are the highest saints who conceal their station by inviting blame (*malamatiya*). His *Fusūs* has ever been targeted for such assertions. If everything is decreed and nothing goes against divine will and God is in full control every moment and guides everything perfectly as the Quran



affirms and Muslim creed states, a sort of Hegelian thesis of rationality of the real gets vindicated though we must note that Ibn 'Arabî, like the sacred texts, never tires of emphasizing the need of discernment and action and responsibility and ever fighting evil with all one's resources. There is no contradiction between these two views as the later too is ultimately part of the divine programme as clearly formulated in scriptures which stress *sha'ria* as well as *haqiqah*. Ibn 'Arabî's position can be better appreciated if we keep in mind that for numerous Sufis there is no real contradiction between the perspectives of gnosis (*haqiqah* in Sufi terminology) and *sha'ria*.

### **Unitarianism and Universalism.**

If indeed the inner core of our Era is a movement of Love and Beauty as Peter Coates says we can proceed ahead for making these names/values the central features of our lives, both individually and collectively. This will be the greatest contribution of Ibn Arabi and his admirers to self-other dialogue which is the foundation or basis of all dialogues. Attracted to the Beauty that God is the lovers shall celebrate every moment of their eternal journey that we call life. I believe that all well meaning persons from diverse ideological backgrounds – even Iblis is ultimately under God's control and is thus His agent in consistent Unitarian world-view, a Sufi story to the effect that God whispered into his ear not to prostrate as otherwise the whole drama that this universe is will not be possible – will and in fact are contributing to this enormously complex dialogue process. The last words must be for the Seal of Universal Sainthood Jesus who said 'Judge not.' A thoroughly decreed person such as Ibn Arabi does not judge anyone but shows everyone the mirror and help them in seeing and judging themselves in the right perspective, in the perspective of Absolute.

Dialogue is possible when the heart or imagination instead of the head takes the reign. Thought must be transcended to commune with the other, the Reality (*Al-Haqq*) because

conceptual intellect divides and posits dualism of subject and object. The ego which divides part from the whole, man from Existence or Divine Environment must be annihilated in *fana*. Hell as retreat into the cocoon of individuality that accepts separation from the Real because of inability to love. Thus hell is refusal to open for dialogue – which might include total transformation of the self and taking divine robes. Since the world and the divine are everywhere in contact there is no problem of geographic displacement – and thus the whole discourse of identity politics, of exile and nostalgia for homeland and endless clashes over borders and visas – in Ibn Arabi. There is no space for usury and corporate capitalism and thus for wars occasioned by greed of wealth. The problems – political, social, economic – over which modern world is in perpetual conflict arise from the wrong view of self and our vacation in the world. Ibn Arabi would approach all of them by first targeting the view of the self vis-à-vis the other/God. Right view is the first step towards conquest of suffering or conflict. Modern world has got fundamentally wrong view of almost everything vitally important for life and peace. It is naïve to expect that fruitful dialogue process between traditions, nations, identities, ideologies can go on our world without drastic reconstruction of fundamental premises of modern world-view. Ibn Arabi would demand nothing short of this – taking loathing of the self and thus rejection of the received definition of man as *Homo economicus*. Ibn Arabi had strongly rejected the political authorities for their vices which nowadays have grown more rampant and almost into a norm for modern power seekers. As long as the political and civil administration is tied to the interests of economic institutions such as big corporations and banks it is difficult to talk about Ibn Arabi's message of universal love, compassion and understanding. When it pays to create conflicts and misunderstanding and there are big mafias that sponsor them one wonders how much space is there for prophets of love. Will Ibn Arabi be heard when the roots of conflict are primarily economic? Yes – though on a limited scale by isolated individuals – as he targets the self that seeks riches

which he sees as pursuing illusion. For him all evils are ultimately traceable to ignorance which is curable. No man is willfully bad as Socrates said. Man being created in divine image is fundamentally good and is being guided to felicity.

### **Some Possible Criticisms**

Some serious questions may arise here. If it is all really a play of divine names including the worst misunderstandings and conflicts how can dialogue succeed or really matter? The answer is that Divine Mercy and thus the names of Beauty have priority and as humans we must strive to move from being under the influence of the names of Majesty. We are condemned, so to speak, to choose love over hate and peace over conflict. Another question is if all things are happening as per archetypal preparedness and thus perfectly in way what becomes of conscious efforts to create space for dialogue and tolerance? The answer that Ibn Arabi would give is that our effort itself is ultimately a divine act as God is the only Agent or Actor. Conscious effort to change is not outside the comprehensive meaning of destiny. We are destined to eternal felicity. Mercy is destined to prevail upon forces of hate and disunity. We are well advised by *sha'ria* to be willing agents of this predestined plan. Another problem is the view that this historical era is the era of progressive decay, the era of scandals and doesn't it mean certain pessimism regarding all efforts made for change towards the better or the efforts for dialogue. The answer is that this era is also progressing towards the time of Jesus when the religion of truth and peace shall be established. And another point is that if everything is providentially designed the enormous space for intercultural dialogue created due to shrinking of geographical boundaries and diffusion of information regarding other cultures and traditions is also providence. Proliferation of social and political movements that seek to further the dialogue process at various levels are thus manifestation of Mercy which providence is actualizing. Ibn Arabi gives us additional reasons to believe why we must strive to fight against obstructions to Divine Love and Beauty and Mercy. He assures us that man shall

overcome someday and to eternal peace and felicity all are driven.

### **Conclusion**

Acknowledgment of fundamental mystery and unity of existence in Ibn Arabi amounts to possibility of dialogue with the other that transcends our comprehension and granting that it can be accessed/known or spoken to, in a way, means that we can have a dialogue with everything that exists beyond the narrow cocoon of our self. As all creatures are alive and rational and praising God man is not condemned to the hell of closed subjectivity in a gratuitous and indifferent universe. The stars are not silent. In fact there exists none other than the Self which is in all as the essence of all. Man's call to the Lord doesn't go unheard and the Creator itself is in need of continuous manifestation or dialogue with the created. From Ibn Arabi's viewpoint, the challenge for each new generation is to see new meaning of revelation. It is to see God in the new form of revelation that each era brings in the form of new social structures, art forms, scientific discoveries. Seeing God with one eye and the phenomena with the other eye is a continuous challenge and if man succeeds in this endeavour he can carry out all dialogues on all levels as in every thing or event there is to be discerned God's *haqq*. (Saints see God's severe face in the taunt of their enemy and take it with smile fresh world). Dialogue demands self giving and humility. This is an act of sacrifice which most people today are not willing to make. We need to carry out dialogues ceaselessly as we experience new revelations which bring with them new challenges and demand new understanding. Whether men know it or not dialogue is going on despite our reluctance. Everything is in the process of continuous change. Life being He/not-He is dialogic, dialectical play of binaries, of God and the in-existent world or transcendent divinity and the world of forms. Life is a dialogue.

## NOTES & REFERENCES

### Notes

- 1 In the perennialist perspective metaphysic constitutes an intuitive, or in other words immediate knowledge, as opposed to the discursive or mediate knowledge which belongs to the rational order. (Most protagonists as well as critics of concept of religious experience hardly leave this rational order in their discourse. "Intellectual intuition is even more immediate than sensory intuition, being beyond the distinction between subject and object which the latter allows to subsist." (Qaisar, 2002: 168) Subject and object are here identified competently and this complete identification is not an attribute of any inferior or non-metaphysical type of knowledge. A consequence of this is that knowing and being are fundamentally one or two inseparable aspects of a single reality. Knowing and being are indistinguishable in the sphere where all is "without duality" (Qaisar, 2002: 169.) From such a perspective the various "theories of knowledge" with metaphysical pretensions which occupy such an important place in modern Western philosophy (which dominate everything in case of Kant) are purposeless. The debate over cognitivity of religious experience similarly appears purposeless in the metaphysical perspective. As Guenon says such theories arise from an attitude of mind that originated in the Cartesian dualism and is shared by almost all modern philosophers. This attitude consists in artificially opposing knowing and being. This is antithesis of true metaphysic. The identity of knowing and being is not merely dogmatically affirmed but realized as well in the integral metaphysic. (Qaisar, 2002: 170). The theory and meditational and other practices are a means or aids to such a realization. It need not and could not be certified or verified by other means, other persons or any kind of tests. Of course these considerations appear strange to Western people. Mystical realization is only partial and rather distant approximation or analogy of metaphysical realization (Qaisar, 2002: 172).

The very fact that such realization is of a purely religious character shows that it is confined entirely to the individual domain; mystical states are in no sense supra-individual, since they only imply a more or less indefinite extension of purely individual possibilities. Realization of this kind cannot have a universal or metaphysical bearing, and it always remains subject to the influence of individual elements, chiefly of a sentimental order. This realization is also always fragmentary and rarely controlled and doesn't presuppose any theoretical preparation (Qaisar, 2002: 173). Metaphysical realization is common to all Oriental thought and "mysticism."

- 2 The traditionalist perennialist perspective began to be enunciated in the West at the beginning of the twentieth century by the French

metaphysician Rene Guenon, although its precepts are considered to be timeless and to be found in all authentic traditions. It is also known as Perennialism, the Perennial Philosophy, or *Sophia Perennis*, or *Religio Perennis* or sometimes simply referred to as the traditionalist or metaphysical school. The term *Philosophia Perennis* goes back to the Renaissance, while the Hindu expression *Sanatana Dharma*, Eternal Doctrine – and the Islamic expression the *javidanikhird* or *al-hikmat al-khalidah* has precisely the same signification. The other important figures of the Traditionalist School were the German Sufi-metaphysician Frithjof Schuon and the Ceylonese art historian A.K. Coomaraswamy. *Philosophia Perennis* pertains to a knowledge which has always been and will always be and which is of universal character both in the sense of existing among peoples of different climes and epochs and of dealing with universal principles. This knowledge which is available to the intellect (which in the traditionalist perspective is a supra-individual faculty distinct from reason though the latter is its reflection on the mental plane) is, moreover, contained in the heart of all religions or traditions. At the heart of the *philosophia perennis* “lies pure metaphysics, if this later term is understood as the science of Ultimate Reality, as a *scientia sacra* not to be confused with the subject bearing the name metaphysics in post-medieval Western philosophy” (Nasr, 1993: 54). Revelation and intellection are the twin sources of metaphysical knowledge. Traditional metaphysics finds its fullest expression in the Hindu doctrines. The phenomena of religion, theology and mysticism is a falling from the intellectual purity of the doctrine, though religion has also been seen as an existential formulation of metaphysics rather than falling away from it.

- 3 Understanding the notion of metaphysical realization is central to the debate on religious experience from the Eastern and Sufi “mystical” or metaphysical perspective. A few remarks are in order in this connection. In the act of metaphysical realization individual domain is altogether left out. There is no room for feeling and sentimentalism. The mind or everything that contributes to a separative distinctive selfhood or subjecthood has to be transcended completely in order to experience the divine in the fullest sense of the term in the Eastern context. In fact as Guenon has provocatively remarked there is no such thing as mysticism and religious experience in the modern sense of the term in the East. Here we must point out, from the perennialist (more precisely the Guenonian reading of it) point of view the difference between religion and metaphysics. As Guenon points out the metaphysical point of view is purely intellectual while as in the religious or theological point of view the presence of a sentimental element affects the doctrine itself, which does not allow of its complete

objectivity. The emotional element nowhere plays a bigger part than in the “mystical” form of religious thought. Contrary to the prevalent opinion he declares that mysticism, from the very fact that it is inconceivable apart from the religious point of view, is quite unknown in the East (Guenon, 2000: 124). The influence of sentimental element obviously impairs the intellectual purity of the doctrine. This falling away from the standpoint of metaphysical thought occurred generally and extensively in the Western world because there feeling was stronger than intelligence and this has reached its climax in modern times (Guenon, 2000: 125). Modern theistic appropriations of mystical experience by choosing to remain at the level of theology and not cognizing the metaphysical point of view (that brilliantly and convincingly appropriates such apparently divergent varieties of mystical and metaphysical realization as that of Buddhism and Christianity) cannot claim total truth as theology itself cannot do so. And it is not always possible to fully translate metaphysical doctrines in terms of theological dogmas. Only one example will suffice here. The immediate metaphysical truth “Being exists” gives rise to another proposition when expressed in the religious or theological mode “God exists.” But as Guenon says the two statements would not be strictly equivalent except on the double condition of conceiving God as Universal Being, which is far from always being the case in fact (Tillich comes close to holding this view of God), and of identifying existence with pure Being or what the Sufis call *Zat* or Essence which is metaphysically inexact. The endless controversies connected with the famous ontological argument are a product of misunderstanding of the implications of the two formulae just cited. It is the inadequate or faulty metaphysical background that contributes a lot to controversies on either side of the debate on religious experience in modern discourses of philosophy of religion. Unlike purely metaphysical conceptions theological conceptions are not beyond the reach of individual variations. Those who discuss such matters as the “proofs of God’s existence,” should first of all make sure that in using the same word “God” they really are intending to express an identical conception. However this is hardly the case usually and we see altogether different languages being used. Antimetaphysical anthropomorphism comes to the fore in this realm of individual variations. (Guenon, 2000: 128-29)

## **Youth Identity and Political Turmoil in Jammu and Kashmir: A Sociological Perspective**

**Ajaz Ahmad Lone\***

### **ABSTRACT**

*Youth in Jammu and Kashmir has never known life except in chaos and political turmoil. The state has been a conflict zone between India, Pakistan and the People who stand for self determination. It is one of the most highly militarized regions of the world. From 1989 to 2014 between 60,000 and 90,000 civilians, guerrilla fighters, and Indian security personnel died in violence. The major sufferer in this state of hegemony and violence has been the Youth of the State. Their life, education, physical and mental health, personal and social relationships, perceptions and attitudes all have been greatly influenced by the political turmoil over there. They became prey to both security forces and militants. However some of them succeeded in receiving education by whatever little opportunities they could avail. But the Irony is that even the highly Educated Youth has chosen violence and armed Struggle as a method of conflict resolution. This is a big problem to worry about. Present study is an attempt at exploring the stand of youth on political Turmoil. It aims at*

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*understanding the impact of Political turmoil on youth of the state and their perceptions about conflict resolution. Attempt has also been made to find out various factors which lead educated youth to the path of violence. The study is based on primary source of data which has been supplemented by secondary data. Interview method has been used to collect the data apart from group discussions.*

### **Introduction**

Youth in Jammu and Kashmir has never known life except in chaos and political turmoil. The state has been a conflict zone between India, Pakistan and the Local People who stand for self determination. From 1989 to 2002 only between 40,000 (official Indian estimates) and 80,000 (claimed by the Hurriyat Conference, a coalition of pro-independence and pro-Pakistan groups) civilians, guerrilla fighters, and Indian security personnel died in violence. The process of Violence and hegemony is still going on. According to Indian counterinsurgency sources, in this period, more than 4,600 security personnel were killed, along with about 13,500 civilians (the vast majority Muslims) and 15,937 'militants' (the term for guerrilla fighters) including approximately 3,000 from outside Indian part of Jammu and Kashmir, 'mostly Pakistanis and some Afghans.' Also in this period, 55,538 incidents of violence were recorded and Indian forces engaged in counterinsurgency operations captured around 40,000 firearms, 150,000 explosive devices, and over 6 million rounds of assorted ammunition. In this atmosphere of chaos and disorder, violence and hegemony was born and brought up a generation of Youth who suffers at every Juncture. A generation of Young people who greatly influenced the political turmoil in the region and got influenced by it. A generation of Young people who was brought up in an environment where encounters, killings, tortures, detentions, curfews, disappearances, shut downs, forced migrations, communal clashes and every form of Violence was at its zenith. In such an atmosphere obviously their education, socio-economic life, personal and social relationships, their

conception of and interaction with the outside world was badly affected. Hence, most of the time, they are left with no options but to combat. Some of them choose armed struggle for self determination, while others choose peaceful democratic ways to march forward towards a better future and a better Jammu and Kashmir. Some showed their anger by stone throwing. However few succeeded to receive good education by availing whatever little opportunities they had. But the irony of fate is that even educated youth has chosen violence as a weapon to combat. This is a big problem to worry about. The present study is intended at exploring the stand of Youth on violence and turmoil in the state, factors leading them to tread the path of violence. It also aims at understanding how violence has affected personal, family and social lives of youth in the state. How they see the turmoil and what do they think, can bring peace to the region.

### **Study Area**

Jammu and Kashmir, an erstwhile princely state, is the apex state of India. It shares its borders with the states of Himachal Pradesh and Punjab in the south, People's Republic of China in the north and east and Islamic Republic of Pakistan in the west and North West. It stretches between 32.17 'north latitudes to 37.6' north latitudes and 73.26' east longitude to 80.30' east longitudes. Thus it lies wholly in the northern and eastern hemispheres. It spreads over an area of 2.22 lakh Sq.km, out of which 83803 Sq.km falls administered by Pakistan and 41500Sq.km is under the occupation of People's Republic of China. The State is divided into three regions viz Jammu, Kashmir and Ladakh. Jammu is the Winter Capital whereas Srinagar is the Summer Capital of the state. Article 370 of the Indian constitution grants special status to the state. Therefore all provisions of the constitution of India do not apply to the state. The state has its own constitution and Flag.

### **Brief History and Extent of Turmoil**

Jammu and Kashmir has been a conflict zone for India, Pakistan and local people of Jammu and Kashmir who have been struggling for self determination, since the time when two dominions of India and Pakistan were created in 1947. At that time there were around 560 princely states under British India and Kashmir was one among them. The hold-up in deciding Kashmir's future by Maharaja Hari Singh after the British left was the core cause of Kashmir conflict. The tribal invasion caused by raiders from Pakistan made the Maharaja feel anxious and he decided to take help from India. India's viceroy Mountbatten promised him military help and in return Maharaja signed the 'Letter of Instrument of Accession to India', which stands controversial ever since. Nehru, the first PM of India, on November 02, 1947 on all India Radio announced that the future of Kashmir will be decided by means of Plebiscite. However the plebiscite is still pending. This delay in Plebiscite paved the way for the intervention of Pakistan as well. From 1989 the local militant phase of the movement for self determination started. The aftermath of the conflict is the large scale destruction of life and property. The number of Indian security personnel's present in the state is around 90,000. In the span of last two decades, around 90,000 people have been killed, and around 10,000 have disappeared. Indian military has been accused of rapes, killings, lootings, custodial torture and deaths, and violating human rights. The major sufferer by and large in the ongoing turmoil has been the youth of the state. Their health, education, employment, social and personal relationships, perceptions and attitudes indeed their whole life has been affected.

### **Data Base and Methodology**

The study is based on primary data. Research scholars and post-graduation students from 5 universities namely University of Jammu, Kashmir University, Aligarh Muslim University, Hyderabad University, and University of Eastern Finland have been interviewed apart from focused group

discussions. Students of University of Eastern Finland and Hyderabad University were interviewed through phone calls and emails, while Students from other Universities were interviewed personally. In total 18 people were interviewed. 8 people were interviewed from Jammu province, 8 from Kashmir province and 2 from Ladakh province. Respondents were both male and female.

### **Aims and Objectives of the Study**

1. To study the approach of Educated Youth of Jammu and Kashmir towards violence and political turmoil.
2. To examine the factors that lead to their involvement in the conflict and to find out the various problems they face at home and outside the state.
3. To explore their perceptions and viewpoints about the conflict resolution.

### **Factors Causing Involvement of Youth in Violence**

The recent Amnesty International report examines the phenomenon of disappearances in Jammu and Kashmir. While some of the 'missing' may have crossed the border, by far the larger number have fallen victim to arrests, detentions, tortures and deaths at the hands of the security forces. Courts cannot provide much relief as court orders are ignored by bureaucrats and armed forces. The Press Council of India's 'committee' under B.G. Verghese produced a report exonerating army personnel of mass rape at Kunan Poshpora in 1991. However, the victims continue to suffer even today. Regular allegations of human rights violations are being made in the Kashmir press. In the course of study 86% of the respondents opined that violation of human and political rights have led the educated youth on the path of violence in the state. When they see their families being tortured and detained, innocent people being killed, and when they are denied of their political rights they go for violent measures. The militarization and imposition of AFSPA (Armed Forces Special Powers Act) has been condemned unanimously. It has been observed as one of the most important factors forcing the youth for adopting a

Gun Culture. No other law has incurred the odium this Act has within the country and abroad in United Nations, especially in the Human Rights Committee, repeatedly. Young people see security forces and militants as an intrusion into their privacy. Unnecessary and frequent Security checks, arrests and detentions, curfews, their constant vigilance and a constant anxiety have fuelled their anger. The implementation of AFSPA, POTA and PSA has further resulted into killing and detention of many youths and thus has aggravated the already ruined state of affairs. However 47% of the respondents believe that the ongoing chaos and involvement of educated youth has its origin in India's freedom, partition and the later history. Thus historical factors also serve as a motivating vigour which drives youth towards violence.

Sharp economic slowdowns and low levels of per capita income appear to increase the likelihood of conflicts. Around 48% of the respondents think that Unemployment, underemployment and poor economic conditions are the other causes which seem to be forcing the youth towards violence. It has been observed that unemployed youth is more prone to violence than the employed youth. Children born and brought up in a violent conflict zone generally do not find other measures as effective as violence. 73% of the respondents believe that the already prevailing chaos, disorder and lawlessness in the region motivates youth to choose violence as a measure to the conflict resolution. In the course of study it has been observed that a deep sense of alienation prevails among all the respondents. The political turmoil has created a trust deficit both between the youth and the people living outside Jammu and Kashmir apart from the trust deficit between government and the youth. It has been observed that respondents have lack of faith in people while staying outside the state. They expressed a kind of fear while staying outside the state. Outside the state they are seen with suspicion. They face unequal treatment while travelling or residing at any place of India. They face problems while making their passports.

They face accommodation problem all over the India and especially in the NCR. Even within the state especially in Jammu city they are unequally treated. 65% of the respondents reported that such an unequal treatment is very common for every Student from Jammu and Kashmir who is studying outside the state. In many cases they are branded as terrorists on their face. They reported constant humiliation at every level whether in the classroom or in their friend circle or while sitting at some public place. Such a humiliation and unlikely treatment can prepare the grounds for rebel and anger. All the respondents stated that Humiliation and sense of Honour may serve as an important factor affecting youth attitude towards violence. Kunan, a small hamlet in Poshpora area of Kupwara district, was 'stormed' by soldiers on the night between February 22 and 23, 1991. Thirty-two women were mass-raped. The world community raised hue and cry for a couple of months and ultimately the traumatized victims were forgotten. Such incidents and the subsequent delayed rather denied justice is enough a motivating force to push the youth towards violence. It was reported that if a member of their family has been killed or when some security personnel molests or teases a woman in the family, people may spontaneously retaliate and the respondents expressed that Family honour might be an important reason which motivates youth towards violence. The agitation, which began in late June 2008 over 'diversion' of 800 kanals (one kanal is one-eighth of an acre or one-third of a hectare) of forest land to the Shri Amarnath Shrine Board (SASB) for the Amarnathyatra, went beyond the issue of land diversion, which had brought people in Kashmir on to the streets. It was overtaken by the demand for freedom from India. The immediate trigger for the resurgent demand for Azadi was the sense of insecurity in the valley at the communal attitude of the security forces and the complete dependence on New Delhi for their physical well-being during the agitation in Jammu for reversal of the order cancelling allocation of land to the sasb. The State's abysmal role, especially of its law enforcing agencies, which failed to stop rioters in Jammu, Kathua and Udhampur from

fomenting a communal divide and blocking the national highway (the only road connecting the Valley of Kashmir with the rest of India) infuriated a people whose right to life, already under threat from a ubiquitous security apparatus, was further imperiled by a fear of starvation. A good percentage of respondents opined that lack of esteem among security personnel's for religious scriptures and sacred places and sometimes their explicit communal nature provokes youth to indulge in violence. Kashmiri nationhood is another driving force that influences the mind set of youth. When they see their own people suffering, it provokes them, 66% of the respondents believe that religion and nationalism provokes the youth to tread the path of violence. Many students gave the example of recent Goon Killings and Kishtwar Incident which happened in the summers of 2013 respectively. Many students expressed deep dissatisfaction with the state governments, unfair elections, widespread and rising bribery and corruption. They opined that pathetic economic and employment policies of the state government has also left the youth of the state frustrated and helpless. They said many youthful persons take up arms to struggle for the economic and social security they have been deprived of, especially by political leaders, those in public sector and who exploited the positions for their own benefits, 46% of the respondents believe social insecurity and revenge as other factors affecting the attitude of youth towards violence.

### **Factors Affecting Involvement of Educated Youth in Violence**

#### **Consequences of Political Turmoil among Educated Youth**

Youth in Jammu and Kashmir has always been the victim and prey to violence of both security forces and militants. Generally, they are hardly left with any other choices but to combat. Mental health is a vital part of overall wellbeing and quality of life. Mental illness has reached epidemic proportion with many suffering from post traumatic stress

disorders among the youth of the state. Amin S. and A.W. Khan found that in Kashmir the prevalence of depression is 55.72%. The prevalence is highest among 15-25 years age group. However in the course of study 86% of the respondents reported depression and other related problems. It was reported that they continued to have serious emotional and psychological problems. Anxiety, depression, fear, hopelessness, frustration, annoyance, sense of insecurity, threat perceptions to them and their families, complete alienation and bias are all what they have been experiencing since the day they came to senses. And all this had serious repercussions on their mental health. Profound social distancing outside the state, discriminations, wrongful arrests, being branded as terrorists, always seen with suspicion and difficulties in getting accommodation are some of the major problems they face while being outside the state. 73% of the respondents reported a deep sense of alienation and social distancing and 66% reported severe accommodation Problems while being outside the state. Youth is also the earning hand of their families. When the earning hands of the family are chopped, the socio economic condition of the family is naturally affected very much. Poor socio-economic conditions, unemployment and lack of proper environment for education are some other outcomes of the turmoil. Curfews, shut downs, encounters, occupation of public buildings like schools and hospitals by security forces are the biggest hurdles in receiving proper education, suitable employment and overall socio economic development and quality of life. Economic insecurity, illiteracy, unemployment and lack of health facilities are all the aftermaths of turmoil. They said the politically generated inter community and intra community trust deficit is horrible. Pointing to recent Kishtwar communal riot it was stated that the VDC's (Village Defence Committees) is a great threat to the social ties over there. They reported that arming of a particular community, infact any community in the name of self-defence is creating two major problems viz communal riots and trust deficit between people of different communities. 13% respondents faced communal violence at



personal level and communal remarks on their face both within and outside the state.

Teasing, Sexual abuse by the security forces has been reported by 33% of the female respondents. Female respondents reported an acute level of depression and fear while being at home. They prefer to stay in university campuses instead of going home even in vacations. They reported that they do not go to the market, school, college or hospital, even if it is at a stone's throw from their home, unless there is some male member with them. It is very much haunting that being Kashmiris, they do not feel safe either in their own state or outside the state. Sense of insecurity, threat perception etc. are the other troubles the educated youth face. 95% of the respondents said they live in extreme fear, whether inside or outside the state except University campuses. 26% of the respondents reported that while being in the state they along with their families have been unpaid labourers many a times, for the security forces, during their school days. 47% of the youth reported that while being in the villages in the state they do not sleep at home out of fear. Their families send them to some other place or nearby towns out of fear. Temporary migrations were also reported during the study. Around 47% of the respondents reported such incidents. According to some who have travelled, it is a standard practice that once the train enters the Punjab, for personnel of the Punjab police to enter the coaches, and till they leave the train no Kashmiri escapes their attention. Each person is taken to the toilet where he is searched and luggage thoroughly rummaged. All this leads to demands for money, a shawl or even a carpet. A good percentage of youth also said that they are always seen with doubt and suspicion everywhere. They found a great trust deficit among people. 47% of the respondents reported such problems. Unnecessary security checks, Searching, and vigilance while travelling has been reported by 73% respondents. Political turmoil in Jammu and Kashmir has although affected everyone regardless of their religion, region, caste, creed or colour, but the youth of state has

been the main target. They suffer at every juncture. They face teething troubles in their day to day life both within and outside the state.

### **Major Problems of the Educated Youth Proposals for Policy Makers**

The first and foremost priority of the central and the state government should be to protect human and political rights in the state. This can be done by providing the youth with a rather more democratic environment. In this direction gradual demilitarization of the social space is the first step. In such a sensitive region, no section of the society should be provided with arms. This can lead to more communal clashes and trust deficit among different communities and government. There is urgent need of trust building among the youth of Jammu and Kashmir. Laws like AFSPA, POTA, and PSA etc. must be replaced by democratic laws. Respondents do not seem to have that much trust in the Government of Jammu and Kashmir. As they see the state government as indifferent to them. Government should make and implement effective plans for Active Youth Participation. Promotion of communal harmony by establishing respect and cooperation between different communities should also be the important concern of the State and Central governments. Propagators of communal violence, hatred and animosity between different communities should be punished and dealt strictly according to the law. Generation of employment, creation of more and more economic opportunities should be focused on. The ruined condition of education and public service must be improved. New employment policies do not seem to satisfy the educated youth of the state. Rampant corruption in the public sector has created hegemony in the state. To check corruption, strict laws should be made and those involved must be dealt strictly. Youth residing in different parts of the country must be provided with a kind environment in which they could feel and live safe and secure. They must be treated with extra benevolence in order to bring them in the main stream. Nonaligned and just media should be encouraged in the

state so that it may serve as instrument of bringing together the people and the governments. As they believe, their cries have been unheard since long. However, the situation of the state in general and that of youth in particular can never be vastly enhanced by means of development programmes alone. It would be wrong to assume that education employment and economic development is all that youth would be satisfied with. They must be provided with a democratic and just environment apart from setting the stage for peaceful talks for conflict resolution. Last, but not the least, Youth participation in socio politico and economic development programmes is necessary.

### **Conclusion**

Educated youth of Jammu and Kashmir are the finest group of the society. They are the true representative of Jammu and Kashmir. They are being forced by the circumstances to opt for violence which can be a serious threat to the Indian subcontinent and South Asia. They explained the situation of the turmoil in depth as they had been experiencing it since long. They provided various important and practical solutions to the political turmoil in the state. However, they face serious problems at personal and social level due to the ongoing conflict within and outside the state which had serious repercussions on their attitude and perceptions apart from mental and physical health. They must be taken an extra care of both within and outside the state.

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## Population Distribution in Mega Cities of Pakistan: Karachi as a Dynamic Urban Sprawling City in Asia

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### ABSTRACT

*Developing countries are confronting, over the years, with accelerating urban growth and resultant urbanization. Urbanization is an increase in population which crop up as a result of various factors such as natural increase, migration as well as area seizure and reclassification. Pakistan, being one of the most populous countries in world, is also experiencing rapid growth of urbanization since its independence. This research is an attempt to explore the demographic overview of the population growth dynamics of twelve (12) most urban populated cities of Pakistan. Previous phase which ranges from 1931 to 1951, subsequent to census phase ranges from 1951 to 1998 and additionally 2014 respectively. In addition, it is a comparison of the population growth of four provincial capitals of country. Annual Average Population Growth Rate (AAPGR) of*

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*provisional capitals is also calculated for all respective data intervals (1931-2014). This study is mainly focussed on the Asian most populous and agglomerated city Karachi. It is quite important to recognise the factors responsible for population dynamics. Karachi being the economic, trading, educational, and poly-cultural hub requires sound environmental planning, resource management and effectual infrastructure planning. In 1951, population of Karachi was calculated 1.06 million, 1.91 million in 1961 and 3.51 million in 1972, in 1981, it reached to 5.20 million and in 1998, it increased to 9.33 million. After 2002, Karachi expanded much rapidly and large rural lands were converted into urbanized lands, therefore first time overall population density of Karachi fell. In 2014 population of Karachi was estimated 23.7 million which is 153.77 percent greater than the population of 1998. In order to understand the manner of such urban growth and dynamics entropy index of Karachi is determined which gives a constantly increasing trend.*

## **Introduction**

According to the urban researchers there is no specific difference between an urban and a rural area. Majority of the people believe that urban areas are distinguished by enhanced socio-economic activities and dense population.<sup>1</sup> Population of the world in urban areas is increasing in a rapid space. Almost 4.0 billion people are living in urban areas. Being a living structure, cities exhibit diversity on their overall shape and on the appearance of their street systems.<sup>2</sup> At the end of the nineteenth century only 15 percent of the world population used to live in urban areas but according to the 2012 world population data sheet, 50 percent of the world population is living in urban areas defined as cities. Thus, it is almost fifteen-fold increase in the

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1 C. Abundo, T. Bodnar, J. Driscoll, I. Hatton, and J. Wright, "City Population Dynamics and Fractal Transport Networks", *Proceedings of the Santa Fe Institute's CSSS2013*, 2013.

2 T. Courtat, C. Gloaguen, and S. Douady, "Mathematics and Morphogenesis of the City, A Geometrical approach", *American Physical Society*, E83, 036106, 2011.

world urban population.<sup>3</sup> Throughout the developing world, cities are facing challenges as they attempt to cope with unprecedented population growth. They are considered the engines of economic and social progress that embody the diversity and energy of human pursuits.<sup>4</sup> Pakistan being one of the most populous countries in world faces the same problem. Population of Pakistan is gradually increasing with its independence and it exceeded 33.8 million in 1951. The population in urban areas of country increased as well.<sup>5</sup> In this study, the urban population growth of 12 mega cities of Pakistan is discussed. The population growth rate of four provisional cities (i.e. Karachi, Lahore, Peshawar and Quetta) of the country is also discussed. Further population growth differences, population densities and percentage of population growth of these cities are studied.

In the present study, the Karachi city is given special attention as a sample for the study because of its population diversity. Karachi is the biggest and most populous agglomeration city of Pakistan in the present era. Karachi city started its growth as recognized city in 1729 with the estimated population of 1000 and area of 0.12.<sup>6</sup> According to the census of 1951 the population of Karachi increased to 1.6 million while in 1941 it was estimated 386,655 with area 114. This rapid growth in population occurred soon after the creation of Pakistan in 1947 because Karachi was made its first capital. Another reason of the growth of the population of Karachi was settlement of almost one million refugees in this city. This rapid growth in the population affected urban spatial development. The continuous growth of the population in Karachi city needs special attention to understand the impact of growth of population in the Karachi city on the lives

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3 World Population Data Sheet, 2012, retrieved from <http://www.prb.org>

4 J. Lash, *World Resources* (New York Oxford University, Press, 1996-97). 1, 3, 9-10.

5 Government of Pakistan, *Population Census of Pakistan 1951*, Vol. 3 (Karachi: Census Organization, 1951).

6 R. Shakila. "Population Densities within Karachi City", M.Phil thesis, Department of Geography, University of Karachi, Pakistan, 1983.

of its inhabitants. To understand further evolution in urbanization, this research will investigate the comparative population growth dynamics by using the data taken from 1931 to 2014.

### **Material and Method**

The present research is organized as follows. In section 2, the urban population growth dynamics of twelve (12) cities of Pakistan is explored and analyzes for the population data of eight defined phases' range (i.e. 1931-1941, 1941-1951, 1951-1961, 1961-1972, 1972-1981, 1981-1998, and 1998-2014) respectively. Average annual population growth rates (AAPGRs) for four provincial cities (i.e. Karachi, Lahore, Peshawar, and Quetta) have also studied for further evidences and results.

Section 3, of this research will determine the population density distribution and population density gradient. As population density gradient gives the population dispersal explicitly therefore this method are applied on urban population of Karachi. For this purpose data of all censuses (1951, 1961, 1972, 1981, and 1998) were taken into account. In Section 4, urban population de-concentration is calculated. Through this study entropy index (EI) values are determined to achieve much comprehensive evidence of Karachi urban sprawl, dynamics and growth. For this purpose again same above defined data of eight intervals is taken. The purpose was to achieve more comprehensive results for the urban population growth and dynamics of Karachi. Using the gazetteer records and after creation of Pakistan census data Pakistan Bauru of Statistics' and Censes recorded data the sprawlness and population growth of city Karachi is elucidated. Finally, Section 5 concludes this work.



## RESULTS AND DISCUSSIONS

### Urban Population Growth Dynamics and Average Annual Population Growth Rates

This part of research elucidates the population growth of 12 mega cities of Pakistan. the present study determined the population growth and percent of growth of these 12 cities (i.e. Karachi, Lahore, Faisalabad, Rawalpindi, Multan, Hyderabad, Gujranwala, Peshawar, Quetta, Islamabad, Sargodha and Sialkot) for eight defined intervals (i.e. 1931, 1941, 1951, 1961, 1972, 1981, 1998, and 2014) using the gazette record (from 1931 to from 1941) and census data (from 1951 to from 1998) and our estimated data(1998-2014)as depicted in Table 1. These results are further explored in Fig. 1, which provides the population growth of these big cities. Then we have determined the Average Annual Population Growth Rate (AAPGR) of four provincial capitals of the country which shows that the urban population of country has increased in a rapid space in almost all intervals particularly in 1941-1951 and 1998 to 2014 are depicted in Table 2. To calculate the AAPGR of these provincial capitals a mathematical expression has been generated:

$$\left[ \left( \frac{EV}{BV} \right)^{\frac{1}{n}} - 1 \right] \times 100 \text{ (A)}$$

Where EV is the ending value and BV is the beginning of corresponding intervals, and 'n' is the number of years in corresponding intervals.

The histogram graph for the AAPGR values for the four provincial capitals of Pakistan show continuous agglomeration in all cities especially in Karachi, Lahore and Quetta which are illustrated in Fig. 2. Only Peshawar city exhibited reverse trend in AAPGR only during 1941-1951 interval and AAPGR of Peshawar was determined 3.59 in 1941 which decreased to -1.34 in 1951. After this sudden decay, AAPGR of Peshawar increased to 3.70 in 1961, and it continued to increase and huge urban growth was observed during 1972 to 1998. The provisional capital of Baluchistan showed it maximum AAPGR during 1972-1981.

Lahore city the provisional capital of the Punjab showed a smooth AAPGR after 1972 are depicts in Table 2.

Before the separation of Pakistan in 1931 the population of Karachi was estimated 263,565 while it increases to 386,655 in 1941. But after the separation of Pakistan its first census (1951) recorded the population of city Karachi 1.06 million. The most populous city (Karachi) is selected as a case study for this paper which is the provincial capital of Sindh to discuss further urban population growth, urban sprawl and population dynamics. Karachi was nominated as the first capital after the independence of Pakistan in 1947. Soon after the separation, almost 1 million people came to Karachi from India. Because of this fact the AAPGR of Karachi during 1941 to 1951 was calculated 10.69 which were the largest among all intervals are depicts in Table 2. After 1951 the AAPGR of city decreased till 1998 and it reached to 3.49, but soon after 1998 it started increasing again and in 2014 it was estimated 5.99 are describe in Figure 3.

Due to this sudden urban growth the areal expansion of city took place. According to census record of 1951 the population of Karachi was calculated 1.06 million while it increased to 1.91 million in 1961.<sup>7</sup> The population growth of Karachi did not decline it continued to increase and it reached to 3.51 million in 1972.<sup>8</sup> After this census Karachi city expanded due to new housing projects and many new squatter settlements in peripheral land of the city. The population increased further and in 1981 it reached to 5.20 million and in the year 1998 in increased to 9.33 million.<sup>9</sup> Thus during these 17 years (1981-1998) the city had grown about double of its population. After 2002 Karachi expanded

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7 Census, "Government of (1961) Population Census of Pakistan", 1961.

8 Census, Government of (1972) Population Census of Pakistan", 10-30, 1972

9 Government of Pakistan, *1981 Census Report of Pakistan, Punjab, Sindh, NWFP and Baluchistan* (Islamabad: Statistics Division, Population Census Organization, 1984) and Government of Pakistan, *Population and Housing Census of Pakistan: Provisional Results* (Islamabad: Statistics Division, Population Census Organization, 1998).

much rapidly and large rural land was converted to urban areas. These results the areal expansion of city and urban population growth increased continuously and now according to the estimated data of 2014 the population of city has reached to 23.7 million as depicted in Table 1.

Due to the continuous growth of population the area of Karachi expanded as well, thus sprawlness took place. Illegal and unorganized residential areas have started to invade the water basins, forests and high quality agricultural land. In addition, construction of bridges, central roads and peripheral highways had a significant impact on suburbanization and retail expansion patterns in the metropolitan areas.<sup>10</sup> Thus Karachi has been divided into 6 districts and 18 towns. The continuous population growth has turned the city to multi-centred megacity and peripheral development has dominated the development characteristic of the city Karachi.<sup>11</sup> In addition, it is also observed that the development in economic conditions of people of the city unlimited private cars, automobiles and motorcycles had increased significantly while on the other hand due to rapid enhancement in population, number of public transports has been introduced. This rapid development of vehicles encourages population dispersal, sprawl and the transport infrastructure.

The population growth of Karachi is very uncertain due to its socio-economic progress, industries, port, and employment opportunities. Karachi city is so important due to its diversity. Because of irregular developments of city huge scale of diversity in streets' system of Karachi can be observed. To investigate the urban dynamics of Karachi we will use the censuses record data (1951, 1962, 1972, 1981 and 1998) and estimated data of 1931, 1941 and 2014. Karachi's population is now growing much faster than projected. To

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10 S. Akhtar, M. R. Dhanani, "Urban Sprawl in Karachi", *Sindh University Research Journal (Science Series)*, Pakistan, 2013.

11 Akhtar & Dhanani, "Urban Sprawl in Karachi".

calculate the Population Growth (PG) of Karachi we have use the simple mathematical expression such as:

$$PG = TP_f - TP_c \quad (B)$$

Where  $TP_f$  is the final population for the respective intervals and  $TP_c$  is the initial or current population for that particular interval.

Between 1998 and 2014, Karachi grew from 9.8 to 23.7 million, or 153.77 percent (Table 1). Due to the large expansion in area the population density of city Karachi decreased to 6719 sq.km in 2014 as compared to 1998 (Table 2). This is by far the fastest growth of any metropolitan region in the world. If this rapid urban population growth space continues than it should make Karachi the largest urban area in the world by 2030, surpassing Jakarta and Tokyo.

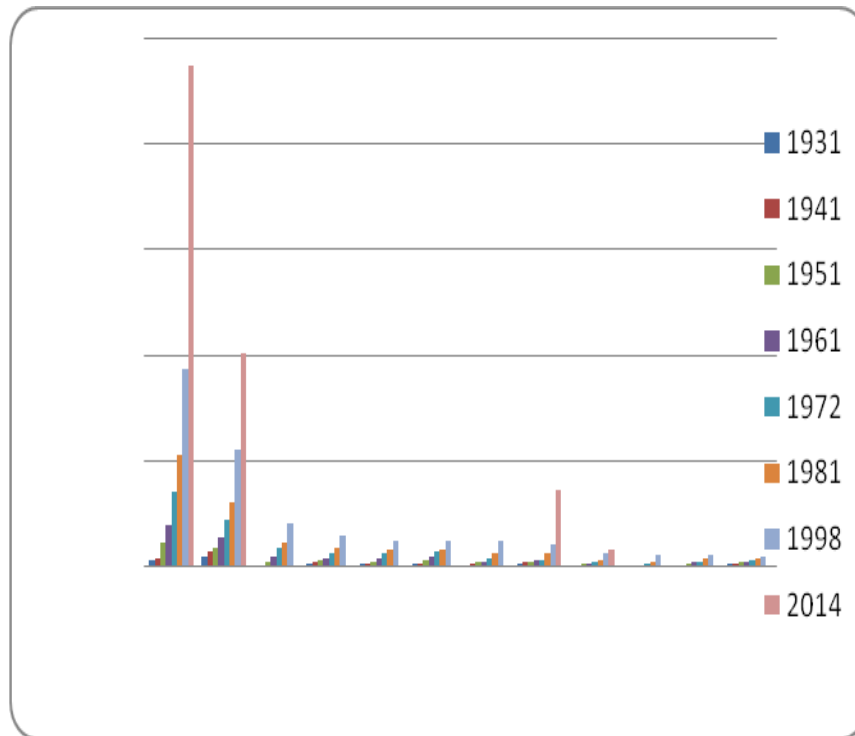
**Table 1**  
**TOTAL POPULATION (TP IN 000), POPULATION GROWTH (PG IN 000) AND PERCENT OF PG (%PG) OF BIG CITIES IN PAKISTAN**

Cities years	1931	1941	1951	1961	1972	1981	1998	2014
TP <sub>Karachi</sub>	263	386	1,068	1,912	3,515	5,208	9,339	23,700
PG	-	(123)	(681)	(844)	(1,602)	(1,692)	(4,130)	(14,360)
%PG	-	46.7%	176.3%	79.0%	83.8%	48.1%	79.3%	153.7%
TP <sub>Lahore</sub>	429	671	849	1,296	2,169	2,952	5,443	10,052
PG	-	(241)	(177)	(447)	(873)	(782)	(2,490)	(4,608)
%PG	-	56.2%	26.4%	52.6%	67.3%	36.0%	84.3%	84.6%
TP <sub>Faisalabad</sub>	42	69	179	425	823	1,104	2,008	----
PG	-	(26)	(109)	(246)	(398)	(280)	(904)	----
%PG	-	62.8%	156.1%	137.4%	93.6%	34.1%	81.9%	----
TP <sub>Rawalpindi</sub>	119	185	236	340	614	794	1,409	----
PG	-	(65)	(51)	(103)	(274)	(180)	(614)	----
%PG	-	55.1%	28.0%	43.6%	80.7%	29.2%	77.3%	----
TP <sub>Multan</sub>	119	142	190	358	538	732	1,197	----
PG	-	(23)	(47)	(168)	(180)	(193)	(465)	----
%PG	-	19.5%	33.1%	88.4%	50.4%	35.8%	63.5%	----
TP <sub>Hyderabad</sub>	101	134	241	434	628	751	1,166	----
PG	-	(32)	(107)	(192)	(194)	(122)	(415)	----
%PG	-	32.4%	79.5%	79.7%	44.6%	19.5%	55.2%	----
TP <sub>Gujranwala</sub>	58	84	120	196	323	600	1,132	----
PG	-	(25)	(36)	(75)	(127)	(277)	(531)	----
%PG	-	43.9%	42.9%	62.3%	65.1%	85.5%	88.4%	----
TP <sub>Peshawar</sub>	121	173	151	217	272	566	982	3,575

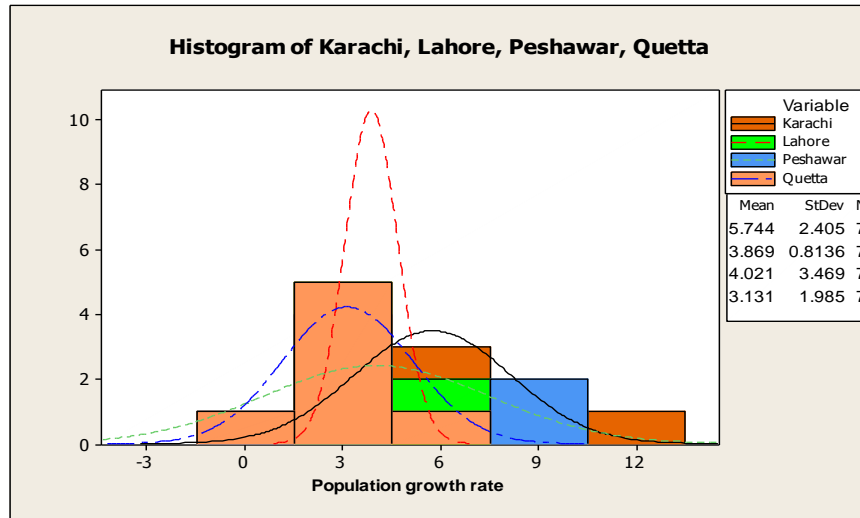
PG	-	(51)	(-21)	(66)	(54)	(293)	(416)	(2,592)
% PG	-	42.3%	-12.6%	43.8%	25.1%	107.6%	73.5%	263.7%
TP <sub>Quetta</sub>	60	64	83	106	158	285	565	733
PG	-	(4)	(19)	(22)	(51)	(127)	(279)	(168)
% PG	-	6.9%	30.1%	27.1%	48.2%	80.8%	97.7%	29.8%
TP <sub>Islamabad</sub>	-	-	-	-	76	204	529	----
PG	-	-	-	-	-	(127)	(324)	----
% PG	-	-	-	-	-	166.6%	158.9%	----
TP <sub>Sargodha</sub>	26	36	78	129	200	291	458	----
PG	-	(9)	(42)	(50)	(71)	(90)	(167)	----
% PG	-	36.1%	115.3%	(64.8%)	(55.0%)	(45.3%)	(57.3%)	----
TP <sub>Sialkot</sub>	100	138	156	167	203	302	421	----
PG	-	(37)	(17)	(10)	(36)	(98)	(119)	----
% PG	-	37.3%	12.7%	6.9%	21.7%	48.3%	39.5%	----

Computed by the author

**Figure 1**  
**POPULATION GROWTH RATE OF BIG CITIES OF PAKISTAN**  
**(1951-2014)**



**Figure 2**  
**HISTOGRAM OF FOUR PROVISIONAL CAPITAL CITIES OF PAKISTAN (1941-2014).**



**Table 2**  
**ANNUAL AVERAGE POPULATION GROWTH RATE (AAPGR) OF PROVISIONAL CAPITALS AND POPULATION DENSITY, POPULATION DENSITY GRADIENT OF KARACHI**

Year of census/ Survey	No. of years in between (n)	Average annual population growth rate				Area $Km^2$ of Karachi	Density/ $Km^2$ (Karachi)	Density Gradient (d) Karachi
		Karachi	Lahore	Peshawar	Quetta			
1931-1941	10	3.90	4.52	3.59	0.67	114	3392	-1.28
1941-1951	10	10.69	2.37	-1.34	2.66	386	2768	-1.16
1951-1961	10	5.99	4.32	3.70	2.42	450	4250	-0.70
1961-1972	11	5.69	4.79	2.06	3.64	640	5493	-0.46
1972-1981	9	4.46	3.48	8.45	6.80	840	6200	-0.37
1981-1998	17	3.49	3.66	3.29	4.09	1200	7782	-0.21
1998-2014	16	5.99	3.90	8.40	1.64	3527	6719	-0.09

**Population Density Distribution Analysis**

The model of<sup>12</sup> was found fit to explain the population density distribution to further investigate the pattern of

12 S. Akhtar & Dhanani, "Urban Sprawl in Karachi".

population density gradient in city Karachi. This model was studied by<sup>13</sup> very explicitly to determine the sprawlness of Karachi with respect to the increase in peripheral area and decrease in central population density.<sup>14</sup> This model is a non-linear model which is mathematically described by the equation:

$$D_y = D_0 e^{-\beta y} \quad (2a)$$

Where ' $D_y$ ' is population density at distance from the city centre, ' $D_0$ ' is the central density, ' $\beta$ ' is the population density gradient, ' $y$ ' is distance from the city centre and ' $e$ ' is natural log.

The population density gradient values have determined using the estimated data and censuses data of Karachi during the period of 1941-2014 (Table 2). This examination showed that the central density and population density gradient declined continuously. From the 4<sup>th</sup> census (1981) to 5<sup>th</sup> census (1998) population density distribution pattern of Karachi city changed significantly. The population of city expanded from 5.20 million in 1981 to 9.33 million in 1998 and area expanded to 800  $\text{km}^2$  to 1200  $\text{km}^2$  respectively. This means that the city had grown almost double of its population during these 17 years. Population of Karachi continued to increase and it was estimated 23.7 million in 2014 and area expanded to 3527  $\text{km}^2$  (Table 2). It was resulted because of the huge peripheral housing schemes and housing projects. Therefore the density of the urban centre would rise during urbanization and the population would remain heavily concentrated in the city centre with a rapid decline in settlement towards the periphery. Then, with continued economic growth and the expanding networks of public transport people would then slowly migrate towards the vicinity of city, gradually softening the population density gradient. This evidence can be seen in Table 2 in our present case study. In Figure 3.1 (regression analysis of total population and the area) and Figure 4.1 (graph of log of population growth vs area) clearly provide the exponential

13 S. Akhtar & Dhanani, "Urban Sprawl in Karachi".

14 S. Akhtar & Dhanani, "Urban Sprawl in Karachi".

population growth, sprawlness, population and areal dispersal of city Karachi. These results showed that area and  $\ln()$  of Karachi increased during 1941 to 2014 continuously. Keeping in mind the results determined by,<sup>15</sup> here we have applied another analysis to confirm the sprawlness and urban population distribution of Karachi by applying the regression analysis and we achieved quite good results which confirm the urban population dispersal of Karachi with the passage of time. Large dispersal in area with the increase in population confirmed the sprawlness and dynamical population growth of city are shown in Fig 3.1.

### Regression Analysis: Area versus Population

The regression equation is:

Predictor	Coef	SE Coef	T	P
Constant	115.60	63.30	1.83	0.127
Population (x)	0.00014065	0.00000636	22.11	0.000

S= 127.584, R-Sq = 99.0%, R-Sq (adj) = 98.8%, Correlation Coefficient r= 0.9957

### Analysis of Variance

Source	Degree of Freedom	Sum of Square	Meansquare	F-test	P-test
Regression	1	7960511	7960511	489.04	0.000
Error	5	81388	16278		

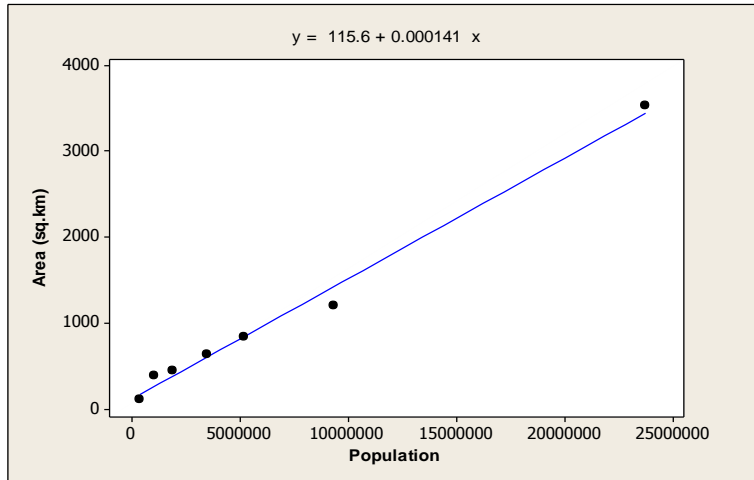
Total: 8041900

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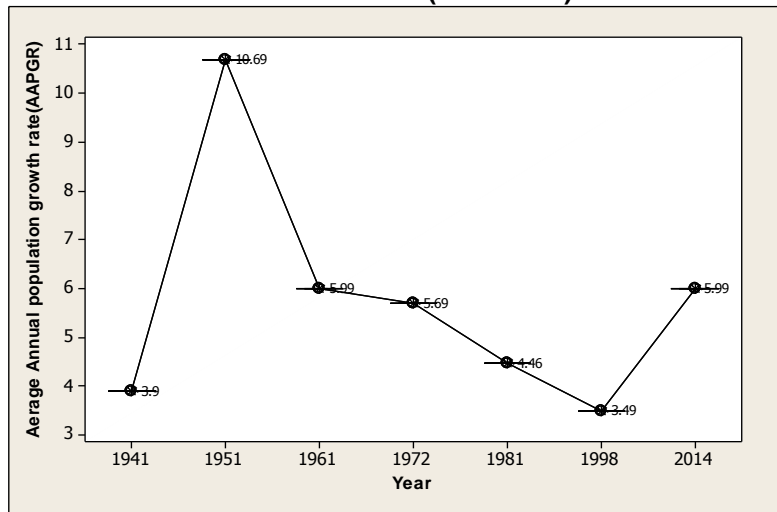
15 S. Akhtar & Dhanani, "Urban Sprawl in Karachi".



**Figure 3.1 REGRESSION ANALYSIS OF AREA AND POPULATION OF KARACHI**



**Figure 3 BOX-PLOT OF AVERAGE ANNUAL POPULATION GROWTH OF KARACHI (1941-2014)**



### Karachi Population de-Concentration by Entropy Index

It is quite explicit from the extensive evidences that the size of cities follow the Pareto distribution which at the global scale shows a pattern similar to a power function.<sup>16</sup> Thus if R

<sup>16</sup> S. Akhtar & Dhanani, "Urban Sprawl in Karachi".

be the rank and  $x$  be the size of a city than mathematically it follows:

$$R(x) = R_0 x^{-\alpha} \quad (3a)$$

Where  $\alpha$  is the characteristic exponent of distribution, When  $\alpha = 0$ , the distribution behaves as the Zipf's law. To compute the population growth rates of Karachi we look at the change in the shape of the Pareto distribution of the city from 1931-2014 using the census data of eight mentioned intervals.

It is very simple to measure the change in size concentration of city by inspecting the change in the Pareto exponent of the distribution. Because this is not too much strong estimator therefore we introduce another simpler estimator to measure concentration. The entropy index  $S$  given below is one such measure. It is obvious from theories that the entropy index is inversely proportional to the diversity and heterogeneity. Thus increase in  $S$  results decrease in diversity and heterogeneity. In our research of Karachi's urban agglomeration, we see a consistent increase in  $S$  which implies that the degree of concentration of urban population has been increasing.

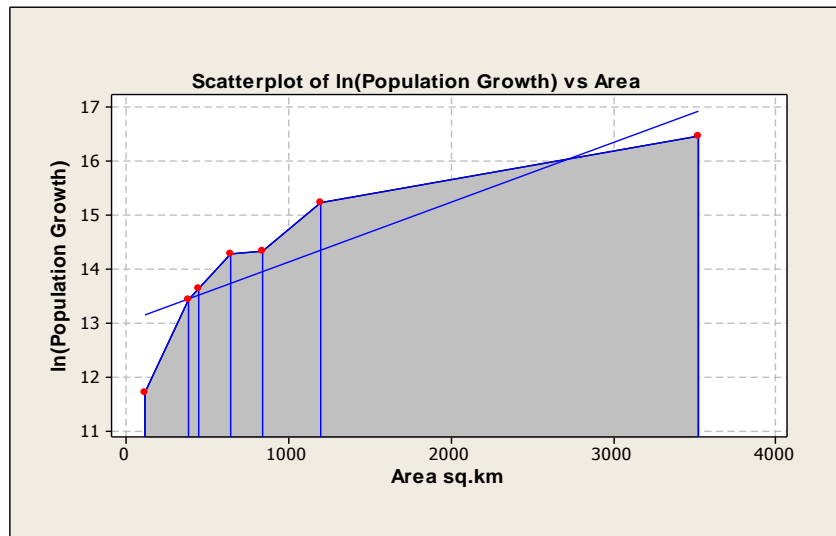
$$S = -\frac{1}{N} \sum_{i=1}^N P_i \ln P_i \quad (3b)$$

Towns are also computed by their development aspect so that the "saturated" town can be distinguished by their development progress and suggests may be made to the concerning authorities to concern on the 'unsaturated' towns. For this purpose we use the Herfindahl-Hirschman Index (HHI) which is given by Eqn.3. If most of the population is concentrated in only few areas, HHI would be higher. The decreasing trend in HHI assists the results obtained from  $S$ .

$$S = \sum_{i=1}^N P_i^2 \quad (3c)$$

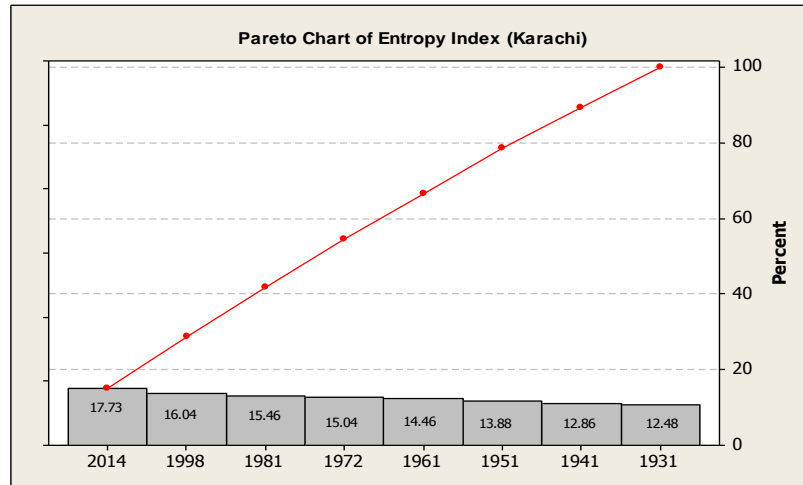
It was studied in<sup>17</sup> earlier that the central population density of Karachi decreased with the expansion of population to its peripheral area. Here the total population density of Karachi gave an up-and-down trend but it increased mostly in different intervals in explore the Table 2. In this part of the research, increasing trend of entropy index was explained which implies that the central population of density of Karachi decreased with the passage of time. Fig 5 showed that the entropy index of city increased with the passage of time this proved that the growth rate of central urban area was slowed down. This part of study confirms the large expansion of city in area wise thus the definition of urban sprawl is achieved .the results are shown in Fig 4.1 and Fig 4.2.

**Figure 4.1**  
**SCATTER PLOT OF LOG OF POPULATION GROWTH AND AREA**



17 S. Akhtar & Dhanani, "Urban Sprawl in Karachi".

**Figure 4.2**  
**DECONCENTRATION OF KARACHI URBAN**  
**POPULATION**



### Conclusion

The results indicate that the main aim of this study is affected by its sharp population dispersal to peripheral population-areas and its high land use. The main objective of this study are to examined the trends and population patterns of urbanization process in big cities of Pakistan particularly in Karachi by utilizing primarily the provisional results and the 1941-2014 population data. We have observed that the population living in urban areas has increased substantially during the last 50 years. The urban population in 1998 (43 million) exceeded the total population (33.8 million) of the country at the time of first census (1951). The average annual growth rate of urban population in Karachi declined to 3.49 in 1998 from 10.69 in 1951 while it increased to 5.99 in 2014. The average annual growth rate of urban population in Lahore, Peshawar and Quetta exhibited monotonic (increasing and few times decreasing) trends. The entropy index of Karachi city increased to 17.73 in 2014 as it was recorded 13.88 in 1951. This decline in average urban population growth rate and increase in entropy index in Karachi can be attributed to the

deteriorating law and order situation, large scale in immigration, and reduction in urban marital fertility. The density gradient of Karachi experienced a smooth continuous increase in area from first census (386 )to 1998 (1200 )but hereafter, area of Karachi was expanded to 3527 ) in 2014. This results that massive rural land had been converted into urbanized land which avails the confirmation of sprawlness and dynamical growth in Karachi. Because the smooth exponential decline in population density gradient have been observed. Karachi being the most important city of country needs to have great effectual infrastructural planning. Therefore an integrated national urbanization policy is demandable promptly to attain a better urban management framework particularly in big cities like Karachi.

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## **Sindh: One of the Heirs of Indus Valley Civilization**

**Uzma Khalid Ghori\***  
**Aleena Khalid Ghori\* \***

### **ABSTRACT**

*The history of Sindh neither starts with 1947, nor with Muhammad bin Qasim's famous and glorified conquest of Sindh. Those events are important but form an incomplete story of our past. Our heritage goes back to the Indus Valley Civilization, one of the first people to build the great cities of Moenjaddaro and Harappa, a complex language and mathematical system, and centres of commerce in Asia. The source of this great civilization was the Indus River whose mighty banks nourished and fed its people. Today it is not nuclear weapons that protect our country but the Indus, whose artery and tributaries provide the life flow to our country. The legacy of Indus Valley Civilization lives on in present day Pakistan. Amongst some of the aspects that can still be traced to this legacy are the trade and commerce routes developed by the mentors of this great civilization. It is the people of Pakistan who represent one of the oldest civilizations on earth. Indus Valley Civilization's legacy is linked to Pakistan and this fact cannot be denied. The people of Pakistan especially the people of Sindh thus rightly*

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*claim to be the true heirs of Indus Valley Civilization. Last, but not the least, it is concludes that Sindh is the land of Sufis and Sand dunes. It has been home to the most advanced of ancient civilization – the Indus valley. It is blessed with a legacy of the poetic works of Sachal Sarmast, Shah Abdul Latif Bhittai and many others.*

### **Introduction**

Our history does not start with 1947 it goes back to the Indus Valley Civilization, one of the first people to build the great cities of Mohenjodaro and Harappa, a complex language and mathematical system, and centres of commerce in Asia. The civilization, with a writing system, urban centres, and diversified social and economic system, was rediscovered in the 1920s. This Indus Valley Civilization experienced many, many evolutions. The people, who lived there, were the very first who established urban centres in the Sindh area, have shown to have knowledge in urban planning and government that put a high priority on hygiene and access to religious rituals. Along with that, they were also advanced in the construction of these urban centres, creating sanitation systems that were the first in the world, wells to obtain water with waste water being directed by covered drains along major streets. The houses evolved to support this new sanitation system, opening up only to smaller streets and inner courtyards. Their sanitary system was so advanced that it outmatched those found in the Middle East and, amazingly, even more efficient than some of the systems found in modern Pakistan and India.

### **Objective of the Study**

The objective of this study is to identify the actual heirs of Indus valley civilization.

### **Natural Heirs of Indus Valley Civilization**

All Indians are heir to the Indus valley civilization, But Sindhis are its natural heirs, coming from the region where it began and prospered, and made its mark in the ancient world as perhaps, the most superior civilization of its day.

Prof. Hiranandani's book acquaints us with the living impact of this heritage, enriched by Arab and Persian influences, upon her community. Her research enables us to link the highly organized cities, the talented craftsmen and the seafaring merchants of 7000 years ago with the enterprising, cosmopolitan Sindhi we know, who ventures forth to all parts of the globe and feels at home everywhere.

Although the Indus valley civilization existed for thousands of years, but historians divide its age into three different time periods. Mature Harappan period dated from 2600-1900 BCE, while early Harappan and late Harappan periods lasted from 3300-2600 and 1900-1300 BCE respectively. Harappa was the most prominent city and it was also the first city discovered by archaeologists, that's why Indus valley civilization is also known as Harappa civilization.

One point is very clear that Indus valley people were literate and had a language, but for some reason we still can't read their language, so, everything we know about them is through archaeology. An extremely sophisticated and technically advanced culture of its time is evident throughout the Indus valley civilization. The cities that were built by them were absolutely amazing, particularly 'Harappa' and "Mohenjo-Daro". They had the dense cluster of multi-storey non-residential buildings, homes that were constructed using uniformly sized baked bricks, some homes were in a special orientation to catch the wind and provide natural form of air conditioning, and they even had their own version of flushing toilets.

There is an apparent indication of some kind of government that was taking and implementing complex decisions. Construction of cities was done in highly uniform and a well-planned grid pattern. They probably didn't have monarchy system, but had different rulers for different cities. Indus valley civilization had extremely peaceful and progressive society, their cities were not short of heaven on earth at their time. They had baked brick houses with drainage systems and even water supply.



It has long been claimed that the Indus Valley was the home of a literate civilization, but this has been challenged on linguistic and archaeological grounds. Over 4,000 Indus symbols have been found on seals or ceramic pots and over a dozen other materials, including a 'signboard' that apparently once hung over the gate of the inner citadel of the Indus city of Dholavira. Typical Indus inscriptions are no more than four or five characters in length, most of which (aside from the Dholavira 'signboard') are exquisitely tiny. It has been recently pointed out that the brevity of the inscriptions is unparalleled in any known pre-modern literate society, including those that wrote extensively on leaves, bark, wood, cloth, wax, animal skins, and other perishable materials. The inscriptions found on seals were traditionally thought to be some form of Dravidian language.

The Indus Valley Civilization stands as one of the great early civilizations, alongside ancient Egypt and Sumerian Civilization, as a place where human settlements organized into cities, invented a system of writing and supported an advanced culture. Hinduism and the culture of the Indian people can be regarded as having roots in the life and practices of this civilization. This was a flourishing culture, with artistic and technological development, and no sign of slavery or exploitation of people. The Indus civilization is among the world's earliest civilizations, contemporary to the great Bronze Age empires of Mesopotamia and ancient Egypt.

The people of Indus were great lovers of the fine arts, and especially dancing, painting, and sculpture. Various sculptures, seals, pottery, gold jewellery, terracotta figures, and other interesting works of art indicate that they had fine artistic sensibilities. Their art is highly realistic. The Indus civilization's economy appears to have depended significantly on trade, which was facilitated by major advances in transport technology. These advances included bullock-driven carts that are identical to those seen throughout South Asia today, as well as boats.

The legacy of Indus Valley Civilization lives on in present day Pakistan. Amongst some of the aspects that can still be traced to this legacy, are the trade and commerce routes developed by the mentors of this great civilization. Ships regularly sailed from locations near modern day city of Karachi for the ports of Babylon. They evidently made stops all along the way, as indicated through discovery of seals found in, Abu Bahrain Dhabi, and Oman as well.

The core spread of Indus Valley Civilization primarily lay in Pakistan. The three major cities and many other sites which represent the core of Indus Valley Civilization are all located in Pakistan. However, the Indians still refer to India as the "Home of Indus Valley Civilization," which is surprising and indeed a misnomer. India needs to realign its history and should seek its identity in its own legacy instead of claiming something to which they do not belong to.

### **Conclusion**

The Indus civilization peaked around 2500, B.C.E., in the western part of South Asia. Geographically, it was spread over an area of some 1,250,000 km<sup>2</sup>, comprising the whole of modern-day Pakistan and parts of modern-day India and Afghanistan. It declined during the mid-second millennium, B.C.E., and was forgotten until its rediscovery in the 1920s. To date, over 1,052 cities and settlements have been found, mainly in the general region of the Indus River in Pakistan.

## Islam and Visual Culture: Reflection on the Art of Muslim Bengal\*

Prof. Dr. Mohammad Yusuf Siddiq\*

### ABSTRACT

*One of the means of human cultural expression is the visual forms which often carry powerful meanings and ideas that emanate from the ideology and civilization that produces them. The world of Islam has a rich art and architectural heritage that grew over centuries under direct or indirect influence of Islam. While there is unity prevailing in this artistic tradition, one also finds a rich diversity in its regional expression. A good example of this regional variety can be found in Bengal where, for example, a number of unique calligraphic styles emerged as beautifully exemplified in architectural inscriptions abundant in the region. Hypostyle rectangular vernacular mosque architecture of rural Bengal with thatched roof and mud wall has its own natural charm reminding us the simplicity of the earliest mosque of Madinah during time of the Prophet.*

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\* This study was made possible through generous grants from Foundation Max Van Berchem, Geneva, Switzerland, Iran Heritage Foundation, London, U.K., Higher Education Commission, Pakistan and Sharjah University, U.A.E.

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*A well-known French colonial administrator in North Africa once compared the world of Islam to a resonant box: the faintest sound in one corner reverberates through the whole. As elsewhere in the Islamic world, this apt metaphor finds an expression also in Bengal. In spite of their distinctive character, Islamic art of Bengal form an inseparable part of the artistic heritage of the world of Islam.*

*Stop O friends for a while to shed tears recalling the  
beloved and her camp site,  
By the edge of the waves of sands between the dunes of al-  
Dakhul and Hawmal.*

This is how the famous pre-Islamic Arab poet Imr al-Qays passionately expresses his romance while searching for the traces of his nomad beloved on the sands where she pitched her tent once during her desert journey. She left no traces there except a few remnants such as the stones darkened by fire on which she once cooked. But those scanty remains were good enough to ignite the imagination of the poet about the touch of his beloved and to think of her desert dwelling during her nomadic travel. Pre-Islamic Arabic poetry can indeed be described as a masterpiece of literary art where beauty, human emotions and deeper feelings truly represented Arab soul.

While lovers tried to find comfort in the remnants of their beloved ones, there were always curious folks who looked for the remains of their bygone generations in search for knowledge about their ancestors as well as ancient civilizations. Though the study of material evidences of human past, known as archaeology, became a distinctive academic discipline in the west not long ago, we find the word *āthār* in several places in the Qur'ān, which is used in modern Arabic to mean archaeology.<sup>1</sup> The use of archaeological materials for scholarly investigation is

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1 The celebrated Muslim historian Taqī al-Dīn Aḥmad ibn 'Alī al-Maqrīzī also uses the word *āthār* to connote more or less the same meaning in his treatise on the relics and remains of Cairo *al-Khiṭaṭ wa 'l-Āthār* (Cairo, 1370 A.H.).

encouraged in the Qur'ān. Archaeological findings offer many clues to the past; epigraphic studies reveal evidence of rulers who might otherwise have remained unknown. Thus we read in the chapter 'Believers' in the Qur'ān:

Do they not travel through the earth and see the end of those who had lived before them? They were more numerous than these and superior in strength and [ancient] remains in the land [where they had once lived]. Yet all that they accomplished was of no profit to them.<sup>2</sup>

This Qur'ānic verse thus draws our attention to the importance of archaeological study that helps us in understanding human past and the causes of decline of ancient civilizations that once reached the height of power and materialistic progress. Indeed, many of the past civilizations built massive architectural structures and wonderfully planned cities evoking great surprise in our mind. But they disappeared gradually from the earth leaving behind only their relics.

According to the Qur'ān, a civilization cannot sustain for long based on merely outer achievement. It is a fine balance between ideal and actual, purity and fallibility, spiritual enrichment and material development, that contributes meaningfully towards a healthy growth of human civilization. The Qur'ān also mentions examples of a number of nations which failed to sustain their achievement because of their lack of harmony between spiritual and material prosperity, such as Thamūd, 'Ād, Shu'ayb and the Pharaohs of Egypt in the ancient Near East whose material advancement once led them to develop many successful trade routes in the old world. Their fabulous cities such as Mada'in Salih, Petra, Ma'arib, Ninev and Babylon once thrived on those trade routes whose architectural remains still evoke wonder in our mind. But lack of spiritual richness provided them only a shallow base for their civilizational foundations. Thus after a brief period of prosperity, they disappeared from the earth

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2 *Quran*, 40:82

leaving behind their remains.<sup>3</sup> There is no doubt that true archaeological findings can help humanity a lot, as it can help us find out the missing links between cultures while pointing out to the mistakes of bygone civilizations. The Qur'ān, in a way, invites for an objective study of the archaeological remains on the earth as it is not surprising to find sometimes persons or people who would like to use their archaeological heritage to glorify their past with narrow nationalistic goal or to boost their political interest.<sup>4</sup>

The visual forms of material objects indeed play very important role in human life because of the meaning they convey to us. Thus they are not only useful in meeting some of our needs, but they also carry important cultural messages. Architecture in human society, for instance, not only served humans' basic need of shelter, but also his aesthetic need in the capacity of beautifying the place they live in. This is manifested through human decoration of caves where they lived in their pre-historic period. While the academic study of archaeology and art history of the Islamic world grew in the West relatively late, interest of Muslim scholars in them began at a quite early stage. Scholars such as al-Maqrīzī (1364-1441) and al-Qalqashandī (1355-1418) took interest in a number of historical monuments and archaeological remains of the historic city of Cairo in a way that may not differ much from the work of a modern art historian or an archaeologist of our age. On the other hand, scholars such as Taqī al-Dīn al-Fāsī (775- 832/1374-1428)<sup>5</sup> and Jamāl al-Dīn Muḥammad ibn 'Alī al-Shībī<sup>6</sup> (779-

3 Qur'an mentions for instances the civilizations created by the tribes like 'Ad and Thamud. Specially mentioned is the wonderful skill of rock cutting by the Thamud which they used uniquely in their architecture (79:6-7).

4 In an effort to establish a hereditary linkage with the famous ancient king Cyrus, the former Shah of Iran used the archaeological site of an old Sassanian capital - Persepolis - to celebrate the so called 2500th anniversary of the Iranian tradition of kingship.

5 Taqī al-Dīn Muhammad ibn Ahmad al-Husaynī al-Fāsī al-Makkī, *al-'Aqd al-Thamīn fī Tārīkh al-Balad al-Amīn*, ed. Muhammad 'Abd al-Qādir Ahmad 'Aṭā', vol. 3 (Beirut: Dār al-Kutub al-'Ilmiyyah, 1998), 419 (See also other editions, e.g., edited by Muhammad Hamīd al-Faqī, Cairo: Muhammad Sarūr al-Ṣabbān publisher, 1378 A.H., and Beirut edition by Mu'assasa al-

837/1378-1433, who taught at the famous Bengali seminary in Makkah, al-Madrasa al-Sultāniyyah al-Ghiyāthiyyah al-Bangāliyyah), studied inscriptions in a methodical way for reconstruction of the history of the region that did not differ much from the contemporary science of epigraphy. Unfortunately, very little from the rich scholarly works of the early Muslim authors on the art, architecture and visual culture has survived.

It is possible to broaden the term Islamic taking the universal view of certain sufi doctrines in which all the elements of the universe are considered Islamic as they follow natural law and remain within the domain of Allah. This concept can be found in the Qur'ān as it says: *Wa in min shai'in illā usabbiḥu biḥamdihi*, "everything that exists glorifies Allah".<sup>7</sup> On the other hand, we also find in Islam the concept of *umma* (the idea of Muslim community) which not only affects the lives of Muslims, but also exercises influence on the visual forms, styles and fashions of the objects that exist in the Muslim society. Art and architecture of the Muslim world in a way represent a visual expression of the culture of Muslim communities through ages. Still the adjective 'Islamic'

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Risala [n.d.]. al-Fāsī also surveyed a number of the oldest surviving mosques of his time in Taif and read their existing inscriptions; see, for instance, *Shafā al-Garām bi Akhbār al-Balad al-Ḥarām*, vol. 1 (Beirut: Dār al-Kutub al-'Ilmiyyah, 2002), 122. See also other editions, e.g., edited by Umar 'Abd al-Salām Tadmurī, (Beirut: Dār al-Kitāb al-'Arabī, 1405).

- 6 Muhammad ibn 'Alī ibn Muhammad Jamāl al-Dīn al-Makkī al-Qarshī al-Shībī, *al-Sharf al-A'lā fī Dhikr Qubūr Maqbira Bāb al-Ma'lā*, ms. no. 354 s.f. 1179 in King Sa'ūd University Library, ms. no. 130/900 in Shaykh 'Arif Hikmat Library in Madinah (copied in 1231/1816 by Ahmad al-Azharī), ms. no 18325 in National Library in Tunisia (copied in 891/1486 by Abū 'l-Qāsim ibn 'Alī ibn Muhammad al-Qaḥṭānī), ms. no. 6124 in Berlin Library (copied in 1122/1710 by Muhammad Sa'īd ibn Ismā'īl al-Makkī). It is interesting to note that the prominent family of Shībī earned fame and respect in Makkah during fifteenth century through their education and cultural activities. Quite a few of this clan hold various high positions in Makkah such as chief justice, muftī (deliverer of legal and religious verdict) and imām of the Grand Mosque. A number of scholars from this family taught at the famous Bengali religious seminary in Makkah named as al-Madrasa al-Sultāniyyah al-Ghiyāthiyyah al-Bangāliyyah after its Bengali patron al-Sultān Ghiyāth al-Dīn A'lam Shāh, the ruler of Bengal.
- 7 *Quran*, 17:33.

requires a more thoughtful and objective use as there has always been a cross-cultural influence on the visual forms in every region. Art expressions in every region carry their own meanings in their special cultural contexts and thus, they can be interpreted in various ways. Similarly, religious symbolism also varies from one region to another.

While much of the art and architecture of the world of Islam came into existence to fulfil the various needs and practices of Islam, a good proportion of them grew as result of indirect influence of Islam in their basic character. Many basic features of Islamic art and architecture such as mosques, madrasas, prayer rugs, Qur'ānic calligraphy and illumination would have never come into existence without Islam.<sup>8</sup> Then, there exists side by side, also those objects which are related to our day to day material life such as book-bindings, textiles, glasses, ceramics, ornaments and jewellery where the direct influence of Islamic faith is less clear. In theory, a believer may well argue that a Muslim should not produce or use anything which goes against the spirit of *sharī'a*. Thus in principle, a Muslim should not make or use gold or silver dishes as it is regarded an act of impiety. However, a person doing so, would still remain part of the Muslim community (*umma*) since human beings, according to Islam, are never perfect. While a Muslim artist ideally should not produce anything which does not go comfortably with the Islamic spirit, it may not be possible for a Muslim at each instance of his life to act strictly in accordance with Islamic teachings because of the fallible nature of human beings. We also have to keep in mind that the theme of an artist's work is naturally influenced by his personal attitudes and trends.

While Islamic art has much to do with the socio-political advancement of the Islamic civilization in its early and medieval periods, it also had a strong connection to the spiritual dimension of Islam that served them as a source of inspiration in their creation. Art and architectural traditions of

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8 Richard Ettinghausen & Oleg Grabar, *The Art and Architecture of Islam* (Middlesex: Penguin Books Ltd, 1987), 17.



Islamic world were also directly or indirectly influenced from the traditions of the vast land conquered by the Muslims. Then there are also many elements in Islamic art that came into existence to fulfil the requirements of its own needs sometimes even before any practical interaction with other cultures. Thus it may be possible to find some kind of similarity between Byzantine cathedral church and the early congregational mosque (*jāmi' Masjid*) architecture in Asia Minor or between *mihrāb* and Christian altar as well as between *minbar* and pulpit.<sup>9</sup> On the other hand, we also cannot ignore the fact that unlike Christian altar, the essential function of the *mihrāb* is to provide a special space for the *imam* (one who leads prayer) in front of the rows of Muslims during prayers. In fact, many elements in Islamic architecture came into existence to fulfil the requirements of its own needs sometimes even before any practical interaction with other cultures actually had taken place. When the first mosque came into existence in Madinah, it was the first of its kind in the region as there was none before it that bore its resemblance. It was built solely for the Muslims to serve certain goals and purposes which did not exist in quite the same manner before the time of the Prophet.

The use of the term 'secular art' in connection with the Islamic world can also be confusing at times. In theory, one can perhaps argue that every act of a Muslim turns into an '*ibadah*' or pious deed if it is done with a good intention. In a strict Islamic sense then, there is no act which can be free of an ethical dimension. But at the same time, one cannot possibly ignore the aesthetic aspects of the beautiful palaces built by the Muslim rulers from time to time which did not necessarily go comfortably with the spirit of *sharī'a*. We need to keep in mind that reducing the study of Islamic art and architecture into mere visual appreciation may be somewhat a reductionist approach. At the same time, we also have to

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9 Robert Hillenbrand, "The mosque in the medieval Islamic World" in Sherban Cantacuzino, ed., *Architecture in Continuity: Building in the Islamic World Today* (New York: Aperture, 1985), 30-51.

be careful not to go too far in search for mystical interpretation and spiritual symbolism while downplaying aesthetic aspect of Islamic art. The linguistic expression and the finding of proper vocabularies for the study of the visual art of the Islamic world can also be challenging at times.

With the consolidation of Islam in the old world, the idea of beauty expanded in the newly emerging Islamic civilization with a more universal look through Islamic aesthetic expression as it started incorporating cultural elements from various regions regardless of its origin in the East or the West. As the literature and culture in the Islamic world started witnessing more complexity and depth, its art also started growing more and more sophisticated as it started flourishing with dynamism that was characterized by unity, continuity, symmetry, harmony, relativity and contrast in various forms of expressions (e.g., geometric shapes, colours etc.).

Like every other thing, visual forms or objects also carry in them particular characteristics which make them different from others regardless who produced them. Thus a building or art object of visually Islamic character produced by a non-Muslim can also be regarded as Islamic. Likewise, an edifice designed or made by non-Muslims as a prayer place for Muslims would be called a masjid or mosque in spite of the involvement of non-Muslims in its building process. Still the believers in the devotional path of Islam may find some sort spiritual relationship between artist and his art creation. It may be interesting to mention that a mosque built during time of the Prophet in Madinah by a group of *munafiqs* (hypocrites) was never given the status of a mosque after its construction since the intention of its builders, as the tradition goes, was not pious. In spiritual sense then, the true inner foundation of a mosque, according to Qur'an<sup>10</sup>, is *taqwa* or Islamic piety before anything else.

As the Muslim world expanded, many non-Muslim nations and states that came into close contact with the Muslims,

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10 *Quran*, 9:108.

were influenced by the Islamic culture. We know for instance, many royal art objects made during the rule of the Norman kings in Sicily had decorative elements usually found in Islamic culture. As they bear Islamic decorative characteristics more than anything else, they are often regarded as Islamic art in a broader sense. Indeed, it may not possibly be an easy task to draw a dividing line between human cultures as cultures flourish through interactions between various communities and nations. This is particularly true with art and architecture even when we identify them with certain cultural context. The term *Islamic* thus may refer to a particular perspective or meaning that one consciously or unconsciously maintains towards a particular visual object or a value that he attaches to something. Quite naturally, an Islamic art object can bear also other adjectives, for instance, as a reference to certain local, regional or ethnic taste or character such as Arab, Egyptian, Central Asian, Turkish, Bengali or even Bangladeshi. Thus regional expression of art and architecture as well as their vocabularies in the Muslim world may differ from place to place or from one period to another. A good example would be Sher-e-Bangla Nagar designed by a western architect Louis Kahn as a capital complex and national assembly hall in Dhaka, Bangladesh. While a mosque finds a very important place in this architectural complex giving the whole structure a symbolic Islamic identity, it also blends architectural elements from its pre-Islamic heritage, regional Bengali tradition, colonial past, and modern technological advancement. Designed primarily by a western architect, the structure wonderfully accommodates vocabularies drawn from local architecture and the natural settings side by side of incorporating ideas from western architectural traditions. Thus the whole architectural complex represents a blend of diverse cultures symbolizing the rich historical traditions of Dhaka during various periods.

While a Muslim enjoys considerable freedom in his creative work, his Islamic objectivity means he has a positive and useful goal in his creativeness, so that it serves humanity

positively. Islamic art ideally should express truth, supreme beauty, true human values, and virtuous life. In a way, it means the rejection of anything that does not lead toward positive creativity. Thus ideally speaking, Islamic life cannot be divided into profane and sacred domains. As a Muslim artist strives to reach his Islamic goal, his work of art turns into an act of devotion (expressed as *'ibāda* in the Qur'ān). In his pursuit of artistic creativity, a Muslim is not supposed to cross the boundaries of natural law (*dīn al-fiṭra*). Furthermore, he is not allowed to cause any disturbance (*fasād*)<sup>11</sup> to the divine setting of nature (*al-fiṭra*) through excessive or unwise exploitation of natural resources or by harming the delicate natural balance.

It is important to note that art or architecture did not appear in Islam as a central theme as it appeared in Hinduism, Buddhism and to some degree in Christianity. In other words, Islam did not employ art as an essential sacred form of religious expression, rather it was primarily verbal and written forms which were to carry the Islamic messages for the years to come. Art did not develop in Islam as a way of religious communication, rather it grew more as an unconscious inspiration for decoration and to satisfy the artistic needs of the Muslims. The same is true with its architecture, as we find that Islam did not view it as an inseparable element for its spiritual life and worship. The whole universe, according to Islam, is uniquely created as a place of worship; and Muslims wherever they may happen to be, in jungle, mountain, desert or sea, must remember their creator at least five times daily in the form of *sala* or prayer. The idea is further supported by the fact that mosque is not a religious centre in strict sense.<sup>12</sup> Furthermore, there is no spatial hierarchy in mosque, at least in theory, as the prayer lines can be assembled anywhere in the mosque including in

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11 A verse in the Qur'ān says: "When he turns away from divine message, he attempts to terrorize the earth through destroying agriculture and human civilization; and Allah does not like terrorism" (*al-Baqara*, 2:205).

12 Titus Burckhardt, *Mirror of the Intellect* (Albany N.Y.: SUNY Press, 1987), 224.

the courtyard. The function of the mi'rab, for instance, is essentially to show the direction towards Ka'aba rather than to express any spatial importance in the architecture. Unlike other religions where the act of worshiping is connected to sacred places, the Prophet Mohammad declared the whole earth as pure and clean as a mosque.<sup>13</sup> The special status that a mosque enjoys in Muslim society is not because it is the only place for worshiping, rather it offers a peaceful and spiritual environment for those who enter here for prayer. One should not ignore also the other roles that a mosque played in the socio-cultural life of the Muslims. In fact the Prophet himself took mosque as the centre for all his activities, be it social, political or religious. One of the reasons that the religious architecture in many non-Muslim cultures are overwhelmingly decorated, is to attract people towards worshiping. In spite of the great importance that Islam attaches to artistic values, the visual decoration is considered of a secondary importance. In fact one may find a trend in many Islamic societies to avoid overwhelming decoration of a mosque in order not to divert attention of the believers to the visual aesthetics of the architecture rather than focusing on their spiritual quest. Though the beautiful architecture of the fabulous imperial capitals such as Cairo, Isfahan or Delhi may sometimes give us a different message, the overall nature of Islamic art and architecture is not imposing, rather it is more assimilating in its basic character.

The reason that art developed in Islamic culture, is that Islam did not impose any restriction on it so long as it does not conflict with sharī'a. Architecture had been recognized as a necessity of human life from the very beginning and the mosque formed the centre of the Muslim *umma* as well as Islamic city planning. Even in the description of paradise, architecture finds a very important place in the materialistic part of the promised rewards for the believers. Both the Qur'ān and hadīth give a wonderful description of the

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13 Seyyed Hossein Nasr, *Islamic Art and Spirituality* (Albany N.Y: SUNY Press, 1987), 37.

wonderfully decorated palaces in the most beautiful gardens of paradise whose luxuries are much greater than one can simply imagine. It is also interesting to note that the personal prayer rug (*musalla*), that a Muslim carries with him for his individual prayer, has often the architectural depiction of the two most sacred mosques (*al-Haramayn al-Sharifayn*) of Makkah and Madinah. This shows how architecture mixes with the life of the believers. While Islam did not teach how to create an art object or to design an architectural thing, it did provide Muslim artists an inspiration, a wide range of freedom and a creative environment where art and architecture could grow and prosper. Islamic art draws its inspiration from the spiritual richness of its faith.<sup>14</sup>

Beauty itself is not an independent phenomenon, rather it is a relative adjective that has much to do with the eyes of the beholder. It is not impossible for the believer to find spiritual elements in the Qur'ān that help him understand the nature of beauty. In the Qur'ān, we find reference to visual beauty in various expressions such as *jamāl* (beauty, 16:6), *Husn* (elegance, 32:7), *surūr al-nazar* (visually appealing or pleasing, 2:69 ) etc. The basic elements of visual beauty are expressed through Arabic terms such as *taswiyah* (symmetry, 82:7), *wazn* (balance and harmony, 15:19) and *qadar* (proportional, 54:49), *ikhtilāf* (contrast, 3:190), *zīnah* (decoration, 37:6, 7:30) and *itqān* (perfection, 27:88). However, it is the basic human ethics that serve as the foundation of beauty<sup>15</sup> as reflected the words such as *'adl* (justice, 3:191), *haq* (truth and purity, 8:30) found at various places in the Qur'ān. In Islamic perspective, visual beauty loses its value when separated from ethical beauty.

Islamic art draws its motivation from the endless beauty in the divine creation scattered in nature. Imagining the process of creation, the rhythmic yet contrasting patterns in

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14 Titus Burckhardt, *Sacred Art in the East and West* (Albany N.Y.: SUNY Press, 1987), 101-119.

15 Nusair Ahmad Naser, *Tarikhe Jamaliyyat* (Lahore: Urdu Development Board, 1962), 220-77.

nature, and the uniqueness of elements in the cosmic system is an essential duty for a believer. Lack of interest in the splendour of existence is compared to mental blindness. According to the Qur'ān, it is the foremost duty of every human being to contemplate the uniqueness of the cosmic order.<sup>16</sup> In Islamic culture, an artist's perception is considered a divine gift. It enables a person to look minutely at nature and to see its beauty in a more comprehensive way.<sup>17</sup> During the course of his artistic efforts, he expands his vision of truth and soon realizes the limitations of his imaginative power and creativeness. In this process, he discovers that the origin of every form has its reference in the creation of Allah. Every creation in its original form carries the essence of pure beauty,<sup>18</sup> which loses its original character when being copied. As the artist's perception grows, he realizes that the origins of every colour, motif, form and design have their realities only in the divine creation.<sup>19</sup> Therefore, no matter the degree of perfection the artist achieves in his art, he cannot create anything new, or of his own in a true sense. Thus, a true work of art helps a believer come closer to the cosmic truth. In the course of his artistic endeavour, he perceives his Creator with greater intimacy.

Beauty is a cherished quality in Islamic mystical teaching because of its relationship with truth. The concept 'beauty is truth and truth is beauty'<sup>20</sup> thus finds an important place in the Islamic tradition. Perceiving the splendour of nature is considered an essential quality for a *mu'mīn* (believer) in order to understand divine beauty. The Prophet Muḥammad's saying, 'Allah, being beautiful Himself, loves

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16 Qur'ān, 3:190.

17 Titus Burckhardt, *Sacred Art in the East and West* (Albany, NY: State University of New York Press, 1987), 101–19.

18 Qur'ān, 32:7.

19 Burckhardt, *Sacred Art in the East and West*, 101-19.

20 Burckhardt, *Mirror of the Intellect*, 216. This concept can be found in the work of Plato, the English poet John Keats and many others.

beauty',<sup>21</sup> signifies the importance that Islam attaches to aesthetic perception. The origin of beauty thus has its reality in the existence of Allah, which is so magnificent that a naked human eye cannot bear it. When manifested in a simpler form in divine creation, this beauty can be perceived by those who are pious, who have deep spiritual vision. Exploring this divine beauty in the universe is an integral part of religious piety, which finally leads a believer to form a close relationship with nature.

The Islamic spiritual message is wonderfully expressed in Islamic art, which draws its motivation from the endless beauty in the divine creation scattered in nature. Imagining the process of creation, the rhythmic yet contrasting patterns in nature, and the uniqueness of elements in the cosmic system is an essential duty for a believer. Lack of interest in the splendour of existence is compared to mental blindness.<sup>22</sup> According to the Qur'ān, it is the foremost duty of every human being to contemplate the uniqueness of the cosmic order.<sup>23</sup> In Islamic culture, an artist's perception is considered a divine gift. It enables a person to look minutely at nature and to see its beauty in a more comprehensive way.<sup>24</sup> During the course of his artistic efforts, he expands his vision of truth and soon realizes the limitations of his imaginative power and creativeness. In this process, he discovers that the origin of every form has its reference in the creation of Allah. Every creation in its original form carries the essence of pure beauty,<sup>25</sup> which loses its original character when being copied. As the artist's perception grows, he realizes that the origins of every colour, motif, form and design have their realities only in the divine

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21 *Al-Saḥīḥ al-Muslim*, 'Kitāb al-'Imān' [The Book of Faith], chapter *taḥrīm al-kibr* [the prohibition of pride].

22 *Qur'ān*, 22:46.

23 *Qur'ān*, 3:190.

24 Titus Burckhardt, *Sacred Art in the East and West* (Albany, NY: State University of New York Press, 1987), 101–19.

25 *Qur'ān*, 32:7.



creation.<sup>26</sup> Therefore, no matter the degree of perfection the artist achieves in his art, he cannot create anything new, or of his own in a true sense. Thus, a true work of art helps a believer come closer to the cosmic truth. In the course of his artistic endeavour, he perceives his Creator with greater intimacy.

The sufi message of simple life, profoundly attached to the nature and deeply infused in the spiritual quest for human salvation, harmonized well with the agrarian life style in the vast rural areas of Bengal. Defined by the Prophet Muḥammad as *dīn al-fiṭra* or the religion of nature, Islam spread in the region forming a close relation between human spiritual realm and nature. From an Islamic point of view, the whole environment — the universe — is a living organism in its own way, every element of which is deeply engaged in worshipping the Creator.<sup>27</sup> There exists a strong relationship between the Creator and the creation, which achieves its perfection only when developed properly in harmony.

A true believer, then, constantly finds testimony of divine presence everywhere in the universe. For a believer, every element of time and space recalls the greatness of Allah, evoking a tremendous sense of awe and excitement deep within the heart leading the believer to a peak spiritual experience and to communion with the Creator. At that point, the believer spontaneously exclaims with great wonder and surprise the glory of God, a message found abundantly in the Qur'ānic verses as well as sayings of the Prophet in the inscriptions of Bengal.

Islamic art expresses itself in various ways. In the traditional Muslim societies, it expresses itself through fashioning the objects of nature in a truly beautiful and meaningful manner so that they fulfil the artistic requirements of their users while at the same time serving their practical needs of daily life. As

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26 Burckhardt, *Sacred Art in the East and West*, 101-19.

27 As the Qur'ān says, in a profound and meaningful way, in the chapter *al-Isrā'* [17:44]: *wa 'in min shay'in illā yusabbiḥu bi-ḥamdihi* (Everything that exists glorifies Allah).

a result we find in the Islamic culture that people often concentrate their attention in beautifying the objects and elements of daily use with simple but often beautiful decorative motives. The Qur'an draws our attention to the important role that colours play in beautifying an object.<sup>28</sup> The prophet in his personal life liked those colours that were soothing in nature such as light green, blue and white. In Islamic culture also, we find that the Muslim artists prefer in general those colours which are not too strong. The nature of Islamic art does not favour too much sensuality in visual communication, or the use of complicated psychological language, rather it prefers simple and intelligible language. It aims towards a visual and spiritual soothing effect for the human state of mind. However at certain stages, it also uses some kind of abstract vocabularies in its expression to indicate the limited capacity of human beings to show the different types of realities hidden in the divine creation. Arabesque is an example of such expression. The elements, motifs and forms of Islamic art may be simple, but the theme is rich and clear.

It is the nature of Islamic art that it tries to make laws of reality understandable. In his art expression, the Muslim artist tries his best not to suppress the natural order of truth or to change the reality of the divine creation. With his limited artistic power, the task is not easy, and quite often he finds it necessary to use abstract language in order to clarify the difference between his art and the divine creation and the limit of his artistic power. In figural painting for example, he would prefer two dimensional representation rather than a more lively nature of three-dimensional representation and so he leaves no scope of illusion that he can ever copy any divine creation as perfectly as it has been created originally. Thus he constantly reminds himself of his humble status in front of divine power and does not let himself become arrogant. Arabesque, as mentioned before, is an outcome of such expression where interlaced plant designs are not

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28 *Qur'an*, 35:27-28.

directly copied from the nature, but represented in geometrical forms.

Sculptures, though developed in some cultures as a power symbol, and in some cases the symbol of divine power, cannot acquire any significant place in Islam. The physical beauty of the human body is a great divine creation and thus possesses a great value, but never to the extent of adoration. Though the sculptural representation of the living world is strongly discouraged, sculpture as a simple art form representing the non-living world has always been acceptable in Islamic culture. The city of Jeddah is a living example of how sculpture can be used to show the traditional life and craftsmanship of a Muslim society. At the very entrance of the city of Makkah, the first thing that we notice is a sculpture of three big earthen jugs pouring water into a fountain as if symbolizing the blessing of Allah in this city. It also reminds us of an age-old tradition of this city - distribution of water for the pilgrims in earthen jugs by the traditional water carriers. This tradition, which has been mentioned even in Qur'an (9:18-19), existed in and around Makkah al-Mukarramah till very recently.

One of the most popular visual forms of Islamic art is Arabic calligraphy. The first divine message that was revealed to the Prophet was: 'Read! And thy Lord is Most Bountiful; He who bestowed the knowledge through the pen. He taught man that which he knew not' (96:1-5). This first divine message revealed to the Prophet Muhammad guaranteed that Islamic culture would forever attach great importance to writing and to the written word with deep respect for the pen and for penmanship. Unlike the calligraphy in the Far East Asian culture where the brush is used to produce painting like calligraphy, Islamic calligraphy has to this day remained faithful to the use of pen specially to the one which is made through the use of reed.<sup>29</sup> Thus *qalam* in the Islamic culture has long maintained its relationship with nature (fig. 2)

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29 Burckhardt, *Mirror of the intellect*, 245.

The written character has a sacred place in Islamic culture since the written form of Qur'an was considered to be the highest religious expression. Islamic culture employed the written word, not the image, as a representative of its faith. Qur'anic calligraphy offers a Muslim visual beauty of the divine message side by side with its spiritual beauty and the richness of its contents. Thus the written word in Islamic culture is not only a medium of intellectual communication, but it serves also as a rich source of artistic inspiration.

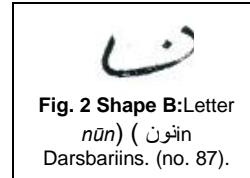


Fig. 2 Shape B: Letter *nūn* (نون) in Darsbariins. (no. 87).

(fig. 3)



Fig. 3. Shape A: The Arabic verb *kāna* (كان) in Bihārī style in Nūr Quṭb al-Ālam mausoleum ins. dated 863/1459.

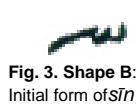


Fig. 3. Shape B: Initial form of *sīn*

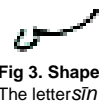


Fig. 3. Shape C: The letters *sīn*



Fig. 3. Shape D: The letter *Alif*



Fig. 3. Shape E: The letter *kāf*



Fig. 3. Shape F: The letter *tā* (ت)



Fig. 3. Shape G: The reposition *min*



Fig. 3. Shape H: The compound word '*alayhā*' (عليها)



Fig. 3. Shape I: The word '*ahd*' (عهد)

The visual form of the letters has such a great influence in Islamic culture that they are even used as similes in Arabic literary expression. The word of Gnostic Ibn al-Farid bears witness to this:

*If my state were as low as the point of the (letter) ba  
I would have risen to a point never reached by you despite  
your skill.*<sup>30</sup>

30 Sayyid Haydar Amuli, *Inner Secrets of the Path*, Eng trans. Assadullah ad-Dhaakir Yate (Dorset, England: Element Books Limited, 1989), pp. 227. In fact, Islamic literature through ages has used these kind of similes. The famous poet 'Umar Khayyam says: "The soul said to me, 'I desire to have spiritual knowledge; teach me if it is possible for you". I said, 'Alif is

Calligraphy has such a powerful influence in Islamic culture that even in the architectural decoration often plays a central role. Mural calligraphy is so popular in the architecture of the Muslim world that it is often hard to imagine a Muslim monument that does not have any inscription on it as if it would look naked or unfinished without a calligraphic program. Quite often inscriptions are the most effective decorative features in the Islamic architecture and their effect can be felt at the very first sight of a building. To create such effects, the calligrapher has to create new methods and practices. Elongation of the verticals in symmetrical order is one of the features to be found quite often in the Islamic inscriptions which helps to create such effects. (fig. 4)



**4. Fig. 1. Shape A:**  
Letter *alif* (الألف) in *thulth*.

The written word has a sacred place in Islamic culture because the words of the Qur'ān are divine, and the written form of the Qur'ān was esteemed as the visual analogue for the divine message.<sup>31</sup> It was in written form that the holy scriptures were preserved through the ages. In Islam, Arabic script, used in almost all Islamic inscriptions, is thought to be endowed with transcendent power--it was the vehicle that conveyed (and conserved) God's word and became the symbol of Islamic belief and authority. Islamic tradition employed not images but the written word, in a unique combination of the verbal and the visual, as the public



**Fig. 5. Shape A:**  
*al-'Ādil* (العادل) in  
Hatim Khan palace ins. (no.  
15) dated 707/1307.

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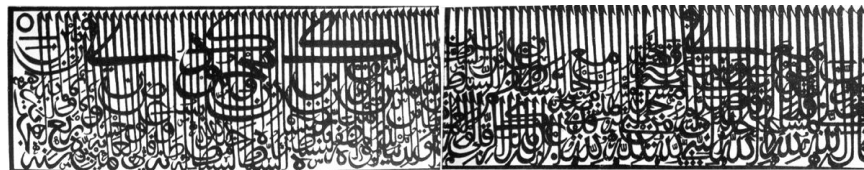
sufficient, do not say any more. In the house if there is any person, one letter is sufficient.”

31 Erica C. Dodd and Shereen Khairullah, *The Image of the Written Word* (Beirut, 1981), 4.

symbol of its faith.<sup>32</sup> That good writing is further enhanced by aesthetic values was the assumption that prompted Muslims to create writing with great visual appeal. The saying of the Prophet Muḥammad that God, being beautiful Himself, loves beauty,<sup>33</sup> underscores the importance Islam attaches to aesthetic sensibility. Thus, beauty was considered the most important aspect in religious inscriptions.

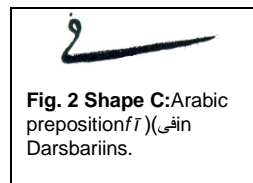


**Plate 1:** Alternating *tughra* and monumental *thulth* styles in Nim Darwaza inscription at Miyāneh Dar in Badshahi citadel of Gaur, dated 871/1466-67.



**Plate 2 :** The Darsbari Madrasa and Masjid inscription in Umarpur, Gaur dated 884/1479 in *thulth* rendered in Bengali *tughra* style (See Fig. 2).

Writing took an artistic form in Islamic culture from the very beginning. A number of early Muslim writers elaborately discussed different Arabic scripts and calligraphic styles including Ibn al-Nadīm (d. 1000 CE),<sup>34</sup> and al-Qalqashandī.<sup>35</sup> While it was common to teach the art of writing in madrasas, special institutions also evolved over



**Fig. 2 Shape C:** Arabic preposition *fi* (في) in Darsbariins.

32 Thomas W. Lentz, "Arab and Iranian Arts of the Book", *Arts of Asia* (Nov-Dec, 1987), 76-86.

33 Al-Ghazzali, *Kimīyā'i Sa'ādat*, quoted in Ettinghausen, "Al-Ghazzali on Beauty", in *Islamic Art and Architecture* (Garland Library of the History of Art 13) (New York: 1979), 162.

34 *Kitābal-Fahrast* (Cairo: Rahmania Press, 1348 AH), 8.

35 *al-Subḥ al-A'shā*, vol. 3 (Cairo, 1383 AH), 11.

time where the fineness and delicacy of calligraphy were taught elaborately and with great care. The importance of calligraphy in Islamic culture can also be noted by the high status given to calligraphers in Muslim society. From very early in Islam, the calligrapher occupied a prestigious position. In the Prophet's own lifetime, those responsible for writing divine revelation (*waḥy*), the *kuttāb al-waḥy*, were given special status. Later, the calligraphers continued to enjoy esteem in the royal courts. The function of calligraphy was not merely an art to be practiced by one particular class of artists; its scope was so broad that it even touched other spheres of knowledge. Nizām al-Mulk, in his famous treatise on good governance, *Naṣā'ih al-Mulūk*, or the Counsel for Kings, pays special attention to calligraphy, as its exhibition would exalt the majestic qualities of the king. To him there is nothing so fine as the pen.<sup>36</sup> The art of calligraphy became a cherished skill even in the royal houses of the Muslim world; many kings and princes not only learned, but also excelled in this art. In India, for instance, Sultan Mahmud is said to have copied the Qur'ān in his spare time.<sup>37</sup> Islamic literary heritage is full of materials on calligraphy, on the lives and works of calligraphers, and in praise of the pen and penmanship. While the architects of many famous buildings in the Muslim world remain unknown, the calligraphers of many architectural inscriptions can be identified, either through literary sources or by their signatures on the inscriptions themselves.

In Islamic tradition, calligraphy is thus considered a powerful visual form for conveying aesthetic and cultural message. Sometimes, it plays a central role in architectural decoration (e.g., the gate inscription of Nim Darwaza at Miyāneh Dar dated 871/1466-67). The effect of Islamic inscriptions can be sensed at the very first sight of a building. To create such effects, the calligrapher often has to adopt new methods and

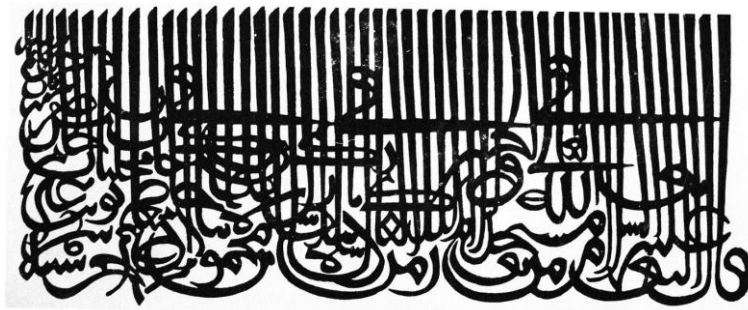
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36 F. R. C. Bagley, trans., *Counsel for Kings*, (London, 1964), 112.

37 *Riḥla ibn Battūṭa*, ed. Abū 'Abd Allah Muhammad al-Lawātī (Beirut, n.d.), 424. A popular saying attributed to the Prophet Muhammad is that "calligraphy is beauty for kings."

practices. Islamic inscriptions are generally rich in both their textual content and calligraphic beauty.

It is the elastic quality of the Arabic script that provides calligraphers in the Islamic world with their most effective tool. The graphic rhythms that join the letters in an interlaced pattern create an awe-inspiring result. In the horizontal direction, the forms interlink and merge in a continuous wave. In the vertical direction, the symmetrically arranged elongated vertical letters often stand out in isolation, as if drawing our attention to a transcendental journey upwards (see, for instance, the Darsbari inscription dated 884/1479). Elongation of the verticals in symmetrical order is one of the common features of Islamic inscriptions (e.g., the Darsbari inscription).



Masjid Inscriptions in Hatkhola, Sylhet Dated 868/1460

(see also Fig. 1. Shape C)

At the heart of monumental calligraphy is the glorification of Allah (Figure 1, shape B; and Figure 1, shape C;). A Muslim calligrapher enjoys spiritually decorating a mosque with divine names and adjectives. With the sudden spread of Islam into a vast area in the east (i.e. Bengal), many newly converted Muslims, especially those with a strong tradition of religious iconography and symbolism, found it difficult to imagine the formless God of the Islamic faith. For them, the written form

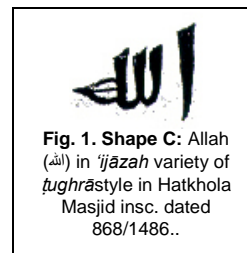


Fig. 1. Shape C: Allah (الله) in 'ijazah variety of tughra style in Hatkhola Masjid insc. dated 868/1486..



of Allah in Arabic was a great source of consolation providing a mental image that could be used for contemplating and meditating about God without conflicting with the new faith. This kind of religious imagery was particularly common in Bengali mystical folk songs, such as the songs of Lalon, which are still popular in rural Bengal.<sup>38</sup> On the other hand, the frequent appearance of Qur'ānic inscriptions in Islamic architecture symbolizes the idea that Islamic life from beginning to end is nothing but a reflection of the divine message. The believers not only try to read, recite, memorize, understand and practice this message, but they also visualize its aesthetic beauty through its calligraphy.

Calligraphic and stylistic variations are tied to the message contained in the written form, since particular styles and scripts came to be regarded as more effective for different purposes. In other words, calligraphic expression is often influenced by the social, religious, and spiritual message of the setting for which it is intended. Throughout its history, Arabic script has undergone alterations and experimentation, which brought many new calligraphic styles and a proliferation of names for each variation. Often a new name was given to a script even if it showed only slight differences from the others; a vertical slant, an extended horizontal stroke, or the size of a letter were sometimes sufficient to distinguish a particular script from the rest. A simple dot (Fig. 4) is the nucleus of Islamic calligraphy as is a simple vertical (see Fig. 1, shape A).



**4. Fig. 1. Shape A:**  
Letter *alif* (الألف) in *thulth*.

38 Examples of these songs can be found in Muhammad Mansuruddin, *Haramuni* (Calcutta, 1942), pp. 9. See also Upendra Nath Bhattacharya, *Banglar Baol wo Baol Gān* (Calcutta, 1958), 507.

These elements are repeated in an infinite ways age after age, yet the usefulness of their messages never ends. In a way it reminds us of a verse from the Qur'ān: "If all the trees on earth were pens and the ocean (were ink) with seven seas behind it to add to its supply, still the messages of Allah would not be completed; for Allah is indeed exalted in power, full in wisdom (31:27)." The majestic verticals in Arabic calligraphy remind us of the written form of Allah, where powerful vertical shafts dominate the lettering design (Fig. 1, Shapes A, B and C). A plain vertical in Arabic writing stands for the number "one," and similarly, the numerical value of the vertical letter *alif* is also "one". Thus, it always remains "one" even if multiplied by one in a repeated infinite process as if to convey the message of *tawhid* (the divine unity), the pivotal theme of Islamic faith. A sharp and graceful sword-like vertical (see, for instance, *alif* in Fig. 1, A) in Islamic calligraphy symbolizes the power of Islamic dynamism, spirit and justice. In traditional mosque architecture, it is not difficult to imagine the written form of Allah symbolically represented through its minarets and dome. In these traditional designs, one may find minarets in their vertical forms representing the verticals of the letters *alif* and *lām*, and a dome representing the letter *hā'*. Quite naturally, religious symbols, decorative motifs and ornamentation vary according to space and time.<sup>39</sup>

While there is a unity and coherent continuity in the calligraphic legacy of the Islamic world, regional developments have further enriched this unique cultural heritage;<sup>40</sup> Bengal serves as an outstanding example of such regional artistic development. A rich calligraphic tradition began to evolve soon after the Muslims' arrival in the region.

39 Wayne E. Begley, 'Mughal caravanserais built and inscribed by Amanat Khan, Calligrapher of the Taj Mahal' in Frederick M. Asher and G. S. Gai (ed.) *Indian Epigraphy: Its Bearing on the History of Art* (New Delhi, 1985), 283.

40 For details about Islamic calligraphy in South Asia, see Sayyid Ahmad Khān, *Āthār al-Ṣanā'īd* (Kanpur, 1846), Muhammad Ghulām, *Tadhkira-i-Khushnawīsān*, ed., H. Hidayet Husain (Calcutta, 1910) and M. A. Chagtai, *Pāk wa Hind men Islāmī Khaṭṭā'ī* (Lahore: 1976).

Once Muslim rule took a firm hold in this Islamic hinterland, Muslims began their architectural activities on a large scale and built numerous mosques, madrasas, palaces, castles and forts. Almost all of these monuments contained some form of inscriptions. A number of the inscriptions are carved on beautifully decorated backgrounds. The calligraphers used a variety of styles such as (*tughrā*, *thulth*, *naskh*, *riqā'*, *ruq'a*, *tawqī'*, *rayhānī*, *muḥaqqaq*, *Bihārī* and *ijāzah*).

It is the elastic quality of Arabic script itself that plays a unique role in providing the calligraphers in the Islamic world the most effective calligraphic tool. The rhythms that join the letters in a pattern produce a magnificent result. In its horizontal direction, the forms interlink and marry with one another in a continuous wave.<sup>41</sup> In its vertical direction, the symmetrically arranged elongated vertical letters often stand out in isolation drawing our attention to a transcendental journey upward. At the heart of this calligraphy is the glorification of Allah which the calligrapher enjoys most especially while decorating mosque. The frequency of Qur'ānic inscriptions in Islamic architecture points out to the fact that the Islamic life from the beginning to the end is nothing but the reflection of Qur'ānic message. The believer not only tries to read, recite, memorize, understand and practise it, but he also visualizes its artistic messages through its calligraphy.

Calligraphic and stylistic variations are tied to the message contained in the written form, since particular styles and scripts were seen as more effective for one or another purpose. Arabic calligraphy went through a series of changes and experimentation throughout its history which brought a lot of new scripts and different names for each variation; often a new name was given to a script that shows only very small differences from others. A vertical slant, an extended horizontal stroke, or the size of a letter was often enough to make a particular script look different from the rest. The beautiful calligraphy of *kiswa* (black cloth that

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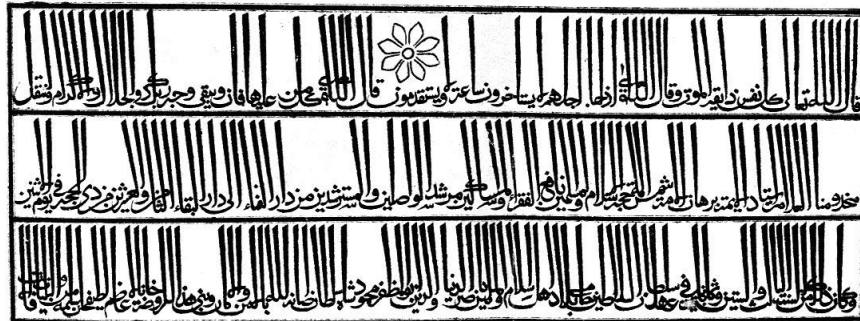
41 Titus Burckhardt, *Mirror of the Intellect*, 146.

covers the Ka'aba) must have a strong influence on the architectural calligraphy in the Muslim world.

Among the basic characters of Islamic art are the infinite patterns and repetition; both of them bear a symbolic meaning. Infinite patterns remind the believer about the existence of the countless forms in the divine creation while repetition remind him about his own limited power of using them. In calligraphy also, they play an important role. A simple dot is the nucleus of Islamic calligraphy and so is a simple vertical. In some way or other, they continue to be repeated in an infinite pattern ages after ages and yet the usefulness of their messages never comes to an end. It reminds us a verse from the Qur'ān: 'If all the trees on earth were pens and the ocean (was ink) with seven seas behind it to add to its (supply), yet the messages of Allah would not be completed; for Allah is indeed exalted in power, full in wisdom' (31:27). The majestic verticals in Arabic calligraphy remind us the written form of Allah where powerful vertical strokes dominate the lettering design. A plain vertical in Arabic writing stands for one and so is the numerical value of the letter *alif* in Arabic and it always remains one even if multiplied by one in a repeated infinite process as if they carry the message of *tawhīd* (oneness of God), the main theme of the Islamic faith. A sharp and graceful sword-like vertical (for instance the letter *alif*) in Islamic calligraphy also implies the power of Islamic dynamism, spirit and justice.

Though the written form has much importance in Islamic culture, Muslim societies historically speaking never became fully literate. After all, it was learning or acquiring knowledge (*al-'ilm*) which was considered compulsory and *'ilm*, one could perhaps argue, was not necessarily limited to the written form. Not all the amateur architects in rural areas of the Islamic world knew how to read or write, yet they could produce buildings that served well the rural folks as they were well trained orally and visually. Islamic calligraphy serves the purpose of artistic training even for those who are not familiar with literal meaning of written characters. In fact not all the architectural inscriptions are meant to carry the

written message. Rather sometimes their purpose is solely decoration specially when they are placed quite high from eye level making them sometimes impossible to be deciphered with naked eyes. One also has to remember that the Prophet himself did not know how to read or write, in spite with fact that divine revelation of the Qur'ān started with the command 'Read!'. Symbolically this was of a great importance since it connected him with the downtrodden class who had hardly any opportunity to go through formal education.



**Plate:** The funerary inscription of Nūr Qutb al-'Ālam at his khanqah in Hadrat Pandua dated 863/1459

The funerary inscription of Nūr Qutb al-'Ālam is a wonderful example of the rich epigraphic heritage of Bengal. The extraordinary titles in this epigraphic text are deeply imbued in spiritual connotation indicating a profound attachment and respect that the common Bengali masses of rural Bengal always expressed for the shaykh, who was one of the most celebrated sufi-saints of the region. Its calligraphy, rendered in *Bihārī* style on a plain background, is simple and natural, yet rhythmic artistic expression. It is devoid of any overwhelming decoration or any superficial embellishment. The elongated vertical shafts, arrayed in a symmetrical order, start at the bottom with a thin line that grows thicker as it ascends. The unusual elevation of the verticals upward, and their arrangement in a row, can be interpreted as representing departed souls on their journey upward or descending angels with blessings for the participants in the funerary prayers, as well as for the deceased soul. The

clustered letters at the bottom may be interpreted as symbols of a congregation lined up for the funeral prayer. An eight-lobed flower in the middle of the upper part of the first line symbolizes the eight heavens, an appropriate motif in this setting, since it coincides with the position of the deceased in the arrangement for prayer when the body is placed in front of the funeral congregation. In architectural calligraphy of Muslim Bengal, we find some fine examples where nature and spirituality have come very close to the Islamic artistic goals. Thus, in Islamic culture, writing served as a spiritual expression as well as an art form from the very beginning. The basic sufi message in Bengal focuses on the unity of Allah who is the ultimate universe (existence), being the All-Encompassing (in the Qur'ān, *al-Muḥīṭ*) in a deeper sense.<sup>42</sup> He surrounds everything and is present everywhere (in the Qur'ān, *al-Mawjūd*, meaning ever-present, a divine attribute). The ultimate reality (*al-ḥaqq*,<sup>43</sup> another divine attribute) of existence (*al-wujūd*) lies in the essence of divine unity, or *tawḥīd* (lit. the oneness of God) – the pivotal message of Islam – best explained in the sufi concept of *waḥdat al-wujūd* (lit. the unity of existence). Thus, in sufi teaching, all is unity, and *al-dīn* (lit. the religion), in essence, is the return to primordial unity, a message, symbolically expressed in the funerary inscription of Nūr Quṭb al-'Ālam.

One of the basic principles that governs Islamic community life is the Prophet's saying, '*La darar wa la dirar*' (There should be neither harming nor reciprocating harm). This principle has played a very important role in making the Muslim social setting as it protects the community interest and at the same time individual rights. The same principle has influenced architectural behaviour of Islamic society. Sometimes it is amazing to find the details that appear in the *fiqh* literature on issues like architectural interaction in the community, individual versus neighbourhood rights in

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42 One of the 100 most beautiful Divine Names that appear in the Qur'ān in the chapter *al-Nisā'* (4:126).

43 The Qur'ān, the chapter *Yūnus* (10:32).

building architectural designs and property rights etc. Thus we find that though sharī'a does not dictate the underlying rules and principles for architecture directly, there is an interaction between them at certain level. Since the aim of Shari'a was to promote the welfare for both the individual as well as community, it certainly played an important role in providing the basic conceptual tools and philosophical ideas for the progress of the *umma* and thus helped to create good designs and an efficient environment in Islamic societies. While the Islamic cities and town planning enjoy flexibility and adaptation according to their environmental and social needs, they also show features of geometric order and cosmic orientation sometimes specially seen in their garden planning. The most important cosmological expression is perhaps the round city of Baghdad founded on 8th C.E. where the early Muslim architects were able to experiment with their knowledge of astrolabe, geometry, astronomy and astrology in effective manner.

In his famous *Muqaddima*, Ibn Khaldūn observed that architecture is the most powerful visual expression of *al-'umrān* (civilization). Islamic civilization attached great importance to architecture. Rulers are often tempted to treat architecture as a symbolic act for legitimacy, power and grandiosity. The mosque, the key to Islamic architecture, is a natural expression of Islamic society and the nucleus of the religious, spiritual, and social life of the community. As its root *sjd* (meaning prostration) indicates, *masjid* (mosque) is a visual embodiment of the spiritual realm of Islam, where the relation between architecture and Islamic belief is clearly visible. It is the very form of the mosque, its minaret, minbar and different other architectural vocabularies that communicate a powerful visual language of Islamic culture. The long arcade on the both sides of the *saḥn* (courtyard) leading finally towards the vast space of the *qibla* (hall) reminds visitors of the transition from earthly life to eternal life. The direction of every miḥrāb towards *qibla* (i.e., Ka'ba) symbolizes the unity of *ummah* (Muslim people) and conveys the powerful message of *tawḥīd* (Divine unity). The

mosque has a strong appeal to its community members for it attracts a large gathering many times a day, not to mention the Friday congregation of *Jum'a* prayer. Thus it integrates the overall life of Muslims.

One may be surprised to note that the number of mosques in Bengal as well as in many other Muslim countries still remains higher than the number of primary schools. One of the underlying reasons for this is that among the multi-faceted functions of mosques in Islamic societies, until very recently, they often served as *maktab* or primary schools for their communities. In urban settings, sometimes we find a shopping arcade or market place added to the mosque complex, which is again symbolic of the fact that the activities of daily life are not divorced from the practice of religion. Thus, mosques are built for the continuous flow of the surrounding population towards them like some other religious traditions.

In a way, every new Islamic settlement in Bengal evolved around a congregational mosque. Construction of public places such as markets, inns, caravansaries, hospitals, fountains, wells, and ponds around the central mosque in the city centre not only created a bridge between the religious domain and public sphere, but also helped spread welfare activities on a popular level, which ultimately helped spread Islam in the region. This is particularly true in Bengal, where the construction of mosques and the welfare activities of the Bengali sultans played an important role in introducing Islam to the local population. Quite a few early Islamic inscriptions refer to these public works.<sup>44</sup>

One fascinating aspect of natural harmony can be found in the traditional architecture of the Bengali mosque, which is seen as fitting within a natural setting rather than forcing itself on its surroundings. The monumental mosque architecture of the fabulous capitals, such as Gaur, Pandua,

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44 For example, Jāmi' Masjid inscription (no.9) from Lakhisarai dated 697 (1297) refers to these activities by the phrase *zāda khayruhu* (May his benevolence increase).



Dhaka, Murshidabad and Rajmahal, gives us a different message, as this architecture represents royal patronage and majestic taste. Both the Adina mosque of Pandua (founding ins. dated 776/1374) and Shait Gumbuj masjid of Bagerhat (see ins. 49 for the tombstone of the founder of this congregational mosque dated 863/1459) are still considered among the largest mosques ever built in South Asia, perhaps, in all of the old world of Islam.

Despite its stature, the overall nature of Islamic art and architecture in Bengal is not imposing; rather, it belongs to the natural background in its basic character. While royal patronage helped construct hundreds of mosques in and around the capitals and other big cities and occasionally in small towns in the vast rural areas of the Bengal, simple forms of vernacular mosques are used for daily prayers that draw their architectural vocabularies from local traditions and natural settings. Typical examples are the Bengali village mosques that have thatched roofs and mud walls, somewhat similar to the original Masjid al-Nabawi (the Prophet's mosque), one of the earliest mosques in Madinah. Often, natural ponds are attached to these Bengali mosques. These serve as a place of *wudū* (ablution), which at the same time helps create an aesthetic effect on the landscape of the surroundings. Interestingly, the simple vernacular mosque architecture in the vast rural areas of Bengal bore, until very recently, a striking similarity with the hypostyle rectangular planning of the original Prophet's mosque in Madinah. In some remote rural areas where palm-groves are abundant such as in the Arabian desert or the villages of Northern Bengal, even palm-grove pillars can be seen supporting the roof of the prayer hall. The *Sahn* (courtyard) is another legacy of the Prophet's mosque that can be seen in many village mosques in a great part of the rural area in Bengal. It is interesting to note that many of these architectural traditions of mosque design have been followed across the ages without conscious effort to associate them with the design of the original Prophet's mosque. Thus in its basic characteristics, there is a continuity in mosque

architecture from the time of the Prophet to this day, even in the far-flung region of Bengal. These simple praying structures spread all over the rural areas of Bengal, often serving as the nuclei of Bengali Muslim villages across the region. Most of the mosques in Bengali villages are still built in this traditional way, often with the collective resources of the poor rural folk (and in most cases with the active support of religious laymen in the area). The vernacular architecture of Muslim villages reminds us that the focus of Islamic architecture should not be solely on building; rather, it should be on the people and their environment and nature.



**Plate :** A sixteenth century masjid from the reign of Sultan Bahādur Shāh (962-68 /1555-61) in Kusumba, Manda, Rajshahi (dated 966/1558) representing the natural landscape of a typical medieval mosque of Bengal

It is due to its central role in Muslim society that the mosque evolved as the finest structure in Islamic architecture throughout the history of Islam. Thus the mosque on one hand has been a great source of spiritual beauty for the believers and at the same time it is a unique source of visual beauty to its visitors. The artistic importance of mosques is mentioned in the Qur'ān (7:30). Mosque architecture also

differs sharply from religious buildings in other countries. Whereas the religious architectures are usually vertically emphasized in other cultures, in the Islamic communities mosque architecture is horizontally emphasized to accommodate maximum number of people there. Its wide and open entrances invite everyone to respond to *adhān* (the call for prayer) and to participate in the *jama'a* (the assembly for prayer). In its vast central space of *qibla* (hall), there is no hierarchy between the people who pray. The open courtyards in some areas provide additional space during the days when the crowd is bigger. Wideness of space as a necessity for proper living condition has always been considered an important issue in Islamic architecture and city planning. Early Muslim sociologists and psychologists like Ibn al-Marāh considered this an essential element for the happiness of mind as he says: 'The human mind always enjoys greatly looking at wide and vast space because it provides the inner soul an immense source of joy and delight'.<sup>45</sup> Courtyards are very popular in vernacular mosque planning as well as private houses in the vast rural areas of the Muslim world.

In Islamic architecture, elements of nature are included in a harmonious, comfortable and effective manner. The mosques in the rural areas of Indonesia are sometimes built by the sides of natural streams to *wadu* (ablution) easier for visitors, before entering into the mosque. The same purpose is served by the ponds often attached to Bengali mosques which at the same time help to create an artistic effect on the landscape of the surroundings. The columns of the vast prayer hall in the *qiblah* of a mosque reminds us of the Prophet's mosque in Madinah where the roof of the *qiblah*-hall was supported by the palm-grove pillars. Palm-groves are still a feature of the natural landscape in Madinah. Interestingly, the simple mosque architecture in the rural areas of the Muslim world had, until very recently, a similarity with the hypostyle rectangular planning of the original

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45 Sharaf al-Din Abu al-Nasr al-Baghdadi al-Maridini (known as *Ibn al-Marh*), *Mufrih al-Nafs*, MS 211, Houghton Library. (Harvard University), 5.

Prophet's mosque in Madinah. In some remote rural areas where palm-groves are abundant such as in the Arabian desert or so to speak the villages of Northern Bengal, even palm-groves pillars can be seen to support the roof of the prayer hall. The *Saḥn* (courtyard) is another legacy of the Prophet's mosque that can be seen in many of the mosques in a great part of the rural area in the Muslim world. It is interesting to note that many of these architectural legacies of mosque design have been followed for centuries traditionally without any effort to associate them with the original Prophet's mosque. Thus in its basic characteristics, there is a continuity in mosque architecture from the time of the Prophet to this day.

The earth thus has a sacred aspect in the Islamic mystical idea. The Prophet declared the whole of the earth as sacred and as clean as a mosque.<sup>46</sup> Therefore, the whole universe is uniquely created as a place of worship; and Muslims, wherever they may happen to be, in the jungle, on a mountain, in the desert or at sea, are bound by their religious duty to remember their Creator at least five times daily in the form of *salat* (prayer). While mosques play an important role in different spheres of life in Islam, they have never been the only place of worship or prayer, nor does the mosque constitute a liturgical centre in a true sense.<sup>47</sup> Indeed, this simple approach to religious practice suited the Bengali rural peasant folk, making their religious practice easier and more natural. Like sufis elsewhere, in Bengal too they emphasized the need for *shari'a* (the Islamic code of life) in Islamic societies. To them, it ensures felicity for both the individual and the community in a healthy environment and natural setting in this world, and a spiritual reward in the hereafter in the form of an eternal peak experience of happiness, symbolically expressed as *janna* (lit., garden), that is full of

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46 Al-Qurtubi, *al-Jami' li Ahkam al-Qur'an*, vol. 3, chapter al-Baqara, verse 253. The Arabic text of the hadith is as follows: *ju'ilat li 'l-'ard masjid wa tuhūr*.

47 Burckhardt, *Mirror of the Intellect*. 224.

life, plants, flowers, rivers, and waters in a most harmonious setting.

In the past, the mosque was clearly the result of the work of devoted builders and craftsmen and regulated by tradition. Unfortunately with the advancement of machine technology, many of those simple but quite appealing mosques are rapidly disappearing. Today Islamic architecture has become the product of machines, based on a universal system of clients, architects and contractors.<sup>48</sup> The answer to these problems are often sought by mixing Western architectural vocabulary as well as local and traditional elements to produce so-called modern national architecture in different parts of the Muslim world. However, the blind search of modernity often leads towards the crisis of self-identity. An interesting example of this can be seen in one of the modern mosques of Ankara where an Arabic verse from the Qur'ān has been inscribed on the frieze of the *Mihrāb* in Latin characters.<sup>49</sup> Modernity in this case was meant perhaps only to create a break with the past and to employ Latin characters to write Qur'ān as a symbol of westernization. But it was pity not to realize that the use of the Arabic script for Qur'ānic writing not only helps to produce the highest standard of calligraphic appeal, but it also provides the believer with a spiritual continuity as well as a strong link with the rest of the Ummah. Architecture based on mere technology will fail in its message unless it uses a language that is appropriate and meaningful in the context of its culture and heritage.

However, it will be an over-generalization to say that the use of modern technology and structural engineering leads to a break with traditional values and social themes. In fact, a combination of modern architectural experience with Islamic values and traditional skills and elements can successfully be applied to create buildings suitable to the Muslim society.

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48 Ihsan Fethi, "The Mosque Today" in Hillenbrand, *Architecture in Continuity*, 53.

49 Dogan Kuban, "A Survey of Modern Turkish Architecture" in *Ibid.*, 65-75.

The Haj terminal of Jeddah airport is one of the current designs where one may find architectural themes appropriate to its surroundings and needs. Its visual importance can easily be imagined as it functions as a doorway to Makkah for the thousands of Muslim pilgrims from different parts of the world. On their first arrival in this new land, they are welcomed through this wonderfully imaginative architectural space where the large roofing design resembles a series of symmetrically arranged open tents. Perhaps it reminds them of their final destiny on that journey in Arafat where they would have to stay in tents. It would not be a surprise if the use of dome or copula in Islamic architecture draws its spirit from the tent-design since a significant portion of the Muslim population in Central and West Asia and North Africa used to live a nomadic life using tents. Nomadic life in the tent may not have many luxuries of the highly urbanized life of cities, but nevertheless it reminds us constantly the transitory nature of this life, a very important aspect of a believer's concept about his existence in the world. It is true that there is no clear rule in shari'a against urbanization of society or culture; but it goes against the spirit of Islam when the urbanization process prevents humans from living as a social group – encouraging instead an individualistic life-style.

Architectural history of the world of Islam is very rich as well as large, stretching from Spain to Indonesia. It consists of varieties of monuments: mosque, madrasa, fort, castle, *ribat*, inn, covered markets, public gardens and fountains etc. Not less is the beauty of the imperial architecture such as palaces, courts, mausoleums and private baths which also flourished under the patronage of Muslim emperors, kings and rulers and which bore the same architectural continuity that distinguishes the architecture of the Muslim world from that of the non-Muslims. However the function of these later types of buildings gives them more like an individualistic and personal character. The fabulous architectural marvel like Taj Mahal undoubtedly one of the finest building in the world arousing in our mind a sense of wonder and appreciation for

its splendid beauty; but the lavish amount of wealth spent on a single imperial monument of a personal nature, may sometime raise an ethical question too. Caliph 'Umar's reaction to the famous Sassanian carpet explains to us the relation of true beauty with ethical values in art objects in the eyes of a *mu'mīn*. Known as 'The carpet of spring', this was found by the Muslim conquering forces in the great throne hall in the Sassanian royal palace at Ctesiphon and consequently brought to Madinah along with other war booty. Instead of decorating his residence with it, the Caliph simply decided to divide this fabulous carpet decorated lavishly with gold, silver, emeralds and jade into pieces and to distribute it among Muslims. Apparently, this may seem to be a crude judgment to destroy an extremely valuable art piece, however a pious believer would view it as a symbolic gesture to denounce any art object of an imperial nature achieved with unjustly acquired wealth. Like any other field, art cannot be Islamic until it is has Islamic principles, be it its subject matter, function or objective.

However it is important to understand at the same time the accommodating nature of Islamic art and architecture in the context of its wide embrace. Unlike the Roman or the High Renaissance architecture, Islamic architecture tends to assimilate and harmonize with its surroundings comfortably. As a result, it is multi-centered, multiregional and multi-period. It, for instance, quite easily incorporates to itself the cultural varieties and elements of local traditions as long as they can be filtered through an Islamization process and moulded to its cultural needs expressing the universality of Islam. It is not the motifs, forms or materials which play an important part in making an art object Islamic or non-Islamic. Rather it is the unifying principles between the art object and the individual, or so to speak, the culture which truly gives it an Islamic identity. Even the physical materials, previously used for non-Islamic purposes, can be re-used for Islamic purposes and thus genuinely be called Islamic on the basis of their overall use and application. In recent decades there are quite a few examples in Great Britain and some other

places where the Muslim community has bought churches and is using them as mosques. Even the Ka'aba itself was turned into a pagan temple by the idol worshipers of Makkah before it was cleaned by the Prophet for its reuse as mosque. But once the Islamic spirit was infused in the structure by removing the wrong symbols of divinity, the place was good for prayer. The process in a way resembles conversion of a non-Muslim into Islam. Physically though he remains the same, a complete change takes place in his personality, behaviour and thinking process which entitles him to be called a Muslim.

The changes that the modern era has brought to the architecture in the Muslim world have also influenced the use of motifs and forms. The tradition of assimilating motifs and forms from local cultures can be seen everywhere in the Muslim world. In fact, the process started quite early in Islamic history as the Muslims adopted many cultural elements both from the Hellenistic and Sassanian culture. Even during the time of the prophet, there were cultural interactions between the Muslim community and the Jews in Madinah and prophet did not object to it so long as they could be truly fashioned in the Islamic spirit.

We shall not be doing justice to Islamic art and architecture if we focus only on the objects or monuments which developed in the thriving Muslim capitals under royal patronage. The beauty of Islamic art is also seen in the minute craftsmanship in the traditional Muslim societies. Whether it is traditional bookbinding or nomads' rug making, in every sphere of daily life, there is a conscious or unconscious effort to beautify objects of daily life that makes their artistic expression really unique. The local architecture of Muslim rural areas has also its own beauty manifested in its ornamentation drawn from the elements of nature. They may be simple, but they uniquely respond to the requirements of the local Muslims' lives. We hardly do any good to these people of nature when we try to imprison them into so called urban civilization. Studies have shown how negatively they are affected when they are settled in high-rise concrete



buildings after being uprooted from their natural rural setting. To play a part in the continuous process of advancement of the Muslim world, one has to ensure proper understanding of the various religious and cultural sensitivities of the Islamic societies without causing any damage to their original natural settings in the name of urbanization. It may not be correct to think that Islam imposes itself in the social and cultural life of the Muslims, rather its role has always been a unique source of inspiration which is never exhaustible.

**Dawoodi Language Revitalization in Pakistan  
from Domaaki to Dawoodi: The Mominabad  
Language Revitalization Program in Pakistan**

**Ijlal Hussainpur\***  
**Habibullah Jan\* \***

**ABSTRACT**

*Centuries old cross-cultural contacts with China, Central Asia, Afghanistan and India have contributed to make Gilgit-Baltistan one of the most multicultural and multilingual regions of Pakistan. Waves of immigrants have left their imprint on the linguistic development of the region as is evident from diverse languages spoken here. The languages of Gilgit-Baltistan belong to the Tibeto-Burman, Iranian, Indo-European, and Indo-Aryan language families. These languages include Shina, Balti, Wakhi, Khowar and Domaaki. Also, there is Burushaski, which is a language isolate and Gujri, the language of a scattered group of pastoralists. Generally, the people of Gilgit-Baltistan show a positive attitude towards their mother tongue and use it in public and private domains. There is one small community facing the extinction of its unique language.*

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*In Mominabad, a village in central Hunza, the community is switching over to Burushaski. Prejudices and low status of their language and profession as musicians and artisans, is their biggest reason to avoid using the language. The very name given to this Old Indic language by the ruling and educated elite is the major factor behind the negative attitudes towards the language. Domaaki literally means 'the language of the Doms' or 'the language of low-castes'. The people of Mominabad never accepted this forced identity and prefer to address each other by their clan names. Research studies on the language pioneered by D.L.R. Lorimer show that the language belongs to the Central Group of the Indo-Aryan. Later studies also trace the origin to the immigration of Prakrit or Middle Indic speakers.*

*Once scattered over many parts of Gilgit-Baltistan, this exceptional group of artisans has abandoned its vocation and assimilated the culture of the dominant communities in every part of the region except Mominabad. There is an urgent need to save the language before Pakistan loses yet another language. The Silk Road Centre is working with the Mominabad community to mobilize support for the language renewal. The Mominabad Language Revitalization Program (MLRP) is designed to get the language spoken in the home and by the youth through language teaching programmes and develop a writing system for the language by using technology in the language revitalization effort. As an important milestone towards language renewal, the community has changed the name of the language from Domaaki to Dawoodi.*

### **Introduction: Linguistic Diversity of Pakistan**

Pakistan is home of some seventy indigenous languages, many of which can be further divided into various distinct dialects.<sup>1</sup>This rich linguistic heritage makes the Pakistani

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1 J.L.G. Baart, "Sustainable development and the maintenance of Pakistan's Indigenous Languages". In *Proceedings of the Conference on the State of the Social Sciences and Humanities*. (Islamabad), 26–27. pp. 1. <http://www.fli-online.org/documents/sociolinguistics/> (accessed September 2003).

society a beautiful blend and a tapestry of many cultures. But, many of the country's indigenous languages and cultures are under tremendous pressure from socio-economic development processes and growing influence of dominant cultures. Over a dozen Pakistani languages are at various stages of their struggle for survival ranging from language vitality issues to total extinction. A quick look at the current language situation in Pakistan shows that over 95% of the population speaks six major languages including Punjabi, Pashto, Sindhi, Siraiki, Urdu and Balochi, conversely, only 5% speaks the remaining 64 languages. This clearly shows pressure mounting on the smaller languages in their bid to survive alongside the dominant languages. The Table below shows language distribution in Pakistan based on the latest estimates:

**Table-1:  
DISTRIBUTION OF PAKISTANI POPULATION BY LANGUAGE**

Language	% of Speakers
Punjabi	44.1
Pashto	15.4
Sindhi	14.1
Siraiki	10.5
Urdu	7.6
Balochi	3.6
Others	4.7

Source: Table 16.20 of Pakistan Statistical Year Book 2011

The 19th edition of Ethnologue (2016) reports that among the 64 languages spoken by nearly 5% population, 10 languages are endangered. Among these six languages are threatened, two are shifting, one is moribund and one is dormant. Following table lists the Pakistani languages that are declared endangered in Ethnologue (2016).

**TABLE-2: ENDANGERED LANGUAGES OF PAKISTAN**

Endangerment Level	Language	Area
Threatened	Aer	Spoken by around 330 people in Sindh near Hyderabad
	Bhaya	Pockets of Mirpurkhas and Hyderabad in Sindh
	Gowro	Along the eastern bank of Indus in Kohistan in Khyber-Pakhtunkhwa
	Kalami	Upper Kalam areas of Swat Kohistan in Khyber-Pakhtunkhwa
	Sansi	Northern Sindh and its Sochi dialect is also spoken in Karachi
	Yidgha	Upper Lutkuh valley in Chitral, Khyber-Pakhtunkhwa
Shifting	Kundal Shahi	Kundal Shahi village of Neelam valley in Azad Jammu & Kashmir
	Memoni	Scattered parts of Sindh including Karachi
Moribund	Domaaki	Renamed as Dawoodi, spoken in Mominabad village of Hunza, Gilgit-Baltistan
Dormant	Badeshi	Once spoken in Madyan and Swat Kohistan, some linguists have declared the total extinction of the language. See, for example, Rahman (2004).

**Source: Ethnologue, 19th Edition**

Situation on the ground in the famous Hunza Valley in Pakistan's Gilgit-Baltistan region shows that the loss of language is looming the small but unique artisan community living for centuries in the Mominabad village. Residents of Mominabad are the only and last few speakers of a Middle Indic language, once scattered over many parts of Gilgit-Baltistan. Centuries old historical and cultural evolution has contributed to make Gilgit-Baltistan one of the most multicultural and multilingual regions of the country. Waves of immigrants have left their imprint on the linguistic development of the region as is evident from diverse languages spoken here. The languages of Gilgit-Baltistan belong to the Indo-Aryan (or Old Indic), Iranian, Sino-Tibetan, Altaic, and isolated language families. For example,

Balti spoken in Baltistan is a language of the Tibetan Group of the Sino-Tibetan language family. Shina and Khowar belong to the Dardic Branch of the Indo-Aryan or Old Indic family; and Domaaki<sup>2</sup> and Gujri are members of the Middle Indic Branch of the same family. There is also Wakhi and Pashto, which belong to the East-Iranian Branch<sup>3</sup> of the larger Iranian language family. Some speakers of Eastern and Western Turkic Branch of Altaic language family, such as Uighur and Kirghiz are scattered over various parts of Gilgit-Baltistan. Burushaski spoken in Hunza, Nagar and Yasin valleys, falls in the category of language isolates or 'autochthonous languages' as it has no link to any other language family<sup>4</sup>. Generally, the people of Gilgit-Baltistan show a positive attitude towards their mother tongue and use it in public and private domains. There are a number of local literary organizations that are working to develop the literature in Balti, Burushaski, Khowar, Urdu, Wakhi and other languages. While most of the languages of Gilgit-Baltistan show linguistic vitality and are well maintained, there is one small community facing the disappearance of its unique language. In Mominabad, the entire community has switched over to Burushaski. Majority of the people here communicate in Burushaski in their public domain. Old prejudices and low status of their language and profession as musicians, blacksmiths and artisans, is their biggest reason to avoid using the language and shift to a dominant language spoken in the area.

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- 2 With due apologies to the people of Mominabad, the use of the word Domaaki in this paper is meant only to refer to the name used in the literature. The authors understand completely that the people of Mominabad never use Domaaki to refer to their language. It is the outside world that has imposed this name, which is associated with their profession as musicians and artisans.
  - 3 Hermann Kreutzmann "Linguistic diversity in space and time: A survey in the Eastern Hindukush and Karakoram" in *Himalayan Linguistics*, vol 4. (2005), 1-24.
  - 4 *Ibid.* also see Karl Bolor Jettmar "A contribution to the political and ethnic geography of North Pakistan" in *Zentralasiatische Studien*, vol. 11. (1977), 411-448.

### Situation of the Language

Various studies have long predicted that Domaaki would not survive much longer.<sup>5</sup> As a matter of fact, the language has already disappeared from Gilgit, Nagar, Skardu and other parts of Gilgit-Baltistan and as far as Kohistan where smaller communities of skilful persons once spoke it. At present, Mominabad is the only small pocket left where the last speakers of this unique language are struggling to protect it. The ghost of an archaic social system and prejudices continue to haunt the community in Mominabad where despite an end to social restrictions and the community's gradual integration into larger society, their language is still perceived as inferior by the outside world. "Domaaki", the very name given to this ancient Indic language, is the major factor behind a negative attitude towards the language even by its surviving speakers. The ruling elite in Hunza along with local communities, intellectuals, scholars and writers on this socially and linguistically distinct group must all share the blame for causing humiliation to the language of Mominabad by naming it Domaaki, which literally means 'the language of the Doms'. In Pakistan, the word *Dom* is commonly used to designate the people of low caste, generally those who earn living by playing music and dancing. Despite a rich music history and the love for music and dance across Pakistan, local musicians and dancers are not given due respect in the social dynamics of local communities. In the mediaeval Shina-speaking world, Doms were categorized equal to *kamin* or among the people who did menial jobs such as blacksmiths, musicians. The word Domaaki is derived from Dom and when we say Domaaki to denote the unique language of Mominabad and once other parts of the region we characterize it as 'the language of low level people'. This is the major reason the speakers of Domaaki in Mominabad and other parts of Gilgit-Baltistan

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5 See D.L.R Lorimer "The Dumaki Language" Outline of the Speech of the Doma, or Bericho of Hunza. Nijmegen (Comite International Permanent des Linguistes, Publication de la Commission d'Enquete Linguistique, (1939), 4 and Kreutzmann "Linguistic diversity in space and time".

and Kohistan developed a negative attitude towards using the language in public and private domains. This has resulted into total assimilation of their language and culture into neighbouring societies. However, in spite of an overall negative attitude and marginalization of the language, it is still struggling to survive in Mominabad. There is a general lack of interest to develop the Domaaki language and culture, but there are few families in Mominabad that still continue to speak the language of their ancestors. One such family is that of Ahsamuddin, who is a young Domaaki poet and songwriter working with a few other young men to develop the Domaaki literature.

### **Social and Historical Background**

The people of Mominabad themselves neither use Doms as their self-denomination nor call their language Domaaki, obviously because of 'the stigma' associated with their profession and social restrictions once imposed upon them by the local rulers. Linguistic evidence shows that their unique language is not closely related to any of the three languages spoken in Hunza that are Burushaski, Shina and Wakhi. Even though, living in close proximity for a long time, Domaaki has absorbed vocabulary and other elements of Burushaski, Shina and Urdu, which also belongs to the Indo-Aryan language family. Studies on Domaaki by D.L.R. Lorimer Georg Buddruss, Gerard Fussman and Peter Backstrom agree that the language belongs to the Central Group or the Middle Indic Group of Indo-Aryan languages of South Asia with an origin somewhere south of Kashmir.

Scholars agree that the speakers of Domaaki moved to their present location in Gilgit-Baltistan through a gradual migration. Some studies, for example Anna Schmid,<sup>6</sup> Hermann Kreutzmann<sup>7</sup> and Matthias Weinreich<sup>8</sup> link this to the immigration of Prakrit or Middle Indic speakers that

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6 Anna Schmid Die Dom zwischen sozialer Ohnmacht und kultureller Macht. Interkulturelle Beziehungen in *Nordpakistan*. (Stuttgart 1997).

7 Kreutzmann "Linguistic diversity in space and time".

8 Weinreich "Two Varieties of Domaaki".



probably started about a millennium ago and resulted in a process of occupying the lower parts of the valleys in Gilgit and Chitral. Along with these migrants the speakers of the Mominabad language also arrived in the mountain belt and became prominent as the professional groups of musicians, musical instrument makers, blacksmiths and metalworkers.

The elders of Mominabad narrate two contrasting stories about the advent of their ancestors in the region. According to the first narrative their forefathers came in several waves to the Nagar and Hunza Valley. They travelled from Kashmir through Baltistan, Gilgit, Darel, Tangir and Ghizer before landing in Nagar and Hunza. This theory indicates that these migrants set off from different areas of north-central India or possibly within the Gilgit-Baltistan region perhaps to flee social and political difficulties in their homelands. This can also mean that the people living in Mominabad today came here in groups at different intervals, hence they are not 'descendants of a common ancestor' as is generally perceived. With the passage of time each immigrant group evolved into a clan and named the clan after the founder. In today's Mominabad, this is the way the community designates each other and the people of Mominabad prefer to be addressed by their clan names rather than calling them the Dom en bloc.

There is another fascinating story about the origin of the Mominabad community that Barbara Bower and Barbara Johnston have narrated in their book on *Disappearing Peoples*.<sup>9</sup> It tells that the Mominabad community and the ruler of Hunza "belong to the same family." According to this narrative, an ancient ruler of Hunza had four sons. He designated one of the princes to become his successor and sent the other three to receive education from an illustrious teacher at a far off place. On their way the three princes met another sagacious old man and remained under his tutelage

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9 Barbara A Bower and Barbara Rose Johnston eds., *Disappearing Peoples? Indigenous Groups and Ethnic Minorities in South and Central Asia*. (Walnut Creek, California: Left Coast Press, 2007).

for years. Instead of warfare, the old man taught them to play musical instruments. On their return, the king was both disappointed and overjoyed at the same time. Disappointed because his sons did not receive training and expertise in war and other state affairs. He despised their training but enjoyed sweet voices of the musical instruments they played so skilfully. Even though, the three sons could not assist their father in the affairs of the state but accompanied him everywhere and played music to announce his arrivals, departures and other actions. Despite their relegated ranks the princes were able to raise the status of music and musicians in the royal court. Descendants of the three princes continued music as their profession and grew into a larger community.

Whichever version of the story is true for immigration of the Domaaki speakers to Mominabad and other parts, it is a well-known fact that this exceptional group of skilful persons, was once scattered over many parts of Gilgit-Baltistan. As pointed out earlier, until recent times, the group comprising musicians, musical instrument makers, blacksmiths, sword smiths and metalworkers lived in small communities in almost every capital town of the principalities of Gilgit-Baltistan, including Astore, Baltistan, Gilgit, Hunza, Nagar, Punial, and Yasin. Smaller communities of musicians were also found in Chilas and in Kohistan as well. However, due to religious restrictions on music the group has become extinct in Kohistan but smaller groups of musicians have survived to this day in Chilas and other parts of District Diamer where they still play music at local marriage ceremonies and polo events. In Chilas, their old profession survives to this day but their language has succumbed to the pressure from Shina, the dominant language in the area.

Like other parts of Gilgit-Baltistan, in Mominabad too, the speakers of this unique language were subject to social restrictions. For example, they were assigned to live in a certain village apart from larger population. They could not enter into the same profession as others and were not

allowed even to speak Burushaski<sup>10</sup>With the government reforms in 1970s, these sanctions were lifted and the Mominabad community got opportunities for education and employment like other people of Hunza. On their road to progress, they, however, renounced their traditional vocation and have gradually assimilated the culture and language of the dominant Burushaski-speaking population. The Mominabad community still lives in the same village but their unique language is gradually falling into disuse. Because of the stigma of the old social restrictions only a handful of speakers use the language not in public but in their private domains.

In other parts of Gilgit-Baltistan the people of this distinct group have abandoned both their vocation and language much earlier to assimilate the culture and language of the dominant host communities. It is reported that in the neighbouring Nagar valley the last few households speaking Domaaki have also stopped speaking in the language in their private domains. This makes it even more urgent to save the language of the last few hundred surviving members of this brilliant community in Hunza. It is not easy, especially when the native speakers themselves have developed a negative attitude towards their language and, sadly, many of them perceive its demise as tolerable to ensure their upward social mobility in the larger society.

### **Language Description**

To this date, Domaaki remains an unwritten language. It neither has a written version nor any published materials in the language produced by its native speakers. Scholars from the outside world have transcribed the Domaaki texts mainly in the Roman script. For example, some of these texts including fragments of grammar and word lists can be found in Lorimer<sup>11</sup> and SSNP-2.<sup>12</sup> In the face of prejudices, some

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10 Peter C. Backstrom & Carla F. Radloff. ed., *Sociolinguistic Survey of Northern Pakistan*, Vol-2. *Languages of Northern Areas*. (Islamabad: N Institute of Pakistan Studies, Quaid-i-Azam University and Summer Institute of Linguistics, 1992), 79-81.

11 Lorimer "The Dumaki Language".

families in Mominabad have made it possible to preserve and promote centuries old traditional Hunza music, which is still popular among the people of Hunza. It is heartening to note that contrary to the past when playing music by the people from clans outside Mominabad was considered a despicable profession, in the present-day Hunza young and educated men from all walks of life love to play the Hunza music at public gatherings and weddings. Credit goes to the musicians from Mominabad who passed on the rich musical tradition to the larger Hunza communities. Together with music, a few young men from Mominabad have started composing beautiful songs in their native tongue. Two such young artists include Ahsamuddin and Ehtishamullah Jan who are making a huge contribution to promote the language of Mominabad by composing verses in it. For the first time in Mominabad's history, Ehtishamullah Jan sang songs in his native language to a huge audience in Islamabad in February 2016.

Authors of this article are working closely with the Mominabad community to restore their confidence in their language. Many elders and young people of the community are well aware of the loss and are now willing to revive their unique language. They have just begun to advocate raising the status of this ancient language by highlighting the Mominabad community's invaluable contribution to the development of Hunza rather than associating it with their old profession. As a symbol of the community's growing confidence towards language revival the community has, just recently, renamed Domaaki as Dawoodi. The community elders have given this respectful name to relate their language to Prophet Dawood (David) who himself was a remarkable musician and poet. All Muslim sects within Islam revere Dawood as Allah's prophet. These initial steps are making a huge contribution to save the language from the language attrition situation.

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12 Peter C. Backstrom & Carla F. Radloff. ed., *Sociolinguistic Survey of Northern Pakistan*.

### **Language Revival Effort**

The recent renaming of Domaaki to Dawoodi has motivated several members of the Mominabad community to work towards promotion and preservation of their language. Several community leaders and activists have expressed their willingness to support language revival by giving their time to encourage and teach younger members of the community to learn and speak in Dawoodi. Based on their revived confidence the people of Mominabad have formed a Dawoodi Language Protection Committee (DLPC) led by Habibullah Jan (co-author of this article) and comprising community leaders, writers and youth activists committed to language protection. DLPC is responsible to provide leadership to language revitalization efforts including the development of a writing system for Dawoodi, compilation of word lists, and production of a Dawoodi grammar.

DLPC is reaching out to expert linguists and scholars to collaborate in developing Dawoodi orthography and written texts and educational materials in the language. Among DLPC's priority language revitalization initiatives include the development of a grammar, which is 'a road map to sounds, syntax and structure' of the language. The research team under DLPC will work with the native speakers from Mominabad to compile word lists and chunks of unedited speech to produce a basic grammar and instructional materials for language learning and teaching. The team will train and assist the community to opt for and execute language maintenance or revitalization measures. In addition to a Dawoodi grammar and educational materials, the DLPC research team will also publish research papers to contribute to body of literature on endangered languages of the world.

In conjunction with research and documentation initiatives DLPC is also working to create a Dawoodi Language Centre in Mominabad for which the community is ready to donate a chunk of land along the main road leading to Karimabad. The Centre will not only teach Dawoodi but will also become a hub to support and sustain the language preservation and promotion efforts. At another level DLPC is providing a forum

for the young Dawoodi poets and songwriters to compose verses in Dawoodi. One such poet Ahsamuddin is an active member of DLPC. For the first time on the International Mother Language Day in February 2016, DLPC brought on stage the young and talented Dawoodi singer Ehtishamullah Jan who sang beautiful Dawoodi songs in front of a large audience at Lok Virsa and Pakistan National Council of the Arts in Islamabad.

Though, the people of Mominabad still have a long way to go before they see Dawoodi fully restored and become vibrant once again as a part of their community, but these initial steps and initiatives carried out through community participation are expected to pave the way for full restoration and revival of Dawoodi in coming days. These efforts are indicative of the hope to renew successfully an endangered Pakistani language from dying.

**On the Ethnic Cultural Heritage around the  
South China Sea: A Case of Ceramics and  
Brocade of Guangxi Province**

**Yu Wenjie\***  
**Lian Shiming**

*Main factors of the social power include politics, economy, military force and cultural ideology. Culture is one of the important driving force for social existence and development.*

Michael Mann

**ABSTRACT**

*American scholar Michael Mann said: main factors of the social power include politics, economy, military force and cultural ideology. Culture is one of the important driving forces for social existence and development. The cultural life of an ethnic group and the treasures from a group of ancient tombs recount the history and culture of the ethnic groups around the South China Sea. They were symbolized of the cultural heritage of South China Sea. The present study is based on the cultural landscape and historical memory of life and development around the South China Sea that indicates our country's political control, cultural communication, commercial trade and maritime rights around the South China Sea Area.*

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### **The Cultural Life and Historical Memory of Jing People**

The Jing people is one of the ancient ethnic group of China. They live and work together with the other people of the Chinese nation to fight against the aggression of foreign colonialism. They have their own history of the South China Sea which is part of the history of the China.

### **Dialogue, Historical Materials, and the Historical Origin of Jing people**

In the dialogue with senior citizens of Jing, Su Weifang, inheritor of Jing cultural and historical heritage, said, we lived in Jing's three islands since the middle of the Ming Dynasty, and together with other ethnic groups we go fishing, produce art ware and conduct business activities.

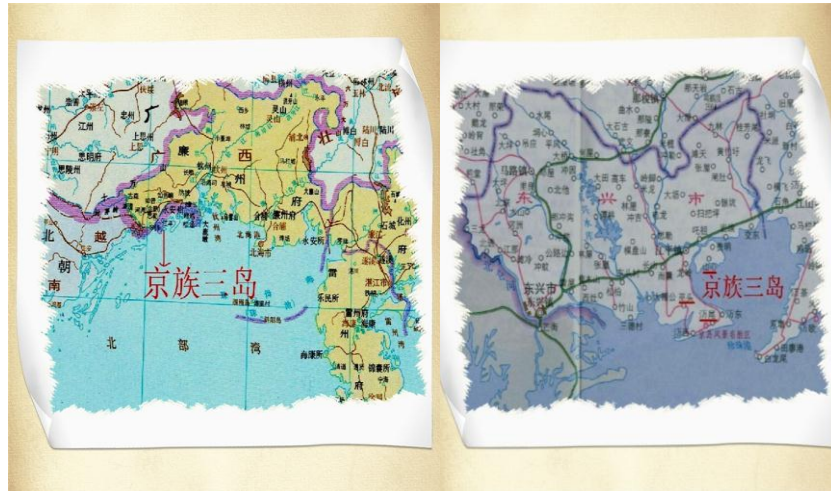
Jing cultural inheritor Su Weifang added, more than 9000 Jing people, they live in some county, towns and villages of South of Guangxi Province. For example, Wutou, Wanwei, Shanxin, Tanji, in Jiang Ping County, Guangxi. Others live with Zhuang ethnic in Hongkan, Hengwang, Zhaitou, Milou, Wa village, and Sande village in Jiang Ping County, Guangxi. The formation and development experience of Jing is of important significance for us in the study of history and culture of ethnic groups around the South China Sea and national land and territorial waters sovereignty.

So, what documents and related records do we have since the Ming Dynasty?

“The History of Jing” recorded in 1511, the ancestors moved here, which means it has 500 years of history. Shanxinhatin in 1511.

Therefore, Jing and the Isles of Jing are part of the Chinese nation since the mid Ming Dynasty.



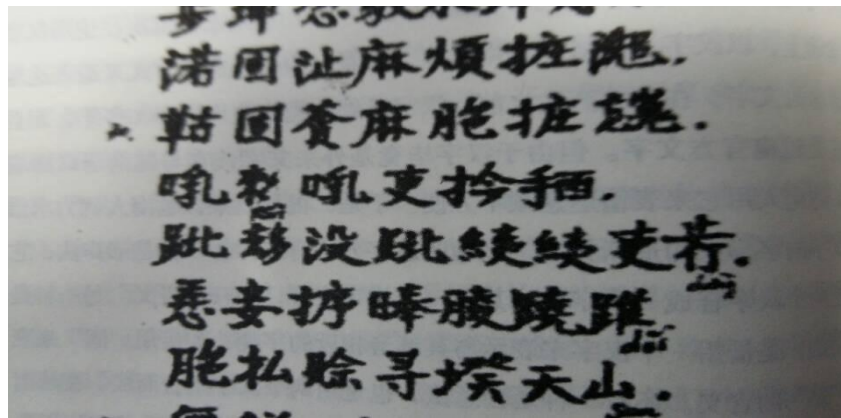


### The Cultural Heritage of Jing: Musical Instrument and Characters

Single-string instrument has 400 years of history. People use it to celebrate holidays and harvest. Su Chunfa learned to play it since 5 years old. Although he is 40 years old now, he is the oldest who can play it.

Writing of Nan is the copy of Chinese characters to write down Vietnamese. It is their own unique writing. Until 50 years ago, they still used these characters to write songs and religion books. But with time passing by, less and less people can use it. Only those 80 years old can read the meaning.

Like Su Chunfa, Su Weifang, 68 years old, is a native one. When he was young, his grandpa used to teach him how to read and write Nan characters. Later, he learned Chinese in university and worked as a translator for Vietnamese. In 2002, he retired and spent 2 years to visit more than 80 civil artists and scholars. He collected traditional songs of Jing and wrote them down in Nan.





With Su Chunfa, inheritor of single-string instrument

### **The Anti-French Documents of Jing Nationality and Other Ethnic**

In 1883, French invaded Jiangping. In 1886, French attacked here again. After they landed, French killed and robbed. They forced Jing people to build fort for their settlement. In 1950, Jing are liberated. Besides, together with other ethnic groups, Jing fought in Korean war and Vietnam war, left many valuable historical documents.

### **Ancient Tombs and Silk Road from Modern Perspective**

According to The History of Han, the ancient maritime silk road originated from Hepu was a road for jade, ceramics, and jewellery. But where can we find the evidence? The Archaeological Team of Hepu County has the answer as follows.

### **The Coloured Glaze**

The coloured glaze which was found in HePu Han Grave contained mainly rosary, together with earrings, jade, bracelet, tortoise-like ware, glasses and some plates, the

amount of which was more than that of southeast China. This founding showed that the use of glaze was widely used in HePu in Han period. In 1971, 653 beads were found in Wangniuling M1 west Han Tomb, the colour of which was deep blue and semi-transparent. In 1988, 63 beads were found in Muzhuling M1 Xinmang Tomb of West Han Period. The colours of them were purple, blue, black and red, opaque. In Hongtoulung M34 West Han Tomb, a blue glass was found, with its 9.2cm calibre and 5.8cm height; In 1990, a light blue glass was found in Huangnigang M1 East Han Grave with its 9.2cm calibre and 6.7cm height; These two glasses were both transparent, with straight napes, round lips, shallow open. In 2011, 3869 coloured glaze beads were found in Jiuzhiling M6 East Han Tomb, the amount of which was the biggest in Guangxi Han Tomb. It has been explored in recent years.

In worldwide scope, the coloured glaze was first excavated in 2500 BC, appearing in Mesopotamia area. The earliest manufacturing method was wrapping core, then gradually using burn-casting method. These methods quickly spread to Egypt, Syria and other regions. After the tenth century BC, ancient Greece and Rome became the centre of the world's. Chinese coloured glaze art dated back to the 11th century BC in Western Zhou Dynasty, a little later than in Egypt and Mesopotamia. What's more, the coloured glaze system found in Guangxi was also discovered in India and Southeast Asia. They were partly produced in Jiaozhou (Jiaozhi and Hepu), and partly imported from overseas. American scholar Peter Francis said: Indian Ocean - Pacific coloured glaze beads were first produced in India. This area was a glass manufacturing centre in Asia, the prosperous period of which was from third century BC to the tenth century AD. These glass beads and glass spread along coast eastward.



### Colored glaze dug by Hepu Archaeological Team

Ceramics, amber, spice and others

Zhou Qufei of Song Dynasty wrote in his book: in Zhunianguo (southern India) mottled amber was found. In Hepu fertilizer factory M1 tomb we found this kind of amber. In India, the same one was found. These amber are from India and Sri Lanka into China.

Golden Ball craft was from ancient Greece, India, Vietnam and other places. Its spreading line is: the Mediterranean, the Persian Gulf, Indian Ocean and South China Sea. It came from West to East. In 1996, By researcher of the Museum of Chinese History Yu Weichao 's identification: According to the shape and style, it should be introduced to China from India. In 2003, in the damper Ridge M24 tomb pottery furnace was unearthed and there was smoked spice residue. Han Huai accurate "dipterocarp test" confirmed that: Han, Su Tara, the Malay Peninsula, Borneo and other places were rich in spices. Carbonized perfume found in Hepu unearthed is closely related to overseas trade in these areas.





Experts of Hepu Museum in Han tomb



Colored glaze, ceramics and embroidery of ethnic groups  
around south china sea

### **The Enlightenment of the Study of the Culture around the South China Sea**

Ethnic culture and National rights: Jing is one of ethnic groups in China since Ming Dynasty. They live together with Han and Zhuang, labouring, fishing and trading. Their life, culture, politics and geographic territory are important signs of maritime rights of our country.

Classic books, civil collections and oral history are important methods for the study of cultural heritage. The History of Han and its relevant documents are important evidence for the meaning of maritime silk road. Based on the study of South China Sea, we research the cultural tradition around the sea and visited U.S., Japan, Italy, Australia, Pakistan, Malaysia and Dunhuang, Nanning, Beihai, Fangchenggang, Zhaoqing, Longquan, Jingdezheng. We collected many valuable materials and we want to work together with other scholars of different fields to face the challenge of South China Sea and maritime silk road.

### **Cultural Heritage and its Significance of Collaboration**

In 1839, the Duke of Wellington and his Navy colleagues Thomas Simonds discussed the British Channel Islands and said: no one knows more about the importance of the Channel Islands to our country than me. His meaning that the mixed power is first. It is the same to China. National Sea rights and development strategy is the great tradition of our country and contemporary social development orientation. However, only when the culture heritage works jointly with political, military and diplomatic factors for development, the South China Sea development strategy will be turned from ideal into reality.



## Pluralism of Funerary Monuments: Reading Architectural Encounters at Makli Necropolis

Rabela Junejo\*

### ABSTRACT

*The vast repository of funerary monuments, built under Muslim patronage is generally categorized as either “domed square chambers” or “tomb towers” forming a canon. Canonical categorizations are, historiographically speaking, reductive in nature and inherently a Euro-centric concept where monuments were classified having high and low architectural qualities. This phenomenon overlooked many edifices that were worthy of study as they did not fit and were anomalies according to the criteria charted out. Similar tendencies were borrowed whilst producing scholarship for/of architecture built under Muslim patronage. Classification under period/styles and standardization is the fate this architecture, hence, met with like its predecessors. This approach is challenged in contemporary scholarship of history of architecture and alternative histories are being produced. Narratives of rise and fall, glory and decline are being challenged under current writings.*

*This paper will study architectural production at Makli Necropolis in Thatta, Sindh highlighting pluralistic nature of monuments built. Is the site Muslim/Islamic or Indic? Does*

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*the site have its distinctive style like the Greeco-Roman Classical or Gothic? Do the monuments built follow the established canon of/for funerary monuments? Should these categorizations hold any validity for contemporary scholarship when one looks at a site as prolific and expansive as Makli – one of the largest necropolises in the world holding according to sources around 125000 funerary monuments of varying scale? Addressing these questions, this paper will attempt to produce an alternative narrative, critically examining themes of style-canon-categorization and tapping into themes of encounter-plurality-permeability-hybridization manifest in architecture of the site.*

## **Introduction**

### **1.1- Makli and Thatta**

*“Makli is (therefore) the place in which the whole history – political be it cultural – of Lower Sindh is reflected”<sup>1</sup>*

Makli, a declared UNESCO world heritage site, is a cemetery located near Thatta in Sindh province of present day Pakistan. Town of Thatta<sup>2</sup> remained the capital of lower Sindh until 1789. Thatta is located some 55 miles east from Karachi the capital of present day Sindh province. Makli is revered to date by the people of Sindh as a sacred site where according to various sources approximately 125000 saints and nobles are buried.<sup>3</sup> It rose to importance as a burial site during the Samma rule (1351/52- 1524) in the history of Sindh, before which *Pir Patho*<sup>4</sup> located south of

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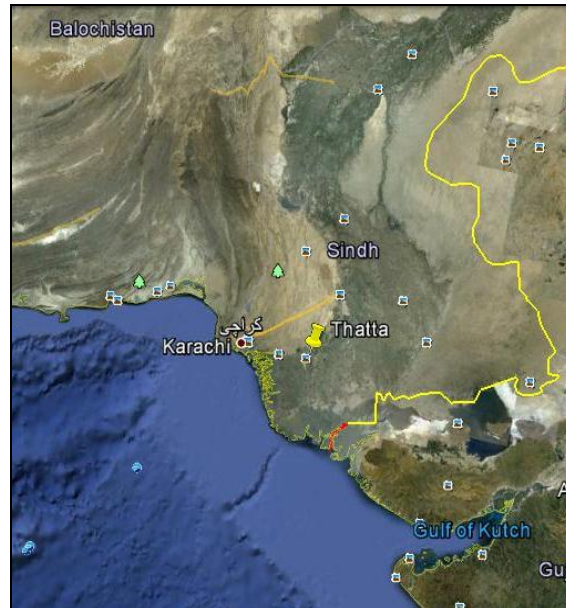
1 Schimmel, Annemarie. 1983 Makli Hill. Karachi. Institute of Central and West Asian Studies University of Karachi.

2 Thatta has been spelled as Thatt, Thatti, Thatto, Tatta, in various historic accounts the modern spelling now used is ‘Thatta’ from, Dani, Ahmad Hasan. 1982. Thatta Islamic Architecture. Islamabad. Institute of Islamic History Culture and Civilization.

3 Lari, Yasmeen, Suhail Zaheer Lari. 1997. The Jewel of Sind Samma Monuments on Makli Hill. Karachi. Oxford University Press. Quoting from “Makinama”, translated from Persian by Pir Hissam-ud-din Rashidi

4 Pir Patho marks the end of the hill outcrop on the north of which Makli is situated and the National Highway cuts through it. The establishment of Makli as the new burial site broke the hegemony of Multan based sufis who

Makli, was the sacred burial place for the people of Thatta and vicinity. To understand the site it is important to briefly look at accounts mentioning Thatta city or town.



**Figure 01:** Map showing province of Sindh, and city of Thatta (Google Earth)

### The City of Thatta

For a larger period of time the history of lower Sindh was synonymous to the history of Thatta, as it was the capital of the Samma rulers (1352 – 1524) and a flourishing trade centre. The earliest mention of name Thatta was in 13<sup>th</sup> century when it was mentioned in the verse by Amir Khusrao (1253-1325) the court poet of Delhi Sultanate.

*A cypress like you is not in Uch or Thatta;  
A rose like your pretty face is certainly not existent<sup>5</sup>*

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kept Pir Patho site as sacred and revered. It is still considered sacred and people visit it even today. The author does not have information if site of Pir Patho has any tombs as elaborate as tombs at Makli cemetery.

5 Schimmel, Annemarie. 1983 Makli Hill. Karachi. Institute of Central and West Asian Studies University of Karachi.

M. Idris in his booklet "Thatta" introducing the city writes, "For 400 centuries Thatta was one of the seats of Islamic learning, fine arts and handicrafts, as well as a flourishing port of continental trade in the East. Its commercial intellectual and cultural greatness attracted travellers, traders, and scholars from different countries of Asia and Europe. To traders and travellers from west Thatta was practically synonymous to Sindh. In 1607, the East India Company instructed its agent to sail 'to Laurie (Larri Bandar) – a good harbour within two miles of *Nagor Tuttie* (Nagar Thatta) – as great and as big as London'. In 1613, Captain Paynton describes Thatta as one of the most celebrated markets of India. Alexander Hamilton in 1699 mentions Thatta as densely populated and a very rich city about 3 miles long and one and a half mile broad; there are 400 educational institutions where students from all over Asia learnt philosophy, politics, and different branches of speculative sciences in addition to theology".<sup>6</sup>The city is popularly known as '*Nagar Thatta*'<sup>7</sup> where *Nagar* means town, and Thatta points towards close proximity of town from river. "All accounts written about the city describe it, as a populous and flourishing city, a trading post which connected Sindh with outside world, a city which was a refuge of saints and scholars and was located in such a strategic position that it remained capital of Sindh until 18<sup>th</sup> century".<sup>8</sup>M. A.

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6 Siddiqi, M. Idris. 1970. Thatta. Department of Archaeology and Museums Pakistan.

7 Baloch, N. A. on the Origin of Thatta, writes, the classical meaning and concept of *nagar* or *nageri* in Sindhi is that of a Principality/State and its capital where the ruler resides. 'Thatti', 'Thatt' and 'Thatto' all have the common connotation of a settlement on the bank of the river, including any of its perennial branches. To be given these names such settlements must be rooted on the bank of the main river or on a subsidiary stream of it. There were many Thattis (a small town) and Thatts (bigger and better) on the bank of Indus River and its streams but the biggest Thatto (biggest and best one) was only one. To this day, the more popular name for 'Thatta' with the rural population of Sindh is 'Thatta Nagar' or simply Nagar. Refer appendix, Dani, Ahmad Hasan. 1982. Thatta Islamic Architecture. Islamabad. Institute of Islamic History Culture and Civilization.

8 Lari, Yasmeen, Suhail Zaheer Lari. 1997. The Jewel of Sind Samma Monuments on Makli Hill. Karachi. Oxford University Press.

Ghafur writes, "In the days of Mughals, Sindh became a hunting ground of the European traders particularly of the Portuguese and the English. The travel accounts left behind by these foreigners are of primary importance for the reconstruction of social and economic history of Thatta under the Mughals. From the accounts of foreign travellers and local historians, it is gathered that, in the 17<sup>th</sup> Century Thatta was a cosmopolitan city".<sup>9</sup>

The excerpts illustrated here present account of a trading city towards south of region with its semi-autonomous ruling dynasties. Being a trading city and capital of lower Sind it must have enjoyed wealth and prosperity. Descriptions of Thatta in text referred, present populace of city as leisure orientated visiting site of Makli not only as a cemetery to pay homage, but as a picnic spot. They are written as jovial in nature and conduct. Sacredity of Makli also pronounces with reference to Mount Hinglaj in Baluchistan where Nani Devi Mandir is situated and Makli acted as a resting ground for the pilgrims. A cursory look at the accounts reflects on religious pluralism and tolerance of the area making it a cosmopolitan city as mentioned by Lari. Politically city was under various local and foreign dynasties ruling it before the capital was moved more inland to Khudabad and later Hyderabad. For almost four centuries (1351/52 – 1739) Thatta was ruled under dynasties namely Sammas (1351/532 – 1524), Arghuns (1524-1555), Tarkhans (1555-1592) and Mughal Sultans of Delhi (1592-1739).

"The decline of this cultural centre of Sind started around 1739 when Nadir Shah (1736-1747) took power of Delhi and the province came under his rule. He made Mian Nur Mohammad Kalhora, the religio-political ruler of the clan of Kalhoras, administrator of Sindh. He ruled Sindh from Khudabad and not Thatta. Henry Pottinger in 1809 found the

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9 Ghafur, M. A. 1968. *The Calligraphers of Thatta*. Karachi. Pakistan-Iran Cultural Association.

city to be uninhabited with population reduced from 2 lacs to 20000".<sup>10</sup>

### **Important Ruling Dynasties of Thatta**

The chief ruling dynasties and proto dynasties for four centuries when Thatta was capital of Sindh were:

- Sammas (1351/52-1524).
- Arghuns (1524-1555).
- Tarkhans (1555- 1592).
- Mughals in Lower Sindh (Thatta, 1592-1739)

### **The Sammas (1351/52-1524)**

Many theories have been put forward about the origins of Sammas. S. Z. Lari in his book 'History of Sind' mentions, "They are believed to have derived their name from 'Sam' (Shem), the eldest son of Prophet Nuh (Noah). Some suggest Samma is the corruption of the word 'Shami' (Syrian). Since as rulers they used the title 'Jam', the Sammas are also considered by some to be the descendants of 'Jamshid', the legendary Persian King. Those searching the roots of Sammas in Indian soil consider the Sammas to be Rajputs of Yadava stock".<sup>11</sup>

Many scholars maintain Sammas to be native people belonging to Rajput clan and later convert of Islam. They were land owners in Sindh and had relations with the rulers in Kutch and Gujarat in present day India. During 1351/52 taking advantage of the estranged relations of Delhi Sultanate (Tughluq Dynasty 1320-1414) and the local Soomra chiefs (ruling dynasty pre-Samma for approximately 350 years) established their rule in the lower Sindh basing their capital at Samui North of Makli Hill. Jam Unar son of Bhambhina-I was the founder of Samma Dynasty. They ruled Sindh for almost 150 years almost independent of pressure from Delhi. The reign of Jam Nizam al-Din II (1461-

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10 Siddiqi, M. Idris. 1970. Thatta. Department of Archaeology and Museums Pakistan.

11 Lari, Suhail Zaheer. 1994. History of Sindh. Karachi. Oxford University Press.

1508) was the most prosperous and he has been called Harun-ul-Rashid of Sind.<sup>12</sup> During his reign the capital was shifted from Samui to Thatta possibly due to shifting of the course of river Indus. His son Jam Feroz (1508-1524) was last of the Samma ruler where his incapability and power feuds led to the fall of Samma Dynasty and Qandahar based Arghuns, who were called for help by Jam Feroz against his cousin Jam Salah-al-din of Juna family, over threw him and established their rule in Lower Sindh. Jam Feroze in 1528-29 fled to Gujarat, ties with Gujarat were political and marital for Sammas. This association with Gujarat is reflected in the construction on site of Makli. This will be discussed later in the paper while discussing architecture of Samma time at Makli.

### **The Arghuns<sup>13</sup> (1524-1555)**

Arghun and Tarkhan rulers were from Central Asian region belonging to the Turkic tribes and sons of Arghun Khan tracing lineage to Genghis (Chingiz) Khan. After the Safavids (1501-1736) domination in most parts of Persia, members of Timurid dynasty, princes', dependants and nobles etc. established their rules in eastern parts of Asia as is the case with Babur (1526-1530) the Mughal ruler setting himself in India. Arghuns wanted to secure a region for themselves amidst all the tension both internal and external. Shah Shuja Beg Arghun advanced in Sindh during the rule of Jam Nizam-al-Din around 1490 AD but was defeated and Sultan Muhammad Beg brother of Shah Shuja Beg was killed. During the rule of Jam Feroz, Arghuns again advanced towards Thatta and in 1520 defeated the Samma army but handed back Thatta to Jam Feroz. Finally in 1524 after the death of Shah Shuja Beg his son Shah Hasan established his rule in Thatta and the Samma rule ended. After the death

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12 Lari, Yasmeen, Suhail Zaheer Lari. 1997. *The Jewel of Sind Samma Monuments on Makli Hill*. Karachi. Oxford University Press.

13 For further accounts on Arghuns in Sind and their history refer: Lari, Suhail Zaheer. 1994. *History of Sindh*. Karachi. Oxford University Press pages 92-116 and Schimmel, Annemarie. 1983 *Makli Hill*. Karachi. Institute of Central and West Asian Studies University of Karachi.

of Arghun ruler Shah Hassan in 1555 their cousin dynasty of Tarkhans established themselves as rulers of Thatta and Sindh. There are few monuments belonging to Arghun period on Makli as according to the sources they preferred to bury their dead in their hometown Qandhar.<sup>14</sup>

### **Tarkhans<sup>15</sup> (1555-1592):**

The rulers of Tarkhan dynasty have been mostly written as oppressive. Mirza Isa Tarkhan I (1554-1565) and later his sons ruled over Thatta. Mirza Jani Beg (1593) and Mirza Ghazi Beg (1614) ruled as governors of Mughal Emperor Akbar (1556-1605) and Jahangir (1605-1627).

The Turkish origins of Arghuns and Tarkhans are reflected in their architectural attempts at the site of Makli where after 1526 Central Asian features start appearing in a more pronounced fashion than before. Most interesting blend of local and foreign elements is seen in Isa Khan Tarkhan II tomb. He spent most of his ruling time in Gujarat with Thatta under several Mughal governors; here we observe a return of Gujarat architectural elements at Makli.

### **The Mughals in Sind (1592-1739):**

From 1592 till 1737/39 appointed Mughal governors ruled over Thatta. After the last Mughal governor of Thatta handed the power to Mian Nur Mohammad Kalhora, Thatta lost its political ascendancy and Makli its architectural and spiritual hegemony in Sindh, as the Kalhoras who were themselves religious leaders established a new spiritual and political capital at Khudabad.<sup>16</sup>

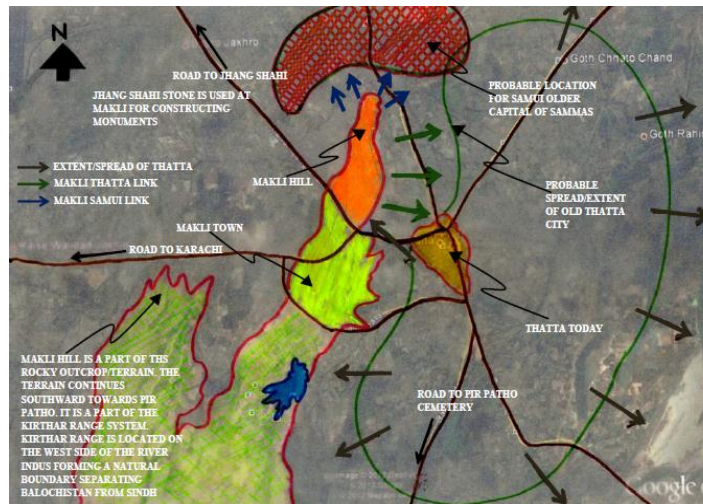
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14 Dani, Ahmad Hasan. 1982. Thatta Islamic Architecture. Islamabad. Institute of Islamic History Culture and Civilization

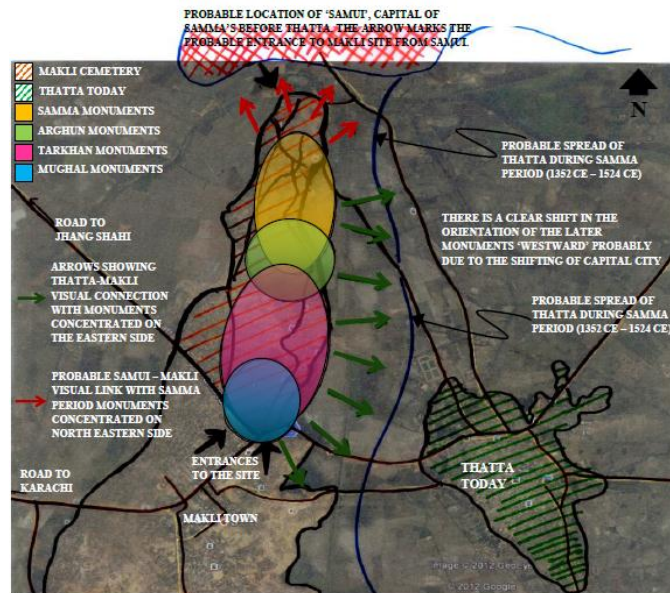
15 For further accounts on Tarkhans in Sind and their history refer: Lari, Suhail Zaheer. 1994. History of Sindh. Karachi. Oxford University Press pages 117-131 and Schimmel, Annemarie. 1983 Makli Hill. Karachi. Institute of Central and West Asian Studies University of Karachi.

16 Lari, Suhail Zaheer. 1994. History of Sindh. Karachi. Oxford University Press.





**Figure 02:** Map showing site of Makli and the vicinity. Road leading to Jhang Shahi is highlighted from where the stone was quarried for construction on the site. (Prepared by the author overlaying on Google Earth image of the site)



**Figure 03:** Map showing site of Makli with respect to dynastic division<sup>17</sup> of monuments and visual link the site might have had with the respect capitals of Samui and Thatta (Prepared by the author overlaying on Goolge Earth image of the site)

### Makli Hill

Many anecdotes are attached as to how the site got the name “Makli”. Some associate it with the traveller going for a holy pilgrimage to Mecca stopping at the site and when seeing the *Jamia masjid*<sup>18</sup> and surroundings exclaimed “*Hadah Makkah li*” (this is Mecca for me) and kept on repeating in state of ecstasy. Shaikh Hammad Jamali the saint, (revered by Samma ruler Jam Tamachi to whom is attributed the founding of the site of Makli) named the *masjid* as Makli *masjid* after the happening. Another story narrates of a pious lady by the name of *Mai* Makli<sup>19</sup> who is buried abutting the wall of the Jamia Masjid on Makli hill near the Samma cluster.<sup>20</sup>

Makli hill has orientation link (fig 02-03) with both the capitals, the earlier capital Samui towards north and later Thatta towards east. The location of the Samma Period monuments is mostly concentrated towards northern side reinforcing the visual Samui-Makli link; also the *Khanqah* of Isa Langoti (revered saint) and Pir Murad’s tomb are concentrated towards the northern extreme. There is a possibility of access to the site of Makli from Samui. There is not much written about this earlier capital of Samma rulers. Dani expresses north of Makli as the possible location for the site where a mound is located today. Most of the land

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17 The distribution of the monuments on Makli site, in the figure is taken from/based on the map in the booklet, Damage Assessment Mission to the Necropolis of Makli at WHS Thatta, Pakistan. 2011. The study was conducted by Heritage Foundation and supported by Prince Claus Fund for Cultural and Development.

18 Jamia Masjid means Friday Mosque which relatively is larger in capacity then regular neighborhood mosques.

19 ‘Mai’ is a Sindhi language word meaning lady or woman, mostly older age ladies are referred to as ‘Mai’.

20 Dani, Ahmad Hasan. 1982. Thatta Islamic Architecture. Islamabad. Institute of Islamic History Culture and Civilization.

around is used for agricultural purposes. In figure 03 and 04 keeping with the accounts of Dani, I have marked the probable location for Samui. The location does correspond with the visual Samui Makli link.

Arghun, Tarkhan and Mughal monuments specially the Mughal were located more towards the southern side of the Makli hill indicating the shifting of the capital and establishing the visual Thatta-Makli link where today is located the main entrance, coming from the highway connecting Thatta with Karachi city. Another attention-grabbing phenomenon is the concentration of tombs and graves toward eastern periphery of the Makli hill, scattered graves and a few tombs are found on the western side as well. This concentration can be justified as the visual Thatta-Makli link was towards north and eastern side.

The activity happening on the western side of Makli hill during heyday of Thatta is difficult to establish. Makli stand on a higher ground being a hill outcrop, the view of tombs of the noblest and learned men may have been mesmerizing. The tombs and graves standing gracefully atop the hill awe inspiring the dwellers of the Thatta city then and for centuries to come.

### **Monuments On Makli Hill**

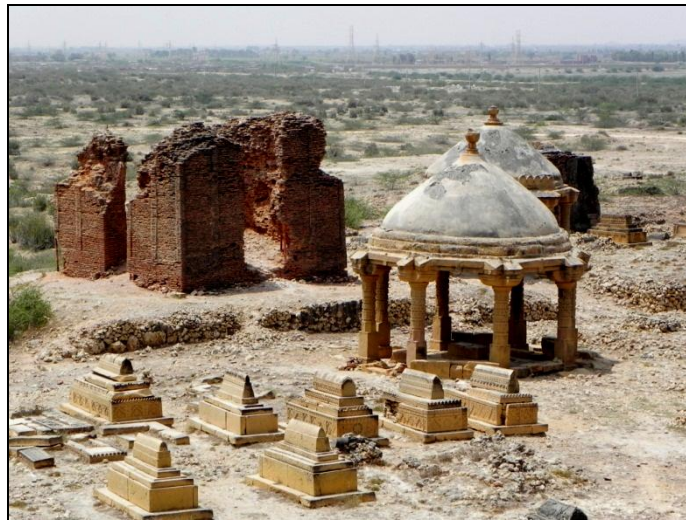
Monuments on site of Makli can be divided into categories by building type and material of construction. Materials used for construction are limestone quarried from Jhang Shahi and brick with glazed tiles. The main building types<sup>21</sup> are:

1. **Tombs**, (Fig: 05-06-08) mostly square chambers with graves inside and a dome on top built both in stone masonry and bricks with or without tile decoration.
2. **Canopies**, (Fig: 04) hexagonal or octagonal “*chattri*” structures open from sides built mostly of stone masonry with dome on top.

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21 Building types are based on personal observation of the site and summarized from Dani, Ahmad Hasan. 1982. Thatta Islamic Architecture. Islamabad. Institute of Islamic History Culture and Civilization.

3. **Enclosures**, (Fig: 09-11) these are open to air enclosures having graves inside and quadrangle in shape built of stone masonry or bricks. Mostly members of the same family are buried inside the enclosure walls.
4. **Graves**, (Fig: 04) open air highly adorned, are spread all over the cemetery having the finest of stone carving patterns on them built mostly of stone. These stone carved graves are found not only in Makli but all around Sindh and Baluchistan areas. Chaukandi graveyard in Karachi has one of the finest of stone carved graves.
5. **Masjid**(mosque), Makli masjid is the only mosque on the hill and it is a *Jamia masjid* built of brick with arcuated structure.
6. **“Khanqas”** (hermitage) are learning spaces where saints teach and preach the disciples and followers. Makli hill has Khanqas mostly from Samma period of Shaikh Hammad Jamali and Isa Langoti and other revered saints.



**Figure 04:** View of stone built canopies and open graves, Samma period. (Taken by the author)



**Figure 05:** Stone masonry tomb of Jam Nizam al-Din, Samma Period. (Taken by the author)



**Figure 06:**– Stone masonry tomb 'enclosure' of Mubarak/Darya Khan, Samma Period. (Taken by the author)





**Figure 07:** Brick built tombs with stone masonry till dado level, Samma period. (Taken by the author)



**Figure 08:** – Brick masonry tomb of Dewan Shurfa Khan, Arghun period. (Taken by the author)



**Figure 09:** Stone masonry tomb and enclosure of Isa Khan Tarkhan II – Mughal / Tarkhan period. (Taken by the author)



**Figure 10:** Outside view of Tomb enclosure of Isa Khan Tarkhan II, Mughal / Tarkhan period (Taken by the author)



**Figure 11:** Brick masonry tomb enclosure and tomb of Mirza Baqi Beg Uzbek, Mughal Period. (Taken by the author)

The brief history of Makli discussed above establishes an understanding of the site where indigenous building traditions marry Central Asian (Arghuns and Tarkhan) traditions. Coming of Arghuns and Tarkhans in Sindh was not the first Central Asian – Sindh interaction. Sindh has witnessed coming of Umayyads (or “Islamic Civilization”) officially<sup>22</sup> in 711/712 CE. Later the region came under Abbasids – Ghaznavid – Ghurid and Delhi Sultanate rulers respectively. Addressing the historic, political and socio-

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22 I use the word officially because in the army of Raja Dahir it is recorded that Muslims also fought with the Umayyad army. Therefore, coming of Islam in my opinion did not happen then although Ummayyads did officially establish themselves in Sindh. Refer Kufi, Ali. Chachnama. Translated by Mirza Kalichbeg Fredunbeg. Karachi: Comissioners Press, 1900 (1224-1226). There are accounts of maritime trade links of Arabs with the East. Refer, Alka Patel article “Of Merchants, Courtiers, and Saints: The Islamic Architecture of Sindh” from Pal, Pratapaditya, ed. Sindh: Past Glory and Present Nostalgia. Mumbai: Marg Publications, 2008. Also refer Flood, Finbarr Barry. Objects of Translation: Material Culture and Medieval “Hindu - Muslim” Encounter. Princeton: Princeton University Press, 2009.



economic frame work of the time is not under the scope of the paper but the point here is to establish, Islam as religion was not an alien phenomenon for the region. Also when it comes to Sindh “the gateway of Islam” securing trade was the primary intention and not the subsequent spread of Islam. “The actual reason for the Arab Umayyad campaign in Sindh becomes clear when we examine the larger geopolitical realities of 8th century. Throughout the previous 100 years, the Arab and various Central Asian powers had been competing to monopolize the land routes linking to China and to West Asia and beyond. Sindh with its strategic coastline on the Arabian Sea and the navigability of the Indus far northward all the way to valley of Kashmir, and Central Asia with its extensive overland links connecting the eastern and western extremes of the vast continent, would together create a formidable trade empire and aid in the spread of Islam to the ends of Asia.”<sup>23</sup>Thatta and its port lined across the coast of Arabian sea attracted many merchants along with saints and scholars as is reflected in the accounts quoted earlier. These encounters led to assimilation of ideas manifest in the literary and material production of the time. I use the word assimilation here because there was already prevalent cultural (architectural) idiom of the region which was adapted to the needs of the new religion and the spaces it demanded like mosques or tombs in case of Makli. The coming of arcuated vocabulary of construction use of calligraphy and Persian epigraphy adoption of Arabic script for writing of Sindhi etc. are few instances to mention. This was however not a unidirectional process the use of lotus, lotus vines and diamond shaped lozenges extant in stone carved monuments of South West Indian find their way into Ghazni. Flood elucidating the multi-directionality of adaptations resulting from cultural encounters gives example of a 12<sup>th</sup> C Ghazni stone cenotaph “Two horizontal friezes define the upper and lower

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23 Alka Patel article “Of Merchants, Courtiers, and Saints: The Islamic Architecture of Sindh” from Pal, Pratapaditya., ed. *Sindh: Past Glory and Present Nostalgia*. Mumbai: Marg Publications, 2008.

edges of the cenotaph: an upper *padmajala* (lotus chain) band and narrow lower band decorated with *padmalata* or lotus vine similar to that framing the *mihrab* in the mosques at Kaman and to some of the friezes found in the Qutb Complex in Delhi. The corners of cenotaph are framed by ringed columns with bifoliate capitals bisected by a single *ardharatna* (half diamond) motif. Numerous parallels for all three elements can be found in the eleventh and twelfth century monuments of Gujarat and Rajasthan<sup>24</sup>. Variations of similar carvings on tombs and grave cenotaphs of Samma period at Makli are present. For modern scholarship the Ghazni cenotaphs might be anomalies that do not fit framework of the monolithic sterilize stylistic/ periodizing method of approaching architecture. Flood criticizes the approach as well based on its reductively and narrow vision. Discussing translation and assimilation of objects he rejects/criticizes bi polar narrative and description of objects is given in the light of exchange and encounters happening in/between 9<sup>th</sup> C - 13<sup>th</sup> C Sub continent and Central Asia. In the wake of trade and conquest a hybrid material culture was being produced. For the paper author studies the site of Makli and architecture produced during Samma period.

## 2: Pluralism in the Wake of Encounters

Samma Cluster spreads over to 5 acre of land<sup>25</sup> constituting funerary monuments from all types mentioned in section 1.1.3.1. Samma builders were well versed in both brick and stone construction as we see tombs (fig 13) built using both the materials. Brick tombs use 'true' arches, domes and vaults that reflect builders' knowhow of the arcuated technique of construction. Stone tombs however exhibiting use of arcuated system basically use trabeated system. We see expression of arches and vaults in stone using technique of corbelling, brackets and inherently post and

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24 Flood, Finbarr Barry. *Objects of Translation: Material Culture and Medieval "Hindu - Muslim" Encounter*. Princeton: Princeton University Press, 2009.

25 Lari, Yasmeen, Suhail Zaheer Lari. 1997. *The Jewel of Sind Samma Monuments on Makli Hill*. Karachi. Oxford University Press.

lintel system which was prevailing building technique in the region, pre-Islam. This may point to availability of workmanship when it comes to building in stone. The region of southern Sindh adjoining Kutch and Gujarat has a long tradition of building with stone. These buildings are extensively decorated with figural and floral motifs mostly in high relief and incised carvings. The pre Islamic construction in the region did not however has an arcuated expression. Why? is a difficult question to answer. There are however theories one can go forward with. For example, the connotations attached with arches being expression of Islam or a desire to replicate the system of construction that was prevalent in the regions from where Islam migrates into Sub Continent. There can be a conscious effort to defer the buildings of Islam from the prevalent Hindu architectural idiom. The attempt through this paper is not to elucidate the reasons behind the motive rather look at the 'hybridity' that resulted with coming of foreign elements in the region.

This is easily said than done looking at the Arabic and later colonial historiographies of India. There is a clear foreignnising and/or indigenousing<sup>26</sup> tone in the narratives relative to the position<sup>27</sup> of the writer. For the colonial historiographers "A Manichean vision of pre-colonial history was .... mobilized around and materialized in medieval monuments, which consequently emerged as sites for the construction and (re) negotiation of a dyadic past. Especially after the mutiny of 1857, this contrast between the arbitrary violence of Muslim rule and rational benevolence of British administration was often articulated around figurations of a golden "Hindu" past subject to "Muslim" rupture"<sup>28</sup>.

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26 Flood, Finbarr Barry. "Lost in Translation: Architecture, Taxonomy and the Eastern "Turks"." *Muqarnas* 24 (2007): 79 - 115.

27 Anthony King discusses the position of writer and production of scholarship King, Anthony. "The Politics of Position: Inventing the Past; Constructing the Present; Imagining the Future." *TDSR* IV, no. 11 (1993): 9-17.

28 Flood, Finbarr Barry. "Lost in Translation: Architecture, Taxonomy and the Eastern "Turks"." *Muqarnas* 24 (2007): 79 - 115



For the Muslim historiographers “the corbelled arches of the Indian workmanship were seen inferior versions of the real thing”<sup>29</sup>. There is third version of history of architectural production of the region by Indian/ Hindu writers undermining or totally neglecting certain foreign elements that emerged in the wake of Ghurid dominance of the region. The case of north wall mezzanine enclosures in mosques of Ghurid period in Subcontinent is one such example<sup>30</sup>. The proliferation of such historiographic narratives in the scholarship makes it difficult to produce an alternative way of looking at the monuments produced when Central Asia/Arabic/Persian architectural practices met the local Indian practices.

The problem is however not central to the region under discussion. The study of hybridity and prevalence of multi-layered modes of exchange in the material culture is the product of post-colonial studies in the wake of globalization. Where ‘decline’ of a culture due to emergence of hybrid forms and monolithic sterilize narratives of culture are challenged and re negotiated. These “new” approaches delve into archives to bring to fore travel accounts, trade routes and subsequent interactions and human and material mobility both in modern and pre-modern cultures and look at assimilations and appropriations. Exchanges (re) defining the cultural landscape rather the ‘clash of civilizations’<sup>31</sup> a more nuanced approach of writing history and production of scholarship.

This paper is an attempt toward the same, reading site of Makli (looking at Samma Monuments for the paper) based on permeable nature of the site where architectural (social and cultural) idioms converged and diverged from. A flow of ideas happening and site being in constant flux that

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29 Flood, Finbarr Barry. “Lost in Translation: Architecture, Taxonomy and the Eastern “Turks”.” *Muqarnas* 24 (2007): 79 - 115

30 For further information, read Flood, Finbarr Barry. “Lost in Translation: Architecture, Taxonomy and the Eastern “Turks”.” *Muqarnas* 24 (2007): 79 - 115

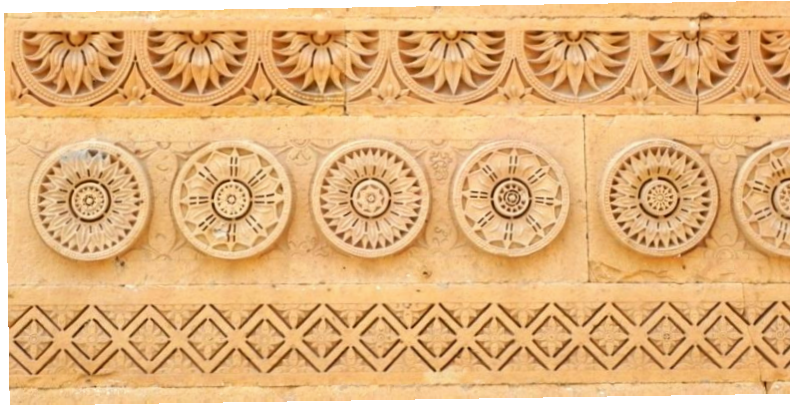
31 After Samuel Huntingtons clash of civilization and change of world order.

manifested in the monuments bearing testimony of pluralistic nature of the region.

Glancing at Tomb of Jam Nizam al Din (fig 05) the most celebrated and elaborately decorated tomb of Samma Period, there are symbolic features used as the decorative and ornamental motifs on the façade and in the interior of the chamber. These patterns are not inherently 'Islamic' in nature as is the case with the form (form is archetypical domed square chamber will be discussed later in the paper). The decoration borrowed/adopted from the indigenous regional Hindu/Buddhist traditions. Some of the motifs have underlying transcendental meaning associated with them. The use of those motifs in the design of the tomb may have a symbolic meaning. The lotus flower (called *Padma* in Hindi) pattern used in the third and fourth decorative bands (fig 14) is a symbol of creation. "In Hindu mythology, the lotus is indicative of presence of goddess Lakshmi and considered a symbol of sun, representing the womb of universe which gave birth to all creations"<sup>32</sup> lotus is also the national flower of India. Flood discusses use of lotus vines and flower migrating all the way to Ghazni (see quote/note 24). This reflects on the fact that an acceptance of local traditions existed and a favoured symbolic (albeit floral) vocabulary for ornamentation might have been establishing and spreading in the region way before Makli was even conceived.

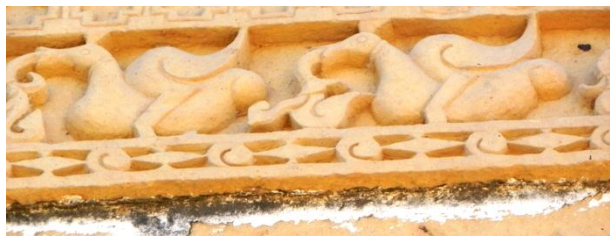
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32 Lari, Yasmeen, Suhail Zaheer Lari. 1997. *The Jewel of Sind Samma Monuments on Makli Hill*. Karachi. Oxford University Press.



**Fig 14:** Second, third and fourth decorative bands, Tomb of Jam Nizam. (Taken by author)

There is a peculiar goose motif used in the tenth band of the tomb (fig 15). This is first instance of use of animal imagery on a Samma Monument. The geese/gander is called *Hamsain* Hindi/Sanskrit. In Hindu mythology the gander is equated with the sacred *hamsa* and is frequently found in Hindu temples where god Brahma is shown soaring on his charger – a magnificent gander. The gander is a migratory water bird, which flees from Central Asia to almost all parts of the Sub-Continent during winter months. Thus, Hindu *yogi* once free from the bondage of rebirth is said to attain the rank of the *hamsa*. It has been suggested that in the case of “*Maqbara* of Jam Nizam al-Din, gander symbolizes the flight of the soul to heaven”<sup>33</sup>. The mention of birds of paradise is prevalent in the Muslim theological discourses as well.



**Fig 15:** Tenth decorative band of geese, Tomb of Jam Nizam. (Taken by the author)

At the entrance threshold of tomb there is a 'moonstone' shaped like a circular step (fig 16). The moonstone is found in the Hindu-Buddhist temples and signifies the cycles of birth, death and *bardo*<sup>34</sup>. Threshold signifies a point of departure from one state to another like an entrance to the mosque can signify entrance from profane to the sacred. Hence the requirement to perform ablution reflects an act of cleansing and purifying. Here, in tomb of Nizam al din according to my understanding the moonstone may signify one of the cycles of life, death and *bardo*, the departure of the soul to the realm of death beyond the world of the living.



**Fig 16:** Moonstone detail from the western entrance, Tomb of Jam Nizam al Din.

Another peculiar motif on Jam Nizams tomb is a miniature *sikhara* on the balcony ensemble (*jharoka*) of the west façade. *Sikhara*, a Sanskrit word meaning 'mountain peak'<sup>35</sup>, is a roofing device in Hindu temple sanctuary. The presence of the *sikhara* and other indigenous Hindu elements in the design probably compelled historians like Henry Cousens to comment "much of the sculptured elements had been removed from one or more Hindu temples".<sup>36</sup>

34 Bardo means the state of soul between death and rebirth ([www.wikipedia.org](http://www.wikipedia.org)).

35 From [www.wikipedia.org](http://www.wikipedia.org) Sikhara, is a Sanskrit word translating literally to "mountain peak", refers to the rising tower in the Hindu temple architecture.

36 Lari, Yasmeen, Suhail Zaheer Lari. 1997. The Jewel of Sind Samma Monuments on Makli Hill. Karachi. Oxford University Press.





**Figure 17:** Miniature *Sikhara* detail on balcony ensemble on the west façade, Tomb of Jam Nizam.  
(Taken by the author)

It is evident from illustrations above that Jam Nizam's tomb borrows from the prevailing traditional Gujarat/Kutch motifs the reason can be availability of artisans and their expertise. The Samma rulers were native people and later converted to Islam and their predecessors belonged to Hindu Rajput clans. The use of motifs may also suggest their affection towards the prevailing tradition and craft. The structural system adopted trabeated, as discussed above, might also reflect at the availability of masons who were trained to build in post and lintel system since ages.

Fragments of the tombs' surface decoration illustrated above opens up a debate whether the monuments were Indic or Islamic/Muslim. The lotus, moonstone, geese/gander and *sikhara* adorning Jam Nizams' tomb were pre-Islamic local ornamental features symbolically charged what place they had in a "Muslim/Islamic" tomb? In my opinion the narrow vision these categorizations provide is the reason imagining the cultural diversity and free flow of artistic ideas becomes incomprehensible.

There was Sindh-Kutch-Gujarat architectural tradition present that only gets categorized due to post partition

separation of the area. All the three regions shared similar maritime tradition. Between the Sammas and rulers of Gujarat and Kutch there were marital relations as well as political alliances. Scholarship from both sides of the border though has slightly differing views. Hassan states; “The architecture of Thatta was influenced greatly by the cultural traits it frequently received from the neighbouring Gujarat and far off Central Asia. The influence from Gujarat is very much manifest in the buildings constructed chiefly during Samma period. The Sammas were originally Hindu Rajputs who had subsequently embraced Islam. The synthesis of the indigenous and foreign elements culminated in the emergence of a peculiar style of architecture at Thatta”.<sup>37</sup> Patel on the other hand states; “Numerous tomb structures at the necropolises of Chaukhandi and Makli Hill are quite clearly related to the traditions of the Maru-Gurjara ambit of Gujarat-Rajasthan, both in their lithic trabeate construction as well as their iconography”.<sup>38</sup> The pictorial evidence and political regional histories are suggestive of a prevalent building tradition in the region of Lower Sindh and the neighbouring areas of Gujarat and Rajasthan to the west and Baluchistan to the east. The origin can be anywhere in the region but it definitely was a widespread practice with regional variations and preferences. Tracing the roots of Hindu, Buddhist and Jain architectural practice pre-Islam, may provide answers to the origin problem for whoever is looking for them. But one cannot overlook the conscious flow of ideas within the neighbouring regions. The “style” (for lack of better word) assimilated variables from other ‘styles’ over time and kept continuing for centuries despite the political and religious changes. There was more artistic porosity and plurality within the region than we expect, due to the present conditions.

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37 Hassan, Shaikh Khurshid. 2001. *The Islamic Architectural Heritage of Pakistan: Funerary Memorial Architecture*. Karachi. Royal Book Company.

38 Patel, Alka. 2004. *Building Communities in Gujarat: Architecture and Society During the Twelfth through Fourteenth Centuries*. Netherlands. Brill Leiden

Similarly, the case of using trabeated system expressing arcuated form of construction was not a novel idea in early 16<sup>th</sup> Century when tomb of Jam Nizam is constructed. In the Qutb complex we see this struggle with technical expertise of the artisans and mason available, the prevalent architecture and the wish of the patron. The result is a synthesis where the wish of the patron and expertise of artisans reach a common point of agreement. For study of evolution of true arch system in Sub Continent these buildings become prime examples. Structural syncretism is coupled with formal appropriations. Use of domed square chamber on a site where canopies were being built earlier is telling. Again Sammas could built true arches with brick and domed square chambers were constructed in brick prior to Jam Nizams Tomb but then why use stone for construction? As Holly Edwards suggests there is a possibility of stone being the favoured material and not brick. The practice of architecture in the region and the remaining monuments do favour stone. Enumerating stone v/s brick monuments in lower Sindh and Gujarat would be tedious and redundant task. Nevertheless, in comparison with upper Sindh and Multan region stone construction is more prevalent for monumental construction in Lower Sindh.<sup>39</sup>

### **Conclusion**

“Objects are capable of narrating their own transformation and through dialogue with other objects can articulate at least some perspective on cultural path ways they may have followed and the meaning they have accrued - and shed - along the way”<sup>40</sup>. This way of looking at material culture production in the medieval pre modern context will generate a body of scholarship that deals with pluralism and porosities. Where “there are no centres, there are no

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39 Refer Hassan, Shaikh Khurshid. 2001. *The Islamic Architectural Heritage of Pakistan: Funerary Memorial Architecture*. Karachi. Royal Book Company.

40 Walker, Alicia. 2008. *Cross-Cultural Reception in the Absence of Texts: The Islamic Appropriation of a Middle Byzantine Rosette Casket*, *Gesta* Vol. 47, No. 2. 99-122. University of Chicago Press International Centre of Medieval Art. Chicago.

edges"<sup>41</sup> and to add there are no salvagers and civilizers. Material culture is produced through interactions and exchanges of artisan coming from varied geographies. They at times settle or move forward or go back leaving behind traces of what they brought and what they took with them. Human mobility is a phenomenon that through trade, travel or conquest has produced dissemination of cultural idioms manifest in tangible and intangible production may it be architecture, literature, poetry or other forms. Looking at Makli there is an attempt towards reading material production through lenses that foster global interaction and fluidity. Although it may sound anachronistic as these ideas or theories are post-colonial and post structuralist in nature which is a very current scholarly trend. In the wake of de colonization post-colonial studies emerged and to (in my opinion) highlight reductivity of structuralist approach post structural studies emerged. The reasons are not important what is important is that these theories demand a re look at pre modern historiography. Time is ripe for producing an architectural history that deviates from grand linear narratives and looks at architectural production as a result of varied range of agencies overlapping. Finding multi-disciplinary resources and producing something coherent can become taxing.

Looking at Makli the author does not put architecture under umbrella of styles, archetypical formal canon or Indic Islamic debate, but rather look at desire of patrons and skills of the artisans. The decorative program at the site is extensive, for 400 years it continues and assimilates wishes of patrons coming from distant or nearby geographies and expertise of artisans. The little deviations in the pattern of development like use of stone for a domed square pavilion rather than brick are telling evidences that need further study. Coming of 4 iwan plan at a later date on site and continuation of *chattri* pavilion are but a few such occurrences to be looked at. The evolution of decorative program from indigenous to

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41 Upton, Dell. "Starting from Baalbek: Noah, Solomon, Saladin and the Fluidity of Architectural History." *Journal of SAH* 68, no. 4 (2009): 457-465.

arabesque calls for considering, did the local artisan develop a foreign acumen or foreign artisans were employed at later dates for the purpose. There may be tradition where the artisans local and foreign informed each other and formed a more symbiotic relationship. Research at this point allows posing these questions which will require further archival investigation and extensive field research. A cursory look at the cited examples nevertheless highlights potential of the further study into the topic.

## **Heterodox Traditions of Udasipanth in Sindh: Case Study of Sri Chand Darbar, Thatta**

**Zahida Rehman Jatt\***

### **ABSTRACT**

*The Heterodox religious practices are a unique feature of South Asian region where a number of religions not only thrived side by side but also borrowed elements from each other and thus acquired a distinctive yet inclusive identity. This research paper is an attempt to explore the dynamic and heterodox traditions of Udasipanth by especially focusing on Sri Chand Darbar in Thatta, Sindh (Pakistan). Udasipanth is a heterodox religious tradition founded by Sri Chand (1494-1643), son of Baba Guru Nanak (1469-1539), founder of the Sikh faith. The term Udasi is originally derived from Sanskrit word Udas or Udasin i.e. one that is indifferent to or disregarding of worldly attachments or is stoic or a mendicant Panth means a way or path. Sri Chand also travelled to Sindh and subsequently later Udasi Sants (saints) came here and established darbars at many places. Over a period of time, Udasis adopted various religious practices that are common among South Asian religions, also absorbing local and regional influences that made this order even more syncretic. Through various representations,*

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*iconography, imagery and symbology at Thatta darbar, a number of elements and features from Sikhism, Hinduism, Sufism and Nathism are included and have become an integral part of the practices.*

*The aim of this paper is to bring to light the religious diversity of South Asian region by exploring the cult of Udasipanth in Sindh which has not been researched in an Anthropological perspective so far. As in contemporary South Asia, religious extremism is on the rise, finding such heterodox traditions still thriving in some regions is very interesting as it reveals a new face of it where defying the orthodox religious boundaries and engaging into heterogeneous religious practices is appreciated and maintained.*

### **Introduction**

The province of Sindh is known for its diverse religious practices that are quite heterogeneous and inclusive in character. The form of Hinduism that is practiced in Sindh is a blend of many religious beliefs, cults and sects that add to and complement its syncretic nature. The Hindus of Sindh are followers of many different traditions, however the most notable among them are *Nanakpanthis* (followers of Guru Nanak), *Daryapanthis* (followers of river deity Uderolal or Jhulelal), and *Udasipanthis* (followers of Sri Chand, discussed in detail later on). As a 'marginal' region located away from the main centres of orthodox Hinduism and influenced only indirectly by strongly centralized Muslim states, Sindh developed its own quite distinctive religious character.<sup>1</sup> These multiple practices were often seen sceptically both by colonial authors as well as by people from other regions. For example, Aitken holds that 'there is after all very little religion in Sindh that would be recognized Hinduism in the rest of India....the prevailing religion of

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1 Ahmed Salim. *Partition of India the Case of Sindh: Migration, Violence and Peaceful Sindh* Working Paper Series No.97, (Sustainable Development Policy Institute, Islamabad 2004), 8.

Lohana in Sindh is a blend of the two faiths in varying proportions'.<sup>2</sup>

The upheavals of partition caused a large number of Hindus to migrate to India; an estimate states 800,000<sup>3</sup>, however still there are considerable numbers left in Sindh. Today Pakistan's Hindu community comprises around six to ten million people-an estimate that varies widely according to the source.<sup>4</sup>

The Hindus of Pakistan represent a variety of sects and faith communities. Many-especially in the rural areas –follow the teachings of local Sufi *Pirs* (Urdu. Spiritual guide) or adhere to the teachings of the 14<sup>th</sup> century saint Ramdevji. Other communities worship Mother Goddesses as their clan or family patrons, who must be regularly appeased with blood sacrifices. A different branch follows the teachings of the Guru Granth Sahib, better known as the holy book of the Sikhs<sup>5</sup>.

After partition, Pakistan chose to become an Islamic republic. Majority of its population comprises of Muslims, but it has another lesser known face where it still has some old traditions established by Hindus and Sikhs. Getting one step ahead, some of these religious places are very syncretic in nature where one would find it hard to categorize them because of their all-inclusive nature. While, the religious revivalism preaches to strictly follow a narrow interpretation of religions in South Asia generally, here in Sindh one would find the boundaries very flexible, prone to overlapping and coexisting. Therefore, these places are quite unique where people from different faiths visit the same space, worship there and remain peacefully. The most notable example of

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2 Mark Anthony Falzon *Cosmopolitan Connections : The Sindhi Diaspora 1860-2000* Koninklijke Leiden : Brill, 2004), 52.

3 Tahir Mehdi "The Invisible Partition of Sindh", *E-Dawn*.  
<http://www.dawn.com/news/1036021> (accessed July 17, 2016).

4 Schaflechner Jurgan, "Hinglaj Devi: Identity, Change, and Solidification at a Hindu Temple in Pakistan" Unpublished Ph.D *Diss.* (University of Heidelberg, 2014), 1.

5 *Ibid.*



this peaceful coexistence is the shrine-temple complex located at Uderolal town near Hyderabad which is related to Hindu saint Uderolal or Jhulaylal, whom Muslims call Khawaja Khizar and Sheikh Tahir.<sup>6</sup>

This article explores the origin of an ascetic tradition called *Udasipanth* in Sindh and focuses on the Sri Chand *darbar* in Thatta. Like everywhere else in Sindh, this *darbar* also houses common features that are usually associated with separate and distinct religions like Sikhism, Hinduism *Nathism* and *Bhagti* or *Bhakti* tradition. Thus, contrary to the commonly held perceptions of orthodox religious practices, this *darbar* also defies the established norms and presents an inclusive and heterogeneous picture of religious practices in Sindh, something that is rapidly dwindling everywhere else in South Asia.

#### ***Udasipanth*: A Brief Introduction:**

In the first chapter of her thesis Sandhu describes *Udasis* as 'In Sikh history, the term *Udasi* firstly refers to the travels or missionary tours of Guru Nanak (1496-1539) and secondly, it signifies an order of ascetics founded by Baba Sri Chand, the elder son of Guru Nanak. Originally, it is derived from the Sanskrit word *Udas* or *Udasin*, i.e. the one, who is indifferent to or disregarding of worldly attachments, or is stoic or a mendicant. In modern Sikh usage, the term designates an Order of ascetics who revere the *Guru Granth Sahib* and claim Sri Chand as their founder.<sup>7</sup>

Baba Sri Chand, the founder of *Udasipanth* is an important figure in Sikh history. In a booklet published by Gobind Sadan society in 2006, an elaborate account of Sri Chand's life is given 'Baba ji was born in 1494 (to Baba Guru Nanak and Mata Sulanki Devi), in Sultanpur Lodhi, District Kapurthala, Punjab. He was a yogi from birth, his right ear lobe extended into natural ring. Many consider him an

6 Jatt, Zahida Rehman "Jhulay Lal's Cradle of Tolerance" *E-Dawn*. June 3, 2015. <http://www.dawn.com/news/1185942/jhulay-lals-cradle-of-tolerance>

7 Kiranjeet Sandhu, "The Udasis in the Colonial Punjab: 1849A.D-1947 A.D" Unpublished Ph. D *Diss*, (Guru Nanak Dev University Amritsar 2011), pp.1.

incarnation of Lord Shivaji. Baba Ji was in one sense Guru Nanak Dev Ji's first disciple, learning meditation and spiritual truths at his holy feet. He carried Guru Nanak Dev Ji's message throughout the subcontinent from Sindh to Sri Nagar and from Kandhar to Kabul. Sri Chand's relationship with the first six Sikh Gurus was quite amiable and he even helped Guru Arjan Dev in compiling *Banis* for Granth Sahib. In 1643, when it was time for Baba Ji to leave the world he marched towards the jungle (in Chamba) on a nearby hill, bid goodbye to those following him, and in a twinkling of an eye, disappeared. Baba Ji's body was never found<sup>8</sup>.

Early *Udasis* established four *Dhuans* (smouldering hearths) which became active centres of their missionary work. Each *Dhuan* came to be known after the name of its principal preacher; Almast, Balu Hasna, Goinda or Goind Sahib and Phul Sahib.<sup>9</sup> The *Mahants* belonging to these initial *dhuans* then spread across and set up their own establishments. The *Udasi* centers are known by different names like *dhuans*, *darbars*, *akharas*, *dharmasala* and *Gurdwaras*. Over the period of time, the *Udasipanth* integrated new ideas and regional influences as well making it quite heterogeneous in forms and practices.

Kiranjeet Sandhu describes the influence of *Udasis* and other Sikh monastic orders as 'On the other hand, the Nirmala, *Udasi* and *Sewapanthi* monastic orders of Sikhism were engrossed in opaque exegetical exercises in their respective establishment of *deras*. Although, marginal to the everyday concerns of the Punjabis, institutionally they were deeply entrenched through *dharmasalas*, *patshalas* etc. and continued to be a source of knowledge for the Punjabis.<sup>10</sup>

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8 *Baba Siri Chand ji, Loving Son and True Follower of Guru Nanak Devji*, Edited by Singh, Ralph, Gobind Sadan Society of Interfaith Understanding Sterling Press Private Limited, New Delhi 2006.

9 Sandhu "The *Udasis* in the Colonial Punjab".

10 Sidhu, Sumail Singh "Contesting Vision of Sikh Identity in Punjab 1800-1930" Ph.D *Diss* (Centre for Historical Studies, School of Social Sciences, Jawaharlal Nehru University, New Delhi 2007), 5.

Like other religious groups, *Udasis* also have devotional literature that is of various kinds. The *Udasi* literature begins with works attributed to Baba Sri Chand include *Matre Shastra*, *Aarta*, *Guru Gayatri*, *Saharsarnama*, *Matravani* and commentaries on the *Vedas*, *Upanshids*. In *Udasi* literature, *Matra* has a special connotation. It stands for incantation, a sacred text; or the sacred magical or a sacred formula addressed to the deities; a mystical verse or a counsel to the disciple, charm or spell.

Though *Udasipanth* originated and flourished in Punjab, however it also spread to Sindh through Sri Chand's and later *Udasi* saints' missionary travels. Before partition, *Udasi* establishments in Sindh thrived but with the exodus of Hindu population, the new centres are no longer established, although the older are still functional. *Udasipanth* in Sindh has not received much attention from the scholars and most of the work on *Udasis* is being done in East Punjab.<sup>11</sup>

### ***Udasipanth* in Sindh**

Mathew Cook argues that most of the Sindhi Hindus living in Sindh (and also those who migrated during and after partition) are migrants from Punjab who fled the financial crises and Mughal oppression and arrived on the lower Indus region during the eighteenth century.<sup>12</sup> The same is also mentioned in the gazetteer of Sindh 'the present race (of Hindus) is almost entirely of Punjabi origin as their features, manners, religion, ceremonies, and opinions, as well as their names sufficiently prove.'<sup>13</sup> However, when they came to Sindh which is a region known for its mystics and poets, the Hindu religion tinged with Sikhism and *Nanakpanth* also absorbed some of the regional Sufi

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11 Sandhu, "The Udasis in the Colonial Punjab".

12 Matthew A. Cook. *Getting Ahead or Keeping Your Head? The Sindhi Migration of Eighteenth Century India in Interpreting the Sindhi World Essays on Society and History*, Cook and Boivined, (Karachi: Oxford University Press, 2010), 133-34.

13 A.W. Hughes. *A Gazetteer of the province of Sind*.

elements making their already diverse religion even more syncretic.<sup>14</sup>

As *Udasi* movement was also at its peak in Punjab at that time<sup>15</sup>so Sindhi Hindus also revered *Udasi* saints; some of which came to Sindh and established *Udasi* centres in Sukkur, Shikarpur and other cities and picked up following among Hindus living there. Kalhoro lists *Udasis* among the five classifications of Sindhi Hindu religion that is currently practiced in Sindh. He goes on to describe that, 'in the current religious gamut of Sindh, *Udasipanth* and the followers of Guru Gobind have been merged into one broader group of *Nanakpanthis* or *Nanakshahis*.<sup>16</sup>He also describes a minor distinction between the two sects as the *Udasi* place of worship is always called a *darbar*, while *Nanakpanthi's* as *tikano*. (*ibid.* p.5) However, these sectarian boundaries diluted after partition and today, practically there is no marked distinction between *Udasis* and other Hindus and they equally revere Guru Nanak and Sri Chand in *Udasi* centers across Sindh.

While referring to Holy Scriptures of Sikhs, Hughes writes 'These sacred volumes are placed in *Dharmasals* or places devoted to their reception and a fakir (called an *udhasi*), with a *murid* (a young follower technically called a "tahlío") are set to watch over and preserve them.<sup>17</sup> Thus we can trace the origin of *Udasis* from the latter half of nineteenth century, when they used to serve in *dharmasalas* and were appointed to preserve the sacred book. It also illustrates that *Udasis* were considered quite favourable and were given an important position in the contemporary religious hierarchy.

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14 Steven W. Ramey. *Hindu Sufi or Sikh; Contested Practices and Identifications of Sindhi Hindus in India and beyond* (New York: Palgrave Macmillan, 2008).

15 See Sandhu "The Udasis in the Colonial Punjab".

16 Z.A. Kalhoro, *Art of Hindu and Sikh Darbars in Perspectives on the Art and Architecture of Sindh*, (Endowment Fund Trust, 2014), 4-5.

17 Hughes, *A Gazetteer of the Province of Sind*, 110.

Sadh Belo which is by far the largest *Udasi* establishment in Sindh is located on an island inside river Indus near Sukkur city. It was established by Baba Bankhadi Maharaj and is also mentioned in literary sources dating from pre-partition times. In a booklet published in 1940, Sadh Belo is mentioned as 'it is related to Udasi Sadhus which is also known as Vankhandi asharm'.<sup>18</sup> It is mentioned in gazetteer of Larkana district (1919) that 'it is the seat of a Hindu hereditary Sadhu who daily feeds fifty followers 'in turbans of their own hair'. Burton says that he came after the British conquest. He is held in highest respect throughout Sindh.<sup>19</sup>

It is important to note that Sadh Belo is one of the important *Udasi* centers in the subcontinent and it still receives thousands of visitors from across Sindh during annual festival.<sup>20</sup> Before partition, learned *Udasisadhus* lived here and wrote books about *Udasipanth* in *Gurmukhi* script that still provide important historical information on this religious order. For example, Pandit Brahmanad Udasin wrote *Guru Udasin Mat Darpan* in 1923 and Harinam Das Udasin wrote *Jagad Guru Sri Chandra Ji Ki Matra steek* in 1940 both of which were published from Sukkur.

Apart from it, there are many other *Udasidarbars* in upper Sindh, most notably Khatwari, Masand, Santokh Das, Baba Tulsi Das Udasi and *Chhat* darbars in Shikarpur and Halani darbar in Naushehro Ferozdistrict Kalhoro and Sandhu describes that Sant Rein (who was a renowned *Udasi* Sadhu) established three *deras* in Halani, Sindh Pakistan.

### **Sri Chand Darbar in Thatta:**

#### **Thatta and Sri Chand's Visit to Sindh:**

Sri Chand travelled to the far off corners of the subcontinent and spread his message, during one of such sojourns he

18 Parasram Sukkur Soohnaro Veerumal *The Beautiful Sukkur* Sundar Shevak Sabha, (Sukkur: Parmatma Electric Press, 1940), 86.

19 J.W. Smyth (ICS) *Gazetteer of the Province of Sindh B Volume III Sukkur District* (Bombay: Government Central Press, 1919), 61.

20 "Annual Event: Celebrations at Sadh Belo Temple conclude" *The Express Tribune*. June 4, 2015.

also came to Thatta city of Sindh. In order to commemorate his visit, the followers built a *darbar* there. (Fig.1) Thatta is an old and historic town of Sindh and it is of great antiquity. It is located 100 km East of Karachi. The antiquity of Tatta is unquestioned. The Patala of Greeks has been sought for in its position and it has been accepted by Historians.<sup>21</sup> Outram assigns its foundation to the year 1445, but other writers state that it was not founded before A.D 1522.<sup>22</sup>

In historical sources, it is mentioned that 'Sri Chand visited Dwarka in Gujrat and also travelled to Kahsmir, Chamba, Sindh, Baluchistan, Kabul.<sup>23</sup> She also describes that under the *Dhuan* of Almast, the centres of *Udasis* were established in Bangla Desh, UP, Punjab, Multan and Sindh.

Some Sindhi books mention Sri Chand's visit to Thatta. These sources describe a similar brief version of Sri Chand's travel to Thatta that is ' it is said that after staying in Kartarpur, Sri Chand came to Sindh and visited Thatta, where he settled two km East of the city on the bank of river Indus. At that time, Mirza Baqi Baig was the sovereign of Thatta. When Hindus of the surrounding areas knew of his arrival, they came to see him in secret. He also felt that Hindus are being persecuted there and they can't worship freely, so he comforted and solaced them. Mirza Baqi was told by people that a religious man has arrived in Thatta who has instructed Hindus to engage in *Pooja-paat* (worship). On hearing this, Mirza Baqi replied that he is a crazyman, leave him alone. When Sri Chand heard this remark, he smiled and replied, this ruler himself is crazy and out of wits. Eventually, Mirza Baqi really became insane. Mirza Jani Baig succeeded him and made peace with Sri Chand; whereby Hindus were allowed to worship freely in their

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21 Alexander Burnes cited in Mubarak Ali *A Social and Cultural History of Sindh*, (Lahore: Fiction House, 2005), 133.

22 Hughes, *A Gazetteer of the Province of Sind*, 841.

23 Sandhu "The Udasis in the Colonial Punjab", 15.

temples. After spending time here, Sri Chand came back to the Kailash Mountain in Hindustan.<sup>24</sup>

### **Description of *Darbar***

The locals say that they have been hearing from their ancestors that Sri Chand came here with only a loincloth on his body, sat under a tree and lighted the sacred fire, *dhuni*. From that day on, this place is revered and later on a building was erected over it. Gradually, people from far off places started coming there and worshipping the *dhuni* which is the centre of attraction and reverence, a practice that is still being followed. A *mela*, annual fair is also held on every new moon night and a bigger festival is arranged here in *bhadra* (August-September) month of Hindu calendar. It is also called 'Raj Ghaat or Raj Haat' darbar.

Advani describes Thatta Darbar as outside the city of Thatta, 'Raj Haat' darbar is famous. Its first Gaadinashin (caretaker, guardian or presiding priest) was Bao Balkaram sahib. After igniting dhunis in Jalalpur and Fatehpur in Punjab, he came to Thatta in Kalhora reign and established a village near the river (Indus). Among his successors, Bao Poorandas and Bao Lachhman Das have been famous sants (saints).<sup>25</sup>

The present structure is a large colonial era building having a community kitchen (*bhandaro*), resting places, several rooms for worship, a *gaoshala* (shed for cows) and a stage for ceremonies. (Fig.2) On entering the vast complex, first there is a small *Samadhi* built by *Sant* Poohoram and second structure is a room housing *Samadhis* of twelve *mahants* of this darbar. It was built by Bawa Uchaldas in 1934. This room is built on an elevated plane and a flight of stairs lead to it.

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24 Fehmida Hussianed., *Encyclopaedia Sindhiana*, 1<sup>st</sup> Volume *Sindhi Language Authority* (Hyderabad: Sindh 2009). See also Rasool Bux Tamimi *Thatto Sadiyan Khaan (Thatta through the centuries)* (Kandiaro: Roshni Publication, 2003), 190-191.

25 Bhurmal Meharchand Advani *Sindh jay Hindun ji Tareekh (History of Sindhi Hindus)*, (Kandiaro: Repr Roshni Publication 2006), 91.

By crossing the verandah, there is yet another small room that is called *dhuni sahib*. This is the sanctum sanctorum of *darbar* and it is built on the spot where Sri Chand first lighted the sacred fire under a tree. The tree is no longer there and *dhuni* is covered by a domed structure that is closed from all sides having barred windows from which one can see inside. (Fig 3) It is here that daily worship is held twice a day, early in the morning and at sunset. The worship starts by lighting the sacred fire using cow dung and natural oils, people also consider the ashes sacred and take them believing it would cure the sick.

### **The Heterodox Traditions and Practices of *Udasipanth* at Sri Chand Darbar Thatta**

*Udasis* as a sect or religious group are very heterodox. Singh describes 'In addition to the *Kirtan, Sohila, Japuji* and *Rehras* of the orthodox Sikhs, they chanted the *Matras* of Sri Chand and the compositions of Kabir, Mira Bai, Sur Das and others. Their practice of keeping the *dhunas* or the continuous fire and their belief in the doctrines and practices of the Hatha-Yoga clearly indicate their heterodoxy. For the attainment of salvation, they followed more keenly the Hindu ways, the *gyan, karam* and the *bhakti Margas*.<sup>26</sup>

Likewise, Sri Chand *darbar* at Thatta also manifests a number of elements and features drawn from different traditions and religious orders. The visual medium especially represents overlapping features and testify to the heterodox nature of *Udasi* believes. The entire building contains many rooms devoted to paintings, posters and icons of Sikh religious figures, Hindu deities, episodes from scriptures and so on. They display various features related to totally separate religious traditions and orders as represented through iconography, symbology and imagery.

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26 Sulakhan Singh *Heterodoxy in Sikhism: An Exposition of Some Sectarian Developments* (Paper Presented in 'International Sikh Conferences' 2000), 5.



### **Sikhism at Sri Chand Darbar**

Because *Udasipanth* has historically remained very close to Sikhism, so it has absorbed many traditions and practices that relate to Sikh faith. Oberoi (1994) mentions that 'The differences between Khalsa and Sahajdhari categories of thoughts and their concepts of persons can be better understood by looking in some detail at the Udasis, perhaps the most conspicuous and widely patronized segment among the Sahajdhari Sikhs. Members of these orders gradually began to manage key Sikh shrines across northern India, including the Harimandir for a short time and also set up their own establishments at pilgrimage centres like Amritsar, Hardwar and Banaras.<sup>27</sup> *Udasis* especially enjoyed considerable patronage during Sikh rule (1799-1849) in terms of land grants and money. However, their popularity waned during the rise of Singh Sabha movement towards the end of 19<sup>th</sup> century.

In Sri Chand *darbar*, there are many elements at display that show the *Udasi* reverence of Sikh faith. The main hall has a copy of *Granth sahib* reverentially covered over with a shimmering cloth. On the back of this hall, there is another small room where *Granth Sahib* is laid to rest. This room has a *sandal* (cot) for *Granth Sahib* on which a large portrait of Guru Nanak is placed. The room is adorned with a large number of photos of Guru Nanak, Sikh Gurus and Harmandir (Golden Temple at Amritsar). (Fig.4)

The various features of Sikhism are not only just for display but the ritual practices at *darbar* also relate to them. All the scriptures in the Darbar are covered with Rumaal. These are brought to the Darbar by various people coming from all over the country.<sup>28</sup> The male devotees when they come to *darbar* have to cover their head by a handkerchief, head cover or

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27 Harjit Oberoi, *The Construction of Religious Boundaries Culture, Identity and Diversity in the Sikh Tradition* (Karachi: Oxford University Press, 1994), 78-79.

28 Kanchan Dawani *Religious practices of the Hindu Community in Karachi: The Influences Impacting Change in Rituals. Diss* (Karachi: Indus Valley School of Art and Architecture, 2009), 25.

skull cap, a practice that is usually followed in Sikh *Gurdwaras*. The devotees who can read *Gurmukhi* climb to the canopy and read Granth sahib. There is an *arti* and *pooja* for Guru Nanak and Granth Sahib as well, in which people wave a fan made of feathers in front of holy book. In addition, there are also occasional *keertans* (recitations from Granth) and *akhand paths* (continuous recitations until the completion of Granth sahib) at darbar in which a large number of people participate.

The devotees also show reverence to the portraits of Guru Nanak and other Sikh Gurus by bending in front of the images, folding hands and offering prayers. The Sikh festivals and especially Guru Nanak *Jayanti* (birthday) is celebrated with fervor. The literature and most of reading material is also related to Sikhism, like Japuji, Janamsakhis, and biographies of Sikh Gurus etc.

### **Hindu Elements Mirrored in Sri Chand Darbar**

Even historically, it is mentioned that *Udasis* revere Hinduism and many related elements are incorporated and sanctified in *Udasi* tradition. Contrary to Khalsa Sikh practices, there are many elements in Udasipanth that make it closer to Vedantic philosophy and way of life. Sandhu sums it up by saying 'The *Udasis* are known to have worshipped the idol of Sri Chand and the *Samadhs* of their *Mahants*, in addition to the Adi-Granth, the Hindu scriptures and the idols of *Shiva* or *Vishnu*.<sup>29</sup>

In a booklet published by Sadh Belo ashram (1924), a detailed description of various elements and practices carried out at the centre is mentioned; 'Sri Swami Bankhandiji Maharj (founder of the establishment ) first set up *Dhuni sahib* at Sadhbella and followed it up with the installation of Anapura Devi, the Shivling at pangat and the

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29 Sandhu "The Udasis in the Colonial Punjab". 131.

*Gadi*. The small images of Hanuman and Ganesh were subsequently added'.<sup>30</sup>

In the first room at the back of hall, there are many miniature images of Hindu Gods and Goddesses like Jhulaylal, Ganesh, *trishul* (trident), swastika and Shivling. In fact, as mentioned in second section of this article, according to the tradition Sri Chand is also an incarnation of Hindu supreme God Shiva, it is also apparent from a photo in which Sri Chand rests in the lap of his mother while in the background, Shiva blesses the child (Fig.5). When one first enters the sanctum; the most noticeable thing is the life-size icon of Sri Chand, which has brass *Om* prominently displayed underneath. The main hall is adorned with a number of many beautiful paintings of other Hindu deities. These photos represent Shiva, Krishna, Lakshmi, Hanuman, Kodyar Mata and Matsaya (an avatar of Vishnu) among others. (Fig .6)

Some of these paintings and photos are quite old and it may have been donated by wealthy Hindus who left Sindh during partition. Another point is, apart from the traditional deities worshipped in Sindh, there are other deities for example Kodyar Mata who is mostly worshipped in Katch and Gujrat. It shows even wider kind of representations manifested at the *darbar* transcending regional boundaries.

Apart from Sikh festivals, Hindu religious festivals are also celebrated with zeal and fervour. The commonly celebrated events are Holi, Diwali, Maha Shivratri and Navratri.

Another interesting point is the representation of distinctive regional cults like *Daryapanth*. *Daryapanthis* worship Uderolal also known as Jhulaylal, Amarlal and Darya Shah as their patron deity and consider him an incarnation of river Indus. Muslims also worship him and call him Khwaja Khizar, Zinda Pir and Sheikh Tahir. There is also a small icon of Jhulay Lal in the room behind main hall in which he is shown sitting cross legged over a fish. The *Darbar* also celebrates *Cheti*

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30 Hazarisingh Gurbuxsingh Ajwani, *A Short Account of the Rise and Growth of the Shri Sadhbella Tirath at Sukkur*, (Sukkur: Amar Printing Press, 1924), 86.

*Chand* (birthday of Jhulay Lal and first day of Sindhi year). On that day, a *mela* is organized, Jhulaylal is worshipped and the procession carries a tray containing *behrano sahib*<sup>31</sup> which is offered to the nearby canal. Before partition, there was a thriving temple complex devoted to Uderolal near Thatta city, but it was abandoned afterwards. Thereafter, Cheti Chand celebrations were shifted to Sri Chand *Darbar*.

### **Udasis, Dhunis and Nath Jogis**

Being renunciants, ascetics and following an ideology of detachment to the world, *Udasipanth* and Nath Jogis have many things in common. Nathism has been recognized by some as a separate strand of popular Indian religions representing, perhaps, an ancient religious tradition alongside “Vaishnavism” and “Shaivism”. However, in more recent times at least, Gorakh Nath has been identified with Shiva.<sup>32</sup>

In medieval Sindh, Nath or Kanphata Jogis had thriving centres at many places ‘George Briggs quotes Sindh as one of the strongholds of the sects. The Kanphatas got their name which means the split ears from the initiatory ritual when the ear is split for big ear ring. They were also known as the Gorakhnathi Jogis’.<sup>33</sup>

To begin with, both Sri Chand and Gorakhnath are the founders of ascetic and heterodox traditions (*Udasipanth* and Nathism respectively) and secondly both are considered the incarnation and personifications of Shiva himself. Therefore, iconography of Sri Chand also resembles the popular representations of Gorakhnath. For example,

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31 A brass plate on which lamps made of rice flour, sweet meats and other edibles are offered to a water body as food for fish and other aquatic organisms.

32 Z.A. Kalhoro, “Between Marhi and Math: The Temple of Veernath at Ratokot (Sindh, Pakistan)” *Journal of the Pakistan Historical Society* Vol.LXIII, No. 4, (2015), 75-85.

33 Michel Boivin *Shivaiteed., Cults and Sufi Centers: A Reappraisal of the Medieval Legacy in Sindh in Sindh Through History and Representation French Contributions to Sindh Studies Boivin* (Karachi: Oxford University Press, 2008), 25.

Gorakhnath is commonly represented as a man wearing a shawl or a fabric covering his upper torso and loins, his long, matted hair spread over his shoulders, his ears are pierced and he has ear rings in them, his one hand is raised in abhaya mudra (posture for blessing) a necklace around his neck, a rosary in hand and he sits cross legged over a lion-hide spread underneath. Sometimes, there is a halo surrounding his head and a trident in his hand. (Fig.7)

Conversely, the iconography of Sri Chand is also similar to Gorakhnath's. The pictorial, visual and iconographic representations of Sri Chand displayed at Thatta *darbar* have many things in common as that of Gorakhnath described above (Fig.8). However there are a few variations as well:

Sri Chand only wears a loincloth and in most of the photos, he is seen sitting on a tiger's hide in front of a lighted fire *dhuni*, he has a rosary in hand (or around his neck), his long hair are spread over his shoulders and he wears large earrings, his head is sometimes framed in halo. *Dhuni* is again a Nath practice as testified by Sandhu; 'the practice of constructing simple hearths (dhuni or *dhuan*) was a nath practice which had been appropriated by Udasi sadhus and subsequently the word *dhuan* was extended to designate Udasi establishment'.<sup>34</sup> So the practice of *dhuni*-worship has now become the centre of ritualistic practices again incorporating elements from Nath panth, a fact that brings these two traditions closer.

### **Kanwar Bhagat Ram and the Inclusion of *Bhagti/Bhakti* Tradition**

One of the backside rooms, there is a life-size portrait of Kanwar Bhagat Ram (1885-1939). The devotees also pay respect to this figure and he is greatly respected among Hindus of today belonging to every religious order. His icon is often decorated with fresh floral wreaths and garlands. Kanwar Ram was one of the most popular singers of Sindh

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34 Sandhu "The Udasis in the Colonial Punjab", 132.

who was famous for singing Shah Latif, Sachal Sarmast and Sami's poetry. His disciples and admirers included both Hindus and Muslims whom he used to serve without any discrimination. However, during communal riots he was killed at Ruk Station by a Muslim in November 1939. (Fig.9)

Punshi has written a biography of Kanwar Ram, in which he describes 'In all his music functions, he would preach the name of God through the songs of Saints like **Mirabai, Lord Krishna, Rama, Kabir, Ravidas, Farid, Namdev, Tukaram** and *Gurubani* (the teachings of *Guru Granth Sahib* - holy book of Sikhs).<sup>35</sup>

Bhakti originates from Sanskrit *Bhagat* (devotee). It was a reformative movement in the Hindu society in the 15<sup>th</sup> and 16<sup>th</sup> century. Bhaktis were mostly wanderers who shunned all material riches and generally lived ascetic lives. Their medium of communication to the masses was music, song, dance and poetry which were known as *Dohas*.<sup>36</sup>

Prof. Dr Michel Boivin elaborates the orientation of Kanwar Ram as 'He belongs to the *Bhagat* tradition. The *Baghats* were itinerant 'bards' travelling from villages to villages, where they performed Sufi songs, of course *Shah jo risalo*, other devotional traditions such as Mira Bai, Kabir, but also, theatre plays, dances, songs from different traditions, funny stories, legends from Sindh etc.<sup>37</sup>

As described above, the *Bhagats* were yet another distinctive addition in the heterogeneous Sindhi spiritual system; they were generally very tolerant and attracted people from Hinduism, Sikhism and Islam thereby transcending religious boundaries. It goes very well with *Udasipanth* that is also heterogeneous in nature and doctrine. Though, Kanwar Ram has become a household name among Sindhi Hindus, whether in Sindh or living in

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35 Dr. S.K. Punshi, *A Biography of Saint Kanwar Ram Amravati*, Maharashtra India, [www.sindhigulab.com](http://www.sindhigulab.com) 2001 (accessed August 27, 2016).

36 Ansar Zahid Khan *Bhakti Movement* in *The Oxford Companion to Pakistani History*, Ayesha Jalal, ed., (Karachi: Oxford University press, 2012), 66.

37 Personal interview with Dr. Boivin 2016.

Diaspora, however the inclusion of this personage in an *Udasidarbar* is also a manifestation of *Udasis'* broader outlook and inclusive traditions. It also reinforces *Udasis'* acceptance and reverence of multiple and heterodox traditions that are represented and followed here .

### **Conclusion**

The *Udasis* are followers of Baba Sri Chand, who established *Udasipanth*, a religious order that is very inclusive and heterodox, embracing elements from other religions, sects and cults. When *Udasipanth* was brought to Sindh by Sri Chand and later *Udasi Mahants*, it became even more syncretic by absorbing regional influences already prevalent in Sindh. *Udasi* centres flourished in Sindh at various places, the most notable being Sadh Belo at Sukkur and then Sri Chand *darbar* at Thatta. When most of the Hindus left Sindh after partition, the *Udasi* centers remained operational and were looked after by Hindus who were left behind. Over the period of time, the flexible sectarian demarcation between various Sindhi Hindu orders like *Nanakpnathis*, *Udasipanthis* and *Daryapnathis* became even more blurred to the extent that now one can see the representation of all of them at a single place, coexisting quite peacefully.

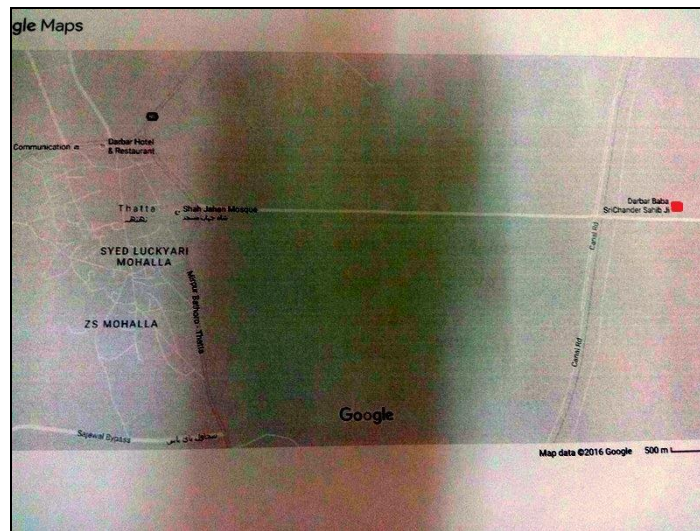
Sri Chand Darbar at Thatta is a case in point which has a number of features, elements and practices that make it a heterodox centre of *Udasipnth*. Here one can see elements from Hinduism, Sikhism, Nath Panth and even Bhakti tradition displayed and followed in parallel. Although, there has been a lot of work on Hindus in Sindh but *Udasipanth* in Sindh has not received much attention from the scholars. Therefore, this unique tradition should be studied in detail which will make it better known and it will highlight yet another distinctive dimension of the syncretic religion of Sindh.

### **Acknowledgments**

I am extremely grateful to Prof. Dr. Michel Boivin (EHESS Paris) for his guidance and help that he extended to me

through his suggestions and provision of literature. Other friends and colleague who assisted me are Sasui Akbar and Nakash Sahito who accompanied me to the felid, Inderjeet Singh ji(U.K) for providing internet sources and guidance about Sikhs and *Udasis* . In the last I want to say thanks to Prof. M.Mukhtair Kazi (University of Sindh ) whose unwavering support and encouragement always boosts morale and provides a reason to continue research and writing.

**Photos:**



**Figure 1.** Map of Sri Chand Darbar



**Figure 2.** Different views of Sri Chand Darbar complex in Thatta





Figure 3. Dome housing Dhuni sahib



Figure 4. Udasis and Sikhism

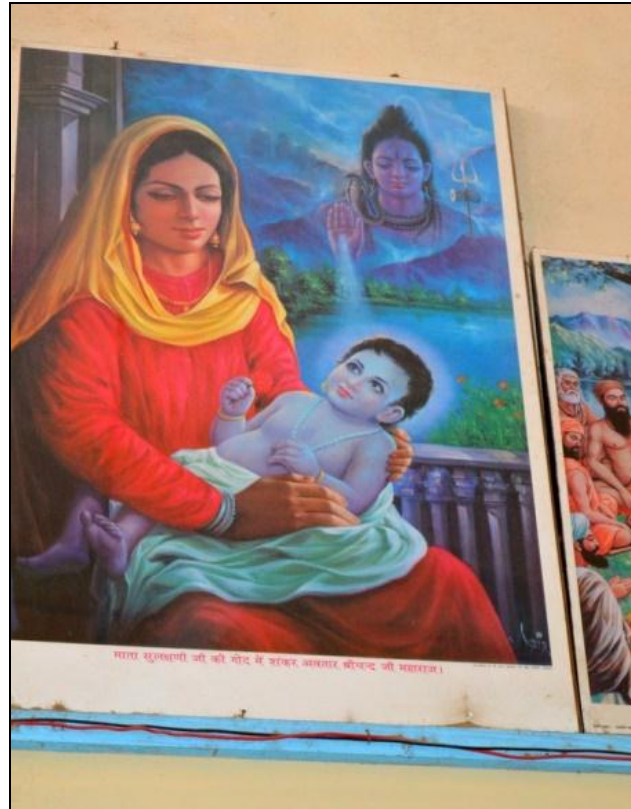


Figure 5. Sri Chand with his mother, Shiva blesses him.



Figure 6. Hindu elements at Sri Chand Darbar



Figure 7. Typical representation of Gorakhnath, source Google images.



Figure 8. Various representations of Sri Chand at Thatta darbar



**Figure 9.** Bhagat Kanwar Ram at Thatta darbar



## Indo Islamic Architecture in South Asia: A Study of Mughal Lesser known Monuments at Agra

Dr. M. K. Pundhir\*

### ABSTRACT

*In 1558, Mughal Emperor Akbar established his capital at Agra and settled the headquarters of his government there. Since then, Agra continued to enjoy the same status for centuries even after Shahjahan shifted his capital to Delhi from Agra officially. Being one of the capitals and important Mughal cities, a large number of elite classes such as nobles, merchants, traders, artisans, etc. gathered and settled down permanently at Agra. Consequently a large number of monuments of varied nature were constructed at Agra by kings, queens, princes, princesses and their relatives and Mughal nobles which might have been the evidences of architectural synthesis and development in the field of building technology. Unfortunately except few e.g. Red Fort, Tomb of Akbar, Taj Mahal and Tomb of Itmad-ud Daulaha, the other Mughal monuments of Agra were forgotten and with the passage of time were dilapidated and faded away in oblivion. These monuments are the best source of Indian History and Culture especially the sources of history of building technology and architecture. Besides,*

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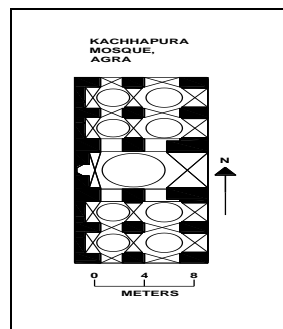
*these structures constitute a significant part of the rich heritage of South Asia and needs scientific study with the help of the archaeological tools.*

*This paper therefore ventures to study these monuments which incorporate the analysis of architectural development and space organization besides tracing the evolution of Mughal building technology. The study will definitely lead to have an idea of the development in the field of building technology and architecture during the Mughal period.*

*The Mughal Mosques survey represent the early phase of Mughal Architecture as these were built under Babur, Humayun and in the initial years of Akbar. The structure of these Mosques is composed of western liwan divided into central nave and side aisles and domed roof. For example Humayun Mosque was constructed with a huge pylon in front of the nave of the sanctuary while side aisles are divided into four chambers. Nave and aisles is domed roof where central dome was hidden behind the pylon. All these architectural features indicate the influence of Iranian architecture. Furthermore, arch-netting in the phase of transition is again a foreign feature. Similarly, Babri Mosque in trans-yamuna area represents the styles which evolved during the Sultanate period by assimilating different architectural trends. Since it was constructed in early phase, Lodi features of Mosque architecture percolated in it. Mosque in Church compound was built in the early period of Akbar. It consists of western liwan divided into three bays where central bay has projected façade composed of high arched opening and the façade of the side bays too have arched openings but of smaller dimension. It is roofed with three domes. Central dome is much bigger than the flanking ones. All the three domes are based on a raised octagonal drum with a horizontal projected moulding in centre vertically. The study of the mosques tells us the influence of different styles on the building of Mughals at Agra in their formative phase or before maturing their own styles. These structures are presenting a perfect synthesis of different*

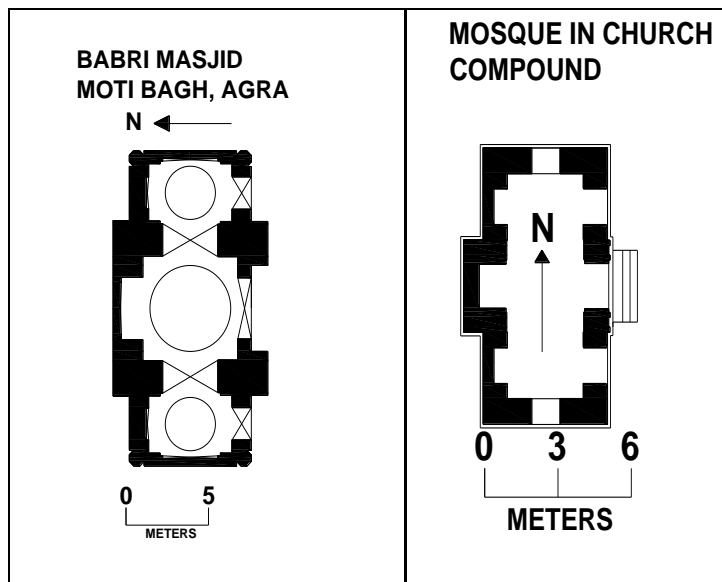
*indigenous and foreign architectural styles which confirms the formation of composite culture during the Mughal Period.*

### **Humayun Mosque**



### **Babri Mosque**





**Mosque in Church Compound**



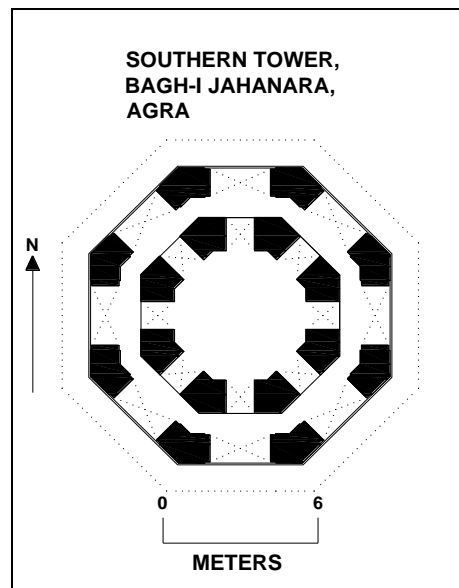
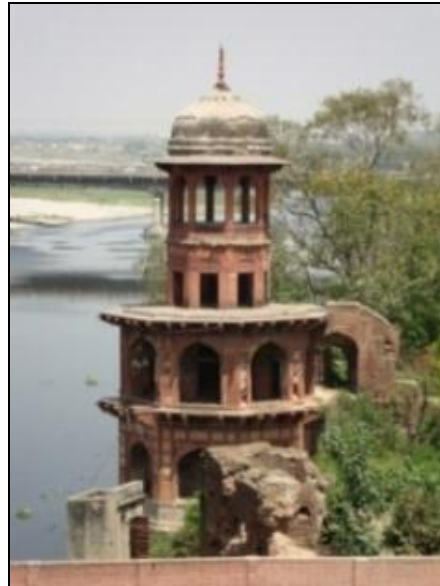
Babur had introduced the tradition of laying gardens known as *Char Bagh* in India and first garden he had built at Agra. It was the Mughals who associated a number of structures



with gardens converting them into an integrated unit. Again it was the central Asian feature. By the time of Shahjahan, gardens were evolved in a huge complex which was comprised of various structures besides the laying down *Char Bagh*. The best example of such a evolution can be found at Agra as a large number of garden complexes were built by kings, princes and nobles. Once the left bank of River Yamuna was dotted with a number of *Char Bagh* type gardens as the study of Jaipur Maps proved. In the course of times all are destroyed and wiped out except few which I have surveyed and studied such as Mehtab Bagh, Jahanara Bagh, Bagh-i Wazir Khan, Bagh-i Nur Afshan (Aram bagh) and Buland Bagh though they are in ruinous condition. The Riverside corners of gardens were embellished with different type of multi-storied towers. South western Tower of Mehtab Bagh, south western Tower of Jahanara Bagh, Western Towers of Bagh-i Wazir Khan, Towers of Bagh-i Nur Afshan and Buland Bagh are the best examples of the surviving Towers. Each tower is in itself a monument which besides architectural synthesis provides the information about the space organization and different elevation planning with different environmental settings such as Battis Khamba, Towers of Wazir Khan, etc. Forms and shapes of few towers confirm their foreign origin.

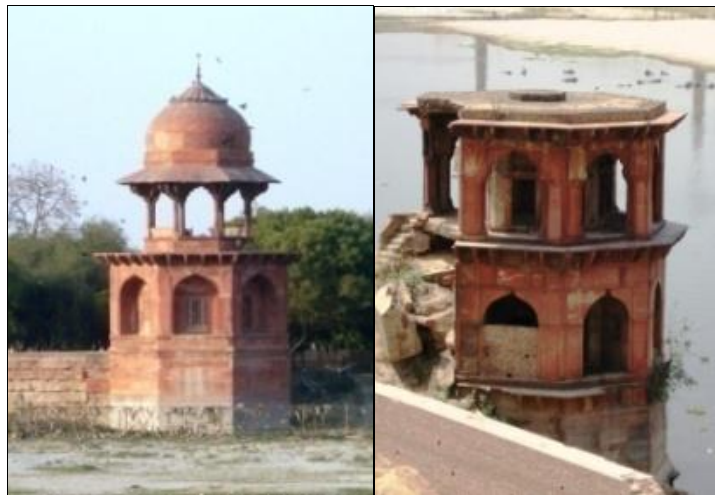
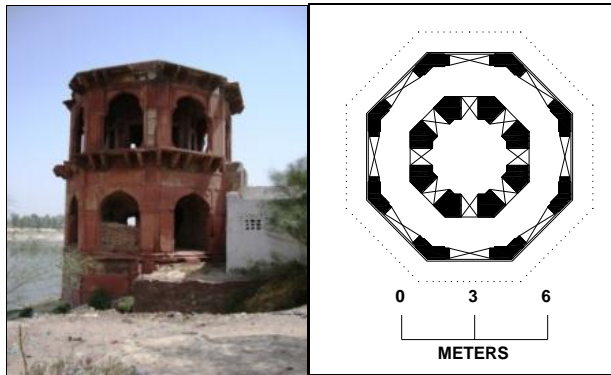
**South Western Tower of Jahanara Bagh:** It is a monumental structure and a beautiful architectural accomplishment. It is octagonal in shape and is of four storeys. Two lower storeys are composed of inner octagonal chamber with trabeate entrance on all side and outer octagonal corridors which is provided bigger arched openings in all eight sides. Both storeys are surmounted with projected eaves at the roof level supported on brackets. Third storey is again an octagonal chamber with door on all sides covering only the area of inner chamber of lower storeys. Fourth storey is in the form of octagonal pillared pavilion surmounted by a dome having dropping eaves below the octagonal drum of dome. The structure of the tower stands on a raised platform which is built with solid

masonry. Each storey of the tower is embellished with sculptural decoration typical of Jahangiri period such as chini khana niches, etc.



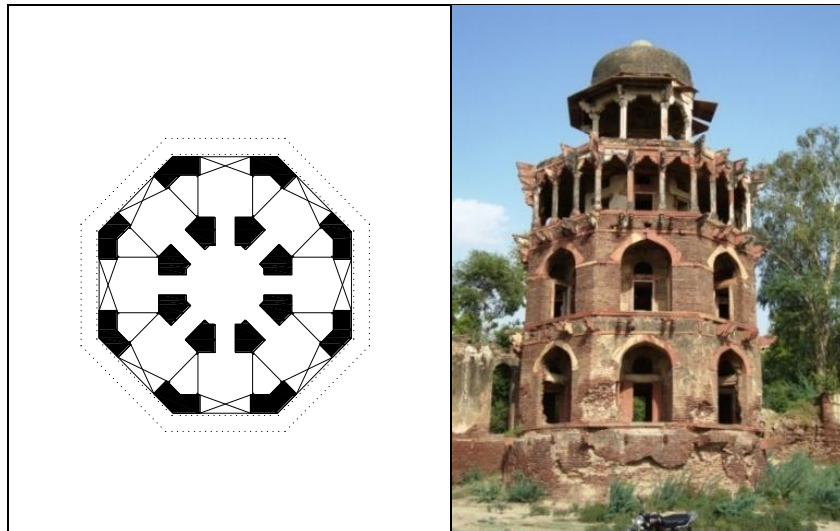
**Western towers of Bagh-i Wazir Khan** are situated on northern and southern corner of the western side of Bagh-i-

Wazir Khan. They are octagonal and consist of double storey. Storeys of the tower are demarcated by projected eaves supported on brackets. They are built on raised platform. Lower storey has inner octagonal chamber with outer octagonal corridors with bigger arched openings in all sides of the octagon. These openings contain pointed four centered arches. Upper storey has similarity to lower storey so far as the arrangement of space is concerned. The only difference is in the form of multi-foliated arches used in the openings of the outer octagonal corridor of the upper storey. These towers are plain and there is no decoration on the walls.



**South Western Tower of Mehtab Bagh** is octagonal in shape having double storey and built on a raised octagonal platform. Lower storey is composed of octagonal chamber having arched portal with a small trabeate opening. Upper storey is in the form of octagonal pillared pavilion surmounted by domed roof having dropping eaves below the drum of the dome.

**Battis Khambha** is an octagonal tower of four storeys projecting towards river side in the middle of the water front of the Bagh-i Buland. The tower is a great achievement in the field of architecture. It stands on a raised solid platform. The structure of the lower two storeys are designed in such a way that a smaller octagon has been accommodated in a bigger one. These storeys are built with bricks and lime mortar and use of red sand stone has been found in the arches and in door jambs and beams. The third storey follows the lower storeys in the arrangement of space and the difference lies only in the outer octagon which is in the form of a pillared pavilion. Fourth storey is in the form of octagonal pillared pavilion placed in the centre of the tower. It has no outer octagonal corridor. It is surmounted by a dome based on octagonal drum. Wall decoration in the form of sculptural motifs is found on the exterior of the tower.

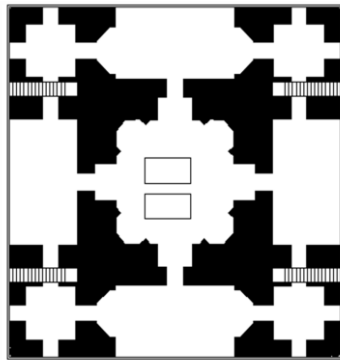


During the Mughal period, a large number of tomb buildings were constructed such as Tomb of Marium, Chini Ka Rauza, Tomb of Sadiq Khan, Tomb of Salabat Khan, Bara Khambha, Jahangiri Tomb, Shahjahani Tomb, Tomb of Parvez, Tomb near Kanch Mahal, Tomb of Mir Jumla, Tomb of Zafar Khan, Kala Gumbad, etc. These tomb buildings were built on different layout plans with different architectural styles. Their decorative patterns sometime borrowed totally from foreign countries such as in case of Chini ka Rauza its decoration was done with Multani tiles. Further it was surmounted with double dome i.e. a well known central Asian feature. Tomb of Marium was originally a Lodi structure which was converted in a Tomb building and an attempt was too made to modify the structure into Nonie partite layout plan. Besides, the old structure was provided new façade on all four sides which was typically carrying the sculptural decoration of Jahangiri period. Tomb of Salabat Khan though was built in the period of Shahjahan, it is in the form of pillared pavilion with flat roof and stands on a raised platform which is occupied by four pillared domed *chhatris* on all four corner. The structure is provided four centered arches which divide the square into twenty five bays. Unlike Shahjahani arch, the tomb has no multi-foliated arches. Further Tomb of Sadiq Khan was built in the form of perfect octagon exteriorly surmounted by a bulbous dome with twisted flutings. Each side is composed of a big arched opening in the form of portal and above a series of five arched small openings in an horizontal setting are provided which are meant to ventilate and for lighting the passage between the outer wall of the structure and the cell of double dome. Inner chamber of the Tomb of Sadiq Khan is built on the layout of *Mussaman-i-bagdadi* and whole structure is surmounted with dropping eaves at the roof level. The central chamber of the tomb is topped with the dome. And side portions of the structure are flat roofed. Bara Khambha is an octagonal pillared pavilion enshrining unknown Mughal grave. The pillared pavilion is roofed with dome having dropping eaves below the octagonal drum. Kala Gumbad is a tomb building which is exteriorly a square but interiorly it is

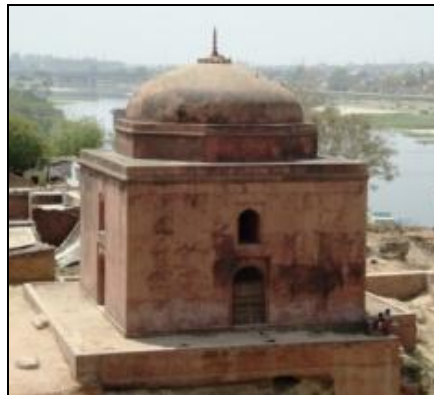
built in the form of perfect octagon and roofed with a dome based on raised octagonal drum. It contains four arched small opening on all side. Its features indicate its construction in the period of Akbar. Tomb of Parvez is the tomb building of the Mughal Prince, brother of Shahjahan. It was build during the period of Jahangir. It is a square building from exteriorly and surmounted by a very prominent bulbous dome based on a circular drum. Interior of the building is profusely decorated with stucco arch netting and paintings containing floral motifs. The structure of the Tomb stands on a square floor of the lower storey built on Nonie partite plan. The tomb of Parvez is in ruinous condition. In the area of Sikandara two ruined structures of Tomb have also found which have been identified and studied. Out of two one belongs to Jahangiri period and other was built during Shahajahan's time. Tomb of Jahangiri period was repaired and modified later on and now it was surmounted by a bulbous dome. Accordingly the central chamber got modified to bear the dome. All the surveyed tombs are providing a new insight in the development, innovation and synthesis of different styles of architecture along with revolution in the field of ornamentation and decoration during Mughals at Agra.

### **Chini Ka Rauza**





**GROUND PLAN**



**Tomb of Parvez**



**Kala Gumbad**



**Tomb of Marium**



**Tomb of Sadiq Khan**



**Tomb of Salabat Khan**





**Bara Khambha**

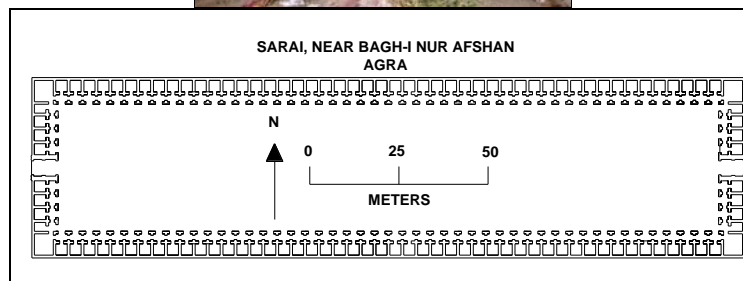


**Jahangiri Tomb**



**Shahjahani Tomb**

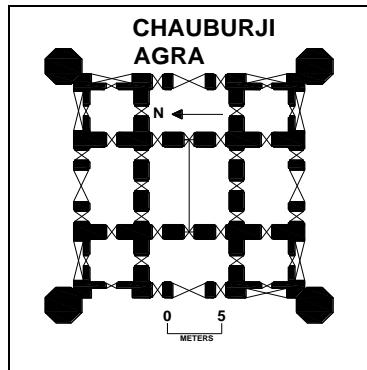
About hundred years, Agra served as Mughal capitals and as a capital had to accommodate the whole paraphernalia of Mughal sovereignty. Consequently at Agra Mughals and their nobles had constructed their *Haveli's* / mansions, *Sarais*, pleasure palaces, etc. In the course of time these *Havelis* were faded away generally under the pressure of ever increasing population in Agra. During my survey I have successfully discovered and identified the fragments of structures of *Havelis*. These fragments usually consist of their gateways, ruins of chambers, their enclosing walls etc. For example, the whole structure of *Haveli* of Murad was faded away except a Gateway of it in dilapidated condition. This surviving ruined structure of Gateway become instrumental for us to reconstruct the architecture and styles employed in the construction of the *Haveli* of Murad. Similarly *Haveli* of Dara Shikoh is survived with its enclosing walls of the main building. It is just sufficient to study building styles and technology used in it.



**Sarai's Structure**



***Chauburji (Pleasure Palace of Shahjahan)***



***Haveli of Dara Sikhoh***



### **Gateways of Mansion/ Sarais**

Mughals had paid due attention on the water management in conservation as proved by the study of Mughals hydraulic structures such as Bhuria ka Tal and Guru Ka Tal, stepwells, etc. Bhuria ka Tal is a masonry reservoir where Rainy water was dammed by constructing embankment. And in this way a gravity dam was created. Bhuria Ka Tal was accomplished with a proper and systematic inlets and outlets which became instrumental to save the dam in the case of excessive rains. These hydraulic structures were constructed to serve twin purposes i.e. to manage and preserve water for domestic and irrigation purposes and to serve as pleasure complex. Mughal built a number of

structures associated with tanks, reservoirs etc. such as bath houses and pavilion for example in the Centre of Bhuria Ka Tal, a pavilion was built which was approached through cause ways. It reveals from the study of Mughal hydraulic structures that they had introduced new innovation in this field.



***Hammam***



**Stepwell**

## Kalinjar Fort: An Archaeological Survey

Dr. Vinod Kumar Singh\*

### ABSTRACT

*Present paper ventures to study the Kalinjar Fort with the help of Archaeological tools. The significance of the study lies in the fact that the Fort stands unparallel not only in central India but also in South Asia so far as the fortification technique was concerned in pre-modern times. The famous fort of Kalinjar coordinates at 80°30' North of latitude and 25°0' East of longitude and is located at 56 kms South of Banda, in Banda district of Uttar Pradesh, India. It is situated in Vindhya Range on flat topped hill at an altitude of 408 mts and 90 miles to the South-west of Allahabad and 60 miles to the North-west of Rewa. Kalinjar is one of the massive and bigger hill forts consisting of the contemporary forts such as Tahangarh, Alwar, Ranthambor, Amer and Jaigarh, Jaisalmer and Bayana. During the last two years, I have undertaken three survey trips to the fort of Kalinjar and carried out an archaeological survey of the ruined structures of varied nature. The aim of these survey trips was to reconstruct the history of science and technology especially to trace the development in the fortification techniques and building styles. In this paper is an attempt to study the monuments archaeologically to highlight the building*

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*technology involved in the construction of the structures over the period. Moreover, it will fill the gap existing in the history of science and technology of South Asia.*

The famous fort of Kalinjar coordinates at 80°30' north of latitude and 25°0' east of longitude and is located at 56 kms south of Banda, in Banda district of Uttar Pradesh, India. It is situated in Vindhya range on flat topped hill at an altitude of 408 mts<sup>1</sup> and 90 miles to the south-west of Allahabad and 60 miles to the north-west of Rewa. Kalinjar is one of the massive and bigger hill forts consisting of the contemporary forts such as Tahangarh<sup>2</sup>, Alwar<sup>3</sup>, Ranthambor<sup>4</sup>, Amer & Jaigarh<sup>5</sup>, Jaisalmer<sup>6</sup> and Bayana.<sup>7</sup>

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1. See the appended reproduction from "Archaeological Survey of India: Report, A Tour in Bundelkhand and Rewa (1883-84)", ed., Alexander Cunningham, Vol. XXI, Parts I-II, Plate VIII, (Delhi: Indological Book House, 1969).
  2. Vinod Kumar Singh, 'The Tahangarh fort: A Preliminary survey'. Paper published in the *Proceedings of Indian History Congress*, (Mysore, 1993), pp. 922-93. 'Tahangarh fort – An Archaeological Survey', *PIHC*, (Patiala, 1988), pp. 1003-1012. 'New Epigraphical evidence located at Tahangarh fort', *PIHC*, (Calicut, 1999), pp. 1126-1138. 'Tahangarh: An archaeological survey of a Pre-modern fort', Paper presented in the *World Archaeological Congress (WAC-5)*, (Washington D.C. June, 2003). 'A Survey of the Waterworks in the Tahangarh fort', Paper presented in the *18th International Association of Historians of Asia (18th IAHA)* at (Taipei, December, 2004).
  3. Vinod Kumar Singh, 'Salim Sagar: A Sixteenth Century Waterworks in the fort of Alwar', *PIHC*, (Aligarh, 1994), pp. 900-905. 'A Survey of the Waterworks in the fort of Alwar', *PIHC*, (Bangalore, 1997), 887-893.
  4. Vinod Kumar Singh, 'A Survey of Pre-modern waterworks at Ranthambhor Fort: Technology to Trap, Store and Supply Water', *PIHC*, (Bhopal, 2001), 1034-1051.
  5. Vinod Kumar Singh, 'Hydraulic Innovation at Amber and Jaigarh forts', Paper presented in the 4th International Water History Association (IWHA), "Water and Civilization" at (UNESCO Headquarters, Paris, 1-4 December, 2005).
  6. Vinod Kumar Singh, 'Technology of Water Distribution in Pre-modern Rajasthan: Waterworks in Jaisalmer Fort', Paper presented in *Indian History Congress*, (Calicut, 2007).
  7. Vinod Kumar Singh, 'Bayana Fort: An Archaeological Survey', Paper presented in the *World Archaeological Congress (WAC-6)* (University College Dublin, Ireland, 29th June – 4th July, 2008). 'Waterworks at Bayana Fort: A Study in Hydraulic Archaeology', Paper presented in Seventy

According to Chandella traditions, the construction of Kalinjar fort is ascribed to Chandella king Chandra Verman and later on Madan Verman his son who was a famous king of Chandella dynasty carried out the work and completed the fort, he is the same Madanverman who built a large and famous reservoir in Mahoba known as Madan Sagar.<sup>8</sup> As we know that Chandella Rajputs built eight forts, Kalinjar being one of them.

The main body of the fort stretches from east to west and is oblong in form, being a 1.6 kms in length and 800 mts in breadth. It is built on strong foundation measuring 25.30 mts in width and has a height around 30.35 mts where the summit is 8 mts wide. In the construction of the fort, sand and granite stones were used on large scale. Since its construction, a large number of rulers of different dynasties had occupied the fort successively. As a result, a large number of structures of varied nature were built in the fort. It is consisted of the structures mainly palaces, temples, mosques and a large variety of waterworks. Among the royal residential structure, one important palace was constructed by Aman Singh Bundela during the second half of 18<sup>th</sup> century and is known by his name. It has several beautiful sculptures made of sand stone and granite. An analysis of these sculptures indicate the prevalence of various Gods and Goddesses. One interesting point to note is that in the fort there exists several images of Trimuti representing the three Hindu Gods, Brahma, Vishnu and Maheshwar.

During the last two years, I have undertaken three survey trips to the fort of Kalinjar and carried out an archaeological survey of the ruined structures of varied nature. The aim of these survey trips is to reconstruct the history of science and technology especially to trace the development in the fortification techniques and building styles.

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Second Session of the Indian History Congress at Punjabi University, (Patiala, 10-13 December, 2011).

8 Vinod Kumar Singh, 'Madan Sagar: A Twelfth Century Chandella Waterwork at Mahoba', Published in the Proceedings of *U.p. History Congress*, 11th Session, (Gorakhpur, 29-30 March, 1988), 44-49.



Presently, an attempt has been made to analyse and study archaeologically the ruined structures along with the fortification of the fort.

### **Fortification**

The fort in shape is an oblong because of the oblong flat topped hill. The fortification was laid on the edges of the contours of the hill. Fortification wall is punctured with bastions of different shape again following the contours of the hills and every different entrances. Generally the thickness of the fortification is 25.30 mts. Fortification wall required such a thickness because of two reasons. Firstly fortification was raised to considerable height which needed strong base. Secondly it was built with ancient Indian technology i.e. two retaining walls were built at the entrance and with the principle of weight and balance and space between them was filled with boulders and mud mortar. Since the fort was occupied by successive dynasties even in medieval period, the upper portion of the fortification wall was repaired thoroughly and rebuilt as proved by the use of roughly dressed stone with lime mortar and lime plaster (over the faces of the wall). At the summit of the fortification wall, battlements were built, of course in late medieval period.

In some part of the fort, inner fortification wall was found which was meant to provide double tier defence to some royal settlement or to provide double security to the kings etc.

### **Entrances**

The fort has provided access from two direction i.e. northern and south-east side. South eastern approach has been built in sloping sharply while northern entrance has provided gentle slope in the form of steps following the contours of the hill in ascending order. Northern entrance passage has been well guarded and seven gateways at different points on this passage were built to provide security to the passage. To understand the pattern of security and evolution of

architecture it is very essential to discuss all the seven gates in ascending order or beginning from the lowest one.

### **Gateway No. 1**

Alam Darwaza is in the form of square bay having arched opening towards outside and at rear side having trabeated opening covering the whole length and width of bay. The span of the opening accommodating passage is 2.65 mts. It was built with roughly dressed stones and mortar of lime mixed with surkhi. From the valley the gateway could be approached through the steps. The intention of building the gateway was to check the passage to the outset. It is not at all grand gateway as per the tradition of mughals. It shows the Mughal style in decadence which further proves its construction in the beginning of 18<sup>th</sup> century. There is a Persian inscription of three lines which records that this gate was built by Muhammad Murad, during the reign of Aurangzeb. Inscription dates 1084 A.H./1673 A.D. Alexander Cunningham was first to record this inscription in 1883-84.<sup>9</sup>

### **Gateway No. 2**

After crossing the Alam Darwaza, the passage takes left turn with steep rise where the second gate locally known as Ganesh gate was existed. It is consisted of a room accommodating the passage with arched openings on both sides. Here the both arches in front and rear are pointed four centre arches having sprung point at the lower point. There are the again true arches composed of keystone and voussoirs. On one side the gateway was flanked by circular tapered bastion. Above the arched openings of the gateway battlement were made in masonry. It was built with roughly dressed stone with lime mortar. The construction style of the gateway ascribes its construction to the Sur period. The span of gate is 2.65 cms.

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9 Cunningham, "Archaeological Survey of India: Report", 28-29.

**Gateway No. 3**

It was reported that third gate which is known as Chandi Darwaza or Chauburj Darwaza as it was the structure having double arched gate with four masonry towers on the corners. Because of these towers it was known as Chauburj gate. But now it is extant and destroyed with the passage of time. Now a new structure of gateway has been erected on the place of old gate but new gate was too known by the old name. Present gate has arched openings with the span of 2.15 mts facing east direction. Gate was built in the form of a passage. It contained four centred arch which were surmounted with masonry battlements which are in a dilapidated condition. The structure of the gate was built with roughly dressed stone and lime mortar.

**Gateway No. 4**

The fourth gate is known as Budhabhadra gate. It has trabeated structure built on pillars, brackets and lintels of stone. It is of smaller dimension facing north direction with a span of 2.20 mts. In building the gate properly dressed stone was used with lime mortar. On the basis of the analysis of building technique especially walls, its construction could be assigned to Mughal period. It is single screened gateway. Gate is surmounted with a heavy stone lintel having extra support provided by pendulous corbelled brackets. These brackets are of typically Akbar's period. The gate was built in such a way that it twisted the passage in zigzag way. It seems that the gate was constructed during Akbar's period on the point where once old gate might have existed.

**Gateway No. 5**

Fifth gate on the northern passage is known as Hanuman Darwaza. It faces north and having a span of 2.20 mts. The gate accommodate the stepped passage. Consequently its height on northern side is considerable while its southern opening became short because of ascending staircases. It was built on corbelled style. Meaning by the space between the pillars was covered by pulling small pieces of stones resembling with brackets projecting towards innerside.

Finally stone lintel was put to complete the gap. Corbelling process was completed in four layer of stone pieces. Side pillars adjoining the walls are oblong. A close scrutiny of the structure of the gateway reveals that it was built too some later date and builds of its gateway reused the old material of the old gate which might have existed here. Pillars were made by using the inscribed lintel of some old structure.

### **Gateway No. 6**

The sixth gate is in a dilapidated condition. It faces north-east direction and providing the passage of 2.10 mts width. The ruins of the gate tells us that it was too built on arcuate style and having arched passage crossing it. It was built on a considerable height. Rubbles and roughly dressed stones were used with lime mortar.

### **Gateway No 7**

Last gate is seventh gate provides final entrance into the fort. It is known as Bara Gate built on bigger dimension through the span or width of entrance passage is 2.75 mts. It was built on the pattern of grand portal. It is composed of central arched entrance fixed in rectangular frame which is flanked by oblong wing which again in turn flanked by circular bastions projecting outside from the line of arched entrance. Central arch is of four centred type and secured in a bigger arch. Spandrels of the central arch are decorated with socket filled with engraved flowers. Side oblong wings were given three storeyed effect with the help of strong course. Second storeys have a blind nich with arch motif and three round flower medallion. Third storeys of the oblong wings of the gate have three socket shaving engraved flower put in one horizontal line. The gate can be approached through the seven steps. The gateway and side circular bastions are surmounted by battlements. The size of battlements is very prominent. The gate has two chhatris placed on the both side at the roof level where left chhatri is still surviving. The chhatri is pillared pavilion and is composed of square bay having four pillars with dropping eaves and above a square raising or base to accommodate

a very prominent dome. Though gate and its associated structure got repaired, but the structure remained the old one. A close scrutiny of the architectural features of the gate indicates that it was constructed during sur period.

### **Barracks**

The structure of the Barracks was built on raised platform and it forms in L-shape. Eastern wing of the barracks is considered of cloisters of eight asiles while southern wing is too composed of cloisters of eight asiles. The structure of the barracks is flatly roofed. Pillars which were used in these cloisters are simple and square surmounted with corbelled brackets of stone. These cloisters are existed on a raised plinth placed on platform. These cloisters might have been used to keep army some time at later period. That is why it is presently known as Barracks.

### **Residential Palaces**

Presently, inside the fort of Kalinjar, there exist six palaces in the different locations. Though these palaces are in ruinous condition, still their structures are extant enough to make out architectural style and building technology employed in construction of these palaces.

### **Aman Singh Palace**

Aman Singh palace as proved by name has been built by Chhatrasal's grandson Aman Bundela sometime in the later half of eighteenth century. The main body of the palace is aligned in east west axis and is composed of central courtyard with surrounding cloisters, one bay deep on northern, southern and eastern side while as on western side two bays deep cloister. A enclosed courtyard is attached with the main body on eastern side. Outer courtyard could be approached through a double storeyed monumental gateway while inner gateway was built in portal style with double storey wings. Architecture of the palace shows decadence which is quite evident in the 18<sup>th</sup> century.

### **Venkat Bihari Mahal**

Venkat Bihari Mahal was built on oblong plan with pillared cloister in front. It is surmounted with central domed pavilion type structure which is surrounded by small domed pillared pavilions in series on all sides. Domes of the small pillared pavilions are fluted. The main structure has five arched openings on all sides. On the basis of the architectural analysis, the construction of the Mahal could be ascribed to late 18<sup>th</sup> or early 19<sup>th</sup> century.

### **Chobey Mahal**

Chobey Mahal is a double storeyed small structure. It has no architectural excellency as prevailing during medieval period. It is composed of central courtyard and rooms, halls and cloisters surrounding it. It has three entrances, two existing on western side while main entrance has been provided on south side. From its style, and construction dome was built sometime at the end of 18<sup>th</sup> century.

### **Moti Mahal**

Another important palace is Moti Mahal. The entrance of the Moti Mahal was built in the style of portal having central arched and lintel combination passage flanked with double storeyed wings. Inside there exists central courtyard and surrounding cloisters and rooms. It's construction is of late 18<sup>th</sup> century as proved by its style.

### **Rang Mahal**

Rang Mahal is comparatively a smaller palace built on the same principle i.e. rooms, cloisters etc. surrounding the central courtyard. Some portion of the palace bears second storey too.

### **Rani Mahal**

From the analysis of the architectural styles and use of Bangladar type roof, the construction of the Rani Mahal can be ascribed little older than other surviving palaces but it is too built in 18<sup>th</sup> century. It is double storeyed structure

surmounted by half circle roof having domed structure occupying all the four corner.

### **Parmardideva Darwaza**

Parmardideva Darwaza provides entrance to the complex of Neelkanth mahadeva temple. The structure of gateway was built on trabeate technique and is of two storeys. It is composed of central passage flanked with wings. Side wings have two storeys where ground story is of solid masonry in the form of raised platforms. Upper storey of side wings was built as pillared cloisters with back towards central gateway. Central gateway has side fluted pillars projected towards outside.

## **RELIGIOUS BUILDINGS**

### **Temples**

**Neelkhant Mahadev:** Neelkhant Mahadev temple is situated in the mid of the western line of the fort. It is not covered within the main fortification. A low lying tabled part of the hill was enclosed to form the complex of the temple. The temple's sanctuary has been hewn out in the rock so it is rock cut where in front of it a structural mandapa was built. The mandapa was built with dressed stone having ornamented pillars. Presently it has no roof but once it was flat roofed. One can reach the complex of temple through stairs descending from the fort to temple complex. There is a masonry gateway in the fort which provides access to the stairs leading to Temple complex. In the complex of temple, a deep kund is existed which was built by excavating the rock. It is totally rock cut devoiding of any masonry. The complex has been embellished with sculptures belonging to the gods and goddesses along with the whole god's pantheon.

**Small Shiva Temple:** The structure of the small shiva temple which could be located on KotTirithtank, is square having four pillars supporting the arch above. It is surmounted by bangaldas roof having finial composed of inverted lotus. From the analysis of pillars, base and capitals

and the use of bangaladar roof. It could be concluded that the small temple was built in late medieval period and is of the structure of Rajput architecture. Later on intercolumner space on all four side was closed with masonry wall leaving an arched gate on one side. The temple has enshrined a huge linga of black stone.

### **Mosque**

The mosque known as Qanati Masjid is existed in the centre of the fort. The structure of the mosque is oblong aligning on the north south axis existing on a platform. The structure is composed of western liwan having western, northern and southern wall with opened south-side but without roof. That is why it is known as Qanati masjid. North and southern wall have arched gateway in the centre. Western wall is divided into three part where central part is projected backward enshrining mihrab to denote the direction of Qaba. Central part of the western wall is raised higher than the flanking side parts to show preminance of mihrab. There exists four circular tapered minaret on all the four corner of the mosque building. At the roof level a simple cornice has been provided little bit projected outside. Above the cornice blind parapet railing has been surmounting. All the minarets crossed the roof level and after attaining the height are surmounted by domes with prominent crowning elements. From the analysis of the mosque structures, it seems that either its builder had planned to build roof over it but due to some reason he failed to do so, or it had roof which felt down at some early period and it was repaired in such a way that the traces of roof got hidden behind it. Tapperedminars with slightly cyclopean walls ascribed its construction to the Tughluq period.

### **Tombs**

**Tomb I:** In side the fort there are two tomb buildings. The structure of the one tomb building is square and built on the square platform. It is surmounted by a prominent dome based on the octagonal drum. The shape of the dome is little elongated. The building is built with roughly dressed stone with lime mortar. The whole structure including dome above



has been plastered with lime. On the one side there provides oblong window in the structure. The construction style and slope of dome lead us to ascribe the construction of the tomb building to the Sur period and early Mughal period.

**Tomb II:** The tomb building is composed of octagonal structure which is surmounted by a very prominent dome. There are other structures which are associated with tomb building now in dilapidated condition. The structure of the tomb building is built with roughly dressed dome and lime mortar. The dome in shape is little elongated with very prominent trunk. There is lime plaster on the surface of the dome while the main structure is without any plaster as stone masonry is explored. The construction of the tomb could be ascribed to Sur period or early Mughal period on the basis of the analysis of its construction style and shape of dome.

### **Grave**

A grave is found inside the fort near Bara Darwaza i.e. seventh gate. Local tradition says that it was the place used for the temporary burial of Sher Shah. Later on his mortal remains was shifted to Sasaram in Bihar province of India. The grave has been built in the form of the raised vault of arched slope. It is constructed sometime in late medieval period. There exists neither any inscribed tomb stone nor any inscription.

### **Hydraulic Structures**

#### **Kot Tirth**

Kot-tirth is the largest masonry tank in the fort. It is located near Aman Singh palace. Flight of steps were provided to approach water in the tank. It is a holy tank as the name of this tank is also written as *Koti-tirth* which means “ten million places of pilgrimage”, and *Kothi-tirth* which means “Leprosy place of pilgrimage”, where lepers are cured by bathing in it. It is said that water from all the holy rivers of India was poured in it which made it most auspicious tank of the fort. Huge pilgrimage used to take bath on this site. One

interesting point to note is that lots of inscriptions are found on its embankment, a large quantity of good sculptures are carved on its embankment.

### **Buddha Buddi Tank**

This tank is called *Budhi*, or *Burhiya* Tal. It is the second largest tank of the Kalinjari fort, located in the eastern side. Actually it is a tank which is divided into two parts placing an embankment in between. First, main portion had natural sulphur spring which used to cure the skin disease. Chandela king Madan Verman added another tank to it so that people from all different parts of the country could cure their leprosy easily and the use of sulphur water would be available for them in plenty. It is an excavated tank with steps all around to approach the water level.

### **Talaiya Tank**

Talaiya tank is situated opposite to a mosque on the way to Rang Mahal, Moti Mahal and Jakira Mahal. It is built in the natural depression with steps on three sides to reach water level. The use of stone and lime mortar is clearly seen in its construction. It's depth from the top edge is 5 mts. Length wise Talaiya tank is 59 mts whereas width is 40 mts.

### **Sursaya Tank**

It is located at the top of famous Neelkant Mahadev temple in the fort. The uniqueness of this waterworks is that natural water from the rocks seep and accumulate here in five different chambers. There are provided five pillars to give support to it, and on these pillars inscriptions are engraved. Here water is available throughout the year which facilitates the devotees to perform their religious rites.

### **Ram Katora Tank**

Ram Katora is another tank of fort which is built purely excavating the rocks though on the southern side to dam water a masonry embankment was built. On the embankment, there exists a building of dressed stone having arched opening on all sides. Presently depth of the tank is 3

mts measured from top edge of embankment. It's length is 72 mts whereas width measures 70 mts.

### **Mrig Dhara**

It is located in the east of fort and built on a natural spring known as mrigdhara which is given to it because there are seven deer cut into rock. It is consisted of two chambers which are crowned by a dome and a pyramidal roof respectively. There exists a cistern of fresh clear water inside it. Inscirptions are present on its both gates.

### **Patal Ganga**

Patal Ganga is situated in the north east part of the fort. It is a large deep well, or a reservoir, cut in rock. Here water is accumulated by dripping and trickling from roof and sides. It has been excavated in such a way, that rock had been cut from top edge of the fort to reach bottom of the fort by cutting very dangerously 82 zizzaz uneven slippery steps to reach water level. In this tank inscriptions are also found whereas the oldest inscription found is of 1282 A.D. which proves its excavation in the second half of 13<sup>th</sup> century. Here water is available round the year.

### **Bhairava Kund**

It is located near the sixth gate (*Lal Darwaza*) of Kalinjar fort. It has been excavated in the rock and provided steps only from northern side. The name Bhairava is given to this tank because there is a colossal figure of Bhairava cut in rock. The most interesting aspect of this tank is that there are two figures of pilgrims carrying water in the traditional way in two vessels which are fixed to the end of a Banghi pole. The depth of this rock cut tank is 3 mts.

### **Sita Kund**

Sita *kund* is situated in north part of the fort after passing through seventh gate of the fort which is popularly known as *Bara Darwaza*. It is a small *kund* situated in a cave type structure where water is available round the year through the hydraulic pressure.

### **Cistern**

Cistern is located near sixth gate of the fort and a very short distance from the famous Bhairava tank. It measures 74 cms x 127 cms, cut out of a solid piece of stone. It is a monolithic water cistern.

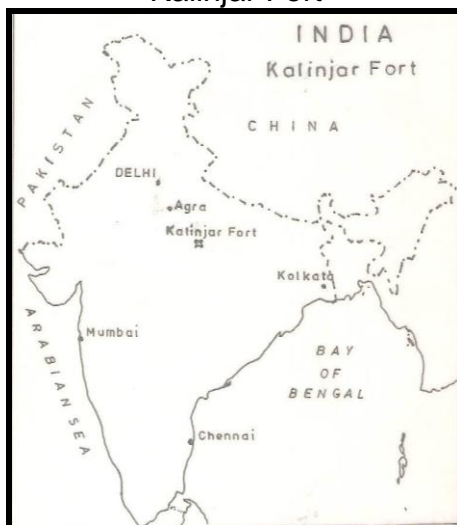
### **Chatri**

The chhatri is existed near the fortification wall near sixth gate, it is a masonry structure having arched gate on all side at cardinal point. At the roof level there provides projected eaves and surmounted by a bulbous dome with prominent pinnacles. The whole structure was built with roughly dressed stone and covered with plaster over the surface. The chhatri is most probably built as sepulchral monument.

### **Tunnel**

It is located near the road to Kalinjar fort from city side. It was meant to give a safe passage to the occupants of fort in great distress. Length wise it has a opening of 2 mts, whereas the width measures 1.75 cms. Tunnel faces north east direction towards the thick forest in a valley existing between the two hills.

Kalinjar Fort



Alexander Cunningham's Map showing Kalinjar

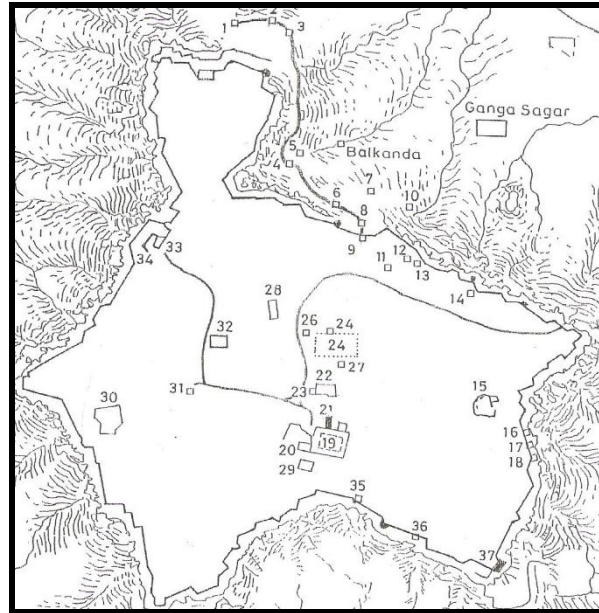
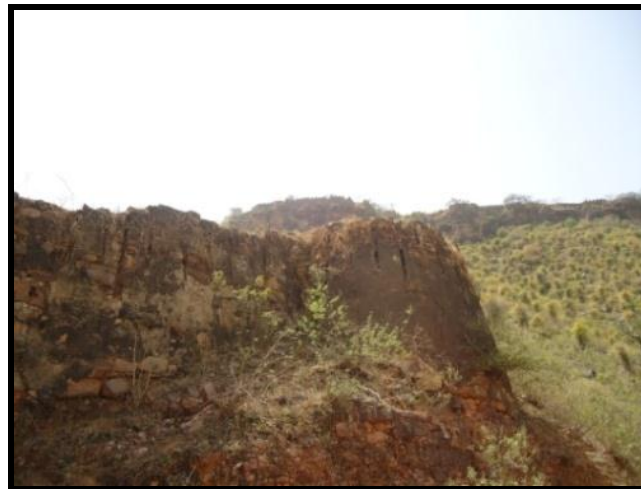


Plate-I



(A) Fortification



(B) Fortification



(C) Gate-I

(D) Gate- II



(E) Gate- III

(F) Gate- IV



(G) Gate- V



(H) Gate- VI

**Plate-II**



Gate- VII

(B) Barracks



(C) Aman Palace

(D) Venkat Palace



(E) Chobey Palace

(F) Moti Palace





(G) Rang Palace

(H) Rani Palace

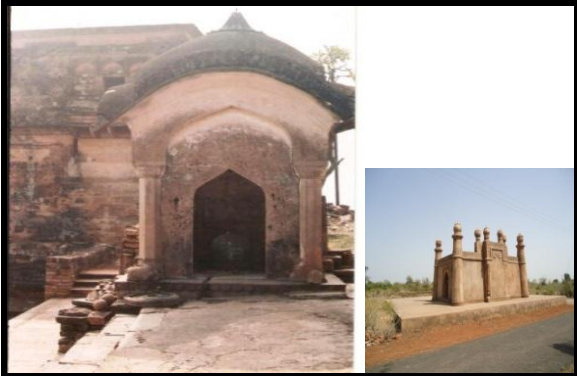


(I) Parmardideva Gate



(J) Neelkhant Temple

**PLATE III**



(A) Shiva Temple

(B) Mosque





(C) Tomb- I

(D) Tomb- II



(E) Grave

(F) Kot Tirth Tank



(G) Buddha Buddi Tank

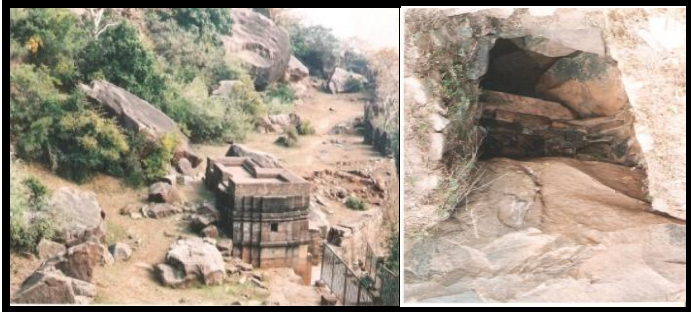
(H) Talaiya Tank



(I) Sursaya Tank

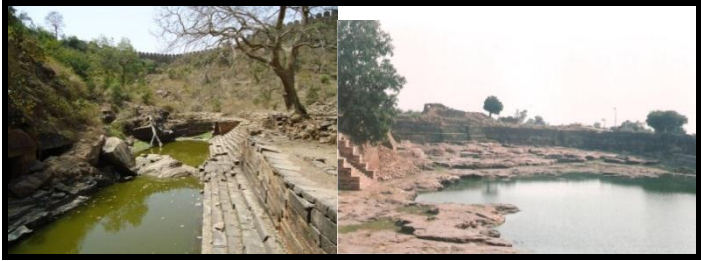
(J) Ram Katora Tank

**Plate IV**



(A) Mrig Dhara

(B) Patal Ganga





## Talpur Forts in Thar: Symbols of History and Strategy

Prof. Noor Ahmed Janjhi

### ABSTRACT

*Tharparkar, having a unique topography, has an interesting history and geography. Different ruling dynasties have ruled over it. Talpur Amirs of Sindh took over Thar from 1833 to 1843. They built forts at various locations in Tharparkar. The forts were constructed for land revenue collection and to address local insurgencies. The forts were garrisoned and provided hosting space to the officials of the Amirs. The scheme of the forts is in a straight strategic line bifurcating Thar into two zones... Northern and Southern Thar. Right from Naunkot to the Khudi fort, it is a mark of addressing the threats of both sides from the centre. They did not construct any fort in Parkar area of Tharparkar.*

*These considerations make these forts very interesting subject reflecting history, engineering and strategy. Therefore, it will be pertinent to study these forts from a different dimension. The forts have been disappeared except the Naunkot fort, situated at the juncture of sandy area and irrigated plains. The study of forts and fortresses in Tharparkar has not so far been conducted in a proper context. Some writers provided account of these forts in Sindhi and some are in English too. However, it is need of the hour to study the forts constructed by Talpur Amirs in*

*Thar, and to analyze the historical as well as strategic importance of these forts.*

### **Introduction**

History is analysis of an outcome of cause and effect of the events happened in the past. It is a discipline that depicts general temperament, power, fear, superstitions, generosity, conflicts and reconciliations of the nations of world. It can be said about the history that it not only reflect past but also has a great guidance for future. It is a general notion that history expresses about the ruling class only which is a clear cut misunderstanding about this discipline. The accounts of kings, ministers and courtiers depict only one aspect of the past. However, history is an inclusive account of the ruling class and ruled masses. Real history lies in the untold stories of the masses. History is the fundamental bed of politics and the politics is a pivotal institution in the society. It dictates all the rest institutions of society so the other institutions follow it. Sense of history and historiography injects life to the lazy and lethargic nations. Sometimes history repeats itself too. Despite the repetition, there is no reversal in the history. There is no concept of comma, full stop in the history as it enjoys ride on the horseback of time. The sense of history teaches the nations to strive continuously for their survival as Shah Latif has rightly said:

ٺڪيائي ٿر ٿيل، چڙهه چڪيائي چونئين،  
هلندي هوت پنهنون ڏي، پٿو مڙئي پيل،  
اُتي رانو ريل، ويٺن تان واري وري.

There it is imperative to have the sense of history for every people on the globe. Considering the point, let us discuss the history of Sindh. Chachnamo is fundamental treatise on the subject. But it seems a hotchpotch of myths and semi historical narrations of the time. There is no name of the writer so it is recognized after the name of Ali Bin Hamid Kufi, the translator of the account. It was translated into Sindhi and English languages. The very names of the places and persons were changed or misinterpreted. Other basic sources for the history and historiography in Sindh are the

accounts of Arab geographers and intelligent agents of different foreign governments. They visited Sindh in the disguise of tourists and other professionals. All of those are important documents but present the partial, one sided or prejudiced version of the history. Archaeological evidences are the other main source. Anthropological analysis and folklore also contribute to crystalize the history. Therefore, there are many misnomers and misconceptions in the history accounts about Sindh. Still it is Debel and Banbhor are a mystery. Hyderabad is being mentioned as Nerunkot in the past. What is relationship between the Aror and Rohri. All of these points are to be discussed, researched and resolved by the historians and researchers of the present time or of future. The history of Talpur forts also not written and researched in detail. The forts are gems in the crown of Talpur period.

### **Talpur Forts in Tharparkar**

These forts are built in Thar area of Tharparkar. Parkar has no such single fort. These are called “gadh” in common parlance. These forts start from the juncture of the Indus plain and the sandy area of Thar i.e., Naunkot and make a straight strategic line till a small village Khudi of Chhachhrotaluka which is mentioned as KODA by S N Raikes in his book “Memoirs on Thurr and Parkur”. The strategic line bifurcates the area into two hemispheres--- north and south. They ensure the defense of the area from its central line. They include; Naunkot Fort (3.5 km in the east of Naunkot town), Fatehgadh and Gadhi of Mithi, Fort of Islamkot, Fort of Seengaro, Fort of Chelhar and Fort of Khudi village. Only Naunkot forts standing and other forts have been swallowed by the whims of time. Let us discuss each fort, its location and ruins.

### **Fatehgadh or Fort of Mithi:**

According to Raichand Harijan, Talpurs built this fort to enforce their authority over Thakurs when the later refused to pay tax and other levies which were collected by them. This was the first ever Talpur fort in Tharparkar and was built

in 1789 A .D. There is no ruins even. The fort was located in the north of main chowk of the town. The Desert Guest House is constructed at the place. There is no record of the area of the fort. It seems that the fort was used as the office and the other fortress named Gadhi was used as the residential quarters. The fortress was originally built by Nara Sodha. Talpurs renovated it and used for residential purposes because of its location at the sand dune in the west of town. The ruins of the fortress are still there and a picnic point Manzar Benazir has been built by the district government. Many a tourist as well as local people the site in rainy season particularly and in the other days in general. Poets have discussed the site in their poetry. Haji Muhammad Dal and Piyaro Shivani has depicted Gadhi in their poetry. Haji Muhammad says:

پرکاپتن ۾ منيءَ جي گدي  
اچيسا اتا هي منيءَ گدي

### **Islamgadh or fort of Islamkot**

This fort was situated at the location where main Primary School is located these days. As the ruling people bade farewell to Thar, the fort was deserted. People started to take bricks of the fort and used the same in the construction of their houses. Thus, they settled the score with the ruling classes not belong to Thar. The fort was constructed in 1795 A D and its foundation mentions its vastness too. After the construction of this fort, the Chelhar fort was built and named as Aligadh. There is no single on the place where there was the fort. Forts of Seengaro and Khudi were built in 1800 AD. Those forts were also swallowed by the waves of time and only area of foundations of the forts can be seen there.

### **Naunkot Fort**

Mir Karam Ali Khan succeeded Mir Ghullam Ali. He built this fort in 1814 AD. According to the 9<sup>th</sup> volume of the Encyclopaedia Sindhiana, "This fort is situated 63 km in the south west of Mirpurkhas on 24.0 N latitude and 69.9 longitude." Its name is interesting. Naunkot means new fort. Why it was called a new fort. I think it built in the last so it

was called a new fort. It may be any other fort there or Talpurs constructed this unique fort in the area so the fort was called a new fort. As for the area of the fort is concerned, the Encyclopaedia Sindhiana reads, "The shape of fort is square one. The northern and southern arm of the fort are of 66 feet long and the eastern and the western ones are of 318 feet in length." Further it is stated in the Encyclopaedia about the fort that, "There are two minarets for main gate of the fort. There was a wooden door in the past. There is 12 feet wide wall around the fort with the two stairs to climb on for watchmen. There were 9 bunkers for the protection of the fort." There seems an armoury store of ammunition valet. Residential quarters are also built in the fort.

Mr Shaikh Khursheed Hassan in his book "Historical Forts of Pakistan" has mentioned the distance from Mirpurkhas as 65 km. He has noted width of the walls as 15 feet. Mr. Ishtiaq Ansari has also written about this fort in detail in his book *Sindh ja Kota in Qila*.

The above discussed forts are the symbols of history and strategy. From the study of the written matter, archaeological evidence and oral heritage, it can be concluded that:

- The forts are symbols of the history and strategy reflecting vulnerability of power. People react against the ruling classes when the ruling people are deprived of their grip on power. All the forts were demolished and bricks were taken by the local people as they did not want to see any such structure which represents others' power. Local people did not owned Talpur rule. However, the Talpurs have made matrimonial alliances too.
- All the forts make a straight line bifurcating the area in two zone for the sake of defense. Right from the Naukot fort to the Khudi fort near Indian border erect a defense wall at the chest of Thar. All of the forts were garrisoned stations aiming at only to establish and look after the governance.
- Talpurs did not constructed a single fort in Parkar area. The reason is unknown.



- These forts represent a lesson in the history that power is very vulnerable thing. There came many rulers and invaders in the area but there seems no trace rather than such ruins.
- Tharparkar is again talk of the country because of its mineral resources especially some 175 billion tons lying under the thick layers of sand.

The strategy and history of the area reflects many lessons in this way that there will be no forts and owners of those structures if they are not emerged out of those shifting sand dunes. The shifting sands have made Thari people resilient and they may survive in the face of all hardships and upheavals of the history.

**Reappraising the Modern Philippine Urban Environment, 1898-1941: American and Filipino Interactions, and Native Leadership**

**Prof. Ian Morley\***

**ABSTRACT**

*Historiography has traditionally focused upon the emergence of the modern urban form in the Philippines as an upshot of the commencement of American colonization in 1898. Put simply, the manifestation of the modern urban environment was based upon City Beautiful urban design ideas being imported into East Asia by individuals such as Daniel Burnham and William E. Parsons. But, in actuality, was the situation so unambiguous? Was the development of the 'modern Philippine built form' so straightforward, and was it solely determined by only American influences or persons? This paper suggests not. Accordingly the author contends that there is a need to re-evaluate historiography, and in doing so place attention onto the role of Filipinos within the evolutionary environmental narrative. As this paper will therefore reveal, Filipinos, especially after 1916 in colonial offices such as the Bureau of Public Works, closely collaborated with the Americans on a range of projects. Indeed by the 1920s it was Filipinos, not Americans, who were guiding the path of colonial urban environmental*

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*evolution. Notably as well, with respect to Filipino architects such as Juan Arellano, their capacity to exploit opportunities to manage grand civic projects and concurrently rephrase the traditions of the Spanish-era maestro de obras (master builders), helped in still elements of Philippine nationhood into projects typically read as 'modern' and 'American'. So, in the light of the active role of Filipinos within colonial bureaucracy the proposed paper for conference puts forward a new interpretation of Philippine urban history. In this manner a more balanced assessment of the contribution and integration of actors who shaped the Philippine urban scape prior to World War Two will be tendered.*

### **Introduction**

It is universally acknowledged that 1898 is a watershed year in the history of the Philippines. As an outcome of the Battle of Manila Bay in May 1 1898, and the subsequent control of the Philippine Archipelago by American military forces, American colonial rule commenced. Seeking to build a new kind of society in the Philippines, one of a cultural and political form in antithesis to what it had been under Spanish colonial rule, the Americans devised a strategy which, in their view, would propel life in the Philippines for the first time into 'the modern age'. In historiographical terms much attention, thus, has been placed upon local advances in public health, economic development, the expansion of education, law, and order, the growth of democratic politics, and the construction of infrastructure,<sup>1</sup> yet in this scholarly context far less attention has been put upon another fundamental of American colonial rule: city planning<sup>2</sup>. Notwithstanding evidence showing that from as early as 1901<sup>3</sup> the Americans were considering the major reshaping of Philippine urban environments so as to make them both

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1 Alfred McCoy, *Policing America's Empire* (Madison: University of Wisconsin Press, 2009), 61.

2 Wolfgang Sonne, *Representing the State: Capital City Planning in the Early Twentieth Century* (Munich: Prestel, 2004), 90.

3 Ian Morley, "Modern Urban Designing in the Philippines, 1898-1916", *Philippine Studies*, 64, No. 1 (2016), 7.

more beautiful and functional, historiography has placed relatively little emphasis on the significance of the evolution of the Philippine built form after 1898. Significantly too, even less thought has been placed upon the role of Filipinos in this urban design process.

As a means to explicate the evolution of the Philippine urban environment during the American colonial era the years 1898 to 1941 are to be split into two epochs: 1898 to 1916; 1916 to 1941. As to why the narrative given in this paper comprises of two sections it is imperative to emphasize the importance of 1916 in the light of the passing of the Philippine Autonomy Act<sup>4</sup> in that year. As to why the Autonomy Act may be interpreted as a historical watershed it must be known that the decree stipulated that existing executive colonial government, the Philippine Commission (PC), should be replaced by an elected all-Filipino House of Representatives and Senate. Paving the way for, in the words of the Act, “more autonomous government”, the Act in effect opened the door for future Philippine independence. Moreover, and of note as well, the Act open new possibilities for Filipinos employed within the colonial bureaucracy. With high-level American civil servants post-1916 being replaced by Filipinos they had opportunity to work in posts hitherto unobtainable. Such administrative transition was especially evident in the Bureau of Public Works (BPW), i.e. the colonial office in charge, amongst other things, of grand architectural and urban planning projects.

### **1898 to 1916**

In terms of urban design the era of 1898 to 1916 is, historiographically speaking, dominated by one man, Daniel Burnham, and one urban plan: the 1905 city plan for Manila. As to why so much focus has been put upon Burnham and Manila a few comments must be made. For instance, Burnham’s scheme sought to transform Manila – the centre of Philippine culture, politics, and economics - into a modern,

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4 The Act is sometimes referred to as Jones Law or the Act of Congress, August 29 1916.

beautiful capital city. In the milieu of the United States' (US) promotion of 'benevolent assimilation' the 1905 project was to act as an expression of the destiny of the Filipino people as well as an enduring witness to the efficient services of the US.<sup>5</sup> It thus was to articulate the US' mission to reform the Philippines, and in doing so the scheme was to purposefully make the Spanish colonial urban design model, based on the 1573 Law of the Indies, redundant.<sup>6</sup>

Inheriting in 1898 insanitary urban environments, outdated and corrupt administrative machinery, and finding disquiet amongst the local population as to the application of law and order, the PC by as early as 1901 discussed the revitalization of Manila, but had few precedents upon which to base any policy so that societal advancement/urban renewal could transpire. As such it was inevitable the Commission would look to North America for any inspiration and so, with respect to the utilizing of city planning, its use was at a minimum to elevate levels of security and convenience, develop civic spirit, provide fresh visual and spatial nature to urban locales, and aid the expansion of local economies.<sup>7</sup> The environmental makeover of Manila in particular, a demonstrative of active US power within a society previously held down by the allegedly degenerate influence of the Spanish colonial yoke, envisaged the modern American city in East Asia<sup>8</sup>, one that was shaped by contemporary American urban design notions associated

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5 Daniel Burnham and Peirce Anderson, "Report on Proposed Improvement of Manila", in *6<sup>th</sup> Annual Report of the Philippine Commission* (Washington DC: Government Printing Office, 1906), 635.

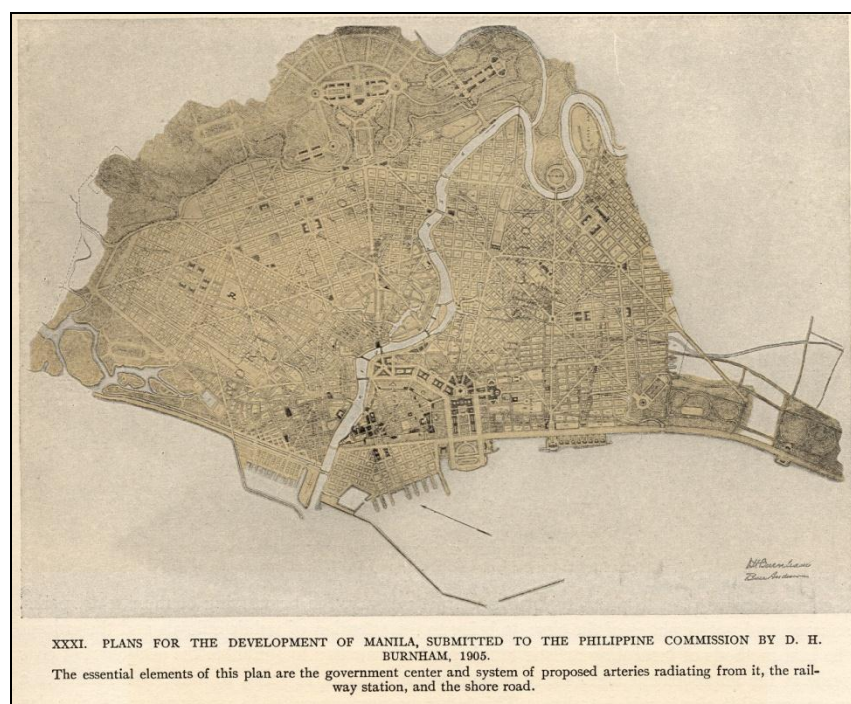
6 Ian Morley, *op. cit.*, 10.

7 City Beautiful urbanism centred upon the creation of grand architectonic productions. The concept of systematically arranging buildings, spaces and roads into orderly urban forms was thought, by City Beautifulites, to help produce a higher level of citizen. As such beautiful cities manufactured higher society— beautiful cities denoted moral, intellectual and governmental progress – a scenario too in which people were bonded by new levels of 'social religion'. See Edward Ross, *Social Control* (New York: Macmillan, 1901), 200.

8 Gerard Lico, *Arkitekturang Filipina* (Quezon City: University of the Philippines Press, 2008), 250.

with the City Beautiful Movement. So, with the recommending of forging new roads, buildings, and spaces, Burnham and his 1905 plan would on one hand encourage the ‘uplifting’ of the nation and, on the other hand, assist the management of the city as it grew from its early-1900s population level of about 225,000<sup>9</sup> to, in the view of Americans, its demographic ceiling in the future of 2 million people.<sup>10</sup>

**Figure 1. The 1905 Manila Plan.**



Comprising of a handful of basic elements – the redevelopment of the waterfront, the creation of public parks and the abundant planting of foliage throughout the settlement, the laying down of new streets, plus the construction of new public buildings – the primary transition

9 Daniel Burnham and Peirce Anderson, *op. cit.*, 631.

10 “America in the Philippines IV”, *The Times*, November 12 1910, 7.

between 'Old Manila' and 'New Manila' was spatial emphasis on the development of the area known as *Extramuros*, i.e. the area of land outside the Spanish colonial walled city (known as *Intramuros*). Inspired by the layout of Washington DC, which in Burnham's opinion was the best planned of all cities,<sup>11</sup> and moving the city's governmental core for the first time outside the aforementioned walled city, grand road axes and sightlines were to be established: these arteries were to physically and visually connect the new civic core to the outlying suburban communities.

Located in proximity to the *Intramuros* the new governmental district was designed as a symmetrical built mass flanked by two large-sized urban spaces. Resembling Washington DC in both appearance and plan, the open areas were sited in proximity to the district's principal building, the Capitol, and in accord with its central axis. As just noted, in City Beautiful Manila people's capacity to see the Government Group through new urban spaces and along new thoroughfares was purposefully meaningful. Vistas were to permit the public to look with esteem toward the insignia of American colonial government, the Capitol's dome,<sup>12</sup> and likewise they were to enable bureaucrats to look out to the city and the public over whom they were to serve. Such a ploy was designed to provoke a number of transitions associated with the 'uplifting' and 'civilizing' of local society. The 1905 Manila plan, as already insinuated, was designed to pronounce that a new era had begun in the Philippines.<sup>13</sup> Whereas the *Intramuros* with its grand fortifications and its plazas lined by churches, the houses of nobles, government buildings, and edifices for mercantile activities had dominated Manila's cityscape until then, the reconfigured built fabric as put forward by Burnham was to proclaim the arrival of 'modernity'. As an articulation of the nation's progress post-1898 City Beautiful Manila was to underscore to Filipinos the

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11 Daniel Burnham and Peirce Anderson, *op. cit.*, 631.

12 *Ibid.*, 632.

13 *Ibid.*, 635.

distinction between 'Spanish Philippines' and 'American Philippines' because, as far as the Americans were concerned, Catholic Spanish rule in its quest for glory, God, and gold had done nothing more than produce a civilization disparate from that founded on the principles of the Enlightenment.<sup>14</sup> Exposing the self-proclaimed superiority of the Anglo-Saxon/Protestant race to Spanish and of course local indigenous people, the Americans believed that the importation of the 'modern city type' to the Philippines, alongside the development of law, order, education, the economy, infrastructure, etc., would help remove shackles that had suppressed the local population. Consequently city planning, alongside other 'advancements', would help provide social and economic opportunities not possible before 1898, and thereby empower Filipinos to reveal their 'true spirit'. Urban spaces were to be especially useful in this regard.

While it may be noted that the merging of new public buildings with landscaped spaces was to assist Manila in being visually equal to the greatest cities of the Western world, green spaces had uses supplementary to beautification. In the case of Manila's new Mall (230 meters long, 80 meters wide—sited near the Capitol), its central axis fostered awareness of the Filipino nation owing to a monument dedicated to national hero José Rizal marking the alignment. Consequently, through Burnham's placing of Manila's version of the Washington Monument (in Washington, DC) within the primary urban space of the reformed Philippine capital city, the open area became interlinked with 'Filipinism',<sup>15</sup> namely, the notion of amalgamating the greatest in the Orient with the greatest in

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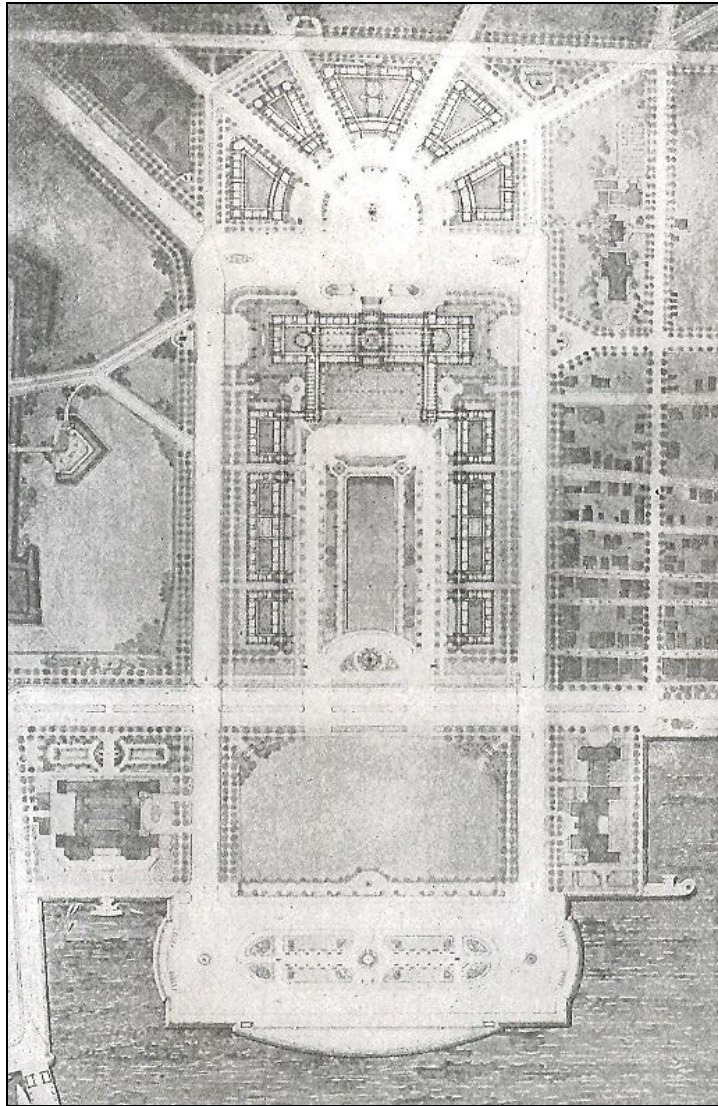
14 Gerard Linderman, *The Mirror of War* (Ann Arbor: University of Michigan Press, 1974), 114.

15 Resil Mojares, "The Formation of Filipino Nationalism Under US Colonial Rule", *Philippine Quarterly of Culture and Society*, 34, No. 1 (2006), 15.



the Latin and the Anglo-Saxon worlds.<sup>16</sup> This union post-1916, as discussed subsequently, was to take another form.

**Figure 2.A: Plan of the government district in Manila (as put forward by Daniel Burnham in 1905).**



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16 *Rafael Palma: A Commemorative Brochure on his Birth Centenary* (Quezon City: University of the Philippines Press, 1974), 57-72.

In Baguio<sup>17</sup>, the new summer capital city planned by Burnham at the same time as Manila, a number of environmental traits visible in the Philippine capital were also employed. Notwithstanding Baguio's undulating site the government buildings had an alignment between them that not only made them highly visible, but also, in the view of Wolfgang Sonne (2004)<sup>18</sup>, permitted the power of the state to be omnipresent. With regard to this topic David Brody (2001)<sup>19</sup> reasoned that the plan of Baguio granted the Americans a scopic capacity to see and control the city and so its people. In offering a paradigm of disciplinary sight, Baguio, he argued, was an example of design and power interacting to affect people's — the Filipinos' — behavior. In his view the city plan, like that of Manila, was formed with grand axes so that unobstructed views of public buildings and in turn unhindered visual pathways to power were formed. Significantly, Baguio's primary leisure space, an esplanade positioned directly on the axis between the Municipal and Government Centre, acted as a contact zone<sup>20</sup> to enable tribes people in the region who historically, geographically, and culturally has been separated from each other to come into contact with each other so that the dominant group, the Americans, could coerce the weaker group, the native Filipinos, partly to facilitate colonial authority and its ideals regarding societal evolution.

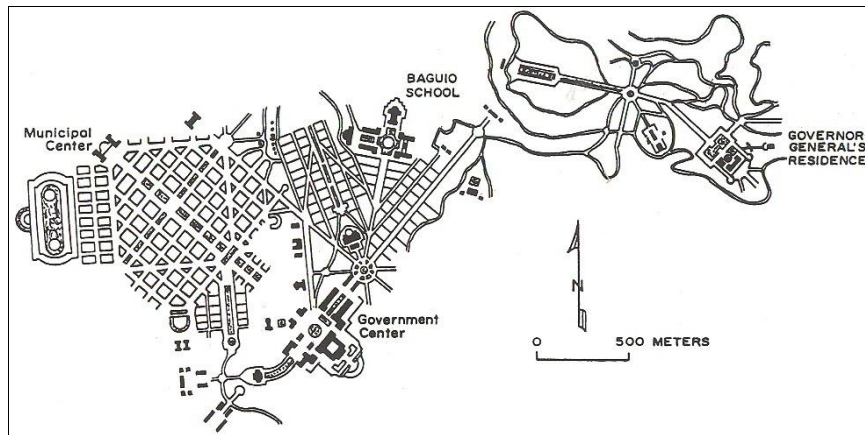
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17 Baguio is located in the uplands of North Luzon, Its site sits 5, 000 feet above sea level.

18 Wolfgang Sonne, *op. cit.*, 94.

19 David Brody, "Building Empire: Architecture and American Imperialism in the Philippines", *Journal of Asian American Studies* 4, No. 2 (2001), 128.

20 Mary Pratt, *Imperial Eyes: Travel Writing and Transculturation* (New York: Routledge, 1992), 6.

**Figure 3: The 1905 plan of Baguio by Daniel Burnham**

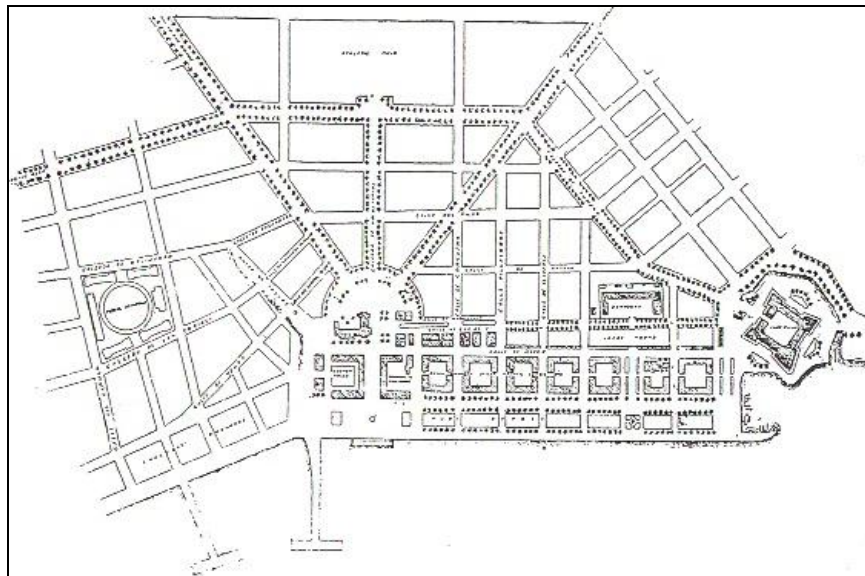
Following the examples of Manila and Baguio between 1905 and 1916 much urban design activity took place in the provinces of the Philippines.<sup>21</sup> Impressing onto the Filipino mind the strength and stability of the American colonial government, urban planning schemes were important not only in establishing and sustaining US authority but also in proliferating 'Philippine national culture' and cultivating civic liberalism outside of Manila. Composed by William E. Parsons, the Consultant Architect, plans for the regional capital cities of Cebu and Zamboanga, for example, drew great inspiration from Burnham's planning model initially formulated in the US, e.g. in Chicago, Washington DC, and Cleveland, and then applied first in the Philippines in Manila. In forging public space and ensuring that civic edifices were highly visible within 'the modern Philippine city', Parsons, along with Burnham before him, helped enact a meta-culture<sup>22</sup> that was to sit above 'low regional cultures'. Thus, while the Spanish, according to American perceptions had

21 Ian Morley, *op. cit.*, 24.

22 A trait of the meta-culture was the proliferation of English, and American customs and traditions.

sought to eradicate Philippine traditions, the Americans took a different approach: they endeavoured to restyle customs into the form of a new national culture, one allied to the 'modern', so that Filipinos could embrace a higher level of civilization. In light of the American opinion that Filipinos possessed cultural shortcomings, environmental transformation was one means among many to help fortify Filipinos' evolution from the 'primitive' to 'advanced'. By establishing green spaces so that public edifices could be in a position of dignity and retirement,<sup>23</sup> Parsons instituted a visual and spatial transformation within many provincial settlements – a process of change that gathered speed in the late-1920s and early-1930s thanks to plans in a similar vein by Filipino architect-planners such as Juan Arellano.

**Figure 4. The plan for Zamboanga by William E. Parsons.**



The implementation of an urban plan in Zamboanga<sup>24</sup>, a settlement in which Muslim Filipinos resided, provided the

23 H.H. Cameron, "Provincial Centers in the Philippine Islands", *Quarterly Bulletin, Bureau of Public Works* 2, No. 4 (1914), 3.

24 The settlement is located at the south-western tip of the island of Mindanao.

US with an opportunity to test its capacity to civilize, uplift, and unify culturally plural subjects.<sup>25</sup> As people who had previously rejected Spanish authority, the Muslims, with their distinct culture and social structure, offered a unique challenge to the colonizers who sought to modernize the territory and population of the whole of 'the Philippines'. As a matter of course the Americans in Zamboanga promoted schools, an awareness of democratic local politics, and a civic identity to help encourage the Christian colonizers and colonized Muslims to cooperate, in the hope of reducing deep-rooted Christian-Muslim animosities.<sup>26</sup> Economic policy buoyed this approach, but given the nature of local culture, one that the Americans saw as 'backward',<sup>27</sup> it is important to appreciate how the colonizers envisaged integrating the Moros into a national society framework and to appreciate US strategy one major point needs to be grasped: Moro 'backwardness', to the Americans, was not only an upshot of cultural matters but an effect too of ignorance as to the abundant possibilities of modernity. With the Mindanao economy to be stimulated via the urban plan by a business district in Zamboanga's renewed environment, and given the nature of American thinking and its positive beliefs about capitalism, the local population in this milieu would be purged of their allegedly primitive character. By substituting 'traditional' farming and manufacturing activities with improved agricultural and industrial techniques, methods that would trigger an increase in local people's wealth, the Muslims (known as Moros) would not only embrace American governance but also the colonial notion of instigating reform for the 'public good'. Additionally by embracing various matters associated with modernity, just as Filipinos on other islands had done, e.g. the English

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25 Michael Hawkins, Imperial Historicism and American Imperial Rule in the Philippines' Muslim South", *Journal of Southeast Asia Studies* 39, No. 3 (2008), 414.

26 Cesar Majul, *The Contemporary Muslim Movement in the Philippines* (Berkeley: Mizan Press, 1985), 20.

27 Michael Hawkins, *op. cit.*, 424.

language, the Moros would be pulled into the larger Philippine body, that is to say, a politico-cultural entity from which they had long been separated. In light of such governmental philosophy it is unsurprising that urban planning was exploited to help augment the local economy so as to allow local people to earn previously unimaginable amounts of money.<sup>28</sup> In this setting, evidently, the Americans thought that the Protestant, Anglo-American trait of time-work discipline would support the civilizing of the Moros. As Dipesh Chakrabarty (2000)<sup>29</sup> explained, Western thinking viewed capital creation as possessing an ability to unite people: in this conceptual framework, once capitalism encountered a premodern or uncivilized society a struggle transpires, and in the course of which, capital cancels out or at least neutralizes the contingent differences between specific histories. In this way, as Hawkins (2008)<sup>30</sup> has revealed, capitalism eradicates archaic and inefficient elements within society, replacing them with a new work ethic, upward mobility, and advancement as part of the commencement of 'modernity'.

### **The Post-1916 Situation**

Between 1905 and 1916 the volume of city planning occurring in the Philippines was so great that it was on a par with the amount of schemes laid down at that time in the US.<sup>31</sup> However, 1916 brought a turning point in terms of colonial administration: the passing of the Philippine Autonomy Act led to the widening of democratic politics in the Philippines, and the holding of offices at all levels of government by Filipinos. Although the fruits of this legislative shift did not bear immediate fruit by the 1920s the impact of legal transition was becoming evident in offices such as the

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28 Ian Morley, *op. cit.*, 30.

29 Dipesh Chakrabarty, *Provincializing Europe* (Princeton: Princeton University Press, 2000), 47.

30 Michael Hawkins, *op. cit.*, 424.

31 Thomas Hines, "The Imperial Facade: Daniel H. Burnham and American Architectural Planning in the Philippines", *Pacific Historical Review*, 41, No. 1. (1972), 50.

BPW. Formed in 1905 the BPW prior to 1916 was headed by American officials<sup>32</sup>, and indeed was still headed by Americans in the years immediately preceding 1916. But by the 1920s a turning point was attained: in the BPW's Division of Architecture, the office responsible for civic building and urban design projects, Filipinos now held the top posts. With architects such as Juan Arellano, Tomas Mapua, and Antonio Toledo preparing designs for landmarks such as the Post Office— see figure 5, Rizal Memorial Stadium, and Philippine Legislature in Manila, as well as provincial Capitol buildings and complexes, historiography has focused on these grand projects and, in conjunction, their use of Neo-Classical aesthetic but little of the attitude of the Filipino architects responsible for them.<sup>33</sup> Whilst their buildings has been noted as elegant, and in many instances also imposing, historiography has remarked upon the lack of local cultural expression within the facades— only their pediments and friezes have been noted to present characters of Filipino look in Filipino dress— nor their sentiment. To cite Doane, “There can be no true democracy without leadership, and there can be no leadership worth while in democracy that is not the interest of the people as a whole”.<sup>34</sup> It is only with the rise of the Art Nouveau aesthetic within the Philippines in the 1930s, that according to historiography, architecture began to assume a ‘Filipino character’ owing to its motifs which, it seems, more pertinently represented ‘true Filipino architectural expression’. I purport the situation was more complex. For example, what of spatial arranging after 1916? What was the role of Filipinos in the BPW in helping configure Philippine towns and cities? And how did they

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32 At the end of 1916 9 Filipino architects were employed in the BPW. In total 193 Filipinos were employed in the BPW at that time. The head of the Division of Architecture was an American, Ralph Doane. By 1921 the BPW had 99 Filipinos employed in technical positions, and just 27 Americans in such posts.

33 In terms of the development of the colonial attitude to architecture in the Philippines the key work is “Architecture in the Philippines” by Ralph Doane, *Quarterly Bulletin, Bureau of Public Works*, 7, No. 2 (1918), 2-8.

34 *Ibid.*, 2.



affect the attitudes and actions of Americans working in colonial offices at that time? These questions, in my view, demand consideration.

**Figure 5. THE POST OFFICE, MANILA BY JUAN ARELLANO AS SEEN FROM PLAZA LAWTON.**



To help demonstrate the impact of Filipinos upon US colonial bureaucracy, the paper will now focus upon Juan Arellano. Underplayed in historiography Arellano in actuality had a distinct status during the period 1916-41: he designed many of the largest architectural projects in Manila; he designed many of the largest civic design projects in the provinces; his work commonly combined Spanish colonial era master builder traditions with modern age materials, e.g. concrete; the detailing on his many projects made explicit reference to Filipino culture<sup>35</sup>; he assumed the highest architectural rank within the BPW. Put simply, Arellano was a Filipino design

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35 Doane in 1918 commented that the “fact is there is not, and never has been a characteristically Philippine architecture”, and that the situation “is not necessarily a reflection upon the genius of the Filipinos.” *Ibid.*, 2.



innovator. To appreciate his genius attention will now turn to his 1931 and 1933 plans for Manila.<sup>36</sup>

In the early-1930s Arellano<sup>37</sup>, then the Consulting Architect in the BPW, was heavily involved in the composing of two reports which put forward zoning plans for Manila.<sup>38</sup>As the chief Filipino architect in the country by this time, a matter confirmed by his lofty position within the BPW and the grand works he designed, the resultant city plans aimed “to direct the future building development of the city along orderly lines.”<sup>39</sup> Helping to protect land ownership rights, a matter the 1905 Burnham plan made no reference to, the 1931 plan, for instance, “secures the residential, commercial and industrial interests by setting aside special districts for each of these uses.”<sup>40</sup> Classifying urban territory into a number of types— Class A Residential (i.e. affluent housing areas), Class B Residential (i.e. lower class housing districts), Commercial Zone, Light Industrial Zone, Heavy Industrial Zone, Offensive Zone (i.e. areas where fertilizer manufacture, tanneries, incineration of refuse, stockyards, etc., were found), and Parks (including plazas, boulevards, park avenues, playgrounds, and cemeteries) –the plan would at a minimum protect property owners and their investments.

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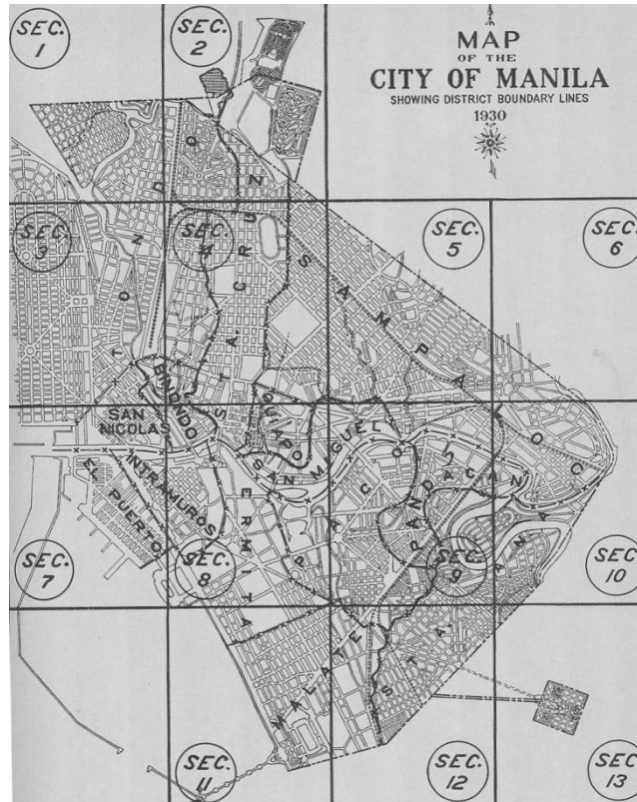
36 The concept of zoning plans was borne from an Executive Order by the Mayor of Manila, Tomas Earnshaw, dated March 22 1928.

37 From as early as 1920 Arellano, as well as Tomas Mapua, had been acting as Supervising Architects to a range of public projects. “Division of Architecture”, *The Bureau of Public Works Bulletin*, 9, No. 1 (1921), 32.

38 The model upon which the schemes were based was New York. See ‘Mayor Earnshaw Favors Zoning Plan’, *The Manila Times*, July 21 1919, 8.

39 Zoning Committee, *Section Zoning Plans of the City of Manila* (Manila: Bureau of Printing, 1931), 3.

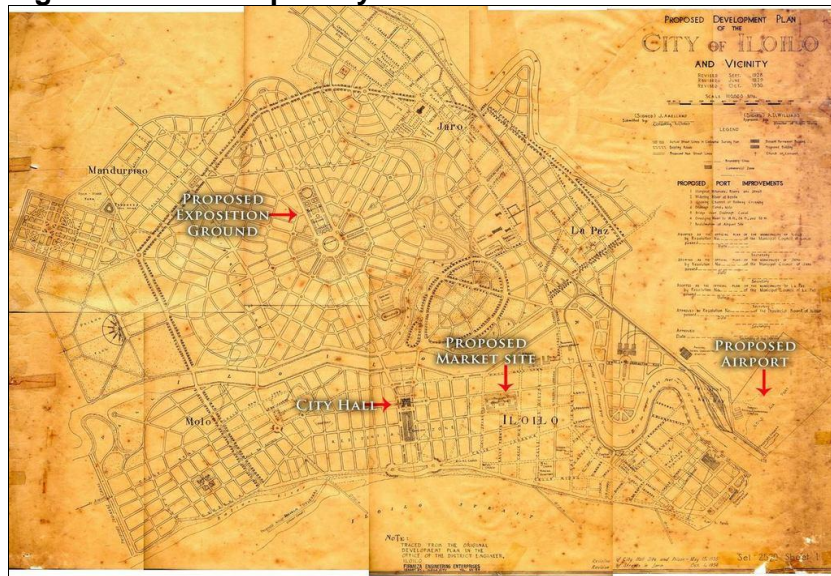
40 *Ibid.*, 3.

**Figure 6. The 1931 Zoning Plan for Manila.**

To appreciate the built form recommended by the 1931 city plan it is first imperative to recognize that the civic centre in the *Extramuros* proposed by Daniel Burnham was to be maintained (in the district of Ermita), and indeed enhanced by the building of the new Post Office next to the Pasig River. But the 1905 proposal for suburban development was to be radically altered. Within the 1931 plan, and reinforced in 1933 by the additional city planning report, commercial properties were to line primary thoroughfares with particular parts of the city, and along waterways Heavy Industrial and Offensive Zones were to be formed. Near to rail lines light industry was to be placed whilst around plazas (formed in both the Spanish and American colonial eras) commercial

premises were to be sited. To aid traffic flow parking spaces were to be established in the vicinity of market buildings, and the city's Central Market was to be provided with two bus stations – one for vehicles coming from the northern districts within the city, the other for vehicles from southern quarters.<sup>41</sup> Morphologically speaking the scheme, alongside others in which Arellano was involved, emphasized the importance of public space: 'proper development and improvement' was a fundamental so that public buildings and monuments could stand in positions of dignity. In Iloilo, the 1930 city plan, figure 7, Arellano reworked the grid plan tradition introduced in the late-1500s by the Spanish to create a series of roadways that centred upon new major spaces in the exposition grounds and at the front of the City Hall: this particular green open area helping to promote a civic consciousness at the expense of Spanish Catholic spatial logic which formerly made cities and their urban form centre upon churches and plaza mayores.

**Figure 7: The 1930 plan by Arellano for Iloilo.**



41 Juan Arellano, "Manila Looking Forward", *The Philippines Herald Yearbook*, (September 23, 1933), 11.

In the provinces, as just commented upon, Arellano played the central role in preparing urban plans and laying out plazas.<sup>42</sup> In 1931, for example, Arellano was involved in the design and construction of 14 provincial capitols and their settings, plus the reconstruction of 5 more.<sup>43</sup> Whilst Classical in architectural form, and commonly surrounded by symmetrically formed green spaces of a character typical to City Beautiful urbanism, i.e., the urban design model imported into the Philippines in the early-1900s by Daniel Burnham – see figure 8, given the shifting political context at that time the spaces and their nearby buildings were not then, and still now, are grasped as American colonial environments but rather *places of the Philippine nation*. As to why this actuality transpired the 1930s was a time when Philippine independence for the first time deemed possible: in fact in 1936 Philippine independence was confirmed by the passing of the Tydings-McDuffy Act.<sup>44</sup> Secondly, Arellano was an individual who held great national pride, and worked for the Filipino people as members of a distinct, modernizing nation. Thirdly, akin to Manila, new plazas formed during the American colonial era, so as to unite Filipinos and to promote the national body politic, were named after heroes, e.g. José Rizal, and were lined by statuary to Rizal, or the national flag, or figure representing the Philippines and its peoples.

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42 Juan Arellano, "Division of Architecture", *Construction: A Journal for Philippine Builders* 3, no. 9 (1932), 89.

43 "Appendix", *The Bureau of Public Works Bulletin*, 19, no. 1 (1931), 63.

44 The Act promised independence within ten years.

**Figure 8. Top: The front elevation of the City Hall, and its vicinity, Davao, and (bottom) Plaza Rizal in Naga City as seen in 1939.**



With the passing of Act No. 3482, a decree governing the preparation of development plans for towns and cities, more attention was given by municipalities to urban planning problems and the location of civic edifices. Taking the Bacolod Provincial Capitol Building (figure 9), this Classically-formed concrete-built edifice, 105 metres wide, helped redefine the Philippine cityscape away from Spanish era plaza mayor but, more to the point, explicitly

demonstrated how Filipinos such as Arellano, a fervent nationalist<sup>45</sup>, were not mere instruments of colonial rule but rather drivers of colonial environmental development. Contradicting historiography established in the early post-colonial decades, e.g., by writers such as Renato Constantino<sup>46</sup>, and instead demonstrating what contemporary writers of Philippines culture and its development have suggested, e.g., Vince Boudreau<sup>47</sup>, Filipinos embraced a range of actions designed to secure positions within the US regime. Filipino resistance to colonization in this framework came from within the regime, and not from any outward intent to overthrow it. As such architect-planners like Arellano engaged with the colonial system for the dual purpose of resistance (so as to preserve native design traditions) and societal reform (so as to promote their place as Filipinos within the modern world) and in doing use for the first time materials and aesthetics new to the country. Hence it may be suggested that Filipinos were active participants in rather than passive receptors of American sponsored urban planning projects, and that they actively redefined spatial evolution/transformation for themselves owing to their nationalist goal of attaining liberty.

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45 From interviews with Juan Arellano's son, Tito, it is clear how much pride and passion he felt for the Philippines.

46 Renato Constantino, *The Miseducation of the Filipino* (Quezon City: Malay Books Inc., 1966), 4.

47 Vince Boudreau, "Methods of Domination and Modes of Resistance", in Julian Go and Anne L. Foster, *The American Colonial State in the Philippines: Global Perspectives* (Raleigh: Duke University Press, 2003), 258.



**Figure 8:** Top, the Capitol, Bacolod, and (bottom) a figure of a woman, *Madra Filipina* (Mother Philippine), and water buffalo in the Capitol's grounds.



If it is to be believed that individuals in the BPW such as Juan Arellano directed efforts towards societal reform by working within the system, then they clearly understood that by operating as part of colonial bureaucracy they would be offered professional opportunities which otherwise would not be available. As some Filipino historians, e.g. Camilo Osias, have speculated that many Filipinos in 1896, the time of the Filipino Revolution, were exposed to overt nationalist sentiments, the experience consequently instilled into them a critical perspective of Western authority and simultaneously inspired an ardent passion for Philippine autonomy. The ability as a 'complicit collaborator' of course not only required familiarity with English<sup>48</sup>, but in terms of urban design, a grasp of contemporary American practices which, in the setting of nationalist ideals, could be supplemented with meanings and contexts which gave them a form that was no longer American but rather, 'Filipino'. Framing their vocational actions in nationalist terms, something that might be labelled civic nationalism<sup>49</sup>, individuals like Arellano thereby came to redefine their profession. They came to comprehend their vocational projects not so much as pursuits of American acceptance but rather of the achievement of nationalist goals. In a sense Arellano, the individual upon whom this paper has focused, alongside Tomas Mapua and Antonio Toledo, to cite other leading Filipino architects before 1941, reshaped the Filipino experience within the US colonial system. Preferring to utilize the colonial regime to work for the future goal of liberty, employment in colonial offices became the means to attain independence within the broader context of the shift during the early-1900s from militant nationalism to civic nationalism. Through the notion of civic nationalism employment could be a conduit for Filipinos to, physically and metaphorically, built their own house rather than destroy

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48 Architects like Arellano embraced opportunities at the start of the 1900s to study in the US. Returning to the Philippines they integrated Spanish colonial traditions with new techniques and ideas learned in North America.

49 Resil Mojares, *op. cit.*, 12-4.



what exists owing to the 'better knowledge' of the colonizers. Of course, whilst Filipinos in offices such as the BPW displayed deference to their colonial masters they also were critical of the US whilst concurrently engaging with it, and this should not be downplayed.

### **Conclusion**

The 1916 Autonomy Act provided for the increased inclusion of Filipinos within the political structure. The 'Filipinization' of the colonial civil service that ensued was an important step in the run up to independence, and climaxed from as early as the 1920s with Filipinos not only rising through the bureaucratic ranks but attaining the top governmental positions (in offices such as the BPW). As this paper has attested, Filipinos were not passive receptors to an oppressive colonial administration. They engaged with the state-sponsored urban design system due to personal interests of opportunity, arguably curiosity too, notwithstanding their pursuance of nationalist, resistive agendas. Furthermore Filipinos possessed a formative role within governmental offices where the colonizers could not ignore the wishes and initiatives of their colonial subjects. However, while there is an obvious need for deeper investigations into the roles, wishes, and initiatives of the Filipinos additional investigations are required so as to grasp precisely how the Filipinos in the BPW shaped their colonial masters. Accordingly, owing to their integration with Americans via employment in government offices, the traditional historiographical perspective that such Filipinos were 'unfilipino Filipinos' arguably needs reappraisal. I would argue, thus, that Filipinos were true to themselves but saw opportunity to engage with Americans as part of their self-promotion of civic nationalism, because with this concept in mind working in colonial officers meant helping the nation take steps to instigate liberty and, ultimately, independence. Intrinsicly, as I have implied, these individuals operating as colonial officers in the BPW and the like were not deferential to the US. Instead they chose to help set the course of the

Philippines on a constructive path, one that was both literal as well as abstract.

US imperialism in the Far East was ground in the fact that it was a duty for Americans to convey the role of the US as civilizer of the world.<sup>50</sup>Imposing their modern customs and mores upon Filipinos, so as to reform them into 'little brown brothers', in spatial terms this evolution from as early as 1905 with the implementation of city plans which, at their symbolic core, had the laying out of new civic edifices and plazas. The historiography implies street and park improvements were solely American driven: the BPW, an American determined office, approved plans for municipal improvements. In reality municipalities headed by Filipino civil servants approached the BPW post-1916 for advice,<sup>51</sup>and the office, headed by Filipinos, composed schemes to meet their requirements. These schemes, many of a large structural scale with grand, symmetrically formed landscapes, as already commented upon, altered the morphology and appearance of Philippine cities. I'd like to state another cultural change though: it was Filipinos within the BPW enacted the visual and spatial proliferation of modernity. It was they, both in Manila and the provinces, who were, in effect, heroes to their nation. Why? Through their skills, attitudes, and maybe even guile, they were active agents in a process in which environmental reform was an actual means to taking society to a higher level of civilization. As Burnham said, "make no little plans; they have no magic to stir men's blood...make big plans, aim high in hope and work"<sup>52</sup>, then it must be known that it was Filipinos, not Americans, who in the run up to independence stirred their nation to a higher state of being, and it was they, with high hope and work, who took their country to a new state of being, a state of being that provide solid bedrock ready, after World War Two, for full independence.

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50 Henry Parker Willis, *Our Philippine Problem* (New York: H. Holt, 1905), 18.

51 C.M. Mandelbaum, "Division of Architecture", *The Bureau of Public Works Bulletin* 14, No. 1 (1926), 25.

52 Charles Moore, *Daniel H Burnham: Architect, Planner of Cities Vol. 2* (Boston: Houghton Mifflin, 1921), 147.

## **An Ethnographic Study of Culture as an Identity of Baloch People**

**Shehnaz Mehboob Baloch\***

### **ABSTRACT**

*Culture is a defining feature of a person's identity, contributing to how they visualize themselves and the groups with which they identify. Culture may be broadly defined as the sum total of ways of living built up by a group of human beings, which is transmitted through generations. Every community, cultural group or ethnic group has its own values, beliefs and ways of living. The observable aspects of culture such as food, clothing, celebrations, religion and language are only part of a person's cultural heritage. The shared values, customs, histories and characteristics of culture shape thinking patterns of people and their identity. A shared cultural heritage bonds the members of the group together and creates a sense of belonging through community acceptance.*

*Pakistan is one of Asian countries where culture is considered as a motivation and strength for the people of the land. Balochistan is rich with reference to cultural diversity. Some aspects of multiple facets of Balochi culture are focused in the present study i.e. Balochi cultural dresses,*

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*jewelleries, food and social ceremonies as a sample for proposed study.*

### **Introduction**

In Pakistan, there are people from different culture, ethnicity, language and religion. Pakistan is considered as a multicultural and multi ethnic society.<sup>1</sup> The major ethnic groups comprise the Punjabi, Baloch, Pashtun and Sindhi. Balochistan is the largest province in the country, where majority population comprises of Baloch's and Pushtons. Social life of Baloch's is very simple. Baloch people have a rich culture and social traditions and they feel pride in following those values and norms.

### **Objectives of the Study**

The overall objective of the research is to investigate the cultural dimensions of Baloch's living in Balochistan. More specifically:

1. To assess the nature of Baloch culture.
2. To assess the cultural diversity of Baloch people.
3. To assess the relationship between Baloch culture and identity.

### **Literature Review**

This section of the study aims to explore the related literature review. The researcher divides this section into different parts. These parts explore important notions that are necessary for this research.

### **Culture**

According to oxford dictionary, culture is an "Intellectual and artistic achievements or expression or refined appreciation of the arts etc., or customs, achievements etc. of a particular civilization or group". Culture is a knowledge that is acquired and it is used to understand experiences and social

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1 Renfrew, 1987

behaviour.<sup>2</sup> Culture as acquired knowledge, form values, it creates attitude and also influence behaviour. It represents the unspoken communication code among members of an organization.<sup>3</sup>According to anthropologists of the world, culture of a particular region consists of language, beliefs, ideas, values, customs, attributes, codes of honour, institutions, works and arts, tools, religion, ethics, law, rituals, fairs and festivals of a specific group of people.

### **Cultural Diversity in Balochistan**

Balochistan province comprises of different sub-cultures, thus it is also known as multi-cultural province. It is a multicultural society in terms of language and ethnicity. There are three main historical ethno-linguistic communities: Baloch, Brahui and Pashtun. Along with small ethnic groups like Sindhi, Hazaras, reasonable number of Urdu speakers, Hindko, Punjabi in different cities of Balochistan. The Baloch, the Brahui and the Pashtun are the three ethnic composition of Balochistan that reveals their distinct languages and their distinct culture and cultural identity.

There are three major dialects of Balochi language, namely Makhurani as Western, Sulaimani as Eastern and Rakshani Balochi in Chaghai, Panjgur and Kharan. In spite of the fact, there are different dialects but their culture is same and all identify themselves as Baloch.<sup>4</sup>

### **Cultural identity**

According to Deng (1995), identity is the way an individual or a group to identify them and identify by others on the basis of religion, language, ethnicity, race and culture. It is the way in which individuals or a group of people are distinguished in

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2 Richard M Hodgetts "Fred Luthans, and Jonathan p. Doh International Management: Culture, Strategy, and Behavior. (McGraw-Hill Companies, 2006).

3 Cremer, 1993

4 Sabir Waheed and Abdul Razzaq "Multiculturalism: A Case Study of Balochistan". *Balochistan Study Centre, UOB, Quetta (Pak)* Vol. xxiii no. 2, 2010.

their social relations with other individuals or a group<sup>5</sup>. Culture identity is the identity where a person relates him/herself to a group on the basis of sameness in culture, ethnicity, social class, language, nationality and locality.

### **Diversity in Baloch culture**

Sabir and Razzaq mentioned in their research work about cultural diversity in Baloch culture. Baloch culture is rich, diverse and deep-rooted. The poetry in Balochi is considered one of the most beautiful and oldest poetry in the region. Poetry is always combined with music. Balochi music and folklore is transferred orally from generation to generation as a valuable art. The handicraft is famous and known worldwide. The people are very nice, friendly and hospitable. Baloch people are generally talented, intelligent, learned and socially accomplished. If we talk about Baloch culture, they are rich and self-dependent.<sup>6</sup>

### **Research Methodology**

It is a non empirical research. From multi-dimensional aspects of Balochi culture, researcher has preferred some of them to discuss in this paper. Researcher has selected Balochi cultural dresses, jewelleryes, food and social ceremonies. The present paper is a non empirical research that is descriptively analyzed Balochi culture includes Balochi cultural dresses, social ceremonies, marriage customs and oral tradition.

### **DATA ANALYSIS**

#### **Dress**

The mode of dress among the Baloch tribe is very aesthetic and full of embroidery. Men wear turban on their head and wide loose *shalwar* and *jamag* (Shirt). Women dress consists of a round embroidered shirt. The sleeves cuffs and trouser is hand embroidered. The front of the dress is having

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5 Richard Jenkins *Social Identity*. (London: Routledge, 1996).

6 Ayoub Baloch. 'Sharing the vision'.(Quetta: Directorate of Public Relations, Government of Balochistan. 2002).

embroidered pocket in front, which is prepared and later on sewed onto the shirt, long rectangular small mirror pieces embedded in shirt. Shirt of Baloch women is divided into several pieces that are combined after embroidery. The different pieces are called Zee, the upper part, Gupthan (the embroidered pocket), and chain are the two sidepieces, two sleeves. (See picture. 1)

Women use chaddar (Gudh in Balochi), it is a long rectangular piece of clothe that is used to cover head.

There are different types of embroidery on the dress (Pushk). These difference in embroidery present or are a symbol of the different Baloch tribes. Few are Mosum, Chawarh, surma-dani and many others.



(Picture: 1)

### **Balochi Chappal**

The footwear in Balochi is known as chappal or kosh. It is made of leather, many pieces are joined together to make it hard to some extent. Its sole is made of leather and sometimes the rubber from the vehicle tires are used to make its sole. There are different types of chappal and they are named on the names of Baloch tribes, where they are used or where they are made. Few of them are:

Balochichappal, shikarichappal, Jhalawan bur (cut or style), Bugti bur and Marri bur. (see picture 2)



Picture 2

### **Balochi Jewelleries**

Baloch use jewellery with unique designs, they have bangles, rings or ear rings, nose pin, head chain, necklaces in a variety of forms, etc. The traditional Balochi jewelleries have different patterns of engraved designs. They are made of silver or gold. (See the picture below. 3)



Picture 3

### **FOOD CUISINE**

#### **Sajji**

The famous Balochi cuisine is sajji. It is meat marinated only in salt and roasted over charcoals. It is served with a special bread “Kaak” or “naan”.



### **Roghanpukth**

It is a kind of bread. Its dough is made of plain flour, pure oil, sugar and is baked over a marble tava called Theen. It can be preserved for months.



### **Dry meat**

It is another special food item in Balochi. Medium pieces of meat are soaked in a plentiful amount of salt and then it is hanged outside in sunlight and air to dry for many days. Then it is preserved, whenever they want to cook it, it is washed and cooked by mixing it with spices and pulses. This traditional dish is known as laahnd.

## **SOCIAL CEREMONIES**

### **Marriages (Aaroos)**

Marriage is known as Aaroos in Balochi language. There are some traditions for Aaroos in Baloch culture. Following are few of them.

#### **Laab**

A lot of marriage rituals are celebrated in different tribes. In some tribes, the taking of “*lab*” (a sum of money paid by the groom to be his wife’s family) also exist. And that is used to prepare and buy things needed for the bride.

#### **Killa**

Few days before marriage, the bride is made to sit in a room, till the day of marriage. During these days, the bride will not

meet any male member of her family and she will not do any work. She will take care of her and prepare herself as a bride.

### **Bejjari**

It is a custom in Baloch families that they help their relatives economically in marriages. Whenever anyone cannot afford the marriage expenses, relatives of the groom contribute and this contribution is known as Bejjari. Bejjari is a voluntary act. It can be in form of material aid or money, depends on the contributor.

### **Hashar**

Hasher is a tradition, when an individual needs help in performing a task, he cannot do it alone. It is a volunteer act; people do not work for money. The individual, who in need help, would go to their friends and relative and inform them about the task and asks for help, on a specific day to perform the task without being paid. Hasher is a customary in rural areas, where people are engaged in agriculture.

### **Oral Tradition of Baloch**

Oral tradition is common among Baloch folk and it is present in form of storytelling "Aazmanaak", poetry mostly epic form and proverbs. It is present in a "baloch's life from cradle to grave".<sup>7</sup> Poetry, as an oral tradition, is mostly in epic form, about Baloch heroes in past, who spend their lives with heroic deeds and protected true Baloch values (balochiat).

In wedding ceremonies, female singers would perform by singing songs. They are accompanied by other female family members. Oral tradition has been very important for the Baloch as an ethnolinguistic group.<sup>8</sup> There songs are accompanied by music such as Dhool (drum in English) and Surna (musical instrument, similar to Clarinet). Songs and

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7 Sabir Badalkhan. "A Glance at Balochi Oral Poetry" *Newsletter of Balochistan Studies*, (1992).

8 Sabir Badalkhan. "An Introduction to the Performance of Verbal Art in Balochistan". *Annalidell' IUO*, (2000), 60-61.

poetry are related to wedding, birth of a child, praising someone, love songs/poetry, elegies, and so on.

Oral tradition is not limited to poetry only, but using proverbs (maa-tal, in Balochi) or quoting excerpt from the people in the past and storytelling enhance beauty of Balochi language and in a way give identification to individual.

### **Conclusion**

Balochs have a very rich culture, norms and values. They follow their culture and identify themselves as a Baloch by following their culture values. The way they dress, the food they eat, the customs they follow on particular occasions, all identify them as a Baloch individual. Balochs are known for their culture specification, hospitality and generosity.

### **Recommendations**

This paper has explained few of the traditions exists in Balochi culture, however this area demands more research works and studies to preserve the traditions of the culture and bring it forward present the magnificent culture to other people.

**The Social and Cultural Impact on Common Man  
of Privately Executed Urban Mega Projects:  
Case of Bahria Icon, Karachi**

**Suneela Ahmed\***  
**Rahat Arsalan\* \***

**ABSTRACT**

*An urban way of life engenders a specific way of living and engagement with urban forms. Hence, urban patterns of behaviour and relationship of users of urban space with the built form generates a sense of identity and belonging and results in the definition of a place. Urban developments in an area can enforce upon its dwellers to undergo a major social and economic change. They may influence livelihoods drastically, especially if urban development is undertaken without public consultation. The development of the 62 stories Bahria Icon in Karachi is a similar case.*

*The private developer has gone full throttle, and is making spot decisions about urban development in this mega city. On face value, this development is supposed to represent 'progression', 'modernization' and 'change'. Because of the free hand given to the developer and a lack of a vigorous impact assessment exercise, many aspects of physical and social urban development have either been compromised or*

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*overlooked. The evident negative impacts of such development are loss of heritage, burdening of the infrastructure and the change in skyline of the city; but there are many not so obvious outfalls of the project, which impact the lives of the common man. With the Bahria Icon's development, operation of the informal economy in the vicinity, livelihood of minorities, future of public recreational areas and equity of the low-income settlement in the neighbourhood, have all been affected, and their future is uncertain. This paper highlights the not so obvious extended urban impacts of the development of Bahria Icon, and ways to address these outfalls of the development. The paper uses a qualitative research methodology based on interviews.*

### **Introduction to the Context of Bahria Icon**

Clifton, a distinct residential suburb marks the southern part of the city, with its planned modern architecture, while the extensive growth of unplanned "infill developments", existing low-density low rise land parcels and its reallocation into commercial districts of high-density high-rise developments, stands as an indication to the new movements of goods, capital, people, and cultural sensibilities (Figure 1). Clifton's built environment co-exist with vastly different histories, a range of competing and coexisting systems of value and meaning with an upcoming demand for transforming social and material context against their historical social and cultural settings and the systems of livelihood.

People born and living in the precincts of Clifton since 1960s have witnessed a radical change in the area through the so-called logics of a new bureaucratic state apparatus, politics, and large-scale developments. It is necessary to analyze what the developers do in practice to move away from the problems inherent in their project planning approach. They always consider the poor as passive recipient and try to play with the dynamics of their representation. Survival of poor groups in contested urban settings is questionable. They are currently negotiating with the complex interplay of economic

and land strategies to survive in the precincts. Municipal institutions here are important not only from a functional point of view, but also from a representation alone that defines political access.

Kehkashan Clifton covers an area of 1950 acres and was sanctioned by the government in October 1964, as a self-financing scheme costing Pak Rs. 10.112 crores then. This scheme was meant as a recreational cum high-income residential scheme for two storeyed bungalows and multi-storied flats on plots varying from 600 to 4500 sq. yards. It incorporated the Old Clifton housing and recreational spaces of Clifton as well as the Shrine of Abdullah Shah Ghazi. It covered land on both sides of the Clifton Drive up to the shore of Arabian Sea. This scheme was meant to extend the city right up to the sea eliminating marshes and sandy wastes providing space for a population of 150,000. This scheme was launched for middle and upper middle income groups in extension of Bath Island residential neighbourhood. The scheme had to grapple with many technical issues, the most important being land consolidation and reclamation. A well-established network of main streets, service lanes, pedestrian paths and connector roads assigned a distinct morphological bearing to the scheme (Figure 2).

The idea was to develop residential zones along the beach and provide multi-storied high density housing on the pattern of similar beaches in other parts of the world. It was also meant to provide accommodation for various foreign diplomatic missions in Karachi. The boating basin was to be developed as a special feature of the scheme. Thus the very inception of the area of Clifton was in its elitist profile.

After some thirty years, Clifton experienced a rapid change in land use. The houses / residential spaces facing the main roads had to give way to high rise real estate development, offices, and schools. Other non-residential uses have sprung up in the houses along inner lanes. The trend is continuing. Despite these developments, the area has retained its elite

and high profile ambience due to an overall well-structured layout.

Clifton has consolidated as a mixed use development over the years offering diverse land uses ranging from residential, to commercial, to institutional and recreational (Figure 3). It serves as a recreational centre for the entire city as it has the advantage of being located on the beach front. The residential areas provide a variety of housing typology, ranging from apartment blocks to town houses to detached bungalows attract people belonging to different income groups. Clifton's proximity to the Port and I.I. Chundrigarh Road, which is the Central Business District of Karachi, is another location advantage which it enjoys. Recently Clifton has seen the construction of a number of shopping malls, parks and educational institution facilities, which have consolidated the morphology of the locality, and draws visitors and residents from the rest of the city.

The locality houses the Shrine of Abdullah Shah Ghazi, a Saint who is venerated throughout the Sub-Continent, and attracts thousands of visitors daily. This Shrine dates from 9th century, and has acquired a landmark status over the years. There is also a Temple next to the Shrine, named Maha Dev Temple, which is equally venerated by Hindus and is believed to be a hundred and fifty year old structure. Both the Shrine and the Temple have been a part of the indigenous settlement of Karachi, and have continued to be a major part of its history (Figures 4 and 5). The transformation of the Shrine of Abdullah Shah Ghazi is visually presented in Figure 6.

The roots for the development of Clifton's urban morphology were laid during Colonial times and some important landmarks and recreational buildings came into existence in the early 19th century, like the Band Stand and the Lady Lloyd Pier, which was originally a pier, but with the receding sea today it has become a walkway (Figure 7).

The Bahria Icon is located right next to the Shrine of Abdullah Shah Ghazi, in the heart of Clifton. It is a double

tower 62-storey skyscraper (Figures 8 and 9). The Tower is the tallest building in Pakistan. The entire project of Bahria Icon comprises of a flyover and two underpasses constructed by Bahria Town management in collaboration with Karachi Municipal Corporation (KMC). The design of the underpasses violated heritage laws as the heritage site of Jehangir Kothari Parade was encroached upon and the roof of the Mahadev Temple was damaged. On completion the Bahria Icon is to contain a shopping mall, an international hotel, cinemas, restaurants, health clubs, corporate offices and health clubs. This new commercialization trend, which mainly targets the high income brackets, has disturbed the inclusive nature of the context and has raised questions about equity of the development especially because of its location between the Shrine of Abdullah Shah Ghazi and the beach, and within the proximity of places frequented by people belonging to middle and low income like the Fun land, Bagh-e-ibn-e-Qasim and the Clifton beach (Figures 10-12).

Through this research it was intended to document and analyze the impact of the Bahria Icon development and question the equity of such an expansion in a city like Karachi. The premise that more of such developments will be seen in the future was established and the possible direction which such developments can undertake where the equity of public space is not compromised and the development is inclusive was explored. Information was gathered through semi structured qualitative interviews of stakeholders, architects, planners and government body representatives. This was coupled with still and moving images documentation and archival review.

### **Evident Impacts of the Development of Bahria Icon**

The Bahria Icon boasts to be the tallest building in Pakistan. As a building finished in glass and steel, it is supposed to project a 'progressive' image of the city.

The construction of the Bahria Icon has had two major impacts on its immediate context. Firstly the structures of



historical and heritage value in the immediate context, that is the Mahadev Temple, the Jehangir Kothari Parade and the Shrine of Abdullah Shah Ghazi, have been impacted negatively. The structure of the Mahadev Temple, which according to local tradition is a temple mentioned in the Mahabharat (the Holy Hindu book) and has been in use for 2,500 years, has been damaged because of the construction of the underpass to facilitate traffic flow around Bahria Icon. Similarly, the Jehangir Kothari Parade, also a part of the city's history has been physically damaged and is now visually become hidden because of the underpass constructed in front of it. The ceremonial procession of devotees paying homage at the adjoining Shrine of Abdullah Shah Ghazi has also been impacted because of the construction of the Bahria Icon.

According to Architect/ Planner Mr. Arif Hasan:

'Changes in the neighbourhood of such important heritage sites are normally discouraged so as to keep a link with history; not to disrupt or bring about a change in activities determined by tradition; and prevent the site from physical damage. However, when such changes are required they are made by seeking public acceptance. This is done by making presentations of the project at its initial design stage to the citizens and relevant interest groups and modifying the designs on the feedback from the presentations'<sup>1</sup>

Secondly, the construction of the Bahria Icon, which has seven basements and is designed to accommodate 2300 vehicles, requires major traffic engineering intervention, and a localized traffic solution in the form of underpasses and overpasses which only serve the Bahria Icon, is not sufficient. According to Architect/ Planner Arif Hasan

'There is a bigger issue that needs to be pointed out. In the entire KDA Scheme-5 of Clifton, large pockets have been marked for densification in which the floor to area ratio has been increased from 1:2 and 1:5 to 1:12. This means that there will be an overall increase of at least 300 percent in the volume of vehicles serving this area. The Bahria intervention is a local

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1 Hasan, A. (2014). Karachi's densification. DAWN. Karachi, <http://www.dawn.com/news/1102536>. Accessed 6/4/2014

initiative to solve a local problem created by the 59 office floors of the Icon Tower. It does not solve the problems that will be created by the increase in floor to area ratios in Clifton Scheme-5 as a whole'.<sup>2</sup>

These evident negative impacts of the Bahria Icon were met by protest campaigns from the part of the civil society. This resulted in the discontinuation of the construction of Bahria Icon for seven months in 2014 and the attainment of a stay order from the high court, but soon the work on the Tower and adjoining road infrastructure was revived and the construction of the project went in full swing.

The EIA report states that focus groups could not be conducted with the residents as 'it was not possible to arrange a Focus Group Discussion at some central place with a group of 6-8 people together, as the people were busy and did not have time for more than 15 minutes'<sup>3</sup>. The report claims to have taken feedback via interviews of individual people, and interestingly only issues of infrastructure and traffic and transport were pointed out as issues bothering the stakeholders in the context of Bahria Icon. In the EIA report the urban design impacts of the development on the heritage site, resultant increase in traffic and transport, burdening of the infra-structure and the change in skyline of the city, unclear role of the municipal operations, impact of the development on the informal economy of the Shrine, impact on adjoining public recreational areas like the Fun Land and Bagh-e-Ibn-Qasim and the pedestrian access of the Shrine are overlooked. Thus the report has rightly been termed as of 'poor standard' by Sehri (a local NGO) and the fact that the commencement of the project initially took off without any EIA has been pointed out.

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2 *Ibid.*

3 Karachi Municipal Corporation (June 2014). Environmental Impact Assessment (EIA) Grade Separated Traffic Improvement Plan from Park Tower Intersection to A.T. Naqvi Roundabout. Karachi, Environmental Management Consultants, 72.

### **Non Evident Impacts of the Development of Bahria Icon**

There are many other impacts of the Bahria Icon development on the various non-resourceful stakeholders within its context, some of which are discussed here.

#### **Municipal Operations**

Over a dozen management authorities, with little coordination between them, manage the city of Karachi. The local government structure is unclear and the residents are often unaware of the municipal authorities responsible for the operation and maintenance of an area, as established through qualitative interviews in the context of Bahria Icon. In this context of unclear definition of the role of municipal service providers, Bahria Town has taken on the role of ensuring smooth flow of municipal services like garbage collection, solid waste management and carpeting of roads, in the 500 meters immediate context of Bahria Icon. Bahria Town has installed urban furniture, benches, dustbins, street lights, paving, trees and is responsible (on a self-appointed basis) for its maintenance and upkeep. These issues raise questions of equity and whether a real estate developer should be allowed to be responsible for determining not just the shape of the city but also the way in which the municipal operations should run in a city. The role of the government as a facilitator and provider becomes questionable in this paradigm of privately executed urban design projects, where the developer goes beyond the site of development, and shapes the immediate context according to his/ her private vision and ensures the operation and maintenance of the newly developed area according to personal will.

#### **Lack of Housing for the Poor in Karachi**

The International Institute for Environment and Development has highlighted the major urban land management challenges confronting Karachi in a recent study<sup>4</sup>. According

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4 Urban Resource Centre, Arif Hasan, *et al.* Responding to the transport crisis in Karachi. Karachi (The International Institute for Environment and Development Working paper, July 2015)

to this study unplanned and sporadic real estate development, land speculation, land grabbing and ineffective governance are some of the issues plaguing the city. Although there are many publically owned plots within the city but these are not being used for developing housing for the urban poor, who account to almost 70% of the city's population. The poor are being pushed to the periphery, by developments aimed for the middle and high income groups within the city, which results in hours of commuting. What the city of Karachi requires is to develop housing for all income groups in close proximity to the work places in order to attain sustainability and smart growth<sup>5</sup>. A capital intensive housing development like the Bahria Icon, targeted for the elite does not address the housing and commuting issue of the larger section of the society and is bound to lead to speculation.

### **Impacts on Users of the Shrine of Abdullah Shah Ghazi and its Context**

Majority of the pilgrims coming to pay homage at the Shrine of Abdullah Shah Ghazi come by public transport, dismount at a bus stop across the Shrine, take off their shoes/ slippers in respect and walk across the road and up the stairs of the Shrine. There is a high pedestrian influx around the Shrine as many of these pilgrims also visit the Fun Land and the Beach during their day trip. In the design of the Bahria Icon precinct, this huge inflow of pedestrians is not taken into consideration. The direct access to the Shrine has been blocked off by placing metal grills (Figure 13). A couple of pedestrian subways have been designed but these are under lit and people are not comfortable in using them to approach the Shrine. Besides, many of the devotees arriving at the Shrine have a physical disability, and there is no design consideration for their access to the Shrine.

The new infrastructure laid out by Bahria Developers to support the Icon Tower has also limited the access of public

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5 *Ibid.*

buses on the main arteries around the Shrine which cause further problems for devotees to access the complex.

### **Impact on the Informal Economy in the Religious Spaces in the Immediate Context**

In the immediate context of the Bahria Icon the Shrine of Abdullah Shah Ghazi and the Mahadev Temple are located. An informal economy operates in each of these locations in various forms, ranging from small scale vendors, to beggars, to alms collectors, to encroachers and food kiosks owners to entertainers. Many of these informal operators have been displaced with the development of the Bahria Icon because firstly the entrance to the Shrine has been re-designed and no space has been allocated for these informal operators. Secondly, these informal operators are not seen as promoting the image of a 'progressive' society by the Bahria Town, thus they are forced to leave the context by Bahria's team of municipal operators.

Many informal operators like fortune tellers, weight machine vendor, fresh juice vendors, fruit vendors, toy vendors, snake charmers, monkey entertainers, sea shell product sellers and drum beaters, have been displaced from the area, although not all of them have been removed by Bahria Icon, but by various other developments which have taken place in the locality over the years.

### **Impact on the City Level Recreational Spaces**

There are two city level recreational spaces around the Bahria Icon; the Fun Land and Bagh-e-Ibn-Qasim. Both these areas have seen their glory days, when they were visited by people from all over the city as they housed affordable joyrides and food kiosks for the urban poor. Initially with the development of Bagh-e-Ibn-Qasim from an open ground into a designed park, and now with the construction of the Bahria Icon, the access to these spaces has been blocked; they have shrunk in size and have become a back drop to the Bahria Icon (Figure 14).

The Bagh-e-ibn-Qasim Park was ceremonially opened by then President Pervez Musharraf on February 27, 2007. It measured 130 acres and had green landscaped areas with gazebos, food outlets, toilet facilities and stone canopies. The Park incorporated the Lady Lloyd Pier which was located in the middle of it. The Bandstand and Jehangir Kothari Parade were also renovated and restored during this time. Previously, this piece of land was an open ground which was used by various stakeholders (mostly young men) ranging from school children playing cricket, to people having go cart races, to children flying kites. By encompassing the Bagh-e-ibn-Qasim in a boundary wall and charging an entry fee these frequent users of the previously accessible space were cornered. They no longer visited the Park because the landscaped areas did not facilitate their interests and also because the entry to the Park was restricted to families only and young men were not allowed to enter if not accompanied by their family members.

The Park was however heavily crowded on Sundays and public holidays. Located in a busy district, next to posh residential area and an upscale shopping mall, the Park was frequented by visitors from all walks of life. The nearby residents used it for morning walks and exercise. Families from all parts of the city frequented the Park and it provided a healthy resting space for families making a day trip to the vicinity and visiting the adjoining Shrine of Abdullah Shah Ghazi. The Park has however fallen prey to neglect and no government body is willing to maintain it. As a result the landscape areas have been eradicated and the Park has become an area of many social problems like mugging.

The road from the Shrine of Abdullah Shah Ghazi and Fun land to the beach once had *tangawalas* offering *tanga* (horse-cart) rides. This street next to the Shrine used to become a pedestrian route, extremely crowded on the weekends but now it has become a deserted street (Figure 15). There were many informal activities taking place on this street namely camel rides, fortune telling, weight machine vendor, fresh juice vendors, kite flying, horse riding, fruit

vendors, food kiosks, toy vendors, snake charmer etc. These informal activities were offered at a very minimal price that not only made it affordable for the visitors but also added variety and colour to the locality. This road was a major element of the route that the pilgrims took from the Shrine to the Beach during their day trip (Figure 16). The activities offered on the water front included camelback rides, horseback rides, snake charmers, amusement parks, restaurants, or just a plain old dip in the sea. With the construction of the Bahria Icon and the re designing of the access to the Shrine, this route of the day-trippers has been blocked and the affordable entertainment offered by the presence of a variety of informal vendors has been removed. The Funland has also shrunk in size and the overall business has been negatively impacted with the construction of the Bahria Icon because the entrance to Funland is now hidden behind this mega project.

### **Impact on Nearby Low Income Settlement**

Two low-income areas lie in close proximity to the Bahria Icon. Both Shah Rasool and Neelum Colonies are located just across the road, opposite the Bahria Icon (Figure 17). The residents of these Colonies work as labourers, domestic workers and valet boys. These Colonies have existed in the vicinity since 1970s. These neighbourhoods have robust communal structures and a strong sense of community where people know each other personally from one corner of the Colony to the other. The urban morphology in some of the areas is organic. Majority of the houses have been built through incremental process, with one plot accommodating upto three generations. An active street life is also observed within the neighbourhood, where men, women and children come out to interact with each other despite narrow streets which are occupied by vendors too (Figure 18).

Most of the plots have ground plus three or four structures, with each floor accommodating one apartment. The plot size varies from 60 square yards to 120 square yards. Many a times an entire floor is rented out, to ensure additional

income. The sewerage and water infrastructure lines have been laid by the community with the help on an NGO on a self-help basis. Although there are issues of privacy and adequate ventilation within the houses but the residents value the social capital available within the locality and its central location in Clifton.

*“We don’t have to travel to distant places for work, it saves time and money”<sup>6</sup>*

The residents also value the physical and economic investments made in the locality over the years. At the same time the residents are also conscious of the threat they face because of the central location of the neighbourhood and view the Bahria Icon development with contempt as they fear possibility of eviction of the entire neighbourhood, despite being a leased settlement.

The residents of these low-income areas however, complain of lack of recreational activity or interactive spaces for them, as according to them all the spaces being built are for the elite class. They complain of being restricted from using the Shrine of Abdullah Shah Ghazi because of the new plan which is not pedestrian friendly and has reduced the number of vendors who used to operate within the complex. Many of these vendors were residents of these Colonies. Now the residents only have the option of going to the beach or to any unmaintained nearby park which had free entry.

As according to a resident of Shah Rasool Colony, *“if we had parks in our own area, it could have been better”<sup>7</sup>*, and according to another resident of the area *“government parks charge tickets and in our salaries we cannot afford to go to these parks weekly so we go to the beach instead”<sup>8</sup>*.

Ways to address outfalls of these developments  
Ways to address outfalls of these developments

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6 Interview of Sajid Ali, 37 yrs old valet boy and resident of Neelum Colony

7 Interview of Najma, housewife and resident of Neelum Colony

8 Interview of Naeem, resident of Shah Rasool Colony



Currently the process of development by a private developer is entirely undertaken in an informal manner, where the regularizing authorities are in collision with the builders and are unable to determine the nature of these real estate developments. In order to take control of the shape and direction of these developments the following steps need to be undertaken:

- Firstly the profile of the customers that routinely come to the realtors need to be examined, in order to see the need and the capacity of payment of this clientele.
- Secondly the status of the neighbourhoods which are designated to be densified needs to be examined and the type of plot profile existing in these locations needs to be documented.
- Thirdly the status of basic infrastructure needs to be carefully examined because the existing infrastructure will have to be magnified, to accommodate the increasing density requirements and the new type of users.
- Fourthly the street networks and urban morphology of the existing areas which are earmarked for densification need to be documented and analysed to understand their viability for the newer format of development. In many cases there is a need for road expansion, development of new tertiary roads and spaces to accommodate the new volumes of traffic.
- Lastly, the residents of that area should have rightful information about what is taking place and how. A process of consultation and registration of complaints should be established. The involvement of a 'provincial ombudsman' for sending out complaints related to the development should be ensured. All the building regulations and byelaws should be applied to the development. Corresponding infrastructure agencies should have provided No objection certificates along with security completion certificates.

### **Incentive Based Development Promoting Equity**

Megaprojects alone would not add up to the development profile of a city. The concentrated developments efforts must be multifaceted and encompass improvements to the cities'

physical environments, their economic bases, and the social and economic conditions of their residents.

Development incentive programs across the world are meant to facilitate such developments, through which the government regulates and oversees the impact of these developments on the city's overall growth. Some of the common examples of these development incentives used by the develop cities are grants, tax Incentives, site advantages, public utility rate break and infrastructure improvements. Through these incentives government may provide long term loans for new developments, reduction in tax (the lost revenue will be made up by generation of new jobs), free land for potential businesses, subsidized utility rates and targeted investments to improve functioning of an area. The goal of these economic development incentives ultimately is to induce growth in targeted areas, providing new jobs and construction in stagnant areas while generating long term positive tax revenue for state and local governments<sup>9</sup>.

The four broad factors which influence a city government to use such incentives are citizen's need, administrative capacities, fiscal needs and city's current stage of growth<sup>10</sup>. A large city with strong growth is actually less likely to offer incentives in the interest of the developer but more likely in the benefit of the overall citizen's need.

In the case of Bahria Icon, Karachi, the local government has also adopted an incentive based development approach in which the local government has negotiated with the developer to develop the transport infrastructure, street furniture and landscaping as a response to the provision of mega construction of 62 storeys residential cum commercial tower in the area. But the problem is that, in this case the local government has to be extra vigilant, for the compensatory development, in making it more inclusive for

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9 BLS& Co. (2015). "New York Economic Development Incentives Program." Retrieved 10/9/2016.

10 *Ibid.*

all rather than just acting as by-stander and letting the overall improvement going in the favour of the developer's own project marketing and context up gradation.

According to Anwar,

An empowered local government is indispensable to sustainable urban development. Karachi needs to have strong local representation and accountability and its own 'funds, functions, and functionaries' to build the accessible system of governance the city requires for its stability and prosperity.<sup>11</sup>

### **Speculation and its Outfalls**

High density high rise development in the southern part of Karachi is going to expand with time, and it can be expected in the near future that this trend is further facilitated by investors, real estate developers, formal and informal banking channels and also the interest of prospective buyers both at home and in the overseas. One reason why these developments are taking place is because of lack of investment options for the surplus capital. With the exception of real estate, people do not have any option to invest their excess capital. Sizeable number of people who are investing in these locations are those who are simply doing it for speculative purpose as they are not necessarily the first generation users. The investors believe that these investments might serve as useful rentals or useful commodities that could be sold off once the property markets further boosts up.

Internationally, there are so many models that are adopted to regulate the real estate market. For instance, real estate development in the west is facilitated by a financing mechanism called as Real Estate Investment Trust (REIT)<sup>12</sup>. These trusts are institutions that are developed through mutual financing and are registered with their respective

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11 F Anwar. "Karachi — A non-inclusive and fractured urban landscape". The Express, Tribune. Karachi, 2016.  
<http://tribune.com.pk/story/1095329/karachi-a-non-inclusive-and-fractured-urban-landscape/>. (accessed September 9, 2016).

12 *Ibid.*

stock exchanges. They draw capital directly from the public so they fall under the regulatory control of the security and exchange commission, which regulates investments in the formal sector. Thus, be it the private sector or a small scale individual investor, they are all partners in this scenario.

According to Architect/Planner Dr. Noman Ahmed:

If we want to create a decent residential profile amongst these areas then we will have to undertake some of these exercises on a pilot basis and use the demonstration effect of these exercises to other similar neighbourhoods.<sup>13</sup>

The benefits of working through REIT are that property prices remain under control, and the transactions are recorded. In Pakistan the real estate market is untapped and the speculator investors use their undeclared capital in such situation. By keeping the prices under the regulatory check, speculation can be minimized.

### **Role of Government as a Facilitator**

Currently the density of Clifton is intensifying and it can be considered a pilot case in point because it was planned by Karachi Development Authority (KDA) to have specific densities and many of the basic infrastructural standards were very much up to the mark having the possibility of expansion and addition. Once the planned and targeted densification of Clifton is complete, similar exercises can be repeated in other parts of the city and one can also look at the macro form of Karachi to review the densification process of the city at large. The role of the government in this scenario would be to undertake densification exercises on a pilot basis and for these exercises to draw lessons from which private developers can be guided to adopt an equitable development process. The government can also review the possibility of a public-private partnership approach, the outcome of which will depend on the larger urban development vision for the city and on the stability of

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13 Interview of Architect/Planner Dr. Noman Ahmed, Chairman Department of Architecture and Planning, NED University of Engineering and Technology. September 6, 2016.

investment that is required for an inclusive urban development.

### **Conclusion**

Cities will continue to develop and densify. This need should however be addressed in an equitable and planned manner. Ad-hoc densification, as seen in the case of Bahria Icon, can lead to many urban issues, ranging from questions about governance, equity, usage of space and social, physical and economic impact on immediate context. In order to make mitigate negative impacts of any urban development and densification urban design and impact assessment exercises should be carried out and their results should be incorporated in the urban design process. Stakeholders from all walks of life and different income groups should be part of these exercises.

The new commercialization and densification trend in Karachi mainly targets the high income brackets and raises questions about equity of the development. This paper, using qualitative research methods, documents and analyzes the impact of one such development; the Bahria Icon. The questions answered in this paper revolve around the possible direction to be undertaken to make such developments unbiased, addressing the new role of the government, the social and economic impacts on the low income colonies within the context of this new development, the impacts on surrounding city level recreational areas and the social and economic impacts on the pilgrims to the Shrine of Abdullah Shah Ghazi. Some of the strategies to minimize the negative impacts of these developments as outlined in this paper are incentive based planning to control speculation and redefinition of the role of the government as a facilitator.

**The Paris Agreement and the United Nations’  
Guiding Principles on Business and Human  
Rights as Tools for Global Governance and the  
Environment in Facing the Asean Economic  
Community**

**Kania Mezariani Guzaimi\***

**ABSTRACT**

*The Paris Agreement that was signed by 195 countries on December 2015 is considered both a success and a failure to the climate change politics. It was another failure to the comprehensive integrated regime approach, but a success to the new dominant approaches ‘regime complex’. There is a shift of approach of climate politics, from a comprehensive integrated regime to the ‘regime complex’ approach. The same approach is also taken by the United Nations’ Guiding Principles on Business and Human Rights (UNGPs). The initiative is ‘a microcosm of a larger crisis in contemporary governance’. The UNGPs is not part of a comprehensive and integrated global regime, but they demonstrate that it is possible to achieve a level of convergence of norms, policies, and practices. Both, the Paris Agreement and the UNGPs on Business and Human Rights, are examples of the polycentric governance. They can be used as ‘tools’ for the people who are dispossessed, to give a voice and*

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*demand the States and Businesses to treat them better. These tools could create 'double' pressure to demand people's rights over environmental degradations that were caused by business operations and the government's inability to prevent such violations. The paper suggests that there should be an increase of climate action together with human rights movements, especially in Asia. The new ASEAN Economic Community might lead to the increase of economic growth however it might also increase adverse impact in the environment and human rights, if the process does not concern to prevent such issues. More pressure should be given to the government and businesses, in order to accelerate the pledges that were widely presented at the Paris Agreement. After all, climate change issue is a human rights issue.*

### **Introduction**

Globalization, economic development results in implications to the environment, both positive and negative. International political economy have close relations with the global environment. The on-going debate about this relation started since early 1990s, which results in three perspectives within and outside the traditional field of international relations.<sup>1</sup> These perspectives includes the neoclassical economics, ecological economics, and the liberal institutionalist.

First, neoclassical economists argue that as income rises, environmental problems will occur, but the wealthier population will demand a cleaner environment, which will make governments to have stricter environmental laws. In other words, the global economic gain can be used to finance environmental improvements, that the global political economy and the environment are mutually supportive.<sup>2</sup> Second, ecology economists and radical thinkers oppose the neoclassical economists' argument. They are sceptic about the impact of economic growth on the environment, and that

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1 M Betsill, K Hochstetler and D. Stevis, *International Environmental Politics* (Great Britain: Palgrave Macmillan, 2006), 143.

2 *Ibid.*, 144.

it can also perpetuate inequalities. Third, liberal institutionalists argue that common ground can be found between the two previous views, they focus on structured cooperation between states, advocate strong rules to govern the global economy in ways that protect the environment. They agree that the global economy can have positive impacts on the environment, but that it is not mutually supportive. For this reason, there should be global rules to avoid the cases where the environment suffers.<sup>3</sup>

The liberal institutionalists view leads to several attempts in facing environmental problems over the past years. The major attempts includes the United Nations' Conference on the Environment and Development in Rio de Janeiro in 1992, the Kyoto Protocol in 1997, and the Paris Agreement in 2015. The conference in Rio de Janeiro set up the principle of climate change agreements regarding freezing emissions by 2000, especially for western countries, except the US. The Kyoto Protocol gained 84 signatures, mostly from the European Union countries, the US also did not sign this agreement. The agreement consists of a particular target of percentages of cuts in emissions by 2012, developing countries agreed to participate in the agreement as long as they are paid by wealthier countries. This was a failure of creating a comprehensive regulatory system regarding climate change, followed by the failure of the Copenhagen Accord in 2009. Not all countries agreed to face climate change through a comprehensive regulatory system.

Such failures triggered scientists to shift from the comprehensive regulatory system on climate change to the 'regime complex' approach. It is the approach that is in between a fragmented and integrated approach. The Paris Agreement confirms the 'regime complex' approach because it is a soft strategy, a bottom-up approach, also known as a polycentric approach.

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3 *Ibid.*, 145.



According to Keohane, a 'regime complex' approach is a continuum between a comprehensive international regulatory institutions and a very fragmented one. The regime complex for climate change appeared due to the many choices made by States and their diplomatic agents at different times and different issues.<sup>4</sup> There are three main forces on the variety of international institutions for climate change, which are: 1) different distribution of interests, 2) management of uncertainty, 3) gains from linkages. Each countries has its own interests, for example, the EU and US had different interests in signing the Kyoto Protocol in 1997. Second, the governments hesitate to take costly actions because of uncertainties, whether regarding the actions to be taken and also whether other governments will do the same or not. Third, the government finds it difficult to obtain productive linkages, such as the link between compensation and emission trading system.<sup>5</sup> These three factors reflects that the Paris Agreement should be part of a continuum of the fragmented approaches.

Gupta suggests that climate change negotiations must be done through 'soft strategies' instead of 'hard strategies'. As we know, the legally binding treaty was never been signed and never succeeded in the implementation. For example, the Kyoto Protocol in 1997, was not ratified by the US, Canada withdrew their commitment as they feel they could not meet the target. Moreover, it was only applicable to developed countries, it is not obligatory for developing countries, such as India and China. One can say that the Paris Agreement is a form of soft strategies that could bring about more climate actions by different stakeholders' roles, as it is not a legally binding document.

Since the integrated top-down institutions faced numerous difficulties in its establishment, the bottom-up approach is starting to be used in the new climate governance. Some

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4 R. Keohane and D.Victor."The Regime Complex for Climate Change", *Perspectives on Politics*, Vol. 9. No. 1, (2011), 7.

5 *Ibid.*, 8.

suggests that it is a better fit to local priorities.<sup>6</sup> This bottom-up initiative is also reflected in the Paris Agreement. Although it is a global agreement, its approach is bottom-up through the scheme of Intended Nationally Determined Contributions (INDCs). It is a process where each countries set up their pledges on the national attempts to be implemented within a period of five years. These INDCs are all attempts to ensure to limit global warming to below 2°C. According to Jordan *et al.*, the climate governance has extended to beneath international level, where different initiatives are conducted by numerous actors from different sectors, such as local government, private sector, and civil society. In order to become more effective, climate governance must become more diverse and multi-levelled. It is also known as polycentric approach.

There has been many critics regarding the Paris Agreement, especially from a legal perspective, but it is not a major step back if we look at it from the social perspective. The shifting political structure of the world, especially after the fast growing inventions of the information technologies, has resulted in the 'regime complex' for climate change. Climate change is a huge issue concerning everyone, thus its approach should be as diversified as the concerns. The Paris Agreement is the real example of this shift, and if the role of non-state actors, either the civil society or the businesses, are well implemented, it could lead to a drastic change in global governance, especially in handling climate change.

Despite the Paris Agreement, there are still conflicts between large corporations and the local communities, such as land grabbing, environmental degradations, which violates the rights of the people. Moreover, based on the ecology economists' and liberal institutionalists' perspectives, the number of conflict rises, simultaneously as the economic grows. Those who have contributed the least

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6 A.J Jordan, D Huitema, M Hilden, Van Asselt, H.T.J. Rayner, Schoenefeld, J. and Tosun, J. *et al.* 'Emergence of Polycentric Climate Governance and Its Future Prospects', *Nature Climate Change*, NO. 1, (2015).

to climate change, are suffering the most of its harms. Climate change impacts, directly and indirectly, is part of the internationally guaranteed human rights. In other words, the mitigation, adaptation of climate change is our human rights.

In order to face such violations, the same 'regime complex' approach is also taken by the human rights regime, through the United Nations' Guiding Principles on Business and Human Rights (UNGPs). The initiative is 'a microcosm of a larger crisis in contemporary governance'.<sup>7</sup> The UNGPs is not part of a comprehensive and integrated global regime, but they demonstrate that it is possible to achieve a level of convergence of norms, policies, and practices. The UNGPs consists of three pillars "Protect, Respect, Remedy" which divides the responsibilities/roles of the States and businesses in regards to human rights. The UNGPs is an attempt to prevent human rights violations caused by corporations/businesses, which is usually related to the environment.

According to Bloomberg's list of the top 20 emerging economies, at least six countries are located in Asia, including China, South Korea, and four ASEAN (Association of South East Asia Nations) countries.<sup>8</sup> One of the recent regional economic policy in ASEAN is the establishment of the ASEAN Economic Community (AEC). The AEC is a form of single market that is fully integrated into the global economy.<sup>9</sup> However, based on data and studies, that the economy and environment have strong relations, shows that as economic grew, environmental degradation and human rights abuse increases. Therefore, the AEC should be

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7 Ruggie, John. (2014) *Global Governance and "New Governance Theory": Lessons from Business and Human Rights*, 4.

8 Bloomberg. "The Top 20 Emerging Markets." Accessed September 1, 2016. <http://www.bloomberg.com/news/photo-essays/2013-01-31/the-top-20-emerging-markets>

9 Ng, *et al.*, "The Role of Economic and Financial Developments for Environmental Quality in the ASEAN Economic Community", *International Business Management* 10 (17), (2016): 3878.

guarded by the ASEAN community to ensure that such negative impacts are prevented.

The Paris agreement and UNGPs can be monitoring tools of the CSOs to ensure global governance, especially in ensuring the environment's sustainability in the middle of global economic development. Both attempts are tools of global governance based on the polycentric approach, which requires key participation of non-state actors, including International Organizations (IOs), Non-governmental Organizations (NGOs), Civil Society Organizations (CSOs), and corporations. This paper will discuss the new approach in climate change governance, as well as, in the human rights regime, that is reflected through the UN Guiding Principles on Business and Human Rights (UNGPs). Moreover, the paper will discuss about how the new approach can be used to ensure that the AEC could prevent future environmental degradation.

### **The Paris Agreement: New Approach In Climate Change Politics**

#### ***Soft Strategy***

There had been a number of progresses in the climate change treaty regime such as 1) identified key issues, 2) established a formal relationship with the scientists, 3) established targets for emissions control, 4) established series of mechanisms to handle climate change, and 5) require country report and monitoring progress.<sup>10</sup> Despite these progress made, the process took longer and the negotiations did not come to an end in just minutes. The past twenty years were spent to negotiate, yet several attempts did not work as well planned. Thus, Gupta analyzed from four disciplines of studies to see what should be done for the next negotiations to succeed. According to her, the main reason for the disagreements was to allocate responsibility between countries.

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10 J Gupta. 'Negotiating challenges and climate change', *Climate Policy*, Vol 12 No. 5, (2012), 631.

The simpler a problem is and the more structure it has, the easier it is for the parties involved to agree.<sup>11</sup> In other words, climate change needs consensus on the norms. The United Nations Framework Convention on Climate Change (UNFCCC) was officially established within two years of negotiations, and was put into force in the next two years. This was considered a quick progress because countries had the same view on the issue of climate change, there was a consensus, thus agreements were made. Yet, studies have shown that the problems of climate change were becoming increasingly unstructured as the global and national consensus on science decreased.<sup>12</sup> Fortunately, after the adoption of the UNFCCC until recently, there is a greater global consensus on the science related to climate change. It is one of the reasons why 195 countries agreed to the goal in Paris 2015. Countries have a consensus that climate change is growing rapidly that it needs serious actions taken by each of the States.

Another reason for the agreement is the right choice of bargaining strategies involved to face global problems. A study suggested that using distributive ('hard') bargaining strategies usually leads to a win – lose situations, thus adds to more conflict. On the other hand, the integrative ('soft') bargaining strategies could lead to an enlarged pie and the creation of win – win situations, where all involved parties are motivated to implement the negotiation results.<sup>13</sup> The soft strategies consist of the creation of new values for other party ('value-creating' instead of 'value-claiming'), building mutual trust for a long-term relationship, sharing interests and information, and other diplomacy activities. By using soft strategies, the developing countries that were both defensive and offensive on facing the issue, started to play a part in facing climate change. The defensiveness that they should not have the obligations to reduce emissions, and

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11 *Ibid.*, 631.

12 *Ibid.*, 632.

13 *Ibid.*, 634.

offensiveness by blaming and pointing the North to take action first; had decreased. For example, China had taken measures to adapt to climate change by using solar energy and producing solar infrastructures. Moreover, a total of 195 countries signed the Paris Agreement, including the US, who refused to ratify the Kyoto Protocol in 1997. Soft strategies resulted in less disagreements and more countries' participations.

Gupta also mentioned the important role of leaders in advancing the negotiations and taking action regarding the issue of climate change. Within the twenty years, before the Paris Agreement, there were many concerns on whether a country will take actions or not. Most of them are related to the short-term economic goals, as well as the social, and political situations in those specific countries. Thus, the role of leaders is extremely important in tackling climate change, if they agreed further national actions can be implemented within each countries. As for the Paris Agreements, the leaders of the countries signed the agreement, one may say that there was a consensus among the leaders. In fact, the leaders that gathered in Paris, were not only countries' leaders, but also leaders of civil society organizations (CSOs), leaders of businesses, and many more.

Gupta's analysis about the negotiation processes on climate change are reflected in the Paris Agreement. She argues that first, there should be a consensus on the norms of the problems; second, there should be 'soft' bargaining strategies to create value in the system; third, there should be high roles by the leaders to take actions to face climate change. All of these suggestions were real during the Paris COP21, and resulted to a major breakthrough in the history of climate change negotiations, where 195 countries agreed to stop global warming at the two degrees Celsius in minimum.

### **Bottom-Up/Polycentric Approach**

Jordan *et al.*, suggested that the landscape of climate governance began to be polycentric, that is, more diverse,

multi-levelled, with emphasis on the bottom-up initiatives.<sup>14</sup> There are a growing international cooperations between the States, as well as, non-State actors over the issue of climate change. These non-State actors include companies, civil society organizations (CSOs), investors, local government, and regions. Thus, it is a more complex regime where there are more pluralistic forms of governing, yet remains international, top down and state centric. It is a challenge to understand the new climate governance since there are so many actors and initiatives, where one may question how to monitor and ensure the performances of the numerous initiatives. Jordan *et al.*, suggested to analyze three processes in understanding this emergence, which are through distribution, initiation and origins, and performance.

The distribution process describes about the emerging forms of governing by which sectors or countries. The new climate governance emerged since the mid-2000s, at national levels where some are legally binding, adopted by the national policymakers or local governments. These forms are called climate policies. Then there were views that non-binding strategies are being adopted faster than legally binding policies. Variations in climate policies also emerged based on the countries' specific needs and characteristics. Countries with similar characteristics and problems seemed to have similar policies than the others, which would eventually lead to potential collaborations between the countries. These bottom-up approach policies are reflected in the Paris Agreement through the 'intended nationally determined contributions' (INDCs). It is where countries decide on its own contributions to the global target to limit global warming to below 2°C. For this reason, it is considered as a bottom-up approach.

The distribution of non-state initiatives, such as transnational initiatives in terms of climate change, including rule-making

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14 A.J. Jordan, D. Huitema, M. Hilden, Van H. Asselt, T.J. Rayner, J. Schoenefeld, and J. Tosun, *et al.* 'Emergence of Polycentric Climate Governance and Its Future Prospects', *Nature Climate Change*, (2015), 1.

and implementation, are also increasing. The two major functions of transnational initiatives is capacity building and information sharing. These initiatives are self-organized mostly by the non-state actors. These international cooperation is also included to support the Paris Agreement through the Non-state Actors Zone for Climate Action (NAZCA) that was launched in Lima COP20. NAZCA was later discussed in the Paris COP21 through the name of Lima-Paris Action Agenda (LPAA). The UNFCCC engaged and encouraged the non-state actors to be part of the climate action by joining in international cooperations, taking individual actions, and/or participate in public policy actions. It is expected to accelerate implementation and improve the effectiveness of climate policies, and bring about additional emission reductions on top of commitments already made by national governments.<sup>15</sup>

The origins of the new climate governance is still in question, however some scientist suggest that there is the desire to reap competitive advantages, which will indirectly empower pro-environmental political actors.<sup>16</sup> Surprisingly, the trigger to initiate many new transnational schemes also derives from state action, mainly from local governments. The roles of politicians are important in creating this initiatives, however the research cannot provide reasons behind the initiatives.

The performance of these emerging initiatives is the big question. Recently, the climate policy evaluation relies on states self-reporting their activities and achievements to the UNFCCC. It is usually a result of political pressure to fulfil international commitments, thus it is very broad on compliance processes. The national interest groups has an important role in the post-adoption processes of the policies,

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15 M. Harmsen Roelfsema, M. Olivier, J. Hof, A., "Climate action outside the UNFCCC: Assessment of The Impact of International Cooperative initiatives on Greenhouse Gas Emissions."PBL Netherlands Environmental Assessment Agency, (2015), 3.

16 Jordan, 'Emergence of Polycentric Climate Governance and Its Future Prospects', 3.



by exerting downward pressure on policy standards. However, States tend to respond to this pressure by quietly pulling back from an international norm, rather than openly withdrawing from it. In the Paris Agreement, there is the Monitoring, Reporting, and Verification (MRV) process that every country must submit annually to a body of UNFCCC that will later be established. It is the evaluation of their INDCs progress, each report must be submitted with new accomplishments.

The polycentric governance is unlikely to serve as the remedy to climate change. Although the approach can result in many more actions taken by different actors, further analysis must be conducted to examine the implementation and performances of both the national policies and international cooperative initiatives. The polycentric approach are “slowly cumulating and can be expected to increase their contributions over time”.<sup>17</sup>

### **Prospects of the Paris Agreement**

The above description on the different approaches to face climate change is somehow inserted into the Paris Agreement in COP21 December 2015. Keohane’s regime complex that is shown by the different approaches and initiatives taken by numerous actors. How it is more of fragmented measures, however still is an international agreement. Gupta’s analysis on the negotiation process to be taken for a better agreement, were implemented and produced an agreement that was accepted by the 195 member states of the UNFCCC. Jordan *et al.*, spolycentric approach, which emphasize the bottom-up approach to the agreements, the INDCs, as well as the international cooperative initiatives. One may say that the Paris Agreement is the machine that is ready to be implemented accordingly.

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17 Jordan, ‘Emergence of Polycentric Climate Governance and Its Future Prospects’, 4.

However, although it is a regime complex, there are still some critics that the Paris Agreement is not legally binding. They argued that the regime complex will be less effective than the UNFCCC as they cannot provide for the negotiation of a legally binding long-term objective nor the short-term targets that can help to keep the climate change problem under control. People demand for faster actions in handling climate change by the governments. They also question the implementations of the INDCs, some scientists suggest that they are not enough to meet the target by 2020.

The international initiatives could accelerate implementation and increase the effectiveness of national policies as they broaden the coalition of willing parties and strengthen the knowledge necessary for implementation. Moreover, they may help to close the emission gap if their activities are additional to the commitments made in the international climate negotiations (INDCs). Many observers imagine a greater role for non-state actors in the UNFCCC process because of this. However, according to the recent studies, the International initiatives that are supposed to be additional measures in reaching the global target, overlap the 'intended nationally domestic contributions' (INDCs) by 70%.<sup>18</sup> It is not enough to meet the climate target of 2 degrees Celsius. In addition, there is poor transparency and a lack of MRV (Monitoring, Reporting, and Verification). Thus, it is difficult to identify and assess the implementation of these initiatives.

Some companies might use these initiatives for the sake of their brand, they see these initiatives as new business opportunities. The consumers are also more educated that result in some changes in consumer behaviours. Consumers tend to purchase products that do not harm the environment, thus businesses can benefit by joining these climate actions. If businesses do something to mitigate climate change, they will gain more market and be able to sustain their markets. Of course not all businesses are like that, but it is slowly changing.

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18 Roelfsema, *Climate action outside the UNFCCC*, 4.

The government is not fast enough to ensure climate actions. The businesses are fast, in terms of gaining profit, thus there are doubts whether the international initiatives are actually being implemented, or are just there to “green-wash” their operations that harms the environment. Last but not least, is the civil society organizations or the people. The global consensus on climate change is rising, not only among the countries’ leaders, business leaders, but also middle class citizens. International climate change movements, such as climate justice actions, are the most effective ways to accelerate changes in the recent times.

### **Business and Human Rights and Climate Change**

Climate justice requires that climate action is consistent with existing human rights agreements, obligations, standards and principles. Those who have contributed the least to climate change are suffering the most of its harms. They must be meaningful participants in and primary beneficiaries of climate action, and they must have access to effective remedies. Thus, other than the climate justice movement, the human rights movement (especially business and human rights movement) can add ‘pressure’ to the governments and businesses to implement the Paris Agreements.

The United Nations Guiding Principles (UNGPs) on Business and Human Rights affirm that States have an obligation to protect human rights from harm by businesses, while businesses have a responsibility to respect human rights and to do no harm. States must take adequate measures to protect all persons from human rights harms caused by businesses; to ensure that their own activities, including activities conducted in partnership with the private sector, respect and protect human rights; and where such harms do occur to ensure effective remedies. The UNGPs apply to all states, businesses, regardless of their size, sector, structure, ownership, and locations. They are a soft-law instrument that

requires minimum standards of conduct for all states and all businesses in relation to all human rights".<sup>19</sup>

Businesses are also responsible to 'respect' human rights. They must be accountable for their climate impacts and participate responsibly in climate change mitigation and adaptation efforts with full respect for human rights. Where States incorporate private financing or market-based approaches to climate change within the international climate change framework, the compliance of businesses with these responsibilities is especially critical.

The Business and Human Rights, is also part of the regime complex. John Ruggie, the Special Rapporteur for Business and Human Rights, describes the initiative as a microcosm of a larger crisis in contemporary governance: the widening gaps between the scope and impact of economic forces and actors, and the capacity of societies to manage their adverse consequences.<sup>20</sup> The UNGPs is not part of a comprehensive and integrated global regime, but they demonstrate that it is possible to achieve a level of convergence of norms, policies, and practices even in a highly controversial issue area.

In other words, the business and human rights is an attempt to ensuring that the States still has the power to control the businesses, it is a way to bring back the States control to ensure that the businesses do not harm either the environment, and also the rights of the people. The UNGPs is also a soft law, where it is voluntary principles. However, once a country adopts it to the national level through the National Action Plans (NAP) on business and human rights, the businesses that violates human rights can be brought to court. Other than that, there are a number of international standards that also included human rights within their guidelines. For example, the OECD Guidelines, the IFC, ISO

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19 John Gerard Ruggie. *Just Business: Multinational Corporations and Human Rights*(New York: W.W. Norton & Company, 2013), 6.

20 John Ruggie *Global Governance and "New Governance Theory": Lessons from Business and Human Rights*, xxiii. (2014).

26000. These guidelines include complaint mechanisms, where if the business do not comply with the standards, they may receive complaints that will result at high-cost of conflict resolutions.

### **ASEAN Economic Community (AEC) and Climate Change**

The Association of Southeast Asian Nations, or ASEAN, was established on 8 August 1967 in Bangkok, Thailand, with the signing of the ASEAN Declaration (Bangkok Declaration) by the Founding Fathers of ASEAN, namely Indonesia, Malaysia, Philippines, Singapore and Thailand.<sup>21</sup> Until now, there are 10 members, which includes Brunei Darussalam, Vietnam, Lao PDR, Myanmar and Cambodia. The ASEAN Economic Community (AEC) in 2015 is a major milestone in the regional economic integration agenda in ASEAN, offering opportunities in the form of a huge market of US\$2.6 trillion and over 622 million people. In 2014, AEC was collectively the third largest economy in Asia and the seventh largest in the world.<sup>22</sup>

ASEAN countries are currently not major emitters of greenhouse gases, however with the development of the ASEAN Economic Community, the region's need for energy is expected to increase at 4.5% per annum from 2007-2030. Thus, it will increase the carbon dioxide emissions at the rate of 5.7% growth.<sup>23</sup> The number is based on the research on whether economic and financial developments lead to environmental degradation in AEC member-countries during the period of 2000-2010.<sup>24</sup> The result is that financial development escalates the emissions of carbon dioxide in

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21 ASEAN. "About ASEAN." <http://asean.org/asean/about-asean/overview/>. (Accessed: September 10, 2016).

22 ASEAN. "ASEAN Economic Community." <http://asean.org/asean-economic-community/>. (Accessed: September 10, 2016.).

23 Ng, T.H., Low, C.C., Chan, K.H., "The Role of Economic and Financial Developments for Environmental Quality in the ASEAN Economic Community", *International Business Management* vol. 10, no. 17, (2016), 3878.

24 *Ibid.*, 3882.

ASEAN region. One can say that the perceived economic competition between nations is a barrier to climate change solutions. After all, national economic development is an essential ingredient of greater national power and autonomy, and major states are unlikely to put themselves at a relative disadvantage through the imposition of 'unfair' environmental constraints.<sup>25</sup>

For this reason, policymakers must emphasize green financial development to deal with climate change. Other than the government, the financial sector should also work in supporting/promoting green projects to reduce the number of carbon emissions in the future. Both the tools for the global governance and the environment, the Paris Agreement and UNGPs, should be used by the people of ASEAN in order to monitor the performance of their countries. There are currently four ASEAN countries who have ratified the Paris Agreement, they are Thailand, Brunei Darussalam, Lao PDR, and Singapore.<sup>26</sup> As for the UNGPs, there are four ASEAN countries, Malaysia, Myanmar, Indonesia, and The Philippines, who are currently in process of developing the National Action Plan on Business and Human Rights (NAPs).<sup>27</sup> These attempts are important and should be used by the activists, civil society, or directly impacted people, in order to ensure global governance and the environment.

### Conclusion

In conclusion, there is a shift of approach of climate politics, from a comprehensive integrated regime to the 'regime complex' approach. From a top-down approach, to a bottom-up approach and polycentric approach. The Paris Agreement reflects the dominant political approach to

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25 A. Hurrel and S. Sengupta "Emerging Powers, North-South Relations and Global Climate Politics", *International Affairs* 88: 3, (2012), 464.

26 Climate Analytics. "Paris Agreement Ratification Tracker." <http://climateanalytics.org/hot-topics/ratification-tracker.html>. (Accessed: September 11, 2016).

27 OHCHR. "State National Action Plans." <http://www.ohchr.org/EN/Issues/Business/Pages/NationalActionPlans.aspx> (Accessed: September 11, 2016).

climate change, which is the regime complex, eventhough the regime complex suggests that there is no need for one single agreement in order to face climate change. The negotiations strategies are 'softer', yet was able to invite the 195 countries, regardless whether they are developed, or developing nations; to have the same agreement and a common goals to limit the greenhouse gases emissions and ensure to not cause the global temperature to rise in fast speed. Not only the nations agreed, but the Paris Agreement had brought the private sectors to take part in international initiative cooperations, individual actions, and also public policy actions. The shift of approach is also used in the human rights regime, with the adoption of the UN Guiding Principles on Business and Human Rights (UNGPs).

As I stated earlier, the civil society are the most important driver of the Paris Agreement. The climate action CSOs can also use the above mechanisms on business and human rights (UNGPs) as a way to pressure the businesses and the government to comply with their pledges. These mechanisms can be used to defend the vulnerable people that are mostly affected by the climate change, including the indigenous peoples. On the other hand, the human rights movement can work together with the climate justice movement to create a bigger movement that fights for climate actions, as part of the overall fulfilments of the universal human rights.

Most importantly, there should be an increase of climate action movements by the civil society organizations, as well as anyone who are concerned about the environment, especially in ASEAN countries. As the AEC was newly launched, there needs to be more pressure to be given to the government and businesses, in order to accelerate the pledges that were widely presented at the Paris Agreement in COP21 2015. The INDCs and the international cooperation initiatives by the states and non-state actors should be further studied, especially in terms of its implementations. The system is already developed, the big question lies in its implementation of protecting the environment.

**The Dynamic of the Muslim Community  
Settlement: A Case of Nakhon Si Thammarat  
Province, Thailand**

**Manawat Promrat\***

**ABSTRACT**

*Nakhon Si Thammarat is one of the most populated provinces in the upper southern Thailand. There is 5.83 percent of Muslim population and 115 mosques throughout the province. Muslims in Nakhon Si Thammarat have more than 400 year-long history. According to the historical background and cultural landscape, the Muslim community in Nakhon Si Thammarat can be divided into two groups; the coastal Muslim community and the inland Muslim community. The coastal Muslim community has close relation with the other Muslim community throughout the eastern coast of southern Thailand. The majority of population uses southern Thai dialect and does fishery. On the contrary, the inland Muslim community has the historical ties with Malay Muslim community. Their ancestors migrated from western coast of Malay Peninsula. The majority of this group still recognizes Malay dialect as informal language to communicate within their group and most of them do agriculture.*

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*This study aims to: 1) study the dynamics of Muslim community settlement from 1960-2010; 2) investigate the relationship between coastal Muslim community and inland Muslim community. The historical approach has been utilized as the methodology of this research. This study collected data from primary and secondary sources together with the in-depth interviews. The study reveals that the national economic development plan initiated by Thai government from 1961 changed the lifestyle of Muslim community from self-reliant production to the commercial production. The coming of capitalism into the community shaped the new regime of land possession. Moreover, the catastrophe from the storm attack in 1962 effected the migration of coastal Muslim community to inland area or other vicinity. Another motive of this study is to investigate the relationship between coastal Muslim community and inland Muslim community; there is a closed interaction between them through the intermarriage, religious education, shared belief, and economic activity.*

## **Introduction**

### **Background**

Nakhon Si Thammarat is one of the most populated provinces in the upper southern Thailand. There is 7.03% of Muslim population and 121 mosques throughout the province.<sup>1</sup>The history of Muslim community in Nakhon Si Thammarat can be traced back the late Ayutthaya period (300 years ago).The folklore of Chanpoa village about 3 brothers of Lord Ram Decho, the governor of Nakhon Si Thammarat city, is the oldest story of the Muslim community settlement in Nakhon Si Thammarat. It portrays the distribution of Muslim community from the core city of Nakhon Si Thammarat to the periphery area at Chanpoa village and to the remote area at Klai village in early 18<sup>th</sup>

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1 Sukre Sarem, *75th Anniversary of Pondok Bantan* (Nakhon Si Thammarat: Exhibition Committee of 75th Anniversary of Pondok Bantan, 2015).

century, which becomes the densest area of Muslim in Nakhon Si Thammarat nowadays<sup>2</sup>.

The Muslim community in Nakhon Si Thammarat can be geographically divided into 2 groups; the coastal community, and the inland community which have different historical background and way of life. This study will examine the dynamic of Muslim community settlement from 1960-2010 from the primary and the secondary sources, and also from the in-depth interview. The scope of this study covers 4 districts of Nakhon Si Thammarat province comprise of 3 coastal districts; Tha Sala district, Pak Phanang district, and Mueang Nakhon Si Thammarat district, and the only inland district, Ron Phibun.

### **The Coastal Muslim Community in Nakhon Si Thammarat before 1960**

According to the empirical evidences, the ancestor of Muslim in Nakhon Si Thammarat has been forced to migrate from Sai Buri (Kedah, Malaysia) to Nakhon Si Thammarat, the centre of the western coastal circle of Siam Kingdom, in 1830-1832 at the end of Siamese-Sai Buri war<sup>3</sup>. They first settled in the north-western area outside the city wall, which is now known as Hua Talae village, and have been obliged to pay the rice instead of a levy to the government. The community gradually expanded to the shore of Tha Sala district due to the need of cultivated land and the increasing of population. The legend of Pang Limo Chae Tae, the commander of Satun army who was captured to Nakhon Si Thammarat during the war between Siam and Sai Buri, reflects the expansion of Muslim community in the coastal area of Tha Sala district. Many clans in the coastal community still refer their kinship with Pang Limo. One clan

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2 Direk Prottasen, "Chanpoa" in *Tha Sala Study 100 years of Tha Sala: Back to the Future*, ed., Suebpong Thammachat (Nakhon Si Thammarat: Time Printing, 2000), 140-141.

3 Kitti Ahliae and Thassanai Nuanwilai, "Pang Limo Chae Tae's Grave: The Grave of Muslim's Ancestor in Tha Sala District" in *Tha Sala Study 100 years of Tha Sala: Back to the Future*, ed. Suebpong Thammachat, 165-174 (Nakhon Si Thammarat: Time Printing, 2000), 168.

claims that they possess the sword of Pang Limo, the symbol of the inheritor of Pang Limo.<sup>4</sup>

Beside the rice farming and fishery, the coastal Muslim community in ThaSala district has planted a good-taste tobacco which is called *YaKlai* (Ya-tobacco, Klai-the name of the village). *YaKlai* was very famous not only in Nakhon Si Thammarat but also in Bangkok and Malay Peninsula. In 1897, they exported 125.46 tons of *YaKlai* from Nakhon Si Thammarat by marines to Bangkok, Singapore, Kelantan, and Terengganu of Malaysia.<sup>5</sup>

In the late 19<sup>th</sup> century, Pak Phanang, the coastal city nearby Mueang Nakhon Si Thammarat district, became the second prosperous city in the south of Siam Kingdom after Songkla. The trade volume of Pak Phanang in 1895 reached to 120,000 pounds per year and more than 5,000 tons of rice has been exported.<sup>6</sup> Pak Phanang was the destination for the people who sought for the better life including Chinese merchants, Chinese and Malay coolies, local farmers, and also local Muslim. Some Muslim migrated to Pak Phanang<sup>7</sup> and settled beside the shore of Talumphuk cape or around the tidal marsh of Nakhon Si Thammarat gulf. They operated the middleman business between Pak Phanang and ThaSala by exporting the modern fabric, clothing, and the kitchenware to ThaSala and importing the fruits, *YaKlai*, and wooden torches to Pak Phanang<sup>8</sup>. Some of them still lived their life by rice farming or fishery. After the Second World War, Thai government attempted to boost up the national economics by various policies including the enactment of the

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4 Abdullah Arwae. Interview by the author. Nakhon Si Thammarat, June 1, 2016.

5 National Archives, R5 M47/19, Ministry of the Interior, *Nakhon Si Thammarat Circle Government Report* (October, 4 1898).

6 National Archives, R5 M50/2, Ministry of the Interior, *Letter from Prince Sommati Amarabandh* (January 1, 1896).

7 Sukre Sarem, *Ibid.*

8 Wiphawee Pichitbundan, "General Information about Economics and Society of ThaSala District". In *ThaSala Study 100 years of ThaSala: Back to the Future*, ed. Suebpong Thammachat (Nakhon Si Thammarat: Time Printing, 2000), 49.

Fisheries Acts in 1947. The commercial fishery rapidly grew up both artisanal fisheries and large-scale fishery.<sup>9</sup> Some Muslim families in Pak Phanang became a small entrepreneur by accumulating capital from fishing business.<sup>10</sup>

### **The Inland Muslim Community in Nakhon Si Thammarat before 1960**

The settlement of the inland Muslim community should not be more than 100 years ago. According to the memory of the local, the inland Muslim community in Ron Phibun District has been established for five generations ago.<sup>11</sup> The early inland Muslim community in Ron Phibun migrated from HuaThalae village in Mueang Nakhon Si Thammarat district. The Muslim in Ron Phibun call HuaThalae village as *Kampung* (means 'village' in Malay language). It reflects that they still recognize HuaThalae village as their origin.<sup>12</sup> Even there is no evidence about the reason of migration, it can be interpreted the reason of migration from the old mottos of local; 'move from rice farming to planting', and 'head to the mountain when it is drought'.<sup>13</sup> These mottos imply two important reasons of migration; to cope with starvation, and to reclaim an arable land. Moreover, the mining boom in Ron Phibun in the 20<sup>th</sup> century<sup>14</sup> also might be an incentive of migration.

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9 Narudom Timprasert, "People's Participation Process Based in Community Rights to Preparation the Local Ordinances Sea: A Case Study of Tha Sala Sub District Administration Organization, Nakhon Sri Thammarat", *Area Based Development Research Journal* 4, no.2, (November-December 2011): 64-73.

10 Phaisan Sarika. interview by the author. Nakhon Si Thammarat, August 20, 2016.

11 Thassanee Thasrabiab. Interview by the author. Nakhon Si Thammarat, June 10, 2016.

12 *Ibid.*

13 Narong Boonsuaykwan, "*The Way of Life of the People in the Paakphanang River Basin in the Course of the First-Eight Economic and Social Development Plans*" (Research Report, Bangkok, 2001), 41-42.

14 National Archives, SB 2/26, Private Documents of Prince Damrong, *The Railway Committee Chair on behalf of Ron Phibun Tin Company and Trut*

However, the vast expansion of Muslim community to the inland supposed to be related to the construction of the railway to Nakhon Si Thammarat in 1914. Ron Phibun has been designed to be the location of Khao Chum Thong junction railway station which linked the main southern line from Bangkok to the deep south of Siam with the branch line to Nakhon Si Thammarat.<sup>15</sup> Ron Phibun gained the economic benefit from the expansion of the urban along the railroad. The first group of Muslim might come to Ron Phibun for the sake of economic opportunity enhancement. YaKhamwichit, one of the founders of KuanRui village, migrated from Na Khian village in Mueang Nakhon Si Thammarat to Ron Phibun by walking along the railroad to look for a cultivated land in 1948. He and his 2 friends began to reclaim the new arable land and dig up some ores for selling.<sup>16</sup> The story told by Ya emphasizes the importance of migration as a mode of living under the self-reliant production and also proved those old local mottos in practice.

### **The Dynamic of the Muslim Community Settlement From 1960-2010**

The dynamic of the Muslim community settlement in Nakhon Si Thammarat Province should be considered through the changes of economics, ecology, and social contexts. Thus, it can be divided into 2 periods; the development period from 1960-1990, the localization period from 1990-2010.

#### **The Development Period 1960-1990**

The first National Economic Development Plan launched in 1961 led the big changes to the local villages in Nakhon Si

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*Basin Tin Trading asked for a royal permission to operate a private railway* (December 1927).

15 Kakizaki, Ichiro, *Laying the Tracks: The Thai Economy and its Railways 1885-1935* (Kyoto: Kyoto University Press, 2005), 106-107.

16 Thannarat Somkesorn *et al*, "Red-whiskered bulbul and KhuanRui Villager: From the Cage Hung from the Eaves to the Competition Ground" in *The People of River, Rice Field, and Basin Forest*, ed. Lertchai Sirichai, 69-124 (Nakhon Si Thammarat: Greenzone, 2011) 75, 79-80.

Thammarat including Muslim community. The rapid expansion of infrastructure throughout the province linked all districts with Mueang Nakhon Si Thammarat district as the centre. This made Pak Phanang less important and increased the economic role to Mueang Nakhon Si Thammarat. The water transportation has been replaced by the land transportation. The period of marine trade came to the end.<sup>17</sup> After the construction of Mueang Nakhon Si Thammarat-Pak Phanang road finished in 1969, the rice trade in Pak Phanang drastically deteriorated because the rice was transferred directly to Mueang Nakhon Si Thammarat as the centre. This worsened the business of the large-scale rice mills in Pak Phanang.<sup>18</sup> There was a big wave of labour migration from Pak Phanang to Mueang Nakhon Si Thammarat during 1960s-1970s. The old motto has been from 'move from rice farming to planting' to the new motto 'move from rice farming to the urbanized working'.<sup>19</sup>

The catastrophic storm in October 1962 extremely and widely destroyed all coastal villages in Nakhon Si Thammarat province and its vicinity especially at Talumphuk cape of Pak Phanang. The coconut-tree-high wave swept all villagers' dwellings, domestic animals, fishing ships, and corps.<sup>20</sup> The Muslim community around Talumphuk cape faced a tragic change. The status of people became upside down, from the rich to the poor. The story of Phaisan's family portrays this situation. They once possessed 11 fishery boats and ran commercial fishery business. But after a big wave they lost all things. Almost of Muslim family decided to

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17 Saenphum Klayoo *et al*, "The Changes of Production: From Don Phasi to Bang Di" in *The People of River, Rice Field, and Basin Forest*, ed. Lertchai Sirichai, 249-300 (Nakhon Si Thammarat: Greenzone, 2011) 293.

18 Porta Kaenkaew, "The Economics Changes of Pak Phanang Community from 1896-1982" in *100 Years of Pak Phanag School*, ed. Narong Noonthong and Chatchai Suparakan, 24-47 (Bangkok: Love and Lip Press, 1999) 42.

19 Narong Boonsuaykwan, *Ibid.* 41

20 KakPia (pseudonym). interview by author. Nakhon Si Thammarat, September 13, 2016.

move out from the coast of Pak Phanang to Tha Sala or Sichon district where were less affected than Pak Phanang.<sup>21</sup> Tens of Muslim family together migrated from the near-coastal community to the inland area of Ron Phibun.<sup>22</sup>

The problem following after the National Economic Development Plan was the resources competition. The industry of otter board trawls fisheries deteriorated the business of small artisanal fisheries of the villagers. Especially after 1980s when the exclusive economic zone has been declared, the area for fishery was limited and the marine and coastal resources dramatically decreased.<sup>23</sup> The expansion of shrimp farming from the mid of 1970s also caused the land competition. Some families had no enough land to do farming both rice and shrimp. Each family possessed only 3.95 acres of land. Migration to the city became the resolution of this problem. Some families separated from the kinship in the village and resettled in the other area with the new occupation.<sup>24</sup> Therefore, the form of the family in the community gradually changed from extended family to nuclear family during this period.

### **The Localization Period 1990-2010**

The 1990s started with the fruitful profits from the shrimp farming. Nakhon Si Thammarat province was the second largest shrimp farming area in Thailand in 1994. Many families replaced their rice farm with shrimp farm. Even it was risk and instable, it gave very high benefit.<sup>25</sup> Some Muslim families sold their land to the neighbour to do a shrimp farming and move out to the central Thailand and

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21 Phaisan Sarika. *Ibid.*

22 Thannarat Somkesorn *et al.*, *Ibid.*, 81-82.

23 Narudom Timprasert, *Ibid.*, 69.

24 Narong Boonsuaykwan, *Ibid.* 41, 77.

25 Natural Resources and Environmental Management Division, "Status of Coastal Resources in Nakhon Si Thammarat Report" (Government Report, Bangkok, 1998), 31-32.

other provinces of southern Thailand. The shrimp farmers from outside became the new comer in the Muslim village.<sup>26</sup>

The ecological change of the seashore caused by shrimp farming obviously affected the coastal community from 1990. The erosion of shoreline destroyed 35 acre of the coast in ThaSala area from 1995-2002. On contrary, the increasing of commercial fishery especially shell dredging boats and the construct of erosion jetty caused the 198 acres of mud accretion in the lower ThaSala area.<sup>27</sup> These phenomena made the coastal Muslim community lost their benefit from fishery because the mud blocked their boat to access the sea and some families lost their land because of shoreline erosion.<sup>28</sup> Therefore, some of them moved to the relatives' community or moved to be the labour in the big city.<sup>29</sup>

The economic recession in 1997 forced many villagers back to their hometown after being lay off from the company in the big city. The 'Homeland Back' campaign was promoted to persuade the laid-off people to go back to their homeland. These people were new generation who gained high education degree. Hence, they did not continue their parents' occupation, farmer or fisherman. They were absorbed to the informal sector and some of them began to operate a small or medium enterprise. In the other hand, during the recession, many financial institutions faced bankrupt. This situation enhanced the role of non-banking financial company in the agricultural sector. Many families could get a loan to improve their living condition and occupation.<sup>30</sup>

In ThaSala, the coastal Muslim community attempted to cope with the problem of economic recession and the shoreline changes by doing a second job. They brought back their skill of bird cage

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26 ZuYa (pseudonym). interview by the author. Nakhon Si Thammarat, May 14, 2016.

27 Chanavoot Mookda *et al.*, "Impact of Shoreline Changes on Coastal Ecosystem in ThaSala District, Nakhon Si Thammarat Province", *Thaksin University Journal*, 14, no.2, (July-December 2011), 98.

28 Narudom Timprasert, *Ibid.*, 69.

29 Zu Na (pseudonym). interview by author. Nakhon Si Thammarat, June 17, 2016.

30 Attachak Sattayanurak, *Unequal Democracy of Thais* (Bangkok: Matichon, 2014), 79.



making and produced various kinds of cage to sell in front of their house.<sup>31</sup> Many traditional skills, such as pottery, basketry, were revitalized and promoted as the local wisdom. The 'local' could add more value to the local product. Moreover, the new constitution in 1997 which empowered the rights of community and promoted the local tradition was utilized by Muslim community to establish local network together with other believer such as Local Fishermen Network of ThaSala in 2007<sup>32</sup>, or Integrated Economy Community of NaiThung Village in the late 1990s.<sup>33</sup> The success of community in economic recovery attracted the people to move back to their village with a pride of their homeland and their local identity. Thus, it can be said that 'localization' played an important role in the Muslim community in this period.

### Conclusion

The Muslim community settlement before 1960 was still under the self-reliant production. The community settlement from 1960-2010 can be divided in to 2 period. The first period, development period, was influenced by the first National Economic Development Plan in 1961. This plan changed the lifestyle of Muslim community from self-reliant production to the commercial production. Moreover, it gradually affected the regime of land possession and land use. Another important factor is the catastrophic storm in 1962 which forced many Muslim families migrated to the inland area and the vicinity. The second period began from 1990 to 2010. The shoreline changes and the economic recession around late 1990s caused the difficulty to the community. The localization has been utilized as a strategy to recover economic situation in community and attracted the people to move back to their village.

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31 Thidarat Naphum *et al.*, "The Hundred-thousand-bath Bird Cage" in *The Builders of ThaSala*, ed. Somchai Somkhith, 24-45 (Nakhon Si Thammarat: Walailak University, 2014), 29.

32 Narudom Timprasert, *Ibid.*, 70-72.

33 Khruthorn Noothong, "The Case of Integrated Economy Community of NaiThung Village". In *ThaSala Study 100 years of ThaSala: Back to the Future*, ed. Suebpong Thammachat, 143-145 (Nakhon Si Thammarat: Time Printing, 2000), 144-145.

## The Changing Terrains of Patriarchy: The Female Spotlight on Islamic Laws of 20<sup>th</sup> Century India

Faiza Rahman\*

### ABSTRACT

*This paper presents a history of gender-sensitive Islamic laws in the 19<sup>th</sup> century South Asia, with a focus on the Bihishti Zewar [Urdu: Heavenly Ornaments], the ubiquitous Urdu domestic text addressed to the Muslim woman of the subcontinent. The legal terrains of Islam acquired an unprecedented change in 1905. The site of change was not a conventional centre of Islam in the Arab world, but a Madrassa in the Deoband town of India, some 150 kilometres from Delhi. It was from here that the first-ever compilations of gender-sensitive Ijtihad, specifically addressing the woman of Islam, started emerging in periodicals circulated across the Muslim population of India. The Bihishti Zewar, a final compendium of such booklets, was a project of Ashraf Ali Thanawi, an important stalwart of the Deobandi faction of 'Ulema. A study of the history of his text will assist the understanding of patriarchal and nationalistic imperatives which informed India's Islamic lawmaking during the 19<sup>th</sup> Century.*

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“Should three utterances of divorce happens<sup>1</sup>, she is bound to the term of iddat... Or should the husband have demised, the same is the guidance for her . . . It is thereby deemed haram during iddat to sprinkle any attar, bring a beautiful fabric to use, adorn any flower, line the eyes with kohl, chew paan to redden the mouth, use a tree bark to dye the lips, rub oil in the hair, run a comb to smoothen tangles, use henna anywhere on the body, wear a colourful dress of any kind . . . but should she encounter a headache, then rubbing a medical oil in the head is permissible, as long as there is no fragrance...”

The excerpt is from a book which stirred the legal terrains of Islam in 1905.<sup>2</sup> The site of change was not a conventional centre of Islam in the Arab world, but a madrassa in Deoband, a town in India, some 150 kilometres from the Delhi of today. It was from here that the first-ever compilations of gender-sensitive fiqh<sup>3</sup>, specifically addressing the woman of Islam, started emerging in periodicals circulated across the Muslim population of India.<sup>4</sup> The *Bihishti Zewar*, a final compendium of eleven such booklets, was a project of Ashraf Ali Thanawi, an important aalim of the Deobandi faction — a sub-set of the Sunni Hanafi stream of Islam.

The *Zewar* was a turning point in the history of the Muslim woman of India. It was, firstly, unique owing to the wide array of subjects — particularly the everyday trivialities which occupied the life of an interiorised Indian Muslim woman — which it brought into the legal fold of Shariah. Adjudicating on everything from dining habits<sup>5</sup> to breastfeeding etiquette<sup>6</sup> to the proper way of arranging and managing a

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1 *Bihishti Zewar*, Book 4

2 Usamah Y. Ansari, “The Pious Self is a Jewel in itself: Agency and Tradition in the Production of ‘Shariatic Modernity’”. *South Asia Research*, 30. No. 3, (2010), 275-98.

3 The process of consultation and consensus through which Islamic jurists add new laws in the corpus of the Shariah.

4 Muhammad Qasim Zaman, *Ashraf ‘Ali Thanawi: Islam in Modern South Asia*. (Oxford: One World, 2008), 66.

5 Ashraf Ali Thanawi, *Bihishti Zewar: Madlal Mukammal* (Karachi: Dar ul Isha‘at, 1981), 344.

6 *Ibid.*, 317.

funeral<sup>7</sup> - the Zewar was designed for frequent and exhaustive reference by the woman leading a Muslim household. It has been transmitted, and eventually written, in the colloquial Urdu diction, aimed at recitation that is amenable to the lay reader,<sup>8</sup> which has assisted its wide circulation and readability, establishing it as an evergreen commercial success for Urdu publication houses across South Asia. Sporting numerous editions and translated in myriad South Asian dialects, the Zewar is almost always in print, and continues to feature prominently on the bookshelves of Muslims households across South Asia.<sup>9</sup> Along with the other works of Thanawi, the Zewar is a core reading on the syllabi of Deobandi madrassas for girls across India, Pakistan and Bangladesh.<sup>10</sup> Muslim brides are popularly said to enter their in-laws homes with, “*Aik haath mein Bihishti Zewar, dusray mein Quran*” [the Quran in one hand and the Bihishti Zewar in the other].<sup>11</sup>

The brides of India utilized the Zewar as a handy guide for married life. The book, however, was not just a variegated domestic manual. It is hardly a coincidence that the first-ever publication of Zewar coordinated with the full swing of jihadi momentum in colonial South Asia. The text was, in fact, a fortunate and convenient source of political capital for Muslims under the British Raj. By regarding a hitherto marginalised gender as worthy of spiritual regulation, it was a decisive attempt at religious consolidation in a public sphere caught amidst the colonial maelstrom in the twentieth century, with Muslims, Hindus and the British each competing for political turf.<sup>12</sup> This paper argues that the Bihisti Zewar enlisted the women of India into the jihad

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7 *Ibid.*, 171.

8 Zaman, *Ashraf Ali*, 70-71.

9 *Ibid.*, 70.

10 *Ibid.*, 107-108.

11 Ashraf Ali Thanvi and Barbara Daly Metcalf, *Perfecting Women: Maulana Ashraf Ali Thanawi's Bihishti Zewar: A Partial Translation with Commentary*. (Berkeley: University of California Press, 1990), 3.

12 Thanvi and Metcalf, 6-8.

movement of the twentieth century — a movement which eventually led to the carving of Pakistan. It will situate the gendered pedagogies of the Zewar within the intersections of colonialism, nationalism and jihad in twentieth century India. It will interrogate the contours of Muslim womanhood to understand how it was tweaked to assist the patriarchal contests of power in colonial India.

### **India the Colony, India the Nation & Indian Women**

Regulating the feminine wasn't solely the province of Islamic scholars in South Asia. The Zewar, appearing in 1905, is in fact a part of a longer timeline of legal re-castings centred around the Indian woman. The colonial encounter was the first demonstration of the sort in India's modern history. In his *History of British India*, James Mill wrote of the instrumentality of studying women's condition in gauging the "manners of nations".<sup>13</sup> Indian womanhood under the British Raj, in general, was both a soft conduit of influence and a weighty symbol of power. It was ushered in opposite directions by colonial and nationalist powers through legal intervention, tribal customs and religious edicts for the assertion of colonial or anti-colonial might.<sup>14</sup>

Historians and postcolonial scholars have discussed the unique role of the female body in paving the moral high-ground for colonialists, thereby anchoring the British imperial web.<sup>15</sup> Key Orientalist works on Indian feminism by

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13 James Mill, *History of British India Volume 1* (London: Routledge, 1997), 309.

14 The regressive and pitiful status of the Indian power fed into the colonial moral high ground, with the British passing laws to intervene into women's lives, such as one against dancing. On the other hand, nationalists opposing colonial rule hastened to construct new moral and sexual proprieties to freeze the 'Indianhood' of women. Mandakranta Bose (ed), *Faces of the Feminine in Ancient, Medieval, and Modern India*. (New York: Oxford University Press, 2000) 214-216. See also Vrinda Narain, *Reclaiming the Nation: Muslim Women and the Law in India*. (Buffalo; Toronto: University of Toronto Press, 2008), 36-47.

15 Gayatri Spivak, "Can the Subaltern Speak?" in *Marxism and the Interpretation of Culture*, eds Cary Nelson and Lawrence Grossberg (Urbana: University of Illinois Press, 1988), 25.

Katherine Mayo<sup>16</sup>, Flora Anne Steel<sup>17</sup> and Mary Daly<sup>18</sup> have lamented the conspicuous absence and eternal silence of Indian women, who were stifled by tradition and sorely in need of the Western blueprint of feminist liberation. British Orientalist sensibilities led to a number of legal reforms, such as laws abolishing sati,<sup>19</sup> rules limiting dowry in Punjab,<sup>20</sup> and those against female feticide in the Rajasthan region of West India.<sup>21</sup> It is telling, however, that the “civilisational backwardness” of the Indian woman was only uplifted selectively.<sup>22</sup> The aspects of Indian patriarchy which were not a thorn to colonial rule were readily left alone.<sup>23</sup>

At the same time, Indian nationalism – which was the unwilling well-spring of Islamic revivalism and jihadism in South Asia – calibrated Indian femininity in similarly selective, yet opposing, ways. From the 1860s onward, well before pan-Islamic populism, a cultural-nationalist movement in India had enveloped the female body in a common front of moral unity against Westernisation. The ideas which reigned were those which extolled the wearing of the sari, the correct performance of domestic duties and the nurturing of righteous offspring. Praises were written to Indian

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16 Katherine Mayo, *Mother India*. (London: J. Cape, 1927), 27, 69-79, 119-134.

17 Karyn Huenemann, “Flora Anne Steel: a voice for Indian women” *Faces of the Feminine in Ancient, Medieval and Modern India* (ed) Mandakranta Bose (New York: Oxford University Press, 2000), 235.

18 Mary Daly, *Gyn/ecology: The Metaethics of Radical Feminism*. (Boston: Beacon Press, 1978), 127-29.

19 Narain, *Reclaiming the Nation*, 38.

20 Veena T. Oldenburg, *Dowry Murder: The Imperial Origins of a Cultural Crime*. (New York: Oxford University Press, 2002), 3-4, 99-106 & 84-92.

21 Rashmi Dube Bhatnagar, Renu Dube, and Reena Dube, *Female Infanticide in India: A Feminist Cultural History*. (Albany: State University of New York Press, 2005), 70-77. The British were not the only ones opposing feticide. There was indigenous, Rajput-led resistance to the practice of female infanticide, too, depicted strongly in the poetry of the female Sufi poet Mirabai. *Ibid.*, 169-85.

22 Narain, *Reclaiming the Nation*, 36.

23 Such as the question of dowry and bride burning. See Oldenburg, *Dowry Murder*, 84-92.

characteristic of *lajja* – feminine shame and coyness.<sup>24</sup> Female respectability was simultaneously tied to *des seva*<sup>25</sup> – being of service to the Indian nation – and *pati seva*<sup>26</sup> – being of service to the husband. The absolute interiorisation of women was considered a moral benchmark, which also served the anti-colonial purpose of limiting her engagement with British reforms — often centred around the Indian woman — in the public sphere.<sup>27</sup> At the same time, the cultural precincts of shame also expanded, leading to an automatic self-policing of a number of politically unfavourable activities. Widespread local traditions such as hiring of dancing girls known as kalavantins by Bombay families became taboo and so did social interaction with women who wrote poetry, sang or danced.<sup>28</sup> Such moral machinations acquired a fresh momentum with the advent of Hindi print capitalism. Aimed at catalysing the political awakening of women — and their equally political chastity — the Hindi public sphere witnessed the mushrooming of new women's magazines and educational periodicals<sup>29</sup> that featured columns, poetry and stories informing women about the nationalistic struggle, the harms of the West, while exhorting them to salvage their identity from Western women through superior Indian morality, the Hindu-compliant *des seva*.<sup>30</sup> The nationalist mission acquired a fresh dimension through these periodicals which ceded literary clout from the

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24 Himani Bannerji, *Inventing Subjects: Studies in Hegemony Patriarchy and Colonialism* (London: Anthem, 2001), 121-25.

25 Shobhna Nijhawan, *Women and Girls in the Hindi Public Sphere: Periodical Literature in Colonial North India* (New York; New Delhi: Oxford University Press, 2012), 163.

26 *Ibid.*, 152.

27 Padma Anagol, *The Emergence of Feminism in India, 1850-1920* (Burlington, VT: Ashgate, 2005), 122-30.

28 *Ibid.*, 125.

29 These include *Stri Darpan* (1909-1928), *Grihalakshmi* (1909-1929), *Arya Mahila* (1917-c 1948), *Chand* (1922-1940s) and the women's section of the Hindi periodical *Madhuri* (1922-50). See Nijawan, *Women and girls*, 29-90.

30 *Ibid.*, 163-67.

regional dialects of South Asia and helped consecrate Hindi as the national language of India.<sup>31</sup>

The corpus of Hinduism itself was not immune to nationalistic intervention, with many middle-class Hindus condemning religious festivals such as Holi, which called for mixed mingling and celebration by the two genders.<sup>32</sup> Moreover, as explained by C.A. Bayly, Indian chastity was most heavily regulated between late 19<sup>th</sup> and early 20<sup>th</sup> century, when the influx of competitively-priced British cotton on the Indian market sparked widespread protests at the grass roots level.<sup>33</sup> In this way, new moral adjustments, stemming from anti-colonial fervour, fed into the overall Indian push towards new, increasingly local ideals of female chastity.

As a silent and invisible agent, the female body, caught amidst the cross-patriarchal thrusts of colonialism and anti-colonialism, remained a site of masculine confrontation. Through the annals of the household, the Indian woman assisted the anchoring of both state and empire in the sub continent throughout the 19<sup>th</sup> and 20<sup>th</sup> century. But the overwhelmingly Hindu and Hindi vernaculars of the anti-colonial resistance bristled a smaller Muslim minority in South Asia, who opened a fresh chapter of Hindu-Muslim confrontation, eventually leading to the crystallisation of a new, distinct and parallel Islamic womanhood under the colonial shadows of Britain.

### **She who is not Hindu: Pedagogies of Hostility**

*On inventive rituals and bad habits:  
[it is haram] to hold festivals on the  
site of a holy grave . . . to raise  
charities of porridge, sweetmeats or*

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31 *Ibid.*, 188-230.

32 There was a growing preference for an alternative religious celebration, the Ganapati, over Holi. Anagol, *The Emergence*, 124.

33 C.A. Bayly, *Origins of Nationality in South Asia: Patriotism and Ethical Government in the Making of Modern India* (Oxford; Delhi: Oxford University Press, 2001), 172-205.



*rice on a holy grave . . . to arrange  
dances, to observe Moharram [like  
the Shias] or Holi or Diwali [like the  
Hindus]<sup>34</sup>*

It was amidst the great political cacophony of colonial India that the *Bihishti Zewar* appeared quietly within Muslims households. The volume surfaced as the fissures between the Hindu, Muslim and British identities motivated Muslim scholars to seek a separate legal space for themselves and their women. Bristled by the overwhelmingly Hindu hue of the nationalist resistance, some Muslims of India sought intervention from Islamic governments in Afghanistan and the Ottoman state in the early years of the twentieth century as the local Hindus viewed their manoeuvrings suspiciously.<sup>35</sup> The nationalist question had caused the sensitive fault-lines of faith to be severed anew, particularly in the form of Muslim antagonism. Distrusting the Hindu-dominated Indian National Congress, the Muslims founded the Muslim League in 1909, called for separate electorates, and stoked the anti-Hindu sentiment to an extent that it eventually led to the creation of a new Muslim state in 1947.<sup>36</sup>

The anti-Hindu sentiment which had openly re-asserted itself amongst the Indian Muslims in early 1900s had, however, always simmered quietly — well before mainstream nationalism — marking the many decades prior to the publishing of the *Zewar*. Tension pressed on during the years of Mughal decline when a faction of Muslims were

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34 *Bihishti Zewar*, Book 1

35 Ayesha Jalal, *Partisans of Allah: Jihad in South Asia* (Cambridge, Mass: Harvard University Press, 2008), 216.

36 For a fruitful discussion on Hindu revivalism in the Congress, Muslim animosity to the party and the creation of the League, see Robinson 210-230. Scholars have also argued that communal cleavage between Hindus and Muslims was administered and sustained by the British to facilitate the imperatives of empire and ensure the colonial stronghold. Francis Robinson, *Islam and Muslim History in South Asia* (Oxford; Delhi: Oxford University Press, 2003), 211. Ashraf Thawani, the author of the *Bihishti Zewar* is said to have openly supported the League. *Ibid.*, 198.

incensed by the impending loss of their centre of gravity and were riddled by communal anxiety in an overwhelmingly Hindu milieu.<sup>37</sup> By the early nineteenth century, Muslim scholars who had written of unruly Hindus as *mardud*, or the rejects of God, were now openly declaring them *kafir*.<sup>38</sup> Secular events in history, such as land wars with the Rajput Hindus in the mid 1800s<sup>39</sup>, conflicts between Hindu landlords and Muslim peasants<sup>40</sup>, and Hindu-Sikh assaults on Muslim villages for economic or social reasons<sup>41</sup>, all became communal issues for the Muslim minority. In response to these 'infidel aggressions', the ulema of India utilised the pulpit of mosques to salvage the faith and fortunes of the Muslim minority. The Wahhabi-compliant Faraizi movement of 1818 by Haji Shariatullah (1781-1840)<sup>42</sup>, the peasant religious revival by Dudu Miyan and the *jihad* calls made by Shah Waliullah<sup>43</sup>, Shah Abdul Aziz and Sayyid Ahmed equally warned against the Hindu infidel and a called for renewed Sunni purism.<sup>44</sup> Amidst it all, there was widespread castigation against syncretic Indian rituals which refined everyday religiosity for Muslims, particularly those practiced by Sufi Muslims, which "blurred the boundaries between

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37 *Ibid.*, 187; Jalal, *Partisans of Allah*, 170-77.

38 Robinson, *Islam and Muslim History*, 187.

39 Bayly, *Origins of Nationality*, 222-23.

40 Such as the tumultuous Moplah and Faraizi outbreaks. *Ibid.*, 225.

41 *Ibid.*, 224.

42 Initiated in Bengal, the Faraizi movement was triggered by the economic disadvantages faced by the minority Muslim peasant's vis-à-vis the Hindus and quickly acquired a religious hue. Annimarie Schimmel, *Islam in the Indian Subcontinent* (Leiden, Holland: E.J. Brill, 1980) 179.

43 Shah Waliullah (1703-1762) is said to have propagated the most potent ideals of Jihad. He called for the avoidance of both Hindu and Shia company who were "non-Muslims of devilish disposition", while proposing a complete ban on the Hindu festival of Holi (also celebrated by Muslims of the time) and the *matam* (ritual mourning, also observed by Sunnis, specially those from North Indian cities of Lucknow and Delhi) by Shias during Muharram. See Jalal, *Partisans of Allah*, 50-57.

44 *Ibid.*, 61-74; Robinson, *Islam and Muslim History*, 188. The Faraizis fought against the Islamic religious rites that had been influenced by Hindu customs deeming them *shirk* (in defiance of God) and *bid'at* (impurities). See Schimmel, *Islam in Indian*, 180.

Hinduism and Islam”, corrupting the Sunni, “truly Islamic”, creed.<sup>45</sup>

Even a cursory flip through the *Zewar* would suffice to show that it has heavily absorbed the communal paranoia of India, conducting them deep into the most inward chambers of the Muslim household just when cauldron of jihad brewed angrily at the state-level. For example, part nine of the *Zewar* adjudicates as *haram* the relatively common practice amongst Indian — including Muslim — housewives of honouring the Hindu goddess, *Sheetla Bhawan*, for the remedy of everyday illnesses<sup>46</sup>; the observance of Holi; supplicating to venerated saints; keeping any kind of image or statues in the home; deeming certain astrological dates as lucky or damned; holding festivals on shrines as done by the Sufis<sup>47</sup>; illuminating candles or lamps on graves as if one is venerating the grave.<sup>48</sup> Moreover, in-keeping with a jihadi message of severing social and cultural ties with Hindus, part three adjudicates veiling from *kafir* women in addition to men<sup>49</sup>; part four adjudicates the immediate nullification of a marriage between two non-Muslims if one of them converts

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45 For instance, Haji Shariatullah (1781-1840) prohibited the mystical attitude of Sufism because the *pir-muridi* (venerate teacher-obedient disciple) relationship inherent in Sufi tradition was reminiscent of the *guru-chela* (saint-follower) calculus of Hindu observance. Schimmel, *Islam in Indian*, 180. For a discussion on pre-colonial symbiosis of Hindu-Muslim beliefs, and its manifestation in the theologies of Sufism, see Bayly, *Origins of Nationality*, 210-219.

46 Thanawi, *Bihisti Zewar*, 757.

47 *Ibid.*, 60-61. Outside the Sufi context, numerous Hadith traditions had already deemed Muslim women’s visits to shrines, graveyards or singular graves as *haram*. *Ibid.*, 117. Prohibition from soliciting astrologers and fortune tellers first occurs in Book One. *Ibid.*, 116.

48 *Ibid.*, 116.

49 This refers to non-believing Hindu, Sikh or Christian women in the Indian context. The section uses the example of such women serving as menial servants of the household such as sweepers or laundrywomen, professions who are too lowly for respectable Muslim women. By equalising such non-Muslim women with men, the text deems them to be of questionable morality owing to their different faith and as threatening to the piety of a respectable Muslim woman. *Ibid.*, 280.

to Islam;<sup>50</sup> part one prohibits the “Hindu practice” of touching the forehead in *adaab*, an Indian social salutation, while compelling the Islamic *salaam* upon meeting someone;<sup>51</sup> part three prohibits the purchase of meat from a Hindu butcher, regardless of any verbal claims by him or her about having the animal slaughtered the *halal* way, unless the process of slaughter has been witnessed by any Muslim who may fully testify so.<sup>52</sup>

### **She who is not British: Thanwi, Deobandis and Jihad**

*... And those who oppose the literate women are said to have seen her shameless, conniving and audacious. . . specially if she knows how to write too; she then acquires a fatal frivolousness . . . for she may then dispatch missives of whatever kind she wishes to whoever she wishes. Anyone may write to her of their shameful desires, and she may soften up, and write them a sweet letter . . . and if she may not reply, the dispatcher may be teased by the coy acquiescence in her silence . . . and it will not, then, be odd for Satan's web to engulf them . . . But others may allow some literacy, but oversee it . . . and keep her from those who deem that English and Geography take precedence over matters of faith . . . and those who openly teach the Bible and the Testament to them . . .*<sup>53</sup>

The small town of Deoband in North India is the cradle of the *Bihishti Zewar*. It was easy to overlook Deoband's history for most of the nineteenth century as the neighbouring Luckow,

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50 *Ibid.*, 316.

51 *Ibid.*, 118.

52 *Ibid.*, 277.

53 *Ibid.*, 107-109.

Agra and Delhi, with their bustling urban life, shrouded it completely. But in 1867, ten years after the fateful Mutiny of 1857, a madrassa was founded in Deoband and given the Urdu name Darul Uloom —the door of knowledge — which triggered a sea-change in the city's historical significance.<sup>54</sup> Today, the town of Deoband is dotted with bookshops and libraries, and its madrassa is widely regarded as the most important traditional university of Islam after the al-Azhar in Cairo.<sup>55</sup>

Deobandi scholars founded the Dar ul Uloom independently, outside the patronage of the British colony or the Hindu-majority rule of India. It was built and maintained by local scholars and tended to by ordinary Muslims.<sup>56</sup> It became the fountainhead of Deobandi scholarship, a headquarter of Muslim anti-colonial resistance, a blueprint for thousands of similar madrassas across India and a palpable irritant to the British.<sup>57</sup> It was here that Ashraf Ali Thanawi, the author and compiler of the *Zewar*, received his training, graduating as an *aalim* in the year 1883.<sup>58</sup>

Despite his fierce resistance to the mystical and Hindu-syncretic practices that were part of Sufism, Thanawi was a prominent and productive Sufi scholar influenced by the Chishti order of Sufism.<sup>59</sup> More importantly, he was a rebel. Unlike most South Asian ulema who had set the madrassa curricula in stone to salvage it from Western knowledge, Thanawi — equally opposed to Western sciences — believed in the elasticity of religious training to suit Muslim political needs.<sup>60</sup> Today, both the anti-colonial idiom and the need for Muslim revivalism pervaded through the thousands

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54 Zaman, *Ashraf Ali Thanawi*, 2.

55 Robinson, *Islam and Muslim History*, 76.

56 Zaman, *Ashraf Ali Thanawi*, 3.

57 Farhat Tabassum, *Deoband Ulema's Movement for the Freedom of India* (New Delhi: Manak Publications, 2006), 38 and 46; Jalal, *Partisans of Allah*, 117-118.

58 Zaman, *Ashraf Ali Thanawi*, 17.

59 *Ibid.*, 10 and 21.

60 *Ibid.*, 18-19.

of Deobandi religious texts that are attributed to Thanawi.<sup>61</sup> These texts form the backbone of the Deobandi tradition, the most popular faction of South Asian Islam, a part of the Sunni Hanafi tradition, widely subscribed to by Muslims in contemporary India, Pakistan and Bangladesh.

Thanwi's commitment to the doctrinal malleability of Islam catalysed his intervention in the Muslim household through the *Zewar*. As the call for jihad resonated across India during the nineteenth century, the ulema were met with an unprecedented need for enlarging the *ummah*. The religious awakening of Muslim women followed the heels of this imperative.<sup>62</sup> So tense was the power tiff with the British and Hindus that the female existence, which had been ignored with flourish so far, had to be reasoned with. Complying to the new political obligations, Thanawi's *Zewar* effectively democratised the religious sciences to the household and granted the Muslim woman of India a stake in Islam's political fate.<sup>63</sup> The text resonated with jihadi reformism and is replete with the characteristic anti-colonial pedagogies of Deobandi madrassas which stressed the seeking of knowledge, but privileged the transmitted sciences of religion to the rational sciences of philosophy and logic.<sup>64</sup>

Reflecting Deoband educational sensibilities, the *Zewar* carves a jihad-compliant, anti-Western femininity and regards religious literacy as superior to other kinds of Western literacy for women. For example, book four deems the verbal recitation of the Holy Quran to be superior to all other experiments with worldly knowledge;<sup>65</sup> elsewhere, it adjudicates that when a child becomes capable of reading, the Holy Quran should be the first book read by him or her;<sup>66</sup>

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61 Thanvi and Metcalf, *Perfecting Women*, 4.

62 *Ibid.*, 8.

63 *Ibid.*, 6-10.

64 Zaman, *Ashraf Ali Thanawi*, 18.

65 Thanawi, *Bihisti Zewar*, 329.

66 *Ibid.*, 343

book seven quotes Hadith traditions which say that god's special mercy is apportioned on women who strive to understand the Islamic faith;<sup>67</sup> book seven adjudicates against the casual reading of any kind of book bought from commercial booksellers — the same urges the woman to refer the book to a member of the ulema community before she reads it;<sup>68</sup> book one warns against the British schools of the time which train students in Christianity.<sup>69</sup>

### **Anglo-Muhammadan law, Ottoman feminism and the Zewar**

Instructing Muslim women through the *Bihishti Zewar* was, however, much more than a politically-sensible pathway to jihad. It was, in many ways, the only possible pathway. The Islamic literature produced in the colonial years in India saw a new shift in the conversation centred around women. Scholars have argued that even though the ulema had debated the status of women in Islam throughout history, identifying them as a kernel of Islamic culture was a trope which manifested itself in the literature produced only during and after the colonial period.<sup>70</sup> The newfound engagement with women bespoke of power anxieties in a country rife with colonial-nationalist tension.

This was all the more apparent in the case women's literature in Islam which, surprisingly, became a popular topic for religious scholarship after the direct crippling of religious law mechanisms in India by the British. By the twentieth century, British machinations in Islamic law had incapacitated the ulema and the *qazis*<sup>71</sup> alike; making it impossible for them to proffer any durable adjudications on

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67 *Ibid.*, 556.

68 *Ibid.*, 591.

69 *Ibid.*, 107.

70 Thanvi and Metcalf, *Perfecting Women*, 8-9.

71 The term from Arabic and Urdu for judges at an Islamic court.

the wider Muslim community of India.<sup>72</sup> Aiming to soften their image as outside rulers, the East India Company made an appearance of keeping Islamic law intact, but doctored it around the colonial agenda, creating an entire new corpus of Anglo-Muhammadan law. The only Islamic laws now available to sustain the process of *fiqh* and *ijtihad* were the hybrid of British-compliant Shariah — which was effectively aimed at entrenching colonial might.<sup>73</sup> The new corpus both offended the anti-colonial sensibilities of the Deobandis and stunted their contribution to *fiqh*. Scholars have argued that as the public channel of Islamic jurisprudence was curbed, the ulema's reformist energies were directed to the private sphere, particularly the lives of women — the limited space free of the 'Anglo' rupture, where the Shariatic stream could sustain its rhetorical continuity with the Islam of the Middle East.<sup>74</sup> It is therefore no surprise that Thanawi's commitment to re-model Islamic law in the wake of roaring calls for jihad, coupled with the limited reach of any new kind of juridical activity, led to the exhaustive compilation of a text such as *Bihishti Zewar*.

The new preponderance of the Islamic female was, however, not just a result of indigenous sensibilities. Through the very channel of jihad, women in India were opened to international influence. As the slogan of pan-Islamism — the spiritual unity of the global *ummah* of Muslims — resonated across Islamic learning centres in India, the ulema's connection with the Ottoman empire, the only surviving Islamic caliphate, deepened.<sup>75</sup> Curiously, India courted

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72 Scott Alan Kugle, "Framed, Blamed and Renamed: The Recasting of Islamic Jurisprudence in Colonial South Asia.", *Modern Asian Studies*, 35.2 (2001): 263.

73 Both legal Islamic texts and the independent jurists of Islam were subsumed within a hybrid British-Islamic legal system, which the qazi serving as an administrative officer — or sometimes mere advisor — to the English officer chairing Islamic legal proceedings. *Ibid.*, 296.

74 Thanvi and Metcalf, *Perfecting Women*, 8.

75 Respects were being paid to the Ottoman caliph in local mosques throughout the nineteenth century, who was now to be the guardian of Muslim cause in the absence of any other Muslim empire. Jalal, *Partisans of Allah*, 190-194. Indian Muslims established war funds to assist the



Ottomans at a time when the Ottomans courted the West. A series of Western-style modernisations were being witnessed in Ottoman Turkey and Egypt, altering not just the Ottoman political and economic fronts, but also attitudes towards women in the overall Islamic world.<sup>76</sup> Starting in 1895, a vast stream of feminist literature dominated the Turkish market.<sup>77</sup> Gender-specific texts, periodicals and magazines, aimed at the education of women were being published in throngs by Ottoman scholars.<sup>78</sup> The key advocates of pan-Islamic jihad in India were ulemas such as Jamaluddin Afghani and Obaidullah Sindhi who didn't just harness the pro-Ottoman fervour in India, but also established close ties with Ottoman officials through frequent visits and correspondences during the late nineteenth century, demonstrating openness to Ottoman ideas.<sup>79</sup> These parallel developments of Indian jihad and Turkish feminism insinuate a cross-cultural exchange which helped solidify the Muslim female subject in India as an agent to be reckoned with, feeding into the legal thrust which led to the writing of the *Zewar*.

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Ottomans, and Urdu newspapers began to valorise Turk victory in battles as the Indian Muslims'. *Ibid.*, 190.

- 76 Immanuel Wallerstein argued that the Ottoman empire was wholly absorbed into the capitalist world-system by the eighteenth century. Immanuel Wallerstein, "The Ottoman Empire and the Capitalist World-Economy: Some Questions for Research." *Review (Fernand Braudel Centre)*, 2.3 (1979), 391-392. In-keeping with the demands of the European market, which the centre-of gravity of the new world order, there were radical social and economic reforms in the Ottoman world, ushering hoards of Turkish women into the job market. Guity Nashat and Judith E. Tucker (eds), *Women in the Middle East and North Africa: Restoring Women to History* (Bloomington: Indiana University Press, 1999), 83-131.
- 77 Leila Ahmed, "Early Feminist Movements in the Middle East: Turkey and Egypt" *Muslim Women* (ed) Frida Hussain (London; Sydney: Croom Helm, 1984), 111-122, esp. 113.
- 78 Turkish scholars such as Ziya Gokalp, Tevkik Fikret, Ahmed Agaogly were at the forefront of emphasising women's cultural engagement and education *Ibid.*, 113.
- 79 Jalal, *Partisans of Allah*, 188, 215 & 204.

## Urdu Femininity, Print Culture and the Zewar

*Read in the name of your Lord who creates; creates man from a Clot [of blood]. Read, for your Lord is most Generous. Who teaches by the pen; teaches man what he does not know – Chapter 96, al-Alaq: The Clot, Holy Quran<sup>80</sup>*

*First show to a scholar any book being bought or read. If he says it is useful, then read it. If he says it is harmful, do not look at it or keep it in the house – The Bihishti Zewar<sup>81</sup>*

The respectable woman of the *Zewar* was a carbon-copy of the respectable woman of the Urdu literature being produced in North India. As the Anglo-Mohammad law eroded their religious authority, the ulema diverted their energies an alternative space for influence: the literary sphere of Urdu. For the Muslims of India, Urdu was a negation of the languages of both the Hindus and the British, while being an uncorrupted marker of the Islamic cultural identity.<sup>82</sup>

The nineteenth century witnessed a frantic project of translating the Persian and Arabic heritage of Islam into Urdu, with up to twelve attempts being made to translate the Quran alone.<sup>83</sup> Urdu had become, by then, the everyday language of Muslims, particularly those in North India. As the Shariatic legal space tightened, the jihadist mission was seen to capitalise on the existing ubiquity of Urdu for political ends. This has resulted in scholars have situating the *Bihishti Zewar* alongside Urdu novels, short stories and

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80 Thomas Ballantine Irving, *The Qur'an: The First American Version*. (Brattleboro, Vermont: Amana Books, 1985), 384.

81 Thanvi and Metcalf, *Perfecting Women*, 376.

82 Barbara D. Metcalf (ed), *Islam in South Asia in Practice*. Princeton: Princeton University Press, 2009), 30.

83 Robinson, *Islam and Muslim History*, 76.

poems of the nineteenth and twentieth century, as both the *Zewar* and Urdu fiction aimed for a similar “standardisation” of female morality.<sup>84</sup>

Interestingly enough, the process of regulating female morality through Urdu pop fiction was in full swing much before the 1905 publishing of the *Zewar*. Within a mere decade of the Indian Mutiny of 1857, the writing of moralistic stories centred around female characters had begun for mass consumption.<sup>85</sup> These included Altaf Hussain Hali’s 1874 *Majalis un Nisa* – A Gathering of Women – whose heroine, Zubeida, was both literate in the religious sciences and proficient in domestic matters; the dual paragons of virtue which assisted her in overcoming a range of challenges in life<sup>86</sup> — and Nazir Ahmed’s 1872 *Banat un-Nas’sh* – Daughters of the Coffin — which tells the story of the greedy, lazy and irreligious Husnara who is slowly schooled into the domestic charms of piety, service and sacrifice.<sup>87</sup> Most eminent of these works is the 1869 novel *Mirat ul Uroos* – the Mirror of the Bride. Nazir Ahmed, an eminent Islamic reformer of his time, wrote this evergreen bestseller slightly before the *Banat*. The *Mirat* was a foundational work of Urdu literature which remains an integral part of Muslim women’s education in South Asia and has, surprisingly, been continuously in print since it was written.<sup>88</sup> It is the story of two sisters: the *besharam* (shameless) Akbari who is argumentative, outgoing and inept in domestic matters and the *sharif* (respectable) Asghari who is quiet, homely and sacrificial.<sup>89</sup>

The *Mirat*’s storied lessons map neatly with the legal compulsions on the same subjects found in the *Zewar*. For

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84 Ruby Lal, *Coming of Age in Nineteenth-Century India: The Girl-Child and the Art of Playfulness*. (Cambridge; New York: Cambridge University Press, 2013), 205.

85 *Ibid.*, 46.

86 *Ibid.*, 149-50.

87 *Ibid.*, 147.

88 *Ibid.*, 125.

89 *Ibid.*, 126-28.

example, Akbari's frequent ventures into the public space to meet friends may be opposed through Book 4 which discourage the a pious woman from interacting socially for leisure as doing so may deter her from domestic focus;<sup>90</sup> Akbari's disrespect towards her husband may be opposed through Book Four which adjudicates that obedience to a husband will beget divine rewards tantamount to prayer – the section also reminds the woman that if god had allowed any kind of religious prostration before a human being, it would have been the husband for a woman;<sup>91</sup> Akbari's recklessness with finances may be opposed through Book Six which adjudicates that a woman should avoid splurging on personal luxuries and make compose lists of household expenses to get them vetted by her husband.<sup>92</sup>

While pop literature afforded a reliable conduit of nineteenth century reformism, it is important, here, to also consider a parallel and symbiotic artery of influence: that of the Urdu print culture. It is no coincidence that along with anti-colonial fervour, nineteenth century India saw the spread of lithographic printing at an unprecedented scale.<sup>93</sup> Islamic literature in Urdu was churning out from the printing presses of North India, feeding richly into the "pamphlet wars" as the ulema tried to offset the literature being distributed by opposing religious sects, Hindus and various Christian missionaries.<sup>94</sup> The question of Muslim literacy was hence being posed with a newfound urgency. It was within such political climate that the *Zewar*, with its emphasis on Urdu literacy for Indian Muslim women, was produced by Thanawi. Powerfully rooted in the oral sphere of learning, the *Zewar*, despite all its emphasis on the nitty-gritty of Urdu language, was written in strictly colloquial Urdu, so as to

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90 Thanawi, *Bihisti Zewar*, 464-67.

91 *Ibid.*, 337-42.

92 *Ibid.*, 337-42.

93 Thanvi and Metcalf, *Perfecting Women*, 20-21.

94 *Ibid.*

ensure its wider reach amongst illiterate women through recitation.<sup>95</sup>

As religion became increasingly personalised, Thanawi became fearful of the ulema's eroding authority in British India.<sup>96</sup> The Urdu print culture was itself a grudging surrender for the ulema. Just like the rest of the Islamic world, the Muslims of India were averse to the printing press<sup>97</sup>, relying heavily on oral transmission — which had long remained the warp and woof of Islamic pedagogy.<sup>98</sup> But the intense political pressure faced by the ulema called for an embracing of infidel technology and, indeed, the Muslims were the last communal group in India to benefit from lithographic printing. When they did open up to the technology in the 1820s, it was primarily through the advocacy efforts of ulema such as Shah Abdul Aziz, other groups of Islamic reformers belonging to the Firangi Mahal, and much later, the Deobandis.<sup>99</sup> By then, Islamic scholars were not only utilising printing for the circulation of jihad-compliant Urdu fiction, but also vying to keep themselves relevant by perpetuating new ethics of benefitting from print. As Francis Robinson, argues, the *Zewar* cemented an important value system: the constant intervention of the *aalim* in the personal perusal of printed material by Muslims — specially that of Muslim women.<sup>100</sup>

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95 *Ibid.*

96 *Ibid.*

97 For four hundred years since it was established in Christendom, print technology failed to penetrate the Islamic culture of oral transmission. Robinson, *Islam and Muslim History*, 67.

98 Muslims were always opposed to the written word, considering it not just an infidel scheme, but also a useless venture. The heart of a quintessentially Muslim education in India began with memorising the Quran — an event in a child life which was celebrated through special ceremonies such as the *Bismillah* celebrations. *Ibid.*, 70. It is crucial here, to note that writing was not discouraged for secular purposes, which explains the wide production and circulation of Urdu fiction in the late nineteenth century. *Ibid.*, 71.

99 *Ibid.*, 75-76.

100 *Ibid.*, 77.

**Conclusion: Female Agency & the Zewar**

How empowering was the *Bihishti Zewar*? How conducive to female agency? Owing to the tense cross-patriarchal intersection of British colonialism and Indian nationalism, an increase in female visibility – the yardstick of Western feminist progress – cannot necessarily be regarded as a symbol of liberation for the Muslim female of colonial India. Firstly, scholars have explained that the division of public and private space, applicable in the West, is not relevant to the Indian colonial world, where women often played political roles from within the private sphere.<sup>101</sup> Such a division, in fact, is not applicable in most of the Islamic world. In this sense, a history of the female subject in colonial India is not always a progressive history of women's increasing share in the public space; and when it is a history of women's increasing visibility in public, it is not always a history of their resistance to patriarchal structures.<sup>102</sup>

By allowing for female literacy, the text did bring about a shifting of the world for Muslim women in India. But at the same time, it exhorted women to be sexually submissive, overplayed the taboos associated with them and stressed divine glory in domestic roles. It seems, again, that the Deobandi movement felt the need to intervene within only those aspects of a woman's identity, which served its political ends.

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101 Anagol, *Emergence of Feminism*, 5-6.

102 Padma Anagol, *Emergence of Feminism*, 6-8.

## **Impact of Hindu Wedding Culture upon Muslim Culture: A Case Study to Analyze Cultural Interaction of Two Heterogeneous Societies**

**Sumaira Bibi\***

### **ABSTRACT**

*The innovations in wedding ceremonies, their origin and the expenses incurred are debatable questions since the demand for Pakistan has been made on the assertions of distinctive culture and civilization. Islam accommodates cultural diversities to the extent that these diversities do not come in contrast with the teachings of Islam. In Islam, marriage is not only obligatory but it is a part of Sunnah. Walima and Nikkah are the Islamic rituals which are authentic in Islam. All other rituals were adopted from the Hindu culture during pre-partition era when Muslims and Hindus were living together in the united India. Islam laid whole financial burden of marriage on the shoulders of groom, but the prevailed system of marriages put entire financial expenditures on the bride's family. In contemporary Pakistan, marriages have become very expensive which are far beyond from Islamic wedding rituals. In Pakistan, impact of Indian culture through electronic media have been prominent even after having independent state in the name of distinct culture, social and religious values. There is dire*

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*necessity to maintain such claims for having distinct identity rather to intermingle Hindu wedding culture with Islamic wedding culture. Materialistic approach and discrimination on the bases of sect and social status have also migrated from neighbouring culture. During pre-partition era, Muslims adopted these rituals as neighbours but kept in practice even after separation. The study will strive to analyze the extent of penetration of Hindu culture into Muslim culture and vice versa.*

### **Introduction**

The end of World War I had brought the growing realization of cultural identity and cultural self-determination in the Western societies. This growing realization of cultural identity later shifted from Europe to Asia. However, the theory was seemed difficult to apply in a country like India, where heterogeneous societies were living with almost identical racial background, living together for thousands of years on the same land and exhibited identical external influences. For a Western mind it was not easy to accept these societies as heterogeneous who possessed virtually same outlook and way of lives. Most of the time Hindus and Muslims looked homogenous but in fact they preserved their separate entity as two uncommon societies<sup>1</sup>. But at the same time it was unnatural for them if they did not get each other's cultural influence partly if not completely. It is in man's instinct that he inspires by the association of his neighbourhood. Such assumption applies in India where one neighbour was Muslim family, the other was Hindu family and the association was consisted of many centuries. The territory of Pakistan emerged under the banner of separate religious and cultural identity during 1947, consists of five provinces in which the province of Punjab is geographically and ethnically much closer with the Hindustani Culture. It had been relatively much closer during pre-partition period. Consequently in Punjabi wedding rituals there are so many

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2 Mohammad Ahsen Chaudery, *Pakistan and world society*, (Lahore: Royal Book Company, 1987), 15.



rituals which have been taken from Hindu culture but the impact of Hindu wedding culture is not prominent in the rest part of the Pakistan, as have been seen in Punjab due to its geographical proximity with India.<sup>2</sup>

Culture is a way of identifying distinctive groups or nations. No culture either Arab or otherwise cannot be considered virtually Islamic or un-Islamic. In the process of evaluation of cultural norms and traditions in the context of Islam, it is necessary to distinguish between prohibited things and permissible things. Islam accommodates culture by general principle that everything which is not prohibited is in fact permissible. While practicing Islamic principles Muslims can preserve certain features to enrich and enlighten their cultural values.<sup>3</sup>

Islam abhors extravagance in weddings ceremonies and advocates adopting simple way of live as it is evident by the practical life of Prophet Mohammad (PBUH). Living in an agricultural society and possessing agricultural resources but having lavish ambitions of an industrialist's society create contradictions between resources and ambitions. The inhabitants of such a society who tend to forget their own religious identity may lose their own social, moral and religious values. Indulgence in extravagance in wedding rituals, irreligious practice of rituals has made it complex and even more difficult. Marriage in Islam is a simple way of initiating new lives of a bride and a groom with some necessary expenditure. It does not require show off, lavish spending and the fulfilment of worldly desires.<sup>4</sup>

In prevailing culture and wedding rituals of Pakistan, people have placed themselves in difficult conditions and unnecessary lavish expenditures. These expenditures are derived from norms and cultures to somehow maintain social

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2 Maulana Ashraf Ali Thanvi, *Islami Shadi* (Lahore: Waqar Publishers, 2009), 155.

3 Tariq Ramadan, *To Be A European Muslim* (Leicester: The Islamic Foundation, 1999), 64.

4 *Ibid.*, 3, p.148.

status and sometime to maintain superiority complex in the society. The privileged section of society observed these heavy wedding expenditures and brazen rituals willingly knowing that they can afford, but middle class and poor community accept unwillingly to maintain their prestige in the society.<sup>5</sup>

Islam prefers *Taqwa* and character building on the lines of *Qura'an* and *Sunnah*. While choosing partner a Muslim must consider social, moral and above all religious standards. These belong to religious and ethical values, not in conflict with cultural norms and traditions. Material preferences, demand of luxurious dowry, exchange of expensive gift to maintain social standards and superiority complex in society are not part of Muslim Culture. These practices have converted the whole society into different classes. The heart of the matter is that preservations of religious and cultural identities had been more important for the Muslims both inside and outside India.<sup>6</sup>

### **Period of Pre-Partition, Cultural Interactions and Trends of Adaptation**

Before partition of Indian Subcontinent, Muslims had spent thousands years in united India and developed one of the most important constituent of Indian National Stream. Muslims had proved a major force in shaping India's religious, social and cultural life. Mental evolution and social interaction with other religious groups had been responsible for the determination of social and cultural status of the Indian Muslims. Indian land integrated and incorporated almost all foreign immigrants who have entered here at different times by broadening her faith and social structure.<sup>7</sup> Throughout the history of united India, Muslims maintained their distinct entity on the bases of their compact

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5 *Ibid.*, 4.

6 Al-Madina-UL-Ilmiya, *Sunnah of Marriage* (Karachi: Maktabat-ul-Madina, 2015), 10.

7 Mohsen Saeedi Madni, *Impact of Hindu Culture On Muslims*, (New Delhi: M.D Publishers, 1993), 2.

religion but the culture they observed was not pure Islamic which they proclaimed as Islamic, may have been seen a diffusion of Indian culture. Islam advocates equality of all human beings regardless of their race, colour, sect and social status. It is a solemn feature of Hindu system but Muslims of India also indulged in caste system by getting influenced from their immediate neighbour.<sup>8</sup>

Islam stretches a diverse terrain of culture with its followers and practices as different as the countries from which they hail. The whole freedom movement till 1947 revolves around 'Two Nation Theory', on the bases of which Muslim of India got their independent state. The core purpose of having separate state was to let the Muslims practice their religious and cultural values. It reflects not to adopt again or to borrow some of Hindus cultural norms and traditions.<sup>9</sup> The foundation of state has been laid out of new system of ideas, i.e., when the process of stabilizing the state has begun and its people have resumed the life of peace they have to pursue their distinct culture rather to imbibe previous culture. Hazrat Umer having conquered Iran, they had been there for some time, in order to prevent them from adopting the ways of Persian and forgetting their own values, he issued an order,

Tighten your waist-bands, wear *chadaars*, fix horse shows under your soles, give up wearing socks and *shalwars* and strictly follow the dress of your own ancestors Ismail. Keep away from luxurious living and the way of *Ajam*, and make a point of it to sit in the sun. Sunshine is the natural hot bath of the Arabs. Follow the ways of wandering tribes, wear cores clothes and lead hardy lives. Accustom yourself to wearing old clothes and eat camel flesh.<sup>10</sup>

This order was intended to prevent the Muslims from forgetting their duties and taking to Iranian luxurious way of

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8 Mufti Taqi Usmani, *Discourses on Islamic Way of Life*, Vol, 1 (Pakistan: Darulshat, 1999), 217.

9 *Ibid.* 2.

10 Ibn-i-Khuldun, *The Muqaddammah*, (Karachi: Noor Muhammad Karkhana-i-Tijarat-i-Kutab), 286.

life, considering it evil that would have shaken the roots of Islam at that juncture. A society may experience healthy interaction with other culture, it may adopt such elements that are not contrary to its own culture and way of life, values and beliefs. Amongst other festivals the wedding ritual was one of the only rituals that both (Hindu & Muslims) cultures of the united India had in common. The non-Islamic elements have found their way into it through their coexistence with the Hindus over centuries, and revert to pure Islamic elements.<sup>11</sup>

### **Wedding Rituals in Pakistan.**

Wedding is an act to perform the religious obligation, that can be fulfilled by reciting *Nikah*, and arranging ceremony of *Walima*, besides these there are wedding rituals as they pertain to the popular culture. Material and cultural interpretation of marriage ceremonies demonstrate that there are some common rituals with some differences in values. Geographically, and ethnically the parts of Pakistan nearer to the Eastern boundaries with India, i.e., parts of Punjab have been under greater influence of Indian wedding culture. The trend of practicing Indian culture is prominent in Punjabi culture as compared to the other part of Pakistan due to its geographical proximity with India.<sup>12</sup> For centuries Islam harmonized the indigenous form of cultural expression which happened to be compatible with its sacred law. Historically, Islam has been culture friendly, and in that regard, has been likened to a crystal clear river. The colourless water of Islam is sweet, life giving and pure reflects the bedrock over which it flows. In China Islam looked Chinese, in Arab it has Arabian beauty, in Mali it looked African and in Pakistan it has four regional colours.<sup>13</sup>

Unity in cultural diversity has been the hall mark of traditional Islamic societies as it seems in Pakistan. Despite the distinct local and ethnic colour, Pakistani society reflects Islamic

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11 *Ibid.*

12 <http://historypak.com/punjabi-culture/>(accessed September 12, 2016).

13 *Ibid.*

cultural instinct made up of many systematic hints and practices for collective human existence. According to Edward W. Said,

Not trying to rule others, not trying to classify them or put them in hierarchies, above all not constantly to reiterate how our culture or country is number one, or not number one for that matter.<sup>14</sup>

### **Lavish Spending's on Pre-Wedding and Post-Wedding Rituals**

There are two types of rituals, the allocated rituals and the rituals performed to fulfil religious requirements. The former have been developed due to capital displays and class structure while the lateral ritual consists of religious obligation<sup>15</sup>.

Berardoand Vera defined rituals in the following words,

Rituals and ceremonies form a part of the institutional arrangements which can be understood only in terms of ideas, beliefs, attitudes and values, i.e., the ideological frameworks which render them meaningful. The movements, gestures, instruments, times, places and words that constitute these rituals are expressions (signs and symbols) of other aspects of society.<sup>16</sup>

It is a matter of pride for the contemporary society of Pakistan to spend heavy amount on weddings to show off by arranging pre-wedding and post wedding rituals. Except *Nikkah* and *Walima* all other rituals are unnecessary and part of Hindu wedding culture. Marriage is virtuous deed like other religious obligation but ruined because it is generally believed that people spend on the name of customs for showing their wealth to others. Consequently these customs have become part of Islamic weddings to attain social status instead of blessing of Almighty.<sup>17</sup>

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14 Edward W. Said, *Culture & Imperialism*, (New York: Knopf, 1993), 25.

15 Erika Buckley, "A Cross Cultural Study of Wedding Through Media and Rituals: Analyzing Indian and North American Weddings" *McNair Scholar Journal*, Vol. 10, Issue 1. N.D.

16 *Ibid.* 13.

17 Al-Madina-Tul-'Illmiya, *Showing Off*, (Karachi: Maktab-ul-Madina, 2015), 14.

### **Dowry and exchange of Gifts**

Dowry and exchange of gifts have become integrated rituals into wedding customs in Pakistan. Originally it was meant for voluntary gifts given to girl by her parents, relatives and friends out of love and affection. Contrary to Islamic custom dowry is part of Hindu customs in which it is obligatory for bride's parents to give handsome dowry. Islamic custom of dowry degenerated into an evil obligation on the part of bride's parents. A ritual becomes custom and compulsory element when they are repeated and in subsequent weddings, without which a wedding thought to be incomplete. Religion does not provide any bases for such rituals so they can be classified as adopted and innovated rituals.<sup>18</sup>

### **Preferences of Caste, Creeds and Social Status over Religious, Social and Ethical Values**

Islam promotes equality of mankind regardless of their creed, castes, colours and social status. These are the features of Hindu culture. Since pre-partition a section of Muslim society were the descendent of converted Hindus, hence it is in man's instinct that he observes new culture in the mirror of old culture consequently a new culture emerges. It may be a fusion of both cultures, which contains some previous rituals with the mixture of newly adopted rituals. So while choosing spouse, Muslim families also indulged in these differences which are contrary to their own Islamic way of life<sup>19</sup>.

A spouse can be chosen on the bases of his/her *Taqwa* and piety. There are glorious examples available in Islamic history when a milkmaid becomes daughter in-law of Caliph Hazrat Umer. Once Hazrat Umer was on his way to check if everyone was fine accompanied by His companion Hazrat Ibn Abbas. During the visit they listened the conversation of

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18 Trevor Roper, *The Invention of Tradition*, (London: Cambridge University Press, 1999), 23.

19 Interview with Orya Maqbool Jan, New Channel, 12, September, 2016, 10:05 pm.

mother and daughter. The mother was insisting to add water into milk so they would have greater profit. But the daughter refused to add water as it was the order of Caliph not to do deceitful acts. Daughter said, "Caliph may or may not be here but His order must be obeyed"

Hazrat Umer had determined her *Taqwa*, religious and ethical values which were far beyond from social status and castes.<sup>20</sup> He did not feel hesitation to accept a milkmaid for his son as it was not a matter of social standard and feeling of inferiority for Caliph in his society, because Islam prefers character over caste, creed and material things.

### **Feelings of Superiority Complex, Inferiority Complex and Materialism**

Culture is a profound and intimate phenomenon that exists among the people to guide their thoughts and actions. As societies develop with the consequent rise of material wealth weddings have become a circus for materialism. Purpose of Marriage in Islam to establish family. Due to materialistic mindsets and priorities a person with low economic conditions feels hesitation to marry from upper class. It is very rare and often unacceptable for a rich family to accept wedding proposal from poor family. However cross-cultural marriages can be seen in Pakistan, e.g. one spouse may belong to Pashtun family and the other is from Punjabi family.<sup>21</sup>

### **Role of Media, Indians Movies, Dramas and Cartoons**

Though Indian and Pakistani cultures got separated after the geographical division during 1947 but the cultural interaction through media is continuing since the inception of independence and lasting its cross cultural impacts. Pakistani wedding culture is getting influenced by Indian culture through the marriage ceremonies being presented in their dramas, movies and reality shows. Culture takes diverse forms across time and space. In this process of

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20 *Ibid.*

21 Subh-e-Noor, aired on 92 HD Channel, September 12, 2016, 7:05 pm.

change media plays a source of exchange, innovation and creativity. It may change eating stuff of communities, room setting and clothing styles. Most of the Indian movies and drama stories revolve around wedding culture dresses and rituals. Pakistan's media is presenting all aspects of Indian wedding culture as it seems that Pakistan's culture is a mixture of neighbouring culture.<sup>22</sup> Despite living in a separate territory media has played a mediator role between the two neighbouring cultures. Hence experience of Indian rituals in Pakistani weddings is evident which has transformed the simple obligation of marriage into a complicated and huge festival.<sup>23</sup> One of the most influential popular platform which characterizes the materialistic and status symbol mindsets are Pakistan's own TV reality shows. Media plays an important role in shaping the lives of people and it influences the society as a whole. Media marriages on TV Channels have started a new trend. Especially in morning shows, where modern weddings present brides and grooms as the stars of an elaborate production. The media wedding allows both Bride and Groom being celebrities for a day and sharing their private lives for televised fame. Media weddings do not necessarily reject the wedding rituals or the institution of marriage entirely, but articulate fantasy and reason in wedding consumptions.<sup>24</sup>

During 2014, host of a morning show has arranged wedding of already wedded couple to assimilate that un-Islamic activity with the sacred wedding of Hazrat Bibi Fatima and Hazrat Ali. This assimilation turned into blasphemy, because the intervening of Indian way of life has eroded Islamic way of wedding. TV reality shows have transformed traditional wedding culture into highly commercialized and modernized culture. The high display of wealth in media marriages are used to sell ideas about fashion industry. Resultantly a

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22 *Ibid.*, 19.

23 *Ibid.*

24 Hafza Khan, *Impacts of Indian Media on Pakistani Society*, <https://prezi.com/fprewxie1si0/impact-of-indian-media-on-pakistani-society>, (accessed September 18, 2016).



simple ceremony of *Nikkah* became status symbol, expensive and even more complicated.<sup>25</sup>

### Islamic Way of Marriage

Qura'an Ordains about Nikkah in the following verse;

وَأَنْكِحُوا الْأَيَامَىٰ مِنْكُمْ وَالصَّالِحِينَ مِنْ عِبَادِكُمْ وَإِمَائِكُمْ

The Word 'Al-Ayama' is the plural of 'Auuim', and is used to describe a woman who has no husband and a man who has no wife, regardless of whether they have married and then separated, or have been never married at all. This is command from God to marry through the adaptation of simplest way to fulfil man's social and biological needs. The simple way prevents from being indulgence in unnecessary customs, extravagance and show off.<sup>26</sup>

### Stupendous Marriage of Hazrat Ali and Hazarat Bibi Fatima

Hazrat Bibi Fatima, beloved Daughter of Prophet Mohammad (PBUH) inherited noble traits of Her father, acquired brilliant mentality, cleverness with the elegance, grace and beauty. At the time, when she had attained the age of maturity prominent companions of Prophet Mohammad sent their proposal to marry Her, but the apostle of Allah replied them that He is waiting for Allah's decree in this matter.<sup>27</sup> Prophet Mohammad Said, "Her affair has left to her Lord; whenever He will, She will marry."<sup>28</sup>

### Prophet (PBUH) preferred Allah's Command over materialism and Soci-Economic Status.

Hazrat Abdur Rahman Ibn Awf visited to Prophet (PBUH) and said, "if You give lady Fatima (SA) hand in marriage to me, I will put as her dowry a hundred camels covered with

25 On 12, May 2014, host of morning show on Geo TV committed blasphemy.

26 Holly Qura'an, 24:32.

27 Abu Mohammad Ordoni, *Fatima (A.S), The Gracious*, (Islamic Republic of Iran: Asarian Publications, 1998), 113. www.imamaraza.net. (accessed August 11, 2016).

28 *Ibid.*

expensive Egyptian clothe followed by a thousand gold Dinars". Prophet Mohammad (PBUH) Replied, "do you think that I am servant of wealth and money that you are trying to impress me with these things". During pre-Islamic era, a custom of presenting expensive dowry from husband was prevailed in Arabs to show his true intention for his expected wife.<sup>29</sup> Finally Allah duly made His selection, Ali Ibn Abi Talib to be the spouse of the daughter of His beloved Prophet (PBUH). Hazrat Ali visited to the house of Prophet Mohammad and said,

O Messenger of God you brought me up as your own child. You have overwhelmed me with your gifts, your generosity and your kindness. I owe you everything in my life now I seek one more kindness from you". The beloved Prophet of Allah understood what Ali was trying to say. After getting the formal consent of Hazrat Fatima the wedding ceremony was arranged, the guests were feasted with the lamb meat, bread, dates and milk. It was strange for the Quraish who come to Prophet and said, " Surely you have taken the low dowry from Ali (r.a), for Fatima (s.a)", Prophet (PBUH) replied, "It was not I who gave Fatima to Ali in marriage rather Allah did so on the night of ascension near the Lotus tree in the seventh heaven."<sup>30</sup>

### **Wedding Preparation of Hazrat Fatima**

Hazrat Ali sold his war dress for 450 Dirhams and presented this money to Prophet (PBUH) who gave this money to Hazrat Salman Farsi (r.a) and Hazrat Bilal (r.a) and asked them to buy some necessary household from the market bought some necessary house hold items to start new life. They went to market and bought following things as dowry for Fatima (s.a),<sup>31</sup>

Two mattress, a leather mat, a pillow made of skin, a khaibarion clock, an animal skin for water, some jugs and jars, a pitcher painted with tar, a thin curtain made of wool, a shirt, a veil, four cushions made of skins, a mat for Hajar, a hand mill, a copper container and a pestle for grinding

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29 Muhammad Yousaf, *Hayat-us-Sahaba*, (Lahore: Al Mizan, 2009), 736.

30 *Ibid.*

31 Program Subh-e-Noor, aired on 1<sup>st</sup> Zilhaj, September 04, 2016, 7:05 AM.

coffee.<sup>32</sup> Marriage of Hazrat Bibi Fatima and Hazrat Ali was solemnized accordance to the strict relevant laws. In view of relationship and dedication they are perfect couple, it also rejected marriage based on materialistic gains and recommended non-materialistic values i.e., level of faith, character and ability to make each other better human being.<sup>33</sup>

### **Conclusion**

Pakistan was the outcome of distinct cultural assertions, although the country itself divided into four different cultures with majority Muslim population. Pakistani culture can be called a 'diverse culture' which has to engulf Islamic culture to create harmony and acceptability. Further there is strong influence of Hindu culture upon Muslim culture and tradition. The influence can be seen in marriage ceremonies, dowry system and heavy expenditures on marriages. So there are multi-coloured pattern of cultural units create bewildering problem of how to extract solidarity out of contradictions. Weddings on TV reality shows do not realize that every one cannot afford an exorbitantly priced designer dress and jewellery. The economic gap between the middle class and the elite widens by practicing huge marriage festivals. Such shows inculcate a desire for materialist things only and ultimately create resentment which is contrary to the teaching of Islamic.

In my opinion, there is need to revive Islamic culture which was practiced by Holy Prophet during His whole Life. Prophet (PBUH) had chosen economically and financially poor companion but rich in morals and highreligious values for His beloved daughter Bibi Fatima. Where there might have been numerous proposals from rich and privileged persons. But the Prophet presented an example for His Ummah to prefer religious and ethical values over materialism, social status, and caste while choosing a partner. Adopting this great tradition of Prophet (PBUM),

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32 *Ibid.*

33 [https:// www.al-islam.org](https://www.al-islam.org), (accessed on September 12, 2016).

Hazrat Umer has chosen a milk maid for His son Hazrat Asim without considering differences of class and social status but weighing truth and honesty of the poor girls.

### **Suggestions**

- To curb the menace of expensive dowry which is so deeply pervasive in the thick sands of our society, government must enact anti-dowry legislation making dowry a cognizable offence under the law.
- Dowry takers must be singled out, expenses at the marriage ceremonies shall be cut down, needy married couples should be given loans and grants to help them set up their homes on easy instalments.
- By adopting this way, we can root this evil out and create such a social climate where marriage is as easier as that of Hazrat Bibi Fatima and Ali.

## History through the Lens of Gender: A Critical Appraisal of the Medieval South Asian Narratives

Dr. Humera Naz\*

### ABSTRACT

*Gender History is not only about women; it is about them as well as the society as a whole in which they are placed along with men. Even though women's collective labour and cultural production have extremely long roots, this paper will offer a critical study for exploring gendered actions and activities within specific historical, social and literary contexts of South Asia in the medieval times. The paper will help to understand the paradoxical situations and dichotomies that continued in the lives of women in medieval South Asian society. It will critically assess how politics of power, leadership and control have made women invisible and hidden, and how the patriarchal craft of constructing history has objectified women as passive and not as active agents of history. The exercise initially stimulated due to the speculations regarding the role of women in terms of medieval South Asian society, for which we found meagre records. This article aims to highlight the factors for which women are found relegated to a lower status in the social scale. The paper will try to find out some evidences after a*

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*thorough review of the historical literature and art which reveals that women's labour was not confined to domestic industry; rather they played a major role in statecraft and industry. However, there were women who did manage to become literate and educated. It happened in other aspects of life too that some individual women could yet wrest recognition. Some concerns for women, though were extended to inheritance. In terms of marriage, there appear to have developed certain standard terms of contract which protected the wife against bigamy, concubinage and abandonment. The paper will evidently infer that reality could still pierce through the web of prejudices about women. It will draw some conclusions explaining the roots of the continuous debates that keep South Asian women marginalized and silenced.*

### **Introduction**

Gender history is not only about women; it is about them as well as the society as a whole in which they are placed along with men. Even though women's collective labour and cultural production have extremely long roots, this paper will offer a critical study for exploring gendered actions and activities within specific historical, social and literary contexts of South Asia in the medieval times.

Women constitute more than fifty percent of the world population. They play the most important role both as house wives or working women in the development of a country. They work longer hours and bear nearly total responsibility for child-care and house-hold. The degrees of freedom given to women to move about in society and to take part in its public life give a good idea of the nature of its administration. It also enables us to know how far it had realized the difficult truth that women have contribution of their own to make to its development and progress.

To have a better understanding of this, it will be better to have a glance at the position in the role and status of women during the historical past. One may say human civilization emerged with the existence of a 'Man' and 'Woman' as

'humans' beyond any gender discrimination. Their co-relation laid foundation of the early form of society in which these two different genders occupied different positions and roles during different eras. In the same manner, there were distinct stages of rise and fall in the status of Sindhi women. It appears that in the early stages of human evolution, man and woman had the same status but with the passage of time, due to some biological evolutionary necessities, the woman had to remain secluded and later this tradition was developed for woman to remain at home.<sup>1</sup> "Historically, the he-man hunter had dominated the females and she was considered as the weaker sex. The weak were even exploited and subjugated by their males in home and society."<sup>2</sup>

However, man had to struggle very hard to live in better conditions during different stages of human development. In the initial phase there was not any division based on social class, the concept of personal property was absent, and so there were no class struggle.<sup>3</sup> "But with the invention of productive tools like plough, the concept of property and ownership developed among individuals as well as groups, which created different social classes and then ensued the historical struggle against slavery, feudalism and capitalism which finally went on to the struggle for achievement of a socialist society."<sup>4</sup> Dr. Kosambi further strengthens this view as he states, "There was no caste or class differentiation within the tribe and agriculture was then the monopoly of women. Woman was the first potter and weaver."<sup>5</sup>

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- 1 Dr. Hameeda Khuro, *Auratazad* (Freedom of Woman), (Karachi: Latif Adabi Academy, 1984), 12.
  - 2 Rashida Patel, *Socio-Economic Political Status of Woman and Law in Pakistan*, (Karachi: Faiz Publishers, 1991), 44.
  - 3 S.A. Dange, *India from primitive Communism to Slavery* (Bombay: Peoples Publishing House Ltd.), 118.
  - 4 *Ibid.*, 118.
  - 5 D. D. Kosambi, *The Culture and Civilization of Ancient India in Historical outline* (London: Routledge and Kegan Paul, 1965), 45.

Hence, the significance given to woman cannot be undermined as she came to enjoy the position of a deity; as a goddess of creation. It seems that she might be respected and treated well in the historical past of India. Archaeological evidences especially, in the work of Sir John Marshal, revealed that before the Aryan invasion the local natives worshipped the mother goddesses.<sup>6</sup> Merlin Stone more strengthens this point when she says in her book *'When god was a woman'* that, "In pre-historic and early historic period of human development, religion existed in which people revered their supreme creator as female." Furthermore, the excavations at Moen-jo-Daro in India give a probable idea of a 'Matriarchal' type of society during the 'Pre-Aryan Era.'<sup>7</sup> However, this assertion of reverence for a female divinity may be considered as a hypothesis which has no proved scientific ground. But the woman did have an equal share in the economy, revered in the house-hold and possessed essential say in domestic matters.<sup>8</sup>

### **Gendered Actions and Activities within Specific Historical, social and Literary Contexts**

In the traditional gender division of labour, mostly hard work too done by the women. It is evident that spinning carried out by the females exclusively in most of the civilizations. Amir Khusro mentioned 'the needle and the (hand) spindled' as the weapons of the women like 'spear and arrow'.<sup>9</sup> The spinning-wheel eased the women's task somewhat and speeded up spinning. It was Isami (d. 1350), who first mentioned women being 'of a defective intellect'.<sup>10</sup> In the fore most illustration of the spinning wheel in India, c. 1500, a woman is duly shown with it. Not only spinning, but cotton-

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6 S.K. Ghosh, *Indian Woman through the Ages*, (Delhi: Ashish Publishing House, 1989), 7.

7 Chato Padhaya, Debi Prasad, Lokayata, *A Study in Ancient Indian Materialism*, (New Delhi: Peoples Publishing House, 1959), p.241.

8 Samad Rafiuddin, *Ancient Indus Civilization*, (Karachi: Royal Book Company, 2000), 111.

9 Amir Khusro, Hasht Bahisht, ed. M. Sulaiman Ashraf (Aligarh, 1918), 28.

10 Fatuhus SalatinIsami ed., A. S. Usha, (Madras, 1948), 134.



seed separation from cotton as taken off the field was also a woman's job. The role of the women in the textile industry extended not only to helping the weaver (usually male) to set-up loom and wrap and weft, but also to dyeing, printing and embroidery cloth. Consequently, the burden of labour in medieval South Asia society fell in a very large part on women specifically in the great textile industry.

It is evident that women's labour was not confined to domestic industry. In fact, in the region of South Asia, much of the hard labour in building construction is usually assigned to women. Some specimen of the sixteenth century Mughal art depicts women breaking stones or bricks, sieving lime and carrying mortar on their heads at building sites, just as they still do. But unfortunately, we find meagre records about women's remuneration. It seems possible that their work remained practically unpaid as at home, over heavily underpaid when it was carried out outside their homes. The records highlight general underestimation of the value of women labour as during the price regulations of Alauddin Khalji (d. 1316), the price of 'working men-slaves' ranged from 10 to 15 *tankas* while the price range for 'working women-slaves' was only from 5 to 12 *tankas*.<sup>11</sup> This shows a major point about the gender oppression in the society.

Women's inferiority in the medieval South Asian society also manifested in a text of moral counsels attributed to Emperor Jahangir (d. 1627) contains the following instructions, 'Do not grieve over the death of daughters. Do not follow the advice of women. Never be complacent and neglectful of their deception and artifice.'<sup>12</sup> However, it is fair to mention that such statements or sentiments do not occur in Jahangir's own memoirs. In the scale of social hierarchy in a class-based society, could yet be made man to feel superior to his woman; and women too could equally be made to

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11 Ziyauddin Barani, *Tarikh-i-Firuzshahi*, ed., Syed Ahmad Khan (Calcutta, 1862), 314.

12 *Pand-nama-i-Jahangiri*, appended to Khwaja Naimatullah al-Harawi, *Tarikh-i-Kanjahani*, II, (Dacca, 1962), 703.

accept their position as God-given. The women could not, for example, be expected to make an adequate contribution to learning and literature, if they were kept illiterate and provided with no facility of education.

Notwithstanding, one could see the truth appear when women had an opportunity to break through the constraints imposed on her. Thus, there were women who did manage to become literate and educated. A sixteenth century illustration of the Persian dictionary, *Miftah al-Fuzala*, compiled in Malwa in 1468-69, shows a girl writing on the wooden board along with other children reading under a schoolmaster. The Mughal princess Gulbadan Begum, sister of Emperor Humayun says in her Memoirs, that her husband, Khizr Khwaja Khan was illiterate and thus could not read any letter written by her.<sup>13</sup> Such well-educated women, however few, could ill fit the concept of an inferior sex carved for them. So, it happened in other aspects of life too that some individual women could yet wrest recognition.

Some narratives from the medieval South Asian history show that reality could still pierce through the web of prejudices about women. There was the famous Mughal queen Nur Jahan. Even after her husband, Emperor Jahangir's death and Shahjahan's accession, when she was a political exile, and praising her could be of no advantage, contemporary court historian Ma'utamid Khan writes of her in the following strain, "His Majesty (Jahangir) repeatedly said, 'I have conferred the government on Nur Jahan Begum. What d I went except one *ser* of wine and half a *ser* of meat!' What can I write of the excellence and goodness of the Begam's character? Every helpless one faced with difficulty who went appealing to her, she solved his problem, and enabled him to attain his object; and whoever went to her seeking refuge, was protected from cruelty and oppression.

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13 Gulbadan Begum, *Humayun Nama*, ed. A. S. Beveridge 9 London, 1902), 80.

The goodness of her character prevailed over the evil (in her); indeed, there was nothing evil there.”<sup>14</sup>

In reality, women’s intrinsic potential was different from what it was made to look like under numberless constraints. Though, there was always a possibility of change in men’s attitudes towards women (and the women’s own consciousness of themselves) in the pre-modern societies. There were different standards and gradation within different cultural traditions, and between nomadic and settled, or primitive and urbanized societies.

Since, the ruling elite were the Muslim dominant sections, followed Islamic *shari’a* as their code of conduct and life. Islamic law did treat woman as a legal person, with her own rights to inheritance (though fixed at half of that of her brother’s share), to a dower (*mahr*) from husband, and to benefits from terms of marriage definable by contract.<sup>15</sup> The elements of *shari’a* led to easier recognition of woman as property owner. Thus, we find Muslim women in the seventeenth century South Asia, holding landed rights (*zamindari, satarahi*), partly received in inheritance, partly in dower (*mahr*).<sup>16</sup> On the other sides, Hindu ladies also appear as zamindars and their children inherited share of zamindari from their mother side too.<sup>17</sup>

It will be of much interest to consider if *shari’a* was here influencing local custom, though unlikely, the factor cannot entirely be excluded. Muslim ladies comprised of a significant number among the recipients of revenue grants from the Mughal government.<sup>18</sup> A royal *farman* issued by the Mughal Emperor Aurangzeb in 1690 also mentions that the

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14 Ma’utamid Khan, *Jahangirnama (Iqbalnama-i-Jahangiri, vol. III)*, (Lucknow: Nawal Kishore, 1989), 56.

15 Reuben Levy, *The Social Structure of Islam*, (Cambridge: 1957), 91-94.

16 Irfan Habib, *Agrarian System of Mughal India*, 2nd ed., (New Delhi: 1999), 192.

17 *Ibid.*, 191-92.

18 *Ibid.*, 352-53.

women could inherit revenue grants.<sup>19</sup> However, the rules of inheritance did not conform to the Islamic law, the widow would hold the whole grant in her lifetime, and married daughters were excluded.

In the days of Akbar during the latter half of the sixteenth century, a new tide towards the treatment of women began to manifest itself, which neither followed nor contradicted the *shari'a* rules. This new attitude reflected in the criticism of *sati*.<sup>20</sup> Akbar finding in it a basic ethical flaw states that "Strange is the conduct of men that through such help from women, they seek to secure their own salvation."<sup>21</sup> One can contrast this assertion that wives are ill-treated by their husbands, with Kalhana's views, in which *sati* is held to be a way by which women redeem themselves for their ill-usage of their husband as he writes "Though given to unfaithfulness and killing their husbands, yet they (women) step with ease into the fire. In no manner can one be sure of women."<sup>22</sup>

As far as Marriage is concerned, there seem to have developed certain standard terms of contracts in Muslim marriages which safeguarded the rights of the wives against polygamy, concubinage and abandonment. Records of a Mughal administrative (c. 1694-96), reproduces a model marriage contract, which lays down the following conditions: First, if the husband contracts a second marriage, the present wife would be free (to dissolve the marriage); second, the husband would not bring in a concubine; if he did, the wife could free her or sell her and take the price as part of her dower (*mahr*); third, the husband should not without lawful reason beat the wife; if he did, this would be reason enough for the woman seeking repudiation of the marriage; and at the last, the wife could similarly seek

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19 *Ibid.*, 351-52.

20' Sati' is a Hindu custom of burning the widow with corpse of the dead husband. It was effectively stopped by Akbar on his order in or before 1583.

21 'Saying of His Majesty'in Abu'l Fazl, *Ain-i-Akbari*, ed. H. Blochmann (Calcutta: 1877), 243.

22 Kalhana, *Rajataranigini*, tr. M. A. Stein, II, 31.

dissolution, if the husband remained absent three years without providing subsistence to the wife.<sup>23</sup>

Such other marriage contracts comprising of the same terms are present in a collection of documents from Surat, compiled in 1650, in which all above mentioned four terms duly appear, so that the terms requiring restraint from polygamy or bigamy and concubinage appear to have been practically universal among the lower and middle strata of the society. The amount of *mahr* (dower) mentions that these classes alone are involved; sometimes also the low subsistence needs of the wife, a copper *tanka* a day, and two saris a year indicators enough of the station of those involved.<sup>24</sup>

### Conclusion

In the process of exploration of gender history, we deal with a subject of which we have meagre and fragmentary knowledge. However, it is evidently a fact that the regime of repression of women was not an unrelieved one. There were reflections of compassion, a consciousness of inequity, even some possible improvement, which we can now trace. But the capacity of our own cultural traditions to generate subservient change was always limited. The significance of diffusion of ideas from another realm, such as modern Europe must be recognized here. The most crucial change took place there; women began to rise up their voices for their rights, a major element of distinction.<sup>25</sup>

To some extent, women's liberation was an inalienable part of the French Revolution of 1789; in 1790 came equal rights to inheritance; in 1792, the right of divorce with much protection for the wife; and in 1793 and 1794, and promises of compulsory education for children of both sexes.

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23 Munshi Nandram Kayasth Srivastavya, *Siyaqnama* (Lucknow, 1879), 88-89.

24 See ref. in Shireen Moosvi, *Travails of a Mercantile Community*, Proceedings of the Indian History Congress, 52nd session, (New Delhi: 1992), 400-409.

25 Irfan Habib, 'Economic and Social Change', *History of Humanity*, ed. Peter Burke and Halil Inalcik, UNESCO, Paris/London, 1999, 41.

However, modified in the subsequent years of reaction, the breakthrough was a fundamental one for humanity. The social reform movements of the nineteenth century started a fight that still continues as reality could still pierce through the web of prejudices about women. We must in our own turn recognize that times have been changed, old ideas of extreme asceticism have ceased to appeal, and the age of authority has gone and is succeeded by an era of rationalism and equality. If we readjust the women's role to the new situation, the capacity, efficiency and happiness of women will increase and as consequence, our society will be able to take a noted place in the leading community of nations.

## Honour Killing and Obligations of Present Dispensation: A Historical & Legal Perspective (2000-2016)

Shazia Tasleem\*

### ABSTRACT

*Honour killing is a common issue globally. In Pakistan, it is prevailing throughout the country though in some areas, the incidents of honour killing are taking an alarming high proportion of incidents from recent years. It is very alarming for Pakistan. The provinces continued to use expanded legislative authority under the 18th Constitutional Amendment to enact several important laws for improving status of women in society but implementation mechanism lagged behind. Honour killings are part of a culture, not a religion, and used to be practiced in tribal Arab communities as well as in many other countries in medieval ages. The reason for these killings is that many families tie their reputations to their women.*

*The present paper attempts to point out the failure of law enforcement agencies, civil society organizations and human right commission to curb this social dilemma. Furthermore, failure of authorities to promulgate effective laws against honour killing also encourages this trend in our societal*

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*pattern. Some legal amendment made by Pakistan panel code in December 2004 to address the issue of honour crime in Pakistan through an act of parliament but there were serious loopholes in the law. This act fails to provide actual protection to victims and ensuring punishment to the perpetrators and supporters of this heinous crime. The problem lies not just in law itself but in its implementations. This research sets out surveys the history and escalation in honour killing after the enforcement of Islamic criminal law in Pakistan. It proves that it is not a religious act which encourages by Islam but it is a term of violence which used as tool to justify the criminality of the murderer.*

### **Introduction**

Honour killing is a common issue globally, In Pakistan, it is prevailing throughout the country though in some areas, the incidents of honour killing are taking an alarming high proportion of incidents from recent years. It is very alarming for Pakistan. According to Human Right Commission of Pakistan (HRCP) report, about 1,000 women died in honour-related attacks in 2014 and 869 in 2013. The parliament made 20 laws. The president promulgated 12 ordinances. The provincial legislatures adopted 120 laws. With 40 laws enacted, Khyber Pakhtunkhwa had the highest legislative output, followed by Sindh (32), Punjab (31) and Balochistan (17). The provinces continued to use expanded legislative authority under the 18<sup>th</sup> Constitutional Amendment to enact several important laws for improving status of women in society but implementation mechanism lagged behind.

In 2000, the United Nations Population Fund (UNFPA) estimated that there were at least 5,000 honour killings world-wide annually, which may be an underestimate because many cases go unreported or are falsely reported as suicides.<sup>1</sup> The United Nation's Gender Equality Index

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1 United Nations Population Fund, "Chapter 3: Ending Violence Against Women and Girls", in *State of the World Population 2000. Lives Together, Worlds Apart: Men and Women in a Time of Change*. (New York: UNFPA, 2000).



(GEI) report shows that Pakistan puts 147<sup>th</sup> in a list of 188<sup>th</sup> countries because of its heavily patriarchal and strong feudal system. Many studies have documented a perception that, Honour killing is a practice whereby male members kill a female in order to restore his family honour among larger community.<sup>2</sup>By knowing all the facts question is raised that why women protection bill fails to protect women rights. What legislations should be made to punish the accused? Although the term “honour-based killing” is widely recognized<sup>3</sup>, it should be noted at the outset that the term is also controversial. There is no punishment for accused, it is practicing in society if culprit would settle the issue with the parents and brother of the murderer family then he could released from heavy punishment by the Pakistani law vis-à-vis jirga’s rule of law.

Some observers may describe about the honour killing as gender based violence, some discuss about its causes and some explain its religious aspects. In the present paper, a research being made by the author to know the reasons lagging behind the lack of implementation of laws, especially because of strong jirga system of the tribal areas in Pakistan. With the help of questionnaire techniques, research surveys and interviews with the eminent personalities including general public would be conducted to know the facts about the eradication of this social crime.

### **Origin & the Historical Background**

Honour killing originally known as karo-kari in /Sindhi /Urdu. Karo-kari in a tribal feudal society is a very strong tradition that is practiced and people have lived with it since centuries<sup>4</sup>. The historians say that the custom reached in the sub-continent in the beginning of 17<sup>th</sup> century. It was a time

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2 Sujay Patel and Amin Muhammad Gadit, Karo-Kari: A form of Honour Killing in Pakistan, *Trans-cultural Psychiatry*, vol. 45(4), (December 2008), 683-694.

3 Craig. Offman, Honour Killing: *National Post*, November 15, 2008, 1.

4 Kazi, K. Status of women in traditional Sindhi society & Karokari a treacherous tribal custom, (Karachi: Indus Publication, 2006).

when Arab descendants came to settle in Baluchistan. The Sindhi culture has adopted honour killings from tribal Balochi culture<sup>5</sup>. The Mazaris, Bughties, Jakhrasi, Khosas, Maries and Jatoi tribes who are said to have adopted this custom and practice it, are living very close to this tribal Baluchbelt.<sup>6</sup>

The historical record on Talpur rule in Sindh provides some indications of the presence of the practice of karo-kari custom. During the Kalhora period in Sindh the karo-kari tradition was common in the regions of Kalat state that is bordering tribal belt of Sindh province.

A famous Sindhi poet Shah Abdul Latif Bhittai (1689–1752), wrote *Shah Jo Risalo*. In his poetry, there is a narration of seven heroines. These queens of Sindh have gone through tragic romance. In *Shah Jo Risalo*, there is no mention of violence against women in any form. There cord of his poetry is enough to prove that it was not an originally practiced by Sub continent. This custom came from other cultures to Sub continent.

This custom was banned when the British conquered Sindh. Sir Charles James Napier (1848-1852) introduced law for control of karo-kari in Sindh. He tried his best efforts to combat and stop it. Therefore, he held meetings with the tribal council of elders and Jirgas. Local people in order to save from punishment used to throw women in wells. They also started using poisonous snakes to kill women.<sup>7</sup> Sir Charles James Napier also threatened villagers to burn down their cultivations as a punishment, in case if killing of women in the name of honour continued in Sub continent<sup>8</sup>.

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5 Khan, A. Mobility of Women and Access to Health and Family Planning Services in Pakistan. "Reproductive Health Matters", Access to Reproductive Health: A Question of Distributive Justice, Vol.7, no. 14, (1999), 44.

6 Hussain, S. *ہونور کیمرے*. Honour Crimes paradigms, and violence against women (London and New York: Spinifex Press, Zed Books, 2006), p.226.

7 Noor, N. "A Sociological study of honour killings: A case study of Sindh" Ph.D *diss*, (Department of sociology University of Karachi).

8 Greiff, Shaina. *No Justice in Justifications: Violence against Women in the Name of Culture, Religion and Tradition*, 2010.

### **Strong Tribal setup in Pakistan vs Rule of Law**

Honour killing is a leading social problem in Pakistan and mostly have seen in tribal areas<sup>9</sup>. In the patriarchal society this practice was vigorously imposed and introduced. Value of a woman is just like a livestock in the tribal communities.<sup>10</sup>

Honour killing, infect, it is not the honour of women that is restored but it is a feud that is being settled over sexual misbehaviour a woman, because it becomes possible only by killing her.<sup>11</sup> Tribal chiefs culturally and conventionally have gained powers in the tribal systems. Many of them are well educated and most of them are members of the parliament but at the same time have strong followers of this brutal and evil norm<sup>12</sup>.

The legal courts are totally overlooked by these tribal committees because of being very influential. These tribal committees are mostly led by these tribal chiefs. An honour killings happen independently, involves judgment of the Jirga. The local Jirga is judiciary in rural areas.<sup>13</sup> Therefore, the government institutions usually do not take notice of it. There is not only the physical force that urges women to be oppressed, but it is a collective pressure that demonstrated in that forms of customs, beliefs and ideologies that allow the cruel and violent practices prevailing in the tribal society<sup>14</sup>.

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- 9 Ruggi, S. Comodifying Honour in Female Sexuality: Honour Killings in Palestine. Middle East Research and Information Project.
  - 10 National Report, National Commission on the Status of Women, Islamabad, 1997.
  - 11 Faqir, F. Intra family Femicide in Defence of Honour: The Case of Jordanin Tore Aase, (London Ashgate Publication: 2001).
  - 12 S.R.S. Hussain *Honour, A Crime's Paradigms, and violence against women*, (London: Spinifex Press, Zed Books).
  - 13 Khawer, M. & Shaheed, F. *Women of Pak Two Steps Forward One Step Back*(Lahore: Vanguard Books, 1987).
  - 14 S. Khan, & Bilques, F., *The environment attitudes & activities of rural women*. (Karachi: Indus Publications, 1976).

### National / International Laws but Failure of Implementation

Honour killings can occur within a wide range of communities of varying cultural, religious and ethnic backgrounds and have been reported around the world. It includes Afghanistan, Bangladesh, Brazil, Egypt, India, Iran, Israel, Jordan, Lebanon, Nigeria, Pakistan, Palestine, Peru, the United States of America, Turkey, the United Kingdom, Italy, Norway, Sweden and Germany<sup>15</sup>. A number of countries have or recently had penal code provisions that applied to justify or excuse the killing of a wife, female ascendant, descendant or sister in order to restore the family honour.<sup>16</sup> Such provisions reflect traditional honour systems in the eyes of the community.<sup>17</sup>

There are few countries that provide a reduction of penalty for honour-based killings, such as Kuwait and Egypt (partially excusing the murders).<sup>18</sup> However, even in countries that have specifically abolished “honour-based” defense, such as Pakistan, Lebanon and Jordan, sentences for offenders may still be diminished due to the “provocation/heat of passion” or “fit of fury” defence.<sup>19</sup> Many countries provide reduced penalties specifically for men who kill their wives on the grounds of adultery<sup>20</sup>, including until recently some American States<sup>21</sup>.

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- 15 Council of Europe, *honour crime*: Parliamentary Assembly, Committee on Equal Opportunities for Women and Men. Doc. 9720 -2003 (2003).
  - 16- Lama Abu-Odeh, Comparatively Speaking: The ‘Honour’ of the ‘East’ and the ‘Passion’ of the ‘West’, *Utah Law Review* 2 (1997), 294.
  - 17 Sharon K. Araji, “Crimes of Honour and Shame: Violence against Women in Western and Non-Western Societies”, *The Red Feather Journal of Postmodern Criminology* (2000), 5.
  - 18 Sherifa Zuhur, *Considerations of honour crimes, FGM, kidnapping/rape, and early marriage in selected Arab nations*, (UNDAW, 2009): 2 and 6.
  - 19 Sohail Akbar Warraich, “‘Honour killings’ and the law in Pakistan”, in Lynn Welchman and Sara Hossain eds., *Honour: Crimes, Paradigms, and Violence against Women* (London and New York: Zed Books, 2005), 78.
  - 20 Another category of penal laws related to honour are provisions that allow kidnappers and or rapists to be exonerated from criminal charges if they marry their victims, such as in Iraq and the Palestinian National Authority. Zuhur.
  - 21 Abu-Odeh, 299. According to the author, adultery justified an acquittal for husbands who killed their wives in Texas, Georgia and New Mexico until the early 1970’s.

### **Suggestions and Recommendation**

- There is an immense need of particular laws that addressed such cases and clearly demarcate honour killing by police and judiciary vividly and to check any discrepancies in law.
- Law enforcement agencies should give respective training to their employees to reach into the every corner of Provinces including tribal/rural areas to stop honour killings and to justify the victims.
- The police must be given training to safeguard the rights of the individual citizen as they should investigate these cases honestly.
- The government should be taken some steps to eradicate poverty because it is the main cause of all crimes.
- The government should create an aura for implementation effective legislation to curb the increasing rate of karo-kari.

### **Conclusion**

A woman in society is restricted to the performance of domestic chores. If a woman behaviour is seen to violate the old traditions and norms, she is supposed to be punished and killed in the name of honour. This practice is beyond Islam and finds absolutely no place in the Holy Quran.

The present paper attempts to point out the failure of law enforcement agencies, civil society organizations and human right commission to curb this social dilemma. The Pakistani government's inability to take compelling measures to end the atrocious act of honour killings previously has set an indicative of the weakening of political institutions, corruption, and economic decline. Therefore, the long-delayed bills should set an effective example to overcome the failure of the authorities to prevent these killings, in addition to the safety of its people.

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