AHMADIS IN PAKISTAN
FORCED TO DECLARE NON-MUSLIM STATUS
AHMADIS ARE FORCED TO DECLARE NON-MUSLIM STATUS

December 2018: National Database and Registration Authority (NADRA) has implemented a policy after the decision of Justice Shaukat Saddiqi (now disgraced) in which he told the Government to ensure recording the religious identity of all applicants of CNICs. NADRA got this policy approved by the Federal Ministry of Interior.

According to this policy now there are two declarations, one for Muslims and other for non-Muslims. Previously there was only one declaration for Muslims in which all who declared themselves Muslims had to sign a declaration in which rebuttal of the founder of the Ahmadiyya community was essential. Now, one who opts not to sign the declaration for Muslims has to sign the affidavit in which he declares himself to be non-Muslim in addition to stating his faith or denomination. To state what an individual is not, is superfluous and bizarre. It is a malicious move to severely hurt Ahmadis.

This creates a major problem for Ahmadis who consider themselves to be Muslims but now have to declare themselves to be non-Muslims for obtaining or renewal of national identity card and other legal documents.

NADRA has introduced a clause no. 38 on Form for obtaining a CNIC; it requires certification:

“I declare on oath that I am not a Muslim and I belong to Qadiani/Ahmadi religion.”

SCREEN-SHOT OF ORIGINAL FORM:
1) A Blank CNIC Form for a Muslim, with Affidavit in English
2) A BLANK CNIC FORM FOR A NON-MUSLIM, WITH RELIGION AFFIDAVIT IN ENGLISH (THIS ONE FOR A CHRISTIAN)

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<td>30 Mother Language</td>
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<td>36 Naturalized Pakistani</td>
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<td>37 Requested Services:</td>
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<td>38 Orphanage Name</td>
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Note: Election commission will register your vote according to your selected present/temporary address after completing all legal requirements.

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40 I, solemnly affirm that the information presented in the form above is correct according to the best of my knowledge. I am a citizen of Pakistan and have not concealed any information.

Warning: NADRA Ordinance 2000 section 32 declares provision of wrong information as Criminal Act which is liable to be imposed relevant penalty.

Applicant’s Left Thumb | Applicant’s Right Thumb | DEO’s Signature

Office in Charge

41 Gazette Officers, elected representatives, numbered and blood/related relative(s) may attest/verify the citizen.

I, solemnly testify that the applicant is Pakistani citizen, and he is personally known to me, and the particulars there of are correct according to my knowledge.

Attestor’s Name:

Attestor’s Citizen Number | Phone Number | Attestor’s Signature and Date | Attestor’s Stamp

42 I hereby declare on Oath that I am not Muslim and belong to Christianity Religion.

Applicant’s Thumb or Signature

Note: Last date for form submission is 04-Dec-2019. After the due date, the application will not be re-submitted with the fees.
3) TWO AFFIDAVITS (ONE FOR MUSLIMS, AND ONE FOR NON-MUSLIMS, IN ENGLISH WITH STANDARD WORDING, FOR DIFFERENT PURPOSES)

Affidavits regarding faith, introduced by NADRA

**For Muslims:**

**Affidavit**

I Name, Designation ........................................ CNIC No.
........................................ And ERP# .......................... do hereby solemnly affirm and declare on oath;
That I am a Muslim and believe in the unity and oneness of Almighty Allah, in the absolute and unqualified finality of the Prophethood of Muhammad (Peace be upon Him) the last of the Prophets and do not believe in, or recognize as Prophet or religious reformer, any person who claimed or claims to be a Prophet, in any sense of the word or of any description whatsoever after Muhammad (Peace be Upon Him)

Deponent

Date: ..........................

**For non-Muslims:**

**Affidavit**

I Name, Designation ................................. CNIC No.
........................................ And ERP# .......................... do hereby affirm and declare on oath;
That I am a non-Muslim and belong to .......................... (Christianity, Hinduism, Sikhism, Buddhist, Parsi, Qadiani Group, Lahori Group, Ahmadi, Bahai or belong to scheduled castes)

Deponent

Date: ..........................

..................................................
4) A FULL FILLED-IN FORM OF AN AHMADI WITH AFFIDAVIT IN URDU

Note: (Translation) I hereby affirm and declare on oath that I am a non-Muslim and belong to Qadiani/Ahmadi religion.
NATIONAL IDENTITY CARDS TARGET AHMADIS

The IHRC has recently received information that the Government of Pakistan has implemented a new policy targeting Ahmadis when it comes to applying for the National Identity Card (NIC). In Pakistan every citizen applying for a NIC must declare his or her faith. If a person wishes to declare himself a Muslim, he or she must sign a declaration titled 'Declaration in the case of Muslims'. The only other option left now is to sign the declaration for non-Muslims. This is a new declaration designed to target Ahmadis. Under this declaration, every Ahmadi must declare that he/she is a non-Muslim. The exact wording is:

“I declare on oath that I am not a Muslim and I belong to Qadiani/Ahmadi religion.”

Previously there was another option for Ahmadis which did not require them to sign this declaration. However, the recent change introduced means they can no longer do this. They either now have to sign the ‘Declaration in the case of Muslims’ or sign another declaration confirming they are Ahmadis and not Muslims. As Ahmadis consider themselves to be Muslims, they cannot sign either of these declarations creating an impossible situation for them. The importance of the NIC should not be underestimated as it is a necessity for basic day to day activities of a citizen such as applying for a driving license, applying for a bank, jobs, medical requirements and entry into educational institutions.

After the recent decision in the Asia Bibi Case, it appeared that the Government of Pakistan was taking a turn for the better and protecting the rights of all its citizens, including minorities so that all citizens could live in peace and harmony as per the vision of the Founding Father of Pakistan. Yet again, we have seen that this government does not live up to its words with actions as the situation for Ahmadis remains the same - in fact is worsening. This latest action is further evidence of this. Not only is this in flagrant violation of Article 20 of UDHR but Article 20 of Pakistan's Constitution which guarantees freedom of religion.

Urgent action is required from all sections of the International community to ensure this declaration is withdrawn and to restore the civic rights of Ahmadis in Pakistan. It is indeed an act of humiliation for the Prime Minister of Pakistan who is holding the portfolio of the Ministry which has issued this policy. It is a glaring contradiction of his vows to protect freedom of religion and civic rights for all the citizens of Pakistan without discrimination. Pakistan finally needs to step up and ensure it protects all its citizens and not just a select few.

6 FEBRUARY 2019

END
AHMADIS WILL HAVE TO DECLARE THEMSELVES AS NON-MUSLIMS TO GET CNIC ACCORDING TO NEW NADRA POLICY

Naya Daur December 28, 2018

The National Database & Registration Authority (NADRA) has inserted a new requirement in CNIC application forms according to which Ahmadis will have to declare they are non-Muslims and sign the particular field.

The section specified for the Ahmadi community says “I profess that I am not a Muslim, and I belong to the Qadiani/Ahmadi religion”.

This particular section of the application form has got people talking on social media. Most of the people are condemning NADRA’s move and are asking the government to take notice of the issue.

The image of the section was shared by Twitter user Obaidullah Khan

This is the new requirement for Ahmadis in the CNIC form inserted by @NadraMedia. This is like state has declared Ahmadis as dogs and now forcing them to bark like dogs too. Behaving like humans is not a choice anymore. Worse kind of persecution.

#AhmadiApartheid

209 6:22 PM - Dec 26, 2018

346 people are talking about this
This led to various prominent journalists and activists to urge government representatives, including Human Rights Minister Shireen Mazari to intervene.

I think it's mean enough for the state to declare someone non-Muslim, but forcing them to declare themselves non-Muslim? It is beyond cruel & inhuman. What say you @ShireenMazari? I think you should intervene.

Obaid @Obaidullahkhan
This is the new requirement for Ahmadis in the CNIC form inserted by @NadraMedia. This is like state has declared Ahmadis as dogs and now forcing them to bark like dogs too. Behaving like humans is not a choice anymore. Worse kind of persecution. #AhmadiApartheid

Some people believe Prime Minister Imran Khan does not know about NADRA’s plans and that he will never let such a thing happen.

I think IK has not seen this yet. I am sure he won't like to approve this malicious condition. Apart from creating more problems for Ahmadis this will have strong adverse impact on Pakistan's image universally.

Obaid @Obaidullahkhan
This is the new requirement for Ahmadis in the CNIC form inserted by @NadraMedia. This is like state has declared Ahmadis as dogs and now forcing them to bark like dogs too. Behaving like humans is not a choice anymore. Worse kind of persecution. #AhmadiApartheid
‘Who cares what anyone believes? Just let people be. It is for the Almighty to Judge’

Here’s an example of how some Pakistanis would not even get treatment in an ‘Ahmadi’ hospital
Here is journalist Nadeem Farooq Paracha asking some tough questions

Had we put as much effort, passion and thought in economic matters as we did (and still do) in making a community of people confess they were heretics, then today, we might have been right up there with all the Chinas, South Koreas and Singapores of the world.

— Nadeem Farooq Paracha (@NadeemfParacha) December 27, 2018


Daily Times

OP-ED

JEWS SUPPORTERS OF NAZISM

Yasser Latif Hamdani @theRealYLH

DECEMBER 31, 2018

Recently the Government of Pakistan under Herr Imran Khan through NADRA added a fresh new oath to the Computerised National Identity Card forms to ensure that no Ahmadi would ever register as a citizen in this country. Till now Ahmadis had been able to register as citizens of Ahmadi faith simply by refusing to sign the oath required for officially sanctioned Muslims. Now they are required to sign an affidavit saying that they consider themselves Non-Muslim as well.

This is a fresh new violation of Article 20 of the Constitution because the core belief of Ahmadi faith is that they consider themselves Muslims. While the state for the purposes of law and constitution considers them Non-Muslim, the state cannot force them to consider themselves non-Muslim. This is a violation of not just the constitutional guarantee of religious freedom but is a violation of all norms of decency and humanity. To think that the move comes days after Fuhrer Imran Khan promised to teach Prime Minister Modi how to treat minorities well.

Yet there are even Ahmadis who have decided to support this fascist government.
Pakistan now stands closer on the brink of genocide Ahmadis. We can reverse it. Of course the establishment has its own Gorings and Goebbels or the equivalent of squeeler the pig from Animal Farm to make it more palatable to the world.

History is full of strange ironies. Verband national deutscher Juden and Der deutsche Vortrupp were two Jewish groups in Nazi Germany who supported Adolf Hitler and the Nazis. One such Jew was Max Naumann who posited the idea of assimilation as an answer to anti-Semitism. After Adolf Hitler’s election in 1933, Naumann issued the following statement: “We have always held the well-being of the German people and the fatherland, to which we feel inextricably linked, above our own well-being. Thus we greeted the results of January, 1933, even though it has brought hardship for us personally.” This idea of a hapless minority trying to disarm the majority by submitting to their whims has never worked. One needs to stand up to fascism not endorse it on flimsy grounds. As it turned out a year later both these Jewish groups were disbanded by the Nazis and Max Naumann himself was thrown away in a dungeon. Maulana Mazhar Ali Azhar was the leader of the fascist anti-Ahmadi anti-Shia Majlis-e-Ahrar. He called Jinnah Kafir-e-Azam for marrying a Parsi, being a Shia and having Ahmadis in the Muslim League. Responding to the questions of the Munir-Kayani Commission in 1954 Azhar said that he was a Shia himself. Questioning the credentials of Max Naumann or Maulana Mazhar Ali Azhar can never be an attack on their identity or faith.

Pakistan now stands closer on the brink of genocide or even a holocaust of Ahmadis. Of course the establishment has its own Gorings and Goebbels or the equivalent of squeeler the pig from Animal Farm to make it more palatable to the world. PR consultants have been invited from world over to give Pakistan’s increasingly fascist tendencies and clamp down on religious minorities a palatable spin. In a recent tweet one such PR consultant justified the anti-Ahmadi sentiment in Pakistan by saying that it was the result of Ahmadis insisting that they are Muslims when their beliefs are contrary to core Islamic beliefs. All this is unfolding while politicians who once dared to question the permanent clamp down on freedom of speech are being packed off to jail on trumped up corruption charges. When it comes the Fuhrer and his coterie, including his sister, there is an exemption from corruption. To date no one has explained how the Fuhrer runs his personal 300 kanal residence, when he has no source of income. Compromised much Mr Prime Minister?

Then you have the boys in Khaki. Report positively they tell the media. Report positively on what? Is your patriotism limited to kissing up to powers that be? True patriotism is to speak truth to power. The founder of this country was fierce in his criticism of the British rulers and bureaucracy, refusing all rewards, titles, offers of judicial and gubernatorial appointments in exchange for pusillanimous surrender. Unlike Gandhi, Jinnah never recruited for the British Empire and never got the coveted Kaiser-e-Hind medal. He argued instead that if the British wanted Indians to fight their wars they would need to make them full officers. We who criticize the Khaki and the entrenched bureaucracy and deep state of the country are merely following the constitutional tradition of Mr. Jinnah. That you are even more intolerant than the British rulers of the subcontinent speaks volumes.

Pakistan cannot afford further descent into a hellhole of fascist control freakery. Give the people of Pakistan their rights. Keep the military away from politics. Stop persecuting minorities. And stop hiring PR Consultants who end up making you look bad. This is an
advice from a patriot who wants Pakistan to succeed but who fears that you are treading the path that will call forth a flood and in that flood Pakistan’s very existence would come under a question mark thanks to your idiocy and stupidity.

The writer is practicing lawyer and was a visiting Fellow at Harvard Law School in Cambridge MA, USA. He blogs at http://globallegalforum.blogspot.com and his twitter: @therealylh

Published in Daily Times, December 31st 2018.


Herald

In Review

WHAT DRIVES CALLS FOR GIVING AHMADIS A DISTINCT IDENTITY

Ali Usman Qasmi

Updated Jan 16, 2019 07:16pm

An electoral reform law containing provisions related to the holding of elections in Pakistan became a focus of controversy immediately after its passage with bipartisan approval in 2017. It changed the wording of an oath – from “I solemnly swear” to “I declare” – which all those contesting elections must take, affirming their faith in khatm-e-nabuwwat (the finality of the prophethood). Initially, the government insisted, and rightly so, that the amendment did not alter legal provisions that require Ahmadis – who are
seen as having challenged that finality – to declare themselves as non-Muslims in order to contest elections on general seats. Later, under pressure from religious groups and news media, it backtracked and called the change ‘a clerical error’. The admission did not reduce the pressure on it but rather fueled suspicions that there were some sinister motives behind the change in wording. This gave some religious groups an opportunity to launch a movement against the government in November last year.

Amidst this brouhaha, a petition was filed by Maulana Allah Wasaya – head of the Aalmi Majlis Tahaffuz Khatm-e-Nubuwwat who is also known for his extreme anti-Ahmadi views – in the Islamabad High Court. He sought an inquiry to find out those who had made changes in the oath and he wanted them punished. Among other things, he also asked the court to create a database of Ahmadis living in Pakistan, especially those holding high-ranking offices in the bureaucracy.

The honourable judge who took up the petition appointed many religious scholars and jurists as amicus curiae (friends of the court) to assist him in the case. These included Mohammad Akram Sheikh, a senior Supreme Court lawyer, Dr Hafiz Hasan Madni, a teacher at the Institute of Islamic Studies at the Punjab University in Lahore, Dr Mohsin Naqvi, a former member of the Council of Islamic Ideology, Dr Sahibzada Sajidur Rehman, a serving member of the Council of Islamic Ideology, Mufti Muhammad Hussain Khalil Khel, a Karachi-based religious preacher, Dr Aslam Khaki, a Supreme Court lawyer, and Dr Babar Awan, a former federal law minister. None of them is an Ahmadi. The court, in fact, did not summon any Ahmadis to offer their perspective on the issues raised in the petition.

The judgment in Allah Wasaya versus Federation of Pakistan (Writ Petition 3862-2017), issued after multiple hearings, was replete with various popular charges against Ahmadis that have appeared in innumerable polemical works and in many judicial verdicts as well — that they work against the interests of both the state of Pakistan and Islam. Without going into the details of the case, I am limiting myself to discussing the judge’s suggestion that a special registration system be set up for Ahmadis.

Statistics provided by the National Database and Registration Authority (NADRA) to the court during the proceedings showed that about 10,205 individuals had “converted” to Ahmadi faith in recent years. The honourable judge described their conversion as the “practice of religion-hopping which seems to have been resorted to by certain individuals to hoodwink authorities and avail the benefits of a religion they are not admittedly a part of”.

It should be noted that there is no law against apostasy in Pakistan. Similarly, there is no constitutional provision, whatsoever, that prevents Ahmadis or the member of any other religious minority from occupying ‘sensitive’ posts — such as those of federal secretaries, judges of high courts and the Supreme Court, and military commanders. Yet, the court urged the federal government to be vigilant so that no Ahmadis are appointed to these positions. For this purpose, as well as for the overall need to prevent the misuse of Muslim identity by Ahmadis, the learned judge proposed distinct names for Ahmadis so that they could be distinguished from everyone else. “Qadianis [as Ahmadis are derogatorily called] should not be allowed to conceal their identity by having similar names to those of Muslims, therefore, they should be either stopped from using name[s] of ordinary Muslims or in the alternative, Qadiani, Ghulam-e-Mirza or Mirzai must form a part of their names and be mentioned accordingly,” he noted. He also wrote that other religious minorities living in the country had “a separate identification in reference to their names and identity” except for Ahmadis who “do not hold a distinct identification due to their names and general attire, according to the Constitution”.

I will try to explain as to what kind of ‘crisis’ is generated by Ahmadis being indistinguishable. I will also look into the consequences of proposals floated and actual measures taken in the past to make Ahmadis a distinctly separate community.
Individuals can be identified as members of a certain group or community on the basis of, among many other things, the facial features they have, the clothes they wear and the religious/cultural symbols they use. In some instances, communities themselves opt for a certain outlook to mark themselves as different from others. There are traditions attributed to the Prophet of Islam (may peace be upon him) in which he is reported to have urged his followers to not follow non-Muslims in appearance and customs. When the members of early Sikh communities wanted to acquire a distinct identity, they considered it important to carry such symbols as daggers and bracelets to distinguish themselves from Muslims and Hindus.

But the same markers of distinction acquire a different significance altogether in the time of crisis and violence. In many cases, minority communities have attracted fatal attention for having distinct, identifiable features which are different from those of the majority around them. The gruesome Partition riots offer a well-known example of this. More recently, the anti-Sikh pogrom in Delhi in 1984 and the Muslim massacre in Indian Gujarat in 2002 show how external markers of identity facilitate the process of singling out targets for senseless outbursts of violence.

The case of Ahmadis, especially in Pakistan, poses an entirely different challenge. They themselves do not insist upon having their own markers of distinction even though it is true that, during the British period, they insisted on registering themselves separately from Sunni Muslims. At one stage, Mirza Bashiruddin Mahmood Ahmad, son of Ahmadi community’s founder Mirza Ghulam Ahmad, also disallowed Ahmadi women from marrying non-Ahmadi men. This, however, was hardly different from similar edicts issued by the leaders of other groups organised around sectarian identities. So, what is unique about Ahmadis?

An Ahmadi prayer hall that was attacked by a mob on the second day of Eidul Azha this year in Faisalabad’s Ghaseetpura area | Rizwan Safdar

Regardless of what the Constitution of Pakistan says about them, Ahmadis closely adhere to the Hanafi fiqh (school of religious jurisprudence). They also have names similar to those of Hanafi Sunnis and do not wear any garments that highlight their distinct religious identity. As Irfan Haider Abidi, a known Shia scholar, once rhetorically pointed out, both Ahmadis and Hanafi Sunnis have the same way of offering namaz and they also break their fasts at the same time. They, of course, have a fundamental doctrinal difference on the issue
of khatm-e-nabuwwat – understood and interpreted differently by each of the two communities.

On the other hand, there are some ‘visible’ markers of identification for Shia Muslims. For instance, they offer namaz in a manner slightly different from the one followed by Sunnis and break their fasts 10 minutes after Sunnis do. Shias have other markers of identity as well. Even in the midst of sectarian violence, they make themselves visible by hoisting alams (standards) on their houses, displaying Ya Ali stickers on their cars and sporting steel bracelets. Even though these are not strictly Shia symbols and are widely used by Sunnis as well, these markers of identity have been exploited by Sunni militants to target and kill Shias in Pakistan.

Names have also been used as similar markers of sectarian identity — and often to deadly effect. In the gruesome killing that took place in Chilas in 2012, militants checked identity cards of passengers in a bus so they could distinguish between Sunni and Shia passengers. Those who had Shia sounding names were then separated and gunned down. Certain names – such as Omar and Ayesha – can similarly be indicators of a Sunni identity. In a wave of sectarian violence in Iraq that followed the American invasion of that country in the early 2000s, many Sunnis were identified on the basis of their names and killed.

It must be stated here that there is nothing scientific when it comes to identifying a person’s religious persuasion on the basis of his or her name. In the 1990s, Sunni militants gunned down one Aftab Naqvi – an apolitical, literary figure – in Lahore because his name, due to its Naqvi suffix, suggested that he could be a Shia.

‘Ali’, ‘Hasan’, ‘Hussain’ and ‘Fatima’ are some of the most obvious name choices among Shias but it is ridiculous to assume that only Shias give these names to their children. The most prominent example in this regard is that of Ali Sher Haideri who was the Sindh chief of an anti-Shia party a few years ago. As per the data collected by NADRA and cited by Islamabad-based language scholar Tariq Rehman, ‘Ali’ is the second most popular name — after ‘Muhammad’ as first name – for men in Pakistan. As is ‘Fatima’ for women.

In Jhang, the heartland of sectarian violence in Pakistan, Sunni militants seemed to be aware of this so they would ask ‘suspected’ Shias to take off their shirts to find out scars left by self-flagellation that Shias do as part of their annual mourning in the month of Muharram. Even this is not a sure sign of identification as self-flagellation is done by many non-Shias as well. I know at least one Punjabi Catholic – and there are hundreds of others like him – who would do self-flagellation using small daggers tied to chains during Muharram.

Still, the point is that there are many visible and external markers that can make Shias more identifiable than Ahmadis. The similarities in names, rituals and the use of religious symbols that exist in Pakistan between Hanafi Sunnis and Ahmadis are, indeed, unique. They do not exist between Pakistani Muslims and Pakistani Hindus or between Pakistani Muslims and Pakistani Christians to the same extent. Unlike in India where mutual borrowing in terms of names may not be an abnormal occurrence (for example, Kabir could be a Hindu name as much as a Muslim one), the same does not happen – at least at the same scale – in Pakistan. Even the use of certain religious symbols is strictly specific to certain communities in our country. If a person is wearing a cross, he/she will be a Christian or at least will be assumed to be a Christian.

Despite this relative clarity in boundaries between Muslims and non-Muslims, there was a demand from religious groups in the 1990s to include religion in identity cards. The same demand for passports had been made earlier and accepted. The argument in its favour was that the mention of religion in passports would help ensure that only Muslims travelled to Saudi Arabia for pilgrimage since Makkah and Madinah, by religious injunction, are off-limits.
for non-Muslims. Without religion being mentioned on passports, it was suspected that Ahmadis – constitutionally declared as non-Muslims in Pakistan – would also be able to go to Saudi Arabia for pilgrimage. Those who had made the demand were oblivious to the fact that no such information is provided in travel documents of pilgrims visiting Makkah and Madinah from most other countries. So, Ahmadis residing outside Pakistan are still able to perform umrah or hajj on passports of those other countries.

The demand for mentioning religion on identity cards was made for no such practical purposes so it was vociferously opposed both by minority Muslim sects and non-Muslim Pakistanis. It was in this context that Abidi made his speech quoted earlier. Like others opposing the demand, he feared that, in the presence of visible distinctions between Muslims and non-Muslims, the mention of religion in identity cards could well set the ground for subsequent mentioning of sectarian identities in those cards.

This is not to say that the state was not identifying Muslims by their sects already. This was happening in many cases, at least informally. For instance, information about sectarian association was being ascertained in background checks carried out for those appearing in civil service exams or those who wanted to become commissioned officers in the military. Formally, however, a decision was taken in Pakistan’s first post-independence census in 1951 to not ask people about their sects and this has stayed the same since then.

A policeman guards an Ahmadi prayer hall in Rabwah | M Arif, White Star

Despite some shared cultural as well as religious practices, the dissimilarities that Pakistani Sunni Muslims have vis-à-vis Shias, Christians and Hindus in the country enable the recognition of differences between them even if it is not always enforced. This is not the case with reference to Ahmadis though.

Talking about the increasing agreement on doctrinal issues between Sunnis and Shias during the 1980s, Dr Faisal Devji, a professor of Indian history at Oxford University, argued that it is sameness rather than difference between religious groups that posed a threat to communitarian boundaries. Applied to Ahmadis, this argument helps explain the Hanafi Sunni anxiety about Ahmadis hiding their faith, dissimulating their ‘real’ identity and operating secretively as Muslims. This anxiety made it important for Hanafi Sunnis to ask
for legal and administrative measures – including putting down religion in identity cards – so that an Ahmadi could be ‘recognised’.

The Constitution and the law, at least initially, provided for no distinction between Pakistan’s Muslim and non-Muslim citizens. Even after the passage of the second constitutional amendment in 1974 – which declared Ahmadis as non-Muslims – there was nothing much on the statute books that identified citizens by their religion except for the constitutional provision that the president and the prime minister must be Muslims.

In such a legal environment where citizens, at least theoretically, enjoyed almost equal rights regardless of their religious identities, it was absurd to make a claim that Ahmadis, by identifying themselves as Muslims, were infringing the rights of Muslims. Since no religious community enjoyed rights specific to it, there was no question of their infringement by another community. In the famous Abdur Rehman Mubashir versus Syed Amir Ali Shah case in 1978, the gist of Justice Aftab Husain’s judgment highlighted just that — no civic rights of Muslims were infringed if Ahmadis identified themselves as Muslims.

Seen from a Hanafi Sunni perspective, this needed to change and it did with the promulgation of some Ahmadi-specific legal instruments, including Ordinance XX issued by General Ziaul Haq in 1984 which barred Ahmadis from ‘posing’ as Muslims. Under this ordinance, an Ahmadi acting or behaving as a Muslim can be punished because only a Muslim has the right to act and behave like a Muslim. Zia also added the definition of a Muslim in the Constitution and changed election rules to provide for separate electoral rolls for Ahmadis alone. Whereas all Muslim and non-Muslim voters were listed in the same rolls, Ahmadis, according to the changed rules, were to be listed separately so that they could not ‘pose’ as Muslim voters or Muslim candidates.

The problem is that no matter what the law says, Ahmadis cannot but act like Muslims. Even if their worship places are not allowed to be called mosques, what the community does inside them still looks like namaz as it is offered by Hanafi Sunnis.

This is the crisis the Islamabad High Court judge has referred to — the failure to eradicate sameness and enforce distinction between Ahmadis and Hanafi Sunnis.

Pakistan’s constitution has already declared Ahmadis as non-Muslims, an ordinance issued by a military government and upheld by the Supreme Court does not allow them to ‘pose’ as Muslims and yet there is a crisis that refuses to subside. The peculiar nature of this ‘crisis’ means that it can only be resolved by making Ahmadis distinguishable by forcing them to have distinct names — as has been suggested by the Islamabad High Court judge. He has proposed to make it compulsory for Ahmadis to add Qadiani/Mirazi/Ghulam-e-Mirza to their names so that they can be recognised. Eventually, even this will not suffice and a demand could be made to limit them to Rabwah, a town in Punjab where their religious headquarters are located.

If this does not remind us of the horrors of Nazi rule, I wonder what else would.

German Jews, though religiously different, were otherwise unrecognisable as a distinct group from other Germans. Nazi Germany had to make them distinguishable by forcing them to wear the Star of David on their sleeves. This is exactly what Ahamdis in Pakistan face. To quote philosopher and Auschwitz survivor Primo Levi: “It happened, therefore it can happen again: this is the core of what we have to say. It can happen, and it can happen everywhere.”

UNIVERSAL DECLARATION ON HUMAN RIGHTS:

Article 2:
Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 18:
Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19:
Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 20:
Everyone has the right to freedom of peaceful assembly and association. No one may be compelled to belong to an association.

Now, Therefore THE GENERAL ASSEMBLY proclaims THIS UNIVERSAL DECLARATION OF HUMAN RIGHTS as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.
CONSTITUTION OF PAKISTAN:

Article 20 of the Pakistani Constitution guarantees freedom of religion. Pakistan is a signatory to the UN Charter of Human Rights. The government is under obligation to safeguard the fundamental rights of all without discrimination based on religion, faith, or belief.

Article 20: Freedom to profess religion and to manage religious institutions

20. Freedom to profess religion and to manage religious institutions. — Subject to law, public order and morality-

(a) every citizen shall have the right to profess, practice and propagate his religion; and

(b) every religious denomination and every sect thereof shall have the right to establish, maintain and manage its religious institutions.
A compilation by

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Nasim Malik

INTERNATIONAL HUMAN RIGHTS COMMITTEE

February 2019

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