

## ***Tehreek-i-Nifaz-i-Shariat-i-Muhammadi in Malakand Division (Khyber Pakhtunkhwa): A Case Study of the Process of “State Inversion”\****

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### **Abstract**

*The challenges of globalization and increased corruption resulted in failed governance and a weakening of political authority, particularly in those areas of Pakistan which are not being directly administered by the Central Government. The result was a dramatic decline in administrative capacity and societal legitimacy.*

*Malakand Division consisted of three states and one agency i.e. Swat, Chitral, Dir and Malakand Agency. Before merging with Pakistan in 1969 each state had its own rules and regulations. After this merger, the PATA Regulations (Provincially Administrative Tribal Area) was implemented and this made the judicial system from bad to worse. This gave way to the rise of Tehreek-i-Nifaz-i-Shariat-i-Muhammadi (TNSM). Twenty five years of civil and proxy wars in Afghanistan and later Taliban Islamic movement which emerged in Afghanistan in 1995 strongly impacted on the deteriorating position of Malakand Division. For*

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*lust of power, bureaucracy also supported TNSM. The objective of this study is to find out the role of such factors that created conditions conducive to the emergence of Tehreek-i-Nifaz-i-Shariat-i-Muhammadi. This is done with the objective of finding implications of the rise of non-state actors to the issues of peace and development in the area and beyond.*

### **Theoretical framework**

The Post-Cold War era being marked by American “unilateral interventionism” considered international terrorism and nuclear non-proliferation to be the biggest challenges to America’s hegemonistic interest.<sup>1</sup> Thus, South Asia became the major focus of US foreign policy agenda. With American Operation Enduring Freedom the strategic significance of Pakistan gained prominence, from focus on evil empire the immediate concern became failing states that either harbour or could sponsor terrorists. Within the State of Pakistan, Swat became one such region which was vulnerable to terrorism. This happened under a protracted process that began with the incorporation of Swat, Chitral, Dir and Malakand Agency into Pakistani State, which created the conditions of anarchy. The theoretical assumptions resemble what James Scott has called “authoritarian high modernism”. This imposition of policies in this region aimed at centralization of power that destroyed the autonomy of local customs and healthy tradition.<sup>2</sup> The societal issues being not addressed due to the bureaucratic delays created conditions for societal disillusionment. The society descended into chaos, interpersonal violence increased and threatened even the collapse of Central Government. This process has been described by John Forrest as one of “State inversion”.<sup>3</sup> This situation was exploited by Sufi Mohammad with the promises of speedy justice system to the uneducated and poor masses in Malakand Division.

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1 G. John Ikenberay, “America’s Imperial Ambition”, *Foreign Affairs*, Vol.81 No.5 (2002), p.46.

2 See James Scott, *Seeing like a State: How Schemes to Improve Human Condition have failed* (New Haven: Yale University Press, 1998).

3 John Forrest, “State Inversion and Non-State Politics”, in L.A. Villalon and P.A. Huxtable eds., *The African State at a Critical Juncture Between Disintegration and Reconfiguration* (Boulder: Lynne Rienner, 1998), p.46.

### **Malakand Division: It's Law before Merging with Pakistan**

Swat was a large, developed and welfare state due to liberal policies of its ruler, Miangul Abdul Wadud (*Badshah Sahib*) and then his modern educated son *Wali Swat* Miangul Abdulhaq Jahanzeb who came into power in 1949. *Wali Swat* was progressive and amber light for the people of the State. Education was his main motto. He established schools and health centres throughout the State. Colleges were also built for higher education; Jehanzeb College is one of them, which was built in 1952.<sup>4</sup> Infrastructure and roads were made and people who visited the state used to compare it with Europe. On the other hand, Chitral and Dir states were backward. The people of Swat were modern and liberal while the people of Chitral and Dir state were conservative and not educated.

Swat was also famous for its speedy justice. While in Chitral and Dir the court and justice system was not speedy one.<sup>5</sup> In Swat, whether just or unjust, decisions were cheap and quick and the litigants did not have to bear undue expenditure and suffer prolonged procedures, and decisions were properly executed and implemented.<sup>6</sup> Under *Wali Swat*, a murder case would be disposed off within a week on application costing 5 paisas.<sup>7</sup>

### **Constitutional Status of Swat, Dir and Chitral after Accession**

After accession of Swat, Dir and Chitral with Pakistan, the Government of Pakistan determined their future relations in the shape of the Instrument of Accession in accordance with the terms of the Government of India Act 1935, as adopted by Pakistan. Pakistan held only the authority in respect of defence, external affairs and communication.<sup>8</sup> At the time of the formation of One-Unit of the West Pakistan province, the North West Frontier states along with the Tribal Areas were declared special areas, and were

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4 Fredrik Barth, *The Last Wali of Swat* (Bangkok: White Orchid Press, 1995), p.113.

5 Interview of the author with Aimal Khan, Political Commentator and Analyst, Islamabad, 15 July 2009.

6 Sultan-i-Rome, *Swat State (1915-1969) From Genesis to Merger, An Analysis of Political, Administrative, Socio-Political, and Economic Developments* (Karachi: Oxford University Press, 2008), p.307.

7 *The Friday Times* (Lahore), 10-16 November, 1994, p.3.

8 Sultan-i-Rome, *Swat State*, p.267.

granted a special status provided by the Constituent Assembly. The Constitution of 1956 not only guaranteed the rights and privileges of the princes but the North West Frontier states were granted special status by retaining their status 'as a "Special Area" under Article 104 which provided that the executive authority of the province of West Pakistan was empowered to act in the area subject to the President's concurrence.<sup>9</sup> In the Constitution of 1962, the frontier states were declared Tribal Areas, and under Article 223 of the Constitution no central or provincial law shall apply to a Tribal Area unless the President and the Governor respectively, so direct.<sup>10</sup>

### **Malakand Division after Merging with Pakistan**

After the merger of Swat, Dir and Chitral states in 1969, Regulation I of 1969 brought change only to the effect that the powers and functions of the ruler ceased to exist and were delegated to a person, officer, or authority to be appointed or empowered by the Provincial Government. All the old laws including regulations, orders, rules, notifications and customs, having the force of law, remained in force.<sup>11</sup>

This created confusion and uncertainty as there was no clear-cut codified and compiled law, rules, and regulations. In 1970 Co-operative Societies Act of 1925, the Supreme Court of Pakistan and the Provincial High Court jurisdiction were extended to Malakand Division. In the same year along with these reforms, Tribal Areas Regulation 1970 was also issued which introduced criminal courts with enforcement of these laws: Police Act 1861, the Code of Criminal Procedure 1898, Pakistan Penal Code, Evidence Act 1872 and Frontier Crime Regulation 1901. The old laws were thus repealed only to this extent.<sup>12</sup>

Under the Regulation I of 1971, a session court was also created for the entire Malakand Division. In Regulation I of 1972 brought the application of Local Government Ordinance to the

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9 *Ibid.*, p.268.

10 *Ibid.*

11 *Ibid.*, p.308.

12 Cited in IPCS papers No.18 (New Delhi: Institute of Peace and Conflict Studies, 2009), p.12.

area. Under the Interim Constitution of 1972, the Tribal Areas were defined. In Article 260 of the Constitution, it was stated about the Tribal Areas in (a)(ii) that the former states of Amb, Chitral, Dir and Swat; (b) “Provincially Administered Tribal Areas” means (i) the districts of Chitral, Dir and Swat. It was for the first time that Provincially Administered Tribal Areas (PATA) were not only created but also defined. In Article 261 of the Interim Constitution, it was stated that (1) the executive authority of the federation shall extend laws etc., to the Centrally Administered Tribal Areas, and the executive authority of the province shall extend to the PATA therein. These reforms did not redress the grievances of the people, because in the main areas *riwaj* (customary laws) continued to operate. In the reforms there was no clear-cut demarcation between civil and criminal matters.<sup>13</sup>

In 1973, under the 1973 Constitution of Islamic Republic of Pakistan, Article 247 sub article 7, the President Order No.28 of 1970 was repealed and Jurisdiction of Supreme Court and Peshawar High Court was extended to Malakand Division. In 1974, vide Regulation I of 1974, Civil and Revenue Courts were established.

The major change was the implementation of PATA Criminal Law (Special Provisions) Regulation, Regulation I of 1975, Civil Procedure (Special Provisions) Regulation, Regulation II of 1975. PATA Regulation I was implemented in 1975 while Regulation II was implemented in 1976. Amendments were made in Regulation I of 1975 and Regulation II of 1975 vide Regulation IV of 1976, which was termed as PATA Special Provisions (Amendment) Regulation, 1976. Under the provisions most of the powers were shifted, both Criminal and Civil cases to the *jirgahs* (councils of the tribal chiefs) but the *jirgahs* were not effective as their decisions were all too often influenced by outside factors and not on the merits of the case. Another important aspect of the change was that there was no quick disposal of cases. These Regulations did not facilitate the populous but further devastated the situation in Malakand Division.<sup>14</sup>

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13 Sultan-i-Rome, *Swat State*, p.308.

14 *Ibid.*

### **Administrative Setup**

After merger with Pakistan, the three States were made districts and Malakand (later Malakand was also made district) as Agency. The Division was named Malakand Division. Commissioner was made in charge of the Division. The Deputy Commissioner became the incharge of the District and the Political Agent was to administer the Agency. The Assistant Commissioners and Assistant Political Agents were in charge of the Sub-divisions. To control the law and order situation the district administrations were provided with a police force, while agency were given levi force, in addition, the administration were also given the authority to summon the service of the Frontier Constabulary, Dir Scouts, Chitral Scouts and Bajaur Scouts.<sup>15</sup>

### **PATA Regulations: A Confusion**

The constitutional status of tribal areas had played its role in the turmoil and insurgencies from 1994 up to 2005 and continues to be a big problem of today. It provided a base and boosted the demand for the enforcement and implementation of Islamic laws (rather making the judicial system effective).<sup>16</sup> Additionally, the area's constitutional status also created a sort of diarchy: the area is Provincially Administered Tribal Area and thus, under the control of the provincial government, for the maintenance of law and order, the provincial government, however, has no authority to make and promulgate laws for the area on its own. This being done by the Governor of the province and the President of the country both of whom neither been part of the Provincial Government nor answerable even to the people. This created anomalous situations wherein the President, the Governor and the Provincial Government differed on the course of action and policy to be followed in the case of Tribal Areas.<sup>17</sup>

### **Emergence of TNSM**

After the merger of Swat, Dir and Chitral states, in 1976 the PATA Regulations were implemented. Under these regulations the

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15 *The Friday Times* (Lahore), 10-16 November, 1994, p.4.

16 Sultan-i-Rome, *Swat: A Critical Analysis*, p.10.

17 *Ibid.*

*Qazi* courts were abolished and powers were handed over to the *Tehsildar* who used to convene *jirgah* of Khans to decide legal cases. Cases were kept pending for years causing hardship to the people. The appeal against the *jirgah* decisions lay with the Deputy Commissioner. Under the PATA Regulations anyone could be arrested or detained without any reason. These regulations made Malakand situation from bad to worse.<sup>18</sup> Prime Minister, Muhammad Khan Junejo, lifted the emergency in the country in 1985, so some litigants challenged Regulation I of 1975 and Regulation II of 1975 (commonly called PATA Regulations), before the Peshawar High Court. On 24 February 1990, these Regulations were declared null and void by the Peshawar High Court under article 8 and 25 of the Constitution of Islamic Republic of Pakistan. The Government of Khyber Pakhtunkhwa challenged the Peshawar High Court decision in the Supreme Court of Pakistan, but as the Supreme Court ‘dismissed with costs,’ the appeal on 12 February 1994.

In the meantime, the Tahreek-i-Nifaz-i-Shariat-i-Muhammadi gave impetus to its activities and called for the enforcement of Islamic laws in the courts and bringing the judicial system (in the then Malakand Division and Kohistan District) in enforcement with Islamic justice system.<sup>19</sup>

During the Afghan War, under a planned mechanism the CIA and the ISI created and encouraged warlords and Mullahs in and around Afghanistan. They also succeeded in establishing *Madrassas* (religious seminaries) in the tribal areas and the settled areas of Pakistan. Consequently, out of these *Madrassas* the Taliban Islamic movement emerged in Afghanistan in 1995 which then strongly supported the TNSM in Malakand Division. Twenty five years of civil war in Afghanistan brought in massive arms and ammunition to a tribal society of Malakand areas. Mainly these weapons were used by the TNSM against government installations in Malakand Division.<sup>20</sup>

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18 *Ibid.*, p.13.

19 Sultan-i-Rome, *Swat State*, p. 308.

20 Fazal-ur-Rehim Marwat and Parvez Khan Toru, *Talibanization of Pakistan: A Case Study of TNSM* (Peshawar: Pakistan Study Centre, University of Peshawar, 2005), p.2.

### **Aims and Objectives of the TNSM**

The TNSM is an organization, which is working for the enforcement of *Shariah* (Islamic laws) through judicial reforms. Its struggle is directed towards the reformation of the judicial system prevailing in Malakand Division, Bajaur Agency and District Kohistan of Hazara Division. The TNSM is mainly working for the realization of the following aims and objectives:

1. The implementation of *Shariat-i-Muhammadi* in Malakand Division.
2. The Islamisation of judiciary and judicial procedures.
3. The separation of the judiciary and executives.
4. The establishment of *Qazi* courts.
5. The availability of free and speedy justice to every one.
6. The Islamisation of society through judiciary
7. The eradication of un-Islamic laws and practices from the society.
8. The establishment of a true Islamic society.

In its true spirit and for realization of its objectives the TNSM has its own strategy. The first major point of TNSM is *Itifaq* to unite the people. The second is *Bara't* to boycott all those systems and institutions, which are un-Islamic. The third element of the TNSM strategy in realization of its aims is *Jihad* or continuous struggle whether physical or financial.<sup>21</sup>

### **Organizational Structure of the TNSM**

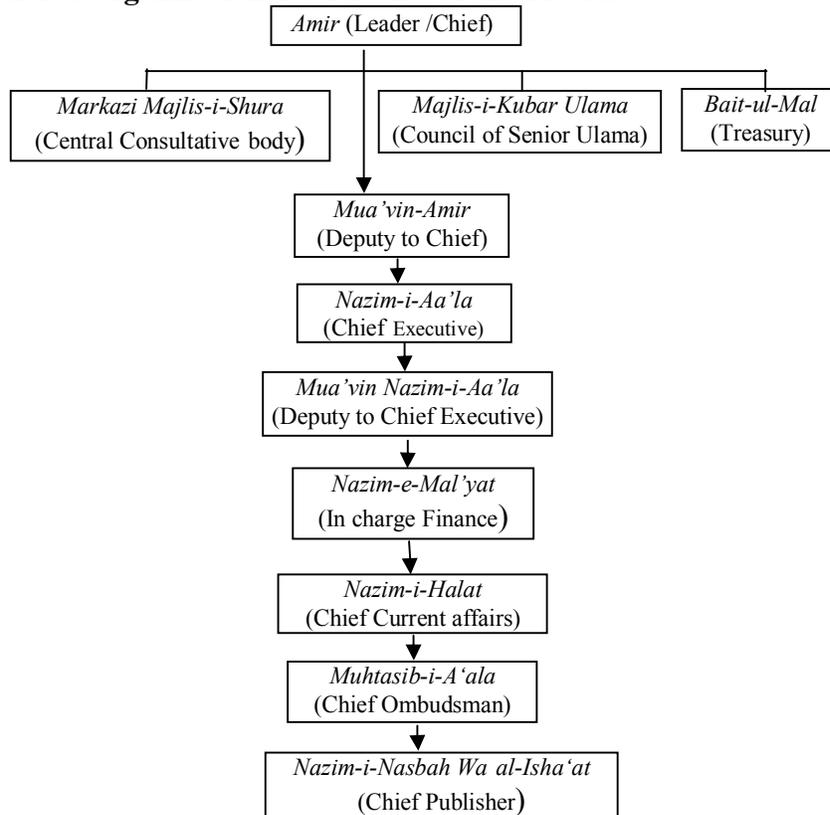
After the Malakand insurgency in 1994, the TNSM was properly organized so as to run the day-to-day affairs smoothly. The official name of the movement is Tanzeem-i-Tehreek-i-Nifaz-i-Shariat-i-Muhammadi Malakand. Offices and functions of the organization were defined clearly to avoid mismanagement in the ranks. Offices of the organization were established first at central and district levels. The central office was established at Amandara, Malakand Agency.<sup>22</sup>

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21 *Ibid.*, pp.13-15.

22 *Ibid.*, p.16.

### Central Organizational Structure of the TNSM



**Source:** Akhtar Hussain, “Tanzeem-i-Tehrik-i-Nifaz-i-Shariat-i-Muhammadi, Malakand Division: Myth and Reality”, unpublished M. Phil Thesis (National Institute of Pakistan Studies, Quaid-i-Azam University, Islamabad, 2001), p.38.

### District Level Organizational Structure of the TNSM

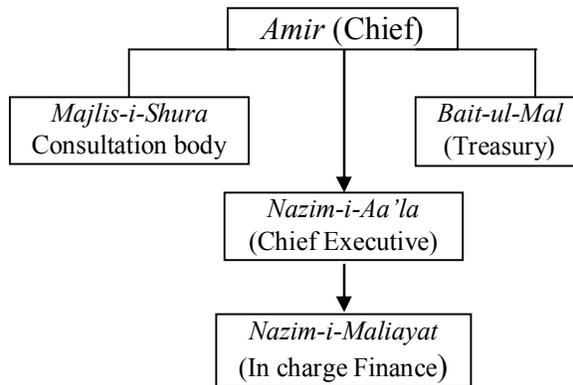
The organizational structure of the TNSM at the District level remains the same like that at the centre, only the offices of *Muhtasib-i-A'ala* and *Nazim-i-Nasbah-wa al-Isha'at* are excluded. The organization of the district is formed in the presence of the central *Amir* who appoints the office bearers at this level. The office bearers at district level must be from the local population. The District *Shura* consists of the office bearers at District level

and *tehsil* (sub division) units. While two *Ulama* constitute the district *Majlis-i-kubar Ulama* belonging to the District. The functions and responsibilities remain the same but with little variation depending on the needs and requirements of the local organization.<sup>23</sup>

### **Tehsil, Circle, Village and *Muhalla* Level Organisational Structure of the TNSM**

The organizational structure of the TNSM is modified and the offices are restricted to *Amir*, *Nazim-e-Aa'la*, *Nazim-e-Maly'at*, *Shura* and *Bait-ul-Mal* from *Tehsil*, and *Mohallah* (street) levels. The *Tehsil* organization is formed in the presence of the District *Amir*, the circle organization in the presence of *Tehsil Amir*, village and *Muhallah* organization in presence of the circle and village *Amirs* respectively.<sup>24</sup>

### **Structure of the TNSM in Tehsil, Circle, Village and *Muhallah* Levels**



**Source:** Akhtar Hussain, “Tanzeem-i-Tehrik-i-Nifaz-i-Shariat-i-Muhammadi, Malakand Division: Myth and Reality”, unpublished M. Phil Thesis (National Institute of Pakistan Studies, Quaid-i-Azam University, Islamabad, 2001), p.40.

### **Maulana Sufi Muhammad: An Enigma**

The seventy five years old Maulana Sufi Muhammad belongs to Maidan, a small town in Lower Dir. He received his religious

23 *Ibid.*, p.18.

24 *Ibid.*, p.20.

education from the father of Major Amir, Sheikh-ul-Quran Maulana Tahir at Panjpir in district Swabi (Khyber Pakhtunkhwa). He then started a religious seminary in his own native town Maidan, Lower Dir. He was also a strong member of the JI (Jammāt-i-Islami) till 1989. He was elected District Council Member twice from district Dir. During Afghan *Jihad* Sufi Muhammad supported Hikmatyar's Hizb-i-Islami financially and through man power.<sup>25</sup>

In 1989, Maulana Sufi Muhammad dissociated himself from the JI and laid the foundation of Tehreek-i-Nifaz-i-Shariat-i-Muhammadi on 28 June, 1989 in Maidan, Lower Dir. Sufi Muhammad, however, restricted activities of the TNSM to the Malakand Division (now comprising the districts of Upper Dir, Lower Dir, Chitral, Malakand, Swat, Buner and Shangla), the Kohistan district of Hazara Division and Bajaur Agency. After gaining support for the movement, he demanded the enforcement of the *Shariah* in these areas.<sup>26</sup>

In 1991, he camped at Temergarah (now district headquarter of Lower Dir), along with hundreds of his supporters demanding the enforcement of *Shariat* in Malakand. He then called off his agitation when Chief Minister Mir Afzal Khan's government assured him that his demands would be fulfilled.<sup>27</sup> In February 1994, the Supreme Court of Pakistan upheld the judgment of the Peshawar High Court and declared some provisions of the PATA Regulations in violation of the articles 8 and 25 of the Constitution of Islamic Republic of Pakistan. As this decision of the apex court deprived the executive authorities of a chunk of their judicial powers, they supported activities of the TNSM tacitly.

With this decision of the Supreme Court Maulana Sufi Muhammad also gained confidence and financial support from

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25 Muhammad Amir Rana, *Jihad and Jihadi: Pakistan aur Kashmir ki ahm Jihadi Rehnamaon ka Taruf* [Urdu: Holy War and Warriors: Introduction of important leaders of Holy Warriors of Pakistan and Kashmir] (Lahore: Mushal Books, 2003), p.84.

26 *The News International (Rawalpindi)*, 26 October, 2008.

27 *The Friday Times* (Lahore), November 10-16, 1994, p.3.

these local Khans, Maliks and the executive authorities.<sup>28</sup> In May, 1994 the Chief of the TNSM, Sufi Muhammad called off his week-long protest campaign against the government after he was handed over a copy of the Ordinance signed by the acting Governor Khurshid Ali Khan, envisaging the extension of Islamic laws to the whole of Malakand Division with immediate effect.<sup>29</sup> In November 1994, followers of Sufi Muhammad, launched an armed campaign for their demand and took control of many government installations in Swat District. Sufi Muhammad campaign forced the then PPP-led government to promulgate the Nifaz-e-Nizam-e-Shariah Regulation 1994 in the Provincially Administered Tribal Areas. Hence (Khyber Pakhtunkhwa Regulation II of 1994) was promulgated. Not satisfied with the legislation, Sufi Muhammad continued to hold demonstrations. Subsequently, another Regulation called the “Shari-Nizam-e-Adal Regulation, 1999”, (Khyber Pakhtunkhwa Regulation I of 1999) was promulgated.<sup>30</sup> After 9/11, when American President ordered attack on Afghanistan to topple Taliban government, Sufi Muhammad again made headlines when he left for Afghanistan followed by his supporters to support the Afghan Taliban in the war against the US.

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

President Asif Ali Zardari said that the extremists were deliberately created and nurtured as a policy to achieve some short-term tactical objectives. He said “the terrorists of today were the heroes of yester years until 9/11 occurred and they began to haunt us as well.”<sup>31</sup> People nearer to Maulana Sufi Muhammad claimed, he was reared by the establishment to counter the influence of JI in Dir District, formerly a stronghold. The then Deputy Commissioner (DC), Habibullah Khan, was blamed for providing funds initially Rs. 3 Lacs from the District Council funds and also administrative support that was extended by him to Maulana Sufi

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28 Zaman Khan, Interview with Sher Muhammad Khan, “Speaking for Swat”, *The News International* (Rawalpindi), 24 May, 2009.

29 *Dawn* (Karachi), 18 May, 1994.

30 Sultan-i-Rome, *Swat: A Critical Analysis*, pp.13-14.

31 *The News International* (Rawalpindi), 8 July, 2009.

Muhammad.<sup>32</sup> The TNSM leader and prominent members said about Habibullah that he was a religious person and a preacher of Islam due to which he fully supported *Tehreek*.<sup>33</sup>

In the beginning the TNSM achieved major success when the local political leaders of district Dir agreed to boycott the forthcoming national elections, for the cause of the *Tehreek*. This gave validity to the demands of the TNSM. But soon the Jamat-i-Islami (JI) sensing the TNSM as a potential threat to its popularity and fearing to lose control over one of its strongest centres, announced that it would contest elections. The efforts of the TNSM for uniting the people and boycotting the elections were thus washed away as other political parties too followed the decision of the JI.<sup>34</sup> The PPP provincial president Aftab Ahmad Khan Sherpao was equally responsible when he used the TNSM to abolish the JI strong hold in Dir. For this objective Sherpao strongly supported the TNSM through Dir Deputy Commissioner, Habibullah Khan.

Swat Deputy Commissioner Muhammad Javed, also provided possible support to the TNSM.<sup>35</sup> President Zardari stated, therefore, that weakness of civil bureaucracy had resulted in the emergence of militants and militancy.<sup>36</sup> Major Amir worked as a catalyst to promote the TNSM in Malakand Division through his father's seminary in Panjpir which was then run by his brother Maulana Muhammad Tayyib. The JUI (F-group) Vice President, Aziz ur Rehman stated: "the absconder Major Amir is running the law and order situation in Malakand at the behest of Nawaz Sharif."<sup>37</sup>

The sheer quantity of fire-power exhibited by protestors, some of whom proved to be highly trained soldiers, raised many

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32 *The Friday Times* (Lahore), November 10-16, 1994, p.3.

33 Sayed Ali Shah, *Da Shariat Karwan Manzil Ba Manzil* [Pashto: The Caravan of Shariah Stage by Stage] (Lahore: Edara Nasharul Marif, 1995), p.11.

34 Marwat and Toru, *Talibanization of Pakistan*, p.23.

35 Aqeel Yusufzai, *Talibanisation: Afghanistan se FATA, Swat aur Pakistan Tak* [Urdu: Talibanisation: From Afghanistan to FATA, Swat and Pakistan], (Lahore: Nigarishat Publishers, 2009), p.204.

36 *The News International* (Rawalpindi), 8 July, 2009

37 *The Friday Times* (Lahore), November 10-16, 1994, p.3.

eyebrows in official circles both in Peshawar and Islamabad. After 9/11 attacks when USA intervened into Afghanistan, the Governor of Khyber Pakhtunkhwa Iftikhar Hussain Shah ordered the administration not to stop the TNSM members and Sufi Muhammad from infiltration into Afghanistan and provide them possible help.<sup>38</sup> Political parties particularly, the PPP, the PML (N), the JI, the JUI (F), the MMA, the PML (Q), and the ANP are equally responsible for deteriorating Malaknd situation. They all supported the TNSM due to their own prospects to increase political influence in Malakand Division.<sup>39</sup> The Levi (former law enforcing agency) was also manned by the TNSM loyalists.<sup>40</sup> Agencies are also responsible for encouraging the TNSM and the Taliban in Malakand Division and to create a better environment for them in Swat for achieving other ends.<sup>41</sup>

It is also very interesting to note that every year Maulana Sufi Muhammad started his demonstration and demands in April and May. The tourists to Swat and Chitral were thus discouraged, they moved to some other areas and people of Malakand then lost a big income from tourism. Hoteliers from Malakand Division stated that Murree business class supported the TNSM in summer to halt tourists from visiting Swat and Chitral. So the tourists, due to bitter situation in Malakand, moved to Murree (tourist spot in Punjab).<sup>42</sup>

### **Malakand Road Blockage**

In May 1994, Chief of the TNSM Maulana Sufi Muhammad called off week-long protest campaign against the government.<sup>43</sup> At first, when a few thousand people had gathered at Batkhela (Malakand Agency) to block the main highway, virtually cutting off the districts of Dir, Swat, Chitral and Buner from the rest of country, very few people were prepared to take the protest seriously.<sup>44</sup> Gradually their strength swelled up to 25000 strong

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38 Yusufzai, *Talibanisation*, p.204.

39 *Ibid.*,

40 *The Friday Times* (Lahore), 10-16 November, 2004, p.3.

41 Author's Interview with Dr. Sultan-i-Rome, Historian and political commentator from Swat, 22 July, 2009, Peshawar.

42 Yusufzai, *Talibanisation*, p.203.

43 *Dawn* (Karachi), 18 May, 1994.

44 *Herald*, May 1994, p.60.

crowd.<sup>45</sup> “Men as old as 70 and children as young as 12 were among the activists,” said a Civil Servant who was on a study tour to Swat under the auspices of the NIPA.

The agitation was at a massive level and there seemed to be no government agency working at all, said a Civil Servant at one point. These Civil Servants saw a police jeep coming towards them but they found the TNSM men inside the jeep. “We thought the police would come to our rescue but alas we were astonished to see the jeep returning.”<sup>46</sup> On 16 May 1994, as a result of firing, at those who had blocked the Buner-Mardan road at the Babaji Kandau, eleven persons died and twenty-one others were injured, which further deteriorated the situation. To pacify the protesters, end the agitation and open up the road, the provincial government agreed to the TNSM’s demands for the enforcement of Islamic laws and to make the judicial system conform to Islamic system. The government was in progress to accept the demands, yet in November 1994 the TNSM members further devastated the situation in Swat, in the course of which Swat’s government machinery was left paralyzed for three days and resulted casualties on both sides.<sup>47</sup> Due to increasing law and order situation the authorities found themselves helpless to tackle the administrative affair.<sup>48</sup>

At last government accepted the demands of the TNSM and the Provincially Administered Tribal Areas Nifaz-i-Nizam-i-Shariah Regulation, 1994 (Khyber Pakhtunkhwa Regulation II of 1994) was promulgated.<sup>49</sup>

From the Malakand road blockage the TNSM’s popularity started in Malakand Division. Every old, young and even a child was aware of its objectives and a very hard time came, sweeping pluralism and democracy from the area.

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45 *Ibid.*

46 *The Friday Times* (Lahore), November 10-16, 1994, p.2.

47 Sultan-i-Rome, *Swat: A Critical Analysis*, p. 13.

48 *Herald* (November 1994), p.45.

49 Sultan-i-Rome, *Swat: A Critical Analysis*, p.14.

### **Democracy and Pluralism Tarnished in Malakand in 1994**

Sufi Muhammad remained member of Dir District Council in Zia era in 1980. He was also a strong member of JI, when he left the party and started his own organization the TNSM. The TNSM was totally against democracy and determined to enforce *Shariah* in Malakand Division as per their perception. Ordinary people from the area had joined to their call in the name of *Shariah* since these *Mullahs* had earned a reputation of being sincere to whatever they believed to be Islamic *Shariah*.<sup>50</sup>

In 1990, Maulana Sufi Muhammad opposed the JI candidate Dr Yaqub, and the latter narrowly escaped defeat. The JI was routed from the area. Sufi Muhammad had declared the entire election to be un-Islamic because it was held on the basis of adult franchise.<sup>51</sup> From that time democracy was challenged. Another important incident came when the TNSM activists held hostage the then the PPP MPA from Swat Mr. Badiuzzaman at a hotel in Mingora. The MPA was later killed in a crossfire between the armed men and the TNSM activists. They also kept as hostage the PPP Provincial Minister from Swat Dr. Mehboobur Rehman at his residence in Mingora.

The TNSM men lost no opportunities to threaten democracy. An MNA from Dir, Malik Muzaffar, was picked up by militants in Ammandara Malakand Agency. He was kept hostage for four hours, and later, was forced to wear a black turban, emblem of the TNSM, and asked to speak in support of *Sharriah* Laws at public gathering.<sup>52</sup>

### **Local Support of the TNSM**

In Malakand Division, the TNSM remained stronger in district Swat than Chitral and Dir Districts. This has many reasons. The TNSM's programme of speedy justice and equality among poor and rich class, being the main reason that the proletariat class vehemently supported it. Local Khans (chief of a tribe) and Maliks (lesser tribal chief as compare to khan) either supported or

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50 *Herald*, May 1994, p.60.

51 *The Friday Times* (Lahore), November 10-16, 1994, p.3.

52 *Ibid.*, p.2.

criticized the TNSM depending upon their interests. However many of them wholeheartedly supported the cause of the TNSM in order to score political points and gain popularity keeping in views their future political bargains. The more they participated in the activities of the TNSM, the more they tried to instigate and provoke the people against their political opponents. They tried to prove themselves to be true servants of Islam and devoted followers of the *Shariah*. There were many well-known personalities like Nawsheerawan Khan from Khawazakhela.<sup>53</sup>

Swati people vehemently supported TNSM considering it being as capable to bring relief to their miseries.<sup>54</sup> In Dir the main reason for TNSM support was the view that only TNSM could bring equality, peace and Quranic way of life in the society. The people of Dir thought that only the TNSM was a movement, which would bring speedy justice and could provide accountability of a ruler and common masses. But Khan and Maliks supported it for political influence. So the people above 60 years and youth less than 20 years of age supported it strongly.<sup>55</sup>

In Malakand Agency like Swat and Dir the proletariat class supported the *Tehreek* because they saw a charm of equality and speedy justice while Khans and Maliks supported the movement because through it they would progressively maintain their status. If regular laws are imposed, they stand to loose their vast judicial and administrative powers.

In the district of Chitral, the TNSM was present but very few number of people supported it. Timber mafia also supported the TNSM.<sup>56</sup> The Governor Khyber Pakhtunkhwa Iftikhar Hussain Shah said on April 30, 2001, that the problem of Malakand Division is not of *Shariah* only. Their demands are not to pay tax on vehicles, cutting of jungles without law and non payment of general tax.<sup>57</sup> Non custom paid vehicles are brought from

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53 Interview with Dr. Sultan-i-Rome.

54 Interview with Aimal Khan.

55 Interview with Bakht Biland Khan, Naib Amir, TNSM, Dakorak, 17 April, 2009, Dakorak Swat.

56 Yusufzai, *Talibanisation*, p.203.

57 Rana, *Jihad and Jihadi*, p.84.

Afghanistan through Torkhum in Khyber Agency, also smuggled to North and South Waziristan and Bajaur Agency and then smuggled to Malakand Division from these Agencies because it is tax exempted area. According to Hidayatullah Dawar the trend of non custom paid vehicles started in Waziristan in 1995-96 and hence in Malakand Division.<sup>58</sup> Now there are a lot of non custom paid vehicles in FATA as well as in PATA which are badly used in militancy.

### **Jammat-i Isha‘t al-Tawheed wa al-Sunnat and the TNSM**

As mentioned earlier Maulana Sufi Muhammad was the student of *Shaikh-ul-Quran*, Maulana Muhammad Tahir, the father of Major Amir. Maulana Muhammad Tahir established a religious *Madrassah* at Panjpir District Swabi, Khyber Pakhtunkhwa. Maulana Sufi Muhammad received his religious education from this school. Afghan warrior Gulbadin Hikmatyar also studied in this school. Major Amir's brother, *Sheikh-ul-Quran* Maulana Muhammad Tayyab was also the student of his father in Panjpir religious seminary, who was then the *Muhtamim* (head) of this seminary. Maulana Tayyab's organization called the Jammat-i Isha‘t al-Tawheed wa al-Sunnat (Organisation to promote oneness of God and the way of Prophet Muhammad (PBUH)). Maulana Muhammad Tayyab participated in May 1994 in the Malakand road blockage and also addressed the procession of the TNSM.<sup>59</sup> Wherever, the students of Maulana Muhammad Tayyab were, they easily arranged programmes for the TNSM.<sup>60</sup>

Other famous students of the seminary included, Afghan leader Sheikh Jamil-ur-Rehman, who was based in Malakand Division throughout the Afghan War. He was killed in 1991 allegedly by the followers of Gulbadin Hikmatyar in Bajaur Agency of Malakand Division. The war hardened guerrilla group of Jamil-ur-Rehman supported Maulana Sufi Muhammad.<sup>61</sup>

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58 Interview with Hidayatullah Dawar, Quaid-i-Azam University, 13 August, 2009, Islamabad.

59 Sayed Ali Shah, *The Shariat Karwan Manzil Ba Manzil* [Pushto], p.54.

60 *Ibid.*, p.30.

61 *The Friday Times* (Lahore), 10-16 November, 2004, p.3.

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

Since the creation of Pakistan, Bajaur was part of Peshawar Division. In the early 1980s the Khyber Pakhtunkhwa<sup>62</sup> Governor Fazal Haq attached it with Malakand Division. The PPP government in 1994, once again attached the Bajaur Agency with Peshawar Division. Official sources said that it was an administrative decision. They denied that the decision was prompted by the campaign for enforcement of *Shariah* by the Tahreek-i-Nifaz-i-Shariat-i-Muhammadi in Malakand Division.<sup>63</sup> Bajaur Agency being part of Malakand Division was a centre of poppy cultivation. Poppy growers and drug traffickers feared that their business would suffer if a tight administrative structure were introduced. They were said to be supporting the movement against the regular laws.

### **Involvement of Foreign Hands**

Some observers believe that the role of international agencies in the encouragement of the TNSM and the Taliban cannot be ruled out. They believe that the US might be interested in containing the march of the Chinese to Gwadar port and the Karakoram Highway — the access route to Central Asian oil reserves, which may become instrumental in keeping US trade interests intact in the region.<sup>64</sup> The possible penetration of groups with vested interest in the area as pointed out by Iftikhar Khan, a journalist in Mingora can not be ruled out. People in Khawazakhela and in a few other places said that the presence of “Persian speaking” persons being active in the movement, giving rise to suspicion that infiltration in the movement by Afghan *Mujahideen* remained a hidden agenda.<sup>65</sup> Some government sources said that during the Afghan War, Afghan President Burhanuddin Rabbani stayed in Malakand Division for five years and developed substantial influence in the area.<sup>66</sup> The government

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62 Then known as North Western Frontier Province.

63 *The News International* (Rawalpindi), 1 November, 1994.

64 Khadim Hussain “Can Paradise be Regained?” in Fazal-e-Rabi Rahi, ed., *The Plea of Swat*, (Mingora: Shoaib Sons, 2009), p.25.

65 *Herald* (November 1994), pp.48-49.

66 *The Friday Times* (Lahore), 10-16 November, 2004, p.3.

agencies said that Rabbani became very close to India since Pakistan supported his rival Hikmatyar. They argued that Rabbani capitalized on the simmering crisis in Malakand and manoeuvred the uprising through the Swat leadership of the TNSM. Maulana Sufi Muhammad, who was in Dir at the time of the uprising, is said to have been unaware of his party mens' plan.<sup>67</sup> In 1990's *Wahabis* had their stronghold in neighbouring Nooristan province of Afghanistan. Maulana Sufi Muhammad was alleged to be receiving guerrilla training from this province and other *Wahabi* groups in Afghanistan were said to be providing the Maulana Sufi Muhammad with active support.<sup>68</sup> It was generally believed that Maulana Sufi Muhammad was close to Saudi school of thought in Islam, but Sufi Muhammad denied having any connections with the Saudis, and that he had received any donation from abroad.<sup>69</sup>

The Interior Minister of Benazir Bhutto's second government Nasirullah Babur is of the opinion that some enemies of Pakistan are involved in this drama of the TNSM in Malakand Division. The involvement of Indian Intelligence Agency RAW in the movement can not be ruled out. He also directly accuses Afghanistan being involved in the insurgency. Some Arab countries are also named as providing financial assistance to the movement.<sup>70</sup> Azam Khan Hoti says that Russia, India and Israel are abetting and funding the militants in Malakand Division.<sup>71</sup> A further source of trouble can be in the sectarian plurality of most of Malakand Division. In Swat, and to some extent in Dir and Kohistan, the mainly Sunni population is divided into *Deobandis*, *Ahl-i-Hadith* and the TNSM, who also have in their fold a very large element (more than 50 per cent, according to some observers) of habitual criminals.<sup>72</sup>

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67 *Ibid.*, p.3.

68 *The Friday Times* (Lahore), 10-16 November, 2004, p.3.

69 *Herald* (November 1994), p.47.

70 Akhtar Hussain, "Tanzeem-i-Tehrik-i-Nifaz-i-Shariat-i-Muhammadi Malakand Division: Myth and Reality," (M. Phil Dissertation, National Institute of Pakistan Studies, Quaid-i-Azam University, Islamabad, 2001), p.76.

71 Tahir Ali, "A Befitting Reply", *The News International* (Rawalpindi), 26 October, 2008.

72 *Herald*, February, 1999.

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

The main person in mobilizing tribesmen for war against US in Afghanistan was Tehreek-i-Nifaz-i-Shariat-i-Muhammadi leader, the charismatic, fiery orator, Maulana Sufi Muhammad from Malakand Division of Khyber Pakhtunkhwa.<sup>73</sup> TNSM organized a protest procession in Mingora (Swat) in September 2001 for raising a ‘voluntary army’ for anti-US *jihād* (holy war) in Afghanistan. While addressing the rally, the TNSM Chief said that the US was the biggest terrorist country in the world that wanted to harm Islam on the pretext of Osama Bin Laden and the Taliban. In October, 10,000 persons poorly equipped with weapons led by TNSM chief, Sufi Muhammad, crossed the Pak-Afghan border with a convoy comprising 300 vehicles.

The TNSM had set up three FM radio stations in the Bajaur area bordering Afghanistan, to campaign for funds and volunteers to fight alongside the Taliban militia. These radio stations were also used to air addresses of TNSM leaders to pro-Taliban rallies. Most of these *jihadis* were either killed or arrested by anti-Taliban militias and detained in their own jails. Few of them were sent to Guantanamo prison.<sup>74</sup> However, Sufi Muhammad along with his son-in-law Fazlullah and some of his followers managed to return to Pakistan.<sup>75</sup> Sufi Muhammad was then sentenced to three years imprisonment. In January 12, 2002 President Pervez Musharraf banned the TNSM along with four other *jihadi* organizations.<sup>76</sup> Though legally the TNSM was banned, but still it remains active in Malakand Division, district of Kohistan and Bajaur Agency.<sup>77</sup> In the absence of Sufi Muhammad, Maulana Abdul Ghafoor led the TNSM in Dir and Bajaur.<sup>78</sup>

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73 Ahmed Rashid, *Descent into Chaos*, (London: Penguin Lane, 2008), p. 90.

74 Fazal-ur-Rahim Marwat, “The Jehadi Curriculum- A Prelude to Talibanisation in Pakistan: A Case Study of Afghan Refugees” in Pervaiz Iqbal Cheema, Muneer Mahmud and Mustansar Billah, ed., *Pakistan and Changing scenario: Regional and Global*, (Islamabad: Islamabad Policy Research Institute, 2008), pp.63, 64.

75 Sultan-i-Rome, *Swat A Critical Analysis*, p. 27.

76 Sushant Sareen, *Jihad Factory: Pakistan Islamic Revolution in the Making* (New Delhi: Har-Anand Publications, 2005), p.82.

77 Marwat, “The Jehadi Curriculum- A Prelude To Talibanisation in Pakistan: A Case Study of Afghan Refugees”, p.63.

78 Marwat and Toru, *Talibanization of Pakistan*, p.105.

### The TNSM towards Democratic Institutions

Maulana Sufi Muhammad several times cleared the TNSM manifesto. The TNSM movement is totally against democracy. Although he himself remained District Council Member twice. On April 19, 2009 he spoke to an audience of thousands in Mingora. He said there is no place in Islam for democracy, elections and neither for High Courts or Supreme Courts, nor for lawyers.<sup>79</sup> He opines, “There is no room for vote in Islam and the concept of democracy which some religio-political parties are demanding is wrong.”<sup>80</sup>

He also declared parliament as un-Islamic. He submitted his arguments that in democracy Muslims, non-Muslims, male and female are equal which is against *Shariah* law. He said that I had no knowledge of true Islam before 1983, but later on I understood the real meaning of Islam. He declared female education an un-Islamic but could not stop it by force because *Shariah* was not imposed in the country. However, he believed that to perform *Haj* (pilgrimage) a female could come out from home. He indirectly supported Jamia Hafsa, (female Islamic seminary in Islamabad) which demonstrates contradictions in his views and actions. Even he forbade women to go for treatment outside their home.<sup>81</sup>

The TNSM is strongly against the prevailing democratic system and considered it to be totally un-Islamic. The *tehreek* (movement) considers that in a true Islamic state, people of clear Islamic vision and commitment could direct and conduct the affairs of governance. While in democracy the corrupt and influential people work at the helm of the affairs. This is the main difference between the TNSM and other organizations. The TNSM believes that the change of political leadership is not possible in a democratic order. The malpractices in the system could block the pious person into the representative bodies and avenues of power. The basic concept of democracy is not only wrong but un-Islamic as it did not differentiate among the vote of a pious and an un-

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79 Aziz Ahmad, “Paradise lost – irretrievably”, *The News International* (Rawalpindi), 25 April, 2009.

80 <http://www.satp.org/satporgtp/countries/pakistan/terroristoutfits/TNSM.htm>. Internet accessed October 6, 2010.

81 Interview with Sufi Muhammad, Geo TV, 13 April, 2009, Islamabad, 10:05 pm.

pious person. Sufi Muhammad says that those *ulama* (religious scholar) are *kafir* (infidels) who contest elections and search Islam in democracy.<sup>82</sup> In Sufi Muhammad's words: "Many religious leaders, including Qazi Hussain Ahmad, Maulana Fazlur Rehman and Maulana Samiul Haq, are trying to find *Shariah* in democracy, which is wrong." The Jamat-i-Islami's newly elected *Amir* (Head) Sayed Munawwar Hasan quipped that since Sufi Muhammad had himself taken part in local government elections, he too must have temporarily been a *Kafir*. Maulana Fazl-ur-Rehman claimed that the procedure adopted for enforcement of *Shariah* in the deal was incorrect and that Sufi Muhammad's views on the constitution and democracy were merely his personal views.<sup>83</sup>

### **Maulana Sufi Muhammad in Jail**

After 9/11 when America decided war against the Taliban in Afghanistan, Sufi Muhammad took retaliatory position against US and their allies in Afghanistan and invaded Afghanistan along with his supporters for the help of Taliban. Sufi Muhammad lost a large number of his supporters being unable to counter US bombardment, he, along with his son-in-law Fazlullah, made his way back to Pakistan, where they were caught by the security forces and were sent to D.I. Khan Jail.<sup>84</sup>

Sufi Muhammad remained in jail; but Fazalullah was released after seventeen months. After his release, he opened FM radio channel in his native village Mamdheri (only three kilometre away from Saidu Sharif, District Headquarters of Swat and Divisional Headquarter of Malakand Division) to preach Islam. He was supported by the TNSM members in the beginning. Fazlullah in the beginning motivated people through polite sermons. Every night on 8 p.m. he started his *dars* (sermon). Up to 2005, he was preaching peacefully. However, in southern districts and FATA the Taliban started their brutal activities. In Swat, likewise, administration could not stop Fazlullah from operating FM radio.<sup>85</sup>

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82 Rubina Saigol, "Talibanisation of Pakistan: Myths and Realities", *South Asian Journal* (Lahore) 2009, p.61.

83 *Ibid.*, p.63.

84 Sultan-i-Rome, *Swat: A Critical Analysis*, p.27.

85 *Ibid.*

### **The MMA, the TNSM and the Taliban**

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

In the Khyber Pakhtunkhwa the religious group of the Mutahida Majlis-i-Amal (MMA) won an outright majority and formed the government there. Not only in Baluchistan, but also in the Centre, the MMA offered Musharraf and the PML-Q for a coalition government. The coalition government with the MMA after 9/11 would have had a very negative international fallout. According to the then President Pervez Musharraf, Fazlur Rahman of the Jamiat-i-Ulama Islam (F group) visited him personally to ask for the Prime Minister's Office, committing himself to a very reconciliatory approach towards the United States and the West and complete support against al-Qaeda and other extremists. He said that we faced a dilemma. The MMA was more amenable because it wanted the assemblies to function so that it could exercise power. Extensive meetings were held by the leaders of the PML-Q and the MMA. "But we did not form coalition with the MMA due to national and international pressure."<sup>86</sup> However the rubber-stamp National Assembly dutifully passed everything that General Musharraf sent before it with the support of the Jamat-i-Islami and other religious parties.<sup>87</sup> After 2002 general elections Mutahida Majlis-i-Amal was in a good position and formed government in Khyber Pakhtunkhwa and coalition government in

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86 Pervez Musharraf, *In The Line of Fire: A Memoir* (London: Simon & Schuster, 2006), pp.174-76.

87 Benazir Bhutto, *Reconciliation Islam, Democracy and the West* (London: Simon & Schuster, 2008), p.214.

Baluchistan. But during its tenure, its members did not support the TNSM in Malakand Division. Sufi Muhammad was jailed and the MMA did not try to release Sufi Muhammad from jail.

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

The TNSM boycotted the 2001 and 2005 Local Government Elections. However, they did not force the people for not casting their votes. No physical resistance was shown in Malakand Division. About fifty percent of Malakand Division population was in favour of the Tehrik-i-Nifaz-i-Shariat-i-Muhammadi. However, in the general elections of 1997 and 2002 and in local government elections 2001 and 2005, about ninety-five percent of the Tehrik members cast their vote in these different elections and only just five percent members of the TNSM did not cast their votes.<sup>88</sup> Even in some areas of Malakand Division females also cast their votes.<sup>89</sup>

The main reason was their relations with the contestants of the elections due to which they cast their votes in the elections. A member of the TNSM in an interview told that only two percent of the TNSM members did not cast their vote and even some members of the TNSM participated in General as well as in Local Government Elections.<sup>90</sup> Some Khans and Maliks who supported the TNSM in Malakand Division also participated in Local Government and General Elections. Nawsherawan Khan a big landlord from Khawazakhela, Swat was a strong member of the TNSM. He participated in Local Government and General Elections. Although, he abused democracy in 2002 General Elections, but his son, Bahadar Ali Khan, candidate of the ANP, contested Provincial Election from PF-86 Swat VII.<sup>91</sup> In 2008 General Elections his other son Dr. Haider Ali Khan won Khyber Pakhtunkhwa provincial seat from the same constituency. The support of Khans and Maliks for the TNSM was only to obtain

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88 Interview with Naib Amir the TNSM Dakorak.

89 Interview with Aimal Khan.

90 Interview with Mushtaq Ahmad, Member TNSM Charbagh, April 20, 2009, Charbagh.

91 Aqeel Yusufzai, *Talibanisation*, p.204.

political influence and for their own benefits not for the true cause of Islam, as he would have like to assert.<sup>92</sup>

Amir Muqam, the provincial President of Khyber Pakhtunkhwa (PML-Q) stated that democracy was affected by the TNSM. However, the TNSM members participated in General Elections of 1997 and 2002 and also in Local Government Elections of 2001 and 2005. In 2002 General Elections hundred percent members of the TNSM had voted in favour of the MMA. The people in the whole province of Khyber Pakhtunkhwa and even in some other parts of the country had cast votes in favour of the MMA.<sup>93</sup> The Former Governor of Baluchistan and Khyber Pakhtunkhwa Miangul Aurangzeb said that he found no threat from the TNSM during his National Assembly election campaign in 1993 and 1997. It had meagre effect on democracy. It was clear that TNSM members participated in General as well as in Local Government Elections.<sup>94</sup> District *Nazim* Swat also acknowledged that during 2001-2005 the TNSM was banned and it had no role. Due to ban on the TNSM everything was going well in Malakand Division. Even up to 2005 the TNSM members cast their votes.<sup>95</sup>

#### **Musharraf's Visit to Swat and his Criticism against Militants**

Pervez Musharraf visited the District of Swat in Malakand Division in July 2005. He addressed 120,000 people of Malakand and felt no threat in such a big procession.<sup>96</sup> The President asked the people to distinguish clearly between the forces of backwardness and the leadership that wanted to develop Pakistan befitting its vast human and economic potential. Islam called for brotherhood, unity, well-being and learning. In his address he asked people to support army and reject elements abetting terrorism. About madrassah (religious seminary) education he told that government wanted to introduce science subjects in

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92 *General Elections 2002 Report, Volume-II* (Islamabad: Printing Corporation of Pakistan Press, 2002), p.326.

93 Interview with Amir Muqam, PML-Q Provincial President NWFP, 19 June 2009, Islamabad.

94 Interview with Miangul Aurangzeb, former Governor Baluchistan and NWFP, 18 June 2009, Islamabad.

95 Interview with Jamal Nasir Khan, District Nazim Swat, 17 June 2009.

96 Interview with Amir Muqam.

madrassahs so that the students might choose professions in the field of medicine, engineering etc.<sup>97</sup>

### **Conclusion**

After merging of Swat, Chitral and Dir States into Pakistan, the PATA regulations were implemented by government in Malakand Division. This created a gap between the settled areas of Pakistan and Malakand Division. In 1990, when the Peshawar High Court declared the PATA Regulations null and void, the *Tehreek-i-Nifaz-i-Shariat-i-Muhammadi* which was created in 1989, found momentum. At that moment it was fully supported by bureaucracy for lust of power. The manifesto of the TNSM is candid, in which parliament, judiciary and democracy are a western imposition that would be eliminated after *Shariah* is implemented all over Pakistan. In 1994, followers of the TNSM forced the then PPP government to promulgate the PATA Nifaz-i-Nizam-i-Shariah Regulation 1994. In 1994, Sufi Muhammad followers promised that they would not cast their votes in future elections but ninety-seven percent members of the TNSM cast their votes in all elections up to 2005.

After the defeat of the USSR in the proxy war, Washington left Afghanistan in uncertain situation which latter gave way to Taliban Government in Kabul. Due to contagious, Pakistan was much affected and especially the pashtoons of Khyber Pakhtunkhwa and FATA, because the pashtoons of these areas supported *Mujahideen* in Afghanistan during proxy war. The TNSM was then strongly supported by the Taliban Government of Afghanistan. Not satisfied with the legislation, Sufi Muhammad continued to hold demonstrations. Subsequently, another Regulation called the “Shari-Nizam-Adal Regulation, 1999” was promulgated. A catastrophic position came after 9/11, when Sufi Muhammad carried 10,000 poorly equipped people of

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97 *The Frontier Post* (Peshawar), 31 July, 2005.

Malakand Division, Bajaur Agency and Kohistan District of Hazara Division to fight against American forces. Most of the fighters were either killed or captured by the Northern Alliance but Sufi Muhammad along with his son-in-law Fazalullah escaped to Pakistan and both were sent to D.I. Khan jail. Due to Pashtoon code of *mailmastya* (hospitality), when Pashtoon Taliban from Afghanistan entered FATA, they found protection and gradually they also found sanctuaries in the settled areas such as Swat in Malakand Division due to the TNSM support.

The enduring factor for peace and development in Malakand Division would be to establish political authority in partnership with the local tribal chiefs, good governance free of corruption, respect of merit and welfare of common man. Perhaps this interpretation of crisis in Swat is best exemplified by John Forrest's phrase as a process of "state inversion", whereby the state grows increasingly irrelevant for society. The result is social violence, extreme insecurity that in the case of Swat being hijacked by such persons as Sufi Muhammad and Fazlullah.