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Assignment No. 2 (Unit: 5-9)

Total Marks: 100 • Pass Marks: 50

SOLVED ASSIGNMENT GUIDE

(For Study & Reference)

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Note: This guide is prepared for study and reference purposes. Students are advised to read the relevant units of the course book, understand the concepts, and then write the assignment in their own words.

Question 1: Introduction and Importance of the Constitution (20 Marks)

Describe the Introduction & Importance of the Constitution.

Introduction

The word 'constitution' comes from the Latin constituere, to establish or set up. In political science, a constitution is the body of fundamental principles, rules and conventions according to which a state is constituted and governed: it creates the organs of government, distributes power among them, defines the relationship between the state and the citizen, and lays down

the basic values the political system exists to protect. Every organised state has a constitution in this broad sense, though not every state has it in a single written document. For a student of the Islamic social system, the subject has a special interest: Islam itself supplied history's early examples of written political documents, notably the Charter of Madinah issued by the Prophet Muhammad (peace be upon him), and the modern Muslim state, such as Pakistan, works through a written constitution that expressly subordinates itself to the Quran and Sunnah. This answer introduces the main ideas about constitutions — their meaning, kinds and contents — and then explains their importance for the state, the government, the citizen and the stability of society.

Meaning, Kinds and Contents of a Constitution

A constitution may be written or unwritten. A written constitution is a deliberately prepared document, or set of documents, enacted at a definite time by a constituent body, as in the United States (1787), India (1950) and Pakistan (1973). An unwritten (more accurately, uncodified) constitution has grown through statutes, judicial decisions, customs and conventions, of which the United Kingdom is the classic example; even there, much is in fact written down, but not in one supreme document. Constitutions are also classified as rigid or flexible, according to how easily they can be amended: Pakistan's constitution is comparatively rigid, requiring special majorities of the legislature for amendment, while the British Parliament can change constitutional rules by ordinary legislation. In form of government, constitutions may be unitary or federal, and parliamentary or presidential. Whatever the type, a modern constitution typically contains: a preamble stating its source and purposes; the structure,

powers and method of selection of the legislature, executive and judiciary; the distribution of powers in a federation; a chapter of fundamental rights of citizens; directive principles of policy; provisions about citizenship, elections, finance and the civil services; the status of religion and language; and the procedure for its own amendment and for emergencies. It is, in short, both a legal document enforceable by courts and a political charter expressing the nation's agreed identity.

The Constitution as the Supreme Law

The first importance of a constitution is that it stands above all other laws and all organs of the state. Ordinary law derives its validity from it; if a statute conflicts with the constitution, the courts can declare the statute void, a power known as judicial review. Governments, however powerful, are its creatures: the president, the prime minister, the parliament and the judges all hold offices the constitution created, exercise powers it granted, and must observe limits it imposed. This supremacy converts the rule of men into the rule of law. It means that a citizen asked to obey an unlawful order has a standard higher than the order itself, and that a majority in parliament, though it can amend the constitution by the prescribed method, cannot simply ignore it. In Pakistan, Articles 4 and 5 make obedience to the constitution and law the inviolable obligation of every citizen and declare loyalty to the state a basic duty, while Article 6 treats abrogation or subversion of the constitution as high treason. Internationally, the constitution is also the state's face: other states and organisations judge a country's seriousness by whether it governs itself according to its declared fundamental law. A constitution that is frequently

suspended or disregarded damages the state's credibility, economy and unity far beyond the immediate political crisis.

It Organises Power, Protects Rights and Prevents Tyranny

The second group of functions concerns power. A constitution organises the state: it tells the citizen who may tax him, who may try him, who commands the armed forces and how each office is filled and vacated, so that authority is predictable and succession is peaceful rather than violent. By separating and balancing powers — legislation, administration and adjudication — it prevents the concentration that leads to tyranny; each organ checks the others, and the independent judiciary in particular stands between the citizen and the executive. Thirdly, and most importantly for ordinary people, the constitution protects fundamental rights: life, liberty, equality before law, freedom of speech, religion, assembly, movement and property, and safeguards against arbitrary arrest and retrospective punishment. Rights written in a constitution differ from ordinary legal permissions because the legislature itself cannot easily take them away, and the citizen can move the superior courts directly for their enforcement, as under Articles 184(3) and 199 of Pakistan's constitution. Fourthly, in a federation the constitution divides powers between the centre and the provinces and provides constitutional machinery — senates, finance commissions, councils of common interests — through which regional differences are managed by bargaining instead of by force. For a diverse country, this federal function is a condition of national unity itself.

It Gives Stability, Identity and a Peaceful Method of Change

A constitution also matters because of time. Governments come and go, but the constitution endures, giving the political system continuity across elections, crises and generations; investors, officials and citizens can plan their lives because the basic rules are not rewritten by every ministry. It expresses national identity and shared commitments — in Pakistan's case, the Objectives Resolution of 1949, now Article 2A, records that sovereignty belongs to Allah, that authority is a sacred trust exercised within the limits He has prescribed, and that the state will enable Muslims to order their lives according to the Quran and Sunnah while fully protecting minorities. A constitution further provides the peaceful method of its own change: the amendment procedure allows each generation to correct and develop the system without revolution, while its relative rigidity protects minorities and fundamentals from temporary majorities and momentary passions. Finally, a constitution has an educative importance. It is the most public statement of what the nation believes about justice, rights and duty; taught in schools and cited in courts and media, it forms the civic character of citizens and the professional ethics of officials. Political scientists therefore call a working constitution a school of citizenship: people learn democracy not only by voting but by habitually appealing to, and obeying, a common fundamental law.

The Constitution and the Islamic Social System

It remains to connect the constitution with the theme of this course. In Islamic political thought, the ultimate sovereignty belongs to Allah, and no human authority — caliph, king or parliament — is absolute; all rule is a trust (amanah) exercised under the Shariah. The Prophet's

Charter of Madinah shows the practical form this took at the very beginning: a written document defining the community, guaranteeing security and rights, and regulating relations among groups. A modern written constitution is the contemporary instrument of the same ideas: it limits rulers, guarantees rights, fixes duties and makes government answerable. That is why the constitution of Pakistan, examined in detail in the following answers, declares Islam the state religion, incorporates the Objectives Resolution as a substantive part, forbids laws repugnant to the Quran and Sunnah, and establishes institutions such as the Council of Islamic Ideology and the Federal Shariat Court. From the Islamic viewpoint, therefore, a just constitution is not a rival to religion but a servant of its social purposes — justice, the protection of life, property, honour and faith, and the welfare of the people. Conversely, a constitution that is unjust or habitually violated fails both the test of political science and the test of Islam, which condemns rulers who do not judge and govern with justice (4:58, 5:8).

Conclusion

To conclude, a constitution is the fundamental law that creates the state machinery, limits it, protects the citizen against it, unites the regions within it, and gives the whole system stability and identity across generations. Its importance is practical, not ceremonial: where it is honoured, power changes hands peacefully, rights are real, minorities are safe and development is possible; where it is treated as a piece of paper, arbitrariness, instability and injustice follow. For Pakistan especially — a federation of diverse provinces, founded in the name of Islam — the constitution is both the legal supreme law and the national covenant. Understanding what a constitution is and why it matters is therefore the necessary first step

before studying the Constitution of Pakistan 1973, its Islamic provisions and its special provisions on Khatm-e-Nabuwat, which the following questions take up.

Question 2: The Constitution of Pakistan 1973 in Detail (20 Marks)

Describe the Constitution of Pakistan 1973 in detail.

Introduction

The Constitution of the Islamic Republic of Pakistan, 1973, is the third constitution in the country's history and the one under which Pakistan is governed today. Pakistan had remained without a permanent constitution for nine years after independence: the Government of India Act 1935, adapted by the Indian Independence Act 1947, served as an interim arrangement while the Constituent Assembly worked. The first constitution came in 1956 but was abrogated in 1958; the second, a presidential constitution, was imposed in 1962 and collapsed in 1969. After the separation of East Pakistan in 1971, the need for a constitution framed by the elected representatives, acceptable to all the remaining provinces and faithful to the Islamic and democratic ideals of the Pakistan Movement, became urgent. An interim constitution was adopted in 1972, and a constitutional committee of the National Assembly, representing all parties, prepared the permanent draft. The Constitution was passed by the National Assembly on 12 April 1973 and came into force on 14 August 1973. This answer describes its salient features in detail: its form, its federal and parliamentary character, its Islamic identity, its fundamental rights, its structure and its amendment procedure.

Salient Features: Written, Federal, Parliamentary and Islamic

The 1973 Constitution is a written and comparatively detailed document. In its original form it contained 280 articles, arranged in 12 parts, with 7 schedules; a series of amendments — twenty-six amendments had been passed by 2024 — have added provisions such as the Federal Shariat Court chapter and the substantive Objectives Resolution (Article 2A). It is a federal constitution: legislative powers are divided between the federation and the provinces, residuary powers rest with the provinces, and after the Eighteenth Amendment (2010) the concurrent legislative list was abolished and many subjects were devolved to the provinces, strengthening provincial autonomy. The form of government is parliamentary: the President is the constitutional head of state, while real executive authority rests with the Prime Minister and the cabinet, who are collectively responsible to the National Assembly (Articles 90–91). The legislature (Majlis-e-Shoora) is bicameral, consisting of the National Assembly, directly elected and representing population, and the Senate, indirectly elected by the provincial assemblies with equal provincial representation, which cannot be dissolved. The Constitution is Islamic in identity: the state's name is the Islamic Republic of Pakistan (Article 1), Islam is the state religion (Article 2), sovereignty is declared to belong to Allah with authority exercised as a sacred trust (Objectives Resolution/Article 2A), the President and Prime Minister must be Muslims, and no law may be enacted repugnant to the Quran and Sunnah (Article 227). Urdu is the national language (Article 251), with English used for official purposes as a transitional arrangement.

Table 1: Structure of the Constitution of Pakistan, 1973 (12 Parts)

Part	Subject matter
I (Arts. 1–6)	Introductory: the Republic, territories, state religion, loyalty to the state, high treason
II (Arts. 7–28)	Fundamental rights and principles of policy
III (Arts. 41–100)	The Federation: President, Parliament, federal government, Council of Common Interests
IV (Arts. 101–140A)	The Provinces: Governors, provincial assemblies and governments, local government
V (Arts. 141–165)	Relations between the Federation and the Provinces
VI (Arts. 166–175)	Finance, property, contracts and suits; distribution of revenues, National Finance Commission
VII (Arts. 175–212)	The Judicature: Supreme Court, High Courts, Federal Shariat Court (Chapter 3A)
VIII (Arts. 213–226)	Elections: Chief Election Commissioner and Election Commission
IX (Arts. 227–231)	Islamic provisions: repugnancy clause and Council of Islamic Ideology
X (Arts. 232–237)	Emergency provisions
XI (Arts. 238–239)	Amendment of the Constitution

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XII (Arts. 240–280)	Miscellaneous: services, armed forces, oaths, definitions (including Article 260)

Fundamental Rights, Principles of Policy and the Judiciary

Part II guarantees the fundamental rights of citizens: security of person and safeguards as to arrest and detention (Articles 9–10), prohibition of slavery and forced labour (Article 11), protection against retrospective punishment (Article 12), freedom of movement, assembly, association, trade, speech and religion (Articles 15–20), safeguards for religious institutions and denominations (Articles 21–22), equality of citizens (Article 25), non-discrimination in services (Article 27) and preservation of language, script and culture (Article 28). These rights are enforceable: the Supreme Court under Article 184(3) and the High Courts under Article 199 can issue writs for their protection, and laws violating them are void (Article 8). Alongside the rights stand the Principles of Policy (Articles 29–40) — directives such as promoting the Islamic way of life, local government, the welfare of the people, participation of women, protection of minorities and promotion of social justice — which are not enforceable by courts but are the stated responsibility of every organ of the state. The judiciary is headed by the Supreme Court, with a High Court for each province and Islamabad; the Constitution provides for the separation of the judiciary from the executive, security of tenure of judges and contempt powers. The Federal Shariat Court, added by amendment in 1980 as Chapter 3A of Part VII, examines laws for repugnancy to the injunctions of Islam, and the Shariat Appellate Bench of the Supreme Court hears appeals from it. An independent Election Commission under a Chief Election

Commissioner (Part VIII) conducts elections, and the armed forces are placed under constitutional control, with the oath of their members binding them not to engage in political activities (Article 244).

Amendment, Emergencies and Working of the Constitution

The Constitution is neither very rigid nor very flexible. Under Articles 238–239, a bill to amend it must be passed by not less than two-thirds of the total membership of each House; amendments affecting provincial boundaries additionally require a two-thirds vote of the concerned provincial assembly, and certain federal features cannot be changed without provincial concurrence. This method has been used repeatedly: important amendments include the Second Amendment (1974) on Khatm-e-Nabuwat, discussed in Question 4; the Eighth Amendment (1985), which had indemnified martial-law actions and altered the balance of power; the Thirteenth (1997), restoring the parliamentary balance by removing the President's dissolution power; the Seventeenth (2003); the Eighteenth (2010), the most celebrated, which restored the parliamentary form, renamed the NWFP as Khyber Pakhtunkhwa, enlarged provincial autonomy and removed the concurrent list; the Twenty-fifth (2018), merging the Federally Administered Tribal Areas into Khyber Pakhtunkhwa; and subsequent amendments up to the Twenty-sixth (2024), concerning the judiciary. The Constitution also contains emergency provisions (Part X) for war, internal disturbance and financial emergency, and provincial emergencies ('Governor's rule'), which history shows must be used sparingly. Twice in its life the Constitution was held in abeyance under martial law (1977 and 1999) and later restored, and the superior judiciary's jurisprudence — from the doctrine of necessity cases to

later judgments affirming constitutional supremacy and condemning extra-constitutional action under Article 6 — forms an important part of its working. Despite these interruptions, it remains the longest-surviving and the only consensus constitution of Pakistan, framed and signed by the representatives of all provinces and parties, which is the source of its legitimacy.

An Evaluation: Strengths and Criticisms

A balanced description should note both strengths and criticisms. Its strengths are that it is a consensus document; that it reconciles Islam with parliamentary democracy and federalism; that its fundamental-rights chapter and independent judiciary give citizens real remedies; and that its amendment procedure has allowed major reforms — above all the Eighteenth Amendment — without breaking the constitutional order. Criticisms commonly made by scholars include: that frequent recourse to emergency and extra-constitutional interventions in the past weakened its supremacy in practice; that the Principles of Policy remain largely unimplemented, so social and economic rights lag behind civil rights; that electoral and local-government provisions have been applied inconsistently, with local bodies repeatedly dissolved; and that some provisions, such as those on the enforcement of Shariah through legislation, await fuller practical effect. It is also observed that the Constitution's success depends less on its text — which compares well with other constitutions — than on the constitutional culture of politicians, officials and citizens: where institutions respect its limits, it works; where they do not, no text can save itself. For the student, the fair conclusion of most analysts is that the 1973 Constitution is an achievement of national consensus whose full promise is still being realised.

Conclusion

To conclude, the Constitution of Pakistan 1973 is a written, federal, parliamentary and Islamic constitution: 280 articles in 12 parts in its original form, containing a strong chapter of fundamental rights, a bicameral legislature, an independent judiciary crowned by the Supreme Court and supplemented by the Federal Shariat Court, an independent Election Commission, and a demanding but workable amendment procedure. It embodies the Objectives Resolution's vision of sovereignty belonging to Allah, authority as a trust, democracy, federalism, tolerance and social justice, and it has survived — with amendments restoring and improving it — for over five decades, longer than any previous Pakistani constitution. It is at once the supreme law of the land and the national covenant of its people, and its detailed study is essential for understanding both Pakistan's political system and the place of Islam within it, which the next question examines specifically.

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Question 3: Islamic Provisions of the Constitution of Pakistan 1973 (20 Marks)

Write the Islamic provisions of the Constitution of Pakistan 1973.

Introduction

Pakistan was created in the name of Islam, and its Constitution of 1973 is accordingly not a secular document that merely tolerates religion; it is a constitution that gives Islam a defined, structural place in the state while also guaranteeing the rights of religious minorities. The Islamic provisions are not collected in one chapter alone: although Part IX is formally titled

'Islamic Provisions', Islamic clauses run through the whole text — the Preamble and the Objectives Resolution, the opening articles, the fundamental rights and principles of policy, the qualifications and oaths of office-holders, the machinery of the Council of Islamic Ideology and the Federal Shariat Court, and the definitions in Article 260. This answer sets out these provisions systematically: first the foundational clauses, then the provisions about the Islamic way of life and law-making, then the institutions created to Islamise the legal order, then the provisions concerning the head of state, education and the economy, and finally an assessment of their significance and limitations.

Foundational Provisions: Sovereignty, State Religion and the Objectives Resolution

The foundation is laid in the Preamble, taken from the Objectives Resolution passed by the first Constituent Assembly in March 1949 under Quaid-e-Azam's successor leadership and moved by Prime Minister Liaquat Ali Khan. It declares that sovereignty over the entire universe belongs to Almighty Allah alone, and that the authority to be exercised by the people of Pakistan within the limits prescribed by Him is a sacred trust; that the state shall exercise its powers through the chosen representatives of the people; that the principles of democracy, freedom, equality, tolerance and social justice as enunciated by Islam shall be fully observed; that Muslims shall be enabled to order their lives in the individual and collective spheres in accordance with the Quran and Sunnah; and that adequate provision shall be made for minorities freely to profess and practise their religions and develop their cultures. In 1985 the Objectives Resolution was made a substantive part of the Constitution as Article 2A, so that its principles became operative constitutional text and not merely an introduction. Article 1 names the state the

'Islamic Republic of Pakistan', Article 2 declares that 'Islam shall be the State religion of Pakistan', and the same Islamic identity is reflected in state symbols and in oaths. These clauses together answer the basic question of political theory — where does final authority lie? — in the Islamic manner: Allah is sovereign, the people's authority is delegated and limited, and the constitution itself is subordinate to the Quran and Sunnah, a position no parliament can amend away in spirit, since any repugnant law is void under the provisions described below.

Provisions on Law-Making and the Islamic Way of Life

The operative heart of the Islamic provisions is Article 227(1): 'All existing laws shall be brought in conformity with the Injunctions of Islam as laid down in the Holy Quran and Sunnah... and no law shall be enacted which is repugnant to such Injunctions.' An explanation protects the personal law of non-Muslim citizens from interference. Article 31, among the Principles of Policy, obliges the state to endeavour to make the teaching of the Holy Quran and Islamiat compulsory, to encourage the learning of Arabic, to ensure correct printing of the Quran, to promote unity and the observance of Islamic moral standards, and to secure the proper organisation of Zakat, Ushr, Auqaf and mosques; the same article's spirit supports the prohibitionist policy towards alcohol and gambling reflected in later law. Article 37(g) directs the state to prevent prostitution, gambling, intoxicants and obscene literature, and Article 38(f) commits the state to eliminate riba (interest) 'as early as possible' — the clause on which the Federal Shariat Court's famous riba judgments, including the 1999 Supreme Court Shariat Appellate Bench judgment and its subsequent review proceedings, were based. Fundamental rights also carry an Islamic balance: freedom to profess and practise religion is guaranteed

(Article 20) subject to law, public order and morality; every religious denomination may establish and maintain its institutions and manage its religious affairs (Articles 20–22), and no person may be compelled to pay taxes whose proceeds are specifically appropriated for a religion other than his own (Article 21). The constitution thus Islamises the legal order for Muslims while constitutionally protecting the worship and personal law of minorities — both halves being themselves Islamic injunctions.

Table 1: Principal Islamic provisions of the 1973 Constitution

Provision	Subject	Effect
Preamble / Art. 2A	Objectives Resolution	Sovereignty belongs to Allah; authority is a sacred trust; minorities protected
Art. 1 & 2	Name and state religion	Islamic Republic of Pakistan; Islam is the state religion
Art. 31	Islamic way of life	Compulsory Quran/Islamiat teaching, Arabic, Zakat, Auqaf, mosques
Art. 38(f)	Economy	State to eliminate riba (interest) as early as possible
Art. 62–63	Qualifications	Members of Parliament must be of good Islamic character and knowledge; disqualifications for

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		violating Islamic injunctions
Art. 227	Repugnancy clause	No law repugnant to the Quran and Sunnah may be enacted
Arts. 228–231	Council of Islamic Ideology	Advisory body to recommend conformity of laws with Islam
Part VII, Ch. 3A (Arts. 203A–203J)	Federal Shariat Court	Judicial review of laws for repugnancy; appeals to Shariat Appellate Bench
Art. 260(3)	Definitions	Defines 'Muslim' and 'non-Muslim' for constitutional purposes
Third Schedule	Oaths	Oaths of President, Prime Minister and others include belief in Khatm-e-Nabuwat

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Institutions: Council of Islamic Ideology and Federal Shariat Court

Two institutions give the Islamic provisions practical machinery. The Council of Islamic Ideology (Articles 228–231) consists of between eight and twenty members appointed by the President, representing various schools of thought, with knowledge of the Quran and Sunnah and of law and economics; its functions are to make recommendations to Parliament and the provincial assemblies on the ways of bringing existing laws into conformity with Islam, to advise whether

a proposed law is or is not repugnant, and to compile the injunctions of Islam that can be enacted. Its reports on subjects from interest and insurance to family law have influenced legislation, though its role is advisory and legislatures have not always acted on its recommendations. The Federal Shariat Court, inserted in 1980 as Chapter 3A of Part VII (Articles 203A–203J), converts the repugnancy principle into judicial power: the Court, which includes ulema judges, may on petition of a citizen, or of the federal or a provincial government, or on its own motion, examine any law and declare it void to the extent of its repugnancy to the injunctions of Islam; appeals lie to the Shariat Appellate Bench of the Supreme Court. Certain subjects are excluded from its jurisdiction — the Constitution itself, and, by the original scheme, Muslim personal law and, for specified periods, fiscal and procedural laws — which critics regard as limitations. Through these two bodies, one advisory-legislative and one judicial, the constitution attempts a gradual, institutional Islamisation of law rather than leaving the question to street pressure or executive decree.

Provisions on Office-Holders, Education and Related Matters

Islamic provisions also shape who may hold office and how the state educates. The President must be a Muslim (Article 41(2)), as must the Prime Minister (Article 91 read with the oath and qualifications), and members of Parliament must satisfy Article 62, which requires that a member be of good character, not commonly known as one who violates Islamic injunctions, possess adequate knowledge of Islamic teachings, practise obligatory duties prescribed by Islam and abstain from major sins; Article 63 adds disqualifications. The oaths in the Third Schedule for the President, Prime Minister, ministers, members and judges include the affirmation of

belief in the absolute and unqualified finality of the Prophethood of Muhammad (peace be upon him) — the constitutional expression of Khatm-e-Nabuwat examined in the next question. In education, besides Article 31, Article 25A (added by the Eighteenth Amendment) guarantees free and compulsory education to children aged five to sixteen, a right consistent with Islam's emphasis on knowledge and implemented partly through Islamiat and Quran teaching in schools. The armed forces' oath (Article 244, Third Schedule) likewise frames service within constitutional and Islamic loyalty. Provisions on Zakat were operationalised by the Zakat and Ushr Ordinance 1980, creating a national system of collection and distribution to the deserving; Auqaf departments administer mosque and shrine endowments in the provinces; and the Hudood and later protection-of-women legislation, the Qisas and Diyat laws incorporated into the Pakistan Penal Code, and the family laws administered under the constitution all represent the continuing legislative working-out of the Islamic clauses. Even the definition clause, Article 260(3), is an Islamic provision: it defines a Muslim, for the purposes of the constitution and law, as a person who believes in the unity of Allah and in the absolute finality of the Prophethood, and does not believe in any claimant to prophethood after him.

Significance and Limitations: An Assessment

The significance of these provisions is threefold. First, they resolve Pakistan's ideological question within the constitution itself: the state is Islamic in identity and limit, democratic in method, federal in structure and protective of minorities — the Objectives Resolution holding these elements together. Secondly, they create lawful channels for religious aspirations: instead of demands for Islamisation being pressed outside the system, the constitution provides the

Council, the Shariat Court, the repugnancy clause and ordinary legislation as the routes, which strengthens constitutionalism. Thirdly, they have had real effects: the riba judgments, Zakat system, family and criminal law reforms, compulsory Islamiat and the constitutional settlement on Khatm-e-Nabuwat all trace to them. The limitations are equally part of an honest account. The Principles of Policy, including Article 31, are non-justiciable, so their implementation depends on governments; the Council's advice is often ignored or delayed; the Shariat Court's jurisdiction has exclusions and its major economic judgments long remained under review and unimplemented; Article 38(f)'s promise to eliminate riba 'as early as possible' is still described by scholars as unfulfilled after five decades; and Article 62's moral qualifications have been criticised as vague and unevenly applied. Scholars therefore distinguish between the Islamic provisions as text — which are comprehensive — and Islamic governance as practice, which depends on political will, institutional capacity and public demand expressed through constitutional means.

Conclusion

To conclude, the Islamic provisions of the 1973 Constitution form a complete scheme: the Objectives Resolution (Article 2A) and Articles 1–2 fix the Islamic identity and the location of sovereignty; Article 227 forbids repugnant legislation and requires existing laws to be conformed to the Quran and Sunnah; Articles 228–231 and Chapter 3A of Part VII create the Council of Islamic Ideology and the Federal Shariat Court to work the scheme; Articles 31, 37 and 38 direct the state towards an Islamic way of life and an interest-free economy; Articles 41, 62–63 and the Third Schedule set Islamic qualifications and oaths for office; and Article 260(3)

supplies the constitutional definitions. Read together with the guarantees of minority rights in the same text, these provisions express Pakistan's founding idea: a democratic, federal state ordered within the limits prescribed by Allah. Their fuller implementation remains the continuing constitutional agenda of the country.

Question 4: The Constitutional Provision on Khatm-e-Nabuwat (20 Marks)

Describe the Constitutional Provision on Khatm-e-Nabuwat.

Introduction

Khatm-e-Nabuwat means the finality of the Prophethood of Muhammad (peace be upon him): the belief that he is the last Prophet of Allah, after whom no prophet of any kind will come, and that the chain of revelation and prophethood is complete and sealed. For Muslims this is not a minor detail but an article of faith grounded in the Quran and Sunnah, and in Pakistan it is also a matter of constitutional law. The Constitution of 1973 contains provisions that protect this belief: the definition of 'Muslim' in Article 260(3), the oaths prescribed in the Third Schedule, and — through the Second Amendment of 1974 — the declaration that persons of the Qadiani group or the Lahori group (who call themselves Ahmadis or by any other name) are non-Muslims for the purposes of the Constitution and law. This question asks for the constitutional provision on the subject, so this answer first explains the belief and its religious basis briefly, then sets out the constitutional history and text — the original 1973 position, the Second Amendment 1974, the oaths, and related legal developments such as the election-law

affirmation — and finally assesses the provision's significance and the balance it maintains with the rights of citizens.

The Belief and Its Basis in the Quran and Sunnah

The belief of Khatm-e-Nabuwat rests, in Muslim understanding, on explicit texts. The Quran declares: 'Muhammad is not the father of any of your men, but he is the Messenger of Allah and the Seal of the Prophets (Khatam an-Nabiyyin)' (Surah Al-Ahzab, 33:40). Muslim scholars of all schools have understood 'Seal of the Prophets' to mean the last of the prophets, by whose coming prophethood is closed, just as a seal closes a document and nothing is added after it. The Prophet (peace be upon him) explained the same meaning in well-known traditions: 'My similitude in comparison with the prophets before me is that of a man who built a house nicely and beautifully, except for the place of one brick in a corner; the people went around it and wondered at its beauty but said, "Would that this brick be put in its place!" So I am that brick, and I am the Seal of the Prophets' (Bukhari, Muslim). He also said, 'There will be no prophet after me' (la nabiyya ba'di), and the consensus (ijma) of the Ummah in every century has affirmed the doctrine; claims to prophethood after him, such as that of Musaylimah in the Prophet's own lifetime, were treated by the Companions as falsehood and rebellion. Because the belief defines who may be counted a Muslim, any claim to a new prophethood necessarily creates a question of definition — which is exactly the question that later came before Pakistan's Parliament in constitutional form.

The Constitutional History: From 1973 to the Second Amendment, 1974

The original Constitution of 1973 already assumed the doctrine: its oaths for the highest offices required belief in the finality of Prophethood, and its definition clause spoke of a Muslim in terms that implied it. The immediate occasion for a formal amendment was the long-standing controversy over the Ahmadiyya movement founded by Mirza Ghulam Ahmad of Qadian (d. 1908), whose claims — understood by the mainstream ulema and by most followers' critics as a claim to prophethood — had been contested since his lifetime; demands by Muslim organisations that the community be declared non-Muslim had recurred since 1953 and intensified in the movement of 1974, after violent incidents, including the Rabwah railway-station clash of May 1974, shook the country. The National Assembly responded by constitutional process: it constituted itself into a special committee, heard the leadership of the Ahmadiyya community, including its head Mirza Nasir Ahmad, and delegations of ulema of all schools of thought, in proceedings held in camera through the summer of 1974, and examined the community's literature. On the committee's unanimous recommendation, Parliament enacted the Constitution (Second Amendment) Act, 1974, passed on 7 September 1974. The amendment is historically notable for the procedure adopted: the question was decided not by executive order or by the street, but by the elected legislature after hearing the affected community at length — a precedent repeatedly cited in Pakistan's constitutional history.

The Text of the Provision: Article 260(3) and the Oaths

The Second Amendment amended Article 260, the interpretation clause in Part XII, by inserting clause (3), which supplies the constitutional definitions. In substance, Article 260(3)(a) defines

'Muslim' as a person who believes in the unity and oneness of Almighty Allah, in the absolute and unqualified finality of the Prophethood of Muhammad (peace be upon him), the last of the Prophets, and does not believe in, or recognise as a prophet or religious reformer, any person who claimed or claims to be a prophet in any sense of the word or of any description whatsoever after Muhammad (peace be upon him). Article 260(3)(b) defines 'non-Muslim' to include a person of the Qadiani group or the Lahori group (who call themselves 'Ahmadis' or by any other name), alongside Christians, Hindus, Sikhs, Buddhists, Parsis and others. The consequence is definitional and legal: for the purposes of the Constitution and of all enactments, Ahmadis are a non-Muslim minority, with the resulting position in matters where the Constitution reserves an office or a role to Muslims — for example, the presidency and premiership, reserved seats and personal-law application — while retaining, as citizens, the fundamental rights guaranteed to all persons and the minority guarantees of the Objectives Resolution and Articles 20–22 and 36. The second constitutional pillar is the oath. The oaths of the President, Prime Minister, federal and provincial ministers, members of the assemblies, and judges, prescribed in the Third Schedule, include a solemn affirmation: 'I believe in the absolute and unqualified finality of the Prophethood of Muhammad (peace be upon him)... and that I am not a follower of anyone who claims to be a Prophet in any sense of the word... after the Holy Prophet (peace be upon him).' Relatedly, under the Elections Act, candidates for the assemblies file a declaration affirming the same belief; the wording of this affirmation became the subject of national controversy in 2017 when an amendment to the election law altered the form of the declaration, and Parliament promptly restored the affirmation in its solemn, oath-like form by

further amendment — an episode showing how sensitive and settled the provision is in Pakistan's public law.

Related Legal Provisions and Their Constitutional Setting

Beyond the constitutional text itself, Parliament and the courts have built related law which a complete answer should mention, while keeping the distinction clear between the Constitution and ordinary legislation. In 1984, Ordinance XX inserted sections 298-B and 298-C into the Pakistan Penal Code, making it an offence for a member of the Qadiani or Lahori group to use specified Islamic epithets and titles reserved to Muslims, to call his place of worship a mosque, or to pose as a Muslim and preach or propagate his faith in certain ways; these are statutory offences under the Penal Code, not parts of the Constitution, and their rationale given by the state is the protection of the constitutional definition and of public order. The superior courts have considered the subject in leading cases, notably Zaheeruddin v. State (1993), in which the Supreme Court upheld the statutory restrictions, reasoning by analogy to the protection of trademarks and religious sentiments, while affirming the minority's right to practise its own religion within the law. The constitutional settlement also interacts with Pakistan's international human-rights commitments, and the subject is debated internationally: defenders of the provisions present them as a legitimate definition of religious identity by a Muslim-majority democracy and as a settlement that protects both the majority's faith and public peace, while critics, including international human-rights bodies, have questioned the restrictions imposed on the Ahmadi community. A student answer should present the provision accurately, note this debate fairly, and record the state's position that Ahmadis, as a declared non-Muslim minority,

enjoy the constitutional protection of life, property, worship (within the law) and representation through minority seats like other minorities.

Significance of the Provision

The significance of the constitutional provision on Khatm-e-Nabuwat is religious, legal and political. Religiously, it gives the central article of faith a place in the fundamental law, so that the definition of Islam for public purposes is fixed by the constitution rather than left to local pressure or private violence — an important protective function, since the same settlement obliges the state, not mobs, to guard the doctrine. Legally, Article 260(3) supplies the definition on which many other provisions depend: the Muslim qualifications for the presidency and premiership, the operation of reserved seats, the application of Muslim personal law, and the penal provisions of 1984 all presuppose it. Politically, the Second Amendment is remembered as a rare moment of complete parliamentary unanimity across party and sect — Sunni and Shia ulema and the secular parties voted together — and as an example of a theological question being settled by constitutional amendment after due hearing. For the subject of this course, the provision illustrates the character of Pakistan's constitution as a whole: Islamic in identity, democratic in method, and concerned simultaneously with the faith of the majority and the citizenship rights of minorities. It also shows the living connection between the social system of Islam studied in Units 1–4 and the state system of Units 5–9: the belief first learned as doctrine becomes, in the modern state, a clause of the constitution.

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Conclusion

To conclude, the constitutional provision on Khatm-e-Nabuwat consists principally of Article 260(3), inserted by the Second Amendment of 1974, which defines a Muslim by belief in the absolute and unqualified finality of the Prophethood of Muhammad (peace be upon him) and declares the Qadiani and Lahori groups (Ahmadis) non-Muslims for the purposes of the Constitution and law; it is supported by the Khatm-e-Nabuwat affirmations in the oaths of the Third Schedule and in the election-law declarations of candidates, and supplemented at the statutory level by sections 298-B and 298-C of the Penal Code. Grounded in Surah Al-Ahzab (33:40) and the consensus of the Ummah, enacted unanimously after a parliamentary hearing, and balanced by the fundamental rights that the same constitution guarantees to all citizens and minorities, the provision is one of the most distinctive features of the Constitution of Pakistan and a clear example of how an article of Islamic belief finds expression in modern constitutional form.

Question 5: The Paigham-e-Pakistan National Narrative (20 Marks)

Describe the Paigham-e-Pakistan National Narrative.

Introduction

Paigham-e-Pakistan ('Message of Pakistan') is the national narrative and consensus declaration issued in January 2018 to counter terrorism, extremism and sectarian violence in the name of religion. It is a document prepared under the auspices of the International Islamic University, Islamabad, endorsed by the Government of Pakistan, and signed by more than eighteen

hundred muftis, ulema and scholars of all schools of thought in Pakistan — Deobandi, Barelvi, Ahl-e-Hadith, Shia and Jamaat-e-Islami scholars among them — together with the heads of the major madrasa boards (wifaqs). It was formally launched at the Presidency (Aiwan-e-Sadr), Islamabad, on 16 January 2018, in the presence of the President of Pakistan, and its text was also presented as a scholarly work: a detailed supporting volume grounds the declaration in hundreds of references from the Quran and Sunnah. In a country that had lost tens of thousands of citizens and soldiers to terrorism, and in which militant groups justified violence by religious argument, Paigham-e-Pakistan answered argument with argument: a united, authoritative statement that such violence is forbidden in Islam and unlawful under the Constitution of Pakistan. This answer describes its background, its contents and main themes, and its significance and implementation.

Background: Why a National Narrative Was Needed

The background explains the document's form. From the early 2000s, Pakistan faced a wave of terrorism by groups such as the Tehrik-e-Taliban Pakistan (TTP): suicide bombings in mosques, markets, schools and shrines; attacks on the armed forces and police; assassination of scholars and officials; and sectarian killings of Shia, Sunni, Ahmadi, Christian, Hindu and Sikh citizens. The Army Public School massacre in Peshawar in December 2014, in which more than 130 schoolchildren were martyred, shocked the nation into the National Action Plan, and military operations (Zarb-e-Azb, then Radd-ul-Fasaad) broke much of the militants' physical infrastructure. Yet it was widely recognised that force alone could not defeat an ideology: the militants claimed Islamic justification, declaring the Pakistani state and its soldiers apostates,

pronouncing takfir on whole communities, and presenting suicide attacks and rebellion as jihad. Individual scholars had issued fatwas against terrorism, but these were fragmented, and a scholar who spoke could be targeted. What was needed was a single, collective, scholarly consensus — a narrative — that no militant could answer and no ordinary believer need doubt. Consultations among the government, the universities and the ulema of all schools therefore produced Paigham-e-Pakistan: deliberately a religious document first and a state document second, so that its authority would be the authority of the Quran, Sunnah and scholarly consensus, not merely of the government of the day.

Contents: The Declaration on Terrorism, Takfir and Rebellion

The core of Paigham-e-Pakistan is a set of rulings on the questions the militants exploited. First, on jihad and the use of force: the declaration holds that in Islam the authority to declare and conduct armed jihad belongs to the state (the Islamic state and its lawful ruler), not to any group, party or individual; private armies, armed struggle against the state and attacks on its armed forces and law-enforcement personnel are rebellion (baghy) and corruption on earth (fasad), forbidden by the Quran and Sunnah. Secondly, on suicide attacks: they are declared decisively haram (forbidden), in Pakistan and everywhere, since the Quran prohibits killing oneself (4:29) and killing any innocent soul (5:32), and the Prophet (peace be upon him) gave the severest warnings against suicide and against killing those under protection. Thirdly, on takfir: declaring a Muslim an unbeliever, or declaring Pakistan's Muslims, its government or its armed forces apostates, is itself contrary to the Shariah; the Prophet warned that when a man calls his brother 'O kafir', the word returns upon one of them, and the declaration stresses that

matters of faith and unbelief are determined through the established scholarly and judicial processes, not by militant slogans. Fourthly, on sectarianism: hatred and violence between sects, attacks on mosques, imambargahs and places of worship of any community, and the killing of any citizen on grounds of sect or religion are condemned as fitnah (mischief) which the Quran ranks worse than killing (2:191); differences of juristic opinion are to be handled by scholarship and dialogue, not by the gun. These rulings are presented not as opinions but as the agreed position of the signatory scholars, resting on quoted Quranic verses, traditions and the classical jurisprudence of jihad, rebellion and apostasy.

Contents: Constitutional Loyalty, Minority Rights and Social Themes

Paigham-e-Pakistan is equally important for what it affirms positively. It affirms that Pakistan is an Islamic, democratic, federal state under the Constitution of 1973; that the Constitution, having been framed in the name of Islam and containing the Islamic provisions studied in this unit, is a binding national covenant (mithaq) whose violation is both unconstitutional and a breach of a religiously binding agreement — a direct answer to the militant claim that the constitution is un-Islamic and may be fought. It affirms the rights of non-Muslim citizens: their life, property, honour and places of worship are protected, following the Quran's command of justice to those who do not fight the Muslims (60:8) and the Prophet's protection of the non-Muslim subjects of the Islamic state; forced conversion is rejected, for there is no compulsion in religion (2:256). It affirms the rights and dignity of women, including their rights to education and inheritance under Islam, and condemns violence against them. It addresses society's wider ills in the same spirit — honour killings, extremism in preaching, the misuse of the blasphemy

issue by mob violence (insisting that such matters belong to courts under law, and that taking the law into one's own hands is itself a crime), and the duty of scholars, teachers, media and parents to build tolerance and patriotism. It also calls for implementing Islam through the constitutional institutions — Parliament, the Council of Islamic Ideology and the Federal Shariat Court — rather than through coercion, and for curricula and sermons that teach peace. In this way the document is not only a fatwa against terrorism but a compact statement of the Pakistani state's Islamic identity and social ethics, addressed to ordinary citizens as much as to militants.

Table 1: Main themes of Paigham-e-Pakistan

Theme	Position of the declaration
Armed jihad	Only the state may declare and conduct it; private militias and rebellion are forbidden
Suicide attacks	Absolutely forbidden (haram) by the Quran and Sunnah
Takfir	Declaring Muslims, the state or the armed forces apostate is un-Islamic
Sectarian violence	Condemned as fitnah; juristic differences to be settled by dialogue
Constitution of 1973	A binding national covenant, framed on Islamic principles
Non-Muslim citizens	Life, property, honour and worship protected; no

	forced conversion
Women	Rights to education, inheritance and dignity affirmed
Blasphemy allegations	Matters for courts under law; mob violence and private punishment condemned

Significance, Implementation and Criticism

The significance of Paigham-e-Pakistan lies first in its consensus. It is difficult to name another modern document signed by virtually the entire recognised religious leadership of a Muslim country across sectarian lines; the same signatures that militant propaganda claimed were 'silent' now stood publicly against it, and the declaration was welcomed by scholars abroad and presented at forums including in Afghanistan, whose scholars issued parallel statements supporting peace negotiations. For Pakistan's counter-terrorism policy it supplied the missing ideological component of the National Action Plan: military operations cleared territory while the narrative contested the justification of violence among the public, in madrasas, mosques and media. The government disseminated the document nationally — through universities, the Higher Education Commission, religious institutions and official campaigns — and its themes were incorporated in training programmes for imams and teachers and in Pakistan's messaging that terrorism has no religion and no justification. A fair assessment adds the limitations: a declaration changes minds slowly; implementation in curricula, mosque sermons and social media has been uneven; terrorist attacks, though greatly reduced from their peak, have

continued and at times resurged; and critics note that the state must match the narrative with justice, development and consistent enforcement of law against all hate speech, whichever group spreads it. The document itself anticipates this: it is a narrative to be taught and lived, not a substitute for governance. Even with these qualifications, scholars and policymakers regard Paigham-e-Pakistan as a landmark: the moment when Pakistan's ulema collectively, and in writing, withdrew religious cover from terrorism and sectarian killing.

Conclusion

To conclude, Paigham-e-Pakistan is the national narrative issued in January 2018, signed by more than eighteen hundred scholars of all schools of thought, which declares on the basis of the Quran and Sunnah that armed jihad is the prerogative of the state alone; that suicide attacks, rebellion, sectarian killing and takfir are forbidden; that the Constitution of Pakistan 1973 is a binding Islamic covenant; and that the rights of minorities and women and the sanctity of every citizen's life stand under Islam's protection. It answered the militants' religious claims with a united religious verdict, gave the state's counter-terrorism effort its ideological foundation, and presented to the world the peaceful, constitutional face of Pakistani Islam. For the student of the Islamic social system, it is the contemporary application of everything the course teaches — justice, the sanctity of life, the authority of law, the unity of the Ummah and the rejection of extremism — translated into a single national message, as its name declares: the Message of Pakistan.