

# **Persecution of Ahmadis in Pakistan**

## **Supplementary Report**

**July 2018**

**Justice Siddiqui, giving ‘reasons’ for his Order Sheet** quoted in his Judgment Sheet the following obtained from different sources, *inter alia*:

“Qadianism is a destructive religious doctrine which hides under the guise of Islam in order to conceal its mischievous and malicious ends. Its most un-Islamic allegations are:

- a. Its leader’s baseless claim to prophethood
- b. Distortion of Quranic texts
- c. Falsification of Jihad (Fight in the cause of Islam)

Qadianism is the step-daughter of British Imperialism; it survives only under its guardianship and protection....” (p. 75)

“The Court called Mirza Ghulam Ahmad an infidel. His life history shows, says the judgment, that he was cheat and unscrupulous man who step by step and with a design maneuvered by his writings and sayings to establish himself as ‘Mohadis’ and Messiah’. His predictions and prophecies were found false...”(p.83)

“The learned Amicus Curiae has also contended that non-Muslims in an Islamic State are not entitled to pose themselves as Muslims and if they do so, it falls within the ambit of high treason, and disloyalty to the State of highest order. ...” (p.20)

*Etc; etc.*

### **IHC Justice Siddiqui’s Judgment Sheet: its prefatory appraisal**

*Islamabad; July 2018:*

**HONORABLE ISLAMABAD HIGH COURT Justice Shaukat Aziz Siddique released Judgment Sheet this month on his Order Sheet issued on March 9, 2018 on Writ Petition moved by Maulvi Allah Wasaya through W.P. No. 3862/2017 and other similar writs by Younus Qureshi etc, Tehreek Labbaik Ya Rasool Allah and a Civil Society through its president. This Judgment Sheet gives reasons for the Order issued earlier. It is a 172-page document. It is a ruthless, even potentially crushing document for religious minorities in general and Ahmadis in particular. Human rights and freedom of faith concepts are conspicuous in it for deliberate disregard to them.**

First, a short introduction to the petitioners. Maulvi Allah Wasaya is a senior cleric on the pay roll of Aalami Majlis Tahaffuz Khatme Nabuwwat (AMTKN). This is a leading organization among numerous who are committed to anti-

Ahmadi activism in the name of Khatme Nabuwat (KN) ‘end of prophethood’. Wasaya has compiled a number of books on this theme and is a frequent speaker in rallies that promote hate against the Ahmadiyya community. Justice Siddiqui has mentioned him as a ‘renowned religious scholar’ in his Judgment Sheet (hereinafter called ‘the Sheet’).

Maulvi Yunus Qureshi and his colleagues are mostly Imams in various Ahle-Sunnat mosques, and have been rated as ‘religious scholars’ by Justice Siddiqui.

Tehrik Labbaik Ya Rasool Allah has lately emerged as an infamous religio-political body that received a great deal of publicity during its *Dharna* (sit-in) in Faizabad during November 2017, when it nearly succeeded in blockading the federal capital over the issue of end of prophethood. Its leader Allama Rizvi last month said, “The day Islam comes to power, there will be one decision regarding *Mirzais* (Ahmadis): Either recite the *Kalima* or accept Death. There won’t be anything else other than this.” TLYR did not pursue its petition in the court; however Justice Siddiqui was kind and considerate to attend to its prayers made in W.P. No. 3896/2017.

The Civil Society headed by Mr Muhammad Tahir is a little-known society. It seems its main interest is to block any relief to the Ahmadi Jamaat. It is a far-right group opposed to higher secular and liberal values.

All the petitioners had one common interest, *inter alia* – to deny voting rights to Ahmadis. They all prayed that the honourable court look into the passage of the new law Elections Act 2017 and reverse elimination of all provisions related to KN, including the so-called 7B and 7C etc.

Maulvi Wasaya requested an order to the Federation to maintain separate database for Ahmadis in civil service so that ‘they may not be posted in offices involving sensitive matters.’

The Civil Society found it opportune to add to their list of prayers, that the honourable court ‘ban those NGOs which are spreading secular thoughts in the country’.

All the four petitioners prayed the court to graciously grant any other relief in this general context. Justice Siddiqui did not disappoint them. He doled out much more of the anti-Ahmadiyya and anti-minorities manna than they had asked for or hoped for.

It may be usefully mentioned at this stage that a fair amount of Ahmadiyya comment was made on this case a few weeks ago in our monthly reports, during the hearings and at the time of issue of the Order Sheet. These comments are available in our monthly news-reports for the months of February and March. These may be gainfully perused if desired, as those comments will not be repeated in this note.

The contents of this 172-page Sheet, although primarily focused on the Ahmadiyya community, have a direct bearing and impact on the social, political, even religious spheres of activities of all religious minorities in Pakistan. Indirectly they have the potential to affect the lives of most Muslim minority sects in future. This time

Ahmadis are targeted, Shias could be next, followed by Ahle Quran, Ahle Hadith, Deobandis, Salfis, all the 72 sects in turn. We shall explain.

The Order Sheet of March 9, 2018 contained a great deal that would obviously affect very adversely the Ahmadis. Indirectly, that would affect other minority communities. The law professionals would find it difficult to believe that this Order was passed after weeks of hearings in which no Ahmadi representative was invited or heard. No non-Muslim was similarly heard. Accordingly the honourable court was not in a position to pass such an Order as it did in violation of basic principle of justice and law. Hence a superior court could and should consider declaring this Judgment null and void.

Justice Siddiqui based the argument of his verdict on the Constitutional Amendment No II passed in 1974 by the National Assembly. It is on record that the Assembly was requested to examine in the first instance whether it had the powers and authority to decide the issue of religion or belief of Ahmadis or anyone else. This important question was not examined nor discussed by the Assembly, which makes its act to pass Amendment II highly objectionable, potentially void on reappraisal by a just higher forum.

Also relevant is the principle that a constitutional provision that violates fundamental human rights is null and void to the extent of the violation. An amendment is even more ineffective if it affects these rights. That is why, in international circles Amendment No II to our Constitution has no standing. So Justice Siddiqui built a castle of sand on marshy ground. If put to scrutiny before competent judicial authority, the 172-page judgment would be demolished without qualm.

Justice Siddiqui, the single-judge bench, in addition to the existing provisions of constitution and law, based his judgment on advice of 4 Islamist amici curiae, 4 constitutional experts, unrelated references to Quran and Sunnah, Islamic history, hand-picked medieval Sharia opinions, theological assertions, statements of select Islamists like Allama Iqbal, Maududi, Shorash, Dr Ghazi, also rhetoric of Bhutto-era MNAs, personal prejudices, etc. We shall examine all these, but only briefly, for consideration of paucity of space here. First the four amicus curiae (religious scholars).

Justice Siddiqui cherry-picked his advisors on Islamic theology. These were Hafiz Hassan Madni, Dr Mohsin Naqvi, Sahibzada Sajid ur Rahman and Mufti M. Hussain Khalil Khel. These clerics are called 'learned scholars' in the judgment; this is apparently correct, even if these scholars belonging to different schools of thought in Islam consider each other *Kafir* as insisted by their sectarian elders and superiors. These mullas, were, of course, told to stick to the questions posed by the court.

The five questions posed by Justice Siddiqui were tailored to meet his requirement. These all were technically 'leading questions'. One of these was: "Whether non-Muslims should be allowed to introduce themselves Muslims?" Frivolous? No, it had a purpose. The four learned clerics responded as expected of them by the judge.

There are people who spend all their time in endless counting of trees and miss a whole forest. Justice Siddiqui has attended to numerous minor disputable issues of detail in Islamic jurisprudence but consequently missed grossly the overarching commendable teachings of the great religion of Islam. To demonstrate and prove this hypothesis we shall surely attend to some of these unfortunate failures of the worthy judge.

A vital observation should be made in the beginning. In this Sheet, Justice Siddiqui has made a large number of highly damaging, unsubstantiated, low-grade comments and narrative that promote sectarianism and extremism. Some even promote bloodshed, convincingly leading the common man to take law in his own hands i.e. terrorism. He achieves this either through others including his amici curiae or plainly owning it himself. The net result is nearly the same – great potential threat to minorities in general and Ahmadis in particular. We say so responsibly, and shall place here extracts and references from the Sheet as proof.

Also, this note is not an analysis in law of the Judgment nor a theological rebuttal, these would surely be undertaken separately in appropriate manner; it is a lay and *prima facie* examination of the contents of the Sheet.

We resume with the responses of the amici curiae, the religious scholars who had ‘graced’ the Siddiqui court. They all assumed erroneously that Pakistan was an ‘Islamic state’ in a theocratic sense. As a result, in addition to giving their own interpretation of the Holy Quran (translation and *Tafseer*) and Hadith they indulged in their own view of Islamic history and the Sharia postulations of the medieval age. Opinions of Islamist jurists and other principles of Islamist governance evolved in Abbasid and other periods of Islamic history were quoted without allowing for the fact that times have changed, and social, societal and political circumstances are now very different. Pakistan is not an Islamic state or a medieval age *Khilafat* of any sort: it is a nuclear-armed, democratic, nation-state of 21<sup>st</sup> century, called Islamic Republic of Pakistan with its own Constitution and commitments to international law and covenants. Justice Siddiqui should have applied the zero error, but he didn’t and wantonly paddled the given dope as received.

For instance, Professor Mohsin Naqvi is of the view that “It is the duty of the Islamic State to preserve its ideological boundaries in like manner as it is obliged to defend its territorial boundaries.” (p. 23)

Prof Sajid ur Rehman said, “Hazrat Umar Farooq (R.A.) had constituted a specific department for keeping the identity of the citizens. ... It is necessary for the state to keep record of all such information without which a state cannot discharge its obligations.” (p. 23) One then wonders how the modern states of Western Europe are discharging their obligations without such records of their citizens’ faith. More on this later.

Professor Naqvi observed and Judge Siddiqui placed it on record, “A Muslim state can make it compulsory for its non-Muslim citizens like Christians, Hindus, Sikhs, Budhs, Qadianis and Lahoris to register themselves as such. The Islamic State is also liable to issue separate identity cards to its non-Muslim citizens or to specify a separate column for this purpose. Penal

sanctions may be provided for misstatements.” (p. 24) He added, “During the Khilafat e Usmania yellow colored badges were introduced for the non-Muslims where their occupations were also mentioned.” Also, “In an Islamic State if a non-Muslim infidel or non-believer, poses himself as Muslim and gets undue advantages, he may be tried for an offence of mutiny.” Believe it or not! Naqvi assured the judge, “Demand for true disclosure of faith from the citizens, by an Islamic State cannot by any means be termed as violation of fundamental rights.” (p. 24) In this ‘true disclosure’ a lot more is involved; the Sheet mentions it, later.

Mufti Khel is quoted as, “Certain areas of Islamic Law wherein a complete distinction of a Muslim from non-Muslim has to be observed and any misstatement from any side, can cause a Muslim to indulge into highly sinful and forbidden acts, resulting in insurmountable legal complications and with drastic results, which can ruin the very rubric of the Muslim Society.” (p. 25) The list of such areas includes *inter alia*:

- Shariah directives relating to Salam, condolences, and other social customs and tradition.
- Shariah directives relating to maintaining of separate identity from non-Muslims.
- Sharia directives relating to ability to become head of the State and other important positions.”

Watch out all non-Muslims in Pakistan – also the Muslims, etc.

As for ‘important positions’, Asghar, an Ahmadi youth who applied to join Pak Army as a soldier was told by the recruiters on April 9, 2014 in Lahore that he was not acceptable unless he re-writes his denomination as Sunni Muslim.

Mufti Khel, ‘the learned scholar’ providing reasons to the honorable court for its findings is of the opinion, “The intentional hiding of the real identity by a citizen is nothing but a disloyalty to the state which is dishonesty and cheating of highest order and its consequences in the destruction of the society are quite obvious.” (p. 27; *underlining added by this writer*)

Justice Siddiqui, quoting his ‘learned amicus curiae’ mentioned the ‘Shariat’ principles of *Dhariah*, ‘first discovered’ by the Maliki jurists, followed by Hambali jurists (in second and third century after the Hijrah), and then referring to principle of *Daf’al-Darar* and *Daf’al.Fasad*, arrived at the conclusions: “Major Darar (damage) may be removed by incurring a minor Darar.... A private Darar can be incurred to avoid a public Darar... A Darar will not be (overlooked) on account of being old and time-barred. Therefore, a Darar, however old it may be, must be removed. In my view there can be no *fasad* (violent tumult) severer than attempting to devastate the very foundation of Muslim faith.” (p.147) Judge Siddiqui made it clear that the above was “In the backdrop of negative, harmful, disastrous and dangerous effects of the activities of Qadianis under the shield of hidden identity.” (p.146) Scary indeed. “Very dangerous” assessed Ms. Zohra Yusuf of Human Rights Commission of Pakistan.

Among the various bizarre assertions made by the invited amici curiae, what non-Muslim minorities should wear was also recommended by them. Although they carried the titles of Dr, Professor, Mufti etc, in fact they were little more than mullas born in the proverbial fourteenth century *Hijrah*. The Holy Prophet foretold their character and

conduct 1400 years ago, but this report is not the right forum to quote the noble prophecy come true.

On the basis of stated reason of “Islam has its own ‘separate identity’, similar to none,” Siddiqui comes to the conclusion that “(No) other religious community whom Muslims believe outside the pale of Islam, can be allowed to masquerade themselves in the attire of Muslims.” (p. 138) The Sheet mentions, “There is an overwhelming evidence that the Muslims during the period of righteous Caliphate and then during the Umayyads and the Abbasids reigns did not allow the non-Muslims to adopt the appearance(s) which were specific to Muslims, and mandated for them to follow a specific course in this regard... It has been contended that such measures were adopted both ways. On one hand Muslims were required to maintain their separate identity while on the other hand the non-Muslims were also required to refrain from adopting Muslims’ identities.” Surely Judge Siddiqui does not, or should not believe that Umayyad and Abbasid caliphs (read *kings*) are any authority for Pakistani Muslims to follow. The orders of Umar (R.A.) in Covenant of Umar will be discussed in the next Para. It is however certain that the Holy Quran contains no such orders. The Holy Prophet of Islam surely directed Muslims not to imitate non-Muslims; he never directed non-Muslims not to wear the attire of Muslims. This makes sense.

Justice Siddiqui has given plenty of space to a document called Covenant of Umar (شروط عمرية) to draw his own conclusions, without examining the same in required depth. This was reportedly a pact between the second Khalifa Rashid and the people (Christians) of Ash-Sham (Syria). The treaty is translated in the Sheet as follows:

The scholars of Hadith narrated from ‘Abdur-Rahman bin Ghanm Al-Ash’ari that he said, “I recorded for ‘Umar bin Alkhattab’, may Allah be pleased with him, the terms of the treaty of peace he conducted with the Christians of Ash Sham (Syria):

‘In the name of Allah, Most Gracious, Most Merciful. This is a document to the servant of Allah ‘Umar, the Leader of the faithful’, from the Christians of such and such city. When you (Muslims) came to us we requested safety for ourselves, children, property and followers of our religion. We made a condition on ourselves that we will neither erect in our areas a monastery, church, or a sanctuary for a monk, nor restore any place of worship that needs restoration nor use any of them for the purpose of enmity against Muslims. We will not prevent any Muslim from resting in our churches whether they come by day or night, and we will open the doors (of our houses of worship) for the wayfarer and passerby. Those Muslims who come as guests, will enjoy boarding and food for three days. We will not allow a spy against Muslims into our churches and homes or hide deceit (or betrayal) against Muslims. We will not teach our children the Quran, publicize practices of Shirk, invite anyone to Shirk or prevent any of our fellows from embracing Islam, if they choose to do so. We will respect Muslims, move from the places we sit in if they choose to sit to them. **We will not imitate their clothing, caps, turbans, sandals, hairstyles, speech, nicknames and title names, or ride on saddles, hang swords on the shoulders, collect weapons of any kind or carry these weapons. We will not encrypt our stamps in Arabic, or sell liquor.**

**'We will have the front of our hair cut, wear our customary clothes wherever we are, wear belts around our waist, refrain from erecting crosses on the outside of our churches and demonstrating them and our books in public in Muslim fairways and markets. We will not sound the bells in our churches, except discretely, or raise our voices while reciting our holy books inside our churches in the presence of Muslims, nor raise our voices (with prayer) at our funerals, or light torches in funeral processions in the fairways of Muslims, or their markets.** We will not bury our dead next to Muslim dead, or buy servants who were captured by Muslims. We will be guides for Muslims and refrain from breaching their privacy in their homes.

'When I gave this document to Umar, he added to it, "We will not beat any Muslim". These are the conditions that we set against ourselves and followers of our religion in return for safety and protection. If we break any of these promises that we set for your benefit against ourselves, then our Dhimmah (promise of protection) is broken and you are allowed to do with us what you are allowed of people of defiance and rebellion." (p. 141, 142. *Words above made bold by Justice Siddiqui.*)

Justice Siddiqui has asserted on authority of his amici curiae, other Islamic scholars, medieval Imams, including Hazrat Ali that this document is authentic, a medieval model, followed for generations, significant, historic etc. This scribe is not in a position, nor is it appropriate here to assess the authenticity of this document and its translation, but one thing is certain; this document is nearly of zero value and relevance in today's Pakistan because of the incongruity of time, space and circumstances. Siddiqui has only wasted space in his Sheet by copying and upholding this potentially dangerous script. We explain.

If one is to believe the introduction to this Pact adopted by Siddiqui, it was put down on conquest of Syria (part of the Byzantine Empire) in 15 A.H. These were the years when Byzantine was in a state of war with the Islamic Caliphate. Obviously these battles resulted in plenty of bloodshed. Both sides risked heavy losses in life, liberty and property in case of defeat. The rules of war applied mutually which were very different than those in peace. Hence a vanquished enemy had to submit to special conditions in lieu of life, liberty and peace, after a battle, while state of war still existed between the principal combatants. This practice is not much different in modern times. People remember the Jim Crow laws in the U.S. during the late 19<sup>th</sup> and 20<sup>th</sup> century; also is relevant the internment and relocation of Japanese-Americans in the US during WWII.

It is also noteworthy that according to the narration of this report, the document was written by Christians of Syria and not by Hazrat Umar, who did not impose any restriction upon Syrian Christians. Syrian Christians sought to secure their rights through this covenant that they would not be obligated to teach their children the Quran, nor would they be obligated to wear the clothing etc which the Muslims wore, and they would continue to wear their customary clothes which they had been wearing and they would continue with their customary hairstyle. No attire different from Muslims was imposed upon them for the sake of distinguishing them from Muslims.

History has recorded a number of covenants of the Holy Prophet Muhammad (Peace and blessings be upon him) with Christians where no such discrimination was made by him. We mention here one of these covenants the Holy Prophet Muhammad (Peace and blessings be on him) made with Christians of St. Catherine Monastery.

We quote hereunder how Ameer Ali an eminent historian described the charter the Holy Prophet Muhammad (Peace and blessing be on him) granted to the monks of St. Catherine Monastery:

“It was about this time that the Prophet granted to the monks of the monastery of St. Catherine, near Mount Sinai, and to all Christians, a Charter which has been justly designated as one of the noblest monuments of enlightened tolerance that the history of the world can produce. This remarkable document, which has been faithfully preserved by the annalists of Islam, displays a marvelous breadth of view and liberality of conception. By it the Prophet secured to the Christians privileges and immunities which they did not possess even under sovereigns of their own creed; and declared that any Moslem violating and abusing what was therein ordered, should be regarded as a violator of God’s testament, a transgressor of His commandments, and a slighter of His faith. He undertook himself, and enjoined on his followers, to protect the Christians, to defend their churches, the residences of their priests, and to guard them from all injuries. They were not to be unfairly taxed; no bishop was to be driven out of his bishopric; no Christian was to be forced to reject his religion; no monk was to be expelled from the monastery; no pilgrim was to be detained from his pilgrimage. Nor were the Christian churches to be pulled down for the sake of building mosques or houses for the Moslems. Christian women married to Moslems were to enjoy their own religion, and not to be subject to compulsion or annoyance of any kind on that account. If Christians should stand in need of assistance for the repair of their churches or monasteries, or any other matter pertaining to their religion, the Moslems were to assist them. This was not to be considered as taking part in their religion, but as merely rendering them assistance in their need, and complying with the ordinances of the Prophet which were made in their favour by the authority of God and of His Apostle. Should the Moslems be engaged in hostilities with outside Christians, no Christian resident among the Moslems should be treated with contempt on account of his creed. Any Moslem so treating a Christian should be accounted recalcitrant to the Prophet.” (*The Spirit of Islam by Ameer Ali pp. 84, 85*)

Compare the above with Justice Siddiqui’s prescription!

Justice Siddiqui took up the issue of Shaairallah to impose extensive restrictions on Ahmadis to practice their religion, which they are not allowed to call ‘Islam’. He has quoted a scholar Taqi Usmani as, “The word *shaar* literally means such symbols which represent certain realities”. Maulana Yusuf is quoted as, “Thus *shaarullah* are those prominent distinctive commandments of Islam which form a distinctive identity of a Muslim differentiating him from followers of other religions.” (*p.131*) According to Madni, ‘Each and every commandment of Islam that is considered as its symbol is part of *shaairullah*’. Mufti Shafi calls ‘Islamic *shaair*’ as special commandments which are counted as identification signs for a Muslim.



As Ahmadis all over the world believe themselves to be Muslims (Pakistan law forbids them to pose as such), they have practiced these *shaair* since their inception. Being a revived community they are reputed to be relatively more observant of these *shaair* than their other brethren. However the mulla's and Siddiqui's logic is, freedom of religion or not, Pakistani Ahmadis having been declared non-Muslims in law should be compelled to refrain from practicing these *shaair*. In this these oppressors desire to deny Ahmadis freedom of practice of their religion to the maximum. Their logic is as follows: "Islam has its own 'separate identity', similar to none. Apart from the entire Corpus Juris of Islam, if we only look at the concept of 'five pillars' of Islam, the uniqueness of Islamic ritual becomes evident. No other religion of the world mandates such devotional acts for the purpose of fulfilling the covenant with God. Quite naturally, Muslims are jealous to safeguard their rituals, which serve as characteristic features of their religion, from adulteration in the hands of those, whom they consider as 'traitors to their faith'. The symbols are essentially involved in social processes; a ritual symbol is a factor in social action, and a positive force to ignite that action. The exceptional character of those ritual symbols covers the entire social life of the Muslim community from the birth of a child to the death bed of burial ceremonies. Therefore, no other religious community, whom Muslim believe outside the pale of Islam, can be allowed to masquerade themselves, in the attire of Muslims. Muslims are not opposed to the practice of their religion by the Qadianis, but they cannot accord with their efforts to camouflage their religion under the costume of Islam. This rings alarms about their feelings, emotions, beliefs, protection of which is their religious obligation." (p.138)

It is said the hell's appetite is unlimited; it demands more all the time. General Zia promulgated Ordinance XX to satiate the hell of mullas' anti-Ahmadi demands. Thirty-four years later there is another Order to further restrict Ahmadis' freedom to practice their religion. Also, now if the President does not promulgate such an ordinance, any single-judge bench of any high court may issue rulings. Justice Siddiqui has set the precedence and provides the 'reasons', however controversial, illogical, unjust.

Neither Ahmadis nor non-Muslim minorities are in a state of war with Pakistan. Any state of war, if there is, it is one-sided and exists only in the heads of Justice Siddiqui and mullas committed to hostility against Ahmadiyyat. Minorities in Pakistan are loyal citizens of the country and are equal citizens according to the solemn social contract agreed between the founding fathers and them in the era of Partition. It was unworthy, malicious and very dangerous on the part of Justice Siddiqui to include and support this irrelevant covenant in his Sheet. This inclusion makes it all-important that the Sheet should be declared null and void, and banned.

A brief mention is appropriate here of the advice given by those *amici curiae* who were invited by the court as constitutional experts. These were Mr Akram Sheikh, Dr M Aslam Khaki assisted by Ms. Yasmeen Haider, and Dr Babar Awan, all ASCs. They were also given a list of five leading questions by the court. Among these invitees Dr Babar Awan is known for his activism against Ahmadiyyat.

Mr. Akram Sheikh chose to support the pleas made by the petitioners. He generally banked upon the anti-Ahmadi laws and rules already in force. He pointed out that Ahmadis do not have to declare their faith before the FPSC or other state institutions hiring manpower, and recommended this should be done as already done for induction into military service. He repeated the lie perpetuated by some mullas that Ahmadis consider members of other sects of Islam as non-believers/non-Muslims.

Dr Aslam Khaki was fair and just in pointing out that ‘the faith or religion is based upon the somebody’s own state of mind and consciousness instead of any legal force’. He frankly put forth the wisdom: “We should control the prices, poverty and not the faith.” (P.35)

Dr Babar Awan’s contribution to the anti-Ahmadi position was as expected of him. He supported all the existing anti-Ahmadi laws and rules, even the latest that denied Ahmadis the right of vote.

We move on to another vicious and potentially noxious part of the Sheet.

Justice Siddiqui found it too restrictive to quote only the few present in his court. He availed other Ahmadi-bashers to promote hatred against Ahmadis by quoting their observations and remarks, however false and faulty. We reproduce below a few samples to demonstrate their evil and provocation.

The founder of Ahmadiyyat was introduced in the Sheet through the pen of one Dr Mahmood Ghazi, a committed anti-Ahmadi scholar. More on Dr Ghazi will be presented later in this note. He wrote down a narrative regarding Hazrat Mirza Ghulam Ahmad, (hereinafter called Mirza Sahib), which was jointly developed and agreed upon by the post-independence generation of mullas, as follows:

“After the tragic failure of the War of Independence in 1857(*aka* The Mutiny) the Muslims of the Indian Subcontinent found themselves in a grave economic, cultural crisis. The British imperialism took control of the whole Mughal Empire and adopted measures to consolidate and perpetuate its mastery over the South Asia. Every possible step to disintegrate, disunite, confuse and to create a defeatist mentality in the local population, more particularly, among the Muslim community was taken. Based on a long and deep study of Indian scene, the new policy designed by the colonial masters included attempts to raise pseudo-religious leaders to work for the interests of the colonizer in a religious grab. In pursuance of this diabolical design the fertile British mind found in a remote village of East Punjab called Qadian, one Mirza Ghulam Ahmad, a non-entity at that time. He was raised to project himself as a religious savior who claimed promises to deliver the Indian Muslim from the agony and dismay from which they were suffering. In order to build his personality he started writing in the local press and criticizing different religions. With the passage of time he began to lay foundations of a movement, subsequently known as the Qadianiat or the Ahmadi movement, and astutely served the cause of British imperialism in India and abroad. The linchpin of the whole crusade was the propaganda against Jihad, the belief of which was motivating the Indian Muslims to rise against the British colonialism in India. The other underlying objective was the inculcation of a spirit of loyalty for the British rule and its acceptance as a divine blessing

for the Muslims of India. The whole jugglery of the Mirza revolved around these two themes. His ridiculous revelations and prophecies directly or indirectly convey these two messages.” (p. 40,)

The only thing true in the above narrative is the fact that Mirza Sahib, as ‘Imam of the Age’ did decide that this was no longer the era of violent Jihad to support the religion of Islam. Other than that, the rest is conjecture and fabrication. As for Jihad, the sensible intellectual opinion of the educated Muslims in the Islamic world is now the same as enunciated by Mirza Sahib 125 year ago. What he said then, has been conceded by the sensible mulla after great loss of time and Muslim lives. However, people like Ghazi and Siddiqui still remain committed to Jihad and continue to accuse Mirza Sahib of showing the Ummah a path which is essentially more peaceful and profitable.

For reality about Mirza Sahib let us quote an independent opinion. Maulana Abul Kalam Azad, a great Islamic scholar titled (امام الہند) Imam of India, who was the Federal Minister of Education in post-independence India, wrote at the time of Mirza Sahib’s death: “His special attribute that he performed the function of a successful general in defence of Islam compels us to acknowledge his services... . Future generations will continue to feel heavily obliged to Mirza Sahib for this great service.” (*Akhbar Millat*)

Allama Iqbal wrote in one of his articles: “Mirza Sahib is perhaps the greatest religious scholar among the current Indian Muslims.” Eleven years later, the Allama sent his elder son Aftab to Qadian for education.

As for a special personal attribute of Mirza Sahib, he was in love with the Holy Prophet (pbuh) and expressed his admiration profusely in Urdu, Persian and Arabic prose and poetry. His two Persian verses are quoted and translated below:

جان و دل فدائے جمال محمد است      خاکم نثار کوچہ آل محمد است

Translation: “My soul and heart are devoted to the beauty of Muhammad. My whole being is dedicated to the street of those related to Muhammad (*Aal-e-Muhammad*).”

بعد از خدا بعشق محمد منرم      گر کفر ایں بود بخدا سخت کافر م

Translation: “Next to God, I am intoxicated with the love of Muhammad. If this is *Kufr*, then by God I am a great *Kafir*. ”

The community formed by Mirza Sahib produced great men in the field of spiritual and moral excellence; in addition also those who excelled in the temporal world. Their excellence was recognized by the world community. For instance:

Dr Sir Muhammad Zafrulla Khan: He was foreign minister of Pakistan 1947 - 1954. Later he presided over the 17<sup>th</sup> Session of UN General Assembly. He was then President of the International Court of Justice at The Hague 1970-1973. He was presented the highest national awards by heads of state of Morocco, Jordan, Syria and Somalia for his great services to these countries and to the Muslim states. The Quaid-i-Azam was fond of him for his competence and called him ‘my son’. In Tunis, parents named their new-born Zafrulla for his contribution to the struggle for independence of North African Muslim states. Etc, etc.

Professor Dr Abdus Salam: He was awarded Nobel Prize in Physics in 1979. In further recognition 42 universities world over, many of them from Muslim-majority states, awarded him honorary degree of Doctorate. As a person, Professor Freeman Dyson described him: “Salaam was great as a scientist, greater as an administrator, and greatest as voice of his conscience.”

We return to the fabricated narratives in the Sheet:

“As stated earlier, the Qadianis shifted their power base from Qadian to Rabwah near Sargodha. Rabwah, under the changed circumstances enjoyed a special status like the Vatican. It was a ‘state’ within the state, with strong links with Imperialism and special links with Zionist Israel. All planning, coordination and controlling of Qadiani activities was done from Rabwah. No government ever checked their political activities in a serious manner due to their influence in Administration. As a part of their doctrine, Qadianis penetrated the Muslim rank and file by confusing innocent minds through an anti-Islamic exploitation of human weaknesses. When Pakistan, in her initial days of independence was striving hard for her existence and survival, Qadianis, with the help of the ‘invisible hands’ of Imperialism and neocolonialism were making deep thrusts into the bureaucracy, Armed Forces and other official and semi-official institutions.”  
(p. 45)

The above is almost direct from a book published by anti-Ahmadi Khatme Nabuwwat organization. Attend any rally by Ahrar or KN mullas, you will hear this and the preceding narrative. Siddiqui may be asked to prove that at any stage Ahmadis in the civil service or the military were more than 5% of the total. Also, can he mention any other name than Sir Muhammad Zafrulla Khan in any cabinet, federal or provincial? Any research scholar may approach the Imperialists and Zionists to seek evidence of Ahmadis’ strong links with them. Also why ‘no government ever checked out their (Ahmadis’) political activities in a serious manner’? Why half a century later Siddiqui is shy to quote the identity of alleged ‘invisible hands’ of Imperialism and neocolonialism helping the Qadianis? Because, it is untrue, a myth, sheer propaganda.

Siddiqui has mentioned the Rabita-e-Alam-i-Islami conference in Karachi in 1978, in the days of general Zia. It is reported as having adopted the following resolution:

“Qadianism is a destructive religious doctrine which hides under the guise of Islam in order to conceal its mischievous and malicious ends. Its most un-Islamic allegations are:

- a. Its leader’s baseless claim to prophethood
- b. Distortion of Quranic texts
- c. Falsification of Jihad (Fight in the cause of Islam)

Qadianism is the step-daughter of British Imperialism; it survives only under its guardianship and protection. Qadianism does not faithfully serve the cause of the Muslim Ummah; it is blindly devoted to Imperialism and Zionism, and wholeheartedly supports anti-Muslim powers and policies. It even utilizes the anti-Muslims powers in order to pull down and disintegrate basic principles of Islamic belief. Qadianism persistently endeavors to attain such malicious and mischievous ends...”  
(p. 75, 76)

It is comic that a Saudi-funded organization accuses Ahmadis to be step-daughter of British Imperialism and being devoted to Imperialism and Zionism. ‘Rubbish’ is not a polite word, but what else would convey the truth. Siddiqui’s aim seems to be to also promote hatred against Ahmadis through his Sheet.

Justice Siddiqui has chosen to quote from a Supreme Court majority judgment of 1993:

“Giving permission of assembly or procession to Ahmadis on the street of public places is like permitting civil war,” the learned judge observed. The Hon’ble apex court passed a unanimous judgment on major issue, whereas his lordship Mr Justice Abdul Qadeer Chaudhry submitted his dissenting note on some points....”(p. 89)

What unanimity! Also, that ‘learned judge’ was as learned as Siddiqui; because it is on record that for 36 years, till the authorities banned the Ahmadiyya annual conference (*Jalsa*) there was never even a scuffle at the occasion. The ‘civil war’ was an imaginary reason to refuse Ahmadis freedom of assembly, that Siddiqui would like to perpetuate.

There are other such entries, but these few should suffice for present. From such hostile propaganda the Honourable Justice Siddiqui moved on to revel in falsehood and fiction. Someone would exclaim, “No, that can’t be”; so we shall pinpoint and prove.

Siddiqui has written on pages 167/168 of his Sheet, “Mr Wajid Shams ul Hassan being Qadiani disclosed his faith, by addressing annual gathering of Qadianis held in country of their patronage i.e. UK.” It is true that Mr Hassan did address the gathering, but to take that as proof that he is a Qadiani is plain deceit and fabrication. Siddiqui knows that this gathering is routinely addressed every year by non-Ahmadi Muslims, Christians, Hindus, Sikhs, Buddhists etc. They come in all colors from different continents. Would Judge Siddiqui call them all Qadianis!

On page 167, Siddiqui calls Mr Tariq Aziz “a bureaucrat known Qadiani, through whose maneuvering known and declared Qadianis were made part of consultation process on different sensitive issues in Musharraf era.” This is another fabrication. Mr Aziz is and never was a Qadiani, Ahmadiyya headquarters confirm this. It is relevant to mention that it was in Musharraf era that notorious rules 7B and 7C came into force through special order of Musharraf, which closed the doors for Ahmadis to become voters. Also it was he who ordered the religion column be added to the new machine-readable passports. In his years no Ahmadi officer in the army was promoted above the rank of brigadier.

On pages 31 and 42 Siddiqui repeats the lies that, 1) Ahmadis consider members of other sects of Islam as non-Muslims, and 2) Muslims of the world who do not believe in Mirza’s claims are outside the pale of Islam. He has thus joined the chores of mulla that play this refrain to justify their declaring Ahmadis non-Muslim. Siddiqui should have read Ahmadiyya Khalifa tul Masih III’s statement in the 1974 Proceedings of the National Assembly, in response to the Attorney General’s question: “I am categorically stating that any person who accepts Hazrat Muhammad SAW is a Muslim, no other person has got a right to declare him non-Muslim.” (p-406) Does that not rebut the accusation conclusively?

On page 104 of the Sheet, Siddiqui quotes a perfect lie through Dr Iqbal's letter to the Statesman "accusing Qadianis of building a new community on the foundation of a rival prophethood..." Iqbal and Siddiqui do Ahmadis great injustice by attributing them this fiction of rival prophethood. Mirza Sahib is on record to have made it clear at numerous occasions that he was subordinate to the Holy Prophet of Islam. He wrote down: "All prophethoods have ended with him (the Holy Prophet of Islam) and his Shariah is the final Shariah. And yet one kind of prophethood has not ended; that is to say, the prophethood that is bestowed through complete obedience to him (PBUH) and which derives its light from his lamp has not ended, inasmuch as it is Muhammad's Prophethood, i.e. a reflection of his prophethood, and comes through it, and is its manifestation, and derives its blessings from it." (*Chashma e Ma'rifat, Rūhāni Khazāin, vol. 23, p 340*)

Here it is appropriate to give an independent scholar's opinion on Mirza Sahib's faith in the 'Finality of Prophethood'. More than half a century ago, the great scholar Allama Niaz Fatehpuri wrote in his monthly *Nigar* of May 1962: "The biggest objection against him (Mirza Sahib) is that he did not believe in the finality of prophethood; there is no other more absurd and meaningless allegation against him. He definitely believed in Khatme Nabuwwat... . It is a pity that people do not read Ahmadiyya literature, nor are they aware of their achievements. They simply believe in what they hear and become mistrustful of Ahmadiyyat."

On page 42, Siddiqui lists 'Main Beliefs of the Qadianis' and attributes at Nr. VII the following: "Jihad is forbidden for all times to come." This is another lie. Siddiqui should know that Mirza Sahib has categorically and repeatedly stated that he shall not change even an iota of the Holy Prophet's Sharia. According to him Jihad (the violent kind) has been put aside as the right conditions for a true Jihad are non-existent.

Siddiqui has also most unjustly and grossly misstated the incident of 29 May 1974 at Rabwah railway station. According to him, "In a bid to show their muscles to their opponents, Qadiani belligerents attacked the students of Nishtar Medical College, Multan when they came back from an excursion trip and passed through Rabwah. On 29 May 1974 Qadianis carried sticks and light arms. Fifty students were badly injured with 13 in critical conditions. It was a preplanned affair and Mirza Nasir, the then Khalifa was behind the game." (p. 56)

The facts are different. The incident was pre-planned, but not by Ahmadi Khalifa. He could not have planned for the hostile students from Multan to pass through Rabwah on 21 and 29 May. It is they who had come with a plan. Witnesses are still alive who on 21 May 1974 saw these students at Rabwah railway station hopping from compartment to compartment clad in nothing but underwears and behaving like hooligans. Soon the train departed and they threatened that they would be back on 29<sup>th</sup>. A brawl did happen on 29<sup>th</sup>, and there were injuries on both sides. Ahmadis used no light arms: none of the injured students had a bullet injury. Siddiqui should have checked the medical records. Also it is false that 50 students were badly injured. The injured students received first-aid at Faisalabad hospital, none of them was admitted for his injures, they were let go. Only one of these was admitted in a hospital on arrival in Multan and was discharged from

there a week later. He could be called ‘badly’ injured. Thus Siddiqui is guilty of willful exaggeration – by a multiple of 50. Very unbecoming a high court judge. There is a lot more to this story of Rabwah incident, but this note is not the right place to analyze and bring out all the facts. It is however most relevant that this incident triggered Bhutto’s scheme to declare Ahmadis non-Muslim through Amendment II to the Constitution.

On page 49 of the Sheet he refers to Mirza Muzaffar Ahmad (M.M. Ahmad) a grandson of Mirza Sahib, “a notorious bureaucrat who was Finance Secretary and afterwards the Deputy Chairman of the Planning Commission of Pakistan.” Siddiqui quotes a hostile publication to accuse him of “defective planning (that) resulted in East-West disparity and consequently loss of Eastern Wing of the country.”

It is a recognized fact that MM Ahmad had great reputation as a bureaucrat. He is still remembered in official circles as a competent, efficient, honest and respected functionary. The anti-Ahmadi lobby did not like him as an Ahmadi in high position in the government. They planned to kill him, so one of these extremist bigots (mulla Aslam Qureshi) stabbed Mr. Ahmad in an office lift. The stabbing was severe, but he recovered from the assault eventually. If Siddiqui is of the same opinion as the assailant, it is not surprising. Also, to accuse one person’s defective planning in finance as the cause of the breakaway of Bengal from Pakistan is obviously subjective and fictitious.

In the same context, Siddiqui chooses to place on record in his Sheet a broad hint: “The role of the US in creating regional imbalance and economic disparity between East and West Pakistan has been widely discussed.” (p. 51) This scribe is not aware of the inside story and confidential planning of the U.S; but it seems highly unlikely that U.S. could have adopted a deliberate policy to persuade Pakistan to develop economic imbalance and disparity between the two wings to harm its own national unity. The suggestion is ridiculous, and only indiscreet Siddiqui could consider it worth placing it on record.

On page 43 the mention that “Zafrulla did not participate in the funeral prayers of the Quaid (Jinnah) on the plea that he (the Quaid-e-Azam) was a non-Muslim.” (p. 43) This is still another fabrication and lie. Sir Zafrulla did not join the congregational prayer but not for the alleged reason. He surely participated in the funeral procession. As for the prayers, Sir Zafrulla himself explained that the prayers were led by Maulana Shabbir Usmani who had declared Ahmadis to be *Kafir* and *Wajib ul Qatl* (worthy of being put to death). Surely it was improper and unwelcome by both the prayer-leader and Zafrulla that the latter be a part of the organized ritual led by former. It is worth mentioning that most of the religious leaders like Maududi, Mufti Mahmud, Bukhari (an Ahrari and a KN leader), Mian Tufail Muhammad, Nawabzada Nasrullah, etc. joined neither the funeral prayers nor the funeral procession.

Still another. On page 81 of the Sheet, Siddiqui mentions: “The Ordinance (XX) provided them (Ahmadis) an excuse to settle abroad and win support of some anti-Islamic organizations working in those countries under different covers.” Siddiqui has chosen not to name those organizations – because there are none such who support Ahmadis.

Some governments of Western Europe and North America have accepted some Ahmadis who managed to reach there and seek asylum as per international law. One hopes that Siddiqui does not call these governments anti-Islamic for this reason. Or is it that any organization in the West, who is sympathetic to the plight of Ahmadi asylum seekers, is per se anti-Islamic? Should not the judge consider an easier solution – he should rule that Amendment Nr II and Ordinance XX are both in violation of the Constitution! Indeed they are, and this action will ensure no Ahmadi fleeing abroad and no anti-Islamic organization coming to their help.

On page 48, Justice Siddiqui mentions the Martial Law of 1953 in the Punjab that was imposed after extensive and bloody riots by Ahrar and anti-Ahmadi miscreants. According to Siddiqui, “The whole nation condemned it.” How he came to this conclusion, he discloses not. He is either careless or indulges in what appeals to his fancy – or both. Records show that first taste of martial law after the extensive riots by a section of mullas was mostly welcome by the general public. Of course, the agitating clerics did not like it. Here one must give credit to Honourable Justice Siddiqui for mention of fatal casualties in ‘scores’. This is almost true, as the number of rioters killed by the law-enforcers was 37, according to a high-level judicial inquiry. The Khatme Nabuwat mullas are on record on various occasions to mention these fatal casualties as 30,000, 18000, 15000 and 10,000. Faced with objection on these different figures they have settled down these days to the figure of 10,000. Justice Siddiqui’s mention of real casualties in only ‘scores’ is sure to displease the KN mullas.

Now let’s refer to paragraph 33 on page 49 of the Sheet to show that Justice Siddiqui has indulged in inaccuracies and false accusations and observations, either through carelessness or deliberate effort to incriminate Ahmadis. He writes: “The (Lahore) Martial Law Administration had a source of inspiration in the person of the then Chief of General Staff, Major General Ahyauddin, a diehard Qadiani. He was in favour of the use of naked force to crush the movement. He wanted to clear the agitators from Masjid Wazir Khan, Lahore where they had shut them up, with a suitable military action. The plan was, subsequently dropped due to its wider political repercussions. Major General Ahyauddin had a very narrow outlook in national affairs. His main concern was to serve the designs of the Ahmadiyya community at all costs.” First, there never was a Chief of General Staff (CGS) in the Pak Army by the name of Ahyauddin. There was one by the name of Mian Hayauddin. Siddiqui can be forgiven for misquoting the name but not for the details he has invented. Maj General Hayauddin was not ‘a diehard Qadiani’; in fact the Ahmadiyya central office is unable to confirm that this eminent general was even an Ahmadi in 1953. Records also show that he was on Imperial Defence Course in London from September 1952 to July 1953. On his return he was appointed CGS at GHQ. The riots in Lahore intensified from January 1953 onward. Martial Law was imposed and lasted from February to May 1953. During this entire period Major General Hayauddin was away in London, 4000 miles away, and had nothing to do with the controlling of anti-Ahmadi riots in Lahore. During this period Maj



General Azam Khan was the Martial Law Administrator in Lahore and Major General Yusuf Khan was CGS in General Headquarters. Thus it is fair to conclude that the above observation of Justice Siddiqui is a fabrication and a cock and bull story, one of many fed to him by mulla Allah Wasaya and his type. This is true for most of his Sheet.

Another sordid lie. Justice Siddiqui seems to not care if someone is seriously damaged by his apparently casual insinuation. On page 45 he says: "Qadianis' intrigues in Kashmir and Baluchistan and their alleged role in the assassination plot of Liaquat Ali Khan helped to know their future plans." Having a role in the assassination of prime minister Liaquat Ali Khan is a very serious accusation. If Qadianis are really guilty of that, the culprits deserve death penalty. But if one accusing them of being party to murder is found to be a false accuser, he should be imprisoned for ten years, at least. However as he has used the word 'alleged', he deserves remission of prison sentence to half.

From lies, the author of the Sheet moves on to next step: slander and vulgarity. In the preceding narrative the reader must have come across anti-Ahmadiyya strong words. However, Siddiqui vented his prejudice and hate further on other pages, wherever convenient. We'll mention here only a few picks.

Ahmadis in Pakistan are an educated and civilized group. Relatively they are very poorly represented in country's prison population. Some, who are there, were charged under anti-Ahmadi laws and on religion-related charges. An average Ahmadi has never been to a police station or been in a court as accused. They do not call bad name, and get upset when someone else wrongfully calls them bad names. It is in this setting that Ahmadis who read the Judgment Sheet of Justice Siddiqui of the honourable Islamabad High Court are disappointed, indeed shocked to read the adjectives concerning them. For instance:

On page 83 of the Sheet, Justice Siddiqui, has reproduced Federal Shariat Court's observations in 1984. His regard for the FSC is easy to understand. He writes, "The Court called Mirza Ghulam Ahmad an infidel. His life history shows, says the judgment, that he was cheat and unscrupulous man who step by step and with a design maneuvered by his writing and sayings to establish himself as 'Mohadis' and Messiah'. His predictions and prophecies were found false but in order to avoid the ridicule of his opponents, he on occasions interpreted his writings to say that he never claimed prophethood or apostleship, There was no covenant by the Quaid-i-Azam or Pakistan with Qadianis to treat them as Muslims or let them preach their faith in the name of Islam."

If a mulla of the Khatme Nabuwwat faction reproduces this in his compilation, it would not be objectionable. But for a high court judge to grant himself the liberty to publish such provocative and blasphemous statement is unbecoming. And why reproduce a statement that is stupid as well: Was there a covenant between Quaid-i-Azam or Pakistan and Sunnis, Shias, Ahle Hadith, Ahle Quran, (72 sects) that they would be treated as Muslims? Ahmadi were a sect within Islam like all others. Clerics from all these denominations called the rest *Kafir* etc but that was no business of the state or its

political founder. Quaid-e-Azam made it clear in his inaugural speech of August 11, 1947 that Pakistan would not be a theocratic state.

On page 23, Siddiqui quotes mulla Naqvi to call Ahmadis *Munafiqeen* (hypocrites). Siddiqui knows it is a very bad attribute. The Quran condemns them severely, rightly, and the Holy Prophet said that they'll be in the deepest part of hell. A mulla may call Ahmadis *Kafir*, infidels, non-Muslims etc, but no intelligent mulla ever called Ahmadis *Munafiqeen*, because Ahmadis are not hypocrites, they do not misstate their faith; their faith is precisely written in their publications which have been published all along for 125 years till recently when Pakistani authorities banned them in the country. Siddiqui Sahib, have a heart!

On page 154, Siddiqui seeks Iqbal's help to express his personal opinion on Ahmadiyya politics which is a tertiary, not even secondary activity of the Ahmadi community, a religious group most primarily; as follows:

"66. From the historic perspective given in proceeding paragraphs, the writings of Allama Iqbal, the speeches made on the floor of the parliament and before the committee by the distinguished members, it is quite obvious that the Muslims of the sub-continent shared unanimous view that the Qadianism is reactionary, an anti-Islam, and pro-imperialist lobby, with ugly political designs, operating under the thin coating of so-called religious revivalism. The Muslims of the sub-continent regarded Qadianis as a separate religious, social and political entity, having opposed beliefs against Muslims, Islam and the ideology of Pakistan and the very independence of the country. There can be no cavil to this fact, which is quite evident from the proceedings of the parliament itself, that the Qadianis always proclaimed unconditional, unwavering and absolute loyalty to the British imperialist, Hindu-governments; on the contrary, an independent Islamic State has always been a bitter pill for them. The most sinister attempt was to proclaim and propagate to establish a Qadiani State within the state of Pakistan. I cannot restrain myself from saying that no other community, religious group or minority in Pakistan has ever expressed such malicious designs and provocative tendencies."

The above is little else than prejudice, hate, caprice, fabrication and exaggeration. Siddiqui mentions the 'proceedings of the (1974) Parliament' in his support; what a witness!

On page 96, Siddiqui quotes from the judgment of a non-Ahmadi judge of a lower court in Rawalpindi which says that Muslims took Mirza Ghulam Ahmad's claim to prophethood as similar to that of Musailma the Liar (*Kazzab*). The similarity may be assessed easily by any sensible person by the knowledge of facts that Musailma was a political and military leader of his tribe, who had grand designs of political ascendancy. Seeing the success of the Holy Prophet, he claimed prophethood and approached him to seek a covenant to share the area of influence. The Holy Prophet rejected the unworthy man outright and refused to deal with him. After the death of the Holy Prophet, Musailma raised a huge army, rebelled against the nascent Islamic state and indulged in hostile and

bloody activities. His armed revolt was put down by Caliph Abu Bakr with great loss of life on both sides. Musailma was killed in the encounter.

May one ask what the similarity between Musailma and Mirza Ghulam Ahmad is! Siddiqui did not realize that his Sheet would be read and assessed by scholars other than those of the KN factions.

The last mention in this context. On page 68, Siddiqui quotes Yahya Bukhtiar, the Attorney General to stipulate, "By making them (disciples) take the oath on the loyalty to the British, the Ahmadis or the followers of Mirza Ghulam Ahmad proved to be excellent spies for the English." It is a lie that Ahmadis were made to take the oath on the loyalty to the British, however it is true that the Founder taught his follower to be obedient and loyal to the government that provided them freedom of faith and belief. It is for this reason that Ahmadis, 125 years later, are loyal citizens of the countries of their residence, be it Pakistan, UK, USA, India, Russia, Indonesia, China, any other. But to suggest that they were excellent spies for the English is nonsense, malicious.

Siddiqui does quote some authorities to support his bigotry and extreme penalties. For this he relies often on his amici curiae, with whose names he has added the titles Dr and Professor which shows their commonly shared inferiority complex. They claim to be Islamic scholars, so they could perhaps be called Maulana or Allama even if they are essentially degree-holder mullas. Anyway, Siddiqui banks on his version of Shariat as presented by Maulvi Madni:

- On account of such disgrace to the Muslims' belief (in end of prophethood) the Qadianis cannot liable to be allowed to use Islamic Symbols. Rituals and names." (sic)
- The learned Amicus Curiae has also contended that non-Muslims in an Islamic State are not entitled to pose themselves as Muslims and if they do so, it falls within the ambit of high treason, and disloyalty to the State of highest order. The learned Amicus Curiae in this regard has cited examples of treatment meted to Zanadiqa by the fourth righteous Caliph Hazrat Ali (R.A). The learned Amicus Curiae has contended that it has serious repercussions as a person earlier posing himself as a Muslim, if later found as non-Muslim or turns back from Islam, would be considered as apostate and the punishment for such offense is severe in accordance with the Shariah.
- The learned Amicus Curiae has further contended that if such a person is holding a key post and it is confirmed that he has misstated about his religion, then the most immediate effect of such misstatement to the State should be his removal from the office, and recovery of the benefits and privileges derived by him during his service, besides other penal action. The learned Amicus Curiae has suggested various actions to be taken by an Islamic State to stop masquerading of non-Muslims which are as follows:
  - Before induction of persons in sensitive institution a thorough investigation about their faith may be conducted with the help of the religious experts and psychiatrists and for this purpose a Board may be constituted with the task of giving ideological verification.
  - If a person in order to secure social benefit changes, though falsely, his religion from Islam to any other religion then the punishment of apostasy as ordained in Islam may be inflicted. On the

contrary, if a Qadiani claims himself as a Muslim, then the punishment of Zandiqah may be inflicted upon him.

- A Board named as “Imtina e Qadianiat Board” (Prohibition of Qadianiat Board) may be constituted to act as a watchdog regarding implementation of the Constitution provision and other legislation made in this behalf from time to time.
- Qadianis may be prohibited from using the name Ahmadia as the name Ahmad is specified for the Holy Prophet (PBUH) in the Holy Quran. Similarly, they may be stopped from using the terms Deen e Haq, Islamiyat, Muslim TV Ahmadia, use of “Allah Unse Razi Ho”, use of Alay he Salam, Khalifah, Rhematullah, Noor Ullah, Shaheed, Marhoom, Jannat ul Firdous, writing of Kalma Tayyaba or Bismillah on graves, Burial of Qadianis in Muslim Graveyards, etc. (p. 20 and 21)

What this so-called Dr and Professor claims is bizarre and strange. Surely he knows and should know that almost all ‘Islamic names’ were already in vogue in Arabia prior to the advent of Islam, because all the senior *Sahabah* (companions of the Holy Prophet) were born before the Holy Prophet received his first Quranic revelation. Also the Holy Quran and Islamic history uphold the view that a number of rituals of the Islamic Hajj (pilgrimage) are the same as practiced prior to the advent of Islam.

The mulla has recommended Sharia punishment for apostates (those Muslims who become Qadianis), but he was shy to name it – death. He knows that this punishment is unjust and a latter-day invention, but he sticks to what is commonly believed.

This ‘learned amicus curiae’ recommends a Board to indulge in ideological verification. Reminds one of Inquisition in medieval Europe. These mullas accuse Christian Europe of excesses of the Inquisition, but are not ashamed to recommend the same excesses in their own milieu three centuries later. And Justice Siddiqui quotes them while giving ‘reasons’ of his Order Sheet!

Madni has produced still another list of Islamic terms to be denied to Ahmadis. These terms are in addition to those already mentioned in Ordinance XX. Surely, there are plenty of other mullas who will condemn Madni for a list comprising only 13 terms. Any madrassah student can compile a more comprehensive list of 113 such terms. Hell has enormous appetite!

Madni and Siddiqui seem to agree to upgrade the status of Qadianis – from simple apostates to *Zindiq*. The former are offered the facility to recant to avoid death penalty, while no such relief is provided to a *Zindiq*. These two Islamist scholars would like to pull Islam back to the era of Abbasid Khilafat, eleven centuries backward. History quotes that Abbasid Caliph Al-Mutawakkil, based on the then understanding of Sharia, had 4000 women in his harem – even if the figure appears bit of exaggeration.

It was mentioned earlier that Siddiqui quoted Dr Naqvi to have justified a separate identity for non-Muslims as during Khilafat Usmania (Ottomans) non-Muslims were made to carry yellow badges (p. 24 of the Sheet). Siddiqui forgets that it was the Sheikh-ul-Islam on whose recommendation Sultan Salim imposed death penalty for installing a

printing press; as a result the Khilafat e Usmania lagged 270 years behind Europe in the field of knowledge and thought, to eventually perish in 1923.

It is interesting to note that the Maulanas of the Sub-continent in 1920s, worked hard through the Khilafat Movement led by Maulana Muhammad Ali Jauhar, to retain the Khilafat Usmania. Thousands of Muslims perished in the unworthy campaign for which even the Turks had no sympathy.

We should not fail to quote here some other extracts from the Sheet as these were given by Justice Siddiqui as 'reasons' for the rulings he gave.

The declaration of Qadianis as non-Muslims at State level had to entail specific consequences, but those consequences could not see the light of the day, and a Constitutional provision has been reduced merely to an avowal. The life, the import and the existence which the constitution amendment deserved was not given to it through the State's apparatus, which resulted in present crisis situation, when the impugned amendments in Election Laws paved their way in the legislative business of the most important organ of the State i.e. the Parliament and got effectively legislated and invited a country-wide agitation and instability. (p. 156, 157)

Siddiqui is wrong in saying that specific consequences did not follow the Amendment Nr II. Ahmadis suffered discrimination in the society as it became apparent that the state was biased against them. They were barred from equal opportunities in political positions and government service. It seriously affected them in the fields of education, business, social and political interaction and of course, religion. As elements like Siddiqui wanted still more state tyranny, General Zia promulgated Ordinance XX in 1984. Thirty-four years later these elements remain greatly dissatisfied with the level of persecution, so Justice Siddiqui has brought out another anti-Ahmadi list. He knows that soon there will be call for still more action and curbs against Ahmadis. Some clerics will accuse single-judge bench of IHC to have not done enough.

Siddiqui went on to stipulate:

Keeping aside other factors, one cannot lose sight that the penetration of Qadianis in the garb of Muslim attire at higher positions leads to such instances of instability; and such controversies have the enormous potential to even shake the Constitutional setup in the country. The influence of Qadianis in our State can be gauged from the present legislative amendments, and the events followed thereon alone, when the entire Parliament was, deceptively, made hostage to their whims.

The Qadiani lobby, ever since, the passage of objectives resolution, the framing of the Constitution of Islamic Republic of Pakistan, 1973, more particularly, the 2<sup>nd</sup> Constitutional Amendment declaring them as non-Muslims and the Ordinance, 1984 has been propagating against the curbs on religious freedoms in Pakistan and repression of minorities in the country without any rational basis or cogent reasons, in order to spread misconception about the State of Pakistan. (p.157)

Siddiqui does not disclose that Parliament last year was made hostage due to insatiable political greed of the mulla and his soul mates, as also the hostility of delinquent politicians. These political rabble rousers, protested visibly *interalia* against changing the words of the 'end of prophethood' affidavit from 'I solemnly swear' to 'I

declare'. Ninety-five percent of Pakistani population wondered over this inconsequential reason for the strong protest. In fact, the agitation was over giving Ahmadis their right of vote as equal citizens of Pakistan. Justice Siddiqui unabashedly supports the protesters in their unjust demand.

Justice Siddiqui goes on to support his anti-Ahmadi drive through faulty, questionable and bigoted reasons. He writes on pages 168, 169, "Every citizen of the country has right to know that the person(s) holding the key posts belongs to which religious community, the person(s) scheming syllabus for their children profess what religious beliefs, the person(s) formulating their policies tend to hold their beloved Prophet (PBUH) in what esteem, the person(s) believed to be the ambassadors and representatives of their Islamic ideology and interests to the rest of the world as diplomats propagate which ideology and save whose interests, and last but not the least, the defender(s) in whose hands the defence of Islamic Republic of Pakistan rests belongs to which religion? This was the responsibility of the State, and the Federal Government in particular, but it has badly failed to discharge it, which necessitated this court to issue directives."

Thus Siddiqui has come to the conclusion that Ahmadis should be barred from the diplomatic and military services. He talks of key posts, but once his hypothesis is accepted, it will take no effort to declare that a sonar-operator sailor, a soldier on the front line, a clerk in foreign service are all key posts, hence recruitment of Ahmadis in these services should be totally blocked. Despite this, Siddiqui mentions in his Order Sheet: "Islam and the constitution of Islamic Republic of Pakistan provides complete religious freedom, including all the basic rights of minorities (Non-Muslims)." What hypocrisy, what empty talk! This reminds one of a recent statement of Mr. Netanyahu, the Israel's prime minister: "Israel is meticulously maintaining equal rights for all its citizens, before and after the (national) law."

Having come close to strike the mortal blow on his target Siddiqui becomes more direct at the end of his Sheet on pages 169 and 170 in the following words:

"It is mandatory for every citizen of Pakistan to get their identity with authentic particulars. No Muslim is permissible to disguise his/her identity as non-Muslim and no non-Muslim has the right to appear as a Muslim. Any citizen, who does so, will betray the State resulting in exploiting the Constitution.

"Definition of Muslims and Non-Muslims is written in Article 260(3) (a) (b) of the constitution which is signified by nation's consensus. Unfortunately, according to this distinct standard vital legislation could not take place. Consequently, a Non-Muslim minority disguised as a Muslim Majority by hiding their real identity and betraying the State, due to which not only complications were born but also paves way to oppose extremely important Constitutional requirements. According to the report of the Establishment Division there is no data of any civil servant's record related to this, which is alarming and a major setback and also it is against the spirit and requirements of the constitution.

"Most of the minorities residing in Pakistan hold a separate identification in reference to their names and identity but according to the constitution one of the minorities do not hold a distinct identification due to their names and general attire which leads to crisis. Due to their names they

can easily mask their belief and become part of Muslim majority. Also they can then gain access to dignified and sensitive posts resulting in accumulation of all benefits.

“It is significant to prevent this situation because the appointment of a non-Muslim on constitutional posts is against our organic law and rituals. Similarly, non-Muslims do not qualify to be elected on certain constitutional offices. For most of the institutions/departments including the membership of Parliament, there are reserved seats for the minorities. That is why when any member of the minority group conceals his/her true religion and belief through fraudulent means, and presents him/herself as a part of Muslim majority which is actually an open defiance to the words and spirit of the Constitution. To prevent this disobedience, the state needs to take immediate measures.”

At this stage, there is perhaps no need to further comment on the absurdity and irrationality of Siddiqui’s narrative and reasoning. It does come to mind, however, that in Abbasid rule clerics, Qazis (judges) and the state (Khalifa) made a big issue of the question that the Quran was a ‘creation’ or not. The state and the society were pulverized over the issue for decades (as it is these days over the issue of end of prophethood) and a great deal of tyranny was committed against a large number of high as well as low. Eventually the unnecessary and exaggerated hype calmed down and the following generations wondered over the fruitlessness and idiocy of the agitation and fighting.

Justice Siddiqui knew that his eventual rulings will agitate against reason and propriety, so to justify these he had to indulge in verbosity, adjectives and adverbs and their higher forms. He exaggerates often to fire for effect. For instance:

- He calls non-disclosure of actual strength of Ahmadis in the country ‘one of the most alarming issues’. (p.122)
- “The majority (Sunnis etc) is threatened by the suicide attacks on their religion by the minority (Ahmadis) under the guise of their religion...” (p. 145)
- “The matter of absolute and unqualified finality of prophethood of Muhammad (peace be upon him) the last of the Prophets is the nucleus of our religion”. (p. 170) Strange – Siddiqui is less than honest; he knows the vast majority of Muslims believe in and are waiting for the descent of Prophet Isa from the heaven, in latter days.
- A citizen who hides his religious identity will betray the state resulting in exploiting the Constitution. (p. 169)
- (T)he penetration of Qadianis in the garb of Muslim attire at high positions leads to such instances of instability; and such controversies have the enormous potential to even shake the constitutional set up in the country.” (p. 157) Does not Siddiqui give too much (dis)credit to hidden Ahmadis (and indeed Ahmadis) to wield such Himalayan influence and effective power?
- Government shall also take immediate steps for conducting inquiry concerning alarming and visible differences in the population record of Qadianis/Ahmadis.... (p.171)
- Siddiqui considers no data with the Establishment Division on civil servants’ religion as ‘alarming and major setback’; He calls this ‘against the spirit and requirement

- of the Constitution. (p.169) Imagine this being suggested in India, regarding Muslims in the government service. Also as Siddiqui knows that this is not a requirement of the constitution, so he added the word ‘spirit’ - trickery, unbecoming a high court judge.
- In the same vein, Siddiqui reasserts that he who conceals his true religion and belief is actually in “open defiance to the words and spirit of the Constitution”. (p.170) It is not clear how ‘hiding’ one’s religious identity becomes an open defiance of the Constitution.
  - Siddiqui asserts that by not identifying hidden Ahmadis in the armed forces and the Foreign Service the government “has badly failed to discharge it (responsibility).” (p.169) It is recognized that known Ahmadis in the defense services and diplomatic service rendered outstanding and remarkable services to the country. They are on record. Siddiqui is requested to divulge the hidden Ahmadis in whose case the government badly failed. We have already commented upon Siddiqui’s inaccuracies or ignorance in naming Mr Shamsul Hasan and Mr Tariq Aziz as Ahmadis.
  - Senator Raja Zafarul Haq is well known for his legal acumens as lawyer and experienced legislator as well who by chairing the Committee made a very commendable report. Moreover with his honesty and wisdom he handled...” (p.170)  
History will hold Justice Siddiqui accountable for his above assessment.
  - He assesses the contribution made by officials to this case as ‘remarkable’. (p.171)

Justice Siddiqui has extensively quoted some people to support his judgment. These include Iqbal, Maududi, Dr Ghazi, Shorash Kashmiri and even some political minions. Surely major political, social and constitutional issues cannot be decided by the opinions of a few hand-picked individuals. However a brief comment on his pick among ‘authorities’ is appropriate. The opinion of Allama Iqbal (1877-1938) especially those of the final 3 years of his life seem to be very attractive to Siddiqui for his purpose. There is a reason, to be explained later.

Siddiqui fired numerous broadsides through the big gun of Allama Iqbal – over 22 pages of the Sheet. These deserve brief but appropriate response.

A few quotes from Iqbal will be mentioned here. Otherwise a number of books have been written on the subject of Iqbal and Ahmadiyyat; these are available in the market for those interested in their interesting relationship.

Sir Iqbal is quoted from one of his very long articles: “The simple faith of Muhammad is based on two propositions – that God is one, and that Muhammad is the last of the line of those holy men who have appeared from time to time in countries and in all ages to guide mankind to the right way of living.” (p.112) Sorry to say that Sir Iqbal here is guilty of misquoting the second proposition in Islamic Kalima. The entire Muslim Ummah knows that *Kalima*



*Tayyaba* لا اله الا الله محمد رسول الله means “There is none worthy of worship except Allah; Muhammad is Messenger of Allah.” So Iqbal corrupted half the Kalima in translation, and Siddiqui knowingly quoted him and did not point out the corruption. Ahmadis also believe in the finality of Prophethood of the Holy Prophet of Islam, but do not claim that this is a part of the Islamic creed.

Iqbal stipulates in the same article that “If you further ask him (Mirza Sahib) whether the spirituality of Muhammad is capable of rearing more prophets than one, his answer is ‘No’.” This again is a fabrication of Iqbal. But he was neither a judge nor a priest, so while he may be forgiven for that, but not Justice Siddiqui for providing him space for corruption in his Sheet.

Sir Iqbal is quoted on p.110 as, “Similarly the Indian Muslims are right in regarding the Qadiani movement, which declares the entire world of Islam as *Kafir* and socially boycotts them, to be a more dangerous to the collective life of Islam in India than the metaphysics of Spinoza to the collective life of Jews.” Bull...; Ahmadis do not declare the entire world of Islam *Kafir* and boycott them as alleged. Ahmadis love their Muslim brethren and go out of their way to socialize with them. Iqbal here took the line of the mulla whom he otherwise condemned. Ahmadis do call those non-Ahmadis *Kafir* who take the initiative to call them *Kafir*; and this position is based on a Hadith of the Holy Prophet (peace be on him).

Sir Iqbal ventured in the field of prophecy based on thought rather than revelation. He is quoted as, “Thus in the year 1799 the political decay of Islam in Asia reached its climax. But just as out of the humiliation of Germany on the day of Jena arose the modern German nation, it may be said with equal truth that out of political humiliation of Islam in the year 1799 arose modern Islam and her problems.” (p.116) Well, in fact, if modern Islam has arisen and succeeded from 19<sup>th</sup> century onward, it is the Ahmadiyya understanding of it. The version at the other far end of the Islamic spectrum is the Al-Qaeda, the Taliban, the so-called Islamic State etc who all adore Iqbal, is still to prove its claim of Islamic revival, even in their own midst.

Sir Iqbal was surely a philosopher and a thinker, but Pakistani people needed their own Plato, Ibne Rushd, Kant, Spinoza, Al-Ghazali or Marx, but Iqbal was not of that league. He knew that, however that did not deter him making futuristic forecasts. He is quoted by Siddiqui as:

“Whether Russia and England showed (religious) tolerance (in the 19<sup>th</sup> century) on the ground of imperial expediency or pure broad-mindedness is difficult for us to decide. This much is absolutely clear that this tolerance has created difficult problems for Islam in Asia. In view of the structure of Islam, as I understand it, I have not the least doubt in my mind that Islam will emerge purer out of the difficulties thus created for her. Times are changing. Things in India have already taken a new turn.” (p. 119)

What the ground reality is manifest in 2018, eighty-three years later, is contrary to Iqbal’s vision regarding his kind of Islam. As for Ahmadis are concerned, Dr Asrar

Ahmad, a staunch opponent of Ahmadis moaned nearly 10 years ago: "Qadiani Ummah is rated highly all over the world (*Puri dunya mein Qadiani ummat ka bol bala hai*)."

Siddiqui writes about Iqbal: "In a few months' time he realized that Qadianiat had a very ugly face which it had been concealing under the mask of altruism. He found that the movement had dangerous political implications not only for the Muslims of India but also for the whole world of Islam." (*p.101*) This is obscenity and profanity, so we shall move on without further comment.

Allama Iqbal and Pundit Nehru indulged in a public dialogue in newspaper columns and letters etc on who is a Muslim. Both were political figures and promoted political interests of their groups. Iqbal insisted that Ahmadis were non-Muslims; Nehru retorted that if that were so, Ismailis (The Aga Khan, President of Muslim League) should be excommunicated first. Iqbal quoted to him the address of the Aga Khan to his followers in support of Ismailis' being a part of Islam:

"Bear witness that Allah is One. Muhammad is the prophet of Allah. Quran is the Book of Allah. Ka'aba is the Qibla of all. You are Muslims and should live with Muslims. Greet Muslims with Assalamo-o-Alaikum. Give your children Islamic names. Pray with Muslim congregations in mosques. Keep fast regularly. Solemnize your marriages according to Islamic rules of Nikah. Treat all Muslims as your brothers.

"It is for the Pundit now to decide whether the Agha Khan represents the solidarity of Islam or not?" (*p. 121*)

Allama was less than honest in not admitting to the Pundit that Ahmadis say the same, except for joining congregations in mosques, led by hostile mullas. Judge Siddiqui should have been more honest and just in pointing that out, as it was professionally required of him.

In this context it is weird for Muslim philosopher Iqbal to express his reservations about the merit of British and Russian policy of religious tolerance (*p. 119*). He laments, "This much is absolutely clear that the tolerance has created difficult problems for Islam in Asia." Incredibly defeatist lament! On the other had Mirza Sahib welcomed the Raj policy concerning freedom of religion, and availed it to mount a very successful defense of original Islam.

Siddiqui has quoted Sir Iqbal profusely in his anti-Ahmadi fulmination. The latter did turn extremely hostile to Ahmadis in his terminal years, having stayed very friendly for 55 years. In fact the Allama lost his sense of balance in his malevolence when in 1935, only three years before his death, he wrote down in his article '*Qadianis and Orthodox Muslims*': "In so far as Islam is concerned, it is no exaggeration to say that the solidarity of the Muslim community in India under the British is far less safe than the solidarity of the Jewish Community was in the days of Jesus under the Romans." (*Speeches and Statements of Iqbal, compiled by A.R. Tariq First Edition 1973, pp 91-98*). While seeking British government support against Ahmadis, Iqbal here urges the authorities to compare themselves with Romans whose regard for the Jews was such that they did not shirk from

one of the most gruesome and condemnable acts ever, of putting Jesus, an innocent man, on the cross. Unbelievable!

On page 121 of the Sheet, Siddiqui has reproduced a letter from Dr Iqbal to “My dear Pundit Nehru” wherein Iqbal admits that, “I myself have little interest in theology, but had to dabble in it a bit in order to meet the Ahmadis on their own ground.” He went further to propose, “I have no doubt in my mind that the Ahmadis are traitors both to Islam and India. ... Yours sincerely, Muhammad Iqbal.” In the very next paragraph, Siddiqui unwittingly discloses the reason for Iqbal’s hostility in his last years to Ahmadis.

Please read on, carefully:

“Dr. Muhammad Iqbal’s writings on Qadianism had a great bearing on the minds of Muslims. There developed a considerable resentment in India and the Islamic world for the Qadiani heresy. It was the result of Dr Iqbal’s struggle against Qadianiat that Anjuman-i-Islam, Lahore passed a resolution in its annual session of 1935 against the inclusion of Sir Zafrulla (an Ahmadi) in the Viceroy’s Executive Council as a Muslim member. Dr. Iqbal presided over the session and Maulana Zafar Ali Khan moved the resolution with the popular support. The next year (1936) members of the Ahmadiyya community were expelled from the Anjuman.” (p.122)

Frankly, Sir Iqbal was a candidate for the Viceroy’s Council. In 1935, the Secretary of State for India in the Whitehall and the Viceroy offered the job to Sir Zafrulla who is on record to have replied:

“You may like to propose someone else instead”; and he suggested names of two other Muslims. He was nevertheless nominated. (*Weekly Faraq; Lahore, April 22, 1995-p.9*)

One may opine fairly that while Sir Iqbal may be a greater philosopher and poet than Sir Zafrulla, the Viceroy knew that the former was not suited for an executive ministerial post for the Indian Union. Sir Iqbal, in frail health died three years later, in 1938, while Sir Zafrulla lived on to become the President of UN General Assembly and thereafter the President of the International Court of Justice at The Hague. He died in 1985 and is buried in Rabwah.

Before we close on Sir Iqbal, the reader is entitled to some interesting facts about him to which a Pakistani is not normally exposed:

- ✓ Iqbal’s father had earlier joined the Ahmadiyya Jamaat, but some years later quit for unstated reason.
- ✓ Iqbal admired the Holy Founder of Ahmadiyyat in his youth; he remained close to Ahmadis for decades; he turned hostile only in the last 3-5 years of his life. He died in 1938.
- ✓ Allama Niaz Fatehpuri, editor monthly Nigar, Lucknow wrote: “Iqbal issued statement against Ahmadiyyat in 1933 under pressure of Ahrar agitation; otherwise previously he was a great admirer (*barey maddah*) of Ahmadiyya.” Some scholars slightly differ, in that Iqbal did not act under pressure; he and the Ahrar both considered each other useful for their political objects, hence exploited each other for a while. Both were unsuccessful in their immediate plans.

- ✓ Iqbal observed in a speech, "In the Punjab there has emerged a perfect model of Islamic way of life (*Islami Seerat*); it is called Qadiani sect." (*Millat baiza per eik imrani nazar; p. 17, 18*)
- ✓ On various occasions Iqbal echoed the philosophy of Prophethood somewhat as stated by Mirza Sahib. He wrote in one of his letters: "One wishes that the prayer of Maulana Nizami for the present era is rewarded that the Holy Prophet (peace be on him) revisits the earth and gives Indian Muslims true version of his religion (*Deen*)." (*Makateeb Iqbal, Vol. 1, p. 41*)
- ✓ Iqbal visited Ahmadiyya mosque in London; there he heard the recitation of Azan and the Holy Quran from converts to Islam and gave one pound sterling to a girl as prize.
- ✓ In 1931, while forming the All India Kashmir Committee to look after the political and social interests of persecuted Kashmiris, a number of leading Indian Muslims got together; there Allama Iqbal proposed the name of Mirza Mahmud Ahmad (Khalifatul Masih II of the Ahmadi Jamaat) as President of the Committee. This was unanimously approved by the members present and Mirza Mahmud Ahmad chaired the Committee for two years and rendered extraordinary and successful services to the people of Kashmir, especially the Muslims.
- ✓ Iqbal's elder brother Mr. Ata Muhammad was an Ahmadi all his life – Iqbal called him a Yusuf (Joseph) for his treatment of his brothers.
- ✓ Iqbal's nephew Ejaz Ahmad (a Sub-Judge) joined the Ahmadiyya community in 1934. Iqbal thereafter designated him Guardian of his children.
- ✓ Iqbal accepted and received the title of Sir from the Raj at the time when the freedom movement had become intense, after the Julianwala massacre, as a result some worthies like Tagore had returned this title in protest.
- ✓ In 1933, a noble Hindu youth Mr. Gaba converted to Islam. Iqbal sent him to Maulvi Muhammad Ali, an Ahmadi elder in Lahore, for conversion. A photo of the event is available.
- ✓ In 1935, Iqbal called upon Muslims to boycott Ahmadis, but requested his own Ahmadi brother to supervise the construction of his *Kothi* (Bungalow).
- ✓ Simultaneous to Iqbal's severe opposition to Ahmadiyyat in 1935, he developed plans to form a politico-religious organization of youth to be named Jamiat Shubban i Muslimeen. *Bait* proforma (oath of allegiance) was also floated, however was not implemented. At this stage Sikh weekly *Sher-i-Punjab* supported the Allama. Soon afterwards Iqbal practically lived a life of retirement on account of continued illness, and died in April 1938.
- ✓ Iqbal sent his eldest son Aftab Iqbal for years to receive education in a school in Qadian under Ahmadiyya management.

- ✓ Justice Javed Iqbal, a son of Dr Iqbal stated: “As for me, my parents never urged me to offer ritual prayers (*namaaz*) or observe Ramzan (fasting).” (*Apna greeban chak, p.19*)
- ✓ A scholar Abaidullah Abaid wrote in the Weekly *Nia Zamana*: “Through Maududi and Iqbal, Urdu, a literary language, has changed into a Jihadi one.”
- ✓ As for Iqbal’s personal life, it was colorful and diverting, as becomes an Indian poet. But we shall not go into that here, and thus close this narrative on Iqbal – Pakistanis’ Poet of the East.

Justice Siddiqui has quoted Maududi in his support on page 47 of his Sheet. The former, as usual, repeated his master’s fabricated accusations against Ahmadis, based on prejudice and religious hatred. He picked this up from Maududi’s pamphlet: “The Qadiani Problem”. Siddiqui, of course, did not mention that it was this pamphlet and through such other activities that Maududi fanned the fires of riots and bloodshed in the Punjab in 1953, and for that he was sentenced to death by a military court.

Maududi founded Jamaat Islami in 1941. The renowned Maulana Abul Kalam Azad, on hearing a briefing about the new Jamaat told Maududi, “You have laid the foundations of a fascist organization of the future.” (*Monthly Nia Zamana December 2013*) At some stage Maududi himself became aware of its harmful nature and he took deliberate steps to protect his children. His talented and outspoken son Farooq Haider Maududi disclosed this in an interview to a newspaper in 1999: “Replying to a question on his father’s work, Dr Haider Maududi said, “I think my father was aware of the dangers of the drug he was distributing for free. Indeed his attitude was that of a heroine paddler. He would never allow his wife or any of his nine children to read any of his books.” (*The daily Nation; January 26, 1999*) Maududi’s ideas on Islam, politics and law were eccentric. When he pressed for imposition of Islamist law in Pakistan, the high level judicial inquiry of Punjab 1953 riots asked him, “If we have this form of Islamic Government in Pakistan, will you permit Hindus to base their Constitution on the basis of their own religion?” To this Maududi replied, “Certainly. I should have no objection if the Muslims of India are treated in that form of Government as Shudras and Malichhes and Manu’s laws are applied to them, depriving them of all shares in the Government and the rights of a citizen... .” (*p.228 of the Report of Court of Inquiry*) Do we need to write more here on this kind of ‘authority’ on whose support Siddiqui based his conclusions!

Dr Mahmood Ahmad Ghazi has been called ‘an eminent scholar’ by Siddiqui and quoted in support of his own logic and reasoning. Dr Ghazi was a committed anti-Ahmadi activist and he travelled long distances to harm Ahmadiyyat. He went to South Africa where he appeared in the Supreme Court that examined a case in which Ahmadiyyat was a factor. The honorable court wrote down many comments on this expert witness from faraway Pakistan, but we reproduce only three here. “Ghazi has dual standards for apostasy and almost everything else, one for Mirza (Ahmadiyyat) and one for others.”

2) “How much of Professor Ghazi’s evidence was intended for the Court and how much for the

audience in court, invited by him to attend, is difficult to judge. Accepting that he was not consciously or subconsciously making struggle against a misguided denomination by preaching to a congregation thus for dictated to rather than converted in the usual sense of the word.” 3) “Ghazi concedes that logic and wisdom may take second place or apparently have no part at all in interpreting the Quran by a most unscientific exercise he refers to as the science of *Tafsir*.” (Ref: *Supreme Court South Africa Appeals Division; Sh. Nazim Muhammad VS Sh. M Abbas Jasim - Case Nr. 201/92, verdict dated 26 September 1995*)

The above assessment by an honorable third party should suffice to assess the worth of this ‘eminent scholar’ quoted on page 40.

Siddiqui quoted even a journalist like Shorash Kashmiri on pages 50-52. Few scholars take Shorash seriously. He himself adopted the pen-name of Shorash which means “confusion; commotion; tumult” in the Urdu-English Dictionary (Ferozsons Ltd). We shall not waste reader’s time in responding to Shorash’s claptrap.

Siddiqui had to bank upon assertions of even anti-Ahmadi politicians involved in the 1974 decision of the National Assembly. He has quoted Ghulam Hussain, Moula Baksh Soomro, Ashraf Khatoon Abbasi in his support. But, who are they? Their support to Siddiqui findings is indicative of the findings' worth.

Siddiqui has also reproduced the speech of Prime Minister Mr. Z.A. Bhutto, the author and pusher of Amendment II to the Constitution. Bhutto mentioned therein: “I remember that Maulana Shah Ahmad Noorani (in the opposition) presented this petition he talked about guaranteeing the safety of people (Ahmadis) who will be affected by this decision. The house is committed to this guarantee.” Forty-four years later we find that 261 Ahmadis were murdered for their faith only after that ‘guarantee’. Of these 261, eighty-four were the worshippers who were killed in two Ahmadiyya mosques in Lahore. The chief minister brushed aside the ‘guarantee’ and abstained from even the courtesy to visit Ahmadis and offer sympathy. Judge Siddiqui’s Sheet adds fuel to the fire of sectarianism lit by the state in 1974.

Justice Siddiqui has not failed to represent the state in this case, because he did reproduce a few extracts from the Quaid-i-Azam’s speeches. However, he took care not to mention the famous extract from Jinnah’s speech of August 11, 1947: “You are free; you are free to go to your temples, ... You may belong to any religion or caste or creed that has nothing to do with the business of the State...” Justice Siddiqui would insist that he is not a malfeasant!

Siddiqui has quoted at some length judgment of a Bahawalpur court and a 1955 Rawalpindi court. Both courts were lower courts and were presided by non-Ahmadi judges. Surely if in faith and belief they differed with Jamaat Ahmadiyya, their rulings on Ahmadiyya theology are worth little judicial value. Siddiqui wasted his Sheet space by quoting the two verdicts.

Judge Siddiqui’s recent handling of another case was so extraordinary and incredible that it was discussed on a TV talk show. One of the participants repeatedly

insisted on “What are the criteria of appointing a judge?” This is a valid question. The contents of the Sheet and the present response prove the validity of the above question.

The Order Sheet was issued on March 9, 2018 when it was declared that ‘reasons to be recorded later on’. The Judgment Sheet has accordingly come out in July. Having given all the reasons for his Order, which have been subjected to some review in this note, the judge wrote: “Now this court with this historical background and perspective can easily resolve the issues highlighted as per the prayer of the writ petitions.” Surely it became ‘easy’ because neither Ahmadi nor a member of any non-Muslim minority was invited to present their view or narrative on the issue. The judge then proceeded (page 162 onward) to comment on the fresh Election Act 2017. Earlier on page 32, he had stipulated that for the Hon’ble High Court “no direction can be issued to the legislature to legislate a particular law, however a direction can be issued.” Whatever that means. Legists say the courts cannot make laws, they only interpret law. Some judges however interpret the law to deduce their power to make laws. This case is suitable for such a study and analysis.

As for the Election Act 2017, Judge Siddiqui took a very serious and indignant view of this law passed only a few days earlier by the Parliament and signed by the President. The court asked the learned DAG to explain and he “submitted that the impugned amendment was result of a typographical mistake and was unintentional... .” This was not correct, as brought out by the Raja Zafarul Haq Report, according to which the relevant Committee and Sub-Committee knew of the fresh contents of the proposed law. Anyway, Judge Siddiqui had hurried as early as the second week of November to amend or make the law; the daily Mashriq reported on November 15, 2017, in headline: “IHC restores all 8 laws concerning the end of Prophethood. If heavens fall, I do not care: Justice Siddiqui.”

Siddiqui quoted with great satisfaction Para 13 of Raja Zafarul Report as follows: The new addition of Section 48A has resulted in making the previous Articles 7B and 7C which became inoperative 15 years ago on 26.06.2002 as perpetually operative (Annex II). Bravo, Ahmadis deprived perpetually of participating in national elections!

Siddiqui, on later thought after the Order Sheet, has come up with another sinister direction:

“After declaring Qadianis (both Groups) as non-Muslims there should have been some steps for their separate identity, recognition, and scrutiny, as Qadianis are not like other minorities (non-Muslims) who can easily be identified through their appearance, names, beliefs and mode of prayers. On the contrary Qadianis have same names, appearance and even their prayers are like Muslims, therefore, confusion about their separate identity resulted to declare them non-Muslim but the purpose could not have been achieved, e.g. name “Ahmad” is somewhat specified for Qadianis and on the basis of same they are also termed as Ahmadis which cannot be permitted. Name “Ahmad” refers to the Holy Prophet Hazrat Muhammad (PBUH) who besides other holy books has been addressed by the Allah Almighty in the Holy Quran with this name. Muslims are possessive about this name, and in first interaction or introduction name of an individual indicates about the religion of any person... .

“Therefore, it is only in the fitness of things that Qadianis may be referred to as Ghulam-e-Mirza/Mirzai etc. but not as Ahmadi, which term/referred to confuse them with Muslims who believe in the finality of the prophethood of Hazrat Muhammad (PBUH). Qadianis should not be allowed to conceal their identity by having similar names to those of Muslims; therefore they should be either stopped from using names of ordinary Muslims or in the alternative Qadiani, Ghulam-e-Mirza or Mirzai must form a part of their names and be mentioned accordingly.” (p. 165,166)

Someone has gone berserk. What if in Israel, the government tells the Palestinian Muslims not to name themselves Ibrahim, Ismael, Ishaque, Yuqub, Yusuf as these are Biblical names and Muslims cannot be allowed to use them. Also ‘in the fitness of things’ Muslims may be referred to as Muhammadens/Qureshites/camel drivers, etc!

Some years ago, Jack Straw - Labor Home Secretary and later Foreign Secretary – once advised his party: “The question is not the rule of law, but which law should rule.” Pakistan has no shortage of laws. It has godowns full of them. They have done little though to ward off famines of injustice. Will the new Parliament restore years ‘the locust has eaten’ or will it be just a fresh swarm of locusts?

On page 15 of the Sheet, Siddiqui has quoted his learned amicus curiae Professor Madni as, “The Islamic State has to perform various functions for the betterment and uplift of the Ummah, which are not to be found in the duties of the ordinary Rulers.” In Pakistan where the four provinces are finding it problematic to pull together, Madni and Siddiqui require this ‘Islamic State’ care for the Ummah, all the 57 countries. They couldn’t be serious.

Occasionally an issue can be easier grasped by referring to the opposite. For instance, “Imagine what the world would be like if Nazis had won the WWII.” Somewhat like that, a class of undertraining jurists can be educated by referring to this Sheet; how not to go about making judgment in a case involving belief and faith.

Although this note is not a legal analytical comment on this single-judge bench judgment, a few points of law and social justice, known to even laymen, deserve to be placed here to highlight the legal wrongs committed by Justice Siddiqui:

- ✓ (Translation) We assert that society cannot restrict a person’s religious rights, as religion is entirely outside its jurisdiction: James Madison
- ✓ (Translation) It is unlawful to interfere in basic human rights of individual freedom, as these rights are outside Parliament’s jurisdiction which itself is a product of the Constitution: Justice Hidayatullah
- ✓ The Constitution asserts that any law that violates justice is illegal.
- ✓ The law has a silver tongue; Justice a golden one.
- ✓ Parliamentary and judicial verdicts on religion are ineffective, and none should care for them.
- ✓ The inter-relationship of man and God and issues of religion can never be entrusted to state, so the state has no right to interfere in this.
- ✓ Judicial verdict on disputes demands impartial and fair approach.



- ✓ Apparently these petitions were moved to harm Ahmadis, through religion. It is misuse of religion.

It is worth mentioning that Ordinance XX, clauses like 7B and 7C, religious affidavits as promulgated, violate international law. Ordinance XX has been condemned by the United Nations (Commission on Human Rights, Sub Committee's thirty-eighth Session).

This is an appropriate place to refer to a noble judgment of Pakistan's higher judiciary. There is a unanimous verdict of the Supreme Court of Pakistan announced on June 19, 2014. The three-member bench was headed by Honorable Justice Tasadduq Hussain Jilani, the Chief Justice. It dealt with minorities in the country. The judgment was hailed as clear, well-worded, fairly wholesome. Some called it landmark, game changer, historical etc. We produce below a few extracts of what the worthy judges wrote down (Emphasis added):

- One of the famous Fourteen Points enumerated by Mohammad Ali Jinnah on proposed constitutional changes was that "full religious liberty, i.e. liberty of belief, worship and observance, propaganda, association and education shall be guaranteed to all communities." Furthermore, adequate, effective and mandatory safeguards should be specifically provided in the Constitution for minorities in these units and in the regions (of the proposed Pakistan) for the protection of their religious, cultural, economic, political, administrative and other rights and interests **in consultation with them** as stated in the Resolution adopted by the 27<sup>th</sup> Annual Session of the AIML (All India Muslim League) at Lahore on 22-24 March 1940, which we now celebrate as Pakistan Day.
- Regardless of the rights and privileges described in Para (a) to (e) above (sic; from the constitution) the right to religious conscience is a right equally granted to all citizens, religious denominations and sects.
- The Supreme Court of Pakistan has invoked International Human Rights norms in numerous cases.
- **The right to religious conscience is a fundamental right. It has not been subjected or subordinated to any other provision of the Constitution because it is only subject to law, public order and morality and not to any religious clauses of the Constitution. The very term law, public order and morality has been used in non-religious terms as the notion of law or public order or morality is not reducible to the Islamic meanings of these terms. Therefore Article 20 has a certain preeminence in the Constitution being only subjected to the general restriction of law, public order and morality, which these terms cannot be interpreted or used in such a restrictive way as to curtail the basic essence and meaning of the preeminent right to religious conscience.**
- The right to profess and practice is conferred not only on religious communities but also on every citizen. What this means is that every citizen can exercise this right to profess, practice and propagate his religious views even against the prevailing or dominant views of

its own religious denomination or sect. In other words, neither the majority religious denominations or sect nor the minority religious denomination or sect can impose its religious will on the citizens.

- The right of religious conscience conferred on every citizen is a right conferring three distinct rights i.e. Right to Profess, Right to Practice and **Right to Propagate**. What this means is that Article 20 does not merely confer a private right to profess but confers a right to practice both privately and publicly his or her religion. **Moreover, it confers the additional right not only to profess and practice his own religion but to have the right to propagate his or her religion to others. It is important to note that this propagation of religion has not been limited to Muslims having the right to propagate their religion but this right is equally conferred on Non-Muslims to propagate their religion to their own community and to other communities.**
- ...However, the defining feature of democratic governance is complete dedication and adherence in everyday life to the seminal principles of equality, justice and inclusion of all irrespective of their colour, creed, caste, sex or faith. The sustainability of democracy depends on how best these challenges are met.
- **The Judgment quoted the daily Dawn on June 9, 2014. “While not every hateful word can or does lead to violence there is surely more than just a correlation between the amount of hate speech against and the violence suffered by groups such as Ahmadis and other religious minorities.” It is because of effective state action that despite elaborate textual guarantees for minorities’ rights, empirical realities reflect a mixed bag, rather a dismal state of affairs, the judges wrote.**
- **The afore-said report and other incidents of faith ethnic based violence indicate that mere textual pledges in the Constitution, though important are not enough to ensure that these rights would be honored in practice. It is therefore, important that the concerned governments/institutions take proactive lead to ensure that those rights are respected and enjoyed in practice.**
- It requires a strong moral courage for an individual or a nation to apologize for having wronged a community. It is time for us as nation and as individuals to have a moment of reflection, a moment of soul searching and perhaps a moment of seeking to ask ourselves, have we lived by the pledges made in the Constitution and by the vision of the Quaid-i-Azam Mohammad Ali Jinnah, the founder of this country who in his first address to the Constitution Assembly on 11.08.1948 (*sic*) said: “You are free; you are free to go to your temples. You are free to go to your mosques or to any other place of worship in this State of Pakistan. **You may belong to any religion or caste or creed - that has nothing to do with the business of the state.**
- For what has been discussed above, we hold, declare and direct:
  - i. The Federal Government should constitute a task force tasked with developing a strategy of religious tolerance;
  - ii. ....



Ahmadis. The AMTKN and the International Khatme Nabuwwat Movement mullas need no longer to beg the MNAs and Senators to promulgate laws against Ahmadis. Theirs is a lengthy and tiresome process. Now the same can be achieved through a single-judge of any High Court. How proficient, cost effective, time-saving and equally hurtful to the targeted community. In fact, the difficult task of '*Nifaz-i-Shariat*' can be accomplished without much loss of time through this route.

This brings us near the end of this note. In the last few weeks, since the issue of his Order Sheet in March, Justice Siddiqui inflicted upon himself the coating of unjustified pride, power and projection. For this he is being held accountable and is already facing trial in the Supreme Judicial Council, as also on alleged corruption. There are other references against him too. Ahmadis are a small and marginalized community, they cannot hold him to account for his wrongs, but their God is all-powerful. He can punish him, if He so decides, as he punished more powerful men: Faisal, Bhutto, Zia, Sharif's etc.

No civilized state, in 21<sup>st</sup> century, pokes its nose in intricacies and details of its citizens' beliefs. They do not think it is their business – rightly so. Some bigots here think that they could turn Pakistan into a medieval era *Khilafat*. They fail to realize that time has moved on by centuries; there are no Umayyads and Abbasids around, there is no *Darul Harb* and *Darul Islam*, there are no Zimmis and Arabs and Ajamis; it is a different world now. They should be made to wake up before they do more harm in their sleep-walking.

Credit goes to the care-taker government in that its Law Minister Mr Ali Zafar took note of the absurdity of Siddiqui's Judgment. He went public to denounce it and declare that the federal government will appeal this judgment. The mullas were annoyed over this reasonable intention, so there were sporadic howls of routine protest. Anyway the Ministry of Law has yet not moved a superior judicial bench to examine this Sheet of Siddiqui.

**Whither Human Rights and Freedom of Faith! Allah knows best.**