

**THE CONSTITUTION
Of
THE ISLAMIC REPUBLIC
Of
PAKISTAN, 1973**

[12th April, 1973]

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

And whereas it is the will of the people of Pakistan to establish an order-
Wherein the State shall exercise its powers and authority through the chosen representatives of the people;

Wherein the principles of democracy, freedom, equality, tolerance and social justice, as enunciated by Islam, shall be fully observed;

Wherein the Muslims shall be enabled to order their lives in the individual and collective spheres in accordance with the teaching and requirements of Islam as set out in the Holy Quran and Sunnah;

Wherein adequate provisions shall be made for the minorities freely to profess and practice their religions and develop their cultures;

Wherein the territories now included in or in accession with Pakistan and such other territories as may hereafter be included in or accede to Pakistan shall form a Federation wherein the units will be autonomous with such boundaries and limitations on their powers and authority as may be prescribed ;

Wherein shall be guaranteed fundamental rights, including equality of status, of opportunity and before law, social, economic and political justice, and freedom of thought, expression, belief, faith, worship and association, subject to law and public morality;

Wherein adequate provision shall be made to safeguard the legitimate interests of minorities and backward and depressed classes;

Wherein the independence of the judiciary shall be fully secured;

Wherein the integrity of the territories of the Federation, its independence and all its rights, including its sovereign rights on land, sea and air, shall be safeguarded;

So that the people of Pakistan may prosper and attain their rightful and honoured place amongst the nations of the World and make their full contribution towards international peace and progress and happiness of humanity:

Now, therefore, we, the people of Pakistan.

Cognisant of our responsibility before Almighty Allah and men;

Cognisant of the sacrifices made by the people in the causes of Pakistan;

Muhammad Ali Jinnah, that Pakistan would be a democratic State based on Islamic principles of social justice;

Dedicated to the preservation of democracy achieved by the unremitting struggle of the people against oppression and tyranny;

Inspired by the resolve to protect our national and political unity and solidarity by creating an egalitarian society through a new order;

Do hereby, through our representatives in the National Assembly, adopt, enact and give to ourselves, this Constitution.

ISLAMIC PROVISION

227. Provisions relating to the Holy Ouran and Sunnah :

- (1) All existing laws shall be brought in conformity with the injunctions of Islam as laid down in the Holy Our'an and Sunnah, in this Part referred to as the Injunctions of Islam, and no law shall be enacted which is repugnant to such injunctions.

¹[**Explanation:** In the application of this clause to the personal law of any Muslim the expression 'Our'an and Sunnah' shall mean the Our'an and Sunnah as interpreted by that sect.]

- (2) Effect shall be given to the provisions of clause (I) only in the manner provided in this Part.
- (3) Nothing in this Part shall affect the personal laws of non-Muslim citizens or their status as citizens.

228. Composition, etc., of Islamic Council:

1. There shall be, ²constituted within a period of ninety days from the commencing day a Council of Islamic Ideology, in this part referred to as the Islamic Council.
2. The Islamic Council shall consist of such members, being not less than eight and not more than ³[twenty] as the President may appoint from amongst persons having knowledge of the principles and philosophy of Islam as enunciated in the Holy Our'an and Sunnah, or understanding of the economic, political, legal or administrative problems of Pakistan.
3. While appointing members of the Islamic Council the President shall ensure that-
 - a) so far as practicable various schools of thought are represented in the Council ;
 - b) not less than two of the members are persons each of whom is, or has been a Judge of the Supreme Court or of a High Court ;

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- I. Explanation added by the Constitution (Third Amendment) Order, 1980 (P.O.No.14 of 1980) section 2, (w.e.f. September 17, 1980).
 2. For the notification constituting the Council of Islamic Ideology, see Gazette of Pakistan, 1974, Extraordinary, Part II, page 165. For the Council of Islamic Ideology (Terms and conditions of Members) Rules, 1974, see Gazette of Pakistan, 1974.
 3. Substituted by Constitution (Fourth Amendment) Order, 1980 (P.O.No.16 of 1980) section 2, for the word "fifteen" (w.e.f. November 30,1980.)

- c) not less than four of the members are persons each of whom has been engaged, for a period of not less than fifteen years, in Islamic research or instruction; and
- d) at least one member is a woman.

- ¹[4. The President shall appoint one of the members of the Islamic Council to be the Chairman thereof.]
- 5. Subject to clause (6), a member of the Islamic Council shall hold office for a period of three years.
- 6. A member may, by writing under his hand addressed to the President, resign his office or may be removed by the President upon the passing of a resolution for his removal by a majority of the total membership of the Islamic Council.

229. Reference by ²[Majlis-e-Shoora (Parliament)], etc. to Islamic Council:

The President or the Governor of a Province may, or if two-fifths of its total membership so requires, a House or a Provincial Assembly shall, refer to the Islamic Council for advice any question as to whether a proposed law is or is not repugnant to the Injunctions of Islam.

230. Functions of the Islamic Council:

- 1. The functions of the Islamic Council shall be,--
 - a) To make recommendations to ³[Majlis-e-Shoora (Parliament)] and the Provincial Assemblies as to the ways and means of enabling and encouraging the Muslims of Pakistan to order their lives individually and collectively in all respects in accordance with the principles and concepts of Islam as enunciated in the Holy Quran and Sunnah ;

- I. Substituted by the Constitution (Fourth Amendment) Order, 1982(P.O. No.13 of 1982) Section 2 (w.e.f. September 22, 1982) for:
"(A) The President shall appoint one of the members referred to in paragraph (b) of clause (3) to be the Chairman of the Islamic Council."
- 2. The Words "Majlis-e-Shoora (Parliament)" were substituted by the Revival of the Constitution of 1973 Order, 1985: P.O. No.14 of 1985 (hereafter referred to as P.O No.14 of 1985) Art. 2 and Sch. item 1, for the word (Parliament). In this article, and in the succeeding provision of the constitution, for the word "Parliament" wherever occurring, the words and brackets Majlis-e-Shoora "(Parliament)" shall be substituted w.e.f. March 2, 1985.
- 3. The Words "Majlis-e-Shoora (Parliament)" were substituted by the Revival of the Constitution of 1973 Order, 1985: P.O. No.14 of 1985 (hereafter referred to as P.O No.14 of 1985) Art. 2 and Sch. item 1, for the word (Parliament). In this article, and in the succeeding provision of the constitution for the word "Parliament" wherever occurring, the words and brackets "Majlis-e-Shoora

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- b) to advise a House, a Provincial Assembly, the President or a Governor on any question referred to the Council as to whether a proposed law is or is not repugnant to the Injunctions of Islam;
 - c) to make recommendations as to the measures for bringing existing laws into conformity with the Injunctions of Islam and the stages by which such measures should be brought into effect; and
 - d) to compile in a suitable form, for the guidance of [Majlis-e-Shoora (parliament)] and the Provincial Assemblies, such injunctions of Islam as can be given legislative effect.
2. When, under Article 229, a question is referred by a House, a Provincial Assembly, the President or a Governor to the Islamic Council, the Council shall, within fifteen days thereof, inform the House, the Assembly, the President or the Governor, as the case may be, of the period within which the Council expects to be able to furnish that advice.
3. Where a House, a Provincial Assembly, the President or the Governor, as the case may be, considers that, in the public interest, the making of the proposed law in relation to which the question arose should not be postponed until the advice of Islamic Council is furnished, the law may be made before the advice is furnished:

Provided that, where a law is referred for advice to the Islamic Council and the Council advises that the law is repugnant to the Injunctions of Islam, the House or, as the case may be, the Provincial Assembly, the President or the Governor shall reconsider the law so made.

4. The Islamic Council shall submit its final report within seven years of its appointment, and shall submit an annual interim report. The report, whether interim or final, shall be laid for discussion before both Houses and each Provincial Assembly within six months of its receipt, and [Majlis-e-Shoora Parliament)] and the Assembly, after considering the report, shall enact laws in respect thereof within a period of two years of the final report.

231. Rules of procedure.-

The proceedings of the Islamic Council shall be regulated by rules of procedure to be made by the Council with approval of the President.

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1. For the Council of Islamic Ideology (Procedure) Rules. 1974 see Gazette of Pakistan, 1974, Extraordinary, Part II, pages 771-773.