

# The Judiciary

2019

## **Assassin acquitted by anti-terrorism court**

*Nankana Sahib; January 21, 2019:* Advocate Saleem Lateef, community president of the district Nankana Sahib was target-killed on his way to courts on March 30, 2017 by a religious extremist Rashid. The killer has been acquitted by judge Abdul Qayyum.

Mr. Lateef was going to the court on a motor cycle with his son Muhammad Farhan when the assassin, already present on the way, opened fire as the motor cycle slowed down at the spot. Mr. Lateef died on the spot. After this the attacker tried to kill his son but luckily failed. This family was facing threats for some time.

After the incident the assassin was arrested. He worked as a guard at Ali Jewelers in Nankana Sahib, and the weapon he used was also registered in the name of the proprietor of the shop. After his arrest the case was heard in an anti-terrorism court at Lahore.

On January 21, 2019 the judge acquitted the accused.

## **One accused of murder of an Ahmadi is set free**

*Ferozwala, District Sheikhpura; June 27, 2019:* Mr. Qamar ul Zia, Ahmadi, married and father of three children aged 2-8 years was stabbed to death outside his home (in Kot Abdul Malik) in broad daylight in a religiously motivated attack on March 1, 2016. He was bringing his kids back home from school. In the attack he was inflicted multiple wounds and died on the spot.

The murderer was arrested by the police the same day. He confessed to the attack and told the police that he had done that to uphold the honour of the Prophet (pbuh).

The accused remained under trial for the next three years. On June 27, 2019 Session Judge Nadeem Ahmad Ansari acquitted him.

Since the promulgation of Ordinance XX, 265 Ahmadis have been murdered for their faith. Not even one percent of the perpetrators have been sentenced for their heinous crimes.

In Pakistan, such acquittals can be attributed to the police, prosecution, the judge—any of these, any two, or all three.

## **An Order Sheet by Justice Shujaat Ali Khan of Lahore High Court**

*Lahore; March 05, 2019:* Justice Shujaat Ali Khan of Lahore High Court issued on March 5, 2019 a 40-page Order Sheet on the issue of publication etc of the Holy Quran. This sheet contains general rulings on the subject, in addition to specific directions concerning Ahmadiyya editions of the Holy Quran and its translations. The writ-petitioner, mulla Hassan Muawiyah, a brother of Maulana Tahir Ashrafi the President of Mutahiddah Ulama Board Punjab, had also specifically objected to Ahmadiyya publication of the Holy Quran abroad. So, in a way; this case was handled mainly as Ahmadi-specific and

has affected Ahmadis, and the rulings further restrict their freedom to recite, refer to and understand their primary scripture. A somewhat detailed mention of this judgment is made in Chapter 1B.

## **A step forward!**

### **Praiseworthy 2014 judgment of Supreme Court revisited**

*Islamabad, Karachi, Rabwah; October 2019:* It would be recalled that on June 19, 2014, a Supreme Court bench of three judges, headed by Mr. Justice T.H. Jilani, Chief Justice, issued a landmark judgment in a case of *suo motu* actions concerning some minority communities; however primarily it was a broad sweep verdict on the rights and status of all minorities. It was clear, well-worded and fairly wholesome, and the worthy judges also issued a set of eight directives, which if obeyed and implemented sincerely and effectively could be game changers in this field.

Now five years later, the Supreme Court has decided to constitute a special bench for the implementation of that landmark verdict. This step motivated the daily *Dawn* to write an editorial in its issue of October 07, 2019. It is readable. However it is very relevant and pertinent to list below briefly some events that involved Ahmadis during these five years, so as to place on record the way society responds to verdicts of the highest court in the land.

#### **2014**

- **Riot in Gujranwala:** Three Ahmadi females including 7-month old suckling killed in arson attack. Eight homes and four shops looted and gutted by mob in police presence. All 125 Ahmadi residents had to flee for safety from Gujranwala. Authorities did not facilitate their return to homes.
- **11 Ahmadis were target-killed** for their faith including Dr. Mehdi Ali Qamar, a Canadian-American cardiologist on charity mission to Pakistan.
- **Two Ahmadiyya mosques were demolished**, two others were disfigured or damaged, and one set on fire.
- **Local councils' elections in Rabwah.** No steps were taken to facilitate Ahmadis' participation.
- **The Punjab Police in Lahore co-operated with mullas** this year as well to restrict Ahmadis their right to sacrifice cattle on Eid ul Adha.
- **GEO TV telecast Aamir Liaquat Hussain's program on December 22**, in which mulla Arif Owaisi called Ahmadis joint enemy of all Muslims and Pakistan. The mulla stated that Ahmadis, Jews and the U.S. were behind the Peshawar atrocity. An Ahmadi was killed in District Gujranwala within a week of the telecast.

#### **2015**

- **Jhelum incident:** Mob destroyed an Ahmadi-owned factory and occupied an Ahmadiyya mosque. Loot and arson took place in police presence. All Ahmadis had to flee from their homes and hearths to save their lives.
- **One Ahmadiyya mosque was demolished**, two were sealed and one was disfigured.
- **Government of the Punjab banned** more than 90 books and publications of the Ahmadiyya community on the recommendations of Mutahiddah Ulama Board. These included entire written works of the founder of the community.

- **Anti-Ahmadiyya elements were allowed to hold conferences and rallies in Rabwah** throughout the year. They incited the participants against the residents of the town. This happened despite the National Action Plan against extremism and terrorism.
- **The (PTI) speaker of KPK Assembly** declared to the crowd in an anti-Ahmadiyya conference that the KPK government will soon make End of Prophethood part of school syllabus.
- **Majlis Tahaffuz Khatme Nabuwwat Peshawar issued a pamphlet** which stated: “*It is Jihad to shoot such people (Ahmadis) in the open.*”
- **The only book depot in Rabwah was raided** by authorities; its octogenarian proprietor was arrested by anti-terrorism squad.
- **A mulla on state payroll, Zahid Mehmud Qasmi, stated:** ‘Qadianis are a colossal mischief (*fitna*); the world of Islam will have to unite to crush its head’.

## 2016

- **Unlawful, unwarranted, hideous police raid** on Ahmadiyya central offices in Rabwah on December 5
- **Baseless vicious ban** on all the writings of the founder of the Ahmadiyya community (which are about 90 in number) and other Ahmadiyya publications and periodicals by the Punjab government
- **Slipshod official response to extremists’ threat** precipitated attack on Ahmadiyya mosque in Dulmial—mosque sealed, worship denied
- **PEMRA wimps out** of its notices to TV channels on Ahmadiyya issue
- **Judge ordered blasphemy clauses to be added** to the fabricated police case against Ahmadi pressman
- **Ahmadis again denied to bid in official auction** of residential and commercial plots in Rabwah

## 2017

- **The mulla imposed total surrender on spineless government** over Ahmadiyya right of vote. Voting right facilitated in new law was withdrawn.
- **Ahmadis disallowed** in the Punjab to publish their main scriptures.
- **Federal ministry announced** celebrating 2018 as “Year of Awareness of End of Prophethood”.
- **Azad Kashmir (AJK) Assembly** passed anti-Ahmadiyya malicious resolution.

## 2018

- **Azad Jammu and Kashmir Parliament (PML-N majority)** followed Pakistan to declare Ahmadis as non-Muslim, in February 2018.
- **Attack, gross desecration and severe damage** to an Ahmadiyya mosque in Sialkot, Punjab in May 2018. Officials engaged a mob to destroy a venerated site. Two Ahmadis booked by the police. Riot leaders thanked the district administration for substantial support.
- **Justice Shaukat Aziz Siddiqui of Islamabad High Court (IHC)** delivered a very unjust verdict against Ahmadis, on the basis of End of Prophethood in March 2018. It had serious impact on Ahmadis’ citizen rights and freedom of faith.
- **Hate material included in KPK text book** containing derogatory remarks against the holy founder of the Ahmadiyya community

- **Provincial minister Mr. Zaeem Qadri threatened murder** – personally, to any Ahmadi who peddles Ahmadiyya translation of the Quran. He brazenly refused constitutional rights to Ahmadis in January 2018.
- **Ahmadis faced great hardships in sacrificial rites** on Eid ul Adha; police booked two Ahmadis for this ‘crime’.
- **Two Ahmadis were charged with the fatal blasphemy clause**, on fake grounds.
- **Two Ahmadiyya mosques were demolished**, four were sealed by authorities and two were set on fire or damaged. Five other centers of worship were ordered to be closed.
- **Brilliant Ahmadi, Professor Atif Mian** was asked unjustly and indefensibly by the government to resign from Economic Advisory Council. His faith was the issue.
  - **Two affidavits to states one’s faith**, one for Muslims and one for non-Muslims, were enforced by NADRA. Ahmadis are made to express ‘non-Muslim’ status imposed on them. These affidavits are the outcome of verdict given by Justice Siddiqui of Islamabad High Court on March 9, 2018.
  - **An intelligence agency recommended further restrictions** on Ahmadis’ Freedom of Religion and Human Rights in May 2018.
- **PTI government held sectarian moot in Islamabad** in the name of Seerat conference with theme “Khatme Nabuwwat and Muslims’ Responsibilities ...”
- **‘Exploit religion’** was the trend in election campaign 2018 of most of the political parties. Khatme Nabuwwat was made the issue.

## **2019**

- **Closure of an Ahmadi Mosque** in Rawalpindi.
- **High level probe in Ahmadiyya printing presses** on demand of a mulla
- **An order sheet by Justice Shujaat Ali Khan of Lahore High Court on publication of the Holy Quran** – very readable
- **A book authored by the Ahmadiyya Founder** recommended by Ulama Board for ban
- **Ahmadi arrested** on atypical fake excuse, never thought of in the past
- **First drop of the poisonous rain:** Ahmadi arrested by cyber crimes wing, in Lahore
- **One accused of murder of an Ahmadi in broad daylight acquitted**
- **A top cleric paid from public funds**, Hafiz Tahir Ashrafi promoted religious intolerance
- **An open hateful panaflex** in the capital of Punjab incited mass murder of Ahmadis
- **Khatme Nabuwwat declaration obligatory** for Islamabad High Court Bar membership
- **Police up and running** against Ahmadis in Bahawalpur
- **Disturbing report from metropolitan Karachi** of a posted notice that sale or renting of residences to Non-Muslims not allowed in a residential block.
- **After the SC decision to form a Special Bench** to implement the SC verdict on minorities, the Bahawalpur district administration partly destroyed an Ahmadiyya mosque in its Hasilpur area.

**End of Prophethood Forum admires all involved in recent judgment of Justice Shujaat of LHC on publication of the Holy Quran and its translations, etc.**

**Lahore; June 3, 2019:** Justice Shujaat Ali Khan of Lahore High Court issued his 40-page verdict on a writ-petition by mulla Hassan Muawiyah over publication of the Holy Quran. The verdict is recommended reading—for various reasons.

The Aalami Majlis Tahaffuz Khatme Nabuwat then came up with its message of acclaim over the verdict and had it advertised in vernacular press. We translate below its message published in the daily *92 News* of Faisalabad dated June 3, 2019:

#### **Acclaim**

We offer our tribute to the Tahaffuz Khatme Nabuwat Lawyers Forum that it succeeded in obtaining a constitutional and legal verdict from the Lahore High Court in stopping corrupted translation of the Holy Quran by Ahmadis, blocking their commentary, ensuring availability of its authorized translation by the Quran Board, telling the publishers to add bar code on every copy, directing the authorities to inform Play Store and authorized web-sites, allowing only Muslim authors to write their names on translated copies, forbidding non-Muslims the use of Islamic epithets, disallowing all imports of religious material without a permit and implementation of all provisions of the Quran Act 2011. We demand that the Government of Pakistan take follow-up action on this Order forthwith.

*From: Aalami Majlis Tahaffuz Khatme Nabuwat*

It is relevant to mention that neither the provincial authorities in the Punjab nor the federal authorities have gone in appeal against some of the obvious extensions to the existing law in this court order. This case manifests the course taken by the politicians, the legislatures, the judiciary and the mullas to steer the ship of the state into rocky waters against which the founding father clearly warned by assertion that Pakistan shall not be a theocratic state.

#### **Judicial misconduct—comment by a newspaper**

**Lahore; July 14, 2019:** Issues concerning Jamaat Ahmadiyya and Ahmadis have been handled by single-bench judges of high courts in the recent past. Judgments of long-term impact have come forth. Of these Justice Shaukat Siddiqui's (IHC) judgment of March 9/July 4, 2018 and Justice Shujaat Ali Khan's (LHC) judgment of March 5, 2019 deserve special mention. We rate these as 'recommended readings'. Anyone interested in getting a deeper insight in the present day yield of some judges of high courts must go through the 172-page and 40-page verdicts of these 'pious' judges. These are eye openers!

Judges of Accountability Courts hold very important posts these days in Pakistan. A verdict and follow-up incidents involving Judge Arshad Malik have been in the news and up for comments. The prestigious daily *Dawn* made the following editorial comment on this issue on July 14, 2019. We reproduce it below, as it makes an arguable statement on the state of our judiciary and executive:

#### **Judicial misconduct**

At a time when the issue of accountability is front and centre, the latest leaked video scandal has shaken the political establishment and the justice system to its core. The saga continues to unfold, with accusations and counter-accusations making matters even more murky. And yet, it is crystal clear that some spring-cleaning by the judiciary is urgently required. Judge Arshad Malik's affidavit in response to the secretly recorded video that purports to show him claiming he was blackmailed by 'hidden hands' into giving a guilty verdict against Nawaz Sharif in the Al-Azizia reference is extremely problematic. In the affidavit, submitted to the Islamabad High Court, the judge says it was actually two PML-N supporters who used a "manipulated, immoral video" in an attempt to bribe and threaten him into acquitting Mr. Sharif in the two references in his court. Even after he handed down a guilty verdict in one of them – the Al-Azizia reference – he was, he claims, pressured into meeting Mr. Sharif and his son Hussain Nawaz at Jati Umra and Madinah, respectively. Judge Malik also alleges he was further blackmailed into giving his input for Mr. Sharif's appeal against the Al-Azizia conviction.

Whatever the merits of the judge's version of events, he has in his sworn affidavit admitted to actions that clearly qualify as judicial misconduct. In order for verdicts to be unbiased rather than perceived as having been influenced by personal interests – perhaps for illegal gain or to avoid scandal – there must be a clear line dividing judges and litigants. Communicating and fraternizing with parties invested in the outcome of Mr. Sharif's case, and meeting with the former premier at his Jati Umra residence, violates the very basic requirements of justice. A sound verdict is premised on the impartiality and independence of the presiding judge. Relieving Judge Malik of his duties at the accountability court pending investigation was the only logical outcome. However, the matter must not end here. Even in these eventful times, this is a watershed moment and must be grasped as such to weed out the endemic corruption in our appallingly dysfunctional criminal justice system. The ongoing process of accountability of public officials is already problematic, due to a not ill-deserved perception of investigations being largely tainted by political considerations. The judiciary must meet the standards universally expected of the arbiters of the law. Only if the judges are above reproach can the accountability process have any credibility.

It is learnt that the Supreme Court has taken a *suo motu* notice of this case concerning the conduct of Judge Arshad Malik. That is good; however, our experience with follow-up of some of the great judgments of the apex court, like that of the Judgment of 2014 concerning minorities is not propitious. The worthy Supreme Court would do well to keep an eye on the professional performance, conduct and judicial attitudes of lower judges so as to keep the ship of the state on the right course. The judgments of IHC and LHC mentioned above should have been appealed by the executive, but as political considerations have prevented that, the Supreme Court may like to read through those judgments and decide on the necessary action before these judgments become subject of comment by foreign savants of law.

### The mulla quotes the High Court

**Lahore; July 9, 2019:** Haji Abdul Ghafur Zahid Ludhianvi Arian was quoted in a three-column news in the daily *Pakistan* of July 9, 2019 with his set of anti-Ahmadi demands based on the verdict of judge Shaukat Siddiqui (later disgraced on other account) of Islamabad High Court. NADRA itself admitted that the objectionable column 38 in the CNIC application form was added on direction of this judge. As this debatable verdict was not appealed by the government, it is a tool in the hand of the mulla to insist on its implementation by the authorities. The headlines of the news report are translated below:

Islamabad High Court has forbidden the use of the term Ahmadi for Qadianis

The High Court in its verdict ruled that Qadianis cannot be permitted to add Ahmad in their name, as they are Non-Muslims

The court referred to Verse 6 of *Sura Al Saff* (of the Holy Quran). It ordered that the words Qadiani, Ghulam Mirza or Mirzai should be added to the name to facilitate identification: Address to the media

Chiniot ('Pakistan' reporter) ...

### Bigots at the bar

**Islamabad, August 1, 2019:** The daily *92 News*, Faisalabad published following story:

(Translation)



## **Islamabad Bar Association makes Khatme Nabuwwat declaration oath mandatory for membership**

**Islamabad (NNI):** Islamabad Bar Association has made Khatme Nabuwwat affidavit on oath compulsory for membership. Raja Yasir Shakeel the general secretary of the Bar Association issued a notification to the effect that every new member is supposed to declare his religion in the Khatme Nabuwwat oath on the form. This decision was made in view of the anti-Islam conspiracies of Qadianis. This declaration would not be applicable to non-Muslim advocates applying for membership.

### **A striking judgment of Supreme Court**

**Islamabad; February 6, 2019:** It would be recalled that in November 2017 mullas of Tehrik Labbaik (TLP) mounted a major offensive against Ahmadis in order to capture maximum political space for themselves in the forthcoming national elections. They based their agitation on the issue of Khatme Nabuwwat and aimed at denying voting rights to Ahmadis (details are available in Chapter 1A in our Annual Report 2017). In the process they partly blockaded the capital, caused great inconvenience to general public, damaged property and caused injuries to many. They succeeded in many ways as they imposed a humiliating defeat on the government and put Ahmadis at great risk, and caused immense harm to general peace and order in the country.

The Supreme Court took *suo motu* notice of the event and a two-member bench comprising Mr. Justice Mushir Alam and Mr. Justice Qazi Faiz Isa was appointed to hear the case. The worthy bench announced its judgment on February 6, 2019. The judgment makes no mention of the plight of Ahmadis and their deprivation of voting rights, but does justice to the objectionable conduct of TLP and the incompetent and unbecoming response of the government and its various departments. Here we reproduce only such extracts that have a direct or indirect bearing on the human rights and freedom of faith of Ahmadis.

Para 12 ... Abusing, threatening and attacking people undermines their right to live a life of "dignity" (guaranteed under Article 14 (1) of the Constitution) which requires enforcement....

Also, ... When property is damaged or destroyed the right to hold and enjoy property (guaranteed under Article 23 of the Constitution) requires enforcement.

In Para 24 ... As per unanimous view of all the intelligence agencies TLP wanted to maximize political mileage for itself. The ambitious leadership of a fledgling political party projected itself as the defender of the Muslim faith. They provoked religious sentiment, stoked the flames of hatred, abused, resorted to violence and destroyed property worth 163,952,000 rupees. Nearly all economic activity in the country was brought to a virtual standstill by TLP. Pakistan's Gross Domestic Product for the year 2017 was 32,406,956,000,000 rupees, therefore, each day's shutdown is calculated to be 88,786,180,821 rupees. Intelligence agencies reported that politicians visited TLP's leadership camped on the Faizabad Interchange. TLP received prime-time free media coverage and publicity, transforming it overnight into a household name. Two of its candidates got elected as members of the Sindh Assembly and TLP got a sizeable number of votes in the 25<sup>th</sup> July general elections.

In Para 30 ... and subsection (4) of section 200 of the Election Act, 2017 (the new law) prohibit political parties to: ...  
© promote sectarian, regional or provincial hatred or animosity.

In Para 35: TLP leadership created hatred among the people, they abused, threatened and advocated violence; and this was broadcasted by some private channels.

In Para 41: Freedom of speech, expression and the press are guaranteed as fundamental rights in the Constitution.

In Para 49 and 50:

### **Islam**

49. Prophet Muhammad (peace and blessings be upon him) is designated as *Rehmatul lil Aalameen* (Mercy of the Worlds). Divine revelation states that his was a “great moral character” (*khuluqin azimin*). The Prophet (peace and blessings be upon him) said, “I am sent only to perfect the noble qualities of character”, to bring about a moral-ethical transformation. He was the epitome of virtue, ethics, morality and self-abnegation. Threatening another, violating the law, occupying public roads, destroying property, injuring or causing death does not emulate the example of the Prophet (peace and blessings be upon him), his *akhlaq* and *aadab*. Those who employ such tactics cannot be the standard bearers of the Muslim faith. ... Muslims must remain vigilant against the self-righteous and arrogant. “*The servants of (Allah) Most Gracious are those who walk on the earth in humility, and when the ignorant address them, they say, “peace”*”. The Almighty dislikes pride and conceit – “Allah likes not the proud and boastful. Those hurling abuses wantonly need to study the Holy Quran which denigrates even the raising of one’s voice – “*The harshest of sounds without doubt is the braying of the ass*”.

50. ... Slowly, and over a period of time, the real face of Islam is being effaced and the voices of believers, who practice *akhlaq* and *aadab*, have been muffled. Ironically, the most offensive speech and violent behavior purport to represent Islam and Muslims; this is against Islam and the *sunnah* of Prophet Muhammad (peace and blessings be upon him). The Constitution holds out the promise that Muslims will be enabled to live “in accordance with the fundamental principles and basic concepts of Islam”, and the State shall endeavour, “to promote unity and observance of the Islamic moral standard”. Abuse, threats and violence are the antithesis of the Islamic moral standard.

While concluding in Para 52, the honorable judges said in sub Para (8):

A person issuing an edict or fatwa, which harms another or puts another in harm’s ways, must be criminally prosecuted under the Pakistan Penal Code, the Anti-Terrorism Act 1997 and/or the Prevention of Electronic Crimes Act 2016 and Sub Para (13).

Intelligences should monitor activities of all those who threaten the territorial integrity of the country and all those who undermine the security of the people and the state by resorting to or inciting violence.

In Sub para (17):

We direct the Federal and provincial governments to monitor those advocating hate, extremism and terrorism and prosecute the perpetrators in accordance with the law.

It may be added, although sorrowfully, that the Supreme Court has more than once announced landmark judgments and made observations on human rights, for example in its judgment of 2014, which should have been a watershed in the social development of Pakistan, but the governments and society have largely ignored to implement SC verdicts in letter and spirit. There is a distinct possibility that this Judgment too will meet the same fate and Pakistani state will continue on its course followed by it in the decades past.

## **Another Awesome Verdict from a High Court—by Justice Shujaat Ali Khan of Lahore High Court**

*Lahore; March 05, 2019:* It would be recalled that last year Justice Shaukat Siddiqui (later disgraced) issued an Order Sheet on March 9, 2018 concerning Ahmadis, without hearing them at any stage. Then in July, he issued a detailed 172-page judgment sheet.

Justice Shujaat Ali Khan of Lahore High Court has issued on March 5, 2019 a 40-page Order Sheet on the issue of publication etc of the Holy Quran. This sheet contains general rulings on the subject, in addition to specific directions concerning Ahmadiyya editions of the Holy Quran and its translations. The writ-petitioner, mulla Hassan Muawiyah, a brother of Maulana Tahir Ashrafi the President of Mutahiddah Ulama Board Punjab, had also specifically objected to Ahmadiyya publication of the Holy Quran abroad. So, in a way; this case was handled mainly as Ahmadi-specific and has affected Ahmadis, and the rulings further restrict their freedom to recite, refer to and understand their primary scripture. Here, we make no comments on the Order Sheet, but report below its last para that contains a set of directions issued by Judge Shujaat Ali Khan:

32. As a necessary corollary to the above discussion I am of the considered view that neither the non-Muslims, in particular Ahmadis/Qadianis/Lahoris, can pose themselves as Muslims nor can they publish any material by using the names of the books of the Muslims, in particular Holy Qur'an, with the names of the Muslims authors just to portray that the same belongs to Muslims. Further, they have no right to use Muslims epithets to make the others to believe that they are Muslims. Consequently, this petition is **disposed of** with the directions that –

- i. the Federal as well as the Provincial Government shall ensue availability of a standard copy of Holy Qur'an along with its literal meaning, at Federal, Provincial, District and Tehsil levels, duly approved by the respective Qur'an Boards to use it as a specimen to determine as to whether any subsequent publication qualifies the test of authenticity of original text of Holy Qur'an and its literal meaning or not;
- ii. the Federal as well as Provincial government shall take steps to ensure that only the printers/publishers, authorized by the Qur'an Board, are allowed to print Holy Qur'an and other religious books of the Muslims. Further, the authorized printers/publishers be bound down to give specific **Bar/QR code as well as distinct serial number against each copy of every religious books, in particular the Holy Qur'an**, to know the authenticity of the said book and to fix responsibility in case of any omission/commission on the part of any publisher/printer. **Furthermore, each page of the Holy Quran be embossed with name of the publisher/company** in order to eliminate the possibility of replacement of any page at subsequent stage;
- iii. in view of the ever increasing importance of the Information Technology, the Federal Government, in collaboration with other stakeholders, in particular Pakistan Electronic Media Regulatory Authority (PEMRA) and the Pakistan Telecommunication Authority (PTA) shall take measures that the search engines/websites showing proscribed religious material are blocked. Further, only the websites which are registered with PTA and possess certificate from the Qur'an Board regarding authenticity of the religious material, in particular the Holy Qur'an, be allowed to display online Holy Qur'an and other religious books of the Muslims. Moreover, all other unregistered websites, displaying such religious material against its original text and literal meaning, be blocked forthwith. For the purpose, the Federal as well as the Provincial Government shall display at conspicuous places, in particular the web portals owned and operated by the government, the registered/approved websites for information of the public-at-large;

- iv. the Federal Government shall ensure that the e-copy of Holy Qur'an, duly approved by the Qur'an Board, is available at Google Play Store, *App Store and Windows Store* etc. for reference. Further, the Ministry of Foreign Affairs should take up the matter with the managers/owners/operators of the application stores to remove every application containing unauthentic text of the Holy Qur'an and other religious books of Muslims;
- v. every printer/publisher be bound down to put a certificate at the end of each copy of Holy Qur'an to the effect that the same is 100% compliant with the copy approved by the Qur'an Board. Moreover, the contact numbers (telephone, e-mail id & Facebook id etc.) of the Qur'an Board should be available on each and every copy of the Holy Qur'an to facilitate the reader to highlight any issue relating to printing and publication of religious material of Muslims in particular the Holy Quran.
- vi. in case of surfacing of any book even with the name of Holy Qur'an but with distorted text or mutilated translation the same be confiscated forthwith and the individuals/communities or the corporate bodies/companies involved in publication of said book be taken to task while implementing the provision of the Act, 2011 and the Rules made thereunder;
- vii. the Qur'an Board at Provincial and Federal level be made more efficient to have vigilant eye on publication and printing of any religious material in particular the Holy Qur'an against its original text or authentic meaning.
- viii. all the communities, companies, bodies corporate, publishers and individuals be bound down to give free access to the Chairman of the Qur'an Board, at any time, for inspection of the site used for publication of Holy Qur'an and other religious books;
- ix. all the public functionaries, in particular law enforcement agencies, shall ensure that no religious material is imported from abroad without issuance of NOC in terms of 8(11) of the Rules, 2011 and if any importer, stockist, bookseller or recording company is found involved in selling/delivery of any banned material, firstly, the importer be taken to task and secondly the recipient of said material be also proceeded against in terms of Rules 9 *ibid*;
- x. all non-Muslim communities be sensitized about the repercussions of printing/publication of material by using names of the religious books of the Muslims, in particular the Holy Qur'an, using the name of the Muslim authors. Further, the non-Muslims in particular *Ahmadis/Lahoris/Qadianis* be restrained to use the epithets of the Muslims;
- xi. all the wings of the Law Enforcement Agencies be mobilized to curb printing/publication of any proscribed material by the non-Muslims;
- xii. necessary measures be taken for interfaith harmony amongst the citizens representing different religious, communities, clans and localities;

- xiii. necessary measures be taken for safeguarding the rights of minorities in terms of Articles 20 and 36 of the Constitution provided they are not involved in any activity which offends against any provision of the legislations discussed *supra*;
- xiv. the Qur'an Board, Cabinet Subcommittee on Law and Order in the province, Committee Mutahiddah Ulama Board Punjab, Police Department, Auqaf and Religious Affairs Department Government of Punjab, Association of Publishers and Traders of Religious Books Punjab and Information Technology Department shall coordinate *inter-se* with regular intervals and their deliberations shall be shared with the Ministry of Religious Affairs and Interfaith Harmony, Government of Pakistan to formulate a uniform policy/SOP for the entire country to curb printing and publication of proscribed religious material;
- xv. the Federal as well as the Provincial Government shall ensure that before accepting copy of Holy Qur'an, *Paras* and *Surahs*, as defined under Section No.2 (d) of the Act, 2011 in any mosque, shrine, institution religious or otherwise, the head/owner/operator/organizer of the above institutions, shall confirm that the same is in line with the standard copy of the Holy Qur'an.
- xvi. the Federal as well as the Provincial government shall ensure that the Holy Qur'an and other religious material being taught in different institutions conforms with the standard copy duly certified by the Qur'an Board and
- xvii. the Federal as well as the Provincial Government shall ensure that the conditions for printing/publication of Holy Qur'an, as enshrined under Rule 8 of the Rules, 2011, are strictly adhered to and any person/authority/community/company etc. found involved in violation of the said rule be awarded punishment provided under rule 9 *ibid*.
33. Before parting with this order, it is directed that the Registrar of this Court shall arrange for Urdu translation of this order and to ensure circulation of this order, along with its Urdu translation, to the Secretary, Government of the Punjab, Home Department, Lahore for its further circulation amongst the heads of the Police at provincial/divisional/district/tehsil levels as well as Police Stations. He shall further transmit a copy of this order, along with its Urdu translation to the Secretary, Government of Pakistan, Ministry of Religious Affairs and Interfaith Harmony, Islamabad for information.
34. The Assistant Registrar, Media and Publication of this Court, is directed to share this order, along with its Urdu translation, with the media persons for its circulation/publication in the print/electronic media.

(Shujaat Ali Khan)

Judge

Approved for Reporting

Judge

Last but not least, para 31 of the Order Sheet informs us of the following:

31. Learned Assistant Attorney General has apprised the Court that in view of sensitivity of the issue the efforts of the Federal Government to bring a codified law to eliminate the publication of any proscribed material by the non-Muslims in the country are at final stage and the same is expected to be enforced within two or three weeks. This Court lauds the efforts, being made by the Federal Government, to tackle issue of such important nature.

The above information would have ordinarily been a cause of concern to the Ahmadiyya Community in Pakistan, however in view of the directions already given by the worthy judge, it appears that the authorities will not be able to add much to further deprive Ahmadis of their Freedom of Belief, Freedom of Expression, Freedom to Practice their Belief, Freedom to Educate their Children, Freedom of Opinion, Freedom to undertake Interfaith Dialogue, etc.

### **High-level official probe in Ahmadiyya printing presses on demand of a mulla; the mulla objects vehemently to Ahmadis' bond with Holy Quran**

*Rabwah; October, 2018:* Mulla Hassan Muawiyah who is secretary of Tahaffuz Khatme Nabuwwat Forum had applied to Lahore High Court on May 25, 2018 that, despite the official ban, Quran was being published in Rabwah; he demanded action. The court ordered the concerned authorities to hold a fresh inquiry and report results.

Accordingly, the DC, the DPO and the Chairman of Quran Board, Punjab accompanied by a number of mullas came to Rabwah on November 29 and inspected the printing presses. The team was escorted by a sizeable contingent of police. Muawiyah demanded his own presence as well, but rightly was not allowed by the police for his hostile and malicious attitude.

Authorities submitted the report to the LHC. The judge required the IGP to be present at the hearing on March 5. Justice Shujaat Ali Khan observed, "Quran Act should be implemented without discrimination of colour, race or bias." He directed the IGP to act according to law and pay special attention to this matter. The court verdict was released later; it is reported in chapter 1B in this report.

Later Justice Shujaat Ali Khan issued a 40-page verdict in March this year and directed the administration and police to implement the Quran Act 2011 in true spirit.

Mulla Muawiyah again on September 25, 2019 lodged another application to DPO Chiniot to implement the decision of the court as Ahmadis were allegedly still printing the Quran and using PDF copies of it electronically and spreading it. He said that copies of the Quran with Ahmadiyya translation were distributed to winners in a prize distribution ceremony, Quran classes were being held in Ahmadiyya schools, children were given Ahmadiyya-printed Qurans. He further accused that all these unlawful activities were being done from the offices of Sadr Anjuman, Tehrike Jadid and Waqfe Jadid. He named the high officials of the Ahmadiyya community i.e. Messrs. Khalid Shah, Malik Khalid Masood and Saleem ud Din as supervising this activity. He named the printing presses of the community, and the educational institutes where the Quran was taught.

The DPO told the DSP Chenab Nagar to hold inquiry, which is in progress.

Mulla Muawiyah has submitted another application to the DPO in October alleging Ahmadis violate the Quran Act and thus demanded the police to register a case under 295-B and

295-C against the officials of the Ahmadiyya community in Rabwah. These sections carry penalties of imprisonment for life and death respectively.

The malice and spite of this Mulla is boundless. He is a brother of Mulla Tahir Ashrafi, the chair of the Punjab Ulama Board. He was placed earlier in Fourth Schedule, for his criminal activities, however he gets great attention at the High Court.

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