

IN THE LIGHT OF THE COUNTRY'S LAWS

The creation of Pakistan was based on the ideology of Islam which provided authority to the leadership and established a massive Islamic sympathy transcending the political, economic and social realms. There is a great deal of difference between Jinnah's idea of Pakistan as a state and the shape it took later. Brought up in a Western environment, Islamic religious orthodoxy never appealed to Jinnah. He, therefore, confined his idea of Pakistan to a picture of the fundamental principles of Islam based on liberal ideology. The political elites believed that in the course of time, the introduction of liberal democracy would marginalize the fundamentalist elements represented by the Jamaat-i-Islami and other Islamic parties. However, the irony is, "...some expect it to appear as soon as religious faith is circumscribed or dropped."⁽¹⁾ Islam proved to be a powerful instrument in the hands of politicians in the time of "uncertainty and confusion over the raison d'être of Pakistani society and the goal it had meant to pursue."⁽²⁾ Feudalism and economic disparity undermined the liberal political system which the elites wanted to establish.

After the creation of Pakistan, the form of its state structure was debated. The nature of the state, including its ideology, was discussed. Since religion had played an important role in the creation of Pakistan, the role of religion in the context of an independent Pakistan assumed significance. **Jinnah, from the very beginning of the state, made it clear that Pakistan was not going to be a theocratic state ruled by religious priests.** Advocating equal citizenship to all communities and hinting at religious freedom which would set free any kind of religious identity, in his opening address to the Constituent Assembly, he said "...in the course of time, Hindus will cease to be Hindus, and Muslims will cease to be Muslims, not in the religious sense because that is the personal faith of the individual, but in the political sense as citizens of one nation."⁽³⁾ While framing the Constitution of Pakistan, a debate had ensued in the Constituent Assembly regarding the form of the Constitution and its Islamic content. The unitary formula of the state was approved by stating that it is in accordance with Islam. Moreover, the political elites of Pakistan, comprising the Muslim middle Class, feudal lords and bureaucratic elites, were not in favour of an Islamic state: rather they wanted to confine the role of Islam to cultural identity. This is due to the fact that "the system of education under which they were educated made them familiar with only the Western type of democracy based on the principle of separation of religion from politics....Their position was subsequently strengthened by Pakistan's alignment and dependence on the West in economic and defense matters."⁽⁴⁾ Another interesting fact of the movement for Pakistan is that it was not supported by religious group, who went to the extent of declaring Jinnah a kafir (infidel). After the creation of Pakistan the ulema (Muslim Scholars) lacked credibility due to their known opposition to the creation of Pakistan. Hence, to prove their credentials and commitment to Islam, they tried to press for the Shariat to be the basis of the Constitution. The demand became more convincing because "the very ideology of Muslim nationalism, howsoever ambiguously formulated and wrapped in populist terminology, contained immanently a religious character"⁽⁵⁾

"Jinnah was not willing to allow religion to have pre-eminence in the Constitution. Thus, immediately after his death, Prime Minister Liaquat Ali Khan formed a committee of the ulema (Muslim Scholars) to decide the Islamic guidelines for Pakistan's Constitution."⁽⁶⁾ The Jamaat-i-Islami led by Manlana Mohammad Maudoodi and other religious parties played an important role in giving an Islamic orientation to the Pakistani policy⁽⁷⁾ through the Objectives Resolution

In the 1970 elections, the Pakistan's Peoples Party (PPP) fought the election on the plank of anti-Indianism (nationalism?) and economic issues rather on any religious issue. Prime Minister Z.A. Bhutto declared that the question of Islam in the political context of Pakistan is irrelevant because both the exploiters and the exploited are Muslims. Bhutto slowly changed his mind from socialism due to domestic compulsions and pursued Islamic idioms. Being unable to fulfill its poll commitments, his party, the PPP gave in to cheap populism. Moreover, relegating Islamic feeling to the background was not appreciated by his political opponents like the Muslim League or the Jamaat-i-Islami. Thus he used the term "Islamic socialism" to gain political legitimacy. Bhutto

emphasized on strengthening Pakistan's ties with the Muslim states of the Middle East and stressed Islamic unity. This heightened the sense of Islamic identity in Pakistan. The orthodox parties taking advantage of Bhutto's failure to conform to their brand of Islam, demanded Nizam-i-Mustafa (Golden Age of Mohammad's rule). To please these groups, he passed a law approving minority status for the Ahmediyas, and also allowed enough power to the orthodox parties in the educational institutions to satisfy the radical groups. In April 1977, Bhutto announced a set of Shariat laws banning horse racing and drinking of alcohol, and declared Friday as the official holiday in conformity with Islamic ideology on July 1, 1977.

Due to corruption and his failure to bring about economic changes, nine Opposition parties formed an alliance under the umbrella of Pakistan National Alliance (PNA). The PPP in its election manifesto used the word Musawat-i-Mohammad which means equality of Mohammad and Islami Musawat (Islamic equality). Other things which were promised included the teaching of the Holy Quran, an integral part and a centre of community life, establishing a federal ulema academy and other institutions and a variety of concessions to Islam.⁽⁸⁾ In spite of this limited experimentation with the tenets of Islam, the election was rigged to ensure the victory of the PPP and, hence, the PNA boycotted the elections. Thus, Islamisation adopted during Bhutto's period can be characterized as a strategy of regime survival.

In 1980, compulsory collection of zakat (alms) and ushr was introduced. This required 2.5 per cent deduction of taxes from the banks and other financial assets of the Non-Muslims and Muslim majority owned commercial enterprises. The government created zakat committees to distribute this money to the needy Muslims and to various religious organizations. This founded the sectarian difference which otherwise had remained dormant in the post-British colonial rule phase. Shias strongly criticised the state's role in collecting zakat which according to them is integrally related to the issue of legitimacy. According to the Shia doctrine, only those governments considered to be legitimate successors to the Prophet can claim this legitimacy. President Zia, through Ordinance No. 18 of 1980, made zakat compulsory replaced the word compulsory collection with contribution. But due to violent demonstrations, he later exempted the Shias from paying zakat. Thus, the Sunnis started demanding the application of Hanifi law to all the Muslims in Pakistan. A substantial amount of funds generated by zakat was distributed through the madrassas largely belonging to the Sunni sects of Deoband, the Ahl-e-Hadith and Barelvi. This funding led to an increase in the madrassas.⁽⁹⁾ Moreover, during his period, through an ordinance, President Zia made the writing of Quranic verse (Kalima) on Ahmediya places of worship as crime.

The most controversial among President Zia's Islamisation programmes was the introduction of Hudood Ordinances imposing Islamic penalties for certain offences. The sectarian divide took place under President Zia's regime with the introduction of Hanifi Fiqh. It should be noted here that the Shias are the second largest Muslim religion in Pakistan. In 1979, the Tehrik-e-Nafaz-e-Fiqh-e-Jafari (TNFJ) was born and it put forward a six-point demand to the government for the first time on the basis of belief which included a demand for fiqh-e-Jafari for the Shias⁽¹⁰⁾ as they believed that Pakistan was becoming Sunni, even Hanifi (a sub-sect among the Sunnis). Simultaneously, the Anjuman Sipah-e-Sahaba (ASS), a close associate of the Jamaat-i-ulema-e-Islam (JUI) representing the Deobandi school came into existence. The Jamaat-e-ulema-Pakistan (JUP) represented the Barelvi school.

President Zia had established a Council of Islamic Ideology whose task was to formulate a plan of governance based on Islamic principles, consistent with the Holy Quran and Sunnah. On August 27, 1983, the Council announced that a Presidential form of government was in the interest of Islam and recommended the formation of a Majlis-i-Aata for Islamic Affairs (highest council), a Majlis-i-Shoora, a representative Majlis for minorities from among non-Muslims. The President was to be "the Head of State, a true Muslim, at least 40 years of age, physically and mentally fit and knowledgeable in Islamic matters."⁽¹¹⁾ All these imply that the recommendations were tailor-made for Zia.

In 1985, President Gen Zia decided to make the Objectives Resolution which is the Preamble, an operative part of the Constitution, through the 8th Amendment. This also amended Article 270-A which reads "All other laws

made in between the 5th of July, 1977 and the date on which this article came into force...shall not be called into question in any court on any ground whatsoever." From the sentence in the Preamble which reads, "wherein adequate provision shall be made for the minorities (freely) to profess and practice their religion and develop their culture"⁽¹²⁾ President Zia removed the term "freely." The same provision has been continued by the successive governments. President Zia introduced separate electorates in 1985, alienating the minorities(Christians and Hindus). All these measures widened the gulf between different religion,sects and communities and radicalized the society. Thus, there is no doubt that "Sine 1978, probably more houses of worship of non-Muslims Shia Imam Bargas and churches were attacked and destroyed than ever before in Pakistan's history."⁽¹³⁾

Reading of the Quran was introduced at the matriculation level in all schools even for minorities. Maktab schools(Islamic Schools) were elevated to the status of regular schools and their certificates were considered equivalent to a Master's degree. An Islamic university was established in Islamabad, funded largely by Saudi Arabia, with that country retaining a say regarding the choice of faculty.⁽¹⁴⁾ In selecting teachers at all levels, knowledge of Islam became essential.. In 1981, Pakistan Studies was introduced as a compulsory subject for all degree students. The textbook authors were given directives to guide students towards "the ultimate goal of Pakistan—the creation of a completely Islamized state." Modern textbooks emphasized the formal or ritualistic aspect of Islam and defined the ultimate goal of Pakistan as the creation of a completely Islamized state. The growing of religious school, and accordance of state patronage to these can be linked directly to the growth of conservative Islamic thought which found expression through cultural dikats. This was evident from the madrassas which at the time of partition numbered 137; by 1971, the number had grown to an estimated 893, with a total of 3,186 teachers and 32,384 students.⁽¹⁵⁾ The following table reflects the steady growth of religious schools in comparison with primary schools during the Fifth to Seventh Plan periods.

Category	5th Plan	6th Plan	% Increased	7th Plan	% Increased
	(5th-6th)			(6th-7th)	
Mosque School	8,200	17,193	109.67	20,000	16.32
Primary School	18,106	18,158	0.28	34,613	90.62

Source: Seventh Plan, Government of Pakistan (Planning Commission, Islamabad), p. 332

With the induction of M.K. Junejo as the Prime Minister, the Islamisation process slowed down but was not completely abandoned. In 1988, a Shariat Ordinance was passed, in tune with President Zia's obsession with Islamisation. After President Zia's sudden demise, there was no let up in the Islamisation tendency of the ruling elites to gain legitimacy.

Thus, the PPP government under Benazir Bhutto could not completely abandon President Zia's Islamisation legacy with General Ishaque Khan, formerly a key adviser to Zia, as the President of Pakistan, and the Senate hostile to any move to reverse Zia's Islamisation process. Thus, in 1989, a modified version of the 1985 Shariat Bill was passed but it lapsed when the Assemblies were dissolved in 1990. Due to her political vulnerability, Benazir even put the anti-women Hudood laws onto the backburner rather than attempting to repeal them.

In 1990, Nawaz Sharif, a protégé of President Zia Ul-Haq and a favourite with the establishment, raked up the Shariat Bill issue to gain legitimacy since the fairness of the 1990 elections was questioned. Moreover, the Jamaat-i-Islami was a coalition partner of Sharif's Islami Jamhoori Ittehad. His government passed the Shariat Bill which was vague in content.⁽¹⁶⁾ However, certain provisions were in consonance with the democratic principles. By enforcing the Shariat Act in 1991, the ruling elites of Pakistan put the principle of democratic election outside the jurisdiction of clerics and also saved interest related laws which had become extremely controversial.

In the 1993 elections, the Pakistani Islamic Front, Islamic Jamhoori Mahaz and Mutahida Deeni Mahaz shared a vote of 6.7 per cent in the nationwide voting figure (1.3 million votes).⁽¹⁷⁾ The electoral arithmetic made both the PPP and Pakistan Muslim League (Nawaz) (PML-N) cater to the politico-religious ambition of these religious parties. Thus, the PPP's government, known for its relative secular stance on the issue of Islamisation, did not hesitate to appoint the Secretary General of the JUI-F, closely linked with the Anjuman Sipah-e-Sahaba Pakistan, as the head of the Parliamentary Committee for Foreign Affairs; he was sent to Geneva to plead the case of Kashmir on the eve of the Human Right Commission meeting in 1994.

Prime Minister Nawaz Sharif also has not lagged behind. His effort at Islamisation was epitomized through the appointment of Mohammad Tarar who is a well known conservative, as the President of Pakistan. The recent introduction of Islamisation according to the Shariat, through the 15th Amendment, clearly demonstrates its political form. It is no surprise since Islam has always been a source of legitimacy in Pakistan. After the nuclear tests, freezing of foreign currency accounts, the stock market crash and the frustration that has crept in due to the failure to internationalise the Kashmir issue satisfactorily, have eroded Sharif's credibility. Moreover, the economic crisis due to the sanctions has placed Sharif's government in a tight corner. The US missile attacks on the terrorist bases in Afghanistan, which killed a few people in Pakistan, gave rise to anti-US sentiments and invited strong reactions from the right wing fundamentalist parties. What questioned Sharif's credibility further was that Sharif was reported to have prior information of America's missile strike. At this juncture, Islamisation became more relevant for securing legitimacy. Moreover, the 14th Amendment Act, which forbids any political dissension to be expressed publicly will eliminate opposition in the rank and file of the PML(N) to the Islamisation Bill. Opposition political parties are of the opinion that there is enough provision in the Constitution to endorse Islamic reforms. They doubt Sharif's intention and the timing of this Bill does not put his efforts beyond doubt. Moreover, the Islamisation process can be directly linked to the signing of the Comprehensive Test Ban Treaty (CTBT) since there is no consensus on this issue. Islamisation will not only strengthen Sharif politically but will make the judiciary, and the Constitution redundant.

Pakistan has been dubbed the world's most dangerous country by at least three magazines - Newsweek, the Economist and Time. Yet few analysts look beyond the simplistic nature of this discourse: the true danger that Pakistan poses comes in the shape of its current prime minister, Nawaz Sharif. In the past few weeks, Sharif has mobilised the right-wing sectarian groups Jamaat Ud Dawa (JUD) and Ahlah Sunna wa Jamaat (ASWJ). Both these parties have links to terrorist groups that have killed Christians, Sunni and Shiite alike. They are putting heavy pressure on the Pakistani media and army for troops to be sent to fight in Yemen and beyond.⁽¹⁸⁾

The Pakistani provincial government of Punjab included in its budget for fiscal 2013-14 a sum of 61.35 million Pakistani Rupees (\$616,000 USD) to fund the largest Center of Jamaat-ud-Dawah (JuD) -- the Islamist parent body of the banned terror organization Laskar-e-Taiba (LeT), which committed the Mumbai attacks.

In addition to that allocation for the JuD Center, known as Markaz-e-Taiba, the Pakistani government has also allocated Rs 350 million (\$3,500,000 USD) for setting up a "Knowledge Park" and other initiatives at the Center.

A spokesman for the Punjab government defended the gift by saying that the government had taken administrative control of the welfare institutions being run by JuD, in compliance with Security Council resolutions of the United Nations. In December 2008, India formally requested the United Nations to designate JuD a terrorist organization, a request with which the UN Security Council complied. In 2012, the U.S. State Department offered a bounty of \$10,000,000 on the head of JuD's Emir, or chief, Hafiz Mohammad Saeed, relating to the Mumbai massacre. The US authority also offered \$2 million for information leading to the arrest and conviction of Hafiz Mohammad Saeed's brother-in-law Abdur Rehman Makki, second in command of LeT. Makki is said to be in close contact with Taliban supreme commander Mullah Omar and Ayman Al-Zawahiri.

Ajmal Kassab, accused in the Mumbai attack, is said to have received training at the JuD's center, Markaz-e-Taiba. ⁽¹⁹⁾

People of a country learn their way of life in the light of the country's laws. Many people around the world consider that the constant slaughtering of Christians in Pakistan is morally supported by the country's destructive blasphemy law, used and often abused whether anyone has blasphemed or not. Pakistan's Penal Code states that the desecration of the Quran is punishable by life imprisonment under section 295c, while insulting Muhammad can merit the death penalty.

The Prime Minister of Pakistan, Nawaz Sharif, in his reaction to the murder of the couple, said, "The murderers of Christian couple will be brought to justice. It is unacceptable. A responsible state cannot tolerate mob rule and public lynching with impunity."

Many, however, assumed Sharif's statement to be nothing but parroted rubbish. Father James Channan, coordinator of the United Religions Initiative and director of the Peace Center of the Dominican Order in Pakistan, **said**, "Our present government has the worst record of not punishing the culprits of these cases. All of them are set free after a short time. There is a big question for us: Where is justice?" He stated what has long been known, that Pakistan's controversial blasphemy laws were subject to widespread abuse and were frequently invoked to settle personal scores.

The president of the Pakistan Christian Congress, **Dr. Nazir Bhatti, said**, "There are blasphemy cases registered in more than a dozen police stations. While the courts have ordered the arrest of one Muslim media station boss and another Muslim artist from a TV channel, they are enjoying a police escort and attending meetings, and no one dares to arrest them. But one false allegation of blasphemy, and the police put Christians behind bars, and courts award them death sentences. That practice indicates that blasphemy laws are only legislated to target religious minorities in Pakistan."

He added that in Pakistan, blasphemy laws are a license to kill Christians at the hands of Muslims.

"The incidents of violence against Pakistani Christians and the Ahmaddiya community have risen to 200% after becoming PML in power in the province of Punjab," said Dr. Bhatti. The Chief Minister of Punjab province, Shehbaz Sharif of the Pakistan Muslim League (N) [PML-N], is the younger brother of Pakistan's current Prime Minister, Nawaz Sharif, commonly known as the Lion of Punjab. Both Prime Minister Sharif and his brother were extremely loyal to the late General Zia-ul-Haq, who was solely liable for introducing the harsher blasphemy laws in early 1980s. General Zia-ul-Haq appointed Hafiz Mohammad Saeed to the Council on Islamic Theologies. In early 1980s he was sent by the University of Engineering and Technology to Saudi Arabia, where he met Saudi Sheikhs who were taking part in Afghan Jihad. In the period of 1984-2004, 964 people **were charged** with blasphemy, including 119 Christians.

Among those charged with blasphemy, 35 people were killed extra-judicially. About 81% percent, or two million, of Pakistan's Christian population live in Punjab province.

Moreover, the fundamentalist *madrassa* (Islamic schools) of Pakistan have become an influential power supporting the blasphemy laws. Pakistan has 16,059 high schools and 15,725 *madrassas* (Islamic schools). Total *madrassa* (Islamic schools) attendance stands at 1.5 million students, while the regular schools have 1.6 million students. These religious schools are **producing** a particular world-view called *Alem-e-kufr* (the World

of Infidels). The concept of these religious schools is: "The world is divided into two antagonistic parts: the Islamic world, and the infidel world. With little common ground between them both, clash is eternal, natural and unavoidable, because the forces of evil and forces of good are predestined to be at war. The West is after us, they want to destroy Muslims, Islam and our culture."

Sadly, the leadership and media of the West do not even notice that 5.2 million Christians(Open Doors UK) in Pakistan live in fear for their lives. While some international organizations are struggling to make blasphemy laws obsolete, the world's most powerful Political and Christian leaders have been mostly silent about these crimes.

Dr. Nazir S. Bhatti **remarked** in a letter to U.S. President Barack Obama that the U.S. Administration -- the custodian of human rights, liberty and freedom of speech and expression around the world -- did not even bother to condemn the horrific murder of the Christian couple by Islamic extremists in Pakistan. Moreover, the U.S. State Department has never uttered any comments at all about Christian persecution or the genocide of Christians.

1. W.C.Smith, Islam in Modern History (London: Oxford University Press, 1957), p.208.

2. Rashid, n.1, p.84.

3. See Khaled Ahmed "The Fractured Image of Muhammad Ali Jinnah," Himal, vol.11, no.2, February 1998, p.25

4. M.Rafique Afzal "Pakistan: Struggle for An Islamic State, 1947-71" in Waheed-ul-Zaman and M. Saleem Akhtar eds., Islam in South Asia (Islamabad: National Institute of Historical and Cultural Research, 1993), p.512

5. Ahmed, n.3, p.79.

6. The indirectly elected Constituent Assembly of Pakistan consisted of 79 members. The PML controlled about 60 seats and the Pakistan National Congress comprising Hindu representatives from East Pakistan had 11 seats. The Hindu members of the Constituent Assembly who were advocating for the separation of religion from politics tried to block the passage of the resolution unsuccessfully.

7. At the various stages of Constitution making the fundamentalist parties like the JUI, JUP, Jamaat-i-Islami Pakistan (JIP) and a section of the PML had played important roles. In 1951, a conference of 31 ulema, representing significant schools of thought came out with a consensus on "twenty-two principles of an Islamic state." The Basic Principle Committee incorporated as many Islamic principles as possible in the Objectives Resolution of the Constitution. For details regarding the role of Islamic parties in the Constitution making process of Pakistan, refer, Afzal, n.8, pp.503-14.

8. "PPP Manifesto: Text of Third Chapter," Dawn, January 26, 1977 as cited in William L. Richter, "The Political Dynamics of Islamic Resurgence in Pakistan," Asian Survey, vol.19, no.6, June 1979, pp.551-552

9. Rashid, n.16, p.67

10. For details of the demand, see Ibid., p.79

11. Henry Kenson and Michelle Maskiell, "Islamisation and Social Policy in Pakistan: The Constitutional Crisis and the Status of Women," Asian Survey, vol.25, no.6, June 1985, pp. 592-93.

12. Ahmed, n. 7, p.12-14.

13. Rashid, n.16, p.68.

14. Ibid., p.67.

15. Fazal-ur-Rahman, Islam and Modernity (Chicago: University of Chicago Press, 1982) as cited in Rashid, n.16, p.67.

16. Clause 8 directed the state to take steps for "Islamisation of economy." Clause 7 stated effective steps to Islamise education. Clause 18 and 19 of the Act specifically exempt Pakistan's international financial dealings from the constraint of the Shariat Bill. Clause 20 protected the rights of women as guaranteed by the Constitution. Shariat was made the supreme law of Pakistan restraining the judiciary and confining the judges to the interpretation of law within the limits of "exposition and opinions" of recognised jurists of Islam technically superseding the Constitution. However, this interpretation has to conform to the Article 227 clause of the Constitution (introduced in 1980 in the form of an explanation) which reads "All existing laws shall be brought in conformity with the injunctions of Islam as laid down in the Holy Quran and Sunnah...and no law shall be enacted which is repugnant to such injunctions." In the explanation it has been spelt out that in the application of the clause to the personal law of any Muslim sect, the expression Quran and Sunnah as interpreted by that sect.

17. Rashid, n.16, p.75

18. Middle East Eye

19.(<http://www.gatestoneinstitute.org/3804/pakistan-bankrolls-terrorists>)

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