

A GLANCE ON THE JOURNEY FOR ISLAMIZATION OF LAWS IN PAKISTAN

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Abstract

The process Islamization is not of that high significance for the reason that almost all laws of the land are in accordance to the injunction of Islam. In this regard the first initiative was the formation of Federal Shariat Court, but that also was on some limited subjects. Except some of the laws in the land nearly all laws are in its original form and untouched, if any is done were just changing the name of the law or institution for instance there is no example in the history of Pakistan that anyone is stoned to death by Federal Shariat Court. Same is the case of interest in our system, in the far history of the state, so it can be said that the process of Islamization in Pakistan was not given the paramount importance and was nothing more than the creation of offices and giving favour to the people in the good list.

Keywords: Islamization, Legal System, Federal Shariat Court and Criminal Laws.

INTRODUCTION

The beauty of the freedom movement for Pakistan was in the reality that the Muslims of Indian subcontinent are striving for a separate homeland where they may be able to lead the Islamic way of life, and where the laws and the commands of God, instead of manmade laws shall be the supreme authority. By this way the people of the Islamic Republic of Pakistan shall get the blessings of Almighty Allah, and the famous ever slogan used for this purpose was, "Pakistan Ka Matlab Kia, La Illah Illa Allah". Quaid was clear on the point that Islam provides a complete canons of conduct for the Muslim not only living in Pakistan but on all over the world it is clear from his speech that he was determined that Muslims survival lies in the adherence of the glorious rules articulated by the great Prophet Muhammad ﷺ, so it was suggested that the

"it is my believe that over salvation lies in following the golden rules of conduct set for us by our great law-giver, the prophet of Islam. Let us lay down the foundation of our democracy on the basis of truly Islamic ideals and principles."¹

This was very much apparent at the time of the independence of Pakistan that there in the newly emerged state, the application of Islamic system will not only easy but open as well. The idea to live on a land in according to the injunction of Islam was a goal for the Muslim of subcontinent, and they every scarify to get it at any cost, and during the movement almost all the sect of Islam were clear and combine of the point that every department of life including political, social, cultural and judicial shall be based on the injunctions of Islam as laid down in the Holy Quran and Sunnah of the Holy Prophet ﷺ. In the era of quaid some negotiation's came out about that the future constitution shall be a un Islamic one; he came out with solid remarks that would be there as they were applicable fourteen hundred years ago². At another place he said;

"The Pakistan constitution is yet to frame. It will be framed by the constituent assembly. I do not know what will be its shape, but I can confidently say that it will be democratic based on Islamic principles. Islamic principles today are as applicable to life as they were thirteen hundred years age. Islam and its ideals have taught democracy. Islam has taught equality, justice and fair play to everybody, we shall make it and we will show it to the world."³

Pakistan appears on the map of the world in 1947 as an independent State. The struggles that went into its creation and the movement that instigate the people to gathering round Quaid-e-Azam the main builder and architect of this state promised it to be an ideological state to be organized and administered in according to the orders of Qur'an and

Sunnah. The people were determined to lead, embellish and model their lives in accordance with their own religion, culture, history and traditions.

THE CONTRIBUTORS TOWARDS ISLAMIZATION

Ulema played very important role in the Islamization of laws in Pakistan, at the point of deference between the elected class and the people of Pakistan there was a committee constituted from the religious people from all sects of Pakistan, Among these Ulema Sayed SULEman Nadvi, Molana Maududi, Mufti Muhammad Shafi, Maulana Mufti Jafar Husain Mujtahi, Maulana Zafar Ansari, Abdul Hamid Badayuni, Maulana Mufti Muhammad Hasan, Pir Sahib Manki Sharif, Maulana Athar Ali (East Pakistan), Maulana Syed Daud Ghaznavi, Maulana Hafiz Kifayat Hussain Mujtahid and Pir Sahib Muhammad Hashim Mujaddidi (Sindh). They were recognized and well-known Ulema of all the schools of thoughts.

CONSTITUTIONAL SYMPATHY (ISLAMIC PROVISIONS)

In this regard the constitutional profile of Pakistan is not clear; it became the subject of debate between the religious and the political and moderate class of people living in Pakistan. Many Islamic points subject of discussion even the name of the state was targeted and increased and decrease⁴. Here are the various Islamic provisions of the constitutions of Pakistan;

ISLAMIC PROVISION OF 1956 CONSTITUTION

1. *The name of the country was the Islamic Republic of Pakistan.*
2. *The objective resolution was included as the preamble of the constitution.*
3. *The sovereignty of Allah has been explicitly declared.*
4. *According to the state policy all the Muslims of Pakistan should be enabled to live their lives according to the teaching of Quran and Sunnah, with such necessary arrangements.*
5. *The moral teaching of Islam shall be encouraged.*
6. *According to the constitution some arrangement must be made for Zakat and Aukaf.*
7. *The unity of the Islamic world basis of the Pakistan foreign policy was insured in the constitution of the 1956.*
8. *The head of the state according to the constitution shall always be a Muslim.*
9. *Under the constitution of Pakistan it was made necessary that no law shall take force which is against the spirit of Islam.*

ISLAMIC PROVISIONS OF 1962 CONSTITUTION

Though the intention to give practical shape to the Islamic system there were some of the Islamic clauses in this constitution, due to the pressure and demand almost all clauses of the 1956 constitution were added here;

1. *Objective resolution- Preamble of the constitution.*
2. *The Islamic Principles as Principles of the Policy.*
3. *The compulsory education of Quran and Islamiyat.*
4. *The national unity and practice of Islam.*
5. *Islamic advisory council.*
6. *The Islamic research institution.*
7. *Zakat, Mosque and Aukaf.*
8. *Cordial relations with the Islamic countries.*
9. *The head of the state must be a Muslim.*
10. *Name of the state, in this constitution the official name of the state was "The Republic Of Pakistan," however under the public pressure the constitution was amended and the state was given the name of "The Islamic Republic of Pakistan⁵".*
11. *Legislation of the laws according to the spirit of Islam.*

ISLAMIC PROVISIONS OF 1973 CONSTITUTION

As compare to the other two constitution of Pakistan this constitution has more Islamic clauses in it. Apart from the Islamic clauses some other clauses has been added to it also. However here are some of the Islamic clauses of the constitution of Pakistan;

1. *The name of the state "as the Islamic republic of Pakistan".*
2. *Sovereignty of Allah.*
3. *The religion of the state will be Islam.*
4. *All the legislation must be made in accordance in the light of Holy Quran and Sunnah.*

5. *There shall be the complete eradication of the usury.*
6. *There shall be the introduction of the Zakat system.*
7. *Introduce the system of Aukaf.*
8. *The president and the prime minister of Pakistan must be Muslim.*
9. *Dissemination of the Islamic education. Compulsory education of the Quran and Islamiyat.*
10. *Publication of the Holy Quran.*
11. *Education of the Arabic language, to provide opportunities to the people to get expertise in the Arabic language.*
12. *Practical steps shall be taken for the assurance of the practice of Islam.*
13. *The formation of the Islamic ideology council.*
14. *The finality of the Holy Prophet Mohammad (peace be up on Him).*

CONTRIBUTION OF BHUTTO GOVERNMENT

The period of Bhutto government was very much different as compare to other governments, as in this era there was a popular slogan of (Roti, Kapra Or Makan), and the enforcement and implementation of the Islamic system. Though there was a strong belief that the government is not sincere in the promise it made but still it took some of the steps which are very useful for the base of Islamization in the state;

1. *The Islamic provision laid down by the constitution of 1973, were better as compare to the other two.*
2. *The decision of the Quidianies was an important step.*
3. *The move of Nizamat e Mustafa is again a great step.*
4. *Legislation against drinking.*
5. *Bane on the horse racing and;*
6. *The Friday holiday is the note able steps.*

MOVEMENT FOR TEHRIK-E- NIZAM MUSTAFA

After the general election in which the People Party was accused of rigging, the Pakistan National Alliance started a protest against this government, in the history it is known as the Nizam-e- Mustafa movement. Here Bhutto admitted that whenever he tiers he drinks a little. With this admission people became very angry and they realised this government is not sencere in implementation the Islamic system in the country. Ulema started protest and the people party became very unpopular in the public. To give an Islamic touch they took a few steps but they were of no use then. During the movement government took some serious steps putting people behind the bars the torcher sell, and other things but the people face bullet happily. The situation went from bad to worst and the military took the charge. The General Zia Ul Haq won the hearts of the people by launching the movement in his first speech.

ZIA CONTRIBUTION TOWARDS ISLAMIZATION

Army Chief of Staff, General Zia Ul Haq and the new Martial Law Administrator, among other necessary things assured for the implementation and enforcement of Islamic system in Pakistan, he said;

"I have accepted the challenge as a humble solder of Islam, the sentiments of the public (during the movement against the Bhutto regime) were praiseworthy. This movement confirmed that Pakistan was created to be an Islamic state and it showed commitment of the Pakistani nation to make every sacrifice for achieving this goal. I need your cooperation in this regard and I pray to Almighty Allah for His help and guidance⁶."

The main reason for which General Zia raised the motto of Islamic system is not clear; it is not clear whether it was to get political objectives or to bring about that balance in the political system against the Bhutto slogan, or to get the Islamic system in the true sense. In the first ever address to the nation he made it clear to the nation that special attention shall be given to the enforcement of Islamic law and to create a true Islamic society. General Zia made an attempt to bring the political, social and judicial institutions working in the state in according to the injunction of Islam. All the values and the customs in the light of Quran and Sunnah of the Prophet (sall Allaho alaihe wasallam) for the purpose to give the people a chance to live their lives in the light of Quran and Sunnah of the Prophet (sall Allaho alaihe wasallam)⁷.

CRIMINAL LAW REFORMS

The main step of the General Zia Ul Haqtowards the Islamization of criminal laws in Pakistan was the promulgation of the Hudood Ordinance in Pakistan; this was also called the revision the criminal law system in Pakistan as well. The

sexual crimes such as (Zina, Rape, Kidnaping, Enticement, Attempt to Commit Rape, Sodomy Prostitution, And Deceitful Marriages etc.) were dealt in Zina Ordinance. For the wrongful imputation of Zina there was Qazf Ordinance, for the use of drugs and alcoholic crimes, Prohibition Ordinance, and theft etc. were dealt in Property Ordinances. Special differences were kept between the two, as for Hudood there were evidentiary requirement and specified penalties; while for Ta'zir, there were discretionary. Like for Zina the requirement was four Muslim sane and free form major sins people who have witnessed the actual occasion of the commission of the crime, and the penalty was stoning till death. All other crimes of low nature were looked into Ta'zir; penalties were whippings, fines and imprisonments⁸.

It appeared on the face of it that these ordinances were just of bordering status in the Pakistan system as no Hadd penalty took place in the history and two Hadd convictions were upheld by the Federal Shariat Court. Both of the cases were overturned by the Apex Court of Pakistan.⁹ In fact these crimes were there existed in the books, and the Ta'zir punishment were the same as provided in the Pakistan Penal Code¹⁰. It clearly shows that the Islamic legal reforms have a very little impact on social, procedural and criminal system of Pakistan. Structural reforms were limited to the formation of Federal Shariat Court, and its functions were in consensus with the pre Pakistan system.

ENFORCEMENT OF SHARIAH ORDINANCE 1988

The basic and primary motto of General Zia government was the implementation and the Shariah system in the state of Pakistan. A general election was held and after eight years of his government democracy was restored in the state, and the leader was Muhammad Khan Junaijo. The new government though did not opposed the policies but they were not serious in terms of enforcement of Shariah, however on a point of difference, Zia dissolved the National Assembly in May 1988. For the purpose to satisfy the minds of the people he issues the following Shariah rules, important of them are given below;

- According to this Shariah was declared as the basic law of the state and the authority to judge the character and the nature of law was given to Federal Shariat Court.
- The graduate and the Ulema were given the power and were recognized to appear and argue before the Court of law.
- For the purpose to appoint "Mufti", the authority was given to the Federal government.
- For the propagation of the Islamic system and Islamic laws Shariah academy was set up, holding public talks, seminars etc. were started on.
- For the purpose to overcome the usury a commission was formed which would look into the financial matter and shall submit his report in the total period of one year.
- To bring education in the light of Islam a commission was established consisting of Ulema, educationalists, elected representatives and journalists
- Islamic ideology council was set up and media was made to play its role in the propagation of Islam in the world..

SHARIAH ACT 1991

After two months of the promulgation of the Shariah ordinance, General Zia was killed in a plan clash near Bahawalpur on the 17th of August 1988. This was followed by the PPP government in which ordinance was not presented with in due time to the National Assembly at the result of which it lapsed. Then the National Assembly was dissolved by Ghulam Ishaq Khan and Nawaz Sharif came into power, and since he had promised the people in the election campaigns, therefore, he helped in passing the Shariah bill from the National Assembly and after the approval of the senate sent to the president for signature. By May 16, 1991. It was enforced. It's important clauses are as under.

1. The Shariah (the principles laid down in the Holy Quran and Sunnah of the Prophet ﷺ) shall be the basic and supreme law of the state, and only that interpretation shall prevail which is in according to the Islamic injunction and the constitution of the state.
2. All the Muslims of the state shall be bound to move and act in according to the principles of Islam.
3. For the purpose to develop Islamic jurisprudence, Arabic and education of Shariah will be included in the syllabus of the institutions.
4. The educational system shall be reviewed and a Federal commission shall be set up for this purpose, it will look at and shall submit its annual report before the National Assembly.
5. To bring the economic system of the state in the stream line of Islam a commission shall be formed, this commission shall be consist of Ulema, economists, bankers,

lawyers and elected representatives of the public for the purpose of quick removal of un-Islamic things from the system. If it found anything against Islam in the system the commission shall submit report to the government.

6. The media shall also play its role in this regard it will play programs for the spreading of Islam and will not play program against Islam.
7. Reforms shall be introduced in the administrative system and the protection of the honour and life of the citizens must be made sure.
8. Strict actions shall be taken to block the way of corruption and bribery and severe punishment shall be awarded to the concerned people.
9. The hurdle in ways of effective Judiciary shall be removed.
10. To help the needy and the poor people of the state "Baith Ul Mall" shall be established.
11. For the purpose to safeguard the ideology, solidarity and unity of Islamic state some important legislation shall be made.

Besides this, the Act also gave protection to the existing system and the family laws could not be challenged. No restriction was made on the parliament nor was any objection on the foreign company, even the I.J.I. not satisfied with this law. It has not provided the things included and excluded in the Preview of the Shariah, and it has not defined the matter of the High Court, yet it was a positive step towards the direction of Islamization in the state.

By April 1993 Ghulam Ishaq Khan dissolved the national Assembly, but the Supreme Court turned out the orders and restores the Nawaz Government. On the 18th of July Nawaz Sharif himself dissolved the National Assembly.

In general election Benazir Bhutto took the powers but she was not interested in Islamization of laws in the state, and the restoration of the democracy became the cry of the day this government was accused of corruption and the Assembly was dissolved by the president Farooq Ahmad Khan Laghari. This was followed by the Nawaz era again, this time he decreased the powers of the president, blocked the way of floor crossing and brought the Shariat bill passed by the National Assembly but was failed by the senate saying that there was nothing new in it, just increasing the powers of the Prime Minister of Pakistan. Nawaz Sharif had a clash with the three heads of the departments. He was removed by General Pervez Musharraf and was followed by Asif Ali Zardari, Zardari has completed his term of five years and is replaced by Nawaz Sharif again, and still he is in the office of Prime Minister.

ROLE OF INSTITUTIONS TOWARDS THE ISLAMIZATION OF LAWS

Besides the constitutions and governments of the state, there are institutions which had and are playing role in the Islamization of laws in Pakistan. These institutions are one way or in other playing role in developing the Islamization in the state, namely;

THE COUNCIL OF ISLAMIC IDEOLOGY

This was stated in the constitution of 1973, that a council shall be formed after the ninety days of the promulgation of the new constitution and the duty of the council shall be to look and amend the existing laws in conformity with the injunction of Islam. This council shall consist of 8 to 15 learned and expert men in Islamic jurisprudence, economy, politics and law, not less than two members shall be the retired or acting judges of the supreme or the High Court and the chairman of the council shall be the judge of the High or the Supreme Court. At one female shall be its member and this council shall have the representation of all the sects. It was said in the legal committee in the previous session that if the guardian want to forgive the murderer then it is right even if the guardian is the state then again it can do so. On this topic a detailed research report was submitted by Khalid Saif which consisted the verses of 'Holy Qur'an, Sunnah' and views of famous Muslim Jurist. In cases of 'Qisas' where the legal heir is insane, then the right will shift to his Wali. If there is no heir of the deceased and no Wali then the state will be his Wali because in the matter when there is no Wali of the agreed party the state will be his Wali. In this matters the state as a Wali may remit or pardon the culprit provided that he shall not be fully forgiven but rather he shall be punished in Ta'azir. In this regard the other members of the council held apposed view, according to them in matters of a murder the murderer should be punished with death (Allama Javed Ahmad Ghamidi) but if the court considers that the accused has the right to be given relief after the consultation of the legal heirs of the deceased the court may give relaxation to the criminal. Dr. Manzoor Ahmad did not agreed with this view and said that even if the legal heirs of the deceased forgive him, the court must ignore it¹¹.

FEDERAL SHARIAT COURT

The primary purpose of the Federal Shariat Court is to enforce the Islamic Criminal laws in the state; in the beginning the FSC had the same power as enjoyed by the High Court. Initially this Court was comprised of only High Court judges.

This step failed in giving the people the required result as the religious people institutions and public and particular did not took any interest in it. In the beginning the idea was given by the public in general that the five Ulema must act as judges of this Court.¹² On some points of law, the High Court gave contradictory decisions, this resulted in the FSC which was a specialized Court of Islamic laws.¹³ In the first instance FSC was comprised of five judges, four from the High courts and the retired judge of the Supreme Court as Chairman, with the protests of Ulema in April 1981, the president appointed three Ulema as Judges of the Federal Shariat Court.¹⁴ Similarly the Shariat Appellate Bench consisting of three Muslim judges was formed in the Supreme Court. Two Ulema were added to the bench later on.¹⁵

After the formation of the FSC, it started its function of the 22nd of May 1982 and by the end of 13th of June it has completed its task. It started its functions from the 9th to 20th volume of the Pakistan Code as the other was done by the Islamic Ideology Council. During this task it published in the newspaper and reports were made to the government and other interested parties in the Islamization of laws in the state to come up with the laws they feel to be repugnant to Islam. Summary of the findings of the 1505 laws were submitted to the government. The laws which were founded as repugnant to Islam were either modified after brief consultation or were appealed against them in the Shariah Appellate bench of the Supreme Court of Pakistan¹⁶. With FSC 228 Shariah petitions has been filed with it. decision on the 683 criminal cases has been made out of 813 in the Federal Shariat Court, and the decision of the FSC shall be immediately enforced if it is not appealed in the Supreme Court of Pakistan.

Besides this FSC has played its part in many other forms as well like looking at the laws and their nature to be Islamic or un-Islamic, criminal laws, criminal cases etc. The constitution chapter 3-A was further amended by the sixteenth amending order, this proves that keen consideration was given to it for the purpose to bring it in accordance of Islam. So far as the commercial laws of Pakistan are concerned, they were outside the jurisdiction of the FSC for about three years it was further extended by the presidential orders in 1990.¹⁷ Apart from all the Muslim Family Law Ordinance 1961 (MFLD), was subject to severe criticism throughout the times.

FEDERAL COUNCIL (MAJLIS E SHURA) FC

In the absence of the parliament and or the political parties the government was a bit lonely though General Zia Ul Haq announced election for the twice, but still there was no medium of contact between the government and the citizens.¹⁸ Keeping this situation General Zia Ul Haq said;

“it has been our intention to establish a Federal Council or (Majlis e Shura) in order to promote effective contact between the people and the government..... the spirit behind the formation of the FC is that unless such time is a parliament or National Assembly comes into being through a proper decisions an institution be set up whereby to associate the maximum members of men and women with the affairs of the state....¹⁹..”

One of the basic aims of the formation of the FC was to come out with a strong political guidance and a strong system based on Islam. In this regard a resolution was move to the president for the formation of a committee, a special committee was formed which included thirty members including two women, seven Ulema and was chaired by Fida Muhammad Khan. This committee held five sessions and among other recommendation it came out with parliamentary form of government and some suggestion for the 1973 constitution in which some were accepted and some of them were ignored by the government.

THE ISLAMIC RESEARCH INSTITUTE

The concept of IRI is the outcome of Taleemat-e-Islamia Board which was established for the purpose to provide guidelines to the Constituent Assembly but unfortunately with the death of Syed Suleman Nadvi and Dr. Hameedullah transfers to Paris, this was terminated. There was a need for a committee which should work on permanent basis. For this purpose a meeting was held in Peshawar where the Central Islamic Research Institute was formed. IRI has failed to accomplish its desired objects, as its reputation was damaged by the reputation of its former director, Dr. Fazl-ur-Rehman and his associates. The view given by them had very adverse impact on it.²⁰ The second factor is that its role was not openly appreciated and highlighted due to which it has failed to get public attention.

1.4. The Islamic University

It is the eminent need for the Islamization in the country that the people involved in enactments and implementation of laws should be well aware of the Islamic injunctions. The basic need was to generate scholars in the Islamic as well as the current laws, for the purpose to fulfill the requirements of the current judicial system. With this purpose a Shariah Academy was established in Quaid-e-Azam University in Islamabad in October 1979. In the same year it was upgraded as a full Islamic University by the Presidential Order with a view that it will play a better role in the Islamization of laws in Pakistan.²¹

The University is focusing on the Islamic research as well; almost every faculty has its own research area. Particularly the Shariah and the Dawah faculties are working on productions of books and other research material in their reading

areas and have their eye on the Islamic economics. The Islamic Research Institute which was formed for this purpose and is a well defined institution is now a part of the Islamic University. More stress is being given on the formation of an Islamic aware society²². For the purpose to boost Islamization in the state, Islamic University joined hand with the University Grant Commission has arranged many important lectures of well-known scholars from all over the Muslim world. This began with the President of "Jamia Al Azhar" University, Cairo's University and other scholars. The University has also close relation with the Islamic institutions outside the world for the purpose to overcome the hurdles in the way of Islamization. Besides this special Khuthbah is prepared for the Jumah Prayer and special topic is discussed in the Khuthbah (speech), after the speech the debate is held on the Khuthbah. Thus, it if on one hand provides a good opportunity to have awareness regarding Islamic system on the other hand it helps in highlighting the issues for further discussion and opens the door of Islamization in the future.

THE LAW COMMISSION (LC)

The Law Commission of Pakistan is basically the outcome of a request which was made by the Council of Islamic Ideology, that there should be a commission which should work on the system and bring the system in according to the injunctions of Islam. This request of them was accepted by the president of Pakistan and a commission was established by the name of Law Commission in 1979.²³ Though Law Commission has officer will qualified in the Islamic research and who can help them out in the Islamic matters but they are mere the supporter and part of administration and are not the decision makers. In this regard we may say that the LC has failed to take solid steps towards Islamization of laws in Pakistan.

THE MINISTRY OF RELIGIOUS AFFAIRS AND MINORITY AFFAIRS (MORA)

The only active department in the Islamization of laws in Pakistan is the MORA, this was the result of a suggestion made to the president by the Council of Islamic Ideology, and thus it was formed in October 1974²⁴. The key object of the ministry was to form such an agency which would deal the religious affairs in the state on priority bases. By the 7th of March CII came under the control of the said agency. At the moment MORA is working with five sub agencies;²⁵ The past proceeding and the record of the ministry shows that it is basically a facilitating agency which takes speedy actions for the purpose of forwarding the recommendations made by CII without any unnecessary delay. Like the Pre-emption draft was received on 25 August, 1988, and was submitted to the ministry of Law on September 9th 1988 and was placed before FC in January and was enforced in October. Overall the role of MORA is limited in terms of Islamic orientation legislations.

THE MINISTRY OF LAW AND PARLIAMENTARY AFFAIRS (MOL)

From the Islamization of laws point of view, MOL is at a very key position. It works through its two wings, the drafting section and the solicitor wing. Both of them are particularly relates to the Islamization of legislation in Pakistan. On the base of substance provided by various governmental agencies, the draft wing prepares a report. One of the senior ministers said'

"The duty of this section is very much technical because they are mostly concerned with the preparing of drafts. This is out of there scope to see whether the law is Islamic or un-Islamic. The real responsibility falls on the Council of Islamic Ideology"²⁶

Since Pakistan was achieved as an "Independent Muslim state," therefore, the relation between Islam and Pakistan is permanent, the nature of the linkage between Islam and Pakistan remained under discussion throughout the time passed tell now. Yes this is a fact that some of the orthodox Ulema and other religious people, who hats the western culture did not favoured the creation of Pakistan at the beginning, while on the other hand the westernized supporters helped throughout the creation of Pakistan. Then after the establishment of Pakistan, the Ulema started a movement to make Pakistan as an Islamic state, as Islam remained the fundamental element for the creation of the new Islamic state of Pakistan. The basic purpose for the creation of Pakistan was that to get a piece of land where the Muslim people could live their lives in according to the injunctions and the laws of the Holy Quran and Sunnah, instead of the manmade laws. This was the way in which the people of Pakistan could come to achieve the blessing of Allah. For this the basic Slogan was, "PAKISTAN KA MATLAB KIA, LA ILAHA ILLALLAH," same was the case with Quaid was no doubt in his mind as he considered that Islam is a complete code of conduct for the life as he said on one occasion;

CONCLUSION & DISCUSSION

"Quran regulates everything from the ceremonies of religion to those of daily life, from the salvation of the soul to health of the body, from the right of all to those of each individual, from morality to crime, from punishment here to that life to come."²⁷

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The Muslims of Pakistan acquired a state of their own, this was followed by a solid question what to make of it; or the necessity of making of it; because the country that having democracy people differs from one another in terms of choosing the kind of society they want to live in, and it shall continue till the agreed decision taken. It is very much true that it was Islamic nature of the country which helped Pakistan to survive. With this spirit, Pakistan would hardly have survived for six or so months as it was faced with some serious challenges. Thus the survival of Pakistan is a basic progress of prime importance.

Islamization is a process which was not started 1967 or 1969 rather it goes back to 1947. When the struggle for creation of Pakistan was started, there was a section of people, who opposed that; which included Jamath e Islami, Jamath e Ihrrar, Jamiath e Ulema e Hind and those people declared Quid e Azam as Kafir e Azam.²⁹ They were against the creation of Pakistan and they strongly opposed Quid e Azam. But when Pakistan was created despite of their opposition, they found that Pakistan was the right place for them to breathe in and so they slowly or gradually migrated to Pakistan and started raising the slogans of Islam and Islamization. The first thing which they made was the Preamble, on the very night on which the Objective resolution was made part of the Preamble of the constitution of Pakistan was celebrated by all the Ulemas as this was the first ever seed sown in the furtherance of Islamization or so called their Islamization. But thereafter thing didn't went in their favour; martial law was imposed though the first constitution did declare Pakistan as Islamic Republic but that constitution didn't saw the light of the day.



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References

- ¹ The famous address of Quid E Azam delivered in Sibbi Darbar, on the 14th of February, 1947.
- ² His address to Karachi bar association in 1948.
- ³ This was an interview of the quaid to a newspaper in February 1948.
- ⁴ In the constitution of 1956 it was the Islamic Republic of Pakistan while in the constitution of 1962 it was the republic of Pakistan only, then it was amended and made the "The Islamic Republic of Pakistan."
- ⁵ This problem was created much days before, in an annual meeting of the Anjumani Himayati Islam, maulana salah uddin ahmad, editor of the "Adbi dunya", expressed his views before ayub khan. The president gave his displeasure and said, "what is there is a name" this debate continued in Newspapers, Political Meetings, and ultimately president Ayub Khan had to succumb to the public opinion.
- ⁶ The Daily Jang, Karachi, 7th of July, 1977, Pakistan.
- ⁷ Parkash, C. (2002), Pakistan Past And Present, New Delhi, APH Publishers, Pp 126-27.
- ⁸ Government of Pakistan, A Collection of Islamic Laws, Islamabad: Ministry of Law and Parliamentary Affairs, 1980, Section 11 of Offence of Qazf (Enforcement of Hudood Ordinances Volume 3 1979, p 19)
- ⁹ The First Belonged To A Theft Of The Clock From A Masjid In Okara, Se The State Vs Ghulam Ali 153/1(1981), Ghulam Ali Vs State Pld1986, Fsc 259; And Ghulam Ali Vs State Pld 1986 Sc 741. The Second Involved The Theft Of Electronic Equipment From A Private Residence In Lahore. Se Zahid Iqbal Vs State, 163/1, 1982, The Supreme Court Reversed The Latter Decision In 1987.
- ¹⁰ For detail see Pakistan Penal Code, 1860, XLV of 1860, Section 366, 366A, 372, 373, 375-382, 493-498.
- ¹¹ See for further detail the annual report of Council of common Ideology 2005,6, page no.209

- ¹² *The constitutional recommendations of the Ulema with comments on 1951, Basic Principal Committee Report in Urdu published as supplement of the monthly Chiragh-e-Rah, Karachi, P-14.*
- ¹³ *On May 27th 1980, President order one of 198]Constitution Amendment Order, 1980]*
- ¹⁴ *Ibid.*
- ¹⁵ *Jaffar, Dr Saad, Dr Muhammad Waseem Mukhtar, Dr Shazia Sajid, Dr Nasir Ali Khan, Dr Faiza Butt, and Waqar Ahmed. "The Islamic And Western Concepts Of Human Rights: Strategic Implications, Differences And Implementations." Migration Letters 21 (2024): 1658-70.*
- ¹⁶ *Adil, Muhammad, and Dr Sardar Muhammad Saad Jaffar. "Role Of Religious Parties In Legislation In Parliament Of Pakistan (2013-18): A Critical Analysis." Webology 18, no. 5 (2021): 1890-1900.*
- ¹⁷ *PLD 1985, CS p. 456 AT P. 480; GP December 5, 1985.*
- ¹⁸ *The martial law authorities maintained the circumstances existed (created by the politicians) which did not permit them to hold general elections. On the other hand, blamed the martial law authorities that, they never intended to hold the general elections.*
- ¹⁹ *And address to the nation by Zia Ul Haq, on December 24, 1981.*
- ²⁰ *Dr. Hafiz-ur-Rehman Siddique, Qarardad-e-Mazaasid say Islami Qanoon The Law (Urdu, Ibid page 66)*
- ²¹ *The daily, Imroz, Lahore, June 4 1982.*
- ²² *The introductory pamphlet of the Islamic international University Islamabad, p 5.*
- ²³ *The law commission ordinance 1979, (ordinance 14), 1979.*
- ²⁴ *Vide government decree, no. 102/51,74- MIN Date 22 October, 1974.*
- ²⁵ *Prof. Imtiaz saeed , Ministry of religious affaire- Fikr u Nazar, islamization supliment, op, cit , p- 148.*
- ²⁶ *Interview-Joint secretary (administration MOL at Islamabad on August 29, 1984*
- ²⁷ *Quaid at his eid message to the Muslims in 1945, at Lahore.*
- ²⁸ *Quaid at his eid message to the Muslims in 1945, at Lahore.*
- ²⁹ *This is an Urdu word which means the person who is the most ridiculous non-Muslim and worthy to be hated the most among the Muslim community.*