Topic: The Second Amendment to the Constitution of Pakistan

Subject: Constitutional Developments in Pakistan

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The Second Amendment to the Constitution of Pakistan: A Critical Study

The Second Amendment to the Constitution of Pakistan, enacted in **September 1974**, stands as one of the most significant and controversial constitutional developments in the country's political and legal history. Passed during the government of Prime Minister **Zulfikar Ali Bhutto**, the amendment fundamentally altered the constitutional status of the Ahmadis (also called Qadianis or Lahori Group), declaring them **non-Muslims** for the purpose of law and the Constitution. This legislative action not only reshaped Pakistan's constitutional framework but also left long-lasting social, political, and legal implications.

Background:

The background of the Second Amendment is rooted in the political and religious unrest that unfolded in 1974. A violent incident involving students and members of the Ahmadi community in Rabwah triggered a nationwide movement led by various religious parties. These groups demanded that the government officially declare Ahmadis as non-Muslims. The issue quickly escalated into a national religious and political crisis, prompting the federal government to bring the matter before the **National Assembly's Special Committee**.

Ahmadi,s ,declared "Non Muslims:

The proceedings of this committee were unique in Pakistan's constitutional history. For the first time, a religious question was debated in a parliamentary setting through in-camera sessions. Religious scholars, leaders of the Ahmadi community, and political representatives were invited to present their interpretations of Islamic beliefs. After weeks of testimony and heated debate, the committee reached the conclusion that Ahmadis should be legally categorized as non-Muslims. Consequently, the Second Amendment was drafted and presented to Parliament.

Ammendment was Passed:

The Amendment specifically altered **Article 260(3)** of the Constitution, adding two sub-clauses that defined a "non-Muslim" to include "a person who does not believe in the absolute and unqualified finality of the Prophethood of Muhammad (peace be upon him)." It explicitly mentioned both branches of the Ahmadi community, thereby excluding them from the constitutional definition of a Muslim. With overwhelming parliamentary support, the amendment was passed on **7 September 1974**, officially becoming part of Pakistan's constitutional framework.

Importance:

The Second Amendment is important for several reasons. First, it marked the formal merger of religious doctrine with constitutional law. Pakistan became the only country in the world where a Parliament declared a specific community non-Muslim through constitutional amendment. Second, it set a precedent for future laws that further regulated religious identity, including the later **Ordinance XX (1984)** under General Zia-ul-Haq, which imposed additional restrictions on Ahmadis.

Different views of Scholars:

From a constitutional development perspective, scholars are divided. Supporters argue that the amendment reflected the religious sentiments of the majority and responded to a nationwide demand. They view it as a step that resolved a long-standing religious dispute. Critics, however, consider it a politicization of religion and an infringement on fundamental rights guaranteed by the Constitution. They argue that defining a person's faith should lie outside the jurisdiction of the state.

Conclusion:

In conclusion, the Second Amendment of 1974 remains a landmark in Pakistan's constitutional evolution. It demonstrates how political pressures, religious identity, and constitutional law intersected during a critical period in the country's history. Its legacy continues to influence Pakistan's legal and social landscape, making it an essential topic in understanding constitutional developments in Pakistan.