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SUBJECT: CONSTITUTIONAL DEVELOPMENT

TOPIC: 2ND AMENDMENT UNDER THE CONSTITUTION OF PAKISTAN 1973

SUBMITTED TO: MA'AM SADIA SATTAR

2nd Amendment under the Constitution of Pakistan 1973

The Second Amendment to the Constitution of Pakistan is one of the most historically significant constitutional changes. It was passed during the tenure of Prime Minister Zulfikar Ali Bhutto and approved by the Parliament of Pakistan on 7 September 1974. This amendment directly addressed the long-standing religious and constitutional issue regarding the definition of a "Muslim" and the status of the Ahmadi community in Pakistan.

➢ Background and Historical Context

▪ Political and Social Climate

After the creation of Pakistan in 1947, the question of who qualifies as a Muslim had remained unresolved in the constitutional framework. Although Pakistan was created as a homeland for Muslims, its population consisted of many Islamic sects with differing beliefs.

During the early 1970s:

- Religious groups demanded that the Ahmadis (Qadiani and Lahori groups) be officially declared non-Muslims.
- The issue intensified after clashes in Rabwah (June 1974) between Jamaat-e-Islami students and the Ahmadi community.
- Public pressure grew, leading to large-scale demonstrations and demands for parliamentary action.

▪ Parliamentary Proceedings

Prime Minister Bhutto referred the issue to the Special Committee of the Parliament.
Important features of the proceedings:

- The committee held in-camera (closed-door) sessions.
- Both Ahmadi groups were invited to present their viewpoints.
- Religious scholars, ministers, and legal experts participated.
- Testimonies, cross-examinations, and debates continued for 22 days.

The purpose was to settle the issue through constitutional and democratic means instead of violence.

➢ Text and Structure of the Second Amendment

The Second Amendment achieved its purpose by amending Article 260 of the Constitution.

▪ Amendment to Article 260 (Definitions)

A new clause Article 260(3) was added, which contains two important parts:

(a) Definition of a Muslim

It states that a person shall be considered a Muslim only if he/she:

- Believes in the Oneness of Allah,
- Believes in the absolute and unqualified Finality of the Prophethood of Prophet Muhammad (ﷺ),
- Believes that no prophet shall come after Prophet Muhammad (ﷺ),
- Accepts the Prophet Muhammad (ﷺ) as the last and final Prophet,
- Does not recognize or claim any individual as a prophet after Prophet Muhammad (ﷺ).

(b) Declaration of Ahmadis as Non-Muslims

It states that:

- "Qadiani group or the Lahori group (who call themselves Ahmadis or any other name)" are declared non-Muslims for the purposes of the Constitution and all legal purposes.

This means that Ahmadis:

- Cannot represent Muslims in the Parliament or local bodies,
- Are listed as non-Muslims in electoral rolls,
- Fall under the category of religious minorities like Christians, Hindus, Sikhs, etc.

➢ Legal and Constitutional Effects

▪ Impact on Electoral Law

After the amendment:

- Ahmadis were removed from Muslim seats in the National and Provincial Assemblies.
- They were placed on separate electoral lists as non-Muslims.

- They could contest elections only on seats reserved for non-Muslim minorities.

Religious Identity and State Law

The amendment legally defined religious identity:

- The Constitution now had an official definition of Muslim.
- It established a constitutional boundary for Islamic belief in the state of Pakistan.

Precedent for Future Religious Legislation

The Second Amendment later laid the foundation for further laws, including:

- Ordinance XX (1984) under General Zia-ul-Haq, which imposed restrictions on Ahmadis regarding religious practices.

Purpose and Rationale of the Amendment

Protection of Islamic Beliefs

The main goal was to preserve the Finality of Prophethood (Khatm-e-Nabuwwat), a core belief of mainstream Islam.
This was considered essential for:

- Islamic identity of Pakistan,
- Unity among majority Muslims,
- Religious harmony by defining constitutional boundaries.

Addressing National Unrest

The Rabwah incident and national agitation had created political instability.
The amendment was a constitutional response aimed at:

- Reducing street violence,
- Providing an official solution through Parliament,
- Managing religious tensions legally rather than through public conflict.

Reactions to the Amendment

Domestic Reaction

- The amendment was widely supported by religious parties and scholars.
- Many political groups celebrated it as a victory of Islamic ideology.
- Some liberal groups criticized it as state interference in religious matters.

International Reaction

- Human rights groups expressed concern over religious freedom.
- Some international bodies criticized Pakistan's decision.
- However, Pakistan maintained that it was a sovereign decision reflecting the beliefs of its majority population.

Importance of the Second Amendment

Constitutional Significance

The amendment is significant because:

- It was the first time Pakistan legally defined who is a Muslim.
- It set a precedent for state involvement in religious matters.
- It established key Islamic principles in the Constitution.

Social and Political Impact

- It restructured political representation of Ahmadis.
- It influenced Pakistan’s religious laws and policies.
- It strengthened the concept of Pakistan as a democratic Islamic state.

Conclusion

The Second Amendment of 1974 is a landmark constitutional development in Pakistan's history. It legally defined the term “Muslim” and declared Ahmadis as non-Muslims. The amendment was passed after intense public pressure and extensive parliamentary debate. Its aim was to protect the Islamic belief in the Finality of Prophethood and resolve a long-standing religious dispute through constitutional means. Although controversial, it has had long-lasting effects on Pakistan’s legal, political, and religious identity.