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Assignment Week-10

Pakistan Culture and Society

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* What is constitution?

A constitution is an aggregate of fundamental principles or established precedents that constitute the legal basis of a polity, organization or other type of entity, and commonly determine how that entity is to be governed The composition of predefined rules according to which a state or other organization is acknowledged to be governed.

* Explain in the light of 1973 constitution?

The 1973 constitution was the first in Pakistan to be framed by elected representatives. Unlike the 1962 constitution it gave Pakistan a parliamentary democracy with executive power concentrated in the office of the prime minister, and the formal head of state which is the president limited to acting on the advice of the prime minister.

The 1973 Constitution states that all laws are to conform with the injunctions of Islam as laid down in the Quran and Sunnah. The 1973 Constitution also created certain institutions such as the Sharia Court and the Council of Islamic Ideology to channel the interpretation and application of Islam.

**Preamble of 12 April 1973 Constitution**

* 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;
* 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 teachings and requirements of Islam as set out in the Holy Quran and Sunnah;
* Wherein adequate provision 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;
* Therein 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 honored 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,
* Cognizant of our responsibility before Almighty Allah and men;
* Cognizant of the sacrifices made by the people in the cause of Pakistan;
* Faithful to the declaration made by the Founder of Pakistan, Quaid-i-Azam Mohammad 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.

**Points of Fundamental Rights and Principles of Policy of 1973**

* Laws inconsistent with or in derogation of fundamental rights to be void.
* Security of person.
* Safeguards as to arrest and detention
  + Right to fair trial:
* Slavery, forced labor, etc. prohibited
* Protection against retrospective punishment
* Protection against double punishment and self-incrimination.
* Inviolability of dignity of man, etc.
* Freedom of movement, etc.
* Freedom of assembly.
* Freedom of association:
* Freedom of trade, business or profession.
* Freedom of speech, etc.
* Right to information:
* Freedom to profess religion and to manage religious institutions.
* Safeguard against taxation for purposes of any particular religion.
* Safeguards as to educational institutions in respect of religion, etc.
* Provision as to property.
* Protection of property rights.
* Equality of citizens.
* Right to education:
* Non-discrimination in respect of access to public places.
* Safeguard against discrimination in services.
* Preservation of language, script and culture.