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DOES DEMOCRACY POSITIVELY AFFECT RELIGIOUS FREEDOM? A CASE STUDY OF PAKISTAN

Does democracy positively affect religious freedom?

In liberal philosophy, 'liberty' (Locke, 1980 and Mill, 1978) and 'equality' (Rawls, 1993) which includes the religious liberty and equality are considered fundamental political values that define the core principles of liberal democracy.



How does democracy affect religious freedom in a Muslim majority country?

WHY CASE STUDY OF PAKISTAN?

During its existence of seventy-two years since its birth in 1947, Pakistan has experienced almost equal length of democratic and dictatorial regimes.

Minority rights and religious freedom has remained under serious debate in Pakistan since its birth.

Pakistan provides good empirical data for studying how regime type, international political trends, local trends and personality type affects 'religious freedom' in a Muslim majority country.

For this purpose four regimes are chosen two democratic and two military dictatorships.

Zulfiqar Ali Bhutto led Pakistan Peoples Party (PPP) government (1972-77)

General Zia-ul-Haq's military rule (1977-1988)

General Pervez Musharraf military rule (1999-2008)

Asif Ali Zardari led PPP government (2008-13)

The two governments from each regime type in different phase one in 1970s and 80s and other in 2000s and 2010s are chosen to see how international environment and the trends of different times affect the religious freedom

JINNAH'S VISION OF RELIGIOUS FREEDOM

“no matter what relations he had with you in the past, no matter what is his colour, caste or creed, is **first, second and last a citizen of this State with equal rights, privileges and obligations** there will be no end to the progress you will make.We should begin to work in that spirit and in course of time all these angularities of the majority and minority communities — the Hindu community and the Muslim community — will vanish..... **You are free; you are free to go to your temples, you are free to go to your mosques or to any other places 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**” (Address to the first Constituent Assembly of Pakistan on 11 August 1947).

Jogendra Nath Mandal was made Minister for Labour and Law in his first cabinet.

AHMADI QUESTION OR QADIANI ISSUE IN PAKISTAN

Mirza Ghulam Ahmad, a self-proclaimed messiah who had wanted to unite the humanity founded Ahmadiyya community in 1889 in Qadian, in district Gurdaspur, India.

He “announced to Christians awaiting the second coming of Jesus, Muslims anticipating the Mahdi, Hindus expecting Krishna, and Buddhists searching for Buddha, that he was the promised messiah for them all, commissioned by God to rejuvenate true faith”.

Ahmadiyya took active part in Pakistan movement and at the time of partition migrated to Pakistani Punjab and mostly had settled in Rabwah, Chiniot district Punjab.

Orthodox Religious parties claim Ahmadis were challenging the cardinal Islamic principle of *Khatm-e-Nabuwat*- the concept that the Prophet Muhammad (PBUH) was the final or the last prophet of Allah- by changing the meaning of Khatm and claiming the prophethood himself.

In 1953, as many as 2,000 Ahmadis were killed by rioting mobs which had resulted in the first martial law of Pakistan's history imposed in Punjab.



RELIGIOUS FREEDOM UNDER THE DEMOCRATIC REGIME OF Z.A. BHUTTO (1972-1977)

On 29th May 1974 the compartment of Chenab Express carrying around 170 students of Nishtar Medical College, Multan was attacked and badly beaten up at Rabwah railway station by Qadianis for raising anti-Ahmadiyya slogans.

Police had arrested seventy-one Ahmadiyya men involved in the incident and a court of inquiry under a High court judge, K M Samadani was appointed for this purpose by the Chief Minister Punjab Hanif Ramay.

The opposition religious parties wanted to raise this issue in the National Assembly and constitutionally declare Ahmadiyya community as non-Muslims.



Anti-Qadiani riots and violence were growing day by day and Qadiani properties were being targeted all over Punjab by the miscreant mobs.

Religious parties and parties of the centre-right had formed **Qadiani Muhasbah Committee** (Committee for the Exposition of Qadyanis) and were pressurising Bhutto regime to bring the issue in parliament and declare Ahamdis non-Muslim.

feeling the political pressure of losing the popular mandate, Z.A. Bhutto allowed the religious parties to go ahead with their proposed legislation regarding **declaring Qadianis as non-Muslim** and asked his party members to vote on the bill following their individual conscience

2ND AMENDMENT IN 1973 CONSTITUTION

on September 7, 1974, the Second Amendment to the Constitution of 1973 was passed which had redefined the term “Muslim” under article 260 (3b) and clearly described the followers of the Ahmadiyya community, as non-Muslims under article 260 (3b). Defining the term “Muslim”, article 260(3a) stated

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

And defining the term “non-Muslim” article 260 (3b) stated,

“non-Muslim” means a person who is not a Muslim and includes a person belonging to the Christian, Hindu, Sikh, Buddhist or Parsi community, a person of the **Quadiani group or the Lahori group** (who call themselves ‘Ahmadis’ or by any other name), or a Bahai, and a person belonging to any of the scheduled castes.

WHAT DID THAT MEAN FOR RELIGIOUS FREEDOM

Ahmadi community was legally excluded from the power structure with this amendment and people's negative attitude against them forced many to migrate and relocate in United Kingdom and other parts of the world

The religion of a particular community was decided by the parliament against the wishes of that very community.

The government and parliament surrendered before the street power of the clergy.

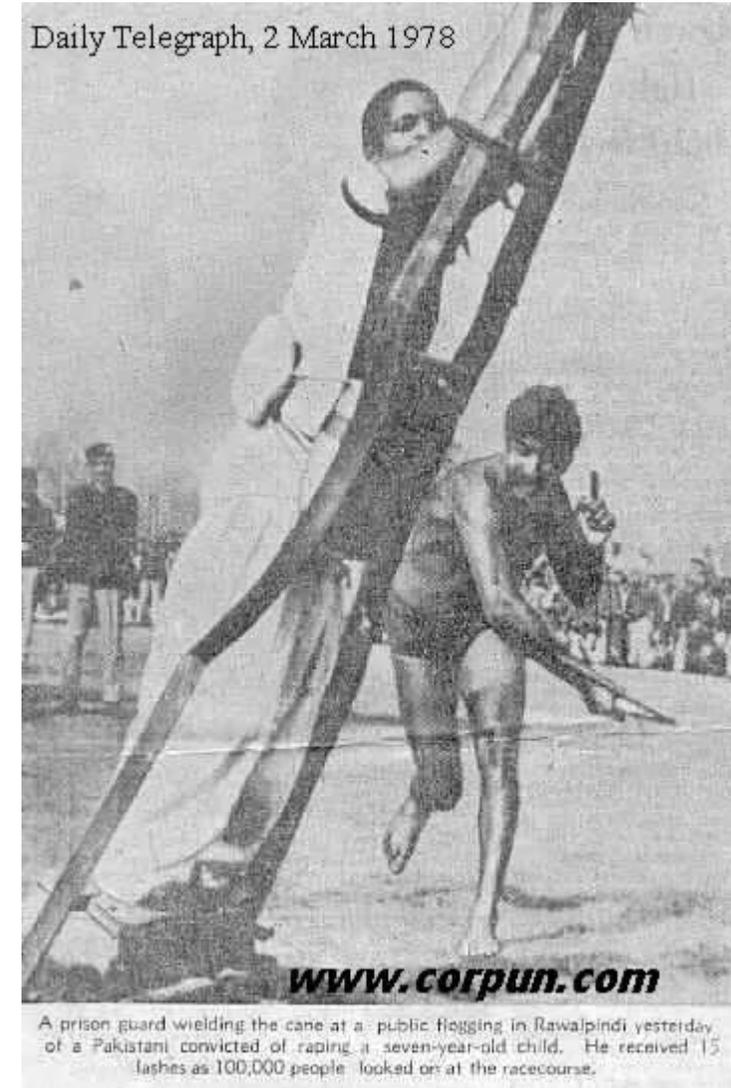
The question of *Khatam-e-Nabuwat* which that amendment tried to settle has echoed time and again in different agitations and protests in Pakistan including the most recent 2019 Azadi March (Freedom March)

BLASPHEMY LAWS

He made several amendments in the Pakistan Penal Code (PPC) and the Criminal Procedure Code (CrPC) to declare anything causing dishonour to the Holy Prophet (PBUH), Ahle Bait (family of the holy Prophet), Sahaba (companions of the holy Prophet) and Sha'ar-i-Islam (Islamic symbols) a cognizable offence, punishable with imprisonment or fine or both (Kamran, 2008: 123).

Article 295A of PPC says that a deliberate and malicious acts to outrage religious feeling of any class by insulting its religion or religious beliefs will be punished by up to 10 years imprisonment or with fine or with both; 295 B **makes the defiling etc of Holy Quran be punished by imprisonment for life**; 295 C mentions that the use of **derogatory remarks etc in respect of the Holy Prophet (PBUH) be punished by death** and fine; 298 A makes the use of insulting remarks etc. in respect of holy personages as punishable by 3 years imprisonment or with fine or with both (Pakistan Penal Code: Act XLV of 1860).

Siddiqui and Hayat (2008) in their comprehensive study on blasphemy laws of General Zia-ul-Haq have argued that the blasphemy laws created by Zia, "have caused, and continue to cause, several miscarriages of justice and are a stimulus for strengthening the negative and highly divisive forces of obscurantism, intolerance, and fanaticism in Pakistani society (306)".



PERSECUTION OF RELIGIOUS MINORITIES UNDER ZIA

Qadianis were further persecuted. Under Article 298 C of PPC if an **Ahmadi calls himself Muslim** or preaches or propagates his faith or causes outrage among the religious feeling of Muslims or posing himself a Muslim would be **punishable crime for 3 years** imprisonment and fine (Pakistan Penal Code: Act XLV of 1860).

Zia's policies led to a new wave of sectarianism in Pakistan as a Shiite sectarian organization Tehrik-i-Nifaz-i-Fiqah-Jafaria (TNFJ) emerged in 1979 in reaction to **Zia-ul-Haq's Zakat and Ushr** ordinance which they considered was in contradiction to the Jafari school of jurisprudence



RELIGIOUS FREEDOM UNDER MUSHARRAF'S MILITARY RULE (1999-2008)

Musharraf tried to get the legitimacy internally and externally (American War on terror) for taking up the task of cleaning the mess created by dictator Zia in name of his **policy of 'enlightened moderation'**.

On the 14th of August 2001, Lashkar-e-Jhangvi and Sipah-e-Muhammad were banned and Sipah-e-Sahaba and TJP (Tehrik-e-Jafria Pakistan) were placed under observation.

Musharraf's double game- Madressah reforms were introduced but despite that the number of madrasas had risen from 6,761 in 2000 to 11,221 in 2005 to 28,982 in 2011.

Musharraf failed to bring any change in blasphemy and other laws made by Zia



RELIGIOUS FREEDOM UNDER ZARDARI RULE (2008-2013)

Shahbaz Bhatti was made as Federal Minister for Minorities Affairs in November 2008. He had suggested some changes in blasphemy laws.

Quota of **five per cent for minorities in the federal jobs sector, recognised non-Muslim public holidays, declared 11 August to be National Minorities Day**, and reserved Senate seats for minority representatives.

The murder of **Shahbaz Bhatti for speaking against blasphemy laws** and that of the governor of Punjab, **Salman Taseer for speaking for justice for Asia bibi** (who was under arrest for false blasphemy charges).



FAIZABAD DHARNA OF KHADIM RIZVI 2018

They demanded that the government identify and punish those persons responsible behind the change of wording in the declaration of the prophethood of Muhammad in the election laws and the **resignation of Law Minister Zahid Hamid** over accusations of removing the clause.

After the weeks-long protest that virtually paralysed the capital and saw several people losing their lives, the government finally gave in to the demands of protesters with Zahid Hamid resigning as the Federal Law Minister.



DOES DEMOCRACY POSITIVELY AFFECT RELIGIOUS FREEDOM

No simple answer is possible. It depends upon several factors,

1- Political ideology of the regime and individual personality of the rulers.

2-Times and international environment

3- Internal Political dynamics

4- street power of the clergy

5- Overall political and social culture

2nd amendment in 1974 and Faizabad dharna clearly show how democratic institutions like parliament and freedom of expression and protest can be used to curtail the religious freedom of minorities.



Thank You