

## THE ISLAMIC CONSTITUTIONALISM IN PAKISTAN

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### ABSTRACT

Obviously the Islamic outlook of the constitutions of 1956, 1962, 1973 and 1985 (Revival of the Constitution 1973, Order 1985) is more or less identical. The author examines the Islamic Provisions of these constitutions in some detail. The author's hypothesis is that, the relevant Islamic Provisions in these constitutions were incorporated to meet the emotional attachment of the masses to Islam. Finally, the author concludes that, despite their claims, the framers of these constitutions fail to escape from the criticism for providing nominal, contradictory and defective Islamic Provisions in the constitutional documents. This article is of interest to Pakistani students who might want to see how various difficulties and complications were likely to arise in framing these constitutions.

### INTRODUCTION

Ironically, the case of Pakistan was won by the Modernists whose credentials were never accepted by the ulema who considered themselves to be the sole experts' in constructing an Islamic order in Pakistan. Consequently, the Modernists began to feel vulnerable to the agitation for an Islamic Order which seemed to have aroused considerable support from the masses, because they stood poles apart from the ulema concept of an Islamic state [1].

Mr. M.A. Jinnah's idea of an Islamic state was not the one which the ulema had envisaged. While explaining the basis of the future constitution of Pakistan Mr. Jinnah remarked "...you will