

Politics of Constitutional Rightism and Musharraf's Enlightened Moderation: An Estimate of JUP's Endeavors on MMA's Platform

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ABSTRACT

The Jamm'iyat Ulama-i-Pakistan (abbreviated hereafter as JUP), in 1990s onwards was headed by dynamic religio-political echelon Moulana Shah Ahmad Nurani who believed in 'constitutional rightism' and didn't believe in extra-constitutional maneuvers in order to with the game of power politics. He ran his political affairs under some set principles and abided by with them throughout his political career. His religio-political dynamism during Musharraf regime was the last but ever-glorious episode of his political strife for the enforcement of Islamic socio-economic system to which he termed as Nizam-e-Mustafa. Under his dynamic leadership the religio-political alliance, Mutahidda Majlis-i-Amal, popularly called as the 'MMA' showed one of the unprecedented performances the religio-political right ever showed. Up till his death in 2003, The MMA showed no compromise on the set principles, but later things went different. Among other measures of General Musharraf, his policy of so-called moderation of the society on allegedly US command was taken by the religious right of the country as 'Command Enlightened Moderation', hence reaction was inevitable. It flocked under the banner of MMA and tried its level best to cope with it. The research in hand highlights this interesting epoch of the history of Pakistan..

Keywords: *Constitutional Rightism; JUP; MMA; Enlightened Moderation; Nizam-i-Mustafa; General Elections 2002.*

Background

The Jamm'iyat Ulama-i-Pakistan (JUP), an effective religio-political party of the past, in its preceding rightist episode (1988-1999), played its adroit religio-political role in removing sectarian differences within the Muslim community and in restoration of peace in the country from the platform of *Milli Yakjehti Council* (hereafter MYC), which provided a pleasant experience to religious as well as religious-cum-political parties to work in union. This understanding on a purely non-political platform gave way to an effective political and electoral alliance the MMA on the same footing as the formation of the PNA in the 1970s, but this time with an improved level of performance. Moulana Shah Ahmad Nurani (d.2003) had expressed his desire for a formal but political alliance that could replace religious forum of MYC in due course of time.¹ In perspective of political situation during 1996-1999, it could easily be visualized that both PPP and PML did not function according to the expectations and mandate of the public hence to fill up the gap in July 2001, the six major religious parties of the country agreed to launch a new political alliance named as *Mutahidda Majlis-i-Amal* (United Action Committee) popularly known as MMA in order to establish an Islamic system, inculcate religious tolerance and counter secular elements of the country, especially flocked under the banner of General Musharraf's *Enlightened Moderation*. The preliminary meeting in this connection was held at the residence of Qazi Hussein Ahmad and among others Moulana Shah Ahmad Nurani (JUP), Moulana Fazal-ur-Rehman (JUI-F) Moulana Samee (JUI-Sami ul Haq faction), Allama Sajid Ali Naqvi (TNFJ) and Allama Sajid Mir (JAH) attended and held deliberations to reach consensus over the formation of a political and electoral alliance.²

Moulana Nurani while expressing the purpose and aims of MMA, said that the leaders of the six religious parties had decided to launch a joint venture to protect integrity, sovereignty, and solidarity of the country and no leaf be left unturned in this connection. The real objective of the alliance, according to him, was the establishment of an effective Islamic Democratic system based on the Constitution of 1973. He asserted that the alliance would struggle hard for the restoration of Constitution and working for an Islamic Welfare State, on Islamic footing in the constitutional frame-work and Council for Islamic Ideology that would ensure human rights, political and social freedom of people, social justice and economic prosperity.³ The leaders of the alliance unanimously nominated Moulana Nurani as the Chairman of the MMA.⁴ Later, leaders of the MMA component parties met General Pervez Musharraf and stressed him for an early hold of elections and the Kashmir issue should be handled according to the aspirations of Kashmiris and the resolutions of the UNO.⁵

On 3rd February 2002, MMA held "*Mutahidda Diffa-i-Pakistan Ulama Convention*"

(United Defense of Pakistan *Ulama* Convention).⁶ The MMA Chairman Moulana Nurani while addressing the convention said that the presence of Pakistan was intolerable to anti-Islamic powers of the world; that's why they had been united to abolish its Islamic identity and ideology. Pakistan was facing a number of challenges including the conspiracies of International Troika (America, India and Israel) but Pakistan would face them undauntedly.⁷ The United Defense of Pakistan *Ulama* Convention issued a joint statement according to which the wrong internal and external policies of the previous governments had endangered the integrity and solidarity of the country and for the last 54 years the control of the country had been in the hands of the agents of the imperialistic powers and that was the real cause of its retrogression.⁸ In the absence of impartial accountability, the country resources were plundered mercilessly. On the other hand, the government under international pressure was taking strict measures against the Islamic ideological identity *dini madaris*, allegedly on the plea of their associations with the jihadists.⁹

In view of the forthcoming elections, the MMA decided to participate on one symbol. Moulana Shah Ahmad Nurani considered that US invasion of Afghanistan had moulded the people sympathies in favour of religious organization; hence the MMA would get an overwhelming majority.¹⁰ For this purpose MMA soon held negotiations with other political parties esp. PML (N) for seeking seat adjustment in order to increase winning ratio.¹¹ On 18 March 2002, Moulana Nurani in a press conference announced the transformation of MMA into an electoral alliance.¹² He, while addressing the newsmen reiterated that the government was pressurized to end Islamic provisions of the constitution and abolishing the article that declared the Qadianis as non-Muslim. Hence, in order to make the vote-bank of the religious parties effective, the MMA contacted other political and religious parties. MMA also approved its joint manifesto on 2nd April 2002. The component parties also got the manifesto approved from their respective councils.¹³ Moulana Nurani stated that the seat adjustment would only be done with those parties which agreed with this manifesto and for issuing tickets to suitable candidates a central and 5 provincial parliamentary boards would be constituted.¹⁴ The MMA leadership criticized the forthcoming referendum and announced a country wide mass-contact campaign against it, so that public might not be befooled in the name of referendum that was contrary to the Constitution. Moulana Nurani reiterated that according to the provisions of the constitution referendum could not be used as an alternative to Presidential elections because a clear process for such election had been mentioned in the 1973 Constitution.¹⁵ General Pervez Musharraf in order to spell out his viewpoint and satisfy the MMA leadership invited it for negotiations on 6 April, 2002 but without result.¹⁶ Both

parties could not convince each other. Moulana Nurani in this meeting demanded that referendum should be held to have opinion on American intervention in the country.¹⁷ Later; he demanded that the Supreme Court must take notice of the referendum for presidential elections.¹⁸ Moulana Nurani addressed a largely attended public meeting at Karachi. He asserted that referendum would not be accepted at any cost, as it was to be used to establish supremacy on the Parliament. Furthermore, he stressed upon General Musharraf to concentrate upon the country defense in order to cope with the Indian and American aggression. He also asked politicians to participate in APC called upon by the President in greater national interest.¹⁹ As the date for general elections was fixed as 10 October 2002, so the MMA decided to start its election campaign on 23 July.²⁰ Moulana Nurani reiterated that any change in Islamic provisions of the constitution would lead to confrontation and it was unlawful to amend the constitution in absence of a Parliament.²¹ General Musharraf made it clear that he was by no means going to abolish any of the Islamic provision even if the MMA election campaign was in the condemnation of government measures against dini madaris, especially taken after the American assault on Afghanistan.²²

Consequently, the MMA ensued its election campaign and as per its political strategy it targeted Afghan Issue. This strategy proved its worth by attracting large number of masses to mobilize masses and provided the MMA with a strong position in emerging political state of affairs.²³ Since newly emerged scenario of country politics brought a number of questions with it; hence both sides of the spectrum were required to be considered to deal it fairly.²⁴

The Election Campaign: Retrieving Party Manifestoes and War of Words

Election campaign was to be in vogue only if the ban on political activity would be lifted as soon as possible. So, the sitting government decided to set the restricted parameters in this connection. So, the ban was lifted in August 2002 and all the three major political players PML-Q, PPP-Parliamentarian and the MMA started their political campaign with full zeal and zest. In public gatherings they presented and discussed their election manifestoes. MMA reiterated its major point of pondering that it would enforce Islamic socio-economic system if it would be given chance to rule. Qazi Hussain Ahmad of JI asserted that 1973 Constitution had provided a fair space in this connection and the role of CII would be expanded in order to achieve the aforementioned target.²⁵ The MMA leaders in their addresses at Peshawar, Rawalpindi, Lahore and Karachi pledged that time and again and reiterated that Islamic System had been the only solution to the prevailing socio-economic chaos and they would fight against the fascism in the garb of liberalism and Musharraf's command-enlightened-moderation. The leadership of MMA planned a *train march* to make its electoral campaign more

effectual. Hence, a days-long train march was held from Pindi to Karachi. Moulana Nurani, the Chairman of the MMA and central command of the JUP while addressing huge gatherings on the railway stations on the way reiterated that in case of victory MMA would surely work for the elimination of social injustice, unemployment and go on the trek of Islamization in the country. During this March, the presence of a considerable number of people added to the worries of the electoral rivals especially the government backed PML-Q.²⁶ So the brutal use of state machinery disturbed the MMA electoral campaign. Almost the entire first tier of leadership was arrested and sent to jails. Due to such tactics and restrictions the election campaign remained uninspiring and in the absence of the traditional election frenzy, failed to generate enthusiasm among the masses.²⁷ Another important factor in this connection was the absence of Benazir Bhutto and Nawaz Sharif, the mainstream political leadership of PPP and PML-N respectively.²⁸

Election Results 2002:

The Election results were surprising for all quarters MMA appeared as the third largest political force (with 45 NA seats) of the country after establishment-backed PML-Q (77 NA seats) Pakistan People's Party Parliamentary (PPP-P) with 61 NA seats.²⁹ It had come in a position to form government. The MMA Chairman Moulana Shah Ahmad Nurani expressed his gratitude and said that the public had rejected the designs of secular forces.³⁰ The extraordinary success of MMA surprised all quarters of the country. They called it a 'silent revolution' that could not be comprehended before time. However, this was not surprising at all. The religio-political right of the country just reorganized its ranks and demonstrated its unity, a long time after 1977 and reallocated their ever-persisting vote bank.³¹ However, they were once again denied to assume power under international pressure. The agencies played their due role and remained successful in creation of a PPP formal bloc with the name PPP (Patriot) that helped PML-Q in making government.³²

The MMA-PML-Q Negotiations for Power Sharing:

In order to discuss the issues related to possible power sharing, the MMA-PML-Q negotiations were held on 18 October 2002.³³ The latter accepted MMA's demand of 5 ministries including the speakership of National Assembly.³⁴ However, MMA made it clear that it would not give up the demand of PM-ship that led to political deadlock. The MMA Supreme Council authorized Moulana Nurani in full authority in order to break the stalemate.³⁵ It also established a committee for deliberations under headship of Moulana Nurani with Moulana Abdul Ghafoor Haideri (JUI), Liaquat Baloch (JIP), Pir Ejaz Ahmad Hashimi (JUP-N) and Qazi Abdul Latif its members in order to give recommendations for future strategy,

but no deal could be done with PML-Q.³⁶ Meanwhile, Moulana Nurani made contacts with other parties on 5 November 2002, negotiations were held between MMA and ARD (Alliance for Restoration of Democracy)³⁷ in which some important issues like PM-ship speaker-ship, constitutional amendments, Legal Framework Order (LFO), supremacy of the parliament etc were discussed.³⁸ but without result. On 13 November, the MMA leadership held a meeting in Karachi, at the residence of Moulana Nurani – MA Chairman and culminated with a number of important decisions regarding the issue of PM ship. LFO negotiations with PML-Q and MQM and holding the designation of COAS by General Musharraf etc.³⁹

At last, on 21 November 2002, PML-Q's nominated Zafar Ullah Jamali (from Balochistan) with a simple majority of 172 votes was declared Prime Minister of Pakistan; while Moulana Fazal-ur-Rehman of MMA got 86 and Shah Mehmood Qureshi of PPP (Parliamentarian) got 70 votes.⁴⁰ After this MMA paid attention to provincial matters and restoration of the Constitution and decided to hold negotiations with the government. However, Moulana Nurani made it clear that President in Army Uniform by no means would be accepted.⁴¹ The MMA was in favour of democratic process and was not against Jamali government but its support with the government was conditional and if General Musharraf decided to wear off the uniform, MMA would cooperate with him in electing the Constitutional Head of the country.⁴² In this connection, MMA Supreme Council meeting was held in Peshawar on 17 December 2002 in which some important decisions were taken on the issue of uniform, adoption of president-ship through constitutional process, provincial governments of NWFP and Balochistan, NSC, the LFO, and the controversial article 58-2(b), etc.⁴³ However; negotiations between the MMA and government failed and MMA decided to sit on opposition benches in National Assembly and not to give the vote of confidence to Jamali. It also rejected the NSC, the president-ship in uniform and Article 58.2 (b) and taking of oath of Supreme Court under norms of the 1973 Constitution not the LFO. It also decided against the permission of American operation in NWFP and Tribal Areas.⁴⁴

It was, however, a settled fact that MMA PML-Q negotiations would be ended in fiasco because the MMA's conditions for cooperation with Jamali government were harsh enough to be accepted and for MMA it was easy to compromise on its terms. On the other hand the government's announcement of cooperation on terrorism on the visit of American delegate Christina Rocca played a decisive role in ending of the negotiations.⁴⁵ Hence; MMA had to decide against the cooperation with Musharraf. Thus, on one hand the MMA rejected the option of American operation and called for a strike on 3 January 2003 on the issue of possible American assault on Iraq.⁴⁶ Furthermore, Moulana Nurani conditioned

the vote of confidence with the issue of Uniform. He declared that if General Musharraf wore the uniform off till 23 March 2003; the MMA would cooperate in his re-election as a president and would cast its vote of confidence in favour of Jamiali.⁴⁷

The start of 2003 was politically turbulent, with the announcement of senate elections to be held in the month of February⁴⁸, followed by the holding of by-elections on 15 January 2003.⁴⁹ As per by-elections results, PML-Q got 5 National Assembly seats MMA 3 while PML (Functional) and MQM got one each.⁵⁰ It was no doubt a great success for MMA that it secured seats in presence of large scale state intervention in the elections. Moulana Nurani said that in spite of excessive use of state machinery, MMA showed a commendable performance in Rawalpindi, Taxila and Charsaddah and now nation demanded a change in the whole country after Balochistan and NWFP.⁵¹ Later, as per schedule the Senate elections were held and completed on 24 February.⁵² The results were encouraging for the MMA. According to which PML-Q got 31, MMA 18, PPP (Parliamentarian) 11 seats.⁵³ Moulana Nurani was elected senator on general seat on 12 March; Muhammad Mian Soomaro and Commander Khalil ur Rehman were elected as chairman and deputy chairman senate respectively.⁵⁴

On 20 March 2003, with American assault on Iraq, MMA had to come out in agitation.⁵⁵ Earlier on 2nd and 9 March, MMA held 'million marches' that were largely attended by the people.⁵⁶ However, the 'million march' of 20 March was really an eye-opener for the government.⁵⁷ Later, on 9 April, the MMA Supreme Council held its meeting and rejected the view-point of the government on foreign policy and LFO.⁵⁸ According to Moulana Nurani, MMA did not change its stand on LFO and uniform and as far as foreign policy was concerned, he termed it 'a mixture of fear, confusion and cowardice'.⁵⁹ While the government was trying to convince MMA on controversial issues in order to make the holding of joint session of the Parliament possible and subsequent address of General Musharraf to it. Hence 25 April was fixed for negotiations and government assured that it was ready to discuss the issue of uniform provided that MMA should show some flexibility in its attitude. Therefore, MMA gave 14 August 2003 as dead line for uniform.⁶⁰

Government-Opposition Negotiations on LFO:

This episode was the crux of the JUP's endeavors on MMA's platform under the presidency of Moulana Shah Ahmad Nurani. It was his presence on the MMA that no other leader of the MMA could go against the agreed agenda of the Alliance. Government-opposition negotiations, as per schedule, were held on 25 April 2003⁶¹, followed by five more rounds of talks in next two months or so. LFO along

with Musharraf's Uniform remained the core issue of all these rounds of talks. As a result of the second round of talks, on 28 April a committee was constituted having 5 members each of both parties under the headship of PM Jamali. It was given a task to prepare an agreed draft regarding LFO.⁶² However; the 12 May round of negotiations was critical in a sense that the nature of the National Security Council (NSC) was to be decided whether it would be a legal institution or a constitutional one. In the fifth round the major breakthrough was the consensus on Article 58.2 (b) while the issue of uniform was postponed to the next meeting of 18 May.

All the issues except of uniform were settled amicably. MMA however, insisted in presenting the LFO in the Parliament. According to Moulana Nurani it could be made part of the constitution by approval of two-third majority of the Parliament.⁶³ However, MMA leadership warned if the deadlock on controversial issues persisted; the government could face difficulties in getting approval of the forthcoming annual budget from the Parliament.⁶⁴ In response to the delaying tactics, MMA eventually gave a call for countrywide protest to pressurize the government on 6 July 2003.⁶⁵ At the first instance; it called upon an All Parties Conference (APC) at JIP Headquarter Mansura, Lahore and decided to launch a movement from 14 August, 2003.⁶⁶ It also threatened to use the option of resignations from National Assembly as well as Senate.⁶⁷ In the joint announcement at the end of the APC, it was said that General Musharraf in his current visit to America had no right to give gestures to recognize Israel, to curtail or freeze atomic capability and to cooperate with American measures against Iran. He had taken one-sided move on Kashmir that was dangerous to its cause. He had also accepted American demand of sending Pakistani troops in Iraq. All these steps were against the greater interests of the country.⁶⁸

The APC reiterated to take every possible step to safeguard the constitution from excessive and unnecessary amendments by President Musharraf, who had paralyzed all the constitutional institutions through LFO.⁶⁹ The APC condemned the locking-up of Supreme Court offices and recruitment of in-service & retired army men on high posts with heavy salaries, using NAB for vested political interests and letting off or rescheduling of the loans for the coveted ones by the government.⁷⁰

The APC resolved that:

- i. LFO was not part of the Constitution and the right of amending the constitution was not in the hands of one-person but the Parliament.
- ii. It was an unconstitutional step of Musharraf to declare himself President of the country through Provisional Constitutional Orders (PCO) and referendum.
- iii. General Musharraf had retired from his service as COAS in October 2001

- and nobody extended his services, hence it was illegal to hold that position after the date of retirement.
- iv. The PM had the right of negotiations on policy matters after restoration of the Parliament hence the current visit of the President to America was violation of the Constitution and Parliamentary system and the nation was not bound to his promises made outside the country.
 - v. All the political prisoners including Mr. Zardari should be released for good-will while leaders in exile should be permitted to come to the country and be facilitated to be part of politics.⁷¹

APC also announced that a grand public meeting would be held in Rawalpindi to initiate a movement for the restoration of the Constitution, end of LFO, Provincial autonomy, freedom of judiciary, supremacy of the Parliament, etc.⁷²

The APC constituted a steering committee comprising Moulana Nurani and Nawabzada Nasrullah Khan to finalize the future initiative and the proposed programme. It also resolved to do every possible effort to ensure economic prosperity and social and political integrity of the Country.⁷³ APC also ensured that its doors were open for negotiations. Hence it took the move of no-confidence back against deputy speaker in response to PM's offer for negotiations.⁷⁴

Moulana Nurani, in his Multan Press Conference, said that MMA was not a lurching any movement against government.⁷⁵ It only decided to hold a public meeting on the *Independence Day of 14 August* and anybody as a Pakistani had a right to hold such meetings. If the government tried to create hurdles, then it might be changed into a movement.⁷⁶ The MMA always kept its door open for negotiations, but the government did not bring the agreed draft to the Parliament. The Parliamentary and Presidential systems were two separate political systems in their essence, but nobody knew that what type of system the country was having. President Musharraf called 'Presidential Powers as 'check and balance' while in reality the PM and his cabinet had only 'cheque' while the 'balance' was in President's possession.⁷⁷ The members of Parliament had the right to launch a move of no-confidence and laws were there about such moves. The government was afraid of seeing *ulama* in large number in the Parliament.⁷⁸

To avoid any movement the Government thought it better to restart negotiations with the MMA. On 13 July 2003 PM Jamali held separate meetings with Moulana Fazal-ur-Rehman, Qazi Hussein Ahmad and Javed Hashimi but with no results.⁷⁹ He alleged that opposition was playing the double game. On one hand it was on the negotiation tables while on the other hand it was pressurizing the government through processional agitation and public meetings.⁸⁰ Later, on 27 July 2003, the government held negotiations with MMA as per schedule.⁸¹ MMA agreed to accept President's uniform till October 2004 and in agreement would

cooperate in re-election of General Musharraf as President for next 5 years and MMA agreed to attend the next Assembly Session.⁸² PM Jamali held a high level meeting to discuss the new offers of the MMA and to prepare the Constitutional Package in light of the MMA demands.⁸³

However, it was not until 19 September that the Federal Cabinet gave approval to the constitutional Package.⁸⁴ Moulana Nurani expressed his satisfaction and said the MMA Supreme Council would decide its acceptance or rejection in its 23 September meeting.⁸⁵ The Package was still defective and possibly it was going to be rejected by the MMA because government did not make its decision about the controversial article 58.2 (b). Hence MMA announced its rejections and closed the doors for further negotiations.⁸⁶

Conclusion

The doors of negotiations opened and closed for many times. The MMA in order to save to Provincial governments of NWFP and Balochistan was forced to come to negotiation table. It also had a fear that in case of Musharraf's replacement with another serving General, they had to lose their current political development and in case of Benazir and Nawaz Sharif's arrival, the MMA would lose its current role of opposition. The provincial ministries of MMA in presence of Local Government Plan had no actual value and fate and future of the provinces as major administrative units in the potential administrative set up was yet to be decided. Another fact was that public gave MMA an anti-Musharraf and anti-American vote and it was by no means in favour of MMA's good terms with Musharraf. That is why the graph of its popularity fell with great speed. To counter government measures and restore its position MMA insisted upon the restoration of Article 83.d. (1) which meant only that person could become the President who qualified for the membership of the Parliament and in case he had to leave the already-held position and in the view of the said article it was better for Musharraf to give date for wearing off the Army Uniform. Moulana Nurani said that MMA had no loss in case of dissolution of assemblies it would again come to power. MMA did not demand new elections but the supremacy of Constitution as well as Parliament. MMA was increasing pressure on issue of the uniform by mass contact campaign. However, all the controversial issues had been settled except that of uniform but the government was only using delaying tactics to avoid any settlement on uniform that's way for a year or so the process of 'negotiations for negotiations' without any result were on vogue. The negotiations were once again suspended due to Jamali visit to America. On his return, Jamali requested to resume the process of dialogue, but Moulana Nurani rejected it and gave the deadline of 17 December 2003 for an antigovernment movement. However, this movement or any other movement against government, in near future, could not be launched

hereafter due to sudden death of Moulana Shah Ahmad Nurani on 11 December 2003. With his demise, the 'last rock' in the way of 'settlement of Musharraf's Uniform Issue' disappeared from the agenda of MMA, hence; General Musharraf adroitly manipulated the circumstances and prolonged his rule as per his own aspirations. It was only the presence of JUP at MMA platform that skillfully contained Musharraf's designs. He could not fully impose his policy of 'enlightened moderation'—an attempt to westernize the society as his ideal Mustapha Kamal Attaturk had devised for Turkey in post-*Khilafat* milieu (1924). It was moral victory of JUP over other rightist parties which could not withstand the pressure of the regime and soon reached an agreement as per Musharraf's aspirations.



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