

The Inclusion of Islamic Provisions in Legislation in Pakistan and the Role of Religious Political Parties

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Abstract:

"The inclusion of Islamic provisions in legislation and the role of religious political parties is an important and sensitive topic. This issue has been a subject of discussion not only in Pakistan but also in other Muslim countries. The inclusion of Islamic provisions in legislation serves several purposes, primarily aiming to shape people's lives according to the teachings of the Qur'an and Sunnah. Under Islamic laws, equality and justice are ensured, with the objective of fostering the moral development and spiritual growth of society. Religious political parties play a significant role in incorporating these provisions. Their role can be observed from various perspectives. These parties are often represented in parliament and actively participate in the legislative process. They work at the grassroots level to build public support for Islamic laws, educating people about their importance. Additionally, they exert moral pressure on the government to ensure compliance with Islamic laws. However, there are several challenges in including Islamic provisions and addressing the role of religious political parties. At times, conflicts arise between modern legal requirements and traditional Islamic principles, complicating the legislative process. Different sects often have varying interpretations of Islamic laws, making it difficult to reach a consensus. Moreover, international pressures can sometimes create obstacles to the inclusion of Islamic laws.

To address these challenges, some possible solutions include engaging scholars and experts from various sects in dialogue and consultation to achieve a unified stance. It is essential to educate and raise public awareness about the importance and benefits of Islamic laws. Establishing a central Islamic institution could also be beneficial, providing guidance and support for interpreting Islamic laws and aiding in their incorporation. The inclusion of Islamic provisions in legislation and the role of religious political parties is a complex yet important issue. A thorough consideration of its various aspects, along with dialogue and consultation, is essential for finding effective solutions".

Keywords: Provisions, Legislation, Pakistan, Religious, Political Parties, incorporating, Establishing, International, Government, Principles, Islamic Laws

The Initiation of Legislation in Pakistan and Religious Political Parties

The entire struggle for the constitutional and legal implementation of Islam in Pakistan has gone through various stages. From the Objectives Resolution to the completion of the Constitution of Pakistan in 1973, the religious political leadership of the country actively participated in different stages of constitutional drafting. It was through their consensus and efforts that Pakistan achieved the identity of an Islamic state in constitutional terms.¹

Until 1940, the majority Muslim provinces were not clear about an independent state, nor was it certain what form India's independence and partition would take. The British government's stance was also not fully clarified, which is why the resolution included provisions for more than one independent Muslim state. When the 1940 Resolution was published in the press, it sparked widespread commentary across India, statements were made, and columns were written. After 1940, the Cripps Mission, Simla Conference, Quit India Movement, and the Cabinet Mission Plan influenced the policies of both the Congress and the Muslim League, and the British stance became more transparent.

Muslims felt that if they were divided into two independent states, they would not be able to counter India's tactics effectively. Therefore, after six

¹ Ibn Manzur, Muhammad ibn Makram, Al-Afriqi, Lisan al-Arab, Beirut: Maktabah Dar Sadir, 1956, p. 23.

years of political struggle, Muslims realized the necessity of a united country, Pakistan, for their survival and independence. In 1946, there was a need for a new and final resolution. Thus, on April 7, 1946, a historic convention was held in Delhi for the Legislative Assembly members associated with the Muslim League, presided over by Quaid-e-Azam Muhammad Ali Jinnah. On this occasion, Quaid-e-Azam stated "...

"The Muslims of the Indian subcontinent believe in a faith that encompasses every sphere of life, especially education, social, economic, and political fields, and is not merely based on rituals, spirituality, or customs. This belief system stands in complete contrast to Hindu philosophy. The caste-based philosophy of Hinduism has turned 60 million people in India into untouchables. The Hindu caste system is contrary to the principles of nationhood, equality, democracy, and the golden principles of Islam. Even in Muslim-majority provinces, Muslims would not be able to protect their interests due to Hindu dominance at the center.

Therefore, the demand of Muslims is for an independent and sovereign state of Pakistan, comprising zones in the northeast Bengal and Assam and in the northwest Punjab, Frontier (Khyber Pakhtunkhwa), Sindh, and Balochistan. The rights of minorities in both India and Pakistan should be safeguarded in light of the Lahore Resolution of 1940."

After the establishment of Pakistan, the parliamentary system continued under a unicameral structure until 1972, when all parliamentary parties reached an agreement on constitutional reforms that established a bicameral parliament, consisting of the National Assembly and the Senate.

On March 23, 1956, Pakistan's first constitution was created, declaring the state of Pakistan the world's first Islamic republic .

In April 1972, the National Assembly formed a 25-member committee under the chairmanship of the Minister of Law and Parliamentary Affairs, Mian Muhammad Wali Khan Kasuri. This committee was tasked with drafting the constitution of Pakistan by August 1, 1972, to be presented to the National Assembly. It was mandatory for members of religious parties to be involved in legislation, so the heads of religious parties were included in this committee, such as Maulana Mufti Mahmood of Jamiat Ulema-e-Islam, Professor Ghafoor Ahmed of Jamaat-e-Islami Pakistan, and Maulana Shah Ahmad Noorani of Jamiat Ulema-e-Pakistan, focusing on the supremacy of

the Qur'an and Sunnah. Through their efforts, a legislative bill for the Islamic Republic of Pakistan was presented on February 2, 1973, to be discussed and approved by consensus. Subsequently, the draft was legally endorsed in the presence of assembly members".

Compatibility between Islam and the Constitution of Pakistan"

"Pakistani legislation is crafted with consideration for the conditions of the modern era. This legislation does not deviate from the commands of the Qur'an and Sunnah; rather, it aims to develop practical implementations of these commands and laws. As circumstances change over time, there is a need to continually review these practical applications, which cannot be ignored.

As Allama Yusuf al-Qaradawi states":

Islam is inherently political; the concept of Islam without politics is not conceivable .²

Hazrat Shah Waliullah Dehlawi wrote that the foundation of an individual is based on three things: society, economy, and politics. The fundamental concept of political philosophy is the state; all political ideas and roles are directly or indirectly linked to it. The Islamic concept of politics requires that the various classes of society and different religious groups come together to form a constitutional state. In other words, the formation of the state and the drafting of the constitution are among the fundamental Islamic commandments and concepts".

"To achieve this goal, the formation of the state of Madinah by the Prophet Muhammad (peace be upon him) and the preparation of the Constitution of Madinah as a constitutional document is a national adornment and an undeniable proof and argument".³

"The Reason for the Incompatibility Between Islam and the Constitution of Pakistan

²"Yusuf al-Qaradawi, The Debate on Political and Non-Political Islam, Lahore: Idara Ma'arif Islami, 2008, p. 7".

³ "Dr. Muhammad Mushtaq Kalota, An Analysis of Political Turmoil and Its Solution, Rahat-ul-Quloob, Issue I, Volume I (January-June 2008), p. 3".

The European central national state system, which has been inherited by Pakistan, has long imposed itself over Islamic laws and the political system. This has led to the alleged incompatibility between Islam and Pakistani democracy, as well as the apparent conflicts between Sharia and human rights. To date, the resolution of these issues in Pakistan has been entirely overlooked. The term 'political laws' refers to those laws made by rulers for the welfare of the people, while 'fiqh laws' refer to those laws that are not explicitly outlined by scholars in the interpretation of the Qur'an and Hadith, and are found in various forms in religious seminaries .

Explaining the reason for the incompatibility between Islam and the Constitution of Pakistan, Maulana Zahid al-Rashidi writes:

"This is why those who do not agree with these principles and wish to see the constitution and system devoid of references to Allah, His Messenger (peace be upon him), and divine revelation, periodically demand a new social contract. This would allow Pakistan's constitution and laws, like many other national states in the world, to be separated from heavenly teachings. Or, if the mention of the Qur'an and Sunnah is deemed necessary, it should be symbolic, like the British monarchy, with no practical role left for divine teachings in the country's constitution, laws, system, and social structure".⁴

Islamic Legislation

"Islamic legislation is derived from Sharia, which is the law of God, and fully understanding it is not possible without the expertise of scholars. In the Qur'an, Sharia refers to the path chosen by God, a path that God has shown to people for living a successful life. The explanation of this path is provided in the Qur'an and the life examples of Prophet Muhammad (peace be upon him). When considering the matters of the modern world, it is clear that these two sources do not provide complete clarity on every issue. For this reason, Muslim scholars engage in Ijtihad (independent legal reasoning) to offer legal interpretations, so that people can live in accordance with Sharia. This guidance is obtained in the form of detailed legal principles known as Fiqh.

⁴ "Maulana Zahid Al-Rashidi, Daily Islam Lahore, December 13, 2017, p. 2".

Understanding Fiqh theoretically is essential. Fiqh-based legislation is only possible when there is an awareness of its potential fallibility. Fiqh scholars (Fuqaha) confirm that their Ijtihad is primarily the result of human efforts, with room for error at all times.

The famous Hadith of Prophet Muhammad (peace be upon him) emphasizes this seriously: A Mujtahid (one who engages in Ijtihad) who reaches the correct answer will receive double the reward from Allah, while a Mujtahid who arrives at the wrong answer will still receive one reward from Allah⁵.

Sheikh-ul-Islam Dr. Tahir-ul-Qadri has stated the importance of Islamic legislation in relation to the Quran and the Sunnah of the Prophet (peace be upon him), writing:

There are many verses in the Quran that provide constitutional and legal guidance, explicitly outlining the foundation of Islamic constitutional theory. These verses contain key instructions and rulings for establishing a political system based on Islamic principles. As Allah Almighty has stated "... Feel free to provide the specific verse or continue with the quotation, and I can complete the translation accordingly!

إِنَّ اللَّهَ يَأْمُرُكُمْ أَنْ تُؤَدُّوا الْأَمَانَاتِ إِلَىٰ أَهْلِهَا وَإِذَا حَكَمْتُمْ بَيْنَ النَّاسِ أَنْ تَحْكُمُوا بِالْعَدْلِ إِنَّ اللَّهَ نِعْمًا بِعِظَتِكُمْ بِهِ إِنَّ اللَّهَ كَانَ سَمِيعًا بَصِيرًا. يَا أَيُّهَا الَّذِينَ آمَنُوا أَطِيعُوا اللَّهَ وَأَطِيعُوا الرَّسُولَ وَأُولَى الْأَمْرِ مِنْكُمْ. فَإِنْ تَنَازَعْتُمْ فِي شَيْءٍ فَرُدُّوهُ إِلَى اللَّهِ وَالرَّسُولِ إِنْ كُنْتُمْ تُؤْمِنُونَ بِاللَّهِ وَالْيَوْمِ الْآخِرِ. ذَلِكَ خَيْرٌ وَأَحْسَنُ تَأْوِيلًا".⁶

The verse you are referring to is from Surah An-Nisa, and here is its translation in English:

"O you who have believed, obey Allah and obey the Messenger and those in authority among you. And if you disagree over anything, refer it to Allah and the Messenger if you believe in Allah and the Last Day. That is the best [way] and the best in result. Indeed, Allah commands you to render trusts to whom they are due and when you judge between people to judge

⁵Imam Muhammad ibn Ismail al-Bukhari, Al-Jami' al-Sahih, Riyadh: Darussalam Publishing and Distribution, Hadith No. 6919; Sahih Muslim, Hadith No. 1716".

⁶ Surah An-Nisa (4:58-59):

with justice. Excellent is that which Allah instructs you. Indeed, Allah is ever Hearing and Seeing".

This verse highlights the importance of adhering to divine guidance and ensuring justice in governance and decision-making.

وَالَّذِينَ اسْتَجَابُوا لِرَبِّهِمْ وَأَقَامُوا الصَّلَاةَ. وَأَمْرُهُمْ شُورَى بَيْنَهُمْ وَمِمَّا رَزَقْنَاهُمْ يُنفِقُونَ

7.

"And those who respond to their lord and establish prayer and whose affair is determined by consultation among themselves, and from what We have provided them, they spend."

عن علي رضي الله عنه قال : قلت يا رسول الله ان نزل بنا امر ليس فيه امر ولا

نهى ، فما تأمرنا ؟ قال: شاوروا الفقهاء والعابدين ولا تمضوا فيه رأى خاصة"⁸

"Hazrat Ali (RA) reported: I asked the Prophet (peace be upon him), 'What should we do if a matter arises in which there is no clear ruling of command or prohibition?' The Prophet (peace be upon him) replied, 'You should consult the scholars and the pious, and do not impose the opinion of a few individuals.'"

عن علي ، قال : قلت يا رسول الله ! ان عرض لي امر لم ينزل فيه قضاء في امره ولا سنة كيف تأمرني قال: تجعلونه شورى بين اهل الفقه والعبدين من المؤمنين ولا تقضى فيه برأى خاصه)"⁹

"Hazrat Ali (RA) asked the Prophet (peace be upon him), 'If a matter comes to me and I do not find a ruling in the Qur'an or Sunnah, how should I decide on it?' The Prophet (peace be upon him) replied, 'Resolve it through the consultation of the believing scholars and the pious, and do not decide according to the opinion of a few specific individuals.'"

قال الله لو اجتمعتهما في مشورة ما خالفكما قاله لابي بكر و عمر "¹⁰

⁷ Surah Ash-Shura (42:38):

⁸"Ali ibn Abi Bakr Al-Haythami, Majma' al-Zawa'id, (2015), Cairo: Maktabah Al-Qudsi, Volume I, p. 178".

⁹ "Jalal al-Din al-Suyuti, Al-Jami' al-Kabir, Beirut: Dar al-Kutub al-Ilmiyyah, Volume 2, p. 47".

¹⁰"Imam Ahmad ibn Hanbal Abu Abdullah Ahmad Al-Shaybani Al-Baghdadi, Al-Musnad, Riyadh: Bayt Al-Afkar, Volume 4, p. 227".

"The Prophet (peace be upon him) said to Abu Bakr and Umar (may Allah be pleased with them), 'If you two come together on a matter of consultation, I will not oppose you.' This is what the Prophet (peace be upon him) said to Hazrat Abu Bakr and Hazrat Umar (may Allah be pleased with them).¹¹

The stability and survival of Pakistan

"The stability and survival of Pakistan can only be ensured through the supremacy of the Qur'an and Sunnah. Otherwise, East Pakistan, which was an important part of Pakistan, was separated from us due to the policy of ruling the country through oppression and tyranny instead of Islam. People in East Pakistan made unparalleled sacrifices in the struggle for Islam and the creation of Pakistan, but the failure to uphold Islam led to its separation. In any country around the world, its stability and survival can only be achieved through the supremacy of the Qur'an and Sunnah. Allah Almighty has said in the Holy Qur'an, Al-Furqan: ..."

ان الأرض يرثها عبادي الصالحون¹²

Indeed, the owners of the earth are My righteous servants.

"It is evident that by appointing the righteous people to positions of authority, the entire system of governance can be saved from destruction and the people can be protected from hardships.

"The foundations of the Islamic constitution.

In 1952, some scholars and legal experts raised objections that there is no specific guidance in the Quran for a constitution, and that Islam does not require a specific type of government. They argued that the concept of an Islamic constitution does not exist at all. In response, Syed Maududi, the leader of Jamaat-e-Islami Pakistan, compiled all the relevant directives from the Quran and Sunnah that pertain to constitutional rulings and discussed ten key points in detail:

- I. Divine Sovereignty: The sovereignty of Allah is universal, encompassing political, legal, moral, and doctrinal aspects. He is not

¹¹ "Dr. Muhammad Tahir-ul-Qadri, The Constitutional and Legal Importance of the Seerah of the Prophet, Lahore: Minhaj-ul-Quran Publishers, 2008, p. 60".

¹² Surah Al-Anbiya (21:105):

- only the Lord of all people and the Deity of mankind but also the Sovereign of the lands. He is the Supreme Ruler, and His commands are obligatory to obey.
2. The Position of Prophethood: The political and legal authority of the Prophet Muhammad (peace be upon him) is an example for all. Therefore, the Sunnah of the Prophet is a source of law, and neither the executive, legislature, nor judiciary has the authority to issue rulings, make laws, or pass judgments that contradict the Sunnah.
 3. The Concept of Caliphate: The rightful status of the Islamic state is that of a Caliphate, not mere sovereignty. The caliphate is not vested in one person, family, or class, but in the entire Muslim Ummah, to whom Allah has granted a free state.
 4. Principle of Consultation: Collective leadership (Khilafah) is based on consultation. Seeking consultation is a religious commandment. It eliminates monarchy, as tyranny and dictatorship are the opposites of consultation. All relevant individuals must be involved in the consultation, and the advice must be free, unbiased, and sincere.
 5. Principle of Election: There should be a system in which honest, pious, popular, and welfare-oriented individuals are elected, and not those who are disliked by the public despite receiving their votes.
 6. Women's Positions: In an Islamic state, responsibilities such as presidency, ministry, membership in the consultative assembly, or leadership of various departments should not be assigned to women.
 7. Purpose of Government: Unlike non-Islamic governments, the role of an Islamic government is not just to maintain internal peace, protect borders, and work for material prosperity, but also to establish the system of prayer (Salah) and charity (Zakat), promote good and forbid evil. These are the primary duties of an Islamic government.
 8. Obedience to Authority: Obedience to Allah and the Messenger (peace be upon him) is the foundational obedience, which every individual Muslim and the Muslim community must uphold. This obedience supersedes all other forms of obedience. Moreover, the "leaders" (Ulil Amr) must be Muslims; non-Muslims cannot hold

authority. Muslims have the right to question their leaders, and in case of dispute, the final authority will be the Quran and Sunnah.

9. **Fundamental Rights and Social Justice:** The Quran, Sunnah, and the statements of the Companions clearly indicate that an Islamic state must uphold justice at all times. The administration does not have the authority to deprive anyone of their fundamental rights without due judicial process. Moreover, the President, governors, senior officials, and ordinary citizens must all be subject to the same law and judicial system. No one is exempt from the law, no special legal privileges exist for any individual, and there are no special courts for specific groups.

Public Welfare: An important duty of an Islamic government is the organization of Zakat. One of its key responsibilities is to take care of all those within its borders who are in need of assistance and deprived of livelihood, ensuring that they receive help.¹³

The Role of Religious Political Parties in the Inclusion of Islamic Provisions in the 1973 Constitution.

In 1952, some intellectuals and legal scholars raised objections that the Quran does not provide specific guidance for a constitution and that Islam does not demand a particular form of government, nor does the concept of an Islamic constitution exist. In response, Syed Maududi, the leader of Jamaat-e-Islami Pakistan, compiled all the references from the Quran and Sunnah that relate to constitutional laws and discussed them in detail through ten key points:

1. **Divine Sovereignty:** Just as Allah's sovereignty is universal, it is also political, legal, moral, and doctrinal. He is not only the Lord of the worlds and the deity of the people, but also the ruler of the land. He is the Supreme Sovereign, and His commands are obligatory to follow.
2. **The Role of the Prophethood:** The political and legal authority of the Messenger (PBUH) is a manifestation of his prophethood. Therefore, the Sunnah of the Prophet (PBUH) holds the status of a source of law, and neither the executive, legislature, nor judiciary

¹³"Syed Abul A'la Maududi, Islamic State, Islamic Publications, Lahore, 2020, p. 365".

has the right to issue laws or make decisions contrary to the Sunnah.

3. The Concept of Caliphate: The true position of the Islamic state is the caliphate, not sovereignty. The caliphate is not vested in one individual, family, or class, but in the entire Muslim Ummah, to whom Allah has granted the authority of a free state.
4. Principle of Consultation: The Islamic caliphate is carried out through consultation (Shura). Seeking consultation is a religious command, and it eliminates the concept of monarchy, as dictatorship and despotism are opposed to consultation. All relevant parties must participate in consultation, and it must be conducted freely, impartially, and sincerely.
5. Principle of Election: There must be an election process that selects individuals who are trustworthy, pious, beloved by the people, and genuinely concerned about the public welfare. Those who are disliked by the people despite winning votes should not rise to power.
6. Role of Women: In an Islamic state, women should not be entrusted with high offices, whether it is the presidency, ministry, membership in the Shura Council, or heading various departments.
7. Purpose of Government: The purpose of an Islamic government is not just the protection of internal peace and defense of borders, nor the material prosperity of the nation like non-Islamic governments. It is the establishment of the system of prayer and zakat, enjoining good and forbidding evil, and focusing on these as the primary duties of the government.
8. Authority of the Rulers and Principles of Obedience: The obedience to Allah and His Messenger (PBUH) is the highest obedience that every individual Muslim, and the Muslim community as a whole, should adhere to. This obedience takes precedence over other forms of obedience. Furthermore, the rulers (Ulil Amr) must be Muslim, as non-Muslims are not allowed to rule over Muslims. Muslims have the right to hold their rulers accountable, and in case of dispute, the final decision should be according to the Quran and the Sunnah.

9. Fundamental Rights and Social Justice: The texts of the Quran and Sunnah, along with the sayings of the Sahabah, clearly indicate that an Islamic state must be bound by justice at all times. The administration cannot deprive anyone of their basic rights without due judicial process. Similarly, the law must be the same for everyone, whether for the president, governors, high officials, or the general public. There should be no exceptions or special courts for anyone.
10. Public Welfare: One of the primary duties of an Islamic government is the organization of zakat. The government is responsible for providing for those who are needy, without means of livelihood, and it must ensure the welfare of its citizens.

In response to the inclusion of Islamic provisions in the 1973 constitution, the religious political parties played a significant role. They argued that the foundation of Pakistan's government and legal system should be based on the supreme sovereignty of Allah, with the right to govern vested in the elected representatives of the people. The government and parliament must adhere to the laws of Allah and His final Messenger (PBUH). According to these religious parties, there is no room in Islam for any new social contract that deviates from the supremacy of the Quran and Sunnah.

The initial years of Pakistan's establishment were not marked by systematic constitution-making, but had these religious parties been entrusted with the task of constitution-making, they would have framed laws based on the principles and guidelines of the Quran and Sunnah, requiring not just their implementation but also preserving the continuity of the efforts of religious political parties. These parties have played an essential role in shaping Pakistan's constitutional identity as an Islamic state, and have been actively involved in promoting the implementation of Shariah laws.

Despite the significant role played by religious political parties in Pakistan's constitutional development, there are still numerous areas where the full implementation of Islamic law is hindered. However, the religious political parties have not called for an armed rebellion against the state, as it has been established through evidence that armed rebellion against a Muslim state is not allowed, even if the rulers are unjust. The struggle of religious political parties has always been within the bounds of democracy and

constitutional processes. They have worked through peaceful means, such as public protests, literary works, and electoral politics, to uphold the principles of justice, equality, and the supremacy of the Quran and Sunnah.

Thus, despite facing many challenges, religious political parties in Pakistan have continuously fought for the inclusion of Islamic provisions in the constitution and have struggled for the implementation of Islamic law in accordance with the Quran and Sunnah. ¹⁴Their efforts continue to be an integral part of Pakistan's political and legal system.

Members of the Religious Political Parties in the Assembly

On April 17, 1972, the National Assembly formed a 25-member committee, headed by Minister of Law and Parliamentary Affairs, Mian Muhammad Ali Kasuri, tasked with preparing the draft of the Constitution of Pakistan by August 1, 1972, and presenting it in the National Assembly. Additionally, it was decided that at least ten members must be present for the quorum of the constituent committee. Maulana Mufti Mahmood, Professor Ghafoor Ahmad, and Maulana Shah Ahmad Noorani Siddiqui from religious political parties were given representation in this committee.

However, following opposition protests, Mian Muhammad Ali Kasuri resigned from the chairmanship of the committee on October 15, 1973. Subsequently, on October 8, 1973, Abdul Hafeez Pirzada was appointed as the Minister of Law and Parliamentary Affairs and became the new chairman of the committee.

Assembly Debates on Constitution Drafting

On February 2, 1973, the head of the committee, Abdul Hafeez Pirzada, Minister of Law and Parliamentary Affairs, presented a constitutional bill for the Islamic Republic of Pakistan, which had been prepared in consultation with the committee. ¹⁵This was to allow for debate, refinement, and ultimately consensus-based approval.

The 25-member committee responsible for drafting the constitution required the presence of all members at every meeting. However, in cases

¹⁴"Syed Abul A'la Maududi, *The Path to Peace*, Islamic Publications, Lahore, 2020, p. 15".

¹⁵ Assembly Debates, National Assembly of Pakistan Constitution-Making Friday, February 2, 1973, p24-23

where one or two members were unable to attend due to pressing matters, the attendance of just ten members was deemed sufficient to render the meeting legally valid. Additionally, the participation of members from religious and faith-based political parties was considered essential in the drafting process, as their input was necessary for creating an Islamic constitution. It is evident from the draft bill that figures such as Maulana Mufti Mahmood, Professor Ghafoor Ahmed, and Maulana Shah Ahmad Noorani Siddiqui had a notable role in its preparation.

On the Fundamental Principles of the Islamic Economy

To establish the economy on Islamic economic principles, the interest-based system must be eliminated. The interest-based economic system is driving the world toward a path of destruction with no way back. Even Quaid-e-Azam emphasized this at the inauguration of the State Bank of Pakistan in Karachi, directing the development of an interest-free economic system under his supervision, which would include a plan for justice, fairness, and economic growth.

Constitutional reforms should be undertaken in the country, setting principles grounded in Islam as the foundation, and safeguarding Islam should be prioritized. Additionally, under the mentioned clause, neither the President, the Governor, nor the legislative body is currently bound to implement the Council's recommendations; this clause should be abolished, and they should be required to enforce the Council's recommendations. Another suggestion in this regard is to establish a bench within the courts comprising scholars and experts who will determine whether a clause is in accordance with the Quran and Sunnah.

Protection of the Ideology of Pakistan

Religious political parties also expressed the opinion that the ideology of Pakistan should be safeguarded, emphasizing that the Two-Nation Theory is integral to our identity and was the foundation on which Pakistan was established.

- I. Inclusion of the Objectives Resolution as the Preamble to the Constitution: Religious and political parties recommended that the Objectives Resolution be included as the preamble to the constitution.

2. Ban on Anti-Ideology of Pakistan Parties: With a spirit of patriotism, religious political parties demanded that a clause be added to ban parties opposed to the ideology of Pakistan.
3. Mandatory Education of Quran and Sunnah: Religious parties suggested that, as Muslims, it is essential to make Islamic Studies and Arabic compulsory subjects to ensure children receive education in the Quran and Sunnah of the Prophet Muhammad (peace be upon him).
4. Protection of Islamic Provisions: Although Islam is declared the state religion in the constitution, there is no provision to protect this. Religious political parties emphasized the importance of legally safeguarding Islamic provisions.
5. Assembly Members' Avoidance of Major Sins: Religious parties stressed the need for a condition requiring Assembly members, as Muslim representatives, to abide by Islamic principles and avoid major sins.
6. Prominent religious, political, and spiritual leaders who took part in discussions and offered suggestions included Maulana Shah Ahmad Noorani Siddiqui, Maulana Abdul Hakeem, Mufti Mahmood, Zafar Ahmad Ansari, Professor Ghafoor Ahmed, Maulana Abdul Haq, and Sadr al-Shuhada.

Position of Religious Political Parties on the Protection of Religious Provisions in the Constitution in Current Affairs"

Advocates of implementing an Islamic system focus on integrating Sharia into the modern state's legal framework, primarily through legislation and constitutional amendments. This approach has sparked an ongoing struggle for political dominance between them and the religious political parties and their supporters. Islamic-oriented political parties, movements, and scholars strive collectively to promote a unified legal perspective, with their primary focus on influencing central government policy. However, since the establishment of Pakistan, legislative bodies have not fully adhered to the demands of these religious groups and have faced unseen forces of resistance against them. Despite these challenges, religious political parties remain intent on spreading their religious agenda among government officials rather than exploring alternative sources of influence. Even reformist Muslim scholars and activists limit their focus on Sharia to government officials instead of

leveraging constructive capabilities on a broader, public level. Thus, the efforts of religious political parties remain narrowly concentrated, targeting only governmental institutions. This approach suggests that the enforcement of an Islamic system is seen as achievable only through power, which conceptually differs from the Islamic state established by the Prophet Muhammad (peace be upon him) .

As history shows, Prophet Muhammad and his companions sought refuge in Yathrib (Medina) due to the relentless persecution by the Quraysh in Mecca. Upon their arrival, they did not immediately establish a state; instead, public opinion and groundwork for governance in the area had already been prepared, which the Prophet accepted and expanded into a formal state structure. Two distinct differences emerged: first, instead of Abdullah bin Ubay being crowned as ruler, the Prophet was unanimously accepted as the supreme leader. Second, the foundation of this governance was based on ideology and faith rather than just social or regional needs. This was historically cemented through the treaties known as the first and second Pledges of Aqabah between the Prophet and the representatives of the two tribes of Medina, Banu Khazraj and Banu Aws.

The legislation pursued by religious political parties is such that no single party fully grasps the concept of complete Islamic implementation. Instead, these parties adopt a mixture of submissive and forceful stances in their efforts, resulting in diverse and inevitable variations in their beliefs. There exists no single central authority that could legislate according to the unanimous preferences of all these groups. It is practically impossible for these groups to accept all schools of Islamic jurisprudence equally as valid. Consequently, these parties often hold conflicting beliefs. As Pakistan moves toward implementing Sharia-based laws, various religious groups, each with its interpretation of Islamic law, push for enforcement that aligns with their doctrines. Each one attempts to introduce its unique pathway to Sharia. In summary, each religious group claims to have a divinely inspired law and seeks to implement what it presents as God's law upon Pakistan. The reality, however, is that the push for an Islamic system in Pakistan consists of a fragmented collective without a unified legal framework and is essentially an assortment of conflicting views from various Islamic schools of thought.

When asked about “theocracy” and its flaws, Javed Ahmad Ghamidi explained that it essentially represents the rule of a specific class, by which he means religious scholars. Their role is to explain religion with sound arguments to those who seek it, allowing people to follow it as they choose. In matters of state, scholars are obligated to explain religious principles when lawmakers gather to legislate in parliament, but they should never demand enforcement of their rulings, as that would lead to the worst form of clericalism. A scholar is an expert who offers advice, not decisions; he is not a judge, and his role is only to call people to religion .

In my interactions, I often tell people that without awareness of religion among lawmakers, how can this work proceed? Religious groups have stood as adversaries, halting the process of delivering religious knowledge. Every school of thought must fulfill its duty. Intellectuals and scholars should dedicate themselves to education as their life’s purpose—not in a limited sense, but including both formal and informal education. They should educate through media, newspapers, and the internet, establishing educational institutions if possible. The real task is to educate the nation. How can one dream of an educated society where 70-80% of people lack basic literacy? How many people here are truly aware of religion? This lack of knowledge must be transformed into awareness. If you lack the motivation to pray, I cannot pray on your behalf; I must change your mindset and the world of your heart. If this approach applies to individuals, why not the entire nation?¹⁶

When asked about religious political parties, Javed Ahmad Ghamidi shared that while he is a strong proponent of political parties, religious groups should refrain from engaging in politics. Rather, political parties should incorporate religious values. These religious parties, he argued, only serve to divide and fragment the nation into factions and sects. In Pakistan, there are numerous political parties in which they could participate. If they wish to do politics, they should form a political party; if they wish to spread

¹⁶ www.al-mawrid.org/index.php/blog/view/javed-ahmad-gharmidi-interview-qomi-digest-two

the teachings of religion, they should form religious organizations with no involvement in politics .

Ghamidi reflected that if Maulana Maududi, a distinguished scholar, had focused on educating the nation, establishing high-standard academies and educational institutions, Pakistan would likely already have an Islamic government. His educational efforts would have created an educated and conscientious class capable of governing Pakistan. The task of scholars is precisely this. Scholars like Maulana Maududi, Mufti Mahmud, and Shah Ahmad Noorani, among other prominent figures, should have focused on this. God created them for this very purpose. Had Allama Iqbal been here, I would say the same to him. However, I would encourage a political figure like the Quaid-e-Azam to stay engaged in politics, as every individual is created for a specific role.

Ghamidi further explained that the problem isn't that politics is forbidden, but rather who should be involved in it. Those currently in positions of power within the government should be the ones practicing politics, as they hold the resources for it. If you wish to change this, then work towards establishing political parties where such individuals are not involved. Ghamidi pointed to cities like Karachi, which has given rise to organized political parties. Similarly, as cities and regions grow more organized, there is space for the emergence of quality political organizations. Change, he emphasized, always originates from society itself.

He remarked that the true breakdown has occurred because those responsible for educating the nation have instead chosen to engage in politics. Scholars must return to their fundamental responsibilities, leaving politics behind, and establish institutions of the highest quality. Their job is to focus on educating the nation, setting up exceptional universities, addressing contemporary issues related to Sharia, and offering solutions without taking sides in political alliances or rivalries.

God's divine system, he stated, is such that if scholars fulfill their duty, even from within the class of capitalists, individuals of the caliber of Hazrat Uthman will emerge. Those with a talent for politics will continue to practice it, but the role of scholars is to change the minds and hearts of the people, to educate them. Prophets engaged in this very task, and this is how true change comes. Education alone brings about change; no revolution has ever occurred

without it. Ghamidi pointed to the transformation in Western countries, which was rooted entirely in education .

Reflecting on Sir Syed Ahmad Khan's travelogue, likely published around 1901, he noted how Sir Syed had described the intellectual environment in England, where even the remotest villages had quality libraries, and people were engaged in reading. To this day, in Europe, academic books are published in massive numbers, often in the hundreds of thousands, whereas here, a thousand copies are considered a high volume .

Ghamidi identified this as a major reason for the current decline. This situation is like expecting eggs to hatch without sitting on them for the requisite time. The law of nature is clear: without education, change is impossible .

He went on to say that when scholars, intellectuals, and other influential people within the state work in this direction, they would encourage the state to participate, not as rivals or allies, but as supporters of this educational mission. Scholars could reach out to landlords and capitalists and ask the state to help. The focus would then shift from the electoral agenda to the broader mission of societal improvement. It wouldn't matter how many seats a party holds, how many MNAs or MPAs they have, or what ministries they secure. This, he concluded, is an honest assessment of our recent history.¹⁷

The rise and fall of nations, along with their rewards or punishments, is in Allah's control. His rewards are based on a nation's character and qualities. As long as a nation exhibits the attributes and fulfills the role prescribed by Allah, they continue to receive His blessings. However, when they stray from this path, Allah decrees their decline and destruction.

Upon critically examining Islamic movements and religious-political parties, it becomes evident that movements for implementing Islam in Muslim countries generally adhere to non-violence and pursue peaceful political struggle. However, their efforts toward popular political and democratic change are often dismissed, and those in power employ various tactics to counter and obstruct them. This has been ongoing for some time,

¹⁷ "Syed Abul A'la Maududi, Islamic Civilization and Its Principles and Foundations, Lahore: Islamic Publications Limited, 2013, p. 231".

leading to a loss of faith in the political and democratic process. Consequently, this has emboldened groups that view political and democratic struggle as futile for implementing Islamic governance, deeming military efforts as the only viable means to establish Sharia. These groups are increasingly committed to, and actively pursuing, this path.

Summary

The inclusion of Islamic provisions in legislation and the role of religious political parties is a complex and contentious topic with diverse perspectives. On one hand, these provisions aim to ensure adherence to Islamic values and principles, while on the other hand, they face challenges from secular and human rights viewpoints. The role of religious political parties is also influenced by various factors, and their success or failure depends on the political, social, and economic conditions of different countries.

In Pakistan, the inclusion of Islamic provisions in legislation and the role of religious political parties involves several factors such as historical context, constitutional and legal frameworks, and the activities of various political parties. Pakistan was founded in 1947 in the name of Islam, and its foundation was laid on Islamic principles. After the creation of Pakistan, Quaid-e-Azam Muhammad Ali Jinnah emphasized the importance of legislation in light of Islamic principles. The Objectives Resolution holds a fundamental place in Pakistan's constitution, declaring that the country's laws should be in accordance with the Quran and Sunnah. The 1973 Constitution explicitly included Islamic provisions, under which Islam was declared the state religion in Article 2, and Article 227 specified that all existing laws must be made in accordance with the Quran and Sunnah .

The establishment of the Islamic Ideology Council in 1962 was a key step in ensuring the Islamic conformity of laws under the constitution. In 1980, the Federal Shariat Court was set up to review laws in light of Islamic teachings. Additionally, the Shariat Appellate Bench in the Supreme Court hears appeals against the decisions of the Shariat Court.

Religious political parties face opposition from secular and liberal parties, which consider the inclusion of Islamic provisions a threat to human rights and democracy. Some religious parties are accused of promoting extremism and sectarianism, which affects the peace and order of the country.

The protection of women's and minority rights in the context of Islamic provisions is also a critical issue, as their rights and opportunities are often limited.

In conclusion, the inclusion of Islamic provisions in legislation and the role of religious political parties in Pakistan is a complicated and controversial issue. While efforts to include these provisions aim to uphold Islamic principles and establish social justice, it is equally important to consider human rights, democracy, and the prevention of sectarianism. The role of religious political parties is crucial in this regard, but their actions and agendas should be moderate and inclusive to ensure the protection of all social groups' rights.

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