

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.

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