



Politics of Exclusion:
A case study of 2nd
Constitutional Amendment

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Pak Institute For Peace Studies

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The 2nd Constitutional Amendment, passed in 1974, paved way for excluding Ahmedi community from the national mainstream. In the larger scheme of things, the second amendment reinforced the policy of state excluding some segments of the society from national mainstream. It transcended the ideological leanings of the parties in power – the left-leaning Bhutto was Prime Minister of Pakistan when this amendment was passed.

In the light of these facts, it is important to understand how state approaches minority issues. This essay tries to do so by exploring the factors behind the Second Amendment, and how it affected the Ahmedi community afterwards.

The Amendment

On September 7, 1974, Pakistan's Parliament passed the Second Amendment to the Constitution, defining the followers of Mirza Ghulam Ahmad, generally known as "the Ahmedis", as non-Muslims.

This brought two changes in the Constitution:

One, Article 106, Clause 3 was amended by including persons of Qadiani or Lahori group, both of whom call themselves Ahmedis, in the list of religious minority communities. The names of these two groups (Lahori and Qadiani) are virtually pejoratives, which were inserted as it is in the Constitution.¹

Two, Article 260 was inserted in the Constitution, which defined who a Muslim is:

"A person who does not believe in the absolute and unqualified finality of the Prophethood of Muhammad (Peace be upon him), the last of the Prophets, or claims to be a prophet, in any sense of the word or of any description whatsoever, after Muhammad (Peace be upon him), or recognizes such a claimant as prophet or religious reformer, is not a Muslim for the purposes of the Constitution or law".

Making sense of the Amendment

Bhutto government vacillated on the situation. When the amendment was tabled in the parliament, Z.A. Bhutto asked his party legislators to vote as per their conscience. But with pressure from the clergy, the government's liberal veneer flew off. Bhutto's own ministers started resonating with the street sentiments.

Bhutto government's response can be understood in multiple contexts. One of these was more immediate. His government, which had come into power after a decade-long military rule, was wary of return to such rule. During the height of anti-Ahmedi riots, government officials resisted the move to revert to the situation created in 1953, when similar street riots paved the way for the military. The feeling was that the military was backing the clergy this time.^{2 3}

In a longer frame of events, the government caved in to the clergy which is a sequel of the larger polity in Pakistan since day one. Ever since the inception of Pakistan, Islam was used

as a gluing factor against the disparate ethnic nationalities in the provinces. The demand to Islamize the county took many forms; in Bhutto's time, it was for legally excluding Ahmedi community, which is a relatively smaller community.

Even by these standards, the second amendment was unprecedented. The demand on the street was met with a response in the parliament. Executive and legislature both became party to the conflict.⁴

To many, the amendment was the outcome of what the parliamentarians believed in and it should be accepted that way. This seems valid, but the issue is, the problem did not end with the amendment. It started it off.

Once passed, the amendment started off politics of further exclusion of Ahmedis. Even during Bhutto's time, the clergy was not content with the outcome that wanted more from the government. They asked Prime Minister Bhutto to take all necessary administrative and legislative measures for implementing the amendment in "letter and spirit". The details of how this transpired have been explained as follows:

Islam and Pakistan

Muhammad Qasim Zaman argues that we need to go beyond doctrinal issues in order to understand the severity of the conservative Sunni response to the Ahmedis. "For we would appreciate little of the scope and depth of the Anti-Ahmedi sentiments in Pakistan or the ability of the Ulema and the Islamists to harness it to particular goals if we do not recognize how Ahmediism unsettles the long-established ways in which Muslims have viewed the authority of their Prophet and the theological edifice that rests upon that authority".

What Pakistani parliament did on September 7, 1974, hardly has any precedence in Islamic history. Orthodoxy has largely been a Christian concept, comprising of a centralizing church authority. The concept, according to scholars, has largely been alien to Islam. Yet this move in 1974 came out as a result of the alliance of the religious clergy and political leadership, to designate what, they, thought were "acceptable beliefs" in the Islamic context.

The orthodoxy constructed and inserted into the legal system by the legislative branch of the State in 1974 borrowed heavily from the victim community's theological techniques. In the more than 400 pages of cross examination of the leader of Ahmedi community, Mirza Nasir, Pakistan's Attorney General used Ahmedi community's concept of excommunication of majority Muslims from the folds of Islam to bring home the point that the victim community could as well be pushed out of the ambit of Islam on theological ground in the same manner. During cross examination, the Attorney General Yahya Bakhtiar repeatedly asked the leader of the Ahmedi community his opinion about the theological concept of *Takfir*, and in the process, attempted to justify legislature pronouncing *Takfir* on Ahmedi community.⁵

The passage of 2nd Amendment was a clear indication that the modernist class which dominated the political system of the country was conceding ground to the religious clergy. Bhutto regime was forced to shift from a quasi-secular outlook to a position where it had to

sponsor an amendment in the Constitution that created a new division, based on religious beliefs in the society.

Events leading to the passage of the 2nd Amendment:

On May 22, a group of 160 students from Multan boarded a train to Peshawar on a study tour. As the train stopped at Rabwah, predominantly an Ahmedi town that housed the community's spiritual and organizational headquarters, the students came out and shouted slurs and offensive slogans at the people present at the Railway Station. Upon their return from Peshawar on May 29, they stopped at Rabwah again. This time the Ahmedis were ready. Hundreds of them, armed with knives and sticks, fell upon the students and injured more than 30.

Several members of the religious parties brought the issue of violence at Rabwah Railway Station to the notice of the ongoing session of Punjab Provincial Assembly and the National Assembly. And with it the campaign to exclude the Ahmedis from national mainstream was set in motion. In reaction, the religious clergy went on the rampage. The news spread like a wild fire. Mob violence gripped Pakistan in the summer of 1974.

The violence was led by religious groups, Jamat-e-Islami, Jamiat Ulema-e-Islam, Tehrik-e-Khatim-e-Nabuwat, and Majlis-e-Amal, which was campaigning against Ahmedi community and its high profile presence in the national life of the country.

In response, the Punjab government, asking for calm, arrested more than 71 people from Rabwah and appointed K.M Samdani, a judge of Lahore High Court, to investigate the incident.⁶

On June 1st, the National Assembly discussed for half an hour the question of admissibility of three adjournment motions over the move to discuss the *Rabwah* incident. The motions were moved by Chaudhry Zahoor Ellahi, Professor Ghafoor Ahmed and Ghulam Ghous Hazarvi. However, Speaker N.A., Shabizada Farooq Ali, ruled the adjournment motion out of order that was to discuss the *Rabwah* incident and related issues in the National Assembly. Bhutto opposed the motion, saying that further discussion on the subject will add fuel to the fire and would not serve any useful purpose.⁷

After initial reluctance, the Speaker and the government allowed debate in an In-camera session. On June 3rd, Prime Minister Bhutto, again addressed the National Assembly. "Are we to allow cannibalism among the citizens of the country?" he inquired. He said that there was no difference of opinion at this point and that this issue has to be resolved. There are allegations that the government was directly involved in the unrest following the Rabwah incident. Bhutto said that had this been the case, in response, the government would have taken a partisan approach, but it did not. Prime Minister said that the categories of minorities had been defined in the Constitution and these principles were agreed upon and all the religious leaders signed the constitutional document.⁸ Thus the religious leaders of the Ahmedi community were cross-questioned for several days. The minutes of this debate remain classified to this day.

Most of the unrest was taking place in Punjab and therefore the Punjab government was actively trying to prevent the religious clergy from reaching out to the wider audience. In the month of June, the provincial government imposed a ban on the publication of any news related to the Rabwah incident. Punjab Assembly refused to discuss the issue of the ban or the publication of any news on this issue.

Again it was the religious clergy of Punjab and especially the major urban centers in the province, which were disturbed. Religious and political leaders were arrested by police in Lahore when they were about to proceed to Masjid Wazir Khan where a “pre-planned meeting of a sectarian nature was to be held”.

Punjab Chief Minister, Hanif Ramay, said in his address, in the Punjab Assembly, that the government was in full agreement with the people on the question of the Finality of the Prophethood. He tried to portray the law and order situation in the wake of Rabwah incident as an attempt to derail the democratic process. He also said that religious scholars know that there is a conspiracy against democracy and the government is in full agreement with the people on the question of the finality of Prophethood.⁹

The tensions between the opposition and the government of the day were on the rise and this may have had an impact on Bhutto’s decision to declare Ahmedis as non-Muslims, primarily, to prevent the opposition from cashing in on the public opinion. In the first week of June, the Combined Opposition Parties met under the leadership of Mufti Mehmood and expressed concern over the law and order situation in the country.

This was the time when Bhutto’s government was trying to deal with the regional repercussions of the Indian nuclear tests and Prime Minister Bhutto was under pressure from domestic opposition to do something about it. Bhutto government was certainly under pressure and there were visible signs of deterioration of the regional security situation when Bhutto informed the nation that India was amassing troops on the Line of Control in Kashmir. Meanwhile, National Assembly adopted an adjournment motion for a full dressed discussion on Indian nuclear tests in the House of the Parliament. Bhutto in his speech in the National Assembly seemed to be excessively focused on dealing with the threat from India especially after the latter had carried out a nuclear explosion.

Bhutto clearly saw a linkage between the domestic situation related to the Ahmedi issue and the gathering clouds of regional tensions that were emerging on the horizon. Bhutto in a public speech in Malakand lashed out at Wali Khan and Mufti Mehmood and said that Mufti Mehmood is trying to exploit the Ahmedi issue for political gains. He said that on May 18, India exploded the bomb and on May 22nd the first incident in Rabwah occurred.¹⁰ In the meantime, ANP leader, Wali Khan, met the Afghan President. Wali Khan, later, refuted the allegation that *Rabwah* incident was connected with his meeting with Sardar Daud since he had only focused on provincial rights.¹¹

Political historians of Pakistan have consistently disagreed with the suggestion that there was any linkage between the regional situation and the Ahmedi issue.¹²

Meanwhile, the domestic situation related to the Ahmedi issue was worsening. *Nawa-e-Waqt* reported that in Mardan local traders brought out a protest rally to protest against the incident of Rabwah. The traders were supported by local religious scholars and Islami Jamiat Tulba. They were demanding that Ahmedis should be declared as non-Muslims. The resolution passed during the rally said that the government should rescind the special status of Rabwah, recover the weapons stored in Rabwah and arrest Mirza Nasir, leader of Ahmedis, still residing in Pakistan at that time. *Nawa-e-Waqt* reported that a Shia religious organization by the name of Shia Mutalbat Committee stated that the community which didn't believe in the finality of the Prophethood had no right to remain within the folds of Islam.

By the end of June, Bhutto government started to tilt towards the Sunni orthodox position. *Dawn* reported that Prime Minister Bhutto had started discussion with religious scholars and journalists on the situation arising out of the Rabwah incident. Bhutto continued meetings with religious scholars for at least one week. Punjab's CM Ramay said that the government is looking for a long term solution of the situation arising out of the Rabwah incident and the government hoped that people would not allow the search for solutions to be disrupted.

In an address to the nation on TV and Radio, Bhutto said that he would present Ahmedi issue before the National Assembly immediately after the budget session. He pleaded patience and tolerance and asked people not to take the law into their own hands under any circumstances. Prime Minister said that the decision on Ahmedi issue would be made during his tenure in office.

Nawa-e-Waqt reported a speech of IJT leader in Lahore in which he said that if Bhutto government would facilitate declaring Ahmedis as non-Muslims then they would support the government, if it didn't, then he would not be in the government for long.

On June 14, *Dawn* reported another speech of Prime Minister Bhutto saying he will place Ahmedi issue before the National Assembly immediately after passing of the budget. He said that the PPP MNAs were not bound by party discipline on the issue. They could vote as they deemed fit. He also linked the issue with the deteriorating situation in South Asia, saying it happened on the backdrop of three international events: Indian nuclear explosion; visit of Afghan President Daud to Moscow; and presence of Pakistani political leaders in Kabul as state guests.¹³ He also said that if Ulema desired so, he was ready to refer this issue to the Islamic Advisory Council.

Incidents of uncontrolled violence in Punjab and the then NWFP were on the rise. On June 14, Khatum-e-Nabawat and joint opposition, called a countrywide strike. *Nawa-e-Waqt* reported that the protestors were demanding Ahmedis to be declared as non-Muslims. Police was deployed in all the major cities including Rawalpindi, Karachi, Peshawar, Haripur, and Chakwal. In Haripur, the local police prevented a mob from entering a house and burning its belongings whereas a house was burned by the mob, which belonged to laborers. The next day, on June 15, *Nawa-e-Waqt* reported a speech of Senior Minister, Doctor Abdul Khaliq in which he said that PPP believes in the finality of the Prophethood and that it believes that those who do not believe in the finality of the Prophethood are not Muslims. On the same day, *Nawa-e-Waqt*, continued with its campaign of declaring Ahmedis as non-

Muslims by reporting extensively the meetings, resolutions and demands of religious leaders and organizations plus a demand to declare Rabwah, an open city, and remove Ahmedis from key government positions.

On June 17, a delegation of religious scholars met the Information Minister, Maulana Kasur Naizi, who urged for calm. He said that the whole *Ummah* was united and those who don't believe in the finality of Prophethood are outside the pale of Islam. *Mutahida Majlis-e-Amal*, an umbrella organization of religious groups, rejected Bhutto's proposal of presenting a resolution in the National Assembly for declaring Ahmedis as non-Muslims. It said that the issues should be settled through a constitutional amendment.

The media was not giving coverage to the law and order situation prevailing in the country and the Ahmedi community was conspicuously absent from the media. The only place where they made their appearance was before the Samdani Commission, which was holding day to day hearing in Lahore to investigate the Rabwah violence. Mirza Nasir, the Chief of *Jamat-e-Ahmedi*, recorded his statement before the Samdani tribunal and said that his *Jamat* has no hand in the May 29th incident. The incident could have been planned by the opposition parties or some opportunist elements from within the ruling party.

Bhutto was continuously raising the bogeyman of external threat from Indian nuclear explosions and increasing cooperation between Kabul and Moscow as a ploy to divert the attention of Pakistani religious clergy. But clergy by this time was not sufficiently customized into a patriotic mindset. They simply ignored Bhutto's entreaties.

By the month of June, Bhutto was sending out conflicting signals: on the one hand, he was trying to appease the religious sentiments prevailing in the society by saying that he would try to find a permanent solution to the problem, while on the other hand, he was trying to maintain the semblance of his authority as a secular head of the state who was not biased against or in favor of any particular religious community.

He failed on both counts.

One of the problems in my opinion which the Bhutto government was facing was that it was promoting unity among the Muslims as a foreign policy goal at the regional and international level and at the same time was planning to create a division in its own society on the basis of religious beliefs.

In the OIC, Foreign Minister's conference in Malaysia, the Malaysian Foreign Minister said in his address that the newly found unity among Muslims must be preserved otherwise the dream of an International Islamic community will never be realized.

On June 30th, Bhutto presided over a meeting of parliamentary party of PPP in which issues relating to Khatum-e-Nabwat were discussed. On the same day, the National Assembly instituted a committee to examine the issue of Khatum e Nabuwat. The committee was constituted for three things: a) to discuss the status of a person in Islam who doesn't believe in the finality of Prophethood, b) to receive and consider proposals and resolutions from its members within a period to be specified by the committee, c) To make recommendations for the determination of the above issue as a result of its deliberations, examination of

witnesses and perusal of documents if any. Law minister said that there were speculations that the government would put the issue in cold storage, “but we did not waste any time in bringing this before the National Assembly” he said.

Maulana Noorani presented a resolution in the assembly declaring that *Ahmedis* were non-Muslims and that there should be a constitutional amendment to insert this in the Constitution. The National Assembly Committee decided that no report of the proceedings of the committee would be published in the newspapers and any attempt to publish such a report would amount to contempt of the committee. However, in Wali Khan’s speech that he delivered in the Mengal house in Quetta, the issue of *Khatum-e-Nabwat* didn’t find any mention. Instead, he talked about democracy and rights of the Balochi people.

On July 14, Law Minister, Abdul Hafeez Pirzada, addressed a press conference and claimed that the Committee would soon reach a decision and the Committee was taking decisions with complete unanimity. He said that it would be against the principle of justice to boycott the *Qadiyani* community. He tried to give the impression that the government and Pakistani state institutions were acting with utmost neutrality. Law Minister told the media that the two *Jamats* of Ahmedis community have made a request to the Special Committee that they want to make a statement before the committee and present certain documents which the steering committee accepted with unanimity.

On the other hand, Bhutto while addressing a series of public meetings in NWFP warned Kabul not to poke its nose in the internal affairs of Pakistan. Similarly, he informed the public that India has amassed troops on the LOC and its International border.

First, a secular stance was indicated by the fact that the government, with all the visible pomp and show, allowed the Ahmedis to make a statement before the committee. This permission was granted by the Steering Committee, which included religious leaders as its members. However, the Law Minister announced the decision to the press and said that it was a matter of principle of justice that the highest legislative body of the country could deny hearing to a body of people which is directly related to the outcome of the proceedings of the Committee. In Nushki, Bhutto told a charged crowd that if Pakistan was attacked, it would not be alone, foreign assistance would come along with weapons.

Prime Minister Bhutto also assured a large gathering in Kharan that the *Qadiyani* issue is nearing a solution. Bhutto bitterly criticized those who accused him of putting the issue in cold storage.

Justice Samdani, who was investigating the Rabwah incident, submitted that his tribunal report will be submitted with the Punjab government by August 20th. This report was, however, never made public. Bhutto said that the Samdani Commission completely absolved his party of any wrongdoing as accused by Wali Khan. He said that he cannot disclose the findings any further as the Special Committee of the National Assembly is still examining the issue.

In the first week of August, Prime Minister Bhutto, said while addressing a press conference in Quetta, that deliberations in the National Assembly on Ahmedis issue would conclude

before September 7. He summoned the Law Minister to Quetta and told him that National Assembly should conclude its deliberations before September 7. He said that the Ahmedi issue is a complicated issue and has international as well as national implications. Information Minister, Kausar Niazi, said that Prime Minister had directed the majority party in the National Assembly that the NA should complete its task before September 7 and hoped that the opposition would cooperate with the majority party. He said that the decision would be in accordance with the Islamic tenets of Islam and its democratic principles. He said that *Khatum-e-Nabuwat*, which was the basic principle of Islam would receive complete constitutional protection in the decision of the National Assembly. Dawn reported that National Assembly's Special Committee discussed the resolution on Ahmedi issue for three hours. The Speaker said that a resolution would be sent to provincial governments for consultation. Bhutto said that he was in contact with the opposition over how to present Qadiyani issue before the parliament when it meets on September 7. "Our involvement in this matter doesn't prejudice any other effort on other fronts. If these efforts succeed so much the better. What we would like to see is a permanent solution" he furthermore elaborated.

Bhutto had asked his MNAs to decide the issue in accordance with their conscience and explicitly informed them that they were not under any kind of party discipline in this regard. But statements from senior cabinet members like Kausar Naizi could have tilted the opinion within the parliamentary party in support of declaring Ahmedis as non-Muslims. What exactly happened? Was there any international pressure? There are indications from the press reports that the government was in contact with Gulf Sheikhdome on this issue.

The 2nd Constitutional Amendment by itself doesn't contain any penal implications for the victim community. Although Bhutto government's Law Minister, Abdul Hafeez Pirzada did talk about amending the Pakistan Penal Code (PPC) to categorize propagating Ahmedi beliefs as a crime. The decision to criminalize the religious beliefs and practices of Ahmedi community was made later during the period of military dictator General Retd Zia-ul-Haq, when, in 1984, the dictator promulgated an ordinance to criminalize the religious practices and beliefs of the Ahmedi community.

The Superior Courts

Pakistani judiciary has never questioned the validity of 2nd Constitutional Amendment. In many cases, the verdicts in the constitutional petitions related to Ahmedi community start with explaining the axiom of orthodoxy laid down in the 2nd Amendment.¹⁴

Although, the 2nd Amendment of the Constitution doesn't have a penal dimension to it, the religious clergy of Pakistan started to demand the Bhutto government to implement all the administrative and coercive measures to enforce the amendment in letter and spirit. This, in other words included the demand to penalize public preaching or practice of Ahmedi faith.

It was, however the military government of Zia-ul-Haq which fulfilled the desire of the religious clergy to criminalize the religious beliefs and practices of the Ahmedi community. This happened with the passage of Anti-Qadiyaniat Ordinance 1984 which prevented Ahmedi community from posing as Muslims or propagating their religious beliefs in public.

When the element of penalty was introduced into the laws related to the Ahmedi issue, there started to emerge a visible conflict between the superior court's verdicts. Two such conflicting verdicts are explained below. Issued within a gap of 15 years from each other, these two judgments provided the basis for legal framework within which persecution of Ahmedi community took place in the Pakistani society.

Judgment 1:

In March 1989, Ahmedi community decided to celebrate the centenary of their religion on 23rd March, 1989. But they were asked not to do so: on 20th March, 1989, the Home Secretary, Government of Punjab, banned the centenary celebrations. The next day, the district magistrate of Jhang also passed another order prohibiting the Qadianis of Jhang district, from illuminating buildings and premises, erecting of decorative gates, holding of processions and meetings, usage of loudspeakers and megaphones; and raising of slogans. Likewise, the Resident Magistrate, Rabwah, informed the Ahmedi Community to remove ceremonial gates, banners and illuminations and also ensure that no more writings will be done on the walls.

Zaheeruddin, the appellant, a resident of Rabwah and Ahmedi by faith, challenged the vires of the Anti-Qadiyanat Ordinance 1984 in the Supreme Court, claiming that the said ordinance violated the fundamental rights provided in the Constitution. The judgment that is to be announced later stated:

“The appellants challenged the Ordinance seeking declaration that their right to recount the important events of the last hundred years of their community and to celebrate the same 'in a befitting manner could not be denied to them. It was stated that they had planned to do that by wearing new clothes, offering thanksgiving prayers, distributing sweets among children, serving food to the poor and to assemble for meetings, to express their gratitude to God Almighty for favors and bounties bestowed by Him in the last hundred years”.¹⁵

In July 1993, a five-member bench of Supreme Court considered eight appeals against the decision of the Lahore High Court and Federal Shariat Court that had earlier dismissed the petitions of members of Ahmedi community against their conviction under different sections of Anti-Qadiyanat Ordinance 1984. In seven other petitions, the court was asked to declare the said Ordinance as null and void and to suspend the sentence awarded to members of the Ahmedi community under the ordinance. This came to be known as *Zaheeruddin vs State of Pakistan* case.

On July 3, 1993, the Supreme Court dismissed eight appeals brought by members of the Ahmedi Community. The five Ahmedi criminal defendants, charged for wearing the "Kalima" on their persons and claiming to be Muslims, were returned to jail for the remainder of their sentences. The Pakistan Court, in *Zaheeruddin vs State of Pakistan*, held that laws restricting the religious practices of Ahmedis are constitutional. The Court ruled that because Ahmedis are non-Muslims, any Ahmedi representation as a Muslim is fraud and deception upon the public.

According to the Pakistani Court, because Muslims have exclusive use of their Islamic epithets and practices under the company and trademark laws of various countries,

including England and the United States, the Ahmedi use of Islamic epithets and practices are constitutionally prohibited. The Court made this statement although these epithets and practices are not actually registered. The Pakistan Court found that Ahmedi representations as Muslims offend and outrage the religious feelings of Pakistan's Muslim majority."¹⁶

Judgment 2:

The judgment of the five members bench was, however, not unanimous. Justice Shafique Ur Rehman wrote a dissenting note and partially declared Anti-Qadiyanat Ordinance to be *ultra-vires* of the Constitution. On the reasoning that has been adopted in interpreting these relevant articles of the Constitution, "clauses (c) and (d) of section 298C of P.P.C. as reproduced above standing by themselves, individually or the two together would be in violation of the fundamental right of religion's freedom and of equality and of the speech in so far as they prohibit and penalize only the Ahmedis and Qadianis from preaching or propagating their faith by words written or spoken or by visible representation. Invitation to One's own faith when it is not accompanied by any other objectionable feature cannot be condemned," reads Justice Shafique-Ur-Rehman's dissenting note.

Separately, two judges of the Lahore High Court, Justice Aftab Hussein and Justice K.M.A Samadani provided relief to the Ahmedi community in a case of dispute over an old mosque in Dera Ghazi Khan. The court rejected the plea of the two activists of a religious group to restrain Ahmaedis from using a mosque as a place of worship and to prevent them from calling out *Azan* from that old building, "It is not clear to me how by the use of their old place of worship or by offering their prayer or calling *Azan* in it the Muslims can feel aggrieved. This is a point showing that the plaintiffs have no prima facie case".

The court in this case rejected the argument of religious groups that by adopting the Muslim religious practices, Ahmedi community violate the religious feelings of the Muslim majority.¹⁷

Many of the senior lawyers among Pakistan's legal fraternity believe that it was with the aim of making this judgment of Lahore High Court ineffective that the Anti-Qadiani Ordinance 1984 was promulgated by the military government, which was in the process of coopting religious clergy.¹⁸

Conclusion

Religious diversity is not something new in this part of the world. The lands that now form part of Pakistan have hosted multiple religious belief systems for centuries. And people and communities adhering to these diverse belief systems have been practicing their distinct belief systems from time immemorial. But what is indeed an aberration in the religious tradition of these lands are laws that have been imposed on the society to differentiate between people of different faiths. Such laws have reinforced the tradition of the post-colonial state to discriminate against indigenous communities and to exclude these communities from national mainstream, paving the way for formation of a highly fractured society.

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