



# A CRITICAL READING OF THE CONSTITUTION AND THE LEGAL EDIFICE OF THE ISLAMIC REPUBLIC OF PAKISTAN FOR GENDER EQUALITY

Hidayat Ur Rehman  
Abdul Wali Khan University Mardan, Pakistan

Muhammad Aqeel Khan  
Abdul Wali Khan University Mardan, Pakistan

**Abstract** This paper critically examines the Constitution of the Islamic Republic of Pakistan and its sub-constitutional structure from the perspective of gender equality. Some pieces of legislation are found to be discriminatory against women and conflicting with Constitutional articles providing for gender equality. As most of the laws that discriminate because of gender are alleged to be Islamic, their Islamic credentials are also contested. The paper argues that the laws analysed in this paper have nothing to do with Islam, rather they overstep the limits of Sharia. To conclude, the motive behind Islamization was political rather than legal.

*Keywords:* Discrimination, gender, law, Islam(ic), article, human rights, violation of human rights

## Introduction

Pakistan's legal edifice stands on the three pillars of Sharia, Western legal concepts and customary practices. The constitution is committed to Islamization but most of its provisions, especially fundamental rights, are secular and resemble the provisions of the Universal Declaration of Human Rights. In addition, it closely meets international human rights standards for gender equality. The superior judiciary also plays a role as the vanguard of gender equality in the constitutional provisions. Part two of the paper is assigned to a critical analysis, challenging the Islamic basis of the laws, which discriminate based on gender in the name of Islam. Some customary practices and judicial