

MQM VS Government reply by Government

1994



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REPLY STATEMENT

Filed By
**THE GOVERNMENT OF PAKISTAN
& THE GOVERNMENT OF SINDH
IN THE SUPREME COURT OF PAKISTAN
On 5th June 1995
IN PETITION NO. 46/94**

MQM-----Petitioner

VS

**FEDERATION OF PAKISTAN-----Respondents
GOVERNMENT OF SINDH-----Respondents**

Federation of Pakistan represented by:

Mr. Mohammad Jami Kazi Attorney General for Pakistan

Government of Sindh represented by:

Mr. Abdul Ghafoor Mangi Advocate General Sindh

IN THE SUPREME COURT OF PAKISTAN ORIGINAL JURISDICTION

UNDER ARTICLE 184(3) OF THE CONSTITUTION, 1973.

CONSTITUTION PETITION 1994

MQM (MOHAJIR QOUMI MOVEMENT)Petitioner

VERSUS

Respondents:

- 1. THE FEDERATION OF PAKISTAN.**
- 2. THE PROVINCE OF SINDH.**

Reply Statement on Behalf of the Respondents nos. 1 and 2.

Both the Respondents above named jointly and receptively submit their Preliminary Objections to the maintainability of this Petition and the Reply Statement as under:

Preliminary Objections:

It is submitted by the answering Respondents no. 1 and 2 that the Petition filed by the Petitioner is not maintainable under Article 184 (3) of the Constitution, 1973 on, inter alia, the following grounds:

- I. That the Petitioner has not come to this Honorable Court with clean hands. Its motives for filing the present Petition are:
 - a) to achieve cheap publicity gimmicks and political mileage for a particular group of the activists of MQM, who have now been exposed in misdirecting its activities for maintaining their stronghold on MQM for their perennial interests and gains;
 - b) to confound, befuddle and erase the mass perception of an overwhelming majority of the people of Pakistan that the Petitioner in its present formation and working is a militant, fascist and a terrorist organization.
 - c) to allay the fast growing impression of the masses that the Petitioner is being used by the enemies of Pakistan to destabilize its political and economic structure and hamper its development and growth, and for that purpose and in that process to malign and defame the State of Pakistan and its institutions before the international community as a deterrent to Pakistan's moral and political support to the freedom fighters of Kashmir and to divert the attention of the world from unspeakable atrocities and grave violations of human rights committed by India in the occupied Jammu and Kashmir.
- II. (a) That the Petitioner has attempted to involve this Honorable court in the ethnic disputes of its own creation by false accusations of victimization of "Mohajirs". The relief's, as prayed by the Petitioner, it is respectfully submitted, of public importance", as these are based on controversial and fissiparous issues which are detrimental to the sovereignty, integrity and ideology of Pakistan, loyalty to the State and obedience to the Constitution and law.

- (b) It is further submitted that even on showing of the petitioner, the questions/issues raised in the Petition have been tailored to give an impression of deprivation and despondency purely on ethnic and linguistic basis. Since the geographical factors alluded therein arise by the accident of birth or deliberate choice, they are irrelevant to the so called "urban" and "rural" divide.
- c) Far from being the questions of public importance, the ethnic controversies as raised by the Petitioner, apart from being factually false are quite essentially based on parochial and fissile considerations.

III. That it is a condition precedent for invoking the jurisdiction of this Honorable Court under Article 184(3) that the Petition must be filed for "bonafide" interests of rights of the general public. The entire purpose of this Petition is to falsely and seditiously malign and defame the Respondents, their Law Enforcing Organs and armed forces by raising ethnic issues in a vague and nebulous manner with a view to achieving its insidious objectives generally ant to justify its political machination, particularly its boycotting the general elections held on the 6th October, 1993 for the National Assembly; and further for the purposed of oblique considerations", and to wipe out the odium of acting as a terrorist group. Since the very object of the Petitioner in filing this Petition is mala fide, it is not maintainable under Article 184(3).

IV. That it is submitted that it is also a condition precedent for invoking the jurisdiction of the Honorable Court under Article 184(30) of the Constitution that there should be a "determinate" case or a group of persons, whose justifiable interests and justified rights require safeguarding. For its various untenable and illusory grievances, the Petitioner claims to be the sole representative of "Mohajirs" which claim is factually untrue. First, there are other political parties representing Mohajirs independently of the Petitioner; secondly, all Mohajirs are not supporters of the Petitioner and but for the milieu of terror and repression created by the Petitioner, a great number of Mohajirs would openly support a vote for the other political parties; thirdly, in a democracy no political party or group can claim primordial and perpetual vested right to represent any specified voters as a class and fourthly, there are many constituencies in Karachi where voters either belong to mixed population or belong predominately to non-Mohair class or groups and where the Petitioner has no representation according to its own admission, and finally all Mohajirs are not undue speaking.

Consequently, this Petition can not be treated as having been filed on behalf of a "determinate" class or a group of voters and supporters.

V. (a) That the protection of Fundamental Rights guaranteed under Article 9, 10, 14, 15, 16, 19, 22, 25 and 27 cannot be enforced in an omnibus manner, as is prayed in the Petition.

- (b) Only particular individuals having specific grievances against the Government for any breach of law are challenging the vires of law can be allowed to invoke the jurisdiction of superior courts under Article 199(1)(c) of the Constitution for enforcement of their rights.
- (c) The allegations of twisted and disputed facts of a vague, faceless and political nature cannot be entertained under the said Articles; otherwise, equipped with such omnibus relief's, one has only to nominate and give the names of persons, whom one wishes to shield against the lawful action of the stated and thus acquire formidable political power over all other political parties and over the Government of the day, and thus cripple the Governments in their lawful functions under the Constitution, shatter law and order situations, destroy the peace of citizens and thus negate the rule of law. Should such an eventuality take piece, the very working Constitution will come to a grinding halt.

V1. That the Petition is bereft of documentary evidence for the allegation that the Respondents have issued any directions or instructions which may prevent the Petitioner from functioning or operating as a political party so as to give it a cause of action fro any infringement of Article 17. Mere political rhetoric, without any substance and evidence cannot, in law, create a cause of action under Article 17 or under any other Article of the Constitution, justifying the filing of a petition under Article 184(3) before this Honorable court. One-sided and false statements released to the press cannot be accepted as proof of the allegations and cannot provide grounds for relief under Article 184(3) of the Constitution (PLD 1993 S.C. 473 & 865).

VII. That by making baseless, malicious and tendentious allegations against the political parties presently forming majority governments at the Center and in the province of Sindh, which formation is the lawful right of such parties, the Petitioner is vainly trying to achieve political mileage in its favor and is also creating unwarranted impediments in the lawful functioning of the political parties in power and in opposition and in the healthy operation of democracy. Such impediments would in themselves constitute infringements of such parties' fundamental rights under Article 17(@).

V111. That the relief claimed by the Petitioner for holding fresh elections in the entire country, or for that matter, for the re-election on National Assembly seats in the province of Sindh is not maintainable under Articles 52 and 225 of the Constitution. Besides, the Petitioner has not impleaded all the members of the National Assembly, as parties to this Petition, whose elections are being requested to be declared null and void. Such members have legal rights to reply, as their public mandate given them by their voters in electing them is equally sacrosanct.

- IX. That the petition is also not maintainable as it suffers from laches. No explanation has been given for filing this petition, after the delay of nearly 15 months from the 6th of October, 1993.
- X. (a) That the Petition is further not maintainable as it has been filed by way of an after-thought, containing newly fabricated allegations for not contesting general elections for the National Assembly on 6th October, 1993, which allegations were neither made before the Chief Election Commissioner whose jurisdiction was invoked under Section 103 (AA) of the Representation of the Peoples Act 1976, nor before the Election Tribunal of Mr. Justice Kamal Mansur Alam, before whom the Election Petitions of all the candidates supported by MQM are still pending adjudication. Certified true copies of the Election Petition No. 79 of 1993 under section 54 of the said ACT 1976 before the Election Tribunal of Mr. Justice Kamal Mansoor Alam filed by Syed Sohail Mehmood Mashhadi, as well as MQM's Note, giving reasons for boycott are annexed hereto and marked Volume I.
- (Only one such Petition before the said Election Tribunal is being filed as Annexure because all other Election Petitions of the 18 other "Haq Parast" candidates before the said Tribunal are stereotyped copies of the Petition of Mr. Mashhadi.)*
- XI. That this Petition is liable to be dismissed in limine, inasmuch as the Petitioner has come before the Court of last resort with unclean hands by concealing and distorting the true facts for its so-called boycott of the National Assembly general elections in October, 1993. The true facts are that the Petitioner had entered into a political alliance with the Muslim League (N) Party for not contesting seats for National Assembly from Sindh in exchange for Muslim League's (N) promise not to contest for the seats in the provincial Assembly of Sindh, and give full support to the candidates sponsored by MQM under the banner of "Haq Parast" and vice versa.
- XII. That Mr. Ishtiaq Azher, who is a Senator and has filled this Petition on behalf of the MQM, has defamed the Armed Forces of Pakistan and has, therefore, incurred disqualification under Article 63 (g) of the Constitution in pursuance of his ill-advised, misconceived and nefarious designs in this regard. Any relief, as prayed by him, will be against the "public interest"

REPLY STATEMENT

SECTION -1

Para 1. That the contents of Para-1, as stated, are denied. The MQM is not a registered political party under Political Parties Act, 1976 nor did it ever contest any elections as such. In fact, individual persons claiming the sympathies or support of MQM contested elections not as candidates of any political party but as "Haq Parast" individuals. Subsequent coming together of such elected persons cannot be made the basis of any claim as a political party.

- (ii) In fact, MQM neither believes in democracy, nor in the ideology of Pakistan. Its leader Mr. Altaf Hussain believes in his own brand of "Realism" and "Pragmatism" based exclusively on expedience, devoid of morality or humanism. He is a militant agitator and has trained and commands hard core of fanatic youth, who are given a special and peculiar oath of Loyalty to the person of Mr. Altaf Hussain, whom he lets loose on the killing fields of Karachi, as and when his cruel logic demands.
- a) Mr. Altaf Hussain's initial aim is to carve out a new province from the existing province of Sindh, where the majority of the immigrants from the undivided India - victims of Hindu pogroms, atrocities and expropriations, other than the majority of those who migrated from East Punjab are now permanently settled as one Pakistani Nation, whom the original Sindhis welcomed and accepted in the name of Islam with open arms and hearts, as their brothers. He has chosen to call the immigrants and their descendants as a Mohajir Nation" and the new province a Mohajir Subaw i.e. "The Refugee Province". Mr. Altaf Hussain and his colleagues in conspiracy have set in motion a relentless, vicious and acerbic campaign, based on imaginary grievances and fabricated claims like being in ethnic majority of more than 50% percent, for achieving this nefarious object by hurtling all sorts of false accusations and canards of discrimination, oppression, deprivation of the rights of Mohajirs and their economic subjugation. His main targets are landlords, politicians and enlightened people of entire Sindh, whom he accuses of being enemies of the Mohajirs and who, Mr. Altaf Hussain alleges, are acting in connivance with the "Establishment", Punjab and the Federal Government to suppress the Mohajirs.
- (b) The constant anti-Pakistan and ethnic refrain and theme of this self-appointed liberator sitting in the safety of London, while according to his wrong perception, his "nation" is being undone that Mohajir nation will not accept slavery and play second fiddle in Sindh and Pakistan. He has invoked the unfounded fear of Karachi, becoming a satellite of greater Punjab on the lines of Hong Kong, as a colony of the British empire. He says he is determined to win ethnic rights and emancipation for them, even if all hell be let loose. He has proclaimed that he is prepared to sacrifice

the lives of hundreds of thousand of the people to actualize his nefarious idea of the new province. Actually, the vociferous demand for a new province is only a smoke screen and the first step in the political credo and ultimate covert and seditious design of Mr. Altaf Hussain to form an independent coastal state of 'Jinnahpur' by disintegrating Pakistan and by gorging out vast areas from the land of Sindh from Karachi Division and District Thatta Coasts right upto the Indian border of Rajistan, including Hyderabad, Mirpurkhas and Tharparkar areas; and thus effectuate yet another exodus and exchange of populations this time within Pakistan.

The relevant Statements of Mr. Altaf Hussain, new items and writings, regarding creation of the "Mohajir Suba" are annexed hereto and marked Volume 2.

- (e) A shocking example of this wicked and diabolical design is the subversive act of MQM activists in a rally in Washington on the 11th April, 1995. The same day Mr. Altaf Hussain addressed this rally on the satellite telephone from London. These activists were dressed in white coffin (Rafan Posh workers) painted with slogans in red, while staging the anti-state demonstrations against the state visit of the Prime Minister of Pakistan to the United States of America. MQM activists carried banners and placards and MQM flags. They objected to the carrying and waiving of Pakistani flag by the Pakistan Muslim League workers and raised anti-national and seditious slogan of "Ley ke rahen gay Azadi" (i.e. We shall achieve freedom one day). A photocopy of the news item of the above event and demonstration, as reported in the daily "Dawn" of 12.4.1995 is annexed to the volume 8, containing Annexures, regarding MQM anti-state activities referred to in Para 5(a) of this Reply Statement to the Petition.
- (f) There are also reports that MQM (A) is heavily armed with AX - 47 rifles, rocket propelled grenades and anti - tank and surface - to - air missiles. It has between 1,500 to 4,000 hard core activists and 4,000 to 10,000 supporters available for street duty, if called to battle in a n separatist n cause. Besides, its adherents contain idealistic intellectuals to criminal thugs operating car theft rings, smuggling and shaking down businessmen for " War taxes". The relevant news item of the daily "News " dated 13th April, 1995 in this respect is annexed and referred to in Para 5 (a) of this reply statement.
- (iv) In pursuit of the above objectives, the modus operandi is to exacerbate ethnic prejudices and strife in the name of assumed excesses and unfair treatment to the "mohajirs" and Urdu speaking Mohajirs in particular, create a formidable milieu of insecurity, chaos and inculcate siege mentality and spread utter despondency in the people of Sindh at large.
- (v) It is for these reasons that the MQM, since its inception in 1986, commenced and accelerated anti-state and anti-social agitation's and terrorist activities and atrocities, took out processions, manipulated strikes to close down shops, businesses and transport, blackmailed and the recalcitrant press and journalists engineered riots and

arsons, formed Death Squads (Kafan Posh) and "Fighter Force" to wipe out its opponents and dissidents, arranged "Gherao and Jalao" activities, effected the looting of official funds by installing its own men in governmental bodies, banks, local bodies, corporations, financial institutions, and the Pakistan Steel Mill, indulged in corruption and morally depraved activities under the aegis of the Jam Sadiq Ali government, collected donations by intimidation's, and committed dacoities and murders in the cities of Karachi, Hyderabad, Nawabshah, Sukkur and Mirpurkhas; and joined hands with infiltrators and worked with the Indian spies and agents of RAW.

- (vi) These activities have been carried out by the MQM right from 1986 to 1995, notwithstanding "Operation Clean Up", under the direct control and command of Mr. Altaf Hussain, who has fled to London and without whose knowledge, consultation and prior approval, no activity is undertaken by his followers and disciples, who call him their "Pir" i.e. the spiritual and temporal leader.

The newspaper clippings and reports in the magazines of the events of riots, strikes disturbances generally, killings, destructive and other criminal, corrupt and morally depraved activities of the MQM and its leaders from 1986 to 1995 are annexed hereto and marked Volume 3 and Books 1 to 9 and 800k 10 regarding corruption.

Para 2.

- (a) That The contents of Para-2 are denied. It is submitted that the allegations are totally baseless, without any substance and/or evidence. It is further submitted that the allegations are directed against another political party (i.e. PPP) which has not been impleaded as a respondent in the Petition. The Federal and Provincial Governments cannot answer any allegations leveled against the leadership of PPP. The identification of the leadership of a political party, which may have formed a government at the Center and in any province cannot, in law, be equated with the Federal or the Provincial governments, which are distinct constitutional entities as envisaged by Article 7 as well as by Chapter 3 of Part III (Article 90 to 100) and Chapter 3 of Part IV (Articles 129 to 140) respectively of the Constitution. The raison d'être of the allegations, as stated by the Petitioner in the Para under reply, is directed against the PPP and not the Respondents. Consequently the jurisdiction of this Hon'ble Court under Article 184(3), and /or Article 199 cannot be invoked. Part2(b)(b)(i)However, without prejudice to the aforesaid submissions and to keep the record straight, it is submitted that the MQM is neither a major political party", nor is it any serious challenge to any political party operating on national level, inasmuch as MQM's support, based on ethnic and parochial prejudices exclusively, is confined only to some pockets of ethnically inclined voters of the urban cities of Karachi, Hyderabad, Mirpurkhas and Sukkur of the one Province of Sindh without any support in the rest of the three Provinces of Pakistan.

- (ii) In a democracy, one cannot conceive of a political party without a manifesto, providing *raison d'être* for its existence MQM, since its creation by the Dictator General Zia-ul-Haque, has never given its manifesto. A political party fields candidates in elections in its name to bind them to support and promote its manifesto, but not the MQM. Its candidates and supporters take oath of allegiance not to any ideology or program but to the person of their so-called Supreme Leader Mr. Altaf Hussain.
- (iii) Again, a political party endears itself to the masses by positive programs of progress for all; and has only one name and identity. MQM terrorizes and instills negative ethnic prejudices in the masses and has two official names and one subsumed name. Its first name, of course, is "Mohajir Qoumi Movement", which means Refugee National Movement in English. Its other name is Mutaheda Quomi Movement which means "Truth worshippers". All the three appellations are antinomous and emotive, designed to deceive and to attain anti-national objectives.
- (iv) There is no such thing like a Refugee Nation in Pakistan in actual reality. All migrants from pre-partition India and their descendants are now one nation, as declared by Quaid-e-Azam Mohammad Ali Jinnah, the Father of the Nation and so recognized in the Constitution and laws of Pakistan. This one nation of Pakistanis consists of four nationalities of Punjabis, Baluchis, Pathans and Sindhis only for regional purposes of statistics, census and variegated cultural identities. Refugees settled in Punjab are Punjabis and those inhabiting Sindh are Sindhis. An overwhelming majority of them accept and insist upon this reality, notwithstanding a few misled followers of MQM.
- (v) By dubbing itself as representing Mohajirs", the MQM wishes to perpetrate a lie. A great majority of Mohajirs were forced to migrate from East Punjab, being the part of India. Atrocities inflicted upon them and the exodus was so complete that the East Punjab is now devoid of Muslims. Other migrants were from minority provinces of India, including from East Punjab, Bombay, Bihar, Southern India, Gujrat and Rathiawar. Not all these victims of Hindu wrath or those in search of better and prejudice-free future were Urdu speaking, coming from various parts of undivided India, although Urdu, as a lingua franca, is the national language of Pakistan spoken commonly, whether by settled or settling Pakistanis .Since at many places in the Petition, the MQM asserts to represent Urdu-speaking people, it does not by its own admission and in truth cannot represent all "Mohajirs". But still it calls itself the representative of "Mohajirs", only to hoodwink and mislead and to make political gains.
- (vi) Again, if MQM represents Urdu speaking people, it does not represent them all. Many are the supporters of other political parties and many others do not openly condemn MQM for fear of reprisals through terrorism. Even otherwise, as will be shown at the relevant place in this reply, Urdu speaking citizens are only 22.64% per

cent of the population of Sindh and about five per cent (5%) of the population of Pakistan. Evidently, MQM is neither the third largest nor a major political entity of Pakistan, Sindh having population of 30,136,492 at the growth rate of 3.1 per cent per annum out of the total population of 125,299,114 of Pakistan in 1994. The harping of MQM on the canard that it is the third and a major political force or it more than 50% per cent population of Sindh on the basis of its imaginary Census figures is actually motivated by its secret and perfidious design to carve out a separate province from the province of Sindh in the first place and then to create a new country of "Jinnahpur" eventually by seceding from Pakistan. This is also precisely the preparatory motive behind the pernicious and conjectural accusation of Mr. Altaf Hussain in his Statement appearing in the dailies "Jang" and Dawn of 2.3.1995 raising the specter of Karachi, becoming a satellite of Greater Punjab on the lines of Rong tong, a colony of Great Britain. In spite of MQM's cosmetic denial that it harbors no evil designs against the integrity of Pakistan, it cannot be ignored that while the Government was carrying on negotiations with MQM, its leader Mr. Altaf Hussain asked for the so called public opinion for creation of the Karachi Province and then subsequently declared that it shall be created. The statements of Mr. Altaf Hussain and other relevant news and comments in this respect have already been included in Volume 2, concerning "Mohajir Suba". Consequently, the words "Mohajir and Qoumi" are very handy and emotive enough for propagating the lie of victimization of Mohajirs based on non-existent rights and further for MQM to systematically build an entire edifice of its seditious political campaign, including this very Petition in the Supreme Court of Pakistan, on half truths, concealment, equivocations and down right falsehoods in general and on anti-Army and anti-PPP outbursts, vitriolic and vituperations, as splashed in the Petition in particular, because MQM considers these entities as obstacles in the path of achieving its evil and perfidious goals.

(vii) Sometimes, MQM calls itself "Mutahida Qoumi Movement" for political expediency, only when it wishes to address and hoodwink people in Punjab, who are staunch Pakistanis and are unshakable believers in the ideology of Pakistan like their compatriots of other provinces, to gain their sympathies against the Government of Sindh, which, it wrongly alleges, is controlled by waderas of the interior of Sindh.

(viii) Finally, the phrase Haq Parast is yet another hypocrisy. It does not seek to reveal anything not already known by using the phrase Haq Parast". All Muslims are worshippers of Haq which is the supreme being of Allah. In pursuit of their temporal life all Muslims are required to follow Truth. MQM or, for that matter anyone, individually or collectively, cannot claim monopoly of "Haq or Truth". Appropriation of this word by MQM is a worst kind of jingoistic chicanery and sickening fanaticism. Mr. Altaf Hussain has been referred to as the so-called Supreme leader even in the Petition. He is a pir (saint) of his cult. His wrath created and consolidated the Haqiqi group, and named it the Satan of MQM ousted from MQM heaven. The most ignorant of his followers take him to be a supernatural visitation. It was said of him that

plants, leaves, flowers, and even stones in Rauba Sharif all kneeled down to pay their homage to Mr. Altaf Hussain. The inanimate carried the picture of the Leader in their beings. He has become a demi-god. This is the farce that is twistedly called "Haq Parasti" or worship of Truth" and believed by the ignorant fanatics among MQM, blinded by hatred instilled by Mr. Altaf Hussain. (2)(c)(i) MQM includes in it militant political extremists brought together by ethnic fanatics to create persistent and wide-spread riots and disturbances in Sindh to achieve its ultimate objectives, as submitted above. First, it went after Pathans in 1986, then it took on Punjabis in 1988 and then it entangled with all the three Pathans, Punjabis and Sindhis right up to Operation Clean up in June, 1992, including the worst period of ethnic riots, killings and burning in February, 1990.

- (ii) Initially, its aim is to bring about civic chaos and state of anarchy to breakdown the democratic governments and compel them power with MQM. Even Mr. Nawaz Sharif, who was the Prime Minister of Pakistan and who authorized Operation Clean Up against MQM, has recently thrown in the towel, as the Leader of Opposition in Center and endorsed MQM's demand for a general amnesty for Mr. Altaf Hussain and for sharing power with him in Sindh in his Statement dated 18.3.1995.

It was Mr. Nawaz Sharif, who in his Statement appearing in the daily "Jang" of 22nd May, 1992, said that The decision for Operation in Sindh was taken to save Pakistan". This shows that the government of Mr. Nawaz Sharif took the decision in principle in May, 1992, although the actual crackdown on the extremists of the MQM began in June, 1992. MQM at that time did not anticipate that the decision was to eliminate MQM as a terrorist organization, as subsequent operation Clean Up" of 19th June, 1992 proved. The Prime Minister of Pakistan in her Address to the nation as reported in the daily Dawn of 30.3.1995 has categorically and unequivocally said that terrorism will not go unpunished. Mr. Altaf Hussain stands exposed as a destructive force even by his close associates, Messrs. Rehan Farooqui and Waseem Ahmed, who had stated in their joint gatom in the daily Jasarat dated 27.9.1992 to the effect that Mr. Altaf Hussain's purpose was to destroy peace in Sindh, burn newspapers, beat hawkers, intimidate journalists, attacks, call for hunger strikes and assassinate opponents.

- (iii) Mr. Altaf Hussain in his destructive ethnic frenzy has now been emboldened to the extent of giving ominous threats and indirect call for revolt by asking people to collect food items and household necessities for six months and to be prepare-d for the deaths of two hundred thousand to two hundred and fifty thousand people in Sindh to achieve emancipation for, the "landless", who will not accept slavery". This threat has been given wide publicity in the national newspapers. MQM collects and extracts donations and uses looted money for purchase of arms. MQM high Command has even made it public that its workers should not purchase things like TV or VCRs but instead purchase arms. It conducts intensive sleuth activities to infiltrate other organizations, parties and governmental departments and ministries to obtain secret and timely information of their policies and for other espionage activities.

- (v) MQM's concentration is on recruiting the youth to train them as militant workers and terrorists and for committing crimes and killings. For MQM, youth is a pliable material to brainwash and to convert them into unquestioning, unflinching and devoutly fanatical neophytes of Mr. Altaf Hussain, whom they are encouraged to call "Pir Sahib". The object is to create a formidable personality cult for Mr. Altaf Hussain.
- (vi) These recruits are first extensively and intensively assessed for membership to find out their suitability and degree of commitment and admiration for Mr. Altaf Hussain. The workers with religious leanings and conscience are weeded out. The aspirants are, initially, given Questionnaire, containing 100 questions, in which they are asked to reveal everything about their families, friends and jobs, their personal lives, their religious leanings, and their capacity for blind compliance of orders and for silence.
- (vii) The neophytes are made to take a solemn oath of allegiance to Mr. Altaf Hussain by in the names of their mothers and to declare that they will never betray Mr. Altaf Hussain under any circumstances and keep silent and further to swear that any such betrayal will tantamount to the breach of their faith and to the selling of their "mother's modesty". The inner group is called "Halaf Yaftaw or sworn group, out of which eventually "Kafan Posh" or "Death Squad", "Black Tigers" and "Fighter Force" are formed.
- (viii) Then, these youth have to sit an examination in which, amongst other things, they are required to know the entire biography of Mr. Altaf Hussain, names of his and maternal ancestors and even to the extent of knowing which primary school Mr. Altaf Hussain attended and what was the registration number of his "Honda" 50 CC motorcycle. The senior members of MQM, belonging to its die-hard core, some of whom have also acted as provincial ministers, a mayor and a speaker of Sindh Assembly, have in a press conference reported in the magazine "Takbeer" of 8th August, 1991 publicly declared as under:
- (a) Mr. Khalid Younus MNA said:
"We know that some people are protecting our traitors. We ask them to remove their hands of protection; otherwise we will show them what we are. "
- (b) The then Provincial Minister of Sindh Mr. Syed Sohail Mashhadi said:
"We will enter the houses of traitors, fastening bombs on our chests. We will die, but we will also kill them. "
- (c) Mr. Farooq Sattar, the then Mayor of Karachi Metropolitan Corporation and the present leader of the Opposition in the Sindh Assembly and others expressed their confidence in the leadership of Mr. Altaf Hussain as under: -

“If I betray the movement of my Supreme Leader, it will be as if I would be denying my parentage. “ Farooq Sattar.

(d) Mr. Wassem Ahmed, the then Minister said:

“It would be as if my blood would be impure”.

(e) Mr. Abid Sharif said:

“It would be as if I would commit incest with my mother”.

(f) Mr. Irfan Khan said:

“It would be as if I would be denying my parentage”.

(g) Mr. Rafiq Issani the then MPA of Sindh Assembly said:

“It would be as if my mother did not give me birth.”

(h) Mr. Qamar Naveed the then MPA of Sindh Assembly said:

“We consider our Supreme leader and Movement as our mother and our father”.

(i) Mr. Shoaib the present MPA of Sindh Assembly said:

“Excepting the Supreme Leader of our Movement, we do not know any other icon or god”.

(j) The Statement released on behalf of the then Speaker of Sindh Assembly was as under:-

“I Abdul Razik Khan, the Speaker of Sindh Assembly, being in full senses and without any coercion or compulsion, reiterate that I have unshakable faith in the dynamic leadership of Mr. Altaf Hussain, the Supreme Leader of our Movement. In case I betray Mr. Altaf Hussain, I will not be the legitimate offspring of my father and I may not come to my end with faith intact.”

(k) Finally, Mr. Farooq Sattar said:

“Thus we renew our pledge by pronouncing it in Lahore.”

(ix) If someone decides to quit the MQM or dissents from Mr. Altaf Hussain even if he may be a very senior member of High Command, he is either eliminated like Mr. Azim Tariq or kidnapped, tortured and killed or handed over to police after registration of false cases against him.

(x) In Part - II, Paragraph 8 (f) at Page 30 of the Petition, the Petitioner has boldly complained, without qualms of conscience, about the alleged “callous attitude” of the Respondents in not tracing the murder, amongst others, of MQM Chairman Mr. Azeem Tariq. In this reply, the Respondents have filed the confession of Inamul Haque, confessing that Mr. Tariq’s murder was carried out by him at the command of Mr. Altaf Hussain.

- (xi) It is illogical to think that PPP which has more than 60 seats in the Provincial Assembly of Sindh feels threatened by MQM. In the National Assembly, MQM does not have a single seat. It can not be said that MQM is a threat in the Center for the central government or for that matter in the Provincial Assembly of Sindh.

Para 3.

That the contents of Para-3 are emphatically denied. Even otherwise, the said contents are nothing but vague and rhetorical verbiage without any substance.

Para 4.

That the contents of Para-4 are denied. It is submitted on behalf of the Respondents that the Petitioner has not at all particularized nor given any instances of the alleged violations of the various Articles of the Constitution at the hands of the answering Respondents. In fact, no action has been taken against the Petitioner which may even be remotely or peripherally violative of the fundamental rights of the Petitioner under articles 9, 19, 14, 15, 16, 17, 18, 19, 22, 25, and 27 or any principles enshrined in Articles 2, 2A and 4 of the Constitution. On the contrary, some of the extremist leaders/members of the Petitioner have acted, and continue to act, in a manner which is not only detrimental to the concept of democracy but amounts to subversion of the Constitution and negation of the unity and cohesion of the nation. The MQM has acted against all the dictates of decency, Islamic rectitude and moral equilibrium.

Para 5.

- (a) That the contents of Para-5, as stated, are denied. In fact, it is the respectful submission of the Respondents that the Petitioner has been carrying on anti-state activities by maligning not only the government but the State of Pakistan itself in the international forums like Amnesty International by feeding them allegations and inspired news through press releases and by staging motivated demonstrations in London, New York, Frankfurt and other cities of the world, with the sole object of diverting the attention of the world opinion from human rights violations by India in the occupied Jammu and Kashmir.
- (b) The entire hierarchy of the Respondent No.1 from the President of Pakistan and the Prime Minister of Pakistan to each and every member of the Cabinet as also eminent political personages like Nawabzada Nasrullah Khan, Maluana Fazlur Rahman, Mr. Ghulam Mustafa Jatoi and others, by their untiring efforts, have built up world opinion in favor of the cause of the Kashmiri Freedom Fighters and against the inhuman atrocities committed by India in the occupied Kashmir. The latest event is

the historic Casablanca Declaration of the OIC which has been acknowledged to be the most significant and spectacular accomplishment of the Prime Minister of Pakistan. Alarmed by the winds of change in the world opinion and in the wanton response to the successful foreign policy of the Federal Government. the government of India, through its spies and agents, has unleashed not only an orgy of terror and sabotage in cities like Karachi and Lahore in the form of ethnic and sectarian violence, but has also started a vigorous campaign of vilification and false propaganda against the Federal and provincial Governments, the Armed Forces and other governmental agencies falsely accusing and implicating them in human rights violations.

- (c) There is ample evidence with the answering Respondents in support of these facts. The prime Minister of Pakistan has, in her statements within and without Pakistan, alluded to these apprehensions. The Chief Minister of Sindh. in his interview dated 29.11.1994 published in national newspapers affirmed that the Governor of Assam, Mr. Tivari, while on a private visit to Pakistan, gave a veiled and sinister threat that India would not spare Pakistan and retaliate by whatever means at its disposal to unleash its agents to terrorize the government and the people of Pakistan into silence on the Kashmir issue. This fact has not been contradicted by any responsible source of the government of India, thus confirming its truth. Forced by this threat and other incidents of terrorism and violence in which Indian spies in cohort with MQM extremists were involved, the Respondent No.1 had to close down the Indian Consulate in Karachi and as a consequence, there is an appreciable decrease in the incidents of violence.
- (d) It is a very sad but logical and tellingly relevant fact that the Petitioner and its leadership in Pakistan and abroad including its so called Supreme Leader, Mr. Altaf Hussain, have become willing pawns in the hands of forces inimical to Pakistan in their nefarious designs. The Respondents, most respectfully, submit that it could not be a mere coincidence that this Petition has been filed so soon after the action of the Respondent No.1 to close down the Indian Consulate in Karachi. The extremists in MQM are a source of succor and a breeding ground for anti-state elements. It is also on this ground that the Respondents assert that the Petitioner has not come with clean hands and bona fide intentions before this Hon'ble Court under Article 184(3) of the Constitution, but only as a publicity gimmick to malign Pakistan before the international community by introducing spurious but well tailored Annexures to this petition, so that they may get wide publicity in the national as well as international media.
- (e) It may further be submitted that Pakistan, especially through the present government, has not only faithfully and sanguinely adhered to the principles if all international conventions on human rights but has taken visible and positive steps in that direction. The allegations contained in this Para are, therefore, nothing more than a travesty of real facts.

Para 6.

- (a) That the contents of Para-6, as stated, are denied. The electoral victory of the individuals supported by the Petitioner in the 1990 Elections was due to the massive rigging during the autocratic care-taker Chief Minister and the political mentor and ally of the Petitioner, the late Jam Sadiq Ali, whose high-handed and oppressive tactics, during and after the election process, have been graphically recorded by the International team of observers. There is another reason for their "electoral success". A large number of their members and workers of the petitioner are terrorists. It may be submitted that the MQM through its terrorist commandos attacked its own camps of workers established to receive Mr. Altaf Hussain on his arrival from abroad to Karachi to put blame on PPP. This may fact has been admitted by the MQM dissidents. On election days in the Election 1990, when there were no agents of political parties available in the booths, having been driven out by the MQM terrorists, bundles of ballot papers already stamped and marked were stuffed in the ballot boxes to show massive voting in favor of the MQM.
- (b) It may be submitted that this fact can be proved from simple arithmetic of the time involved in the physical act of casting votes. The media further reported that in fact there were no voters seen, nor were the polling staff available. The heavily armed MQM commandos were in total control of the polling stations. The voters were also compelled to vote. They were so terrorized and terrified that they were told in so many words that if they did not vote for their (MQM's) candidates, they would be on their hit list and they will not be able to live and carry on their businesses, employment or other ordinary chores in the localities where they resided or worked. In modern history, one can only give the example of the Nazi party of pre-war Germany of the Third Reich which secured almost the same results as the Petitioner when in some constituencies their candidates secured 90 to 95% of the votes registered and cast.
- (c) Referring to its assumed and unfair political strength in 1990 elections, the Petitioner has categorized the rural areas as being "thinly populated."
- (i) The Petitioner has conveniently ignored the fact that the production of the identity cards had been made compulsory from 1988 onwards in elections. The voters of rural areas were at a disadvantage, since a large percentage in the rural areas were not and even now have not been issued identity cards; villagers do not take the trouble of acquiring them. The issue of fake identity cards and cases of voters having more than one identity cards in urban areas is not uncommon either.
- (ii) Elections 1990, which have been accepted by all concerned as heavily rigged (even the then serving Chief of Army Staff accepted that he received and distributed crores of rupees) can be quoted as a reference reflective of the actual position. The details of

the massive rigging, issue of fake I.D. Cards, inclusion of fake names by thousands of PPP supporters, all these facts have been documented in detail in a White Paper issued by the PPP about Elections 90. MQM in league with Jam Sadiq Ali, unleashed an unparalleled state of street terror against other political parties to win elections.

- (d) So far as the 1993 Elections are concerned, it is incorrect that the MQM secured victory in all the provincial seats of Sindh from Karachi. The PPP secured six provincial assembly seats from Karachi which establishes that even in the urban areas, parties and group other than the petitioner have secured electoral success. It may be submitted that the MQM or for that matter any political party or group in minority cannot claim any vested right to form or participate in the government. However, it may be reiterated that the success in 1993 elections of candidates supported by the Petitioner was also due to the strong arm tactics and fear of retribution in the voters, as stated above.
- (e) MQM has chosen not to mention its success in Election 88. The reason for this omission is obvious. In both the elections of 90 and 93, MQM came out as an open ally of the remnants of dictatorship, i.e. the Muslim League headed by Mr. Nawaz Sharif and made other parties its open target. Nawaz Sharif and his colleagues were known friends of the Dictator. With the memories of the electorate fresh, it could not hope to get support even of people of its own ethnicity, if it came out as an ally of the Nawaz Sharif in 1988, who was completely routed in Sindh. It had built up an election campaign purely on ethnic hatred against Punjabis and Pathans, who in return retaliated with their own party of Punjabi Pakhtoon Ittehad (PPI). The story of 1988 election in Karachi and Hyderabad is one of the worst ethnic polarization, prejudice and hatred between Pathans and Punjabis in Sindh on one side and MQM followers on the other side.

The MQM does not wish to recall either the election 88 or the "days of Dictator" when worst atrocities were committed against the Urdu speaking population in Sindh, atrocities which helped indirectly to polarize them and shift the Urdu speaking electorate from the mainstream to the leadership of an ethnic political organization, which is also comprised of extremists in theory and practice. No wonder, the MQM does not condemn the Dictator, who was its benefactor, In spite of his atrocities.

Para 7 (a)

- (i) That the contents of Para-7, are denied. There is absolutely no truth in the allegation that the census figures of 1961, 1972 and 1981 were engineered in any manner. In fact, the census reports show that while the census figures of urban areas were more or less accurately enumerated, the census figures of rural areas were under-assessed due to physical difficulties of reaching remote places in the desert, coastal and mountainous areas of Sindh as also due to the lack of literacy, and also due to

traditional aversion to identifying women folk in a particular household. The Census of 1981 was fair. This submission is also supported by the letter of Mr. Syed Munir Hussain to the Editor of the daily "Dawn" dated 6.3.1995. Mr. Hussain is the former Federal Secretary of the Ministry of Information and Broadcasting who, having no axe to grind, objected to the wrong reporting in the daily "Dawn" that the factual figures of demographic shares of the provinces were manipulated in the Population Census of 1981. He stated the correct position that the 1981 Census was conducted with full transparency and the figures were accurate.

- (ii) It is submitted that the claim that out of the population of Sindh province, being approximately over 3 crores, the population of Karachi alone is more than half of it, or that the Mohajirs constitute 60% of the population of Sindh, is not only fantastic, spurious and unsubstantiated, but contrary to the record. The Petitioner claims that it represents the Urdu speaking populace of Sindh. The claim of the Petitioner that it is the sole spokesman of the Mohajirs or that the Mohajirs constitute the core of MQM is not a fact nor has it been substantiated. Besides, nearly two million illegal immigrants from India, Bangladesh and other parts of Asia have mostly settled in Karachi. The following tables from the official documents of the Census Report of 1981 show the distribution of population and the figures for Urdu speaking community.

TABLE-I
POPULATION OF SINDH

1951	1961	1972	1981
6,048,000	8,367,000	14,156,000	19,029,000

TABLE-II
AVERAGE ANNUAL GROWTH RATE

1951	1961-72	1972-81
3.32	4.60	3.56

TABLE-III
The inter-province migrant population to Sindh in 1981

NWFP	FATA	PUNJAB	BALUCHISTAN	OTHERS	TOTAL
369677	6332	631578	56988	405757	1470332

TABLE-IV**The immigrant population in Sindh in 1981**

AZAD KASHMIR	NORTHERN AREAS	INDIA	BANGLADESH	OTHERS	TOTAL
15395	3816	985897	143138	154262	130250

PART V**The language wise distribution in 1981**

TOTAL NUMBER OF HOUSEHOLDS	HOUSEHOLDS BY SPOKEN LANGUAGE		
2,724,420	URDU	PUNJABI	PUSHTO
	22.64%	7.69%	.84%
	SINDHI	BALUCHI	BROHI
	52.40%	4.51%	1.08%
	SIRAIKI	OTHERS	
	4.51%	6.33%	

Source: *Hand Book of Population Census Data - Sindh - published by Census Commissioner, Population Census Organization, Statistics Division, Govt. Of Pakistan.*

(iii) The above figures show that the population of Urdu Speaking people was only 22.64% in 1981 which would work out to 4,308,165 out of the total population of Sindh in 1994 can be projected at 30,136,492 and the Urdu speaking population would be about 6,800,000 only. The total population would be 12,529,114 in 1994. Besides, 22.64% population of Urdu speaking people, percentage of persons whose mother tongue is not Urdu and who migrated from India, such as Gujrati, Kathiawari and Madrasi is about 6%. Thus, the Urdu speaking population is about five percent (5%). These figures destroy the entire myth and fabric of travesties woven by the petitioner in this Petition and its propaganda campaign elsewhere. The fact that the petitioner has shown Naushero Feroz as a village, which is a district, proves the mala fides of the petitioner.

(b) (i) The enormity of the tragedy involved in the creation of Pakistan and the sacrifices of the Muslims of undivided India, those who migrated to the Punjab and Sindh and who did not, is a matter of historical record. Interpretation put by the Petitioner on the aftermath of the great Divide is partisan and jaundiced. It is calculated with malice aforethought to harm and regress the ideology of one nation, as propounded

by Quaid-e-Azam. Since the inception of Pakistan and soon after demise of father of the nation, the politicians failed to give this country the constitution, opening the way for bureaucrats and praetorian adventurers to block the growth of responsible democracy and its bedrock institutions.

- (ii) The unrealistic and spurious complaints of the Petitioner based on unofficial census reports are illusive and deceptive in the backdrop of the tragedy of migration and the failure to establish responsible democracy. The Petitioner has deliberately suppressed the political reality that democracies prosper and the representative governments are formed by virtue of popular consensus and not by population census.
- (iii) However, even though Paragraph 7 (and for that matter, the entire Petition) is full of misinterpretations, allegations of gerrymandering and unfair resource - allocations and specifically denied and the Petitioner is put to the strict proof of the same.

The Petitioner is attempting to entangle this Hon'ble Court in the thicket of factual, albeit false, inquiry of population census. Such an inquiry is outside the purview of constitutional jurisdiction of the superior courts under Article 199.

Nevertheless less, without prejudice to the above submission, it is averred that the last official Census of 1981 was completed and announced in martial law period, when the political parties and all their activities were suspended. There was no Parliament or provincial assemblies in the country. The prospects for fair and free elections at the hands of praetorian ruler General Zia-ul-Haque, the then Chief Martial Law Administrator, was out of question. The General did not need to manipulate or falsify census figures, as he was not ruling with popular consent.

Finally, it may be mentioned that MQM itself is an inspiration and creation of General Zia-ul-Haque to divide and rule Sindh. After his demise, MQM is now left in the lurch, being without a patron. This Petition is a crude and pathetic attempt to make best of the bad bargain by striking at the very foundations of the concept of Pakistan realized by the great sacrifices of the millions of people to which these leaders of MQM made no contributions.

- (iv) So far as the allegation of not conducting the census is concerned, it is submitted that because of the lack of precision and accuracy through out Pakistan, a census could not be continued. So far as MQM is concerned, there was a virtual race of inflating population figures by the MQM in its constituencies and also inclusion of illegal immigrants in the Census, as citizens. It is typical of MQM to falsely accuse its opponents of the wrongs they themselves commit. This shows the bona fides of the Respondents who are endeavoring to evolve a consensus formula acceptable to all the provinces for the new and correct Census. The bogey of inaccurate Census figures in the MQM Petition is being maliciously raised to make their followers and the

critics opposed to the Government disbelieve the correct figures, which will emerge as a result of a fresh census.

- (b) However, it is ironic that in part III of the Petition, the leadership of MQM (A) is protesting, albeit falsely, about the assumed violations of their fundamental rights, while in the frenzy of their ethnic and parochial hatred this very destructive leadership has openly and publicly refused to recognize the same inalienable rights of other citizens of the province of Sindh to life, liberty, peace and property.

A demonizing and sinister example of fanning provincial prejudices and of whipping up communal discord is the recent invidious statement of Mr. Altaf Hussain published in the daily "Jang" of Karachi dated 2nd March 1995, which raises the specter of the Sindhu Desh and also of the city of Karachi becoming a satellite of Greater Punjab on the lines of British control of Hong Kong. In his statement, Mr. Altaf Hussain has called upon the people of Karachi to keep a close watch on the purchase of lands in Karachi. He has also attempted to rouse them for bloody confrontation under his leadership, when he will be among them.

Para 8.

That the contents of introductory part of Para 8 are denied as incorrect. It may be submitted that the scheme adopted by the petitioner is only meant to conceal the ulterior motives of the Petitioner in filing this Petition. In addition, it is submitted that the very multifarious, generalized and disputed issues which cannot be raised in a petition under Article 184 (3) read with Article 199 (1) (c).

Para 1

- (a) That the contents of Para-1, as stated, are denied. They are merely political diatribes signifying nothing and cannot be adjudicated upon. It is further submitted that the petitioner is not a political party as submitted above, but was introduced as a splinter group under the full patronage and protection of the autocratic Martial Law rulers with a view to divide and rule. It may also be submitted that its extremist group had committed brutalities in Sohrab Goth, Orangi, Banaras Colony, Aligarh Colony and also at Hyderabad where the Pathans were made the special target. In this manner, the said group established itself as the prime terrorist organization to overawe the population of Sindh on the one hand and on the other hand to gain political recognition as an ally of martial law. The holocaust perpetrated by the Petitioner was so horrendous that a large number of Pathan citizens were killed, their small children were burnt alive and their properties including transport vehicles were destroyed; and a large number of them were forced to flee from Sindh.

- (b) (i) After the execution of the Late Mr. Zulfikar Ali Bhutto and the military action of 1977, the allies (PNA parties) of the Dictator had become grossly unpopular. Non-party elections of 1985, were boycotted; a political vacuum was thus created. There was no better way to divide and polarize the people than by raising the linguistic and ethnic slogan. Hence, the 1986 MQM meeting took place where Altaf Hussain raised the ethnic slogan.
- (ii) Annexed pictures of the of the day published in the newspapers show MQM commandos and others holding automatic weapons, but the then Administration did not take any action, having created MQM and being in collusion with it to crush all other political parties. The message Mr. Altaf Hussain wanted to give to his supporters through a display of automatic weapons in a public meeting became subsequently clear that he was forming a terrorist group with the support of the Dictator General Zia-ul-Haque.
- (iii) Division on ethnic lines gave the Dictator a unique opportunity to “divide and rule”. However, In spite of all the hurdles placed in its way, PPP emerged with overwhelming majority in Sindh Assembly in all three Elections (88, 90, 93).
- (iv) The real affiliations of MQM become very apparent in this Petition, when it is seen that now where in this petition MQM has said any significant word against the Dictator or his allies. They tend to ignore that it was in the days of the Dictator that peaceful localities were attacked by ethnic gangs, hundreds of people were killed in matters of hours, as the police and Army watched. Thousands lost their jobs under MLO-52. The sense of insecurity and economic frustration paved the way for ethnic polarization.
- (v) MQM has singled out the PPP and Army for attack to conceal its real motives. Mr. G.M. Syed, when asked about his anti - PPP and pro Dictator stand had the courage to say that for his objective of breaking Pakistan were the greatest hurdle and the policies of the Dictator were the greatest help in achieving these objectives. MQM chooses to attack the Respondents for similar reasons and unity and doing away with the prejudices. If the prejudices are done away with, the very foundation and the reason for forming MQM is eliminated.
- (c) (i) Similarly, the MQM created conditions of siege and riots in Sohrab Goth, Sector 4 of Khawaja Ajmair Nagri township, and in areas of New Karachi and Nazimabad Police Station, Joharabad Police Station and Gulbahar Police Station, all leading to damage to person and property of Pathan community, living in the localities of mixed populations. In those days of the year 1988, the peace and tranquillity in the city of Karachi was deliberately shattered by the MQM and specially during the month of Ramzan to achieve the following objectives;

- a) To tell government that the local police and the local administration was incapable of running the city and should be replaced by an administration of its (MQM) choice, as the MQM would itself be the chief architect of normal life, in case the government powers were given to it. MQM was responsible for deterioration of law and order situation to such an alarming state that 14 police stations in Karachi, the maximum in the history of civil government, were placed under curfew.
- b) It was an old strategy of the MQM to raise ethnic issues and to go for street violence on ethnic grounds. After its initial thrust during which damage to life and property of Punjabis and Pathans took place, they themselves clamored for curfew for a host of reasons:
- (i) It gave them a chance to condemn local police on its failure to control the situation and rather to blame it for aggravating the situation.
 - (ii) To gain time and to project their much trumpeted claims of biased and prejudiced behavior of "non-local" police and thus to incite the general public and add to their hatred against the police; anti-police stance would help them in preparing the public for anti-government agitation in the long run:
 - (iii) They could not afford longer street clashes with the law enforcing agencies during which they had always suffered losses both in terms of casualties and arrests; long street encounters with police opening fire had, in previous instances, shown mounting resentment of people which went against MQM interests:
 - (iv) Seeking curfew was their face-saving device, whereby they could show it to the public that they had won the battle and success in pressurizing the government to bring in its best fighting machinery i.e Army:
 - (v) After getting curfew imposed at one place, MQM would open a new front at another place and after initially hitting at the interests of other ethnic groups, they would clamor for curfew again and move on likewise:
 - (vi) To enable the public to gain maximum exposure of the Army and thus to wash off from public minds the fear and awe of the Army and thus prepare them to take on the Army, maybe at a later stage; gun slinging youngsters dared to fire a couple of shots so at the Army vehicles:
 - (vii) After the first 24 or 36 hours of every curfew, rumors would be set afloat by MQM in the public suggesting biased attitude on the part of Army towards Mohajirs. By these rumors, the general population would be made to believe that during curfew all facilities were provided to the Punjabis and Pathans as against the Mohajirs who were booked for curfew violations instead: the public was thus being generally made

to accept that the Army consisted of Punjabis and was an institution to be disliked like the non-local police.

- (d) (i) MQM let loose a reign of terror and murders to achieve its objectives of ruling Sindh. Their workers were and are professional terrorists, which is apparent from expert use of weaponry, callous execution of its opponents, lightning assaults, cold-blooded murders, Gherao and Jalao tactics, women's processions, operation of torture cells and maneuvers in street fighting, guerrilla attacks and selection of targets.

MQM was and is good at wielding street power and it was through a massive show of street power by paralyzing the life of the cities of Sindh, that it was inducted in the provincial government and given Ministries in the Center. The day of MQM eventually came to monopolize the government, operate torture cells, murder and terrorize opponents and to extract Bhattas and fleece autonomous bodies, corporations and the people.

- (e) (i). The socio-cultural background and life style of the MQM workers and supporters and the physical layout of the narrow and inter-twining streets and by-lanes in the localities from where the MQM operates in the city of Karachi are ideally suited for the MQM to carry out its clandestine criminal activities and riots. The supporters and workers of MQM have a bitter realization that they will be losers in their political ventures, being a minority, if they refused to participate in the mainstream of political life of the country and in cooperation with other political parties. But they have the ambition to dominate such parties, entertaining vain pride that in the localities they come from have been active in bringing down governments at the Center. This has built-in factor of their psyches. In Karachi, this background of their workers and the geographical position of streets have enabled MQM to wield street power as a roll model and to terrorize the peaceful citizens.

- (ii) Ethnic organizations here or elsewhere do not have any deeper meaningful objectives. Initially, this was true of Bengalis and the same is true of Tamils and Sikhs in India, Armenians in Turkey, Kurds in Iran and the Basques in Spain. Absence of ethnic land, the superiority hang-over of culture and very diverse backgrounds cannot inspire MQM supporters to be welded into a nationality. Their desperation is caused by the fact that, being a minority of less than five per cent (5%) out of the total population of Pakistan, they cannot dominate majority consisting of other communities in a democratic set up. The tragedy is that their ego and sense of superiority will not permit them to be partners in progress; They wish to dominate and usurp.

Para 2

- (a) That the contents of Para-2, as stated, are denied .It is submitted that the actual fact is that there were more immigrants in the Punjab than in Sindh. The immigrants who were forced to migrate to the Punjab experienced equally, if not more, harrowing massacres and carnage. Surely, the Petitioner cannot claim the sole spokesmanship of all Mohajirs.
- (b) The sacrifices of the Muslims of India those who migrated and those who did not, are a .matter of historical record. Interpretation being put by the Petitioner on the aftermath of the great divide is partisan and jaundiced. It is saddening that the Petitioner is attempting to exploit these as a justification for creation of a terrorist group. Pakistan was achieved through efforts of all the Muslims of undivided India and such a genesis should be a basis for permanent unity and cohesiveness rather than the fissiparous and obscurantist approach, as pleaded by the Petitioner.
- (c) In order to rehabilitate the Mohajirs, including Urdu speaking migrants, who settled in Sindh, and to provide them with equal opportunities with the local inhabitants of Sindh and to obviate their sense of loss, they were not only compensated in terms of money and property on a preferential basis but were also provided with key posts in bureaucracy, virtually controlling the entire administration of Sindh. Such posts were occupied by the Urdu speaking Mohajirs in particular.
- (d) It is further submitted that it is an undeniable fact that right from August, 1947, each and every government has given special treatment to the immigrant people in the matter of licenses and facilities for trade and industry. Urdu was declared to be the national language. They had more than their fair share of employment opportunities in the government jobs (Quota system was for the first time introduced by Shaheed e Millat Liaquat Ali than to help the immigrants from India) as also in all the corporations, local authorities and institutions in the public sector, the educational institutions and organizations for communication of knowledge and information like the radio, the television and numerous publications. Even a cursory survey of the ownership, control and management trade, industry, educational institutions, corporations and local authorities would bear out that they have enjoyed ascendant position in the economic and social sectors of the province of Sindh.
- (e) (i) This by itself belies the preposterous and mala fide assertion of the Petitioner that its creation was on account of alleged victimization at the hands of the State administration. The fact of the matter is that the present group, which calls itself MQM, does not represent those millions of people who gave great sacrifices for the creation of Pakistan but it posh areas of Karachi. The twentieth century is closing upon them untouched and unconcerned.
- (ii) The residents of most of these localities which are more than 100 years old have not even been given leasing rights. At some places, like Gizri, astronomical prices of land have been fixed, completely ignoring the fact that these families have been living in

these houses for almost 250 years. The land belonged to their forefathers and they had inherited it. These instances of glaring discrimination are far too many and for every one to see that local citizens even if they lived next door to the immigrants, were never treated citizens.

- (iii) The MQM claim of having absolute majority in Karachi is further contradicted, when it is seen that in two of the four districts of Karachi i.e. District South and District West, MQM could not get enough majority to head the Zonal Municipal Committees. Their strength was limited only to the districts Central and East, where they headed the Zonal Municipal Committees. A very significant factor of Karachi achieving the status of the heart of Pakistan is the, port of Karachi, the trade life line of the country to the outside world. The vicinity of this Port and the areas surrounding it are all populated by locals who work in the Port or catch fish in the open seas, where MQM has no support. This vicinity lives in abject poverty and without civic amenities.
- (iv) At the same time, MQM does not have any explanation for the termination of service of 35 thousand to 40 thousand employees appointed during PPP's tenure, when it took over the government after the success of its unconstitutional conspiracy of overthrowing the elected government of Mohtarma Benazir Bhutto in August 1990.
- (v) Everywhere in Pakistan and in the world there is a constant migration of rural population to the nearest urban centers. The population of the cities is increasing with the migration from surrounding rural areas. There is, however, a great anomaly in the case of Karachi and Hyderabad, where the population growth is not only the result of shifting of population from surrounding rural also the result of people coming over from hundreds of miles away. Besides, illegal immigrants from India and Bangla Desh have poured into Karachi in hundreds of thousands. The disparities and the difference in available opportunities between the rural and urban areas are far too obvious. As expressed above, these differences extend even to those localities of local inhabitants which are now parts of the metropolitan city, such as Lyari, Manora, Ibrahim Hyderi, Manghopir, and the outskirts of Malir and Landhi.

Para 3.

- (a) That the contents of Para-3 are denied. The MLO 114 was promulgated to weed out corrupt bureaucrats without any distinction based on provincial, communal or ethnic considerations. It is not factually correct that the screened bureaucrats were mostly "Mohajirs".
- (b) The sacked bureaucrats belonged to all the provinces of Pakistan. So far as the province of Sindh is concerned, the enclosed list would show that out of the total of 1400 sacked officers, 586 were from Sindh and from this number the Urdu speaking officers were 147, the ratio being just about 10% per cent of the total officers sacked.

Ninety per cent of officers removed under MLO 114 were not Mohajirs. Secondly, it is rather shocking that the screening of corrupt officials is being judged by the Petitioner not on the basis of national interests to weed out corruption from the society but on Mohajir and non-Mohajir considerations. If there are more corrupt officials from a particular community, it is shameful to decry any action against them. Thirdly, MLO 114 provided for an elaborate procedure for review of the cases and an opportunity of being heard was afforded to such officers. None of the officers raised the ground that he was victimized because he belonged to a particular community. The list of removed officers under MLO 114 with relevant bifurcation is annexed and marked Volume 14.

- (c) So far as the quota system is concerned, the Parliament, in its own wisdom, Articles 22(4) and 38 for making provision for the advancement of socially and educationally Similar provisions also exist in the Constitutions of other countries of the world. immediately after creation of Pakistan, Shaheed-e-Millat Liaquat Ali Khan introduced the quota system for the first time in Pakistan to help immigrants. Similarly, provision was made for a period of 10 years for reservation of posts for persons belonging to any backward class or area to secure their adequate representation in the service of Pakistan. It is submitted that the province wise quota system has been in vogue under all the constitutional dispensations since the inception of the country. Twenty percent of jobs are reserved for merit, while the remaining seats are allocated on the basis of population and/or the state of social and educational backwardness. The framers of the Constitution took notice of an imbalance in services. It is common knowledge that the rural areas of Sindh were not given their due share in social and educational development by successive governments with the result that there was a yawning imbalance in the field of government jobs. In the private sector, hardly any jobs were given to the local inhabitants. There was a genuine hue and cry for ameliorating this state of affairs. Consequently, a fair distribution on the basis of population was devised at 60-40 ratio to remedy the imbalance in the shortest possible period.
- (d) It is unfortunate that this equitable arrangement is being given a communal color by the petitioner. If the figures of employment in various posts in the government, autonomous bodies and public corporations into account, it can be seen at once that the Parliament wanted to remedy the imbalance rather than adversely affect any particular community. It may be further submitted that as the population figures show, the Urdu speaking Mohajirs constituted only 22.64% per cent of the population of Sindh and according to the Petitioner's claim, spurious though it is, the urban areas are exclusively inhabited by Urdu Speaking Mohajirs, yet the quota was fixed At 40% for urban areas i.e. almost double their entitlement. This cannot be taken to be adverse treatment to the Mohajirs of Sindh.

Para 4.

- (a) That the contents of Para-4, as stated, are denied. It may be submitted that Sindhi language was the official language of the province since 1857 and it was mandatory for all civil servants to have a working knowledge of Sindhi for better administration. Somewhere in 1958, during the Martial Law of Field Marshal Ayub Khan, a brigadier, using his authority as the Martial Law Administrator, arbitrarily canceled these standing instructions. It was again during the same period of Ayubian Martial Law that a salutary system of compulsory teaching of Urdu to non-Urdu speaking children and of Sindhi to non-Sindhi speaking children upto the fourth standard was, with one stroke of pen, abrogated and teaching of Sindhi was abolished. The old system was designed to bring national cohesion, social togetherness and understanding among all the citizens of Sindh. The new dictate was issued to create a wedge between the Sindhi and Urdu speaking citizens.
- (b) Yet another decree of far-reaching dimensions was the total prohibition of the use of Sindhi in government offices. Even the names of railway stations in Sindhi were ordered to be ~ and written in Urdu with hilariously ridiculous -results. Places like Allahdino "Sand" with softened was changed to Allahdino "Sand" with hard (meaning buffalo bull") in Urdu. It was also ordered that henceforth the electoral rolls will not be simultaneously published in Sindhi language. These measures created a sense of outrage and despondency among the Sindhi speaking citizens and there was wide spread agitation for the restoration of the status of Sindhi language. In fact, it is stated that these measures gave birth to the pseudo-nationalist and secessionist brand of movements in Sindh, such as Jiy-e-Sindh.
- (c) It was with this background that after the dissolution of one unit, when the provinces were restored, the Sindh Assembly passed the Language Bill 80 that the language issue may not be blown out of proportion and become a ground for anti-national movements. The Act was passed only to restore status quo anti, 80 far as the Sindhi language was concerned. It was most unfortunate that certain vested interests created a misunderstanding regarding the Language Bill that it was meant to harm the status of Urdu as the national language. Language riots were engineered only to embarrass the Peoples Party government at the Center and the Province. The Late Mr. Bhutto resolved the controversy by reassuring all concerned that Urdu shall remain the national language as that was the mandate of the Constitution.
- (d!(i) The trends of learning which is the undercurrent of the demand of refusing to learn the local language has resulted in a setback to Urdu speaking people. Saints, sufis, conquerors, administrators and traders, whoever came to Sindh found it useful and necessary to learn the local language. Even Urdu speaking people who settled in the interior Sindh learnt and mastered the Sindhi language to an extent, where it is now difficult even to discern that Sindhi was not their mother tongue. The last generation of Urdu speaking immigrants in interior Sindh produced scholars of high caliber, who greatly contributed in translating and researching Sindh's history, poetry,

literature etc.; intellectuals like Quddusi wrote the most elaborate history of Sindh in Urdu (more than 1300 pages). Qabil did outstanding translations of Shah and Sachal.

- (ii) Resistance of the extremists to the learning of language is a self-defeating. It is relevant to mention one small and very obvious example. It is the Sindhi speaking writers, now actively participating in Urdu programs on Television and Radio. Conversely, there is hardly any Urdu speaking writer, actor or singer, who can appear in programs in Sindhi language. If even after suffering so much due to its learning, MQM have the audacity to state in the Supreme Court of Pakistan, that Urdu speaking people had to resort to rioting to ward off the mandatory requirement of learning Sindhi for another 12 years, then it is high time somebody told them that they were on a retrogressive path. Power lies in knowing, not in resorting to riots to spurn knowledge and to apathy to it. Those, who have knowledge shall dominate, as the rule of the civilized. That a pity that a truth, that was obvious to saints, sufis and conquerors, a thousand years ago, is hidden from MQM even now I

Para 5.

That the contents of Para-5, as stated, are denied. There was no discrimination against the Mohajir community at any time by any government. In fact, it was just the opposite. The present leadership of MQM supported the Martial Law of the late Dictator, General Mohammad Ziaul Haque. A reign of terror and repression was unleashed against the followers of the PPP in the Punjab and in Sindh and especially against those in the rural areas of Sindh.

Para 6.

(a) That the contents of Para-6, as stated, are denied. It is submitted that this paragraph is more of a rhetoric of a nebulous nature than any concrete averment. The very foundation of the proposition that democracy can be successfully run by the middle and poor ~educated classes begs the educated. In fact, it negates the well accepted principles of democracy which cannot be restricted to educated persons alone in a country like Pakistan where the vast majority of people are illiterate and uneducated. Such a concept is contrary to the spirit of democracy which provides one vote".

However, middle class does contribute to the growth of democracy, but a middle class ossified by ethnic and linguistic prejudices would prove to be the greater tyrants than the feudal.

- (b) The allegation of all the other parties coalescing with the Establishment is again mere rhetoric without any substance or evidence. Besides, nowhere in the Petition the Petitioner has defined the term "Establishment". Perhaps, it is an unfortunate

euphemism for the armed Forces who have been made the main target of unwarranted attacks in several paragraphs of this Petition as well as in the propaganda material used as Annexures to this Petition. The Respondents, respectfully, submit that the aim of the Petitioner is nothing but to ridicule and accuse an important national institution of the country for the purposes of defaming it and also for ulterior motives which are not difficult to fathom.

- (c) It is further submitted that it was in the late sixties that for the first time the Founder of PPP late Mr. Zulfiqar Ali Bhutto took up the cause of the downtrodden poor and lower classes of the population, and succeeded in creating political awareness in these deprived classes and thus brought them to the fore in the mainstream of political life, as the real custodians of democracy. As against such awakening, Mr. Altaf Hussain led a motley group of disgruntled youth. His main object was to create a place of leadership for himself by raising ethnic and parochial slogans which ultimately brought about divisive and fissiparous tendencies among the youth. The result is that instead of striving for excellence in acquisition of knowledge and technology, MQM has diverted the youth after seeking government jobs, especially the ones having reputation of illegal earnings at the cost of common man, like their brethren from rural Sindh, who have also succumbed to the same weakness. It was in this perspective and background that MQM was created. Finally, it is also denied that MQM candidates and leaders did not spend any money on elections. In fact, MQM extorted millions of rupees from business community, large business houses, shopkeepers, industrialists in the name of contributions and even Thelawalas were not spared.

Para 7.

That the contents of Para-7, as stated, are denied. So far as the spurious claim of popularity of Mr. Altaf Hussain is concerned, it is submitted that only gun-totting youth, most of them drop-outs, have gathered under the leadership of Mr. Altaf Hussain and who have coerced the people in certain areas of Karachi and Hyderabad to support the MQM in its rallies or in elections. In ultimate analysis, this support is tenuous and temporary. Parochial groups go down gradually, as voters grow in awareness and see their larger benefits in opting for mainstream political parties. The decline of MQM is inevitable. No one has to eliminate it politically. It is a transient menacing aberration. It is wrongly stated by the Petitioner that it swept elections of 1987.

Para 8.

That the contents of Para-8, as stated, are denied. The proposition put forward by the Petitioner in this Para is preposterous and illogical. The oppressed citizens openly expressed their appreciation and support for the Operation Clean Up of 1992. In fact, the people, especially the Mohajirs, came out in the open to express solidarity with

the Army in their efforts. In support of this submission, relevant newspaper cuttings and the documentary evidence in the form of photographs and video cassette are being submitted which shows the films of torture cells, instruments of atrocities, harrowing tales of tortures by MQM, admission of tortures by MQM workers, and of common people complaining about the tortures and atrocities committed by MQM terrorists and appreciating the launching of Operation Clean Up. The relevant evidence is annexed and marked Volume 15.

Para 9.

(a) That the contents of Para-9 are denied. The Armed Forces were called by the Respondent No.2 with the consent of Respondent No.1 in aid of civil law enforcing agencies to curb not only the dacoities in the rural areas but also to prevent and control murders, wipe out operation of torture cells by MQM, kidnapping for ransom, illegal Bhatta (Mafia tax) collection general law and order situation in the urban areas as well. The Petitioner was a part and parcel of the governments at the relevant time and a very important party to the decision to call the Army in aid of civil administration. Being a partner in power, the MQM did not expect that the Army would act independently and even-handedly in the Operation Clean Up and apprehend and bring to book all and sundry, including the criminal elements and terrorist wing of the Petitioner.

The MQMs criminal activities were one of the major causes of rapid deterioration of law and order. From 1991 to June 1992, MQM virtually ruled Sindh. It had eight provincial ministers and six advisers. In the Center, it had been given two ministries. Municipal bodies in Karachi's and Hyderabad and some other important bodies and Boards were in its iron grip and under its sway. With such a massive power and with the Chief Minister Jam Sadiq Ali conniving with MQM, it wrecked havoc in Sindh, and the then Prime Minister of Pakistan, Mr. Nawaz Sharif had to publicly declare that Operation Clean Up was launched to save Pakistan.

(b) The newspaper reports as also the reports of the concerned agencies bear out that many of the members/workers of the Petitioner were indulging in these activities with overt and covert directions and instructions of Mr. Altaf Hussain and other top leaders of the MQM. The opponents and dissidents were being maimed, their limbs damaged and many were physically eliminated; torture cells were being operated and subversive activities were being carried on in many sector offices of the MQM where the Petitioner had installed the most modern and sophisticated torture instruments and other equipment for planning and organizing these activities. The Petitioner had advantage of its share in the power at the Center and in the province to cover up these activities and to terrorize and browbeat even the administration and police to turn a blind eye. That the action of the Respondent No.1 in calling in aid the Armed Forces was entirely bona fide and the need of the hour is proved since the

Petitioner's own people were in power and a part of the cabinet both at the Center and in the Province. The very workers and leaders of the MQM, who now form its dissident group, admitted operation of the torture cells by MQM with the knowledge and under the directions of the senior leadership of MQM.

- (c) It does not lie in the mouth of the Petitioner to take the present somersault that the purpose of the Operation was to demolish the political strength of the Petitioner. It is submitted that the allegation that the other parties convinced the "Establishment" to launching Operation Clean Up is thus and otherwise, ex facie, spurious and false because at the relevant time, no party other than those in power were consulted or even taken into confidence. The newspaper cuttings and video cassettes containing the reports of unearthing of torture cells equipped with instruments of torture have already been submitted in Volume 15. It is also submitted that the averment that the present Prime Minister stated in an address at Quetta that the problem of Sindh cannot be solved", unless politically the vote bank of MQM is destroyed, is false and is denied.

Para 10.

That the contents of Para 10, as stated, are denied. The members of the MQM did not resign voluntarily but at gunpoint of the commandos of the Petitioner as was disclosed by some such members before the Hon'ble High Court of Sindh. It is further submitted that these resignations were obtained by Mr. Altaf Hussain as a tactical move only after the Armed Forces found him and other workers of the Petitioner involved in heinous crimes. The subsequent recorded events prove that the resignations were not voluntary and were not to be used for vacating the seats in the assemblies. Mr. Altaf Hussain sent the resignations to the Speaker of the Sindh Assembly which, to the utter surprise of such members, were accepted on their face value by the Acting Speaker. The action of the Speaker was challenged in the high Court of Sindh by almost all of them in their individual capacities, and the MQM members eventually succeeded in getting their memberships restored. In the case of the Speaker, Mr. Raziq Khan of MQM, the matter reached this Hon'ble Court succeeded in getting the relief of restoration of his membership and speakership. The plea taken was that before the en bloc resignations reached the Speaker, they informed the Speaker individually that they had withdrawn the resignations. The additional plea of Mr. Raziq Khan was that his resignation was not voluntary. The decisions on these matters are reported cases. It is respectfully submitted that the Petitioner, by raising false pleas contrary to the judicial record and the stand taken therein, is trying to mislead this Honorable Court and therefore has not come before it with clean hands and is not entitled to any relief.

Para 11.

That the contents of Para 11, as stated, are denied and the Petitioner {8 put to strict proof of the same. As the Armed Forces found irrefutable evidence of heinous crimes committed by the members and workers of the Petitioner, the oppressed citizens openly expressed their appreciation of the Operation Clean Up . In fact, the people came out on the streets to express solidarity with the Army in their efforts. Mr. Altaf Hussain in order to confound and befuddle the issue and to divert the attention from the exposure of the terrorism unleashed by the MQM, resorted to the measure of resignations. As a subterfuge, Mr. Altaf Hussain obtained the resignations by using threats of violent retribution. The modus operandi adopted was that in case any evidence was found against any particular members of MQM, he could always say that he had already resigned or that he had been already thrown out. But when the misdeeds came to light on a massive scale and Mr. Altaf Hussain himself was found involved in them, the resignation as a publicity stunt to screen the rising storm over publication of photographs of murders, charred bodies, and torture cells etc. being run and operated by the Petitioner. This scheme was in accordance with the famous proverb of crying the wolf. The list of criminal cases against Mr. Altaf Hussain, pending trial, as he has absconded to London, and also the lists, names and details of the crimes by other prominent leaders of MQM (A) and those committed by its activists and workers are annexed hereto and marked 16A. 16B and 16C respectively.

Para 12.

That the contents of Para-12 are denied. In fact, it is an admission of the fact by the Petitioner that a large number of its members were involved in corruption, crimes and antisocial activities. So far as the Haqiqi group is concerned, they were the dissident leaders in majority, who separated from Mr. Altaf Hussain as a consequence of an internal power struggle and therefore had to face his wrath. This separation took place before Operation Clean Up was launched. According to some press reports, the Sigh Command of MQM had already ordered their liquidation, so much so that some of them were, in fact, physically eliminated; others had to leave the country or to hide 'in other provinces to avoid being tortured into submission or killed. That the Petitioner has leveled serious allegations against MQM Haqiqi and yet chosen not to implead them as a party knowing full well that had they been a party to the present proceedings before this Hon'ble Court, they, being a part of MQM (A) at one time, would have fully .exposed the real face of the Petitioner and its so-called supreme leader.

Para 13.

That the contents of Para-13, are denied. It is specifically denied that the local Army authorities gave any support to the Haqiqis. The Army gave protection to all citizens, without any discrimination, against acts of terrorism, arson and torture and other

heinous crimes. As to the averments, relating to 1993 Elections between the two groups of MQM, the same does not concern the answering Respondents.

Para 14.

- (a) That the contents of Para-14 are denied. No steps whatsoever have been taken by the Respondents to restrain or hamper the legitimate functioning of the Petitioner . The last two sentences of Para under reply are most unfortunate and tantamount to a veiled threat to this Hon'ble Court and to the solidarity of the country as a whole. It amounts to saying that if this Hon'ble Court does not give a judgment in favor of the Petitioner, the latter will ensure that the country is rent asunder. It is, respectfully, submitted that similar threats have been, openly, given by Mr. Altaf Hussain to the Chairman Joint Chiefs Committee, the COAS and other commanders of the Armed Forces in his letters addressed to them which have been filed by the Petitioner as the Annexures to the Petition. As submitted earlier, the purpose of this Petition is not bona fide and the palpable motives are vilification of the State of Pakistan and its time-honored institutions like the superior judiciary and the Armed Forces. These very documents are enough to disentitle the Petitioner from seeking any relief from this Hon'ble Court.
- (b) It may be submitted that the travesty of the allegation is evident from the fact that the members of the Petitioner in the Senate and the Provincial Assembly of Sindh are fully and vigorously participating in the proceedings of the Houses without any late or hindrance. The MQM is not only holding public meetings but also availing of the freedom of expression through the media. Even Mr. Altaf Hussain is practically availing, daily, his right of freedom of speech by addressing specially arranged large public gatherings of his supporters. His addresses are made through telephone from London and relayed by loudspeakers. He has also been issuing a plethora of statements published nearly daily by the press in Pakistan, and also by giving press interviews. Some of such statements as recorded by the Special Branch of Police, Sindh.

PART-II

Para 1.

That the contents of Para-1 are denied. It is submitted that the MQM has not been denied the fundamental rights as enshrined in Article-17, and as such its invocation is misconceived.

Para 2.

That the contents of Para-2 are matters of legal interpretation and, therefore, do not need any reply. The Respondents reserve the right to make their submissions at the time of hearing.

Para 3.

That the contents of Para-3 are matters of legal interpretation and, therefore, do not need any reply. The Respondents reserve the right to make their submissions at the time of hearing.

Para 4.

That the contents of Para-4 are matters of legal interpretation and, therefore, do not need any reply. The Respondents reserve the right to make their submissions at the time of hearing.

Para 5.

That the contents of Para-5 are matters of legal interpretation and, therefore, do not need any reply. The Respondents reserve the right to make their submissions at the time of hearing.

Para 6.

That the contents of Para-6 are denied. The Respondents have not taken any action to deny MQM the guarantees under the Constitution. The instances given in the subsequent paragraphs are the figments of imagination of the Petitioner and its convoluted logic.

Para 7.

- (a) That the contents of Para-7 are denied. It is specifically denied that the MQM or its leaders, including Mr. Altaf Hussain, represent the lower and middle leader Mr. Altaf Hussain have, in fact, duped and misled the lower and middle classes through clichés and catchy slogans. Mr. Altaf Hussain proclaimed himself the and "Supreme leader of all "Mohajirs"", brainwashed the workers to follow his orise the citizens through intimidation, coercion, misrepresentation, looting and above all through physical liquidation of the opponents by commando units . Some of these commandos have been taken into custody are facing trials in courts of law, like Inamul Haque, one of the main accused persons in the murder case of Azeem Ahmed Tariq (Chairman MQM) who confessed that he carried out the murder of Mr. Azeem

Tariq at the behest of the High Command, as earlier submitted in Para 2 (c)(x) of Section - I herein above. The Respondents submit hereto the confession of the said Inamul Haque, and also some other similar confessions of MQM commandos and workers. Some have gone underground and are still indulging in acts of sabotage, liquidation of their opponents and the Haqiqi dissidents. The Respondents respectfully point out the confession of Shakeel Ranpuri regarding the murder of Tanweer Khan, whose name is mentioned by the Petitioner in sub-Para (b) at Page 41 of the Petition and about whose murder the Petitioner has raised a vilifying uproar in the international human rights bodies by falsely accusing Field Investigation Team of the Respondents for Tanweer's murder. Shakeel Ranpuri has confessed before the court of a magistrate that he, while working as an MQM (A) activist, was compelled to kill Tanweer for fear of Tanweer's falling in the hands of the authorities, because Tanweer was injured during encounter with FIT, while wall-chalking the pro-MQM slogans. Since Tanweer could not escape being injured, Shakeel killed him to preclude his spilling the beans about Shakeel and the leadership of MQM (A).

- (c). Similar is the case of another MQM worker and terrorist Javed Qureshi who has the horrendous murder of Pak Colony in which 10 MQM Haqiqi activists were mowed down. He has also confessed to various other terrorist holocausts during the last four years behest of MQM leadership including elected members of the Assembly. The confession has been published in graphic details in all national newspapers, including The News International dated 7.4.1995. Such are the vicissitudes of MQM (A) operations.
- a) That the contents of sub-Para-(a) are false to the knowledge of the Petitioner. At no stage was the MQM officially or otherwise prevented from participating in the polls for National Assembly on 6.10.1993. The Petitioner having made a very specific and definite assertion that they were officially prevented from participating in the polls for the National Assembly on 6.10.1993, it was its duty and the necessity of the pleadings to disclose such official acts, records or material to substantiate its bald allegations.
- b) The contents of sub-Para(b) are false to the knowledge of the Petitioner and are emphatically denied. The Petitioner is put to strict proof that any local Army personnel intervened in the election process or that they wanted MQM to follow any instructions which the Petitioner itself has not specified. It is regrettable that the Petitioner has falsely maligned an important institution of the country i.e. the Army without laying any foundation for the same. It is submitted that the situation for the MQM actually worsened because Operation Clean Up, having already commenced, the Army on finding unimpeachable evidence had no choice but to proceed to put an end to the terrorist activities of MQM. The noose around the necks of MQM culprits was tightening, In spite of their sharing governmental power both at the Center and in the province of Sindh. The MQM suddenly felt deprived of the license to indulge in their criminal activities and financial loot of their halcyon days. All their canards and lies against the Army and the Respondents are consequences of their frustration for

having been finally exposed as a terrorist group. Earlier, Mr. Altaf Hussain himself had managed to surreptitiously slip away to London, when he found out beforehand that his game was up and the cat would be out of the bag eventually. His important collaborators like Salim Shahzad, Imran Farooq and others went underground, as soon as the Operation Clean Up commenced.

- c) The contents of sub-Para(c) are denied. The answering Respondents cannot be called upon to account for allegations and counter-allegations concerning the two groups of MQM. In fact, the Petitioner, deliberately, has not joined the Haqiqi group as a party in this Petition which could then reply to the allegations. So far as the answering Respondents are concerned, it is specifically denied that the Haqiqi group of MQM was or is sponsored by the government of the day or the present government or the Army. The factual position is that the Army gave equal protection to all citizens from the rampage of the terrorists. They acted even-handedly. In fact, the Army personnel went out of their way to give sense of security and succor to the affected people; they opened camps for distribution of humanitarian aid food and medicines, milk for the children, transport to the sick and needy and such other services as were the need of the hour. However, without conceding any facts as alleged, it is submitted that, on occasions, the Army had to separate the followers of the two groups to prevent clashes and bloodshed and whenever such a situation arose, the Army and the Rangers posted to maintain the law and order in sensitive areas like Malir, Lines area, Liaquatabad etch, in performance of their duty and the necessity of the occasion, had to ask both the groups to disperse peacefully. The MQM leaders, on more than one occasion, even instigated their workers to hurl insults, raise obnoxious slogans and to indulge in unruly behavior to provoke the personnel of the Army and the Rangers who on such occasions displayed maximum restraint, circumspection and compassion to avoid ugly situations. The slant given by the Petitioner to such incidents is totally unwarranted.
- d) The contents of sub-Para (d) are emphatically denied and are false to the knowledge of the Petitioner. The Petitioner is put to strict proof for this unsubstantiated allegation. It is submitted that this allegation has been conjured up only to justify the political misadventure of the Petitioner in boycotting the polls for the 1993 National Assembly seats. The newspaper reports of the contemporaneous period tell totally different stories. For example, it was reported in some newspapers that Mr. Altaf Hussain had struck a deal with Mian Nawaz Sharif that MQM would support the Muslim League candidates for the National Assembly and in turn PML (N) would support MQM candidates for provincial assembly in all seats of the province of Sindh, where MQM would contest, so that Mian Sahib could get a majority in the federal legislature to form a government. The results for the National Assembly and the prospects of Mian Nawaz Sharif for forming a government would have also altered the prospects in the polls for the provincial seats in Sindh in favor of MQM and Nawaz Sharif's Party. It was, reportedly, understood that in that event the MQM, with the support of the Muslim League, would have formed the government in the

province, and MQM would also become a coalition partner with Mian Nawaz Sharif. However, the things did not work out as planned. MQM assessed that PML (N) would lose at the federal level. national elections. Therefore, just a few days before the 6th October, 1993, MQM boycotted the elections as a face saving device.

- (ii) It may also be submitted that the Petitioner has the advantage of owning or controlling some Urdu newspapers directly and indirectly like Amn, Parcham, Qaumi Akhbar etc. and r some supporters in the fraternity of reporters and columnists in the national news media who have been used to achieve the object of slant and feed-back on such stories. The Petitioner has also used its armed clout on many occasions to force some national newspapers to publish the well-tailored and concocted hand outs, press releases, columns and reports prepared by the media cell of the Petitioner.
- (iii) Newspapers like Jang and Dawn were coerced into silence or in giving coverage to manipulated stories. It is a unique phenomenon, which deserves to be included in the Guinness Book of Records, that a national newspaper was shut down by the Petitioners so called "supporters" continuously for two days. The high handedness of MQM against newspapers reached such a pitch that they did not permit the newspapers to be circulated, burnt their vehicles and the bundles outside the very offices of the newspapers and on railway stations and roads to prevent the news papers to reach their respective dealers and hawkers. One newspaper, the daily Star of Karachi, came out openly with a front page protest against such coercion but was later blackmailed into submission, once again by methods which were not honorable.
- (iv) It is relevant to mention in this context that the grievances of denial of the freedom of speech and other fundamental rights, as alleged by the Petitioner elsewhere in the Petition and as alleged in this sub paragraph, do not find any mention in election Petitions filed by the candidates supported by the Petitioner. The false and mischievous contentions raised in filed Petition for giving lame excuses for boycotting the election are belied by the Petitions filed by all the 18 candidates of MQM before the Election Commission of Pakistan and before the Election Tribunal at Karachi. These Petitions are still pending adjudication.
- (v) It is, therefore, obvious that these concocted stories relating to the boycott of elections are wholly perverse and the facts are cooked up. It is, in fact, the Petitioner who has been denying others the fundamental rights by their wanton terrorist acts. In view of the fact that election Petitions are pending, the Petitioner cannot be permitted to raise all these contentions while the matter is subjudice and this Hon'ble Court is the only appellate forum for such Petitions.
- (vi) Finally, it is submitted that the claim of the petitioner of sweeping all constituencies of Karachi, had they contested elections, is per se absurd because traditionally at least three constituencies are won by non-MQM parties.

- e) The contents of sub-Para(e) are emphatically denied, being entirely false and a figment of imagination and concoctions.
- f) The contents of sub-Para(f) are emphatically denied, being false to the knowledge of the Petitioner.
- g) The contents of sub-Para (G), as stated, are denied. The turnout in the National Assembly seats was poor because people were afraid after the warning of the MQM that the commandos of the Petitioner would go on a spree of violence and terrorism to justify their boycott and to prove their point that they controlled, through their terror and unabashed violence, the streets of Karachi and Hyderabad. It is submitted that the averments made in this sub-paragraph that Army officers and their superior officers approached Mr. Altaf Hussain and agreed to lift all restrictions and allow free movement to his candidates are, ab initio, false because there were no restrictions to free movement of any one in the first place. The question of lifting such restrictions, therefore does not arise.
- h) The contents of sub-Para (h) are emphatically denied. The elections held in October 1993 have been, universally, acclaimed to be the most fair, transparent and impartial elections by all the national and international media as also the observers from SAARC, EEC and the United States. The Respondents take the liberty to submit some reports of international forums separate Annexures, which are marked Volume 21 Para 8. (i) The contents of Para-8 are denied. It is, however, submitted that all the allegations contained in sub Paras (a) and (b) are false and fabricated. As regards sub- paras (c) it is submitted that these to (h) are directed against Haqiqi faction of MQM. The answering Respondents are not called upon to reply. Allegations of collusion with Haqiqi group are totally unfounded, false and are denied.
- (ii) Without prejudice to the above submissions, it is further submitted that the said allegations are contentious, requiring inquiry into disputed facts and cannot be connected with the scope of Article 17 to warrant invocation of the jurisdiction of this Hon'ble Court under Article 184 (3). Furthermore, the allegation of criminal acts can only be agitated before the appropriate courts of law of original jurisdiction. Additionally, it is submitted that the allegations contained in various sub-paragraphs have been reportedly disputed by the Haqiqi group which claims that the victims, referred to in these sub paragraphs, actually belonged to their group and were targeted by the Petitioner.
- (iii) It is further submitted that no FIRs were filed by the Petitioner but FIRs have been filed either by the police or the persons belonging to the Haqiqi group. It may be submitted that the Petitioner's hands are soiled with the blood of innocent people and it is the instrumentality which has destroyed the peace and harmony in the province. Its claims to popularity are absolutely false. Its sense of being the aggrieved party is not only absurd but is also designed to regain the political ground

lost by it by the acts of terrorism, violence and gruesome policy of dividing the people on ethnic and parochial lines. These facts are established in some of the voluntary confessions of the accused belonging to the Petitioner, as submitted herein above in reply to Paragraph 7 of Part II of the Petition.

Para 9.

That the contents of Para-9, as stated, are denied . During the Operation against terrorism, there was clear evidence that the terrorists and commandos of the Petitioner had taken refuge in some of the offices of the Petitioner including "90" and Alkaram square , the official residence and head quarters of Mr. Altaf Hussain respectively and where torture cells were being operated and arms and ammunition were being stored. In order to pre-empt and prevent fresh acts of terrorism and sabotage, the Law Enforcing Agencies not only rounded up the wanted terrorists but also gathered evidence for the heinous crimes committed by the leaders of the Petitioner as also the sector incharges, or leaders of various wings like the Labor Wing. The Respondents are filing copies of the FIRS and other Interrogation Reports of the incidents collected by the Police and Agencies which establish that the members and workers of the Petitioner have been involved in the worst kind of insurgency, terrorists violence and other heinous crimes.

Relevant FIRs and Interrogation Reports are annexed hereto and marked Volume 22.

Para 10.

That the contents of Para 10 are denied, being utterly false and concocted. The Respondents have not committed any infringement or violation of Article 17 of the Constitution.

Para 11.

- (a) That the contents of Para-11 are emphatically denied. It has been established beyond a shadow of doubt that the Respondents did not prevent the Petitioner from participating in the National Assembly elections. The Petitioner boycotted the elections on its own, for its own reasons; and after the failure of its misadventure of arriving at some arrangement with Mian Nawaz Sharif, it wants to cover up its discomfiture by alleging violation of Article 17 of the Constitution.
- (b) In any case, the composition of the National Assembly as a whole cannot be challenged under the Constitution and the law on any account. The mandates of the people of other constituencies electing their members of the National Assembly are equally sacrosanct.

- (c) Furthermore, the allegation concerning the invalidity of the entire composition of the National Assembly is absurd and misconceived, and cannot be agitated by the Petitioner without impleading all the Members of the National Assembly.

PART-III

Section A

Para1.

The contents of Para-1 do not reply.

Para 2.

- (i) The contents of Para-2 do not reply with regard to the pure question involving legal interpretation. However denied that this Petition is maintained Article 184(3) as submitted herein. They reserve the right to make their submission legal issues at the time of hearing. Without prejudice to the submissions, it is further averred apprehensions, assertions and vociferously expressed by the Petition figments of its imagination and have no reality.
- (ii) Particularly, the Petitioner's cry that the Respondents have resorted to cry is an utter falsehood. The MQM committed a major political blunder by boycotting the 6th 1993 general elections to the seats of the National Assembly, In spite of appeals add to it by other political parties to contest such elections, which were the fairest in the history of this country, having been held under the aegis of a neutral interim government lent.
- (iii) The protestation, that the Armed forces terrorized and forced the leadership of MQM to boycott the election, is a concocted story. The true facts are that the MQM had entered into a political alliance with Muslim League (N) party for not contesting seats for the National Assembly from the province of Sindh in exchange for Muslim

League's (N) promise not to contest for seats in the Provincial Assembly of Sindh, where MQM fielded its candidates and to give full support to such candidates, and vice versa.

- (iv) This alliance between Mr. Altaf Hussain and Mian Nawaz Sharif received wide coverage in the news media. Both the parties to the accord got signed Advertisements published in the newspapers.
- (v) The MQM entered into the said alliance with calculated hope that in case the Muslim League gained or formed majority in the national elections, it will join The Muslim League to share power and Federal authority in Center and with the Leagues help and political maneuvering acquire governmental control and unopposed sway by crushing opposition in the province of Sindh to bring back halcyon days of MQM misrule, nepotism, corruption, brutalities, torture cells, misappropriation of governmental funds, and extraction of Mafia tax from small shop keepers, industrialists and all and sundry.
- (vi) Announcement of the boycott was made much after the said alliance (in fact, three days before the 6th October) when MQM became doubtful about the wished for success of the Muslim League (N). The idea of boycott was conceived, as a face saving device, as many supporters of the MQM had resented such an accord in the first place, being deprived of the contest for some secured national assembly seats. However, the low turn out in the election was on account of the terrorist and retributive nature and actions of the MQM. The : Petitioner has, therefore, concealed true facts from this Hon'ble Court and this Petition is liable to be dismissed for this reason alone.

Para 3.

- (a) That the contents of Para-3 are denied. The situation referred to in this paragraph has, mainly, created by the Petitioner and its military commandos and terrorists who have been on the spree of liquidating their dissidents to establish their hegemony without any check or opposition from any one else. Its workers, some of whom have been arrested while many have gone underground, are on a rampage in specified localities where they commit murders of the dissidents, and other opponents who in retaliation also resort to similar acts . The recent trend in the modus operandi of the Petitioner's workers is also to kill and maim the mFmaers of the police and Law Enforcing Agencies so that they desist from apprehending their comrades. However, the Respondents have taken political, social and administrative measures to isolate the elements involved in destabilizing the province and defaming the country. In this respect, it is submitted that a large number of police officers, police personnel and members of the Armed Forces and Rangers have been killed in a pre-planned

manner, while others have laid their lives or have been injured in apprehending the culp performance of their duties.

- (b) It is further submitted that the allegation to the effect that Page 109, Unclear
- (c) These facts prove that the affairs of the Federation of Pakistan are being conducted and run by competent and capable persons in a democratic and constitutional manner. It is the resolve of the Respondents that they shall put an end to terrorism and shall continue to firmly handle and overcome the blackmail of agents provocateurs from across the border and within the rank and file of the Petitioner and other groups.

Para 4.

- (a) The contents of Para 4 are denied as vague, unsupported and false. The circumstances under which the Petitioner has been feeding doctored reports to the newspapers have already been stated in reply to Para No.7 (d) of this Petition.
- (b) The Respondents reserve their right to advert to further submissions and produce additional material in rebuttal of any photographs or video tapes with the permission of this Hon'ble Court.
- (c) The vague and bald allegations in this paragraph are preposterous. There is no truth whatsoever in the allegation that there has been any trampling of the fundamental rights with regard to the protection of life, liberty and person of any citizen. All the allegations contained in the Annexures hereto and the published reports, in fact, point out to the criminal complicity and active guilt of the Petitioner and its workers in the acts of sabotage, arson and looting, murders, tortures and other heinous crimes. The Petitioner had let loose its commandos to annihilate its dissidents with the result that their internecine war with the Haqiqi has resulted in incidents of violence, arson and looting, torture and murders. As submitted earlier, all the incidents referred to by the Petitioner relate to allegations against the Haqiqis who are not before this Hon'ble Court but who have their own version of having been victimized and its followers being liquidated by the Petitioner's commandos. The recent inhuman murder of the Haqiqi leader Mansoor (known as Mansoor Chacha) along with his innocent children is a case in point. The relevant news items are annexed hereto and marked Volume 24.

Para 5.

That the contents of Para-5, as stated, and the conclusions therein drawn by the Petitioner in this Para are false and are specifically denied. Invocation of Article 2 and 2A of the Constitution in the manner as stated in this Para is misconceived.

Para 6.

- (a) The contents of Para-6 (a)(i to iii) are emphatically denied being a travesty of facts. Article 9 gives guarantee of life and liberty to persons who, by all canons of interpretation, mean individuals. The Petitioner is not a "person" as envisaged in this Article and therefore cannot invoke it before this Honorable Court under Article 184 (3). It is only the aggrieved individual who can approach the superior courts under Article 199 or can have recourse to courts of competent jurisdiction. The Petitioner cannot be permitted to arrogate to itself the authority to represent all and sundry by calling them its workers. Without prejudice, it is submitted that the actual facts of the incidents this paragraph are totally different. These incidents did not occur as portrayed by the Petitioner and are not supported by any evidence. The Respondent No.2. have already submitted F.I.Rs and Interrogation. Reports in this respect in Volume 23. There is also no evidence for the allegation that the dEaa per,sobs belonged to or were,the workers of the Petitioner MQM. (b) (i) That the contents of sub-Para (b) (i) are denied. The facts as alleged by the Petitioner have been falsely twisted by it in its favor. There is no truth in the false accusations. It is further submitted that in this sub-paragraph and at many other places in this Petition, the Petitioner has maligned, defamed and ridiculed the Armed Forces. The Armed Forces were called in aid of the civil administration when the Petitioner was a partner in power with the then ruling party of Mian Nawaz Sharif and was, therefore, privy to the decision. The present somersault of the Petitioner is an afterthought. The details given on page 40 under sub Para (iii) of the Petition are also of the same nature as described and rebutted earlier. Without conceding to the allegations in respect of the existence or otherwise of the alleged list of 72 persons, it is, respectfully, submitted that this allegation, whatever its worth, is a contradiction in terms of the earlier part of the Para under reply. It destroys the malicious, defamatory, mischievous and seditious allegations against the Armed Forces that they were utilized to politically annihilate the MQM.
- (b)(ii) That the contents of sub Para (b)(ii) are vehemently denied. The Petitioner has once again falsely and Judiciously accused the Armed Forces, which is reprehensible.
- (b)(iii) (a to g) That the contents of sub Para b(iii)(a to g) are denied. The specific rebuttal has been submitted above under sub-Para (b) of Para 6 of this Part.

Para 7.

The contents of Para-7, at page 44 of the Petition as stated, are denied. It is submitted that Article 10 of the Constitution relates to individuals and only the aggrieved persons can approach the courts for enforcing the guarantees of the Article. Invocation of Article 10 in an omnibus manner, as has been done in the present Petition, is not permissible under Article 199. All actions taken by the Respondents

were bona fide. Whenever any aggrieved person invokes the jurisdiction of the High Courts seeking protection under Article 10 of the Constitution, relief is granted in all appropriate cases by the High Courts, functioning as an organ of superior judiciary, whose independence is ensured by the Constitution.

The allegations-against the Armed Forces, per se, are malicious, defamatory and mischievous, and the person through whom this Petition filed and who is a senator has directly incurred disqualification under Article 63(g) of the Constitution and also penal liabilities under the relevant laws. It may be submitted that the situation created by the Petitioner, its workers and other miscreants in the province warranted stern action by the Law Enforcing Agencies and if the action of detention was taken against some of the workers of the Petitioner in the process, the same was bona fide and in the interest of unearthing and apprehending the culprits responsible for heinous crimes or to maintain the law and order.

Para 8.

That the contents of Para 8 at page 45 of the Petition as stated, are denied as vague, nebulous, false and concocted. It is submitted that the Petitioner cannot use the jurisdiction of this Hon'ble Court under Article 184(3) as a subterfuge and a vehicle for its political propaganda.

Para 9.

The contents of Para 9 from pages 45 to 50 of the Petition, as stated, are denied, as false and fabricated. The various incidents cited in the Para under reply, though do not correctly and terrorism w-re directed from 90-Azizabad. The said arrests were, therefore, made as per the FIRs already registered, against the said leaders. It may also be pointed out that acts of violence, terrorism and crimes dropped appreciably immediately after the apprehension of the said MQM leaders.

Para 12.

That the contents of Para 12 at page 51 to 54 of the Petition, as stated, are false and, therefore, denied. It is further submitted that under this paragraph also, most of the incidents relate to allegations against the Haqiqis who are not a party before this Hon'ble Court and elaborate submissions have already been made in the preceding paragraphs to describe the background, the circumstances and regarding the on-going tug of war and in-fighting between the followers and dissidents of Mr. Altaf Hussain. However, the allegation that the dissident Haqiqis had the support of the Respondents is emphatically denied being absolutely false.

Para 13.

That the contents of Para-13 (a to e) at page 55-56 of the Petition are denied being vague, general, false, concocted and without any for the greater good of the society. However, such claim can only be tested on the touchstone of the acts and deeds of its leaders or those who control it and not merely on pious declarations and indulgence in semantics. The actual fact is that the Petitioner's leaders have acted otherwise, and as such the rest of the claims and averments in this Para are specifically denied.

The reference to the case of Ishtiaq Azhar, being subjudice, needs no comment from the Respondents, nor can the Petitioner be permitted to agitate the same in the present proceedings. So far as the Tando Bahawal incident is concerned, it was an act of some individuals, who were dealt with by the Army in accordance with law, which fact proves the bona fides and objectivity of the Army authorities. The Petitioner cannot, in law, ask the Respondents or for that matter the Armed Forces to conduct any investigation on the lines and in the manner desired by the Petitioner.

Para-16.

That the contents of Para 16, being a matter of interpretation, need no reply.

Para 17.

That the contents of Para-17, so far as the scope and ambit of Article 14 is concerned, are matters of interpretation. However, the interpretation offered by the Petitioner is not the allegations, insinuations and innuendoes against the Respondents are false and are vehemently denied.

Para 18.

- (i) That the contents of Para-18, and each of the incidents in subpara (a) to (d), as stated, are emphatically denied, as false. The Petitioner has given a dishonest slant to the facts of each of the said incidents to suit pattern adopted by it through out the Petition. This is evident from the fact that the Petitioner has deliberately and mischievously termed Army personnel posted at Karachi as "local Army", as if there were some local militia functioning in Karachi. The Petitioner has, thus, repeatedly maligned a national institution i.e. the Army. The false and malicious accusation that the Respondents take action only against Mohajirs and not against other citizens is preposterous and condemnable. The Petitioner is attempting to divide the nation on abhorrent ethnic lines to achieve its nefarious aims to monopolize the politics of Sindh by raising such divisive slogans. This Hon'ble Court will not countenance any such attempt in any proceedings which may lead, basically, to the arousing of ethnic controversies. Such an attempt on the part of the Petitioner is reprehensible and against the public good and the well being of the State.

- (ii) That the contents of sub-Para (e), as stated, are false. It may, however, be submitted that the criminal elements take refuge by force in some localities and the Law Enforcing Agencies, in order to apprehend them and unearth illicit arms and ammunition, have to surround and cordon off suspected areas, always ensuring to observe all norms of civil behavior and to eliminate all possible inconvenience to the residents. The Law Enforcing Agencies comprise entirely of Muslims believing in the tenets of Islam, and it is preposterous to even allege that they would behave in an un-Islamic and undignified manner. The Petitioner has deliberately and mischievously magnified such incidents out of proportions as is evident from the allegation that all the villages spread over four square miles at Korangi are inhabited by the followers of MQM, which is a physical impossibility and factually incorrect as Korangi is inhabited by the mixed population of Pathans, Punjabis, Kashmiris, Baluchis, Sindhis as well as Urdu speaking people. As a result of such operation, a-r of culprits were apprehended and substantial quantities of licit arms, sophisticated weapons and ammunition were recovered.
- (iii) That the contents of sub-par (b), as stated, are denied An incident of indiscriminate firing did take place- on 30 9 1988 at Hyderabad during the period of interim government As a result of the said firing, a number of innocent citizens not only Mohajirs but belonging to various denominations and communities, were killed and injured After general elections and change of government, it was the PPP government, which took the appropriate action and apprehended the suspects who are still facing the trial.
- (iv) The most important and saddest part of this episode is that the workers of the Petitioner, under the orders of Mr. Altaf Hussain, attacked some localities in Malir and other areas of Karachi as well as in Hyderabad especially targeting non Urdu speaking residents massacring more then 300 such innocent citizens on first and second October, 1988 to "avenge" the Hyderabad carnage. Relevant news items concerning the said incidents have been annexed as Annexures to the MQM' s disruptive activities in the previous year. It is submitted that the language which the Petitioner has chosen to use in this paragraph clearly shows that the Petitioner is trying to create a milieu of insurrection against the lawful government and particularly against the personnel of the Armed Forces
- d) The contents of sub-Para (d) are emphatically denied It is submitted that these incidents relate to the efforts of the Law enforcing Agencies to unearth arms and to arrest criminals and terrorists who have been playing havoc with the lives of the common citizens and who take refuge and shelter in particular localities These "raids" and "searches" have, indeed, resulted in apprehending the wanted criminals and terrorists alongwith seizure of large caches of arms and ammunition The action was not directed against any particular community as has been maliciously and mischievously alleged by the Petitioner nor was any action taken against the dignity, person or property of any indecent citizen In fact, the various Law Enforcing agencies

took extra care to adopt even handed but firm action as the situation required and all norms of civilized behavior were observed.

Para 19.

The contents of Para-19 are emphatically denied as being utterly baseless and mere propaganda to malign the Respondents and the Law Enforcing Agencies. The Petitioner has not at all given any details for such serious, false and seditious allegations involving Army, police and other law enforcing agencies. In so far as the allegations against the Haqiqi group are concerned, the Petitioner has not furnished any evidence for the same.

Para 20.

That the contents of Para-20 with regard to the false allegations contained therein are debited. No restrictions whatsoever have been imposed on the Petitioner or on any of its supporters except in public interest and in accordance with law. As such, there has been no violation of Article 15 of the Constitution.

Para 21.

- (i) That the contents of Para-21, as stated, are denied. It is respectfully submitted that the miscreant elements of the Petitioner and other criminals have been indulging in sniper firing and attacking vehicles of police and Law Enforcing Agencies and killing personnel of Law Enforcing Agencies and innocent citizens as well as committing dacoities. Whenever they commit heinous offenses, they disappear and take refuge in particular localities. In order to flush them out, the Law Enforcing Agencies are left with no alternative but to cordon off such localities for conducting a search for the offenders and with the help and cooperation of the local peaceful inhabitants apprehend the culprits at the risk of their own lives. In many cases, the offenders have been apprehended, looted articles and vehicles recovered and caches of prohibited weapons unearthed. All these actions are taken with maximum caution and without creating unnecessary inconvenience to the citizens. It is further submitted that the Respondents, and especially the Prime Minister and the President of Pakistan have appealed to the Petitioner and its leaders to shun the politics of terrorism, intimidation and revenge. They have, time and gain, stressed the need for dialogue with all opposition parties and political elements so that the democratic institutions are given a course to develop and all differences settled in the best interests of the nation. It is in this spirit that the Respondents have offered dialogue with the Petitioner and appealed to them to give up their jingoistic and fanatical methods of endangering the peace and harmony of the city of Karachi. Instead of appreciating such sincere appeals made by the Respondents in the best and well recognized traditions of democracy, the Petitioner has deliberately and

mischievously misconstrued the same for its own designs and political mileage. Finally, it is manifest from the last sentence of Para 21 " Had the MQM not been denied its right to move freely in the their political influence, matters would not have deteriorated as they have,"----- made in the context of "crucial significance of MQM and the Respondent NO 2's "parleys with its --- that the MQM has admitted in so many words that they are responsible for disturbing the peace of citizens, creating law and order problems and indulgence in criminal and terrorist activities in Karachi.

According to the MQM, had the Respondents succumbed to their political blackmail and allowed it to move freely to terrorize the people and exercise unbridled sway over them, as was don- by the MQM in the days of Jam Sadiq Ali, the then Chief Minister of Sindh, the MQM would not have been piqued and "matters would not have deteriorated as they have". The said last sentence is the unwitting concession on the part of the MQM to grab and wield political power by hook or by crook

Para 22

That the contents of ,Para 22, The Petitioner has not given any instances in support of its baseless allegation Mr. Altaf Hussain has not been in Pakistan since 1992 and therefore the question of the federal or provincial authorities denying him any opportunity to address the public gatherings does not arise fact, the leader of the Petitioner, who is a fugitive from law and also a envied held guilty by a competent court of law, has been addressing and delivering inflammatory speeches on international telecommunication system by telephone Such speeches and addresses are then fully covered by the news media on the very next day Sad the Respondents wished to deny such opportunity, it could have easily taken steps to stop such facilities on the international circuit No violation of Article 19 of the Constitution has been committed by the Respondents .

Para 23.

The contents of Para 23 are denied. The allegation of preventing Mr. Altaf Hussain from making a political entry in the Punjab is false to the knowledge of the Petitioner and is emphatically denied. The so called acknowledged reader of the Petitioner is a fugitive from law and an abscond. He has been convicted by a competent court of law. Be slipped away to London in 1992 after operating torture cells, inciting murders, arson and looting and other acts of terrorism. Be has been named in numerous FIRs for murder, conspiracy and other heinous offenses, a list of which has already been submitted as an annexure for the perusal of this Hon'ble Court and marked Volume 16A. Para 24. The contents of Para-24, as stated, are denied. The matter of repatriation is a very sensitive issue which has been exploited out of the proportion by the Petitioner as a publicity gimmick by insisting on the repatriation

and settlement only in the province of Sindh. There is a very strong antipathy and antagonism on this issue among certain political groups who do not agree with the Petitioner on this subject. The polarization on this issue has been handled by the Respondents with extreme caution and circumspection. A very substantial number of these people were repatriated to Pakistan and all are- now settled in the Orangi township, a part of northern Karachi. This process was discontinued by the Dictator General Ziaul Haque. It is further submitted that the Petitioner's averment that the Respondents apprehend that if these people opt to settle in Karachi they will increase the strength of MQM is totally false and unsubstantiated. The allegation that such an event ~ that the Petitioner and the concept of the free movement of citizens in the country is, ex facie, absurd.

Para 25.

That the contents of Para-25, as stated, are denied It is submitted that the averments in nothing to do with any right of the Petitioner for the purposes of this Petition.

Para 26.

That the contents of Para-26, as stated, are denied and the contents of two preceding paragraphs are reiterated in reply.

Para 27.

That the contents of Para-27 are- denied. The Respondents have taken no steps to prevent the workers, members and sympathizers of the Petitioner from holding any meetings. They have been holding their meetings, almost every day and Mr. Altaf Hussain addresses most of such meetings by telephone from London. The Petitioner has made the concocted allegations to gain political sympathies and to conceal its own criminal activities which are eroding the foundations of democracy in the country.

Para 28.

That the contents of Para-28 are denied. The Respondents have not violated Article 19 of the Constitution.

Para 29.

That the contents of Para-29, as stated, are denied. It is submitted that the Petitioner has been enjoying complete freedom of speech and expression, as submitted in earlier paragraphs. The alleged incident of 6th September 1992, as stated, is denied. It

is submitted that Mr. Altaf Hussain addressing gatherings of his workers on telephone. At no stage any restriction have been imposed on lawful assembly and speeches by other members of the Petitioner. The Petitioner has its own newspapers like Aman, Quomi Akhbar, Parcham. Besides, all other newspapers give full coverage to the views expressed by the leaders of the Petitioner. In fact, the intimidating tactics of the Petitioner and its leader have 80 terrorized the national newspapers that they are scared of not publishing the press releases of the Petitioner. In the past, newspapers like Jang, Dawn, Star etc. have been browbeaten and coerced into publishing verbatim press statements of Mr. Altaf Hussain or other leaders of his group at the cost of sacrificing coverage of the much more important national and international news and views.

Para 30.

That the contents of Para 30, as stated, are denied. It is submitted that this allegation does not violate any fundamental right of the Petitioner for the purposes of this Petition.

Para 31.

That the contents of Para-31, are denied. The Petitioner has out furnished any details in respect of the false allegation that it is being penalized by denying access and admission to educational institutions on merit workers, followers and members. Every year hundreds of petitions are filed in the High Court of Sindh by the locals and non-locals in respect of the disputes regarding admissions but in none of them, this plea has ever been raised by any student. In any case, such a grievance is an individual grievance and it is only such affected students who can invoke the jurisdiction of the Sigh Court under Article 199 and the Petitioner is not entitled to agitate the same in the Petition. It is reiterated that no restrictions are placed on admissions to the educational institutions for any community and consequently violation of Article 22.

Para 32.

That the contents of Para-32, are denied. The Petitioner has elaborated its alleged grievance in the succeeding paragraph and the reply thereof may be deemed to be the reply to Para-32 as well.

Para 33.

That the contents of Para- 33 are emphatically denied. In fact, the genesis and the raison ds' etre of the quota system has already been elaborately dealt with in the earlier paragraphs. It i9 totally false that the quota system was meant to accommodate

people with less merit in the rural Sindh at the expense of urban population. The quota system, first introduced by the first Prime Minister of Pakistan, the late Mr. Liaquat Ali Khan was reintroduced under the Principles of Policy under Article 38(1)(a) of the Constitution to remove the artificially created imbalance in services and the dearth of opportunities of advancement to the citizens of backward areas of Pakistan which had been given a step-motherly treatment in the past in the field of education and social infrastructure. It may be submitted that the controversy of quota system is subjudice before this Hon'ble Court in Shariat Appellate jurisdiction. It is further submitted that the population figures quoted in this paragraph are entirely without any rational basis and are against the record. The correct figures have already been submitted in an earlier paragraph. It is presumptuous rhetoric of the Petitioner that the entire population living in Karachi, Hyderabad and Sukkur are the followers of MQM. On the Petitioner's own showing, it represents only the Urdu speaking population which claim in itself is spurious and audacious, to say the least. But assuming it to be so, the Urdu speaking population in Sindh is only 22.64% according to all the census reports. Consequently, the claim of the Petitioner that the MQM has the majority of population in the province of Sindh is, ex facie, false, spurious and mendacious. It is further submitted that the allegations made and the issues raised in this paragraph are totally political and cannot be agitated under Article 184(3) of the Constitution.

Para 34.

That the contents of Para 34 are mere repetitions and are emphatically denied.

Para 35.

That the contents of Para 35 need no reply as the same have been elaborately replied above. However, it is further submitted in this context that the social and demographic conditions of the province of Sindh are peculiar to it and are not obtaining in other provinces of Pakistan.

Para 36.

That the contents of Para 36, as stated, are denied. The Petitioner considers only the Urdu speaking people are Mohajirs", while conveniently forgetting that the province of Sindh is also inhabited by other communities viz: Punjabis, Pathans, Baluchis, Sindhis and other non-Urdu speaking citizens. In recognized as a mini-Pakistan. As such, numerically Urdu speaking people are not in majority or predominance. There are various other linguistic communities, exceeding the number of Urdu speaking Mohajirs as explained in earlier paragraphs .

Para 37.

That the contents of Para 37, as stated, are denied. As submitted in earlier paragraphs, the quota system was re-introduced only to remove the imbalance and to

create opportunities for backward communities to participate in education and social development denied to them in the past, and not for the purpose of any discrimination whatsoever. In any case Article 22 is to be interpreted in juxtaposition with other provisions of the Constitution.

Para 38.

That the allegations made in Para 38, as stated, are denied.

Para 39.

That the contents of Para 39 are denied. Submissions with regard to the Census figures and quota have already been made in earlier paragraphs herein above. The claims and allegations of the Petitioner are without any substance or factual basis

Para 40.

That the contents of Para 40, as stated, are denied. There are no official figures of Census after 1981. The present strength of the constituencies is based on the Census figures of 1981 which have been accepted by the Petitioner and have a constitutional authentication. The candidates supported by the Petitioner participated in the general elections in 1988, 1990 and 1993 on is. It is preposterous to suggest that the entire population of Karachi consists of Mohajirs and that MQM represents them all. Any increase in the population has correspondingly increased the population of locals, citizens from other provinces settled in Karachi and non-Urdu speaking communities, whom by its own showing the MQM does not represent.

Para 41.

That the contents of Para 41, as stated, are denied, and are the figment of imagination and absurd, to say the least.

Para 42.

That the contents of Para 42 do not need any reply.

Para 43.

That the contents of Para 43, as stated, are denied. It is respectfully submitted that there is no evidence for the averment made in the paragraph under reply. In fact, there are rival claims that the Mohajirs have the lion's share in the federal services, the services in autonomous bodies and public corporations. The Respondents have been endeavoring to create a socioeconomic equilibrium in development to provide social and economic justice to all the provide citizens without discrimination.

Para 44.

That the contents of Para-44 are emphatically denied b-being tendentious and political rhetoric without any substance. It is submitted that there is no nexus

between the so called grievances under Article 25 and 27 and the presumed damage to MQM as a political entity.

Para 45.

That the contents of Para 45 are denied. It is submitted that the elections of 1993 have been acclaimed, both nationally and internationally, to be above-board, fair, free, transparent and un-controversial. The reports of the international teams of observers are being submitted as Annexures. The dismal failure of the Petitioner is rather due to its own misadventure and short-sighted jingoistic political philosophy coupled with its penchant for fascist ideology of violence and terrorism which the people of Pakistan have rejected. It is submitted that the Petitioner's own claim that for provincial seats were concerned, almost all the candidates supported by MQM were elected with "large majority" shows that the elections were fair and free and therefore the allegations, made in the paragraph under reply, stand refuted.

SECTION - B

Para 1

That the contents of Para-1, requiring legal interpretation, do not need any reply as the Petitioner has not made out any case for the application of the diatribe of this Honorable Court in this Petition. However, it will be submitted here that the lexicographical contours of the concept of political justice have been a perennial theme of the political philosophers from the days of Plato in his book Republic to Rawls in his thesis on The Theory of Justice. None of the ancient or modern jurists has even remotely suggested that terrorism and incitement to insurgency form part of such concept or of legitimate political activity.

Para 2

That the contents of Para-2, as stated, are denied. It is false that the MQM has been denied any rights under the Constitution including Article 17 so as to be aggrieved for the purposes of approaching this Honorable Court under Article 184(3) of the Constitution. Within the framework of the Constitution and law, every political party, including the entity of MQM, has been exercising its rights to the fullest extent. However, criminals and other terrorism activities are not permitted in a democracy. In a civilized society, every citizen has the right to liberty, as in Pakistan, but no one can be given the license to kill, which is the law of jungle.

Para 3.

That the contents of Para 3, as stated are denied. It is respectfully reiterated that the Respondents are functioning as a political entity. However, it is clear from the overwhelming documentary evidence that it is the Petitioner which has been relentlessly attempting to damage the national interests and integrity of the country.

Para 4.

- (i) That the contents of Para-4 are emphatically denied. The concepts and the perceptions of the Petitioner are entirely erroneous, convoluted and concocted. The Petitioner was a part of the government at the Center and in the province. It was, thus, a part of the so called Establishment, which term the Petitioner has repeatedly used without specifying or defining what its concept of an Establishment is. There is nothing on record that the representatives of the Petitioner disagreed with or dissented from the action begun on 19.6.1992. In fact, at the relevant time, the commandos of the Petitioner were hunting down those who dared disagreement with Mr. Altaf Hussain. The contemporaneous reports in the media establish that the Petitioner went along with the proposed action thinking that since it was a part of the government it would be able to maneuver the elimination of all its political opponents and dissidents through the Operation.
- (ii) However, when the action was taken by the Army impartially and even-handedly, against the anti-social elements, some of the terrorists in the Petitioner's well-oiled cells and wings were also apprehended. This was a bolt from the blue for the Petitioner. It approached the then Prime Minister and the Chief Minister to spare its terrorists and commandos but they obviously could not tell the Army not to be even-handed. The extremists in the MQM were already involved in the commission of heinous crimes, as even before the Operation they!n on the personnel of the Army in the case of Major Rahim, Mr. Altaf Hussain was subsequently found to be instrumental in torturing the Major. A competent court of law has established the guilt of Mr. Altaf Hussain and his cohorts, and the appeals against such convictions and sentences are pending.
- (iii) In the even-handed Operation, many of the close companions of Mr. Altaf Hussain, including the elected representatives supported by MQM, were found to be involved in the most despicable and horrendous acts of violence, terrorism, torture, looting and other heinous crimes. Mr. Altaf Hussain had already slipped away quietly to London to save himself from the repercussions of the internecine war initiated by him

for control over MQM with the Haqiqi group. Upon commencement of the operation, quite a number of the terrorists went underground who are still engaged in terrorism, vendetta murders of the dissidents and political opponents. It does not, therefore, lie in the mouth of the Petitioner to portray itself as a victim rather than as the perpetrator of the most sordid acts of terrorism.

Para 5.

- (i) That the contents of Para-5, as stated are denied. The Petitioner has tried to twist and prevaricate about the history of Independence. Sir Ghulam Hussain Hidayatullah, the Prime Minister of Sindh never said that "in the new country of Pakistan as a matter of principle, Muslims all over India would come to inhabit the new state". In fact what he said was: "We will rapidly, industrialize our country and will provide a haven of refuge to Muslim traders and craftsmen who would choose to migrate into Sindh from the Muslim minority provinces. "
- (ii) It is respectfully submitted that partition of India did not and could not contemplate the mass migration of people. This is also borne out from the statement of Lord Mountbatten as quoted by the Petitioner itself. It was only the unfortunate bigotry and massacres on the eve of the Partition that Muslims from minority provinces had to leave their hearths and homes. The Sindhis stood by more than their commitment and welcomed their brethren with open arms and provided them shelter, succor and support with whatever was available with them. It is most unfortunate and saddening that people like Mr. Altaf Hussain have betrayed that sense of brotherhood and created a wedge between brother and brother in Sindh.

Para-6

That the contents of Para-6, as stated are denied At the very outset it is submitted that the MQM has no right to as the spokesman representative of any people who migrated to Pakistan at the time of Partition or soon thereafter It is further submitted that the Mohajirs have enjoyed for decades more than their fair share of rights in Pakistan which is evident from the fact that the trade and industry in Sindh is predominantly owned and controlled by them. They were given the choicest landed property in Sindh in preference to and at the cost of the locals. In fact, unlike other provinces, laws relating to evacuee property were specifically made beneficial for the immigrants settling in Sindh. For decades, they had the lion's share in all the federal services. All the top jobs in federal hierarchy have been their preserve. It is only after decades that the locals also entered into services but still, even to day, In spite of the quota system with which the Petitioner has a cavil, the numbers in the federal departments, autonomous corporations, banks and other state controlled organizations tell a different story and Mohajirs have a preponderance in almost every department, branch, organization or a factor in the public sector and are,

making important contributions to the national economy and prestige of Pakistan, as a modern state.

Para-7.

The contents of Para-7 do not need any reply except to say that the principles laid down by the Father of the Nation related to the people of Pakistan as one which did not have any ethnic or sectarian connotations. These principles have been meticulously followed by the State of Pakistan. Para-8. The contents of Para-8, as stated, are emphatically denied. All the citizens of Pakistan, irrespective of their political affiliations, are treated alike by the State and the Respondents have taken no action to deny the followers of the Petitioner any of their rights under the Constitution. It is submitted that the concluding part of this paragraph is most unfortunate as it contains an implied and veiled threat to the integrity of Pakistan.

PART-IV

Para 1.

The content of Para-1 do not need any reply.

Para 2.

The contents of Para 2, as stated, are emphatically denied. It is submitted that the allegations are mere political rhetoric without any substance whatsoever.

Para 3.

That the contents of Para-3 are emphatically denied. It is submitted that the allegations concerning the businesses of the persons named in the Para under reply, as stated, are false and have been concocted to portray these persons as innocent victims of the events that never took place, as alleged. However, these persons were involved in substantive offenses and the cases registered against them are still pending adjudication.

Para 4.

That the contents of Para-4 are denied. The stray examples cited by the Petitioner, which are even otherwise untrue, cannot establish that the rights of the followers of the Petitioner under Article 18 have been violated en bloc.

PART -V

Para 1.

In principle there is no cavil with the proposition contained in Para-1 but the slant given with reference to Pakistan to convey as genocide has been perpetrated in Pakistan at any time against any particular group, class, or ethnic minority is false and unfortunate.

Para 2.

The contents of Para-2 are emphatically denied being false and untrue. It is submitted that in fact, it is the terrorist leadership of MQM who has conducted various operations of "cleansing" Karachi of Pathans, Punjabis, Sindhis and Baluchis with a pernicious approach to depict Karachi as pulsated solely by the supporters and followers of MQM in order to pave way for division of Sindh on ethnic lines. It is , respectfully, submitted in this context that there is not a single instance of any Mohajirs, as groups, migrating from Karachi to places outside Karachi. Neither has the Petitioner quoted any such example. The Respondents have separately filed the reports of the forced migration of Pathans, Punjabis and others from Karachi so much so that many of them abandoned their hearths and homes, business shops and factories.

Para 3.

The contents of Para-3 are denied being false and untrue. She allegation of genocide against the Law Enforcing Agencies is specifically denied. In fact, the Law Enforcing Agencies have always acted in the best interests of the people, given them security and rendered humanitarian services by providing medical help, food, milk and other articles of daily use to the needy persons in the affected areas, during the Operation Clean Up .

Para 4.

The contents of Para-4, as stated, are denied. It is respectfully submitted that it is the Petitioner and its terrorists that are responsible for the deterioration in law and situation. The terrorists belonging to the Petitioner have consistently resorted to vendetta killings of not only the dissidents and those who do not see eye to eye with

the leadership of the Petitioner, but they have also started attacking police stations and killing police personnel. The murder of the DSP, Mr. Khatian and at least 4 SROs, including Bahadur Ali, were committed in a manner which is reminiscent of the planning, organization and weaponry of the Israeli commando action in temple and the occupied territories. The Respondents have evidence that the commandos involved in these murders belonging to the Petitioner. The aim of the Petitioner is to blackmail the Respondents to succumb to these terrorist tactics for re-gaining its political ascendancy and further to compel the Respondents to withdraw the cases of heinous crimes against Mr. Altaf Hussain and his trusted lieutenants, which no legitimate government elected by the People of Pakistan can do. Day in and day out, the MQM and the leaders of opposition, including the writers of public opinion with MQM sympathies and some at the MQM instigation, are clamouring in the newspapers and magazines that as soon as a settlement is reached with Mr. Altaf Hussain and his MQM on their terms, the law and order situation in Karachi in particular and in the entire province of Sindh in general will undergo a miraculous transformation and a sea change and complete peace and harmony will be restored overnight. This fact clearly proves that the MQM alone is controlling and masterminding the terrorist and anti-social activities. From such chorus of clamoring, the message is also loud and clear that the crime should pay and the criminals should be patted and honored, rather than condemned and punished.

Para 5.

- (i) That the contents of Para-5, as stated, are denied. In fact, the cases cited in the Para under reply are cruel examples of shedding crocodile tears. As submitted earlier, the incidents of violence are being committed by the terrorists belonging to the Petitioner. So far as the shocking murder of Maulana Salahuddin is concerned, it is submitted that Moulana Salahuddin was one of the journalists who consistently exposed the nefarious activities of Mr. Altaf Hussain and his MQM in his weekly "Takbeer". In order to intimidate him, several attempts were made by the terrorists belonging to MQM to liquidate him. his office and house were ransacked twice and burnt and he pointedly accused Mr. Altaf Hussain and his organization for these acts of violence. Ultimately, MQM (A) terrorists succeeded in murdering Moulana Salahuddin.
- (ii) The Respondents have filed a few issues of Takbeer weekly edited by the late Moulana Salahuddin for the perusal of this Honorable Court. These issues of Takbeer graphically portray the actual face of the Petitioner as a terrorist organization rather than a political entity. So far as Moulana Edhi's case is concerned, the Respondents beg to submit that the Moulana was contacted and later threatened by some people who had connections with Gen. retired. Hameed Gul and since Gen. Gul had resigned the Chief of ISI the Moulana mistakenly took these persons to belong to some agencies.

(iii) In fact, the record would show that the MQM has always grudged the charitable and social services of Moulana Edhi, which he has been rendering on national and non-ethnic basis. On many occasions, the terrorists of the MQM have snatched vehicles, ambulances and sacrificial hides collected by his organization. His camps were attacked and his people physically manhandled apparently on the ground that the Khidmat-e-Khalq wing of the MQM had the sole right to collect sacrificial hides. Such high-handed operations were also conducted against the camps and collection of hides by Jammāt Islami and Jamiatul Ulema-i-Pakistan (Noorani group) who also claim allegiance of the Mohajirs in Sindh.

Para 6.

(i) The contents of Para-6, as stated, are denied. The incidents related, without conceding the figures, are alleged to have been committed by the Haqiqi group. The Respondents have brought material on record in the earlier paragraphs that engaged in vendetta killings of the dissidents and there is an internal warfare going on, which the Respondents have been trying to prevent to bring the law and order situation under control.

In so far as various incidents cited in Para under reply, excepting sub-Para (vii), FIRs have been registered and action is being taken in accordance with law. As to the claim of the Petitioner that the victims were the MQM supporters/workers, it is submitted that the same is disputed by the Haqiqi group, who on the contrary claim to be the victims.

(ii) So far as sub-Para (vii) relating to the affairs of Pakistan Steel Mill is concerned, it is respectfully submitted that the allegations are concocted in order to disinform the Honorable Court about the actual events in the Steel Mill. The actual fact is that when MQM was sharing power in the center as in the province of Sindh from 1990 to June 1992, the MQM through its workers almost took over the management and control of the Steel Mill hundreds of workers, who did not belong to MQM, were thrown out or forced to leave through terrorist methods; thousands of MQM workers were inducted on the payroll without paper formalities and without any skill, merit or qualification. Those inducted were absentee and their wages were siphoned off by the MQM. Many of these persons were, in fact, utilized in nefarious activities of the MQM inside and outside the Mill. After induction of such a large number of workers, not only did the Mill start showing huge losses but even the products being turned out were surreptitiously removed and sold to generate funds for the MQM. The Union, under the orders of the leaders of MQM, took over the buildings, the vehicles and electronic and other equipment and used the same for their own purposes. The control was so complete that even the Chairman was unable to execute any orders, unless they were countersigned by the President of the Workers Union led by the MQM. The heavy bars and sheets worth millions of rupees manufactured in the Mill were illegally utilized by them as hoarding, carrying huge portraits of Mr. Altaf Hussain as the Supreme Leader with ethnic slogans on the streets and roads in

Landhi, Malir, Liaquatabad, Azizabad, Nazimabad , Federal B. Area and other localities.

- (iv) It may not be out of place to mention that the MQM adopted the same modus operandi of take over and embezzlement with various degrees of success in the cases of Karachi Metropolitan Corporation, Karachi Water and Sewerage Board, Karachi Development Authority, Karachi Electric Supply Corporation, financial institutions and DFIs as also semi-autonomous bodies, so much so that even the educational institutions and educational boards were not spared from the MQM corruption.

Para 7.

The contents of Para-7, as stated, are denied. In so far as the incidents cited in the Para under reply are concerned, FIRs have been registered and action is being taken in accordance with law. However it is specifically denied that most of the victims belong to the MQM. The claim of the Haqiqi group, as reported in the newspapers, is contrary to this assertion. It will not be out of the place to submit, without conceding the figures, that the number of persons who died during October 1994 included miscreants, criminals and terrorists killed in the encounters with Law Enforcing Agencies.

Para 8.

The contents of Para-8 are emphatically denied as being false to the knowledge of the Petitioner. It is submitted that the allegations are a figment of imagination of the Petitioner without an iota of truth. It is submitted that the number of deaths as mentioned in Para under reply has been deliberately and falsely exaggerated and so also the claim that most of the people killed belonged to the MQM. The detailed reply in denial has already been submitted in the respective paragraphs .

Para 9. The contents of Para-9 are emphatically denied, as totally false and baseless. It is submitted that this is the worst kind of libel against the State of Pakistan to discredit the intensive efforts of the Government of Pakistan to highlight the genocide being perpetrated by India in occupied Jammu and Kashmir.

PART-VI.

Para 1.(A)

- (i) That the contents of all paragraphs of Part VI and each and every allegation and assertion therein are denied. It is, respectfully, submitted that this entire Part contains political rhetoric devoid of any substance. It is a bad attempt to glorify Mr. Altaf Hussain to the ridiculous proportion and consists of sanctimonious hypocrisies to play to the galleries by maligning and defaming the State of Pakistan and its institutions including Armed Forces. The main objectives are, first, to whitewash and restore Mr. Altaf Hussain's politically tarnished image, as a leader of some consequence, by falsifying history and, secondly, to gain publicity to change the adverse mass perception about Mr. Altaf Hussain, as the leader of a terrorist organization at the expense of the valuable time of this Honorable Court.
- (ii) The true characters and the real faces of the MQM extremists were exposed in the "Operation Clean Up" by the Army in June, 1992. This is the reason, why MQM is so annoyed with the Army. At that time, the MQM was operating 22 cells in various parts of the city of Karachi. In Sindh, though a supporting political entity in minority, MQM was a dominant coalition partner of Jam Sadiq Ali's cabinet and misrule. The police was under its complete control, who would not investigate MQM crimes and would even refuse to register complaints of tortures, murders and other crimes of dacoities, robberies and kidnapping against the MQM activists and leaders. Even the municipal hospital, Abbasi Shaheed Hospital in Nazimabad, was used as a torture cell and storage place for arms and ammunition, regularly frequented by Mr. Altaf Hussain, for whom a separate bed room was reserved on one of its floors. Besides there were two other infamous torture cells in Tunisia Line (of Javed Langra) and in Jut Line (of Javed Bhoora).
- (iii) The localities dominated by the MQM were cordoned off by the extremists after erecting huge impenetrable gates - demolished subsequently by the Law Enforcing Agencies during Operation Clean Up - on all sides on the openings of side - lanes or streets leading to or from the main roads and particularly in the localities where torture cells were installed. This was done to disallow the police and Law Enforcing Agencies to enter the places of hiding of the MQM miscreants, to pursue by the Agencies and to protect caches of arms and ammunition from discovery and seizure. Thousands upon thousands of citizens living in the state of fear and insecurity were made hostages within these closed gates and forced to cooperate with MQM activists, who freely and openly carried guns and rifles in these safe havens to demonstrate their power and invincibility to the marooned and abandoned public in a sea of terror. In the Lines Area, arms were taken openly inside a mosque in the vicinity of a torture cell and praying public were ordered to leave the mosque forthwith after each prayer and not to linger on. Even the house of God was not spared from the MQM's display of temporal, transient and petty power.
- (iv) The most notorious of these cells was located in the Jacob Lines area in the heart of Karachi operated by Javed Langra (Javed, the Lame). He was the Sector Incharge of MQM and a veritable terror in the area. He was an Indian spy and escaped to India

after the " Operation Clean Up " and now lives in Delhi with his brother, who was also an Indian spy. This was the favorite cell of the MQM leaders, who would send victims also from other areas to be tortured and killed there and for efficient and surreptitious disposal of their dead bodies. The condemned used to be brought either in stolen vehicles or in the requisitioned vehicles of the Pakistan Steel Mills to the various torture cells. Slogans were written outside the torture rooms called " Remand Rooms ", such as " Re who revolts against Altaf Hussain deserves death ". This was the hellish motto and graffiti of the creed of MQM splashed all over the walls of the city of Karachi. Another slogan was " The punishment of a rebel is death ". The third slogan written was " The consequence of revolt against Altaf Hussain "

(v) The following is the list of MQM Torture Cells:

LIST OF MQM TORTURE CELLS

District Central

- 1. Pili Kothi, near Govt. Secondary School Sikandarabad.**
- 2. Second Floor of Operation Theater, Abbasi Shaheed Hospital, Nazimabad.**
- 3. Doctors Flats 1st block, Top Floor near Abbasi Shaheed Hospital.**
- 4. A school adjacent to Aik Minar Masjid near PS Jauharabad.**
- 5. Unit Office, near Rahmania Masjid, Liaquatabad No.2.**
- 6. KMC Community Center, Block A, North Nazimabad.**
- 7. Sector Office F.B. Area Block 14, Opposite Alpha Masjid.**

District West

- 8. Sector Office, Pak Colony.**
- 9. Boys Secondary School, Ali Garh Colony.**
- 10. Orangi Town.**
- 11. Govt. Secondary School Naveejon, Sector 11, Orangi Town.**
- 12. Sector Office Mughal Eouse, Sector 10, Orangi Town.**

District East

- 13. Ibrahim Ali Bhai School, Block 2, Shah Faisal Colony.**
- 14. Govt. Mulla Shoray Secondary School, Shah Faisal Colony.**
- 15. Ibrahim School, near Sector Office, shah Faisal Colony.**
- 16. Civil Defense Office, Block 5, Shah Faisal Colony.**
- 17. Under Construction School behind Civil Defense. Office, Shah Faisal Colony.**
- 18. Sports Room, Superior Science College, Shah Faisal Colony.**
- 19. Mohajir Khel, Landhi.**
- 20. Lalu Khet, known by the name of PK.**
- 21. SITE, Malir, known as Darra**
- 22. House of Khalid Murtaza, Gen. Secy. CBA, Pak Steel Mills, Malir.**

vi) For nearly one and a half years, the MQM tortured and killed its political opponents, its own discarded workers and kidnappers for ransom in these isolated and insulated cells, where arms and ammunition in huge quantities were kept for daily use and stored for eventual encounter with the government and the Army in the days to come of insurrection and separation, and where drunken sexual orgies and rapes were committed. However, in all these 22 cells, inhuman and barbaric tortures and executions were conducted. The standard procedure was always to strip naked the victims to humiliate them utterly and to take away their human dignity: limbs of the victims were beaten and broken with hammers and hot iron rods were applied to the organs, after they were chained hands and feet to the walls; sometimes they were laid prostrate on slim boards and tied to extract finger nails, some victims were given electric shocks or whipping with electric wires, and then tied and dangled upside down. Invariably, the chained victims were administered prolonged and severe physical beatings and the more unfortunate among them were subjected to the cutting of their flesh by scissors, pouring of acid in their wounds, pulling and tearing of their limbs by heavy weights and drilling of holes in their legs and bodies by the drilling machines. In case any victim asked for water, he would get pistol blows to his head or electric shocks at the temple and would black out. Some victims were shot in the legs before commencing tortures.

The victims were thus tortured and confined for days together. They were then either released in moribund connotation from the " Remand Room ", the name given to the place of torture - or executed by hanging or shooting, depending on the orders of the HIGH Command of MQM . The activists would perpetrate these horrors, after heavy trenching to insulate them from pangs of mercy on account of heart endearing cries and shouts of the victims, which remained muted within the rooms and walls of these cells.

(vii) The torture instruments employed were iron rods, burning coals, acid, slim boards, scissors, ropes for tying and hanging, heavy weights for pulling organs, electric wires for whipping, drilling machines, manacles and bottles of beer and whiskey for executioners and Klashnikov rifles and guns for execution.

(viii) The abhorrent and tragic details of the sordid, misanthropic and barbaric anti-people activities of the MQM extremists have been revealed by some of the leaders and activists to the Field Investigation Team of the Army during and after Operation Clean Up. These extremists are still carrying out such activities albeit in a very low key, being without official patronage and having been effectively checkmated and restrained by the Respondents.

Para 1B.

The Respondents submit eighteen (18) interrogation reports of the said FIT and reproduce below synopses of significant revelations and admissions by some important leaders and activists of the Petitioner. The Respondents have also made video and audio cassettes of some important statements, which will be shown to this Honorable Court with permission.

Para 1 C. **Statement of Manzoor Ahmed alias Mama.**

- (i) He was a " Halafyafta " (i.e. sworn) activist of the Petitioner. He had contacts with Mqhammed Mian, the spy brother of Javed Langra and the political worker of the Indian political party BJP. He also had liaison with Captain Ram Gopang, Parkash and Tallish of the Indian Intelligence.
- (ii) After dissolution of PPP and MQM political accord and upon " Paya Jam Hartel " by MQM on the 7th February, 1990, he alongwith other MQM workers, burnt tires, pelted stones on public transports, fired shots in the air and burnt a truck upon instructions from MQM Markaz given to his Sector Incharge.
- (iii) Upon the instructions from MQM Markaz to kill Sindhis on sight, ambushed a jeep with Taqi and Naveed, the other two workers, near Khudadad Colony and killed Sindhis on spot and looted Rs.80,000/- from their possession.
- (iv) Armed with weapons and in the company of three MQM workers, he murdered a relative of Mr. Ghulam Mustafa Jatoi. The said relative became a victim, because he was wearing a Sindhi cap.
- (v) In pursuit of ethnic hatred, killed with his group two Sindhis in Sindhi Muslim Society in a car.
The above crimes all took place on 7th February, 1990.
- (vi) Killed with a TT pistol a service man in March, 1990.
- (vii) In June alongwith Javed Langra and others kidnapped two PPP activists Junaid and Sohail brought them to the torture cell of the Lines Area, where they were tortured due to which Junaid died, whose dead body was thrown in Surjani Town.
- (viii) Alongwith Javed Langra and another. killed a disobedient worker Murad Pareedy.
- (ix) Kidnapped three workers of MQM Aslam, Faisal and Nadeem who were tortured in the Lines Area Cell and killed.

- (x) Visited India on the order of Tariq Azeem. He and other MQM visitors were received by Muhammad Mian, the brother of Javed Langra, introduced alongwith other MQM visitors to Captain Ram Gopang in Mangol Puri Cantos ent and stayed in Delhi for 10 days.
- (xi) On the instructions of Javed Langra and in the company of his co-workers Taqi and Ayaz Tanki and armed with Klashnikovs and TT pistols and wearing masks, he and others sprayed bullets on the MQM camps established for the reception of Mr. Altaf Hussain on the day of his arrival on 21st August, 1990, so as to put the blame on PPP and to gain the sympathies of the public in Karachi.
- (xii) He gave details of other tortures and murders in the Lines Area torture cell.
- (xiii) He with others looted Rs. 45,000/- from a person coming out of the Muslim Commercial Bank.
- (xiv) Kidnapped several persons for ransom from time to time in the company of other MQM activists, and tortured them in the torture cell.
- (xv) Alongwith others, lifted and snatched cars.
- (xvi) He and other MQM workers kidnapped and collectively raped a girl behind Jut Lines torture cell.
- (xvii) He and other MQM workers looted taxis and forcibly vacated houses. He informed about the supply of Klashnikovs to Javed Langra from Kemari and also informed about murder of Atta Muhammad by his MQM associates.

Para 1D

Statement of Dr. Javed Ahmed Shan son of Ghulam Murtaza.

- (i) He was born in Bangla Desh, educated there and migrated to Pakistan to become Resident Medical Officer in the Abbasi Shaheed Hospital in July 1991.
- (ii) According to him, the said hospital was entirely under the control of MQM and worked under the telephonic directions of MQM Center (Markaz). The Hospital provided free and special medical treatment and facilities to MQM workers injured in firing, riots etc. MQM guards were stationed on duty in the hospital.
- (iii) A VIP room on the 4th floor of the hospital was reserved for Mr. Altaf Hussain. Dr. Waqar Kazmi was his personal doctor. Arms were brought by the guards of the MQM leaders to protect them and were deployed in every corner of the hospital, when Mr. Altaf Hussain came to visit it. Arms and ammunition were stored in the

main medical store near oxygen plant . Victims were tortured in the opposite room of the security guard. Doctors were given instructions to change legal into illegal and illegal into legal by the Markaz. Dead bodies were brought in the hospital.

(iv) Morally corrupt activities were committed in the hospital.

(v) No treatment was given without MQM recommendation. Poor or deserving patients were never admitted. Other MQM leaders with armed guards visited the hospital.

Statement of Amad Ud Din Jillani son Fakhr Ud Din Jillani

- (I) He got the job as a sub-inspector in Zonal Municipal Committee, West and was Deputy Director, Lands in June 1991. He was Sector Incharge of MQM in Nazimabad.
- (ii) He and his accomplices, during the ethnic riots in 1989, fired and injured a Pathan in stomach in Shah Faisal Colony, abducted a worker of PPP at the end of 1989, picked a Sindhi boy of PSF, and took him to Peeli Rothi in Liaquatabad, which was a MQM unit cell and a torture place. Seven or eight other boys of PSF were also kept there.
- (iii) He informed of burning of the vehicles by MQM workers on 7.2. 1990, and looted the house of Amir Rhan, the dissident of MQM. In the company of other MQM activists and in connivance with another MQM activist Usama Qadri planned a raid and raided Usama's own house, who allowed himself to be fired in his left arm. All this was done to put the blame on and to defame Jamat e Islami and to gain popularity for MQM and Usama Qadri. Bought Klashnikovs and other weapons in quantities for MQM from sector funds /donations. He indulged in wine and women.
- (iv) According to him, the Chief Body Guard Bali of Mr. Altaf Hussain, informed him that another guard of Mr. Hussain, Shobi was murdered on the orders of Mr. Altaf Hussain.

Para 1F Statement of Khalid Naeem alias Khalid Commissioner

- (i) He was arrested on 5.8. 1992. He was a graduate. He became a worker of MQM in 1986. In MQM dominated Karachi Municipality, he registered his company " Sana Builders " and started taking contracts. He used to deposit 5% on every contract with Sohail Akhtar for sector funds.

- (ii) According to him, Javed Langra maintained a torture cell next to his sector office in Lines Area. At this torture cell, people from different parts of Karachi were brought for torturing. He had many times witnessed these terrorists torturing people. They were normally armed with Klashnikovs and TT pistols. Some had also died during the process and bodies were disposed off by MQM activists. The torturing tools included drill machines, iron-bars, gallows and confinement without food and water in empty water tank for several days.
- (iii) He confessed to personally disposing off the dead bodies. He supplied details of the kidnappings by MQM activists and tortures and murders of the kidnapped persons in the torture cell of Lines Area under Javed Langra.
- (iv) According to him, Manzoor Ahmed alias Mama, Javed Langra, Naveed and Javed Bhora had been to India and stayed there for about two months. It was informed to him that these activists were selected by Azeem Ahmed Tariq, Dr. Imran Farooq and Saleem Shahzad.

Statement of Khalid Murtaza.

- (i) He was apprehended on 4.5. 1994, from the Markaz "90" . He was there with other activists of MQM to discuss further strategy on the directions of MQM Chief received through telephonic address at Hyderabad.
- (ii) In 1978, he joined the Pakistan Steel Mills, as an operator. In 1988, he joined MQM and was elected as the Chairman of United Worker Front of Steel Mills.
- (iii) He disclosed that he and others had gathered at " 90" to chalk out further program on the directions of MQM Chief. They had made a plan to create unrest in the city and shake the confidence of the general public in the Government, so that Government may bow its head before MQM Chief.
- (iv) The accused was involved in many cases in the jurisdiction of different Police Stations and the numbers of his cases are mentioned.

Statement of Haji Jilal Khan alias Jilal

- (I) He was a ex-councilor of MQM(A), absconding since 19.6. 1992, and was arrested on 18.2.1993. He was a driver. In 1985, he contested Elections for Provincial Assembly Sindh, as an independent candidate and lost. He joined Muslim League and was

MQM supporter in 1987 in the riots of Landhi. He went to jail in 1987, met Mr. Altaf Hussain there and became his worker.

- (ii) He gave names of the persons who looted a bank van carrying cash of Rs. 2.8 millions for the MQM to purchase weapons. He gave names of the MQM workers who carried out dacoity in Farooq Textile Mills (Landhi) of Rs. 7 Lakhs. These dacoits were arrested by the police but were then released on the instructions of the high Command of MQM (A).
- (iii) He disclosed murders of four Punjabis and three Sindhis, by MQM (A) in the planned ethnic riots in Karachi in 1987.
- (iv) Disclosed murder of councilor Anwar Ahmed in November 1990 ordered by the high Command of MQM (A) for disloyalty to Mr. Altaf Hussain.
- (v) Disclosed forming of groups of named persons by Saleem Shahzad in June 1991 to deal with the dissidents of MQM and also other groups in this respect. He gave names of key persons for recovery of weapons in the Landhi area.

Para 1J **Statement of Muhammad Ashfaq alias Ashfaq Chief.**

- (i) He graduated in B.Sc. (Science) from S.M. Science College, Karachi, opened a medical store, got a job as vaccinator in District Health Office, joined MQM in march 1986, as a worker and was arrested in 1987 on charges of murder and arson etc. Contested Elections as MPA, while in jail, got elected, was appointed member Zonal committee and promoted as Joint Zonal Incharge of MQM in February, 1990. He became sector Incharge in July 1991 and went underground on the orders of High Command of MQM (A) till arrest on 15.10.1992.
- (ii) He was a very dependable and close aide of Mr. Altaf Hussain, the Chief of MQM. He was considered to be sign of terror. He was entrusted with the responsibility of subduing the opponents and the suspected dissidents of MQM. He was one of the pioneers of torture cells. He undertook criminal activities like religious orders and was a great believer of Mohajir nationality and ideology propounded by the MQM (A).
- (iii) Mr. Altaf Hussain used to look forward to him in demanding situations, such as when dissident groups started gaining strength. In order to subdue the rebellion, he established a torture cell at Landhi.
- (iv) During interrogation, he revealed lots of information regarding weapons, torture cells, murders and their connections with India, besides unveiling the personal activities of the leadership.

- (v) MQM was equipped with the arms/ammunition formidable enough to meet any armed threat fearing from PPP, JI and Jeay Sindh. According to him, Altaf Hussain openly asked the Mohajirs to sell off luxury items like TV/ VCR and purchase arms. Sigh Command purchased arms from fund, mostly Klashnikovs and TT pistols which were issued free of cost to the faithful workers and personal body-guards of the leaders.
- (vi) He gave the names of torture cells where dissidents and those whose loyalties were doubted were tortured. According to Ashfaq Chief, almost all the murders took place on the orders of the High Command. All activities of terrorism, arson, abduction etc. were planned and executed by Salim Shahzad. He had blessings of Mr. Altaf Hussain. He gave details of the murders of Senator Mohsin Siddiqui, Malik Salim, Sardar Ahmed, Ranger's sepoy, Councilor Anwar Ahmed, Mansoor Rasheed Azad, Rafiq Sheikh, Shoaib alias Shobi, the body guard of Mr. Altaf Hussain, by the MQM militants.
- (vii) According to Ashfaq Chief, Shobi had the knowledge of the secret life of Mr. Altaf Hussain and was murdered by the MQM activists.
- (viii) According to him, in 1988, Mr. Altaf Hussain met the Indian Council and requested for monetary help for MQM. In the beginning, MQM was supported by India through G.M. Syed by not allowing the Sindhu Desh militant elements to interfere with the new born MQM.
- (ix) By the beginning of 1990, MQM ordered Ashfaq Chief to purchase as many arms and ammunition as possible. Ramesh and Ashok Sumar, the Indian agents contacted him and offered assistance in raising funds and gave him a camera to snap photographs of army installations. He gave a hand sketch instead. He was intercepted by FIT on 15th October, 1992. He was trying to pass military information to Ramesh, the Indian agent.
- (x) According to Ashfaq Chief, Mr. Altaf Hussain was followed by his followers near to worship. He was misguiding his followers by propagating his divine strength and vision. It was considered a sin to call him by name. He was addressed as "Peer Sahib".
- (xi) MQM lived and flourished on " Bhatta " (donations) and money of ransoms. All factories, rich people and other persons were compelled to pay contributions to MQM (A). From skins on Eid-ulAzha they used to fetch up to Rupees 3 crores Saleem Shahzad used to obtain illegal commission on the grant of the contractors of KMC/KDA etc.

- (xii) All terrorist elements MQM (A) constituted a group known as " Shurfa Committee ". They planned execution of sabotage and terrorism. They used to work under direct supervision of Mr. Altaf Hussain. Their names have been given by Ashfaq Chief.
- (xiii) Amongst other terrorist acts, Ashfaq Chief admitted that the house of Salahuddin, the Editor " Takbeer was set ablaze on the orders of Saleem Shahzad with the approval of Mr. Altaf Hussain. Usama Qadri personally supervised the operation.
- (xiv) By the end of 1989, five houses of Pathans were burnt to ashes on orders of Saleem Shahzad.
- (xv) There was complete control of MQM over bureaucracy and police. Saleem Shahzad was responsible for all the matters, where appointments/ postings on important key posts were concerned. There was understanding between the MQM and the Chief Minister Jam Sadiq that Mohajir dominated areas will have Mohajir bureaucrats whereas police officers would be of Jam's choice. In spite of it, the officers of Karachi Division, including police, used to be of MQM's choice.

Para 1k **Statement of Muhammad Sher Afghan son of Saraj ur Rehman.**

- (i) He was a councilor of Karachi Municipal Corporation. He joined MQM in July, 1987 as a worker. He collected donations for the Party and attended its meetings regularly.
- (ii) He stated about running of torture cell by Sector Incharge Naik Mohammad in sector office of MQM. He gave information about the criminal activities of other MQM workers, being Javed Chhatari, Naik Mohammad, Tanveer Adil and Ashfaq Chief.
- (iii) He gave the reason for split between MQM (A) and MQM Haqiqi as under :

" During the distribution of MNA and MPA tickets for 1990 elections, the split came up between the new Mohajir from East Pakistan and old Mohajirs from India. Afaq Ahmed and Amer Rhan were pro old Mohajirs, whereas Saleem Shahzad, Ashfaq Chief, Tariq Javed and S.M.Tariq were pro Bihari. Finally pro new Mohajir group was successful in winning the confidence of Altaf Hussain and mostly tickets were given on the recommendations of Saleem Shahzad and Ashfaq Chief. Afaq Ahmed, Badar Iqbal and Amer than alongwith his group left the party. Suspect being an old Mohajir, his name was proposed by Amer for MNA seat, but was opposed by Saleem Shahzad group. During June 1992, he was beaten up and kept in confinement for 5 days by that group and his loyalty was even doubted. Suspect tried to convince them that he had no relation or association with anti group; thereafter he was pardoned by Ashfaq Chief and Saleem Shahzad and allowed to work as a Councilor in Orangi Town."

Para IL.

- (I) The story of the rise of MQM, created and patronized by General Ziaul Haque to divide and rule Sindh and protected and licensed by Jam Sadiq Ali, the former Chief Minister of Sindh, to eliminate his political opposition, is one of the worst examples of the birth and growth of myopic parochialism, ferocious ethnicity, subversive contacts in Pakistan with the Indian agents of RAW, visits of MQM activists to the RAW camps in India, movement for achieving a separate state of Jinnahpur " by disintegrating Pakistan in the garb of the demand of a separate province for Mohajirs, orgy of killings, Mafia gangsterism, the cult of personality of Mr. Altaf Hussain, his false divinity, secret oaths of personal loyalties, looting, dacoities, operation of torture cells, death by torture, maiming, butchering and burning of the political opponents and their properties and even of MQM's own recalcitrant workers and forcible extraction of Mafia tax on a pervasive and massive scale on the pretext of donations.
- (ii) The peaceful city of Karachi was stricken and horror-ridden by the MQM anti-social crimes carried out in the name of " Mohajir nationalism. Even its flag is composed of the magnified word "Mohajir", an open and morbid declaration of rabid ethnicity. The present governments, both in the Center and in the province of Sindh, have now effectively stemmed the tide of MQM terrorism and are determined to wipe out the terrorists and the politics of crime to disperse the clouds of gloom and despair and milieu of siege in Sindh, an aftermath of the MQM nightmare, with a view to restoring peace and prosperity to all sections of the people with equal treatment and justice to all and without discrimination or imbalance. The Respondents annex hereto the said 18 Interrogation Reports and Confessions of the MOM leaders and activists. some of which are described in Paragraphs 1C to 1(K) herein above and marked Volume 28.

Para 1(M)

That the Respondents also have other substantial information and evidence, regarding the anti-state and anti-social activities of the MQM.

Para 1 (N)

- (a) That in order to create unrest and to maintain pressure of violence and terror generally, the Petitioner has been continuing other wanton acts of violence, such as burning and damage to all sorts of vehicles in large numbers, damage to various properties of general public and murders.

The list of such acts of the Petitioner are annexed hereto and marked Volume 29.

- (b) Recently in the months of April and May, 1995, the local militants of the Petitioner at the direction of Mr. Altaf Hussain from London have intensified the acts of violence and terrorism and damage to the public property in Karachi and the other cities of

Sindh. Their anti-people and seditious tactics are obvious and easily predictable. Whenever, the federal Government strongly takes up -the cause of Kashmiri people under the yoke of the Indian Government and condones its inhuman and barbaric atrocities and killings of the helpless people of occupied Jammu and Kashmir - such as the nation wide protest and condemnation of the recent incidents of discretion and destruction of the Shrine of Charar Sharif and murders of the innocent people of Charar Sharif town by the Indian army - the MQM, without loosing any time, creates unrest and conditions of siege by calling strikes and resorting to terrorism to dampen the impact of such anguished protests and condemnation by the entire nation.

The Respondents are collecting documents to show the April and May terrorism by the MQM deliberately launched by it by way of counter blast. The relevant evidence will be submitted separately .

Para 1 (o)

- (i) That it may, therefore, be observed that as against the false and absurd proclamations about the virtues of Mr. Altaf Hussain, the so-called Supreme Leader, the general perception of the masses of Pakistan is that he is the terrorists, who created and propagated a philosophy of hatred first against Pathans, then against Punjabis and finally against Sindhis in historical progression. There are grave allegations against Mr. Altaf Hussain by his own workers and dissidents that he directed commission of murders, tortures, established torture cells, ordered wanton damage to the properties of the public through strikes and otherwise at his whims and he is also allegedly responsible for subversive acts against the State.
- (ii) The other common perception is that Mr. Altaf Hussain is playing in the hands of the enemies of Pakistan to destabilize the country and the province of Sindh in particular. His tirades against the PPP and the local inhabitants are calculated measures to divert the attention of the international community from the genocide in the occupied Jammu and Kashmir. He has created a law and order situation in Sindh, and is persevering in these anti-national and anti-social crimes only to keep the governments at the Center and in the province engaged in maintenance of the law and order, so that they may not have the time to give attention to the vital matters like the Kashmir issue, and nation building activities.
- (iii) Besides his invectives against the Respondent Governments are designed to defame Pakistan in the international forums. Because he is sitting in London as a fugitive from law, he can not get away with blue murder by putting on political tantrums through his minions before the international community unity. It is also a crude and a naive stratagem to rehabilitate Mr. Altaf Hussain and his terrorist group of MQM, who have now been fully exposed even among the Mohajir citizens. Having fallen in the eyes of the people of Pakistan and all right minded, national and international people, Mr. Altaf Hussain is making hoodwink the people and whitewash his

misdeeds and misadventures by self-righteous and sanctimonious platitudes and by portraying himself as a hero.

- (iv) However, he can not avoid the perceptions of the masses and the stark reality that he is, in fact, anti-Pakistan, anti-social and, indeed, demagogue who has raised himself to the stature of a demi-god among his neophyte and fanatic followers.

However, majority of the Assembly members in Sindh was reduced to a minority by Jam.- Altaf coalition and the Nawaz - Altaf axis by literally hounding PPP, independent and minority members through persecutions, arrests and kidnappings and eventually winning some of them over to acquire majority in the Provincial Assembly. Those who remained steadfast and would not change loyalties in favor of the Jam - Altaf coalition and the Nawaz - Altaf axis were subjected to an avalanche of false cases registered against them under unnamed FIRs. When the courts granted them bails, they would be arrested again and again under false cases. The practice had become so routine that the political leaders and workers stopped applying for bails knowing full well that they would be arrested once again under a more heinous crime. More notable among these prisoners were Mr. Asif Ali Zaradari Mr. Afaq Shahid M.N.A. Senator Masroor Ahsan, Rahila Tiwana and Shehla Raza. They were repeatedly arrested or continuously kept arrested, In spite of bails from the courts each time in different cases and under unnamed FIRs, in some instances.

- (i) It had become a usual practice of Jam Altaf Coalition that the opposition leaders and workers were picked up by the police, while the government expressed its total ignorance, concerning the whereabouts of the arrested persons. It was only after the cover ups became impossible that the government showed them as arrested, sometimes fifteen days after the arrests. In police custody, torture of political prisoners had become a routine. CIA was reorganized as a parallel police force, with the sole object of torturing and intimidating opposition workers, so much that leading magazines took out special issues on the atrocities being committed by CIA. Most glaring examples of torture by CIA were arrests of girl students, Rahila Tiwana and Shehla Raaza belonging to Peoples Students Federation (PSF). Miss Rahila Tiwana had to undergo long psychiatric treatment to recover from the harrowing tortures she had suffered at the infamous CIA Center in Karachi.
- (ii) Furthermore, the MQM in a blatant abuse of the official powers of its councilors in the Karachi Municipal Corporation, Hyderabad Municipal Corporation and through Zonal Committees under its control forcibly and illegally occupied.

PART-VII

I. Each and every paragraph of Part VII, being false, untrue and unsubstantiated political polemics and being argumentative, is denied and each of the prayers is liable to be rejected by this Honorable Court, as not maintainable and untenable. It is respectfully submitted that the Petitioner has drawn totally unwarranted and misconceived conclusions which are fallacious in law and false in facts in this part of the Petition. It is finally submitted that the entire Petition is conjectural and contains controversial political issues falsified and twisted by the Petitioner to serve its mala fide purpose; and all the allegations contained in the Annexures to the Petition, contrary to the Respondent's submissions and rebuttals herein above, are denied as incorrect. The Petitioner is not entitled to any of the relieves as prayed. The Petition is liable to be dismissed with costs.