

IN THE FEDERAL SHARIAT COURT

(ORIGINAL JURISDICTION)

PRESENT

**MR. JUSTICE DR. SYED MUHAMMAD ANWER, ACTING CHIEF JUSTICE
MR. JUSTICE KHADIM HUSSAIN M. SHAIKH**

SHARIAT PETITION NO.25-I OF 2022

M/s Najaat Welfare Foundation, P-756-A, Kot Khan Muhammad, Station Road, Faisalabad through its General Secretary Muhammad Ilyas son of Muhammad Ali Javed.

.....PETITIONER

VERSUS

1. Federation of Pakistan through Secretary, Ministry of Law, Justice & Parliamentary Affairs, Central Secretariat, Shaharah-e-Dastoor, Islamabad.
2. The Government of Punjab through Secretary Ministry of Law, Civil Secretariat, Lahore.
3. The Government of Sindh through Secretary Ministry of Law, Civil Secretariat, Karachi.
4. The Government of KPK through Secretary Ministry of Law, Civil Secretariat, Peshawar.
5. The Government of Baluchistan through Secretary Ministry of Law, Civil Secretariat, Quetta.

.....RESPONDENTS

For the Petitioner: Mr. Zafarullah Khan Ghumman, Advocate for petitioner

Date of Institution: 28.11.2022

Date of Hearing: 07.02.2023

Date of Judgment: 28.03.2023

JUDGMENT

DR. SYED MUHAMMAD ANWER, ACJ: Through the instant Shariat Petition, the petitioner invoked the jurisdiction under Article 203-D of the Constitution of the Islamic Republic of Pakistan, 1973 and prayed that appointment of woman as a judge be declared unconstitutional and

without protection under any provision of law or sanction of Allah as well as to declare that all appointed lady judges are not in lawful possession of their offices.

2. At the very outset, the learned counsel for petitioner contended that neither the Constitution of Islamic Republic of Pakistan, 1973 (*hereinafter referred to as the "Constitution"*) nor the West Pakistan Civil Courts Ordinance, 1962 allows the appointment of lady judges, even otherwise, the words "she" and "her" are alien to the chapter of Judicature of the Constitution, as such, and that the appointment of a woman as a Judge without the sanction of Allah is a flagrant disobedience. In support of such contentions, the learned counsel has also relied upon the following verses of the Holy Quran:

Verse-7 of Surah Al-Anbiya

وَمَا أَرْسَلْنَا قَبْلَكَ إِلَّا رَجَالًا تُوحِي إِلَيْهِمْ فَسْأَلُوا أَهْلَ الذِّكْرِ إِنْ كُنْتُمْ لَا تَعْلَمُونَ .

اور ہم نے آپ ﷺ سے پہلے مرد ہی (پیغمبر بنا کر) بھیجے جن کی طرف ہم وحی بھیجتے تھے اگر تم نہیں جانتے تو جو یاد رکھتے ہیں ان سے پوچھ لو۔

And We sent not before you, [O Muhammad], except men to whom We revealed [the message], so ask the people of the message if you do not know.

Verse 43 of Surah An-Nahl

وَمَا أَرْسَلْنَا مِنْ قَبْلِكَ إِلَّا رَجَالًا تُوحِي إِلَيْهِمْ فَسْأَلُوا أَهْلَ الذِّكْرِ إِنْ كُنْتُمْ لَا تَعْلَمُونَ .

اور ہم نے تم سے پہلے مردوں ہی کو پیغمبر بنا کر بھیجا تھا جن کی طرف ہم وحی بھیجا کرتے تھے۔ اگر لوگ نہیں جانتے تو اہل کتاب سے پوچھ لو۔

And We sent not before you except men to whom We revealed [Our message]. So ask the people of the message if you do not know.

Verse 109 of Surah Yousuf

وَمَا أَرْسَلْنَا مِنْ قَبْلِكَ إِلَّا رَجَالًا تُوحِي إِلَيْهِمْ مِنْ أَهْلِ الْقُرَىٰ ۗ أَلَمْ يَسِيرُوا فِي الْأَرْضِ فَيَنْظُرُوا كَيْفَ كَانَ عَاقِبَةُ الَّذِينَ مِنْ قَبْلِهِمْ ۗ وَلَدَارُ الْآخِرَةِ خَيْرٌ لِلَّذِينَ اتَّقَوْا ۗ أَفَلَا تَعْقِلُونَ .

اور ہم نے تم سے پہلے بسنیوں کے رہنے والوں میں سے مرد ہی بھیجے تھے جن کی طرف ہم وحی بھیجتے تھے۔ کیا ان لوگوں نے ملک میں سیر (وسیاحت) نہیں کی

کہ دیکھ لیتے کہ جو لوگ ان سے پہلے تھے ان کا انجام کیا ہوا؟ اور متقیوں کے لئے آخرت کا گھر بہت اچھا ہے۔ کیا تم سمجھتے نہیں۔

And We sent not before you [as messengers] except men to whom We revealed from among the people of cities. So have they not traveled through the earth and observed how was the end of those before them? And the home of the Hereafter is best for those who fear Allah; then will you not reason?

Verse 34 of Surah An-Nisa

الرِّجَالُ قَوَّامُونَ عَلَى النِّسَاءِ بِمَا فَضَّلَ اللَّهُ بَعْضَهُمْ عَلَى بَعْضٍ وَبِمَا أَنْفَقُوا مِنْ أَمْوَالِهِمْ فَالصَّالِحَاتُ قَانِتَاتٌ لِّلْغَيْبِ بِمَا حَفِظَ اللَّهُ ۚ وَالَّتِي تَخَافُونَ نُشُوزَهُنَّ فَعِظُوهُنَّ وَاهْجُرُوهُنَّ فِي الْمَضَاجِعِ وَاضْرِبُوهُنَّ فَإِنِ اطَّعْنَكُمْ فَلَا تَبْغُوا عَلَيْهِنَّ سَبِيلًا ۗ إِنَّ اللَّهَ كَانَ عَلِيمًا كَبِيرًا ۝

مرد عورتوں پر حاکم و مسلط ہیں اس لیے کہ خدا نے بعض کو بعض سے افضل بنایا ہے اور اس لئے بھی کہ مرد اپنا مال خرچ کرتے ہیں تو جو نیک بیبیاں ہیں وہ مردوں کے حکم پر چلتی ہیں اور ان کے پیٹھ پیچھے خدا کی حفاظت میں (مال و آبرو کی) خبر داری کرتی ہے اور جن عورتوں کی نسبت تمہیں معلوم ہو کہ سرکشی اور (بدخوئی) کرنے لگی ہیں تو (پہلے) ان کو (زبانی) سمجھاؤ (اگر نہ سمجھیں تو) پھر ان کے ساتھ سونا ترک کر دو۔ اگر اس پھر بھی باز نہ آئیں تو پھر زدکوب کرو اور اگر فرمانبردار ہو جائیں تو پھر ان کو ایذا دینے کا کوئی بہانہ مت ڈھونڈو بیشک خدا سب سے اعلیٰ (اور) جلیل القدر ہے۔

Men are in charge of women by [right of] what Allah has given one over the other and what they spend [for maintenance] from their wealth. So righteous women are devoutly obedient, guarding in [the husband's] absence what Allah would have them guard. But those [wives] from whom you fear arrogance - [first] advise them; [then if they persist], forsake them in bed; and [finally], strike them. But if they obey you [once more], seek no means against them. Indeed, Allah is ever Exalted and Grand.

Verse 228 of Surah Al-Baqarah

وَالْمُطَلَّاتُ يَتَرَبَّصْنَ بِأَنْفُسِهِنَّ ثَلَاثَةَ قُرُوءٍ ۚ وَلَا يَحِلُّ لَهُنَّ أَنْ يَكْتُمْنَ مَا خَلَقَ اللَّهُ فِي أَرْحَامِهِنَّ إِن كُنَّ يُؤْمِنُ بِاللَّهِ وَالْيَوْمِ الْآخِرِ ۚ وَلِيُغْوَظُنَّ أَحْقُ بَرَدِهِنَّ فِي ذَلِكَ ۗ إِنَّ آرَادُوا إِصْلَاحًا وَلَهُنَّ مِثْلُ الَّذِي عَلَيْهِنَّ بِالْمَعْرُوفِ ۚ وَلِلرِّجَالِ عَلَيْهِنَّ دَرَجَةٌ ۗ وَاللَّهُ عَزِيزٌ حَكِيمٌ ۝

اور طلاق والی عورتیں تین حیض تک اپنے تئیں روکے رہیں اور اگر وہ خدا اور روز قیامت پر ایمان رکھتی ہیں تو ان کو جائز نہیں کہ خدا نے جو کچھ ان کے شکم میں پیدا کیا ہے اس کو چھپائیں اور ان کے خاوند اگر پھر موافقت چاہیں تو اس (مدت) میں وہ ان کو اپنی زوجیت میں لے لینے کے زیادہ حقدار ہیں اور عورتوں کو حق (مردوں پر) ویسا ہی ہے جیسے دستور کے مطابق (مردوں کا حق) عورتوں پر البتہ مردوں کو عورتوں پر فضیلت ہے اور خدا غالب (اور) صاحب حکمت ہے۔

Divorced women remain in waiting for three periods, and it is not lawful for them to conceal what Allah has created in their wombs if they believe in Allah and the Last Day. And their husbands have more right to take them back in this [period] if they want

reconciliation. And due to the wives is similar to what is expected of them, according to what is reasonable. But the men have a degree over them [in responsibility and authority]. And Allah is Exalted in Might and Wise.

Verse 36 of Surah Al-Ahzab

وَمَا كَانَ لِمُؤْمِنٍ وَلَا لِمُؤْمِنَةٍ إِذَا قَضَى اللَّهُ وَرَسُولُهُ أَمْرًا أَنْ يَكُونَ لَهُمُ الْخِيَرَةُ مِنْ أَمْرِهِمْ ۗ وَمَنْ يَعْصِ اللَّهَ وَرَسُولَهُ فَقَدْ ضَلَّ ضَلَالًا مُبِينًا .

اور کسی مومن مرد اور مومن عورت کو حق نہیں ہے کہ جب خدا اور اس کا رسول کوئی امر مقرر کر دیں تو وہ اس کام میں اپنا بھی کچھ اختیار سمجھیں اور جو کوئی خدا اور اس کے رسول کی نافرمانی کرے وہ صریح گمراہ ہو گیا۔

It is not for a believing man or a believing woman, when Allah and His Messenger have decided a matter, that they should [thereafter] have any choice about their affair. And whoever disobeys Allah and His Messenger has certainly strayed into clear error.

3. We have heard the learned counsel for the petitioner and perused the available record. None of the verse upon which the petitioner relied directly prohibits the appointment of a woman as a judge. They are either related to the appointment of Prophets by Allah (SWT) or to the status of the Prophethood or they are related to family matters. On the contrary, the petitioner completely ignored and disregarded the fact that the duty of establishing rights and duties, to enjoin good and forbid evil in a society according to the dictation of Allah and His Prophet (SAW) is clearly and categorically placed by the Almighty Allah upon Muslim men and women equally, which is the prime responsibility of the Judiciary in any society.

Allah (SWT) in Ayah 71 of Surah Taubah says:

وَالْمُؤْمِنُونَ وَالْمُؤْمِنَاتُ بَعْضُهُمْ أَوْلِيَاءُ بَعْضٍ يَأْمُرُونَ بِالْمَعْرُوفِ وَيَنْهَوْنَ عَنِ الْمُنْكَرِ وَيُقِيمُونَ الصَّلَاةَ وَيُؤْتُونَ الزَّكَاةَ وَيُطِيعُونَ اللَّهَ وَرَسُولَهُ أُولَئِكَ سَيَرْحَمُهُمُ اللَّهُ إِنَّ اللَّهَ عَزِيزٌ حَكِيمٌ ﴿٧١﴾

اور مومن مرد اور مومن عورتیں ایک دوسرے کے رفیق ہیں کہ اچھے کام کرنے کو کہتے ہیں اور بری باتوں سے منع کرتے اور نماز پڑھتے اور زکوٰۃ دیتے اور خدا اور اس کے رسول کی اطاعت کرتے ہیں۔ یہی لوگ ہیں جن پر خدا رحم کرے گا۔ بے شک خدا غالب حکمت والا ہے۔

And the believers, men and women, are protecting friends one of another; they enjoin the right and forbid the wrong, and they establish worship and they pay the poor-due, and they obey Allah and His messenger. As for these, Allah will have mercy on them. Lo! Allah is Mighty, Wise.

4. The very contention of the learned counsel for the petitioner that the words “she” and “her” are alien to the chapter of Judicature of the Constitution, on which he claimed that the Constitution does not provide any article for the appointment of a female judge, shows the very inability of the petitioner to understand the constitutional construct and the basic understanding of law as it is a universal principle of law that the use of the masculine gender in any statute and law includes female unless there is anything repugnant in the subject or context. This principle of law is contained in Section 13 of the General Clauses Act, 1897, which states as follows:

Section 13. Gender and Number – In all (Central Acts) and Regulations, unless there is anything repugnant in the subject or context:

- (1) words importing the masculine gender shall be taken to include females, and*
- (2) words in the singular shall include the plural, and vice versa.*

Furthermore, to avoid any ambiguity in this regard, the Constitution of Islamic Republic of Pakistan, 1973 categorically contained this point in its Article 263, which says as follows:

“263 Gender and number

- (1) In the Constitution,*
 - (a) words importing the masculine gender shall be taken to include females; and*
 - (b) words in the singular shall include the plural, and words in the plural shall include the singular.”*

The Article referred above clearly manifeststhat the Constitution includes the provision forallowing women to serve as judges. Hence, the appointmentof female judges in Pakistan is duly protected by the relevant provision of the Constitution. Therefore, this Shariat Petition is not maintainable on this sole point of law as no provision of the Constitution can be challenged through a Shariat Petition vide sub-clause (c) of Article 203B of the Constitution, which says:

(c) *“law” includes any custom or usage having the force of law but does not include the Constitution, Muslim personal law, any law relating to the procedure of any court or tribunal or, until the expiration of ten years from the commencement of this Chapter, any fiscal law or any law relating to the levy and collection of taxes and fees or banking or insurance practice and procedure.”*

[emphases provided]

5. It has furtherbeen noted by this Court that a similar matter bearing Shariat Petition No.04-K/1982 (Ansar Burney v. Federation of Pakistan) has already been decided by this Court on 10.08.1982, which is reported as [PLD 1983 FSC 73] and appeal whereof being time barred was also dismissed by the Shariat Appellate Bench in the Supreme Court on 02.11.1983. Resultantly, the decision of this Court, dated 10.08.1982, attained finality. Thereafter,similar matter was again agitated before this Court through Shariat Petition No.1-L/2010 (Mian Hammad Murtaza v. Federation of Pakistan), which was decided by the Full Bench of this Court on 07.10.2010. In such view of the matter, this Shariat Petition is not maintainable on that score too.

6. Furthermore, it is pertinent to add here that the appointment of female judges is not against the Injunctions of Islam as laid down in the Quran and

Sunnah, that Islam is the only religion which is based upon a revealed book of Allah in which a substantial portion of beliefs and practices are based on those traditions or Hadiths (احادیث) which are narrated by female companions (صحابيات) of the Holy Prophet (PBUH) in general and by the wives of the Holy Prophet (SAW) in particular. It is because Allah (SWT) has placed the wives of the Holy Prophet (SAW) at the highest revered place amongst the companions and they are called as Ummahaatal-Mumaneen (امہات المؤمنین رضی اللہ تعالیٰ عنہن). Allah (SWT) specifically put them under a duty to narrate traditions of the Prophet (SAW) to the *ummah*. As a result of this command of Allah, a great portion of our religion, faith, religious beliefs and practices are transmitted to the *Ummah* through these highly exalted and revered ladies i.e. the Mothers of the Faithful (امہات المؤمنین رضی اللہ تعالیٰ عنہن). This is a unique aspect of our religion and tells us the actual elevated status, whereupon our religion Islam places women. The basis of this concept is provided by Verse 34 of Surah Al-Ahzab, which states as follows:

وَاذْكُرْنَ مَا يُتْلَىٰ فِي بُيُوتِكُنَّ مِنْ آيَاتِ اللَّهِ وَالْحِكْمَةِ إِنَّ اللَّهَ كَانَ لَطِيفًا خَبِيرًا 34 ۞

اور تمہارے گھروں میں جو خدا کی آیتیں پڑھی جاتی ہیں اور حکمت (کی باتیں سنائی جاتی ہیں) ان کو یاد رکھو بیشک خدا باریک بین اور باخبر ہے۔

And remember what is recited in your houses of the verses of Allah and wisdom. Indeed, Allah is ever Subtle and Acquainted [with all things].

7. This aspect of Verse 34 of Surah Al-Ahzab is explained by the Muffasareen (مفسرین) that this verse provides the basis of admissibility of Khabar Ahaad in Hadith Literature without differentiating between man and woman. Ibn Arabi explain this Ayah (34 of Surah Al-Ahzab) as follows in his *Tafseer Ahkam al Quran*:

أمر الله أزواج رسولہٖ بأن یخبرن بما أنزل الله من القرآن فی بیوتہن، وما یرین من أفعال
النبی ﷺ وأقوالہ فیہن حتی یبلغ ذلك إلی الناس فیعملوا بما فیہ ویعتدوا بہ.
(ابن العربی، ج ۳ / ص : ۵۷۲)

“اللہ تعالیٰ نے ازواج مطہرات کو حکم دیا ہے کہ قرآن کریم کے نزول کے متعلق جو ان کے خجروں میں نازل ہوا اس کی بابت اور رسول کریم صلی اللہ علیہ وآلہ وسلم کے اقوال و افعال کی بابت لوگوں کو آگاہ کریں تاکہ باقی لوگوں کو بھی پہنچ سکے پس وہ اس پر عمل کریں اور ان احکامات کی پیروی کریں۔”

Allah has directed the wives of the Holy Prophet (SAW) through this Ayah that they must narrate to other people about the Holy Quran which revealed in their houses and the actions of the Holy Prophet (SAW) they observed as well as of his sayings so that the people follow and act upon them.”

Ibn Arabi further concluded that this Ayah provides the basis of admissibility of the *Khabar Ahaad* from men and women to provide basis of any legal opinion of decree of Islamic law as follows in his *Tafseer*.

وهذا يدل علی جواز قبول خبر الواحد من الرجال والنساء فی الدین۔(ابن العربی، ج ۳ / ص : ۵۷۲)

“یہ اس بات کی دلیل ہے کہ دین کے معاملہ میں خبر واحد مرد اور عورت دونوں کی قابل قبول ہے۔”
[احکام القرآن، جلد ثالث، صفحہ ۱۵۳۸، مطبع دارالمعرفۃ بیروت]

‘This is the proof upon the acceptability of the Khabar Ahad from men and from women’ to provide basis of any legal decree of Islamic law.

Imam Qurtabi explains the same point in his *Tafseer* while explaining this Ayah in the following manner:

(تفسیر قرطبی (جلد ہفتم)، امام ابو عبد اللہ محمد بن احمد ابوبکر قرطبی)
۳۔ وَادْكُرْنَ كَمَا مَعْنَى هِيَ تَمَّ يَادُ كَرُو، اِنهِنَّ يَظُنُّوْنَ هُوَ اَوْ زَبَانُوْنَ بِرِ اِسْمِ لَازِم
كُرُو۔ گویا اللہ تعالیٰ ارشاد فرماتا ہے : اللہ تعالیٰ کے اوامر اور نواہی کو یاد رکھو۔ یہی وہ چیز ہے جن کی تمہارے گھروں میں اللہ تعالیٰ کی آیات کی صورت میں تلاوت کی جاتی ہے۔ اللہ تعالیٰ نے انہیں حکم دیا کہ جو قرآن حکیم ان کے گھروں میں نازل ہوتا ہے اس کی خبر دیں اور جو نبی کریم ﷺ کے افعال دیکھتی ہیں اور آپ ﷺ کے جو اقوال سنتی ہیں اس کی خبر دیں تاکہ یہ لوگوں تک پہنچیں تو لوگ ان پر عمل کریں اور اس کی اقتدا کریں۔ یہ امر اس پر دلالت کرتا ہے کہ دین کے معاملہ میں مردوں اور عورتوں کی جانب سے خبر واحد قبول کی جائے گی۔

The jurisprudential importance of this ayah as explained by Ibn Arabi and other scholars and Mufasareen was also explained and relied upon by contemporary scholar as Maulana Abdul Majid Daryabadi in explanation of this Ayah says in his *Tafseer* that:

(تفسیر ماجدی، جلد چہارم، پنجم، سورہ الاحزاب، آیت ۳۴، حاشیہ ۶۶، از مولانا عبدالماجد دریابادی)

۶۶) اور خود بھی اس پر عمل کرو، اور دوسروں تک بھی اسے پہنچاؤ۔ اور یہیں سے بعض نکتہ رس فقہاء نے مسائل دین میں خبر واحد کے قبول کا جواز نکالا ہے۔

فی بیوتکن۔ رسول اللہ ﷺ کا کوئی الگ مستقل مکان حجرات ازواج کے علاوہ تو تھا نہیں، یہاں بیوتکن لاکر بیوی صاحبان کو اس شرف و فضیلت کی یاد دلائی گئی ہے کہ نزول وحی و حکمت خاص تمہارے ہی گھروں میں تو ہوتا ہے۔ تم سے بڑھ کر ان علوم و حقائق و شرائع کا حامل اور کون ہوگا۔ آیات اللہ یعنی قرآن مجید۔

أی القرآن (مدارک، ص: ۹۴۱)

الحکمة۔ یعنی احکام شریعت و فہم قرآنی۔

Maulana Maududi in this regard says:

(تفہیم القرآن، جلد چہارم، سورۃ الاحزاب، آیت ۳۴، حاشیہ ۵۱، از سید ابوالاعلیٰ مودودی)

۵۱۔ اصل میں لفظ *وَأذْکُرَنَّ* استعمال ہوا ہے، جس کے دو معنی ہیں: "یاد رکھو" اور "بیان کرو"۔ پہلے معنی کے لحاظ سے مطلب یہ ہے کہ اے نبیؐ کی بیویو! تم کبھی اس بات کو فراموش نہ کرنا کہ تمہارا گھر وہ ہے جہاں سے دنیا بھر کو آیات الہی اور حکمت و دانائی کی تعلیم دیجاتی ہے، اس لیے تمہاری ذمہ داری بڑی سخت ہے۔ دوسرے معنی کے لحاظ سے مطلب یہ ہے کہ نبیؐ کی بیویو! جو کچھ تم سنو اور دیکھو اسے لوگوں کے سامنے بیان کرتی رہو، کیونکہ رسولؐ کے ساتھ ہر وقت کی معاشرت سے بہت سی ہدایات تمہارے علم میں ایسی آئیں گی جو تمہارے سوا کسی اور ذریعہ سے لوگوں کو معلوم نہ ہو سکیں گی۔

8. Muslim scholars are known for development of Hadiths Sciences i.e. *Ilm-ul-Hadiths* (علم الحدیث), through which the traditions are categorized under different categories pursuant to thorough scrutiny and meticulous care in analyzing even the personality of those persons through which a

tradition is reported. The meticulous analysis of every person, who is involved in reporting a Hadith, is independently considered as a separate subject related to Hadith Sciences and is called Ilm-ul-Rijal (علم الرجال). In this process special care was taken by the Muhadiseen (محدثين) to the extent that if someone was a person of weak memory or a person who takes less care in reporting some events, is also noted and accordingly such Hadith was given less weightage by the Muhadiseen (محدثين). If someone of weaker memory is involved in the reporting of any tradition then even that aspect of the reports of Hadith was also duly noted by the scholars of Ahadith. Here the first and foremost important point which we have taken into consideration is that in the whole corpus of Hadiths, thousands of Hadiths are reported by the female companions (صحابيات) of the Holy Prophet (PBUH) but not a single Muhadith (محدث) of any era or any scholar of any school of Islamic jurisprudence ever discredited any Hadith of the Holy Prophet (PBUH) only on this basis that such a Hadith is reported by a woman. This means that a portion of our religious beliefs and practices is based on the traditions of the Holy Prophet (PBUH), which are transmitted and reported to us with the reference of honourable ladies of Islam i.e. صحابيات of the Holy Prophet (PBUH).

9. Secondly, some Umahat al-Moomineen would give Juristic opinions commonly called the Fatwas (فتوى). The books of Ahadith including Sahih Bukhari and Sahih Muslim contain Fatawa of Hazrat Ayesha (RA) (حضرت عائشة) i.e. the legal opinions of Hazrat Ayesha (RA) so much so that there are reported instances where very senior Ashaab al-Rasool(RA)sought legal opinion from Hazrat Ayesha (RA) (حضرت عائشة). In the light of such a strong tradition and history of our religion which acknowledges the legal

and jurisprudential scholarship of women, the appointment of female judges subject to the provisions of any law and the Constitution is not against the injunctions of Islam as laid down in the Holy Quran and Sunnah.

10. For the reasons stated above and those which are stated in the earlier judgments of this Court and are referred hereinabove, moreover in the light of Article 203B of the Constitution of the Islamic Republic of Pakistan, 1973, we see no merits in the instant petition, hence it is hereby *dismissed in limine*.

(MR. JUSTICE DR. SYED MUHAMMAD ANWER)
ACTING CHIEF JUSTICE

(MR. JUSTICE KHADIM HUSSAIN M. SHAIKH)
JUDGE

Announced in Open Court
on 28.03.2023 at Islamabad.

*Khulid/**

APPROVED FOR REPORTING.

(MR. JUSTICE DR. SYED MUHAMMAD ANWER)
ACTING CHIEF JUSTICE