

# **Political Assassinations in Pakistan with Special Reference to the Mystery of the Murder of Hayat Muhammad Khan Sherpao, 1975**

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## **Abstract**

During Zulfiqar Ali Bhutto's term as Prime Minister, the law and order situation deteriorated throughout the country in general, and in the provinces of North-West Frontier Province (now Khyber Pakhtunkhwa) and Balochistan in particular. For multiple reasons, the mutual distrust between Zulfiqar Ali Bhutto and the political leaders of the respective provinces never allowed them to overcome their personal and party interests and establish a harmonious working relationship. Accusations of conspiracy, worsening law and order, and political assassinations, were the dilemmas that agitated the whole country. One of the victims of the political assassination was Hayat Muhammad Khan Sherpao, a leading activist of the Pakistan People's Party and former Governor of Khyber Pakhtunkhwa. The incident of his murder commenced the series of legal disputes and cases of treason filed against the opposition leaders in courts and tribunals, which marred the political scenario of the country till the very end of the Bhutto era. The lack of research on political assassinations in Pakistan is a crucial oversight, especially considering the frequency of the phenomenon and its implications. This study attempts to highlight the main theoretical and political implications of assassinations and identifies some promising directions for further research, in the hope that this unique type of political violence will be better understood in the future.

**Keywords:** ZA Bhutto, General Election, Hyderabad Tribunal, National Awami Party (NAP), Pakistan National Alliance (PNA), Pakistan People Party (PPP), Supreme Court, Baluchistan Students Organization, Pakhtun Students Federation, Dehi Mohafiz, *Shahbaz* (Newspaper), UFI (United Front of Independence)

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## **Introduction**

Pakistan's political history is stained and marked by a number of sudden, mysterious and ruthless political assassinations of eminent personalities at the hands of a relentless and vicious agenda. The assassination of

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prominent personalities has begun to become more than a tool in the power struggles between the rulers themselves. Rather this has happened mainly because of jealousy, political or religious idealism, lack of consensual political ethics, revenge, conflicts of ideas and interests and, in some cases, military and foreign intervention. This bitter history of political assassinations began with the assassination of Liaquat Ali Khan, the first Prime Minister of Pakistan, on 16 October 1951, during a public and political rally at the Company Bagh in Rawalpindi. Since then, the country has suffered immense tragedies on many occasions, with each decade having seen the loss of a leading personality, whether by suicide bombing or gunfire.

The traumatic breakup of East Pakistan increased the fear of different political parties for power-sharing in the statecraft. Soon differences arose when Zulfiqar Ali Bhutto appointed his party men, Hayat Muhammad Khan Sherpao (1937-1975) in NWFP and Ghaus Bakhsh Raisani (1924-1986) in Balochistan as the provincial governors. Later on, the dismissal of the provincial governments of National Awami Party-Jamiat-i Ulema-i-Islam in 1972 sparked a new wave of confrontation causing the worsening law and order situation and intensifying political violence elsewhere in the country. Political murders and assassinations became a routine and members of different parties were targeted and some officials were murdered. It was during this state of affairs that a senior PPP minister and close friend of Bhutto, Hayat Muhammad Khan Sherpao was murdered in a bomb blast at the University of Peshawar on 8 February 1975. The incident gave a good excuse to Bhutto to ban the NAP through an amendment in the Political Parties Act of 1962 and push its leaders behind the bars. The NAP was originally banned under the Yahya Khan's regime and Bhutto had lifted the ban on coming to power in 1971. He installed a puppet government in the province and started a legal battle (conspiracy cases and Hyderabad Tribunal) against the NAP which continued till the ultimate end of the Bhutto regime.

A number of analysts and scholars have done valuable works on the period under study from different perspectives. But no attempts have been made so far to bring to light the factors of Hayat Sherpao's murder followed by the tense political environment in the country. The motivation to take the topic for research comes from this very fact.

The objective of this study is to fully explore and examine the real causes of the worsening law and order situation, highlighting the role played by the parties and leaders of North-West Frontier Province (NWFP) and Balochistan, intending to identify their involvement in the aggravation of the situation in the province and the assassination of

Hayat Sherpao, allegations of NAP's involvement in fomenting unrest and creating political instability in the province, and the alleged role of foreign elements in provoking unrest in the country, banning of NAP and arrests of the significant leaders and the beginning of legal disputes, cases, and witnesses which continued till the overthrow of Bhutto's government in July 1977.

The present research has filled the gaps in understanding the murder case of Hayat Sherpao and its future implications on provincial politics, as it had left behind its indelible imprints on the history of Pakistan leading to the legal battles and changing the course of political events ever since. The output of this study could be used as a dependent variable to conduct both qualitative and quantitative research by other researchers and academicians for further research.

### **The backdrop to the worsening law and order**

The integrity and solidarity of a nation and the maintenance of law and order in any country is a prerequisite for the smooth functioning of the administration and mainly depend on cordial relations between the different segments of society. On the contrary, Pakistan has faced many obstacles to nation-building due to its partisan politics, personality cult, and centralist power structure since her creation. After the separation of East Pakistan in 1971, it was a huge and gigantic task for Zulfikar Ali Bhutto to ensure stability and political development in the country.<sup>1</sup> But the two years immediately following the promulgation of the Constitution (1974-1975) were marked by an extremely tense political situation in Pakistan and the worst law and order situation in NWFP, which was considered a serious threat to Pakistan's integrity and solidarity.<sup>2</sup> Political assassinations in different parts of the country made the situation look more ghastly. Prominent politicians and public figures were shot dead in different places, such as: Dr. Nazir Ahmad, an MNA of Jamaat-e Islami, in Dera Ghazi Khan, Khwaja Muhammad Rafique, leader of Ittihad Party in Lahore, Abdus Samad Achakzai, leader of National Awami Party Balochistan in Quetta, Maulvi Shamsuddin, MPA

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<sup>1</sup> Abdul Ghafoor Bhurgri, *Zulfikar Ali Bhutto: The Falcon of Pakistan* (Karachi: Szabist, 2002), 301. Henceforth Bhurgri, *Zulfikar Ali Bhutto*.

<sup>2</sup> Zulfikar Khalid, *Pakistan in the Pamir Knot: Geostrategic Imperatives* (Lahore: Vanguard Books Ltd., 1987), 127. Henceforth Khalid, *Pakistan in the Pamir Knot*.

from Jamiat-i Ulema-e Islam and Deputy Speaker of Balochistan Assembly and Muhammad Ahmad Kasuri in Lahore.<sup>3</sup>

Shortly after the dismissal and resignation of the NAP coalition government in Balochistan and NWFP, explosions and assassinations became a frequent occurrence.<sup>4</sup> The NAP-JUI coalition government was dismissed in Baluchistan on the mere allegation of the discovery of an arms cache in Iraq's embassy. The dismissal of Balochistan's Ministry was followed by the resignation of the Chief Minister of NWFP in protest and the two provinces came under Presidential rule.<sup>5</sup> By 1974, the Baloch insurgency was in full swing and the Pakistan army had launched a huge military action to crush their activists in the province.<sup>6</sup> Bhutto blamed the NAP-JUI governments for their incapability of maintaining law and order in the provinces. Government-controlled media have accused the NAP leaders of causing explosions and blasts to spread chaos and lawlessness in the country and undermine its unity and integrity in collaboration with the Afghan government.<sup>7</sup>

A prominent NAP leader Ajmal Khattak was allegedly involved in terrorist activities, along with his other foreign-trained comrades, which led to many bomb explosions not only in the provinces of NWFP and Balochistan but in other parts of the country as well, including the explosion at WAPDA (Water and Power Development Authority) House Lahore.<sup>8</sup> But the law and order situation has not improved, even after the removal of the NAP-JUI governments in the two provinces.<sup>9</sup> The dust of these accusations and terrorist activities had not yet settled down when one of the most terrible explosion occurred in the Department of History, the University of Peshawar on 8 February 1975, which took the life of one of Bhutto's closest friends, Hayat Muhammad Khan Sherpao.<sup>10</sup>

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<sup>3</sup> Roedad Khan, *Pakistan: A Dream Gone Sour* (Karachi: Oxford University Press, 1997), 222-223. Henceforth Khan, *Pakistan*.

<sup>4</sup> Khalid, *Pakistan in the Pamir Knot*, 127.

<sup>5</sup> Omar Noman, *Pakistan: A Political and Economic History since 1947* (London: Kegan Paul International Ltd., 1988), 67.

<sup>6</sup> National Assembly of Pakistan (Legislature) Debates, June 19, 1974, Vol. IV, No.18, 597-600, Cabinet Division, National Archives Islamabad, Government of Pakistan.

<sup>7</sup> Surendra Nath Kaushik, *Pakistan under Bhutto's Leadership* (New Delhi: Uppal Publishing House, 1985), 120. Henceforth Kaushik, *Pakistan under Bhutto*.

<sup>8</sup> *Imroze* (daily), Lahore, 24 February 1975.

<sup>9</sup> Kaushik, *Pakistan under Bhutto*, 120.

<sup>10</sup> Lawrence Ziring, *Pakistan: The Enigma of Political Development* (Britain: Westview Press, 1980), 157. Henceforth Ziring, *Pakistan*.

### **Murder of Hayat Sherpao**

Hayat Muhammad Khan Sherpao, son of Haji Ghulam Haidar Khan was born in Tehsil of Charsadah on 1<sup>st</sup> February 1937. He began his political career in 1961 as a member of the Muslim League Council and supported Miss Fatima Jinnah in the 1964 presidential election. He then joined the Pakistan People's Party in 1967.<sup>11</sup> He was one of Bhutto's closest and most trusted friends and colleagues and had the honor of being one of those who laid the foundation of the PPP and the chairman of the provincial branch of the party.<sup>12</sup> He remained governor of NWFP till April 29, 1972, and was later appointed as the federal minister for fuel powers and natural resources in the federal cabinet. In the new coalition government of PPP, QML (Qayyum Muslim League), and UFI (United Front of Independence), headed by Inayat Ullah Khan Gandapur, Hayat Sherpao was inducted as a senior minister in the provincial cabinet in 1974.<sup>13</sup> It was a time when the law and order situation in the province was deteriorating and, over time, a series of bomb blasts engulfed the entire province.

On 8 February 1975, Hayat Muhammad Khan was invited as the chief guest of the ceremony for the installation of the students' union in a hall of the department of history, University of Peshawar,<sup>14</sup> later named as Sherpao Hall in commemoration of that incident. Mr. Sherpao arrived on campus around 4:00 p.m. after concluding a radio conference. He received a warm welcome upon his arrival in the lobby, but the shouts of joy and celebration soon turned into screaming as a bomb exploded, planted by terrorists on the stage as Hayat Sherpao was giving his speech.<sup>15</sup> Mr. Sherpao and 18 other students suffered serious injuries. He was rushed to the Combined Military Hospital (CMH) Peshawar in an unstable condition where he breathed his last.<sup>16</sup>

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<sup>11</sup> Aziz Javid, *Sarhad ka Ayieni Irtiqa* (Peshawar: Idara Tehqiq o Tasnif, 1975), 460-61. Renceforth Javid, *Sarhad ka Ayieni Irtiqa*

<sup>12</sup> Bhurgri, *Zulfiqar Ali Bhutto*, 301.

<sup>13</sup> Javid, *Sarhad ka Ayieni Irtiqa*, 461.

<sup>14</sup> Ziring, *Pakistan*, 157.

<sup>15</sup> According to eye witness accounts as reported in newspapers, Hayat Sherpao had finished his speech but some students called him back to the rostrum for announcing donation to the student union. When he returned to the rostrum, he could hardly utter a few words when the bomb exploded. *Daily Dawn*, Karachi, 9 February 1975.

<sup>16</sup> *Mashriq* (daily), Peshawar, 10 February 1975; *Imroze* (daily), Lahore, 10 February 1975.

The assassination of Hayat Sherpao ushered into the era of bombs, bullets, and violence in Pakistani politics.<sup>17</sup> A 'black day' was observed by PPP and Qayyum Muslim League on February 10, 1975, in the province. A large crowd had gathered on the occasion. The emotional participants of the procession attacked the offices of Sikandar Khan Khalil, the shop of Haji Ghulam Bilor, and the office of the NAP newspaper '*Shahbaz*' where the entire record was burnt.<sup>18</sup>

### Theories and speculations

The incident became a subject of speculation by people belonging to various schools of thought. According to one theory, the federal government (headed by ZA Bhutto) was involved in the assassination because Mr Sherpao's growing fame in the province and his intention to leave the party a few months before his assassination were potentially harmful and threatening for the Party and Mr Bhutto himself.<sup>19</sup> But this theory was denied by Aftab Sherpao, brother of Hayat Sherpao. He said that Hayat Khan Sherpao had no such intentions as he was actively involved in the progress of the province from the PPP platform till the last breath of his life.<sup>20</sup>

Rafi Raza, a close friend of Sherpao and minister of production, industry and town planning, later wrote in his book '*Bhutto and Pakistan*' that bomb explosions and the deterioration of the law and order situation in the province were at their height when the prime minister gave him a confidential note pointing out that Sherpao himself was involved in bomb explosions in NWFP. Rafi Raza was very shocked by the death of Sherpao and condemned Bhutto with these words: 'How do you think I feel when you told me to accuse him of being involved in the bomb explosion? The day before his death, he was blown apart himself'.<sup>21</sup>

Juma Khan Sufi one of the former National Awami Party activists gives details in his book '*Farayb-e-Natamam*' about the whole

<sup>17</sup> *Dawn* (daily), Karachi, 9 February 1975.

<sup>18</sup> Khan Wali Khan, *Bacha Khan au Khudai Khidmatgari*, Vol II (Charsadda: Wali Bagh, 1998), 136. Henceforth Khan, *Bacha Khan*.

<sup>19</sup> Sherbaz Khan Mazari, *A Journey to Disillusionment* (Karachi: Oxford University Press, 1999), 371. Henceforth Mazari, *A Journey to Disillusionment*.

<sup>20</sup> Personal interview with Aftab Ahmad Khan Sherpao at his residence, Islamabad, 6 December 2017.

<sup>21</sup> Rafi Raza, *Zulfiqar Ali Bhutto and Pakistan 1967-1977*, 2<sup>nd</sup> ed. (Karachi: Oxford University Press, 1997), 275. Henceforth Raza, *Bhutto and Pakistan*.

account of Hayat Khan Sherpao's murder. He stated that the plan was prepared for the murder of Sherpao on 7<sup>th</sup> February 1975, in a function at Technical College Peshawar, where Mr. Sherpao was invited as Chief Guest. The two persons behind this plan were Amjad Ali and Anwar Bacha, who had fixed the bomb in a tape recorder which they placed on the rostrum, giving the impression of recording the speech of Sherpao. But due to the presence of the President of Pakhtun Students Federation (PSF) Afrasiyab Khattak on the stage, the plan could not be executed.<sup>22</sup> The same plot was successful on the very next day on 8<sup>th</sup> February at the Department of History, University of Peshawar. Sherpao was thus sadly but tactfully removed from the scene of frontier's politics.<sup>23</sup> Both Amjad Ali and Anwar Bacha were later transported to Afghanistan via Mohmand Agency. They stayed at Qandooz and later on shifted to Kabul.<sup>24</sup>

Aftab Ahmad Khan Sherpao also confessed that Anwar and Amjad were identified and they stayed at Gul Abad Charsadda where the plan was prepared a day before the incident. He believes they were only activists used by those people who could not bear the fame of Hayat Sherpao in the province and were endeavoring to get rid of him.<sup>25</sup>

### **Arrests of NAP leadership and workers and banning the Party**

At the time of this incident, ZA Bhutto was on an official visit to the United States. He shortened his tour of the United States and postponed his visit to Romania. After returning to Islamabad, Bhutto ordered investigations into the blast and was eager to find those who were behind the ghastly assassination.<sup>26</sup> Though a setback to Pakistan Peoples' Party in the province, Bhutto made good use of the incident to earn sympathies and enlist the support of the people in the province and to accuse his adversaries and political opponents of involvement in the blast.<sup>27</sup>

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<sup>22</sup> Juma Khan Sufi, *Farayb-e-Natamam: Yada'in aur Yadashtain* (Lahore: Pak Book Empire, 2015), 128-129. Henceforth Sufi, *Farayb-e-Natamam*.

<sup>23</sup> Muhammad Asif Qayyum, *Jawan Marg* (Lahore: Frontier Post Publication, 1995), 175. Henceforth Qayyum, *Jawan Marg*.

<sup>24</sup> *Ibid.*, 174.

<sup>25</sup> Personal interview with Aftab Ahmad Khan Sherpao at his residence, Islamabad, 6 December 2017.

<sup>26</sup> Lawrance Ziring, *Pakistan in the Twentieth Century: A Political History* (New York: Oxford University Press, 1997), 401-402. Henceforth Ziring, *Pakistan in the Twentieth Century*.

<sup>27</sup> Salman Taseer, *Bhutto: A Political Biography* (New Delhi: Vikas Publication, 1980), 150. Henceforth Taseer, *Bhutto*.

Bhutto held responsible the NAP for the incident and other acts of violence that occurred and he immediately ordered the arrest of the most prominent leaders of NAP under the Defence of Pakistan Rules (DPR).<sup>28</sup> Many NAP leaders and activists were arrested in different parts of the country, including Wali Khan, party president, Ghaus Bakhsh Bizenjo, former Governor of Balochistan, Attaullah Khan Mengal, former Prime Minister, Arbab Sikandar Khan Khalil, former Governor of the NWFP, and Khair Bakhsh Marri, MPA (Member of Provincial Assembly) and many prominent sardars of Balochistan.<sup>29</sup>

Wali Khan was in Lahore at the time of the blast and he got the news of Sherpao's death at the home of Malik Qasim where he was staying for the night.<sup>30</sup> He was arrested by the Punjab police at Rahwali, near Gujranwala on his return journey to Peshawar to attend the funeral of Sherpao.<sup>31</sup> He was sent to Lahore jail from where he was later shifted to Sahiwal jail.<sup>32</sup> The Vice-Chancellor of the University of Peshawar Abdul Ali Khan, brother of Abdul Wali Khan, resigned from the post under the pressure of students. Some professors including Pareshan Khattak of Pashto Academy and Dr. Nasir Faqeer Muhammad, Assistant Vice Chancellor were arrested.<sup>33</sup> According to Aftab Sherpao, Abdul Ali Khan was a pure educationist and he might not be considered responsible for such kind of mishap in the University.<sup>34</sup>

Asfandyar Wali, Nisar Muhammad Khan, and few others were also accused and First Information Report was registered by the Government against them. They were arrested and imprisoned in the Bala Hissar fort in Peshawar.<sup>35</sup> They were brutally tortured by police

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<sup>28</sup> Anwar Syed, *Pakistan, Islam, Politics and National Solidarity* (Lahore: Vanguard Books Ltd., 1984), 207. Henceforth Syed, *Pakistan and National Solidarity*.

<sup>29</sup> Stanely Wolpert, *Zulfi Bhutto of Pakistan: His Life and Times* (New York: Oxford University Press, 1993), 249. Henceforth Wolpert, *Zulfi Bhutto; Imroze* (daily), Lahore, 10 February 1975.

<sup>30</sup> Personal interview with Juma Khan Sufi at his Residence, Islamabad, 6 December 2017.

<sup>31</sup> *Dawn* (daily), Karachi, 10 February 1975.

<sup>32</sup> Zeerak Utmankhel, *Khan Abdul Wali Khan: Zindagi aur Jidojehd*, Urdu (Lahore: Fiction House, 2010), 64. Henceforth Utmankhel, *Khan Abdul Wali Khan*.

<sup>33</sup> *Imroze* (daily), Lahore, 17 February 1975.

<sup>34</sup> Personal interview with Aftab Ahmad Khan Sherpao at his residence, Islamabad, 6 December 2017.

<sup>35</sup> Personal interview with Mushtaq Yusafzai, Research Officer, Bacha Khan Markaz, in his office on 15 December 2016. Nisar Muhammad Khan stated



during an attempt to make them sign the confession document. Two police officers, DSP (Deputy Superintendent of Police) Akram Khan and Inspector Aurangzeb Shah, were given the task to interrogate them. These police officers disclosed that the decision about Sherpao's assassination was made in a meeting at Lahore in which Wali Khan, Ahmad Raza Kasuri, Chaudhry Zahur Illahi, Malik Muhammad Qasim, Nawazada Nasrullah, and Mian Tufail Muhammad were all present. The task of carrying out the plan was given to Asfandiyar Wali Khan by his father but the allegation was refuted by Asfandiyar Wali. Later SP Tamash Khan revealed that DIG (Deputy Inspector General of Police) Abbas Khan was the cousin of Hayat Sherpao and he had ordered for this brutal torture.<sup>36</sup>

The case against Asfandiyar Wali and his allies continued in Peshawar High Court for about 8 months and was finally decided on July 13, 1977. Abdul Ghani Khan Khattak and S. Usman Ali Shah were the judges. Both Nisar Khan and Asfandiyar Wali were charged for supplying bombs to the two young men, Amjad Ali and Anwar Bacha. Many witnesses were produced before the court which included two cab drivers, policemen, and many others but their testimony did nothing worthy to satisfy the judges. In the end, the court rendered its verdict that the appellant defendants had remained in detention for more than a month and a half and had never been brought before a judge; rather, they were subjected to mental and physical torture. The Court even ruled that the tape recorder could not contain the bomb because it would have been placed at a certain distance, while the explosion came from the Sherpao's feet. Asfandiyar Wali, Nisar Khan, Ahmad Farooq, and other NAP workers were therefore released.<sup>37</sup>

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in his witness statement before the court that he was falsely involved in this case, because of his differences with the Prime Minister Bhutto. He was excluded from the party meetings and when approached to the press was ultimately expelled from the party. See also Utmarkhel, *Khan Abdul Wali Khan*, 64.

<sup>36</sup> Ahsan Butt, 'Hayat Khan Sherpao: Conspiracy Theories Come to Court' (Case No. 17 of 1975 'State Vs. Nisar Muhammad Khan, Asfandiyar Wali Khan of Shahi Bagh, Tehsil Charsadah and others) *Asian Correspondent* (Sunday, 18 March 2008), <https://asiancorrespondent.com/2008/03/hayat-khan-sherpao-conspiracy-theories-come-to-court/#TxZFv3pIw4HQGDv4>. page 97, accessed on 8 December 2017.

<sup>37</sup> *Ibid.* Aftab Sherpao suggested that initially Asfandiyar Wali was awarded seven years sentence but later on the case was quashed and they were released; Personal interview with Aftab Ahmad Khan Sherpao at his residence, Islamabad, 6 December 2017. Juma Khan Sufi disclosed that

Shortly after these measures, the Provincial Cabinet of NWFP, headed by Inayat Ullah Khan Gandapur, was dissolved on 17 February 1975 on the grounds of its incapability to handle the worsening condition and to check the involvement of a neighboring foreign power in the internal affairs of the province.<sup>38</sup> The governor rule in the province continued until 4<sup>th</sup> May 1975.<sup>39</sup>

Preventive measures were taken by the Government of Pakistan and, according to notifications in the Pakistan Gazette, the NAP was dissolved by a presidential decree on 10 February 1975 under subsection (I) of section 6 of the 1962 Political Parties Act.<sup>40</sup> The party offices were sealed and all funds and property were confiscated. The NAP was accused of working in a manner prejudicial to Pakistan's sovereignty and integrity and the matter was referred to the Supreme Court on 24 February 1975.<sup>41</sup> The reference filed by the Federal Government with the Supreme Court to this effect was approved by declaring the NAP illegal on 30 October 1975.<sup>42</sup> All parliamentarians belonging to the defunct NAP were dismissed for five years by special order of 26 December 1975. As a result, the NAP was also deprived of the post of leader of the opposition in the National Assembly.<sup>43</sup>

### **The legal battle and verdict of the Supreme Court**

The Supreme Court of Pakistan has commenced the formal hearing of the Central Government's reference against NAP under section 6 of the Political Parties Act 1962. The full court was composed of Chief Justice

they were released and the case was quashed because one of the judges belonged to Charsadah and he played vital role in the decision. Personal interview with Juma Khan Sufi at his residence, Islamabad, 6 December 2017.

<sup>38</sup> Zulfiqar Khalid Maluka, *The Myth of Constitutionalism in Pakistan* (Karachi: Oxford University Press, 1995), 250. Henceforth Maluka, *Constitutionalism in Pakistan*; Javed, *Sarhad ka Ayieni Irtiqā*, 557.

<sup>39</sup> Kaushik, *Pakistan under Bhutto*, 165.

<sup>40</sup> *Imroze* (daily), Lahore, 10 February 1975.

<sup>41</sup> Surrendra Singh, *Politics of Regionalism in Pakistan: A Study of Sind Province* (Delhi: Kalinga Publications, 2003), 50. Henceforth Singh, *Politics of Regionalism*; Maluka, *Constitutionalism in Pakistan*, 250.

<sup>42</sup> Virendra Grover and Ranjana Arora (ed.), *Political System in Pakistan, Political Parties, Elections and Regionalism in Pakistan*. Vol 3. (New Delhi: Deep & Deep Publications, 1995), 468. Henceforth Grover and Arora, *Political System in Pakistan*.

<sup>43</sup> *Maghrebi Pakistan* (daily), Lahore, 10 December 1975; Ziring, *Pakistan in the Twentieth Century*, 402.

Hamoodur Rehman, Judge Muhammad Yaqub Ali, Judge Salahuddin Ahmad, Judge S. Anwarul Haq, Judge Muhammad Gul, and Judge Muhammad Afzal Cheema. The Attorney-General Yahya Bakhtiar was pleading the case from the Government side and Mahmud Ali Kasuri from the defunct NAP.<sup>44</sup> A combined written statement on behalf of the Party (NAP) was filed in the Court on 24<sup>th</sup> May 1975. Wali Khan, Arbab Sikander Khan Khalil, Sardar Khair Bakhsh Marri, Mir Ghaus Bakhsh Bizenjo, and Sardar Attaullah Mengal also filed separate written statements in June 1975.<sup>45</sup>

The regular proceedings of the case started on 19 June 1975. To strengthen his arguments, Yahya Bakhtiar utilized various sources of media and press throughout the court proceedings. Many local, national, and international newspapers were consulted and the tape recording of Wali Khan's speeches was also produced before the Court.<sup>46</sup>

NAP was alleged for creating violence in the NWFP and Balochistan. The attorney general produced extensive evidence in court and stated that the NAP leaders preached violence inside and outside the country and were working to overthrow the legitimate government of Pakistan by unconstitutional means. They had used every method to incite the people for violence and revolt through publications and circulation of magazines and pamphlets.<sup>47</sup>

The NAP administration in NWFP and Balochistan was blamed for encouraging arms smuggling from across the border, the formation of private *Lashkar*, i.e., 'Dehi Muhafiz' in Baluchistan and Pakhtun militant organization *Pakhtun Zalme*, in NWFP.<sup>48</sup> The formation of these private *Lashkar* and organization were intended to suppress any party as opposed to the policies of the NAP government and created violence and

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<sup>44</sup> *Dawn* (daily), Karachi, 11 April 1975.

<sup>45</sup> Hamid Khan, *Constitutional and Political History of Pakistan*. 2<sup>nd</sup> edn. (Karachi: Oxford University Press, 2002), 525. Henceforth Khan, *Constitutional and Political History*.

<sup>46</sup> *Ibid.*, 526.

<sup>47</sup> *Jang* (daily), Rawalpindi, 22 June 1975; Muhammad Waseem, *Politics and the State in Pakistan* (Lahore: Progressive, 1989), 325. Henceforth Waseem, *Politics and State*.

<sup>48</sup> Supreme Court Verdict, 'NAP's Insurgency in Balochistan' (Islamabad: Directorate of Research, Reference & Publications, Ministry of Information & Broadcasting Government of Pakistan, n.d.), 9; Saeed Shafqat, *Civil-Military Relations in Pakistan: from Bhutto to Benazir Bhutto* (London: Westview Press, 1979), 162. Henceforth Shafqat, *Civil-Military Relations*.

terror in the country.<sup>49</sup> The discovery of an arms cache in the Iraq embassy in Islamabad was also linked with the NAP. As a result, Bhutto had dismissed only the Balochistan government, the NWFP government had resigned.<sup>50</sup>

The violent activities of NAP in the province were also connected to Sherpao's murder in the bomb explosion at Peshawar University on February 8, 1975.<sup>51</sup> Yahya Bakhtiar had a personal friendship with Sherpao and he argued about the event with convincing passion before the Court.<sup>52</sup> Official media was used to give credibility and conformity to the allegations and many speeches of Wali Khan were produced before the court in which he had threatened Hayat Sherpao of being murdered.<sup>53</sup>

In one of the Wali Khan's speeches as reported by the *Nawa-i-Waqt* (daily) on 28<sup>th</sup> July 1974, he had warned Sherpao not to forget the fate of Dr. Malik. In another speech in Charsadda on 25 December 1974, he threatened Mr Sherpao and said that if he hurt his men, he would do so with the flesh and property of Sherpao.<sup>54</sup>

According to Yahya Bakhtiar, all such threats to Sherpao were made in connivance with Radio Kabul. On January 13, 1975, Radio Kabul declared that 'Mr. Sherpao, who was one of Bhutto's favorites, was forgetting that nothing would save him from the anger of the nation if he continued his activities, his life on the soil of Pakhtuns would be made impossible because the enmity of the nation had started giving out flames'.<sup>55</sup>

Yahya Bakhtiar, the attorney general, also presented evidence in support of the Government's argument that the defunct party was acting in a manner prejudicial to Pakistan's integrity and sovereignty, and

<sup>49</sup> Supreme Court Verdict, 'NAP's Insurgency in Balochistan', in *Maghrebi Pakistan* (daily), Lahore, 6 November 1975.

<sup>50</sup> *Jang* (daily), Rawalpindi, 22 June 1975. The people of Balochistan and NWFP showed great resentment to the allegation of arms discovery. However, the later events proved the story of arms discovery totally different than the picture presented by Yahya Bakhtiar. Waseem, *Politics and State*, 325.

<sup>51</sup> William Rushbrook, *Pakistan Under Challenge* (London: Stacy International, 1975), 71. Henceforth Rushbrook, *Pakistan Under Challenge*.

<sup>52</sup> Wolpert, *Zulfi Bhutto*, 249.

<sup>53</sup> Rushbrook, *Pakistan Under Challenge*, 71.

<sup>54</sup> *Dawn* (daily), Karachi, 21 June 1975.

<sup>55</sup> *Ibid.*, 27 June 1975.

material related to the dissolution of NAP by the Government was placed on record.<sup>56</sup>

Shreds of evidence were also produced regarding the activities of Ajmal Khattak in Afghanistan. The activities of his guerrilla training camps in Kabul with the Afghan backing and their large-scale terrorist activities in both the dissident provinces, i.e., NWFP and Balochistan.<sup>57</sup> In his pamphlets '*Bullet for Bullet*' on page 22, he had painted a picture of his terrorist activities and confirmed that most of the revolutionary youth belonging to the Baluchistan Students Organization and Pakhtun Students Federation believed that bullet must be answered by the bullet.<sup>58</sup>

The attorney general stated that there was sufficient evidence to show that the NAP and its leaders had always sought to raise doubts and suspicions about the people's belief in Pakistan's ideology and thus undermine the concept that was the very basis of Pakistan's creation by ridiculing the concept and suggesting that even after the secession of East Pakistan, the concept had been drowned in the Bay of Bengal.<sup>59</sup>

The attorney general affirmed that the NAP leadership, who had always preached non-violence, had then turned to guns and bullets. He said that Wali Khan detached himself from the policy of non-violence started by his father and he declared once that 'I am not Bacha Khan and Dr. Khan Sahib, and the time has also changed now'.<sup>60</sup> And another statement in the '*The Current*' Bombay, 17<sup>th</sup> November 1973, he said that the politics of non-violence is no longer viable. If the need arises, the Pakhtun understands violence better than others.<sup>61</sup>

The case was considered one of the most important and difficult in Pakistan's history. Many eye-witnesses were brought and cross-examination took place. Records of speeches personally recorded by officers of the Special Branch or the Intelligence Bureau, Army's Inter-services, and Intelligence Directorate, were accepted as admissible evidence. Tape-records of speeches were admitted in evidence if the

<sup>56</sup> *Ibid.*, Karachi, 20 June 1975.

<sup>57</sup> Supreme Court Verdict, 'NAP's Insurgency in Balochistan', 21; *Maghrebi Pakistan* (daily), Lahore, 6 November 1975.

<sup>58</sup> Supreme Court Verdict, 'NAP's Insurgency in Balochistan', 24; Rushbrook, *Pakistan Under Challenge*, 71; *Dawn* (daily), Karachi, 23 June 1975.

<sup>59</sup> Supreme Court Verdict, '*Genesis of Pakhtunistan Movement*' (Islamabad: Directorate of Research, Reference & Publications, Ministry of Information & Broadcasting, Government of Pakistan, n.d.), 13-14.

<sup>60</sup> *Dawn* (daily), Karachi, 23, 27 June 1975.

<sup>61</sup> *Ibid.*, 27 June 1975.

officers who recorded such speeches could identify the voice of the person speaking. Reports of newspapers both foreign and local, official documents, government records, and pamphlets, etc., were also held acceptable.<sup>62</sup>

The most important persons who were brought as the eye-witness in the Court were the Secretary of Ministry of Interior (Retd.) Brig. Muhammad Muzzaffar Khan, Mr. Zia Hussain, Deputy Secretary Interior, Mr. Bashir-ur Rehman, Sub Inspector Special Branch of Police NWFP, The Director-General of Inter-Service Intelligence, Lt. Gen. Ghulam Jilani, Mr. Sabir Khan, S. I. Special Branch, Mardan and Mr. Mustafa Kamal, managing partner of the Shaheen Printing Press, Peshawar.<sup>63</sup>

They confirmed that they had received pieces of evidence regarding the activities of NAP and their workers (Ajmal Khattak, Asfandyar Wali and Wali Khan's son-in-law retired Captain Azam Khan) periodically from intelligence agencies and Pakistan's consulate in Afghanistan.<sup>64</sup> They also confirmed that Ajmal Khattak threatened to assassinate VIPs including Sherpao and later gave shelter to the two suspects of murder in Afghanistan. In their estimation, he was involved in the struggle against the integrity of Pakistan.<sup>65</sup>

The documents produced by the witnesses were prepared for various ministries and other authorities by the Central Intelligence Bureau after collecting the reports received from the sub-bureaus located at various places, original newspaper reports, monitored radio reports, books, and papers received from foreign countries.<sup>66</sup>

Because of this evidence, the Supreme Court, in its judgment of 30 September 1975, unanimously concluded that the NAP, within the meaning of section 6 (1) of the Political Parties Act (III of 1962), acted in a manner prejudicial to the sovereignty and integrity of Pakistan. The deceased party had never reconciled with the very existence and ideology of Pakistan. It tried to provoke the secession of the provinces of Frontier and Balochistan through insurrection, violence, sabotage, and

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<sup>62</sup> Text of Supreme Court Judgment in *Dawn* (daily), Karachi, 3 November 1975; Khan, *Constitutional and Political History*, 528.

<sup>63</sup> The Interior Secretary Mr. Muhammad Muzaffar Khan produced the original copy of the *Khyber Mail* of 20 October 1973 in the court on 4 July 1975, which contained the portion of the speech of Wali Khan regarding the shifting of Torkham border. *Dawn* (daily), Karachi, 12 June 1975.

<sup>64</sup> *Ibid.*, 5 July 1975.

<sup>65</sup> Ali Akhtar Mirza, 'Focus on the Frontier, *Nawa-i-waqt* (daily), Rawalpindi, 14 May 1975; *Dawn* (daily), Karachi, 9 July 1975.

<sup>66</sup> Supreme Court Verdict, '*NAP's Insurgency in Balochistan*', 11.

disruption. As a result, it became liable to be dissolved under the same law.<sup>67</sup>

Mr. Justice Hamood-ur-Rehman concluded that the court decided after close examination of every aspect of the reference. It was the last major judgment given by Mr. Justice Hamood Ur Rehman who retired soon after its announcement.<sup>68</sup> The decision of the Supreme Court was welcomed by those political parties who held an antagonistic view towards NAP. They justified the government's action of banning the NAP as right and legal. Those who admired the court decision were Maulana Ghaus Bakhsh Hazarvi of JUI Hazarvi group, Abdul Latif of Zakori Sharif D. I. Khan, Maulana Zia Qasim from JUI, Amanullah of QML Sindh, and Sahibzada Nazar Diwan from JUP.<sup>69</sup> Khan Abdul Qayyum Khan also endorsed the Court decision and declared that from the very beginning the defunct party had played a negative role against the nation's integrity and the Supreme Court decision fortified the stand of the Muslim League that the defunct NAP was the party of anti-state elements.<sup>70</sup>

Wali Khan denied all these accusations and called unsuccessfully, for the lifting of his party's ban. He would finally be able to exonerate himself and his party of accusations of 'disloyalty' towards Pakistan, as well as 'open support for violence to challenge the rule of law', but was found guilty of 'treason' and therefore was forced to remain behind bars as long as Bhutto remained in power.<sup>71</sup>

### **The Hyderabad Tribunal**

Wali Khan and a large number of NAP leaders and activists were sent to Sukkhar prison, where a complaint of conspiracy against the NAP for their secessionist and treasonous activities was filed. A special court was established under the chairmanship of Judge Abdul Haya Qureshi. As no appearances were made in this case, Wali Khan and other NAP leaders were transferred to Hyderabad prison and a special Tribunal was set up

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<sup>67</sup> Maluka, *Constitutionalism in Pakistan*, 250.

<sup>68</sup> Raza, *Bhutto and Pakistan*, 276; *Maghrebi Pakistan* (daily), Lahore, 3 November 1975.

<sup>69</sup> *Morning News* (daily), Karachi, 24 February 1975; *Jang* (daily), Rawalpindi, 23 January 1975.

<sup>70</sup> Khan Qayyum Khan Barrister 1921-1981, 'Personality Sheet, Important Speeches', Special Branch NWFP, List, III. Serial No. 30, Bundle No. 3, Directorate of Archives & Public Libraries, Government of Khyber Pakhtunkhwa, Peshawar, 71; *Maghrabi Pakistan* (daily), Lahore, 16 April 1975.

<sup>71</sup> Wolpert, *Zulfi Bhutto*, 255.

for trial against the NAP leaders.<sup>72</sup> The Tribunal was comprised of three judges of the High Court; Judge Aslam Riaz Hussain of the Lahore High Court was appointed president and the other two judges were Judge Abdul Hakeem of the Peshawar High Court and Judge Mushtaq Ali of the Sindh High Court.<sup>73</sup>

The first formal hearing of the case began on 10 May 1976, and the government drew up a list of approximately 455 witnesses. The hearing process was very slow and only 22 witnesses were brought before the Court in eighteen months. The Government intentionally created problems in the proceedings to prolong the trial as much as possible.<sup>74</sup>

The case was still being tried when agitation against Bhutto had started by the Pakistan National Alliance on the accusation of rigging in the general elections of 1977 by PPP. Bhutto attempted several times for reconciliation and compromise between the PPP and the representatives of PNA but failed. The round of negotiations was continued when Bhutto was overthrown on 5 July 1977. Many issues were left unanswered when the new Martial Law regime ordered the proceedings closed and Wali Khan was unconditionally released on 1 January 1978.<sup>75</sup>

Whether the withdrawal of the case against the NAP leaders and the support extended to Zia ul Haq by Wali Khan was the result of a compromise is not clear. The change in the attitude of both Zia ul Haq and Wali Khan, however, was nothing more than the marriage of convenience and raise important and meaningful questions.

## Conclusion

It is a dilemma in Pakistan that the factors, motives, and outcomes of tragedies such as the murders of politicians, especially those related to high profile offices, remain a mystery, with an inconclusive ending and has caused the environment of suspicion and speculation in the political phenomenon. Hayat Sherpao's assassination also sparked a wave of

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<sup>72</sup> Utmankhel, *Khan Abdul Wali Khan*, 67.

<sup>73</sup> Ibid.; Raza, *Bhutto and Pakistan*, 272.

<sup>74</sup> Javed Ahmad Siddiqui, *Wali Khan: Aaj aur Kal* (Karachi: Shibal Publications, n.d.), 40. Henceforth Siddiqui, *Wali Khan*.

<sup>75</sup> Previously, General Zia ul Haq was absolutely reluctant to release them, but surprisingly, after the imposition of martial law, not only did he abolish the Tribunal and release the NAP leaders, but also dropped the criminal conspiracy charges against them. Wali Khan, who had always praised democracy and opposed military rule, later gave support to Zia's Martial Law and praised him as the one who had saved the country from the rule of a cruel dictator. Bhurgri, *Zulfiqar Ali Bhutto*, 301; Ziring, *Pakistan*, 159.



discontent and feelings of uncertainty among personalities, groups, and parties that turned into a sense of internal insecurity and violence, followed by public unrest in the country. The unfortunate death of Sherpao has wide-ranging consequences for the Pakistani political landscape in both the short-term and the long-term. In the short-term, Z.A. Bhutto had to face a series of protests and the shaky position of his party in NWFP, and the risk of confrontation between various groups was increased. Nevertheless, in the long-term Sherpao's death was likely to have a highly adverse impact on administration and exposed the weaknesses of many political institutions. The incident gave Bhutto an excuse of banning the NAP and levelling allegations of treason, subversive activities, and disloyalty to Pakistan against Wali Khan and other NAP leaders. Through various laws, emergency regulations, and constitutional amendments, Bhutto succeeded in suppressing the opposition at the national level and launched conspiracy theories and hostile propaganda to undermine their reputation at the provincial level.

The analysis confirms the trend towards regression, antagonism, reprimand and repression against the political opponents in general and the NAP leadership in particular. The case had some drawbacks since the very beginning and it was dealt as a common case; and it led to the unpleasant situation of forcing one-sided proceedings. The accused party did not get any opportunity to refute the charges and Wali Khan was not allowed to give an interview to the press or any other source. The murder case was converted into the case of treason and disloyalty and it provided good scope to the party in power to entrap the opposition for a long time. Therefore, the NAP leadership was implicated in such cases for the sole purpose of ousting it from the forthcoming general election in Pakistan and was thus obliged to remain behind the bars as long as Bhutto continued to rule.

The power of the judiciary was restricted by introducing amendments in the constitution that confirmed Bhutto's ever-increasing repressive attitude towards the opposition who were being detained and obtained the leverage to influence the judges and courts in his dealings with the opposition. He even seized the limited judicial relief from the NAP leadership, which was provided them by the constitution through the policy of curtailment of powers and jurisdiction of courts. He even threatened the judges of 'responsibility if the NAP leaders on trial were let loose without punishment'. Thus, he made these bodies dependent on the executive, rendering them incapable of harnessing the unbridled executive which sadly frustrated the hopes of common men who desired the establishment of democratic norms, political stability, social integration, and economic progress and prosperity.

The internal troubles exposed the country's weak posture on international issues, particularly Pakistan's dealing with two of its neighbors—India and Afghanistan—especially Afghanistan strongly reacted to the ban of the NAP and the arrest of its leaders. They utilized this internal political weakness to harm Pakistan by funding and instigating dissidents in Pakistan.

But on the other hand, the examination of the episode as a whole demonstrates differently the involvement of the deceased party in the incident. The mysterious absence of the Vice-Chancellor of the University of Peshawar, Abdul Ali Khan, brother of the Wali Khan from this important function, the statements of former NAP activists such as Juma Khan Sufi who was the part of refugees in Kabul those days, confesses the NAP association with the event. The planning in Gul Abad, the Wali Khan's frequent visits to Afghanistan and his closed-door meetings with President Daud and other senior Afghan officials, as well as the record of his speeches in which he threatened Sherpao on numerous occasions, raise doubts in the minds of many about the involvement of the NAP and its leadership. The secret reports of the intelligence agencies on which Bhutto had focused stoutly during his reign provided a record of NAP activities both inside and outside scenario. The unexpected quash of the case and release of Asfandiyar Wali (initially awarded seven years sentence) reveals that some hidden hands deliberately repealed the case. So, this controversial trial has been ended by failing to bring its most prominent suspects to justice, whether the judges were fearful of convicting the suspects or the allies of the accused party as disclosed by Juma Khan that one of the judges belonged to Charsadah who played a significant role in the release of NAP workers.

Therefore, the findings of the study demonstrate, that these attacks are not confined to a particular individual or party but they harm the political stability and sovereignty of the country. They disrupt the ongoing smooth and regulated process concerning all aspects of the country, including the federation, other institutions, and people. They perpetuate a never-ending cycle of violence, chaos, anarchy, political unrest, and economic meltdown.

The malefactors of such atrocities should be timely brought to justice to set precedents so that the foes of the country think twice before conspiring against the state and the policymakers play their potential role in the prevention of or decrease in the prospects of political assassinations.