

Role of Council of Islamic Ideology in Islamization During Zulfikar Ali Bhutto Era

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Abstract

According to the Constitution of Pakistan 1973, the Council of Islamic Ideology is a permanent constitutional body. Its duties are not only to advise the Parliament whether or not the laws are repugnant to Islam in the light of Quran and Sunnah and but also to recommend measures to be promulgated as legislations to promote Islamic way of life in the country. This paper discusses in detail the efforts of the Council of Islamic Ideology in Islamization of Pakistan in Bhutto's era. This study is historical research and data has been collected through primary and secondary sources. Many important laws have been enacted, and departments have been established on the recommendation of the Council of Islamic Ideology. This article will not only highlight the establishment, importance of the Council of Islamic Ideology but also its achievements during the era of Zulfikar Ali Bhutto.

Key Words: Advisory, Council of Islamic Ideology, Islam, Laws, Parliament, Quran, Sunnah.

Introduction

One of the most interesting cases in the construction of an Islamic state has been Pakistan, among other reasons, due to its particular situation that differentiates it from other Muslim countries. Geographically, Pakistan is located in the so-called "periphery of Islam (Akbar, M., & Adnan, M., 2017), that is, it is not in Arabia, since both the Saudi royal House and the pro-Saudi ideologues have promoted the thesis that identifies Saudi Arabia as the cradle of Islam and Arabic as the language of the Quran, in a clear interest in maintaining hegemony in the Ummah. Pakistan is inhabited, for the most part, by ethnic Pashtuns, Baluchis and Punjabis, and they speak Urdu, the language of the Muslim tribes of northern India. The religious factor in the experience of building an Islamic state in Pakistan acquires greater relevance due to the political tendencies promoted in the country.

Before the independence from the British in 1947, it can be said that the democratic experience in this country was practically nil, which was understandable because the system of Government and its institutions were based on the metropolis that never considered creating democratic consciousness among its subjects. However, the educated elite fully understood the importance of the modernization of society and the need to adapt to contemporary demands (Zaidi, S. A., 2019). They, too, understood that the ancient traditions prevented the promotion of modernizing tendencies, which, objectively, it could be said, pushed the country backwards, towards medieval obscurantism.

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One can speak of a quasi-democratic Constitution only after 1973, as a consequence of the dramatic changes that occurred after the Pakistani defeat in the 1971 war, a war in which its Eastern province was detached and formed, on March 26, 1971, a new Muslim state known as the People's Republic of Bangladesh and the subsequent collapse of the harsh military dictatorship. The new situation cleared the way for a democratic government, for the first time, with unflattering results, since everything depended on the concept of democracy that the new President Zulfikar Ali Bhutto had. Zulfikar A. Bhutto, with his People's Party, represented the wealthy feudal lords and skillfully used a populist discourse coupled with an economic program called "Islamic socialism", in an attempt to homologate the "Arab socialism" of Gamal A. Nasser ([Zahoor, M. A., 2017](#)), which quickly penetrated the consciousness of Pakistanis.

The prevailing larger part of Pakistan is peace-loving. It has faith in Islamization that gives them their guaranteed rights and keeps the general public joined together and secured the Islamic conventions of fairness, love and dedication for their otherworldly precursors and their places of worship ([Imran, R., 2008](#)). The goals of the individuals of Pakistan keeping in their South Asian strict legacy and the guarantees made to them by the founding fathers of Pakistan must be given in characterizing the boundaries of Islamization which infers by giving a dynamic translation to Islam for the inspiration of the abused masses. The prime goal of Islamization is the foundation of a perfect society that satisfies the fundamental needs of its every section. The inconvenience of disciplines comes after the achievement of this goal. It is intended to maintain a strategic distance from wickedness and violations through mental methods with execution if all else fails.

Field Marshal Ayub Khan formed an institution in 1962 called the Islamic Ideological Council. The purpose of the body was to consult Muslim scholars on harmonizing legislation with the Qur'an and Sunnah. Historically, Ayub Khan enacted Muslim family laws in 1961 and was heavily criticized by religious circles. Ayub Khan was semi-English by nature and training and was not very familiar with our historical perspective, cultural sensitivities and local traditions. The Islamic scholars started skinning hair in the context of family laws, sometimes the question of the inheritance of an orphan grandson was raised, and sometimes men were encouraged to remarry in the patriarchal society. Ayub Khan formed a consultative body in the name of the Ideological Council and thought that now Mullah would be killed ([Shaikh, F., 2018](#)). Ayub Khan appointed Dr Fazlur Rehman as the first head of the Ideological Council. Enlightened Fazlur Rehman his educational background, and how could they be accepted because of the reform trend? When a storm arose against him, he resigned and went to Canada to pursue his academic pursuits. It may be recalled that earlier during Liaquat Ali's tenure, Dr Hamidullah had resigned from the Board of Islamic Studies and spent the rest of his life in France. In the 1970 elections, General Sher Ali Khan's pro-government elements blew up the ideology of Pakistan so much that despite winning the elections, Bhutto was concerned about appeasing religious circles. He made the Islamic Ideological Council part of the regular Constitution. It is a consultative body, and its members are not elected representatives of the people. Parliament is not bound to accept the recommendations of the Islamic Ideological Council, but in the social and political context of Pakistan, MPs cannot tolerate right-wing provocations.

Research Methodology

This study provides the lucid and precise history of the Council of Islamic Ideology and its predecessors by performing a descriptive study of literature. This study uses primary and secondary sources. Its findings provide an explanation of its existence and its role in the polity of the country. This study will contrast the recommendations given in these reports with the Assembly debates and the subsequently promulgated legislation promulgated by the respective governments during these years. The reports those are now available of the proceedings of the Council since 1962 onward. In addition to that, this study will use different books published on this topic.

After going through the reports, the methodology involves going through the newspapers of the relevant period and comparing the recommendations sent by the Council to the legislature, or the President

or the minister during several years' confidentiality and the statements given by the government official about the endeavours of the Government on the name of Islam.

Establishment of the Council of Islamic Ideology

The Islamic Ideological Council is a constitutional body that informs the Majlis-e-Shura (Parliament) about the laws, whether they are by the Qur'an and Sunnah or not. According to the 1973 constitution, the body, Islamic Ideological Council, was renamed the Islamic Ideological Council (Faqir, K., 2020). The structure of the Islamic Ideological Council is best described in Article 228 of the 1973 Constitution. According to Article 228 of the Constitution, the members of the Islamic Ideological Council shall not be less than eight and not more than 20. The members will be appointed at the discretion of the President of Pakistan, and they will nominate persons who understand Islamic law and philosophy under the Holy Qur'an and the Sunnah of the Prophet and inform them of the ground realities of Pakistan's economic, social, political and administrative affairs (Faqir, K., 2020). Similarly, Article 229 and Article 230 of the 1973 Constitution highlight the objectives of the Islamic Ideological Council and its implementation.

If the Islamic Ideological Council asks the President, the Governor of the province or a 2/5 majority of the members of the Federal and Provincial Assemblies about the legal and non-legal status of a law, it must respond to the relevant body within fifteen days. Or if the Assembly considers that this law is very important, and then this Constitution can be passed without waiting for the response from the Islamic Ideological Council. The Constitution can be revised after the response from the Islamic Ideological Council. Clause 4 of Article 230 of the 1973 Constitution of Pakistan states that within seven years of its establishment, the body shall submit its report to the Majlis-e-Shura and thereafter every year to both houses and the Provincial Assemblies. According to the article, both houses and all provincial assemblies are authorized to discuss the report within six months of its receipt (Mushtaq Ahmad, M., 2017). Within two years of receipt of the report, the Federal and Provincial Majlis-e-Shura will draft the Constitution in light of the recommendations to be made in the report.

The Council was reconstituted on September 26, 1977, under Zia-ul-Haq. The historical significance of this Council of Zia-ul-Haq is because its 17 members were nominated by Zia-ul-Haq. The 11 members who were eminent scholars belonged to different sects. Two members were judges, and two members were legal experts. The office of the Council was in Lahore till September 26, 1977 (Mushtaq Ahmad, M., 2017). After that, the office was shifted to Islamabad, and in September 1995 the office of the Council was shifted to its building. Since 1962, the Council has submitted more than 72 reports to the Majlis-e-Shura and made recommendations for several laws. The organization has held about 156 meetings so far.

From September 29, 1977, to December 20, 1978, the Council drafted laws relating to economics, education, economics and the media. In addition to these special departments, the Council sent its recommendations to the Council on general matters, as well as the judiciary. The Council enlisted the help of Dr Ma'ruf Al Dawalibi, former Prime Minister of Syria, President of the World Muslim League and Advisor to King Khalid bin Abdulaziz of Saudi Arabia, in drafting these laws. These laws were first drafted in Arabic and then translated into Urdu and English. Unfortunately, so far no report submitted by this shura has been debated in both the houses of the House. That is why this institution has not been able to perform as well as expected.

One objection to the Islamic Ideological Council is that it was created for Islamization but does not represent all schools of thought. Another aspect of this objection is that the people who are nominated are people do not consider him as their representative and object to his nomination. Afterwards, the then President of Pakistan, Mr Asif Ali Zardari, on the recommendation of the Prime Minister, elected eight important personalities as members of the Islamic Ideological Council. These personalities include Allama Syed Iftikhar Hussain Naqvi (Punjab), Maulana Zubair Ahmad Zaheer (Punjab), Sahibzada Pir Khalid Sultan Qadir (Balochistan), Mufti Muhammad Iqbal Hussain Shah Faizi (Sindh), Syed Feroz Jamal Shah (KPK), Justice (Retd.) Mushtaq A. Memon (Sindh) and Qari Muhammad Hanif Jalandhari (Punjab). These nominated

members of the Islamic Ideological Council will have to improve religious schools to produce leading scholars who specialize in religious and secular education and can play an important role in legislation (Faqir, K., 2020). At the same time, it is the heavy responsibility of Parliament to consult with the Council in the legislative process and discuss the reports submitted by the Islamic Ideological Council in the session of Parliament and draft the Constitution in the light of the recommendations made by the Council.

Perspectives on the Establishment of the Council of Islamic Ideology

The committee had the representatives from the Jamaat, JUI and JUP. After being presented in the National Assembly, the draft was presented article wisely, and discussions, amendments and notes of dissents were voted, consequently if approved amendments were made part of it. These long debates continued in the session of the Assembly from December 31, 1972, till April 10, 1973, the day when the Constitution was given assent by the President Zulfikar Ali Bhutto and approved by the members of the Assembly for depositing it in the National Museum (Faqir, K., 2020). The importance and the stacks of the Council are evident from the fact that it was among those last issues which were ultimately decided on the last day during the meetings between the opposition and President Bhutto. Yahya Bakhtiar (Attorney General) pointed out the demands of the opposition due to which they were boycotting the final session of the Parliament. He said regarding the Council of Islamic Ideology they demand that 'If twenty-five per cent members of the House points out that measure before the discussion is un-Islamic it can be referred to the Council, and until it is being decided by the Council, no law shall be passed in that regard' however, as was evident during the debates and from more than ten notes of dissents, by several members from the opposition related to the duties. Moreover, the working components of the Council explain the expectations from the Council of the Opposition and later criticism by the government members and the ultimately those agreed on April 10 manifested the governmentality of Government that eventually made the opposition to accept the approach of the Government.

Among the most visible demand in these notes of dissents was that it was aimed to give Council the authority over the legislature so that if any legislation is put in the House, and it is pointed out by the twenty-five per cent members that it is against the principles of Quran and Sunnah then it will be sent to the Council and until when it is decided by the Council it will not be discussed in the Parliament. However as was evident in debates that Law minister Abdul Hafeez Pirzada, Khurshid Hassan Meer and the Attorney General, Yahya Bakhtiar criticized the opposition on several occasions that, 'they want final say of the Council in framing the laws' which cannot be given to it as it is not an institution that is answerable to people. Hafeez Pirzada, the law minister's reply to this demand of the opposition, was that, "do you want Council to be a Court? They demand twenty per cent members decide the future of any legislation... this is against the parliamentary tradition" (Pirzada, A. H. Interview, 1973). Likewise was the response of Yahya Bakhtiar regarding this demand of the final authority over the Council that, "in modern times, you have to move quickly, swiftly to make legislations, Council will take time so by this demand a minority in the House will paralyze the working of the majority government" (Bakhtiar, Y. Interview, 1973). Despite stating that it was not possible to accommodate this demand which according to them was against 'parliamentary traditions', the draft that was authenticated on April 10, 1973, as result of negotiations held between the President and the leaders of the opposition amendment were introduced that were approved by the House with a clear majority.

The finally approved and authenticated draft provided the mechanism that if 2/5th of the total members of the House referred any measure under discussion, it would be directed to the Council. So instead of 1/4th as demanded by the opposition, the number of members required to demand sending legislations to the Council was increased to 2/5th, so that opposition cannot paralyze the working of the majority government. This was a compromise on the part of the Government to include it in the Constitution. However, the more significant compromise in this regard was from the opposition, which agreed that, even if the legislation was under consideration by the Council, it could be promulgated as law. However,

if later Council decides that the sent law is against the injunctions of Islam, the National Assembly, Provincial Assembly, Presidofit or the Government shall reconsider the law so made. The compromise and reconciliation between both the opposition in the Government related to this demand of giving the Council final say over legislation manifested the governmentality. On the one hand, it was not possible for those in Government to completely side-line the demands of the opposition considering their position in the population and to stigmatize the Constitution that it was un-Islamic so was not approved by them. On the other hand, by increasing the percentage of members that can involve the Council in any legislation from twenty per cent to forty per cent was a smart move in the sense that any government will have at members more than the said percentage. It reduced the Government fear that a small number of members can paralyze the working of the Government. Lastly, the supremacy of the legislature over the Council was ensured through the fact that legislation can be promulgated in the public interest even if it is under consideration at the Council however if later it is declared repugnant then Assembly shall be reconsidered.

The Council members met for the first time on March 30, 1974, after their appointment and were subsequently notified by the President and were made part of the official gazette as 'Council of Islamic Ideology (Procedure Rules)'. According to these rules, its offices were to be located at Islamabad, and its proceedings were to be held in Urdu 'unless otherwise allowed by the Chairman' and were to be kept 'Strictly Confidential'. These procedures laid down the 'Honorarium of two thousand per month for the Chairman and one thousand per month for the members excluding the pension or salary if any, drawn by him/her'. One very vital issue that is not mentioned in these rules is the decision-making procedure within the Council during the consideration of a reference or the question received from the Government, the code of procedure is silent over this issue (Faqir, 2020). As per the ongoing routine in the Council agenda is decided by the Chairman and then the research material prepared by the research division of the Council is sent to the members for consideration with the date of meeting to discuss the issue. If any member should be unable to take part in the upcoming meeting, he/she will notify in this regard to the Chairman. After having views of the members, the decisions are taken by the Chairman, and if any member disagrees with the view of the Chairman, he may submit a dissenting note in this regard. The proceedings of the Council were to be kept confidential. However, things have changed over the years as presently now often the Chairman conducts press briefings about the meetings of the Council about the discussion. While going through the proceedings of the Council, it is difficult to suggest that on any issue the decision was taken democratically. Mostly, the view of Chairman prevailed which is also more understandable for the newly appointed Council whose Chairman was Chief Justice of the Supreme Court, and almost five members were judges of Supreme Court, and the representative of ulema was *khatib* of the mosques.

Recommendations of the Council to the Government

The Council started its work by taking forward the recommendations given by the Advisory Council especially during its last reports in 1969 and 1970, whereby it was working to give a comprehensive report to introduce an Islamic social system in the country. The measures taken up by the Bhutto government on the name of promoting Islam and expecting to gain the support of the population and the confidential recommendations of the Council during those years gave an idea about the second key question of the study that what cognitive role did Council manifest in developing the governmentality of using Islam to have legitimacy from the population.

One of the foremost recommendations of the Council was to declare 'Friday as a public holiday,' and it was ultimately announced by Bhutto while addressing the last session of the Parliament at January and announcement in this regard was to take effect from July 1, 1977. The annual report of the Council also mentioned the reason why Friday shall be made the public holiday instead of Sunday (Chawla & Riaz, 2015). It says that the reason for this recommendation is that Sunday was announced public holiday by the British because they were Christian, and they attended the Church on this day. This recommendation was then later repeated in the second annual reports during the Bhutto government as well. It would be

important to mention here that while giving the recommendations regarding the public holiday there was no reference given from the Quran or the Sunnah to give some link that Friday shall be a public holiday, instead, it provided a remote link that because Sunday is the sacred day for Christians so Friday shall be taken up a sacred day for Muslims and thus a public holiday.

Another recommendation of the Council was to provide such an environment where the population of the country can pray regularly. Namaz is among one of the five pillars of Islam, and it is the religious duty of each Muslim to pray five times a day. This issue came under discussion when the provincial Government of North-West Frontier Province (NWFP, now called Khyber Pakhtunkhwa) sent a reference to the Council that it desires that the Council proposes new legislation which can declare not offering prayer a penal offence to be promulgated by the Provincial Assembly (Butt, A. I., 2016). This issue was debated in length during the meetings of the Council that whether the state must declare leaving prayer a punishable offence or it may be left to the relation of the Allah with the person. Regarding the first part of the reference, it responded that 'it is out of the scope of the Council to draft any legislation for the legislative assemblies', regarding the second part it recommended that in the opinion of the majority of the members of the Council the habit of praying can be encouraged through motivations and not through punishments which can result otherwise. However, punishment may be given to that person who disrespects prayers.

The discussion within the Council on this issue was very interesting, as its members were divided on this opinion, and there were two different points of views in the Council. One point of view was shared by those members of the Council who were appointed because of having madrassa education as ulema and while the other point of view was of the experts of law and the academicians appointed in the Council (Butt, A. I., 2016). Among those who were against the opinion for any such legislation were; Justice Gul, Justice (Retd.) Kadir Nawaz Awan, Justice Afzal Cheema, Dr Moin- ud-din Baqai, Dr Miss Kaneez Yousaf, Dr Professor Shamim Akhtar and Maulana Najamul Hassan. Their basic argument was that prayer is a personal affair between the man and his Creator, so the better mode of making people punctual for prayer instead of introducing punishment would be to introduce other measures like encouragement to students through teachers and to provide breaks in government offices during prayer timings and azan on radio and television.

The Islamic calendar is called Hijri calendar, and it starts from the migration date of the prophet Muhammad from Makkah to Medina in 610 A.D. It is different from the Gregorian calendar used most commonly and internationally that is a solar calendar. However, Hijri calendar being lunar has been followed by the Muslims to determine the religious festivals like Eid, Ramzan and Haj. The Council to enhance Islamization of social system also recommended introducing the Islamic calendar as it might help to bring consensus among the population to celebrations or commemorations, i.e. Eid-ul-Fitr, Eid-ul-Azha, Muharram commemorations. There were differences in the sighting of the moon between the Government and the local committees to celebrate the events on the same day in all the country Khan (Sherwani, S., 2017). In this regard as Bhutto government had earlier passed the resolution for the appointment of the 'Ruet-e-Hilal Committee' (Ulema panel to announce the sighting of moon for Muslim months). Once again it was later during Zia ul Haq government that Islamic calendar year, months and dates were also mentioned on the official papers along with the existing Gregorian calendar.

Another recommendation reiterated in the annual reports of the Council was about the national dress, it recommended the Government to promote the national dress by encouraging the government officials by wearing it. It proposed the Government to encourage Shalwar Kameez as the national dress and dupatta besides for the females. Nothing substantial was done in this regard during Bhutto era, and it was not until 1982 when General Zia ul Haq made it compulsory for all the official working in the Secretariat to wear the national dress, i.e. Shalwar Kameez, and it was made the uniform of the schools as well (Olivier, B.2020).

The Constitution of 1973 provided that the state of Pakistan shall endeavour to strengthen the ties with the Muslim countries. Council in several of its recommendations had cited the example of Saudi Arabia

and the other Muslim countries, especially while working during the examination of laws. Some authors have referred the links of Bhutto with the leaders of the Muslim world because of 'middle east oil boom' or the new policy of 'bilateralism' introduced by Bhutto in the foreign policy. However, one additional aspect would be to gain more popularity by inviting not just the heads of the Muslim countries but also the important personalities from the Muslim world. In this regard, his Government invited Imam of Holy mosque of Medina, Sheikh Abdul Aziz Saleh to Islamabad to lead the Friday prayer at Lal Masjid, Islamabad on February 13, 1976. Bhutto himself welcomed them, and the Friday prayer gathering was held in which Prime Minister participated to project to a population that Prime Minister is very much liked by the Muslim leadership and they acknowledge the services rendered by Bhutto to the Islamic world ([Burki, S. J., 2018](#)). Another benchmark step in this regard of having good terms with the Muslim world was organizing Organization of Islamic Cooperation summit (OIC) at Lahore. This conference was followed by the pictures of Bhutto in the press along with several leaders of the Muslim world after the Friday prayer at Badshahi Mosque, Lahore. Bhutto, in his conversation with Kausar Niazi said that it was the climax of his popularity in his opinion, and he thought it to be the ideal time to conduct the election in the country. Just when the things were looking settled for Bhutto and he was thinking about elections an apparently incident which initially seemed local in the town of Rabwah near Sargodha, central Punjab brought the leadership and the population on roads against the Government with the demands to declare Ahmadi's a non-Muslim.

Qadiani also called Ahmadi or Lahori are the followers of Mirza Ghulam Ahmed in Pakistan, they are accused of not believing in the finality of the Prophethood by the other sects in Pakistan and since the creation of Pakistan, this issue brought protesters on the roads led by the political opponents and the ulema. On the other hand, Qadiani says that they believe in the finality of the prophet Muhammad, but they regard their Khalifa as 'Messiah'. This demand of declaring them non-Muslim was not new, even before the partition of Pakistan there were tense relations between them and the other religious parties. These disturbances turned into riots in 1953 when the religious parties came on roads against the federal Government of Khawaja Nazim ud din with the demand to declare Ahmadi/Qadiani non-Muslims. However, his Government took a firm stand on the ground that it is not the responsibility of the state to declare any sect non-Muslim without their consent and refused to accept this demand and instead imposed Martial law in Punjab by dismissing the provincial Government ([Kennedy, C. H., 2016](#)). Later an inquiry commission held under Muhammad Munir held the inquiry for the causes of disturbances and published a report in which he criticized the attitude of the ulema.

Almost twenty years later once again Punjab witnessed the riots by ulema for demanding the legislation that they should be declared as non-Muslims after the Rabwah incident. As a result of the protests in September 1974 the legislature of the country declared Ahmadi non-Muslims according to the law of the land, before being discussed in the legislature, Bhutto announced that issue might be referred to the Council and let it decide about the issue. However, the religious-political parties did not agree to the suggestions because they believed that issue is already decided, and they are demanding legislation.

Among the reason that why Council was unable to play the role which the Bhutto government aspired it to manifest was first al the reservations of the opposition on the members of the Council which is evident in the criticism on the profiles of the members just days before the negotiations in the national assembly debates. Several members of the House criticized the qualification of the members of the Council ([Mehdi, R., 2013](#)). This in itself explains the reason for mistrust and makes it such a body whose position of arbitration would be acceptable to the already religiously charged opposition with the backdrop of such protest a decade earlier. Another reason for the opposition for not agreeing to accept the proposal of sending Qadiani issue to the Council was because they believed that it is an already settled issue and they have already given many lives in protest and 1954 and more importantly it was a great opportunity for them to popularize themselves against Bhutto.

Due to the failure of these negotiations and the ongoing protests and processions, the Government agreed to hold a special session of the Assembly to hold in-camera as a special committee on this issue and

on September 7, 1973, the bill was passed for the Second Amendment in the Constitution according to which they were added to the definition of non-Muslim in the Constitution. Once passed, this legislation was promulgated by Bhutto government, although it was not willing for the said constitutional amendment, now he was eager to take full credit of this amendment and asked his religious minister to launch a propaganda campaign in this regard.

Another most debated issue in the Advisory Council during the Ayub government and in new Council during Bhutto government was about the status of Alcohol by the Government. Whether it is forbidden in every form and its consumption be declared as a punishable offence? During earlier discussion from 1963-1969, the dissenting opinion was from the Islamic Research Institute under Dr Rahman as a hurdle for the Council members to declare its consumption a penal offence. His point of view was that it is not the Alcohol that is barred by Islam, but it is the 'intoxication' which is forbidden, for example in beer there is the very low percentage of Alcohol, so it cannot intoxicate an individual so it may not be banned ([Raza, R., 2017](#)). It was only after the resignation of the Rahman that Advisory Council recommended in a unanimous recommendation that Alcohol is forbidden in every form. This recommendation was repeated time and again during the Bhutto government to declare its consumption a penal offence and ban its production. The NWFP province under Chief Minister Mufti Mehmood had already passed the legislation, on May 5, 1972, and likewise, demands were also resolution was also presented in the National Assembly. So on May 10, 1977 legislation was presented in the House.

Bhutto announced to ban the gambling in the country in a press briefing and the legislation in this regard was introduced and passed on the same day on May 13, 1977. This bill prohibited the gambling on horse race as well it applied to both the Muslims and non-Muslims, unlike the earlier one related to Alcohol which had an exception for non-Muslims. Ban on all kind of gambling has been recommended by the Council since the times of its establishment under the Ayub government.

Zakat is the religious tax of the Muslim, which is taken from the rich at a specific rate and distributed among the poor. It has remained a subject of debate among the scholars that whether the state must devise a mechanism in this regard or whether it shall remain voluntary ([Raza, R., 2017](#)). It was because of these differences of opinion that this issue had been under discussion during various meetings of the Advisory Council since 1963 and it was unable to chalk out a mechanism for its deduction or disbursement. It once again came to light in 1974 before the newly appointed Council as the unfinished project of the previous Advisory Council. Council decided to publish a questionnaire to the ulema from the various Muslim countries to reach the conclusion that would be acceptable to all the school of thoughts. By the year 1977, it recommended the Government that deducting Zakat is among the basic duties of the state and legislation in this regard may be drafted by the legislature that can be sent to the Council for the examination of its repugnancy in the light of principles of Quran and the Sunnah.

Conclusion

Council of Islamic Ideology as per the 1973 constitution was different in its genesis from the one provided in the predecessor constitution. In the light of the above discussions, it can be said about the genesis of the Council in the 1973 constitution drafted by the elected Government, compared to its predecessors it was not at all advisory. The changes were limited not only to its nomenclature but to the extent that its recommendations were to be sent directly to the legislature which was to enact legislation in respect thereof, thus it had direct access to the ears of lawmakers.

Secondly, it was given a definitive time slot of seven years to completely examine the laws and submit its final report to the legislature for recommendations based on its reports, and House was to enact laws. These two added attributes of the Council manifest the institutional growth of the body from the Islamic Law Commission as provided by the 1956 constitution and the Advisory Council of Islamic Ideology by the 1962 constitution. The reasons for these increased roles of the Council in the Constitution promulgated by the first directly elected Government were multiple; first of all, the episode of 1971, that resulted in the separation of the eastern part of the country, which propelled the remaining country once again to the

politics of Islam to keep the remaining country united. Secondly, the increased aspiration of the religious-political parties on the one hand while simultaneously the craving of Government to end the monopoly of the ulema before going for the fresh election to renew its mandate in changed geographical circumstances. So, it was the result of reconciliations and compromises between both the Government and opposition to give new and increased roles to the Council in the 1973 constitution.

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