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An Analysis of the Evaluation of Islamic Laws in Pakistan from 1988 to 1999

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Abstract: In Pakistan, there has always been a strong desire for Islamic law, or Sharia. The Islamic nature of Pakistan's political structure was discussed as soon as the country was established. One of the primary reasons that the process of drafting a constitution was delayed was the place of religion in the political structure. Islam emerged as the primary determining element in 1949 with the ratification of the Objectives Resolution. Still, there was a persistent push for further Islamization of the legislation. Different Islamic laws were introduced at different times. In this regard, the General Zia era is more notable. This article aims to highlight the Islamic legislation that was implemented following the reign of Zia. According to the paper, Zia's death did not mark the end of the process of Islamization. It remained a popular subject, especially as a potent campaign slogan. IJI, which Nawaz Sharif led, and later PML-N were more interested in employing religious rhetoric during elections; PPP, on the other hand, also occasionally employed religious cards.

Key Words: Islamization of Laws, Post-Zia Era, Islamic Laws, Constitution, Pakistan

Introduction

The State is required under the Constitution to implement Islamic laws in Pakistan. No law that is incompatible with Islam may be created, according to the Islamic Republic of Pakistan's 1973 Constitution. The Constitution also states that all current laws must be changed to reflect the Sunnah and Quran's teachings. As per the preamble of the Constitution, Allah Almighty holds sovereignty over the entire universe. The representatives of the Pakistani people will exercise their authority within the limits prescribed by Allah Almighty. Additionally, the people of Pakistan will be provided with an environment that allows them to organize their individual and collective lives in accordance with the teachings of the Quran. Article 2A, which makes Objectives Resolution the substantive part of the Constitution, provides for the observance of Islamic principles (1973 Constitution of Islamic Republic of Pakistan, n.d.). Article 31 of the Constitution binds the State to take steps for the Islamic way of life. Besides the constitutional obligations, a clear majority of Pakistani population demands the implementation of sharia law in Pakistan (Mallick, 2016) (*The World's Muslims: Religion, Politics and Society*, 2013)

Given this context, Pakistani governments have, at various points in time, sought to impose Islamic law. During General Zia's Government, the extensive process of Islamization is most remembered. Even though significant efforts were made to advance the process of Islamization, Zia's successors were unable to maintain the pace following his death. Various circles, including the parliament, have occasionally called for the implementation of Sharia. On March 27, 1989, National Assembly member Maulana Shaheed Ahmad demanded that a Shariat bill be introduced in the Assembly. He bemoaned the honorable house's failure to address the application of sharia throughout the nation and insisted on a full debate of the matter. He maintained that the main reason Pakistan was founded was to "*Pakistan ka matlab kya, laa ilaha illah*" and that the Constitution requires the Government to impose sharia rule on the nation. He argued that the parliamentarians had solicited voter input on the promise of Sharia in order to support his demand. Dr. Sher Afgan Niazi, Minister for Parliamentary Affairs, told the house that a Shari'at Bill has already been submitted to the Senate in response to Maulana Shaheed's demand., because according to the regulations,

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this house is not allowed to discuss this matter while it is being discussed in the other house. (*National Assembly of Pakistan Debates*, 1989). During the first tenure of Benazir Bhutto (1988–1990), Islami Jamhoori Ittihad (IJI), however, was able to pass the sharia'at bill from the Senate. The bill was then sent to the Lower House, but due to the dissolution of the National Assembly by the President, no discussion was held on it (Sabir, 1998).

During the 1990 election campaign, Mr. Nawaz Sharif, leader of Pakistan Muslim League, then leading Islami Jamhoori Ittihad (IJI), committed that he would present the Sharia'at bill in the National Assembly if his party was voted to power. After winning the elections of 1990, as promised, he introduced the sharia'at bill in the Assembly in 1991. The bill was passed, but the Government did not show any enthusiasm for the proper implementation of the Act. According to Jama'at-e-Islami (JI), the symbolic value of the bill was greater than its practical effect (Moten, 2002).

During his second tenure, Mian Muhammad Nawaz Sharif presented the 15th Constitutional Amendment in the lower house on August 28, 1998. The bill was passed by the National Assembly, notwithstanding the Government's failure to get it through in the Senate.

The 15th Amendment purportedly intended to establish Sharia as the ultimate law of the land, but several commentators believed that Nawaz Sharif merely desired to consolidate power in his own hands. If the bill had been approved, it would have altered the fundamental nature of the Constitution. (Bahadur, 2012). Besides, his colleagues and party members would call him *Amir-ul-Momineen*.

Religion's Impact on the post-Zia Elections

On August 17, 1988, Zai-ul-Haq died, and In November 1988, the elections that were already announced took place. There were 25 political parties running in all, but the front-runners were Benazir Bhutto's Pakistan People's Party and Islami Jamhoore Ittihad (IJI), an alliance of nine political parties controlled by the Pakistan Muslim League. (Rizvi & Gilani, 2013). PPP concentrated on Bhutto's legacy and attempted to win over supporters with poignant slogans that alluded to the party's hardships under Zia and the assassination of PPP founder Zulfikar Ali Bhutto. However, the IJI's agenda for social welfare and socioeconomic growth was almost exactly the same as the PPP's, despite criticism of socialist economic policies, the nationalization of privately owned educational institutions, and the dwindling quality of those institutions. However, the focus of IJI was on the persistence of Zia's Islamization strategy. It demonstrates that Zia's legacy persisted after his demise and that he continued to have an impact, particularly on the army, through ISI. (Rizvi & Gilani, 2013).

The Islamic-oriented IJI came in second place with 36 general seats, but the PPP secured 151 seats, making the election results unfavorable for them. In the National Assembly, there was a difference of 115 seats between them. (Rizvi & Gilani, 2013). The results were evidence of the fact that, like the previous elections, this time too, the Islamists failed to attract the voters. However, IJI won the majority of seats in the Provincial Assembly of Punjab, which was the personal votes of tribes and clans rather than religious votes (Rizvi & Gilani, 2013).

Benazir Bhutto was the prime ministerial nominee of the Pakistan People's Party. The question of whether Islam approves of a woman leading the Government has generated debate because some ulema believe that Islam forbids it. Raja Muhammad Zaheer Khan, a member of the National Assembly and member of Jam'a't-e-Islami, brought up this issue in the house on December 12, 1988. He made reference to the Objectives Resolution and argued that Muslims would be able to organize their lives in accordance with the principles of Islam as they are presented in the Holy Quran, both individually and collectively. He contended that the term "sunnah" refers to the sayings and acts of the Holy Prophet (SAW) and that endorsing a female prime minister would be a betrayal of the Prophet's prohibition against women holding positions of power. According to him, we are required by the Constitution to abide by hadees. He came to the conclusion that choosing a woman to lead the Government would likewise be against the Constitution. On a point of order, Bibi Amina, a different National Assembly member, brought up the identical subject. According to JUI's Hafiz Hussain Ahmad, Pakistan is an Islamic state since it was founded on Islamic ideology, and since a woman cannot lead an Islamic state, this issue should be brought before the Council of Islamic Ideology (CII) (*National Assembly of Pakistan Debates*, 1988).

Benazir Bhutto was elected Pakistan's prime minister in spite of all the opposition. IJI and several Islamic parties gave her a hard time. Bhutto was held accountable for disregarding Islamic precepts and failing to enhance the nation's general State of law and order (Rizvi & Gilani, 2013).

The Government of Benazir Bhutto was unable to fulfill its constitutional mandate. With the backing of Chief of Army Staff General Mirza Aslam Baig, Ghulam Ishaq Khan dismissed her ministry, and new elections were held on November 24, 1990. The main parties in this election, as in previous ones, were the IJI and the Pakistan Democratic Alliance (PDA), an electoral alliance dominated by the PPP. IJI promised to use Islamic teachings and principles as inspiration to provide better services to the public. They concentrated on voters who leaned towards religion. Mian Muhammad Nawaz Sharif was elected prime minister after the Islamic Justice Party (IJI) won the elections and formed the Government. In keeping with his pledges to the nation, Nawaz Sharif enacted a number of Islamic laws. Most notable of them is the "Enforcement of Sharia Act 1991," which was approved by both chambers of parliament. But soon, the army and Pakistan's president, Ghulam Ishaq Khan, were at odds with Prime Minister Nawaz Sharif. The Nawaz government was overthrown as a result of this collision. Even though the Supreme Court had reinstated him, he was only able to hold the position for a month before resigning along with the President, at which point fresh elections were declared (Rizvi & Gilani, 2013).

The 1993 elections brought about a change in the situation. The Pakistan Muslim League Nawaz group became the PPP's primary rival when the IJI was disbanded. Nonetheless, Islamic coalitions and parties that ran for elections backed the PML-N. Under the name Islami Jamhoori Mahaz (IJM), JUI-F and JUP-Noorani groups established an electoral alliance, and JUI-S was the leader of Muttahida Deeni Mahaz (MDM). Benazir Bhutto remained in the office for two and a half years. Her Government was dissolved by President Farooq Ahmad Khan Laghari, who belonged to the PPP in 1996, on the charges of corruption and mismanagement. The new elections were scheduled for February 1997. Again, the main contenders were PPP and PML-N. Islamic parties, except Jama'at-e-Islami, actively participated in the election. They enthusiastically played up Islamic themes but to no avail. Their support base could not encroach on the limits of their ideological circles and failed to demonstrate impressive performance. IJM got four seats, while other parties got less than this or none. Instead, PPP, a secular party, was voted to power. Benazir Bhutto became the Prime Minister of Pakistan for the second time (Rizvi & Gilani, 2013).

For two and a half years, Benazir Bhutto held the position of prime minister. President Farooq Ahmad Khan Laghari, a member of the PPP, dismissed her cabinet in 1996 on the grounds of inefficiency and corruption. The new elections were scheduled for February 1997. Once again, PPP and PML-N were the front-runners. All Islamic parties took part in the election, with the exception of Jama'at-e-Islami. They played up the Islamic theme with great enthusiasm but to no effect. Their fan base did not perform admirably and was unable to venture outside of their ideological spheres (Rizvi & Gilani, 2013).

Islamic Legislation

As stated previously, Pakistani governments are required by the Constitution to enact Islamic laws. In light of this, Islam continued to be significant in politics even after Zia, the proponent of "Islamization," passed away. The key legislation that the parliament approved to Islamize Pakistani law is discussed in the following lines.

Enforcement of Sharia (Revised) Ordinance 1988

The Sharia Ordinance of General Zia lapsed because of the house's dissolution in May 1988, which served as the last straw. Following the death of Zia-ul-Haq, the Senate Chairman, on August 17, 1988, Ghulam Ishaq Khan assumed the role of acting president. Benazir came to power in the elections of November 1988, and the newly formed legislature chose Ghulam Ishaq Khan to be its president. On October 15, 1988, the president announced a revised Sharia ordinance, which was presented to the Senate but could not pass. The following were the ordinance's key points:

1. God Almighty is the only one with sovereignty over the universe as a whole.
2. Muslims would be able to order their personal and societal lives in accordance with Islam.
3. All existing legislation must be changed to conform to Islamic law.



4. Sharia was established as the nation's supreme law.
5. The cases have to be decided by the courts using Sharia law within sixty days.
6. If a case is brought up in court, the court must refer it to the Federal Sharia Court if it falls under its purview; if not, the case may be sent to the High Court. The duration was sixty days in both situations.
7. The decree allowed ulema to be appointed to the higher courts as judges and advisors.
8. The president's nomination of muftis to advise judges and the higher courts on sharia interpretation.
9. It is important to take effective steps for Sharia training and teaching. The Government was directed to take action so that Islamic jurisprudence would be covered in the legal curriculum.
10. The administration was also instructed to move towards Pakistan's economy becoming more Islamic. A commission was to be established by the president with suggestions for this purpose.
11. The Government had to take the necessary steps to guarantee that the educational system is founded on Islamic principles.
12. Islamic ideals were meant to be promoted by the media.
13. The Sharia will be the basis for the interpretation of all current laws.
14. The Islamic Ideology Council to hasten the compilation of Islamic law.
15. To continue the international fiscal agreements that had been completed prior to this law.
16. This ordinance would not change any government's current financial obligations.

Enforcement of Sharia (Revised) Ordinance, 1988

The National Assembly was presented with the amended Sharia ordinance, but Benazir Bhutto skillfully postponed the debate and let the bill lapse.

Enforcement of Sharia Act 1990

The "Enforcement of Sharia Act [1990](#)" was overwhelmingly approved by the Pakistani Senate, the upper house of parliament, on May 13, 1990. Five years prior, on June 13, 1985, Maulana Sami-ul-Haq and Maulana Qazi Abdul Latif of the IJI—an opposition alliance opposing the PPP—moved this bill as a private member's bill in the Senate. Before the Senate finally approved it, it took five arduous years.

The Objectives Resolution (1949) establishes the primacy of Shariat in the Constitution, which was subsequently made a permanent element in 1985. Given this, the rapid application of Sharia law is required. As a result, in 1985, the Senate passed the Shariat Bill, which was finally passed in 1990. This bill's principal points are:

1. The supreme law of Pakistan was declared to be Shariat. Sharia must be enforced throughout Pakistan by the Government.
2. If a Pakistani national brings a matter before the court or if the court takes an independent action. The courts were required to rule in accordance with Sharia in both situations. If the Federal Sharia Court had jurisdiction over the situation, it was to be brought to their attention. If the FSC did not have jurisdiction over it, the case needs to be brought to the High Court. Sharia required the courts to make a decision on both cases within sixty days.
3. No order that violates Sharia may be issued by any member of the executive branch, including the president, prime minister, or chief minister. Should such an order be issued, a court challenge may be made to it.
4. All government employees would be bound by the Constitution and the Islamic legal system, and no one would be exempt from judicial accountability under Sharia.
5. The measure stipulated that certified ulema with degrees from reputable religious institutions in Pakistan or outside may be appointed to support judges and the higher judiciary.
6. The Chief Justice of Pakistan shall confer with the President of Pakistan to determine the requirements for judicial assistants.
7. The President of Pakistan was to appoint Muftis who would aid the Supreme Court, High Courts, and Federal Sharia Court in interpreting the Sharia rules after consulting with the Chief Justice of the Supreme Court, the Chief Justice of the Federal Sharia Court, and the Chairman of the Council of Islamic Ideology, as he saw fit.

8. The State must take decisive action to educate and train citizens in various facets of Islamic law so that they are qualified to use the Sharia-based legal system.
9. The Government may also make arrangements for lower judicial members to receive instruction in established legal principles.
10. The Government was also requested to set up the teaching of recognized schools of thought's jurisprudence in law colleges.
11. The Government would take action to ensure that Pakistan's economic system is founded on Islamic economic principles and outlaw any sources of income that are not Islamic.
12. A commission to oversee Pakistan's economic system's Islamization would be appointed by the country's president. The commission must advise the Federal Government on how to align the budgetary system with Islamic principles.
13. It could be necessary to use the media to spread Islamic ideals. All media and broadcasting platforms would be prohibited from carrying ultrashort programming, publishing offensive content, and airing other wicked shows.
14. Pakistan's educational system ought to be founded on Islamic principles. The president was required to organize a commission with members of parliament, ulema, prominent educationists, and media specialists in order to do this. The commission was tasked with suggesting to the Government how to Islamize the media and education system.
15. It was mandated that all Muslim members of the legislative, executive, and judicial branches observe sharia law and abstain from serious transgressions.
16. The courts may apply Sharia to the interpretation of legislation and regulations.
17. Any international financial obligations that were fulfilled prior to the implementation of this law would remain in effect and be honored.
18. All present duties must be fulfilled. Nothing in this law or any judgment made in accordance with it was intended to have an impact on financial agreements made by governments or anybody acting on their behalf (*Enforcement of Shariat Act 1990, 1991*).

This bill was referred to the National Assembly for adaptation after it was passed by the Senate. However, Ghulam Ishaq Khan turned the tables on the National Assembly on August 6, 1990, causing the bill to lapse.

Enforcement of Sharia Act 1991

Mina Muhammad Nawaz Sharif made a pledge during the election campaign that he would pass sharia laws from the Assembly if his party won the elections. The IJI, led by Nawaz, won the majority of seats in the National Assembly during the 1990 elections. Nawaz Sharif introduced the "Enforcement of Sharia Act 1991" bill in the parliament in accordance with his electoral pledges. On June 5, 1991, the bill was signed by the president of Pakistan after it was approved by both houses with a simple majority. As a result, the Shariat Bill was enacted. According to the law, the people of Pakistan may exercise their sovereignty through their designated representatives as long as they stay within the bounds set by the Almighty God, who alone possesses sovereignty over the entire universe. This is known as a sacred trust. Islam was designated as the official state religion in the 1973 constitution, and it is the obligation of every Muslim to adhere to the teachings of the Holy Quran and the Sunnah.

One of the most significant responsibilities of the Islamic Republic of Pakistan as an Islamic state is to uphold the dignity, life, liberty, and fundamental rights of its citizens as specified by the Constitution. It also has an obligation to establish an impartial, affordable, and expeditious legal system that serves all citizens equally.

Islam mandates the creation of social structures based on the precepts of doing what is right and refraining from doing what is wrong. Giving these actions legal and constitutional protection is essential to achieving the aforementioned objectives. The parliament gives these measures legal support with this act.

Sharia was established as the highest rule of the State by the Enforcement of Sharia Act of 1991. "Injunctions of Islam as laid down in the Holy Quran and Sunnah" is how the statute defined Sharia. According to the act, all laws, rules, and regulations must be construed in the context of the accepted



theories of the Holy Quran's interpretation. It also says that Muslims living in Pakistan are free to observe and adhere to Sharia in accordance with how their own sect's jurists understand it.

In the event that many readings are feasible, the courts will adopt the interpretation that best advances the policy principle, the Islamic provisions of the Constitution, or the principles of Islamic jurisprudence. The parliament will create a code of conduct for government personnel, and all Muslim inhabitants of Pakistan are required to live according to Sharia.

At the proper stages of education and professional training, the State must provide effective arrangements for the teaching and training of Sharia, Islamic Jurisprudence, and all other aspects of Islamic law. The Government has to include Islamic studies in law curricula. The Government would set up Arabic instruction at various levels. The Government must employ someone who is knowledgeable about Islamic law, Sharia, and Ifta in the legal system (*Enforcement of Sharia Act 1991*).

Islamization of the Education System of Pakistan

The Government was obligated under the Enforcement of Sharia Act of 1991 to take action to guarantee that Islamic principles of learning, teaching, and character development form the foundation of the State's educational system. The Act also mandated that the Government form a commission of elected officials, ulema, specialists, jurists, and educators as members and choose one of them as chairman. To accomplish the aforementioned goals, the panel would assess Pakistan's educational system and offer recommendations. The parliament would be provided with the commission's recommendations. The commission was given the authority to run its meetings however they saw fit. It was the duty of all the authorities to assist with the commission. The Ministry of Education was in charge of putting the suggestions into practice (*Enforcement of Sharia Act 1991*).

Islamization of Economy

The economics is a key component of the Islamization package and is very significant. Eliminating riba in all its forms and implementing interest-free banking are significant problems. The Enforcement of the Sharia Act of 1991 mandated that Pakistan take action to guarantee that the country's economic structure is founded on Islamic principles. It was mandated that the Government form a commission made up of elected officials, bankers, economists, lawyers, ulema, and anybody else qualified for the job. A member will be designated as the chairman. The Commission must suggest policies and workable substitutes for establishing the Islamic-desired economic system. In order to attain the social and economic well-being of the populace, it must also suggest such modifications to Pakistan's economic structure. The Commission is also in charge of investigating whether the banking, insurance, tax, and fiscal policies are in line with Sharia law or not, and it is their duty to suggest ways to align all of these legal frameworks with Sharia. The panel will also keep an eye on Pakistan's economy's Islamization process, identify obstacles, and recommend new approaches to help the country reach its objective (*Enforcement of Sharia Act 1991*).

Additionally, the Commission must oversee the swift removal of riba in all of its forms and manifestations from Pakistan's economic system. Additionally, it will advise the Government of the steps that must be taken to guarantee that riba is completely eradicated from all economic activity. The Federal Government requested that the Commission periodically give its reports in order to develop an Islamic economic system (*Enforcement of Sharia Act 1991*).

Promotion of Islamic Values through Mass Media

The media is now the Government's fifth pillar in the modern era. It is essential in forming and reshaping public opinion. The best way to advance Islamic ideals in a Muslim society is through the mass media. This act mandated that the Government use the media to advance Islamic ideals. All such propaganda that disparages Sharia law, including immoral and pornographic publications, has to be outlawed (*Enforcement of Sharia Act 1991*).

Protection of Life, Liberty, Property, etc.

Unaffected by factors such as color, caste, creed, race, or religion, the United Nations and all civilized states of the world recognize that everyone has the fundamental right to the protection of their life, liberty, and

property. These and all other essential human rights could not be disregarded by the Enforcement of the Sharia Act of 1991. It tasked the Government with enacting laws and implementing administrative measures to safeguard and advance the aforementioned fundamental human rights. The Government may, if necessary, propose the necessary administrative and policy changes for this aim. The State must also put an end to acts of terrorism, sabotage, disruptions, and the carrying and display of illicit weapons (*Enforcement of Sharia Act 1991*).

The State must take action to eradicate vulgarity, obscenity, and other moral ills, as well as bribery and corruption. The Government must act to eradicate societal ills and advance Islamic ideals based on the revelations of the Holy Quran and the principles of Amar bilma'aruf wanahi-anil-munkar.

Nizam-i-Adal (System of Justice)

An impartial, expeditious, and inexpensive legal system is essential to a fair and balanced community. The provision of justice is the primary prerequisite for the restoration of peace and tranquility in any society. By virtue of this act, the State is now accountable for taking the necessary actions to Islamize Pakistan's legal system. All regulations that impede the attainment of this goal or go against the fundamental principles of Islam ought to be repealed. Any statute that prevents prompt justice from being served, lengthens judicial proceedings or adds to costs may be repealed (*Enforcement of Sharia Act 1991*).

Biat-ul-Mal(Welfare Fund)

The well-being of the impoverished, destitute, widows, orphans, disabled people, and other marginalized groups in society falls under the purview of the Islamic State. The Enforcement of Sharia Act of 1991 mandated that the Government create a bait-ul-mal, or welfare fund, to help those in need regardless of their race, religion, caste, or faith (*Enforcement of Sharia Act 1991*).

Protection of Ideology of Pakistan

Pakistan's ideology is the ideology of Islam, which is the primary rationale for the foundation of Pakistan. The Government's main duty is to safeguard this ideology, as well as its cohesion and integrity. The Government would pass such legislation to uphold and advance these ideals and to safeguard Pakistani ideology (*Enforcement of Sharia Act 1991*).

Protection Against False Accusation

It is the State's duty to defend the dignity and respect of its citizens. In order to safeguard the honor of the people, the State must enact such laws. The State bears the responsibility of enacting administrative measures and putting into effect rules and regulations that safeguard citizens' honor and reputation from unfounded accusations, character assassination, and invasions of privacy by individuals or state institutions (*Enforcement of Sharia Act 1991*).

International Financial Obligation

Until a different financial system is put in place, this act has no bearing whatsoever on the international financial commitments and agreements that are now in effect with national or international bodies. These arrangements are unaffected by the Enforcement of Sharia legislation of 1991 or any judicial decision made under this legislation (*Enforcement of Sharia Act 1991*).

Regarding most shari'a matters, the act was ambiguous. For instance, it mandates that the State implement measures for the "Islamization of economy," effectively Islamize the media and education, etc. However, until an "alternative economic system" is developed, Pakistan's international financial transactions are immune from the Shari'a Act's restrictions under Clauses 18 and 19 of the Act. Consequently, Nawaz Sharif prevented his Islamist ally, Jamaat-e-Islami, from having undue influence over government policy, even when the Muslim League requested it (Moten, [2002](#)).

Establishment of Pakistan Bait-ul-Mal(Welfare Fund)Act 1991

Modern welfare states have an obligation to meet the basic necessities of their citizens, including those who are unable to support themselves, such as food, clothing, shelter, healthcare, and education.



Additionally, it will provide their basic needs and help impoverished and needy widows, orphans, invalids, sick people, and other similar individuals, sparing them from pain and suffering and allowing them to live honorable lives.

Pakistan Bait-ul-Mal was founded by the Pakistani Government in 1992 to serve the aforementioned goals. The Pakistani parliament passed the Pakistan Bait-ul-Mal Act, also known as the Pakistan Bait-ul-Mal Act 1991, on January 14, 1992. There is a chairman of the Bait-ul-Mal named Ameen. Ameen, the chairman, and the other members will be chosen from among the ulema, social workers, jurists, elected officials, and others with extensive knowledge of Islamic law. They should also be known for their honesty, integrity, and dedication to Islamic ideology, as well as for their belief in and observance of moral principles guided by Islamic law.

The funds for Bait-ul-Mal should come from donations made voluntarily, such as sadqat and atiyat, sales of Bait-ul-Mal property, transfers from federal, State, municipal, and international organizations and authorities, or taxes imposed specifically for this purpose (*Establishment of Pakistan Bait-Ul-Mal Act 1991, 1992*).

Abolition of the Punishment of Whipping Act 1996

This act eliminated the use of the hadd punishment in all circumstances, with the exception of those in which the Quran and Sunnah specify it.

Criminal Law Amendment Act 1997

Pakistan's parliament modified the Pakistan Penal Code 1860 and the Code of Criminal Procedure 1898 in 1997 to bring criminal laws into compliance with the teachings of the Quran. The Criminal Law Amendment Act of 1997 was its name. The PPC's Section 54 was modified to State that, in the event that a murderer receives a death sentence, the victim's heirs must agree for the sentence to be commuted. Because the Quran states that a qatil can only be pardoned by the heirs of the maqtool (murdered) and not by any other authority or person, the rule became more pertinent to Islamic injunctions.

A section 55 amendment indicated that a person's life sentence for a crime cannot be changed without the victim's or the heirs' permission. A change to section 55A stated that this privilege could not be used for any punishment given without the victim's or their heirs' approval. It additionally stipulated that an individual who aids another person in committing a crime will face the same penalties as the criminal. However, the supporter won't be held responsible if they were persuaded or forced to lend their support. Apart from the aforementioned modifications, sections 299 to 338 were replaced to align these as closely as possible with the Quran and Sunnah. The PPC and CCP were restructured into six more sections, and the penalties decided upon were closely aligned with Islamic precepts (*Criminal Law Amendment Act 1997, 1997*).

Offense of Zina (Enforcement of Hudood) (Amendment) Act 1997

The Offence of Zina (Enforcement of Hudood) Ordinance of 1979 was revised by the Act. "When Zina biljabar (rape) liable to Ta'azir is committed by two or more persons, and everyone was intentionally committing it," a new section was introduced. Each and every one of them will receive the death penalty. The act was immediately promulgated after receiving the president of Pakistan's assent on April 16, 1997 (*Enforcement of Hudood) (Amendment) Act 1997*).

Zakat and Ushar Ordinance

Islam requires the payment of zakat. In the name of Allah, every Muslim will contribute 2.5% of their earnings—the zakat—to the underprivileged and needy. The Zakat and Ushar Ordinance, introduced in 1980 by then Gen. Zia-ul-Haq, was the first legislation of its kind. The State is responsible for zakat collection and distribution, according to Sunni fiqh of Islam. In 1980, Gen. Zia issued the aforementioned ordinance in accordance with this. The Shai'ah Community reacted violently to this ordinance. Considering that the State is not permitted to administer zakat under their fiqh.

The Zakat and Ushar Ordinance, initially issued in 1980, underwent revisions in 1997. The committees were reorganized as a result of this adjustment in order to properly distribute ushar and zakat. A central

zakat fund was created and credited with zakat funds deducted from various sources, zakat funds voluntarily paid by foreign nationals or Pakistani citizens, transfers from provincial zakat funds, atyat, and any other receipts, including those made voluntarily by foreign nationals or Pakistani citizens.

Provincial zakat funds were formed in addition to the central zakat fund. The sources of these funds include grants, atyat, zakat paid freely, transfers from the district and local zakat funds, transfers from the central zakat fund, and other receipts. Additionally, a district zakat fund was established, and it receives funding from the aforementioned sources as well as transfers from the provincial and central zakat funds and voluntary paid zakat. The same financial sources were also used to establish a local Zakat fund.

A change was also made to the way the Zakat fund was used. Following the modification, the zakat money will be used to support the impoverished, needy, and indigent—in particular, widows and orphans. In accordance with Shariah, people who are crippled or disabled may also be eligible to receive zakat for their rehabilitation through deeni madaris, public hospitals, charity organizations, and other healthcare-related institutions, either directly or indirectly.

The rehabilitation costs for individuals who have been impacted by natural disasters, such as floods or earthquakes, would be covered by the Zakat fund. In addition to the aforementioned categories of expenses, the Zakat fund may be invested in non-interest-bearing securities or in accordance with Shariah. The district council, provincial Assembly, or parliament may be presented with the annual audit of the central, provincial, or local zakat funds, respectively.

Three ulema have been nominated by the President to serve on the Central and Provincial Zakat Councils, respectively, with input from the Governor and the Council of Islamic Ideology. Three people will make up the District Committee, one of whom must be an alim-e-deen. The District Committee will call a meeting of adult Muslims, including ulema and teachers, to choose seven citizens of that community who have completed their secondary education, are well-known to be devout, and offer five times a day of prayer. Being financially and morally upright and refraining from political involvement. The person who observes the fast during Ramadan Mubarak and offers five times a day in prayer will be the chairman of the committee.

The members of all councils and committees, central, provincial, and other committees, must be Muslims. A non-Muslim can't be a member of any Zakat council or committee in any case. (section 19A) (*Zakat and Ushar (Amendment Act 1997)*, 1997).

Fifteenth Amendment

In August 1998, the Fifteenth Constitutional Amendment was placed before the Parliament (Majals-e-Shoora). A Bill further to amend the Constitution of the Islamic Republic of Pakistan:

Almighty Allah is the one with sovereignty over the entire universe. And the power that He has given the people, who will use it through their chosen representatives to wield it within the bounds that He has set forth as a sacred trust. The substantive portion of the Constitution was made possible by the Objectives Resolution. Islam has been designated as the official state religion, and it is the State's duty to provide Pakistani citizens with the means to live both individually and collectively in line with the core values found in the Holy Quran and Sunnah. Islam mandates the creation of a social structure predicated on upholding moral principles and abstaining from illegal activity.

It is necessary to make more amendments to the Pakistani Constitution in order to accomplish the above-mentioned goals. In this context, the Constitution is amended to include a new Article 2(B) that establishes the primacy of the Quran and the Sunnah. The ultimate laws of the State shall be the Holy Quran and the Prophet's Sunnah. In line with Islamic principles found in the Holy Quran and Sunnah, the Federal Government will implement Sharia, establish Salat (prayer), administer Zakat, encourage amar bil ma'aruf wanahin ain-i-l-munkar, eradicate corruption at all levels, and offer significant socioeconomic justice.

In addition to taking action against any government department that disobeys the directions regarding the enforcement of these provisions, the Federal Government has the authority to issue directives for the implementation of the aforementioned laws.



It was further made clear that nothing in this measure could interfere with an individual's ability to follow their own laws, their freedom to practice their religion, their ability to wear traditional clothing, or their position as citizens of Pakistan. This law will take effect regardless of anything stated in the Constitution, any other law, or a court's ruling (*Fifteenth Constitutional Amendment (Pending)* [1998](#))

Amendment to Article 239 of the Constitution of the Islamic Republic of Pakistan

Given that the Constitution's Objectives Resolution constitutes a significant portion of its framework, the Quran and Sunnah must be acknowledged as the ultimate legal texts in the nation. The administration proposed amending Article 239 of the Islamic Republic of Pakistan Constitution in order to remove obstacles to Sharia as the ultimate law of the country. According to the aforementioned clause, each amendment may be approved by the parliament individually by each of the houses. It is decided that in order to facilitate the application of Sharia, it would be more appropriate for the Majlis-e-Shoora to pass a Bill that would remove obstacles to the enforcement of Sharia law and the application of Islamic injunctions. This Bill would be passed in the same manner as other laws. Clause 3 of Article 239 was amended to include new subclauses stating that the Government will remove any obstacles to Sharia becoming Pakistan's ultimate law (*Fifteenth Constitutional Amendment (Pending)* [1998](#)).

The purpose of this amendment is to replace Pakistan's legal code with Sharia. His desire to keep the country together during a period of crisis brought on by institutional failure, corruption, and economic slump was the primary driving force behind the introduction of this bill. This bill was intended to appease the nation's Islamic forces, who were incensed at his autocratic manner and his approval of US anti-Muslim policies and activities. For other reasons, the major religious-political parties were against the law. I don't think the prime minister is being sincere. There was another opinion that the law would overextend the prime minister's authority at the expense of the parliament and the judiciary if it were to pass (Moten, [2002](#)).

Nawaz Sharif was more concerned with securing his reign than he was with putting Sharia into effect when he tried to impose it on the nation. He was a member of the dishonest system that he wished to abolish with the aid of Sharia. Dr. Maleeha Lodhi claims that Nawaz Sharif attempted to hide his Islamic identity (McGirk, [1998](#)). Even the Islamists who wanted the imposition of Sharia did not trust Nawaz's credentials and doubted his sincerity.

Conclusion

After going through the constitutional and political history of Pakistan, we can conclude that religion has always been a very important determining factor in the political landscape. Each Government, whether secular or otherwise, has enacted or attempted to enact Islamic laws in one way or another in the country. The decade between two military regimes, i.e., Zia and Musharraf, has witnessed a series of laws and ordinances through which Islamic laws are introduced by ordinances and regular laws. During this period of time, the enforcement of Sharia ordinances was issued by Ghulam Ishaq Khan, the president of Pakistan at that time. Sharia bills have been presented in the parliament at different times by different lawmakers. Constitutional amendment (15th) has also been presented. IJI and, later on, PML-N seem to be more inclined towards the Islamization process. One of the reasons was the Zia's legacy, to whom Nawaz Sharif was more loyal. During the tenures of PPP, too many steps have been taken towards the Islamization of the laws. But as a result of all these attempts, no concrete changes have been observed in the system. The governments have taken the least interest in the practical implementation of these laws and ordinances, which proves the fact that Islamic rhetoric has just been used for public consumption, and the ruling elite never wanted the system to be changed or reformed in the light of those laws.

References

- Bahadur, K. (2012). Pakistan as an Islamic State. *CLAWS Journal*. Summer 1–16. <http://www.claws.in/journal/journal-claws-journal/>
- Constitution of the Islamic Republic of Pakistan*. (1973), <https://www.refworld.org/docid/47558c422.html>
- Criminal Law Amendment Act (1997).
- Enforcement of Hudood Amendment Act (1997).

- Enforcement of Sharia (Revised) Ordinance. (1988).
- Enforcement of Sharia Act (1991).
- Enforcement of Shariat Act (1990).
- Establishment of Pakistan Bait-ul-Mal Act 1991. (1992).
- Fifteenth Constitutional Amendment (Pending) 1998.
- Mallick, T. R. (2016, April 28). Majority Pakistanis want legislation to be influenced by Islam, survey reveals. <https://www.dawn.com/news/1254770>
- Mcgirk, T. (1998, September 28). Can Nawaz Sharif Live On A Prayer? <http://content.time.com/time/world/article/0,8599,2054286,00.html>
- Moten, A. R. (2002). *Revolution to Revolution: Jama'at-e-Islami in the Politics of Pakistan*. Royal Book Company.
- National Assembly of Pakistan Debates. (1988).
- National Assembly of Pakistan Debates. (1989).
- Rizvi, H. A., & Gilani, I. S. (2013). *First Ten General Elections of Pakistan*. PILDAT. https://pildat.org/publications/Publication/Elections/First10GeneralElectionsofPakistan_August2013.pdf?Submit=Download
- Sabir, M. (1998). *Islami Jamhoori Ittihad and its Impacts on Pakistan's Politics*. Peshawar.
- The World's Muslims: Religion, Politics and Society. (2013). Pew Research Center. <http://www.pewforum.org/Muslim/the-worlds-muslims-religion-politics-society.aspx>
- Zakat and Ushar (Amendment Act 1997). (1997).