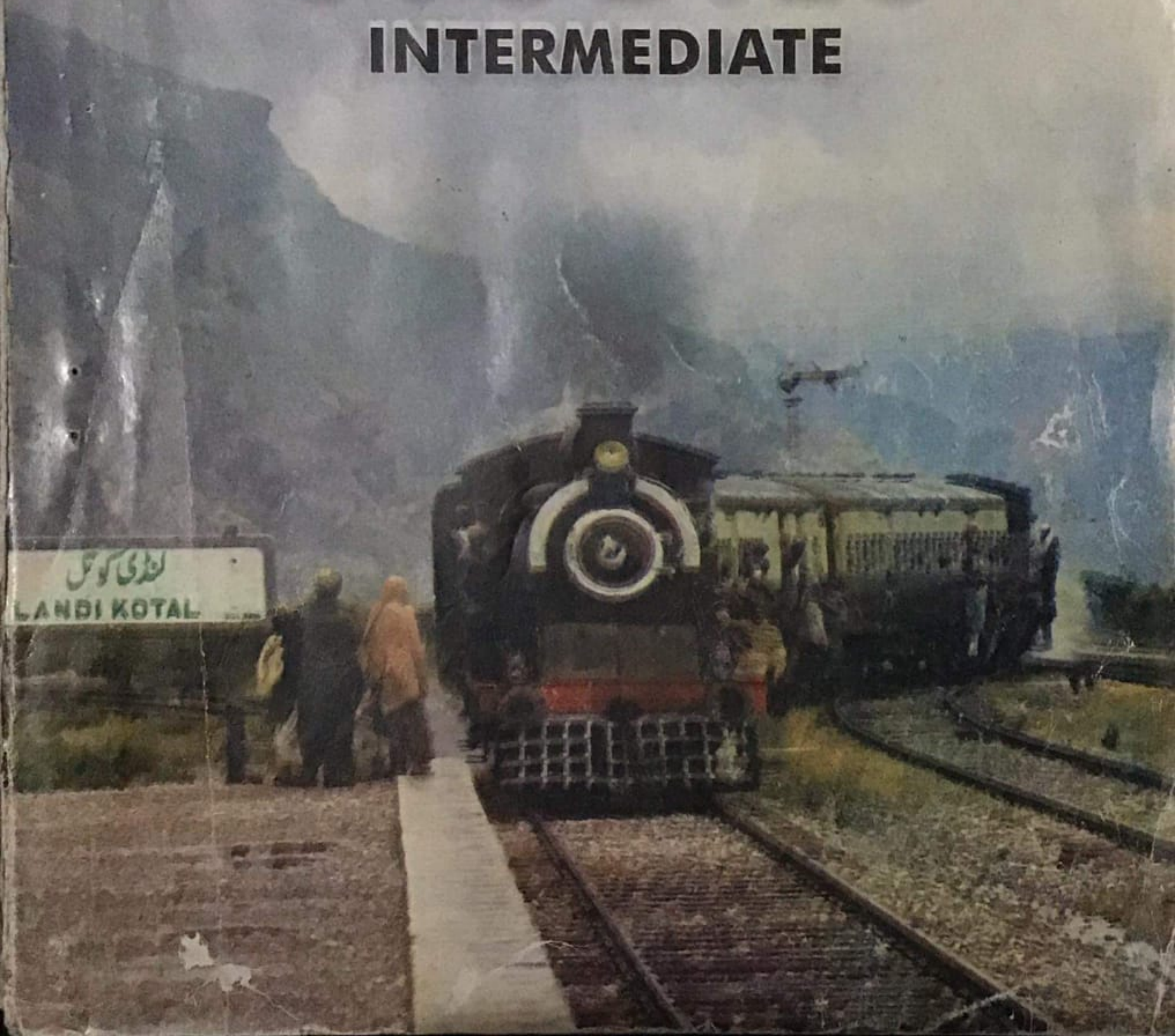


PAKISTAN STUDIES INTERMEDIATE



Islamic Provisions of the 1973 Constitution

Sovereignty of Allah Almighty: The Preamble of the Constitution was framed on the basis of the Objectives Resolution. The Preamble opens with "*Bismillah-hir Rahman-nir-Raheem*" and continues with these words:

"Whereas sovereignty over the entire universe belongs to Almighty Allah alone, and the authority to be exercised by the people of Pakistan within the limits prescribed by Him, is a sacred trust..."

The Objectives Resolution did not form a justiciable part of the text of the Constitution. It pronounced just the moral responsibilities of the state of Pakistan and not its legal obligations. Under the 8th amendment the Resolution was made a justiciable part of the text of the Constitution, the amendment has, so far, failed to produce anything substantial because of a serious lacuna it had. It was not made clear that if the state fails to fulfil the obligation set out in the Objectives Resolution, what legal remedies shall be available to the people of Pakistan for seeking redress.

The Islamic Republic: The State was proclaimed an Islamic Republic.

State Religion: For the first time in the constitutional history of Pakistan, Islam was clearly proclaimed to be the religion of the state. Constitutions of 1956 and 1962 were silent on this point.

Muslim Heads of the State and Government: Only a Muslim could be elected to the offices of the President and the Prime Minister. Under the 1956 Constitution this condition applied to the President only and not to the Prime Minister. In the 1962 presidential constitution office of the prime minister did not exist.

Definition of the Muslim: This was for the first time in Pakistan that a constitution defined "Muslim" in unambiguous terms. This definition was incorporated as a part of the oath of office to be administered to the President and the Prime Minister under third schedule of the Constitution. Under this definition a person who did not believe in the finality of Prophet Muhammad ﷺ ceases to be a Muslim. This point was further clarified by the constitutional amendment declaring *Lahori* and *Qadiani* sects of *Mirzais* as non-Muslim minorities.

Establishment of an Islamic Society: The Preamble of the Constitution says that the people of Pakistan aspire to establish a system based on the Islamic principles of democracy, tolerance, freedom, equality and social justice. The Principles of