

Shaheed-ul-Islam  
Muhammad  
Zia-ul-Haq

*Foreword by*  
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# Pakistan's Soldier–Statesman: A Profile

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Fortified by deep religious conviction, animated by the spirit of Islam and sustained by an ideological élan vital, General Muhammad Zia-ul-Haq, President and Chief Martial Law Administrator of Pakistan, was an enlightened and progressive soldier–statesman, who came into the limelight as one of the spokesmen of the Muslim world.

Going through the curriculum vitae of President Zia is almost like reading the genesis of Pakistan, which is interlinked with the renaissance of the Islamic fraternity.

Born in Jullundur, East Punjab, on 12 August 1924, into a middle-class family, Zia was drilled by his father in the Islamic way of life. For higher education he sent the boy to St Stephen's College, Delhi, where beside his studies he offered his prayers, regularly observed fasts and mobilized the Muslim youth to serve the cause of the faith.

Zia was commissioned into the Cavalry in 1945, the time when the Pakistan Movement had begun to gather momentum, under the leadership of the Quaid-i-Azam, Muhammad Ali Jinnah. The Muslim soldiers, who constituted the bulk of the Army in undivided India, owed complete allegiance to the father of the nation. Imbibing the spirit of Muslim nationalism, the young Zia

grew into an upright officer, suave, austere and dignified. His bearing was always the bearing of a soldier with mind and body keyed to a sense of duty.

During World War II, Zia saw action in Burma, Malaya and Java. In 1955, a decade after the war, he graduated from the Staff College, Quetta, and had the distinction of serving as an instructor in this premier institution, the alma mater of many outstanding army leaders. Here he developed his ideas and became an accomplished military theoretician. In 1963 he attended the US Command and General Staff College, Fort Leavenworth. In his early career, Zia served as a Brigade Major in an armoured brigade and as a staff officer at the GHQ. In the 1965 Indo-Pakistan conflict, he was a Lieutenant Colonel. Within the span of a decade, he was promoted to Colonel, given the command of an armoured brigade, put at the head of an armoured division and elevated to Corps Commander. The most coveted honour came to him in the mid-1970s when he became the Army Chief of Staff, a position accorded him because of his merit and military professionalism.

As a professional soldier, General Zia could not but disdain the idea of staging coups, which were alien to his idealism and sense of basic values. But these very values, it seems, prompted him in July 1977 to cut the Gordian knot of the political crisis in Pakistan with the axe of martial law and lift the spectre of civil strife from the land. It was not to usher in a new era of Bonapartism, or to repeat the history of 1958 and 1968, that Zia came to the helm. The object of Operation Fair Play was to avert a total collapse of national polity and help the nation regain its balance and sense of direction. It is worth noting that the Supreme Court verdict of November 1977 endorsed the army takeover under the "Doctrine of Necessity" and upheld the 1973 Constitution.

The Constitution was not abrogated, though the operation of some of its provisions was held in abeyance. In fact, President Zia remained committed to his solemn declaration that "supremacy belongs to the people" and "the survival of this country lies in democracy". But his dilemma was between the short-term commitment to seek the verdict of the ballot box and the long-term commitment to restoring suitable conditions for a stable democratic order with an Islamic orientation.

## *Pakistan's Soldier–Statesman – A Profile*

President Zia firmly believed that Pakistan had been created in the name of Islam and could survive only as an Islamic Republic. This was an article of faith with him. Spelling out the far-reaching measures he initiated to make Pakistan an Islamic Republic, he undertook three radical reforms:

- 1 The reshaping of education policy to rear a new generation steeped in Islamic ideology.
- 2 The Islamization of the legal system by setting up Shariat Courts and Qazis and enforcing Hudood, or Islamic punishments, to raise the moral tone of society.
- 3 The introduction of Zakat and Ushr in keeping with the welfare system of Islam, followed by the institution of an interest-free banking and economic system.

As an exponent of Islamic ideology and as a devoted Muslim, President Zia looked beyond national horizons. He stood for the cohesion of the Muslim world to face contemporary challenges. He spoke passionately in public and in private of the wave of resurgence that has recently swept the Muslim world and on Pakistan's role, as a fortress of Islam, in cementing the unity and solidarity of the ummah.

Since the new order was to be based on and rooted in Islamic tenets, President Zia strived to clear the decks for the new system. Local elections were held on a non-party basis to raise the democratic edifice from the bottom upwards. Political adventurers who had misused power in the past were screened to bring a measure of rectitude to public life. General elections on a non-party basis were held in March 1985 and Zia did something which no military dictator had ever done – he liberally, gracefully and ceremonially transferred the powers of the chief executive to Mr Muhammad Khan Junejo as Prime Minister of Pakistan.

To strike a personal note, it was an experience to talk to him in his drawing room – small but tastefully furnished with chesterfields, army trophies and portraits of world leaders. One of his pet themes was the impact of Islamic renaissance on world civilizations, past and present. As he put it, Islam inspired revolutions through the ages and gave impetus to the evolution of

human rights. Today's Muslim world is a third force in the global battle between communism and capitalism – a force which presents a high-minded view of the world, a good world of good nations bound by good terms. Zia stressed this point as a man of conviction.

When out of uniform, sporting shalwar and kamiz, and Peshawari chappals, he dropped the mask of office and engaged you in an animating dialogue. To make a point he would put his hands on his chest, gesticulate with both hands, fix his penetrating eyes on you and raise his voice to a lively pitch. You could enter into a contentious debate with him at the Chief of Staff's house, criticize him for acts of omission and commission, and he would react with his characteristic smile. But when he took his turn at polemics, he marshalled weighty arguments in favour of his thesis, leaving you disarmed.

As President and Chief Martial Law Administrator, he was remarkably persistent and did not lose nerve even when things looked bad. At crucial meetings and mammoth conferences, his manner was quiet, sensible and matter-of-fact. He sat through marathon sessions, listened in silence, hour after hour, to what demagogues and tub-thumpers had to say. In the end, when he rose to speak, he invariably warmed to his subject and his eloquence was like a flame. But Zia worked more than he talked; often 16 hours a day, without a hint of fatigue or boredom. He seemed to love life; every day of life. It is not widely known that he was a keen sportsman – he played tennis and golf – a loving father to two sons and three daughters, a book-lover and, of course, a man of the world. Above all, he had a robust personality which could meet all the challenges of life.

All those who came in close touch with him found him a warm-hearted man who made things simpler and easier. Exuding confidence, self-reliance and optimism, he was confident that Pakistan would come through all its troubles, ride out all storms and ultimately become a pillar of strength for the Muslim world. In President Zia the world of Islam found not only a soldier-statesman, but a man of vision, a man of action and a great protagonist of the unity of ummah, the ummah which is already a potent factor in this fast-moving and changing world.

*Pakistan's Soldier—Statesman — A Profile*

Zia-ul-Haq's presence, even after handing over power, made itself felt not by virtue of his position but by the sheer force of his simple and straightforward personality. Over the years he came to wear the mantle of a popular leader. Imbued with a sense of commitment to Islam, Muslims and Pakistan, his plain speaking had a dimension of eloquence which had a stunning effect. He became a power to be reckoned with, nationally as well as internationally.

The event which dominated the innumerable achievements of General Zia was the Soviet invasion of Afghanistan; his name has become irretrievably linked with Afghanistan. He will live in history as its saviour and liberator. (His comrade-in-arms, General Akhtar Abdur Rehman, the other hero of Afghanistan, died in the same plane crash in which Zia was killed.) The liberation of Afghanistan is indeed the greatest event of our time and it augurs well for an Islamic future of extraordinary vitality for this region.

Zia-ul-Haq was killed on 17 August 1988 in a plane crash that was an act of sabotage. He was buried in the compound of the Majestic Faisal Mosque at Islamabad on 20 August. His impact on the minds and lives of the people of Pakistan was reflected by the size and kind of crowd that gathered on the day of his funeral. For miles around Faisal Mosque one could see only a vast sea of people, over a million of them, who had travelled from afar for no other purpose than to pay homage to Shaheed Zia-ul-Haq. He died with his boots on in the service of the nation and Islam. Inna lillahi wa inna ilahi rajeon.

# A Leader with Faith and Vision

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Z. A. Suleri

Zia-ul-Haq's true impact on the minds and lives of the people of Pakistan was reflected by the size and kind of crowd which gathered on the day of his funeral – the day of the last bugle, the last hurrah and the last salaam. The crowd on that occasion was not an everyday affair: it had a quality of its own. This crowd did not comprise ordinary young men and women, frail old people and innocent children: the people appeared poor, but they were not the sort one usually comes across in villages, hamlets and towns. They fell into a wholly different category. They wore a different complexion; sun-baked and dry-grey, as if they had suddenly emerged from the submerged humanity which is not generally exposed to urban eyes. They had obviously travelled from afar for no other purpose than to pay homage to Shaheed Zia-ul-Haq. That they should have come from obscurity to present themselves at the focal point of national life in the federal capital – the Faisal Mosque – gives some measure of how far the late President's influence had permeated the landscape of Pakistan. Far from being known to him, these people were not even seen by him. They had simply heard of him and had a vague notion of his work for Islam, Pakistan and Afghanistan. But they were sure that he was a good man.



## *A Leader with Faith and Vision*

There may be two reasons for the sudden revelation of his phenomenal popularity that day. One reason is perhaps that he was himself an ordinary person, so ordinary that even as the President of Pakistan he did not cut a dashing figure. He did not have a commanding personality. His ordinariness was enhanced by the fact that he wore the clothes of the common man – shalwar, qameez and waistcoat – and also spoke the language that the common man spoke. Instead of imperial English, he addressed the people in Urdu, which the Quaid-i-Azam had ordained the national language but which no Pakistani ruler before him had owned.

The second reason for his appeal lay in his utter commitment to Islam. He never tired of speaking of Islam. He spoke of Islam as if that was what life was all about. (The people gathered on the day of his funeral might have heard that Zia raised the clarion call of Azan in the United Nations' auditorium, inviting the representatives of 150 nations to ponder the beauties of Islam. Had the world Muslim community chosen a preacher or a President to represent it before the bar of international opinion?) Many sophisticated people called him a Maulvi; and well he might be, for he was the son of a Maulvi and attachment to Islamic traditions was ingrained in him. But he was no idle preacher: he practised what he preached. He would not miss his prayers for the world. The business of state could wait, but the punctuality of prayer-time must be observed. Every so often Cabinet meetings, which always started with a recitation from the Holy Quran (an innovation he introduced the day he took over) broke up for a prayer recess. Not once in 26 years did he miss tahujjad (the midnight prayer). During Ramadan (the month of fasting) he remained awake almost the whole night. His visits to Harmain-Sharifain (Mecca and Madina) were as frequent as he could make them. All in all, he was a patriotic and proud Pakistani, the salt of the earth; there was nothing alien about him that might put him out of your reach.

Zia-ul-Haq was a gentleman. The phrase "a gentleman to his finger-tips" does not do him justice, for his gentlemanliness lay in the core of his heart and soul, the sterling genuineness of his character. He would receive a visitor in his room with a warm

handshake and a broad smile which lit with pleasure the rugged features of his face: and at the end of the visit he would watch until the visitor's car moved out of the porch. He observed this self-imposed routine many times a day, month in and month out, year in and year out. How many thousands of people he must have thus received and bade farewell!

But what was remarkable and, I would say, unique in a man of his exalted position and multifarious duties was that he never let you feel that you were a burden on his time. He listened with rapt attention until you had had your say. How many rulers show such courtesy and consideration to their visitors? But what won your heart completely was the compassion he would show to his little underdeveloped daughter Zain. She would barge in while he was in the midst of discussion with outsiders or editors, but he would never ask her not to bother him and leave him alone to attend to his visitors. He would first, naturally and amiably, quite unmindful of his audience, humour her fancy and put her at ease; only when she was satisfied and prepared to go would he resume his business. Another rare characteristic, which I noticed on these and many other occasions, was that, though a military dictator, he had an immense capacity for putting up with the harshest criticism of his administration's errors of omission or commission and of his own personal conduct. He bore with irrelevant harangues and even untimely recitations of poetry: once, I recall, a semi-literate poet felt the urge to entertain the President with his blank verse, which he did at length without a murmur of demur from the President. He had a voracious appetite for criticism, points of which he would diligently note down on the small pad ever present on his table. Yet, gentle and kind as he was, Zia-ul-Haq was also a man of iron will; he would not budge an inch from his principles. When the Supreme Court found Bhutto guilty of conspiracy to murder nothing would persuade him to interfere with the judgement, not even appeals from almost every leader of the world. "What must be, must be": that summed up the man.

## II

Zia's rule was sandwiched between two Bhutto regimes. He took over from the father, Zulfiqar Ali Bhutto, and – indirectly –

bequeathed his power to the daughter, Benazir Bhutto. The period preceding Zia's rule was stormy. Although Zia is accused of having perpetrated a military dictatorship, the truth of the matter is that, but for the dangerous mess Bhutto had made of democracy, which threatened the integrity of the country, the obedient and disciplined soldier would never have dreamed of overstepping the bounds of duty. (It was precisely for his qualities of discipline and unquestioning commitment to duty that Bhutto had chosen him over his seniors as the Army Chief.) But the same acute sense of duty which impelled him to support the Bhutto government when it was in trouble with the agitation of the Pakistan National Alliance (PNA) also compelled him to take the step he took in defence of the country. The Bhutto-Zia confrontation was not really one of democracy versus authoritarianism. Had true democracy obtained under Bhutto and peace prevailed in the country, Zia would no doubt have been open to the charge of acting disloyally. But was democracy really operative under Bhutto? It is imperative to settle this question because otherwise the merits or demerits of Zia's regime cannot be properly appraised. We have to consider the chapter of history chronicling Bhutto's rise to power and the genesis of his rule. Without reading this chapter, we cannot understand the next chapter – Zia's rule.

Bhutto was certainly not carried into power by democratic means. Bhutto's party, the PPP, had not won a majority of seats in the National Assembly in the 1970 elections. He had only 87 seats in a House of 250. The majority of seats (149) belonged to the Awami League of Sheikh Mujibur Rehman. In the natural course of a democratic process, the leader of the majority party, Sheikh Mujibur Rehman, should have been called upon by the then President, General Yahya, to form the Government. But the obvious democratic course was not taken. Instead Bhutto issued the pre-emptive statement: "Idhar hum, udhar tum" (We rule here in West Pakistan and you, Mujib, rule there in East Pakistan.) Thus the seeds of partition were sown at the outset. Subsequently, when the National Assembly met in Dacca on 8 March, Bhutto boycotted the meeting, thereby confirming the intention indicated by his slogan. Bhutto claimed that he was chary of the Assembly session because he feared that Mujib would push through a Six

Point (election manifesto) Constitution (it was alleged that a draft constitution had already been prepared), which would be ruinous for the country. Here two points must be noted. First, of the Six Points, which Bhutto pronounced would ruin the integrity of the country, he had already conceded five and a half points. Only half a point, bearing on foreign trade by the province, was in dispute. Bhutto was straining at a gnat after having swallowed the camel. The Six Points dispute between the two contenders for power had become quite innocuous. Second, had the Assembly met, there would have been a distinct possibility of Mujib coming to terms with some of the non-PPP West Pakistani members on a reasonable level of provincial autonomy which would have preserved the unity of the country. It was also possible that the Assembly might have failed to reach a consensus. What was, however, essential to national survival was that the Assembly be given a chance to function. The gravamen of popular indictment against Bhutto is that he denied it that chance: it was made non-functional by his boycott. What was palpably wrong was that action against the Awami League was ordered before the Assembly had met and Mujib's *mala fide* proved. But Bhutto was averse to the whole idea of an Assembly Session. He was out to pre-empt any agreement that might have been reached between the parties by killing the Assembly. It must, however, be put on record that Yahya was no less guilty: if he had not been privy to the conspiracy the Assembly Session could not have been postponed. In this context, the charge that the West wanted to oust the East from Pakistan sounds valid. Military action ("Thank God, the country has been saved" gleefully commented Bhutto) was taken without first seeing what the National Assembly could do to resolve the crisis. The only conclusion that can be drawn from omitting to involve the National Assembly is that Bhutto was bent on separating East Pakistan: otherwise he would not be able to rule West Pakistan, let alone Pakistan. It was only after having effected national disintegration that he could come to rule the remnant of Pakistan: and that not democratically! No sooner had the decks been cleared by the generals for his take-over than he donned the uniform of a Chief Martial Law Administrator. Obviously he was not confident that his civilian administration could cope with the grief-stricken

people who had viewed the humiliating scene with helplessness and shame and blamed him for having rent the country asunder. The Constitution did not come into being until 1973. In the meantime, therefore, his rule was anything but a model of democracy.

Apart from the dictatorial tone and tenor of Bhutto's six-year rule, its undemocratic character was finally exposed during the 1977 elections when large-scale rigging was organized under official auspices. This gave birth to country-wide agitation, which claimed many lives. Ultimately the PPP bowed to the PNA's demand for fresh elections, but an agreement to that effect could not be signed. Bhutto wanted to keep the other party on tenterhooks and went on a tour of four Muslim countries at the point when the agreement was scheduled to be finalized. What seemed to have transpired was that, having manoeuvred a halt in the opposition movement, he intended to use it as an opportunity for a renewed attack on his adversaries. The stage had been set for a civil war. At this critical moment the conscientious gentleman-soldier Zia-ul-Haq decided to come to the forefront to stop the march to self-destruction on which the country seemed to have embarked. Zia did not appear on the scene a moment too soon.

Apart from what Bhutto had done towards the disintegration of the country – pulverizing the economy through the ill-concieved policy of nationalization of industry, which put capital to flight and drove entrepreneurs out of the country; and establishing a ruthless authoritarian one-man rule, climaxing in the rigging of the elections – perhaps his worst offence was the imposition of a secular policy on a society which took its "habitation and name" from the direct inspiration of Islam. Pakistan came into being on the basis of Muslim nationhood, making the enforcement of Islamic mores the *raison d'être* of the country and the paramount objective of its emergence, and alone marking the real boundary and frontier between Muslim Pakistan and Hindu India. A secular Pakistan was indistinguishable from a secular India and might as well not have been carved out of the subcontinent. Bhutto tried to demolish this ideological line of demarcation: first by breaking Islamic bonds with East Pakistan, which prompted Mrs Indira Gandhi to remark that the two-nation theory of the Muslim League

was hollow; and second by propounding ideas which negated the origins of Pakistan. The trinitarian manifesto of the PPP compartmentalized life into three distinct parts: the economy belonged to the preserve of socialism (which Mrs Nusrat Bhutto, now Chairperson of the Party, admitted was born of Marxism); politics fell under the category of western democracy; and Islam fitted the species of religion in exactly the same way in which the Church was accommodated in secular western states, where it had nothing to do with mundane matters. Not only did the manifesto undermine the ideology of Pakistan, which envisaged a polity whereunder Islamic values would operate in all departments of life, it also struck at the roots of national identity by eliminating the concept of Muslim nationhood on which the country was based. That Bhutto did not believe in the integrity of the country – even of the remnant Pakistan – is manifest from the campaign he unleashed in support and advancement of his philosophy of a “pluralistic society”. In other words, not only was Pakistan no longer the abode of Muslim nationhood: on the contrary, it was the habitat of various nationalities and conflicting regions. Thus Bhutto created a climate of feeling in which anarchy of thought flourished. Islamic values and values of national consolidation were downgraded, and a premium was placed on bias and bigotry, intolerance and conflagration. Against this background the PNA movement, which originated in protest against the rigging, soon took on the complexion of a religious agitation in total rejection of all that Bhutto stood for. The leaders of the movement came to regard Bhutto a serious security risk, not only to democratic politics and a healthy economy, but also to the integrity of the country. Pakistan was on the brink of a civil war when General Zia-ul-Haq was called upon to handle an extremely difficult political and ideological situation.

### III

It was not hard to restore law and order with a unitary military leadership. What was an uphill task, however, was reconstructing the country's ideology and regenerating its economy, both of

which were in complete disarray. In addition there was the situation of strained relations with foreign countries, particularly traditionally friendly ones such as the United States. Zia responded to the challenge with characteristic firmness and aplomb. He quickly re-inspired confidence in the economic sector, which had been hard hit by nationalization. He was equally successful in mending relations abroad. But his main concern was putting Islamic values into a practical mould. He began by instituting Salat (prayer) committees all over the country, reviving Zakat and enacting Hudood laws. He used the media to create a new ethos of Islamic living. Soon the Azan and Dars-e-Quran from the radio and television wholly changed the country's ideological horizons. The Islamic Ideological Council was set new targets and it made a valuable contribution. His very last job was to prepare, in consultation with the Ulema of all schools, an ordinance for the enforcement of Islamic laws in their totality.

It often happens that, while a man can be credited with many qualities and attainments, his name comes to be enshrined in history by one peculiar achievement. For example, any of the facets of the Quaid-i-Azam's multi-dimensional personality could testify to his greatness – an astute lawyer, an outstanding politician, an authority on Islamic laws and a liberal philanthropist. But the pedestal on which history has put him is the creation of Pakistan: his greatest achievement. Whatever else might be forgotten, he will always be remembered as the father and founder of Pakistan. Similarly, Zia-ul-Haq became associated with an eventful phase of recent history which put in the shade all the many other things that could be said about him as the Chief Martial Law Administrator, Islamic reformer, innovator of the Shoora variety of legislature, a military commander of exceptional tactical skill and a dictator who voluntarily surrendered power to a popularly elected National Assembly. The event which made Zia-ul-Haq an eminent world figure – to the exclusion of all his other achievements – was the Soviet invasion of Afghanistan, and he will be remembered as its saviour and liberator. The dimensions of his contribution to the revolution in South Asia with respect to Afghanistan are yet to be gauged but, as the great Algerian leader Ben Bella said, he was greater than Churchill because while the

British leader had the unstinted and full-scale moral and material support of the United States, Zia fought the Soviets all on his own. The withdrawal of the Soviet Union from the small backward country of Afghanistan which, unlike Vietnam, shared its borders, was no small achievement. The liberation of Afghanistan bears comparison with the greatest events of our times, especially the emergence of Pakistan; both were significant as harbingers of an Islamic future of extraordinary vitality.

#### IV

When, in late December 1979, the Soviet Union invaded Afghanistan, Zia-ul-Haq's sharp vision at once grasped the far-reaching repercussions of the event. He saw that the traditionally-conceived southward Soviet move that brought the Russian troops into Afghanistan was not yet far enough south to protect Moscow's soft belly. The Russians must therefore, he concluded, move further south to meet Moscow's perceived security requirements: the move into Afghanistan was a prelude to the onward Soviet journey to the long-sought destination of Pakistan. From there the USSR would at last be able to fulfil its ambition to secure access to the warm waters of the Arabian Sea. Zia-ul-Haq fitted the Soviet occupation of Afghanistan into its framework and lost no time in declaring that the Afghan Mujahideen were fighting the battle of Pakistan's defence and deserved the unqualified support of the country and the people. The Mujahideen, who raised the first cry for Islam in the Pakhtoonistan-infested ethos of Kabul, had in fact started their work much earlier, in the days of Sardar Daud Khan who, by his pro-Soviet policies, paved the way for the so-called Saur (Communist) revolution. And it was with the connivance and armed assistance of Moscow-trained officers that the Khalq and Parcham Parties installed Tarakai and Hafizullah Amin before Babrak Karmal made his appearance on a Soviet tank. Normally every patriotic citizen should have risen in revolt against the Soviet invasion: but the fact that this did not happen lent credence to the propaganda that a genuine native revolution had taken place in Afghanistan. In fact the only thing native about it was the



# Zia The Soldier

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General Khalid Mahmud Arif  
(Former Vice-Chief of Staff, Pakistan Army)

It was a sea of sobbing, weeping, stunned humanity. The funeral was massive: over a million people joined the last rites of President General Muhammad Zia-ul-Haq in the vast compound of the newly built Faisal Mosque, at the foot of Margalla Hills in Islamabad. The mourners included a large number of Afghan refugees paying homage to the late President who had given unflinching support to the cause of the nine-year Afghan struggle against Soviet military aggression. Millions of Pakistanis saw the funeral proceedings live on television or heard the running commentary on the radio.

August 20 was a hot and sultry day. At 2 p.m. General Zia's coffin, wrapped in the green and white national flag, carried on a gun carriage and flanked by senior military men from the three defence services, including their service chiefs, reached Faisal Mosque. This was Zia's journey, with full military honours, to his final resting place. The coffin was then carried on shoulders close to the last abode of the departed leader. The funeral prayers over, a twenty-one gun salute was given. In the presence of President Ghulam Ishaq Khan, delegations from 35 foreign countries and his former colleagues, friends, associates, subordinates and some critics, General Zia's mortal remains were lowered into his grave, which had been dug by a group of soldiers he had had the honour to command in life. It was a touching scene. A smartly turned out

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tri-service contingent fired three salvos. A group of trumpeters, dressed in their glittering ceremonial clothes, played the last post. The grave was then submerged in a heap of floral wreaths laid by the assembled dignitaries.

The Zia era had come to an end. He was honoured by the Federal Cabinet, buried in the compound of the Faisal Mosque "as a recognition of his meritorious service for promoting the cause of Islam and implementing Islamic laws in Pakistan". Zia, at 64, had ruled Pakistan for 11 years as Chief Martial Law Administrator and President. He had served in the army for 44 years, for 12 years holding the coveted appointment of Chief of Army Staff, the highest professional post in the army.

The last day of Zia's life, 17 August 1988, was appropriately spent witnessing field tests of the US-made M1 Abrams tank, which the Pakistan Army was evaluating for purchase. The trials were held on the Tamewali tank firing range, close to the desert city of Bahawalpur. Those who attended the tank performance tests included the US Ambassador Arnold Raphel, 45, Chief of the US military mission in Pakistan, Brigadier General Herbert Wassom, 49, a group of Pakistan Army generals, and other officers. On the conclusion of the field tests the entourage returned to Bahawalpur by helicopter to board the waiting, ill-fated American-built four-engined Hercules C-130 military transport aircraft to fly back to Rawalpindi. This was the same aircraft that had brought Zia and his party from Rawalpindi that morning.

On the afternoon of 17 August 1988 the VVIP flight, Pak One, with 31 persons on board, took off from Bahawalpur Airport. The take-off was routine, smooth and trouble-free. The aircraft continued to gain height during the first 2 minutes and 30 seconds, the pilot remaining in touch with Bahawalpur control. Then disaster struck. Radio contact was suddenly broken. The turbo-prop, reputed for its safety and reliability, remained airborne for another two minutes. Those mysterious and unexplained 120 seconds must have been agonizing for the highly experienced cockpit crew and the Presidential entourage on board. Some eye witnesses on ground saw the aircraft behaving erratically, bouncing up and down like a small toy, before hitting the sandy plain, nose down, with tremendous velocity. So hard was the impact that the engines

were buried 20 feet into the ground. The aircraft disintegrated completely and its pieces were spread, all burning profusely, in a massive ball of fire which engulfed the area. There were no survivals. The rescue operation barely managed to retrieve parts of human bones and flesh, which were mauled and charred, creating considerable problems in indentifying the dead. The death toll was heavy (31) including the President of Pakistan, five other general officers and two US nationals. Zia died with his boots on, while performing a task connected with the defence of Pakistan. His Shahaadat (martyrdom) elevated him from the rung of an ordinary mortal.

Zia was lucky in life. From a humble beginning, he was promoted to the highest rank in his chosen profession on the basis of his demonstrated performance. He was a self-made man with no prior connections in the army. His merit lay in the professional field. Through a combination of circumstances he remained the Chief of Army Staff for an unprecedented duration of twelve years and he died holding that appointment.

Viewed with cold logic, Zia was also lucky in death. He died at the height of his power and authority. His popularity graph with his supporters was high. He had given a sense of direction to Pakistan, to what he stood for in life. No doubt he had his opponents: and the prospect of his opponents coming to power in his lifetime might have been distasteful to him.

Zia will be remembered differently by different people. He was a loving and affectionate father, a religious zealot, a staunch Muslim nationalist, a controversial politician, a dedicated Pakistani, a pleasant conversationalist, a trusting, patient, and humble human being, an individual with a personalized style of working, a strong supporter of the Afghan freedom fighters, the builder of Pakistan's nuclear programme, a leader who gave a system to the country which did not endure after his demise, a person who seized strategic opportunities, a soldier turned politician who understood the game of realpolitick, and an idealist, excelling in perfection and quality of work. Zia has left behind both admirers and critics. We are still too close to his death for an objective assessment of his performance. He has become a part of Pakistan's history, and his role cannot be erased. It will continue to be debated, appreciated and criticized in the future.

## *Zia The Soldier*

For the present, let me confine my observations to Zia the soldier. Zia was born on 12 August 1924 into a non-military middle-class religious family residing at Jullundur in the Indian Punjab. After his early schooling, his father mustered resources to get his son admitted to St Stephen's College, Delhi. Zia used fondly to recall his stay in that college, which groomed him to enter adult life. While at college, the young Zia maintained his interest in religion and was regular with his daily prayers.

World War II encouraged Zia to join the Indian Army. At that time he was studying in the fourth year. After completing his military training at the Officers' Training School, Mhow, India, he was granted his commission on 12 May 1945 and posted to the 13 Lancers, then serving in Burma.

Second Lieutenant Zia soon landed himself in trouble. On Eid day, he visited the Junior Commissioned Officers of his unit in their mess, wearing Indian clothes. In those days the unwritten custom demanded that loyal Indian officers invariably wear English clothes when outside their places of residence. By wearing national clothes, even on a holiday, Zia had committed an "unofficer-like crime". His commanding officer, an Englishman, would not accept such an irregularity from a youngster. As an admonishment, Zia was posted to another unit – the 6 Lancers. By the close of World War II, he had served briefly in Malaya and Java. After the surrender of Japan, the Indian Army units returned to India. In August 1947 Lieutenant Zia was posted to the Technical Training Wing of the Armoured Corps Centre.

The Axis Powers had been defeated in World War II and were now licking their wounds. The Allies, victors in war, had suffered no less. With the exception of the United States of America, the economies of the victor states were in dire straits. The war had also had its political fall-out, in creating a political awakening in the former colonial possessions in Asia and Africa. Great Britain could no longer retain India under her imperial yoke. Faced with an inevitable choice, the Union Jack was finally lowered and India and Pakistan gained independence. Zia opted to join Pakistan. Dispossessed of their worldly belongings, his family migrated to the safe haven of Pakistan, in the thick of the senseless communal riots that ensued, in which millions of innocent people were killed

and many more uprooted. Zia travelled by train from India to Nowshera in Pakistan, along with some armoured corps personnel, to join the soldiery of the new country. The journey was long and hazardous. En route, the train was fired at more than once by Hindu communal chauvinists. On arrival in Pakistan in December 1947, Captain Zia was posted to the freshly raised Armoured Corps Centre, where he commanded the Boys' Wing at Cherat. Zia took measures to develop qualities of leadership in the young boys by delegating administrative responsibilities to their appointment holders. He introduced a system by which the first parade was always preceded by a brief recitation from the Holy Quran, given by one of the recruit trainees. By the time Zia was posted out in September 1950, the Armoured Corps Centre had developed into a reasonable training institution to meet the recruiting demands of the six armoured corps regiments comprising the armour component of the Pakistan army.

Zia married Shafiq, his cousin, at Lahore on 10 August 1950. The marriage ceremony was simple and private, attended by relatives and some close friends. The couple developed an enviable understanding and comradeship which matured fast and remained firm to the end. Their union produced five children – two sons and three daughters. Zain, the youngest child, a handicapped daughter, was the darling of her affectionate father. Unconcerned by the trappings of protocol, she had access to the President's office and some ceremonial functions. At times, she would enter the drawing room of the Army House, interrupting Zia's informal meetings with his visitors to demand his attention on personal matters which she thought were of an urgent nature. Zain, hard of hearing and distorted in her speech, displayed remarkable courage on the sudden death of her adoring and lovable father.

In September 1950, Zia was posted to the Guides cavalry located at Kohat. It was a reconnaissance regiment equipped with light tanks and armoured cars. His first appointment in the unit was that of Quarter Master. In that assignment, the ammunition held by the unit was under his charge. He fully trusted his subordinates in the accounting and handling of this lethal cargo. They never betrayed the trust he reposed in them. He served in this unit for

the next ten years and developed a lifelong close understanding and friendship with some of his brother officers. Pir Abdullah Shah, Hashim Ali Khan, Abbas Durrani, Ali Imam, Fazle Haq, A. G. Janjua and some others maintained their personal contacts with Zia even after their retirement from the army. The old group occasionally met, talked of the early days, laughed to their hearts' content and parted, to meet again. Despite his elevation in life, Zia talked to them on equal terms. On their part, they responded by giving him due respect.

Zia graduated with credit from the internationally respected Command and Staff College, Quetta, in 1955, having sailed through the tough course. His problems lay elsewhere. Punctuality was seldom the hallmark of Zia's military life and, like some other junior cavalry officers of that time, he was fond of wearing multi-coloured socks with uniform. These two traits once combined to create a scene. Zia was five minutes late for the first period – a Sand Model Discussion – which was attended by the whole course. He quietly entered the model room, apologized for being late and slowly walked up the steps to take his allotted seat in the top row. With a hush of silence, nearly one hundred and sixty eyes noticed Zia's arrival. The instructor conducting the Sand Model Discussion, Attiqur Rahman, was not the type to let the omission go unchecked. He looked at Zia with a poker face and politely asked him to rise and lift his trouser bottoms. The embarrassed Zia dutifully complied with the demand. Attiq let out a loud laugh, with the remark, "Thank you, Zia, I admire your pair of socks. You may like to take your seat".

Zia's professional performance in the Staff Course earned him staff assignments in his subsequent military life which were the envy of any career officer. He served as Brigade Major in 3 Armoured Brigade (1956–67), General Staff Officer 2 (Major) in the Military Operations Directorate at the General Headquarters (1960–63), General Staff Officer 1 (Lieutenant Colonel) in 1 Armoured Division (1966) and Colonel Staff in 1 Armoured Division (Colonel) (1968–69). He also served as an instructor in the Command and Staff College, Quetta (1963–65), which in the army is considered a prestigious assignment. His normal three-year tenure was cut short by the Indo-Pakistan War in September 1965. Zia was posted

as Assistant Adjutant and Quarter Master General of a newly formed infantry division. Zia attended two courses in the United States of America, including the Associate Command and General Staff Officers' Course in 1963. In different staff appointments, Zia earned the reputation of being a meticulous staff officer. He would not hesitate to delay the submission of a report until he was satisfied with the quality of its input.

An incident that took place in November 1958 illustrates Zia's approach to life. He was travelling with Brigadier (then Major) A. G. Janjua from Rawalpindi to Kharian in a military vehicle driven by an army driver. The vehicle met with an accident near Jhelum in which a pedestrian sustained a leg injury. Zia took the wounded man to the hospital, visited him while under treatment and gave him some presents. The person turned out to be a greedy man. He filed a false suit in court alleging that the vehicle which had hit him was in fact driven negligently by Major Janjua. During the trial, Zia gave his evidence as a defence witness and stated that Janjua was a passenger, not the driver of the vehicle. He went on to add, "I was the senior military occupant of the army vehicle. In my judgement the driver was not to blame for the accident. In any case, as the senior occupant, I accept total responsibility for what had happened." Janjua remembers this incident with nostalgic feelings of admiration and gratitude.

In the Pakistan Army, most officers hope to command units in which they have served. This pleasure was denied to Zia by a peculiar development. Major General Gul Hassan was a hard taskmaster: he was not satisfied with the performance of one unit under his command and decided to change its commanding officer. Zia, then serving as a staff officer with General Gul Hassan, was posted to command 22 Cavalry. He accepted the challenge cheerfully, worked hard, and in 18 months brought the regiment to a high state of operational readiness. His contribution earned him respect in that Division. Zia liked 22 Cavalry and maintained regular contact with that unit. The rank and file of that regiment virtually fell in love with him.

Promoted to Brigadier in May 1969, Zia took command of 9 Armoured Brigade at Kharian. His command was cut short when he went on a deputation to Jordan in October that year. He stayed in that country for over two years.

## *Zia The Soldier*

Zia commanded 1 Armoured Division for three years (1972-75). His style of command was personal, direct and at times unconventional. To quote one example, his regular meetings on military matters were invariably attended by the brigade and the unit commanders, apart from the staff officers, in the division headquarters. Normally, unit commanders do not attend routine meetings presided over by a division commander. Such meetings were seldom less than six hours in duration. Their atmosphere was cordial and freedom of expression was exercised by all participants. Zia had the habit of taking copious notes throughout the proceedings and was seldom brief in summing up the deliberations.

The armoured division followed a hectic training programme in which commanders at all levels took personal interest. Zia knew most officers by name. He personally attended each year at least one exercise with troops, set for every squadron and company commander. Each exercise was followed by an in-depth critique. At higher levels, every unit and brigade were put through an exercise with troops once a year. The divisional headquarters participated in signal exercises twice every year. In such exercises, in violation of radio procedure, Zia preferred to speak to his commanders directly as "Zia to Arif", etc.

Zia was a patient listener. Normally he kept his composure, praised good work and did not hesitate to criticize faults. The training of troops and their welfare were high on his list. He made generous financial donations and took steps to enhance the pride and dignity of soldiers. Troops responded well to his calls for hard training and respected him for his simplicity, frankness and qualities of leadership. During the course of training, whenever an accident took place, his first enquiry would be about the safety of the people. The loss or damage of transport was a matter of secondary concern to him.

Zia was no less interested in spiritual training. His addresses to officers and troops were always studded with quotations from the Holy Quran. As Chief of the Army Staff, he introduced a system to send an army contingent for Hajj every year. It travelled by road and became popular with troops. He encouraged army officers to perform Umra during the off-Hajj season while going abroad or returning from foreign duty.



## *General Khalid Mahmud Arif*

In his early years, Zia was an excitable and irritable man: a wrong act would touch a raw nerve and cause loss of temper. He would not hesitate to use unprintable military language to unburden his load. With the passage of time a transformation occurred. Experience and responsibility mellowed him. He became tolerant and understanding beyond measure. A Pakistani ambassador who knew Zia well from his early years once asked him the secret to the change in his temper. With humility, Zia confessed, "while in the House of God, I always silently seek His help not to be rude to any person". He did not disclose how profusely he used to weep on such occasions.

Under his visibly calm exterior lay a kind heart pulsating with love and affection for his family. Zia's daughters were dear to him. Zia's brother-in-law, Dr Basharat Ellahi, recalls the time in 1972 when Major General Zia used to travel from Multan to visit his daughter, Qurat ul Ain (Ainy), who was studying as a boarder in a Lahore College. Their parting was seldom easy. Zia's time of departure was invariably an occasion of emotional upsurge for both father and daughter. Ainy would hug her father, tears rolling down her cheeks, and Zia would make a vain attempt to hide his eyes behind a handkerchief.

Zia commanded 2 Corps at Multan for about a year before being promoted to the rank of a four star general in March 1976 to become Chief of the Army Staff. Multan is a city of saints and shrines. It has a short, mild winter with a prolonged and unkind summer. Zia loved Multan despite its oppressive weather. He drew psychological and spiritual satisfaction by visiting the graves of saints and praying there: he usually meditated at night.

It is the height of the professional ego of an officer to command the army of his country. Zia was blessed with such an honour. He started his assignment with gusto and innovative ideas, bringing a breath of fresh air to General Headquarters, and initiated a number of measures to enhance the operational capability of the army and its logistic needs. Health facilities continued to engage his attention. Within a year of his assumption of the army's command, Pakistan was crippled by the political turmoil which had suddenly erupted as a consequence of rigged elections held in March 1977. The country came under martial law in July 1977,

## *Zia The Soldier*

which was lifted in December 1985. Even thereafter, Zia remained the Army Chief till he died in the tragic aircraft crash on 17 August 1988. Zia thus became the first Pakistani to hold the appointment of the Chief of Army Staff for over 12 years. During his prolonged tenure, the Pakistan Army witnessed numerous changes in the fields of operation, training, intelligence, administration and personnel. Such changes are beyond the scope of this brief narration.

Zia was a trusting senior. He believed in what others told him unless they were proved wrong. At times, this approach led him into difficulties: people took advantage of his trusting nature for their vested interests and obtained favourable orders from him by misquoting or underplaying facts. While some such decisions were checked and subsequently reversed in the process of administrative routine, many others remained undetected. Zia did not hesitate to modify his earlier decisions, if he was convinced that those were based on inaccurate information.

Zia was gifted with considerable stamina for sustained effort. He could keep awake all night without showing signs of fatigue and had developed the knack of sleeping while travelling or in a chair. After intercontinental air journeys he appeared fresh and alert and ready to attend the plethora of meetings that usually awaited his arrival. He liked comprehensive, well-prepared presentations and oral briefings. He liked reading books, magazines, and newspapers but could not get down to reading bureaucratic situation reports and files. Consequently, his file work was usually in arrears. Taj, his Personal Assistant for 17 years, recalls Zia's love for meticulously neat and error-free typed letters. He would read each word carefully and seldom sign a letter in a hurry. Any flaw in the draft would invite the remark, "it is good to be awake while typing". Zia had a sharp memory and he liked to be kept informed about the progress of work. He once asked Taj if a certain work entrusted to him had been completed. A negative response from his erring subordinate earned him the witty reprimand, "don't forget that the Rawalpindi jail, despite being new, is not very comfortable".

Zia was a broadminded practising Muslim who performed his religious obligations, liked music and movies, and played tennis, squash and golf. He did not impose his belief on others. Advancement in age continued to strengthen his faith in the pan-Islamic

concept of his religion. As President of Pakistan, he considered it his moral and religious duty to preach Islam to his co-religionists. As Chief of Army Staff, he issued a command communication to his formation commanders listing useful books on religion for study by all ranks in the army. The long list included some books written by Maulana Abul Ala Maudoodi, and Zia soon had to explain to Prime Minister Z. A. Bhutto that he was not affiliated with the political party which the author of the books led. (Mr Bhutto and Maulana Maudoodi were arch political rivals.)

Shafiq and Zia were a loving couple – humble, smiling and hospitable. They entertained well, despite the fact that until late in life they could not boast of a healthy bank balance. Both possessed disarming manners which helped to place their visitors instantly at ease. When away from home, Zia would call his wife every night, and when the exigency of service separated them for a long period of time, he would write her long letters. In the true spirit of an eastern wife, she kept his letters for rereading in the leisure of her loneliness. They are her treasured assets now. Shafiq Zia had promised to let me reproduce a sample of Zia's letters to her in this article, but her emotions did not allow her to muster the courage to read the letters once written to her by her departed husband, to select them for reproduction.

Zia inherited senior military subordinates who, by and large, served him loyally and uprightly. The issues placed before them were discussed and their advice was provided without any reservation, hesitation or sugar-coating. The prolongation of Zia's rule took its toll. His senior colleagues retired from military service and new faces took their places. The seniority gap between the Chief and his formation commanders continued to widen. The new incumbents were no less sincere and loyal, but they were mostly removed from the administration of the country and lacked the intimate knowledge to offer well-considered advice on the numerous knotty political and administrative problems faced by Pakistan. In the closing years of his life, Zia came to rely heavily on the filtered advice of a handful of his shrinking inner circle of friends. Some of them had their own vested interests to protect. Others held positions beyond their capacity to handle.

About three weeks before his death, Zia told the author that

some persons in whom he had reposed confidence had betrayed his trust. The realization had come to him too late. But such was his nature. His close friends recall that a contemporary military officer had, in a way, harmed Zia: but after becoming President, he rewarded the officer with a lucrative assignment.

Who organized the crash remains undetermined. Soon after the mishap, the Ishaq Administration detailed a Board of Inquiry to investigate the technical cause of the crash. The Board was assisted by a US team of six airforce accident investigators. After an eight-week investigation, it submitted a comprehensive report to the Government of Pakistan. A part of the report, mostly dealing with security lapses, was withheld from publication. The Board concluded that "the most probable cause" of the crash was a "criminal act of sabotage perpetrated in the aircraft leading to the crash of the aircraft". The Board had hypothesized numerous other possibilities which were discarded one by one by a process of elimination, backed by cogent reasons and analysis. The composition of the Board was limited. So was its charter of responsibility. It did not have the services of criminal, sabotage, legal or counter-terrorism experts. It was therefore neither able nor qualified to identify the perpetrators of the crime. Since the crash, inactivity and lack of interest to dig out the truth have consigned the accident to oblivion. The Benazir administration has made no visible attempt to detect the perpetrators of the crime.

The Board of Inquiry's finding of a criminal act of sabotage leading to the loss of control of the aircraft by the well-qualified and highly experienced airforce crew of Pak One was reinforced by the forensic report. Some parts of the aircraft's wreckage were found to be contaminated with strong traces of antimony, sulphur and, more significantly, pentaerythritol tetranitrate (PETN), an explosive used in sabotage activity. The Board concluded that a low intensity detonation inside the aircraft could have caused bursting of an innocent looking flash or container kept in the cockpit, apparently filled with soft drinks, perfumes or fresheners, but in fact containing some odourless poison gas to incapacitate the cockpit crew. The effect of the gas used was so sudden that the pilot had no time to give even the "Mayday" signal. The official silence has given birth to speculative reporting on who killed Zia. Different theories are in circulation.

Some writers have accused KGB agents of masterminding the crash, with or without Afghan WAD support. They argue that Zia's pro-Afghan Mujahideen policy had earned him the wrath of the Soviet Union to such an extent that he was no longer considered tolerable. They take support from the report of the Board of Inquiry which stated that, "the use of ultra-sophisticated techniques would necessitate the involvement of a specialist organization well versed with carrying out such tasks and possessing all the means and abilities for its execution." It is claimed by them that the KGB possesses the technical skill and organizational capability to undertake a complicated operation of the type which destroyed the PAF aircraft.

The Indian Intelligence Service had created RAW, which is known to be operating in Pakistan. This agency could have carried out the sabotage act. Zia had all along been an irritant, questioning the hegemonic intentions of India – the big brother of the subcontinent. Two days before the fatal crash, Rajiv Gandhi had issued a stern warning to Pakistan that she would have reasons "to regret her behaviour" for allegedly providing arms to Sikh militants in India.

The third possibility could be the internal factor. Some of Zia's opponents, working independently or, more likely, acting as agents to some external agency, could have caused the crash. One extremist organization did in fact first claim credit for the crash but subsequently retracted the claim. Whereas the participation of local elements in the sabotage cannot be ruled out, the level of sophistication pointed out by the Board of Inquiry makes it improbable that the plan was entirely indigenous in nature.

The possibility of the CIA's involvement in the crash cannot be ruled out. Some inexplicable acts of omission and commission in America have created doubts. Two US nationals died in the Pakistani aircrash; the free American society abhors terrorism, holding human dignity and lives dear; the USA has been trying to bring home the mortal remains of soldiers killed in the Vietnam War. Despite such compassionate factors, the US Administration expressed hesitation, by its conduct and behaviour, to ascertain the cause of 17 August's crash. Why it acted that way remains unexplained. Under American law, the FBI enjoys statutory

authority to investigate accidents involving American nationals. Secretary of State George Shultz prevailed upon the FBI not to involve itself in the investigation. Also, interestingly, the Board of Inquiry report was leaked to the American press before it was officially released in Islamabad. The pre-emptive story in the New York Times of 14 October was aimed at creating confusion by suggesting that the Zia crash was caused by malfunction of the aircraft. This theme was also subsequently projected by the influential weeklies *Time* and *Newsweek*.

If the CIA had a hand in the episode, what were its motives in eliminating Zia, who was once claimed a strong supporter of America? There could be five plausible reasons:

- 1 The Soviet agreement to withdraw their forces from Afghanistan had achieved the main US strategic objective in the region. Zia was now dispensable.
- 2 The prospect of fundamentalists ruling Afghanistan did not serve US interests. Under the changed circumstances, Zia's continued strong support to such elements had become irritating to Washington.
- 3 Pakistan's nuclear programme, *ab initio*, did not find favour with America. For the duration of the Afghanistan crisis, Washington opted for the lesser evil, supporting Islamabad, despite the nuclear hurdle, for tactical reasons. Zia's exit, in US assessment, would provide an easier alternative to extracting concessions from the emerging new leadership, by exploiting the vulnerabilities of the new administration.
- 4 The US Administration did not wish to rock the boat at the superpower level and in its relations with India.
- 5 Zia's pan-Islamic approach clashed with US interests in the Muslim world.

The two American crash victims had initially been scheduled to travel separately in their own aircraft. Their travel itinerary was modified on 16 August.

General Zia did not die alone in the air crash. Thirty other persons met the same fate with him. Their families and dependents justifiably wish to know the cause of the crash. It would set a wrong

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precedent to deny them this right: and it would encourage international terrorism. Yesterday, Zia and his entourage were the victims. Tomorrow, some other innocent person might meet the same end.

Zia the soldier was a human being, as frail and as strong as human beings can be. He has left Pakistan Army a stronger and more confident force. We are still too close to the event to pass an objective judgement on his performance. He has since become a part of history: let history judge him objectively.

# The Islamization of Laws in Pakistan

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Muhammad Taqi Usmani

In an immature political atmosphere like that prevailing in Pakistan, it is difficult to make a positive evaluation of the policies of a government objectively and academically. The basic reason for this is that as soon as an eminent leader appears on the scene the people immediately divide themselves into two camps: supporters and opponents. The members of the first camp always strive to inflate their leader as ideal, a genius who never makes a mistake. The second camp deems it necessary to deflate him in all respects and is never prepared to concede a single word in his favour.

What is even more unfortunate is the fact that these extreme opinions are easily interchangeable, and subject to changes in political affiliations. An enthusiastic admirer of a leader, when he alters his party affiliation, becomes a deadly opponent of the person he formerly praised.

As a humble student of Islam, I have never endorsed this approach or made myself a party to either of these political camps. My main interest in state affairs has always been limited to their Islamic aspect, which, in my opinion, is the most crucial aspect, not only for the betterment of the country, but for its very existence and survival.



## *The Islamization of Laws in Pakistan*

It is against this background that I give here a brief resumé of the process of Islamization of laws in Pakistan, with special reference to what has been done in this field by Shaheed General Muhammad Zia-ul-Haq during the 11 years from 1977 to 1988.

It is an established fact that Pakistan was created in the name of Islam. The basic purpose for its separation from India was to establish a state where its Muslim citizens could order their lives in accordance with Islamic teachings, where a pure Islamic society could develop and where all spheres of life could be governed by the dictates of the Holy Quran and Sunnah.

Islam, unlike other religions, does not limit the scope of its instructions to certain religious rites or ways of worship. On the contrary, it gives a complete code of commands in every sphere of human life. It offers a comprehensive set of principles which, if applied with devotion and sincerity, can solve the problems of the rapidly changing life of the modern age. Voluminous books of *Fiqh* are available to explain the Islamic Injunctions: a glance at the contents of any of them shows that only one-fourth of it relates to religious rites and the ways of worship; the remaining three-fourths extensively deals with the economic, social and political aspects of human conduct.

Therefore, Muslims are required not only to carry out certain rituals, but also, at the same time and with the same emphasis, they are bound to submit themselves to the commands of Allah and His Prophet (peace be upon him) in their political, economic and social life. Without obeying this part of the Islamic Injunctions they cannot be treated as true Muslims. Thus, the Islamic way of collective life cannot be enforced in its entirety unless there is a state governed by the injunctions of Islam.

This was the basic cause for which the Muslims of India demanded for themselves a separate land where they could give full effect to their doctrines. When the British imperialists were forced to leave the subcontinent, the majority of Indian Muslims did not endorse the theory of a United India, ruled by the Hindi majority or by a secular democracy, because under such a government they could not enforce the Islamic way of life in its entirety. Pakistan was established on this sole ground. Had there not been the concept of a truly Islamic state, there would have been no

justification for separating Pakistan from India, or for dividing the provincial units (such as Punjab and Bengal) into several parts.

Against this background the first constituent Assembly of Pakistan adopted in March 1949 the historic resolution commonly known as the Objectives Resolution. It reads as follows:

Whereas sovereignty over the entire Universe belongs to Almighty Allah alone, and the authority exercised by the people of Pakistan within the limits prescribed by Him is a sacred trust; this Constituent Assembly representing the people of Pakistan resolves to frame a Constitution for the sovereign independent state of Pakistan;

Wherein the state shall exercise its powers and authority through the chosen representatives of the people;

Wherein the principles of democracy, freedom, equality, tolerance and social justice, as enunciated by Islam, shall be fully observed;

Wherein the Muslims shall be enabled to order their lives in the individual and collective spheres in accordance with the teachings and requirements of Islam as set out in the Holy Quran and Sunnah;

Wherein adequate provision shall be made for the minorities to profess and practise their religions and develop their cultures;

Wherein the territories now included in or in accession with Pakistan and such other territories as may hereafter be included in or accede to Pakistan shall form a Federation wherein the units will be autonomous with such boundaries and limitations on their powers and authority as may be prescribed;

Wherein shall be guaranteed fundamental rights including equality of status, of opportunity and before law, social, economic and political justice, and freedom of thought, expression, belief, faith, worship and association, subject to law and public morality;

Wherein adequate provision shall be made to safeguard the legitimate interests of minorities and backward and depressed classes;

Wherein the independence of the Judiciary shall be fully observed;

## *The Islamization of Laws in Pakistan*

Wherein the integrity of the Federation, its independence and all its rights including its sovereign rights on land, sea and air shall be safeguarded;

So that the people of Pakistan may prosper and attain their rightful and honoured place amongst the nations of the World and make their full contribution towards international peace and progress and happiness of humanity.

The contents of this resolution have been incorporated in the preamble of every constitution framed or enforced thereafter.

This was the first step in the right direction. It was followed by a number of other provisions later incorporated into the Constitution. It will be useful to reproduce some of them.

- 1 It was declared in Article 2 of the Constitution (1973) that "Islam shall be the state religion of Pakistan."
- 2 It was resolved in the principles of policy (Article 31(2) of the Constitution) that "The State shall endeavour, as respects the Muslims of Pakistan:
  - a) To make the teaching of the Holy Quran and Islamiat compulsory, to encourage and facilitate the learning of the Arabic language and to secure correct and exact printing and publishing of the Holy Quran;
  - b) To promote unity and the observance of the Islamic moral standards; and
  - c) To secure the proper organization of Zakat, auqaf and mosques."
- 3 It was also resolved in the Principles of Policy (Article 38, clause F) that the state shall "eliminate riba as early as possible."
- 4 Article 227 of the Constitution provided that "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."
- 5 It is provided in the Constitution that a person shall not be qualified for election as President of Pakistan or as Prime Minister unless he or she is a Muslim. Their oath of office

prescribed in the third schedule of the Constitution includes the following words:

“I, — , do solemnly swear that I am a Muslim and believe in the Unity and Oneness of Almighty Allah, the Books of Allah, the Holy Quran being the last of them, the Prophethood of Muhammad (peace be upon him) as the last of the Prophets and that there can be no prophet after him, the Day of Judgement, and all the requirements and teachings of the Holy Quran and Sunnah: . . . That I will strive to preserve the Islamic Ideology which is the basis for the creation of Pakistan.”

The last sentence also appears in the oaths of office of Federal and Provincial Ministers, Speakers, Deputy Speakers and the members of the National and Provincial Assemblies and the Chairman and members of the Senate.

These are the express pronouncements in the Constitution unanimously adopted in 1973 which clearly admit the fact that Pakistan is not a secular state and that the basis of its creation is nothing but Islamic ideology.

Although similar provisions had been made in the Constitutions of 1956 and 1962, yet the 1973 Constitution was more precise and extensive in this respect and laid more emphasis on the Islamic nature of the State.

All this clearly shows that the rulers of the country were obliged to Islamize Pakistan's legal system as well as the political, economic and social spheres. But an examination of the practical steps taken by governments in this direction shows that the aim of the Islamization of Pakistan has been chronically neglected throughout its history. All the provisions of the Constitution quoted above were, in practice, ignored. They remained as ineffective as the boastful claims and promises in the manifesto of an irresponsible political party which, after winning the elections, never implements them. All that was done in the field of Islamization was to include these provisions in the Constitution: not a single law was framed on the basis of the Islamic Injunctions. Not a single section of a law was changed on the basis of its repugnancy to Islam. No serious attempt was made to tackle the problems of

Islamization. It was only in 1977, after 30 years of independence, that it was announced that Friday would be observed as a holiday.

During the 1977 election, however, a strong popular movement was launched which claimed to aim at establishing the long-awaited true Islamic order in the country. Faced with this movement, the then Prime Minister, Mr Zulfiqar Ali Bhutto, took three major steps towards Islamization:

- 1) Alcohol was prohibited for Muslims.
- 2) Night clubs were closed.
- 3) Betting on horse races was banned.

The movement, which actually aimed at overthrowing the Bhutto regime, was not satisfied by these steps and it led to martial law under General Muhammad Zia-ul-Haq. When General Zia came to power he announced that his first aim would be to bring Islamic order to the country. He was basically a religious man and seemed to be serious in his intention of Islamization.

There may be different opinions about his politics but it cannot be denied that during his regime Islamization was, for the first time in the history of Pakistan, fully included in basic state policies and that certain practical measures were taken to implement these Islamic policies. It is true that, despite the commitment of the government, the process of Islamization was very slow: proper planning seemed to be lacking or deficient; the order of priorities was not adequately considered; and there was a miserable want of wise and efficient follow-up of new policies. Yet the fact remains that the volume of work done in this period of 11 years exceeded the total volume of what had been done during the past three decades. The scope of this article is too short to comment in detail on all the measures adopted during this period, so only a very brief account will be given.

After taking over the government, General Muhammad Zia-ul-Haq reconstituted the Council of Islamic Ideology (hereinafter referred to as the Council). This Council is a constitutional body consisting of not less than eight and not more than twelve members: there must be judges of a Superior Court, at least four ulama representing various schools of thought and at least one woman.

The functions of the Council are described in Article 230 of the Constitution, which reads as follows:

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 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.
- 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.

The Constitution of 1962 contained similar provisions, and the Council had been in existence since 1962: but because the government had been indifferent to Islamization, the work done by the Council up to 1977 was not very significant. According to the 1973 Constitution the Council should have submitted an annual report, the final report to be completed and submitted within seven years. Parliament was supposed to discuss it in the House and "enact laws in respect thereof" (Article 23, clause 4): but no report was either presented before or discussed in the House, and no laws were enacted.

In late 1977 General Zia reconstructed the Council, with Justice Muhammad Afzal Cheema as its Chairman, whom he directed to expedite its work. The Council met the challenge, submitting several valuable reports during one year. New Islamic laws were drafted with the assistance of the Ministry of Law. A panel of economists and bankers was set up by the Council to prepare a

detailed report on the Islamization of the economic system. Emphasis was given, in this respect, to the establishment of the system of Zakat and the elimination of Riba (interest). A detailed report on the Islamization of the education system was prepared, and comprehensive recommendations were made on reshaping policy related to the media.

In 1979 a package of several Islamic laws was introduced on the basis of the work of the Council. Some of the Islamic Injunctions were given legislative effect for the first time, and a number of Islamic laws appeared on the statute books.

The Council also recommended making some important amendments to the constitution to make the Islamic provisions as operative as any other constitutional provision.

The Council submitted an exhaustive report on eliminating interest and switching banks and financial institutions to the interest-free system based on Islamic principles.

When it was reconstructed under the chairmanship of Mr Justice Tanzil-ur-Rehman, the Council continued its work with the same enthusiasm. It revised most of the existing laws in the light of the Islamic Injunctions and prepared detailed recommendations on bringing them into conformity with the Holy Quran and Sunnah. It also prepared recommendations on how to solve the practical, day-to-day problems arising out of the implementation of certain Islamic policies. The extensive work carried out by the Council during the period 1977–85 was so valuable that it can rightly be called an academic foundation for Islamization. Had all its recommendations been enforced, the dream of an Islamic order would have begun to emerge in reality: but only a small proportion of its total work was adopted. That is why the desired results could not be achieved in full. However, the following measures taken by the government on the basis of the Council's work cannot be overlooked: despite all their shortcomings, they had no parallel in the previous three decades.

## The Law of Zakat and Ushr

The process of the 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. It 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 a strong apprehension that if the collection and distribution of Zakat were carried out by government employees, 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 Council, which had nothing to do with government employees, consisted of eminent persons from different fields, and the administration of Zakat was entrusted to it. The Zakat fund has 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 open elections carried out generally in the mosques.

Although there are still complaints that corruption creeps into the system, yet it is fair to say that the system adopted was the safest in a society where corruption is so rampant. Millions of rupees have been distributed among the poor and needy, and thousands of them have been provided with resources for permanent earnings.

Because it is the first modern experiment of its nature, the existing system of Zakat is, no doubt, subject to certain criticisms and a number of improvements have yet to be made. Still, the institution has been established and a workable structure created. Work has started in the right direction. What is needed now is a constant and careful study of the system's pros and cons, and a wise follow-up of what is learnt from the experience. No system can claim to be perfect right from the beginning. It is practical experience, with a gradual process of additions and omissions, that achieves success.

## Hudood Laws

The second important set of laws promulgated in 1979 was the Hudood Laws, under which a substantial part of Islamic criminal



law was enforced. The punishments for theft, robbery, adultery, imputation and drinking prescribed by the Holy Quran and Sunnah were enacted as the law of the land. Western propaganda against Islamic punishments has been so widespread that western-minded rulers have always been scared to enforce them. The government of General Zia-ul-Haq, however, never hesitated to enforce them and did so with courage and confidence.

It is an unfortunate aspect of our system that the police and other investigating agencies seldom perform their duties with honesty and efficiency. That is why the crime rate is very high and why very few offenders meet their legal fate. The crime news in any newspaper shows that nearly a dozen thefts and robberies are reported daily. Yet, compared with these reports, very few cases are registered. Most offenders either escape or are acquitted after the preliminary investigations.

It is due to the defects in the system that cases of Hudood have always been few in number. On the other hand, Islam, while prescribing extreme punishments, has laid down a strong standard of evidence and imposed certain conditions without which these punishments cannot be carried out. The law of Hudood is subject to all these conditions. This is the basic reason for the fact, which is generally criticized, that not a single punishment of hadd has been executed so far. The promulgation of Hudood laws should have been accompanied by an exhaustive reformation in the system of investigation and trial. Ignoring this important aspect has resulted in the situation as it stands.

However, this does not mean that these laws remain totally ineffective. Although the punishments of Hudood have not been carried out so far, yet other punishments prescribed in these laws by way of *Ta'zîr* are frequently enforced, and this has helped to reduce the crime rate in their respective fields.

In short, the criminal law of Pakistan is now mostly based on the Injunctions of Islam, and when we succeed in reforming our system of investigation and trial, these laws will surely bring the desired result.

## The Federal Shariat Court

Another very important measure towards the Islamization of our laws was the establishment of the Federal Shariat Court.

As mentioned earlier, it was provided in every Constitution framed after independence that "the laws of Pakistan shall be in conformity with the Holy Quran and Sunnah, and that no law shall be enacted which is repugnant to the Injunctions of Islam." But these provisions were not made as operative and justiciable as other provisions of the Constitution, and no law could be challenged in a court on the basis of repugnancy to the Injunctions of Islam.

It is obvious that all the laws of a country should strictly conform to its Constitution, and that any law enacted in contravention of the Constitution can be challenged in a Superior Court and be declared *ultra vires* and void. No such protection was given to the Islamic provisions of the Constitution. Thus there was no check on the government against enforcing un-Islamic laws, the Islamic provisions of the Constitution were devoid of all legal force and their status in the legal framework was no more than theoretical: there was no mechanism to implement them.

Islamic circles have always demanded that these provisions should be made justiciable like any other provision of the Constitution. The Council of Islamic Ideology was also in favour of this proposal. This recommendation was for the first time accepted partially by General Zia and for the purpose a separate superior Court, the Federal Shariat Court, was established, and chapter 3A added to the Constitution, with effect from 25 June 1980, to provide for its composition, jurisdiction and powers.

The maximum number of its judges, including the Chief Justice, is eight, out of whom three judges should be from among the ulama well versed in Islamic Shari'ah, and four from among persons who have been or are competent to be judges of a High Court.

The main constitutional function of the Court is described in Article 203D of the Constitution:

## *The Islamization of Laws in Pakistan*

The Court may, either of its own motion or on the petition of a citizen of Pakistan or the Federal Government or a Provincial Government, examine and decide the question whether or not any law is repugnant to the Injunctions of Islam, as laid down in the Holy Quran and the Sunnah of the Holy Prophet, hereinafter referred to as the Injunctions of Islam.

It is provided in the next clauses of this Article that, when the Court takes up the examination of a law on the touchstone of the Injunctions of Islam, it will give notice to the relevant government (federal or provincial) and give it adequate opportunity to appear and put its point of view before the Court. If the Court, after hearing the parties, decides that any law or provision of law is repugnant to the Injunctions of Islam, it shall specify the day on which its decision shall take effect, whereby the relevant law, to the extent to which it is held to be repugnant, shall cease to have effect.

It is also provided that the relevant government, after such a decision has been passed by the Court, shall take steps to amend the law to bring it into conformity with the Injunctions of Islam.

The decision of the Court has been made subject to an appeal before the Supreme Court and for this purpose a special bench, called the Shariat Appellate Bench, has been constituted. This Bench consists of three Muslim judges of the Supreme Court and two Ulama judges taken from the Federal Shariat Court. This is a unique jurisdiction conferred on the Federal Shariat Court and the Shariat Appellate Bench of the Supreme Court. It is a remarkable advance towards Islamization of the law, and Pakistan has the honour to pioneer it before any other country in the world.

However, a number of laws were still kept outside this jurisdiction. Apart from the Constitution, procedural laws and the Muslim personal law were excluded from the jurisdiction of the Federal Shariat Court. Fiscal laws and the laws relating to banking and insurance were also kept outside the sphere of the Court for a period of 10 years (ending in 1990). This was due to the fear of a flood of petitions which could (in the view of the government) create practical problems especially in the economic field. In 1988 there was a strong move to do away with these restrictions on the

jurisdiction of the Court, and some bills in this respect were pending before Parliament when the National Assembly was dissolved and the matter deferred.

The Federal Shariat Court and the Shariat Appellate Bench of the Supreme Court were also given the appellate jurisdiction in cases relating to the Hudood laws, but their main function was to examine the laws in the light of the Islamic Injunctions.

Although the Federal Shariat Court and the Shariat Appellate Bench of the Supreme Court could not examine a considerable number of important laws which were exempted from their scrutiny, yet in the field of their jurisdiction they have delivered historic judgements which have helped to bring the existing laws into conformity with Shari'ah and to give the judiciary and the bar a new approach to adjudication.

As explained earlier, during the four decades of the history of Pakistan not a single law was changed by parliament on the grounds of its repugnancy to the Shari'ah, neither was a single law enacted to enforce an Injunction of Islam. Political upheavals never left enough time for the members of parliament to do such constructive work, which requires an atmosphere more conducive than existed. But through this jurisdiction, the Federal Shariat Court and the Shariat Appellate Bench of the Supreme Court have brought a considerable change in a number of laws. Some of their judgements were so important that they affected thousands of cases pending in different courts and thousands of litigants were given a relief which would otherwise not have been given.

The list of the laws changed through this process is very lengthy and includes certain important criminal laws and laws relating to contracts, sale of goods, partnership, pre-emption, tenancy, the civil service, press and publications, security measures, army rules, inheritance etc.

Moreover, the judgements delivered in such cases have laid down many basic principles of the interpretation of the Holy Quran and Sunnah, and have developed a new approach to the solution of legal problems and, in that process, have induced the lawyers to seek access to the Islamic jurisprudence.

There are certainly a number of loopholes in the constitutional provisions relating to the composition, status and jurisdiction of

these forums. But the idea was (rightly or wrongly) to introduce this system by a gradual process: subject to the true intention to proceed towards Islamization, these loopholes can easily be removed in due course, allowing the system to bear its full fruits.

## Objectives Resolution

The beginning of this article described the adoption of the Objectives Resolution as the first historic measure towards Islamization. The Resolution was passed by the Constituent Assembly in 1949. The late Quaid-e-Millat Liaqat Ali Khan, addressing the Assembly, remarked on the passing of this Resolution as follows:

I consider this to be a most important occasion in the life of this country, next in importance only to the achievement of independence. We only won the opportunity of building up a country and its polity in accordance with our ideals. I would like to remind the House that the Father of the Nation, Quaid-e-Azam, gave expression to his feelings on this matter on many an occasion, and his views were endorsed by the nation in unmistakable terms: "Pakistan was founded because the Muslims of the subcontinent wanted to build up their lives in accordance with the teaching and traditions of Islam, because they wanted to demonstrate to the world that Islam provides a panacea to the many diseases which have crept into the life of humanity today.

In the words of Mr A. K. Brohi, a renowned jurist in Pakistan, the Resolution was "the cornerstone of Pakistan's legal edifice." However, when the Constitution was framed, this important document was incorporated in it as a preamble, not as a substantive and operative part of the Constitution, reducing its legal status to a guideline for the interpretation of the Constitution.

The Superior Courts of Pakistan, in a number of cases, have discussed the Objectives Resolution and appreciated its importance. For example, it was observed by Justice Hamood-ur-Rahman, Chief Justice of Pakistan, in the famous case of Miss Asima Jilani:

Our own ground norm is enshrined in our own doctrine that the legal Sovereignty over the entire universe belongs to Almighty Allah alone, and the authority exerciseable by the people within the limits prescribed by Him is a sacred trust. This is an immutable and unalterable norm which was clearly accepted in the Objectives Resolution.

The importance of the Resolution was more vehemently expressed in the judgement of Mr Justice Sajjad Ahmed Jan, delivered in the same case:

Our ground norms are derived from our Islamic faith, which is not merely a religion but is a way of life. These ground norms are unchangeable and are inseparable from our polity . . .

The state of Pakistan was created in perpetuity based on Islamic Ideology and has to be run and governed on all the basic norms of that ideology. Unless the body politic of Pakistan as a whole, God forbid, is reconstituted on an un-Islamic pattern, which will of course, mean total destruction of its original concept.

The Objectives Resolution is not just a conventional preface. It embodies the spirit and the fundamental norms of the constitutional concept of Pakistan.

Despite these weighty remarks on the contents of the Objectives Resolution, the Courts were forced to say that, because it is a preamble, they cannot control the written law of the country. Mr Justice Hamood-ur-Rahman, the Chief Justice of Pakistan, in a later case (*Zia-ur-Rahman*) clarified his earlier judgement of *Asima Jilani's* case:

In my view, however solemn or sacrosanct a document, if it is not incorporated in the Constitution or does not form a part thereof, it cannot control the Constitution . . . It follows from this that under our own system too the Objectives Resolution of 1949, even though it is a document which has been generally accepted and has never been repealed or renounced, will not have the same status or authority as the Constitution itself until

it is incorporated within it or made part of it; if it appears only as a preamble to the Constitution, then it will serve the same purpose as any other preamble serves, namely, that in the case of any doubt as to the intent of the law-maker, it may be looked at to ascertain the true intent, but it cannot control the substantive provisions thereof.

It was against this background that General Muhammad Zia-ul-Haq took another important step towards Islamization; the incorporation of the Objectives Resolution into the Constitution as a substantive part of it. For this purpose Article 2A was added to the Constitution in 1985. This Article reads as follows:

The principles and provisions set out in the Objectives Resolution reproduced in the Annex are hereby made substantive part of the Constitution and shall have effect accordingly.

The intention behind this change was to remove the deficiency in the legal status of the Resolution which, according to the judgement of the Supreme Court, had created a hurdle in the way of its full legal operation.

On the basis of Article 2A, some superior courts have delivered certain judgements to the effect that this Resolution, after becoming a substantive part of the Constitution, is fully justifiable, and on this ground they have held that the laws contravening a provision of the Resolution can be struck down and be made subject to such adaptations as bring them in conformity with it. These judgements have refused to give effect to some un-Islamic laws and have instead enforced the common Islamic law in cases before them.

The matter, however, is not finally settled and is being discussed at different levels of the Judiciary. The Supreme Court has not yet pronounced a decisive interpretation of Article 2A, and its tangible effects are still awaited.

However, without discussing the delicate questions of interpretation involved, it can safely be anticipated that the change made in the status of the Resolution, especially against the background of the earlier judgements of the Supreme Court, will have

to be given some meaning and some effect which was not available before. This new interpretation of the status of the Resolution can help achieve the goal proposed by it, including the establishment of an Islamic order based on the strong belief in the Sovereignty of Allah Almighty.

## Change in the Banking System

Another change made during General Zia's leadership by the process of Islamization was that made to the banking system.

It was mentioned earlier that the Council of Islamic Ideology had prepared a detailed report on the elimination of interest from the national economy. The government planned its own strategy to implement this report and first opened a Profit and Loss Sharing Account (generally known as a PLS account) in each commercial bank and claimed it to be free of interest, while other accounts were allowed to run in the conventional manner based on open interest. After a considerable time the government announced that all existing accounts would be converted into PLS accounts. All banks, national and foreign, were forbidden to run interest-bearing accounts or transact interest in any form.

This was apparently a revolutionary measure taken in the process of Islamizing the economy, but unfortunately it suffered from a number of errors which rendered it the weakest point in the progress of Islamization during these eleven years.

The basic cause of this unfortunate situation was that, when planning the new system, no forum was constituted to supervise the whole process in the light of Shari'ah and to solve the practical problems arising out of the new policy. The State Bank announced twelve instruments as a substitute for interest, and these were given with no detailed directions. The banks adopted these instruments with little care to keep them in conformity with the requirement of Shari'ah. For this reason Islamic circles, especially the Ulama, rejected this system and strong criticisms were made to the effect that the new system was nothing but a change of words, and that interest was still involved in transactions, under the different name of mark-up.



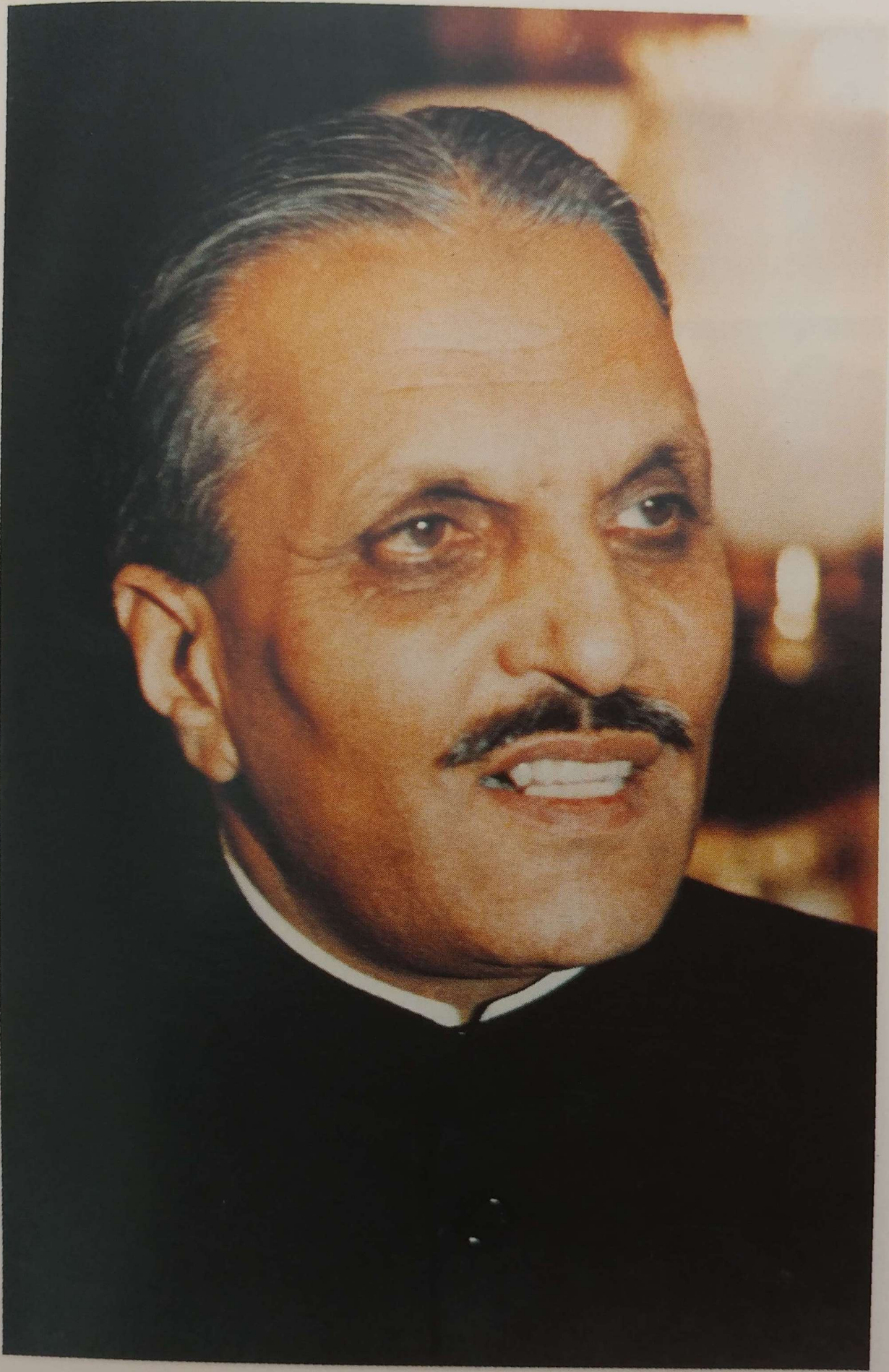
## *The Islamization of Laws in Pakistan*

The criticism was not unjustified. The system adopted was not in line with the one proposed by the Council of Islamic Ideology and its panel of bankers and economists. The changes introduced were mostly of names, with no effort to avoid interest in real terms. But in spite of all the errors and shortcomings of the system, it cannot be denied that it was for the first time in the history of Pakistan (probably even in the history of the Muslim world) that the concept of interest-free banking was officially recognized in principle, and the controversy about the permissibility or otherwise of banking interest came to an end. It was settled on government level that interest is forbidden under Islamic Injunctions and, as such, it cannot be made a basis for the economy of the country.

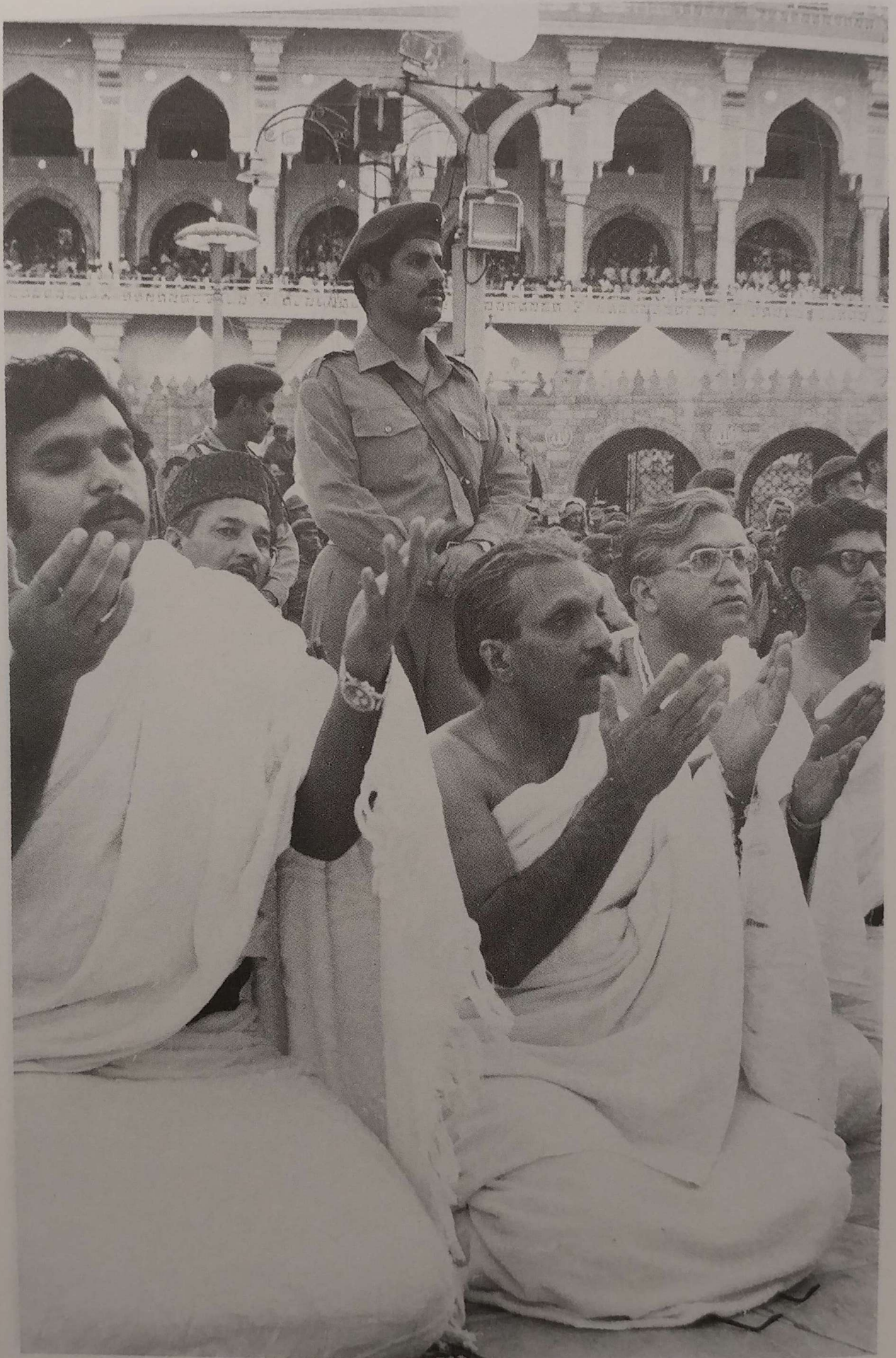
Now the question that remains relates to the application of this principle, and it can be hoped that, subject to the continuance of the policy of Islamization at government level, errors in the application of principles can be removed in future.

These are the basic features of the steps taken by the government during 1977–88 towards the Islamization of laws in Pakistan. Many other steps were taken during this period in the spheres of education, social and economic life and in the administration, but the present study was intended to explain only those measures which brought some change in the statutes in order to Islamize them.

Although most of the measures explained here suffered from a number of defects, for which they have always been criticized, no objective criticism can ignore the fact that the progress made in this period, if compared with the past 30 years, was undoubtedly a serious, positive and meaningful progress which the country had never before experienced.



*A portrait of Shaheed Muhammad Zia-ul-Haq*

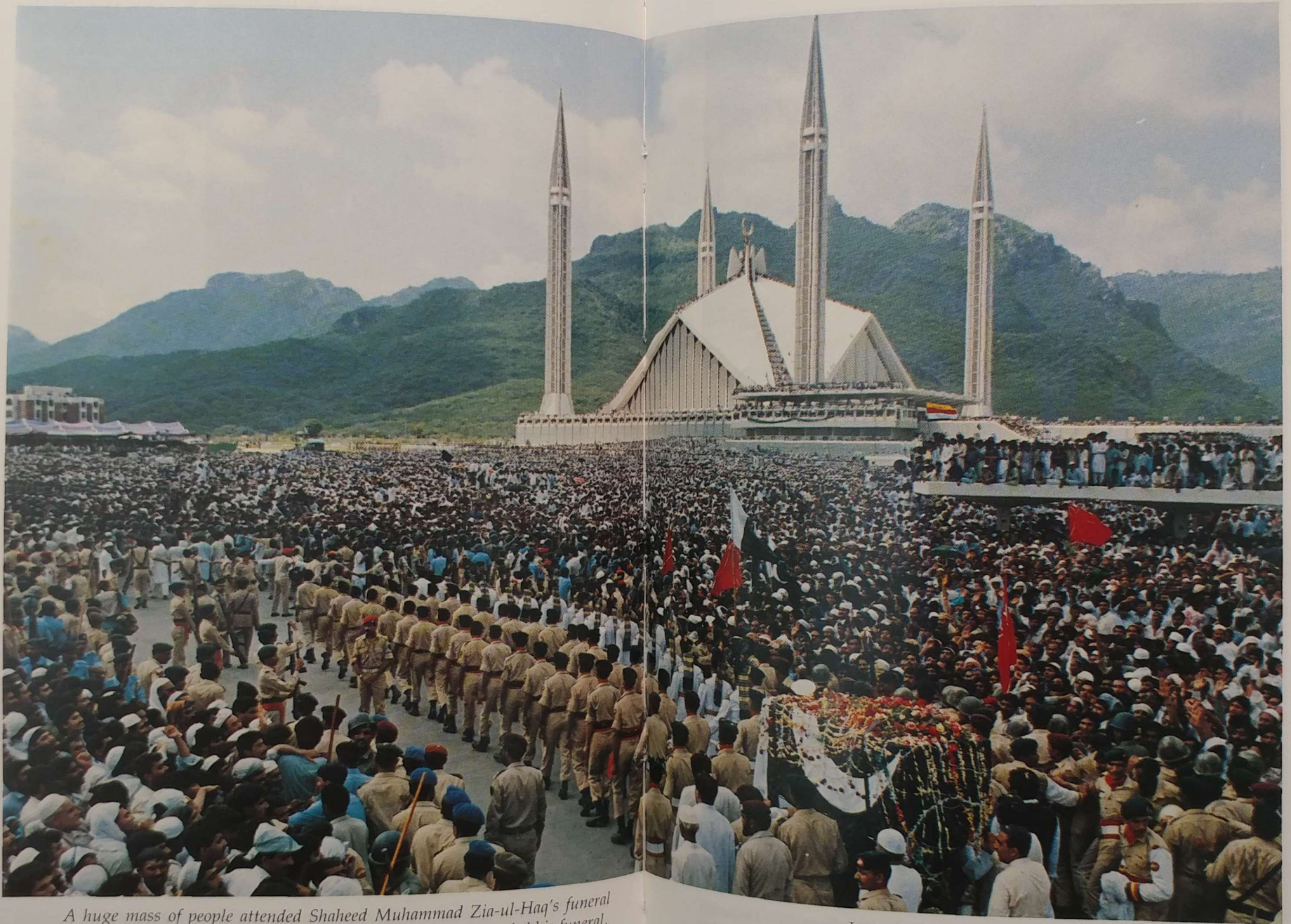


*Shaheed Muhammad Zia-ul-Haq seen praying while performing Umra (minor pilgrimage to Mecca) on his right is his son Muhammad Ijaz-ul-Haq.*



*President Muhammad Zia-ul-Haq delivering his Inaugural Address to an International Islamic Conference on "Islam Today" organized by the Islamic Council in Islamabad in March, 1988.*





*A huge mass of people attended Shaheed Muhammad Zia-ul-Haq's funeral in Islamabad. The picture shows part of the crowd that attended his funeral.*

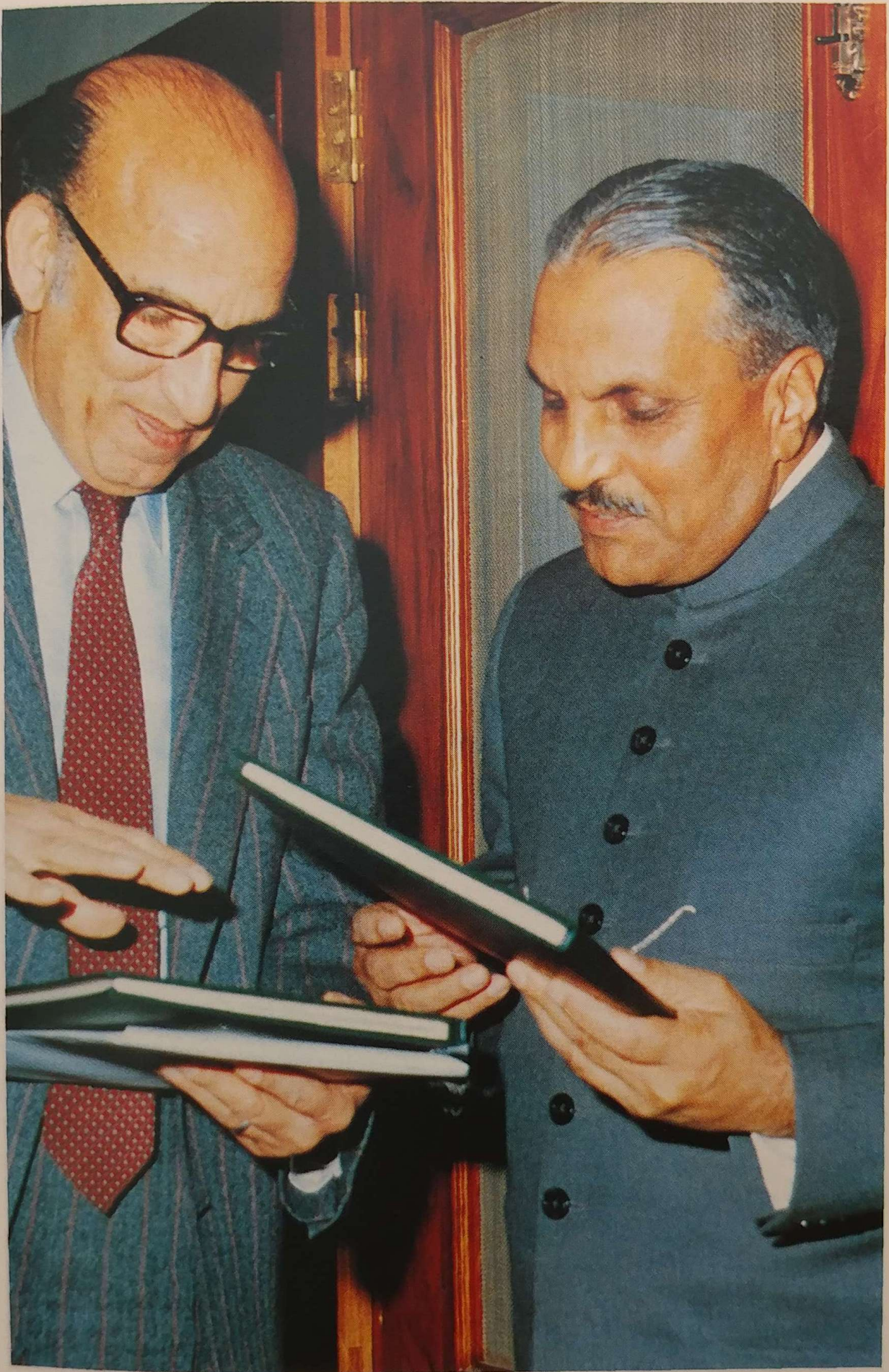
*In the background is the Faisal Islamic Mosque.*



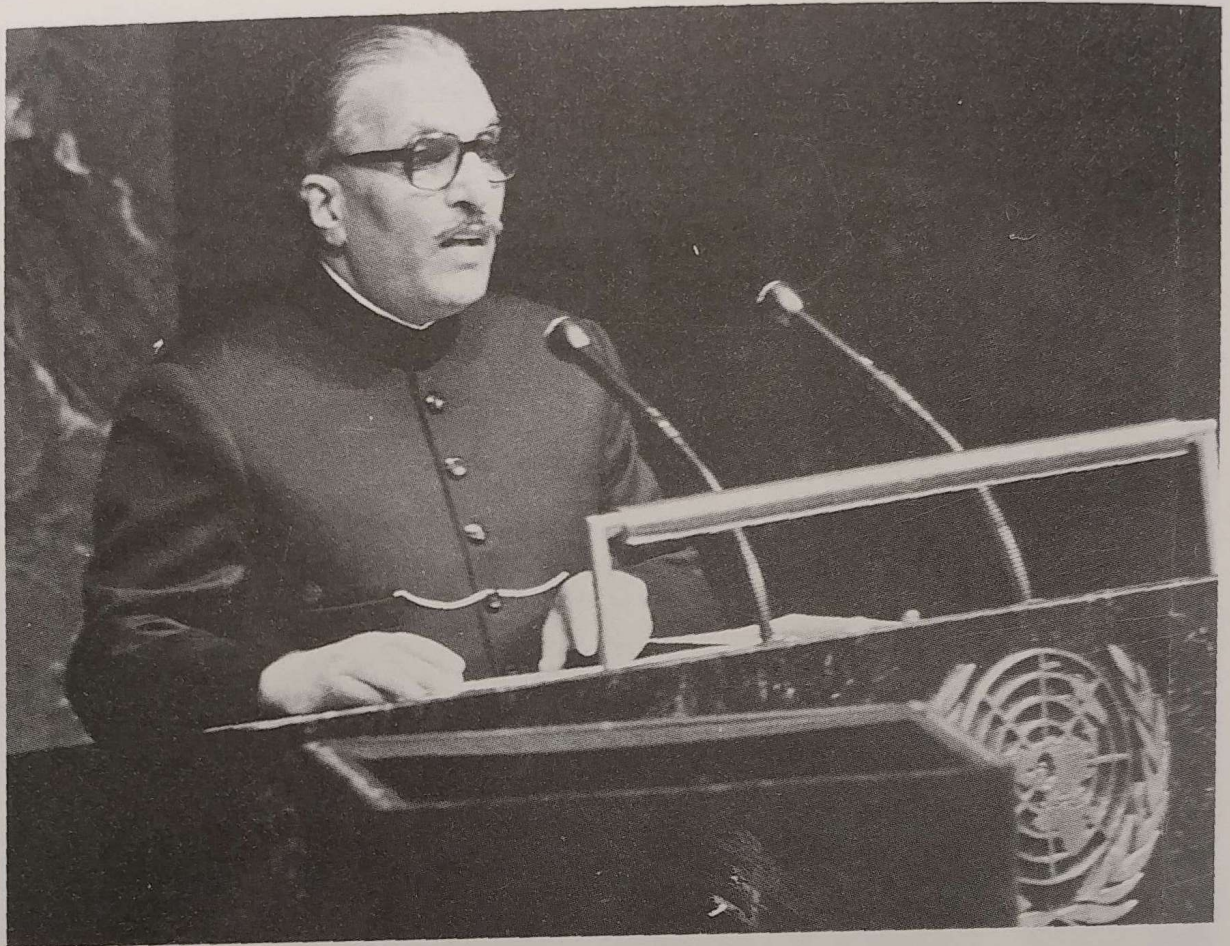
*Many of the several thousand Pakistanis who joined the funeral procession.*



*President Muhammad Zia-ul-Haq signing Islamic Council's Universal Declaration in May 1980 to affirm his support to it. The picture shows (from left to right) late Mr. A. K. Brohi, Shaheed Muhammad Zia-ul-Haq, Mr. Salem Azzam and Mr. Muazzam Ali.*



*President Muhammad Zia-ul-Haq after signing model of an Islamic Constitution in December, 1983 to signify his support to it. With him is Mr. Salem Azzam, Secretary General of Islamic Council.*



*President Muhammad Zia-ul-Haq addressing the Thirty-Fifth Session to the United Nations General Assembly, New York, October, 1980.*