Shariat bill

(Proposed by Nawaz Sharif government in 1998)

Following is the text of the Fifteenth Amendment presented in Parliament on Friday, August 28, 1998.

CONSTITUTION (FIFTEENTH AMENDMENT) BILL, 1998

A Bill further to amend the Constitution of the Islamic Republic of Pakistan:

WHEREAS sovereignty over the entire universe belongs to Almighty Allah alone and the authority which He has delegated to the State of Pakistan through its people for being exercised through their chosen representatives within the limits prescribed by Him is a sacred trust;

AND WHEREAS the Objectives Resolution has been made a substantive part of the Constitution;

AND WHEREAS Islam is the State religion of Pakistan and it is the obligation of the State to enable the Muslims of Pakistan, individually and collectively, to order their lives in accordance with the fundamental principles and basic concepts of Islam as set out in the Holy Quran and Sunnah;

AND WHEREAS Islam enjoins the establishment of a social order based on Islamic values, of prescribing what is right and forbidding what is wrong (amr bil ma’roof wa nahi anil munkar);

AND WHEREAS in order to achieve the aforesaid objective and goal, it is expedient further to amend the Constitution of the Islamic Republic of Pakistan;

NOW, THEREFORE, it is hereby enacted as follows:-

1. Short title and commencement
   (1) This Act may be called the Constitution (Fifteenth Amendment) Act, 1998.
   (2) It shall come into force at once.

2. Addition of new Article 2B in the Constitution
   In the Constitution of the Islamic Republic of Pakistan, hereinafter referred to as the said Constitution, after Article 2A, the following new Article shall be inserted, namely:-

   "2B. Supremacy of the Quran and Sunnah
   (1) The Holy Quran and Sunnah of the Holy Prophet (peace be upon him) shall be the supreme law of Pakistan.
   Explanation:- In the application of this clause to the personal law of any Muslim sect, the expression "Quran and Sunnah" shall mean the Quran and Sunnah as interpreted by that sect.
   (2) The Federal Government shall be under an obligation to take steps to enforce the Shariah, to establish salat, to administer zakat, to promote amr bil ma’roof and nahi anil munkar (to prescribe what is right and to forbid what is wrong), to eradicate corruption at all levels and to provide substantial socio-economic justice, in accordance with the principles of Islam, as laid down in the Holy Quran and Sunnah.
   (3) The Federal Government may issue directives for the implementation of the provisions set out in clauses (1) and (2) and may take the necessary action against any state functionary for non-compliance of the said directives.
   (4)
Nothing contained in this Article shall affect the personal law, religious freedom, traditions or customs of non-Muslims and their status as citizens.

(5) The provisions of this Article shall have effect notwithstanding anything contained in the Constitution, any law or judgement of any Court”.

3. **Amendment of Article 239 of the Constitution:**

In the Constitution, in Article 239, after clause (3) the following new clauses shall be inserted, namely:-

"(3A) Notwithstanding anything contained in clauses (1) to (3), a Bill to amend the Constitution providing for the removal of any impediment in the enforcement of any matter relating to Shariah and the implementation of the Injunctions of Islam may originate in either House and shall, if it is passed by a majority of the members voting in the House in which it originated, be transmitted to the other House; and if the Bill is passed without amendment by the majority of the members voting in the other House also, it shall be presented to the President for assent.

(3B) If a Bill transmitted to a House under clause (3A) is rejected or is not passed within ninety days of its receipt or is passed with amendment it shall be considered in a joint sitting.

(3C) If the Bill is passed by a majority of the members voting in the joint sitting, with or without amendment, it shall be presented to the President for assent.

(3D) The President shall assent to the Bill presented to him under clause (3A) or clause (3C) within seven days of the presentation of the Bill”.

**STATEMENT OF OBJECTS AND REASONS**

In view of the fact that the Objectives Resolution is now substantive part of the Constitution, it is necessary that Quran and Sunnah are declared to be the supreme law of Pakistan, and the Government is empowered to take necessary steps to enforce Shariah. Under Article 239 a Bill to amend the Constitution is passed by the two-third majority of each House but separately. To facilitate the enforcement of Shariah, it is considered that it would be more appropriate that a Bill providing for the removal of any impediment in the enforcement of any matter relating to Shariah and the implementation of the Injunctions of Islam may be passed by the Parliament in the same manner as a law is passed.

2. The Bill seeks to amend the Constitution for the above purposes.


**The Constitution of Pakistan** on pakistan.org

http://www.pakistani.org/pakistan/constitution/amendments/15amendment.html