

## Islamization of Zia Regime: An Appraisal from Gender Perspective

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### **Abstract**

General Zia Ul Haq's military regime is known, for many for its blatant violation of human rights, hanging, flogging, and imprisonment of political workers. Even intelligentsia and journalists were executed for political reasons during this regime. However, his regime was particularly known for suppression of women rights in his process of Islamization. After deposing Bhutto by imposing Martial Law General Zia took over the helm of affairs of the country on the 5th of July 1977 and remained in power with full autocracy till 17th August 1988 when his plan was ablaze in the air near Bahawalpur. This study is an attempt to analyze the process of Islamization by General Zia, its causes, suppressive actions act against various segments of society especially women. The study is also an attempt to search for the answers to the question "Was his policy of Islamization a sincere effort to implement the Islamic system or merely politically motivated? The response of women against Islamization regarding gender-related laws is also a significant part of the paper. Both qualitative and quantitative methods are used to investigate and research the facts about the Islamization process and the struggle of women against it. The memoirs and interviews of participating women activists, scholars, and other leading figures have also been consulted to fill the leftover scholarly gap. Pakistan is predominantly a feudal and tribal nation with patriarchal beliefs and mindsets. In the South Asian region, religion has always played an essential role in the lives of ordinary men and women, although women have been enslaved and dominated in the name of religion far more than males.

**Keywords:** Islamization, Nizam-i-Mustafa, Political motives, suppression, human rights, Hodood Ordinance, women organizations, women response

### **Introduction:**

The rigorous movement by opposition Pakistan National Alliance against the elected government of Bhutto, and its demand for the Nizam-i-Mustafa (The system of Holy Prophet SAW) paved the way for military to



impose the third Martial Law in the country. The Martial Law regime under General Zia hanged Prime Minister Bhutto in the most controversial murder case. PNA's Nizam-i-Mustafa movement charged a considerable number of Pakistani masses in the name of Islam. Pakistan is predominantly a Muslim majority country and the overwhelming majority of the people of Pakistan has deep emotional attachment with their religion so using name of Islam for political motives has been a mantra in political culture of Pakistan. Religion has always been a dominant factor to emotionally exploit the people for political reason, be it Ashok Kapoor Raja, Chandar Gupt Moriya, Mehmood of Ghazna, Jalal Udeen Akbar, Aurangzeb Alamgir or later rulers. So it was quite obvious for Zia regime to use the name of Islam for seeking legitimacy for his dictatorial regime, which he established ostensibly in result of a movement demanding implementation of Islamic system in the country. He managed to cultivate a considerable support base in the extreme right wing religious segments particularly Jammāt-i-Islami in result of his agenda of Islamization. Imposing Martial Law by deposing Bhutto's government and consequently his physical execution naturally brought him closer to right wing religious opposition. To appease his right wing supporters the introduction of Islamic policies was his need. Later the process of Islamization proved just cosmetic, forged for mere political and strategic motive.<sup>1</sup> The second and the most significant cause for the Islamization of Zia regime was its involvement in US and Saudi-led "jihad" in Afghanistan as a front line and most allied ally of US. The war in Afghanistan was projected by the regime holy jihad between Islam and "Godless" communists of Russia rather than a conflict of interest between capitalism and communism. To justify its deep involvement in the long-standing US-led Capitalist conflict against Communist USSR General Zia regime opted to use Islam as a tool. Because US-led alliance needed a heavy number of *mujahideen* (religious guerrilla fighters) to fight against Russian Communist forces and its allied Communist government in Afghanistan. To provide large infantries to US-led alliance in the shape of *mujahideen* it was essential to Islamize the society at large. So the policy emerged as *mullah-military alliance*, the name given to the regime as the convergence of both (mullahs; the religious groups, and military) for their reasons emerged during that era. On the other hand a rigorous movement was launched by the PPP-led opposition alliance to the regime.<sup>2</sup> The regime was using every oppressive mean including extra-judicial killings, hanging in flimsy cases by military courts, public flogging of political workers, illegal detentions, forced disappearances and imprisonments of political leaders including the women of Bhutto family, Benazir Bhutto the daughter of slain Prime Minister Bhutto, Begum Nusrat Bhutto the wife of Bhutto and others. These suppressive acts of Zia regime created resentments among various segments of society and they rose up to revolt against the regime in support of PPP-led Movement for the Restoration of Democracy. The demand for restoration of democracy was getting rise in various cities of the country

specially the province of Sindh. To refrain the masses from participated in MRD procession and divert the attention from the oppressive highhandedness of the regime the later used the Islamization as a tool. Women formed about half of its population but being a feudal conservative society by and large the women has always been deprived of their basic rights. The religion of Islam has given some special rights to women but the patriarchal feudalistic tribal mind set has never given fully even those rights to women. But the measures taken by General Zia regime generated a serious debate regarding the women issues and gender discrimination, his gender related programs, policies and laws prompted this debate.<sup>3</sup> The opponents of the Islamization process of Zia Regime were of the perceived view that the enforcement of such ordinances was carried out without understanding the values of Islam, culture, norms and tradition of a true Islamic society and such measures were taken in hasty manner just for political gains. Female lawyers, prominent women and civil society perceived the laws and administrative measures of General Zia regime as subverting and suppressive against women and started protest. The Islamization process of General Zia proved instrumental in instigating the women across the country against the discriminatory laws and practices of the regime. They demanded modernist interpretation of religious laws for the freedom, equality and emancipation of women. The Woman Action Forum (WAF) and other organizations of women came into existence and strongly resisted the Islamization process particularly Zia Hudood Ordinance and half testimony of women than of a man's.

#### **Research Methodology:**

Both qualitative and quantative methods are used to investigate and research the facts about the Islamization process and struggle of women against it. The memoirs and interviews of participating women activists, scholars and other leading figures have also been consulted.

#### **Search for Legitimacy and Islamization**

In an attempt to muster the support of common masses to attain legitimacy for his dictatorial rule General Zia announced in 1978 that *Nizam-e-Mustafa* movement would be followed and Islam would be supreme over the constitution and laws of the country.<sup>4</sup> To make them part of the legal system the courts started to apply Sharia laws in 1979. Islamic advisors or muftis would be assigned in each court room to help and guide the judges.<sup>5</sup> It was quite essential for General Zia to retain his power to save himself from being tried for aborting constitution, to neutralize the popularity of PPP, to legitimize his unconstitutional dictatorial rule and to practice an authoritarian system. For these objectives he opted for the Islamization program to serve his objectives. Moreover to obtain financial aids from Muslim World and Western allies for Pakistan's military role in Afghanistan were the external impulsion for him to use Islamization as tool. General Zia considered himself as the part of a divine scheme of God to Islamize Pakistan. He had given a divine

opportunity to serve the cause of Islam and for him he had a moral and divine obligation to setup a state and society as pronounced in the Holy. <sup>6</sup> General Zia's military regime considered Islam as the chief uniting factor in a situation of persisting political turmoil in the country and resistance against the dictatorial regime. <sup>7</sup> In his early speeches, he said that Islam would be enforced in every walk of life, the political, legal and economic reforms would be implemented according to the values of *Quran* and *Sunnah*.

On 1<sup>st</sup> September 1977 while addressing to a press conference General Zia said:

*"A presidential form of government closest to Islamic ideology with president or ameer elected by the entire nation was best suited for Pakistan. The president will be checked by a legislature and shall be guided by the consensus of opinion "Ijma" in the "majlis-e-mushawarat" the council of advisors consisting of the ulema possessing unimpeachable character. The president will be counterchecked by the prime minister and the prime minister by the National Assembly".<sup>8</sup>*

On 9<sup>th</sup> February 1979 General Zia regime introduced Hudood Ordinances. Different crimes including rape, adultery, murder, drinking alcohol, and theft were included in the Hudood Ordinances. But when a person was accused of such crime under the Hudood Ordinance, four Muslim adult male were to prove the testimony of the crime as witness. It was quite difficult for women for accusation against a man in genuine cases as their testimony was considered half of a man's. The law literally eliminated the distinction between rape and adultery. <sup>9</sup> The provisions of the ordinance related to *Zina* were specifically more controversial than others. The critics of these laws alleged that in hundreds of incidents of rapes and even gang rapes the victim women were eventually accused of *Zina* and imprisoned.<sup>10</sup> Childhood and teen-age marriages were barred and make it more difficult for a man to divorce his wife arbitrarily or to acquire a second wife under the Family Laws of 1960. While addressing to nation on 2nd December 1978 General Zia accused the political leaders for exploiting the name of Islam and stressed in a categorical manner that Pakistan came into being in the name of Islam and could survive only with Islam.<sup>11</sup>

On 10<sup>th</sup> February 1978 General Zia regime issued an executive order in which number reforms were introduced as a process of Islamization to bring the existing state laws in conformity with Islamic principles in the interpretation of the regime. Dealing predominantly with the female population a controversial Hudood Ordinance was issued as a part of legislative reforms agenda. Through Presidential Orders a number of Islamic laws (including The Zina Ordinance one of five ordinances passed under the Hudood laws) were enforced pertaining to adultery, theft, drinking and qazf (false accusation of zina). Amputation of hands for theft, and lashes and strips for different crimes and stoning to death for adultery were the prescribed punishments, such severe punishments could be manipulated

through bribe in a system where police and other administrative institutions were either corrupt or inadequately empowered.<sup>12</sup> The most crucial and point of contention was that the Ordinance did not distinguish between adultery (*Zina-bil-Raza*) and rape (*Zina-bil-Jabr*). In result of the enforcement women would be the most affected of the offence of *Zina* Act (Adultery Act). One of the five Ordnaances promulgated under Hudood Laws was *Zina* Ordinance. Under this Ordinance a victim woman of *zina* (rape) required to produce four adult Muslim *saleh* (modest) male to prove her allegation, failing which she would be charged as involved in *zina-bil-raza* (adultery) on the grounds that she herself confessed of having illegal sexual intercourse. It is quite obvious firstly no rapist would commit of rape crime while having presence of four witnesses and such happens they must be accomplices in the crime.<sup>13</sup> A large number of the downtrodden and poor families especially from rural areas first became victim of rape by influential landlords or employers and on complaints of rape they were prosecuted and put in confinements in jails on the grounds of fornication or adultery. So in these circumstances it was impossible to lodge a complaint of rape by poor victims in a fear of being accused of adultery.<sup>14</sup>

In order to regulate their actions and in particular to contain and control female sexuality, a number of laws were passed which were very detrimental to women's status and position. The implementation of Hudood Order is also undoubtedly the case that a widely-used vehicle has been introduced to express hostility between families. The majority of these cases are triggered by private complaints brought by the father, brother, former spouse, mother of the woman before the superior courts on the Hudood laws of women. There is a great chance of abuse in this situation. It is also not unusual for interfamily grievances to lead to accusations against the corresponding target of the enmity.<sup>15</sup> In fact this tribal law privatizes killing crime, which no longer constitutes a crime against the state but a crime against a person. The law was widely used to allow "honour killing" perpetrators to be released. Blood relatives (brothers or fathers) may kill a girl for mere suspicion (or annexation of her property). Instead of being a tool for modernising the law, the state became a tribal entity, capitulated by the local patriarchy to the customary and cultural norms. In the Qisas and the Diyat Ordinance originally proposed by the Council for Islamic Ideology during the Zia regime, social regulation of women's and moral bodies through legal structures was also achieved, but was delayed, because it prevented Zulfikar Ali Bhutto from hanging. It was passed as an order in 1990 and in the second term of Nawaz Sharif in 1997, it became a parliamentary act.<sup>16</sup> In the Qisas and the Diyat Ordinance originally proposed by the Council for Islamic Ideology during the Zia era, social regulation of women's and moral bodies through legal structures was also achieved, but was delayed, because it prevented Zulfikar Ali Bhutto from hanging. It was passed as an order in 1990 and in the second term of Nawaz

Sharif in 1997, it became a parliamentary act. The main flaw in the Qisa and Diyat legislation that covers all crimes against the human body is that it makes such offences accessible to the private sector by providing Qisa (retribution) or Diyat as a private matter (blood money). The victim's heirs may forgive the killer or Diyat, or compromise the murderer without being reimbursed for any amount.<sup>17</sup>

Islamization program focused on limiting the role of women, specially urban middle class women. General Zia believed that the role of women was confined to the four walls of the home, under the slogan of "*chaddar*" and "*chardivari*", means the veil (*pardah*) and home.<sup>18</sup> General Zia's Council of Islamic Ideology proposed the *Qisas* and *Diyat* Ordinances but initially differed by government because these laws could have been prevented the hanging of Zulfiqar Ali Bhutto. Later on it was adopted by Nawaz Sharif government in 1990. The murder or any other offense against human body was open to compromise as a private matter between two parties by paying the *Qisas* (retribution) or *Diyat* (blood money). The family of the victim can forgive the killer by receiving *Diyat*. So under this ordinance murder was no more a crime against the state but a private matter. The Law was widely used for perpetrators of "honor killings" to escape the punishment. A lady if killed by a family member for annexing her property the other family member brother or father forgives the murderer, the state is nothing to do anything with it. So in a way was promoting further patriarchal tribal culture. Such laws were taken as shelter to get relief in many cases of acts of *Swara* and *Karo-kri*.<sup>19</sup>

To Islamize the education system the Federal Cabinet passed the national education policy on 7<sup>th</sup> April 1979. Under this policy establishment of new English medium schools was banned, and the existing English medium schools were asked to change their medium from English to Urdu. The existing schools would be replaced by *madaris* and *maktab* schools at the primary level. The degrees of *madaris* was declared equivalent to the Master degree of universities.<sup>20</sup> A large number of Pakistani common masses perceived General Zia as a sincere religious leader nonetheless he used the Islamization program to strengthen his rule and attained the political support of clergy and JI the powerful religious party. Thousands of mosques were built and heavy paycheques were distributed among clergymen.<sup>21</sup> He relied on JI for the interpretation of Islam to impose his agenda in the country.<sup>22</sup>

While addressing on the death anniversary of Quaid-i-Azam M. A. Jinnah in September 1980, General Zia said "The measures which are being initiated today to establish an Islamic social order in Pakistan are the true manifestation of Jinnah's dreams."<sup>23</sup>

The *Deobandi madaris* mushroomed under state patronage during this tenure to enlarge the support base of Zia regime and to meet the requirement of young religiously motivated people to fight US proxy war against USSR in Afghanistan. *Debandi madaris* having an anti-Imperial history could be a

better choice of regime for its proxy expedition in Afghanistan.<sup>24</sup> All of the others – women, non-Muslims, ethnic minorities and Shiites – became less rights and privileges for the population. Although some of the inequality was institutionalised by constitutional means, the rest was promoted by tacit governmental policies. The state's alienation processes have been further exacerbated by a profound participation in the war in Afghanistan, which is being exploited by the Pakistani military administration to strengthen its strength by competing US and Soviet imperialisms.<sup>25</sup> The Soviet invasion and the subsequent US exhortation to drive the Soviet Union out of Afghanistan clearly linked to the need of General Zia to use Islam as a weapon to achieve legitimacy. In order to counter Soviet politics, the United States encouraged a radical *Wahhabi* version of Islam.<sup>26</sup>

The lower socioeconomic classes mostly related to semi-skilled, unskilled or menial jobs were discriminated by the chanted Hudood Ordinances. During the period from 1979 to 1986, 42 percent of the males accused of crimes under Hudood Ordinance were agricultural labourers, 17 percent common labourers and most of the others were fruit-sellers, beggars, drivers, or home servants. Over 95 percent of the accused women of Hudood crimes were employed as the household workers. 75 percent of the total accused persons were dwelling in rural areas and majority was illiterate, only 2 percent accused of Hudood crimes were from middle or upper middle classes.<sup>27</sup> These laws undermined the weak classes including women, non-Muslims, ethnic minorities, and Shi'ites with fewer rights and privileges. Almost all sections of society were suffered in result of his self-centred Islamization in the country. Media was totally restricted and defying journalist were publically flogged, a parallel judicial system was placed, the text books were changed for the reflection of the importance of *jihad* (the holy for implementing Islam), women were the principal victim and were deprived of their rights under the retrogressive interpretation of religion about women, who were already suffering in a patriarchal society. The state was being redefined its position in the changing geostrategic situation in the region. A number of laws were introduced detrimental of women role and status in society and to control and contain their sexuality.<sup>28</sup> The implementation of Hudood Ordinance was used as a vehicle to settle the grievances of inter-family and intra-family enmity. Most of the cases of Hudood Ordinance in higher courts in which women were principal accused and cases were submitted by father, brother, former husbands, and mother of the accused women. The allegations of Zina were used to take revenge from the enemies, or property gains, and most of the cases were lacking merits. Such cases were initiated by the family members against women either to give punishment to a disobedient son or daughter and to threaten the enemies on the issues of land related rivalries or matrimonial cases where love marriages are intended.<sup>29</sup> The women organizations and individuals contested the Ordinance in the Sharia Court and pleaded that Islamic scriptures has a number of instances of

respect for the testimony of women. Finally in 2006 the Ordinance was repealed on the consistent pressure of women organization and civil society, or perhaps on the pressure of changed scenario internationally, specially war against terror. In result of outrage of women and other organizations of the country and pressure from international organizations the law was changed through the Criminal Laws Amendment Act 2006, so that an investigation may carried out and the culprits of rape may be brought to the trial.<sup>30</sup>

### **The Response:**

General Zia's Islamization program sparked a countrywide women upheaval to create consciousness among various social classes to initiate an opposition and resistance against rigid gender-discriminatory laws and practices and to facilitate women freedom and equality. Biased laws against women triggered a strong women resistance unique of its kind in the history of Pakistan. It gave emergence to non-governmental women's organizations (NGOs), activist theatre groups, human rights and legal aid cells, and other groups which strongly challenged the oppressive laws and the authoritarian regime of General Zia.<sup>31</sup> Subordination of women role could have prevented Benazir Bhutto, the Western educated politician and starch foe of the regime, and the most popular opposition leader, to come into power as the interpretation of Islamization by General Zia and his ally JI a woman cannot become the head of the state. She used to criticise the women related laws under Islamization of General Zia for a number of occasions but some leading women's groups were of the view that she did not want to be identified as feminist to muster her political support from conservative segments of society.<sup>32</sup>

On 12<sup>th</sup> February 1983 some 400 women took out a public demonstration in defiance of military dictatorial regime and its martial law regulations that banned political processions, activities and public protests. These leading women belonging to Women Action Forum (WAF) and Pakistan Women Lawyers' Association (PWLA) launched a procession from Hall Road to Lahore High Court, where they wanted to file a petition against the discriminatory and anti-women Law. This law reduced the testimony of women to half that of a man. Police opened up baton charged on those protesting women outside LHC and a number of women were severely injured. Dozens of women were put behind the bars for several hours. In their struggle for an egalitarian, just and progressive society and against the anti-women laws the renowned revolutionary poet and activist Habib Jalib, ever a fighter against dictatorship, along with some other men, joined the procession. He too was severely injured by police baton charge and was arrested. The nearby shopkeepers helped those helpless women and allowed them to enter in their shops and offered them drinking water. In such circumstances when the military regime put inhuman restrictions and a heavy number of political workers and leaders were behind the bars, public flogging



of political activist it was quite difficult to launch a protest demonstration against the oppressor military regime. These women were the first to challenge the military regime.<sup>33</sup> Khawar Mumtaz, Nighat Saeed Khan, Farida Shaheed, Lala Rukh, Robina Saigal, Zhila Shah, Humaira Sheikh, Madeeha Gauhar, Amna Durrani, Farkhanda Aurangzeb, and others were among the leading women of WAF and PWLA in the protests against General Zia regime's oppressive Laws against women.<sup>34</sup> The leading human rights activist lawyer leader and co-founder of Human Rights Commission of Pakistan (HRCP), Asma Jahangir was arrested and baton charged for participating in procession against General Zia regime and set to imprisonment. She was a leading voice not only against the biased ordinances against but also the barbarian punishment including stoning to death envisaged by regime. When General Zia imposed his brand of Islamization even on television programs many talented people defied and left the TV. Mehtab Akbar Rashdi a famous female host and a professor also defied the veil while hosting her famous show "Farozen" on television.<sup>35</sup>

WAF was formed in 1981 but 12<sup>th</sup> February 1983 event made it a symbol of women rights and resistance against the violation of women rights. It has been struggling for women emancipation in Pakistan for three decades. Since 1983, February 12 has been celebrated as women's empowerment day to pay tribute to the struggle of women for the rights of women and the establishment of democratic values in the country.<sup>36</sup> Even today the status and narratives of women emancipation in Pakistan is deeply rooted with the unique struggle of women against General Zia regimes' anti-women laws. Pakistani women played an important role in combating tyrannies and suppression by General Zia's military regime. The MRD women's section was also highly active. The women MRD workers distributed fruits and food to the workers in prisons in Faisalabad, Lahore, and Gujranwala. The prominent figures included Ameena, Shahida Nafees, Nasreen, Ameena Zamaan, Rukhsana Zahour, Nafees Siddiqi, Mrs. Tahira Mazhar Ali Khan, Mumtaz Noorani. In Lahore, Aitzaaz Ehsan's mother and wife have been detained. On September 24, 1983, another procession of working women marched in Lahore against the military regime's atrocities.<sup>37</sup> Although the WAF was not formally part of MRD, they were fighting against the rule of General Zia along with the MRD against a number of discriminatory measures, including adultery flagging and other cases, strict dressing rules for air hostess and television news announcers and other discrimination against women by the Zia government.<sup>38</sup>

Asma Jilani, a well-known lawyer and human rights activist, was arrested along with fourteen other protesting women by police. Women who were educated and literary also played a role in opposing the military regime's tyranny and violations of human rights. In their poems, Attiya Dawood, Fehmeeda Riaz, and other well-known poetesses mentioned the military regime's atrocities against women and political workers.<sup>39</sup>

All women's organisations, including WAF, APWA, DWA, and others, have played an important role in fighting the military regime's cruel measures against women in the name of Islam, as well as for the restoration of the rule of law and democracy in the country.<sup>40</sup>

Former Prime Minister Yousuf Raza Gilani made 12 February Pakistan's National Women's Day in the memory of the tremendous and unique of its kind struggle of women against the dictatorial regime and empowerment of women.<sup>41</sup>

Remembering the struggle, human rights activist and participant Lala Rukh said.

*"This demonstration became the symbol of women's resistance to all forms of oppression and of their unshakeable belief in an equal, equitable and just democratic order guaranteeing human rights for all, especially those who have been historically marginalised".*<sup>42</sup>

### **Conclusion:**

By and large, Pakistan is comprised of a feudal and tribal society based on patriarchal values and mindset. Religion has always played an important role in the individual life of the common men and women in the South Asian region but the women were subjugated and subordinated in the name of religion much more than men. But for the first time state under General Zia regime in its Islamization drive, purely for political reasons, used the name of Islam to further subjugate and in some cases adding the miseries of oppressed classes, especially women. Women have always been neglected in almost all spheres of life in the country but despite their vulnerable situation they stood up against the anti-women suppressive laws of General Zia regime and demanding basic egalitarian rights for all in an equal manner. A comprehensive analysis of the legislative and executive measures during Zia's rule displays not only the gender-biased laws but also insensitivity to the rights of women. Discriminatory ordinances and executive decrees reduced women's legal status in various ways. The struggle of women during Zia regime is a landmark struggle in the history of the country, and the struggle showed the path for women to continue their efforts for a just society based on equality for all without any discrimination. Although the condition of women, especially in rural areas is not much different from what it was during that era the efforts of women are still rising. Consequently, the majorities of those anti-women laws were repealed by the later governments and introduced many laws and measures for the emancipation of women. Despite a number of steps taken by successive governments still, the socio-cultural effects of the measures of Zia regime are still hovering over the life of women in the country, making their status more vulnerable and fragile in the society.



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<sup>38</sup> Christophe Jaffrelot, *A History of Pakistan and Its Origins*. ( London : Anthem Press, 2002), 81

<sup>39</sup> Khan, *My Political Struggle*, 383

<sup>40</sup> Kamala Visweswaran, *Perspectives on modern South Asia : a reader in culture, history, and representation*.(Malden : Wiley-Blackwell, 2011), 323

<sup>41</sup> The News International Karachi, February 12, 2020

<sup>42</sup> Hassan Naqvi . *National Women's Day: Memoirs of Trailblazing Activists*. The Express Tribune Islamabad February 12, 2014