

**INTERNATIONAL JOURNAL OF LAW**  
**MANAGEMENT & HUMANITIES**

**[ISSN 2581-5369]**

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**Volume 4 | Issue 4**

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**2021**

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# Ahmaddiyas and a Long Wait for Recognition

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## ABSTRACT

*Successive Pakistani administrations have failed to protect the Ahmadiyya community's human rights and security. The criminal law expressly discriminates against religious minorities and specifically targets Ahmadis by forbidding them from "indirectly or directly appearing as a Muslim." Ahmadis are prohibited from openly expressing or spreading their beliefs, from erecting mosques, or from performing the Muslim call to prayer.*

*Because of their religious views, authorities arbitrarily arrest, imprison, and prosecute Ahmadis with blasphemy and other charges. The police have frequently been involved in harassing Ahmadis and pursuing false accusations against them, or they have failed to act to stop anti-Ahmadi violence.*

*The Pakistani government also encourages discrimination against Ahmadis. For example, all Pakistani Muslim individuals seeking for passports must sign a declaration expressly saying that they regard the founder of the Ahmadi community as an "imposter" and Ahmadis as non-Muslims.*

*Pakistani laws targeting the Ahmadiyya community violate Pakistan's international legal obligations under the International Covenant on Civil and Political Rights (ICCPR), which Pakistan ratified in 2010, including the rights to conscience, religion, expression, and association, as well as the right to profess and practise one's own religion.*

*The paper shall be discussing about the legislations as well as their effects on Ahmadiyya community in Pakistan.*

**Keywords:** *Ahmaddiya, Pakistan, Human Rights, Muslim, Persecution.*

## I. HISTORY OF AHMADI COMMUNITY

The Ahmadi community trace its roots back to 1889 in British-ruled India. At the moment, in the state of Punjab (later divided between an independent India and Pakistan), a Muslim religious leader, Mirza Ghulam Ahmad, grew disillusioned with what he saw as Muslim decadence that allowed for the humiliating experience of foreign rule.

Ghulam Ahmad reinterpreted aspects of Islamic thought to restore the wholesomeness of

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Islamic traditions that previously permeated much of South Asia. Through his prodigious writing, he spread the reform message. Most notably, he claimed to be the Messiah as well as a prophet.

His message drew an increasing number of adherents among Muslims who were trying to cope with the reality of British rule. Many were drawn to him in part because of his outspoken condemnation of Christian missionaries and Hindu activists who denigrated them. In 1889, he founded the Jamaat-i Ahmadiyya (the Organization of Ahmad), which helped disseminate his teachings.

Although some Ahmadis eventually rejected their leader's most contentious claims, the Jamaat-i Ahmadiyya remained firm in its support for his claim to prophethood. This group saw him as nothing less than the Messiah, who had returned to assist humanity as it approached the end of its days.

Most Muslims believe that Isa, or Jesus, who they regard as a prophet similar to Muhammad, would come as a Messiah, a figure who will prepare the world for the Day of Judgment. Ghulam Ahmad, on the other hand, claimed to have displaced Isa in this capacity and declared that the end times were close.

A constitutional amendment targeting Ahmadi Muslims was enacted in 1974 by Pakistani Prime Minister Zulfikar Ali Bhutto. The amendment declared the community "not Muslims for purposes of law and constitution," effectively putting an end to Mohammed Jinnah's vision of a secular and religiously free Pakistan. Ten years later, when General Zia-ul-Haq, Pakistan's then military ruler, enacted Pakistan's infamous anti-Ahmadi laws and amended its constitution, the state-sanctioned persecution will be intensified further when the blasphemy laws were also amended by enacting Ordinance XX on April 26, 1984.

The legislation made it illegal for an Ahmadi to declare oneself Muslim or practise Islam, punishable by three years in jail (or execution under the blasphemy laws). These laws resulted in the prosecution of thousands of Ahmadiyya Muslims, and Pakistan created a culture of anti-Ahmadi persecution, violence, and killing.<sup>3</sup>

## II. ORDINANCE XX

General Zia enacted Ordinance XX in 1984, amending and adding Sections 298-B and 298-C to Pakistan's Penal Code. Ordinance XX<sup>4</sup> makes it illegal for Ahmadis to engage in "anti-

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<sup>3</sup> *Rabwah: A Place for Martyrs?* Report of the Parliamentary Human Rights Group Mission to Pakistan into internal flight for Ahmadis, January 2007 (hereinafter, *Rabwah Report*)

<sup>4</sup> Ordinance No. XX of 1984, The Gazette of Pakistan Islamabad

Islamic activities." Two of the five anti-blasphemy statutes specifically target the Ahmadiyya Muslim Community's activities. These two laws are part of the Martial Law Ordinance XX, which modified Sections 298-B and 298-C of Pakistan's Penal Code and Press Publication Ordinance. Ahmadi Muslims are forbidden from professing their beliefs orally or in writing for fear of being prosecuted with "indirectly or directly posing as a Muslim."<sup>5</sup>

State officials are also detaining and prosecuting Ahmadi Muslims as "terrorists" for allegedly having forbidden religious books under Pakistan's principal anti-terrorism legislation, the Anti-Terrorism Act of 1997. For selling copies of the Qur'an and other community literature, are arrested and sentenced to five years in jail on blasphemy and terrorist charges.

Anti-blasphemy legislation in Pakistan have resulted in over 40% of all arrests being Ahmadi Muslims. For merely following their Islamic beliefs, almost 4,000 Ahmadi Muslims have faced criminal prosecution.

State officials are also detaining and prosecuting Ahmadi Muslims as "terrorists" for allegedly having forbidden religious books under the terms of Pakistan's primary anti-terrorist law, the **Anti-Terrorism Act of 1997**. For selling copies of the Qur'an and other community literature, one can arrested and sentenced to five years in jail on blasphemy and terrorist charges.

The United Nations Sub-Commission on Discrimination Against Minorities has requested that the Commission on Human Rights "urge on the Government of Pakistan to abolish Ordinance XX."

### III. INTERNATIONAL VIOLATIONS

Pakistan's treatment of Ahmadi Muslims is a clear violation of international law, including the **International Covenant on Civil and Political Rights (ICCPR)** and **Article 2** of the 1981 **Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief**, which states that "*no one shall be subject to discrimination based on religion or belief.*" In contravention of **Article 2** of the Declaration, Pakistan's Constitution defines Ahmadi Muslims to be non-Muslims, robbing them of their right to choose a religion. Anti-Ahmadi and anti-blasphemy laws of Pakistan's Penal Code make it illegal for Ahmadi Muslims to practise any part of their faith as Muslims.

### IV. ELECTORAL DISCRIMINATION

Pakistan disenfranchises Ahmadi Muslims by putting them on a separate electoral roster from

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<sup>5</sup> Trespasses of the State, Ministering to Theological Dilemmas through the Copyright/Trademark, Naveeda Khan, Sarai Reader, 2005; Bare Acts. Page 184

the rest of the country's residents, who are eligible to vote in a single electorate. Pakistan also compels all passport and national identity card applicants to make a declaration of religion, as well as any person who desires to be identified as a Muslim to denounce Ahmadi Muslims as non-Muslims. Finally, Pakistan has failed to defend Ahmadi Muslims' lives and liberties, and government officials are involved in inciting religious hate against them.

Discrimination and acts of murder arise from state-sponsored hatred advocacy, the most infamous example being the killing of 86 Ahmadi Muslims in Lahore on May 28, 2010.

Ahmadis are denied the right to vote in municipal, provincial, and national elections in a free and fair manner. General Zia divided the electorate in 1985, requiring non-Muslims to register on separate "non-Muslim" election lists. Non-Muslim minorities could only vote for non-Muslim candidates, with non-Muslim candidates accounting for just 5% of the seats in the National Assembly. Ahmadi Muslims were compelled to register as "non-Muslim" voters in order to vote, which their conscience would not allow.

## **V. CITIZENSHIP AND RIGHT TO LIBERTY OF MOVEMENT**

Every individual applying for a passport in Pakistan is required to disclose his or her religious beliefs. If a person desires to proclaim oneself or herself a Muslim, he or she must sign the "Declaration in the Case of Muslims:" *"I consider Mirza Ghulam Ahmad Qadiani to be an impostor nabi and also consider his followers to be non-Muslim,"* according to that declaration. A comparable declaration is needed by Pakistanis who seek to get a National Identity Card. The affirmations on passports and national identity cards clearly violate the right to freedom of movement, which is a pillar of international human rights law.

The right of Ahmadis to purchase property is restricted. The government has constructed a requisitioned land region within Rabwah on which plots have been put up for sale, but Ahmadis are explicitly prohibited from bidding.

## **VI. EXECUTIVE ORDER NO. 7**

President Musharraf issued Executive Order No. 7 in 2002, abolishing Pakistan's separate electorate system and restoring the joint-electorate system that existed prior to General Zia.

However, Executive Order No. 15, which amended Executive Order No. 7 and stated that while "elections for members of the National Assembly and Provincial Assemblies will be held on the basis of shared electorate," the "Status of Ahmadis [was] to remain unchanged," was issued shortly after. Except for Ahmadis, all citizens were shifted to the main electoral list under Executive Order No. 15, leaving only Ahmadis on the non-Muslim list. As a result, while the

rest of Pakistani citizens vote on a single electoral list, Ahmadis are the only people who are essentially denied the right to vote.

## VII. CONSTITUTIONAL POSITION OF AHMADIS

Pakistan is the only Islamic state in the world with a constitution that defines who is and is not a Muslim (**Article 260**). “A person who does not believe in the full and unequivocal finality of Muhammad's Prophethood...is not a Muslim for the purposes of the Constitution or law,” says the Second Amendment to Pakistan's Constitution, approved in 1974. Members of the Ahmadiyya Muslim Community are specifically denied the ability to self-identify as Muslims under this amendment. Together, **Article 260(3)**<sup>6</sup> and the Second Amendment to Pakistan's Constitution proclaim Ahmadis to be "non-Muslims."<sup>7</sup>

## VIII. CONCLUSION

The federal and provincial governments of Pakistan should adopt prompt legal and policy measures to end the pervasive and systemic discrimination and social exclusion suffered by Pakistan's Ahmadiyya community.

This is a hugely underestimated issue since the future of Pakistan is inextricably linked to the destiny of its Ahmadis.

The Ahmadi problem is a pillar of this country's sectarianism. Pakistan has a tolerance, pluralism, and stability threshold until it addresses its religious rights. Beyond this point, it cannot pass; this persecution, like a glass ceiling, prevents it from advancing ahead.

In Pakistan, the question of religious freedom is intricately entwined with the political construction of religious identity, a process that has resulted in grave abuses of human rights for numerous groups, notably the Ahmadiyya Muslim Community. Historically, this community has been isolated and discriminated against by law and society due to religious differences.

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<sup>6</sup> PAK. CONST., PART III, § 230(3)

<sup>7</sup> Report to the United Nations General Assembly on Eliminating Intolerance and Discrimination Based on Religion or Belief and the Achievement of Sustainable Development Goal 16 (SDG 16)