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Assignment

Second Amendment and Constitutional Development in Pakistan

Introduction

The Constitution of Pakistan 1973 is a living document that has evolved through various amendments. Each amendment was introduced to address political, legal, and social needs of the country. Among these amendments, the Second Amendment (1974) is considered one of the most significant because it changed the constitutional definition of a Muslim in Pakistan and had long-lasting legal and social effects.

Background of the Second Amendment

After the 1973 Constitution was passed, Pakistan faced various political and religious issues. One major issue was the status of the Ahmadiyya community (also known as Qadianis). There was a nationwide movement by religious groups demanding that Ahmadis be declared a non-Muslim minority.

To resolve unrest and maintain political stability, the government referred the matter to Parliament. The issue was debated in a special committee of the National Assembly, and after detailed proceedings, the Second Amendment was introduced.

Main Features of the Second Amendment (September 1974)

The Second Amendment made the following constitutional changes:

1. Deletion and substitution in Article 106

Article 106 deals with the composition of Provincial Assemblies.

The amendment added “Qadianis or Lahori group (who call themselves Ahmadis)” as a non-Muslim minority for special seats in provincial assemblies.

2. Amendment of Article 260(3)

The Constitution now defines:

Muslim: A person who believes in the absolute and unqualified finality of the Prophethood of Muhammad (PBUH).

Non-Muslim: Includes persons who do not believe in the finality of the Prophethood, including the Ahmadi community.

This was the most crucial part of the amendment because it legally categorised Ahmadis as non-Muslims.

Impact on Constitutional Development

1. Religious Definition in the Constitution

For the first time, the Constitution gave a legal definition of who is a Muslim. This was a major development because previously no formal constitutional definition existed.

2. Expansion of the Non-Muslim Category

The list of minorities in Pakistan was expanded beyond Hindus, Christians, Sikhs, Buddhists, and Parsis. Ahmadis were officially added as a separate minority group.

3. Influence on Future Legislation

The Second Amendment laid the foundation for later religious-based laws and policies, especially during the 1980s under General Zia-ul-Haq, such as:

Ordinance XX (1984),

Changes in electoral laws,

Blasphemy-related provisions.

4. Political Stability at the Time

The amendment was seen as a political solution to calm public protests and maintain order during a period of intense unrest.

Criticism and Controversies

The Second Amendment remains one of the most debated constitutional developments. Critics argue that:

It involved the state in theological matters.

It affected religious freedom and minority rights.

It set a precedent for future religious legislation.

Supporters, however, argue that:

It was necessary to maintain public order.

It reflected the will of the majority during that period.

Conclusion

The Second Amendment of 1974 is a turning point in Pakistan’s constitutional history. It not only redefined the structure of the Constitution regarding religion but also influenced future laws and political developments. Whether viewed positively or critically, its impact on the legal and social landscape of Pakistan is undeniable.