

# **The Blasphemy law in Pakistan**

## ***A brief on its content, and application against Ahmadis***

The so-called Blasphemy clause Section 295-C was introduced in Pakistan Penal Code in 1986. Under this Section any person guilty of defiling the name of Holy Prophet Muhammad (PBUH) was made liable to suffer life imprisonment or death. The law is vague and equivocal in that it does not define 'defiling'. Later, in 1991, the alternative of life imprisonment was removed under the direction of the Federal Shariat Court; accordingly, the only penalty applicable now is death, according to some jurists. In this brief, it is intended to mention and examine some facts regarding the application of this law against Ahmadis, and make a few suggestions.

It is a recurring experience of the Ahmadiyya community during the past thirty three years that this law has been applied against Ahmadis as a tool to intimidate, harass, repress and persecute them with little regard to the actual circumstances of the accusation of blasphemy. For an Ahmadi to commit blasphemy against the Holy Prophet (PBUH) is as unthinkable and unlikely as for a practicing Christian to commit blasphemy against Jesus. The Founder of the Ahmadiyya Movement considered the Holy Prophet Muhammad (PBUH) his mentor and master. It is only by some extremely perverted and inexplicable argument that an Ahmadiyya position or view may be termed blasphemous. For instance the apex court has observed that an Ahmadi, simply by adherence to the Islamic Creed, commits blasphemy. Ironically, some members of the powerful elite have found it convenient to echo this inanity.

Since the introduction of this law 308 Ahmadis have been charged under PPC 295-C. An in-depth study of these cases would show that in every case the victim was charged on spurious grounds and with *malafide* intentions. In most cases personal vendetta was the prime mover; in many others mullas gave vent to their religious prejudices, while in some cases authorities found it convenient and expedient to press charges under this Section. It is surprising that on a number of occasions no trouble was taken even to concoct evidence or state an apparently valid reason while framing the charge in the police FIR (First Information Report), as the aim was to immediately hang a Damocles sword over the victim's head. It can be said without any risk of exaggeration that none of the blasphemy cases against Ahmadis was well-founded, valid or credible. However, the PPC 295-C has served a purpose, that of severe and unending persecution of a peaceful, law abiding and non-aggressive community with which the mulla is in discord over some religious issues. It would be helpful to elaborate below some of these aspects.

This law is not found in the Holy Quran, the primary source of Shariah. In fact there is sufficient evidence therein that contradicts powerfully the very concept of such a Blasphemy law. This law is the brainchild of extremist Ulama of the post-Prophetic era; it found promoters afresh in the regime of General Zia. The law is bizarre, and even more bizarre is its application against Ahmadis. A few examples would illustrate:

1. Three Ahmadis, a Sindhi scholar, a senior educationist, and the keeper of Zia ul Islam Press were booked under PPC 295-C on 12 October 1994 for translating the Quran in Sindhi language. Later, two more Ahmadis were added to the charge sheet, falsely alleging them to be publishers.
2. Mr. Atiq Bajwa, an Ahmadi advocate from Vehari was charged on November 10, 1992 under the Ahmadi-specific law and the Blasphemy law for using the routine greetings of *AssalamuAlaikum* and reciting *Bismillah* (In the name of God, the Gracious, the Merciful) and *Al Fatiha*, the opening chapter of the Quran. The complainant who claimed to be a staunch Muslim stated that these utterances had hurt his religious

sensibilities. Mr. Bajwa faced these charges for years till 1997 when he was murdered by a bearded pillion rider.

3. A man Muhammad Abdullah claimed the title of *Numberdar* (village chief) in lieu of Mr. Riaz Ahmad, Ahmadi, on the plea that an Ahmadi could not be a *Numberdar*. When his plea was rejected by the Commissioner, he got an entirely fabricated FIR registered with the police against Mr. Ahmad and three of his near relatives, under PPC 295-C. The four were arrested and put behind bars. Their plea for bail was rejected at all levels, till the Supreme Court where it lay pending for 1 ½ years. Eventually after four years of incarceration, the Supreme Court allowed their release on bail, and ordered a trial. The trial judge acquitted all of them. The protracted cruel fabrication cost the victims seven precious and prime years of their lives.
4. On June 17, 2005, Mulla Saqi of Bahawalpur went all the way to Chak 192 for Ahmadi-hunting through the mischief of PPC 295-C. He came back with a bagful. In collusion with the police he managed to implicate 15 Ahmadi in a false case of Blasphemy. Thirteen of them were arrested. How could 15 persons in the Islamic Republic dare to be blasphemous, with a mulla around armed with the Blasphemy law? They couldn't and they weren't; but the mulla is also armed with the dubious *fatwa* that **“Falsehood in support of faith is licit - obligatory at times.”**
5. Mr Muhammad Iqbal of District Faisalabad, a convert to Ahmadiyyat had some argument with Mulla Zulfiquar Ali who picked up the hammer of the Blasphemy law to crush the poor man. The mulla succeeded entirely. Mr Iqbal, declared guilty, thanks to only two false witnesses, was given a life-term in prison. He remained in prison for seven years for a crime he could not even consider committing. He left behind a young wife and a toddler. Iqbal lived, but his dependants were more like a widow and an orphan; all three victims of a cruel unjust law, absurd prosecution and wrongful verdict. At last Mr. Iqbal was acquitted after 7 years of incarceration.
6. In July 2009 the Punjab Police booked 32 Ahmadi of Lathianwala, Distt Faisalabad under PPC 295-C and other sections related to offences based on religion. The lethal section, applied dishonestly and frivolously, was not taken off till four months later. Later the Home Secretary of Punjab government wrote a letter to re-instate the blasphemy clause in this case. One can imagine the worry and fear that the victims felt.
7. In 2009 four school children were spuriously charged under PPC 295-C in district Layyah, and arrested forthwith. They remained incarcerated for approximately six months before a court released them on bail. They faced prosecution for months, although the police inquiry established that the accusers had no evidence in their support. Later the court found them innocent and acquitted them.
8. In 2011 Rana Sajeel Ahmad, a school boy was charged under fabricated charge of blasphemy with FIR no. 352 dated 15 December, 2011 in Police Station Khushab. He went into hiding in fear of his life. His father was also booked under the Ahmadi-specific law, PPC 298-C subsequently. The incident disturbed the whole family irremediably. The boy had to flee from the country.
9. A contrived case was registered against four Ahmadi under PPCs 295-A, 337-2 and 427 on May 13, 2014 in Police Station Sharaqpur. Two days later, one of them, Mr. Khalil Ahmad was murdered by a madrassah student, while in police custody. The remaining three accused were arrested on July 18, 2014. A year later the deadly clause PPC 295-C was added to their charge-sheet by order of a high court judge. A sessions judge sentenced them to death on October 11, 2017. Appeal against this decision has been made to the Lahore High Court.

These sample incidents and growing list of Ahmadi murdered show that:

1. Many Ahmadi suffer long periods of imprisonment before they are acquitted.

2. It is often the authorities and courts who add the PPC 295-C to their charge sheets.
3. This law, symbolizing state policy, has resulted in murder of hundreds of Ahmadis, as the mulla insists that profession of Ahmadiyya belief in itself is blasphemous.

This list is long, grotesque, and its narrative almost unbelievable. Ahmadiyya position in the context of this law is rather unique and pitiful. The anti-Ahmadi law ordains that no Ahmadi will ‘pose’ as a Muslim. But an Ahmadi, to be an Ahmadi, has to act like a true Muslim. The Supreme Court by some odd logic finds that blasphemous. The apex court gave a majority opinion in 1993 that **“When an Ahmadi or Ahmadis display in public, on a placard, a badge, or a poster, or write on walls, or ceremonial gates or buntings, the *Kalima* (Islamic creed) or chant other *Shaare Islam*, it would amount to defiling the name of the Holy Prophet (pbuh).”** A bizarre law gives birth to more bizarre justifications and most bizarre applications. An Ahmadi, if he shows disassociation with the *Kalima* he is guilty of falsehood; if he shows commitment to it he is guilty of PPC 295-C – a sadistic dilemma devised by the state. Once Maulvi Abdus Sattar Niazi, an ex-Federal Minister of Religious Affairs urged Pakistani Christians and other non-Muslims not to get agitated over the blasphemy law as it was primarily meant to target ‘another group’ (*Ahmadis*).

The government brought about an Amendment in 2004 that only a police officer not below the rank of SP could investigate prior to registration of an FIR of blasphemy. This amendment has proved futile. By hindsight, it can be said that it was designed to be ineffective. For instance, on January 5, 2006 an FIR No. 04/06 was registered at Police Station Tando Adam through Mulla Hamadi against the Supreme Head of the Ahmadiyya Community, three pressmen and a lady Ms. Amat ur Rashid, under PPC 295-C etc. on grounds that the Monthly *Misbah* contained verse 288 of chapter *Albaqrah* (of the Quran)..... epithet *huzur*(seigneur) was used for Mirza Ghulam Ahmad... Mirza Masroor Ahmad commenced his speech after the recitation of *Tashahud*, *Taawwuz* and the *Surah Fatiha*(scriptural recitations)... (etc).” The complainant, at the end of his statement added: **the application was made to the DPO Sanghar who ordered that a case be registered.** This is how an SP applied the much-trumpeted amended procedure. It should, however, be added that the Amendment even if juristically examined by a senior officer is of no help to an Ahmadi, as the Supreme Court opinion considers an Ahmadi guilty of ‘defiling’ if he professes to be a witness to the divine nature of the Prophetic mission of the Holy Prophet PBUH.

The assassinations of Governor Taseer and Federal Minister Bhatti and the case of Rimsha Masih have proven beyond doubt that the blasphemy laws are unwarranted and extremely harmful, and must be repealed without further delay.

The case of the other Blasphemy clause, PPC 295-B (regarding defiling the Quran) is almost similar. It can be firmly concluded that no change in the procedure of investigation or in the text of these laws (PPC 295-C & B) will bring about desired improvement in the present exasperating situation. There is no justification to retain these laws in the statute book. Blasphemy, as an immoral act, however, stands to be condemned by not only Muslims but by all decent persons and societies, no matter against whom the blasphemy is committed. Penal code clauses relating to religion PPC 295 and 295-A as they existed in pre-Partition days should suffice for this problem. Statistics prove the fact that incidents of Blasphemy in pre-independence era were negligible as compared to those after 1980s when the new clauses were enforced. Pakistan would do well to revert to good old days when the environment had not been polluted by ill-advised and unnecessary Blasphemy laws.

**April 15, 2018**