The Second Amendment

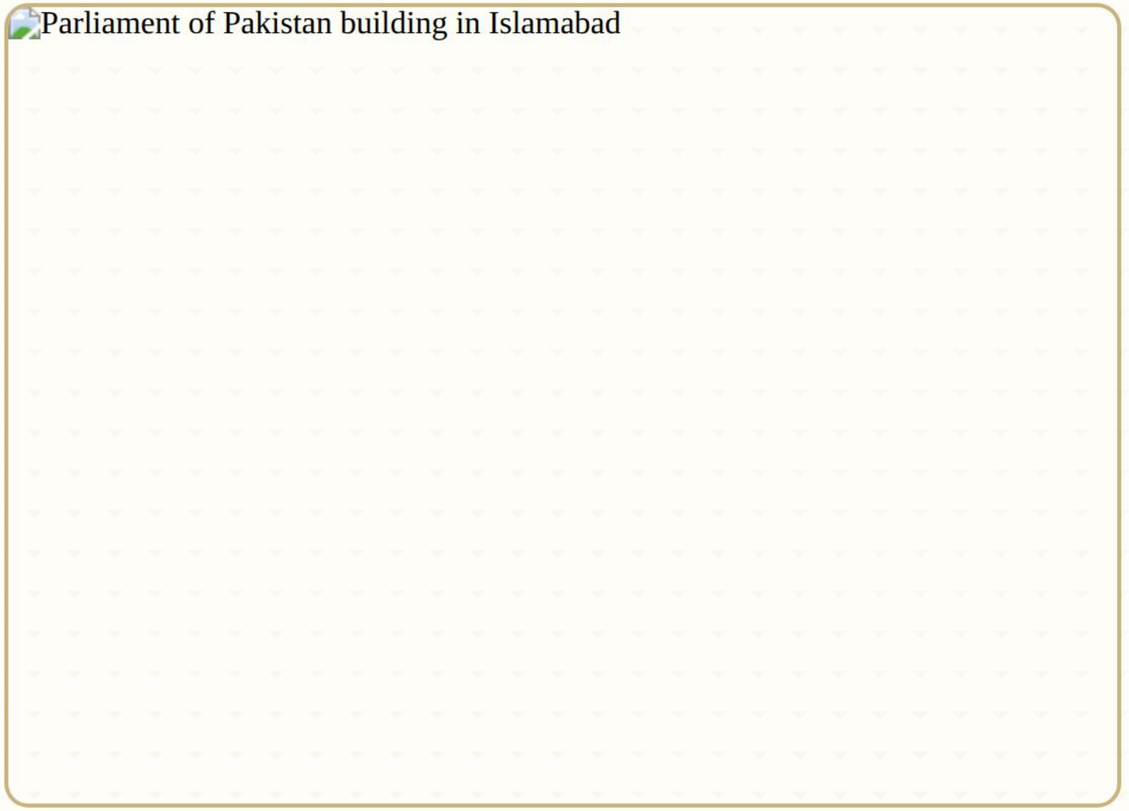
Constitution of Pakistan, 1973

What is the 2nd Amendment?

A Landmark Constitutional Change

Passed by the National Assembly on September 7, 1974, the Second Amendment is a significant and defining piece of legislation in Pakistan's history.

- Enacted under the government of Prime Minister Zulfikar Ali Bhutto.
- It fundamentally defined the religious identity of citizens for legal and constitutional purposes.
- The amendment was passed unanimously by the parliament.



The Historical Context

Long-Standing Demands

Since the 1950s, various religious and political groups had demanded the state officially declare the Ahmadiyya community as non-Muslim. This was a point of significant religious and political debate for decades.

The 1974 Catalyst

The "Rabwah Incident" in May 1974, a clash involving student groups, brought the issue to a critical point. This event led to widespread civil unrest and intense political pressure for a constitutional definition and resolution.

The Legal Changes

Amending Article 106 and Article 260

Amendment to Article 260 (Part 1)

Defining "Muslim"

A new clause (3) was added to Article 260 to provide legal definitions for the first time in the constitution.

Article 260(3)(a) defined a "Muslim" as a person who believes in:

- The Oneness of Almighty Allah.
- The "absolute and unqualified finality of the Prophethood of Muhammad (Peace be upon him) the last of the Prophets..."



Amendment to Article 260 (Part 2)

Defining "Non-Muslim"

Article 260(3)(b) was added to define "non-Muslim". This includes:

- Persons of Christian, Hindu, Sikh, Buddhist, or Parsi faiths.
- Any person who does not believe in the "absolute and unqualified finality of the Prophethood..."
- Or "who claims to be a prophet... after Muhammad (Peace be upon him)..."
- Or "who recognizes such a claimant as a prophet or a religious reformer."

Amendment to Article 106

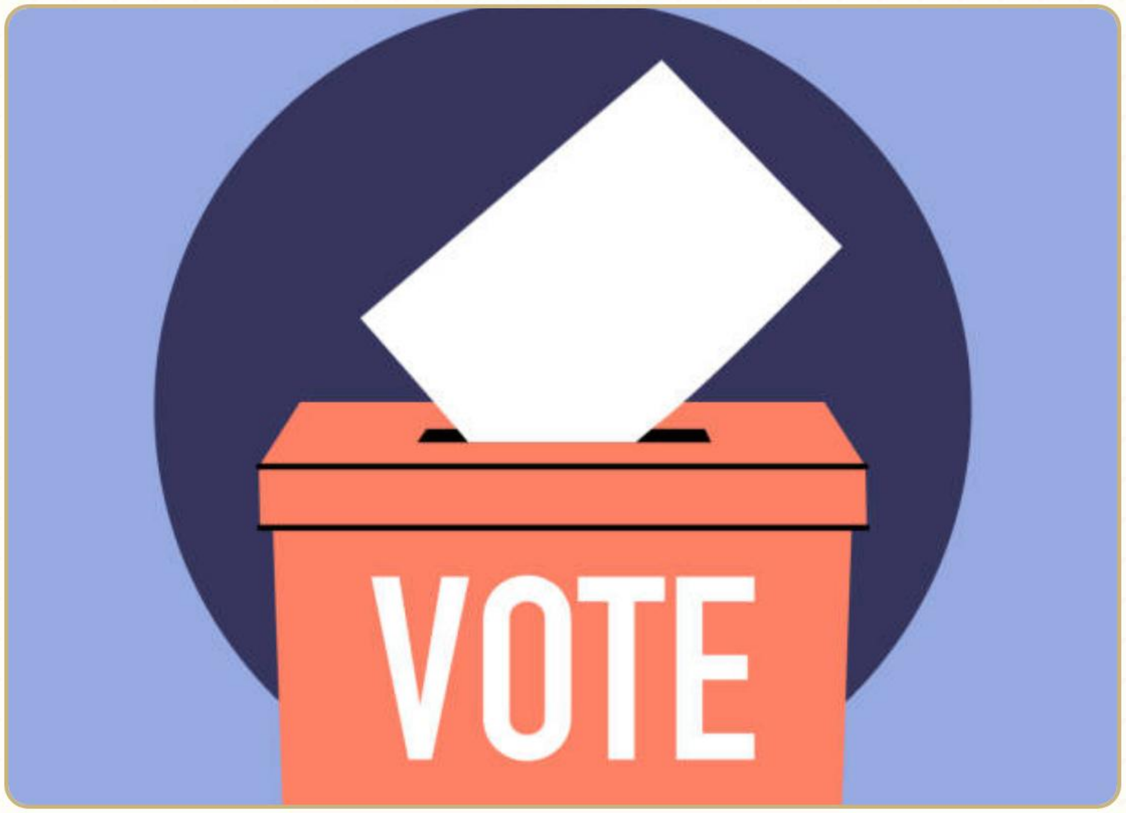
Impact on Representation

Article 106 of the Constitution deals with reserved seats for minorities in the Provincial Assemblies.

The Second Amendment explicitly inserted the following into the list of non-Muslim communities for electoral purposes:

"...'persons of the Quadiani group or the Lahori group (who call themselves 'Ahmadis')...'"

This action legally re-classified the community as a non-Muslim minority for all legal and electoral purposes.



Consequences & Impact

Examining the legal, social, and political fallout of the amendment.

The Broader Impact



Legal Reclassification

The Ahmadiyya community was legally and constitutionally designated as a non-Muslim minority in Pakistan.



Basis for Future Laws

This amendment provided the constitutional foundation for subsequent laws, most notably Ordinance XX in 1984, which further restricted Ahmadi religious practices.



State and Religion

The amendment marked a significant step in the state's role in defining religious identity and orthodoxy within Pakistan's legal framework.

Political & Social Context

> ***The Second Amendment was passed unanimously by a National Assembly led by the left-leaning Zulfikar Ali Bhutto, demonstrating a broad political consensus across both religious and secular parties in response to significant public pressure.***

Summary: Key Points

- **1974:** Passed unanimously by the National Assembly on September 7th.
- **Defined "Muslim" & "non-Muslim":** Amended Article 260 to provide constitutional definitions based on the finality of Prophethood.
- **Reclassified Minorities:** Amended Article 106 to explicitly list the Ahmadiyya community as a non-Muslim minority for legal and electoral purposes.
- **Enduring Legacy:** Remains a significant and foundational part of Pakistan's constitutional law regarding religious identity and minority rights.

Questions?

Thank you.

Image Sources



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Source: en.wikipedia.org



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