

A Critical Analysis Of Zia's Regime And Its Impact In Pakistan

Sikander Ali Laghari¹, Dr. Sardar Ahmed², Dr. Arjumand Zehra³, Gul Muhammad Behan⁴

¹Lecturer in Muslim History, College Education Department, Sindh.

²Assistant Professor and Head of Department Arabic, Federal Urdu University of Arts Science and Technology.

³PhD Area Study Center for Europe, University of Karachi.

⁴MPhil Scholar, Quaid e Azam University.

ABSTRACT

Pakistan was founded on the principles of Islamic doctrine, and it was established with the goal of protecting the civil and religious rights of Muslims. In the Objectives Resolution, it was made abundantly plain that no legislation should be enacted that is in conflict with the Quran and Sunnah. The Islamic Provision in the constitution that existed before 1973 served as the basis for Islamization. The passage of time resulted in the establishment of many institutions, such as the Council of Islamic Ideology and the Federal Shariat Court. The purpose of this research is to determine whether or not the process of Islamization in legislation making genuinely satisfied the concerns of the foundation of this nation. In this study, we will examine the many efforts made throughout history, focusing particularly on those made during the Zia period. Zia said that he would apply and enforce Islam in every aspect of Pakistani society, however the Islamization that he pushed through had negative effects and was condemned by academics. This is an effort to get to the bottom of the reasons of unsuccessful Islamization and the effects that it has.

Introduction

The process of a society's transition toward Islam, also known as islamization or islamification, may be seen in places like Sudan, Pakistan, Iran, Malaysia, or Algeria (Kennedy, 1996). Therefore, "Islamization has been restricted to the execution of the rules of Sharia in their original form" (Chawla, 2015). "Islamization for the Ulema and their parties implies largely the re-introduction of old institutions and practices with little fundamental change" (Munir, 1954).

When Zia took power, he instituted a wide range of penalties in the name of Sharia, including the practice of flogging for a variety of offenses, including rape, theft, murder, drunkenness, prostitution, adultery, and so on. These sanctions were meant to discourage those who engage in illegal activity and to terrify those who opposed him. Saha & Carr, 2001). Opponents of Zia said that he brought up the subject of Islamization in order to lessen the power of Bhutto and the Peoples Party. Zia was attacked for this by his opponents. In his early remarks, he promised that Islam would be adopted in all aspects of life, and that political, legal, and economic changes would be carried out in accordance with the principles outlined in the Quran and the Sunnah. Zia's military authority was prolonged for a further eleven years, and the increasing militancy that resulted from his policies carried out in the name of Islam. It is possible that this is the first time that a dictatorship has ever utilized the name of Islam in order to gain legitimacy. The name of Islam was employed in order to acquire the favor of various religious organizations. According to what he claimed, Pakistan was established in the name of Islam (John, 2008).

The Sharia courts were founded, and Sharia benches were placed in all of the provinces, in addition to the Sharia bench in the Supreme Court in Islamabad. In 1983, local level courts that were presided over by a religious judge termed Qazi were founded. Although the Qazi courts seldom disclose their decisions, in the majority of instances, women were punished while males were freed (Lindholt & Muller, 2003).

Reforms in the judicial system, the introduction of an Islamic penal system, the introduction of economic reforms, and the education policy are the four primary areas in which the Islamization of Zia can be seen (Weiss, 1986). The establishment of the Islamic system in its entirety was the primary focus (Nizam-e-Mustafa). Zia established a new kind of judicial oversight inside the Islamic legal system (Marvin, 2002). There was an effort made to rid the nation of all non-Islamic customs and traditions. It was at this time that the Hadood edict and the systems of Zakat and Usher were established.

Zia wanted to build a system of money that was not dependent on the concept of 'interest,' and for this goal, Zia gathered recommendations for Islamic financing. Both the Zakat and the Usher were collected from banks beginning on the first day of Ramadan, while the Usher was collected from the harvest of agricultural land. Pakistan television became increasingly Islamic, and for the first time, Arabic news was shown there. Arabic news was broadcast for the first time on Pakistan television. Zia ul Haq is the one who issued the Ramzan Ordinance and brought Nizam-e-Salat into existence.

The removal of oppression and tyranny, as well as the development of justice in the community, should be the end goal of any kind of reform, including social, political, and economic reform. For a society to continue existing, it is required for there to be social dignity, equality, and the promotion of good things, as well as the prevention of bad things. General Zia-ul-Haq is credited with being the first person to initiate the process of Islamization in Pakistan. Zia-ul-Haq was intently focused on embracing and implementing Islam in every sector and walk of life in Pakistan

throughout his time in power. Zia and his comrades came to the conclusion that Islam was the primary element that brought together the various factions in the nation of Pakistan (Shah, 2012). The Nizam-e-Mustafa, also known as the Islamic system or Islamic Order, derives its name from the Arabic phrase "order of the Prophet." Pakistan National Alliance initiated a movement that is now known as the Movement for a System Followed by the Prophet Muhammad (Peace Be Upon Him), which is a System Based on Islamic Principles. This movement was begun by the Pakistan National Alliance (Hyman, Ghayur & Kaushik, 1989). Zia ul-Haq made the announcement in 1978 that he would adhere to the Nizam-e-Mustafa Tehreek and that Islam would take precedence over the laws and constitution of the country. 1979 marked the beginning of Sharia law's incorporation into the American judicial system via its application by the courts (Murawie, 2003).

On July 5, 1977, Zia Ul Haq assumed his role as administrator of martial rule and seized authority. He followed the tenets of Islam in his private life and intended to make them public policy. The vast majority of people in Pakistan are Muslims, and they have been staunch supporters of Islam throughout the country's entire existence. Zia created a following for himself in the lack of a political or social base other than the army via a campaign of "Islamization" that was backed by the Saudis. This approach has institutionalized Islamic liberalism in the state as well as in society, and it has favored religio-political organizations, most notably the Jamaat-e Islami, which is Pakistan's most well-organized religious party and has traditionally been an adversary of Jinnah and Pakistan. In addition to this, the Soviet Union's military involvement in Afghanistan in 1979 in support of the Marxist dictatorship in Kabul helped to solidify the rule of General Zia and made Pakistan "America's most allied partner" as a front-line state during the Cold War (Irfani, 2009). The process of bringing something or someone under Islamic control is referred to as islamization.

Literature Review

Cristopher Jeffrelot brought up the point that after coming to power, General Zia made significant changes to the fundamental ideology of the army and the nation. He did this by replacing Jinnah's "Unity, Faith and Discipline" formula with his own "Iman, Taqwa and Jihad-e-Fisabilillah" formula. Jeffrelot discussed this in his article. Zia, in his opinion, has a religious temperament and had a closer kinship with religious organizations such as Tablighi Jamat (Jaffrelot, 2015). Lubna Kanwal performed an in-depth analysis of the political regime, noting that Zia aimed to achieve Islamization of the state system as the only justification for his reign, while also attempting to broaden his power base and increase the length of time he was in power. During the movement that took place in 1977, "Introduce Nizam-e-Mustafa" became one of the most popular slogans, and as a result, the movement as a whole received enormous public support. Taking into account the current state of affairs, he continued to use this well-known slogan and made an announcement that he intended to reshape the political, social, and governmental framework of the state in accordance with the values and principles of Islam. This eventually became his foundation for enticing and obtaining the support of the general population. In order to further his Islamization

strategy, General Zia focused his emphasis on education, cultural values, the law, and other other fields, including as the economy (Kanwal, 2015).

According to Tauqir Hussain, under General Zia's rule, new interpretations of what war, battle, and Jihad signify started to emerge. This occurred throughout his dictatorship. When compared to Jihad's role as a defensive conflict, Jihad was seen as an attacking strategy. Consequently, under the rule of Zia, Pakistani Jihadist Islam was founded, which resulted in the birth of a whole generation of extremists. A wide variety of specific reasons came to light in order to place focus on it. Reasonable safety worries were exacerbated by the political aspirations of the army's political desire and pride as an institution, which led to conflict and competitiveness with India as the goals (Hussain, 2009). When Nasim Ashraf looked back on Zia's presidency, she did it through a new lens. The totalitarian control that General Zia ul-Haq exercised for more than 11 years was justified by using religion as the justification for it by Zia ul-Haq himself. During the process of Islamization reforms, which included entirely revamping Pakistan's educational system, sectarian and geopolitical conflicts were a defining feature. Not only did the number of religious schools, often known as madrasas, increase, but they also became eligible for government benefits and foreign financial assistance. Following the invasion of Afghanistan by the Soviet Union in 1979, the United States encouraged Afghanistan and Pakistan to engage in a "holy war" or jihad against the invading Soviet forces. Arab nations were convinced to provide financial support in order to expel the Communists from the Islamic state of Afghanistan and to prevent Ayatollah Khomeini from gaining complete control of the Iranian revolution (Ashraf , 2009).

Research Questions:

- If Zia's push for islamization had any political motivations, what they could have been.
- How did Zia deftly navigate the waters of Islam's slogan in order to gain over the approval of religiously motivated political parties?

Methodology:

A critical study approach has been adopted with an overview of the Zia`s efforts that were made throughout Pakistan's history by its various administrations to incorporate Islamic principles into the country's legal framework and to establish an Islamic judicial system there. The nation of Pakistan was founded in the name of Islam, and as a result, its people want an Islamic political structure. In the course of the research, the material from many books and articles is subjected to in-depth analysis in order to provide responses to the questions. One of the most important sources of information is often acknowledged to be the Constitution of Pakistan. The reports produced by a variety of organizations have evolved into an essential source of information.

Discussion:

The people of Pakistan believe that the reason for East Pakistan's separation was also the result of a deviation from Islamic principles. Since Islam places a strong emphasis on justice and equality, and East Pakistan demanded the same thing, the people of Pakistan hold the belief that the separation was caused by a deviation from Islamic principles (Esposito, 1996). The people who opposed Bhutto came together under the flag of Islam. Zia moved even farther in the direction of islamization in order to solidify his authority and prevent democracy. The Islamization of Zia's government ultimately resulted in sectarian confrontations between Shias and Sunnis. Beginning in 1990 and continuing on, the number of individuals slain as a result of these rivalries continued to rise (Chadda, 2000). Scholars and other intellectuals in Pakistan believe that some significant initiatives and reforms taken by General Zia were the primary factor in the radicalization of the country's society. Several of the crucial processes are broken out in this section.

At the tail end of 1979, when Soviet troops arrived in Afghanistan, General Zia ul-Haq was presented with a tremendous chance to gain, in the near term, on all fronts. After transforming Pakistan into a frontline state against the Soviets, Zia was successful in gaining active backing from the United States to assist the Afghan Mujahidin in their battle against the Red Army in what would become the last major Cold War theater before the fall of the Soviet Union. During the political period of Zia-ul-Haque, a combination of the Mullah and a military alliance was in place. During this time, Islam was utilized to support Zia's reign, which was founded on dictatorship. The inner part of the Mullah-Military alliance was tied to the necessity of the government to appease the rightist wing religious group in order to remain in power. This was necessary for the regime to remain in power. The public face was associated with the presence of Soviet military personnel in Afghanistan. Jihadists were pushed by the military of to conduct a proxy war against the Russian military in order to essentially reject the involvement of the government in the standoff. As a result, Islamization had its deep roots inside the state, which were sparked by Zia-ul-activities Haq's in Pakistan (Amin, 1982).

The Jihad in Afghanistan, which was supported by the United States and Saudi Arabia, took place in the context of a regional framework that had been traumatized by the Shia revolutionary Ayatollahs Khomeini of the Iranian Revolution. These events had enormous repercussions for Pakistan. Traditional military dictator General Zia ul-efforts Haq's to integrate political authority with religious-radicalism were successful in the nation as a result of the Iranian revolution and the Soviet conquest of Afghanistan in 1979. Both of these significant regional institutions occurred in 1979. The Pakistani government and society have become more devout as a result of the country's participation in the Jihad in Afghanistan and, subsequently, in Kashmir.

1. Zia ulHaque Islamization: Steps

During the time of Zia, radicalization was unavoidable; it was fostered by authorities, and those in power used religious fervor for their own gain. It was decided that the job of the press would be to function as the representative of the government. Only, and I had complete and utter command over it (Halperin, 2005). As part of his judicial reforms, Zia ordered the formation of a Sharia

Court and the appointment of Islamic Qazis. At the period in question, the possibility of a female serving as the Qazi of the court was up for debate. However, the Attorney General provided references suggesting that there is no prohibition against women serving in this capacity (Weiss,1986). Majlis-e-Shoora is the name given to the Islamic Parliament, and its members include a variety of intellectuals, professors, and journalists. The Majlis-e-Shoora was established for the aim of drafting Islamic law. Zia established the office of Ombudsman as a means of supervising legal and constitutional concerns and bringing them into conformity with Islamic tenets. This was done at Zia's behest.

During the reign of Zia-Ul-Haq, a number of Islamic laws were enacted, including one titled "the legislation for the protection of women," which was designed to preserve the sanctity of Chaddar and Chaar Devari. The evidence of women was given just half the weight that was given to the testimony of males, and the number of witnesses needed to establish a rape was doubled from two to four. Zia's practice of reducing the position of women is opposed by Civil Society, and the people have taken a stand against the so-called Sharia practiced by General Zia. The majority of General Zia's laws are still in effect in modern times.

In the time of Zia, the judiciary was in a condition of coercion. PCO abolished the authority of the judiciary, created the federal Shariat Court, and ordered the judges of the High Court and Supreme Court to swear an oath of loyalty to the new government. In the name of Islam, he made changes to the Penal Code and enforced Martial Law laws upon his fellow compatriots (Kurreja, 2003). Zia ingratiated himself with the Council of Islamic Ideology CII and instituted Islamic reforms in the Judiciary, Education, and Taxation (in the form of Zakat and Usher) system of Pakistan, which is visible in the execution of Sharia in line with the Quran and Sunnah in Pakistan (Jaffrelot , 2015).

He was able to make symbolic adjustments, but he was unable to overhaul the whole system. As a result, he issued a presidential decree that removed everything having to do with the operation of the economy from the jurisdiction of these courts in accordance with Section 203a subsection c. Because it was believed that women's evidence was only worth half as much as that of males, the West had some concerns about how harshly sentences were handed out and how poorly treated women were (Jaffrelot, 2015).

These are only a few instances of the numerous new Islamic laws that have been adopted throughout Pakistan's legislative history, and there have also been many amendments made to existing Islamic laws. The Muslim Family Law Ordinance of 1961, the West Pakistan Family Courts Act, which was later revised to include Islamic principles, the West Pakistan Muslim Personal Law Shariat application Act of 1962, and the Enforcement of Hadood Ordinance of 1979 were all passed. In 1979, the Law of Evidence was revised to become the Qanone Shahadat Ordinance. In 1976, the Dowry and Bridal Gifts (Restriction) Act was passed, and in 1979, the Punishment of Whipping Ordinance was enacted. The Hadood Ordinance was Pakistan's first attempt at establishing an Islamic legal system, and it was also the first time in the country's history

when legislation of this kind were put into effect. As it said, the Hadood Ordinance was in accordance with the Quran and Sunnah, and the penalties it outlines are in line with Islamic canon law. It was enacted on consuming alcoholic beverages, adultery, theft, and qazaf, and if the Hadd prescribed the penalty of lashes, execution by stoning might be granted as an alternative to the death sentence.

During the rule of Zia ul Haq, a number of Islamic laws were enacted, including the legislation for the protection of women, which was given the name Chaddar and Chaar Devari to preserve its religious significance. The evidence of the women was given half as much weight as the testimony of the males. In addition, there must now be a total of four witnesses in order to show that a rape occurred. The so-called Sharia of General Zia was met with resistance from the people, and the degrading of women's position that Zia instituted was criticized by Civil Society. A great number of the legislation that General Zia enacted are still in effect today. The Qanoone Shahadat is a reorganization of the Evidence Act of 1872; the only articles of the Act that were amended were 3 and 7, both of which concern the competence of witnesses. The Sharia principles on witnesses are a component of the Pakistani legal system (Peters, 2005).

Zia was maybe the only leader in Pakistan who believed that the founding fathers of this state, such as Iqbal, Sayyid Ahmad, and Jinnah, wanted to make this state Islamic. Zia served as president from 1980 until his death in 1988. Zia drove this campaign for the Islamic System in a more methodical manner than the previous leaders of Pakistan had sought to do. Zia wanted to move this campaign of Islamization for many different reasons. First of all, Bhutto had used the slogan of Islamic Socialism, and Zia wanted to revive the spirit again. Second of all, Zia knew that by implementing and imposing an Islamic economic and justice system, he would gain the favor of religious groups in Pakistan. As a result, he was a supporter of the Nizam-e-Mustafa movement. Thirdly, the Socialism of the Ayoub has been put to the test and found wanting. Zia believed that the Islamic System of justice was the solution to issues of inequity, injustice, and corruption. The Islamization that Zia carried out was also a direct result of the contemporary Islamic revolution. It is possible that the invasion of the Soviet Union in Afghanistan was the cause due to the portrayal of Islamic Jihad against the Red Socialists in Afghanistan. General Zia was appealing to the whole of the Islamic world for assistance and support at a time when the United States was in desperate need of individuals who could fight with them and provide them support in their conflict with the Soviet Union. Therefore, the strategic aims of America and Pakistan were accomplished by the Jihad that was supported by the United States (Saha , 2001).

Zia used the process of Islamization not only for the purpose of achieving his goal of neutralizing the Islamic extremists in Pakistan but also for the sake of furthering his own political agenda (Burkey, 1988). Some people believe that Islamization means putting all women in Purdah or separating them from men, following the strict code of Islamic Sharia, and others believe that Islamization means equality of gender, gaining knowledge, and living life in accordance with the

traditional moral principles. Different people view the process of Islamization in different aspects of life from different perspectives (Kurin, 1985).

Zia wants to improve his political life while also making Pakistan a more Islamic country. He also wants to make Pakistan more Islamic. It has been a challenge throughout history for Muslim kings and rulers to figure out how to properly run the government and control their subjects. It should not come as a surprise that Zia's political portrayal of Islam has been challenged. People who were not benefactors or stakeholders from this system were the ones who criticised this system; Zia's opponents argue that the general's political manipulations would not improve the Islamic state. This is another reality. The detractors further contended that the objective of the General's actions was to benefit himself, rather than the community as a whole, which holds certain religious and cultural values (Ziring, 1988).

Because secularism is frowned upon in religious communities, the secular group in Pakistan saw the Islamic system as a danger to the country's secular institutions. On the other hand, the Islamic state saw secularism as an eternal threat to its own existence. Zia was so focused on Pakistan's progress and continued existence that he downplayed the significance of the country's democratic system and secularism. Between Muslims and non-Muslims, between fundamentalists and non-fundamentalists, and between ethnic groups and nations, secularism served as the authority that maintained a sense of equilibrium.

It is believed that Islamizing Zia was in opposition to the interests of the public because he only used the slogan for his own strategically self-serving goals and to become president of the state. This leads to the belief that the Islamization of Zia was in opposition to the interests of the public. Because of this, several sects, political parties, and professional groups urged that he be removed from his position; yet, an assault on Zia's policies was regarded to be an attack on Islam. His Islamic regime had the appearance of being powerful when it came to meting out penalties, but it looked to be lacking in its capacity for tolerance and collaboration (Ziring, 1988).

It was believed that this was a populist slogan by the military dictator to exploit the public feelings in the community. Zia's Islamization of Pakistan is denounced by the west and certain segments of the Pakistani society. [Citation needed] [Citation needed] [Citation needed] It is imperative that we observe the outcomes of the legislative changes that were enacted during the Zia period.

This tactic was used by Zia in order to consolidate his dictatorial power over the nation. He was interested in expanding his political base, and in order to do so, he made use of popular opinion; more specifically, he hid behind it in order to lend himself credibility. He referred to it as Islamic revivalism and began the process of Islamizing legal, social, political, and economic institutions, all while attempting to transform the state into a theocracy (Grover & Arora , 2002).

The Western world and even some people inside Zia's own nation disapproved of the sentences that were handed out by the country's judicial system. Great Supporter of Zia Jamat-e-Islami

Returned to the View of Their Founder Madudi That Introducing Penal Punishments Without Taking Care of Its Prerequisites The Great Supporter of Zia Jamat-e-Islami Returned to the View of Their Founder Madudi That Introducing Penal Punishments Without Taking Care of It Without the construction of a sociocultural system and an Islamic economic system, which both need them to provide for the fundamental requirements of the inhabitants and eliminate poverty, the criminal sanctions will not be effective (Saha & Carr, 2001). Zia was opposed to the kind of democracy seen in the West, thus he attempted to establish himself as Amir-ul Momineen and maintained his one-man rule over the nation. Zia had doubts about the democratic system that was influenced by the West and was run by a political party. In order to find answers, he turned to Islamic scholars who had been nominated to positions of authority within the Islamic Council of Islamic Ideology (Esposito , 1996).

Conclusion:

Throughout history, there have been a great number of efforts at Islamizing the legal system. Rulers like as Zia utilised the support of the populace that they had obtained in the name of the Islamic system in order to cement their hold on power. After reviewing the past efforts that were made to Islamize the judicial system, we have come to the conclusion that there was a lack of research and educated jurists who were able to explain Islamic law in a way that was relevant to the circumstances of the time and place in which they were being applied. This phrase was employed by the rulers for political goals and as a means to preserve their control. The actions that were made against the backing of the government in the current scenario include aspects of militancy, and it seemed as if they were an attempt to implement Islam by the use of force, which is welcomed by both the people and the international community.

There was never any intention for the philosophy of Islam to be a closed, inflexible, and politically useful code for the governing class. Islamization was seen as a political tool by the Ulema, and the nation was unquestionably set on a path that would lead to significant consequences. Unfortunately, both civilian and military governments in Pakistan have maintained their use of Islamization as a political tool while at the same time ignoring the will of the Pakistani people. It is regarded a significant turning point in Pakistan's history because an effort was made to Islamicize General Zia. During this time period, the religion of Islam exerted its influence on a variety of domains, including the legal system, the educational system, the banking and financial system, and other domains. Nevertheless, these efforts have been marked by contentious worldviews and have not been very effective in terms of implementation. The idea that Islamization has been employed by this military age to accomplish strategic objectives such as American assistance and terrorist actions in Afghanistan and a fragmented Russia is the predominant viewpoint that is held by the majority of people today. This particular interpretation of Islamization has garnered support from around the Islamic world.

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