

**Zia-ul-Haq's Islamization Program: Role of
Council of Islamic Ideology 1977-88.**

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By

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2009.**



Declaration

I hereby declare that this thesis is the result of my individual research, and that it has not been submitted concurrently to any other university for any other degree.



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FINAL APPROVAL

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To
My Parents

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ABBREVIATIONS

ACII	Advisory Council of Islamic Ideology
BPC	Basic Principles Committee
CII	Council of Islamic Ideology
CMLA	Chief Martial Law Administrator
CSP	Civil Services of Pakistan
JUI	<i>Jamiyyat-e Ulama-e Islam</i>
JUP	<i>Jamiyyat-e Ulama-e Pakistan</i>
MAO College	Mohammadan Anglo Oriental College
MRD	Movement for the Restoration of Democracy

GLOSSARY

<i>Ahmadi</i>	Follower of Mirza Ghulam Ahmed in his capacity of Prophet or Revivalist
<i>Amir-i-Mamlakat</i>	Head of State
<i>Asabiyah</i>	Group Feeling
<i>Awkaf</i>	Religious Endowments
<i>Al-Zulfikar</i>	A Militant group that was against Zia's regime
<i>Ammanat</i>	Anything bestowed
<i>Deen</i>	A religion that has social values as well
<i>Diyat</i>	Compensation for blood/ Blood Money
<i>Durud Sharif</i>	Paying regards to the Prophet (P.B.U.H)
<i>Fiqh</i>	Religious Jurisprudence
<i>Hadd</i>	Limit
<i>Haram</i>	Unlawful
<i>Ihtisab</i>	Accountability
<i>Imarat.</i>	State
<i>Ithna Ashari</i>	Mainstream <i>Shia</i> 's who believe in <i>Imamat</i> of Twelve <i>Imams</i>
<i>Itaat</i>	Obedience
<i>Jamaat</i>	Group/ Party
<i>Milad</i>	Celebration of Prophet Mohammed's (P.B.U.H) Birthday
<i>Millat</i>	Nation

<i>Mullk</i>	Country
<i>Muqaddimah</i>	Introduction
<i>Mustahiqeen</i>	Deserving ones
<i>Nizam-e-Mustafa</i>	System of the Prophet (P.B.U.H)
<i>Pir</i>	Religious Mentor
<i>Qisas</i>	Revenge for Blood
<i>Riba</i>	Interest
<i>Shahinshah</i>	King of the Kings
<i>Shariah</i>	Religious way of life / Law
<i>Tableegh</i>	Preaching
<i>Ulama</i>	Plural of <i>Alim</i>
<i>Ummah</i>	Muslims Community
<i>Zikr</i>	Remembrance

Introduction

General Muhammad Zia-ul-Haq (Zia) became Pakistan's third military ruler on 5th July 1977, initially to hold elections within ninety days. After taking over reign of the government he announced that his first aim would be to bring Islamic order to the country.¹ However events kept on taking different turns. Bhutto government's alleged misdeeds were published in a series of volumes known as White Papers.² In the surge for Islamization Zia ruled for eleven years the longest tenure of any of Pakistan's ruler to date until his death in a mysterious plane crash on 17th August 1988. Zia seized power pretending to be a savior of Pakistan and its religion based national ideology. Zia launched a massive drive for Islamization of Pakistan's society and economy and for this purpose he restructured Council of Islamic Ideology (CII) under the Chairmanship of Justice Muhammad Afzal Cheema in September 1977.

The CII is a constitutional body responsible to assist the government to bring existing laws of the country in accordance with *Shariah*. Article 230 of the 1973 Constitution of Pakistan laid down the function of the CII. The first duty of the CII is to make recommendations to the Parliament and the Provincial Assemblies suggesting the ways and means to enable and encourage the Muslims of Pakistan to order their lives individually and collectively in all respects in accordance with the principles and concepts of Islam as enunciated in the Holy *Quran* and *Sunnah*.³ The CII may be regarded as a vehicle of Islamic ideological discourse and one of the most important institution in the Islamization process in Pakistan. The present study is an effort to assess and evaluate that what was the approach of Zia towards Islam? Secondly was CII used

merely for legitimization of Islamization by Zia and finally what is the role of CII in the future Islamization in Pakistan?

Islam unlike other religions does not limit the scope of its instruction to certain religious rituals or ways of worship in the country. It gives a complete code of demand in every sphere of human life.⁴ In Pakistan after its creation till today religion has played more important role in the mobilization and legitimization process than in most of the countries, because Islam had been the rallying cry and one of the major forces for the creation of Pakistan. So it was to be expected that Islamic norms would be implemented in the young nation state of Pakistan, in the face of the requirement that Muslims should live according to their religion. It is therefore strange that after its creation despite Objectives Resolution (1949) till 1962, there was no attempt made to set up an institution or organization concerned with applying Islamic principles to the future Constitution of Pakistan.⁵

It was not until 1962 that Advisory Council for Islamic Ideology (ACII) was set up. As an authority ACII was meant to serve the re-interpretation of Islam according to modernist parameters and thus to legitimize national policies in Islamic terms. Article 204(1) of the 1962 Constitution stated that ACII was to make recommendations to the Central Government and the Provincial Governments as to the means of enabling and encouraging the Muslims of Pakistan to order their lives in all respects in accordance with the principles and concepts of Islam, and to examine all laws in force immediately before the commencement of the Constitution (First Amendment) Act, 1963, with a view to bring them into conformity with the teachings and requirements of Islam as set out in the Holy *Quran* and *Sunnah*.⁶

However from 1965 to 1973 the ACII received little public attention. The Article 227(1) of the 1973 Constitution changed its name to "Council of Islamic Ideology". The article 227 to 231 of this constitution also explained in details the role and the function of the CII. The 1973 Constitution gave new functions to the CII, providing for a total Islamization of Pakistan's society by eighties.⁷ Initially in 1973 CII was a constitutional body consisting of not less than eight and not more than fifteen members. Furthermore it was also mandatory that there must be a judge of Supreme Court; at least four *ulama* representing various schools of thought and at least one woman.

Article 227 of the Constitution of Pakistan defined the major functions of the CII. The CII's first major function was to make recommendations to Parliament and the Provincial Assemblies as to the ways and means of enabling and encouraging the Muslims of Pakistan to order their lives individually and collectively in all respect in accordance with the principles and concepts of Islam as enunciated in the Holy *Quran* and *Sunnah*; another function of the CII was to advise a House, a Provisional Assembly, the President or a Governor on any question referred to the CII as to whether a proposed law was or was not repugnant to the injunctions of Islam; and thirdly to make recommendation as to the measures for bringing existing laws into conformity with injunction of Islam and the stages by which such measures should be brought into effect; and finally to compile in as suitable form, for the guidance of Parliament and the Provincial Assemblies, such injunctions of Islam as could be given legislative effect.⁸

From 1973 to 1977 CII received little public attention. Since 1977 the year of announcement of *Nizam-e-Mustafa* much attention was given to the CII in the press.⁹ However when Zia entered political arena in 1977, the CII was restructured under the

Chairmanship of Justice Muhammad Afzal Cheema and it launched an intensive Islamization campaign.

There is still a question whether Islam provides an open enough formula for everyone to participate. Even some scholars as Anita Weiss in her work¹⁰ *Islamic Reassertation* notes Islamization as a process, which would deprive non-Muslims of their rightful participation in their country's political economic or cultural life.

Before Zia government the ACII under 1962 Constitution and CII under 1973 Constitution made several recommendations. However these recommendations were never considered seriously, so no headway in the achievement of the objectives for which Pakistan came into being was made. When Zia took over he showed keen interest in the working of the CII to accelerate the process of Islamization and assured full cooperation to the CII. In order to increase the efficiency of the CII Zia with the help of the Constitutional Order 1980 (Fourth Amendment), the number of members was enhanced from 15 to 20. Five full time members were added to the existing membership raising the number of members from 15 to 20. A research cell with substantial funds was also created and made part of the CII.¹¹ In the appointment of the members of the CII when constituted in September 1977 and reconstituted in May 1981 special care was taken that it consisted of proper and capable persons worthy of accomplishing the job of process of Islamization within the frame work of article 230 of the constitution 1973. Further in order to increase the efficiency of working of the CII it had been conferred autonomy within the permissible limit in the discharge of its constitutional obligations.¹²

According to 1973 Constitution the CII was supposed to submit an annual report and the final report was to be completed and submitted within seven years with the

recommendations to completely Islamize Pakistan. Parliament was to discuss it in the House and enact laws based on it within a period of two years of the final report.¹³ However no report was either presented before or discussed in the House and no laws were enacted in consideration of these reports. After 1977, when Zia reconstituted the CII with Justice Mohammed Afzal Cheema as its Chairman and he directed to expedite its work. The CII met the challenge by submitting several reports.¹⁴ New Islamic laws were drafted with the assistance of Ministry of Law. A panel of economist and bankers was setup by the CII to prepare a detailed report for the Islamization of the economic system. Special emphasis was given in this respect to the establishment for the system of *Zakat* and the elimination of *Riba* (interest). The CII in this regard submitted a report on elimination of interest and switching banks and financial institutions to the interest free system based on Islamic principles.¹⁵ A detailed report on the Islamization of the education system was prepared and comprehensive recommendations were also made for reshaping policy related to media.¹⁶ In 1979 *Zakat* and *Ushr* ordinance was introduced on the basis of the work of CII.¹⁷ So it was for the first time that the some of the recommendations of the CII were given legislative effect yet with some amendments. After Afzal Cheema's tenure CII was reconstituted under the Chairmanship of Mr. Justice Tanzil-ur-Rehmen in May 1980. Afzal Cheema's detachment from the CII had at least two reasons: his three-year tenure had ended and secondly he had the prospect of becoming a delegate to the *Mutamar al-alam al-Islami*.¹⁸ The CII under the new Chairman Tanzil-ur-Rehmen continued its work. It revised most of the existing laws in the light of the Islamic injunctions and prepared detailed recommendation on bringing them into conformity with the Holy *Quran* and *Sunnah*. It also prepared recommendation to

solve the practical day-to-day problems arising out of the implementation of certain Islamic policies.

The purpose of this research is to examine the Islamization during Zia period and the role of CII as a catalyst in this process. Actually the process of Islamization has two aspects; first relates to the evolution and second to the implementation of the various measures for Islamization.

The present research work will give the brief historical survey of the CII during the Zia regime and surge for Islamization as state policy. It will also contrast CII activities with those of the government. The study would also provide instructive insight into the politics of Zia regime. In this way the divergence in the official policy with principle of *Shariah* as understood by the representatives of the CII will be set out.

The topic of this research is significant in many ways as Pakistan was achieved in the name of Islam. A popular slogan *Pakistan Ka Matalb Kya La Illaha Illailallah* depicts that as country was created on the name of Islam so much of its politics will revolve around the status of Islam and the notion of making it a political reality. This work explores problems arising from the process of Islamization in Pakistani society during Zia regime. Secondly Islam is considered to be a unifying force but Zia's Islamization program created controversies and opposition. Given the Islamization it infused dissension, bitter feelings and hatred. Thirdly study may be helpful in looking at the role of CII as an institution that could provide guidance for the Islamization of Pakistan in future. Fourthly the study shows the sensitivity of the imposition of Islamization of the society. Finally this work would prove the understanding of the fact that such Islamization process is

bound to create conflict and effects domestic politics if not properly rooted deep inside the society.

This research is primarily based on library deskwork. The descriptive cum analytical approach has been used. This study is supported by both primary and secondary sources. Interviews of some researchers and scholars have also been sought which proved very helpful for certain explanations. Among the primary sources the most important are the reports of CII prepared annually after 1977. Till 2004 these Annual Reports were not published by the CII, but were prepared and sent directly to the President. However, the CII under the Chairmanship of Dr. Khalid Masud in year 2004 published these reports for general public. Among the secondary sources much material was available, however, some important works are mentioned below.

Islami Nazaryati Council: Irtiqai Safar aur Karkardagi by Syed Afzal Hyder. The author of this book was the senior member of the CII from 1990-2003 and also the member of Law Commission this book gives an insider view about the working of the Council and also points out the problems for the CII to give recommendations to the government. The author in this book discusses constitutional development process in Pakistan in different regimes and the various recommendations given by the CII during that period in Law making.

Betrayal of Another Kind: Islam Democracy and the Army in Pakistan by Lt. General Faiz Ali Chishti gives account of the events during Zia regime. Because he was one of the key insiders: a top General of Pakistan's army who had an important part to play in the first years of the Zia regime and known to the public as *Iron Man* within the regime. Besides being a Corps Commander, based in Rawalpindi, he held three ministerial posts

during the period 1977-80 and was the Chairman of the Elections Cell. In this book author gives fascinating personal glimpses of Zia regime.

Politics of Conviction: The Life and Times of Mohammed Zia-ul-Haq, by Dr. Parveen Shaukat Ali. This work is based on author's personal observations that had seen and heard Zia from very close quarters presiding over conferences and talking to ordinary people.

Pakistan's Politics: The Zia years by Mushahid Hussain is a version of his work as journalist during 1982-87. He critically examines Pakistan's political process during Zia years.

Ideology of Pakistan by Dr. Javed Iqbal is also an important work. This work was actually written in reply to certain questions raised by Ayub Khan to the intellectuals of Pakistan. Purpose of this work was to make people familiar with the Pakistan's ideology.

Lastly *Zia's Pakistan: Politics and Stability in The Frontiers State*, by Craig Baxter assessed the support of major interest groups in Pakistan, which influenced the survival, and maintainability of Martial Law regime.

This study is divided into four chapters. The first chapter deals with the theoretical aspect of Islamization. Its meaning, scope and different interpretations given to the word Islamization by different schools of thought are discussed. It also discusses the philosophical, social and political dimensions of the Islamization. The second chapter traces the history of the CII's creation. Its role in different regimes and finally during Zia period is discussed. It also discusses that why after the creation of Pakistan no effective steps were carried to Islamize the country. The third chapter considers the recommendations given by the CII and efforts of implementation by the Government. It

also gives details about the Annual reports and laws revised by the CII. In the fourth chapter reaction of the various religio-political parties and the *Dini Madaris* towards the Islamization of the country have been discussed. It considers the perspective of the various religious sects (the *Brelwi*, the *Deobandi*, the *Ahl-e Hadith* and the *Shia*) to the official policies. Finally the conclusion deals with the findings of this study, which have been summarized in this portion of the research.

End Notes

- ¹ Taqi Usmani, "The Islamisation of Laws", in Salem Azzam, *Shaheed-ul-Islam Muhammad Zia-ul-Haq* (London: Indus Thames Publishers, 1990), 64.
- ² Craig Baxter & Syed Razi Wasti, eds., *Pakistan: Authoritarianism in 1980* (Lahore: Vanguard Books, 1991), 6.
- ³ *Annual Report of Council of Islamic Ideology 1977-1978* (Islamabad: Council of Islamic Ideology, 1979), 109.
- ⁴ Taqi Usmani, "The Islamisation of Laws", in Salem Azzam, *Shaheed-ul-Islam*, 59.
- ⁵ Jamal Malik. *Colonialization of Islam: Dissolution of Traditional Institutions in Pakistan* (Lahore: Vanguard Books, 1996), 33.
- ⁶ *Annual Report of Council of Islamic Ideology 2007-2008*, 5-6.
- ⁷ Syed Afzal Hyder, *Islami Nazaryati Council: Irtiqai Safar aur Karkardagi* (Islamabad: Dost Publications, 2006), 134.
- ⁸ *The Constitution of Islamic Republic of Pakistan 1973*, Islamabad: Ministry of Law, Government of Pakistan, 237-239.
- ⁹ *Nizam-e-Mustafa* was a movement basically directed against Zulfikar Ali Bhutto by an alliance of nine religio-political parties, Pakistan National Alliance (PNA). PNA included: Pakistan Muslim League, Tehrik-e-Istaqlal, Jamaat-e-Islami, Jamiat-e-Islami, Jamiat-e-Ulema-e-Islam, National Democratic Party, Pakistan Democratic Party, Khaksar Tehrik and Azad Kashmir Muslim Conference cited in Syed Afzal Haider, *Bhutto Trial* (Islamabad: National Commission on History and Culture, 1996), 377.
- ¹⁰ Anita M. Weiss, ed. *Islamic Reassertion in Pakistan: The Application of Islamic Laws in a Modern State* (Islamabad: Vanguard Books, 1987), 2-3.
- ¹¹ Dr. Abdul Ghafur Muslim, "Methodology of Islamization in Pakistan (1977-88)", in Nadeem Shafiq Malik ed. *Research Papers on Pakistan Vol. 1* (Islamabad: National Book Foundation, 1998), 515.
- ¹² *Ibid*, 515-16.
- ¹³ *The Constitution of Islamic Republic of Pakistan 1973*, Article 230 (4).
- ¹⁴ *Annual Report of Council of Islamic Ideology 2007-2008*, 35.
- ¹⁵ *Ibid*, 142.
- ¹⁶ *Ibid*, 64.
- ¹⁷ Jamal Malik. *Colonialization of Islam*, 42.
- ¹⁸ He was appointed to the post of President of the *Mutamar's* Asiatic Islamic Coordinating Council, which was founded in January 1980 at Karachi. Cited by Jamal Malik. *Colonialization of Islam*, 52.

Chapter 1

Islamization: A Theoretical Perspective

Islamization can simply be identified as a process of religious socialization in accordance with a holistic process in accordance with Islamic norms, percepts, values and rituals. Islamization as a process underlines: religious orientation, indoctrination, enforcement of Islamic believes, traditions and thought process. Islamization as a process can be carried out at two stages, first at domestic level and the other at global level or in micro and macro perspectives. By domestic level or micro perspective of Islamization we mean: conversion of society into the religion of Islam or an increase in observance by an already Muslim society either through persuasion or by force. Secondly by global or macro perspective of Islamization we mean that creating universalistic Islamic identity as described by Ibn-i-Khaldun in his famous work *Muqadimah as Ummah*.¹ So at domestic level Islamization means when it is directed to strengthen and sustain Islamic ideological, socio-economic and political value postulates, beliefs and traditions. While at global level Islamization is meant for mass conversion of non-Muslims communities, either through persuasion or by force and to protect the interest of the Muslim minority communities in non-Muslim dominated societies.

In order to discuss Islamization it is essential to discuss what actually religion is. Religion is an age old institution of mankind, functionally considered, it has played a socially serviceable role in regulating the proper exercise of human freedom.² The term religion whatever its best definition clearly refers to certain characteristics type of data, beliefs, practices, feelings, moods attitudes, etc.³ Religion ever since the dawn of human consciousness had played an important role of providing education to the human race,

both in the sphere of securising for man the perception of what is right and also providing incentives to act upon that which he believes to be the right course of conduct.⁴ Religion comes out of life and can never be divorced from it. The root meaning of religion is that which binds men together and which binds the loose ends of impulses desires and various processes of each individual.

As far as religion's attitude towards human behaviour is concerned it involves recognitions of specified doctrines and the practices of worship by following a formal code of conduct and association from every member of religion. In term of human behaviour religion has been seen to involve the affirmation of specified doctrines, the performance of acts of worship, the observance of coded formal conduct and conscious associations with groups and institutions designated and recognized as religious.⁵ So In its original sense all world religions preach humanistic values.

All religions in their original sense pave way for the formation of an ideal society, so it can be said that in their essence all religions are basically creative and welfare oriented in their original form. Different people have different interpretations towards the meaning of religion, such as sociologists and anthropologists tend to see religion as an abstract set of ideas; values or experiences developed as part of cultural matrix. As to the role that religion plays in civil and political life is relevant to South Asian history. However, there has always been dispute that what role should religion play in civil and political life. As far as case of South Asia is concerned, it is a complex case because there are several groups of people who traced their identities to different types of religions.

Ibn-i-Khaldun the great classical theorist elaborated on the relationship between the state and religious society in his work known as the *Muqadimah*. This work suggests that three

elements are critical in the creation and institutionalization of the Islamic state. Firstly the *Asabiyah* which literally means group feeling or can be termed as the propensity for cohesion and which leads to segmentation, secondly the emergence of the ruling structure which assumes leadership functions and thirdly, the *Ummah*, the community at large based on religion.⁶

Now what is definition of religion according to Islam? The answer to this question is facilitated for us by the word Islam itself. Islam literally means submission.⁷ In other words second meaning of Islam is self surrender.⁸ Islam as a religion started in the 7th century by Prophet Muhammad (PBUH); it claims to be the last religion in the chain of book religions, i.e. Judaism and Christianity. Muslims do not regard Muhammad (P.B.U.H) as the founder of a new religion, but as the restorer of the original monotheistic faith of Abraham, Moses, Jesus, and other prophets. Islamic tradition holds that Jews and Christians distorted the revelations given to their Prophets, by either altering the text or introducing false interpretations, or both. As far as the major difference of Islam with other revealed book religions i.e. Christianity, Judaism is concerned it can be said that Islam is as much a religion of action as of faith and as much a religion of doing as of believing. Islamic laws provide the pattern for the realization of man's ideal state, a state that in its capacity is capable of fulfilling basic rights of the public.⁹

Islam as a religion is in the nature of practical code of life which enables man to know his destiny.¹⁰ So Major distinction of Islam compared to other religions is its nature. It is not just a religion, which is composed of a set of rituals, but it is actually a *deen*, which guides its followers in each aspect of life. The Prophet of Islam introduced the *deen* of Islam essentially as a radical base of religion. However, in its evolutionary processes Islam came to be identified as a conservative and theocratic premise. It is evident that

Islam is not just a set of rituals but a complete code of life, which leads an individual to live a happy, purposeful and disciplined life. Its degree of tolerance is highest and its respect for learning and virtue knows no limits. Narrow-mindedness, fanaticism and ritualistic approach are foreign to Islam. In Islam a moment spent in research and learning is rated much higher than normal prayers. The word Islam means "submission", or the total surrender of oneself to God. An adherent of Islam is known as a Muslim, meaning "one who submits". There are between 1 billion to 1.8 billion Muslims, making Islam the second-largest religion in the world after Christianity. Muslim believes that God revealed the *Quran* to Muhammad (P.B.U.H), God's final prophet, and regard the *Quran* as the fundamental sources of Islam.

The *deen* of Islam from its very nature is the source of political authority. The edifice of political structure is rested on three pillars *Imarat, Ittaat, and Jamaat* (authority, obedience and the group). The geopolitical constituents of a modern secular state are geographical entity, national unity and territorial sovereignty; while against it the ideal Islamic political organizations are *Mullk, Millat* and *Khilafat* (Country, Nation and the religious leader of Islam). Islam divides mankind as transitory measure into two groups: the community of believers and class of nonbelievers. The political authority created in Islam is *Amanat* (Trust), which has main function of promulgating the *Shariah* of Islam.¹¹ Islam is different from other religions, because if we compare the definition of Islam with other religions, the most significant difference is perhaps the interpretation of the faith, as that term is narrowly conceived by the West, with every aspect of human existence. Many identify the term faith with the set of theocratic rituals, which deals through it with every aspect of human existence. Islam acknowledges no separation between the sacred and the secular. It is a religion but it is also far more the west usually understood by that

term, it is *deen* (a complete way of life).¹² Conceptually, Islam has its own doctrine about the whole universe. It fixes the place of the human in the universe and its relationship with Allah. Islam has well defined spheres of human activities governing all aspects and dimensions of human life, individual as well as collective, which had its foundations in the book of Allah, the *Quran* and the teaching of Prophet Mohammad (P.B.U.H). Therefore Islam has its own ideology, which is distinct in its own foundation and scope from all other religions and systems of the today's world.¹³ It encompasses the entire sphere of human activity making a human being answerable to Allah for all its actions. Islam if compared to other religions, does not confine itself to the preaching of its broad principles only, it emphasizes to create a system and a discipline, embodying its basic principles in life, both individual and collective, in social, economic and political spheres. Islamic ideology stands for equality before law and social justice to humanity. It stands for ending all economic tyranny and restoration of social justice.¹⁴

According to Dr. Allama Mohammad Iqbal, the famous poet and philosopher, "in Islam the spiritual and the temporal are not two distinct domains and the nature of an act however secular in its import is determined by the attitude of mind with which the agent does it".¹⁵ He further explains that Islamic ideology is composed of these points: first of all Allah is sovereign over whole universe, whosoever enjoys any authority on earth, it is bestowed upon him by the Almighty and for that matter he is answerable to Almighty Allah. Secondly every human is completely subservient to the sovereignty of Almighty Allah. Thirdly every Muslim will have faith in life hereafter and Day of Judgment. Lastly the faith in life hereafter and the Day of Judgment, reward by Almighty Allah for his obedient servants and punishment against those who deny his sovereignty or transgress

the limits prescribed by him, thus making all human beings answerable to him for all their acts, deeds and things.¹⁶

Among the primary essentials of Islam are its: structural principles of the unity of Allah and the finality of Hazrat Mohammad's (P.B.U.H) prophethood supplemented by the well defined obligations of the faith.¹⁷ Islam does not believe in unity of men through tribal or racial relationship but it actually focuses on the unification of mind, it rejects blood relationship as the basis of human unity. For Islam all the human life is spiritual in its basics, it therefore regards everybody as a center of latent or potential power that could be developed by cultivating the type of character that Islam has defined for humanity. In Islam despite the fact that Muslims have different territorial, racial and linguistics distinctions but despite these differences all Muslims consider themselves as equal before Allah and feel no barrier in their unity.¹⁸

Allama Mohammad Iqbal in his famous work, *Reconstruction of Religious Thought in Islam* approves of re-interpretation of Islamic laws and principles in the light of modern experiences.¹⁹ According to Allama, the development of secular state lies in the fact that Christianity focuses on the duality of spirit and matter, this principle has resulted in the elimination of religion from the collective life of the western people. So he disapproved the idea of adopting the western conception of secularism in the world of Islam.²⁰

As far as the case of Pakistan is concerned, religion cannot be separated from its national life, because only common factor among the people for creation of Pakistan was the religion. The major slogan of the Muslim of India was *Pakistan Ka Mtlb Kya La illaha illailallah*, (Pakistan is meant to implement Islamic *Shariah* in the society). For Pakistan's society Islam provides the ethical leaven to a democratic dispensation because

it alone can spell out social significance of the democratic order. So Islam is more than a religion for Pakistani context because it is the totality of culture in both its social and individual aspect and it is also a way of life.²¹ Therefore for Pakistan the only enduring polity that can ensure justice and morality in its activities both with in and without the state is that based on the transcendent Islamic ideology.²² A study of the process of constitution making in Pakistan tells us that the biggest issue, which divided the members of the first Constituent Assembly of Pakistan, was the debate on the role of Islam in the affairs of new state yet the first speech of Quaid-i-Azam Mohammad Ali Jinnah cooled down the debate for a while, but it surfaced again after his death delaying the formulation of national Constitution. Pakistan was the product of a classic nationalist movement with a geographical vision that sought a protected area where Muslim could live unthreatened lives.²³

Major Approaches towards Islamization:

As regards role of Islamization, division in Muslim society of the South Asia became prominent with the introduction of English education in 19th century because earlier *Mughals* were rulers throughout the eighteenth century and there were no such divisions of the Muslim intelligentsia. Muslim intelligentsia had been divided into two sections regarding the role of religion in the state affairs i.e. *ulama* and the western educated elites. Both these two sections have their own set of interpretations for the religion. The emergence of these issues was a result of the ideological contentions in the Islamic world that involved in different periods. Ideological groups such as the followers of the enlightenment secularists, westernizers, liberals nationalist, socialists and orthodox *ulama*.²⁴ Before the creation of Pakistan the westernized interpretations were dominated

however after its creation the interpretation of *ulama* got emphasis. However, since long time both these segments struggled in their own way for socio cultural and economic survival. The former however compromised with the western institutions and by and large got assimilated into that system.²⁵ The approach of the westernized elites may be termed as liberal approach towards Islamization due to their liberal ideas, while the *ulama's* interpretations may be termed as conservative approach toward Islamization.

Both these interpretations are further elaborated as under:

Liberal interpretation of Islamization

The modernists have liberal ideas about Islamization that are very much different from the conservative approach. Following are the main points of liberal interpretation of Islamization

- Islamic state is a modern state whose basis could be nationalism.
- Modern system of democracy through parliament elected through adult franchise does not contradict with Islamic principles of state and sovereignty.
- Women are entitled equally to participate in the national elections.
- New legislation could be done and Islam does not prohibit if it is carried out through consensus and reasoning.
- No capital punishment can be given to a Muslim who changes his/her religion.
- *Fiqh* of the majority sect cannot be enforced blindly as public law of the country.²⁶

Conservative interpretation of Islamization:

Conservative interpretation of Islam is given by *ulama* who claimed to be the custodians of religion in Pakistani society. There are various interpretations given by *ulama*, however following points are common in the these interpretations:

- Islam opposes the concept of modern state, which is based on nationalism.
- Islam supports a supra national concept of state which is above ethnic and geographic considerations.
- Islamic laws are complete and only need re-interpretation through consultation not from common people but by *ulama* alone that possess knowledge of *Quran* and *Sunnah*.
- Without considering the social and economic considerations of society, *Shariah* penal provisions such as amputation of hand for theft and stoning to death for adultery should be enforced.
- The *Shairah* Penal Provisions, such as the amputation of a hand for theft and stoning to death for adultery should be enforced with out giving consideration to the socio-economic conditions of the society.²⁷

Dimensions of Islamization:

Islamization is a multi-dimensional process. as Islam is not merely faith but a complete way of life.²⁸ Islamization process can easily be divided into following dimensions:

- The philosophical dimensions.
- The socio-economic dimensions.
- The political dimensions.

The Philosophical Dimensions:

The philosophical dimension of Islamization is of crucial significance for it consolidates the moral and ethical aspects of the individual Muslim or the community as a whole.²⁹

The psychological make-up or attitudinal orientation of the believers and the community is shaped in accordance with the teachings of the *Quran* and the *Sunnah*. *Quranic* ideals and moral-ethical principles enshrined in the *Quran* and *Sunnah* are projected to strengthen the psyche and thought processes of the follower.³⁰ Genuine and lasting Islamisation cannot be attained without strengthening the philosophical dimension of religion, which can be done through individual effort and by collective endeavors of religious institutions. However much depends upon the intellectual level of the believers. In the absence of adequate intellectual intensity, it is quite different to foster the philosophical dimension. Mass illiteracy and sheer ignorance of the believers not only complicates the task of Islamization but also strengthens the fundamentalism.

Indeed the philosophical aspect of Islamization is the foundational ingredient of a Muslim society. If this process remains weak, it becomes quite difficult to achieve the moral and ethical objective of Islamic *deen*.³¹

The Socio-economic Dimensions:

It must be realized that Islam's political and economic systems are invariably interrelated.

The major economic precepts are as follows:

- Wealth should always be in circulation.
- Economic exploitation of any kind should be banned e.g. interest.
- Islamic economy may be planned but economic system must be open.
- All economic activities must be subservient to the laws of Allah.

Islamization as a process is not concerned only with philosophical aspect it also contains well-defined principles of a socio-economic order. The holy *Quran* and the *Sunnah* have prescribed effective measures for evolving a just and egalitarian socio-

economic order, free of corruption and exploitation.³² The mission of Prophet Mohammad (P.B.U.H) was not just philosophical it was a pragmatic mission also. Traditions of the Prophet of Islam and text of *Quran* have prescribed effective measures for evolution of a new economic order based on principles which are free of corruption and exploitation.

Quran deals each individual as vice-regent of Allah, Islamization as a process is directed to evolve a socio-economic synthesis, harmony and economic equality. The Islam recognizes worthiness of each individual; all are considered equal regardless of their ethical, racial or class distinctions. Measures of Islamization focus over the saner elements of the society, so it enforces strict social laws for improving the character of the citizens. Distinction of Islamic society's economic system is that it is not based on materialism, whereas base of western economic system is materialism.

The Political Dimension:

It is inherent in the very nature of Islam that its followers should found a state based on Islamic principles. The Islamic state is neither a temporal/secular nor theocratic. It is comprehensive and collective system of organized religious, socio-cultural, political and economic living. So in short, it is based on following operative principles of justice, toleration, economic policy with sound and secure political system.³³ Political leaderships and institutions of Muslim communities concentrate on Islamization process under which they try to justify Islamic political concepts, idioms and symbols. So in political context Islamization process, strive to mould and regulate the political order in accordance with Islamic prescriptions as mentioned in *Quran* and *Sunnah*. The political dimensions reflect

on the nature of an Islamic state and strive to impart to citizens, understanding of Islamic political ideology.

According to Islamic principles there is none other to be obeyed but Allah. In an Islamic state sovereignty belongs to Almighty and the people exercise only delegate authority. The ruler of an Islamic state is described as Almighty's vice-regent on earth. Allah's sovereignty is delegated to state. The relation between the government and the people is a sacred trust; people have the right to remove the autocratic ruler. Therefore the trusteeship of Allah's sovereignty is not only the highest articulation of individuals' right but in fact it has also an inbuilt concept of mandatory democracy.

The Islamic state is administered by Islamic laws, which are well codified in the Islamic *Shariah*. The major objective of Islamic *Shariah* is to ensure individual rights. Therefore it is the principle obligation of an Islamic state to differentiate that what is right and what is wrong. Legislative Council assists the ruler in an Islamic state, whose members are the people with a good knowledge of *Quran* and *Sunnah*. Thus Islamization as a process transforms the political ethos of citizens, by inculcating basic concept of Islamic polity and cultivation of innate sense of duties and responsibilities. The ruling elites in various Islamic countries project the western liberal and the communist ideologies as un-Islamic, insignificant and incomplete to meet the specific indigenous requirement of an Islamic polity.

Religion is interpreted in the world as a set of rituals guiding human behaviours and conducts. However Islam defies this definition of religion, because it is not just a religion but also actually a *deen*, which guides each and every aspect of human behaviour. Islamization is a process, which applies Islamic principles to society. Among the various

aspects of Islamization, philosophical aspect is most vital because it creates the grounds for the application of Islamic principles in society. However it is certain that Islamization is a multi-faced procedure and if not properly fostered in the roots of the society it is natural to create reaction among the individuals of the society. So for genuine Islamization the approach of intellectuals is very important, because they are going to create ground for Islamizing the society.

End Notes

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- ² A.K. Brohi, *Islam in the Modern World*, ed. Kurshid Ahmed (Lahore: United Ltd, 1975), 23.
- ³ James Hastings, ed. *Encyclopedia of Religion and Ethics Vol-10* (New York: Charles Scribner's Son, 1952), 662.
- ⁴ A.K. Brohi, *Islam in the Modern World*, 24.
- ⁵ Richard Tames, *World Religions in Education: Approaches to Islam* (London: John Murray, 1982), 1.
- ⁶ Ibn-I-Khaldun. *The Muqaddimah*, Volume III, 296-299.
- ⁷ E. Van Donzel, B.Lewis and Ch. Pellat, ed. *Encyclopedia of Islam*, Vol-IV (Netherlands: E.J Brill Leiden, 1978), 171.
- ⁸ Dr. Khalifa Abdul Hakim, *Islamic Ideology: The Fundamental Belief and Principles of Islam and Their Application to the Practical Life* (Lahore: Institute of Islamic Culture, 1988), 82.
- ⁹ Richard Tames, *World Religions in Education*, 5.
- ¹⁰ A.K. Brohi, *Islam in the Modern World*, 29.
- ¹¹ Ikram Azam, *Pakistan and the Islamic Welfare State and Society* (Lahore: Progressive Publishers, 1990), 109.
- ¹² Richard Tames, *World Religions in Education*, 1.
- ¹³ Justice Dr. Tanzil-ur-Rehman, *Islamization in Pakistan* (Islamabad: Council of Islamic Ideology, 1984), 1.
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- ¹⁵ Dr. Javed Iqbal, *Ideology of Pakistan* (Lahore: Pakistan Movement Workers Trust, 1999), 58.
- ¹⁶ Justice Dr. Tanzil-ur-Rehman, *Islamization in Pakistan*, 1.
- ¹⁷ Dr. Javed Iqbal, *Ideology of Pakistan*, 56.
- ¹⁸ Ibid.
- ¹⁹ Dr. Allama Mohmamd Iqbal . *Reconstruction of Religious Thought in Islam* (Lahore: Sh Muhammad Ahshraf Publishers, 1968), 59.
- ²⁰ Ibid, 63.
- ²¹ Sharif-ul-Mujahid, *Ideology of Pakistan* (Islamabad: Islamic Research Institute, 2001), 9.
- ²² Ibid, 10.
- ²³ Philip Cohen, *The Idea of Pakistan* (Karachi: Vanguard Books, 2005), 161.
- ²⁴ Mansoor Moaddel and Kamran Talattof, *Contemporary Debates in Islam: An Anthology of Modernist and Fundamentalist Thought* (London: Macmillan Press Ltd, 2000), 3.
- ²⁵ Dr. Abdul Ghafur Muslim, "Methodology of Islamization in Pakistan (1948-77)", Nadeem Shafiq Malik, Ed. *Research Papers on Pakistan Vol.1* (Islamabad: National Book Foundation, 1998), 493.
- ²⁶ Abdul Wahid Siddiqui, *Shariaht Ordinance: A History* (Lahore: n.p, 1989), 70-71
- ²⁷ Dr. Abdul Ghafur Muslim, "Methodology of Isalmization in Pakistan (1978-88)", in Nadeem Shafiq Malik ed. *Research Papers on Pakistan Vol.1*, 513.
- ²⁸ Justice Dr. Tanzil-ur-Rehman, *Islamization in Pakistan*, 1.
- ²⁹ Ibid, 2.
- ³⁰ Syed Afzal Hyder, *Islami Nazaryati Council: Irtiqai Safar aur Karkardagi* (Islamabad: Dost Publications, 2006), 23.
- ³¹ Maulana Abul Ala Maudoodi (1903-1979) the founder of the *Jamat-e Islami* extensively propounded the fundamentalist perspective of Islam. See his work: *The Process of Islamic Revolution* (Lahore: Jamat-e Islami Publication, 1955).
- ³² Justice Dr. Tanzil-ur-Rehman, *Islamization in Pakistan*, 1.
- ³³ Ikram Azam, *Pakistan and the Islamic Welfare State*, 111.

Chapter 2

History of the Council of Islamic Ideology (CII)

In this chapter, the history and activities of the CII from its creation up to Zia's period will be discussed and analyzed. The 1973 Constitution of Pakistan lay down the charter of the duties of the CII. The major duty of the CII is to make recommendations to the Parliament and the Provincial Assemblies suggesting the ways and means to enable and encourage the Muslim of Pakistan to order their lives individually and collectively in all respects in accordance with the principles and concepts of Islam as enunciated in the Holy *Quran* and *Sunnah*.¹

The CII is the successor organization of the Advisory Council of Islamic Ideology (ACII).² The Article 204(1) of the 1962 Constitution had defined the charter of duties of ACII.³ The Muslims of the sub-continent claimed a separate nationality on the basis that they were Muslim. Popular slogan *Pakistan Ka Matalb Kya La illaha illailallah* depicts that country was created in the name of Islam so much of its politics revolved around the Islam. The first step in this regard was taken after two years of the creation of Pakistan. When first Constituent Assembly of Pakistan passed Objectives Resolution. It was moved by the Prime Minister Liaquat Ali Khan in the Assembly on 7th March 1949 and was adopted by the body with majority. Objectives Resolution was not entire constitution; it simply laid down the guidelines for the future constitution of Pakistan.⁴ This Objectives Resolution, in general, provided the outline of the Islamization process in Pakistan.⁵ The salient features of the Objectives Resolution are: that the sovereignty lies with Almighty, the system of government should be federal, and maximum efforts should be made to

enable Muslims to order their lives in accordance with the teachings and requirements of Islam.⁶

After the adaptation of the Objectives Resolution, Basic Principles Committee (BPC) was established at 12 March 1949.⁷ The members of BPC were elected by Constituent Assembly and had to develop basic principles for consideration in the Assembly. Majority of members of the BPC represented western oriented secular elites of the Constituent Assembly, who wanted to setup a state in line with western democratic system. The majority of the Islamic scholars denied the authority of the BPC.⁸

In September 1949 *ulama* Board popularly known as Board of *Ta'limat-e Islamiyyah* (BTI) was established.⁹ BTI was meant to advise Basic Principles Committee on Islamic issues. The members of the Board were: Sayid Sulaiman Nadawi (from Lucknow in India was to be invited), Zafar Ahmed Ansari, Shabbir Ahmed Usmani, Mufti Shafi, Dr. Hamidullah, Mufti Jaffar Hussain and Prof. Abdul Khaliq. The report prepared by the Board however was never published and never implemented. According to the draft of the *ulama* Board it had the power to reject law not in accordance with *Quran* and *Sunnah* and thus to prevent their implementation.¹⁰ It is probably because of this authority that Board was dissolved.¹¹ Binder is of the view that Board's proposals were more romantic than realistic in their approach to contemporary problems; also the decisions of the Board were more individual attempts, based on subjectivity rather than built on general consensus.¹²

Besides this Board, the Islamic scholars tried to establish an independent platform in order to realize what they thought was Islamic. In 1951 they proclaimed the famous 22 basic points or the basic principles of an Islamic state. In principle, these suggestions

aimed at establishing Islamic sovereignty, bringing national politics in line with Islamic laws, fostering Islamic internationalism and maintaining Islamic education etc., without however mentioning an Islamic economic system.¹³

Article 198 of 1956 Constitution provided that the President should appoint within one year of the day of the commencement of the constitution, a commission to make recommendations of bringing existing laws into conformity with the injunctions of Islam and to specify the stages by which the measures should be brought into effect.¹⁴ They were also to compile in a suitable form for the guidance of the national and the provincial assemblies such injunctions of Islam as could be given a legislative effect. The commission was to submit its final report within five years of its appointment and might submit an interim report earlier. The report whether interim or final was to be laid before the National Assembly and within six months of its receipt the National Assembly was to enact laws in respect thereof. It was also made clear that nothing in this article should affect the personal laws of non-Muslims or their status as citizen, of any provision of the Constitution.¹⁵

ACII under General Ayub Khan:

Pakistan was created on the name of Islam; however after its creation no institution to review laws according to Islamic principles was established. It took about sixteen years when Advisory Council of Islamic Ideology (ACII) was setup in 1962. On 7 October 1958, President Iskander Mirza abrogated the 1956 Constitution, dismissed Provincial and Federal Cabinets and imposed Martial Law and General Ayub Khan was appointed as Chief Martial Law Administrator (CMLA).¹⁶ On 17 February 1960, Ayub Khan appointed a Constitution Commission, headed by Justice Shahab-ud-din of the Supreme

Court with Five members from each province.¹⁷ The Constitution Commission recommended the appointment of Islamic Ideology Commission and suggested that the cooperation should be sought through diplomatic channels from other Muslim countries so that the proposed Commission might work in collaboration with any similar Commission in other Muslim countries. The proposed Islamic Ideology Commission would advise whether instructions given by Prophet (PBUH) with reference to local conditions should be followed literally regardless of the local customs to which the people of various countries were accustomed or whether only the principle would be adopted.¹⁸ The Constitution Commission submitted its report to the President on 6 May 1961.¹⁹ The report of this Commission was referred to the five-member sub-committee which finalized the draft of the Constitution. It was enforced on 8 June 1962 and the Martial Law was lifted.²⁰ The original 1962 Constitution either eliminated or diluted the emphasis of the Islamic clauses, but later these clauses were restored through an amendment.

As a result in 1962 a constitutional body known as the Advisory Council for Islamic Ideology was set up. Article 204(1) of the 1962 Constitution states that ACII was to make recommendations to the Central Government and the Provincial Governments as to the means of enabling and encouraging the Muslims of Pakistan to order their lives in all respects in accordance with the principles and concepts of Islam, and to examine all laws in force immediately after the commencement of the Constitution, with a view to bringing them into conformity with the teachings and requirements of Islam as set out in the Holy *Quran* and *Sunnah*.²¹ President Ayub Khan, wanted to give only limited powers

to the Council. He never wanted to give the right of veto to the *ulama*, as it could prove fatal to Ayub Khan.²²

According to the 1962 Constitution the ACII was to represent the various Muslim schools of thought, including two judges of the Supreme Court or High Court and not less than four members engaged in Islamic research and education for at least 15 years. The Chairman, a judge of the Supreme Court, had to be a full time member while other members were engaged part-time. The President of Pakistan was the final authority. The membership was limited to three years. The working procedures of the ACII were laid down, the proceeding and the reports were to be conducted and printed in Urdu and were to be kept confidential.²³ Every three months a meeting with at least five members was to be held, five members were to form a quorum. The IRR, set up in 1962, was to support the ACII in producing source materiel on certain issues and elaborate comments on them in case of problems regarding personal, the chairman of the ACII was entitled to consult experts.²⁴ Besides the IIR and the experts, three advisors could be consulted by the ACII. These experts were: a Civil Servant of Pakistan (CSP), a specialist in banking and a member of the Planning Commission. The subordination of a semi-religious advisory council to political and secular institution was in line with Ayub's ideas. This becomes apparent from the following statement:

There was obviously no place for a supra body of religious experts exercising a power of veto over the legislature and the judiciary... a constitution could be regarded as Islamic only if it was drafted by the *ulama* and conceded them the authority to judge and govern the people. This was a position which neither the people nor I [Ayub Khan] was prepared to accept.²⁵

First ACII was structured under Article 204 of the Constitution at 1st August 1962 under the Chairmanship of Justice Abu Saleh Mohammad Akram, a Retired Judge of the Federal Court of Pakistan.²⁶ Other members of the ACII were: Justice Sheikh Mohammad Shareef, Justice Maulana Akram Khan, Mualana Abdul Hamid Badauni, Maulana Hafiz Kifayat Hussain, Dr. I.H. Qureshi and Maulana Mohammad Abdul Hai Nawakhli. Initially the office of the ACII was established in a rented house on Feroz pur Road, Lahore.²⁷ After Justice Abu Saleh Muhammad the new Chairman of ACII was Professor Allama Allaudin Siddiqi (6 February, 1964 to 31 January, 1973), he held this position for nine years the longest tenure of any chairman.²⁸

Till 1969 the major activity of the ACII was to clear the doubts about the interest (*Riba*) and to reform the social order. In January 1964 ACII came up with the pronouncement that *Riba* is forbidden and there was unanimity on the point that for the fulfillment of the Islamic concept of social justice and human brotherhood a system of interest-free economy should be built up.²⁹ When this opinion was submitted to the government it was not thought to be comprehensive enough and was again referred back to the ACII for reconsideration.

So in this regard ACII published a questionnaire comprising 12 questions which was to be given to public to know their opinion.³⁰ The major questions asked in this questionnaire were: what is definition of *Riba* in *Quran*? Did Islam prohibit only compound interest or simple interest as well? As a result of which ACII stated that all the transactions resulting in more money than the actual debt be regarded as *riba*.³¹ But ACII was unable to give clear directions on how to solve the issues concerning Pakistani society in this regard.³²

Thus Ayub Khan was successfully able to confine the *ulama* within certain limits. But despite these precautions the ACII had an impact both positive and negative. On the one hand its composition reflected the policy of the Government, which was keen on nominating its members, and on the other hand the *ulama* who were able to exert some pressure on the government through the ACII.

CII under Zulfikar Ali Bhutto:

On 20th December 1971 General Yahya Khan stepped down and handed over the power to Zulfikar Ali Bhutto. When Zulfikar Ali Bhutto stepped in, East Pakistan had already been separated from the rest of the country and emerged as the sovereign state of Bangladesh. Zulfikar Ali Bhutto became the first Civilian Martial Law Administrator and the President of Pakistan on 20th December 1971.³³

It was during Zulfikar Ali Bhutto's reign that 1973 Constitution was promulgated and Zulfikar Ali Bhutto became first Prime Minister according to the Constitution. The article 227 to 231 of the 1973 Constitution explained in details the role and the future duties of the CII. This Constitution gave new functions to the CII. The Article 227(1) of the 1973 Constitution changed its name from Advisory Council of Islamic Ideology (ACII) to Council of Islamic Ideology (CII). According to the Article 228(1) of 1973 Constitution, the President would appoint within ninety days of the commencement of the Constitution a CII to make recommendation to the Parliament and Provincial Assemblies for bringing the existing laws into conformity with the injunctions of Islam and as to the stages by which such measures should be brought into legislative effect.³⁴ The CII was to submit its final report within seven years of its appointment and might submit any interim report earlier. The report whether, interim or final, was to be laid before the Parliament and each

Provincial Assembly within six months of its receipt and its legislature after considering the report were to enact laws in respect thereof within a period of two years.³⁵

Article 228(2) of the 1973 Constitution describes the composition of the CII, it was a constitutional body consisting of not less than eight and not more than fifteen members.³⁶

President may appoint from amongst persons having knowledge of the principles and philosophy of Islam as enunciated in the Holy *Quran* and *Sunnah*, or understanding of the economic, political, legal or administrative problems of Pakistan.

The charter of duties of the CII as laid down in Article 227(1) of the Constitution may be summarized: Firstly to make recommendations to the Parliament and the Provincial Assemblies as to the ways and means of enabling and encouraging the Muslims of Pakistan to order their lives individually and collectively in all respects in accordance with the principles and concepts of Islam as enunciated in the Holy *Quran* and *Sunnah*. Secondly to advise the House, the Provisional Assembly, the President or a Governor on any question referred to the Council as to whether a proposed law was repugnant to the injunctions of Islam or not. Thirdly to recommend as to the measures for bringing existing laws into conformity with injunctions of Islam and the stages by which such measures could be brought into effect and finally to compile in as suitable form, for the guidance of Parliament and the Provincial Assemblies, such injunctions of Islam as could be given legislative effect.³⁷

From 1974-77 the Chairman of the CII was Justice Hamood-ur Rahman. During his tenure thirty-one proposals were made aiming at what can be called an integration of the modern sector including labour and political power with the traditional sector including cultural and private life without, however, initiating any change in economic structures laid down

by the British. The suggestions were concerned with ritualization of certain sectors of life rather than any revolutionary change as for example the introduction of the national dress, rules of prayer, etc.³⁸

However from 1975 onward when the Bhutto government was confronted with internal political pressure Islam, once again became a tool of propaganda in the hands of the government, which used the CII through the then Minister of Religious Affairs Maulana Kausar Niazi.³⁹ It resulted in the expansion of CII's suggestions of how to Islamize Pakistan.

CII under Zia-ul-Haq:

The fall of Zulfikar Ali Bhutto witnessed the advent of the third Martial Law of Pakistan's history under Zia-ul-Haq (Zia). He soon after assuming power promised that within three months there would be elections in the country and the political process would be revived but soon he realized that the restoration of western style democracy would not remedy the chronic political instability.⁴⁰ Zia looked at the internal and external affairs of Pakistan from a totally different perspective. He while taking over the administration of the country in his hands, declared in his 5 July 1977 address to the nation:

"I want to make it absolutely clear that I have neither any ambition nor does the army want to be detracted from the profession of soldiering... My sole aim is to organize free and fair elections, which would be held in October this year (1977). I give a solemn assurance that I will not deviate from this schedule. I genuinely feel that the survival of this country lies in democracy and democracy alone."⁴¹

Zia believed that Pakistan's political, social and economic ills were due to the lack of knowledge among politicians about the Islamic percepts and principles that had been so lucidly expounded in the *Quran* and *Sunnah* of the Holy Prophet. He was also convinced

that his predecessors had failed to adopt a coherent policy towards the ideological dimensions of the state and all the constitutional provisions that they made in three constitutions were mostly declarative in character and lacked constitutional machinery for the implementation. Following were the important provision of three constitutions: Recognition of the sovereignty of Allah over the entire universe, which had been, delegated to the people of Pakistan as a sacred trust and Muslims must be enabled to formulate their individual and collective lives, strictly according to the precepts as enunciated in the *Quran*. People should be encouraged to follow the high Islamic moral standards.⁴² All the above provisions of Islam, Zia believed were in form of general guidance for policy makers and not statutory laws that could be enforced in the country by competent authorities.

As Zia's regime from its inception laid emphasis on two things: firstly to hold elections to transfer power to people's representatives and secondly Islamization to be the top most priority in all spheres of life. Since its inception, the government of Zia not only expressed its full adherence to Islam but also began efforts in this respect. It reactivated the CII and other departments and institution for the achievement of this objective.⁴³

So Zia changed the course of Pakistani politics by using religion with new zeal and bent upon Islamization in all aspects of state and society. Ever since the creation of Pakistan, there had been a popular demand for Islamizing constitution, law and society. During struggle for independence leaders like Iqbal and Jinnah were of the opinion that in order to preserve the separate identity of the Muslims of the sub-continent, a separate homeland was necessary.⁴⁴

While talking to the Australian T.V team on 8th February 1982 Zia expressed similar views and told that the demand for the establishment of Islamic order was the force behind the overthrow of the last regime.⁴⁵ The debate on the character of Islamic state had been in vogue between the traditionalist and modernist circles since the inception of the country and even at the time when Zia took over.

Zia restructured the CII secondly in May 1981 under the chairmanship of Justice Tanzilur-Rehman. In order to increase the efficiency of its working, the number of CII members was raised from 15 to 20. A research cell with substantial funds was also created and made a part of the CII.⁴⁶ Administratively in 1978 the CII was connected to the Ministry of Religious Affairs; however in March 1978 it was reconstituted as an autonomous institution and only in regard to conduct of government business it was attached to the Ministry of Religious Affairs.⁴⁷ The autonomy was based on the Chairman's authority to appoint members and officials at his own discretion but it was the President who should appoint the Chairman, viz article 228(2) of the Constitution autonomous character of the CII as once again pointed out by Zia in 1981, when he announced that, "the CII was an advisory institution and the work of such an institution lies in advising us".⁴⁸

Despite the Fourth Amendment 1980 still constitution contained Article 202. This article shows that government was very little concerned about the CII's proposal. This was true in the case that any law which was in public interest, the government could implement it without considering the CII's opinion. So CII revised its proposal and additional suggestions were made on daily prayers, *Zakat*, *Sharia* Courts, Islamic programs in media, etc. In addition to this, stress was laid on legal and educational reforms, as well as the Islamic banking system and *Zakat* system.⁴⁹ On the request of the Government for

theoretical elaboration of the Islamic Economic System, the CII set up a panel comprising of scholars, economists and bankers.⁵⁰ The panel produced a questionnaire on the Islamic Economic System, which failed to get response from the public, and was finally answered by the CII itself namely by the three *Jayyid ulama*.⁵¹ For scrutiny and reform of law a panel of experts was likewise set up.⁵² It was for the first time that CII proposals were implemented to a certain extent although in a modified way. This modification resulted in heavy criticism among the members, specially the religious scholars. Hence the official support to the CII resulted in the efficiency of its work, and the interference from important international organizations, specially the Saudi Arabia, increased. Over the time, composition of the CII changed substantially, the number of those with western education decreased while the number of those traditionally *Madrissa* educated increased with the advent of Zia regime in 1977. This change in structure explains the difference of policies pursued by the CII. Despite the permanent presence of *ulama* in the CII, the fact remains that *ulama* were merely tolerated by the state. However the complete isolation of the *ulama* from the CII was not possible because the government depended on the collaboration of the *ulama* and tried to accommodate their main leaders.

End Notes

- ¹ *Annual Report Council of Islamic Ideology: 1982-83* (Islamabad: Council of Islamic Ideology, 1984), 109.
- ² Advisory Council of Islamic Ideology (ACII) was recommended by the Constitution Commission established by Ayub Khan to develop future constitution of the country.
- ³ Mohammad Ayub Khan, *Friends Not Masters: A Political Autobiography* (Lahore: Oxford University Press, 1967), 199.
- ⁴ Dr. Safdar Mahmood, *Constitutional Foundations of Pakistan* (Lahore: Jang Publishers, 1990), 11.
- ⁵ Riaz Ahmed Syed, *Pakistan on Road to Islamic Democracy: Refrendum 1984* (Islamabad: National Institute of Historical and Cultural Research, 1984), 19.
- ⁶ Ian Talbot, *Pakistan: A Modern History* (Lahore: Vanguard Books, 1999), 134-135.
- ⁷ Jamal Malik, *Colonialization of Islam: Dissolution of Traditional Institutions in Pakistan* (Lahore: Vanguard Books, 1996), 39.
- ⁸ For criticism of *ulama*, on BPC report A.A. Maudoodi, *Islamic Law and Constitution* (Lahore: n.p., 1969), 319-335. The majority of them were those Islamic scholars who had elaborated the famous 22 points.
- ⁹ Dr. Safdar Mahmood, *Constitutional Foundations of Pakistan*, 13.
- ¹⁰ G.W. Choudhry, *Constitutional Development in Pakistan* (Lahore: n.p, 1969), 185.
- ¹¹ Dr. Safdar Mahmood, *Constitutional Foundations of Pakistan*, 13.
- ¹² Leonard Binder, *Religion and Politics in Paksitan* (Berkely: University of California, 1963), 116-154.
- ¹³ Riaz Ahmed Syed, *Pakistan on Road to Islamic Democracy: Refrendum 1984*, 21-27.
- ¹⁴ *Constitution of Islamic Republic of Pakistan 1956*, Karachi: Ministry of Law, Government of Pakistan, Article 23.
- ¹⁵ Hamid Khan, *Constitutional and Political History of Pakistan* (New York: Oxford University Press, 2005), 115.
- ¹⁶ Mohammad Ayub Khan, *Friend Not Masters*, 136.
- ¹⁷ *Ibid.*, 210.
- ¹⁸ Hamid Khan, *Constitutional and Political History of Pakistan*, 160.
- ¹⁹ Mohammad Ayub Khan, *Friends Not Masters*, 212.
- ²⁰ *Ibid.*
- ²¹ Jamal Malik, *Colonialization of Islam*, 39.
- ²² G.W. Choudhury, *Constitutional Development in Pakistan*, 184.
- ²³ Advisory Council of Islamic Ideology (Procedure) Rules. Cited in *Constitution of Islamic Republic of Pakistan 1962*, Islamabad: Ministry of Law, Government of Pakistan.
- ²⁴ Jamal Malik, *Colonialization of Islam*, 36.
- ²⁵ Mohammad Ayub Khan, *Friends Not Masters*, 201.
- ²⁶ Syed Afzal Hyder, *Islami Nazaryati Council: Irtiqai Safar aur Karkardagi* (Islamabad: Dost Publications, 2006), 756.
- ²⁷ This statement is based on the interview of the Senior Research Fellow Mohammad Khalid Saif at CII on 11th August 2008.
- ²⁸ Syed Afzal Hyder, *Islami Nazaryati Council*, 757.
- ²⁹ *Ibid.*, 35.
- ³⁰ Questionnaire published by the ACII is attached in Appendix C
- ³¹ Jamal Malik, *Colonialization of Islam*, 36.
- ³² Syed Afzal Hyder, *Islami Nazaryati Council*, 205.
- ³³ Hamid Khan, *Constitutional and Political History of Pakistan*, 114.
- ³⁴ *The Constitution of Islamic Republic of Pakistan 1973*. Islamabad: Ministry of Law, Government of Pakistan, 237-239.
- ³⁵ Hamid Khan, *Constitutional and Political History of Pakistan*, 115.
- ³⁶ *The Constitution of Islamic Republic of Pakistan 1973*, 237-239.
- ³⁷ *Ibid.*
- ³⁸ Jamal Malik, *Colonialization of Islam*, 34.
- ³⁹ He himself stood for a more fundamentalist Islam. During the sixties he had been a leading member of the *Jamaat-e Islami*.

⁴⁰ Muhammad Taqi Usmani, "The Islamization of Laws in Pakistan" in Salem Azzam; *Shaheed-ul-Islam Muhammad Zia-ul-Haq* (London: Indus Thames publishers, 1990), 63.

⁴¹ Shaukat Ali, *Pakistan: A Religio-Political Study* (Islamabad: National Institute of Historical and Cultural Research, 1997), 510.

⁴² M. Ikram Rabbani, *History of Pakistan* (Lahore: The Caravan Book House, 2004), 130-131.

⁴³ Riaz Ahmed Syed, *Pakistan on Road to Islamic Refrendum 1984*, 32.

⁴⁴ M. Ikram Rabbani, *History of Pakistan*, 129

⁴⁵ Jamal Malik, *Colonialization of Islam*, 38.

⁴⁶ Dr. Abdul Ghafur Muslim, "Methodology of Islamization in Pakistan (1978-88)" in Nadeem Shafiq Malik ed. *Research Papers on Pakistan Vol. 1* (Islamabad: National Book Foundation, 1998), 515.

⁴⁷ Jamal Malik, *Colonialization of Islam*, 39.

⁴⁸ Riaz Ahmed Syed, *Pakistan on Road to Islamic Refrendum 1984*, 33.

⁴⁹ Syed Afzal Hyder, *Islami Nazaryati Council*, 282-290.

⁵⁰ The members of this Panel were usually trained abroad having degrees in economics, etc. Only a few of them had access to Islamic sources since they hardly new Arabic.

⁵¹ The three *ulama* were all inclined towards fundamentalism. Mufti Sayyid Siyah al-Din Kakakhel (*Deobandi*), Taqi Uthmani (*Deobandi*) and Muhammad Husain Naimi (*Brelwi*). The reaction to the questionnaire was however not mentioned in the Media. One has to bear in mind that even among the traditionalist of the *Deobandi* school of thought there is a *Salafi* or fundamentalist branch. One major institution following on these principles is the *Dar al-Ulum Haqqaniyah* in Akora Khattak, NWFP.

⁵² *Pakistan Times* (Islamabad), 7 February 1979. Besides these conceptual activities the CII warned the people to "... beg for forgiveness for 30 years sins".

Chapter 3

The Islamization Measures by General Zia-ul-Haq and the CII's Role

On July 1977 General Zia-ul-Haq (Zia) imposed the Martial Law in country that laid emphasis on two things firstly to hold elections, secondly to Islamize the country. He described his policies as fulfillment of Pakistan's national objectives. Zia during an interview in January 1979 offered an insight into his motives.¹ He voiced his concern over the attention being paid to Islamization. To the determinants of the basic economic problems of Pakistan he explained that the basis of Pakistan was Islam but during last seven years there had been a complete erosion of the moral values of the society. He further said that the most fundamental and important basis for the whole reformation of society was not that how much wheat we grow but the moral rejuvenation which was required first and that would have to be done on the basis of Islam because it was on that basis that Pakistan was formed. He claimed, "that we are going back to Islam not by choice but by the force of circumstances and Islam is the fundamental factor it comes before wheat and rice and everything else because I can import wheat but I cannot import the correct moral values".² He in the same interview went on to say that it was not he or the government that was imposing Islam, it was what 99 percent of the people wanted.³

The Marital Law government took various measures for a step-by-step approach for the Islamization of existing laws In order to initiate the process: changes were made in the penal laws, which could be modified easily according to the principles of Islam. On 10 February 1979, Zia issued five ordinances on the recommendation of the CII that changed the existing Pakistan Penal Code. Those were called *Hadood Laws* and related to

offences concerning property and moral attitude of the people. The purpose was to bring the existing laws into conformity with *Sharia*. The ordinance pertained to such crimes as theft, robbery, dacoity, adultery, false accusation of the adultery and drinking wine.

The process of Islamization of the legal and economic system was started by the promulgation of the Law of *Zakat* and *Ushr* in 1979. *Zakat* is the second pillar of Islam and is one of the institutions intended to eradicate poverty and balance the distribution of wealth. This is the basic duty of an Islamic state to collect money as *Zakat* from the rich people and distribute it among the poor. There was strong apprehension that if the government employees carried out the collection and distribution, the money collected could be at the mercy of the corrupt. To avoid this, as far as possible an autonomous *Zakat* Council was established under the supervision of a judge of the Supreme Court. The *Zakat* Council had nothing to do with government employees, it consisted of eminent persons from different fields, and the administration of *Zakat* was entrusted to it. The *Zakat fund* had been kept separate from the public exchequer and local *Zakat* committees were formed at all levels. The members of these committees were selected from the public in election carried out generally in the mosques.⁴ Though welcomed by the lower and the lower middle classes of the society, the response from Pakistan's westernized elite and from many countries of the west was negative. Zia believed in the deterring effect of Islamic punishments. When a reporter gave comments that Islamic punishments were barbaric, he replied:

No it's not barbaric... Twisted human beings all over the world understand one language, the language of firmness. If you have to stop theft, murder, robbery and rape there is no other practical alternative.⁵

However, Islamic punishments like amputation of hand for theft and stoning to death for adultery were not carried out even during Zia's own regime.⁶ When Zia took over he showed keen interest in the working of the CII to accelerate the process of Islamization and assured full cooperation of his government. In the appointment of the members of the CII, when constituted in September 1977 and reconstituted in May 1981⁷, special care was taken that it consisted of proper and capable persons worthy of accomplishing the process of Islamization with frame work of Article 230 of the Constitution of 1973.⁸

Zia initially took power promising to hold elections within ninety days. However he kept on delaying it, until he ordered CII to elaborate on this issue, that whether "the prevailing system of election is un-Islamic". The CII started working on the subject and latter under the Chairmanship of Dr. Tanzil al- Rahamn, submitted its report on 1st April, 1982. In this report CII elaborated on the procedure of voting and one major recommendation of the report was that President was to be subject to the discussions of the *Shura*.⁹

Zia refused to accept this report and asked CII to review it. Following this the CII once again started working on this subject and submitted its report on Islamic System of Government and Elections, in May 1983. This report stated that the Presidential form of Government was nearer to Islamic concept but President was not allowed to dissolve Parliament and to amend the Constitution. He should either follow the resolution of the Parliament or resign. Furthermore, the Parliament was empowered to remove him. A Supreme Council of Islamic Affairs was to be set up and followed by courts and in the "light of *Quran* and *Sunnah* elections on the basis of political parties are not valid".¹⁰ However some members of the CII did not share this view. The Chairman Dr. Tanzil,

reserved his opinion as he was not sure whether or not according to *Quran* and *Sunnah* elections could be held on the basis of political parties.¹¹ Similarly Mufti Siyyah-ud-Din Kaka Khail also opposed the idea of non-party elections on the grounds that it will create confusion, because if no strong political party will be on back of the *Majlis-e Shura* then Bureaucracy will over shadow it.¹² Similarly Allama Talib Jauhri was of the opinion that the head of the state must be expert of Law.¹³ Thus the CII as a body supported elections on non-party basis which in fact suited Zia and was a handsome gift from the CII members but Zia was not satisfied with this report.

The last committee set up to go into this issue produced the famous Ansari Report under the chairmanship of Zafar Ahmed Ansari. The Commission was set up on 10th July 1983 and submitted its report in August 1984.¹⁴ The Commission was to provide the foundation of a political structure, which was in consonance with the injunctions of *Quran* and *Sunnah*, Islamic values and traditions requirements of the modern age and the conditions obtaining in the country as would facilitate a definite progress in the direction of evolution of Islamic democratic system. It was instructed to organize its discussion primarily around constitutional debates undertaken by the committee of *ulama* 1949 to 1953.¹⁵ So following the proposal of the BTI this committee proposed discarding both parliamentary as well as presidential system instead “introduces the full fledged Islamic system of *Amarat* corresponding with Islamic traditions which, though it may have some points in common with the Presidential form, has a distinct character of its own”. The Head of the state should also be Head of Government. An Islamic Consultative System of Government was recommended in which the *Majlis-e Shura* had crucial functions. This

institution was to elect the *Amir al-Mamlakat*, who shall be ex-officio Commander-in-Chief of the Armed forces of Pakistan. He “shall be empowered to appoint, in his discretion, Ministers as needed in order to carry on the administration and shall have the power to promulgate with the view to safeguarding vital national interest, an ordinance in cases of emergency”. But he shall neither have “the power to suspend the constitution, either wholly or partially”, nor “to dissolve the *Majlis-e Shura* in any circumstance whatsoever”. Hence, the country should change over to elections on a non-party basis. Since “political parties are highly harmful for Pakistan”.¹⁶

Once he had delayed elections Zia had made up his mind to Islamize Pakistan to legitimize his rule and it was totality in his mind that without major economic hinges Islamization would look hollow and incomplete but he also realized that the country’s entire economic structure had been so shaped since British days that its sudden Islamization would unhinge the economy of the country. Therefore he wanted to introduce piecemeal changes and adopted a step-by-step approach.¹⁷ The efforts done by his government for the implementation of Islamization and the role played by the CII can be discussed under the following headings: the Islamization of Banking System, the Enforcement of *Zakat* and *Ushr*, the *Wafaqi Mohtasib* (Federal Ombudsman), the *Federal Shariat Courts* and the *Qazi Courts*.

The Islamization of Banking System:

The economic well being of society is an indisputable aspect of every ideal state. The Islamic economic system works for *Adl* (Justice) and cuts through excesses. It is opposed to the exploitation in all forms for modeling a society based on the economic concept of

profit and loss sharing system and by creating welfare institution of *Zakat*.¹⁸ Zia knew very well that without Islamization of the economic institutions the Islamization of Pakistan would be hollow and could not bear any fruits. So in early 1978, Zia asked the reconstituted CII to prepare a comprehensive report on interest free banking in Pakistan.¹⁹ Islamic economic system is against exploitation in all forms. Although Islamic economic system protects the right of public property, yet it demands from its adherents that wealth in their hands should be a trust for Allah, with restraints on its utilization. While making this historic announcement of 10 February 1979 on Islamization, Zia outlined certain measures for gradually moving towards an interest-free economy.²⁰

Consequently CII prepared a detailed report on the elimination of interest from the national economy in which it recommended many fundamental changes.²¹ The philosophical foundation of an interest-free banking system was derived from the following verse of the holy Quran, which says that: "Allah has permitted *Baei* that is normal business transaction and has forbidden *Riba* that is interest".²² Since the basic tenet of Islam is elimination of interest (*Riba*), this has to be taken as axiom. Thus the condemnation of interest and justification of normal business with profit and loss, in the same verse, means that profit is recognized as a correct remuneration while interest is not considered as justifiable payment. The difference between profit and interest is that profit is not a pre-determined amount and it has a probability of loss as well.²³ However despite this Zia knew very well that any fundamental change like interest free banking system could not be implemented in a short span of time because it involved replacement of centuries old institutional frame work and business operations. So a phased program was

inevitable for this kind of change over. Accordingly government planned its own strategy to implement this report and first opened a profit and loss sharing account in each commercial bank and claimed it to be free of interest. Therefore a team of bankers and the CII did a great deal of thinking and preparatory work finally it was decided that new system would be introduced with minimum disturbance to the existing operations.²⁴

The CII emphasized in its report that efforts should be made to reduce dependence on foreign aid in general and interest bearing foreign assistance in particular to have aid on non-interest basis and furthermore to gradually reduce the dependence on foreign loans.²⁵

The International Economic Seminar, held at Islamabad during 6-11 January 1981 observed regarding the Report of the CII on the elimination of interest from the economy in its comments issued on the last day of its session it complimented that the Government of Pakistan and the CII for the intensive work done to find ways and means of eliminating *Riba*. It also regarded the Report of the CII on the elimination of interest as historic document and a pioneering effort which would be of great use to other Muslim countries in their effort to transform their banking system, in accordance with Islam. It was finally recommended that to ensure its widest possible readership it should be translated into Arabic and other languages.²⁶

In response to the above recommendations the International Center for Research in Islamic Economics, King Abdul Aziz University, Jeddah translated the said report of CII into Arabic in April 1982. In the second follow up Conference held on 19-23 March 1983 at Islamabad, it resolved that the recommendations of the CII as contained in the Report to be implemented.²⁷ From 1st January 1981 the Government started the interest-free

counters at all the 7000 branches of the five nationalized commercial Banks. The government announced that after a considerable time all the existing accounts would be converted into profit and loss sharing accounts. All the banks, national and foreign, were forbidden to run interest-bearing accounts or transactions resulting interest in any form.²⁸

The Financial Institutions:

The most critical element of Islamic economic system that was upper most in Zia's mind was *Riba* and *Zakat*. He believed that these were most visible and demonstrable aspects and further eloquently indicated the government's seriousness and sincerity about Islamization.²⁹ As for *Riba*, Zia knew that it could only be done gradually. In international economics, he had to make concessions because Pakistan could not back out from its commitment to foreign loans, which entailed a lot of interest. However a beginning was made when the CII advised selecting certain specialized financial institutions for doing away with the interest-based business and replacing them by interest-free operations.³⁰ The arrangement was made effective from 1 July 1979 and interest was eliminated from the operation of National Investment Trust (NIT), House Building Finance Corporation (HBFC) and Investment Corporation of Pakistan (ICP).³¹ The CII recommended that the rest of the measures for the elimination of interest from domestic transactions should be taken in three clearly defined phases: In phase I, effective from 1st July 1980, elimination of interest was suggested from (a) Government transactions and (b) Operations of banks and other financial institutions. In phase II, effective from 1st July 1981, the recommendations were to eliminate interest completely from the assets side of the banks and other financial institutions relating to domestic

transaction and the remaining elements of interest in the domestic transactions of the government and in phase III effective from 1st January 1982, the recommendation were that banks should accept fresh deposits on profit and loss sharing basis. Interest should be carried on profit and loss sharing basis. The State Bank should not provide finance to banks and other financial institutions on interest basis and should bring necessary changes in its monetary policy.³²

The following important public sector financial institutions were recommended for switching over to interest-free operations from 1st July 1979: the HBFC, the ICP, and the NIT.

(I) The House Building Finance Corporation (HBFC):

The HBFC was an important financial institution, which was switched over from lending on the basis of interest to the participation in estimated rental income.³³

(II) The Investment Corporation of Pakistan (ICP):

The Investment Corporation of Pakistan (ICP) was an investment bank, its most important activity was mutual funds. These funds had a system of closed end mutual fund certificates, bought and sold through Stock Exchange. It was stipulated that ICP should get rid of interest bearing securities like debentures, and thus switch over to interest free system.³⁴

(III) The National Investment Trust (NIT):

The National Investment Trust (NIT) was an investment bank operating on open-ended mutual fund trust. It was to sell and repurchase its units at a price decided by its management. The proceeds were invested in shares and securities. After switching over

to interest free system the institution was called upon to replace interest-bearing securities like debentures by shares, thus reconstituting its portfolios.³⁵

The existing Commercial Banks:

As to the existing commercial banks, the CII suggested a strategy of minimum disturbance. The commercial banks were required to begin gradually and then move towards interest-free banking. They were asked to open interest-free counters for accepting deposits from those clients as were not desirous of receiving interest. The funds of these deposits were to be invested in projects that were not involved in interest. The profit and loss sharing deposits scheme was opened in all the 7,200 branches of the nationalized commercial banks by 11 June 1984 which attracted deposits of Rs. 2,507 million, out of which Rs. 1,859 million were in saving deposits and Rs. 648 million in term of deposits.³⁶ On 31 December 1984, Zia promulgated the Banking Tribunal Ordinance 1985, and the Banking and Financial Services Ordinances 1985, which provided for machinery for the operation for the national economy on the interest free system.³⁷

The Enforcement of *Zakat* and *Ushr*:

Zakat is a duty ordained by Allah. The individual and the State are obliged to discharge it. The State has to provide a legal and organizational framework for this purpose. In the Holy Quran, *Zakat* has been repeatedly mentioned more than a hundred times. The *Zakat* is the second pillar of Islam and is one of the institutions intended to eradicate poverty and balance the distribution of wealth. In early 1978, Zia gave instructions to the CII to prepare a detailed report on the *Zakat* system.³⁸ The CII prepared a report about *Zakat* on

priority basis and submitted it to the government, which in turn, promulgated an ordinance called The *Zakat and Ushr* Ordinance 1980.³⁹ However, because of the public criticism the ordinance was amended and could not be promulgated until 2 October 1980. Where by the government was empowered to make deduction at the rate of 2.5% from the bank deposit accounts, term deposit accounts, fixed deposit accounts, the shares held in NIT and other companies of which the majority of shares were owned by the Muslims, else from provident fund, insurance policies and annuities etc. Amount so recovered was to be spent on poor and needy people of society through 43000 local *Zakat* committees.⁴⁰ According to this Ordinance an organization for the collection and the distribution of *Zakat* was to be structured, around Central, Provincial, District, *Tehsil* and the Local Committees.⁴¹ *Zakat* Council was established under the supervision of a Judge of the Supreme Court. There were no official members in the local *Zakat* Committee. It consisted of eminent persons from different fields and the administration of *Zakat* was entrusted to it. The *Zakat* fund was kept separate from public exchequer and Local *Zakat* Committees were formed at all levels. The members of these Committees were selected from the public and the process was carried out generally in the mosques.⁴² These Local Committees comprised religious-minded, God-fearing and social oriented persons of the locality. The *Zakat* Committees were free from bureaucratic interference and also got rid of administrative expenses. The *Nizam-i-Zakat* being an integral part of the social welfare system of Islam was meant to reduce social disparities and imbalances in the society. In the rural area, in each village and in urban area in each ward, there was a *Zakat* fund. About 32,000 local *Zakat* Councils were established and their accounts

were opened with banks. All money, whether of *Ushr* or of *Zakat*, voluntary or of any other nature, was first deposited into the accounts of the respective *Zakat* fund. Thereafter, money was distributed among those eligible to receive *Zakat* under *Shariat* and according to laid down procedures. The local *Zakat* Committees were used to prepare priority lists of *mustahqeen*(deserving). These lists comprised eligible widows, orphans, handicapped and disabled persons and eligible students of *Deeni Madaris*. The *Zakat* Committees distributed hundreds of crores of rupees among these deserving people.⁴³

Establishment of *Shairah* Faculty:

The CII felt the necessity of producing such intellectuals in the country who were not only well versed in the knowledge of modern jurisprudence and laws but were also the scholars of Muslim Law and Jurisprudence.⁴⁴ The CII therefore recommended that the government should direct the universities of the country to reserve their syllabi of Law for meeting the ideological requirement of the nation and for this purpose stressed the importance of immediate institution of specialized studies and research in Muslim Law at post-graduate level.⁴⁵ Zia on 8th October 1979 inaugurated *Shariah* Faculty at Quaid-i-Azam University Islamabad.⁴⁶ A selected group of students was admitted to LL.M (Masters in Law) degree in Nov 1980. After the establishment of Islamic International University, Islamabad the *Shairah* Faculty was transferred there and made part of it.⁴⁷

The Law Commission:

On the recommendation of the CII the President of Pakistan promulgated an order establishing a permanent Law Commission headed by the Chief Justice of Pakistan. This Law Commission was to review the laws of Pakistan with a view to bring them in

conformity with the Islamic Laws. The Chairman and one member of the CII was *ex-officio* member of the Commission.⁴⁸

The Islamization of laws and society:

According to Article 227 of the Constitution of Pakistan 1973 it was one of the functions of the CII to make recommendation as to the measures for bringing existing laws into conformity with the injunctions of Islam.⁴⁹ The CII made its recommendation on 317 Laws in reports to the President of Pakistan and concerned ministries.⁵⁰ In addition to reviewing laws, to facilitate the government to take necessary steps towards the implementation of *Shairah* in the various spheres of life the CII also submitted its Annual reports to the government.

Annual Reports (1977-88)	08
Reports on Legal System (Islamization of Laws)	20
Reports on Economic System	04
Report on Education System	01
Reports on Social System	03
Report on Media Reforms	01
Replies to References	01
Total Number of Volumes	38

List of the Laws enacted on the recommendations of Council of Islamic Ideology. On the basis of recommendation of CII Government enacted following laws:⁵¹

The Offences against Property (Enforcement of <i>Haddood</i>) Ordinance, 1979.
The Offence of <i>Zina</i> (Enforcement of <i>Haddood</i>) Ordinance, 1979.
The Offence of <i>Qazf</i> (Enforcement of <i>Hadd</i>) Ordinance, 1979.
The Prohibition (Enforcement of <i>Hadd</i>) Order, 1979.
The <i>Zakat</i> and <i>Ushr</i> , Ordinance, 1980.
The <i>Qanun-e-Shahadat</i> Order, 1984.
The <i>Ehtram-e-Ramzan</i> Ordinance, 1984.

The *Wafaqi Mohtasib* (Federal Ombudsman):

In January 1983, Zia promulgated the establishment of the office of *Wafaqi Mohtasib*, which was meant to be an institution of administrative accountability, translating the Islamic concept of *ahlisab* (Accountability) into practical terms.⁵² The establishment of this institution was meant to uproot injustice done to the citizens of the country and to provide speedy redress. This institution was to work independent of executive, autonomous in operation and non-political in character. It could also look into any allegations of mal-administration in respect of any decision or the process or recommendation.⁵³

The *Haddood* Laws:

The President of Pakistan on the recommendation of CII promulgated five ordinances on 12th of *Rabi-ul-awal* 1399 A.H. (10 February 1979) by amending the existing Pakistan Penal Code relating to certain offences affecting moral and social order of the society, so as to bring it in conformity with the holy *Quran* and *Sunnah*. By these orders the existing laws relating to the offences of theft, robbery and dacoity, adultery, false accusation of adultery and wine drinking were replaced by Islamic provisions of the *Haddood*.

The word *Hadd* means the limit, which had been prescribed in the light of the Holy *Quran* and *Sunnah*.⁵⁴ The crimes falling within the pole of *Hadd* were, *Zina* (Whoredam or fornication), *Sharab* (Drinking wine), *Sarqa* (Theft), *Qat-e-Tareeq* or *Haraba* (Highway Robbery) and *Qazf* (False accusation of adultery).

According to this ordinance preparation, transportation and use of liquor/wine was prohibited and was considered a culpable crime throughout Pakistan. Any person found guilty of the said crime would be liable to punishment of thirty lashes and five years imprisonment. The second *Haddood* Law was concerned with the crime of theft. It was ordained, according to this law, to cut the right hand of the person found guilty of theft. If person commits the crime of theft for the second time his left hand would be amputated. The habitual thief was to be awarded life imprisonment. The third *Haddood* law was meant for adultery. According to this law if a person indulges in the act of adultery, he or she would be stoned to death. The culprit would then be shot dead during stoning.

The CII recommended that the Law of Evidence that entailed for cases covered by the *Haddood Ordinance*, or similar special laws, the courts would need two male witness and if two male witnesses were not available then one male in order to establish a crime.⁵⁵

In the case of *Diyat*, the CII recommended that where the murdered person was a woman or a non-Muslim, compensation paid to the victim's family would be one half to that paid to the family of a male Muslim victim. The logic was in the case of a male that the family loses its breadwinner. But the critics said that there were many women who contributed to the economic well being of their families. The law of evidence was also based upon the fact that if one woman forgot the other would tell the truth. The antagonists referred

to the Quranic verses regarding equality of sexes.⁵⁶ But Zia dismissed women agitators who were against his program of Islamization as a very small minority among Pakistani women. In an interview with a foreign correspondent he stated that the majority of women supported his policy of Islamization and that in the *Majlis-i-Shura*, women members had the right to put across their views. In his view, Islam was a religion in complete conformity with the strength and weakness of both men and women.⁵⁷

The Federal Shariat Court (FSC):

The President on the recommendation of the CII and in implementation of his earlier declaration that all laws of country that were contradictory to Holy *Quran* and *Sunnah* shall be struck down as null and void by superior courts. On 12 the *Rabi-ul-awal* 1399 A.H. (10th February 1979) Five *Shariah* benches were constituted in country i.e. each High Court to have a *Shairah* Bench and one in the Supreme Court, Islamabad.⁵⁸

The jurisdiction of FSC extends to the whole country. Appeals against the decisions of the lower and High Courts can be presented before the FSC for hearing. However, Pakistan Family Laws and financial affairs are out of the jurisdiction of the FSC.⁵⁹ The other duties of the FSC were: firstly it was granted appellate and revisional jurisdiction over convictions or acquittals from district courts in cases involving Zia's newly promulgated Islamic Criminal Laws (*Hadood*). Secondly it enjoyed exclusive jurisdiction to hear *Shariat petitions* brought by citizens of Pakistan or the Federal or Provincial governments challenging any law or provision of law as repugnant to the Holy *Quran* and *Sunnah* and finally it had exclusive jurisdiction to examine any law or provision of law for repugnancy to the Holy *Quran* and *Sunnah*.⁶⁰

The Islamization process in Pakistan was under the direct control of Zia. He was authorized to appoint the members of the CII, and was not bound to accept their advice. He empowered himself to select judges for the FSC and the Supreme Court, and he also possessed the sole lawmaking power. In simple words Zia was the final arbiter concerning the interpretation of the *Quran* and definition of the Muslim law in Pakistan. Islamization in Pakistan was relatively a recent phenomenon, which drew upon a rich historical and religious heritage. It had been developed in peculiar political conditions, and continued to be heavily dependent on the dynamics of Pakistani politics. The Zia government had from the beginning pursued a policy of gradualness in his efforts to put the country back on the way to Islamization. Many of the institutions were introduced to gradually transform the society in to the true Islamic society.

End Notes

- ¹ President Zia's interview to Ian Stephen on 6th January 1979. *President of Pakistan General Mohammad Zia-ul-Haq Interviews to Foreign Media*. (Islamabad: Government of Pakistan, 1979), 2-6.
- ² Ibid.
- ³ Hussain Haqqani, *Pakistan Between Mosque and Military* (Islamabad: Vanguard Books, 2005), 136
- ⁴ Taqi Usmani, "The Islamisation of Laws", in Salem Azzam, *Shaheed-ul-Islam Muhammad Zia-ul-Haq* (London: Indus Thames Publishers, 1990), 67.
- ⁵ *President of Pakistan, General Muhammad Zia-ul-Haq Interviews To Foreign Media*, 2 Jan 1982, vol V, xxi.
- ⁶ Jamal Malik, *Colonialization of Islam: Dissolution of Traditional Institutions in Pakistan* (Lahore: Vanguard Books, 1996), 38.
- ⁷ Names of the Council member in 1977-81 and 1981-84 are given in Appendices A, B respectively.
- ⁸ Justice Dr. Tanzil-ur-Rehman, *Islamization in Pakistan* (Islamabad: Council of Islamic Ideology, 1984), 3.
- ⁹ Jamal Malik, *Colonialization of Islam*, 41.
- ¹⁰ Syed Afzal Hyder, *Islami Nazaryati Council: Irtiqai Safar aur Karkardagi* (Islamabad: Dost Publications, 2006), 427.
- ¹¹ Justice Dr. Tanzil-ur-Rehman, *Islamization in Pakistan*, 3.
- ¹² Syed Afzal Hyder, *Islami Nazaryati Council*, 428.
- ¹³ Ibid.
- ¹⁴ Its members were either nominees of the CII or had been part of the Committee of Federal Council in spring 1983
- ¹⁵ J. Henry and Michelle Maskiell, *Islamization and Social Policy in Pakistan: The Constitutional Crises and the Status of Women* (Berkeley: University of California Press, 1985), 589-612.
- ¹⁶ Jamal Malik, *Colonialization of Islam*, 42.
- ¹⁷ *Annual Report Council of Islamic Ideology: 1982-83*, (Islamabad: Council of Islamic Ideology, 1984), 110.
- ¹⁸ Riaz Ahmed Syed, *Pakistan on Road to Islamic Refrendum 1984* (Islamabad: National Institute of Historical and Cultural Research Institute, 1984), 33.
- ¹⁹ Justice Dr. Tanzil-ur-Rehman, *Islamization in Pakistan*, 3.
- ²⁰ Riaz Ahmed Syed, *Pakistan on Road to Islamic Refrendum*, 33-34.
- ²¹ *Annual Report Council of Islamic Ideology: 1982-83*, 112.
- ²² *Al Quran: Surah Baqra*, 275.
- ²³ Justice Dr. Tanzil-ur-Rehman, *Islamization in Pakistan*, 8.
- ²⁴ Hussain Haqqani, *Pakistan Between Mosque and Military*, 34.
- ²⁵ Efforts were made to get external assistance from countries other than Islamic countries on non-interest basis. The countries and the organizations included Belgium, Canada, Denmark and Islamic Development Bank.
- ²⁶ Justice Dr. Tanzil-ur-Rehman, *Islamization in Pakistan*, 9.
- ²⁷ Ibid.
- ²⁸ Taqi Usmani, "The Islamisation of Laws", in Salem Azzam, *Shaheed-ul-Islam Muhammad Zia-ul-Haq*, 74.
- ²⁹ Shaukat Ali, *Pakistan: A Religio-Political Study* (Islamabad: National Institute of Historical and Cultural Research, 1997), 296.
- ³⁰ Jalees Ahmed Faruqi, Shahid Habibullah, *Islamization of Banking in Pakistan* (Karachi: Saad Publications, 1984), 63.
- ³¹ Ibid, 51.
- ³² *Elimination of Riba from the Economy and Islamic Modes of Financing* (Islamabad: Council of Islamic Ideology, 1980), 109.
- ³³ Address to the Nation President Zia-ul-Haq on 2 December 1978. Cited in Jamal Malik, *Colonialization of Islam*, 46.

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- ³⁴ Riaz Ahmed Syed, *Pakistan on Road to Islamic Refrendum 1984*, 35.
- ³⁵ S.S. Bindra, *Politics of Islamization: With Special Reference of Pakistan* (New Delhi: Deep & Deep Publications, 1990), 225.
- ³⁶ Justice Dr. Tanzil-ur-Rehman, *Islamization in Pakistan*, 10.
- ³⁷ Taqi Usmani, "The Islamisation of Laws", in Salem Azzam, *Shaheed-ul-Islam Muhammad Zia-ul-Haq*, 74.
- ³⁸ S.S. Bindra, *Politics of Islamization*, 224.
- ³⁹ "Annual Report Council of Islamic Ideology: 2007-08", 143.
- ⁴⁰ Justice Dr. Tanzil-ur-Rehman, *Islamization in Pakistan*, 7.
- ⁴¹ Ibid.
- ⁴² Ibid, 65.
- ⁴³ Ibid, 159.
- ⁴⁴ "Annual Report Council of Islamic Ideology: 1982-83", 115.
- ⁴⁵ Ibid, 116.
- ⁴⁶ *Annual Report Council of Islamic Ideology: 1978-79*, 6.
- ⁴⁷ S.S. Bindra, *Politics of Islamization*, 227.
- ⁴⁸ "Annual Report Council of Islamic Ideology: 1982-83", 111.
- ⁴⁹ Ibrahim Sh (Comp), *The Constitution of Islamic Republic of Pakistan 1973*, 237-239.
- ⁵⁰ Details in Appendix-D
- ⁵¹ Details in Appendix- E
- ⁵² *Wafaqi Mohtasib (Federal Ombudsman)'s Annual Report For 1983*, 10.
- ⁵³ Riaz Ahmed Syed, *Pakistan on Road to Islamic Refrendum 1984*, 40.
- ⁵⁴ Ibid, 46.
- ⁵⁵ Mr. Justice Dr. Nasim Hasan Shah, *Islamization of Law in Pakistan* (Islamabad: Shariah Academy, 2000), 3.
- ⁵⁶ Ibid, 4.
- ⁵⁷ Justice Dr. Tanzil-ur-Rehman, *Islamization in Pakistan*, 3.
- ⁵⁸ Ibid, 16.
- ⁵⁹ M. Ikram Rabbani, *History of Pakistan* (Lahore: The Caravan Book House, 2004), 161.
- ⁶⁰ Charles Kennedy, *Islamization of Laws and Economy: Case Study on Pakistan* (Islamabad: Institute of Policy Studies, 1996), 86-87.

Chapter 4

The Reaction of Religious Scholars and *Dini Madaris* to the Official Policies

For most of Zia's eleven years in power, Pakistanis debated what was Islamic or was not Islamic. The entire exercise however is not solely the outcome of the Zia's Islamization. It is inherent in the roots of the Pakistan's society where 96.28 of the population are Muslim.¹ One thing commonly agreed in Pakistani society was that Islamic law should be implemented but the definition of the Islam among different groups was different.²

In Islam there are many sects.³ However most of them are followers of *Imam Abu Hanifa* and three other *Imams*, Malik, Shafii, Ibni-Hanbal. Among the followers of *Imam Abu Hanifa*, however there are differences in interpretation among them for example, *Brelwis* do not see eye to eye with *Deobandis*, *Shias* are heretic according to the *Sunnis*. Beyond these legal systems there is another legal system of *Shias* which account for one third of the entire population.⁴ They consider *Quran* and *Sunnah* as the only binding source of the interpretation of law. Generally speaking Zia tried to seek a common denominator among all of them.

Constitutionally Pakistan is an Islamic state. Its legislative foundation supposedly is based on the *Hanafi* interpretation of Islam but still today the colonial legal system such as Pakistan Penal Law is widely applicable.⁵ Since the creation of Pakistan in 1947 there has been a continual struggle to define the Islamic State. This struggle has been reflected in prolonged disagreement over the definition of Islam. One central issue has been the place of Islamic law in the judicial system and the related issues of the religious status of the legislature. In broader perspective leaders of most political groups agree on the idea of a Muslim democracy but differ sharply when it comes to precise definition of Muslim

Democracy. Division of Muslims into various sects and sub-sects is not unique as a religious community for similar divisions even larger in number took place in Christianity too. All the major religions of the world are divided on minor issues.⁶ Before considering the reaction of the religio-political organizations to the official policy of Islamization it would be pertinent to first discuss various religious groups, which compose the majority of the Pakistani society.

The *Ahl-e Hadith*:

The word *Ahl-e Hadith* literally means people of Prophet's tradition.⁷ This group stress *Quran* and *Hadith* to be the only source of law and regards that any kind of innovation is disgrace.⁸ *Ahl-e Hadith* were one of the most visible of Muslim intellectual movements of the late 19th century because of its membership from educated classes and its leadership was from the well born. In the biographical dictionary of the *Ahl-e Hadith* for Delhi and United Province, for example, a full one fifth were noted as *Sayyid*, a strikingly high percentage of descendants of the Prophet, and a further 10 percent were of socially eminent families, among them descendent of the *Mughals* and *Oudh Nawabs* and of wealthy *Zamindars*. About one fourth of the whole were in government or princely services.⁹ The *Brelwis* were earlier having dominant power in Pakistani politics, however after Soviet Union's intervention in Afghanistan in 1979, the *Ahl-e Hadith* ranks flourished due to Saudi support, and they became more powerful.¹⁰

The *Brelwis*:

The *Brelwis*¹¹ are named after the abode of origin of their founder, Ahmed Raza Khan from Bareilly (between Delhi and Lucknow).¹² *Brelwis* also represent the *Hanafi* legal school but differ from the Deobandis in their affiliation to different social groups and in

their adherence to a pronounced cult of Saints and Shrines.¹³ They are also distinguished by their membership in Sufi orders, mainly the *Qadiriyyah*. Muslims according to the *Brelwis* communicate with the Prophet through a saint. Therefore obedience towards the leader Saint as well as towards the existing system seems to be a crucial element of this school of thought.¹⁴

Both *Deobandis* and *Brelwis* consider themselves *Ahl-e Sunnah* people, followers of the tradition of the Prophet and the community of the believers, thus recognizing the legal schools of thought, especially that of *Imam Abu Hanifah*. However the bone of contention between *Brelwis* and *Deobandis* seems to be the role of saint to communicate with the Prophet. Only such a central position would legitimize the existence of saints, as the salvation through the Prophet can only be achieved via the saint and only the prophet can be the doorway to God.

The Brelwi political organization in Pakistan is the *Jamiyyat-e ulama-e Pakistan* (JUP). The JUP was although established formally as early as 1948 but, it did not decide to play a direct role in politics until 1970. Before 1958 it had left political matters to Pakistan Muslim League (PML).¹⁵ Its own energies by then were reserved for religious affairs. In this regard it called for a separate Ministry of Religious Affairs to give proper attention to the *Auqaf*, mosques and related matters. After Ayub's Martial Law government developed harmonious relationship with most of JUP leaders. The President of JUP, Maulana Abdul Hamid Badauni was member of the Advisory Council of Islamic Ideology. So JUP secured overall control of Government administered mosques that is why during the 1965 elections they supported Ayub Khan.¹⁶ In 1977 it was because of

this party that movement against Bhutto government was transformed into *Tahrik-I Nizam-i Mustafa*.¹⁷

The Deobandis:

A group of *Deobandi*¹⁸ scholars had participated in politics under the banner of *Jamiyyat-e ulama-e Islam* (JUI). Its spiritual origins lay in *Jamiyyat-e ulama-e Hind* an ally of the Indian National Congress and a group of nationalist *ulama*.¹⁹ The *Deoband* seminary was aimed at revitalizing and promoting traditional Islamic sciences. The founding fathers of the seminary stressed the orthodox teachings of Islamic law to be realized through a theologically oriented curriculum. As a reaction to British Imperialism, the school was not of purely academic or theological character but also claimed political leadership among the Muslims of British India. Their catchment area stretched from Bengal to Iran.²⁰ The *Deobandi* were ultra conservative in their religious thinking, as they had traditionally stayed away from westernizing influences.²¹

The core of its affiliation comprised civil servants and merchants, while the students of the seminary basically originated from urban retail merchant families, small landowners and also from the poorer strata of society.²² They did not project the solution of contemporary problems into the hereafter as other groups did. In this sense they were vividly interested in the actual conditions of life. Thus they were politicized to a considerable degree as manifested in their political party, the *Jamiyyat-e ulama-e Hind*. The political union of the *Deobandis* in Pakistan is presented in JUI.

The Shias:

Another important sect is *Shia'ism*.²³ The word *Shai* literally means "Party" (followers) but when used absolutely it denotes a sect of Islam.²⁴ The *Shias* are divided into at least

two major groups. The *Ismailis* under the leadership of Agha Khan.²⁵ The other *Shia* group in Pakistan is the *Athna Ashuari*. They are followers of the twelve *Imams*, in contrast to the *Ismailis*, who are followers of the Sixth *Imam*.²⁶ *Shia*'s maintains that they have refrained from any political activity whatsoever, and have only organized themselves as a political movement in reaction to the pressures of the Islamization drive under the regime of Zia. The major difference between *Sunnis* and the *Shias* lies in their approaches to and conception of the leadership of the *Ummah*.²⁷ The announcement of the introduction of *Zakat* and *Ushr* Law by Zia, was not liked by the *Shia* Muslims.²⁸ The *Shia* leaders met Zia and made it clear that if he did not take their views into consideration they would not hesitate to launch a civil disobedience movement. The *Shia* Muslims compose, one third of the country's entire population.²⁹ *Shia* leader Sheikh Mohsin Ali said that since the *Sunnis* were in majority on the CII, his sect's views were over ruled. The country should be run as a Muslim democratic state, not as a *Sunni* state. The *Shias* agitated over the proposed *Zakat* system by the government.³⁰

The Pirs (Cult of Saints):

Beside these groups, *Shrines* play an important role in Pakistan's state and economy and *Pirs* and *Sajjada Nasheens* are the backbone of this brand of politico-religious group of the society. The hereditary *Pirs* are embedded in this political structure from which they derive much of the power and authority. This authority as *Pirs* have been derived from Sufi tradition of their ancestors with whose shrines they were associated.³¹

This manifestation of Islam often appeared in the course of Islamic history as an egalitarian, peasant-liberating movement, with a charismatic leader heading it.³² There are four mystical orders in Pakistan i.e *Chishti*, *Qadri*, *Naqshbandi*, and *Suharwardi*. The

leader of a mystical order is *Pir*, the saint often represented today by his descendants. Depending on his authority and charisma, the *Pir* has authority over a network of shrines and *Khanqahs* and also of *Dini Madaris*. Besides being organized in diverse order, their representatives in Pakistan are loosely organized in the *Jamiyyat-al-Mashaikh* Pakistan.³³

The Tableeghi Jamaat:

The *Tableeghi Jamaat* of the Indo-Pakistan subcontinent constitutes one of the very few Islamic movements in the contemporary Muslim world that is deep rooted in the society.³⁴ This movement was started in 1926. The *Jamaat* began work in limited confines of Mewat near Delhi and consisted of a few dozen disciples of Maulana Ilyas.³⁵ Derived from the *Deobandi* traditions of Islamic reform the *Tabligh* focus primarily on the aim of calling Muslims to be good Muslim. However this movement today is very popular as can be seen that in 1988 annual conference at Raiwand, Lahore about one million Muslims participated from over ninety countries of the world.³⁶

From the military's point of view, the other religious parties had a political agenda, while the *Tableeghi Jamaat* was allowed to gain ground among military officers and civil servants that were not allowed overtly to associate with political parties.³⁷ Each year, while he was in office, Zia personally attended the *Tableeghi Jamaat's* annual conference, increasing that group's prestige.

The Dini Madaris:

The *Dini Madaris* are not to be considered merely as pure institutions of learning although socially weak but also of political importance. The affiliation of *Dini Madaris* to one or other school of thought had been quite deliberate until 1979. However this situation was changed by 1983-84. The *Dini Madaris* and the clergy were formalized under Zia.

The number of *Dini Madaris* affiliated to particular religious school of thought increased as a result: from 130 in 1979 to 1,781 in 1983-84. This was due to the fact that only a *Madrisa* affiliated to religious school of thought could offer an officially recognized degree.³⁸ The distribution of *Dini Madaris* also demonstrates that each school of thought has its own reserved area. The Punjab being the domain of the *Brelwis*.³⁹ Sindh, NWFP and Balochistan of the *Deobandis* and the Northern Areas of the *Shias*. As the tables 1-B to 1-F attached in appendix-H show these facts⁴⁰.

As regards the impact of Islamization on the religious scholars, the access to the Presidency increased their influences with country's bureaucracy. Civil servants sought promotions by demonstrating their religious observances and inviting to religious ceremonies by the divines who frequently met the President.⁴¹ Within the military the culture of the British Raj was supplemented by a new group of *Quranic* study groups, *Zikr* meetings (Prayer sessions presided over by Sufis), *Milad* (Celebration of Prophet Mohammed's birth) and *Tableegh* (evangelism). A non-political movement, the *Tableeghi Jamaat*, which sought to purify the souls of Muslim by reminding them of their religious obligation gained considerable ground.⁴²

A truly spectacular reaction of the *ulama* and the *Dini Madaris* against the official measures of the Islamization was the boycott of the *Zakat* system. The most important point of controversy between the state and the clergy was the regulation that institutions receiving *Zakat* were to maintain an account of the *Zakat* funds received and that this book keeping was to be audited by the *Zakat* administration.⁴³ It was because if audited by the bureaucrats then they would have information on the budgets of the *Dini Madaris*, the *ulama* and ultimately of religio-political parties. The auditing personal was to be

nominated by the Chief Administrator *Zakat*. The officials entrusted with this task were senior even to the Chairmen of the respective Provincial *Zakat* Committees. The Central *Zakat* Administration was demanding from administration of the *Madris* the proof that funds had been spent according to the rules of the *Shariah* as understood by the Central *Zakat* Administration.

The *ulama* Committees of Provincial *Zakat* Committees had proposed the compulsory book keeping while members of the Provincial *Zakat* Committees foresaw problems of implementation in most *Dini Madaris* as most of the leaders were against it. But lifting the compulsory book keeping from the *Dini Madaris* could however create a precedent for other institutions, which might demand similar exemptions from auditing. The Central *Zakat* Administration therefore suggested to the *ulama* and to the leaders of the *Dini Madaris* to evaluate the demand for book keeping and the auditing, connected with it in the light of *Shairah*.⁴⁴ If they arrive at the conclusion that book keeping of the *Zakat* funds received and spent were superfluous they should put this down in writing in the form of a *fatwa*.⁴⁵

However in the same session of Central *Zakat* Council, *Dini Madaris* were quoted as saying that those *Dini Madaris* affiliated to the *Wafaq al-Madaris Al-Arabiyah* would not accept any *Zakat* as long as the *Muftis* did not agree on the compatibility of the new regulations with *Shariah*. So *Wafaq al-Madaris* did not agree to some parts of the *Zakat* Regulations, this being the reason that they rejected to accept *Zakat*. The *Wafaq* in fact had called upon all the *Dini Madaris* affiliated with it not to accept any *Zakat* fund from the *Zakat* administration and even to return the amounts already received.

Mufti Mahmud had taken up a position against the *Zakat* and *Ushr* Regulation of 1980.⁴⁶ His comments reflected the attitude of the *Deobandi* clergy who had been part of opposition. He listed some shortcomings that according to him were to be removed by the Government in order to bring the system in line with the *Shariah*.

The changes included: the exemption limit on the payment of *Zakat* had been fixed at Rs. 1000, even when the *Shariah* had put the limit for payment of *Zakat* at 7.5 *tola* of gold or 12.5 *tola* of silver or the equivalent thereof. At that time, the current value of gold was equivalent to Rs. 13,000, for silver to Rs. 5000. Thus the exemption limit fixed by the Government was not in accordance with *Shariah*. Secondly *Zakat* was not to be paid on *haram* (objectionable funds) on which interest was paid which is prohibited by the *Quran*, furthermore the interest was above the rate of *Zakat* 2.5 percent, with the result that *haram* funds were not purified by *Zakat*. Lastly the fixing of the date for the levy of *Zakat* by the Government was not in accordance with *Shairah* and therefore it would have to be changed.⁴⁷ This *fatwa* presented by the Mufti Mahmud served as a point of reference for the *Dini Madaris* of *Wafaq*.⁴⁸ They were able to renew their demand for autonomy and for more rights of participation by boycotting the *Zakat* system. Although call to boycott by the *Wafaq* was not unanimous, there were large and influential *Dini Madaris*, which accepted *Zakat*. These were mostly conformist elements like the *Jamiah Ashrafiyyah* in Lahore because at that time the *Mohtamim* of this school had been a member of the CII and the daughter of Zia was married to the brother of Fazl-e Rahim, *Mohtamim* of the *Jamiah Ashrafiyyah*. So the policy of this institution was in favor of the Government.

Among the large *Dini Madaris* returning the *Zakat* fund were the *Qasim al-Ulum* in Multan, The *Jamiah Islamiyyah* and the *Jamiah Farouqiyyah* in Karachi, *Makhzan al-Ulum* in Rahim Yar Khan and *Matle al-Ulum* of Hyderabad.⁴⁹ This boycott by the *Wafaq* at first promoted the Central *Zakat* Administration to continue with the disbursement of *Zakat* to the *Dini Madaris*. It was however not in position to abandon the demand for book keeping and finally made book keeping a precondition for the receipt of *Zakat*. The Central *Zakat* Administration was able to insist on this point that most of the *Dini Madaris* received the *Zakat* gratefully. The *Brelwis Madaris* were in fact the main beneficiaries of the *Zakat* System. The *Tanzim al-Madaris* of the *Brelwis* unlike the *Deobandi* even explicitly asked the Government to disburse *Zakat* to the *Dini Madaris*. However the *Shias* cannot be ignored in enforcing Islamic system, as they were educated and powerful section of community having different view on *Zakat* and *Ushr* Ordinance. Shai's also showed spectacular reaction to the Law and *Ushr* ordinance, Mufti Jaafar Hussain their *mujtahid* wrote a minute of dissent when the *Zakat* and *Ushr* legislation was being discussed but he was over ruled then he threatened to resign from CII.⁵⁰ Zia while commenting on the *Shia-Sunni* controversy lamented that the difference between the *Shia* community and the Government on the introduction of *Shariah* existed but that would not create such a fear in the minds of the *Sunni's* or the *Shia's*, which was in conflict. He further explained that between the *Shia* and *Sunni* there were little differences in their religious beliefs. He cited the example of one of the *Shariah* Law introduced in Pakistan on which the communities had a difference of opinion. In one of those laws, *Shia* viewed to cut the hands from the fingers, whereas *Sunni* demand to cut it from the wrist. To that situation Zia remarked: "It makes hardly any difference, if you cut

the hand from here or there. As Islam believes in consensus and in Pakistan we have majority of *Sunnis*, let us have a consensus of *Sunnis* here".⁵¹ However majority *Shia* scholars like Allama Mufti Sayed, Naseer Ijتهادي, Allama Shabir Ansari and Allama Syed Najmal Hasan have said that though they welcome *Nizam-i-Mustafa* but their idea of *Nizam-i-Mustafa* was different from that of *Sunnis*.

End Notes

- ¹ Population Census Organization, Statistics Division, Government of Pakistan, *1998 Census Report of Pakistan* (Islamabad: Population Census Organization Printing Press, 2000), iii.
- ² Jamal Malik, *Colonialization of Islam: Dissolution of Traditional Institutions in Pakistan* (Lahore: Vanguard Books, 1996), 38.
- ³ A.S. Tritton, *Islam Belief and Practices* (London: Hutchinson University Library, 1957), 72.
- ⁴ Murray T. Titus, *Islam in India and Pakistan* (Karachi: Royal Book Company, 1990), 83.
- ⁵ Jamal Malik, *Colonialization of Islam*, 4.
- ⁶ Musa Khan Jalalzai, *The Sunni-Shia Conflict in Pakistan* (Lahore: Book Traders, 1998), 249.
- ⁷ *Ahlussunnah-wal-Jama'ah* with respect to legal *fiqh* is divided into two sub sects: *Ahl-ur-Rai* (people of opinion) and *Ahl-ul-Hadith* (people of tradition of the Prophet P.B.U.H). Today the group representing *Ahl-ur-Rai* are *Hanafit*, *Shafa'i*, *Maliki*, *Hambali*. Actually *Ahl-ur-Rai* formed new sects by the introduction of *taqlid*. Thus the remaining *Ahlussunnah* who rejected the doctrine of *taqlid* they called themselves as *Ahl-e Hadith*. Cited in A.K. Kazi and J.G. Flynn trans. , *Muslim Sects and Divisions: The Section on Muslim Sect in Kitab al-Milal Wal-Nihal* (London: Kegan Paul Intervention, 1984), 121.
- ⁸ Murray T. Titus, *Islam in India and Pakistan*, 127.
- ⁹ *Ibid*.
- ¹⁰ Jamal Malik, *Colonialization of Islam*, 4.
- ¹¹ *Deobandis* and *Brelwis* are the two major groups of *Ahle Sunnah* in the Subcontinent. For the *Brelwis*, the Holy Prophet is a superhuman figure whose presence is all around us at all times; he is *hazir* (present); he is not *bashar* (material or flesh), but *noor* (light). The *Brelwis* follow many sufi practices, including use of music (*Qawwali*). Cited in: A.K. Kazi and J.G. Flynn trans. , *Muslim Sects and Divisions: The Section on Muslim Sects in Kitab al-Milal Wal-Nihal*, 130.
- ¹² Ahmed Raza Khan Brelwi himself showed respect of Prophet Muhammad (PBUH) in number of ways. He gave great importance to the celebration of *Milad* (The Birthday of the Prophet Muhammad PBUH). He also emphasized the importance of the saints. He justified many of the ceremonies the other reformers disapproved. He gave the role to saints as intermediaries. He gave great importance to the *urs* of the saints. Cited in: A.K. Kazi and J.G. Flynn trans. , *Muslim Sects and Divisions: The Section on Muslim Sect in Kitab al-Milal Wal-Nihal*, 130.
- ¹³ Jamal Malik, *Colonialization of Islam*, 5.
- ¹⁴ *Ibid*.
- ¹⁵ Musa Khan Jalalzai, *The Sunni-Shia Conflict in Pakistan*, 196.
- ¹⁶ *Ibid*, 197.
- ¹⁷ Mujeeb Ahmed, *Jamiyat Ulama-i-Pakistan 1948-79* (Islamabad: National Institute of Historical and Cultural Research, 1993), xix.
- ¹⁸ Deoband is a town a hundred miles north of Delhi where a *madrisa* (religious school) was established in 1867. The *Deobandi* movement in *Sunni* Islam was founded in response to British colonial rule in India. The major difference between the *Deobandis* and the *Brelwis* is that *Deobandi* also revere the Prophet, but they argue that he was the *Insan-i-kamil* (the perfect person) but still only a man, a mortal, where as Brelwi argue that Holy Prophet PBUH is not *bashr* but *noor*. Cited in: A.K. Kazi and J.G. Flynn trans. , *Muslim Sects and Divisions: The Section on Muslim Sect in Kitab al-Milal Wal-Nihal*, 130.
- ¹⁹ This group of *ulama* was established in 1919 at *Deoband*, they were not convinced by All India Muslim Leagues ideal of two nation theory a position that continued to haunt the JUI after the birth of new state and provided armour to its opponents.
- ²⁰ Jamal Malik, *Colonialization of Islam*, 5.
- ²¹ Hussain Haqqani, *Pakistan Between Mosque and Military* (Islamabad: Vanguard Books, 2005), 151.
- ²² *Ibid*, 6.
- ²³ *Shias* are the second largest division of Islam, constituting about one third of all Muslims. The *Sunni* Muslims recognize the four Caliphs as 'rightly guided', while *Shia* Muslims recognize Hazrat Ali (R.A) as the first Caliph and Prophet's descendant. Like *Sunnis*, *Shias* have also developed several sects within: *Zaidis*, *Ismailis*, and *Ithna Asharis*. The *Ithna-Ashari* sect is the most important of these as it predominates not only in Iraq but in the *Shia* world generally. Cited in: A.K. Kazi and J.G. Flynn trans. , *Muslim Sects and Divisions: The Section on Muslim Sect in Kitab al-Milal Wal-Nihal*, 125.

- ²⁴ A.S. Tritton, *Islam Belief and Practices*, 72.
- ²⁵ W. Ivanow, *Brief Survey of the Evolution of Ismailism* (Holland: E.J. Brill, 1952), 1.
- ²⁶ Murray T. Titus, *Islam in India and Pakistan*, 83.
- ²⁷ Musa Khan Jalalzai, *The Sunni-Shia Conflict in Pakistan*, 246.
- ²⁸ Jamal Malik, *Colonialization of Islam*, 7.
- ²⁹ Ibid.
- ³⁰ The launching of a movement (1979) and finally succeeding in forcing the government to accept their demand of exemption from deduction of *Zakat* from their accounts is worth mentioning.
- ³¹ Musa Khan Jalalzai, *Sectarianism and Politico-Religious Terrorism in Pakistan*, 180.
- ³² Jamal Malik, *Colonialization of Islam*, 8.
- ³³ Ibid.
- ³⁴ *Tableeghi Jamaat* is a *Sunni* Muslim missionary and revival movement. The movement follows the *Deobandi* interpretation of Islam however their activities are not limited to the *Deobandi* community. *Tableeghi Jamaat* is strictly non-political, voluntary and independent movement. The main aim of the participants is to work at the masses level and approaching to all Muslims of the world for spiritual development. The *Tableeghi Jamaat* was founded in the late 1920s by the well known scholar Maulana Muhammad Ilyas Kandhelvi in the Mewat province of India. Cited in Yoginder Sikand, *The Origins and Development of the Tablighi Jamaat 1920-2000: A Cross Country Comparative Study* (New Delhi: South Asian Publishers, 2001), i.
- ³⁵ Maulana Ilyas, Muslim religious scholar in the tradition of the orthodox *Deoband* seminary, became aware of the situation in Mewat, His passion was to reach the Muslim masses and teach them the message of the *Quran* and *Sunnah*. The method adopted by Maulana Ilyas was to organize mobile units of at least ten persons and to send them to various villages, these *Tableeghi* units (*Jamaats*) would visit a village and invite the local people to assemble in the mosque. Cited in Yoginder Sikand, *The Origins and Development of the Tablighi Jamaat 1920-2000*, i.
- ³⁶ Musa Khan Jalalzai, *The Sunni-Shia Conflict in Pakistan*, 170.
- ³⁷ Hussain Haqqani, *Pakistan between Mosque and Military*, 151.
- ³⁸ The affiliation to one of the four schools of thought was a precondition for the issuance of the certificate that was to be considered to be equal to Masters. In 1986, the University Grants Commission (UGC) had not yet recognized the *Rabitah* of the *Jamaat-e Islami* as an authority for issuing officially recognized certificate.
- ³⁹ According to Jamal Malik, 83.7 percent of the *Brelwi Dini Madaris* were located in the Punjab while 7 percent are located in Sindh and only 4 percent each in NWFP and in Balochistan as well as 1 percent in Azad Jammu and Kashmir. Cited in Jamal Malik, *Colonialization of Islam*, 199.
- ⁴⁰ Jamal Malik, *Colonialization of Islam*, 198.
- ⁴¹ Hussain Haqqani, *Pakistan Between Mosque and Military*, 151.
- ⁴² Ibid.
- ⁴³ Jamal Malik, *Colonialization of Islam*, 210.
- ⁴⁴ Ibid, 211.
- ⁴⁵ Ibid.
- ⁴⁶ It is interesting that this *fatwa* could not be located in the leading non-conformist *Dini Madaris* as the *Jamia Madaniyyah*, Lahore and in the central bureau of *Wafuq al-Madaris* in Multan. It turned out that non-conformist *Dini Madaris* accepted *Zakat* as well as the *Jamia Madaniyyah*, Lahore. Cited in: Jamal Malik, *Colonialization of Islam*, 210.
- ⁴⁷ The *fatwa* was presented by Mufti Mahmud on 26 July 1980. Cited by Jamal Malik, *Colonialization of Islam*, 211.
- ⁴⁸ The criticisms are in many ways similar to the ones made by the CII, whose members had also voiced their dissatisfaction with the *Zakat* system.
- ⁴⁹ Here only a few of them are listed for information. This information is endorsed by the documents of the Provincial *Zakat* Administration.
- ⁵⁰ Muhammad Munir, *From Jimmah to Zia* (Lahore: Vanguard Books, 1980), 139.
- ⁵¹ Ibid.

Conclusion

The present study has mainly focused upon the major strands of the politics of Islamization in Pakistan as propounded, propagated and enforced by the military ruler General Muhammad Zia-Haq (Zia). Although every ruler of Pakistan insisted on consolidation of Islam in varying intensity but it was Zia who declared that without effective implementation of Islamic ideology, Pakistan, as an ideological nation state could not sustain itself. He was neither a politician nor a religious leader, in the true sense he was basically a military General who capitalized on Islam and Islamization to prolong his transitional Martial Law regime.

The main point of this research is that Islamization of Zia regime proved to be a means of state control in order to guarantee stability and continuity. The policy of Islamization is analyzed in terms of the different mechanism of integration as pursued by the state and the reactions and results with in the complex Pakistani society. Firstly the Islamization is paradigmatically demonstrated in a historical context secondly CII as a main catalyst organization for Islamization; thirdly efforts of Islamization and finally the interaction between the Islamic scholars and religious institutions in context of official policies are the major points discussed in the study.

The CII under 1973 Constitution was an advisory body with the major task to advise the government and preview laws in the light of *Quran* and *Sunnah*. However till 1977 the CII was not that up to the mark. After military operation "Silence Play" by Zia, CII was restructured. During 1977-88 many laws were drafted and reviewed the extensive work was carried out by the CII during this period for Islamization. But all the

recommendations of CII were not implemented; if it would have been implemented then the dream of Islamic order would have begun to emerge in reality.

When restructured in 1977, the CII in turn, chalked out a comprehensive plan for the revival of the Islamic order in Pakistan. By the end of 1983, it finally submitted recommendation to the President. Scholars of various schools of thought also forwarded their recommendations. On 30 May 1984 the CII held its final meeting, which was also attended by Zia. The President in his address viewed that that a perusal of the CII's recommendation indicate that they were meant for Angles who do not have any factional differences. Pakistani society on the other hand was divided into different sects. Furthermore he commented that no doubt the CII had worked hard but most of its recommendations were weak from practical point of view.¹

Zia in his address accepted that the government was hesitant in accepting the recommendations of the CII because if implemented they were bound to promote sectarianism and would disturb the existing socio-economic system of Pakistan.² He however decided to implement some recommendations of CII such as the *Zakat* and *Ushr* Ordinance and interest free banking. The CII in turn criticized the President's attitude towards its recommendations. The Chairman Tanzil ur Rehman blamed that the action plan for the Islamization suggested by the CII had been completely disregarded. He regretfully declared that "refusal to implement what is right in the light of *Quran* and *Sunnah* merely because of fear of adverse public opinion will take us away from the path of God. Such act will not only be harmful for Islam, but also will be harmful to the efforts being made for Islamization all over the Muslim World."³

In response, Gen. Zia argued that, "if I give all the powers to Justice Tanzil for ten days, then can he complete the process of Islamization?"⁴ He further said, "For God sake if the recommendations of the CII are not implemented now, it does not mean that it will never be implemented". Justice Tanzil however did not further comment.

Under Zia the composition of CII changed drastically, showing an increase in the representation of the religious *elite* and pursuing a difference in its policy. The aim was to integrate Islamization into the social and economic discourses, however, without any interest in changing the existing system. Under the Zia's government very few revolutionary suggestions were made nevertheless an opposition slowly emerged which resulted in resignation of some members of CII.⁵

During the period from 1977-1980 six members left the CII because of discontent with its working, which they considered to be wasted effort. During the period from 1981-84 five more members resigned, two of them being *Brelwis* and three *Shias*.⁶ All of them were disappointed by both the policies of the Government and the CII. The high ratio of the resignation of the religious scholars reflected a growing discontent within the body. But opposition hardly transcended their own individual position with regard to their own school of thought and the respective interpretation of Islam. This became especially apparent for the *Shias* on the occasion of the *Zakat and Ushr Ordinance 1980*. The *Shia* members, Mutjahid Jaafar Hussain and Sayyid Muhammad Razi criticized the government because it was not recognizing the rights of the *Shias* and because they did not agree with the *Sunni* policy of Islamization. So in reaction to the *Zakat and Ushr Ordinance* a large number of *Shias* gathered at Islamabad (1979) to protest to the

government. subsequently the government was forced to amend the *Zakat* and *Ushr* ordinance and the *Shias* were exempted from its deduction.⁷

At the same time Mufti Muhammad Hussain Naimi (*Brelwi*) left the CII. He declared that the work done in the CII was of no use and its proposals were not implemented. He wanted to create a precedent and demonstrate to Zia that the President could not do anything. During *ulama* Convention 1980. Mufti Naimi criticized that CII's proposals had not been implemented faithfully and that the *Zakat* and *Ushr* Ordinance 1980 differed considerably from the one the CII had suggested. Allama Ahmed Saeed Kazimi (*Brelwi*) also resigned due to similar problems in 1981.⁸ While most *Brelwi* and *Shia* members of the CII resigned, whereas those of *Deobandi*, *Ahl-e Hadith* and *Jamaat-e Islami* clerics stayed on.⁹

The Chairmanship of the Tanzail-ur-Rehman from May 1980 ushered in a new era of the CII. Some of the members were now more articulate and critical about official policies than had been the case under the Chairmanship of Justice Afzal Cheema. Justice Cheema did not make any attempt to denounce or criticize publicly the Government's policy of Islamization. However it was different under Tanzil-al-Rehman.

At the part of the government to implement the CII recommendations concerning ritualization of religion, such as prayers, parts of Penal Laws, holidays, *Zakat*, and some other changes were taken up partially not in full. None was aimed at changing the whole of the legal structure of the state. Thus during the tenure of Justice Afzal Cheema i.e. 1977-80, the CII had worked in line with the government. But after Justice Afzal Cheema's detachment the CII became a kind of opposition, conflicting with the government. New Chairman's differential opinions towards official policy were reflected

in his various statements. Later on during *ulama* Convention 1984 he criticized the Government for its weak performance in the field of Islamizing its economic and the educational systems. He maintained that the administration had continued to neglect the CII's proposals.¹⁰

Previously the criticism of some *ulama* during the *ulama* Convention, 1980 had prompted Zia to suggest in his final address for the publication of the CII's reports so that every body could consult them and discuss the issues. He stressed the advisory character of the CII and said that its proposals were to be considered with reference to administrative, economic and political aspects.¹¹ Strictly speaking it was not only the Government that was not interested in the implementation of the recommendations of the CII, but also the members of 1985 National Assembly, did not agree with CII's recommendations. At the time of discussing the annual reports of the CII in the Parliament, the members did not seem to be satisfied with the outcome and left the House after boycotting it and the quorum could not be maintained.¹²

Although Islamization was state policy during Zia regime but despite commitment of government the process of Islamization was very slow and proper planning seemed to be lacking. The order of priorities was not adequately considered. As regards the impact of Islamization there cannot be two opinions about the fact that it was during the Zia's rule that people became acquainted with the term of sectarianism because he fanned its flame. The affiliation of the *Dini Madaris* to specific school of thought in order to award degree equivalent to Post-graduation proved to be a step increasing sectarianism. Because when the graduates came out from these *Madaris* they were dressed in distinct ways, which was, distinguishing them from other sects. The legacy of hate and violence he left behind

still haunts the country as hundred of people had been killed in these sectarian conflicts. For example the promulgation of *Zakat* and *Ushr* Ordinance reduced the dependence of *ulama* on common people and attached them with District and Provincial administration, which in turn made them powerful, resultantly new brand of officially funded *Maulvis* appeared on scene.

Another reason for failure of Islamization was that unfortunately Zia like previous heads of state also became rapidly surrounded by opportunists and sycophants, who got succeeded in keeping him almost completely away from important facts. Initially in 1977 the military take over was a move welcomed by certain people at that time but Zia latter betrayed the trust placed in Pakistan's Armed Forces when he proved unwilling to fulfill his pledge of holding elections and transferring power within promised ninety days. Instead, he became dictator for the next eleven years. Zia's change of mind is best explained by the old maxim, "Power corrupts and absolute power corrupts absolutely". Islamization of the country initiated by Zia was not the basis over which he had justified the imposition of Martial Law nor indeed was any such mission urged in defense of his actions before the Supreme Court of Pakistan. Secondly Zia did not claim to be *mujtahid*. Indeed he turned to religion in his quest for legitimacy after he had freed himself from the pledge to hold elections and to transfer power to the elected representative of the people. So an assessment of Zia's military rule only confirms that on the pretext of Islamization his objective was to perpetuate personal rule.

At the end, it can be summarized that Islamization measures started from the activation of the CII as an advisory body to give recommendations but unfortunately many of its suggestions were not considered for implementation. Instead some of these

recommendations were picked up like the promulgation of *Zakat, Ushr, Hudood* Ordinances and the Federal *Shariah* Court was also set up. But all these measures did not bring the legitimacy to popular approval, which Zia desperately wanted. The political use of religion and the selective processes had generated acute tension, aggrieved social and economic disparities and led to general disequilibrium in Pakistan's society.

In spite of coercive impositions, Zia did not succeed in Islamizing the whole set up of country. The reverse impact of Islamization had only widened the gap between traditionalists and modernists in Pakistan's national life. Furthermore, as regards the future of Islamization in Pakistan, the diverse religious tendencies in Pakistan suggest that a single uniform policy of Islamization as envisaged under the regime of Zia was doomed to failure from the very start. Islamization really appears to be an exercise of legitimization for the Zia regime and the CII as catalyst in all this process.

End notes

¹ *Annual Report Council of Islamic Ideology: 1983-1984* (Islamabad: Council of Islamic Ideology, 1985), 345.

² *Ibid.*, 346.

³ *Ibid.*

⁴ Syed Afzal Hyder, *Islami Nazaryati Council: Irtiqai Safar aur Karkardagi* (Islamabad: Dost Publications, 2006), 962.

⁵ Jamal Jamal Malik, *Colonialization of Islam: Dissolution of Traditional Institutions in Pakistan* (Lahore: Vanguard Books, 1996), 45.

⁶ Cited in Jamal Jamal Malik, *Colonialization of Islam*, 45.

⁷ Syed Afzal Hyder, *Islami Nazaryati Council*, 403.

⁸ This statement is based on an interview with Mufti Naimi in Lahore, December 1985. Cited by Jamal Malik, *Colonialization of Islam*, 45.

⁹ This however does not mean that *Deobandis* totally conformed with the Government's policy. Differential sections may be observed in this school of thought, for instance some *Deobandi* adhered to nonconformism like Fazl al Rahman group while others followed the different path. The majority of the *Brelwis* on the other hand were cooperating with the government.

¹⁰ *Ulama Conventions 1980 and 1984: Taqarir o Tajawiz* (Islamabad, 1984) 127-138. (Urdu)

¹¹ Zia further said that, "if a proposal of the CII is not implemented immediately it does not mean that for God's sake the government is not interested in its implementation". Cited in *Ulama Conventions 1980 and 1984: Taqarir o Tajawiz*, 138.

¹² Jamal Malik, *Colonialization of Islam*, 54.

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Dr. Kahild Mauds, Chairman CII at Islamabad on 08, 09 and 10th July 2008.

Mohammad Khalid Saif, Senior Research Fellow CII at Islamabad on 11th and 12th August 2008.

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Appendix-A
CII MEMBERS
26 SEPTEMBER 1977 - 25 SEPTEMBER 1980

1. Justice (R) Muhammad Afzal Cheema, **(Chairman)**.
2. Justice (R) Salahuddin Ahmad.
3. Mr. A.K. Brohi (died on 2 April 1978).
4. Mr. Khalid M. Ishaq.
5. Maulana Muhammad Yusuf Bannuri (died on 4 October 1977).
6. Khwaja Qamaruddin , Pir of Siyal Sharif.
7. Mufti Sayahuddin Kaka Khel.
8. Mufti Muhammad Husain Naeemi.
9. Maulana Zafar Ahmad Ansari.
10. Maulana Muhammad Taqi Usmani.
11. Mufti Jaafar Hussain Mujtahid.
12. Maulana Muhammad Hanif Nadwi.
13. Dr. Ziauddin Ahmad.
14. Mr. Tajammul Hussain Hashimi (Resigned and replaced by S.M.A. Ashraf in July 1978 and by I. A. Imtiaz in November 1978).
15. Maulana Shamsul Haq Afghani (appointed on 19 June 1978).
16. Allama Sayyid Muhammad Razi (Appointed on 19 June 1978).
17. Muhtarama Dr. Mrs. Khawar Khan Chishti (appointed on 19 June 1978).

Appendix-B
CII MEMBERS
31 MAY 1981 - 30 MAY 1984

1. **Justice Dr. Tanzil-ur-Rahman (Chairman)**
2. Maulana Muntakhib ul Haq Qadri
3. Dr. Sharafaat Ali Hashmi
4. Allama Talib Jouhri
5. Dr. Zia ud din Ahmed
6. Maulana Mehmood Ahmed Rizvi
7. Maulana Mohammad Ubaid Ullah
8. Dr. Miss Khawar Khan Chishti
9. Maulana Mohammad Attaullah Hanif
10. Mr. Sheikh Ghiyas Muhammad
11. Mr. Abdul Malik Urfani.
12. Maulana Abdul Gaffar Hussain
13. Mufti Syed Siyah ud din Kaka Khel
14. Dr. Abdul Mahid Hali Pota
15. Maulana Zafar Ahmed Ansari.

Appendix-C

QUESTIONNAIRE ISSUED BY THE ADVISORY COUNCIL OF ISLAMIC IDEOLOGY ON THE PROBLEM OF *RIBA*

1. What is the definition of *Riba* according to the Holy *Quran* and *Sunnah* and pre-Islamic Arabic literature?
2. Whether compounded interest only or simple interest also is prohibited to the Holy *Quran* and *Sunnah*?
3. Whether interest is permitted in Islam in transactions between two Muslim States and between a Muslim state and a non-Muslim State?
4. Can any difference be possibly made between private and public banking in respect of interest?
5. Are the banking concerns owned and controlled by Government included in the property the owner of which is known and if so what is their position according to *Shariah*.
6. Is there any word/words in pre-Islamic or post-Islamic Arabic language and literature to distinguish between Usury and Interest?
7. (a) What is the judgment of Islam in respect of the conflict between capitalistic and socialistic orders of economic existence?
(b) Does Islam recognizes capital as an agent of production? If so, what is the share of capital in the distribution of National Dividend?
8. When an employee of Government or private institution obtains a loan out of his Provident Fund he has to pay interest thereon. Moreover, the institution also adds

a certain amount to his Provident Funds on its own behalf. Is this transaction included in *Riba*?

9. Whether interest can be received from the Savings Banks or the Post-offices, which are solely owned by Government?
10. Whether interest can be paid on amount collected to meet the national or individual needs, and if so what are the conditions of permissibility?
11. "Trade cannot be run without interest". How far is this true?
12. When Muslim, in the days of glory and development of Islam, went for businesses in every nook and corner of the world they successfully carried on trade everywhere. Did they give or take interest in connection with their trade?

Appendix-D

SUMMARY OF SOME OF THE MAJOR RECOMMENDATIONS MADE BY THE CII 1977-88

From 1st July 1979, interest was eliminated from the operation of National Investment Trust (NIT), House Building Finance Corporation (HBFC) and Investment Corporation of Pakistan (ICP) Mutual Funds.

The CII recommended that the rest of the measures for the elimination of interest from domestic transactions should be taken in three clearly defined phases:

- In Phase I, effective from 1st July 1980, elimination of interest was suggested from (a) Government Transactions and (b) Operations of Banks and other financial Institutions.
- In Phase II, effective from 1st July 1981, the recommendations were to eliminate interest completely from the assets side of the banks and other financial institutions relating to domestic transaction and the remaining elements of interest in the domestic transactions of the Government.
- In Phase III effective from 1st January 1982 the recommendations were that banks should accept fresh deposits on profit and loss sharing basis. Interest should be carried on profit and loss sharing basis. State Bank should not provide finance to banks and other financial institutions on interest basis and should bring necessary changes in its monetary policy.

For elimination of interest from international transactions relating to trade and aid, the Report suggested that efforts should be made for greater economic co-operation

among Islamic countries to achieve interest-free international trade and aid at least among themselves.

A summary of the major recommendations relating to commercial banks is given below.

Term	Purpose	Borrower	Basis Proposed by Council of Islamic Ideology
I-INDUSTRY			
Long Term	Fixed Investment	Large Borrowers Whose Accounts are audited by CAs.	PLS
		Who maintain accounts by CAs	Hire-purchase or <i>Bai-Muajjal</i> or Leasing
	Bridge Financing	Whose accounts are audited by CAs.	Firm commitment by banks, i.e. banks to purchase equity at a negotiated price (Company's Act to be amended).
	Debenture	-do-	PTCs
		Small Borrowers	Normal Rate of Return Hire- purchase <i>Bai-Muajjal</i>
Short Term	Working Capital	Firms with proper accounts	PLS or Commission
	Cash Credit, OD, Demand Loan	-do-	PLS on daily product basis
	Bill of Exchange	-do-	Commission basis: variable according to amount but not according to period.

	Working Capital	Firms not having proper accounts	Normal Rate of Return Or <i>Bai-Muajjal</i> (Method for allocating profits to fixed capital and working capital is given)
The Council recommended that borrowers who are not maintaining proper accounts should be induced to adopt accounting practices.			

Source: Jalees Ahmed Faruqi and Shahid Habibullah, *Islamization of Banking in Pakistan* (Karachi: Research Department UBL, 1984), 55.

Term	Purpose	Borrower	Basis Proposed by Council of Islamic Ideology
II Agriculture			
Short Term	Purchase of Inputs: Seeds Fertilizers	Farmers up to subsistence level*	Assistance in cash or kind under "Special Loan Facility" i.e. farmers to return only the principal. (Loan to be given out of (a) Interest-free funds raised by banks, or (b) Government to provide subsidy to banks on the basis of average rate of profit of banks in relevant period)
*Farms up to 12.5 acres are classified as subsistence level. In 1972, there were 3.8 million private farms, 68 percent were below 12.5 acres and covered 34 percent cultivated area, In 1980 there were 4.1 million private farms, 73 percent were less than 5 hectares and covered 34 percent cultivated area.			
Medium Term	Purchase of Plough Cattle	Farmers up to subsistence level	Same as for short term loans for subsistence farmers
	Dairy and Poultry Farming	Small farmers**	Up to Rs.10,000/- free of charge
		Medium and Large size farmers**	PLS or Normal Rate of Return
	Land Improvement and Development	Farmers up to subsistence level	Same as for short term loans for subsistence
		Above subsistence	PLS or Normal Rate of Return

	Purchase of Tractors, Installation of Tube-wells	All farmers	PLS or <i>Bai-Muajjal</i> or Hire-purchase
	Digging Karezes Constructions of Storages	All Farmers	Special Loan Facility Same as for construction of houses
<p>**Small, Medium and Large to be defined by banks. The CII recommended that farmers should be induced to adopt proper accounting practices</p>			

Source: Jalees Ahmed Faruqi and Shahid Habibullah, *Islamization of Banking in Pakistan*, 55.

Term	Purpose	Borrower	Basis Proposed by Council of Islamic Ideology
III-Commerce			
Short Term	Working Capital Cash Credit Overdraft Demand Loan Discounting of Bills	Small retailer (not maintaining proper accounts)	<i>Bai-Muajjal</i> Or Special Loan Facility Or Government subsidy to banks at average rate of profit of banks in relevant period.
Short Term	Working Capital Cash Credit Overdraft Demand Loan Discounting of Bills	Large borrowers (with proper accounts)	Same as for working capital for industry, i.e., PLS
Short Term	Opening I.Cs		Commission Banks may not necessarily share in profit/loss.
<p>Source: Jalees Ahmed Faruqi and Shahid Habibullah, <i>Islamization of Banking in Pakistan</i>, 55.</p>			

Term	Purpose	Borrower	Basis Proposed by Council of Islamic Ideology
IV Construction			
	Fixed Investment for House Construction	Individuals	Same as for House Building Finance Corporation (HBFC)
	Fixed and Working Capital	Construction companies	PLS
V Transport			
	Purchase of Trucks, Buses, Taxies, Vans, Rickshaws and Private Cars	Any borrower	Hire-purchase Or <i>Bai-Muajjal</i>
VI Other Sectors			
	Mining Quarrying Electricity	Any borrower	PLS
	Services	Any borrower	Any interest-free method suitable
	Purchase of Capital Goods and Machinery	Any borrower	<i>Bai-Muajjal</i> or Investment Auctioning
VII Personal Loans			
	For Consumer Durables Financing Higher Studies Relief in Case of Calamity	Individuals	Banks to discourage these generally <i>Bai-Muajjal</i> or Hire-purchase for Studies: Loan without interest <i>Zakat</i> fund of government

Source: Jalees Ahmed Faruqi and Shahid Habibullah, *Islamization of Banking in Pakistan*, 55.

B. Banks Deposits

In short transition period to be on interest basis.

When system finally is Islamized, holders of fixed deposits to be given option of either shifting immediately to interest free or allow deposit to run their course.

Profits of all banks to be pooled to provide uniform profit rate for depositors of all banks.

C. Miscellaneous Transactions

I Inter-Bank Transactions

PLS on basis of daily products of amount.

II Financial Assistance from SBP

Under PLS arrangements.

For financing commodity operations of Government, a service charge to be allowed to banks. SBP to refinance banks free of charge and to fix profit sharing ratios.

III Foreign transactions of banks involving interest.

Separate corporations (off-shore bank) to be established to manage foreign branches and foreign currency accounts of all banks.

Appendix-E
THE CONSTITUTION OF
THE ISLAMIC REPUBLIC OF PAKISTAN, 1962
PART - X
ISLAMIC INSTITUTIONS

CHAPTER 1.-ADVISORY COUNCIL OF ISLAMIC IDEOLOGY

- 199.** There shall be an Advisory Council of Islamic Ideology.
- 200.** The Council shall consist of such number of members, being not less than five and not more than twelve, as the President may determine.
- 201.** (1) Members of the Council shall be appointed by the President on such terms and conditions as the President may determine.
- (2) The President shall, in selecting a person for appointment to the Council, have regard to the person's understanding and appreciation of Islam and of the economic, political, legal and administrative problems of Pakistan.
- 202. -** (1) A member of the Council shall, subject to this Article, hold office for a period of three years from the date of his appointment.
- (2) If a resolution recommending the removal of a member of the Council from office is passed by a majority of the total number of members of the Council, the President may remove that member from office, but a member shall not otherwise be removed from office.
- (3) A member of the Council may resign his office by writing under his hand addressed to the President.
- 203.** The President shall appoint one of the members of the Council to be the Chairman of the Council.
- 204. -** (1) The functions of the Council shall be- -

(a) To make recommendations to the Central Government and the Provincial Governments as to means of enabling and encouraging the Muslims of Pakistan to order their lives in all respects in accordance with the principles and concepts of Islam to examine all laws in force immediately before the commencement of the Constitution (First Amendment) Act, 1963, with a view to bringing them into conformity with the teachings and requirements of Islam as set out in the Holy *Quran* and *Sunnah*

(b) To advise the National Assembly, a Provincial Assembly, the President or Governor on any question referred to the Council under Article 8, that is to say, questions as to whether a proposed law is or is not repugnant to the teachings and requirements of Islam as set out in the Holy *Quran* and *Sunnah*.

(2) When, under Article [8], a question is referred by an Assembly, the President or a Governor to the Council for advice, the Council shall, within seven days thereafter, inform the Assembly, the President or the Governor, as the case requires, of the period within which the Council expects to be able to furnish that advice.

(3) Where the Assembly, the President or the Governor, as the case may be, considers that, in the public interest, the making of the proposed law in relation to which the question arose should not be postponed until the advice is furnished, the law may be made before the advice is furnished.

205. (1) The proceedings of the Council shall be regulated by rules of procedure to be made by the Council with the approval of the President.

(2) The Council shall, not later than the fifteenth day of January in each year, prepare a report in regard to its proceedings during the year ending on the previous thirty-first day of December, and submit the same to the President, who shall cause it to be laid before the National Assembly.

206. In this Chapter, "the Council" means the Advisory Council of Islamic Ideology.

CHAPTER: 2. ISLAMIC RESEARCH INSTITUTE

207. (1) There shall be an organization to be known as Islamic Research Institute, which shall be established by the President.

(2) The function of the Institute shall be to undertake Islamic research and instruction in Islam for the purpose of assisting in the reconstruction of Muslim society on a truly Islamic basis.

Appendix-F

DINI MADARIS ACCORDING TO THEIR SCHOOL OF THOUGHT DEPICTING THE REGIONALIZATION IN PAKISTANI SOCIETY

Table 1 (A): *Dini Madaris* according to their School of thought and their affiliations to a school of thought in Pakistan

<i>School of thought</i>	<i>1971</i>	<i>1979</i>	<i>1983/84</i>
<i>Ahl-e Hadith</i>	47	126	560
<i>Brelwi</i>	123	267	557
<i>Deobandi</i>	292	354	945
<i>Shia</i>	15	41	116
No data	390	900	

Source: Jamal Malik, *Colonialization of Islam: Dissolution of Traditional Institutions in Pakistan* (Lahore: Vanguard Books, 1996), 198.

Table 1 (B): *Dini Madaris* according to their schools of thought and their affiliations to a school of thought in the Punjab:

<i>School of thought</i>	<i>1971</i>	<i>1979</i>	<i>1983/1984</i>
<i>Ahl-e Hadith</i>	42	122	430
<i>Brelwi</i>	93	197	466
<i>Deobandi</i>	173	198	353
<i>Shia</i>	13	38	54
No data	244	437	

Source: Jamal Malik, *Colonialization of Islam*, 198.

Table 1 (C): *Dini Madaris* according to their schools of thought and their affiliations to a school of thought in Sindh:

<i>School of thought</i>	<i>1971</i>	<i>1979</i>	<i>1983/1984</i>
<i>Ahl-e Hadith</i>	5	1	10
<i>Brelwi</i>	11	40	80
<i>Deobandi</i>	68	67	319
<i>Shia</i>	1	3	14
No data	57	259	

Source: Jamal Malik, *Colonialization of Islam*, 199.

Table 1 (D): *Dini Madaris* according to their Schools of thought and their affiliations to a school of thought in NWFP:

<i>School of thought</i>	<i>1971</i>	<i>1979</i>	<i>1983/1984</i>
<i>Ahl-e Hadith</i>	2	3	5
<i>Brelwi</i>	9	16	24
<i>Deobandi</i>	62	69	108
<i>Shia</i>	1		5
No data	38	109	

Source: Jamal Malik, *Colonialization of Islam*, 199.

Table 1 (E): *Dini Madaris* according to their school of thoughts and their affiliations to a school of thought in Balochistan:

<i>School of thought</i>	<i>1971</i>	<i>1979</i>	<i>1983/1984</i>
<i>Ahl-e Hadith</i>			
<i>Brelwi</i>	14	12	23
<i>Deobandi</i>	15	20	163
<i>Shia</i>			
No data	12	95	

Source: Jamal Malik, *Colonialization of Islam*, 200.

Table 1 (F): *Dini Madaris* according to their schools of thought and their affiliations to a school of thought in Azad Jammu Kashmir and in the Northern Areas:

<i>School of thought</i>	<i>1971</i>	<i>1979</i>	<i>1983/1984</i>
<i>Ahl-e Hadith</i>	3		4
<i>Brelwi</i>	2		6
<i>Deobandi</i>	6		1
<i>Shia</i>			42
No data			

Source: Jamal Malik, *Colonialization of Islam*, 200.

Appendix-G

THE CONSTITUTION OF
THE ISLAMIC REPUBLIC OF PAKISTAN, 1973
As amended up to 1985
Islamic Provisions

227. Provisions relating to the Holy *Quran* and *Sunnah* :

(1) All existing laws shall be brought in conformity with the injunctions of Islam as laid down in the Holy *Quran* and *Sunnah*, in this Part referred to as the Injunctions of Islam, and no law shall be enacted which is repugnant to such injunctions.

[**Explanation:** In the application of this clause to the personal law of any Muslim the expression "*Quran* and *Sunnah*" shall mean the *Quran* and *Sunnah* as interpreted by that sect.]

(2) Effect shall be given to the provisions of clause (1) only in the manner provided in this Part.

(3) Nothing in this Part shall affect the personal laws of non-Muslim citizens or their status as citizens.

228. Composition, etc., of Islamic Council:

1. There shall be, constituted within a period of ninety days from the commencing day a Council of Islamic Ideology, in this part referred to as the Islamic Council.

2. The Islamic Council shall consist of such members, being not less than eight and not more than twenty as the President may appoint from amongst persons having knowledge of the principles and philosophy of Islam as enunciated in the Holy *Quran* and *Sunnah*, or understanding of the economic, political, legal or administrative problems of Pakistan.

3. While appointing members of the Islamic Council the President shall ensure that so far as practicable various schools of thought are represented in the Council
 - a) Not less than two of the members are persons each of whom is, or has been a Judge of the Supreme Court or of a High Court
 - b) Not less than four of the members are persons each of whom has been engaged, for a period of not less than fifteen years, in Islamic research or instruction; and
 - c) At least one member is a woman.
4. The President shall appoint one of the members of the Islamic Council to be the Chairman thereof.
5. Subject to clause (6), a member of the Islamic Council shall hold office for a period of three years.
6. A member may, by writing under his hand addressed to the President, resign his office or may be removed by the President upon the passing of a resolution for his removal by a majority of the total membership of the Islamic Council.

229. Reference by *Majlis-e-Shoora* (Parliament), etc. to Islamic Council:

The President or the Governor of a Province may, or if two-fifths of its total membership so requires, a House or a Provincial Assembly shall, refer to the Islamic Council for advice any question as to whether a proposed law is or is not repugnant to the Injunctions of Islam.

230. Functions of the Islamic Council:

1. The functions of the Islamic Council shall be.

a) To make recommendations to *Majlis-e-Shoora* (Parliament) and the Provincial Assemblies as to the ways and means of enabling and encouraging the Muslims of Pakistan to order their lives individually and collectively in all respects in accordance with the principles and concepts of Islam as enunciated in the Holy *Quran* and *Sunnah*

b) To advise a House, a Provincial Assembly, the President or a Governor on any question referred to the Council as to whether a proposed law is or is not repugnant to the Injunctions of Islam;

c) To make recommendations as to the measures for bringing existing laws into conformity with the Injunctions of Islam and the stages by which such measures should be brought into effect; and

d) To compile in a suitable form, for the guidance of *Majlis-e-Shoora* (parliament) and the Provincial Assemblies, such injunctions of Islam as can be given legislative effect.

2. When, under Article 229, a question is referred by a House, a Provincial Assembly, the President or a Governor to the Islamic Council, the Council shall within fifteen days thereof, inform the House, the Assembly, the President or the Governor, as the case may be, of the period within which the Council expects to be able to furnish that advice.

3. Where a House, a Provincial Assembly, the President or the Governor, as the case may be, considers that, in the public interest, the making of the proposed law in relation to which the question arose should not be postponed until the advice of Islamic Council is furnished, the law may be made before the advice is furnished:

Provided that, where a law is referred for advice to the Islamic Council and the Council advises that the law is repugnant to the Injunctions of Islam, the House or, as the case may be, the Provincial Assembly, the President or the Governor shall reconsider the law so made.

4. The Islamic Council shall submit its final report within seven years of its appointment, and shall submit an annual interim report. The report, whether interim or final, shall be laid for discussion before both Houses and each Provincial Assembly within six months of its receipt, and *Majlis-e-Shoora* (Parliament) and the Assembly, after considering the report, shall enact laws in respect thereof within a period of two years of the final report.

231. Rules of Procedure:

The proceedings of the Islamic Council shall be regulated by rules of procedure to be made by the Council with approval of the President.