

## The Role of Institutions of Ijtihad for Islamization of law in Pakistan

\* Dr. Sajeela Kausar

\*\* Dr. Shams ul Basar

### **Abstract:**

*Islamic Republic of Pakistan was established in the name of Islam on 14<sup>th</sup> August 1947. Since its establishment, it has been a dream to have a pure Islamic state launching all the Islamic laws for its natives. Although several steps were taken at very early stage of its establishment to fulfill this dream like Objectives Resolution, 22 Points of Ulama, even the three constitutions of this republic presented on different times i.e. 1956, 1962 and 1973 show that serious attempts have been taken to flourish an Islamic society, however there were many ups and downs creating hurdle in this path. The two institutions for Ijtihad in Pakistan, Islamic Ideology Council and Federal Shariah Court have a pivotal role in this regard. Both the institutes are working efficiently for the Islamization of laws and society in Pakistan. The Islamic Ideology Council is basically a constitutional body and its main responsibility is to guide the legislature about the status of any law, whether it is repugnant to the Quran and Sunnah or not. The Federal Shariah Court is a unique institution which has no parallel in the whole Muslim world. Its main responsibility is to analyze whether or not any law or provision of law is repugnant to the Islamic injunctions as laid down in the Quran and Sunnah. A third institution is also there, providing theoretical guidance about the true teachings of shariah, Islamic Research Institute. My paper will highlight the performance of above mentioned institutes in a critical way.*

**Key Words:** Islamization, Ijtihad, Islamic Ideology Council, Federal Shariah Court, Islamic Research Institute.

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\* Assistant Professor, Department of Islamic Studies, The Islamia University of Bahawalpur.

\*\* Ex-Chairman, Department of Islamic Studies & Law, The Islamia University of Bahawalpur.

### 1.1 Introduction

The Islamic Ideology Council and Federal Shariah Court are two renowned institutions of Ijtihad of Islamic Republic of Pakistan. The main objective of both the institutions is to protect and promote the Islamic spirit of law and society of Pakistan. But practically, the state has not implemented all the laws as per Islamic injunctions and number of unislamic practices have been prevailed in the society. The motivation of this study is to critically analyze that whether both the institutions are performing their duties as per their prescribed target or not. In the coming lines, a brief introduction, functions, targets, plans, scope, jurisdiction and achievements of both the institutions are going to be presented so that their performance can be evaluated critically.

### 1.2 The Council of Islamic Ideology

#### 3.2.1 Introduction

The Islamic Ideology council is basically a constitutional body. Its main responsibility is to guide the legislature about the status of any law, whether it is repugnant to the Qur'an and Sunnah or not.

#### 3.2.2 History

On August 1, 1962, this council was established as advisory council of Islamic ideology under Article 199 of 1962's Constitution of Islamic Republic of Pakistan. This Article provided for the functions and the constitutions of the council, its rules of procedure and the formation of Islamic research institute.<sup>1</sup>

According to constitution of 1973, the Advisory Council of Islamic Ideology was re-designated as Council of Islamic Ideology, along with the provisions for its functions, compositions, rules of procedure and procedure for reference to the council.<sup>2</sup>

Since its establishment in 1962, the Council has submitted more than 90 reports, has held 190 meetings, recommended several legislations and revised laws of Pakistan.<sup>3</sup>

Along with reviewing laws, the Council's current plans include submission of recommendations to Parliament and to deal with references from the President, Governor and the Parliament's both houses to conduct seminars, research, conferences, publications and a website.

#### **Council's Functions**

The following shall be the functions of the council:

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<sup>1</sup> The Constitution of Islamic Republic of Pakistan 1962, Articles. 199-207.

<sup>2</sup> The Constitution of Islamic Republic of Pakistan 1973, Articles. 228-231.

<sup>3</sup> <http://cii.gov.pk/aboutcii/History.aspx>

- i) In the light of the Qur'an and the Sunnah, to make recommendation to Parliament and the Provincial Assemblies about the means and ways to enable and encourage the Muslims of Pakistan to order their individual and collective lives in accordance with the rules and regulations of Islam.
- ii) To guide any house or provincial assembly, the president or a Governor in response to their question refers to the council about the status of any law, whether it is repugnant to the Islam's injunctions or not.
- iii) Recommend the measures to bring the existing law in accordance with the injunctions of Islam and the methods to make these measures effective; and
- iv) For the guidance of Parliament and provincial assemblies, such injections of Islam should be complied in a suitable form, which can give legislative effect.
- v) In any case, keeping in view the public interest, if a house, provincial assembly, the President and the Governor, considers that prior to furnishing the advice of Islamic Council, the making of the proposed law in relation to which the question arose, should not be postponed, the law may be made before the advice is furnished.
- vi) Any law referred to the council for its advice regarding the status of the law, whether it is or not repugnant to the injections of Islam and the Council declares it repugnant, it shall be reconsidered by the house or, as the case may be, the provincial assembly, the President or the Governor.
- vii) Within Seven years of its appointment, the Islamic Council shall submit its final report as well as annual interim report. Whichever the report may be shall be laid for discussion within six months of its receipt, before both houses and each provincial assembly. After considering the report, the parliament (Majlis-e-Shura) and the assembly, shall in act laws in respect thereof within the period of two years of the final report.<sup>4</sup>

### **The composition & Terms of the Council**

#### **Composition**

The council will comprise of minimum eight and maximum twenty members. The members should be representing different schools of thought, enriched with the knowledge of philosophy and principles of Islam according the Qur'an and the

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<sup>4</sup> The Constitution of Islamic Republic of Pakistan 1973, Article. 230.

Sunnah, or having knowledge of political, economic, administration or legal problems of Pakistan. Among the members, at least two should be judges of the Supreme Court/a high court, sitting or retired and one member must be a woman. Minimum four members should be scholars having been engaged in Islamic instruction/research for at least fifteen years.<sup>5</sup>

**Term**

Three years; eligible for re-nomination.<sup>6</sup>

**3.2.3 Plans**

***Targets***

- i) To play an active role for the establishment of governance system based on Islamic Principles of equality, freedom, social justice, tolerance and peaceful co-existence, as wished by the founder of the homeland.
- ii) To make efforts to ensure all basic human rights conferred by Islam as well as the constitution of the Islamic Republic of Pakistan, to each and every citizen of the country regardless of his religion, language, color, race, sex, ethnic or social origin.
- iii) To strive to make sure an Islamic way of life for each Pakistani citizen both in private and public sphere, according the injunctions of Islam in the light of the Qur'an and the Sunnah.
- iv) To ensure that no such law would be flourished in the country that would be against the injunctions of Islam.
- v) To secure that all the existing laws in the country are in complete conformity with the Islamic teachings.
- vi) To arrange and encourage extensive dialogue and debate among the representatives of different, and at times, opposing schools of thought so as to reach at a common understanding of modern day challenges faced by the ummah, as well as to formulate common responses to solve the modern day issues.
- vii) To formulate such strategies to have uniformity to tackle and counter the media onslaught and foreign culture on Islamic culture and Islam.
- viii) To promote and encourage reforms in different sectors and fields as law, society, education, economy, media and polity.
- ix) To promote and highlight the egalitarian nature of Islamic teachings that ensures peaceful co-existence between the citizens of an Islamic country regardless of their religious and cultural affiliations or racial or ethnic origins.

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<sup>5</sup> The Constitution of Islamic Republic of Pakistan 1973, Article. 228.

<sup>6</sup> <http://cii.gov.pk/aboutcii/compostionandterms.aspx>.

- xii) To make efforts to erase misunderstanding about Islam and high light the true face of Islam which have no tolerance for extremism sectarianism, dogmatism, fanaticism, and bigotry.<sup>7</sup>

***Council's Strategy***

Along with fulfilling its constitutional activities, the council shall encourage and undertake research in the following fields to achieve the above mentioned targets:

- i) The stages of evolution of Islamic jurisprudence's development.
- ii) The detail of different Masalik of fiqh in Pakistan.
- iii) To compile booklets representing point of view of Islam on the matters of national as well as international interest.
- iv) To review and have a comprehensive study of laws of different Islamic countries, in relation to the shariah law.
- v) To invite and network with internationally reputed scholars for short or long term.
- vi) To strive to bring together the representatives of different fields of life as Universities, College, DiniMadaris (Religious Institutions) Ulama (Scholars), Civil Society, Feminist Organizations and Human Right Associations to a table talk to develop harmony among them on the matters of vital national interest.<sup>8</sup>

**3.2.4 Recommendations of the Council**

The research wing of the council provides an extensive research and support for its recommendations which are derived from;

- i) An observation of the concerned doctrines on the concerned subject in the different schools of Islamic thought.
- ii) Existing information about any given issue of the Muslim countries regarding its law and practice.
- iii) Different visits of the council's members for data collection and consultation from different Muslim countries.
- iv) To have a proper discussion on the under consideration matter, collect statistical data and relevant information and done field research.
- v) Expert's consultation.
- vi) Research report on the concerned matter by reviewing present debates and discussions.
- vii) Research projects of short period.<sup>9</sup>

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<sup>7</sup> <http://cii.gov.pk/aboutcii/Plans.aspx>.

<sup>8</sup> <http://cii.gov.pk/aboutcii/Plans.aspx>.

<sup>9</sup> Ibid.

### **3.2.5 Council's Seminars/Conferences/Discussion Groups**

Time to time the council has to organize different conferences and seminars for collective discussion on its under-consideration matters. These activities provide solid source material by the participant's deliberations, papers and interventions for a better understanding and comprehensive recommendation of the under discussion issue.<sup>10</sup>

### **3.2.6 Council's Major Achievements**

Important Laws enacted on the recommendations of Council of Islamic Ideology.

- i) The Offences against Property (Enforcement of Hudood) Ordinance, 1979.
- ii) The Offence of Zina (Enforcement of Hudood) Ordinance, 1979.
- iii) The Offence at Qadhaf (Enforcement at Hadd) Ordinance, 1979.
- iv) The Prohibition (Enforcement) of Hadd) Order, 1979.
- v) The Qanoon-e-Shahadat Order, 1984.
- vi) The Zakat and Ushar, Ordinance, 1980.
- vii) The Criminal Law (Amendment) Act, 1997 (Qanoon-e-Qisas and Diyat).
- viii) The Ehtiram-e-Ramadan Ordinance, 1984.
- ix) The Enforcement of Shariat Act, 1991 (adopted with certain modifications).
- x) Transplantation of Human organs (Under consideration of the Parliament).
- xi) Marriage with the Qur'an (Prohibition) (Under consideration of the Parliament).<sup>11</sup>

### **3.2.7 Some of the Departments Established on the Recommendations of the Council of Islamic Ideology**

- i) Ministry at Religious Affairs and Minorities Affairs.
- ii) Law Commission.
- iii) Judicial service/Shariah Academy.
- iv) Shariah Benches and Federal Shariat Court.
- v) Promotion of Arabic Language.<sup>12</sup>

### **3.2.8 Council's Views on Different Matters**

The civil society of Pakistan put a pressure on the Council about the "misuse" of the laws of Blasphemy, and demanded to have death penalty also for the person who wrongly accuses someone of Blasphemy. Initially showing its favour<sup>13</sup> the Council however, categorically ruled out any chance of having such amendment.

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<sup>10</sup> Ibid.

<sup>11</sup> <http://cii.gov.pk/MajorAchievements.aspx>.

<sup>12</sup> Ibid.

<sup>13</sup> <http://www.thepaknews.com/death-sentence-on-false-allegations-of-blasphemy/>

The council's head, Maulana Shirani<sup>14</sup> stated: "Sections 194 and 211 of the Pakistan Penal Code deal with false statement and registration of false cases, respectively. These can be applied to blasphemy cases as well", so any one accusing others falsely of Blasphemy for his personal revenge or vendetta can be tackled with that law.<sup>15</sup>

About the authenticity of DNA test to prove rape, the council's stance was to use it as a supplement proof and the actual weightage will be given to the existing shariah law, which requires having four mature individuals to testify the occurrence of rape.<sup>16</sup>

About the sex re-assignment surgery and human cloning, the council's point of view was to declare them illegal in Islam. The birth by Test Tube Baby was permitted within certain conditions. Moreover the practice of secret recording for a court case's evidence was declared to not be a part of general policy, rather can be performed in selective cases.<sup>17</sup>

The requirements of "Written Approval" from the first wife for second marriage of a person according to existing law, was declared as illegal and against the principles of Islam and was demanded to be abolished. The Council's chairman said, "To make the issue of more than one marriage easy and in accordance with Shariah, the government should amend the law. Further it is urged to the government to formulate shariah-complaint laws related to Divorce, Nikkah, Will and Adult hood.<sup>18</sup>

Reviewing the marriage laws in March 2014, the council declared them as unislamic, defining that there are two stages of a marriage, Nikkah and Rukhsati. Nikkah can be performed at any age, whereas Rukhsati must be on the age of puberty and it was declared the responsibility of her guardian.<sup>19</sup>

The Islamic Ideology council is an effective and standard institution of collective ijtihad. On the recommendations of this council, numerous laws have been implemented in Pakistan, which can be considered as milestone to set the theoretical dimensions of this state. The authenticity of the council's opinions can be judged that not only these recommendations were appreciated inside the country, rather were considered valuable in the Muslim world as well.

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<sup>14</sup> Maulana Muhammad Khan Shirani is a Pakistani politician, and parliamentarian. He was elected a member of national assembly of Pakistan in general election, 2013

<sup>15</sup> <http://tribune.com.pk/story/608359/rape-cases-dna-test-not-admissible-as-primary-evidence/>

<sup>16</sup> Ibid.

<sup>17</sup> <http://tribune.com.pk/story/627636/islamic-ideology-body-okays-test-tube-babies-terms-sex-change-operations-un-islamic/>

<sup>18</sup> <http://www.dawn.com/news/1092435/cii-wants-law-to-make-2nd-marriage-easy>

<sup>19</sup> Kalb-e-Ali (11 March 2014). "Pakistani laws prohibiting underage marriage un-Islamic: CII". *Dawn*. Retrieved 19 March 2014.

### 1.3 Federal Shariah Court

#### 3.2.1 Introduction

The establishment of the Federal Shariah Court came into being in 1980 by the President's order no.1 under chapter 3-A of the 1973's Constitution of Pakistan. It is a unique institution which has no parallel in the whole Muslim world. The constitution's powerful provisions are backing it. The constitution's preamble clearly affirms that Almighty Allah is the alone sovereign over the whole universe, and it is the sacred trust to exercise the authority by the people of Pakistan with the prescribed limits by Him. The Article 2-A highlights that the provisions and principles mentioned in the objective resolution is a permanent part of the constitution. According to Article 227, it is compulsory that all the existing laws should be brought in conformity with the Islamic injunctions as settled by the teachings of the Qur'an and Sunnah. The organization and functions of the court are mentioned in chapter 3-A, which highlights the powers and responsibilities of the court as to analyze whether or not any law or provision of law is repugnant to the Islamic injunctions as laid down in the Qur'an and Sunnah. Any custom or usage with a force of law is included in the law but not the Muslim personal law, constitution, any law relating to the procedure of any court or tribunal.<sup>20</sup>

#### 3.2.2 The Court's Jurisdiction

It is included in the jurisdiction of the Federal Shariah Court to settle matters in its original, revisional, review and appellate jurisdiction as well as decide the reference made to it.

#### 3.2.3 The Court's Original and Suo Moto Jurisdiction

According to the constitution's Article 203-D, it is among the powers of the court to examine and decide whether or not any law or its provision is repugnant to the Islamic injunctions. As per the court's examination during the past years, a total number of 512 Federal laws and 999 provincial laws suo moto on the touch stone of injunctions of Islam and found 55 Federal laws and 212 provincial laws as repugnant to these injunctions.

#### 3.2.4 The Court's Revisional Jurisdiction

The constitution's Article 203-DD empowers the court with its jurisdictions to re-examine the record of any decided case by any criminal court under any enforcement of Hudood law for its personal satisfaction to check the legality, correctness or propriety of any finding, punishment or ruling recorded or passed by, the regulatory of any proceedings, the call for any record, any direction to

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<sup>20</sup> <http://www.federalshariatcourt.gov.pk/Introduction.html>

suspend the execution of any punishment and if the accused is in prison, that he may be released on bail on his own bound pending the examination of the record.

### **3.2.5 The Court's Appellate Jurisdiction**

The appellate jurisdiction of the court is exercised in the cases of Hudood which are registered under the Hudood laws as;

- i) The Ordinance of the Offences against Property (Enforcement of Hudood) 1979.
- ii) The Ordinance of the Offenses of Zina (Enforcement of Hudood) 1979.
- iii) The Ordinance of the Offences of Qadhaf (Enforcement of Hudood) 1979.
- iv) The Order of Prohibition (Enforcement of Hadd) 1979.

### **3.2.6 The Court's Review Jurisdiction**

The court is empowered by the clause (9) of constitution's Article 203-E to review any decision issued or order made by it.<sup>21</sup>

### **3.2.7 The Court's Objectives**

Since the establishment of the court in 1980, its judges have been laid down a large number of judgments which can be considered as a glorious chapter in the history of Islamic Law. The judges have dedicated themselves for the sacred task which has been continuing with the fresh arrival of legislation with the emergence of new problems.

Prompt justice is the policy of the Federal Shariah Court which is backed by the Islamic concept of adal (Justice) as demanded in the Qur'an and the Sunnah that there should be no delay in the dispensation of justice. Even it is the concept of west that delay in justice is justice denied. The judges of this court try their best to avoid unreasonable delay in the hearing of the cases by using their wisdom, tact, knowledge and authority. The court has its bench registries at Lahore, Karachi, Peshawar and Quetta to provide justice at the door steps of the litigants.

The court provides a unique fee free legal representation service, where the appellant is from a jail and not in a position to pay fee of a lawyer. This service has given a lead to this court as compared with the most advanced countries of the world, where this service is provided mostly by the societies of free legal aid or rarely by the courts.

Another important service by this court is that exercising its suomoto jurisdiction, no court fee is payable either on petitions or appeals. The policy of the court is to take into confidence and engage in its working, the ulama, the lawyers, the

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<sup>21</sup> <http://www.federalshariatcourt.gov.pk/Jurs.html>

intellectuals, the social reformers and other public members. To take comments and representations from the citizens of Pakistan, public notices are published in leading newspapers to achieve the above mentioned purposes.<sup>22</sup>

### **3.2.8 The Functions of the Court**

As the constitution's article 227 makes it compulsory that all the existing laws should be brought in conformity with the Islamic injunctions as laid down in the Qur'an and Sunnah and the chapter 3-A representing the organization and functions of the Federal Shariah Court, authorize the court to examine and decide the status of different laws in the light of teachings of Islam. So the functions of the court are as under:

- i) According the Article 203-B (C), to examine and decide the status of any law or its provision as per the injunctions of Islam;
- ii) To have a suomoto action against any law or provision of law which seems repugnant to the Islamic injunctions, as authorized by the constitution's amendment of Article 203-D, in 1982.
- iii) If the punishment of imprisonment given by any trial court exceeds two years, this court can exercise its appellate jurisdictions and to hear and decide appeals in cases of Hudood.
- iv) In Hudood laws, any Hadd punishment given by the trial court, can be confirmed and changed by any other appropriate order by this court. Until it is so confirmed, no Hadd sentence can be put into effect; and
- v) To exercise revisional powers to investigate any case settle by any criminal court under any law in relation to the implementation of Hudood.<sup>23</sup>

### **3.2.9 The Court's Powers and Procedure**

1. To perform its functions, the court has the powers of a civil court trying a suite under the court of civil procedure, 1908 (Act V Of 1908) in respect of the following matters, as:-
  - i) summoning and enforcing the attendance of any person and examining him on oath;
  - ii) requiring the discovery and production of any document;
  - iii) receiving evidence on affidavits; and
  - iv) issuing commissions for the examination of witnesses or documents.
2. The court is authorized to have its proceedings and regulate its procedure as it deems fit.

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<sup>22</sup> <http://www.federalshariatcourt.gov.pk/Obj.html>

<sup>23</sup> Ibid.

3. It is empowered as a High Court to punish its own contempt.
4. Under clause (1) of Article 203-D, a party may be represented to any proceedings before the court by a legal practitioner, being muslim and has been enrolled as an advocate of High Court for a period of not less than five years or of the Supreme Court or by a jurisconsult chosen by the party out of a jurisconsult panel maintained by the court for the purpose.
5. The eligibility criteria for being a member of the panel of jurisconsult, according to clause (4), a person must be a scholar and well versed in Shariat as per the opinion of the court.
6. Any jurisconsult or legal practitioners selected by a party to represent it have not to plead for it rather has to expound state and explain the Islamic injunctions concerning the proceeding as per his knowledge. He also has to submit his interpretation of such Islamic injunctions to the court in the form of a written statement.
7. The court can take help from any person in Pakistan or even from abroad whom it considers to be knowledgeable and well-versed in Islamic law.
8. Under the Article 203-D of the constitution any petition or application can be submitted to the court without paying any court fee.<sup>24</sup>

### **Islamic Research Institute**

#### **Introduction**

Islamic Research Institute is a pioneer Pakistani Institute. It was proposed in the Article 197 of 1956 Constitution of Islamic Republic of Pakistan.

For a proper development of the Muslim society it was considered imperative that Islamic scholars should engage itself in serious study and research in the fields of Quranic Sciences, Hadith, Islamic Law and Jurisprudence, History, Culture, Philosophy, Tasawwuf and other Islamic subjects. It was important not only to review their development in the past but also to draw a blueprint for future development of Muslim thought so as to be able to meet the requirements of the contemporary Muslim society in a rapidly changing world.

In the light of this rationale, the constitution of the Islamic Republic of Pakistan of 1956 under article 197 speaks about Islamic Research Institute as under:

“The President shall set up an organization for Islamic research and instruction in advanced studies to assist in the reconstruction of Muslim Society on a truly Islamic basis.”<sup>25</sup>

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<sup>24</sup> <http://www.federalshariatcourt.gov.pk/Obj.html>

<sup>25</sup> The Constitution of Islamic Republic of Pakistan 1956, Article. 197.

In pursuance of these constitutional provisions Islamic Research Institute (IRI) was established in 1960. The Institute was established for development of appropriate methodologies for research in various fields of Islamic Learning. The contemplation of interpretation of Islamic Teaching in the context of interpretation and scientific programs of the modern world was also included in the Objectives of Islamic Research institute. For the last six decades, the Institute is trying to contribute in the evolution of Islamic Thoughts as per its Objectives through publication of books, monographs, Research Journals and other material on the various topics of Islam. Islamic Research Institute is a research arm of International Islamic University.

### **Historical Chronology**

Historical chronology of the IRI is as under:

1949: Objective Resolution passed by the Constituent Assembly of Pakistan.

1952: Proposal for the establishment of Islamic Research Institute presented in the Constituent Assembly by Chaudhry Muazzam Husain (Zahiruddin Lal Mian).

1956: Provision for the Institute laid down in the 1956 Constitution under article 197.

1958: The Organizing committee constituted by the Minister of Education, Government of Pakistan, resolved to establish the Institute.

1960: Statutory Notification No.F15-1056-E.IV issued for the establishment of the Institute

1962: The Islamic Research Institute, under article 207 of the Constitution of the Islamic Republic of Pakistan, 1962, assigned the function of undertaking "Islamic research and instruction in Islam for the purpose of assisting in the reconstruction of Muslim society on a truly Islamic basis".

1965: The administrative control of the Islamic Research Institute was transferred to the Ministry of law and parliamentary Affairs.

1979: Under Notification 1979 SRO 746(1) 119 the administrative control of the Institute was transferred to the Ministry of Religious Affairs.

1980: Under Islamic University Ordinance 1980, the administrative control of the Institute was transferred to the Islamic University. The Board of Governors of the Institute was redesignated as Islamic Research Institute council.

1985: Under international Islamic University Ordinance of 1985, the Islamic Research Institute was merged with the University and the IRI Council was constituted.

1987: Under the statutes of 1987, the Islamic Research Institute Council was reconstituted with President of the University as its ex-officio Chairman.<sup>26</sup>

### **Departments of IRI**

#### **Department of the Qur'anic Studies**

Since the primary and ultimate source of Islam is The Qur'an which is also the supreme criterion of all ideas, values and ideals, thus, it is the utmost effort of Islamic Research Institute (IRI) to provide means of research in this foremost area of Islamic scholarship. For this purpose, IRI aims at to pursue an ambitious programme of research.

#### **Department of Hadith and Sunnah**

Hadith and Sunnah is the second primary source of Islamic law and an eternal guidance for Muslims in their individual and collective lives. The purpose of this department is to undertake research with respect to various themes of Hadith sciences including text-based research, translation of hadith compilations, etc.

#### **Department of Fiqh & Law**

The practical application of teachings of Quran and Sunnah is true spirit of Islam. The fundamental requirement of Islamic Research Institute (IRI) as by its founders was, "to assist in the reconstruction of Muslim society on truly Islamic basis (article 197(1) of the Constitution of Pakistan, 1956)," it is the department of Fiqh and Law (formally Islamic Law and Jurisprudence Unit) that represents a significant player to achieve this goal.

#### **Department of Islamic Thought**

Islamic Thought is a discipline that covers a wide range of areas of research on Qur'an, Hadith, Islamic History, Philosophy, Tasawwuf, Islamic Political System and Islamic Methodology in these disciplines, etc. Islamic Research Institute provides means of research in this foremost area of Islamic scholarship. IRI works to pursue realistic programme of research on different topics of this discipline

#### **Department of Contemporary Muslim Ummah**

Challenges and the issues raised by the modern age are unprecedented in its nature and scope for the Muslims in particular and for the humanity at large as well. In this situation how should Muslims respond and what role can they play. For this purpose Islamic Research Institute provides a unique platform of research where Muslims can find solution to these challenges of the modern age while keeping the Islamic traditional legacy as its guiding principle.

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<sup>26</sup> <https://iri.iiu.edu.pk/index.php/about-2/historical-chronology/>

### **Publications**

Publishing is integral to the Institute's research activity. In addition to its quarterly research journals the Institute publishes books. Over the years it has published more than 100 books and monographs in Arabic, English, Urdu and Persian on various subjects including Islamic Law, Jurisprudence, Economics, Political Science, Natural Sciences, History, Education, etc. More than a dozen manuscripts of classical significance in the fields of Islamic Law, Jurisprudence, History and Tasawwuf have also been edited and published.<sup>27</sup>

### **Recent Publications**

1. Islamic Ma'ashray Main GhayrMuslimoon Kay HuqooqWaFraiaz
2. Khutbat-i-Madras
3. Fiqah-i-Islami: DalailAurMasail (Vol. II & III)
4. IslamiShariat: MaqasidAurMasalih
5. Jerusalem: The Thrice Loved Land.

### **Journals**

Islamic Research Institute (IRI) is publishing following three research journals in Urdu, English and Arabic .

- Fikro-Nazar (1963-2018)
- Islamic Studies (1962-2018)
- Al-Dirassat Al-Islamyya (1965-2018)

### **IRI Press**

Essential to the implementation of the publication programme is a modern printing facility. The Institute has a well-equipped and self-sufficient printing press. It is equipped with an advanced computerized phototypesetting system and modern offset printing machinery. A unique feature of the IRI Press is its composing versatility. It has been composing texts in Urdu, Arabic, Bengali, Persian, Turkish, Spanish and English languages, intermixing them and inserting accents/diacritical marks, which are essential requirements of scholarly publishing. Its latest innovation is a self-modified Electronic composer for the composing of Turkish language, available with no other press in Pakistan.<sup>28</sup>

Apart from the Institute's publications, the IRI Press has also been accommodating all kinds of printing requirements of the University and its constituent units as well as a government and other institutions of higher learning. A regular feature of the IRI Press has been the printing of the

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<sup>27</sup> <https://iri.iiu.edu.pk/index.php/publications-3/>

<sup>28</sup> <https://iri.iiu.edu.pk/?s=IRI+press>

Institute's three journals which are well recognized for their contents and are circulated in 30 countries of the world.<sup>29</sup>

The IRI Press, no doubt, has played an important role in helping the Institute achieve high standards in printing and publishing.

#### **DMH Library**

Dr. Muhammad Hamidullah Library of the Islamic Research Institute was established in 1959, with the ambition to develop a comprehensive collection on Islam and the Muslims in the major languages of the World. The library was started at Karachi with a donated collection of 2500 books from Maulana Abdul Aziz Maymani, a celebrated Arabist of the sub-continent.<sup>30</sup> Since then the Institute has been making assiduous efforts to collect reading material on each field of Islamic Studies. The library, which was named after the renowned scholar Dr. Muhammad Hamidullah in 1986, is unique in many respects. It possesses original source material in Arabic, Persian and Urdu, besides a large number of important works by Muslim and non-Muslim scholars in English, French, German, Italian, Greek, Spanish, Russian and other major languages. In terms of selection of books and its stock of essential and rare works it is the best library on Islamic sciences in Pakistan.

#### **Conclusion and Recommendations**

All the above institutes, the Islamic Ideology council, The Federal Shariah Court and the Islamic Research Institute are trying their best to Islamize the law and society in Pakistan as per their prescribed scope. The Islamic Research Institute is effectively providing theoretical groundings of a true Islamic society. Council of Islamic Ideology is playing its active role as an advisory body but to act upon on its recommendations is at the legislator's end whether it follows them or not. The Federal Shariah Court has an edge to implement the laws with force but its decision can also be challenged in the Supreme Court which can be result as reduction of its powers. In this way, although, it is a unique combination of theory, guidance as well as implementation of the laws being judged on the parameters of Islamic injunctions, their performance can be more fruitful if acknowledged, endorsed and implemented sincerely by the legislator.

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<sup>29</sup> Ibid.

<sup>30</sup> <https://iri.iiu.edu.pk/index.php/dmh-library/>