

THE ENFORCEMENT OF SHARI'AH ACT, 1991 VIS-A-VIS
THE CONSTITUTION OF THE ISLAMIC REPUBLIC OF PAKISTAN 1973

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ABSTRACT

The Enforcement of Shari'ah Act, 1991 has met with mixed reaction from the masses. The author's hypothesis is that the Act, has been passed in, haste by the ruling party without realising its social, legal and constitutional repercussions. The author also makes its comparison with the Constitution of 1973 and concludes that in the presence of 1973 Constitution this Act becomes redundant. Hence the proper method for the enforcement of Shari'ah in Pakistan at the moment is :a) to remove all the anomalies pertaining to the Islamic provisions of the Constitution by making amendments; b) to embark upon sincerely for the proper implementation of these Islamic provisions.

INTRODUCTION

Right from M.A. Jinnah to Nawaz Sharif there has been strong public demand to enforce Shari'at in the country, for example, all the constitutions of Pakistan have had almost identical Islamic preambles.

Constitutionally considerable place has been given to Islam. It is the state religion of Pakistan; the president and prime minister must be Muslims; no law is made which is repugnant to Islam; certain specific agencies- the Advisory Council of Islamic Ideology, the Islamic Research Institute and the Federal Shari'at Court and the Shariah Bench of the Supreme Court have been established to deal with Islamic issues; the hudud punishments have